

# TAFT PREACHES PEACE SERMON

### President Again Appeals to People for Arbitration Treaties

## BEFORE CAMP MEETING

Reviews Terms and Meanings of the British and French Conventions and Urges the People to Use Their Influences for Them—Does not Expect Action This Session.

Ocean Grove, N. J., Aug. 16.—President Taft continued his campaign before the people in behalf of the British and French general arbitration treaties here last night. Speaking before the Ocean Grove camp meeting association, the president reviewed in comprehension fashion the terms and meanings of the pacts; urged the people to use their influence to press the treaties and declared that he did not fear the effect of delay.

The longer the senate holds these treaties—and he does not expect action upon them at the special session—the president argued, the greater will be the opportunity for him to preach the gospel of peace and arbitration and the greater will grow the sentiment for the agreements. "If the senate," said the president, "or any member of it should think that its powers are greater or less than they are, and the limitation they insist upon interfering with progress toward peace, or any other great national or international policy, the question whether they are right or not must ultimately be referred back to the people whose representatives the members of the senate are; for we all, as I say, have derived our power from the people as the ultimate source of power, and in such case of disagreement the proper place for a discussion of such an issue is before the people. The cause is sufficiently great to warrant the straining of efforts to secure treaties like these.

"If I am wrong in my judgment, and I do not claim infallibility, and know that the enthusiasm of the cause may sometimes warp judgment, I am quite willing to abide the ultimate judgment of the people, but I deem it my duty, until I shall receive an adverse decision to urge my views upon the senate and to invoke the attention of the people to these questions and such expressions of opinion from them as shall influence a ratification of the treaties as they were signed."

The president reached Ocean Grove shortly after 6 o'clock. He took dinner at the home of A. H. Dehaven. While he was at dinner thousands of people stood before the Dehaven house in a pouring rain. Thousands more stood around the auditorium in the down-pour to catch a glimpse of the president. The hall is said to hold 3,000 people and hundreds were standing when the president rose to speak. Governor Wilson and other New Jersey notables were on the platform.

The president left Ocean Grove late last night for Washington.

## BOY IS SERIOUSLY CUT

### IN QUARREL WITH A COMPANION—MAY RECOVER

Greensboro, Aug. 16.—As a result of a quarrel, some say, over a game of pool, others over a torn-up hat, Frank Hudson, a fifteen years old boy, is lying in St. Leo's hospital with a cruel gash through his lung and liver, and his assailant, Will Busick, a year or two his senior, is behind the bars of the city jail. The fight took place last night between 9 and 10 o'clock, near the Elks home on Greene street, and was witnessed by some eight or ten boys, companions of the two principals.

Both the boys are well known here, young Busick being the son of D. F. Busick. Although a young boy he spends most of his time in pool rooms. Young Hudson is the son of Mrs. Ida Hudson and is employed by J. W. Jones as a chauffeur. Both boys have the reputation of being wild and reckless. Hudson is a brother-in-law of Chief of Police Isely.

It was stated at the hospital at a late hour last night that young Hudson has an even chance for recovery if no complications arise. Pneumonia is feared on account of the exposed and lacerated condition of the lung.

### Base Deceiver.

Prof. John Dewey, of Columbia, was talking about a legislator who had turned traitor to the suffrage cause.

"A man who could be so mean to woman," he said, "must be the original of the Clayton jail story."

"A convict in the Clayton jail, you know, managed to do a little flirting over the wall. He flirted for some weeks with a girl who milked the cows in a field adjoining the jail, and one evening he called to her, and they struck up a conversation.

"Every day after that, for a year or more, the girl came to the wall. Then the convict, getting tired of her, told her it was no use waiting for him, as he was in for life."—Washington Star.

# DEATH AND LOSS ATTENDS STORM

### Two Casualties and Great Damage Around New York

## FIRST FLIGHT AUGUST 24

New York, Aug. 16.—An electrical storm of unusual violence swept over New York and environs yesterday afternoon with a bombardment of thunderbolts, flooding buildings, sewers and subway and leaving in its wake death and destruction estimated at many thousands of dollars. The wind rose to a 55-mile velocity.

For a few minutes the city was shrouded in darkness. Offices, shops, trolleys and automobiles were forced to employ artificial light. During the height of the storm lightning struck the flag pole on an East side public school where 400 children were attending the summer sessions. The report that the school had been struck caused a wild rush for the building by mothers in the neighborhood. The police were some time quelling the panic.

In the suburbs trees were uprooted, wires snapped and many buildings fired by the lightning. In Newark, Joseph Lynch, laborer, and in Queensborough Joseph Herrman, a farm hand, were instantly killed by bolts. In Port Chester, where two buildings were struck and one burned, the damage was estimated at \$150,000.

## MR. UMSTEAD ABOUT READY TO GO ON ROAD.

A letter from Mr. J. N. Umstead, Jr., to Mr. R. O. Everett announces that the first flight in his new aeroplane will be made at Henryville, Ky., August 24th.

All arrangements have now been completed for making flights and Mr. Umstead will be on the road all the time after the date of this first flight, filling the engagements that he has made throughout the west. Mr. Umstead has sent home a beautiful photograph of his machine which is of the latest type and the most beautiful construction.

The following clipping from a Henryville paper tells of the flight of Mr. Umstead at that place:

"A feature of the Home Corners and New Corners celebration that is to be held at Henryville on August 24, will be a free trip of the aeroplane now being completed by Edward Gray, of Memphis. The flight will be under the supervision of J. N. Umstead, Jr., who is at the head of the Umstead Aviation Company, of North Carolina, for which corporation the machine is being constructed. H. E. Callahan will be the navigator. The indications now are that 5,000 persons will attend the celebration."

## ON CHARGE OF LYNCHING

### FIRST ARREST FOR PARTICIPATING IN BURNING OF NEGRO.

Coatesville, Pa., Aug. 16.—The first arrest in connection with the burning of Zack Walker, on Sunday night, was made here last night when Kennedy Boyd, aged 30, a line-man in the employ of the Chester Solly Electric Company, was taken into custody. Boyd came here from Westchester about two months ago. He was sent for by the police yesterday to be questioned. Under the severe cross-examination, it is alleged, he admitted enough to warrant his arrest. It is said that he gave the names of a number of others who will also be taken into custody.

The coroner's jury which has been investigating the lynching of Zack Walker, the negro who shot and killed Ed Rice, rendered its verdict last night. Notwithstanding that more than 1,000 persons were in the mob that dragged Walker from the hospital and threw his body upon the pile of hay and fence rails, which was fired by the mob, not a name is mentioned by the jurors. The verdict was as follows:

"We, the undersigned jurors are of the opinion that Zack Walker, colored, came to his death on the night of Sunday, August 13th, in East Fallow Field township, Chester county, and believe the crime was committed by persons unknown to the jurors."

## MRS. MATTIE BURTON DEAD

### SUCCUMBS TO COMPLICATION OF DISEASES.

Mrs. Mattie Burton died at her home on Silver street this morning after a long illness with a complication of diseases.

Mrs. Burton was 52 years of age and is survived by a son and daughter. They are Mrs. Ida Hamlin, and Mr. Floyd Burton, of Durham.

The funeral services will be held from the McMannon chapel Thursday afternoon at 1 o'clock, conducted by Rev. Carl Barth.

If Mississippi, while cooling off, doesn't keep out of the draught of outside opinion, she may get a cold in her head.—Memphis Commercial-Appel.

# MR. TAFT'S FIRST IMPORTANT VETO

### Disapproves of Statehood Bill Passed by Congress

## RECALL OF THE JUDICIARY

### The President Gives His Reasons for Vetoing the Measure in Message Sent to the House of Representatives, All of Which is Devoted to Recall of Judges in Arizona.

Washington, Aug. 16.—President Taft's first important veto message disapproving the joint resolution providing for the admission into the union of Arizona and New Mexico was sent to the house of representatives yesterday.

The president debates his whole message to a discussion of recall of judges. Himself a judge for many years, he speaks with evident feeling of a proposal which he regards with unconcealed disapprobation.

"If I sign this joint resolution," he says, "I do not see how I can escape responsibility for the judicial recall of the Arizona constitution. This provision of the Arizona constitution, in its application to county and state judges, seems to me so pernicious in its effect, so destructive of independence in the judiciary so likely to subject the right of the individual to the possible tyranny of a popular majority, and therefore, to be so injudicious to the cause of free government that I must disapprove a constitution containing it."

Explaining the recall as written in the Arizona constitution the president declares that six months after election all judges, county and state, may be forced to go before the people at a new election when a petition asking for their recall has been signed by electors equal to twenty-five per cent of the total number of votes cast for all candidates for the office at the previous general election. Within five days after the filing of the petition the official may resign. Whether he does or does not resign, an election in which his name figures, is to be held. The petitioners may print on the ballots two hundred words showing why they disapprove of the official—and he may also defend himself within the same limits. If he receives the highest number of votes he is retained in office. If not, he is removed and he who receives the highest number is put in his place.

In making his veto, the president says that he is discharging his constitutional function in respect to the enactment of laws and declares that his discretion is "equal to that of the house of congress." "Of course," he continues, "a mere difference of opinion as to the wisdom of details in a state constitution, ought not to lead me to set up my opinion against that of the people of the territory. It is to be their government, and while the power of congress to withhold or grant statehood is absolute, the people about to constitute a state should generally know better the kind of government and constitution suited to their needs than congress or the executive. But when such a constitution contains something so destructive of free government as the judicial recall, it should be disapproved."

Explaining the theory of popular government Mr. Taft shows that whole government such as this is by a majority—of all who enjoy suffrage—it is also a government of the whole people conducted by that majority under such rules and checks as will secure a wise and beneficial result. The truth of the maxim that the people can be trusted to do right, the president admits, if all the people, all agreeing are meant, but that a majority can always be so trusted he does not believe. Therefore he says constitutions are devised to check hasty action by the majority.

"The division of government into three separate branches," says the president, "the legislative, to make the laws, the executive, to execute them, and the judicial, to decide in cases arising before it the rights of individual as between him and the government, has always been regarded as a great security for the maintenance of free institutions, and the security is only firm and assured when the judicial branch is independent and impartial. In a proper sense, judges are servants of the people; but it is not work in the doing of which they are to follow the will of the majority except as that is embodied in statutes lawfully enacted according to constitutional limitations. They are not popular representatives. On the contrary, to fill their offices properly, they must be independent."

Early in the nation's history, the president continued, it was argued that the obligations of the constitution operated only on the legislature and that whatever the legislature did was constitutional. "But the hard-headed statesmen and judges of the early days," said the president declined to accept this view and the judges soon came to declare that law which they found at variance with the constitution, "was not law at all, was not binding on the courts, the individual or any branch of the government and that it was the duty of judges so to decide."

"This power conferred on the judiciary if our form of government,"

says the president, "is unique in the history of governments and its operation has attracted and deserved the admiration and commendation of the world. It gives to our judiciary a position, higher, stronger and more responsible than that of the judiciary of any other country, and more effectively secures adherence to the fundamental will of the people."

Speaking of his course of argument against the recall once more the president asks, "could there be a system more ingeniously devised to subject judges to momentary gusts of popular passion than this? No period of delay is interposed for the abatement of popular feeling. The recall is devised to encourage quick action, and to lead the people to strike while the iron is hot."

On the instant of an unpopular ruling, the president explains, while the spirit of protest has not had time to cool, the judge is to be "halloed before the electorate as a tribunal, with no judicial hearing, evidence or defense, and thrown out of office and disgraced for life, because he failed in a single decision, it may be, to satisfy the popular demand."

"Think of the opportunity such a system would give to unscrupulous political bosses in control, as they have been in control, not only of conventions but elections. Think of the enormous power that would be given to the sensational, muckraking portion of the press in rousing prejudice against a just judge by false charges and insinuations, the effect of which in the short period of an election by recall, it would be impossible for him to meet and offset."

With the argument that the recall would work to the advantage of the poor and oppressed, the president has no patience.

"Nothing," he says, "could be further from the ultimate result. The motive it would offer to unscrupulous combinations to seek to control politics in order to control the judges is clear. Would not self-respecting men well hesitate to accept judicial office with such a sword of Damocles hanging over them? What kind of judgments might those on the unpopular side expect from courts whose judges must make their decisions under such legalized terrorism?"

"The character of the judges would deteriorate to that of trimmers and time servers, and independent judicial action would be a thing of the past. As the possibilities of such a system pass in review, is it too much to characterize it as one which will destroy the judiciary, its standing and its usefulness?"

Passing to the argument that the recall is only carrying out the principle of election of judges, the president declares that the success of an elective judiciary, "furnishes no reason for so changing the system as take away the very safeguards which have made it successful."

Answering another argument—that in some states judges have shown under corrupt corporate influence and that nothing but a desperate remedy will suffice—the president contends that if political control in such states has been wrested sufficiently from corporate control to propose such a measure as the recall, an effective remedy could be found in impeachment. "Real reforms," he says, "are not to be effected by patent short cuts—or by abolishing those requirements which the experience of ages has shown to be essential in dealing justly with everyone. Such innovations are certain in the long run to plague the inventor or first user and will come readily to the hand of the enemies and corrupters of society after the passing of the just popular indignation that prompted their adoption."

Speaking of the contention that judicial recall would bring the judges closer to the people and more in sympathy with the popular will and progress the president says that in the long run their judgments must be colored by public opinion, no matter how safeguarded and surrounded they may be. "In treating of courts," says he, "we are dealing with a human machine, liable like all the inventions of man, to err, but we are dealing with a human institution that likens itself to a divine institution because it seeks and preserves justice. It has been the cornerstone of our gloriously free government."

"It is said the recall will be rarely used. If so, it will be rarely needed. Then, why adopt a system so full of danger?"

In his closing message, the president declared that while he was cognizant of the fact that Arizona once in the union, may incorporate the recall in her constitution, he could not allow the opportunity to pass to register his disapproval of that provision. "It is necessary," says he, "for the authority which is primarily responsible for its creation to assert in no doubtful terms, the necessity for an independent and untrammelled judiciary."

## EAST COAST CELEBRATION

### Will Mark Completion of Over-Sea Florida Railroad.

Washington, Aug. 16.—Recognition was accorded by the house yesterday to the proposed exposition at Key West, Fla., next January in celebration of the completion of the Florida East Coast railway, the over-sea road between the Florida mainland and Key West. The house passed a resolution introduced by Representative Hsin, of Alabama, requesting the president to invite foreign nations to participate in the exposition, and that he have the South Atlantic fleet sent to Key West at that time.

Capital of \$1,000,000

Shubert Theatrical Company Incorporated in New Jersey. Trenton, N. J., Aug. 16.—The Shubert Theatrical Company was incorporated here yesterday with an authorized capital of \$1,000,000. The incorporators are William Klein, Charles A. Bird and Josiah W. Jacobs, of New York.

The charter indicates that the corporation is to take over all the property and business of the New York company operating under that name.

# MUST ENFORCE SANITARY LAWS

### Proceedings Begun Against Officials of Town of Hillsboro

## PROTECT CITY WATER SHED

### May Mean Indictment of Hillsboro Health Officer and Town Officials. No Pollution of Water as Yet, But Durham Officials Desire to Guard Against Future Contamination.

Proceedings have been begun against the health officer and town officials of Hillsboro for failure to enforce the sanitary laws of the state by City Attorney Sidney C. Chambers that may mean the indictment of these officials before a grand jury.

At the time of the typhoid fever epidemic in Hillsboro, the Durham board of health sent a committee of physicians to Hillsboro to investigate the extent of the sanitary precautions that were being taken. The Durham board of health was interested, in that Hillsboro is situated on the Durham water shed. This committee found that the sanitary laws of the state were not being enforced by the Hillsboro town officials and the health officer of the city.

The special provision of the laws that were not being enforced were those in regard to the situation and care of dry closets and the throwing of waste material on the ground. The matter was taken up with the health officer and the mayor of the city, but both seemed to be entirely indifferent in the matter. The health officer of Hillsboro is accused of allowing typhoid infected waste to be thrown upon the ground with no precautions for preventing the contagion from getting into the water supply or otherwise spreading. One case is pointed out by the committee in which the Hillsboro health officer killed a dog on the streets of the city and allowed the dead carcass to lie several days. The carcass had to finally be buried by Durham people, the committee reports.

All of the findings of this committee have been transmitted to Attorney Chambers by the Durham board of health and he is asked to begin proceedings against the Hillsboro authorities.

The matter will be first taken up with the state board of health and if no relief is secured from this source, indictments will be brought against the town officials before a grand jury as provided by law.

In the meantime, the sanitary conditions at Hillsboro are being looked after by the inspector for the Durham Water Company and every precaution is being taken to prevent pollution of the Durham water supply. Examinations are being made every other day by the state chemist and no pollution whatever has so far gotten into the water. The object of the proceedings is to guard against contamination that is liable to result at any time from the careless handling of the situation by the Hillsboro officials.

Several years ago, a suit was brought against the Eno Cotton Mills Company at Hillsboro to enjoin the company from unsanitary practices. "Since that time, the mill has been taking the precautions required by law, and there has been no further trouble. The unsanitary practices of which the Durham board of health is complaining now are in the mill districts of the city which are under the jurisdiction of the health officer and the town officials.

## NEGRO BUSINESS MEN MEET

### Annual Meeting of the National Negro Business League.

Little Rock, Aug. 16.—Between seven and eight hundred delegates among whom are scores of colored men who have made a success in commercial enterprises and others who represent prosperous towns controlled entirely by negroes, are attending the twelfth annual meeting of the National Negro Business League, which was opened in this city today. Booker T. Washington is the president of the league, the object of which is to inform the world of the progress the negro is making in business and to stimulate local business enterprises among the members of the race. The present meeting will continue its session until Saturday. This progress being made by the negroes of Oklahoma has induced the officers of the league to set aside tomorrow morning as Oklahoma day, when delegates from that state will tell of the growth and prosperity of the town of Boley, which is inhabited and controlled entirely by negroes. One of the evidences of the town's prosperity is found in the fact that it has just installed a \$25,000 light and power plant.

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# WHAT SMALLPOX COST THE STATE

### Board of Health Issues Statement About the Disease

## FEELING HIGH IN MARTIN

### But Sheriff Holds the Situation Well in Hand—Shooting Was a Result of the Policeman Having Arrested the Negro on Blind Tiger Charge Previous to Tragedy.

Raleigh, Aug. 17.—Dr. W. S. Rankin, secretary of the North Carolina board of health, gives out a statement showing that there are 72 foci of infection in smallpox in the state between October and February last, that is cases that made independent appearance in the state and that from these there developed 915 cases that cost the respective counties \$9,775, or \$150 per case. This shows 12 5-7 cases developed from each foci. He gives a tabulated statement showing that in the cost of smallpox in the state, Wilson led with 17 foci, costing the state \$2,550, and Forsyth is second with 16 cases and cost of \$2,400. Wake is next highest with 4 foci that cost \$600, and the others of the 26 counties included in the report show from one to three foci and correspondingly low costs of treating the cases. Furthermore, it is shown that Virginia cost this state two foci and \$600, Georgia four foci and \$600. He says the most remarkable control of the disease was in Gaston county, where Dr. L. N. Glenn had six independent foci of the disease and not a single additional case developed from either of them. Also in Guilford county County Superintendent Edmond Harrison had nine foci of infection and only 33 cases developed. This, Dr. Rankin says, is especially remarkable in that Greensboro and Guilford are in such close touch to Forsyth county which was next to the most dangerous county in the report from the viewpoint of spread of the disease.

### Cord Tied Around Leg Just Above Ankle Said to Prevent Cramp.

It is hardly possible to pick up a newspaper these days without reading of some unfortunate swimmer who has been attacked with cramps while in the water and lost his life as a result. This fact brought to the mind of a gentleman who has spent most of his life traveling abroad the curious practice of the divers and swimmers of Naples, who seek to protect themselves from cramps by tying a piece of cord around the leg just above the ankle. That cord is considered the most essential part of a hater's costume in Naples, especially among those who are compelled by their occupation to remain for some time in the water.

The idea is not new. It has come down through the centuries from the time when the ancient Roman pearl divers used the same sort of a preventive. It was necessary for the pearl divers to remain under water two minutes or more at a time, yet the somewhat tightly tied cord was thought an efficient protection against the cramping of the muscles in the leg.

## Pennsylvania Democrats Active

Harrisburg, Pa., Aug. 16.—The members of the Democratic State Central Committee assembled here today for a meeting, the purposes of which are to consider proposed changes in the party rules, to be recommended to the next State Convention for its approval, and to carry out plans for the redistricting of the state, so as to abolish the nine districts now existing and to establish 22 divisions, one for each congressional district.

## Mr. Harper Ill.

Mr. E. W. Harper, who is sick at the home of his sister in Durham and having resigned his position as manager of Orphan Asylum printing office, is succeeded by Mr. Fowler, of Greensboro. Mr. Harper is a capital printer and has served the asylum faithfully and well, and we wish him an early restoration to health.—Oxford Banner.

## One subscription this week may be worth two next week.

# CHIEF OF POLICE KILLED BY NEGRO

### Williamston Officer Shot Down on Streets

## FEELING HIGH IN MARTIN

### But Sheriff Holds the Situation Well in Hand—Shooting Was a Result of the Policeman Having Arrested the Negro on Blind Tiger Charge Previous to Tragedy.

Rocky Mount, Aug. 16.—W. R. White, chief of police of Williamston, N. C., was waylaid and shot twice in the back by a negro named Grant Bagley, at 8:45 last night in front of the Martin county court house at Williamston and died six hours later.

The negro was captured within twenty minutes of the shooting and lodged in Martin county jail. The shooting is believed to have been on account of the negro's arrest recently on a blind tiger charge, he having at that time been out on bond.

Feeling is high in Martin county, though Sheriff B. C. Crawford, has thus far been able to cope with the situation. The guard at the jail was increased this morning.

The negro used a double barrel shot gun loaded with buck shot. As the chief was making his night rounds the negro stepped around the corner and fired twice without saying a word, according to an eye witness of the affair.

The dead officer identified the negro, who was taken before him shortly after the shooting.

## DR. TUCKER LOCATES HERE

### WILL PRACTICE OSTEOPATHY WITH HIS BROTHER

Dr. S. W. Tucker, of Greensboro, brother of Dr. A. R. Tucker, of this city, arrived in the city this morning and will make his home here in the future. Dr. Tucker was once a citizen of Durham, but some years ago moved to Greensboro, where he took up the work of osteopathy. While in Greensboro, Dr. Tucker accumulated a large practice and was very popular with the Gate City people.

Since leaving this city Dr. Tucker's brother, Dr. A. R. Tucker, has had such a large practice that upon him that help was needed so his brother has decided to come to this city to make his home in the future. He will be associated with his brother in the Trust building, and has purchased a home at No. 612 Mangum street.

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