

WEATHER.
Fair Thursday and Friday; not much change in temperature.

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JUSTICE DEPARTMENT WILL DEFEND SUITS AGAINST 8-HOUR LAW

Many Cases Begun Yesterday by Railroads Attacking Constitutionality of the Measure.

NO OFFER OF A TEST CASE

Assistant Attorney General Underwood Will Have Charge of the Government's Defense.

HAGERMAN TO ASSIST HIM

Prompt and Final Decision by Supreme Court Possible.

Washington, Nov. 15.—Suits by railroads attacking the constitutionality of the eight-hour railroad law were begun today in many parts of the country, and the Department of Justice laid plans to defend them.

No offer has yet been made by the railroads to settle the question by one test case. Attorney General Gregory has made no such proposition to the railroads, and the department is planning to contest each suit as it comes up for hearing.

Underwood in Direct Charge.

Assistant Attorney General Underwood will have direct charge of the government's defense, and Frank Hagerman, of Kansas City, has been retained to assist him. Mr. Underwood is expected to appear personally in most of the cases.

The Attorney General and Solicitor General Davis have been in conference with Mr. Underwood frequently since the first suits were filed and the general lines of defense have been laid. Information so far reaching the department shows that the railroads have their prayers for temporary restraining orders against the law becoming effective on the ground that it is unconstitutional and incapable of enforcement. The government will resist these contentions and assert that Congress had ample power to enact such legislation.

Prompt and final decision by the Supreme Court of constitutionality of the law is possible under Federal court practice, it was stated today. Under accepted practice, it was explained, in any of the district courts where test suits are brought, the district judge might call in one or two district or circuit judges to sit with him in the trial of a decision by such a court. It was stated, an appeal could be taken direct to the Supreme Court without delay for its consideration by a circuit court of appeals.

Should a test case or cases be appealed to the Supreme Court, it is believed here that the Federal government would advance Adamson Act proceedings for early hearing and decision.

Some of the railroad brotherhood leaders are expected here within a day or two to prepare for their appearance before the congressional committee, making a broad investigation into the transportation problem, and it is probable that they will see President Wilson.

The statement of Samuel Gompers, that the law would go into effect "injunction or no injunction" and the statement of W. S. Carter, head of the Locomotive Firemen and Enginemen, that a strike had been threatened if the law were enforced, have attracted attention among Federal officials.

COURTS EXPECTED TO DEFINE

LAW SHOULD IT BE UPHOLD. The New York, Nov. 15.—Suits filed by railroads against the Federal government to test the constitutionality of the Adamson 8-hour law, also are expected to result in the interpretation of the statute if it is upheld, the railroad managers comprising the National conference committee of railroads announced in a statement here tonight.

Suits designed to test the validity of the law and to restrain the government from putting it into effect were filed in this city today by the New York Central and Erie railroads.

Similar suits are to be brought within the next few days by each railroad in the country in each of the Federal districts it traverses, according to Ellisha Lee, chairman of the conference committee. Mr. Lee issued a statement at the end of the committee's three-day secret session, explaining the railroads' programme in their fight against the law. The statement follows:

"Two questions are involved in the appeal by the railroads to the courts: "1. Is the law constitutional? "2. If it is constitutional, what does it mean?"

"Opinions have been expressed by eminent authorities that the law is unconstitutional and there are conflicting opinions as to how the law, if constitutional, should be applied.

"Therefore, the railroad must, as a matter of duty, ask the courts if the law is within the power of Congress. It is a duty they owe, not alone to the owners of these properties, but also to

ENGLAND TO HAVE FOOD CONTROLLER?

Wider Powers Will be Conferred on the Government Today by Orders in Council.

WALTER RUNCIMAN SPEAKS

Announces in House of Commons the Possibility of More Stringent Measures to Insure National Food Supply.

London, Nov. 15.—The appointment of a food controller by the British government was forecast today by Walter Runciman, president of the Board of Trade, in announcing in the House of Commons that wider powers will be conferred upon the British government tomorrow by orders in council dealing with the food question.

The speech of Mr. Runciman had significance aside from its actual content, as showing that the government is looking forward to protracted hostilities and foresees the necessity for a timely measure for insuring the national food supply by an effective organization of national resources, in a similar manner to that adopted in enemy countries.

Mr. Runciman, in his speech, announced the imminent appointment of a food controller with full power over all departments concerned in food supplies, and immediate measures to restrict the luxurious use of sugar, to prevent waste, and to making of large profits in potatoes and milk and for forbidding the milling of pure white flour. He said also that the government would ask new powers under the defense of the realm act to deal with all attempts to exploit public necessities.

These measures, Mr. Runciman explained, would be temporary, but if they were found insufficient it might become necessary to have recourse to food tickets.

The president of the board of trade was welcomed in all parts of the House. Sir Edward Carson, on behalf of the opposition, and George J. Wardle, for the laborites, agreed that the house was ready to grant the power asked without the formality of a bill.

AMERICAN WHO EXPECTED TO BE SHOT AS SPY IS RELEASED

Had Been Held in Jail at Juarez Since November 7th.

El Paso, Texas, Nov. 15.—After being held in the Juarez jail since November 7, during which time he expected to be shot as a Villa spy, Benjamin Brahan was released at the military headquarters in Juarez late today and came to the American side of the river. Brahan said he knew of no reason why he was arrested other than the fact that he was a scout for General Pershing in Mexico.

Joseph Williams, the Mormon, will be released as soon as he is able to furnish a bond of 1,000 pesos, it was announced tonight.

TRANS-PACIFIC RADIO SERVICE INAUGURATED

President Wilson Sends Message to the Japanese Emperor.

Other Prominent Men Also Send Messages to the Far East—Marconi Sends His Congratulations From London.

San Francisco, Nov. 15.—Commercial trans-Pacific wireless service via Honolulu to Japan was inaugurated today by the Marconi Wireless Telegraph Company with messages sent by President Wilson and other prominent men from Bolinas Ridge, near here, to the Emperor of Japan and other dignitaries in that country.

Aimaro Sat6, Japanese ambassador to the United States, sent a message to George W. Guthrie, American ambassador to Japan.

From London was flashed by cable and thence by the new wireless route the congratulations of Guglielmo Marconi, the inventor, to the director of post and telegraph of the Japanese government.

A message from Melville E. Stone, general manager of the Associated Press to the Japanese minister of foreign affairs, said:

"Greetings and sincere congratulations on this new bond of union between Japan and the United States."

MESSAGE TO THE ASSOCIATED PRESS FROM MINISTER DEN

New York, Nov. 15.—The Associated Press has received from Baron Kenjiro Den, the Japanese minister of communications, the following message on (Continued on Page Ten.)

NO CONCLUSION ON WARSHIPS REACHED

Representatives of Lowest Bidders for New Navy Vessels Confer With Daniels.

FURTHER DISCUSSION TODAY

Congress May be Asked to Increase the Price Limit for Four Scout Cruisers—Bidders Argue Against Electric Propulsion.

Washington, Nov. 15.—Representatives of the lowest bidders for ships of each type included in the big 1917 navy building programme were in conference several hours today with Secretary Daniels and other Navy Department officials. While no conclusion was reached, as to the placing of the contracts for 53 vessels which now are pending, Mr. Daniels said later he was hopeful for an agreement within a day or two which would enable him to make the award. The conferences will be continued tomorrow.

In the case of the four scout cruisers, only one bid was received, that of the Seattle Construction and Drydock Company. Other bidders explained today that they had been unable to bring their estimates within the \$5,000,000 limit of cost fixed by Congress for the hull and machinery of each ship. Secretary Daniels intimated that Congress would be asked to increase this limit, and new bids would be sought.

Bids for battleships, destroyers and submarines were made contingent upon modifications which rendered them unacceptable to the department. These were talked over today, and will be considered again tomorrow. The bidders explained that the long time required for construction in the majority of the proposals was due to the uncertainty of prompt delivery of structural steel.

A suggestion that provision be made for extension of time in the event of delay for this reason was not favorably received by the secretary. Earlier in the day the department had been assured by representatives of a structural steel company that preference would be given to government orders whether for private or public yards.

Similar statements have come from many other manufacturers, and the department is unwilling to open a door that might permit of extended delay.

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DRASTIC MEASURES BY RAILROADS PROBABLE

For the Relief of the Car Shortage in Some Sections.

This is Expected to be Result of Conference Friday Between Railroad Presidents and Commissioner McChord.

Louisville, Ky., Nov. 15.—Drastic action for the relief of the shortage of freight cars in certain sections of the country is expected to result from the conference here Friday between a committee of five railroad presidents and Commissioner C. J. McChord. This is the belief of a majority of the railroad representatives present at hearings being held here in connection with an investigation into the exchange and return of equipment by the country's railroads.

The testimony at the hearings has related almost exclusively to the existing conditions and little has been done to provide immediate relief as to the supply of coal and refrigerator cars. Now, however, it is believed that the committee of five presidents who will represent the American Railway Association, will endeavor in conjunction with Commissioner McChord to work out some temporary arrangement which will relieve the shortages of all sorts of equipment and to lay plans for such prevention of the car service rules as will prevent their recurrence.

Commissioner McChord, commenting this afternoon upon the fact that many railroads were not represented at the hearings, declared that though he was reluctant to do so, it seemed he would

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CALIFORNIA TO GO SOLID FOR WILSON IT IS PREDICTED

Lowest Democratic Elector Will Lead Highest Republican Elector, Leaders Think.

CLERKS' RETURNS ARE SLOW

Republican Chairman Tells Who is to Blame for the Defeat of Hughes in the State.

San Francisco, Nov. 15.—Prediction that the lowest Democratic elector in California will run ahead of the highest Republican elector were made tonight by Democratic leaders after watching the slowly augmenting returns from county clerks.

"The difference will be about 600 in favor of the Democrats," said Sidney M. VanWyck, Jr., chairman of the Democratic campaign committee.

Available returns were considered in themselves not an index of the situation proportionately, because they were from smaller counties, most of which had given Wilson good majorities. They showed the lowest Democratic elector, that of the highest Republican but nearly all the big counties still were missing.

Rowell tells who is to blame for Hughes' defeat. San Francisco, Nov. 15.—Chester H. Rowell, chairman of the Republican state central committee, issued a statement today charging that the Republicans who undertook to look after Charles E. Hughes during his trip through California, not only made a bad job of it, but suppressed and disobeyed instructions from the East. The statement blames them for the loss of the state from the Republican column.

"If the advice and practically the demands of the national managers of Mr. Hughes' campaign had not been defied and suppressed by these temporarily in charge of it in California," the statement said, "Mr. Hughes would now be, beyond question, president-elect of the United States."

Francis V. Keesling, chairman of the Republican state central committee at the time Mr. Hughes was in the state, said:

"I'm not going to say anything. The telegrams were all published at the time."

RE-COUNTS WILL BE MADE IN CERTAIN W. VA. COUNTIES.

Charleston, W. Va., Nov. 15.—Fleming W. Anderson, U. S. Marshal, said today that he had received information that re-counts were being made in certain counties of both districts, according to information received here today. Notices of contact have already been filed in the counties affected. Null was defeated by Harry C. Wordyard, while Alderson lost to Stuart F. Reed.

A demand for a re-count in Cabell county for candidates on both the Democratic and Republican tickets for presidential electors and United States Senator was made late today by attorneys representing the Republican county committee. The re-count will probably start tomorrow.

Reports that judicial inquiries are to be instituted in Marion, Cabell, Logan and Webster counties into alleged election frauds checked all discussion of the proposed extraordinary session of the state legislature today and the opinion was expressed at the capital that nothing would be done for several days in connection with the call. Governor Hatfield refused to discuss the matter.

At the office of the secretary of state, it was stated that no official returns had been received and none was expected before tomorrow.

HUGHES LEAVES SATURDAY FOR AN EXTENDED VACATION

New York, Nov. 15.—Charles E. Hughes will leave here Saturday with his family for Lakewood, N. J., where he will spend several weeks it was announced tonight.

William R. Willcox, chairman of the National Republican committee, will accompany Mr. Hughes to Lakewood. Mr. Willcox, however, said he would "keep his touch" with Republican headquarters here by visiting the city several days a week.

HUGHES PLURALITY IS CUT DOWN TO 336 IN MINNESOTA

St. Paul, Minn., Nov. 15.—With 14 of the 88 counties in Minnesota having turned in their tabulation sheets to the secretary of state and with unofficial returns from the remainder, including Hennepin and Ramsey counties, Mr. Hughes' plurality was cut down to 385. The total vote was: Wilson, 177,798; Hughes, 178,133.

The sheet from Renville county made the big difference over last night's returns. The total vote credited to the Republican candidate. The official vote, checked over at the capital today, gave Wilson 69,598 and Hughes 86,075.

RE-COUNT IS DEMANDED IN MORGAN COUNTY BY DEMOCRATS

Charleston, W. Va., Nov. 15.—Attorneys representing the Democratic National Committee late today filed in the county court of Morgan county a petition asking for a re-count of the votes for President and United States Senator. It was claimed that there were errors which may reduce the vote received by Charles E. Hughes and

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AGREEMENT SOON MAY BE REACHED

This is the Belief of the Members of the Mexican-American Joint Commission.

MEXICANS ALTER ATTITUDE

Announcement That Agreement is in Sight is Made by Ignacio Bonillas, Cabrera Not at Conference Yesterday.

Atlantic City, N. J., Nov. 15.—Unless unexpected opposition develops members of the Mexican-American joint commission believed tonight an agreement covering the withdrawal of American punitive expedition and a method of border control will be ready by the end of the week for submission to the governments. Announcement that an agreement was in sight was made by Ignacio Bonillas, one of the Mexican representatives, at the close of a session that had lasted until night.

The altered attitude of the Mexicans developed at the second session today. It was not attended by Luis Cabrera, chairman of the Mexican commission, who did not return from Philadelphia until late tonight. He was accompanied here by his ambassador, Desigado Arredondo and Mrs. Arredondo. No significance seemed to be attached to the coming of the ambassador. Although Mr. Cabrera has not been here since he manifested his opposition to the plan that was sanctioned Monday by his colleagues, it is known the other Mexicans were in telephonic communication with him today. It is not believed, however, that the unexpected development late today was due to his counsel.

Mr. Cabrera, it now is known, has been opposed, apparently unalterably, to the plan as it has been discussed. There appeared reason to believe that he had suggested a counter plan, but that his associates chose to disregard consideration of the one which had virtually been agreed upon Monday afternoon.

Mr. Bonillas denied today that Mr. Cabrera had interfered with the progress of any plan and sought to convey the impression that the utmost harmony prevailed among the Mexican delegates.

NEGRO STEVEDORES ORDERED BACK TO NEW LONDON JAN. 5

Time of Deutschland's Departure Still Remains Uncertain.

New London, Conn., Nov. 15.—Eight negro stevedores from Baltimore, who loaded the cargo of the German submarine Deutschland last week, have been ordered to return here on January 5, it was learned tonight. While officials of the Eastern Forwarding Company declined to offer any explanation of the order, the belief prevails that another German submarine may be expected about that time or that the Deutschland may make another trip here.

Although the Deutschland's cargo was loaded several days ago and she provisions for sixty days on board, the time of her departure still was uncertain at a late hour. Her crew was given shore leave tonight.

London, Nov. 15.—Lybids announces that the Spanish steamer Oya Mendí, a vessel of 2,092 tons, has been sunk. Twenty-four members of the crew were landed.

PANCHO VILLA CALLS US 'WHITE CHINESE'

Refugee Tells of Address by Bandit Chief at Parral.

American and Other Mining Men Who Were in the Town Before Its Capture Are Reported to Have Escaped Safely.

El Paso, Texas, Nov. 15.—Francisco Villa referred to Americans as "white Chinese" at Parral, when he entered the town at the head of his troops following its evacuation by General Luis Herrera, a Mexican refugee from Parral declared, who came to the border last night disguised as a peon.

In a speech to the people of Parral Villa said he intended to kill all Chinese and "white Chinese," meaning Americans, the refugee reported. Three Chinese were said to have been killed there by Villa bandits. Villa also announced his intention to go to Chihuahua City and capture it from the Carranza troops, the refugee said.

American and other mining men of Parral are safe and are making their way toward the west coast of Mexico, a Mexican refugee who arrived here from Parral last night, reported. He left Parral on November 8. He reports that the town was occupied on November 5 by Villa bandits. The Americans and other foreigners left Parral two days before General Herrera evacuated the town, the refugee, who is considered reliable, stated. The Americans announced before they left that they were going to the port of Culiacan, on the west coast. The refugee, however, believes they are hiding in the mountains west of Parral

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GERMANS BOTH NORTH AND SOUTH OF SOMME HAVE MADE ADVANCES

SELF DEFENSE IS PLEA OF TRABUE

Says He Shot Stokes When Attacked by the Latter, While Seeking a Retraction.

TAKES THE WITNESS STAND

Tells of Visit to Stokes' Office—Says Mrs. Stokes Had Warned Him Against Her "Dangerous and Treacherous" Husband.

Nashville, Tenn., Nov. 15.—Charles C. Trabue, who shot and killed Harry S. Stokes, another attorney, in the latter's office April 26, testifying in his own behalf today, said that he shot in self defense after Stokes had attacked him when he went to his office to ask for a retraction of alleged insults.

He testified that Stokes' enmity was aroused three years ago in a law suit and the breach was widened a short time later when Mrs. Stokes retained him to secure a divorce. The bill was never filed, as a reconciliation later was effected. Trabue testified that when he was retained by Mrs. Stokes she warned him against her husband and told him that Stokes was "the most dangerous and treacherous criminal living." Her words were excluded from the record but Trabue was permitted to tell the jury that Mrs. Stokes had warned him against her husband.

Stokes' enmity further was aroused late in 1915 when Trabue entered the so-called tax-payers' suit as opposing counsel.

Decided to Ask a Retraction.

Trabue testified that on the morning of April 26 he sat down and began to think over the personalities that had been indulged in during the lawsuit.

"I was willing for things to go any further," he testified. "I had made every expression of a purpose to preserve peace, more than any decent man ought to make. The only course that appeared open to me was to go to the lawsuit and the first time Mr. Stokes did or said anything to me denounce him publicly. Then I felt that a public denunciation would be bound to be resented by him. I didn't think he wanted to drive me that far. I had the conviction that if Mr. Stokes understood that I reached the limit of my forbearance and learned it from me that it would avert trouble. The only decent and proper thing for me to do, it seemed, was to go to Mr. Stokes and ask him to retract his offensive statements and if he did not, to tell him that the next time he insulted me I was going to publicly denounce him."

I Went to Office Armed.

Having made up his mind, he said, he put his pistol in his pocket and went to Stokes' office. He armed himself, he said, "solely because of Stokes' threatening attitude toward me and for my own protection."

Waiting a few moments in Stokes' waiting room until a client passed out, he entered the private office where

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SMALL BRITISH FORCE CAPTURE 400 GERMANS

German Officer Shot Dead While Trying to Kill Chaplain.

Made Effort to Have His Men Overpower the British Detachment Upon Observing the Force Was Greatly Outnumbered.

(Copyright 1916 by Associated Press). With the British Armies in France, Nov. 16. (via London).—A British chaplain while searching the battlefield of the Ancre for wounded hidden in the shell craters during the British advance, accompanied by a few soldiers came upon an isolated trench containing nearly 400 Germans, who promptly surrendered. The chaplain ordered the men to file out on the open ground preparatory to passing them back with an escort when the German officer, seeing the small size of the force to which he was surrendering, tried to rally his men and overpower it. He was about to kill the chaplain when a British infantry shot him dead, whereupon the other Germans again held up their hands and shouted their eagerness to be made prisoners. Except for local ineffective bombing attacks, from the direction of Serres the Germans made no effort to re-take their lost ground in the Beaumont-Hamel region today (Wednesday). The British are proceeding with its consolidation and also are occupying the high ground immediately north of the river.

Prisoners aggregating a battalion were taken today from trenches abutting the area captured during the last two days. An order dated October 13,

SOLDIERS DESERT BECAUSE OF HARDSHIPS DUE TO COLD

Deming, N. M., Nov. 15.—Sixty men have been arrested on charges of desertion, it was announced today at brigade headquarters at Camp Deming. The men, it is understood, are from the First Provisional Infantry brigade, stationed at Fort Bayard, N. M., and are deserting because of hardship due to cold weather.

COTTON AT 20 CENTS.

Savannah, Nov. 15.—For the first time since 1873, good middling cotton sold for 20 cents on the local exchange today. More than 2,500 bales changed hands at that price.

Capture Ground Near St. Pierre-Vaast Wood and in the Eastern Part of Pressoire.

THE FIGHTING WAS VIOLENT

French Admit Losses, But Say the Germans Suffered Heavily for Limited Gains.

RUSSO-RUMANIANS LOSING

Teutons Continue to Advance on Transylvania Front.

While the British were further advancing their front north of the Ancre river or consolidating the newly won positions, the French and Germans have been engaged in violent combats both north and south of the Somme. In both regions the Germans made gains in the northern corner and western outskirts of the St. Pierre-Vaast wood, north of the river, and in the eastern part of the village of Pressoire, south of the stream.

Germans Suffered Heavily.

The French in admitting the loss of this ground say the Germans obtained only limited advantages at the price of very heavy losses. In the north the German attacks extended from Les Boeufs to the south of Bouchavesnes, a front of five miles and south of the Somme from Ablaincourt to the Chaulnes wood about three miles. The attacks were launched after violent artillery preparation.

Berlin, in reverting to the British attack which gave them the town of Beaucourt, says that except at Beaucourt all the British attacks broke down with heavy casualties. On the southern bank of the Ancre the attacks have already been shattered, says Berlin, which adds that fighting is proceeding near Sully-Sallies and Pressoire. According to London, 5,678 Germans have been made prisoners on the Ancre since Monday. The British losses, considering the extent of the gains, are declared not to have been high.

Russo-Rumanians Fall Back.

The Transylvanian front, aside from the line in France, is furnishing the most sanguinary engagement. Here almost everywhere the Austro-Germans are gaining ground against the Rumanians and Russians. In the Turgu-Julu, Alt and Jiuul valleys the Teutons have forced their antagonists still further back. In the Dobruja region Bucharest reports the occupation by the Rumanians of the town of Boasico, on the Danube.

The royal palace at Bucharest has been bombed by Teutonic allied aircraft. The Queen and the Royal Princess were not in the building at the time.

Teuton Losses in Serbia.

Berlin admits that on the Cerna river bend in Serbia the Entente Allies have captured some heights and that in the valley the Teutonic allied line has been drawn back in order to prevent pressure on its flanks.

In Galicia, according to the Petrograd war office, the Russians have driven Austro-Germans from former Russian trenches in the Narayuvka river region. Berlin asserts, however, that attacks by the Russians in this vicinity were repulsed.

East of Gorizia the Austrians by a heavy bombardment have compelled the Italians to give up some of their trench. On the Carso front the Italians have made advances at several points.

CALLS SPECIAL SESSION OF W. VA. LEGISLATURE

Governor Hatfield Proposes Amendments to Certain Laws.

Charleston, W. Va., Nov. 15.—Governor Hatfield tonight issued a proclamation calling for the Western Virginia legislature to convene in extraordinary session here on November 20 for the passage of amendments to certain laws, so as to affect the tenure of elective and appointive officers, to curtail the appointive powers of the governor and to make the public service commission and the state board of control, non-partisan or bi-partisan if the legislature so sees fit.

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