Citizen Want Ads Bring

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ASHEVILLE, N. C., THUSDAY MORNING, JANUARY 19, 1911

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### CORPORATION TAX ABLY DEFENDED BY **SOLICITOR GENERAL**

Corporations Are Willing to Argues That There Was no Affairs of County Alleged to Obey Law Iniposing it

**INVADES RIGHTS** 

OF NO STATES

Law Before Supreme Court

WASHINGTON, Jan. 18 .- Solicitor of justice today argued before the that the corporation tax provisions constitute the principal defense of the law, which was called in question in 15 cases now before the court.

The solicitor general told the court brought by shareholders in corporations, who objected to the latter paying the tax. Each of the corporations had expressed an intention to obey

"The government is here," said the solich. general, "to help the corporations to pay the tax."

Every objection had been raised to the tax, Mr. Lehrmann said, that could be raised to any tax possible of being levied under the constitution. The only limitations on the scope of the federal government to the tax, he said, applied to exports. Possibly was an implied limitation against taxation of the agencies and chairman, confirming the right of instrumentalities of state government. Senator Lorimer to his seat in the he added. As to the mode of taxation, the only limitations were the apportioning of direct taxes and the making of excise taxes uniform.

The corporation tax, according to to the solicitor general, violated none of the limitations. He declared the tax an excise tax but said the fact that it made exemptions did not prevent it being uniform. The govern-ment had the right to look at more than the revenue to be obtained, achad the right to consider the general welfare of the people in making clas-sifications for taxation.

He declared that the tax was not upon an instrumentality of a state, a franchise to a corporation, but was upon the exercise of the right procured by the corporation.

# BURROWS WOULD GIVE LORIMER A

Evidence of Any Corruption

**BROWNE WAS FIXED DECLARES BORAH** 

Portion of Payne-Aldrich Tariff Fight Against Illinois Senator Bill Introduced to Make Lob . Again Considered in

Senate

WASHINGTON, Jan. 18 .- After al General Lehrmann of the department most a week of cessation the senate today resumed consideration of the Supreme court of the United States case of Senator Lorimer. There were of the Payne-Aldrich tariff act were rows, chairmar of the committee on constitutional. His argument is to privileges and elections in support of the Illinois senator, and the other by Senator Borah of Idaho in opposition. Mr. Burrows strongly that the 15 cases before it had been mended the course of Mr. Lorimer in demanding an investigation. Borah declared that corruption had characterized the proceedings ever since Lorimer had decided to become

candidate for the senate. "There is absolutely no proof in the ease, direct or indirect, from\_which legitimate inference could be drawn that a single of the Illinois assembly was corruptly influenced to vote for Mr. Lorimer."

This was the conclusion of Senator Burrows' of Michigan in a speech in the senate today defending the majority report of the committee on privileges and elections of which he is No Evidence, Says Burrows

There was no evidence submitted to the committee or obtainable so as known," declared Mr. "inculpating Senator Lorimer rows. in the bribery or attempted bribery. if such there was, of any member of the legislature, nor was there any evidence that Senator Lorimer had any knowledge whatever that such

bribery or attempted bribery was per-petrated by anyone." Mr. Borah analyzed the testimony of the various witnesses before the investigating committee. that there had been unmistakable bribery. He declared that it had been shown conclusively that at least four

(Continued on Page Two)

### LEGISLATURE MAY NAMECOMMISSION SEAT IN SENATE FORWILKESCOUNTY

be in Very Bad Shape

PAY OF JUDGES

MAY BE RAISED

bying Punishable by Heavy Fine

RALEIGH, N. C., Jan., 18 .- A bill introduced by Wooten, of Lenoir, "Lobby" among the members of the general assembly to unduly influence legislation, fines of \$100 to \$1,000 being prescribed.

Representative Koonce introduced in the house today a bill to include the business of fire insurance companies in the senate anti-trust law by adding sub-section "G" to make it unlawful to conspire to increase o maintain the rates of premiums charges for insurance or indemnity against fire loss or reduce or keep down compensation to agents.

Doughton, of Allegheny, introduc ed the legislative committee's bill for the creation of the state fish com mission, and revising the fish laws there being presented with the bill the report of the legislative commission on its investigation of fishing conditions and needs carried on dur-

ing the past two years.

Martin of Buncombe bills today authorizing the commis-sioners of South Biltmore to levy a special tax, authorizing county com-missioners of Buncombe to issue bonds to build and maintain public roads in certain townships; bill requiring the registration of all names of persons engaging in partnershipbusiness and another validating cer tain probates and registration of

Senator elect A. P. Kitchin, of Halifax appeared for the first time and took the eath of office. The upper branch considered local bills exclu-The upper

The democrats of the general as sembly held a caucus last night to consider a bill which is to be presented to the legislature placing the officers of Wilkes county on salary and appointing a financial committee for the county. The bill was read and explained by ex-congressman R.

(Continued on Page Four)

Let Us Now Investigate.

#### MRS. SCHENK COLLAPSES IN COURT AS RESULT OF CONTINUED STRAIN

Judge Deems it Best For Moral Interests of Community to Exclude Crowds of Curious Women From Trial of Woman Charged With Poisoning Her Husband.

WHEELING, W. Vs., Jan. 18.—; "The attack tonight was nothing over 100 doctors to show that none trial in which she is charged with noved by the constant stare day afin the fail, unable to withstand the strain. Court took a recess and the trial was temporarily suspended.

water. She gulped it down and soon afterwards said to her attorney "For God's sake get a few minutes recess." The request was granted and Mrs. Schenk was taken to the county jail where she became violently slick at the stomach anh showed symptoms of fainting. A county physician was called in and it was sevto the court room. On two occasions her handkerchief was kept almost

constantly to her eyes.

J. J. O'Brien, chief counsel for Mrs. Schenk said:

Mrs. Laura Farnsworth Schenk col- serious." The court room was sim-lapsed today under the ordeal of the ply suffocating, the woman was antrial in which she is charged with noved by the constant stare day at administering polson to her wealthy husband, John D. Schenk. An hour before the usual hour for adjournment she had to be led to her room outcome of the trial and will be all right tomorrow."

Hundreds of curious women were noon and except Mrs. Schenk there was at no time a woman in the taking directly into the stomach. court room

Attorney announced tonight just

Defense Scores. The defense apparently scored for

the first time since Dr. Hupp was on the stand early last week. Through persistent questioning of many phy-sicians summoned by the state it was brought out that Schenk had Suddenly III.

Mrs. Schenk had not been looking as well all day as on previous days toward the close she leaned over to Frank O'Brien, one of her attorneys, and asked him to get her a glass of orders were carried out this afterward. The drugs locked by the community that woll all days as on previous days that he desmed it best for moral interests of the community that woll of the court sessions and suddenly toward the close she leaned over to Frank O'Brien, one of her attorneys, and asked him to get her a glass of orders were carried out this aftermore susceptible to their action than others and that lead poisoning may result as the properties of the court room. The court room and that lead poisoning may result as the court room and that lead poisoning may result as the court room. The court room and that lead poisoning may result from abstraction of the court room. The court room and that lead poisoning may result from abstraction of the court room. result from absorption as well as

Other Poisons in Medicines.

Though the defense secured admission that other poisons had been Attorney announced tonight just before adjournment that every physician in the Wheling district would given in small quantities as medicine, the state established one improved by the defense. Dr.

Tuesday that he sold lead poison to has been connected with the case, Mrs. Schenk and that she had told and who was called to the stand, him on the night she is alleged to stated in answer to the hypothetical have attempted to bribe the detective nurse that she had secured two exhibited by Schenk thus far, that ounces of Fowler's solution of arsen-Schenk's condition showed plainly ic from another source. It is the that two poisons were in his system purpose of the defense in summoning lead and arsenic.

# BOARD REACHES KORFOLK FOLLOWS WIFE TO GRAVE

Growing Out of Sensational Thorough Investigation of Failure of Cotton Broker. Explosion Will be Made

By Department

Wife

An official notice was received by The Semi-Weekly Journal that this practice of sending special editions through the mails was against the regulations of the post office the practice was stopped immediately. The indictment was returned without the grand jury having heard from any one of those indicted or from any other witnesses than a stenograture of the pairs Journal that this practice of sending special editions through the mails was against the regulations of the post office the practice was received by The Semi-Weekly Journal that this practice of sending special editions through the mails was against the regulations of the post office the practice was received by The Semi-Weekly Journal that this practice of sending special editions through the mails was against the regulations of the post office the practice was stopped immediately.

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WASHINGTON, Jan., 18,-The accident on the U. S. battleship Delated today.

was appointed by Captain Gove, of elected coadjutor bishop the Delaware, immediately after the accident.

It is known at the navy department only that the accident WILH caused by the blowing out of three backbeads of a boiler. The backbackheads of a boiler. the tubes with the boller and such States court shortly. All these suits an accident as occured on the Dela-are brought in the name of German ware is very unusual in the navy In fact many officers express the belief that it is the first one on record.

ARRIVES AT NORFOLK.

NORTFOLK, Va., Jan., 18.—The bodies of the eight victims of the explosion vesterday abourd the buttle ship Delaware arrived at the United York city September 23, 1826. States naval hospital shortly before noon today. Upon the same navatime from the Delaware, was Eugene Phillips, who was probably fafally injured in the accident. Phillips was hastened to the hospital ward.

PRISON BOARD IN SESSION.

ATLANTA, Ga., Jan., 18 -The the parole board of the federal prison here was practically completed today and tomorrow the meeting will adjourn. About 150 applications for paroles have been considered at this session.

REPORT ERRONEOUS

come governor of the state of Chi-hushua, was denied by government About ten shots were exchanged it officials tonight.

BALTIMORE, Jan. 18.—Bishop

Wm. Paret of the Protestant Episco- all during the time the alleged conware yesterday which killed eight pal diocese of Maryland. died of spiracy is said to have been carried men and seriously injured one, will pneumonia at six o'clock this morn- out." be investigated by a board which ing at his residence here. He was Secretary of the Navy Meyer appoin- stricken with the disease on the 26th, anniversary of his appointment as The board will supplement the worg head of the Maryland diocese, Januof the board of investigation which ary 8 last. His successor is Right was appointed by Captain Gove of Rev. John Gardner Murray, who was right of succession September 29 of last year.

A pathetic feature of Bishop Paret's illness is the fact that he died without knowing that his wife had been buried only yesterday, and she passed away without knowing of her

Funeral services for the late Bishop Paret will be held at Emanuel church here Saturday morning, following which, in acordance with his last wish, the body will be taken to Washington, D. C., where it will be intered in Rock creek cemetery. Bishop Paret was born in New

BIPLANE LANDS ON WARSHIP. SAN FRANCISCO, Calif. Jan., 18. -Eugene B. Ely today flew 13 miles in an aeroplane, made a successful

landing on the cruiser Pennsylvania and an hour later rose from the cruiser and flew back to Selfridge Feld. twelve miles south of San Francisco. The feat was accomplished without ork of the first regular session of mishap. Not a wire or bolt of the biplane was injured.

POSTMASTER SHOT.

BLAIRSVILLE, Ga., Jan., 18.Postmaster J. B. Downs, of this place was shot and killed yesterday by former Representative Berry of Union MEXICO CITY, Jan. 18.—The report that Colonel Zuelia, chief of
staff of President Diaz, would being took place at the residence of

#### ATLANTA JOURNAL IN TROUBLE WITH POSTOFFICE DEP'T

Grand Jury Returns Indictment For Alleged Irregularities

FAILED TO PAY **FULL POSTAGE** 

Sent Sample Copies of Weekly at Wrong Rate is Charge

ATLIANTA, Jan. 18 .-- On the charge that sample copies of The Semi-Weekly Atlanta Journal had been mailed on several days in 1908 as though they were copies for subscribers, a United States grand jury today indicted the Atlanta Journal company, James R. Gray, president of the company, and John D. Simmons, C. H. Rabb and Vice President Harper, employes. The indictment in no way involves the daily or Sunday Journal. The amount involved is said to be \$700 postage charges. In October and November 1908, the Semi-Weekly Atlanta Jour nal issued special editions which were mailed not only to subscribers but to a large number of other persons. It is alleged by the post office authori-ties that sample copies of these oditions were sent through the mails at the rate of one cent a pound, the rate charged for newspapers sent to reg-ular subscribers, whereas the regular rate for sample copies should have been four cents a pound.

Statement of the Editor

James R. Gray, editor of The
lanta Journal, speaking of the

dictment, said:

"In former years The Semi-Weekly papers as sample copies than cent over and above its subsc list at the rate of one cent a and that all in excess of that pay the rate of four cents a pound. The Semi-Weekly Journal was not adsecond quarter of 1968. The circula-tion manager of The Semi-Weekly Journal thereupon conferred with Atlanta postmaster who assured him that the order was directed again unreliable publications and was no inteded to be inforced against legitimate periodicals such as The Semi-Weekly Journal. With that assurance The Semi-Weekly Journal during the remainder of 1908 continued to send out copies of special editions to non-subscribers, the post office officials insues. Four cents a pound on all sample cories, as so considered by the Atlanta post office, was paid. When an official notice was received by The

pher for The Daily Journal circulation department and a man who was not connected with the publication at

#### DEADLOCK CONTINUES IN SENATORIAL CONTEST IN NEW YORK LEGISLATURE

Compromise Candidate May Enter Field Soon

QUESTION IS WHO?

ALBANY, N. Y., Jan., 18.—The United States senatorship puzzle is as intricate tonight as ever. The legislature today tried to choose the democrat who will succeed Senator Chauncey M. Depew, but no candidate received the majority of votes necessary to elect. Efforts to increase the following of Wm. F. Sheehan, the leading candidateor unite

han, the leading candidate, or unite the opposition on any one other candidate, thus far have proved fruit-less. How long the deadlock will last no one ventures to say.

Mr. Sheehan, with 90 votes to his credit on the first joint ballot, and within nine votes of election, may be no nearer Washington that Martin W. Littleighn or D. Cally Harrion.

W. Littlejohn or D. Cady Herrick, who received but two.

In fact there is a growing impression that if Sheehan cannot win the successful candidate is as likely as not to be some one whose name has not yet been proposed.

#### **DEMOCRATS DESERT PARTY** TO CAST VOTES FOR LODGE GIVING HIM MAJORITY

Most Important Political Watson and Chilton Will Democrats Are All Agreed Battle Since Election of Summer

#### PEOPLE IGNORED

BOSTON, Jan. 18 .- Henry Cabon Lodge won today the hardest fight in his political career in nearly thirty years, and returns to the United States senate for a fourth term with by the democrats of the West Virginia the support of 146 out of the 279 legislature in caucus to fill out the members of the Massachusetts legislature, or six more than the number necessary for a choice in the joint convention. Two democratic senators Martin H. Curley and Michael J. Murray, left their party to vote for goal, both the fifth and the ninth him, but their support was not necessary. Representative Jas. H. McInerny, another democrat, was in the chamber but did not vote. He did not care to oppose Senator Lodge because of personal friendship. Senator Lodge was elected on the part of the senate yesterday, but the house failed than B. Scott, republican, W. B. Chilto make a selection, to today both ton led on the first bailet, receiving branches met, and the result of the 25 votes four less than the required first and only ballot was six more number. John T. McGraw was secfirst and only ballot was six more | number. than necessary.

For nearly two years the senior nated senator of Massachusetts has been as sailed by republican insurgents and the democratic party. He won out today despite the attacks made upon bim by Governor Eugene N. Foss, a former republican congressman, Butler Ames of Lowell and other "insurgent" republicans, together with the exertions of the democratic leaders, the senator was given a majority

Governor Foss refused to comment on the result. while Congressman Ames said that he was convinced that the desires of a large majority of the people of Massachusetts have been 'submerged by the influence of finan-

cial interests. Mr. Ames declared his intention al-

so of continuing the fight. Political historians say that the contest which ended today was the most important senatorial battle in the state since the election of Charles Sumner as a free soiler in 1851.

## DEMOCRATIC SENATORS TO REPRESENT WEST VA.

Succeed Elkins and Scott

ALL HARMONY

CHARLESTON, W. Va., Jan. 18 -Clarence W. Watson of Fairmont, a wealthy coal operator, owner of high bred horses, was tonight nominated term of Senator Stephen B. Elkins. republican, deceased. Watson had a ong lead on the first ballot taken to night and his nomination followed on the eleventh ballot. Several pre-vious ballots placed him near the bringing him within one of the re-

quired forty votes. The opposition made a determined effort to rally round Judge John H. Holt of Huntington, but, when the break finally came. Watson won with forty votes.

The caucus then ballotted on the long term now held by Senator Na and with 25. Chilton was soon nomi-

MARRIAGE LAW IN S. C.

COLUMBIA, Jan. 18.—The state enate today passed to the third reading Senator Howard Carlisle's bill providing for a marriage license law. The bill prescribes a penalty for the man who contracts marriage without

TWO KILLED-TWO INJURED

HELENA, Mont., Jan. 18 .- As a result of an explosion in the Kest-ing gold mine at Radersburg, 40 miles from Helena, six miners were killed, two were injured and two are reported missing.

REDMOND RE-ELECTED

DUBLIN, Jan. 1 .- John E . Redmond was today unanimously re-elected president of the United Irish bank is expected to go to the jury

#### DIFFERENCES ARE ONLY AS TO PROCEDURE SAYS BAILEY IN EXPLANATION ADDITIONAL SUITS ARE

Upon Tariff Re-

vision

HOW TO DO IT

WASHINGTON, Jan. 18 .- Senator Balley of Texas in a statement to-night declared that his difference vith Representatives Champ Clark relating to tariff revision concerned procedure only and that he would not allow procedure to interfere with pro-

The statement was issued tonight following the interpretations of the results of the speech of the Balti-more conference Tuesday.

"It is impossible for me to understand how any man who knows anything about the tariff question could magine there is any radical differences between Mr. Clark and myself,' said Senator Bailey. "He favors amending the Payne-Aldrich tariff bill by schedules, while I believe in replacing it from preamble to con-

"But whether it is better to revise the tariff in my way or in the way which Mr. Clark proposes the differnces between us is plainly and only as to the method of procedure, and I hardly suppose that any man with sense enough to secure an election to the house or to the senate would ontemplate for a moment engaging in a serious controversy with his femocratic brothers over such a ques-

"While I am tenacious, some people think unreasonably so in contending for what I consider a principle I would not divide my party for a moment over a simple question of procedure, and if the democrats of the house in which the tariff legislation must originate, agree upon the plan of re-vising it schedule by schedule, I shall certainly interpose no objection which could possibly interfere with the great work which we must do."

CASE NEAR END

NEW ORLEANS, Jan. case of Wm. Adler, former president of the State National bank, charged with misappropriation of funds of the tomorrow afternoon.

# FILED AGAINST RAILROADS

DECATUR, Ala., Jan. 18 .- Percy. Banner and Hurr lawvers of Rirmingham. Als., representing the creditors of Knight, Yancey and company, the Decatur cotton merchants who failed last spring for \$6,000,000, filed here this afternoon suits against the Southern and the Louisville and Nashville railroads for \$49,000 and \$14,000, respectively, in favor of the creditors of the Knight Yancey com-The sults are separate from pany. the suits filed last Saturday against the companies for \$2,300,000. It is said that other suits are likely to be filed and that the total amount ultimately sued for may reach \$2,000.000 or more. It is also said that the suits headers constitute the juncture may be transfered to the United and English creditors of the Knight,

Yancey company. FAMOUS EXPLORER DEAD

LONDON, Jan. 18 -- Sir Francis alton the noted explorer and writer died last night. Francis Galton was born in 1822 and was knighted in 1909. He explored Damaral outh Ovampoland in 1861 and '62 for many years he was on the council f the Royal Geographical society.

WASHINGTON, Jan. 18 .- Forecast North Carolina: cloudy Thursday and Friday: slowly rising temperature: moderate northwest winds, becoming