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WANT MILITIA OUT OF POLITICS

National Guard Association Adjourned This Afternoon

OFFICERS ARE ELECTED

Morning Session Devoted to Lively Discussion of Grave Political Situation That Confronts North Carolina National Guard. Banquet Last Night.

Following an important business session this morning, which will eventually wear the militia of North Carolina from politics, and the election of officers, the State National Guard association, which convened in this city yesterday adjourned late this afternoon.

The most important feature of today's session was the report of the committee on legislation, in which it was clearly set forth that the national guard of this state will not continue to be made a cat's paw in the hands of the politicians, and that appointment must be taken out of the hands of politics. The militia wants to be placed on equal plane with other states. This matter has been discussed at the last three annual conferences and seems to be nearer fulfillment than ever before.

The afternoon session yesterday of the association was devoted to discussions by Lieut. Col. Edwin T. Glenn, of the United States army, and Capt. W. G. Peace, who is stationed at A. and M. college, Raleigh. These discussions were strong and to the point. The new pack for the infantry was shown and explained by Colonel Glenn. The illustration was made by Sergeant Waddington, of the United States army.

Last night at 9 o'clock the members of the association assembled in the Elks hall, where a most elegant and sumptuous banquet was held. Major Glenn Brown acted as toastmaster, and many were the responses from the officers, gathered around this festive board. The occasion was not a feast for the taste, but a perfect feast of oratory, wit and humor.

The following officers were elected for the coming year: Major R. T. Daniels, of Weldon, president; Capt. S. C. Chambers, of this city, first vice-president; Lieut. Col. H. D. Harpuz, of Kinston, second vice-president; Capt. F. L. Black, of Charlotte, secretary and treasurer; Major R. M. Coburn, of Raleigh, assistant secretary. Charlotte was selected for the next meeting to be held in 1912, the exact date being left to the executive committee.

The soldiers, many of whom departed this afternoon, expressed themselves as being exceedingly pleased at the hospitality shown them during their stay in Durham. The Elks have entertained the officers in regal style, and were the recipients of many congratulations.

THE HOLLY SPRINGS MISSION GIVES HOPES OF GREAT GOOD

Rev. S. S. Best returned yesterday afternoon from Holly Springs, 26 miles below Durham, in Wake county, where there has been established an Episcopal mission, which he went down to serve. This mission has been attached to St. Philip's parish, this city, and will be served by the ministers here. There are seven very enthusiastic communicants of the church down there, which have been transferred from the Church of the Good Shepherd, Raleigh, to St. Philip's, because they are more convenient to this city. Mr. Best was highly gratified over the meeting at that place; the large attendance of young people; and the earnestness and zeal manifested in the responses. This mission gives great hopes for the future in much spiritual good.

Bill Fix Salaries Durham Officers

Raleigh, Jan. 12.—General Julian E. Carr introduced a bill in the house today to fix the salaries of the officers of Durham county. In December the fee system in this county was changed to a salary basis.

A Preacher Sues Southern. Asheville, Jan. 12.—The Rev. George Cates, the Baptist evangelist of Louisville, Ky., who last week was ejected from a Southern railway train at Arden, this state, today filed suit against the Southern for \$100,000 damages. Mr. Cates alleges that he sustained internal injuries and suffered great humiliation by being forcibly ejected from the train after he had offered a mileage book for transportation, which the conductor refused to accept.

Bill Introduced to Abolish Sale of Near Beer In State

Establish Piedmont County and Favorable Report on Trinity College to Own More Than \$2,000,000 Worth of Property Were Most Important Measures

Raleigh, Jan. 12.—The introduction of bills having for their purpose the establishment of Piedmont county from portions of Guilford, Davidson and Randolph and the abolishment of near-beer traffic in the state featured the day yesterday in the sessions of the general assembly.

Mr. Allred, of Johnston, introduced a bill requiring railroads to stop all trains at county seats upon flagging and Mr. Battle offered the bill to increase the pay of the state librarian from \$1,500 to \$2,000. The other measures offered were mostly of a local character.

Committee Report. The batch of reports from committees showed that those bodies have settled down to their work in earnest. Among the more important measures reported favorably were Gen. Carr's bill raising the limit of the value of property Trinity college may hold. Mr. Robert's state "white slave" law also was reported favorably, but the measure offered by Mr. Pace, of Wake, providing that corporations shall pay the wages of deceased employees to their relatives or other persons entitled was disapproved.

In the senate a bill to abolish the near-beer traffic throughout the state and the bill establishing the county of Piedmont, carved out of Guilford, Davidson, and Randolph counties, were the most important measures introduced. The bill relating to near-beer was introduced by Senator Carpenter, of Gaston, at the request of the ministers of Gastonia.

The bill creating a commission form of government for the city of Greensboro passed third reading in the senate and was ordered engrossed and sent to the house.

The bill remedying a defect in the call for a bond election in New Bern was the first to pass and be ratified by the general assembly of 1911.

Senate Bills. Martin of Washington: Prescribing the time for holding courts in the first district. Referred to judicial committee.

Carpenter of Gaston: by request of ministers of Gastonia: Abolishing the near-beer traffic throughout the state. Referred to committee on propositions and grievances.

Cobb, of Robeson: Appointing three justices of the peace in Parkton township, Robeson county.

Holden, of Franklin: Providing for good roads in Youngsville township, Franklin county.

Boydell, of Rowan: Establishing the county of Piedmont out of Guilford, Davidson and Randolph. Referred to committee on counties, cities and towns.

Ivie, of Rockingham: Regulating labor in manufacturing industries. Referred to manufacturing committee.

McDonald, of Moore: Authorizing the consolidation of the North Carolina and South Carolina railroad. Referred to the railroads committee.

Thorne, of Nash: Appointing C. H. Harris and J. W. Robbins justices of the peace in Rocky Mount township, Nash county. Passed three readings and sent to the house without engrossment.

The bill incorporating the city of Greensboro under a commission form of government passed third reading

and was ordered engrossed and sent to the house.

Sikes, of Wake: Changing the name of the Baptist University for Women to Meredith college. Referred to committee on education.

The bill remedying the defect in the call for a bond election in New Bern was the first ratified by the present general assembly.

Senator Johnson, of Duplin, was allowed to withdraw his bill relating to the landlord and tenant act.

House Bills. Among the bills that were favorably reported from committees were General Carr's bill to enable Trinity college to own more than \$2,000,000 worth of property, this being needed to enable the college to rebuild the administration building on the scale desired since the recent fire burned it. And the bill by Roberts, of Buncombe, to prevent the detention of women in houses of prostitution against their will on account of debt.

The bill by Pace, of Wake, to provide for the payment by railroads of wages due deceased employees without the formality of executor or administrator was reported from the proposition and grievances committee unfavorably, being pronounced unsound in law.

Battle, of Wake: Increase the salary of the state librarian to \$2,000. Ewart's Joint Resolution Passed.

The joint resolution by Representative Ewart, of Henderson, commending Governor Potbury, of Rhode Island, for declining to accept for Rhode Island the gift of North Carolina repudiated bonds from the New York bond syndicate came up for passage and Judge Ewart in a vigorous speech explaining his resolution, paid the highest commendation to the Rhode Island governor and the high sense of propriety he exercised in declining to receive the bonds, he referred to length to the interesting and significant discussion of the issue as it transpired in the Rhode Island legislature, in which Senator Arnold was quoted as severely criticizing those members of the Rhode Island assembly who would advocate receiving the bonds and entering into the harassment of a sister state. Judge Ewart expressed regret that the necessity had come for the enactment of such a measure as one pending for preventing state officers from accepting fees for professional service in harassment of the state. This never until now became necessary. Not even during the reconstruction days when the state's understood to have been the least creditably represented. Unfortunately places of trust and honor have lately fallen to some who have thus betrayed the people and patriotic statesman must submit to such a humiliating statute on account of these false ones.

Representative Doughton offered an amendment, that was accepted, striking out the expression in the resolution to the effect that these bonds have never had and can never have any standing in the courts of the country. This amended it passed its reading and was sent to the senate.

A bill to provide a prosecuting attorney for the town of Greenville passed its final reading.

DEFENSE SCORES IN SCHENK CASE

Important Admissions Are Drawn From Dr. Hupp

Wheeling, W. V., Jan. 12.—The defense scored heavily yesterday in the case of Laura Rarnsworth Schenk, charged with having attempted to poison her husband, John O. Schenk, the millionaire pork packer. Dr. Frank Lee Moyné Hupp, who reported the alleged poisoning to the authorities, and who was considered the star witness for the state, was under cross-examination at the hands of Attorney J. P. O'Brien all day, with the exception of a few minutes at the opening of the session, when prosecuting Attorney J. B. Handlan completed the direct examination.

Was Not Sure. Until less than an hour before adjournment of court, last evening, the session was uninteresting. Attorney O'Brien suddenly collected the scattered ends of the cross-examination, and brought out from the witness points considered of great value to the defense.

Among other things admitted by Dr. Hupp, was the fact that he was not sure symptoms exhibited by John O. Schenk even after the removal of the latter to the hospital, were due to arsenic poisoning until a mineral water used by Schenk, was analyzed by experts at the University of Virginia and Johns Hopkins university; that the discoloration of the patient's gums was probably due to a diseased condition of the gums and the fact "that Schenk did not use a toothbrush," rather than to lead poisoning, and that the millionaire packer was, at no time, either before or after his removal to the hospital, actually confined to his bed at all times.

The statement was made by the witnesses that Schenk was "bed-ridden rather than bed fast." It has been generally supposed that Schenk was for weeks at the point of death. O'Brien also secured an admission that it was the wife who first summoned Dr. Hupp and who asked if Schenk could not have a trained nurse.

The defense apparently also laid the foundation for a probable claim of conspiracy. For the first time during the trial the name of Albert Schenk, brother of John O. Schenk, and head of the wealthy family, was brought into the case.

HON. S. L. ROGERS RETIRES

COMPLETES 12 YEARS AS CORPORATION COMMISSIONER.

Raleigh, Jan. 12.—Hon. S. L. Rogers retired today as a member of the North Carolina corporation commission after 12 years of service. The corporation commission family gathered in the court room of the commission to pay honor to the retiring member. Hon. Franklin McNeill, chairman of the commission, was spokesman for the department and presented Mr. Rogers with a handsome sterling silver pitcher as a token of the esteem and admiration of his associates on the commission and in the department. The pitcher bore an appropriate inscription and Mr. McNeill happily assured Mr. Rogers of the friendship of all of his associates and also assured him of the great value of his services to the state during his term of office. Although taken quite by surprise Mr. Rogers made very appropriate remarks of his appreciation of the remembrance. Mr. Rogers retired his term of service as a member of the commission voluntarily without having sought further reelection, to take up the management of his personal affairs at his home in Franklin.

DOG SHOT HIS MASTER: STRIPPED ON TRIGGER OF GUN

Koromo, Ind., Jan. 12.—In return for all the dogs that have been mistaken for game and shot to death by sportsmen, Albert Zell's faithful canine shot his master. Then he wagged his tail to show he was still friendly and his brown eyes filled with tears at the realization the hunter had been hurt. Zell had a narrow escape from a fatal injury. He had found a rabbit in a brush heap and was trying to beat it out. To do this he had laid his shotgun on the ground. His dog ran around eager to lag the rabbit and one of his paws touched the trigger of the gun, which discharged its load of shot into Zell's elbow. A second dog was killed instantly by the accident.

Pastors Await Corbett

Atlanta, Ga., Jan. 12.—It is probable that when James J. Corbett comes here in response to an invitation of Methodist ministers, he and Rev. Wallace Rodgers will put on the gloves. The ministers want Corbett to see their gymnasium in the Wesley Memorial church, and to know what they are doing toward muscular Christianity.

Standard Oil Co. Begins Fight For Life Before Supreme Court

Submission to Highest Tribunal of Biggest Trust Busting Suit Ever Undertaken by Government Marks Culmination of Long and Hard Fought Legal Battle

Washington, Jan. 12.—The Standard Oil company in New Jersey—the Rockefeller holding company—today began its fight for life before the supreme court of the United States, pleaded not guilty to the government's charge of being the most colossal monopoly in the country, and through costly legal representatives entered into the final battle for preservation of its corporate existence.

The argument in the Standard Oil case today is the culmination of a long and hard fought legal battle. It marks the submission to the highest court of the biggest trust busting suit ever undertaken by the government, and one that has been waged by the highest priced legal talent obtainable. It is aimed at the dissolution of the most gigantic octopus of the business and industrial world and personally names the worlds richest man. It has been, all things considered, probably the most costly litigation in which the government has ever been involved. Attorney General Wickersham, in his argument on the same case last year before the court declared it as his opinion that the Standard Oil suit was "probably the most important ever before the supreme court."

Additional interest centers in the argument begun today by reason of the fact that Justice Willis Van Devanter, one of President Taft's recent appointees to the highest bench, participated, as a judge of the 8th circuit court in a decision against the trust. Heretofore a justice of the court who is called upon to sit in an appeal of a case tried before him in a lower court, has always refrained from participation in the review, but in the case of Justice Van Devanter, it was President Taft's desire that he should sit.

In brief the charges which Attorneys John G. Milburn of New York and John G. Johnson, of Philadelphia, are seeking to controvert in the day and half of argument allotted to them, include a conspiracy alleged to have had its conception in 1879; a growth into gigantic proportions, fed by illegal rebates, fostered by unfair competition, and made almost impregnable through domination of the market. They must prove to the court, to secure reversal of the decision of the lower tribunal, that this growth has been the result of extraordinary business acumen, that the combination of interests was not a trust for evil, and that at present, the Standard Oil company does not control the oil business.

Against their arguments, Frank B. Kellogg, special assistant to the Attorney General and Attorney General Wickersham will relate in an amazing story of high finance, market manipulation, and oppression of competitors.

Kellogg, who will make the main argument for the government, has been counsel in the two suits instituted by the government against the Standard Oil company. He has been working to accomplish the downfall

of the Standard since early in 1906, first as the government's mainstay in the famous \$29,000,000 suit against the Standard Oil company of Indiana. One of the subsidiary corporations of the parent, or New Jersey company—and, since November 1906 in the present suit. His knowledge of the company and its business is more extensive than that of anyone outside the concern.

Attorney General Wickersham has been working on the argument which he will present to the court ever since early in the summer. He has been quoted as saying that he intends it to be the crowning achievement of his legal career. To Wickersham will fall of duty of "summing up" or closing for the government. Kellogg is to make the statement, following after John G. Milburn, who, as main counsel for the appellant, has the right to open the case.

It was in November, 1906, that the suit which is now before the Highest Court, was filed before the United States court at St. Louis. The bill of complaint was a voluminous document covering 220 pages. It purposed to give a history of the growth of the monopoly, and was a drastic arraignment of the corporation and its guiding spirits. John D. Rockefeller, Henry M. Flagler, Oliver H. Payne, Charles M. Pratt and others. One hundred and forty-three subsidiary corporations were named as co-defendants.

More than two years were occupied in the taking of testimony under a special examiner at various cities throughout the country. John D. Rockefeller himself was among those examined.

On November 20, 1909, the circuit courts, sustained practically every contention made by the government, adjudged the combine trust in restraint of trade and ordered its dissolution under the terms of the Sherman law. By its decree the Standard Oil company of New Jersey, the parent corporation, was enjoined from voting the stock in any of the subsidiary defendant companies, and from exercising any control over those corporations by virtue of the stock which it held. The subsidiary companies were enjoined from paying any dividends to the parent corporation.

From this decision, the oil trust appealed, alleging 66 errors in the decree. Briefly these were the court erred in compelling non-resident corporations and individuals to appear at St. Louis, in overturning the plea of the defendants that the court had no jurisdiction; in finding that the 19 corporations absorbed by the Standard of New Jersey in 1899, were then competitive; in finding the seven individual defendants including John D. Rockefeller, Henry M. Flagler, H. M. Payne, and H. H. Rogers, in the ten years prior to 1879 acquired competing companies to suppress competition that the subsidiary companies were entirely controlled by the parent corporations; and that an exchange of stocks for an interest in a single corporation was illegal.

It is alleged that practically \$500,000,000 of capital is invested in the various companies which the present suit seeks to dissolve.

TO DEFEND TAFT FOR HIS ACTIVITY

President Should Show Interest in Lorimer Case

BAILEY CHIEF DEFENDER

The Democrats With the Exception of Six or Eight Have Gone Over to the Anti-Lorimer Side and Lorimer Supporters Recognize Damage.

Washington, Jan. 12.—When Senators Bailey and Paynter turn their batteries on President Taft for interfering in the Lorimer case, Senator Burton, of Ohio, will take the part of defended of the administration.

Senator Burton, it is understood, will hold that as head of his party it is the right and duty of the president to take an interest in a matter of this sort.

Other senators will be found who will speak for the president. It is likely that a number of republicans senators will do so.

Bailey is Lorimer's Defender. More and more Senator Bailey is being recognized as the chief spokesman for Lorimer. The brunt of the battle in Lorimer's behalf will devolve on him. The membership of the privileges and elections committee is not strong in members who are strong debaters, and this will throw more of the task on Bailey's shoulders.

Senator Lorimer and his friends are getting uneasy over the outlook. The outspoken nature of the speeches thus far, and the brunt nature of others that are promised, and particularly the statements that take the view that Senator Lorimer himself must have had knowledge of what was going on at Springfield, are said to be giving the senator worry.

The Lorimer supporters are beginning to recognize the danger that they will be beaten.

Antis are Gaining Ground. The democrats with the exception of six or eight, are going over to the anti-Lorimer side. The fact that Senator Root, Senator Lodge, Senator Borah, and other prominent republicans are opposed to Lorimer is having weight.

President Taft is said to be using plain language in reference to the testimony in talking with senators. He is credited with having said that he was "shocked" by the testimony when he read it.

In view of the attitude taken by the president, it is pointed out that it will be embarrassing for Senator Lorimer and the president to maintain any relations if the senate fails to unseat him.

Leading senators who are opposed to Lorimer, declare their belief that the case for Lorimer will collapse under the battering it will receive. Some of them predict a speedy end of it.

On the other hand, there are outward indications that the fight will drag along for most of the season. At least a score of senators have speeches prepared, most of them adverse to Lorimer. Senators Owen and Borah are expected to speak at an early date.

BENJAMIN CRAMP IS KILLED BY GAS

Philadelphia, Jan. 12.—Benjamin Cramp, a member of the shipbuilding family of William Cramp and sons, died from gas poisoning last night in the Pennsylvania hospital after his removal to that institution from his home.

He was found in the bathroom of his home by his wife, who is prostrated by the shock. The room was filled with gas and Mr. Cramp was unconscious. He was 55 years old. Members of his family say that he had no reason to end his life and that his death was an accident.

Begin Movement For State Highway

Raleigh, Jan. 12.—A movement has been started here for working up provision for the construction of a great trans-state highway from the seaboard to the west, Asheville and beyond—through co-operation of the people at the territory traversed as they have been constructed in some of the western states, voluntary labor of people in the territory to be used, all assembling on a specified day for the construction of certain sections of the road. James H. Poo, J. V. Sims and others are especially active in the movement.

The Only Thing Lacking

"Why are you so sure there is no such thing as a fourth dimension?" "Because," replied the discouraged fat man, "if there was I'd have it."—Ladies Home Journal.

WILL ENDORSE LAKE DRAINAGE

Fifty Thousand Acres to be Made Fertile

Raleigh, Jan. 12.—The state board of education has received from its second engineering expert agreed upon by the board and the Roper Lumber company passing on the feasibility of draining Mattamuskeet Lake. Hyde county and gaining for agricultural purposes fifty thousand acres of the most fertile lands in the state, the finding of the expert being that the estimate of Engineer Wright that the drainage can be accomplished for \$400,000 is correct and recommending only some minor changes in the details of the proposed system of drainage. The president of the Roper Lumber company has been summoned to come to Raleigh tomorrow and pass upon the findings of the expert, and give his formal endorsement to the drainage scheme to which he expected as a party to the drainage district just as the state had negotiated a sale of its holdings to a northern syndicate pledged to carry through the drainage. In fact representatives of this syndicate were here December 1 with certified checks for the trade with the state board when the exception on the part of the lumber company tied up the matter pending further expert investigation.

FATAL LEAP OF UNKNOWN MAN

Jumps to His Death From Moving Train

Salisbury, Jan. 12.—A well-dressed white man, apparently about 37 years old, boarded passenger train No. 12 last night at Hickory with a ticket to Elmwood and jumped from the train before it came to a stop at Elmwood. He was instantly killed, having a hole knocked in the top of his head. The body was brought to Salisbury on the same train at 8:30 and taken to Wright's undertaking rooms. Nothing was found on the body by which it could be identified. The man wore a pair of rubbers and a black suit, carried a silver watch with Waltham works and had \$935 in money in his pocket. No one on the train knew anything about him and none who has seen the body could identify it.

This is the second unclaimed body now lying in Wright's morgue, the other being that of Charlie Frank, who died in his room at the old National hotel Monday.

"Mother, the baby is havin' a fit." "Just as I'm denlin'," complained Mrs. Wattle-Trumps. "Why couldn't she have waited until I was dummey?"—Washington Herald.

SOUTHERN WILL USE COLLECTORS

Report That Railway Would Change Policy Denied

Washington, Jan. 12.—Upon being asked today as to the truth of the published reports that the Southern Railway company has determined to dispense with ticket collectors on its passenger trains, Mr. A. H. Plant, controller of the company, said:

"This report is entirely without foundation. The management of the company has not had under consideration any change of policy with regard to the employment of ticket collectors. On the other hand, the results that have been obtained are such as fully to warrant the continuation of the system."

FIRST NATIONAL BANK OF WADESBORO TO ENLARGE

Wadesboro, Jan. 12.—At the annual meeting of the directors of the First National bank a resolution recommending that the capital stock of the bank be increased to \$100,000 from \$50,000 was adopted and a meeting of the stockholders will be held February 13 to act in the matter. It is proposed to issue the new stock to the present stockholders as a dividend. The directors re-elected the present officers of the bank for the coming year.

JAP ADMIRAL IS CRITICAL

Amazes Officials With Remarks on Fortifying Canal

Washington, Jan. 12.—Officials of the army, navy, and state department were overwhelmed with surprise yesterday at the reported statement of the Japanese naval officer, Admiral Yashiro, at Panama, criticizing President Taft's policy for fortifying the canal as a great mistake upon the part of the United States government.

The military officials were unanimous in refusing to be quoted on what they consider so serious a breach of international etiquette until they have received official information of the remarks accredited to the Japanese admiral.

No American officer, it was said, would be tolerated in the United States service if he ever committed such a serious blunder as has been attributed to Admiral Yashiro. It is the opinion of officers that unless Japan takes immediate steps to ascertain whether Admiral Yashiro was correctly quoted or not, and if he did make such criticism to mete out to him severe punishment, the incident will soon become a subject of diplomatic intercourse.