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PERCY SETS FORTH POSITION OF SOUTH

FAIRY "SUGAR TRUST" LETTER

He Speaks to the Utah Senator's Amendment

Thomas Riley Charged With Filching It

WILL HAVE NONE OF IT HE IS PLACED ON TRIAL

TO BUILD MONUMENTS

South Would Prefer the Defeat of the Resolution Calling for the Election of the United States Senators by Direct Vote of the People if it Cannot Amend the Constitution to Place Control of Such Elections in the Hands of Congress.

(By the Associated Press.)

Washington, D. C., Feb. 8.—The South would prefer the defeat of the resolution calling for the election of the United States Senator by direct vote of the people to its passage, if amended as Senator Sutherland, of Utah, has proposed, so as to place control of such elections in the hands of Congress. So declared Senator Percy, of Mississippi, in a speech to-day.

Mr. Percy addressed himself exclusively to the consideration of the Sutherland amendment. He contended that in the provision of the Constitution giving Congress supervision over the election of Senators the power of control is only formal. It could extend only to legislation and not to the ordinary voter, exercising his right of franchise in case of popular election of Senators. And it need not be an emergent power to be used by Congress only in case of the failure of a legislature to act.

"Yet," said the Mississippi Senator, "by the alchemy of Senatorial logic it has been transmuted into one of the chief bulwarks of the government."

The acceptance of the Sutherland amendment would give the National Government a total control over the election as might be demanded to result in the appointment of supporters of elections, which would be most objectionable, the Senator maintained. That never ex-

cept during the 24 years from 1870 to 1894 when election laws were referred to protect the negro vote in the Southern States had the national power of supervision been invoked in the matter of the election of members of the House of Repre-

sentatives.

"Never in all that time was there a day when the general welfare would not have been promoted by striking those laws from the statutes."

Referring to the effort of twenty years ago to pass the Force bill, Mr. Percy declared that legislation along the lines then contemplated would have resulted in chaos, whereas with the Southern States left to their own devices of government, there had been continued prosperity for both whites and blacks.

"I believe," he said, "that those dark days have gone never to return and yet we find warrant for apprehension in the threat of the Senator from New York [Mr. Depew] that Senators voting for the resolution would feel the result of the negro vote in the doubtful States. It indicates a desire to curry favor with the negroes and it may afford a sufficient incentive to attempt to control elections."

While however, he considered that the day was far distant when any political party would undertake to enact Federal laws for the control of State elections, nevertheless it was felt that too much caution could not be exercised.

Taking up the Sutherland amend-

ment, Mr. Percy said:

"The extension of the Federal power as contemplated by the Sutherland amendment is a price greater than the South is willing to pay for the right of electing Senators by direct vote."

The addition of the amendment therefore, would inevitably result in the defeat of the resolution.

In conclusion Mr. Percy declared that the South recognized the futility of any attempt to repeal the fifteenth amendment to the Constitution and said that such a course would never be undertaken by that section of the country.

SEABOARD STOCKHOLDERS.

Riley Confirms for Sale of \$10,000,000 of Bonds.

Special to News and Observer.—As a special meeting of the stockholders of the Seaboard Air Line, held here yesterday ratified and approved the contract executed by the railway company under authority of the board of directors with Blair & Co., Ladenburg, Thalman & Co., and Middleboro, Williams & Co., for formation of syndicate to buy from the railway company \$10,000,000 par value of the company's refunding mortgage gold bonds, issued and payable under certain prescribed terms.

CALL BOND ELECTION.

Salisbury Township Wants to Vote on Bond Issue for Rutherford.

Special to News and Observer.

Salisbury, Feb. 8.—The Rowan County Board of Commissioners on Monday, ordered a special election to be held in Salisbury Township, on March 14th for the purpose of voting on the question of issuing \$25,000 in bonds for the purpose of building a railroad from Salisbury to Mocksville. It is hoped the measure will be carried. Other township and the surrounding areas are also to hold bond elections for the same purpose.

COMPLAINT FROM NEW HAMPSHIRE

Envies Appropriations to North Carolina

THE DEFENSE DID NOT DENY THAT THE LETTER AND OTHER CONFIDENTIAL MATTER HAD BEEN COPIED AND SOLD TO MAGAZINE—IT SOUGHT TO PROVE THAT RILEY'S AFFILIATIONS WITH THESE MAGAZINES WAS KNOWN.

(By the Associated Press.)

New York, Feb. 8.—The famous "sugar trust" letter of Attorney-General Wickerham to District Attorney Wise, in which Mr. Wickerham wrote that "Senator Root has sent me the proof of a petition signed by Bowers, Milburn and Guthrie in support of their contention that the statute of limitations has run in favor of Messrs. Parsons, Kiesel and Harrel," came up in court today for more publicity. Thomas B. Riley, once a special agent for the Interstate Commerce Commission, and later employed by the United States District Attorney here, was placed on trial, charged with filching the copy from District Attorney Wise's desk, copying it and selling the copy to Hampton's Magazine during the absence of Mr. Wise in France.

The defense did not attempt to deny that the letter and other confidential matter had been copied and sold to the "sugar trust." Instead, it sought to prove that Riley's affiliations with the magazines were known.

By THOMAS J. PENCE.

Washington, D. C., Feb. 8.—The spectacle was presented in the Senate today of a New England Senator, who is a leader in the Republican party, scolding that body because a Southern State has fared better in the matter of a certain class of appropriations than the State from which he hails. Senator Guilford, of New Hampshire, was the complaining Senator, and although he had no way of saying so, North Carolina could not understand why the Tar Heel State is able to secure so many appropriations from Congress for the erection of monuments.

The matter was precipitated when Senator Overman called up the bill appropriating \$20,000 for the erection of a monument to General Nathaniel Greene and the Revolutionary heroes under him at Guilford Court House battle-ground. The measure came from the House so that a change in the phrasing of a minor amendment could be concurred in. Senator Overman, who is the author of the measure, has no difficulty in having this done. But Senator Gallagher made the incident the occasion for unmasking some of the things that he had on his mind. The New Hampshire Senator said:

"There is a somewhat singular circumstance connected with the matter of erecting monuments to the great soldiers of the Revolution. This is the third bill in the last two or three years that has provided monuments for North Carolina. There have been passed six or seven bills to erect monuments to General Stark and General Miller, but they seem to get lost somewhere. However, North Carolina always gets votes in favor of legislation, I am not going to play the dog in the manger in this matter, but I do hope that North Carolina will desist from toiling opportunities until New Hampshire has had some little recognition."

Frank Leithiser, stenographer to Mr. Wise in 1895, testified that Mr. Wise gave him the sugar trust letter to copy and that he took the letter into a room which he shared with Riley and laid it on his desk, afterward stepping out of the room for five minutes. When he came back he visited his cousin. He admits that he was the man charged. President Taft is seen Riley copying the minutes of the board of directors of the sugar company during office hours, he avers, and he was positive that he had seen J. H. W. Crim, an assistant district attorney, in the same room where the letter was dictating letters about the sugar trust to mag-

nification.

That was a fine tribute to those members of the North Carolina delegation who have been active in getting appropriations for the monuments at Guilford Court House, King's Mountain and Moore's Creek battle-fields.

The Guilford Court House monument bill is now ready for the President's signature. As soon as Mr. Taft signs it, his Western trip will be asked by Senator Overman to sign the bill with a pen to be given to the Guilford association.

Prof. R. L. Flowers, of Trinity College, is here for the purpose of presenting the President to attend the commencement at Trinity College. The invitation will probably be extended tomorrow.

There is no certainty that the bill to keep the membership of the House at 351, which would cause North Carolina to lose a member of Congress, can be defeated in the House. So far only three Republicans have voted to both the caucus action and if any member of the House is present he will be needed to defeat it.

That's a pretty good letter, isn't it?"

Wilson, after Riley copying the minutes of the board of directors of the sugar company during office hours, he avers, and he was positive that he had seen J. H. W. Crim, an assistant district attorney, in the same room where the letter was dictating letters about the sugar trust to mag-

nification.

Judson C. Weiliver, who wrote the article in which the Wickerham letter was reproduced, testifies that he had been recommended to Riley as a man with information about the sugar trust by John S. Marble, an attorney for the Interstate Commerce Commission.

Checks for \$255 and \$550 drawn by two magazines to Riley and endorsed by him were shown.

The case was adjourned until to-morrow.

AN ELOPEMENT.

Two Popular Young People of Roanoke, Va., Married at Winston-Salem.

(Special to News and Observer.)

Winston-Salem, Feb. 8.—Mr. J. R. Ferguson and Miss Gandy, two popular young people of Roanoke, Va., were married this afternoon. Dr. H. C. Brown, pastor of the First Baptist Church, officiated. The couple will return to Roanoke Friday.

Death of William Wallace Moore.

(Special to News and Observer.)

Asheville, Feb. 8.—William Wallace Moore, 29 years of age, and a brother-in-law of Judge J. D. Murphy, died this morning, following failing health, for some years. He was for about 18 years a clerk in the Asheville postoffice, being appointed by former postmaster J. P. Kerr. Mr. Moore lost his voice during the Charlotte convention when the Craig-Kitchin was on and never regained it. He was a native of Greenville, N. C., and unmarried.

Rutherford College Commencement.

(Special to News and Observer.)

Rutherford College, Feb. 8.—The commencement exercises of Rutherford College will take place May 1-18. The annual sermon will be preached by Rev. William S. Lambeth of Winston-Salem. The literary address will be made by Dr. William P. Few, of Durham, and the alumni address by Rev. J. Bergo Abernethy, of Concord.

Offered Position of Manager.

(Special to News and Observer.)

Winston-Salem, Feb. 8.—The Atlantic Association has offered the managing position in this area to Mr. Charles A. Clegg, now managing the North Carolina division. It is thought he will succeed Mr. Bennett Thompson, the present manager, A. W. Wilson, who accepted another position for next year.

Leisure Time Association.

(Special to News and Observer.)

Winston-Salem, Feb. 8.—The Winston-Salem Leisure Time Association, consisting of the managers of the various amusement places in this area, has voted to offer for the managing position for the coming year.

President Dr. W. T. Thompson,

vice-president W. F. Thompson,

secretary Bennett Thompson,

treasurer A. W. Wilson, and

general manager A. W. Wilson.

The association declined for said posi-



HON. W. C. NEWLAND.
Lieutenant Governor, Who Presides Over the State Senate.

BAR AGAINST WAR CLAIMS REMOVED

Mostly Where Cotton Was Taken by Government

TOOK A SPIRITED FIGHT

WOOD PULP AND PAPER CLAUSE

Canadian Treaty Provision Suits Publishers

The Chairman of the American Newspaper Publishers Association Will Appear Before the Ways and Means Committee Today on the Canadian Reciprocity Agreement, and Will Urge That the Wood Pulp and Paper Provisions Remain As They Are.

(By the Associated Press.)

Washington, D. C., Feb. 8.—John Norris, chairman of the paper committee of the American Newspaper Publishers' Association, will appear tomorrow before the Ways and Means Committee of the House of Representatives with facts and figures in support of the enactment, without the change of a syllable of the wood pulp and paper provisions of the Canadian reciprocity agreement. Mr. Norris declared tonight emphatically that there was no truth in the published stories to the effect that this provision admitted of doubtful interpretation as to their meaning. He expressed the opinion, moreover, that the agreement verbatim as it stands would be ratified by the House by at least a two-thirds majority.

Mr. Norris said his statement to the committee would show the reciprocal benefits of the paper clause, and insisted that he would "confound the paper makers who are trying to nullify the treaty by amendments to the paper clause." He would show, he said, that that clause as expressed in the treaty "furnishes the only method by which free pulp wood can be supplied to American paper mills, by which the industry can be protected from diversion to Canada."

The Southern members also assisted Representative Butler of Pennsylvania, in securing an amendment to the bill by striking out the provision that "voluntary residence of any such person in any place, where, at any time during such residence, the rebel forces or organization held away shall be prima facie evidence that such person did give aid and comfort to rebellion and to the persons engaged therein."

This provision occurred in the chapters relating to rules of evidence before the court of claims. These rules require that any person prosecuting a claim growing out of the civil war shall prove their loyalty to the Union and that they gave no aid or comfort to the Confederate forces.

Mr. Butler stated that there were many Quaker families and others who resided in Southeastern Pennsylvania at the time when the Confederate forces maintained headquarters near Gettysburg. They objected to the language in the law which made it appear that they were disloyal to the Union simply because their place of residence was within the war zone.

Representative Ollie James of Kentucky, seconded Mr. Butler's amendment in five minutes speech which called out applause. On a vote and nay vote the amendment was adopted 165 to 75.

The House also adopted, after a spirited fight, an amendment offered by Mr. Bartlett, of Georgia, removing the bar of the statute of limitations from claims made against the government for reimbursement for property taken under the abandoned property act of 1861. Most of these claims are cotton taken by the government and sold.

The speeches which Mr. Taft will deliver on the brief Western trip upon which he enters tomorrow night will be devoted, it is said, to the advocacy of the reciprocity agreement. He spent most of the day at work upon their preparation.

If administration Senators had any doubt about the attitude of President Taft toward the Canadian reciprocity agreement, it was removed when Senators Crane and Carter returned to the capital today from a conference with the President at the White House. The message which these Senators brought to their colleagues was that there must be a vote on the agreement at the present session of Congress, and that there will be no necessity for an extra session. Every indication now forecasts its adoption by the House in an overwhelming majority, the only doubt appears to be whether those Senators radically opposed to its enactment will be able to obstructive tactics to prevent its adoption by the Senate. The press does apparently entertain no such doubt.

The speeches which Mr. Taft will deliver on the brief Western trip upon which he enters tomorrow night will be devoted, it is said, to the advocacy of the reciprocity agreement.

"We are glad to have a song from the gentleman from Illinois most any time," remarked Mr. James of Kentucky, "but just now we want to vote."

The rules of the Senate which permit unratified legislation to become effective in that chamber are known to be very strict. Senators Hayburn and Bailey are bitterly opposed to the agreement and that the opposition extends also to most of the progressive Republicans who represent agricultural states.

Most of these Senators have hinted that their relations with the White House have not been sufficiently pleasant of late to cause them to exert themselves in support of an administration measure.

Senators Crane and Carter entered at once upon a campaign designed to advance the President's program. Already they have conferred with other Senators who are especially friendly to the administration and have sought to win their services in a movement to obviate the necessity of an extra session.

(Special to News and Observer.)

Stanley, Feb. 8.—A meeting of the Farmers' Union in North Carolina, was held last night with a view to making a contract for fertilizer for all the farmers of the state. The farmers of the state, who are mostly small farmers, have agreed to buy from the leading grain dealers over 100,000 bushels of fertilizer.

The Farmers' Union has agreed to pay \$1.50 per bushel for the fertilizer, and the grain dealers have agreed to sell it at \$1.50 per bushel.

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POSSIES CAPTURE THE NEGRO CHASED INTO SWAMP IN GREENE COUNTY, BUT HE PROVES NOT TO BE THE MURDERER OF DEPUTY MUMFORD.

(Special to News and Observer.)

Baltimore, Md., Feb. 8.—President Taft says that he will call an extra session of Congress if a vote is not permitted in both branches on the ratification of the Canadian reciprocity treaty. To one of his visitors Mr. Taft said that he believed the Democrats would fail out among themselves, if they were called together in special session for the purpose of ratifying the tariff. The Democrats are holding the bill in suspense while the Republicans are pushing it through.

By THOMAS J. PENCE.

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By THOMAS J. PENCE.

Washington, D. C., Feb. 8.—Having succeeded last week in striking the words "war of the rebellion" from one section of the Moon bill for the codification of laws relating to the judiciary and substituting the words "civil war," southern members of the House of Representatives amplified that work today by striking