

\$1.00 a Year.

"This Argus o'er the people's rights
Doth an eternal vigil keep;

No soothing strains of Maia's son
Shall lull its hundred eyes to sleep."

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VOL. XXII.

GOLDSBORO, N. C., THURSDAY, DECEMBER 12, 1907.

NC. 25

THAT \$30,000 FINE.

A Digest of the Supreme Court's Opinion.

Judge Brown in His Concurring Opinion With the Majority of the Court Takes Issue With Chief Justice Clark's Dissenting Opinion as to Calling the Legislature in Extra Session.

As published in our telegraphic reports yesterday afternoon, the Supreme Court has reversed Judge Long, of the Superior Court, in the matter of a \$30,000 fine imposed on the Southern Railway Company for selling passenger tickets at a rate in excess of 2 1-4 cents, the State rate. At the same time the opinion affirms the act of the court and the constitutionality of the legislative act in prescribing punishment of agents and officials of the road for selling tickets at an excess rate, the bringing of penalty suits for \$500 each by individuals against the corporation for violating the law, and holds that the Federal Court has no authority to issue an injunction against bringing suits, criminal or civil, against the railroad, as it would, in thus enjoying a criminal action, be bringing a suit against the State, which is forbidden by the United States law, as the act of the Legislature was self-operating as to passenger fares and required no action on the part of the State officials.

The opinion is that of four justices of the Supreme Court and is dissented from by Chief Justice Clark, who holds that if an agent can be fined or imprisoned the railroad can also be fined as a punishment for its acts in causing an agent to sell tickets at illegal rates. In his dissenting opinion he intimates that the Legislature should be called together in special session so as to make the act so explicit that the railroads can be punished by fines.

Associate Justice Brown in a concurring opinion with the court says that there is no need of an extra session of the Legislature; that if the act as it stands is enforced the railroads could not stand a week's violation of it.

The opinion sets out the following four points:

First—That there was no error in Judge Long compelling a trial on the case.

Second—That the Federal Court injunction was no defense to a criminal action, no power lying in the Federal Court to enjoin a criminal prosecution.

Third—That the rate law was self-executing in effect, and that no suit against the State will hold in defiance of the eleventh amendment to the Constitution.

Fourth that where a civil penalty is prescribed against a corporation, followed by the creation of a criminal offense against the agents of the corporation, the civil penalty first prescribed relieves the corporation of punishment by indictment under the criminal offense created against the agent.

The court holds that the defendant received an absolutely fair trial before Judge Long, but that there was no criminal offense charged in the bill of indictment against the Southern Railway Company, the offense of selling tickets over the 2 1-4 cent rate being charged against Ticket Agent Green, who was punished by fine.

The act of the Legislature prohibits a charge above 2 1-4 cent per mile and then provides, section four, that any railroad company violating the provisions of the act shall be liable to a penalty of \$500 and the agent is guilty of a misdemeanor. The doctrine is that where an offense is created by statute and the same statute prescribes the penalty, or the mode of procedure, only that indicated by statute shall be followed.

But where the offense is at common law, statutory provisions not directly repugnant to the common law are cumulative and either law may be followed. Where an offense is prohibited, but is silent as to any penalty, an indictment will lie, but where an offense is prohibited and a penalty is imposed, no indictment will lie, and hence the judgment of the lower court is reversed.

Special Sale of Statuary for next 15 days. A large assortment to select from at one third off regular prices. Every piece marked in plain figures. This is a chance to secure a bargain in this class of goods.

Andrews & Waddell Furniture Co.

NORFOLK AND SOUTHERN.

Light Is Breaking, and It Is Sincerely Hoped the Highest Anticipations of the Management of the Norfolk and Southern Will be Fully Realized.

The Providence (R. I.) Journal contains the report of the temporary receivers of the Union Trust Company. The report declares against a permanent receiver for the properties involved, and expresses the belief that if the company can resume with depositors trustful of the outcome the capital would be unimpaired, and that with a discontinuance of the financial depression the patrons should realize at least 80 per cent on claims. The report also shows the connection of the Union Trust Company with the Norfolk and Southern Railway, from which the following extract is made, and is of peculiar interest to Newbern and Eastern North Carolina people:

"The largest item in any schedule is the Norfolk and Southern Railway Company carried at \$2,011,000. The condition of this investment has called for the careful consideration and perhaps radical action of the receivers, and parties in interest have the right to the fullest possible disclosure with reference to it. It is an underwriting, so called. In March, 1906, an organization was formed to acquire the stock and securities of four railroads and three lumber companies located in Virginia and North Carolina. It was estimated that \$16,000,000 was required for the purpose and for the development of the properties. That amount was subscribed by some 200 underwriters, some of whom paid their subscriptions in full and some in installments, the syndicate managers raising the unpaid balance by a loan. The Union Trust Company paid in \$1,000,000 and the Manufacturers' Trust Company \$1,000,000, giving the Union Trust Company, after the merging of the two corporations \$2,000,000, and making it the largest single underwriter. For this payment it became entitled to receive \$1,750,000 in bonds of the new railroads, \$500,000 in preferred stock, and \$1,000,000 in common stock, in all \$3,350,000 of securities, which are now in the hands of the receivers. It is an undesirable investment for a trust company. The properties were acquired and the work of extension has been going on. The properties are undoubtedly valuable, the roads are in operation, they are said to be earning their fixed charges, and some of them earning more, and the extensive timber lands are among the best and the most available in the country. The cost of the improvement, however, was underestimated, the money is exhausted, the work of extension has been stopped, and the properties were threatened by the demands of unpaid creditors. Almost the first document which was brought to the attention of the receivers upon their appointment was an urgent appeal from the syndicate managers that the underwriters subscribe in proportion to their holdings to at least \$1,000,000 of three-year collateral trust notes to be secured by underwriting securities of the chief railroads in the system, and equipment mortgage bonds, as the only means of averting certain loss, a possible sacrifice of all they had invested, and a threatened receivership. The amount demanded from the Union Trust Company was \$125,000.

"The receivers went to New York, conferred with the other parties chiefly interested, and satisfied themselves as far as was possible without actually seeing the properties of the inherent value of the enterprise, of the absolute necessity of raising further money, and of the impossibility of doing this by the sale of notes in the market under present conditions, and market under present conditions, and further, that the notes to be purchased by the underwriters were well secured. Upon their return they put the matter before the court and obtained authority to invest \$125,000 of the funds in their possession in the purchase of such collateral trust notes at 90 per cent of their face value, upon receiving assurance that the first million dollars to be received from the sale of such notes should be used for the relief of the railroad company from its pressing necessities. The purchase of notes to the amount of \$138,888 has been made upon these terms, and some \$700,000 has already been assured to the company with the promise of the full amount required. The present danger of the entire loss or great depreciation of the \$2,000,000 investment has been averted and the future of the enterprise will depend upon the efficiency of the management and the general condition of business as affecting the money market. The receivers, while loth to take this money from the depositors, believe that under the circumstances it was not only justifiable, but absolutely necessary, and that it would have been criminal to have let the property be sacrificed by a refusal to cooperate."

The foregoing indicates that light is breaking, and it is sincerely hoped the highest anticipations of the management of the Norfolk and Southern will be fully realized.

ON RIVERS AND HARBORS.
The Present Convention Will Neither Advocate Nor Consider Any Special Projects for River and Harbor Improvement.

(Special to The ARGUS.)

Washington, Dec. 4.—With an attendance that includes the governors of several States, the mayors of a number of cities and representatives of trade and business organizations in every section of the country, the National Rivers and Harbors Congress assembled in this city today and will remain in session until Saturday. The congress, owing to its representative character and the prominence and influence of the participants, promises to give a fresh impetus to the popular demand for inland waterway and harbor improvements. Joseph E. Kinsdel, of Louisiana, is president and J. F. Ellison, of Cincinnati, is secretary of the congress.

The present convention will neither advocate nor consider any special projects for river and harbor improvement. It will stand for a broad and liberal policy by the national government for all such improvements as have been favorably passed upon by the Board of the United States Engineers and by them recommended to the Congress of the United States. The convention will demand that a more liberal proportion of the revenues derived from commerce by the government shall be expended on improving the natural waterways. Heretofore that proportion has been 3 per cent.

By declining to consider any improvements that have not gone through the regular channels of the War Department and Congress, the convention proposes to avoid difficulties that would otherwise arise. The rivers and harbors have many strong advocates in Congress, including the Speaker of the House, and President Roosevelt has declared his intention to do all he can to advance improvements of waterways.

Women as Well as Men Are Made Miserable by Kidney Trouble.

Kidney trouble preys upon the mind, discourages and lessens ambition, beauty, vigor and cheerfulness soon disappear when the kidneys are out of order or diseased. Kidney troubles have become a prevalent ailment for a child to be born afflicted with weak kidneys. If the child urinates too often, if it screams the flesh or, when the child reaches an age when it should be able to control the passage, it is yet afflicted with bed-wetting, depend upon it, the cause of the difficulty is kidney trouble, and the first step should be towards the treatment of these important organs. This unpleasant trouble is due to a diseased condition of the kidneys and bladder and not to a habit as most people suppose.

Women as well as men are made miserable with kidney and bladder trouble, and both need the same great remedy. The mild and the immediate effect of Swamp-Root is soon realized. It is sold by druggists, in fifty-cent and one dollar sizes. You may have a sample bottle by mail free, also pamphlet telling all about it, including many of the thousands of testimonial letters received from sufferers cured. In writing Dr. Kilmer & Co., Binghamton, N. Y., be sure and mention this paper.

Don't make any mistake, but remember the name, Swamp-Root, Dr. Kilmer's Swamp-Root, and the address, Binghamton, N. Y., on every bottle.

A few more of those large size Tapestry Brussel squares at \$13.50. Other grades up to \$50.00. Don't fail to see these if you want a large rug.

Andrews & Waddell Furniture Co.

THE PRESIDENT'S MESSAGE.

It is an Able Document, Comprehensive in Its Discussion of Public Affairs and Concise in Expression of Policies Advocated.

(By Special Wire to The ARGUS.)

The message of President Roosevelt was read in both houses of Congress yesterday, and it is an able document, comprehensive in its discussion of public affairs and concise in expression of policies advocated. In some views it is radical in the extreme and in this regard will hardly meet either the cordial support or ephemeral endorsement of his party's leaders, either in political office or trust combines.

The message advocates more power for the federal government, which, of course, will be pleasing to his party in general that stands for centralization of power.

In beginning the document, the President refers to the money situation. "No nation has greater resources, greater energy and industrial intelligence than ours," he says.

On the subject of interstate commerce, the President says that there must be no halt in the healthy constructive course of action which this nation has pursued for six years. As to the railroads, the President thinks there should be a national incorporation act or law licensing railroad companies to engage in interstate commerce upon certain conditions.

There should be additional legislation looking to the control of great business concerns engaged in interstate business. The anti-trust law should not be repealed, but should be made more efficient and more in harmony with conditions.

The message favors broadening the powers of the Congress, giving it supervision over big business corporations, pointing out that in the recent crisis the institutions that failed were those which were not under national supervision.

The president says there must be the closest co-operation between the State and National Governments in enforcing the pure food laws. Greater elasticity of currency, and the immediate enactment of currency legislation is touched upon, and action urged thereon.

Regarding the tariff, the message says that this cannot be revised now. When our tax laws are revised the question of an income tax and an inheritance tax should receive careful consideration by our legislators. The tax should be heavier upon those residents without the country than within it. In connection with the enforcement of the laws, the President says the course of the Department of Justice has been such that no man now stands above the law.

The question of injunctions, he says is becoming one of prime importance, and unless the courts will deal with it in an effective manner it is certain to demand some form of legislative action.

THE LATEST FADS AND FASHIONS.

(Special to The ARGUS)

A novelty veil of pale blue chiffon was bordered with pale variegated flowers above the hem of solid black.

A pretty ruff for the neck was of dark blue malmé plaited, and in the center of the pleats were tiny white spots.

Very pretty dancing frocks are made of white silk dotted net over pale tinted silk trimmed with wide lace formed into a fichu.

Lace blouses are the present fashion, some of coarse mesh, others of fine, and the trimmings are of Valenciennes or ruffles of Cluny lace.

The empire effect is brought out in many evening gowns by the slightly raised line in the back. Empire girdles are very much in vogue.

The diamond horseshoe brooch is very popular to fasten the jabot or to pin the collar in place. Some of these are two or more inches high.

The deep facings on the bottom of skirts have been in matching colors with the skirt, but now a white skirt may have a hem of Nattier blue.

New French veils in plain or dotted net show wide borders or silk embroidery. A veil of dotted net had a band of Chantilly lace and a flounce at the edge.

Long separate coats of black broadcloth are artistically trimmed with fine braiding. Some have the collar and cuffs of fur while others are of black velvet.

New York, Dec. 7.—A very novel dress trimming is made of round discs of velvet buttonholed on the material, and connected by three rows of narrow velvet ribbon.

Marabout sets consisting of muff and neck-piece are much worn. They come in black, white and many shades of brown. Wide feather boas with shaded tips are lovely.

A lucky brooch is a four-leaved clover of green enamel, with a horseshoe of gold set in the center, and inside the horseshoe is the popular swastika design set in tiny pearls.

Coral is very fashionable. A new necklace was seen of alternate gold and coral beads, and there are many of plain coral. Gold pendants shown in dainty designs are set with coral.

Tailored shirt waists of madras in white or colors are to be worn this winter with tailored street suits. The cuffs on these waists are usually plain, made to fasten together with link buttons.

Gloves for evening wear are hand-embroidered and inset with dyed laces. The embroidery is done in fine beads of some pale shade. Turquoise and pink are especially lovely on white gloves.

New hair ornaments are made of dull gold in the shape of lilies and roses. Also dotted tulle bound with velvet and wired into different shapes, or bows of gauze bound with white satin.

An afternoon gown of smoke gray marquisets was trimmed with heavy lace dyed to match, and the yoke and sleeves of white silk and chiffon were embroidered with gold and silver thread.

Stripes and checks are still much in evidence, but the self-colored materials are in the front because they may be decorated with embroidery and braiding, and this is a very important feature of the season.

Tobac-colored French broadcloth makes a charming evening cloak, and the lining should be a yellow flowered chine silk. Passementerie ornaments in self-color and golden brown velvet are correct for trimmings.

The correct footwear for winter street wear is the high button tan boot. Gray or green boots to match the suit are very smart for afternoon street wear, or boots with colored tops that match either the gown or hat.

Guimpes of silver and gold cloth are lovely. A little necker can be worn over any fancy jumper or blouse and gives a dressy air to a gown. A large silver ornament should be worn at the throat with a guimpe of silver cloth.

Sets of jewelry are shown with the stones matching and consists of a necklace, earrings, bracelet, ring, barette for the hair, and a belt buckle set with one immense stone. Topaz and Chinese jade are the most popular stones used in these sets.

Complete External and Internal Treatment for Every Humour of Infants, Children, and Adults consists of Cuticura Soap (25c.) to Cleanse the Skin, Cuticura Ointment (50c.) to Heal the Skin, and Cuticura Resolvent (50c.) for the Purification of the Blood; also the Cuticura Sundrying Syringe (25c.) Sold throughout the world. Potter Drug & Chem. Corp., Sole Props., Boston, Mass. See Mailed Free, Cuticura Book on Skin Diseases.

NOTICE.
Having qualified as Administrator, cum testamento annexo of B. F. Arrington, deceased, late of Wayne county, North Carolina, this is to notify all persons holding claims against the estate of deceased to exhibit them to the undersigned on or before the second day of November 1908, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment. This 1st day of November, 1907.

E. B. DEWEY

Administrator cum testamento annexo.

Subscribe for the ARGUS.

SHOT WIFE DEAD.

Tragedy in Crowded Railway Train To-day.

Famous Trapper After Making Sensational Statement Shoots Himself as a Fit Finale.

(By Special Wire to The ARGUS.)

Norfolk, Nebraska, Dec. 6.—In a railway coach filled with passengers today V. B. Nethaway, a noted trap shooter, shot and instantly killed his wife and then sprang from the train.

After phoning to his mother he said the only regret he had was that he had not killed Senator Allen, former United States Senator of Nebraska.

After making this statement he shot himself dead.

ELECTION OF OFFICERS.

The Woodmen of The World Elect Officers For the Coming Year.

At the regular meeting of Magnolia Camp, No. 100, W. O. W., last night, the following officers for the coming year were elected:

Consul Commander—J. W. Whitley.
Adviser Lieutenant—J. D. Sadler.
Clerk—W. M. Smith.
Assistant Clerk—Seth Horton.
Banker—B. W. Dail.

Escort—E. J. Spiers.
Watchman—Hab Pate.
Sentry—Jas. Howell.
Manager for Three Years—Geo. E. Hood.

This Camp of the Woodmen of the World is in a most flourishing condition, and new members are being admitted at almost every meeting. Its officers are men of sterling integrity, and therefore the continued success of the Order is an assured fact.

After January 1st, the Order will meet in the Jr. O. U. A. M. hall, instead of over the Palace Drug Store.

HEMORRHOIDS SORES AND ECZEMA

Accompanied by Terrible Itching—A Complicated and Most Distressing Case—Well-known Remedies Failed to Cure—Doctor Thought an Operation Necessary—Then

CUTICURA PROVED ITS WONDERFUL EFFICACY

"I am now eighty years old and one morning, three years ago, I was taken with a hard pain in my right side. In two days I had an attack of piles (hemorrhoids), bleeding and protruding. The doctor gave me some medicine and an ointment for the pain which helped me some but I had to keep using them all the time. Then I changed to the P—remedy; but if I did not use it every day, I would get worse. The doctor said the only help for me was to go to a hospital and be operated on. At this time, about a year ago, I went to using the S—remedies. I tried them for four or five months but did not get much help for my piles. During this time sores would come on a fleshy part of my body. They bothered me all the time. I would get one healed and another would come. These sores changed to eczema, accompanied by a terrible itching. It seemed as if I could not keep my hands from tearing my flesh. This and the pile trouble brought on an inflamed condition. Then I got the Cuticura Remedies. I washed the affected parts with Cuticura Soap and warm water in the morning, at noon, and at night, then used Cuticura Ointment on the irritated surfaces and injected a quantity of Cuticura Resolvent Pills three times a day. It took a month of this treatment to get me in a fairly healthy state and then I treated myself once a day for three months and, after that, once or twice a week. It is fortunate that I used Cuticura. The treatment I had tried took a lot of money that I would have saved by using Cuticura Remedies sooner, but I am wiser now. I am supplied with a full set of the Cuticura Remedies and would not feel safe without them. J. H. Henderson, Hopkinton, St. Lawrence Co., N. Y., Apr. 26, 1907."

Complete External and Internal Treatment for Every Humour of Infants, Children, and Adults consists of Cuticura Soap (25c.) to Cleanse the Skin, Cuticura Ointment (50c.) to Heal the Skin, and Cuticura Resolvent (50c.) for the Purification of the Blood; also the Cuticura Sundrying Syringe (25c.) Sold throughout the world. Potter Drug & Chem. Corp., Sole Props., Boston, Mass. See Mailed Free, Cuticura Book on Skin Diseases.

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