

THE WEATHER.

Fair Saturday; Sunday unsettled; light variable winds.

THE MORNING STAR

FOUNDED 1837 WILMINGTON, N. C., SATURDAY MORNING, JANUARY 14, 1911.

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VOL. LXXXVII—NO. 98.

WILMINGTON, N. C., SATURDAY MORNING, JANUARY 14, 1911.

WHOLE NUMBER 13,505.

THINKS STANDARD WORST OF TRUSTS

Kellogg Pleads With Supreme Court to Dissolve Oil Combine

LAWYER DEFINES A "TRUST"

Paints Corporation as Threatening Cloud Hanging Over Nation—Milburn's Closing Words Impressive.

Washington, Jan. 13.—Painting the Standard Oil organization as bred by oppressing competitors and hanging today as a threatening cloud over the country, Frank B. Kellogg, special assistant to the attorney general of the United States, today pleaded with the Supreme Court of the United States to dissolve the Standard Oil Company of New Jersey, as violative of the Sherman anti-trust law.

He gave the court the beginning of the government's side of the controversy. Mr. Kellogg, following the opening remarks in the case by John G. Milburn for the Standard Oil.

Mr. Kellogg went over the early years of the Standard's business leading up to the central point of the present controversy, the re-organization of the Standard Oil Company, of New Jersey, in 1899. He characterized this re-organization as amounting merely to the substitution of one illegal form of holding together the oil companies for another illegal form.

The first was the "trust" of 1882, whereby the stock of the owners of various oil companies was put into the hands of trustees and the second, the "Standard of New Jersey."

Touching on a point of the defense, Mr. Kellogg said that if the companies whose stock was procured by the Standard in 1899 were not competing, it was because they were held together in illegal trusts, that of 1879 and that of 1882.

Take away the fear of prosecution by the government and the Standard Oil would put every independent company in this country out of business in five years, Mr. Kellogg continued. "The independents can exist only under the protection of the law."

In connection with this point, Chief Justice White asked if its complaints against the Standard companies were based upon their methods, and if objections was made to the methods because illegal.

"That, and size," responded Mr. Kellogg. "Great wealth enables them to use methods, some unfair, which would not be illegal or reprehensible in the hands of the corner groceryman."

"Suppose there are a giant, but do not use a giant's strength," suggested Justice McKenna.

"They'd use that power were it not for the law" came the reply.

Mr. Kellogg dwelt upon the "enormous profits" of the companies as further evidences of monopoly. The record did not show where all the profits went, he said. For instance there was nothing to show what happened to \$25,000,000 out of the earnings of "one small pipe line." Mr. Kellogg said that it was paid to P. S. Traher.

SENATORS MAY BE FOR DIRECT VOTE

Proposed New Methods in Electing Members Gaining Favor in Senate

FRGE ISSUE AT THIS SESSION

Matter Arose in Connection With Recent Resolution Asking That Constitution be Amended. The Features.

Washington, Jan. 13.—That the Senate at this session must face the question as to whether the constitution shall be amended so as to require the election of Senators by direct vote of the people was made apparent today. A vote which many Senators considered a test of the sentiment of the Senate, was taken and resulted largely in favor of the proposition.

The matter arose in connection with the joint resolution for the amendment of the constitution recently reported from the committee on the judiciary. When that resolution was reached on the calendar Mr. Kean was ready with an objection, which would have had the effect of preventing immediate consideration under the then order of business.

"Then," said Mr. Borah, with quick appreciation of the situation, "I move to take up the resolution, notwithstanding the objections of the Senator from New Jersey."

"Oh, don't do that," pleaded Mr. Gallinger, in charge of the Ocean Mail Subsidy bill, "the effect of favorable action would be to displace the Ship Subsidy bill as the unfinished business and I know the Senator does not want to do that."

He appealed to Mr. Kean to withdraw his objection. The New Jersey Senator consented and the election resolution was launched upon its legislative voyage.

The situation was such as to arouse the immediate interest of the Senators. Mr. Sutherland wanted to amend the resolution so as to strike out the provision giving the State Legislature the supervision of elections and making other changes.

Mr. Rayner, a staunch advocate of the committee resolution, suggested that as the amendment went to the heart of the question, there should be time for consideration.

"No," stage whispered a dozen Democrats in his immediate vicinity; "No," we'll vote it down viva voce.

Mr. Rayner did not press his point, but his plea was taken up by Senator Hale, of Maine, whose position on the merits of the measure is diametrically opposite. He was sure that the resolution could not be acted upon without protracted debate. He precipitately moved an adjournment of the Senate. The first was viva voce.

"The eyes appear to have it," announced the chair.

Accordingly a roll call was ordered with the result that 43 out of 60 Senators present voted against adjournment.

Newly Chosen President of the Steel Corporation



J. A. FARRELL

LAYMEN MEET AT GREENSBORO

Interesting Session With Prominent Speakers Yesterday—Closer Relations in Foreign Work is Urged.

(Special Star Telegram.) Greensboro, N. C., Jan. 13.—The larger part of the morning session of the Convention of the Laymen's Missionary Movement was occupied by the speakers, Rev. T. E. White and Mr. S. R. Harris. The presiding officer during the session was Mr. G. H. Miles, of this city.

After a devotional service Mr. Miles introduced Mr. White, who has spent a number of years as a missionary in Porto Rico under the auspices of the Southern Christian Convention. Mr. White expressed his pleasure at being present at the convention, and in having the privilege of a place on the programme. He said that as this time a year ago, when Greensboro was filled with Missionary enthusiasm and inspiration, and was crowded with delegates who were attending the Laymen's Movement held here at that time, he was conducting evangelistic services in Porto Rico. He then gave an interesting account of the growth and development of Porto Rico during the past ten years, especially along educational and religious lines, showing how hospitals have been built, schools have been established, and churches have been organized in all parts of the island, in rural districts as well as the towns and cities. He showed that Protestantism is rapidly taking the place of Catholicism, which so long held sway throughout the island. He held interestingly also of the circulation of the Bible during the past ten years, which before that time had been an unknown book. He called special attention to the transforming power of the Bible over the lives of the gamblers of Porto Rico, that country being a country of gamblers. He said also that the educational system of Porto Rico is admirable, that the schools are better there than they are in the United States; that they are conducted for ten months in year and the teachers are paid better salaries than is true of the teachers of this country. The advancement of education in Porto Rico he said, was due to the fact that education has had support, and that the reason Christianity has not gone forward in Porto Rico as has education is that it has not received the same support. The progress of Christianity in Porto Rico has been rapid, he said, when the lack of support which has been given it is considered.

Mr. S. R. Harris, of Henderson, was the other speaker, and his subject was "The Broadening effect on the Individual, of the Laymen's Missionary Movement." This address was an earnest plea for that development for which the Laymen's Missionary Movement stands. Mr. Harris urged the importance of hastening the time when the Church shall care as much for men as it cares for money, and said that when the time comes that it spends as much for the extension of the gospel as it now spends for tobacco, coca-cola, automobiles and chewing gum, the work of the evangelization of the world will be accomplished easily.

Mr. Miles said at the close of the address of Mr. Harris, that Christian... (Continued on Page Two).

GYPSY TROUBLES IN COURT

Contentions Between Rival Tribes Aired in Wadesboro—Fraught With Startling Possibilities. Bound Over.

(Special Star Telegram.) Wadesboro, N. C., January 13th.—The hearing of a charge of assault brought against one of the rival clans of Gypsies encamped near here brought out a story of peculiarly startling possibilities and caused more impassioned legal oratory today than any trial before a magistrate in many a day. Charges back and forth have been made during the progress of the gypsy troubles, which started here the day after Christmas, and in most of the instances the cases have gone over to be heard at the coming session of the Superior Court. The hearing today resulted in the defendant, who are members of the Joan clan, being bound over to the court. Two days were used in the hearing and there is another case still waiting.

Every case has two sides and this is true of these Gypsy cases. To make matters more difficult, the people speak but little English and that little, broken. On the one side is the clan headed by Stephen Joan, and this consists of six families. The other side is the Mitchell clan, and they are much the more numerous, and others are coming very little while, for they are very loyal folk. The news of the trouble has gone far and wide, and next week, court week, it to make the gathering still larger here.

The Mitchell forces acknowledge the chieftainship of one Emil Mitchell, who hails from New Orleans, La. They claim that he is the "King" of all of the Gypsies of the United States and to prove their assertion they have a precious document. It has seals of red and ribbons red, white and blue. This correspondent wanted to see it, but the attorneys for the Mitchell forces refused to allow it to go to the press. However, it was offered in evidence today and then the correspondent... (Continued on Page 8.)

OUTLINES.

Frank B. Kellogg made the argument for the government asking the dissolution of the Standard Oil Company before the Supreme Court yesterday. The argument will continue through next Tuesday—Five men were killed yesterday in a wreck on the New York Central. The fault of the engineer in disregarding signals was responsible for the wreck.—A proposition to amend the Constitution in order that Senators may be elected by direct vote of the people is gaining favor in the Senate.—An intimation of scandal featured the Schenk trial at Wheeling, W. Va., yesterday. A well known young Wheeling man gave startling testimony.—Theodore Roosevelt and Andrew Carnegie were the speakers to the National Civic Federation yesterday.—The trial of Gypsies at Wadesboro, N. C., yesterday created considerable interest.—New York markets: Money, steady, 2-3-8 to 3 per cent; ruling rate, 2-1-2; closing bid, 2-1-2; offered at 2-3-4; spot cotton closed quiet; middling uplands, 14.90; middling Gulf, 15.15; flour, firm; wheat, spot, steady; No. 2, red, 1.00-7.8, elevator, and 1.01-1.3 f.o.b. affoot corn, easy; new, No. 2, 53.1-2 f.o.b., affoot; oats, steady; futures closed unchanged to 1-8 decline; turpentine, steady.

INTIMATE SCANDAL AT SCHENK TRIAL

Startling Testimony Given by Well Known Wheeling Citizen Yesterday

BAD DAY FOR THE ACCUSED

Tells of Automobile Rides With Mrs. Schenk and Presents From Her. Dr. Thornton Also Witnesses—Evidence.

Wheeling, W. Va., Jan. 13.—The tedium of hypothetical questions and technical testimony was suddenly changed in the Schenk case today when, toward the close of the day, the State, through a witness brought into the court records the first intimation of scandal, in its prosecution of Mrs. Laura Farnsworth Schenk, on the charge of administering poison to her wealthy husband, John O. Schenk, who is recovering.

Ever since the arrest of Mrs. Schenk last November, there have been intimations and actual statements by the prosecuting attorney that "a well known young man of Wheeling" would be called by the State to show a probable motive for the alleged poisoning. Daniel Phillips, a piano salesman, was called today. He is a scion of one of Wheeling's first families.

Phillips told of long automobile rides with the accused at her invitation for more than 15 months before her arrest. During the last year, he said, Mrs. Schenk talked to him about plans to procure a divorce and later talked almost constantly of the strong probabilities of her husband's death.

Phillips admitted that Mrs. Schenk on various occasions had given him many costly presents, among them a diamond pin and a smoking jacket; but he denied any knowledge of the purchase for him of a \$300 fur overcoat which, it has been alleged, he was to have received the very day she was arrested and lodged in jail.

The State attempted several times by adroit questioning, to establish intimacy between the witness and the defendant; but, to all questions along this line, Phillips answered on the ground that he would incriminate himself. He was sustained by the court in this position.

Phillips testified that after he became acquainted with Mrs. Schenk, she visited his place of business so often that he was forced to ask her to stop coming. She then resorted to the telephone and he was called so often that this means of communication was finally abandoned. She then sent her chauffeur, Lundy Wilson, with notes, according to Phillips, or had the chauffeur call up Phillips to make arrangements for automobile rides. He told of meeting the accused at Martin's Ferry and other Ohio points. Beer, wine and sandwiches, he said, were always taken on these rides.

CRASH OF TRAINS FATAL FOR FIVE

Fearful Wreck on New York Central Caused by Disobedience of Orders

ENGINEER RAN BY SIGNALS

Four of the Victims Killed Instantly—Work of Rescue Quickly Organized—Both Passenger and Freight Trains.

Batavia, N. Y., Jan. 13.—Five men are dead, two are probably fatally injured and over a score were more or less seriously hurt in the wreck of the Western Express and the Boston and Buffalo special, both westbound on the New York Central here early today. Four of the victims were killed instantly, one has since died and two of the injured in the hospital are not expected to live through the night.

The Buffalo and Boston special train No. 49 was at a standstill in the station yards, when, it is alleged by railroad officials, Engineer J. B. Lydell, of Buffalo, on the Western Express train No. 23, ran past the cautionary signals and dashed into the rear of the standing train. The signals, Superintendent Everett declares, were in excellent working condition.

The dead are: Cassius C. Perrin, of New York, assistant general manager of a detective agency; Robert McFarland, Detroit, Mich.; Fred J. Speakehal, traveling for the Dodd-Meade Company, New York; A. L. Brown, Syracuse, a representative of George F. Batchelor Company, New York; Leon Doncourt, a representative of Cary Brothers, Philadelphia, (identification not positive).

Conditions near dawn this morning were those which railroad men fear the most and which make the handling of trains almost a hazard at best. A heavy fog hung over everything and a drizzling rain which at times increased to a smart shower, was turned to ice the moment it touched anything. The windows of engines and coaches were opaque and rails were covered with a coating of ice which reformed almost immediately after each passing train.

Train No. 49 arrived at Syracuse ahead of No. 23 and thus took precedence on the Western division between there and Buffalo. It was ahead of time at Batavia and was awaiting the signal from the conductor to start on time. Train No. 23 followed closely behind.

Engineer Lydell says that he saw a cautionary light 4,000 feet east of the station and the railroad officials say that he also admits having passed a signal set against him. When Lydell saw the tail lights of the express through the fog it was too late to prevent the disaster. He jammed on the brakes, reversed, and with a cry of warning to his fireman leaped for his life. The flying train, with scarcely appreciable check on account of the icy rails, ploughed into the Pullman coach, the last car of the standing train. The heavy coach was telescoped and tossed to one side, the engine continuing through the wreckage to the next car, a day coach. There it reared high in the air and toppled over on the wrecked Pullman.

The work of rescue was quickly organized. The local firemen and police, railroad men, and volunteers worked heroically among the wreckage and hissing steam from the shattered engine to rescue those pinned in the debris to whom immediate succor meant life. Vans and cabs were used as ambulances to carry the injured to the hospital.

DOOM IMPENDING FOR NEAR BEER

Spirited Discussion in State Senate Over Macon County Bill Yesterday

SENATE FOR ITS PROHIBITION

Anti-Prohibitionists Want Act to Apply to Entire State House Bill to Reduce Price of Sleeping Car Berths.

(Special Star Telegram.) Raleigh, N. C., Jan. 13.—The House bill prohibiting the sale of near-beer in Macon county caused a spirited discussion in the Senate today, finally passing and being sent back to the House for concurrence in the Senate amendment which provides that the bill does not interfere with the sale of soda fountain drinks. Senator Boyden, of Rowan, advocated the bill and State-wide prohibition for near-beer, too, on the ground that they should go on with the passage of these prohibition acts, making things as light as possible, because he believed this course would get people back to the time-honored Democratic principle of local self-government all the sooner.

A bill which claimed considerable time was by Senator Barham, of Wayne, relating to the speed of automobiles and providing for violation. It was referred, the sentiment of Senators seeming to be that they opposed any change. President Newland announced the committee on legislative apportionment with Senator Thorne, of Nash, chairman.

In the House Mr. Ewart, of Henderson, introduced a bill to reduce sleeping car berths in this State to \$1.25 for lower and \$1 for upper. A bill by Mr. Battle, of Wake, authorizes the State Fair Association to own property to the value of \$15,000 instead of \$50,000 as now limited. A bill offered by Mr. Ewart, of Henderson, provides for investigation of the affairs of the Matamusket Railway in which the State owns much stock for furnishing convict labor.

A bill introduced in the Senate by Hawkins, of Warren, would limit fidelity and surety companies so that they cannot assume risks of more than 10 per cent of their capital and surplus. The Senate—Tenth Day. The Senate met at 11 o'clock, Rev. J. S. Massey, editor of the Christian Advocate, offering prayer. The bill appointing C. H. Harris and J. W. Robbins, justices of the peace in Rocky Mount township, Nash county, was ratified.

The following bills were reported as having passed the House and were referred by President Newland to the proper committees: Relative to throwing sand in Big Ivy creek, Buncombe county. Validating the election of justices of the peace in Alleghany county. Regulating the pay of jurors and veniremen in Stanly county. Relating to dogs in Granville county. Empowering Trinity College to do away with the limitation of amount of property owned. Preventing the detention of women in houses of prostitution for debt or other cause. Relating to fishing in Albemarle Sound. Requiring butchers to keep records in Pamlico county.

Introduction of Bills. Hawkins, of Warren: Limiting liability of fidelity and assurance companies. Judiciary. Marshburn, of McDowell: Establishing a graded school at Old Fort, McDowell county. Education. Carpenter, of Gaston: Appointing Ed C. Ray a justice of the peace in Gaston county. Justices of the Peace. Armstrong, of Montgomery: Authorizing the clerk of the Superior Court to pay out sums of money to indigent children; also providing for filing a bond or deposit to secure costs and fees in reference cases; also for the protection of game in Montgomery county by limiting the open game season to one month and making it a misdemeanor to sell quail for two years; also increasing the pay of county commissioners of Montgomery from \$2 to \$3 per day; also for the relief of the clerk of the superior court of Montgomery; also preventing dumping sawdust in all streams in Montgomery county. Hobgood, of Guilford: Relative to laying out and working public roads in Guilford.

The committee on propositions and grievances reported without prejudice to conserve the cattle supply of the State, recommending that it be referred to the committee on judiciary, which was done. The report of the committee on rules passed third reading recommending that all bills reported unfavorably by committees lie on the table unless there is a minority report, provided they may be taken from the table and placed on the calendar at the request of any Senator.

The Senate ordered printed 250 copies of the report of the Committee on Rules. A favorable report was made on the bill requesting the State's representatives and senators in Congress to vote.

Nice cool place to spend an hour and see a good show. Grand Theatre.

Grand Theatre. Don't fail to see "The Run-away Engine."

Dear Jack. Meet me at the Grand Theatre.

Grand Theatre. Three great reels, comedy, dramatic and scenic.