THE WEATHER TODAY:
For the State,
Fair; warmer.

The News and Observer.

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BURTON LOOKS AT DOLLARS, SICKENS

Small Urges Necessity of Inland Waterway.

MR. SIMMONS SPEAKS

Replies to Recent Speech of Spooner, Showing How Postoffice Investigation Was Discouraged--- What Kind of President Do We Want?

(By the Associated Press.)

Washington, April 11.—The House today passed the bill reported by the Committee on Rivers and Harbors appropriating $3,000,000 for the restoration or maintenance of channels, or of other river and harbor improvements. Mr. Burton, chairman of the committee explained its provisions and urged the adoption of settled principles with regard to river and harbor work with the view to considering each project according to its merits.

Mr. Burton said the amounts expended for rivers and harbors when the vast extent of our waterways was considered was very small. He favored the adoption of a policy of pushing matters to completion as rapidly as possible, and declared that Congress should not undertake anything which could not be completed within a reasonably short time. The system pursued in the United States, he thought contrasted most unfavorably with systems of foreign countries. The one great defect in our system was the insufficiency of the engineering corps of the army.

Mr. Burton favored the policy of requiring communities interested in river or harbor improvements to participate in the expense and said that preference should be given to channels and harbors benefiting a great area.

Discussing the question of inland waterways, Mr. Burton called attention to the vast sums, amounting to many millions of dollars, which would be required to construct them, and declared that the adoption of any one of them would furnish a precedent for the adoption of all.

In favoring broad and liberal treatment of rivers and harbors, Mr. Ransdell (La.), a member of the committee, said he would support a bill carrying $100,000,000 because the people now are ready for it and would applaud its passage He regretted the present measure simply was an emergency one. The American peole, he said, are not afraid of large sums, but rather like them. He charged that the Republicans had been lavish and even reckless of expense in all matters except river and harbor improvement and called attention to the hundreds of millions which he said, had been spent in connection with the war with Spain and on "criminal aggression and passive warfare."

Mr. Humphries (Miss.), also a member of the committee spoke of the fallacy of the levee system in improving the Mississippi river, and said it was not possible for a levee or a system of levees to withstand ood such as occurred in 1897 and 1903.

General debate was closed by Mr. Small (N. C.), who spoke of the necessity for an inland waterway between Chesapeake Bay and Beaufort Inlet, N. C.

Mr. Clark (Mo.), called attention to the fact that the River and Harbor Committee was made up entirely of members living on the gulf coast, the Great Lakes or the ocean. Seven great States through which the Missouri river ows or passes are without a single representative.

He alluded to the acquisition by the United States of the Sondwich Islands, the Philippines, Guam and Porto Rico "on the pretext that homes are wanted for our children," and yet, he said, there is more farming land out of which to make such homes that is overowed and destroyed and made barrne by the oods of the Missouri river than could be found in all these islands. "Instead," he vigorously declared, amid applause, "of squandering money to hold the Filipinos in subjection, to educate the Hawaiians, and to carry the mail at an exorbitant price to the cannibals of the Fiji islands you better be taking care of this land you have got at home." After passing a number of minor bills the House adjourned.

Senator Simmons Answers Spooner.

(By the Associated Press.)

Washington, D. C., April 11.—The Culberson amendment to the Postoffice Appropriation bill, providing for a commission to investigate the Postoffice Department was before the Senate all of today and after being ruled out of order was pending in modified form when the Senate adjourned. Mr. Gorman made an earnest plea for an investigation, saying the Postoffice Department had cast reflections upon members of Congress and that a thorough examination should be had. Mr. Aldrich answered that the amendment as finally modified meant nothing; that if an investigation was to be had it should be "a live one." He said that if any specific charges were brought in they should be looked into by Congress, but that the demand should not be made a part of a general appropriation. Semi-political speeches were made by Messrs. Teller and Simmons.

Mr. Teller said Fourth Assistant Postmaster General Bristow had stated that Beavers got only $26,000 and Machen $20,000 and yet the government had been defrauded out of a total of $3,200,000. It was this amount in which there was interest. There was high authority for saying the Postoffice Department ought to be investigated further. The President and his two attorneys had said this. Yet, the Republicans of the Senate had begged the question and declared there was nothing further to be investigated.

Referring to the charge made a few days ago that the Democrats did not know who their candidate for the Presidency would be, Mr. Teller said:

"No, Mr. President, we do not know whether it will be Cleveland, Parker, Hearst or Bryan. The Democratic party never know who it is going to nominate until after its convention meets."

Mr. Simmons answered the recent speech of Mr. Spooner, who defended Postmaster General Payne from what he treated as an attack by Mr. Simmons in previous remarks. Mr. Simmons declared today that his remarks in relation to the reluceance of the Postoffice Department to undertake an investigation referred to hesitancy on the part of the former Postmaster General Smith and not to the present Postmaster General, Mr. Payne. He reiterated, however, his belief that the investigation had been delayed and also that the present Postmaster General had not treated fairly the offer of S. W. Tulloch to give testimony in regard to conditions in the department. This act of discouragement, said Mr. Simmons, was calculated to deter the work of unearthing the scandals in the department. Returning to his speech of a fortnight ago, when he referred to the selection by the Democrats of a candidate for the Presidency, Mr. Simmons said he had been charged with advocating the selection of a neutral man. He enumerated the qualifications he had demanded, such as a calm, well-poised disposition and mind, judicial and conservative temperament and asked whether that would be regarded as a neutral man. Turning to the Republican side, he said he supposed the candidate wanted was one who would overturn affairs of the twentieth century, make new laws when the present ones do not suit, and treaties with foreign countries without the advice or consent of the Senate. He said the country has witnessed the spectacle of a President had upon the one hand as a trust buster and on the other as a safe man for business interests. "We have had the spectacle of the only original trust buster, the Attorney General who has acted as lord high executioner, and a score or more assistants," said Mr. Simmons, and they have managed to find two trusts to prosecute."

Continuing, Mr. Simmons asked:

"What do the people want? A man who will execute their will or a man who will bend them to his will?"

Speaking of the demands for Congressional investigation of executive departments, Mr. Simmons said if it were found upon a thorough examination that the departments were free from frauds it would result in benefit to the Republican party and perhaps injury to the Democratic party.

Mr. Simmons reviewed the investigation in the Postoffice Department particularly in reference to the career of Mr. Machen. He spoke of Mr. Machen's alleged speculations and referred to the Bristow report to show that his interview was not bold until Mr. Heath became first assistant postmaster general. Mr. Simmons said that only three of the persons found to have been mixed up in the postoffice frauds were appointed under Democratic administrations.

Mr. Gorman made a plea for favorable action on the Culberson amendment, saying that the conditions in the department were such as to make an inquiry imperiative. He said that the report of the fourth assistant postmaster general practically charged members of Congress with being confederates of Machen and Beavers, and that on this account Congress could not, in justice to itself, refuse to make an inquiry. He quoted the President's memorandum in the Machen case, saying that it also raised a question as to the conduct of members and added that under these charges Congress could not afford to let the matter rest. The department's reflection upon Congress, he denounced as an "outrage," and said that instead of their being a question of politics involved, the honor and integrity of Congress was in question.

Mr. Aldrich replied:

"Give us an explicit charge and we will take it up."

Mr. Culberson said that if explicit charges were necessary they could be found in the case of the "Montague indicator, and in that of John W. Pettit." In the former case, there is said, according to the Bristow report, a mystery as to whether former First Assistant Postmaster General Heath had received two thousand of the shares of the stock of that concern. In the case of Pettit, that individual, it has been developed, had been on the pay rool of the Baltimore postoffice for four years without doing any work, and that it had never been shown whether he had been appointed to this wok by Mr. Heath or by Beavers.

Mr. Lodge said that both Heath and Beavers are out of the department, and that Beavers is under course of prosecution; hence he did not consider the charge of a character to effect the present conduct of the department. He considered the character of the charges as conclusive in showing the demand for an investigation to be a sham. After some further discussion the Senate adjourned.

The Palmettos Goose Egged.

(Special to News and Observer.)

Charlotte, N. C., April 11.--Davidson College defeated the South Carolina College at baseball this afternoon by a score of 13 to 0. The entire game was a one-sided affair, and little enthusiasm was the result. The South Carolinians were clearly out-classed at every point. The score by inning was as follows:

Davidson .. ..0 5 0 4 3 1 0 0 x—13
South Carolina .. ..0 0 0 0 0 0 0 0 0— 0

Davidson got 15 hits to South Carolina's 2 and one error to 8 for South Carolina. Davidson plays Clemson next Monday.

A TRUST BUSTER! LORD DELIVER US

Give Us Teddy's Antithesis, Says Simmons,

SERVING THE PEOPLE

Not a Wild Rider Over Treaties Who May Bring All Combines to Trial Within the Next Two Hundred Years.

(Special to News and Observer.)

Washington, D. C., April 11.—In course of some remarks in the Senate this afternoon, Senator Simmons again declared his belief that the hope of the Democratic party in the next campaign lays in the nomination of a man who is the antithesis of the present occupant of the White House.

"I ventured, in a speech last week, to describe the kind of man that I hoped and believed the Democrats would nominate for President. The Senator from Wisconsin (Mr. Spooner) in a speech Saturday intimated that my remarks pointed to a very distinguished citizen who has been mentioned for the nomination and he added that what the Democratic party wanted was a neutral man."

Without satisfying the curiosity of his hearers as to whether or not he really did mean Judge Parker, as Mr. Spooner had suggested, Mr. Simmons continued: "I said a man of calm judicial temperament. Is that a neutral character? A man of conservative disposition, a man of equable and well-poised mind and character. Are not those qualities suited to a President? They were quanties good enough in the days of Washington, Jefferson, Madison and the Adamses. They were qualities good enough in days when Presidents contented themselves with executing the laws as they found them and left Congress to pass them.

"But they are hardly qualities that suit the man who, when the laws do not suit him, has the grit to change them; who, when he wants to make a treaty with a country and cannot get that country's consent comes boldly forward and declares he was about to propose to Congress that he be allowed to proceed, treaty or no treaty."

Continuing his criticism of Mr. Roosevelt, Mr. Simmons referred to his "trust-busting pretensions," and asked: "What is the spectacle this country witnesses today? A President held up as a genuine trust-buster, while his Attorney General, with half a million dollars at his disposal for prosecution of the trusts, claps these self-same trusts on the back and assures them this administration does not intend to 'run amuck,' trust-busting."

Mr. Simmons said that with half a million dollars and every possible facility at his disposal for prosecuting of the trusts, Mr. Roosevelt's Attorney-General had finally succeeded in bringing two trusts to trial. "Two in two years, an average of one a year," he exclaimed. "At that rate the two or three hundred really big trusts in this country can all be brought to trial by the Republican party in the next 200 or 300 years, if no more are born in the meantime."

"I do hope," he added, "that the Democratic party will have the good sense to nominate a man who is the antithesis of the man now in the White House."

Representative Small has been notified by the Postoffice Department that on August 1st, next, a city delivery service will be established in Elizabeth City.

FRED L. MERRITT.

SOLD WHISKEY WITHOUT LICENSE.

Digging Foundation For Union Depot. Deed of a Miscreant.

(Special to News and Observer.)

Durham, N. C., April 11.—For selling whiskey without license H. Blume, a Hebrew, was before the mayor this morning on four charges. He was sent over to the Superior Court in each case, the total bond being $300. Blume does business near East Durham, living in the store building. If the story that has been gathered in fragments by the officers and put together by the State in the trial this moring is true it seems that he has been conducting a bar-room as a side issue. He gave bond.

Mr. R. H. Wright has gone to Europe on a business trip. This trip will make the sixty-sixth time Mr. Wright has crossed the Atlantic.

An adjournment meeting of the County Commissioners was held this morning at which time a jury was drawn for a special term of civil court to be held early in May. At the last term of court Judge Cooke adjourned at the end of the first week in order to get out of Durham, fearing smallpox. He is to come back and complete the term, holding a special session. An appropriation was also made by the commissioners to the two military companies and the three fire companies, this covering the poll tax of the members.

The work of digging the foundation for the Union Depot Station is being pushed very rapidly.

A few days ago some miscreant went to the city reservoir, several miles from the city, and dropped several large rocks into the pipe that delivers the water supply from the pumping station. These rocks went down in the pipe and so clogged the delivery that a portion of the piping was blown from the ground. The damage is costly but will not cut the supply materially as there is sufficient water in the reservoir to furnish the city until the damage is repaired.

SHE IS MRS. IRWIN AVERY.

The Court Grants Miss Johnson's Request to Bear the Name of Her Dead Betrothed.

(Special to News and Observer.)

Morganton, N. C., April 11.—Miss Nancy Forney Johnston, the fiancee of the late Irwin Avery, filed a petition, on the assembling of court on Monday morning, before His Honor, Judge Shaw, for leave to change her name under Section 3302 of the Code so that she might assume the name of Mrs. Irwin Avery, a name which she had hoped to assume on the 28th of the month and both looked forward to it with so much happiness and joy. His Honor granted the petition.

MARKS A NEW ERA

Free Mail Delivery Begins at Elizabeth City This Summer.

(Special to News and Observer.)

Elizabeth City, N. C., April 11.—Commencing August first, free delivery of mail will be established in Elizabeth City. For several years a persistent effort has been made to have the postoffice establish a free delivery here, and the Chamber of Commerce and Congressman Small have labored very earnestly and faithfully to this end.

It was thought by many that it would be established last year but for some reason it was delayed. Today Congressman Small was notified by Fourth Assistant Postmaster General Bristow that the department had decided to establish free delivery of mails here, commencing August first. The matter has been definitely decided and an order has been issued by the authorities to that effect. This announcement will no doubt be greeted with pleasure by all, for it is now an assured fact.

THE NEW RAILROAD

The Raleigh and Pamlico Soon Works into the City of Raleigh.

The Raleigh and Pamlico Sound Railway is pushing straight along in its work.

Capt. W. J. Bradshaw and Capt. J. C. Lashley, who are at work on the road, were in the city yesterday, and they say that soon the force at work will be on the edge of the city of Raleigh.

Work has been going on for some time beyond the Neuse river, and in a few weeks, by the first of next month, the grading of the road will be completed as far as the river, about four and one-half miles from the start.

When this is done then the force will be moved to the edge of Raleigh, and will work from here back to the river, a distance of about six and one-half miles. This work near the city limits is expected to begin about the first of next month, when the 105 hands now at work will be moved here.

As the work is done the track will be laid, so that rolling stock and an engine can be used, that supplies and material may be carried forward for road use and for building a bridge over the river.

Nearly four miles of road have been graded, and some deep cuts have been made, the force having to go into the rock. At some places the cuts already made are from sixteen to nineteen feet deep. When the link between Raleigh and Neuse river has been graded there will be eleven miles ready for the ties and rails.

The road is expected to come around the northern limits of the city, across the Devereux lands, and across the Seaboard Air Line track to North West street. No definite information has been given out, but it is supposed that the road will arrange for its trains to come into the Union Depot over the Seaboard Air Line tracks.

The road is pushing forward and in about six months it is expected that the eleven miles referred to will be ironed, and that trains will be running over a portion of the distance, as far as the river.

The shops of the road, it is rumored, will be located in Raleigh and in Washington. Things are in good shape, and the road is being built. That is pleasant news to Raleigh and to eastern North Carolina, for after awhile, whether there is or is not a Selma connection people from the east can reach Raleigh by a quick and direct route.

To Rebuild School.

Superintendent J. A. Boldin, of the Boomer Graded School, in Wilkes county, whose building was burned, is in the city to solicit subscriptions for the rebuilding of the school. The new building will cost about $2,500, and Superintendent Boldin has already raised about one-half of this amount in the other cities. He will be here until Tuesday or Wednesday.

RUSSIA MOVES AS A GREAT GLACIER

Late in the Summer She Will Strike.

HALF A MILLION MEN

This is the Number Kuropatkin Calculates on Getting in the Field at the Time of the Arrival of the Baltic Fleet.

(By the Associated Press.)

St. Petersburg, April 11.—Exceptionally reliable information regarding the Russian military plans confirm the repeated announcements made by the Associated Press that these plans will not mature untill late in the summer. They are of far greater magnitude than is generally believed abroad and take into account all possible contingencies.

General Kuropatkin, remembering the experience of Russia during her war with Turkey, with the Russian army of 30,000 placed in the field at the beginning, had to be more than doubled, has insisted that the men and guns to be placed at his disposal shall cover the extreme limit required to settle the fate of the campaign.

The Russian plans are predicated upon Napoleon's dictum that "God fights on the side of the heaviest battalions," and they are being worked out and timed so as to apply a superiority of numbers on land and sea simultaneously. The army is designed to attain the enormous total of half a million at the time scheruled for the reinforcement of Vice Admiral Makaroff's fleet with the Baltic squadron. The seventeenth and tenth army corps now drafting are expected to reach Manchuria by the middle of June. The mobilization of four other corps at least two of which will be from the Volga, will be announced by the middle of next month, and will start eastward a month later, reaching their destination at the end of August.

Rear Admiral Rojestremsky will hoist his flag as commander of the formidable Baltic scuadron early in July and will sail immediately for Port Arthur with the following vessels:

The battleships Slava, Borodino, Orel, Kniaz Souvaroff, Alexander III, and Osliabia, the last named being now enroute here rom Cherbourg; the cruisers Aurora, Dmitri Donskoi, Svietland, Almaz, Jemtchug and Izumrud, and the transports Kamtschatka and Ocean, each carrying 1,000 tons of coal. The conveyors ordered in the United States are expected soon and they will enable the squadron to coal at sea. The last possible difficulty regarding the passage of the Suez Canal disappeared last week with the signing of the Anglo-French colonial treaty, by which Great Britain adheres to the convention of 1888 concerning the free passage of the canal.

Exchanges of Shots at the Yalu.

(By the Associated Press.)

Paris, April 11.—A dispatch to the Temps from St. Petersburg today says some further exchanges of shots have occurred between the Russian and Japanese forces along the borders of the Yalu river. Vice Admiral Makaroff, the dispatch adds, is inspecting the outlying defenses of Port Arthur.

St. Petersburg, April 11.—General Kuropatkin is proceeding on an inspection of the outposts along the Yalu river.

General Rennenkampff's Cossack division, numbering 10,000 men, has arrived on the upper Yalu river.

The fourth army corps reached Harbin ten days ago.

Vladivostock is held by 13,000 rifle men.

An officer and fifteen Cossacks who were left south of the Yalu to reconnoiter the Russians retired succeeded in locating the Japanese positions without discovery, swimming their horses a mile and a half in re-crossing the river.

Japan's First Army in Korea.

(By the Associated Press.)

Paris, April 11.—Official advice received today by the French government confirm the dispatches announcing that Japan's first army, consisting of four army corps, is now completely landed in Korea and that the second army, consisting of a similar number of corps is about to start. The points of debarkation of the second army are not known.

A Slayer of Men is Slain.

(By the Associated Press.)

Birmingham, Ala., April 11.—E. McDonald, a well known young man of prominent family, who has killed two men and figured in several sensational shooting affairs, was shot and instantly killed by Alex Lawson, an employe of the L. B. N. railroad, in a street fight tonight. Lawson was also shot and badly, though not fatally wounded.

Trinity High School Commencement.

(Special to News and Observer.)

Trinity, N. C., April 11.—The commencement of Trinity High School for this year, will be held on May 15th to 18th, inclusive.

Rev. T. A. Marr, of Charlotte, N. C., will preach the annual sermon on Sunday morning, May 15th, and Hon. R. B. Glenn, of Winston-Salem, has been secured to deliver the annual literary address on Tuesday morning, May 17th. Monday night and Wednesday morning will be given over to exercises by students of the school. On Wednesday night, the 18th, the annual social party will be celebrated.

PLEAD GUILTY TO RIOTING.

Mr. R. T. Gray's Illness Causes the Investigation to be Deferred.

(Special to the News and Observer.)

New Bern, N. C., April 11.—The criminal court of Craven county convened this morning, Judge Ferguson presiding, Solicitor Larry J. Moore as prosecuting attorney. The negro rioters of James City appeared in court, plead guilty to rioting, and also to asault and battery on Deputy Sheriff H. C. Stocks. The case will probably be disposed of Wednesday.

Owing to the illness of Mr. R. T. Gray, of Raleigh, who is a member of the investigating committee appointed by Governor C. B. Aycock to investigate the affairs of the A. and N. C. Railroad, the hearing was deferred today.

Dr. Munday, a native of North Carolina, an old actor and play-writer lectured in this city yesterday afternoon to men only.

FOR MABEL PAGE'S MURDER.

Arrest of Charles L. Tucker, Suspected of the Crime.

(By the Associated Press.)

West Newton, Mass., April 9.—After a baffling search of nine days for the murderer of Miss Mabel Page, who was stabbed to death in her father's house in Weston, on March 31, the State police arrested tonight Charles L. Tucker, a former railroad employe, who on Monday, apparently established an alibi as to his whereabouts on the day of the tragedy. Tucker will be arraigned Monday, charged with murder.

The attention of the police was again turned to Tucker, through the discovery that several of his statements by which he had proved an alibi were false, and tonight he was arrested. Last April while boating on the Charles river with his wife, the boat was overturned and Mrs. Tucker was drowned. The police made an investigation of the accident, but took no action.

Guilford Defeats the Mebane-Binghams

(Special to News and Observer.)

Guilford Station, N. C., April 11.—Guilford College defeated the Bingham (Mebane) school baseball team here this evening in a rather poor exhibition of the national sport. The game was free from kicking and was played in one hour. Guilford made six hits, one of which was a three-bagger, while Bingham only managed to connect one time. Struck out by Doak, three; by Howard, three.

Batteries: Guilford, Doak and Hobbs; Bingham, Howard and Norman. Score: 3 to 1.

Other Ball Games.

(By the Associated Press.)

At Charleston, S. C.: Atlanta (Southern), 6; Charleston (South Atlantic), 0.

(South Atlantic), Savannah 2; Jacksonville 1, (12 innings).

At Washington: Washington (American), 8; Georgetown, 2.

Here's a Sweet Hody Do.

(By the Associated Press.)

Birmingham, Ala., April 11.—B. B. Comer, candidate for president of the Railroad Commission, and E. A. Defuniak, agent for the local freight department of the Louisville and Nashville railroad, engaged in a fist fight in one of the polling places today. Both were badly bruised, but neither was seriously injured. The trouble grew out of an affidavit made by Defuniak in regard to statements made by Comer, which the latter characterized as false. Serious trouble was averted by the interference of friends of both men.

A Stroke of Paralysis.

(Special to News and Observer.)

Nashville, N. C., April 11.—Mr. M. W. Lincke, editor of the "Graphic," suffered a stroke of paralysis Saturday, and for some hours it was feared that it would prove fatal. He was taken home in an unconscious condition and ministered to by Drs. J. P. Battle and J. T. Strickland and their unremitting efforts were at last rewarded by an improvement in the patient's condition. His recovery afterwards became rapid and by Sunday afternoon it had proceeded so far as to admit of his being out again.

All For Parker.

(By the Associated Press.)

Indianapolis, Ind., April 9.—Democrats of the Seventh Congressional District tonight unanimously instructed for Judge Alton B. Parker, of New York, for President.

The resolutions say that Judge Parker is regarded as the most available man and that his nomination would command the enthusiastic support of all Democrats and of the independent voters of the country.

Wilmington, N. C., April 11.—Capt. W. H. Newell, of the Atlantic Coast Line, had his hand caught between bumpers at Castle Haynes, and the member was so badly crushed that amputation was necessary.

Waynesville, N. C., April 11.—A fire here has destroyed the Waynesville Steam Laundry, owned by Liner & Wheeler. The origin of the fire is not known. Loss will be near $2,000 on machinery and work in the house. No insurance.

FLUNG BACK INTO THE STATE COURTS

Minnesota Against Northern Securities Co.

VICTORY FOR STATE

The Supreme Tribunal of the Nation Holds That the Federal Courts Have no Jurisdiction, That it is a State Matter.

(By the Associated Press.)

Washington, D. C., April 11.—The United States Supreme Court today decided the case of the State of Minnesota vs. The Northern Securities Company and the Northern Pacific and Great Northern Railway companies involving the validity of the merger of the two railroad companies, holding that it was without jurisdiction and reversing the opinion of the court below.

Justice Harlan, who delivered the opinion, said that the Circuit Court should not have entertained jurisdiction in the case, the effect being to remand the case to the State courts.

Justice Harlan called attention to the fact that the proceeding was for the purpose of enforcing both the State laws and the Federal Anti-Trust act, saying that the Circuit Court could not have taken jurisdiction if only the State statutes had been involved. Talking up the Federal law and analyzing its provisions he said it was clear that the case did not belong to any of the classes provided for by that law.

The contention that the case involved proprietary interests of the State was not allowed to influence the opinion. On that point the court said the injury was at most only remote and indirect.

The court also refused to hold that Minnesota dignity or rights as a State would be affected under Article IV of the Federal Constitution by permitting the stock of corporations of that State to be held by an outside corporation like the Securities Company. Justice Harlan said the court did not think that the article of the Constitution had any bearing whatever on the question.

He said in conclusion:

"For the reasons stated we are are of the opinion that the suit does not use the words of the act of 1875--really and substantially involved a dispute on controversy within the jurisdiction of the Circuit Court for the purpose of a final decree. That being thecase, the Circuit Court, following the mandate of the statute should not have proceeded therein, but should have remanded the cause to the State court.

"The decree of the Circuit Court is reversed and the case is sent back with additions that it be remanded to the State court."

The opinion of the court was unanimous.

St. Paul, Minn., April 11.—The Supreme Court's decision in the case of Minnesota against the railway merger, is considered by the State's legal officers a virtual victory for the State, although it puts the litigation back exactly where it was when the suit first began. This was the original suit against the merger and began before the Federal government began its action. It was transferred from the State to the Federal court. Judge Lochran in the Federal District Court assumed jurisdiction and decided the case on its merits against the State. The United States Supreme Court now says virtually that Judge Lochren should not have assumed jurisdiction and should have not decided that the merger was a legal corporation that could not be reached by the laws of Minnesota. The suit now goes back to the State courts.

TWELVE CARS DITCHED.

Governor Aycock Speaks at Burnsville. Vanderbilt Orders Houses Rebuilt.

(Special to The News and Observer.)

Asheville, N. C., April 11.—A freight wreck on the Southern Railway between Asheville and Fletchers this afternoon about 3:30. Twelve cars were ditched and the line between here and Spartanburg will be blocked for several hours. No one is reported to have been seriously injured

Gov. Charles B. Aycock was a visitor in the city last night stopping at the Hotel Berkeley. The Governor came in on the midnight train from the east and after remaining here over night left early this morning for Burnsville, in Yancey county, where his Excellency will deliver an educational address to the people of that section. Burnsville is about 40 miles from Asheville and off the railroad, and Governor Aycock made the trip into Yancey by private conveyance.

A cablegram has been received by the management of the Biltmore estate from George W. Vanderbilt, who is spending the winter in Paris, giving instructions for the rebuilding of the burned mule stables and the residence of Mr. Halyburton, which was located close to the stables and which was burned at the same time the stables were destroyed. The amount of insurance received from the burning of the residence and stables is something like $3,000, and this will be expended in the erection of new barns and another residence for Mr. Halyburton.