Impression Prevails That He

Will Be Dismissed for Vio-

lating Recent Execu-

tive Order.

President Was Mistaken

Facts.

Washington, Jan. 7 .- A sec-

ond meeting of the cabinet will be held this afternoon to

further consider action to be

Washington, Jan. 7 .- When today's

cabinet session began at the White House there was an indication that

the measure of punishment to be meted out to Gifford Pinchot, the

government forester, was to be the

chief subject of discussion by the

Mr. Pinchot's letter to Senator Dol

liver, read in the senate yesterday,

which constituted a violation of the executive order issued by the presi-

dent some time ago, forbidding sub-

ordinates in the government employ

furnishing information to congress ex-cept through heads of departments.

was taken into the cabinet meeting

along with statements by Associate Forester Price and Law Officer Shaw

The Letter.

sistance of Messrs. Price and Shaw of the bureau of forestry, was warmly

approved. In this communication the

A Rise Out of Hale.

Mr. Pinchot's letter called Schator Hale to his feet with a severe rebuke

to the chief forester for having ig-nored a recent order by the president directing that no subordinate officer should give out information concern-ing affices of the government except to his magning officers.

In an unexpected manner the

president with his advisers.

taken in Pinchot's case.

PINCHOT WAOTE LETTER

VOL. NO. 285.

ASHEVILLE, N. C., FRIDAY AFTERNOON, JANUARY 7, 1910.

3c PER COPY

## MESSAGE OF A LAWYER IS SENT TO CONGRESS

What is, however, of supreme

questions shall be as speedy as the

nature of the circumstances will ad-

effective, systematic, and scientific en-

forcement of the commerce law, rath

certainty of final result.
For this purpose I recommend th

establishment of a court of the United

the circuit indges of the United States,

to be unknown as the "United States

Court of Commerce," which court shall be clothed with exclusive original ju-

risdiction over the following classes of

(1) All cases for the enforcement,

collection of a forfeiture or penalty.

or by infliction of criminal punish-ment, of any order of the Interstate

Commerce commission other than for

(2) All cases brought to enjoin, se

by the provisions in the tariff act of August 5, 1909, may be urged in

support of the creation of the Com-

In order to provide a sufficient

to authorize the appointment of five

additional circuit fudges, who, for the

there is at the present time the largest

volume of business, such as the sec-

ond, third, fourth, seventh, and eighth

the chief justice at any time when the

business of the Court of Commerce

does not require the services of all

the judges to reassign the judges de-

to which they respectively belong;

and it should also provide for pay-

sary to bring their annual compensa-

judgments should be made final, sub-

ject only to review by the Supreme

Court of the United States, with the

secree appealed from shall not

provision that the operation of the

stayed unless the Supreme court shall

be empowered in its discretion to re-

strain or suspend the operation of an

order of the Interstate Commerce (Continued on page 2.)

Wave Covers Wide Area of

Chicago, Jan. 7 .- Chicago experi-

enced the coldest weather in several years today. The thermometer regis-

tered five degrees below zero this

In Tennessee and Kentucky the

oldest weather in many years is re-

ported. Freezing temperature pre-

valled as far south as the Gulf of Mexico, and as far east in the southern country as the Apalachicola river, in

Funeral Committee Will Not Go.

Weshington, Jan. 7.—The congres-donal committee named to attend the marrie of Ropresentative Origin of

tion up to \$10,000.

The act should empower

the payment of money.

court of the United States.

Reasons precisely

merce commission.

United States.

merce court.

circults.

Proposed Changes of Commerce DENY THEY'VE FOUND Law, and the Establishment of a Commerce Court.

### MR. TAFT'S IDEAS ON SHERMAN LAW

Wisdom of Federal Incorporation of ta B. De Janon, the heiress, who disappeared with Ferdinand Company that Industrial Companies Is Suggested.

unted.

Washington, Jan. 7 .- President justly discriminate against it and in Tatt's special message to congress favor of other carriers similarly sitecommending amendments to the interstate commerce and antitrust laws importance is that the decision of such was laid before the house of representatives today immediately after the body convened. During the reading of the document members upon both republican and democratic sides followed the clerk closely. Copies of the message were laid on the desk of er than conflicting decisions and un each representative and the interest attracted was indicated by the fact that unusual silence prevailed for three-quarters of an hour, required States composed of five judges d sigreading. Representative of Michigan, among the most attentive listeners, was understood to have in possession the administration bill amending the interstate commerce law in accordance with the recommendations of the president contained in the special The measure will be introduced Monday. When the reading was concluded it was referred by the speaker to appropriate committees." The message was as follows:

To the Senate and House of Representatives:

I withheld from my annual message a discussion of needed legislation under the authority which congress has to regulate commerce between the states and with foreign countries and mild that I would bring this subject-matter to your attention inter in the Accordingly, I beg to subas to the amendments to the interstate commerce law and certain considerations arising out of the operations of the antitrust law suggesting the wisdom of federal incorporation of industrial companies.

Interstate Commerce Law.

In the annual report of the Interstate Commerce commission for the year 1908 attention is called to the fact that between July 1, 1908, and the close of that year sixteen suits had been begun to set aside orders of the before that date), and that few orders of much consequence had been permitted to go without protest; that the questions presented by these various suits were fundamental, as the constitutionality of the act itself was in issue, and the right of congress to delegate to any tribunal authority to establish an interstate rate was denied; but that perhaps the most scri-ous practical question raised concerned the extent of the right of the courts to review the orders of the commission; and it was pointed out that if the contention of the carriers in this latter respect alone were sustained, but little progress had been made in the Hepburn act toward the effective regulation of interstate transportation charges. In twelve of the cases referred to, it was stated, preliminary injunctions were prayer for, being granted in six and refused in six.

"It has from the first been well understood," says the commission, "that the success of the present act as a regulating measure depended largely upon the facility with which temporary injunctions could be obtained. If a railroad company, by mere allega-tion in its bill of complaint, supported by ex parte affidavits, can overturn the result of days of patient investigation, no very satisfactory result can be expected. The railroad loses nothing by these proceedings, since if they faii it can only be required to estab-lish the rate and to pay to shipper the difference between the higher rate collected and the rate which is finally LOWEST TEMPERATURE held to be reasonable. In point of fact it usually profits, because it can seldom be required to return more than a fraction of the excess charges col-

In its report for the year 1909 the teen cases referred to in its 1908 report, only one had been decided in the Supreme Court of the United States, although five other cases had been argued and submitted to that tribunal in October, 1909.

been argued and submitted to that tribunal in October, 1909.

Of course, every carrier affected by an order of the commission has a constitutional right to appeal to a federal court to protect it from the enforcement of an order which it may show to be prima facie conflucatory or unjustly discriminatory is list affect; and as this application may be made to a court in any district of the United States, not only does delay result in the enforcement of the order, but streat uncertainty is caused by contrariety of decision. The questions presented by these applications are too often technical in their character and require a knowledge of the business and the mastery of a great volume of conflicting evidence which is tedious to examine and troublesome to comprehend. It would not be proper to attempt to deprive any corporation in the right to the review by a court of any order or degree which, if undistingted the confliction of the research of the course of the confliction of the research of the

# HEIRESS AND WAITER

Police Are Still Searching for Miss De Janon and Ferdinand

Philadelphia, Jan. 7.—Every one connected with the search for Roberwaiter, today denied the report that the girl had been found. Robert Buist, the wealthy grandfather of the missing girl, Henry F. Walton, his atdenials of the report, which had gaind wide circulation.

The police are still running out clues which they believe will lead to the finding of the missing couple,

Philadelphia, Jan. 7.—Rumors are still affoat that Roberta B. DeJanon. mit, and that a uniformity of decision young heiress who disappeared be secured so as to bring about an rom the city the same time Ferdinand Cohen, the hotel walter, dropped from sight, has been found and taken to a quiet place away from the scene of the alleged escapade.

#### SPEND \$250,000 nated for such purpose from among ON SAVANNAH'S BANKS

therwise than by adjudication and If Plan Recommended by War Department Is Adopted-Augusta Will Give Half of It.

side, annul or suspend any order or Washington, Jan. 7.—A quarter-milrequirement of the Interstate Comon-dollar improvement of the Savannah river at Augusta, the cost to be evenly divided between the federal (3) All such cases as under section of the act of February 19, 1903, development and the Georgia city, is recommended to congress today by the known as the "Elkins Act," are au-thonized to be maintained in a circuit

Where Augusta rests on the Savan-All such mandamus proceednah's banks the river slope changes ings as under the provisions of sec-tion 20 or section 23 of the interstate from a steep to a gradual incline, subecting that section to destructive commerce law are authorized to be maintained in a circuit court of the freshets with constant erosion, estimated to have carried away half a million cubic feet of material from the river bank along the city front those which induced the congress to since August. create the Court of Customs Appeals

#### WRECK REPORTED: DETAILS ARE LACKING number of judges to enable this court to be constituted, it will be necessary

purposes of appointment, might be distributed to those circuits where Wires Out of Commission on Account of Storm, Cars Are Stopped by a Heavy Snowfall.

Erie, Pa., Jan. 7.—Passenger train RERERERERE No. 23, westbound, on the Lake Shore railroad, is reported to have run into signated to that court to the circuits work train near Northeast Pennvivania today.

ment to such judges while sitting by Details are meager. It is reported that three persons were killed outassignment in the Court of Commerce of such additional amount as is necesright and that a number were in-Wire communication with the jured. cene of the wreck is out of commis-The regular sessions of such court should be held at the capital, but it sion on account of the storm. face cars are unable to get to the should be empowered to hold sessions in different parts of the United States if found desirable; and its orders and scene, owing to a heavy snowstorm.

NEAR 4000 FEET ALTITUDE REACHED BY HUBERT LATHAM

rench Aviator Made a Five Minutes Spectacular Flight at Mour-

Mourmelon, France, Jan. 7 .- During 45 minutes' spectacular flight today Hubert Letham, the French aviator, altitude estimated at 4000

Conference on Fortifications.

Norfolk, Jan. 7.—Mayors and rep-esentatives of cities interested in the chot's own statement, were directed fortification of the Virginia capes for adequate protection of the cities reached through the Chesapeake bay, Hampton Roads and tributaries, will hold a conference in Norfolk Janu-Five Degrees Below Zero There Cold ary 25.

Funeral of Congressman Griggs.

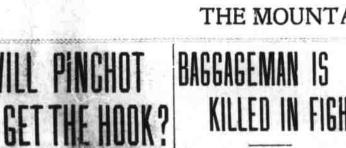
Dawson, Ga., Jan. 7.—The funeral of Congressman James M. Griggs will be held this afternoon. At the request of the family there were no congressional formulities. Speaker congressional formulities. Speaker ter addressed by Mr. Pinchot to Sen-Cannon sent a telegram of condolence, ator Dolliver in which the course expressing warm admiration for the adopted by L. R. Glavis with the as-

Would Let Forest Service Out.

Washington, Jan. 7.—Representa-tive Fitzgerald of New York has of-fered in the house an amendment to the joint resolution providing for in-vestigation of the interior department and the forest services, eliminating the forest service from the inquiry. criticisms of Secretary Ballinger but auggested that the 'president himself had been mistaken in the facts when he removed Mr. Glavis from the pub-

To Control Gas.

Huntington, W. Va., Jan. 7.—A dea volving two hundred million dellars which New York capital will con-



Town by Three Robbers Early Today.

Ypsilanti, Mich., Jan. 7 .- The baggage man at the Michigan Central

depot was killed in a fight with robbers here today. One of the robbers was taken to the hospital, badly wounded. Two robbers escaped, one being wounded. TO SENATOR DOLLIVER

HAVE FOUND NEW CHAMPION Upheld Ballinger Criticisms, and Said Mrs. Biddle, Society Leader, Says She

Will Help to End the Strike by Arbitration, Philadelphia, Jan. 7.-The striking shirtwaist makers of this city found a

champion today, when Mrs. George Biddle, a society leader, announced the novement to end the strike, by arbi-

Mrs. Biddle appeared in police court and entered bail for a girl striker ar-

The Idaho Floated.

Philadelphia, Jan. 7.-The battleship Idaho, which was floated last night, after being aground in Delaware river ten hours, today proceeded to Sandy Hook.

A Fatal Fire.

Pittsburg, Jan. 7 .- Two persons were killed and twelve others rescued cupied by three families of foreigners. prices of refined oil.

into the Streets.

St. Louis, Jan. 7 .- One fireman burned to death, six others injured several women overcome by smoke and two hundred hotel guests driven into the streets with the tem-perature near zero this morning, when ire broke out under the Cambridge and Barnum hotels, of St. Charles streets, in the heart of the business district. The loss was \$100,000.

MRS. S. L. GARLINGTON DIED TODAY IN NEWBERRY

Washington, Jan. 7,—Word was received in Washington today that Mrs. Sally Lark Garlington, widow of Major Albert C. Garlington, C. S. A., and mother of General Ernest A. intention of interesting herself in the Garlington, inspector general of the United States army, had died this norning at the home of her daughter. dollars' worth of agricultural products Mrs. William Y. Fair, of Newberry, S.

She was \$2 years of age. General Garlington left Washington to attend the funeral today.

Sails for Hampton Roads

New York, Jan. 7 .- The third diision of the Atlanta battleship fleet, are the second on the list, while meat under command of Rear Admiral and dairy products constitute the third Schroder, sailed today for Hampton largest class.

Oil Goes Down.

New York, Jan. 7 .- The Standard from death today, during a fire which Oil company today announced a redestroyed a frame dwelling house oc- duction of fifteen cents a barrel in the

## ESTRADA MAY MAKE DETOUR TO GREYTOWN

the Value of Things

Sold Abroad.

Cotton is King in Agricultural Group,

This Bringing an Unthink-

able Amount of

Dollars,

Washington, Jan. 7 .- Nine billion

were exported from the United States

during the last ten years, according to

bureau statistics. Cotton, the largest

item in the agricultural group, shows

a total exportation during the decade

of 3,651 million dollars. Breadstuffs.

During the past fiscal year Europe

took 25 million dollars' worth of American tobacco out of a total export

of 31 million. For American cotton,

Europe is also the largest foreign mar-

ket, taking nine-tenths of the cotton

SECOND IN THE LIST

BREADSTUFFS ARE THE

nite Information from

Nicaragua.

Washington, Jan. 7.—No advices of consequence from Nicaragua have come to the state department during the last two days. Estrada and the government forces are supposed to be marching toward each other, with the probability of a collision taking place at Acoyapo. It is possible, however, that Estrada will make a detour to Greytown, with a view of capturing the city before proceeding westward.

The government force at Greytown is not thought of sufficient strength to make a decided stand against the revolutionists. The American gunboats on the Atlantic coast are gathering in the vicinity of Greytown. This Indicates that American

sceen of activity.

The Tacoma has started to Grey-town, and the Marietta is on the way to Port Limon. believe that Greytown may be the

THE WEATHER:

nat until S p. 10. Ili und vicinity; unight, Saturday fo

## An Absolute Pardon Is Sought for Morse

Richmond, Jan. 7.—Petitions for the ing circulated by friends and kins- The State Department Has Little Defiabsolute pardon of Charles W. Morse, by Mrs. Morse here. They were sent the New York financier, now serving a sentence of 15 years in the Federal ginia Roberts of Chesterfield county. penitentiary at Atlanta, for violation The petition states that Morse's viola of the national banking laws, are be-

## linger. Congressional callers discussed the incident with the president prior to the cabinet session, Among some of them the impression prevailed that Pinchot would be dismissed. Earl Thompson Is Hanged; Judicial Promise Fulfilled

promise made to a mob bent on lynch- to death if found guilty.

Williamstown, Ky., Jan. 7.-Eart ing him three weeks ago. Thompson, a negro, was hanged this occasion Judge Carmack left the court room to harangue the lynchers, and morning in fulfillment of a judicial declared he would sentence Thompson

Poor Man Is Smitten: Hogs Bring War Prices

Chicago, Jan. 7.—The \$9 hog arriv-period in 1832, when prices reached to today at the Union Stock yards the coping itherical an open in high has not been seen here were the civil prices for home. Except for a short

THE MOUNTAIN IN THE WAY ONE FIREMAN IS BURNED TO DEATH COTTON EXPORTS Railroad Man Is Attacked in Michigan As Another Result of Fire in St. Louis **Bureau Statistics Made Public** Hotels Guests Were Driven in Washington, Showing