

Latest Edition  
TWELVE PAGES.

# THE CHARLOTTE NEWS

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## Petition of Independent Tobacco Dealers Was Denied To-day

Leave to Intervene in Government's Dissolution Suit Against the Tobacco Trust Was Denied by U. S. Circuit Court.

Government Will Not Appeal From Decision of Approval—Supreme Court May Be Asked to Review the Case.

By Associated Press. Washington, D. C., Nov. 16.—The government will not appeal from the decision of the United States circuit court at New York which approved the plea of dissolution proposed by the American Tobacco Company. While the government may ask the supreme court to review the decision at any time within a year, it was learned today that Attorney-General Wickham was not planning to do so at this time and probably will not.

New York, Nov. 16.—The petition of the so-called independent tobacco dealers for leave to intervene in the government's dissolution suit against the tobacco trust, was denied today by the United States circuit court. This indicates that the case probably will go on to the United States supreme court. Nov. 16.—The United States circuit court denied today the formal petition of the National Cigar Leaf Manufacturers' Association of America, filed yesterday for leave to intervene in the government's dissolution suit against the American Tobacco Company. The decision furthers the split point upon which the defendants may appeal to the Federal supreme court.

## Georgia Without a Chief Executive

By Associated Press. Atlanta, Ga., Nov. 16.—For a period of seven hours, ending at 9 o'clock today, the state of Georgia was without a chief executive. United States Senator-elect Hoke Smith formally tendered his resignation as governor at 7 o'clock yesterday evening and his successor, Governor Pro Tem John M. Slaton, president of the state senate, did not take the oath of office until 3 o'clock today. The oath of office was administered by Chief Justice Fish, of the state supreme court. No ceremony marked either the resignation of ex-Governor Smith or the installation in office of Governor Slaton. Probably the first important action taken by the new executive will be the issuing of a call for the election of a permanent successor to ex-Governor Smith. The state primary has been set for Dec. 7, and it is thought the general election will be called in January, as Governor Slaton is allowed 60 days in which to call it.

## Attacks Made Upon Power of Congress.

By Associated Press. Washington, Nov. 16.—An attack was made today upon the authority of congress to require the interstate commerce commission to require railroads to charge against their earnings the estimated replacement value (less salvage) of parcels of abandoned railroads.

The case was brought to the commerce court by the Kansas City Southern Railway in an action to enjoin the interstate commerce commission from enforcing an order which, in effect, requires the petitioner from carrying in its capital or property accounts the full, undiminished cost (less net salvage) of grade railroads, and property abandoned for railroad use.

The petition declares the order is unreasonable and that it is issued without the power of either congress or the interstate commerce commission, because it is asserted that it is in violation of the constitution.

## Revision Spot Cotton Differences.

New York, Nov. 16.—The committee on revision of spot cotton differences of the New York Cotton Exchange met and made a general revision.

The changes included an increased premium on grades above middling from 4 to 25 points and increased the penalties on grades below middling of from 5 to 40 points. Among the important changes were the following:

- Pair 1.75 on against the old basis of 1.50 on; middling fair, 1.20 on against 1.10 on; good middling 56 on against 44 on; low middling 80 on against 60 on; good ordinary 2.15 on against 1.75 on; low middling tinged 1.90 on against 1.50 on.

## Commercial Congress Controlled by Trusts.

Kansas City, Mo., Nov. 16.—This trans-Mississippi Commercial Congress is controlled by lobbyists representing the robber express companies, the railroads and the Sugar Trust and has been demonstrated repeatedly by the congress action, "was the starting point" today's session of the congress by George J. Kendal, of Denver.

## Indictments In Rebating Cases

By Associated Press. New York, Nov. 16.—Thirteen indictments were returned this afternoon by the federal grand jury which has been investigating charges of rebating against several railroads, freight officials and members of firms in this city and Chicago. The inquiry has been conducted with unusual secrecy.

All of the indictments are similar except as to the details of the particular transaction and contain in all forty-five counts. The alleged rebating was on the shipments of merchandise between this city and Chicago.

## The Cox Murder Case.

By Associated Press. Miami, Fla., Nov. 16.—The defense in the trial of P. C. Cox, charged with the murder of 16-year-old Hettie Parcel today introduced witnesses purporting to controvert the testimony given by witnesses for the state, Fred Lawrence, who told of the carrying by the defendant in his buggy of a mysterious package from a deserted house to a point in the Miami river where the body of the dead girl was found.

The theory of the defense is that Cox's buggy is not large enough to hold two persons and a package containing the body of another. Several witnesses testified to the identity of the defense but would not swear that Cox was driving in that particular buggy on the night of the alleged murder.

J. D. Girtman testified that Cox owned a large buggy in which his family rode shortly after the killing but he did not know whether Cox was in possession of the buggy prior to last April when the Parcel girl disappeared.

## Lines Drawn in Session of National Grange.

By Associated Press. Columbus, O., Nov. 16.—Lines are drawn in a conflict between the so-called reactionary and insurgent factions of the National Grange at today's session. It was predicted the supreme test of the strength of the factions would come when committee reports are proposed or nominations for offices or membership on committees are suggested.

It was declared by members of the new so-called "middle of the road" group, organized by J. M. Fisher, of the state supreme court. No ceremony marked either the resignation of ex-Governor Smith or the installation in office of Governor Slaton.

## Canadian Parliament Opens.

By Associated Press. Ottawa, Ont., Nov. 16.—The first session of Canada's 120th parliament was opened this afternoon by his royal highness, the Duke of Connaught.

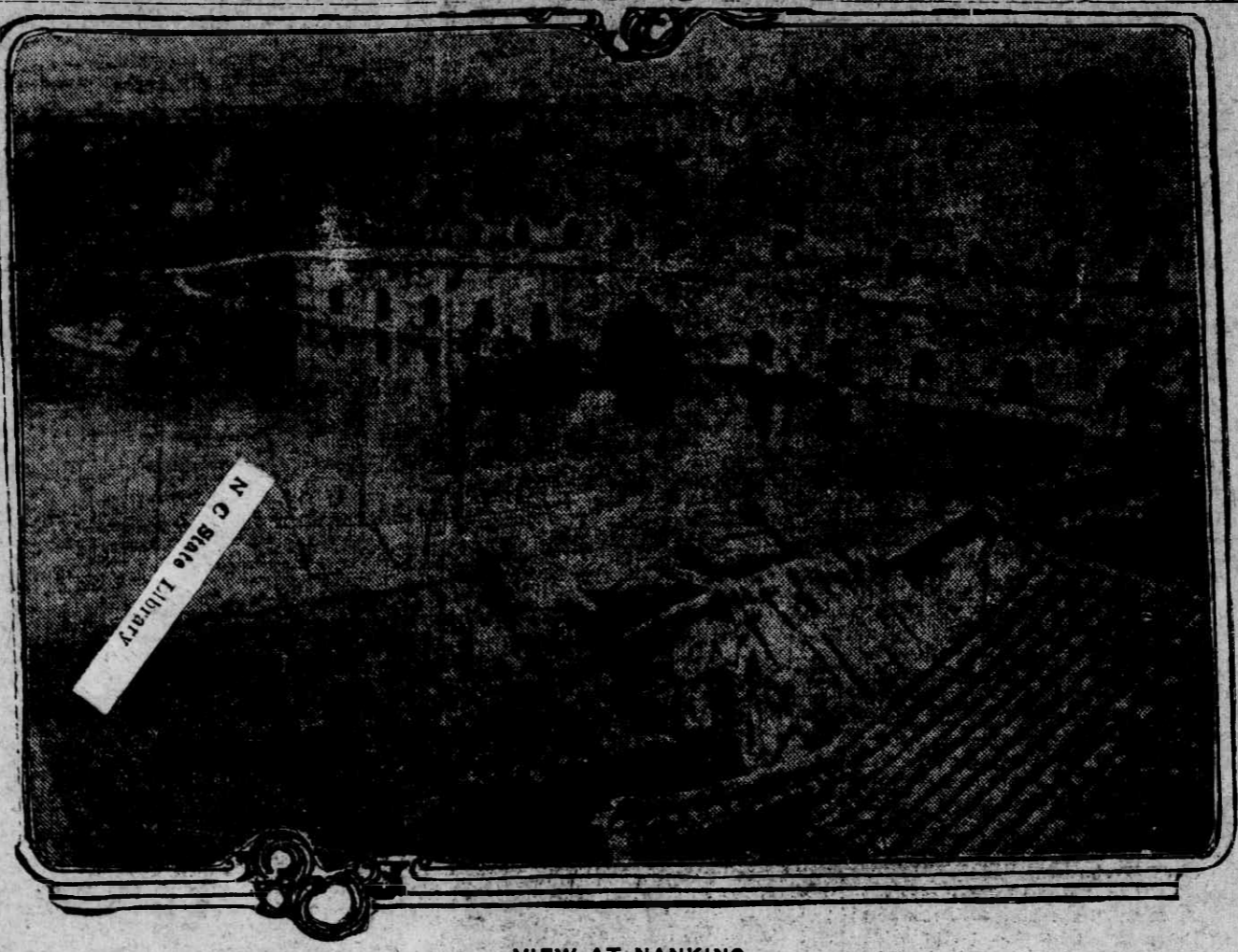
## Death of Bishop Alexander Mackay-Smith

By Associated Press. Philadelphia, Pa., Nov. 16.—Bishop Alexander Mackay-Smith of the Protestant Episcopal diocese of Pennsylvania and one of the most prominent churchmen in the country, died suddenly at the Episcopal residence here early today. Death was due to heart disease. He was 61 years old.

Owing to poor health the bishop was to have retired next February. Bishop Mackay-Smith last evening attended a reception at the divinity school. Later he returned home and retired. At about 1 o'clock the bishop called to his wife who found him gasping for breath. She summoned the family to the bedside and in a few minutes the bishop lapsed into unconsciousness. Disposition followed.

Bishop Mackay-Smith was born in New Haven in 1850 and came of a distinguished New England family. He was graduated from Trinity College in New York and in England and Germany. He was ordained to the priesthood in 1878. He served as a city missionary in Boston, rector of Grace church, South Boston, was assistant rector of St. Thomas church, New York, from 1880 to 1886 and from 1886 to 1893 he was first arch deacon or missionary superintendent of the diocese of New York. In 1893 he became rector of St. John's church, Washington, and while there was chosen bishop coadjutor of the Pennsylvania diocese, the succeeding Bishop Whitaker upon the death of the latter in February of this year.

Bishop Mackay-Smith leaves a widow and three daughters. His wife was Miss Virginia Stewart.



View of the Nanking Gate outside of the City of Nanking, where the Manchur soldiers recently massacred thousands of the inhabitants. The Imperial troops sacked the city and then turned loose on the helpless inhabitants, slaughtering men, women and children.

## MANY JOINING REVOLUTION IN CHINA

By Associated Press. Amoy, China, Nov. 1.—Practically the entire southern half of Fo Kien province has gone over to the revolutionists. There are disorders in the interior. At Chang Chow rival factions are fighting for control of the local government.

Foo Chow reports that provisional government there is trying to restore order, people who had fled are returning to the city, and the shops are being opened.

Hing Hwa, a coast city about 50 miles south of Foo Chow has accepted the new government quietly and many of the old officials remain at their posts.

In this city the radical element is organizing the republican government. The moderates who wished to declare Amoy independent without committing it to the revolutionary cause are not being consulted.

## Medical Inspection of High Point Schools

Special to The News. High Point, Nov. 16.—Today marks a red letter day in High Point school administration when the first medical inspection in the city schools takes place. That everything may be carried out properly and systematically, the hygiene committee apportioned to the different grades of the different schools certain physicians who will make examination and give each child a printed slip, will be sent to each parent telling any defect of the sight, hearing or any part of the body. It is to be hoped the parents will attend to it promptly and thus have the child avoid any ill health that might come in the future. This philanthropic movement together with the new departments of domestic science, sewing and bookkeeping recently added to the city schools curriculum makes High Point schools some of the most progressive in the state.

## Heroes' Names at Canal

Panama Fortifications to Honor Civil War Generals. Washington, D. C., Nov. 16.—The fortifications which are being constructed on the Panama Canal will be named in honor of the heroes of the civil war, with the exception of one at the Atlantic terminus, which will be called Fort De Lesseps in honor of the Frenchman who engineered the original canal project which failed.

The seacoast fort at the Pacific terminus of the canal will be known as Fort Grant and batteries at this fortification will bear names of division commanders of the Northern army. They will be as follows: John Newton, Wesley Merritt, Gouverneur K. Warren, Don Carlos Buell, Ambrose E. Burnside, John G. Burke and Charles F. Smith.

The seacoast forts at the Atlantic terminus will be known as Fort Sherman, Fort Randolph, in honor of General Wallace F. Randolph, and Fort De Lesseps. The batteries at Fort Sherman will be named in honor of the following division commanders who served under General Sherman: Oliver O. Howard, David S. Stanley, Joseph A. Mower and Judson Kilpatrick. The batteries at the other two forts will be known as John C. Tilden, Alexander S. Webb, Stephen S. Wood and Charles H. Morgan. They are named for artillery officers who distinguished themselves during the civil war.

## Printing More Money

Increased Demand for Bills of Small Denominations. Washington, Nov. 16.—Rush orders have been given the Bureau of Engraving and Printing. It will put on an extra force and add an hour to the working day in order to fill a pressing demand on the Treasury for notes of small denomination.

The demand is for \$1, \$2 and \$5 notes. Increase in population and in business, the demand for sanitary notes, the approach of the holidays and other reasons are given for the shortage of small notes in the country.

## New Governor's First Speech Religious.

Special to The News. Atlanta, Nov. 16.—By an interesting coincidence, Governor John M. Slaton's first public speech as Georgia's chief executive, will be religious and not political. He will deliver the principal address at the dedication of the Buckhead Baptist church this Sunday. Rev. H. Peacock will be the new pastor.

## Eight Million Russians Are Threatened With Famine Because of Crop Failure

By Associated Press. St. Petersburg, Nov. 16.—Eight million persons are in need of immediate relief owing to the failure of the crops in 20 Russian provinces. This startling announcement was made in the Duma last evening by Premier Kokovsov in reply to interpellations concerning reports that famine threatened a wide area.

The premier explained that the crops had failed completely in 12 provinces and partially in eight others. Of the 12,500,000 inhabitants of the affected territory, 8,000,000 were in immediate need of relief.

The necessary measures would require, the premier said, the expenditure of \$60,000,000, of which amount the imperial exchequer would have to find \$44,000,000. Half of the total was necessary at once to defray the cost of supplies already dispatched.

M. Kokovsov added that actual famine conditions were not widespread yet but the sanitary situation was a cause of great anxiety.

## Fight Over Parcels Post, States Rights

By Associated Press. Kansas City, Mo., Nov. 16.—Bankers and business men together with their less formal brothers, the farmers, today swept aside the banner of peace that has hung over the trans-Mississippi commercial congress and plunged into a bitter struggle over parcels post and the question of state's rights.

Defeated in the resolutions committee, where they had expected victory, the supporters of the parcels post rallied their forces and when the convention opened not a delegate was missing.

George J. Kindel, of Denver, known best because of his fights upon railroad interests in Colorado, fired the opening gun for the parcels post adherents when in a speech against what he termed the domination of the government by the "robber express companies" who were getting the benefit of the failure to issue a parcels post, he declared that "only a nation of chumps would stand for such a damnable treatment and statesmanship."

"I predict that in ten years," he continued, "there will be no express company doing interstate or competitive business with our postoffice."

Addresses by Congressman William P. Borland on "Waterways" and by Governor John Burke, of North Dakota, on "Improvement of Inland Waterways for Navigation," as well as an address by Darwin P. Kingley, of New York city, on "Life Insurance and Justice" occupied the rest of the convention's time.

## With Bishop Kilgo Presiding Officer.

Salisbury, Md., Nov. 16.—The 129th annual session of the Virginia conference of the Methodist Episcopal Church South, opened yesterday with about 500 delegates in attendance. Bishop John C. Kilgo, of Durham, N. C., presided. Rev. S. S. Lambeth was re-elected secretary and Revs. E. F. Lipscomb and Frank L. Wells, were re-elected assistants.

Reports of the presiding elders showed that during the past conference year there had been 24 persons on an average converted for every member of the conference.

The conference pledged \$10,000 to assist in erecting a Southern Methodist church in Washington, D. C. According to Rev. Dr. George B. Sexton, the representative of the general conference, \$235,000 must be raised before work on the building can commence, and \$207,000 of this is in sight.

Yesterday afternoon the official cabinet discussed the proposed appointments of pastors.

## Asleep on Track Struck by Train.

By Associated Press. Columbia, S. C., Nov. 16.—Asleep on the track, an unidentified white man was struck by a Southern Railway train this morning, between Winnsboro and Columbia, and died in the union passenger station here shortly afterward. The train was bound to Columbia from Charlotte.

The deceased appears about 25 years old. A bundle of clothing which he carried was wrapped in paper from a store at Smith's post office between Chester and Hook Hill S. C.

## Constitutionality Of Sherman Anti-Trust Law at Test

### James Cannon at Bankers Meet

By Associated Press. New Orleans, La., Nov. 16.—James G. Cannon, president of the Fourth National Bank of New York city, is scheduled to arrive in this city today and will be awarded the honor of being the first delegate to come here for the 37th annual convention of the American Bankers' Association, which opens November 21st, to continue five days, closing with a trip to the Panama canal. Mr. Cannon was the first chairman of the national association of credit men, which organized in 1869. He is also identified with the men and religion forward movement and will be invited to speak on this subject before he leaves the city.

The creation of a foreign banking section and a section dealing with bonds and securities, it is understood, will be urged before the convention of local bankers. The foreign banking section, it is said, is made necessary and essential to transactions involving bills of lading. The recent controversy brought about by alleged fraudulent cotton bills of lading could have been avoided, it is pointed out, had the Bankers' Association provided a foreign section which could have taken up this matter and in all probability reached a solution.

### Oppose Change of Venue in "Tar and Feather" Case

By Associated Press. Lincoln Center, Kan., Nov. 16.—Plea of guilty were suddenly announced in the circuit court here today by three of the most prominent men accused in connection with the tarring of Miss Mary Chamberlain, the Shady Bend school teacher. These announced pleas of guilty:

Everett G. Clark, president of a Shady Bend milling company. Watson Scranton, Shady Bend farmer. Jay Fitzwater, Shady Bend farmer.

Judge Grover reserved sentence. When court was called County Prosecutor McCaless presented affidavits from many citizens of Lincoln county to show that the cases could be tried fairly in the county.

"We will announce to the court that we have decided to withdraw our application for a change of venue," declared S. C. Millekin, of counsel for the defense.

When the formal pleas of guilty had been announced one of them by Clark, upon whose case those of the other eight men accused of connection with the tarring were expected to hinge, and Judge Grover had reserved sentence, the court said:

"It is necessary that I reserve sentence, for I have heard no testimony and I really do not know the nature of the offense. Accordingly I will wait until after the other cases have been heard."

The first surprise at the pleas of guilty over Sherrill Clark, a merchant of Shady Bend, A. N. Simms, a former employe in Everett Clark's mill and John Schmidt, a farmer, were placed on trial, charged with "assault and battery."

With today's pleas of guilty in four men now stand guilty of a part in the tarring of the young school teacher. The first was Edward Ricord the barber who pleaded guilty yesterday and who also remains to be sentenced by Judge Grover, Chester Anderson and Delbert Kindelsperger, laborers of Beverly, who, some time ago were sentenced in a justice court to 90 days' imprisonment each, are to be tried later on appeal.

Five men, Harry Armstrong, Penton Hall, Alia Linderman, Benjamin Painter and Roscoe Anderson, laborers of Beverly, have already paid fines of \$1 each for their connection with the case. They witnessed the "tarring" and were convicted and fined to prevent them from refusing to testify against friends.

### Is Charged With Obstructing Justice

By Associated Press. Pensacola, Fla., Nov. 16.—The case of Frank Penton, former chief deputy sheriff of Santa Rosa county, is on the docket for trial today in the United States court charging him with obstructing justice. This charge was brought against Penton when he is said to have killed Felix Corbin, sole witness for the government in a criminal case against Sheriff John Collins. Penton will face a murder charge in the state courts after the federal court gets through with him.

### Premier Forms Cabinet

By Associated Press. Peking, Nov. 16.—7:30 P. M.—A cabinet formed by Premier Yuan Shi Kai was announced in an imperial edict issued today. It includes a few Manchu but no nobles. Some of the ablest men of China are omitted but under the circumstances the ministry is considered satisfactory.

### What Promises to Be One of Most Important Battles Ever Fought in Federal Courts Opened Against Beef Trusts Today.

### Government Forces on Defensive—Await Judge's Action in Habeas Corpus Proceedings—Court Asked to Quash Writ.

By Associated Press. Chicago, Ill., November 16.—No decision in the appeal of indicted Chicago packers for writs of habeas corpus can come before tomorrow. Judge Kohlsaat in the United States circuit court today granted a 24-hour delay for counsel for the packers to answer affidavits filed by the government attorneys.

In the meantime arguments were presented by attorneys for the government urging that writs issued November 14th be quashed and the government allowed to proceed with its trial, set for next Monday, on indictments charging violation of the Sherman anti-trust law.

In any event it is not believed the trials of the packers will begin Monday. In case Judge Kohlsaat sustains the government's contentions that the packers petition was not in good faith and quashes the writ, the indicted men have announced they will appeal to the supreme court and thus obtain a ruling on the constitutionality of the criminal sections of the Sherman law. This, according to counsel, will have the effect of preventing trial on the indictments until the ruling. Should Judge Kohlsaat grant the writs the government will appeal to the supreme court.

Chicago, Ill., Nov. 16.—What gives promise of being one of the most important legal battles ever fought out in the federal courts was begun before United States Circuit Judge Christian C. Kohlsaat today.

At 10 o'clock counsel for the government and the so-called beef trust were in court for argument in the habeas corpus proceedings filed in behalf of nine indicted meat packers and which attacked the constitutionality of the criminal provisions of the Sherman anti-trust law.

The government forces are on the defensive. They were so placed when Judge Kohlsaat granted the order for the writ. The ground gained by counsel for the packers in the first move was the cause for a hurried gathering of legal talent to protect the federal government's interests.

The government's case, it was said, will be directed by James Sheean and District Attorney James H. Wilkerson.

Judge's Action Awaited. The future trial of the indicted men depends on the action taken by Judge Kohlsaat on the writ. Should the court decide to quash the writ then by a provision of the rules of the supreme court he may either remand the indicted men to Judge Carpenter for trial in the district court or detain them in the custody of the circuit court until the appeal which it is assumed would be made in such an instance is thrashed out, on the question of the law's validity in the supreme court.

Most Important Point. According to District Attorney Wilkerson the most important point involved in the proceedings is whether it is possible to bring these defendants to trial in the same way and according to the same principles as in the case of ordinary law breakers.

The government attorneys asked the court to quash the writ on the alleged grounds that the packers never legally were surrendered into the custody of the court and for that reason no writ of habeas corpus should have been issued. District Attorney Wilkerson filed an affidavit to support the motion to quash the habeas corpus writ in which he set forth at some length the technical reasons for the government's motion.

Attorney James Sheean, of special counsel for the government in the beef case, opened the arguments on the motion to quash. Eight of the nine indicted packers were present. "Our purpose here is to review the constitutionality of an act on which certain indictments are predicted," said Attorney Sheean, for the government. "I insist that the defendants should be surrendered in open court and not to a federal marshal. To make such a surrender legal the officer must be able to set up in his return that he held these defendants under, or by virtue of some writ of process which has its foundation in the proceedings at issue."

"These defendants surrendered merely upon their own bonds and not upon any process issuing from this honorable court. Therefore I advance that the surrender was illegal and should not be permitted to obtain."

Two affidavits were filed by District Attorney Wilkerson and his aides. The first was by Mr. Wilkerson and the second was by Deputy United States Marshal John P. Wolf. Wolf's affidavit set forth that he informed counsel for the defendants at the time of surrender that he doubted the legality of the surrender.