

TEXAS TARIFF HELD INVALID IN U.S. COURT

Interstate Commerce Commission Sustained in Sweeping Decision on Texas Shreveport Rates.

FEDERAL AUTHORITY DECLARED SUPREME

Case Somewhat Similar to Minnesota Test, Involving Validity of State Commission Ruling.

By Associated Press. Washington, April 25.—The commerce court today upheld the interstate commerce commission's orders in the Shreveport-Texas rate cases and in many respects sustained principles which the railroads are asking the Supreme court to adopt in the 45 state rate cases now awaiting decision.

Because of the similarity of the Shreveport case to the state rate cases, Attorney General McReynolds last Monday night filed a brief in intervention in the state rate cases with the Supreme court as a "friend of the court."

Attorneys for the state of Minnesota today filed their reply, but expressed the opinion that the Shreveport decision would not affect their case because the state of Minnesota, as distinguished from Texas, is seeking to sustain the right of a state to establish a system of intra-state rates, presumably reasonable in themselves and having no reference to interstate commerce.

Thomas D. O'Brien, of counsel for the state of Minnesota, in a brief filed today, outlined reasons for distinguishing the Shreveport case from the state rate cases. Among them were these: "One was instituted to prevent intentional and actual interference with the business of citizens of Louisiana by the hostile action of Texas; the other to establish that a state system of rates for intra-state rates upon the same road is an unlawful interference with such interstate rates."

The Shreveport case was brought to obtain reductions in individual high rates; the Minnesota cases to invalidate the state regulation of railroad rates to the end that railway revenues might be thereby increased. The former case attempted to put an end to the neutralization of the natural advantages of Shreveport by excessive outgoing rates; the latter to destroy the state's rights to regulate its internal commerce."

In view of low Texas state rates, Shreveport, La., immediately over the Texas line, found it impossible to compete with Dallas, Tex., for example because the interstate rates from Shreveport were much higher than those from Dallas to the same destinations in Texas. The commission found that the discrimination against Shreveport by the Texas state-made rates was obvious and conceded that the interstate rates were reasonable. Evidence was brought to show that the lower Texas rates were imposed for the declared purpose, and in pursuance of a settled policy of the Texas railroad commission to give Texas jobbers preferential advantages over their competitors in Louisiana and other states. The commission therefore ordered the railroads to remove the discrimination. To do so it would have been necessary for the railroads to advance their Texas state rates in opposition to the state commission's orders. The railroads applied to the commerce court to set aside the interstate commerce commission's order.

It was urged that the federal commission had no control of state-made rates. This contention the commerce court rejected by holding that the action of the Texas state commission resulted in a violation of the "undue preference" section of the federal law. The court distinctly upheld the paramount authority of the interstate commerce commission. It says in effect that the carriers were not under compulsion to obey the order of the Texas commission because the interstate commerce commission order had been superseded by virtue of a "superior authority" and that the carriers therefore had "ceased to be bound by any inconsistent laws or administrative policy."

The effect of the court's holding is that no state may, by its state rates, impede the flow of commerce from other states or protect its own shippers against outside competition.

OLNEY CHAMPIONS FREE TOLLS CAUSE

Former Secretary of State Declares that as Owner of The Panama Canal United States Has The Right to Fix Such Terms As It Pleases.

By Associated Press. Washington, April 25.—The United States as owner of the Panama canal, has the right to fix such terms as it pleases, and the neutrality of the waterway applies to its users only, and not the United States. This was the view expressed today by Richard Olney, former secretary of state, whose speech was read before a meeting of the American society of international law.

"It is clear," Mr. Olney's address continues, "that a nation, or a state, does not convey away its property, or sovereignty except by terms that are clear and susceptible of no other meaning; and that where the meaning can be taken to favor the United States it is the clear right of the United States to urge that it be held that the words 'all nations' do not mean to include the United States. However it is not necessary to rely upon this presumption, as the United States is owner and can fix such terms as it pleases."

"If the question is submitted to arbitration, it should not be submitted to the Hague, but to a special tribunal. The Hague would be partial, as, admittedly all European powers are interested in the outcome."

Another speaker who compared the relative interest of the United States and Great Britain at the various stages of the canal negotiations was Chandler P. Anderson, former counselor of the state department, who in effect declared that "The United States is clearly entitled to exempt its own vessels from the payment of tolls or to refund such tolls."

Washington, April 25.—Delegates to the American Society of International Law settled down to work today, prepared to listen to sharply contested debate on the question of whether the United States was within its rights in fixing arbitrarily tolls on shipping through the Panama canal.

The session was scheduled to start with a discussion of the canal's history delivered by E. D. Wardfield, president of Lafayette college. Then the real "tooting of horns" was anticipated. Almost a dozen members of the association were prepared to defend their beliefs as to free passage or as to the imposition of a charge on foreign shipping.

Rear Admiral Charles R. Stockton, retired, Lewis Nixon, of New York and Prof. Eugene Wambaugh, of Harvard university were allied in addressing themselves to the question, "Does the expression 'all nations' in article 3 of the Hay-Pauncefote treaty include the United States?"

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Dr. Alexander Expected to Prove Formidable Candidate for Collectorship.

Gazette-News Bureau. Wyatt Building. Washington, April 24.—The senate late yesterday afternoon confirmed the nomination of Col. William Henry Osborn of Greensboro, to be United States commissioner of internal revenue. Col. Osborn, it is expected, will be sworn in either Saturday or Monday, and will enter upon his new duties immediately afterward.

"I shall never be able to repay my many friends for their kindness in inquiring me for this high place of honor and trust," said Col. Osborn at the Raleigh hotel when told that the senate had confirmed his nomination, and that he was now a full-fledged commissioner. "I am especially thankful to Senators Simmons and Overman, Pete Murphy, Major Stedman and Judge Graham and the newspaper boys. I shall do my best to perform the duties of the office to the best of my ability and will try to do so to the entire satisfaction of all the people."

Dr. Alexander of Charlotte will prove a formidable candidate for the collectorship of western North Carolina. It is known that friends of Secretary Daniels, and at least one man who has endorsed Col. Watts have talked with Mr. Daniels with a view of compromising the now bitter fight by recommending Dr. Alexander, should President Wilson refuse to name Watts. It is understood that the Progressive Farmer is behind the Mecklenburg man, as well as other strong influences.

W. C. Dowd of Charlotte is not considered to have much of a chance just now. When Senators Simmons and Overman, probably between now and the end of the week, formally endorse the Ireddell man, some interesting developments are expected.

Director of Public Roads Page told Senator Overman that within a week or ten days he would send an expert road man to Franklin township to instruct the county officials there in building roads with the appropriation recently made for that purpose.

Senator Overman has secured a pension of \$12 per month for Mrs. Juliana Sams of Marshall, and back pay for her husband, who was wounded in the war.

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In the list of 100 or more nominations sent to the senate for postmasters none were sent in for North Carolina, to the disappointment of many who are now on the anxious seat.

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KIDNAPED HEIRESS REPORTED FOUND

Detectives Said to Have Located Gail Borden's Daughter—Criminal Charges Coming Against Her Alleged Abductors, It Is Reported—Suitcase Furnished Clue.

By Associated Press. New York, April 25.—A report was current this afternoon that Miss Romona Borden, 17 years old daughter of Gail Borden, the millionaire milk dealer, who disappeared Wednesday afternoon from a sanitarium at Pompton Plains, N. J., had been found by a detective agency employed by Mr. Borden. This report was not verified, however.

It was said that the private detectives are awaiting the filing of formal charges against the girl's alleged kidnapers before disclosing her whereabouts. The police today officially began a systematic search for Romona Borden, the seventeen years old daughter of Gail Borden, millionaire milk dealer.

Mr. Borden himself asked the police to take up the case. Various but vague are the clues to the young woman's whereabouts. Reported yesterday to have returned to the New Jersey sanitarium where she disappeared Wednesday afternoon, it now appears that the statement of her return was one of expediency on the part of the sanitarium authorities and it is understood that neither Mr. Borden nor the family physician nor Mr. Borden's lawyers have the slightest idea where she is.

A girl answering in many ways the description of Miss Borden sailed from New York on the liner Cincinnati today with this clew a wireless message has been sent to the captain of the vessel.

Borden is Aroused. Mr. Borden said he believed his daughter was either in New York or nearby and declared that if necessary he would hunt for her all over the world. "Some one will pay dearly for this," said the father. "I know that my daughter is not back at the sanitarium and I am pretty positive she has not gone abroad."

Mr. Borden added that the initials "M. A. B." on a suitcase in the automobile that took Romona from the Pompton (N. J.) sanitarium revealed the identity of one of the women who aided his daughter's flight. Inquiry at the woman's home in Brooklyn today showed she went to Atlantic City Wednesday.

Word from Atlantic City said that a girl answering Miss Borden's description left a hotel there yesterday afternoon with three women and took train for New York.

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FLOOD BATTLE GOING BADLY

Situation at Main Levee Near New Orleans Made More Desperate by Heavy Rain.

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Hunter C. Leake, president of the Pontchartrain levee board, stated that a stretch of the batture, or river bank in front of the levee, more than 100 feet wide, had caved in during the night undermining the old levee, which might be expected to drop into the river at any minute.

If the fight to hold the new levee is unsuccessful several million dollars damage will be done in the parishes of St. James and St. John the Baptist. Fine rice and perique tobacco plantations would be flooded, the town of Lusher and a score of villages will be inundated and the Yazoo and Mississippi Valley railroad between New Orleans and Baton Rouge will be put out of commission. It is not believed the backwater will spread south along the river beyond Kenner, which is 12 miles north of New Orleans.

By Associated Press. London, April 25.—"Teetotal diplomacy" as suggested by the innovation at Washington in Secretary of State Bryan's wireless dinner to the foreign diplomats, is receiving considerable notice in the English press.

The Daily News raises the question whether the American secretary "has a real moral right to send round the teetotal punch and condemn his unconverted guests to ice water," and asks if "this new form of tyranny may not lead to some horrid consequence by upsetting the digestion and temper of some old fashioned diplomat."

UNDERWOOD BILL TO PASS HOUSE EARLY IN MAY

General Debate Will Close Monday Night.

By Associated Press. Washington, April 25.—With only three more days left for general debate on the Underwood tariff bill in the house, the prospect today was that the measure would pass the house and go to the senate during the first week of May.

Majority Leader Underwood has given notice that general debate on the bill will close with the house adjourns Monday night. Tuesday the bill will be called up under the five-minute rule for reading and amendment. At that time it is the purpose of the majority to fix some limitation on amendments to hasten the bill along an dto guard against a filibuster.

Protest From France. The French government has called the attention of the state department to the probable effect upon existing treaties of the new tariff bill. Anxiety has been caused in France by several of the administrative clauses of the new bill, especially those obliging merchants to show their books and paper. In France a decision of a tribunal is indispensable to compel any man to do so. The clause in favor of American shipping also is a source of apprehension. It is pointed out to the state department that such rules have been abolished in France, as elsewhere, as entailing retaliation.

There were two students who did not miss a single day during the whole of the school year, Misses Esther and Elvira Hunter.

Miss Dixon gave an entertainment during the school term and raised money enough to purchase a nice organ, which she donated to the school. The patrons of the school here are desirous that Miss Dixon come back to teach again next year.

By Associated Press. Raleigh, N. C., April 25.—Dare, blacked walls today marked the opening of the new building of the News and Observer, the plant of Secretary of the Navy Daniels. From the windows of the building costly machinery is protruding. Plans for rehabilitation will be made tonight when Mr. Daniels arrives from New York, and in the meantime the plant of the "Times" will be secured at once and a plant installed pending reconstructing the building. The loss is at least \$60,000.

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By Associated Press. Washington, April 25.—British Ambassador Bryce today laid down the office he has held more than six years and left for New York to begin his trip home.

Tonight in New York he will say farewell to the United States at a dinner of the Pilgrims society. Monday he will meet his successor, Sir Cecil Spring Rice.

JAPAN PLACATED BY BRYAN'S TRIP

Satisfaction Is Expressed over State Legislation. Japanese Legislation.

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The majority of the Japanese newspapers adopt a more tranquil tone today but the widely circulated Ozeki Manichi, an independent newspaper, in a warlike spirit, points to the Japanese fleet as "no toy" and says that if forced to action by discriminatory legislation, it is capable of vindicating the national honor.

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In part it is as follows: "The Chinese now in California are here by virtue of treaties that guarantee them the common rights of man as defined in the bill of rights of your state constitution."

"We have promoted and desire to promote wider and more abundant trade between this state and China, and have participated in the movement that has caused China to imitate the examples of your country by the adoption of a republican form of government. We believe that the great reform in our government will increase the consuming and commercial capacity of the Chinese people and vastly increase their trade with the western nations."

"As domiciled Californians we protest that this state's due share of such trade cannot be secured by legislation that humiliate us, brands us with an inferiority and shames us before the nations."

"Your proposed legislation impairs the capacity of our countrymen to earn a living here and to contribute to the commonwealth by their labor and enterprise and we insist that it is unfriendly and inhospitable to the people of the youngest republic at the hands of the greatest republic in the world."

MINE DEATH TOLL IS PLACED AT 115

33 Additional Bodies Recovered—All Buried under Wreckage.

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Preparation for the care of widows and orphans of the mine victims are under way and for the present they are being cared for by agents of the coal company.

GRANITE STATE, HISTORIC FRIGATE, PARTLY BURNED

Big Vessel which Saw Service in Civil War Seriously Damaged.

By Associated Press. New York, April 25.—The 95 years old frigate Granite State, the largest wooden vessel ever built for the United States navy, which seemed to be doomed by fire which broke out aboard her at midnight, was saved from destruction early today but not before serious damage had been done throughout her fore part.

The frigate formerly was known as the Alabama and the New Hampshire. Roofed over like a mammoth house boat, the old warship has rested for the past 40 years at a permanent anchorage of Sixty-ninth street, where it was used as an armory by the first battalion of the New York naval militia. Seventy militiamen asleep in their hammocks were aboard when the fire, under great headway, was discovered in the paintshop.

Twenty-five men plunged to the hold of the vessel and carried out two tons of ammunition, and then all hands fought the flames. Ten men were partly overcome by smoke and one was forced to leap into the river, when surrounded by fire, but he swam to safety ashore. The city firemen, with streams from the land and from a fireboat, finally checked the flames.

The Granite State was built at Kittery, Me., in 1818, and rebuilt in 1863 after she had been partly destroyed in an engagement in the war of the sections, and she was soon sent out of commission.

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MRS. APPLEBAUM INSISTS INNOCENCE OF MURDER

Declares She Remembers Nothing of Events of Night of Tragedy.

By Associated Press. Atlanta, April 25.—Mrs. Callie Scott Applebaum took the stand today in her trial for the murder of her husband and told the jury that she was "innocent as an angel in heaven."

At 12:20 midnight on February 25," said she, "my husband lay down beside me with a revolver in his hand and said 'you've got just five minutes to live.'"

"I put my head under the cover and told him to shoot. I give you my word of honor I do not remember anything else till I was in the housekeeper's room the next morning and some kind lady was bathing my head."

WIN AND LOSE Plaintiffs in Tucker Case May Contest Will, but Lost Interest in Mothers' Estate.

Special to The Gazette-News. Raleigh, April 25.—The plaintiffs today won a suit to construe the will of the late Major Tucker, valued at a million dollars, but lost their interest in the \$100,000 estate of their mother, according to an order this afternoon by Judge Carter. This released \$500,000 if this case is not appealed. Judge Carter holding Mrs. Tucker had only a life estate in her husband's property.

The plaintiffs are Mrs. W. H. Williamson, Ed. H. Fellows, Mrs. Ashby L. Baker, and defendants are Mrs. James Berlin, Mrs. John Winder and heirs, and W. R. Tucker.

SCHOOL AT ALEXANDER ENDS SUCCESSFUL TERM

Excellent Attendance Records, and Patrons Are All Greatly Pleased.

Special to The Gazette-News. Alexander, April 25.—The public school here has closed a very successful term. Miss Luke Dixon of Asheville was the teacher, and she gave fine satisfaction to both parents and pupils. The attendance was excellent, being 90 per cent during nearly the entire term. So well pleased were the patrons of the school with Miss Dixon's teaching that they voluntarily made up a sufficient sum of money to continue the school two months longer than the regular term.

At the closing exercises the Junior Order of American Mechanics of Alexander presented the school a Bible and United States flag. Dr. J. C. Clontz made the presentation speech in behalf of the Junior Order. He was assisted in the ceremonies by A. L. Honcutt, Arthur Chambers, A. M. West, D. J. Jones, D. P. Jones and E. F. Alken.

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REBUILDING PLANS OF RALEIGH PAPER

Daniels Arrives Tonight to Take Steps toward Replacing Burned Plant.

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TREATHENED SLIDES STAMPEDE WORKERS

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