

THE WEATHER.

Fair Thursday and Friday, light variable winds, mostly westerly.

THE MORNING STAR

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RAPID PROGRESS ON RAILROAD BILL

Senate Adopted Several Amendments and Rejected Others Yesterday.

SIMMONS' NEW PROVISION

Accepted Along With Senator Burton's—Places Water Transportation Under Commerce Commission—Bailey Loses.

Washington, June 1.—By a vote of 25 to 21 the Senate today refused to challenge the Supreme Court of the United States to another decision regarding the right of common carriers to transport commodities produced by themselves.

The vote was taken upon an amendment to the railroad bill offered by Senator Bailey, of Texas, making it unlawful for any railroad company to transport from one State to another any article or commodity manufactured, mixed or produced by it or under its authority or by any corporation, joint stock company or partnership in which said railroad company holds, owns or controls directly or indirectly any stock or interest.

The amendment was intended to remedy the supposed defect in the commodities clause of the Hepburn Act of 1896, out of which grew the famous decision of the Supreme Court of the United States in which the government undertook to prosecute a number of the roads engaged in the mining of anthracite coal in Pennsylvania. The court held the law to be constitutional, but materially limited its application.

The original provision was drawn by Senator Bailey and he sought by today's amendment to force the court to face squarely the question of the right of Congress to prohibit railroad companies from transporting commodities produced by themselves. Mr. Bailey said that it was his intention to make the language of the present provision so plain that "not even a judge of the Supreme Court could fail to understand it."

The time consumed in debate on the Bailey amendment prevented a final vote being reached on the bill as had been hoped.

The LaFollette amendment providing for the ascertainment of the physical valuation of all railroad property as a basis for the fixing of rates was defeated 25 to 30.

A modified provision by Mr. Simmons requiring such valuation of property affected by any given case, also voted, 28 to 30. The tendency towards bringing water transportation under the jurisdiction of the Interstate Commerce Commission which has been noticeable throughout the consideration of the bill, found expression in two amendments, one offered by Senator Simmons, of North Carolina, and the other by Senator Burton, of Ohio, both of which found acceptance.

The first was presented as a proviso in connection with the long and short haul provision, heretofore adopted. It provides "that when application is made to the commission by a carrier to fix a lower rate for longer than for shorter distances, on account of water competition, said application shall not be granted if the commission, after investigation, shall find that the lower rate asked for will destroy water competition."

Mr. Simmons, in support of his amendment, gave instances in which he said railroad companies had put down rates to drive out boat lines, and then with this result accomplished had increased the rates again.

Following is the text of the Burton amendment: "Whenever a railway or railroads in competition with a water route or routes shall reduce the rates on the carriage of any species of freight it shall not be permitted to increase such rates unless, after hearing by the Interstate Commerce Commission, it shall be found that such proposed increase rests upon changed conditions other than the elimination of the decrease in water competition, and the said commission is hereby given the right to prescribe minimum railroad rates on lines competing with waterways whenever, in its opinion, the object of the railroad or railroads in reducing rates is to destroy waterway competition."

Mr. Burton had not proceeded far with his explanation of his amendment when he was stopped by an announcement by Mr. Elkins in charge of the bill, that he would accept the provision. Nevertheless the roll was called, resulting 52 to 1.

Mr. Bailey in speaking in support of his amendment, freely criticized the decision of the Supreme Court out of which the amendment grew. He went on far as to express the view that the opinion of the court as promulgated had been a re-written document. He explained that this conclusion had been reached through his knowledge of literary construction and not through any "inside information."

In his purpose, he said, was to divorce transportation from production and he added that he had made a special effort to draw the provision so as to render it impossible for the court to evade a direct decision on the right of Congress thus to legislate.

If they can get around this amendment they will show themselves possessed of an ingenuity that will surprise.

(Continued on Page Eight.)

TAFT'S NEW SECRETARY.



TAFT NAMES NEW SECRETARY

Charles D. Norton, Treasury Official, Succeeds Secretary Carpenter—Will be "Assistant President"—Taft Pleased.

Washington, June 1.—Charles D. Norton, of Chicago, assistant secretary of the Treasury, was appointed secretary to the President today. Mr. Norton will not be able to take up the duties of his new office until next week.

Mr. Taft, after a talk with Mr. Norton, this afternoon caused an official announcement to be made at 5:25 P. M.

Mr. Norton had breakfast with the President at the White House this morning and it was then that the formal tender was made and accepted.

President Taft is particularly pleased that Mr. Norton has accepted the secretaryship. Mr. Taft, it can be authoritatively stated, has the utmost confidence in Mr. Norton and proposes to turn over to him many details which heretofore he has had to deal with himself. Mr. Norton is to be a sort of "assistant president" and he will perhaps be given a wider latitude than any man who has held the office in recent years.

Mr. Norton will not enter on his new duties until Monday at the earliest. During the remainder of the present week he will be the acting head of the Treasury Department as Secretary MacVeagh is going to New York tomorrow for several days.

Secretary MacVeagh was asked tonight who would take the place to be vacated by Mr. Norton, but he was not prepared to make any announcement on the subject.

Mr. Norton is in his 40th year. He was born in Winnebago county, Wisconsin, at what is now Oshkosh, and is the son of Rev. Franklin B. Norton, a Congregational frontier missionary. Mr. Norton married in 1897 Miss Catharine McKim Garrison, of New York, and they have three children. He is a graduate of Amherst College, in the class of 1893.

The movement in which he takes most pride has been his leading part in the great "Plan of Chicago," the stupendous scheme of city reconstruction planned by the Commercial Club of that city, of whose general committee on this subject Mr. Norton is chairman.

He is a vigorous worker and, at the Treasury Department has what the employees call "steam engine" capacity for disposing of business.

The appointment is a personal one and does not have to be confirmed by the Senate.

SEVENTEEN KILLED. By Explosion of 400 Kegs of Powder—All Workmen. Ogden, Utah, June 1.—Four hundred kegs of powder were prematurely discharged today in the quarry of the Union Portland Cement Company near the Devils Slide in Weber Canon, eight miles east of Morgan. Seventeen laborers are missing and it is believed all were killed.

Those missing include Hugh McGuire, the foreman, seven Italians, seven Hungarians and two Japanese. A tunnel had been driven into the hill above the cement plant and 400 kegs of powder had been placed there. The workmen were preparing to seal the chamber, preliminary to firing the blast, when the powder exploded prematurely.

Today's Deposits. Will bear interest from June 1st and receive interest September 1st. Last chance for this interest quarter. Wilmington Savings & Trust Co. \*\*

ARE PAVING WAY FOR POSTAL BANKS

Republican House Caucus Adopted the Davidson Amendment.

PROPORTION DECIDED UPON

Sixty-Five Percent; Must Remain on Deposit in State and Territorial Banks—The Vreeland Amendment Voted Down.

Washington, June 1.—The Republicans of the House went squarely on record tonight for prompt passage of the postal savings bank bill, which is part of President Taft's legislative programme. The bill was finally agreed on at a caucus lasting until midnight when the following resolution submitted by Representative Tawney, of Minnesota, was adopted:

"Resolved that the postal savings bank bill agreed on by this caucus be and the same is hereby adopted that the same be reported by the committee on postoffices and postroads and that it is the sense of this caucus that a rule be reported from the Committee on Rules for its consideration in the House."

The caucus was largely attended and the only bolt was by Representative Southwick of New York, who vehemently denounced the bill as radically socialistic, and withdrew declaring his intention to fight it on the floor of the House.

Tonight's caucus had left only Section nine, relating to the disposition of postal savings funds, to be dealt with. The bill establishes postal savings depositories for depositing savings at interest with the security of the government for repayment.

The House Republican caucus tonight fixed at 65 per cent. the amount of funds placed in the postal savings banks that must remain on deposit in banks in each State and territory and 30 per cent. as the proportion of such funds that the trustees may withdraw for investment in United States securities. The other five per cent. must be held as a permanent reserve in the United States Treasury.

This disposition of the funds which are contemplated in connection with the proposed postal savings banks legislation was provided for in the Davidson amendment which was adopted by the caucus.

The original bill provided that 47 1/2 per cent. of the funds that might be put in the postal savings banks should be deposited in local banks and the same percentage was authorized to be withdrawn for investment in United States securities with five per cent. reserve fund in the treasury.

The caucus voted to amend the Vreeland amendment which extended the percentage of deposits allowed in the local banks to 72 1/2 per cent. The investment in Federal securities to 22 1/2 per cent., with the five per cent. permanent reserve. The Vreeland amendment was first defeated on the rising vote by 59 to 53, and again voted down, when tellers were ordered, by 59 to 57. The Davidson amendment was then adopted.

UNITED PRESBYTERIAN CHURCH.

Industrial Conditions Condemned—Resolutions. Philadelphia, June 1.—Industrial conditions were condemned and resolutions urging that the church take steps to improve the conditions of the working classes were adopted at the closing session of the General Assembly of the United Presbyterian Church held here today.

At the morning session the revised edition of the book of Psalms was adopted after a spirited discussion. The Rev. Charles Stelzle, president of the Presbyterian Labor Reform movement, declared that the church is slowly, but surely, losing ground among the laboring classes and that steps should be taken by the church to show its sympathy with the workers.

The resolutions adopted also condemned "the grave evils of over capitalization and combination whereby the cost of the necessities of life become greater for both laborer and consumer."

Washington, Penn., was chosen as the meeting place for the next General Assembly.

In the report of the Committee on Ways and Means, the Rev. J. J. Porter, Pittsburg, reported the United Presbyterian Church here giving two and a half times as much for each member toward the support of foreign missions as any other denomination.

SOLOMON SHEPPARD SHOT.

Durham County Murderer Made Dash for Liberty Near Garysburg. (Special Star Telegram.)

Raleigh, N. C., June 1.—Solomon Sheppard, the notorious Durham county murderer who escaped the gallows through commutation to life imprisonment and twice attempted daring escapes, being the last time at large and doing a sensational stunt several days, was dangerously shot today near Garysburg with a squad of convicts. He rolled down an embankment and attempted to dash into the bushes. Guards fired three shots, one taking effect in the foot and another in the body, a buck shot penetrating lung. He will recover, however.

LEGAL REFORMS ARE IMPERATIVE

Committee on Reform in Legal Procedure in Session Yesterday.

A STATEMENT IS GIVEN OUT

System Hundred Years Behind the Age—Technical Questions Not Merit is What Prevails—Judge Parker Leader.

New York, June 1.—The system under which the law is administered in this country is 100 years behind the age; the procedure in equity cases is a scandal to our jurisprudence; many cases are decided not on their merits but purely on technical questions and not only has something got to be done about it, but something will be done about it.

This is the sum and substance of a statement given out tonight, by a joint committee on reform in legal procedure of the National Bar Association and the National Civic Federation at the conclusion of a conference held today in the Lawyers' Building at the invitation of former Judge Alton B. Parker.

"Ninety per cent. of the proverbial law's delay," says the statement, "are due to the system under which the law is administered rather than to the intention of the attorneys interested in delayed suits for the benefit resulting to either side from delays. As a matter of fact, it is to everybody's interest to have law suits quickly and cheaply disposed of."

Progress of equity cases in the Federal courts is characterized as a "slow and tedious process," and one which is "scandalous to our jurisprudence." One-third of the questions decided by courts of last resort are said to be questions of practice and procedure of which "an altogether unnecessary perusal of decisions relates to the useless science of appellate procedure."

It ought not to require any science, the report says, in an appellate court of the decision of lower courts.

It is explained that bills recommended by the American Bar Association are now before Congress to correct these evils and that they have the hearty support of President Taft who has publicly urged a radical change in the administration of the law.

Sub-committees of the joint committee will report at the next meeting of the bar association one at Chicago on June 15, another at St. Louis on August 30th.

Many distinguished lawyers from all parts of the country are on these committees.

MRS. CASSANDRA RHODES.

Passed Away Yesterday Evening at Her Home at Rocky Point.

(By Long Distance Telephone.) Rocky Point, N. C., June 1.—Mrs. Cassandra Rhodes passed away at 6:30 o'clock this evening at the home of her daughter-in-law here, aged 76 years. She was a native of Onslow county and was well known in that county, Carteret, Jones and other sections of Eastern Carolina, being a most estimable woman. She is survived by her daughter-in-law and two grand-children, Mr. Arnold N. Rhodes, of Burgaw, and Miss Delbie Rhodes, of this place. The funeral will be held from the church this afternoon at 3 o'clock and it will be attended by many friends throughout this section.

St. Louis, June 1.—A. B. Lambert, president of the Aero Club of St. Louis, tonight announced that plans are maturing for a 65-mile aerobics race over a triangular course from Indianapolis to St. Louis, thence to Chicago, thence to Indianapolis. He said definite announcement as to the prizes and rules would be made within a week.

OUTLINES.

Material Progress was made on the railroad bill in the Senate yesterday, several amendments having been accepted and others rejected. Two introduced by Senator Simmons, of North Carolina, and Senator Burton, of Chicago, was yesterday appointed by President Taft to succeed Secretary Carpenter in the White House.

The new secretary is at present a Treasury official. Six vessels were lost yesterday in the severe gale on the North Atlantic Coast. Seven of a crew of a French vessel were drowned.

The House Republican caucus agreed to amend the postal savings bank bill last night by adopting the Davidson provision—C. S. Abell, former manager of the Baltimore Sun, has purchased the Norfolk Landmark.

Little progress was made in the Illinois bribery inquiry yesterday; Beckenmeyer will tell his story of graft to the Sangamon county investigators today—New York markets: Money on call steady 2 3/4 to 3 1/4 per cent. ruling rate 3 1/4, closing bid 3 1/4, offered at 3 3/8; flour generally steady with a moderate inquiry; wheat spot firm No. 2 red 1.05, No. 1 northern 1.11 7/8 nominal f. o. b.; corn spot firm, No. 2 66 nominal elevator domestic basis; oats steady; rosin and turpentine quiet; spot cotton closed quiet five points advance, middling uplands 14.56, middling gulf 14.80.

Senator Burrows Favors Popular Endorsements

Lines Affected by Injunction Will Fight Government's Action.

COURT'S ORDER WAS OBEYED

Agreement Feature Principal Ground on Which Railroad Attorneys Will Fight Government—No Rate Increase in West.



Kalamazoo, Mich., June 1.—United States Senator J. C. Burrows wants to be re-elected, but wants a popular endorsement. In announcing his candidacy Senator Burrows joins the movement in favor of Senators being elected by direct vote. His announcement commends the "conservative yet progressive tendencies of President Taft." It also endorses the Republican platform of 1908 and declares for a tariff on imports, a strong navy, international arbitration, a merchant marine, an adequate currency and banking system and regulation of interstate commerce to protect shippers, carriers and the people alike.

SIX VESSELS LOST IN GALE

Crew of French Brigantine Drowned—Severe Weather Along North Atlantic Coast—British Steamer Wrecked.

Halifax, N. S., June 1.—Thick fog and a quickly born southwest gale resulted in the wrecking of six vessels and the loss of eight men at various points along the rocky north Atlantic coast last night and early today.

While most of the crew of 25 were asleep below decks, the French brigantine Mauve, a fishing vessel plying its way to shore in small boats and rafts, the Mauve is believed to be a total loss. The Norwegian bark Borghild was driven on Castor ledges off Port Bickerton, N. S., and at once began to go to pieces in the heavy sea. The crew of nine men launched their small boats, but all of them were battered to pieces on the rocks and two of the men were either drowned or hurled to death on the ledges. The remaining seven, clinging to the wreckage of their boats, were rescued by fishermen.

Half a mile inside of Port Nova, N. S., the British steamer Ben Cruachan, bound from Baltimore to Chatham, N. B., struck the beach so hard that it is doubtful if she can be saved. Her crew of 26 men were rescued. Captain Boswell, it is said, mistook the Louisburg fog siren for the Scatarie whistle and steered a wrong course, landing in the breakers. Several steamers and tugs have gone to the scene of the wreck.

The tug Pejoscot with two barges went ashore at Cape Spencer. All the crews escaped. One barge may be saved but the other and the tug probably will go to pieces on the rocks.

C. S. ABELL BUYS LANDMARK.

Norfolk Paper Sold to Former Manager of Baltimore Sun. Norfolk, Va., June 1.—The Norfolk Landmark will tomorrow print in part: "The Norfolk Landmark has been purchased by Charles S. Abell, formerly in charge of the Baltimore Sun. With today's issue Mr. Abell, who is now the president of the Norfolk Landmark Publishing Company, will assume personal management of the paper. S. S. Nottingham, who has conducted the Landmark successfully for many years, and K. roster Murray, will remain with Mr. Abell."

"Charles S. Abell was associated with the Sun for 15 years, in various capacities, the last as manager, which position he held until a few months ago, when the majority interest in the paper" was sold.

PRITCHARD CONTINUES MOTION FOR REMOVAL OF THE RECEIVER.

Asheville, N. C., June 1.—Judge J. C. Pritchard today continued the motion for the plaintiff for the removal of the receiver in the case of A. H. Burroughs, trustee and R. B. Arrington, against the Toxaway Company to June 14, when J. Haywood Parker, who was appointed referee, will report on the receiver's accounts and the proper compensation for the receiver and his counsel. The only certain fact in the case at present is that the Duke interests which is represented by Arrington, the hold of \$210,000 worth of bonds, is willing to sell these bonds to E. H. Jennings, a banker of Pittsburg, Pa., who is vice president of the Toxaway Company, if the money is forthcoming. The prospective purchaser agrees to pay the receiver's certificates and the receiver's accounts, but there is a difference as to the receiver's compensation and counsel fees.

Lynchburg, Va., June 1.—The council of the Diocese of Southern Virginia of the Episcopal church, in session here today elected the following delegation to the general convention which meets in Cincinnati in October: Clerical Deputies, Rev. C. B. Bryan, Dr. J. J. Lloyd and Rev. Jos. B. Dunn; Lay Deputies, W. W. Olds, W. W. Robertson, E. W. Saunders and W. B. Martin.

RAILROADS PLAN TO CONTEST SUIT

Lines Affected by Injunction Will Fight Government's Action.

COURT'S ORDER WAS OBEYED

Agreement Feature Principal Ground on Which Railroad Attorneys Will Fight Government—No Rate Increase in West.

St. Louis, Mo., June 1.—Within the next two days, attorneys for the 25 western railroads temporarily restrained yesterday from advancing freight rates by Judge David P. Dyer, of the United States Circuit court, will meet in St. Louis to plan an answer to the government's suit. It was announced tonight by an attorney for one of the roads that Attorney General Wickesham's petition for a permanent injunction would be bitterly contested.

The principal ground on which the suit will be fought is the contention that there is an agreement among the railroads to advance freight rates in violation of the Sherman act.

If it is an agreement at all, it is admitted, the companies will contend that it is legal in every respect and it is necessary because of present industrial conditions to protect the interests of the general public. The facts that the railroads are members of the Western Trunk Line, a railroad officer, said, did not indicate that they were in an agreement because the schedule of rates promulgated by the Western Trunk Line Committee was binding on the different members without their express consent.

It was stated at various railroad headquarters that the enjoined rates might have been collected at distant points today because rescinding orders had not had time to reach them. Railroad officers, so far as they could, obeyed the court's order, even before service was made. They were greatly surprised at the secrecy with which the government's petition was filed yesterday and were unprepared for action.

Officers said that most of the railroads had anticipated the increased revenue which the new rates would bring and had planned extensive improvements which probably will be held up pending litigation. One broker in railroad supplies said that already he had received several cancellations on orders from the railroad companies affected by the injunction.

The restraining order was placed in the hands of a United States marshal tonight for service tomorrow on three of the companies having general offices in St. Louis.

Copies of the order were sent tonight to Chicago, Kansas City, St. Paul and Parsons, Kas., where general offices of the other 22 railroads are situated.

Following the filing today of a request to expedition to hearing of the case, it was announced that the judges of the United States Circuit Court, Adams, VanDeventer, Hook and Sanborn, may take it up before the vacation season. In that event, the hearing would take place in St. Paul, where the judges are now holding court.

TAFT SPOKE TO GRADUATES.

Education of Women Praised by the President—Remarks.

Washington, June 1.—President Taft today made a brief address at the commencement exercises of Trinity College for girls in this city, presided over by Mgr. Falconio, the papal delegate.

"I congratulate the young ladies of this graduation class," said the President, "upon their entry into life with so much in their favor as a thorough and a sound advanced education. Whether they are to become teachers, whether they are to be members of a profession, whether they are to be wives, in any capacity that they have to discharge, that which they have learned here will stand them in good stead. It used to be thought that the education of women ought not to be advanced because they were not able to stand it and that they did not have the capacity. We tried them with the boys and they distanced the boys."

"The nineteenth century has been as much distinguished for the progress made in the education of women as in any other one step in the progress of civilization."

"There are a good many things I would like to say with reference to what you are going to meet in life, but I forbear. I can only reiterate what I have already said, that you are to be profoundly congratulated on having advanced Christian education. You are beginning life with such advantages, but they impose upon you heavy responsibilities in improving society where you are to live and in leading it to the highest ideals. You have my earnest hope for your success in life and my confidence that it will attend you."

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