THE WEATHER
SHOWERS.

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STATE COURTS THE PROPER TRIBUNAL TO CONSTRUE LAWS

Court of Appeals Reverses Judge Jones Decisions in Rate Cases

HIS INJUNCTION WAS BROAD AND INCLUSIVE

Forbade the Railroad Commission from Putting State Law into Effect.

(By Associated Press)

NEW ORLEANS, La., April 6.—The United States Circuit court of appeals today dissolved the injunction ordered by Judge Thomas G. Jones, in the United States District court at Montgomery, Ala., restraining the state railroad commission from putting a two and a half cent passenger rate and reduced freight rates in effect. The opinion of the Circuit court of appeals was concurred in by Justices Shelby and McCormick. Justice Pardee dissenting.

The court put itsel fon record as favoring an appeal to State courts as a first recourse and expressed regret that an opportunity had not been given the State Supreme court of Alabama to pass upon the laws enacted by the Alabama legislature. The effect of today's decision will be to remand the case to the lower court at Montgomery for further proceedings.

The litigation grew out of the enactment of certain laws in 1907 which provided for a maximum passenger rate of 2½ cents a mile and a material reduction of freight rates on railroads within the state of Alabama. The railroads attacking this statute were: the Western railway of Alabama, Central of Georgia railway company, South and North Alabama railrod company, Nashville, Chattanooga and St. Louis railway and the Louisville and Nashville railroad company.

Bills were filed to restrain the enforcement of these proposed rates upon the claim that they were confiscatory and also that the statutes denied the railroad companies the equal protection of the law. Complaint was also made against provisions which made the charging of a higher rate of fare than that prescribed a misdemeanor, and imposed fine and imprisonment upon any employe of a railroad who violated these acts.

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WATERWAYS IDEA IS GAINING FAVOR AROUND CAPITOL

The Fact That It Would Pile up Two Billions Indebtedness Staggers Some

TOLLS EXPECTED TO PAY THE INTEREST

Would Give Work to Thousands of Men for Years An Argument.

(Sheldon S. Cline.)

WASHINGTON, April 6.—If what is at present a very large faction in congress can be increased to a majority, two billion dollars of national indebtedness will be rolled up in the next twenty years. This faction proposes to issue bonds to an amount of fifty million dollars each year and to expend the proceeds in improving inland waterways.

The idea is not a new one. It has been advocated, in some degree or other, for more than a generation, but it was given standing by the waterways congress called by President Roosevelt. What was originally set down as the dream of visionaries now has standing and the endorsement of practical men of affairs.

When the waterways congress first proposed this fifty millions a year expenditure the idea was roundly denounced by most of the influential men in congress. But they have been thinking since then. The condition of the national revenues has furnished a lot of food for thought. It is becoming plainer every day that, so far as concerns current revenues, instead of its being possible to enter upon an enlarged program of waterways improvement there is going to have to be a curtailment of the program of the past.

Good Investment.

Now, no attempt is made to dispute the fact that to carry out, at least in part, the program of the waterways congress would be the very best of business. The improvements would pay for themselves many times over in a generation in increasing the wealth of the people. But there isn't the remotest possibility of seriously undertaking the work and paying for it out of the current revenues of the government. And as future generations would largely get the benefit, the argument that future generations should foot the bill makes a powerful

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FEW CHANGES MADE IN SCHEDULES ON FIRST DAY'S FIGHT

Vigorous Assaults Made on All Open Points of Payne Bill in House

MODIFICATION IN LUMBER SCHEDULE

Both Party Lines Broke Badly in the Preliminary Skirmishing Yesterday.

(By Associated Press.)

WASHINGTON, April 6.—Wrangling, confusion, captious objections, personalities and language bordering on vituperation marked the first day's discussion of the Payne tariff bill for amendment in the house of representatives today. With practically a full attendance, the members were wrought up to a high tension and were prepared to fight to the last ditch for those things which their constituents were demanding.

The entire day practically was consumed in discussing the lumber and hides schedules. Led by Mr. Tawney of Minnesota, the advocates of free lumber in the rough went down to defeat by the narrow margin of six votes, following the striking out of the countervailing duty on lumber.

An overwhelming majority was mustered against an amendment by Mr. Scott of Kansas, taking hides from the free list and fixing a duty upon them of ten percentum ad valorem.

The barley schedule came in for a lively discussion and when the bill was laid aside for the day there were pending two amendments, one raising the rate in the Payne bill from fifteen cents to twenty-five cents a bushel, and the other fixing the rate at ten percent ad valorem.

The sum total of the day's work, with the exception of the elimination of the countervailing duty on lumber, which was a committee amendment was to leave the bill in identically the condition in which the committee reported it. This grants free raw hides and a duty of one dollar per thousand on sawed lumber.

The Fordney amendment to the lumber schedule adopted by the house strikes out the proviso in paragraph 197 of the Payne bill. The para-

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SENATOR NELSON A. ALDRICH,
Who as Chairman of the Senate Finance Committee Favors Creation of Permanent Tariff Board.

MR. P. C. COCKE AGAIN WINS IN 2ND. PRIMARY

Defeats Mr. Silas G. Bernard In Second Race For Police Justice—Fight Free From Factional Bitterness

Philip C. Cocke yesterday won in the second primary the democratic nomination for police judge, receiving 447 votes to 381 cast for Silas G. Bernard.

The total vote cast was 828 which shows that there was much interest in the contest although only two candidates were in the field, it being a larger vote than was expected in view of the fact that only 916 votes were cast in the first primary when there were a dozen contestants for different offices. The total was disappointing to the republicans who hoped for a small vote.

The result was not certain until the count was completed although it was currently believed in the late afternoon that Mr. Cocke had won, the number of folded ballots making the result somewhat problematical. The friends of each candidate worked hard and carriages were called into requisition to convey voters to the polls. The feature of the election was the absence of harsh feelings among the supporters of the rivals and the expressed determination to elect the winner in the May election.

Mr. Cocke's supporters, while of course greatly gratified at the result, maintained that it was only a confirmation of "the will of the majority as expressed in the first primary when Mr. Cocke had a majority of 36. Mr. Bernard's friends grieved over the defeat of their favorite, but have much cause for pride in the large vote polled for a gentleman who is held in the highest regard by all and who was somewhat handicapped by the fact that he entered the race so late that some of his friends had pledged to other candidates.

Mr. Cocke's campaign in the second primary was managed by his brother, Hon. W. J. Cocke, and the efficiency of the organization built up by him is evidenced by the large majorities piled up. Mr. Bernard's campaign was managed by Mr. L. M. Bourne.

It is announced that Vonno L. Gudger has entered the race for the republican nomination for police judge the other candidates being W. Scott Radeker and W. G. Fortune with Col. V. S. Lusk a possible "receptive" candidate and talk of J. J. Britt and T. S. Rollins hanging over all of them.

The vote by precincts was as follows:

Precinct	Cocke	Bernard
No. 1	112*	47
No. 2	45	48
No. 3	55	91
No. 4	93	107
No. 5	55	43
No. 6	87	45
Total	447	381

ROOSEVELT VISITS KING VICTOR ON ROYAL BATTLESHIP

The King Thanks Him for Aid American People Gave Earthquake Sufferers

BEHOLDS THE RUINS OF WRECKED MESSINA

Women Throw Kisses and Flowers After Ex-president As He Takes Departure.

(By Associated Press.)

MESSINA, April 6.—Theodore Roosevelt and King Victor Emanuel met today on the Italian battleship, Re Umberto, in Messina harbor. The meeting was characterized by the utmost cordiality and the king took the occasion to express the gratitude of himself and the Italian people for the generous assistance of the American people to the earthquake sufferers.

Mr. Roosevelt went ashore and inspected the ruins of the city, the desolation of which moved him strongly. He then boarded the steamer Admiral which, just at sunset, hoisted her anchors and proceeded on her way to Mombasa.

The Admiral arrived at Messina about two o'clock in the afternoon and was saluted by the Re Umberto with the king on board. Almost immediately Captain Pfeister, the former Italian military attache at Washington and now aide to Admiral Mirabello, was taken to the Admiral in a launch and inquired for Mr. Roosevelt. To him he said the king sent his compliments and would have great pleasure in receiving the former president of the United States. Mr Roosevelt's face lit up with a pleased smile, and, accompanied by his son Kermit and Ambassador Griscom, he proceeded at once to the battleship.

Greeting Cordial.

The king greeted the ex-president effusively, shaking him warmly by the hand. He did not wish, he said, to allow the opportunity to pass of making the personal acquaintance of so distinguished a man. Above all, he wanted personally to thank the ex-president for the help extended by America at the time of the earthquake. "You are now able," he added, "to understand better what a terrible disaster it was."

Mr. Roosevelt replied, saying that the American people did not wish thanks for what they had done, as they had merely tried to do their duty and knew no better way to confront the immense needs than by their work of contributions.

The conversation then turned to the hunting trip to Africa, the king saying that his tastes also ran in that direction. He mentioned the expedition of the Count of Turin in Africa and similarly with the Duke of Aosta expressed the hope that Mr. Roosevelt would meet the count there. After more than an hour's conversation the king accompanied his guest ashore, where a photograph was made of a group consisting of his majesty, the ex-president, Kermit and the American ambassador. At the suggestion of the king Mr. Roosevelt snapped a picture of his majesty, Admiral Mirabello, Kermit and Ambassador Griscom, amid much laughter.

Before leaving, the king saluted Mr. Roosevelt, wishing him a happy and successful trip and much good luck in the way of hunting. He asked Mr. Roosevelt to promise that he would visit Rome on his return when the queen would be pleased to make his acquaintance. The king then took his departure, not wishing to accompany the party over the ruins. Mr. Roosevelt was charmed with the courtesy of the king.

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YOUTH ATTEMPTS BLACK HAND GAME AND GETS CAUGHT

Sunday School Scholar Wanted Only $35,000 From A Wealthy Banker

WAS PUPIL IN HIS SUNDAY CLASSES

Officers Nabbed Him When He Tried to Get Away with Decoy Package.

(By Associated Press.)

ATLANTA, Ga., April 6.—Charged with attempting to blackmail Asa G. Candler, president of the Atlanta Chamber of Commerce, banker and Atlanta's wealthiest citizen, out of $35,000 by "blackhand" methods, Daniel W. Johnson, Jr., eighteen years of age and a member of Mr. Candler's Sunday school class, was arrested tonight at the instance of postoffice inspectors and lodged in the Fulton county jail.

Johnson admits writing the letters and takes his arrest very coolly. He, however, declares that he was the catspaw of three strangers, whom he claims dictated his every action in connection with the affair and forced him to write the demands for money under penalty of death. He furnished the officers with a description of the three men.

On Friday of last week Mr. Candler received the first of the two letters written by the black hand plotters, in which he was asked to place $35,000 under the steps of the pastor's study of the Inman Park Methodist church on Monday night, April 5, "or you and your family will meet a horrible death at our hands." Sunday he received a second letter warning him to comply with the demands, and further threatening him and his family if he failed to comply or if he made mention of the matter to a living soul.

Mr. Candler called George M. Sutton, chief postoffice inspector of the Atlanta division, in consultation and it was decided to trap the blackmailer. Mr. Candler drew $35,000 in cash from the bank, of which he is president, so as to guard against any possible betrayal of his plans. Monday night he made up a package and placed it at the point designated, the real money in the meantime remaining at his residence guarded by detectives. Two detectives kept watch near where the fake package was placed, but no one appeared during the night for it.

This morning Mr. Candler received a telephone message demanding that he place $1,000 at a secluded spot on Moreland avenue, between Annabel street and Walker alley. Again a fake package was prepared and placed at the spot designated tonight, and Johnson appeared from the darkness, grabbed it up and started to run, but was in the grasp of Detectives Lockhart and Coker before he was aware that he had been observed.

Letters Were Unique.

He was taken to the station and after a gruelling examination made a confession, admitting having written the two letters but saying he acted under compulsion. The police give little credence to his story of having been forced to write the letters by three strangers.

The first letter, dated April 1 warned Mr. Candler that if he failed to put the sum at the spot indicated, "you alone shall meet death. Tell anyone of it and you and your house—that is all that live with you—shall meet the most horrible death at our hands. Pony up with the sum and keep your face closed about it and all will be well. Fail to put the sum there or blab it and hell will be to pay, nothing more nor less than death."

WOMAN'S BROTHER WAS FIRST WITNESS CALLED BY STATE AGAINST HER

Prosecution Outlines Case and Declares Suicide Was Impossible

CAUSED BY LETTER

(By Associated Press.)

LYONS, N. Y., April 6.—Frank S. Allyn, the twenty-year-old brother of Mrs. Georgia Allyn Sampson, who is charged with the killing of her husband, Harry Sampson, was an interesting feature on the witness stand today in the trial of his sister. In a thin, weak voice that could scarcely be heard beyond the jury box, young Allyn told how Harry Sampson staggered in the Allyn dining room on that fatal Satuday morning of November 1st and fell dead in the presence of Mrs. Allyn and himself without uttering a word.

The witness said that on running to the telephone he found the rifle behind the Sampson dining room door leading to the pantry. It was cocked and a box of cartridges lay on the edge of the wainscoating. Allyn was still on the witness stand when court adjourned till tomorrow.

The prosecution outlined its case today, declaring Sampson's wound could not have been self inflicted, and from three physicians, Dr. George P. York, Dr. Edwin M. Rodinburger, and Dr. Cyrus Jennings, the coroner of Waynes county, developed evidence that no powder marks were found around the wound in Sampson's breast or around the bullet hole in the shirt which he wore. Dr. Rodinburger thought that the edge of the bullet hole in the shirt was slightly charred.

Concerning the motive District Attorney Gilbert said there would be evidence concerning a letter which had been sent to Mrs. Simpson but which was found by her husband, who told his father-in-law that he would not live with Mrs. Simpson any longer. On the night before the shooting Mr. Gilbert said there was a quarrel over one of the letters and Sampson and his wife had frequent quarrels over her numerous visits away from home. Mr. Gilbert asserted that Sampson made a will at the solicitation of his wife, making her the sole beneficiary to his estate.

NATIONS COMBINE TO PREVENT LANDING OF VENEZUELA'S SCOURGE

United States Takes Hand In Proposed Scheme of Castro to Start Revolt

ENGLAND JOINS IN TOO

(By Associated Press.)

PORT OF SPAIN, Trinidad, April 6.—At the urgent request of the state department at Washington communicated to the London foreign office, the British government has decided not to permit Cipriano Castro, former president of Venezuela to land at Trinidad.

Castro is returning to the West Indies from Europe with the avowed purpose of recovering the presidency of Venezuela. He left France March 26 on board the steamer Guadeloupe. Where he proposes to land in the West Indies is not definitely known. The Guadeloupe is due at Trinidad April 10, and at Colon April 15.—The latest advices from Caracas intimated that Juan Vicente Gomez, the present president of Venezuela, contemplated resigning in favor of one of the vice presidents of the republic.

Great Britatin's change from a policy of non-interference in the situation that threatens today in the Caribbean, to a decision not to allow Cipriano Castro to land at Port of Spain, Trinidad, is a friendly act to America and the other powers more directly interested in Venezuela.

WASHINGTON, April 6.—The news that the British government has decided not to permit Castro to land at Trinidad is in conformity with the understanding of the state department. The Netherlands, France, Columbia and Panama are all in accord, it is understood, in their desire to avoid any further complications and it is believed that they are all using their utmost activity as neutral nations to prevent Castro from making their territory a basis for any strategetic move to advance any personal ambition.

LAUDS STANDARD OIL AS BENEFACTOR OF ALL PEOPLE OF ALL NATIONS

The Oil Can Has Followed Flag of Every Race to Earth's Desert Places

HAS SPREAD TRADE

(By Associated Press)

ST. LOUIS, April 6.—John G. Milburn of New York, the Standard Oil company's chief counsel of record, late today began the presentation of the defendants' side of the case in the government's suit to dissolve the Standard Oil company of New Jersey for alleged violations of the Sherman act, now before the United States Circuit court. Although Mr. Milburn addressed the court only forty minutes he found time in that brief period to tell much of theearly history of the Standard Oil corporation from the viewpoint of the defense. The two principal points made up to the closing hour by Mr. Milburn were that the corporation had done much for American industries and commerce and that the oil business of the early days was of a nondescript type.

"Wherever," said he, "the foot of civilized man has trod; wherever the hoof of the camel has made its imprint upon the sands of the desert, or wherever an artificial light is burned, and wherever flies the flag of any nation, there will be found the product of the Standard Oil company the product of America and Americans."

The federal attorney, Mr. Kellogg concluded his opening address for the government shortly after noon and then C. B. Morrison, formerly United States attorney in Chicago and now Mr. Kellogg's chief associate finished the government's opening argument by a discussion of the alleged unfair competition, scoring the Standard Oil company for its alleged secret gathering of reports, showing the business of competitors and charging it further with maintaining a secret spy system. Among other independants mentioned as having been "spied" upon was the firm of Hisgen brothers of Albany, N. Y., the senior member of which, Thomas Hisgen, was the independance league candidate for the presidency.

TARIFF COMMISSION WILL BE PROVIDED

Aldrich and Root Favor Creation of Permanent Body for Tariff Measures

(By Associated Press.)

WASHINGTON, April 6.—That the tariff bills in its final form will provide for a permanent tariff board was confidently predicted today by H. E. Miles, chairman of the executive committee of the committee of one hundred appointed at the recent Indianapolis tariff convention to foster such a scheme.

Mr. Miles announced that Senator Aldrich, chairman of the committee has informed him that he favors some such arrangement and added that "Senator Aldrich may be expected to distinguish himself by working out the problem.

Senator Root, according to Mr. Miles, has also declared himself in favor of the tariff board.

"The mistakes in the present bill," said Mr. Miles, "some of great consequence, some small, and one whole schedule known to be radically wrong with no chance of making it right in either house at this session—this and the general need of world markets are making the need of this tariff board clear to every one."

WASHINGTON, April 6.—Forecast for North Carolina: Partly cloudy Wednesday, showers and cooler in west portions, Thursday cooler and generally fair; moderate southwest to west winds.

TORNADOES LEAVE PATH OF DEATH IN THEIR WAKE

Five Kileld in Wrecked Station in Tennessee Town and Property Destroyed.

(Special to The Citizen.)

MEMPHIS, Tenn., April 6.—A swirling tornado which struck Aberdeen, Miss., tonight almost wrecked the town, killed several persons outright, and injured many others. It has been impossible yet to learn the full extent of the damage or the number of lives lost but up to mid night five bodies had been recovered from the ruins, and it is though that there are many others still buried under the wreckage of the houses destroyed.

The storm, while of short duration was of terrific velocity and swept through the town in a few minutes leaving a trail of demolished buildings in its path. The depot was destroyed and several residences were blown down, while many others were so badly damaged that they are practically ruined.

Immediately after the storm had passed relief parties were organized and a search made of the ruins for the dead and injured. Those known to have been killed were in the depot when the storm struck and the five dead bodies were taken from it. Four others who were badly injured were rescued, and others still are thought to be buried beneath the debris.

ANOTHER BLOWOUT.

MARION, Ill., April 6.—Many persons were hurt and considerable property was damaged by a tornado which struck this city and vicinity today. The storm came from the southwest and was preceded and followed by heavy rains. The monetary loss is $150,000.

The Marion State and Trust bank and a number of offices were partly burned down. The Methodist church was also wrecked. At Pittsburg, the Methodist church was blown down.

BUTLER FOUND GUILTY OF CRIMINAL LIBEL

Sentenced to Fine of $500 For His Attack on Republican Chairman Adams

WINSTON-SALEM, N. C., April 6—Former United States Senator Marion Butler and his brother, Lester Butler, were convicted in Guilford Superior court today of criminally libeling Republican State Chairman S. B. Adams, by the publication in The Caucasian, a weekly newspaper owned and operated by the Butlers, of serious allegations against Adams' integrity and honesty.

Adams' acts as chief justice of the Indian court of Oklahoma in 1905, were severely condemned by the paper in its fight against Adams' reelection as chairman of the republican state executive committee. The trial lasted six days, was hard fought and created wide-spread interest.

Judge Long imposed a fine of $500 upon Marion Butler and $250 upon Lester Butler. A motion for a new trial was over-ruled and notice of appeal to the Supreme court was given, the defendants being released on bond in the sum of $1,000 each.

PENALTY IS WOEFULLY INADEQUATE TO CRIME

Negro Brute Who Made Wreck of White Woman Gets 25 Years in Prison

(By Associated Press.)

PHILADELPHIA, Pa., April 6.—Twenty-five years imprisonment in the Eastern penitentiary and a $2,000 fine was the sentence imposed by Judge Garrett here today when George Washington, a negro, was convicted of holding Mrs. Ella Curtain, white, a prisoner in his room and ill-treating and robbing her. Mrs. Curtain went to the negro's home to make arrangements to have her trunks moved to a storage house. She alleged that Washington kept her a prisoner in his room from March 25 to 29. She was rescued by the police who had been notified of the matter by another negro roomer in the house. The woman, hospital physicians testified today, is a physical wreck as the result of her experience. Several times while testifying today to the revolting nature of her experiences she collapsed on the stand. The jury quickly convicted Washington and he was given the full penalty of the law.