

MUST I ROAD LOWE TRACKS

Case of Goldsboro Against A. C. L. Being Heard

IS OF VITAL IMPORTANCE

Following Expenditure of Over \$150,000 for Street Improvements Goldsboro Demands That Atlantic Coast Line Lower Grade of Rails to Conform With Grade.

Raleigh, May 4.—The case of the City of Goldsboro vs. Atlantic Coast Line Railroad company involving the right of a board of aldermen to compel a railroad company to make its track grade conform to the street grade by lowering the track was re-argued before the supreme court today, ex-Governor Aycock appearing for the town of Goldsboro, and W. C. Monroe for the railroad company. This is the case in which the court is so badly divided that the justices were unable to decide the question and the reargument was called for by the court with a view to adjusting differences in view if possible. Justice Allen is not sitting in this case and this leaves the court with only four judges sitting—Chief Justice Clark, and Associate Justices Walker, Hoke and Brown. Hence there is the possibility of a tie that would prevent the court from passing on the issues involved, issues that are vital to every railroad town in the state. Ex-Governor Aycock represented in the court today that Goldsboro is expending over \$150,000 on her streets, has established a general scheme of drainage for the promotion of the health of the city and this is laid out right up to the railroad which the city demands shall lower about five squares of track six to eight inches to conform to this drainage grade. It would cost the railroad company about \$3,000 and he insists that in the exercise of her police power the city has the right to compel this even though, as the railroad company insists, it owns its right of way and has held it for a longer period than the town of Goldsboro has been in existence. The fact that the railroad company holds this property in the town makes the company amenable to the police control of the city when it comes especially to questions involving maintenance of healthful drainage scheme and such like. The case is one that is being watched with keen interest by the legal profession and by officials of cities and towns the state over.

Prisoners Taken to Atlanta Penitentiary

Raleigh, May 4.—Dputy United States Marshal R. W. Ward and assistant deputies left today for Atlanta to carry five prisoners to serve terms in the penitentiary imposed by Judge Connor at the New Bern court. One of the most notable prisoners is B. F. Sanders, the notorious violator of revenue laws, especially by retailing whiskey, who is to serve one year and a day. It is a notable fact that his brother, Dr. Sanders, has been indicted by the New Bern court grand jury for attempting to influence the result of the trial of B. F. Sanders, by writing letters to witnesses and to prospective jurors calculated to influence them in the trial.

OXFORD NEWS.

The fourth competitive speaking of Horner Military school took place in the chapel of the barracks Friday evening. The declamations were well rendered by Cadets Frank Hancock, O. L. Goforth of Company A, John Hunt and L. B. Bonner, of Company B. The decision of the judges was in favor of A. L. Goforth. A dance was given after the speaking. At 8 o'clock Friday evening the children of Knott's Grove school presented a Mother Goose play at the opera house, the entire program being carried out splendidly. Miss Annie Bryan, one of Oxford's most charming young ladies, is the teacher of this school and deserves special credit for such well-trained children. Mrs. Hugh Skinner and little son, Frank, who have been visiting Mrs. Hieman Cannady for the past week, have returned to their home in Smithfield.

EATMAN-WILKINS.

At the paragonage of the Edgemont Baptist church Tuesday afternoon there was solemnized a very quiet wedding, when Mr. James M. Eatman and Miss Lulu, daughter of Mr. and Mrs. J. W. Wilkins, were united in marriage by the pastor, Rev. O. M. Marshall. The groom is the son of Mr. J. H. Eatman, who recently moved to Durham from Charlotte. They will make their home in Durham.

Sensational Testimony Is Sprung Against Shoe Trust

Contracts Made by United Shoe Machinery Company of Boston are Invalid in View of Bailey and Others

Washington, May 4.—Sensational and startling testimony as to the extent to which the United Shoe Machinery company of Boston, known as the shoe machinery trust, has the shoe manufacturers of the United States under its domination was given by shoe manufacturers before the finance committee.

The story told by the shoe manufacturers seemed to make out so complete a case of violation of the anti-trust laws that Senator Bailey, of Texas, one of the ablest lawyers in the senate, expressed himself freely in commenting on it.

Contracts Invalid.

"I think that if these hearings are transmitted to the office of the attorney general the United Shoe Machinery company will have trouble on its hands," he remarked.

Senator Bailey did not hesitate to declare that the contracts which the Shoe Machinery trust virtually forces manufacturers to sign are invalid. He declared that the signature of such contracts in some of the state would be a crime.

Senators Interested.

The hearing set out to be one in which the shoe manufacturers were to tell the finance committee why they ought not to be subjected to free shoes. But it had not got far before the United Shoe Machinery company was run into. The committee found itself much more interested in the story of how what is alleged to be a trust was keeping the shoe manufacturers in subjection than it was in the simple matter of duties on boots and shoes.

If the temper displayed at the hearing today by senators who were told about the shoe machinery company is any indication, there will be strenuous demand in the senate for prosecution of the United Shoe Machinery company and for the testing in the courts of the validity of its contracts.

Today's Witnesses.

The witnesses before the committee today were members of the Western Shoe Manufacturers' association. They came from St. Louis, Chicago, Milwaukee and other shoe manufacturing centers of the west. The first one to speak was William D'Oench, of St. Louis, a leading shoe company here. Mr. D'Oench started out to tell the committee how the shoe business had suffered because the duty had been lowered on shoes from 25 per cent to 10 and 15 per cent.

The witness recited to the committee the list of articles going into the manufacture of shoes and the duty on each. In this connection Mr. D'Oench pointed out that the English manufacturer of shoes had a great advantage in that all the articles used in shoe making could be imported free in that country while here there were duties imposed on these articles. He cited the case of a certain kind of wire

which costs 14 cents in England and 35 cents here.

It was at this point that the committee began to learn something about the operations of the United Shoe Machinery company. Mr. D'Oench was asked why the American manufacturer didn't import the wire, since the English cost plus the duty was far less than the American cost.

Mr. D'Oench explained that the United Shoe Machinery company, which he said was a trust, controlled in this matter. The American shoe manufacturers signed leases on the machinery of the company and at the same time had to use the material furnished by the company. The company controlled the wire about which he had been talking.

"The shoe machinery trust owns practically all the shoe machinery in this country," said Mr. D'Oench.

In answer to questions he said it was a Boston concern and was an American organization.

Senator Heyburn, Senator Smoot and others asked if it did not control the patents to the machinery in question, and if this control was not the basis of the alleged monopoly.

"The basic patents have expired," said the witness.

He then explained that the only way the American manufacturer could get shoe machinery was to lease it from the Shoe Machinery trust, which at the same time furnished the wire and other parts. Mr. D'Oench said as good machinery could be got in Europe, but there was a 45 per cent duty on them.

Senator Simmons asked why not abolish the duty.

"That would relieve us very much," said the witness.

Senator Smoot then asked why the American shoe manufacturers did not buy English machines and pay the duty.

"Because the United Shoe Machinery company would come into our plants and take every machine out."

In the course of the hearing it developed that the shoe manufacturers were tied up to the Shoe Machinery trust by seventeen-year contracts; that the trust had some machines which the manufacturers could not get in Europe, and that unless the government smashed the United Shoe Machinery company's alleged monopoly, the manufacturers felt they were helpless.

Mr. D'Oench told of the efforts of Thomas G. Plant, of Boston, to compete in making shoe machinery with the trust, and how some months ago the trust bought him out.

Milton S. Florsheim, of Chicago, gave other details of the grip the shoe machinery trust has on the manufacturer here. He said there was no market here for a competing shoe machinery company because the manufacturers of shoes here were tied up by seventeen-year contracts and no capital would go into the business of competing with the shoe machinery company.

"Our lawyers have advised us this contract is valid," said he.

Senator Bailey declared that the courts had decided a hundred times that such contracts were not valid and that they were not worth the paper they were written on. He said if any such contract was signed in Texas and the facts certified to a district attorney, there would be a prosecution.

DAUGHTERS WILL MEET SATURDAY

Complete Arrangements For Memorial Day Exercises

COMMITTEES ARE NAMED

Attorney General Bickett Will Deliver Annual Address at Academy of Music Next Wednesday Afternoon at 3.30—Merchants to Be Asked to Close Stores.

A special meeting of the officers and chairmen of the various committees appointed by General Carr chapter Daughters of the Confederacy will be held at the Young Men's Christian association Saturday afternoon at 4 o'clock to arrange all the details and complete the program for Memorial day, next Wednesday. Attorney General Bickett will be the orator of the day, and will be introduced by General Julian S. Carr. The address will be delivered in the Academy of Music at 3.30.

The committees as appointed for the exercises are as follows: On arrangements to secure the Academy of Music and see the merchants association—Miss Mabel Tuck, Miss Mary Haines, Miss Lillie Jones, Mrs. T. M. Cox, Mrs. T. M. Gorman.

Decorations—Mrs. B. U. Brooks, Mrs. J. S. Carr, Mrs. T. M. Gorman, Miss Louise Kirley, Miss Mabel Tuck, Mrs. H. N. Snow, Jr.

Music—Mrs. W. M. Yearby, Mrs. T. E. Cheek, Mrs. B. S. Leak, Mrs. Marion King, Mrs. J. M. Manning, Mrs. A. L. Long.

General program—Mrs. M. H. Jones, Mrs. J. F. Wily, Mrs. B. L. Tyree, Mrs. J. K. Mason, Mrs. C. C. Taylor, Mrs. J. A. Robinson, Miss Mary Haines, Mrs. A. E. Lloyd.

Hundreds Killed and Maimed by Trains

Washington, May 4.—During the months of October, November and December, 1910, 248 persons were killed and 3,720 injured in train accidents, according to a bulletin just issued by the interstate commerce commission.

Accidents reported on electric lines on which interstate traffic is carried shows that 114 persons were killed and 1,631 injured for the same months. This is a decrease of 34 in the number killed and 119 in the number injured.

Industrial accidents sustained by employees, where no moving engine or car is involved, were 167 killed and 26,394 injured.

Durham Sun Party Enjoying Bermuda

A letter from the Durham Sun party that is taking in all the signs of Bermuda, received by the Sun today, told in a very few words the delightful time the young ladies are having. The message, although brief, describes more than a volume could contain, and was as follows: "Arrived O. K. at 11 a. m. Friday, after a fine voyage. Drove out to the lighthouse this afternoon. There was no dust at all. Haven't time to write much as the next mail on the Bermudian leaves this morning for New York. No words can express the beauty of the place. The lily fields are the prettiest of all."

HALEIGH WANTS TO BE KNOWN AS CONVENTION CITY.

Raleigh, May 4.—With Raleigh's splendid auditorium nearing completion, the city authorities are going after conventions and meetings generally to come to Raleigh for their sessions. The very first act of the board of aldermen who assumed the reins of government today was to pass a resolution inviting the North Carolina Federation of Women's clubs, now in session at Asheville, to come to Raleigh for the next session, and to the North Carolina Association of General Directors to hold their next session here. They are now in session at High Point. These bodies, or rather representatives of each, were telegraphed to press these invitations upon their respective organizations.

BISHOP KILGO CONFERENCE TO HOLD S. C. CONFERENCE.

Nashville, Tenn., May 4.—Among the conference assignments and dates announced by the college of bishops of the Methodist Episcopal Church, South, are that Bishop Hoos will hold the Western North Carolina conference at Statesville, November 8, and the North Carolina conference at Kinston, November 22, and that Bishop Kilgo, of Durham, will hold the South Carolina conference at Bennettsville, S. C., November 22.

HIGHWAY WORK REVIVED AGAIN

Capital to Capital Route May Yet Be Secured

In the Sun of April 28th there appeared an article written by Dr. Arch Cheatham on the capital to capital highway, reviewing the history of the movement for the establishment of the route and something of the condition of the route at the present time. The article has revived the interest in the establishment of the highway all along the line. Dr. Cheatham this morning received the following letter from Mr. H. F. Hutchinson, clerk of the court of Mecklenburg county, Virginia, in regard to the matter. Mr. Hutchinson writes:

"I read your article in the Durham Sun of April 28th with much interest. I have been devoting the very best argument I possibly could for the past two years in a quiet manner for good roads in my county, especially for the re-building of the old Boydton (really Clarksville) and Petersburg plank road and am more than gratified at the outlook. We are to have a special election for bond issues for permanent road improvements in Boydton, Buckhorn, South Hill, Lacrosse and Palmer Springs districts on June 16th.

"I was over the old plank road in an automobile some time ago. This road is well built, and extends for a distance of 20 miles. I feel reasonably sure that we will have good roads from Clarksville to Petersburg within the next two years. You, of course, know the conditions south of Clarksville. There is a movement on foot to make the toll bridge over the Roanoke river at Clarksville a free bridge. In fact our county has voted to purchase the bridge, but the matter is in the supreme court."

Work is being done on the route of the proposed highway all along the route through North Carolina and Virginia. Already a large part of the route as chosen has been improved and with the improvements now under way it is only a question of time until the whole route will be completed. Dr. Cheatham has worked unceasingly for mapping out and improvement of the route through this section and to him is due a large part of the credit for the work that has been done.

BEACHY MADE GREAT FLIGHT

Witnessed By Thousands of Spectators Wednesday

Rivaling the speed of the swiftest bird that flies, dipping, circling, soaring into the ether blue of the ideal May day sky, Lincoln Beachy gave to the people of Durham a most excellent demonstration of the art of aerial navigation at the East Durham park Wednesday evening. The crowds attending the exhibition were very disappointing, and the gate receipts were very small. The weather was ideal, the almost perfect calm of the breezes and the bright sunshine made flying perfectly safe as well as extremely pleasant.

Beachy started the flight in front of the grandstand just at 4 o'clock. After a fast run across the park, which had been smoothed for the occasion, the machine soared beautifully into the air while the spectators held their breath. A large circle across the fields about the park was circumscribed by the machine, which soared higher and higher as it circled. As the machine circled several hundred feet over the grandstand on the return Beachy took both hands off the steering wheel and waved a greeting to the spectators. After making several circles over the outlying fields, Beachy returned directly over the grandstand and made a dip directly over the heads of the spectators like a bird about to alight. He performed a number of thrilling antics in the air, the flight lasting more than half an hour.

NEW RALEIGH OFFICERS IN CHARGE CITY GOVERNMENT.

Raleigh, May 4.—Mayor J. S. Wynne and his board of aldermen and other city officials gave place last afternoon to Mayor James I. Johnson and the other officers elected in the election Monday. The aldermen for the new administration are C. A. Johnson, Alexander Webb, E. D. Peebles, J. C. Ellington, W. A. Cooper, George M. Harding, Joseph G. Brown and J. Sherwood Upchurch. Thomas Badger succeeds Alexander Stronach as police justice; H. E. Glenn succeeds W. W. Willson as clerk. Mayor Johnson had served two terms as mayor when Mayor Wynne defeated him for that office two years ago. Now Johnson takes the reins of government again.

FIRE DESTROYS BIG WAREHOUSE

Loss in Henderson Blaze Last Night \$25,000

Henderson, May 4.—Fire in the storage warehouse of the Carolina Bagging and Tie company late Wednesday night consumed more than \$25,000 worth of goods before it was finally extinguished by the heroic efforts of the fire company. The loss is largely covered by insurance.

The origin of the fire is unknown. The building is made of sheet iron, and this precludes the possibility of an incendiary or outside origin. The building was stored with 21,000 rolls of bagging, and the entire contents are an almost total loss.

During the fire the building occupied by the Carolina Buggy company, just across the street from the warehouse, was in grave danger. The fire company fought valiantly and it was only by their heroic efforts that the buggy company's building was saved. The firemen also succeeded in containing the fire to the warehouse, and the other buildings, containing the machinery and equipment of the bagging company, were only slightly damaged.

The Carolina Bagging and Tie company is one of the largest manufacturers of cotton bagging and ties in the south. The plant was enlarged recently and a quantity of new machinery was installed. The fire Wednesday night was the second that the company has suffered during the past three years.

WOULD-BE ASSASSIN FIRES SIX SHOTS AT AROSEMENA.

Colon, Panama, May 4.—Attempted assassination of Pablo Arosemena, president of the Republic of Panama, is authentically reported, despite attempts to keep the incident secret. Six shots were fired at President Arosemena without effect during a banquet at David, province of Chiriqui. All of the bullets went wild, and the would-be assassin escaped.

The shooting occurred when the venerable president and the guests arose to respond to a toast, a thick wall of palms in a window screening the president's assailant. Intense feeling over the presidency of Panama is believed to have furnished the motive for the attempted crime.

WILSON CASE IS AFFIRMED

New Trial in Most Peculiar Hearing For Damages

15 OPINIONS BY COURT

Virginia-Carolina Peanut Company Wanted Damages From Atlantic Coast Line for Delay in Shipment of Machinery—Case Against Negro for Killing, No Error.

Raleigh, May 4.—The most notable in 15 opinions just delivered by the supreme court was Virginia-Carolina Peanut company vs. Atlantic Coast Line railroad, from Martin county, in which the issue involved was damage for delay in the transportation of peanut factory machinery and whether notice of peculiar circumstances necessitating delivery by a certain time given during the performance of the transportation company to remedy the delay complained of or anticipated, could be taken into consideration in estimating damages sustained by plaintiff. The court, Justice Hoke writing the opinion, holds that evidence of such notice is competent and that is entitled to consideration in passing upon damages sustained. In this case the machinery had been shipped when the notice of urgent necessity for the delivery by a certain time was served on the company.

A state case decided in State vs. Houston and two other Mecklenburg county negroes sentenced to terms for manslaughter in killing another negro in a fish fry row near Charlotte. The trial and sentence in the lower court was sustained. This is the case in which one negro stepped on the toe of another in a dance and later on the negro with the mashed toe complained of it, the response was "Keep your toe in your pocket." The fight followed, 35 or 40 shots were fired and when "the smoke of battle" cleared away there was one dead negro.

The full list of opinions follows: Virginia-Carolina Peanut Co. vs. Atlantic Coast Line, from Martin county, new trial. Boney vs. Atlantic Coast Line, Duplin, no error. Fann vs. North Carolina Railroad Co., Guilford, affirmed. J. T. Wilson vs. Life Insurance Co. of Virginia, Durham, affirmed. Anderson vs. Suburban Corporation, Guilford, no error. Shell vs. Roseman, Iredell, no error. Robertson and Creed vs. Marshall, Surry, affirmed. State vs. Houston, Mecklenburg, no error. McWhirter vs. McWhirter, Mecklenburg, new trial. Alexander vs. Savings Bank and Trust Co., Mecklenburg, no error. Costner vs. Piedmont Cotton Mills, Lincoln, reversed. Byrd vs. North Carolina Railroad Co., Cabarrus, affirmed. Helms vs. Helms, Mecklenburg, affirmed. Carroll vs. Seaboard Air Line, Mecklenburg, affirmed. Bryan vs. Cowles, Watauga, petition to re-hear dismissed.

NOTED SPEAKERS DISCUSS PEACE

Baltimore, May 4.—Huntington Wilson, assistant secretary of state, occupied the chair this morning at the beginning of the second day's session of the National Peace congress. Prof. John H. Latans, of Washington and Lee university, discussed the Panama canal in relation to the peace movement and other phases of the subject were considered in addresses delivered by Congressman Richard Bartholdt, of St. Louis; Dean E. H. Griffin, of Johns Hopkins university, and Senator Henri La Fontaine, of Belgium, president of the International Peace bureau.

Assistant Secretary of State Wilson, in his address before the Peace congress today, stated "that the nation that can do most to secure international peace must be the country with the highest ideals plus the greatest military efficiency. War springs from the human heart, and the human heart, more than the archives of diplomatic engagements, is still the only ultimate peace abode. The practical mode of pursuing the ideal of world peace is the true meaning of what is called 'dollar diplomacy.' Today the international commerce which extends everywhere is an important department of diplomacy. Dollar diplomacy really means the use of capital of the country in foreign fields in a manner calculated to enhance fixed national policies. Peace means a creation of prosperity that will be preferred to predatory strife."

LAKEWOOD SCHOOL CLOSING EXERCISES WILL BE HELD FRIDAY NIGHT.

The closing exercises of the Lakewood school will be held on Friday evening in the Casino at the park, beginning at 8 o'clock. The following interesting and entertaining program will be rendered by the pupils of the school:

- Chorus—"My Own United States."
- Invocation—Rev. E. R. Leyburn.
- Quartet—"When the Daisies Bloom."
- Song—"Johnny Blue Bird."
- Dialogue—"Fairy Garden."
- "A Sleepy Little School"—Annie Lou Myrick.
- Flower drill—"Twenty-eight children."
- Chorus—"Welcome Springtime."
- Awarding of prizes—Prof. C. W. Massey.
- Dialogue—"Musical Dream."
- Dialogue—"Jupiter Johnson's Affair."
- "Sweetness"—India Holt and William Pickett.
- Dialogue—"That Terrible Child."
- Dialogue—"A Double Surprise for the Scoopers."
- Chorus—"Blaze of Glory."

Sheriff Winstead Resigns. Roxboro.—Sheriff T. D. Winstead resigned his position last Monday and the county commissioners will hold a special meeting next Monday to name his successor. If Mr. Winstead's resignation is accepted it is likely that his deputy, Mr. W. I. Newton, will be appointed sheriff.