

The Wilmington Messenger.

XIX. NO. 200

WILMINGTON, N. C., SUNDAY, AUGUST 25, 1907.

FIVE CENTS

ACTION OF JUDGE

Declared to be Unprecedented by Counsel

HAD ISSUED AN OPINION

No Opportunity Given to Argue Question Involved

Commissioner McIlhenny Talks of His Trip Through South—Endeavored to Remove Impression That Southern People Were Without Pale of the Government.

Montgomery, Ala., August 24.—At the hearing on the injunctions against sheriffs, solicitors and other state officials to prevent them from interfering with the operation of the Louisville and Nashville railroad in the rate litigation before Judge T. G. Jones in the United States court today Attorney General A. M. Garber, on behalf of the state, announced that counsel for the state had decided not to appear in the hearing. In giving the reason Mr. Garber said two days after the granting of the original injunction by the court, the presiding judge issued an elaborate opinion in the case before counsel for the state had been given an opportunity to argue the question involved, which action, insofar as the attorney general knew, was unprecedented and which opinion the attorney general and counsel for the state considered final on the part of the court.

Attorney General Garber further stated that as this opinion had been printed in pamphlet form and distributed throughout the state, any argument on the part of the state's counsel at this time would be utterly useless. Colonel Garber then withdrew from the court room and the hearing proceeded. Neither Colonel Garber nor any attorney for the state was present when the hearing began and Judge Jones had a telephone message sent the attorney general, who later appeared and made his statement.

POWDER WORKS IN FLAMES

Nitro-Glycerine Explodes With Terrible Effect—Two Persons Killed—Panic in Cannery Establishment.

San Francisco, August 24.—There were three explosions at the Dupont du Nemours Powder Works at Sobra, on the Bay Shore, 16 miles north of Berkeley today. Two persons are known to be dead and many are believed to have been injured. The whole works are in flames. These two men were working in the mixing house when three tons of nitro-glycerine exploded, destroying the wash house, the nitro-glycerine mixing house and the acid separating house and a large acid tank. The shocks of the explosion were felt in the cities all around the bay. When the 3,000 employees of the California Fruit Cannery Association, who work in the big establishment of the company in this city felt the shocks they thought there was an earthquake and rushed into the street. During the stampede a number of persons were thrown down and trampled upon. So far as known none was killed but many were badly bruised. At least 13 persons were severely hurt at the cannery panic. During the efforts to get outside a few men drew knives and wounded several persons. Others jumped into a chute used to send boxed cans from the second floor of the establishment and were landed in a heap at the bottom.

TAFT IN OKLAHOMA

Advised People to Reject Constitution Adopted by Convention.

Oklahoma City, Okla., Aug. 24.—Secretary of War Taft in convention hall advised 10,000 auditors all citizens of Oklahoma and Indian Territory to reject the constitution recently adopted by the convention at Guthrie for the proposed new state of Oklahoma. He declared that the next session of congress would pass a new enabling act. Secretary Taft explained that he was not here as the representative of President Roosevelt and that the views he expressed were entirely his own, and in no sense should be regarded as inspired by the president.

Secretary Taft discussed national issues along the same lines as in the Columbus, Ohio, speech.

LUMINA TODAY

Two concerts—afternoon and evening.

DIRECTOR OF CEREMONIES

Charles W. Kohlsaat Appointed by Director General Barr.

Norfolk, August 24.—Director General James M. Barr tonight tossed a bombshell into the exposition official camp here today by the announcement of the appointment of C. W. Kohlsaat as director of ceremonies to represent the management of the ter centennial in the entertainment of distinguished visitors at a position heretofore held by President Tucker.

It is an open secret that the social family of the ter-centennial is not a happy one.

It is declared that high officials have been slighted on certain occasions dignitaries were being entertained. It is declared that these slights caused the change.

President Tucker's friends tonight claim that his duties as director of ceremonies were conferred on him by the board and only that board can remove his powers.

It is believed that he will fight the order of Mr. Barr.

President Tucker is at Lexington, Va., and could not be reached tonight.

The order of Director General Barr is as follows:

Exposition Station, Norfolk, Va., August 24, 1907.

Effective at once, Mr. Charles W. Kohlsaat, commissioner general of the exposition, will represent me and have immediate charge of entertainment of distinguished visitors upon the grounds of the exposition and of all social and diplomatic relations therewith.

(Signed)

JAMES M. BARR,
Director General

ACCIDENT AT NAVY YARD

Three Men Injured While Testing Air Compressor.

Norfolk, Va., Aug. 24.—While ordnance department officials were testing an air compressor used in expelling torpedoes at the Norfolk navy yard today four of the eight cranks blew out with terrific force, injuring three men and doing considerable damage to the building.

Many who were standing around had narrow escapes. A heavy sheet of armor plate placed for the protection of those around in case of accident was blown 100 feet away and one of the larger cranks went straight up, taking off the eaves of the power plant and breaking sixty-five windows in the building.

Those injured are:
Allen Webb, badly cut about the feet and legs.

H. S. Martin and E. L. Sheppard, both injured about the feet and legs.

WRECK ON A. AND Y.

Conductor Painfully Hurt and Five Cars Demolished.

(Special to The Messenger.)

Fayetteville, N. C., Aug. 24.—This morning a freight train on the Atlantic and Yadkin railroad, consisting of twelve cars and a caboose, was wrecked five miles from this city and five of the cars broken to pieces while the track was torn up for a hundred yards.

Conductor Matthews was painfully hurt.

Five passengers in the caboose were badly shaken up but were not injured.

SUCCESSFULLY LAUNCHED

Only Five-Masted Single Deck Schooner Ever Built in This Country.

Mystic, Conn., Aug. 24.—The five-masted schooner Elvira Ball, built for the Gilbert Transportation Company, in a local shipyard, was launched fully rigged and ready for sea, on today's flood tide.

The schooner is one of the largest single deck and the only five-masted single deck schooner ever built in this country.

It is 140 feet long, 40 feet wide and 15 1/2 feet in depth and has a gross tonnage of 1100 pounds.

The vessel will be exclusively used in the southern pine lumber trade.

OPENED OFFICE FOR BUSINESS

When Manager Left Operators Went on Strike.

Macon, Ga., August 24.—Manager W. G. Stuart, of the Western Union telegraph office here, left Saturday morning taking with him two operators for the Albany, Ga., office where he placed a manager and opened that office for business this morning. On his return he found only the chief operator and one young woman operator on duty. The others with the exception of one operator, went on strike.

How to Choose Extracts. A safe rule in buying extracts is to demand Blue Ribbon Lemon and Vanilla. Then you know you are getting the best.

BRYAN ON SPEECH SPENCER ON STAND

President Disclosed Scheme for Centralization

WAS AN EASY VICTIM

When He Proposed National Incorporation of Railroads

States Were Annoying Corporations and Corporations Demand Federal Protection—Railroads Not the Public That Demand Removal of Authority to Washington.

Lincoln, Neb., August 24.—William J. Bryan, in commenting on President Roosevelt's last speech, said:

"The president has at last disclosed his scheme for centralization at which he has hinted in former speeches. In his Provincetown, Mass., address he proposes the national incorporation of railroads and other corporations engaged in interstate commerce.

"Here is the secret; it is out at last. The states are annoying the corporations and the corporations demand federal protection from state legislation. The president thinks that action is most pressing as regards these corporations which, because they are common carriers, exercise a quasi public function. The states have been enacting two cent fare laws and laws reducing freight rates and the railroad managers demand that they shall be relieved from further fear of such legislation. The president's Hamiltonian ideas make him an easy victim, and he yields to the entreaties of the railroads.

"If it was the public he sought to protect he would recommend federal remedies, which would not interfere with state remedies, but it is the railroads, not the public, that demands the removal of authority to Washington.

"The democrats can be depended upon to oppose with all their might this movement toward centralization. If any democrat wavers, his constituents should look into his business relations and see whether he is under obligations to the railroads. A Hamiltonian republican, like the president, may honestly think that the farther the government is removed from the people the better it will be; but a Jeffersonian democrat does not cherish any such delusion. Even the Hamiltonian republican ought to hesitate to trust congress with any more power while the United States senators are elected by legislatures.

"It is fortunate that the people have had an object lesson so recently. The federal law stopped rebates and passes but the railroads make more money than they did before. The states, on the other hand, gave the people a reduction in rates and those who are receiving the benefit of these reductions will be slow to surrender the advantage thus far gained.

"It is doubtful whether the republican congressmen from the west will dare to support the president's proposition, but if an attempt is made to put such a measure through congress the democrats will stand a good chance of retiring every western republican who votes for it."

MAY MARRY AGAIN

Mr. Mizner Granted Absolute Divorce from Wilson Again.

New York, August 24.—Justice Guy of the supreme court today signed a final decree of divorce in the suit brought by Mrs. Adelaide Yerkes Mizner for an absolute divorce from William Mizner. By the decree Mrs. Mizner is permitted to resume the name of Yerkes and she may marry again. Mizner is forbidden to marry during the life time of his former wife. Mrs. Yerkes was the wife of the late Charles Yerkes the Chicago Traction promoter.

Appointed to Meet President Small
New York, Aug. 24.—At a meeting of the striking telegraphers this afternoon a committee of fifty men and women operators were appointed to meet President Small on his arrival at the Grand Central station tomorrow.

The strikers issued today the first copies of the magazine which they are publishing to obtain funds for the union treasury.

LUMINA TODAY

Two concerts—afternoon and evening.

SPENCER ON STAND

Testifies in the North Carolina Rate Case

EXAMINED BY MR. JUSTICE

Cost of Operating Passenger Train Subject of Inquiry

By Guesses and Deductions Mr. Justice Sought to Refute Previous Testimony—Efforts Characterized by Mr. Spencer as the "Wildest Speculation."

Washington, Aug. 24.—With some slight assistance in the form of guesses by Vice President H. B. Spencer of the Southern railway, Speaker Justice of the North Carolina legislature today computed that it cost only \$54.37 to operate a passenger train of two coaches and a baggage car on the North Carolina railroad from Goldsboro to Greensboro, a distance of 134 miles.

By the same method of deduction the speaker calculated that the revenues from this train would amount to \$380 and that the difference would be the profit to the railroad. He took the position that in this manner the cost of operation and the revenues of the Southern railway system could be computed to refute the testimony given yesterday by Mr. Spencer that it cost an average of 1.03 per train mile to operate a passenger train in the state and that the revenues from that train would average \$1.25 per train mile, including mail and express. This was the feature today of the hearing in the North Carolina rate case before special master Walter A. Montgomery, appointed by United States Circuit Judge Pritchard to take evidence.

Mr. Justice began his inquiry by asking the cost of labor, supplies on the train, and all such expenses that could be approximated, but there were so many expenses involved on which the witness had no knowledge that the speaker incorporated in the list a number of personal guesses.

At the conclusion Mr. Spencer characterized the deduction as "the wildest speculation."

When the cost of operating had been estimated Mr. Justice calculated that such a train would carry an average of 10 passengers, half of which would be first class, and that these would pay an average fare of \$1.90 under the old rate, or a total of \$380 for the whole trip.

Mr. Justice asked the witness if he did not know that it had been shown that the Southern make more than 200 per cent on its passenger business. Mr. Spencer replied that the result was "merely a numerical calculation on assumed figures."

At the afternoon session Mr. Spencer was questioned at length concerning his opinion of comparative rates in North Carolina.

Mr. Thom, general counsel for the Southern, then obtained a statement from the witness to the effect that while it is possible to compute the average cost per mile of operating all passenger trains, it is impossible to accurately sub-divide the expenses so as to fix the cost per mile of operating a particular train on a particular day.

The hearing was then adjourned until Monday.

DEATH OF AMZI SMITH

Was for 43 Years Connected With Document Room of U. S. Senate.

Washington, Aug. 24.—Amzi Smith, for 43 years connected with the document room of the United States senate and for many years in charge of that important branch of the senate, died here tonight of typhoid fever in the 64th year of his life. He would have been, had he lived until tomorrow, just 64 years old. Mr. Smith was known by every public man whose business took him to the United States capital for the last generation and he possessed a remarkable memory both for faces and for the indexes of public bills, documents, reports and executive communications which annually found their way into both houses of congress. It took him but a moment to indicate where any public document could be found in the vast storehouse over which he presided. Senator George of Mississippi, once said to him: "You might burn up all the indexes in the senate, Amzi, and you would be all right."

A PROGRESSIVE COMPANY

Jefferson Standard Life Insurance Company Has Strong Support.

One of the most progressive life insurance companies in the south is the Jefferson Standard, with home office in Raleigh. In a page advertisement in this morning's Messenger, attention is directed to the strong list of officers, directors and stockholders, containing the names of many of the leading citizens of North Carolina.

The list of stockholders in this city is a large one, representative of the most prominent business interests.

The Jefferson Standard Life Insurance Company claims to be the strongest in the south in capital and surplus and it has innumerable features which should make it popular and its policies attractive.

TRAINS IN COLLISION

Four Persons Were Killed and 30 Injured.

Sapula, I. T., August 24.—Four persons were killed and 30 injured this afternoon when a westbound St. Louis and San Francisco passenger train and an eastbound passenger train, both loaded heavily with excursionists, collided near Sapula.

The wreck is said to have been due to the failure of the dispatcher to issue an order to the eastbound train to take the siding at Redfork. Both locomotives and baggage cars were telescoped. The wreckage caught fire and burned, but no bodies were cremated.

Father and Son Drowned

Elkton, Md., August 24.—Frank C. Churchill, of Germantown, Pa., and his 11 year old son, Norman, were drowned today in Back creek, Chesapeake City, while crabbing. The boy fell overboard and his father jumped in after him. Neither could swim. Mrs. Churchill and another son witnessed the drowning.

Noel Has Slight Majority

Memphis, Tenn., August 24.—Advises to the News-Scimitar from Mississippi points say that practically complete returns from Thursday's election give Noel a slight majority over Brewer for the democratic gubernatorial nomination.

Bank Statement

New York, August 24.—The statement of clearing house banks for the week shows that the banks hold \$2,976,000 more than the legal reserve requirements. This is an increase of \$682,325 as compared with last week.

Appointed Supreme Court Judge

Atlanta, Ga., August 24.—Governor Hoke Smith today appointed Judge Horace H. Holden to the supreme bench of Georgia, to succeed Justice Andrew J. Cobb, whose resignation will become effective on October 12.

Continued Business

Washington, Aug. 24.—The five stock brokerage offices whose proprietors were arrested yesterday under the anti-gambling law did business today until the close of the market. The members of the firms arrested furnished bond for their appearance when wanted.

BASEBALL GAMES YESTERDAY

American.

Detroit 8; Washington 5.
St. Louis 4; Philadelphia 6.
Second Game: St. Louis 6; Philadelphia 4.

Cleveland 7; Boston 3.
Chicago 5; New York 2.

National.

Philadelphia 5; Cincinnati 4.
Second Game: Philadelphia 6; Cincinnati 0.
Brooklyn 1; St. Louis 5.
Second Game: Brooklyn 7; St. Louis 5.

New York 7; Pittsburg 4.
Boston-Chicago, rain.

Virginia League.

Lynchburg 4; Roanoke 2.
Second Game: Lynchburg 2; Roanoke 0.

Danville 1; Portsmouth 1.
Second Game Danville 2; Portsmouth 0.

Richmond 2; Norfolk 2. (called darkness).

Southern League.

New Orleans 1; Atlanta 2.
Second Game: New Orleans 6; Atlanta 4.

Memphis 3; Birmingham 2. (12 innings).
Little Rock 2; Montgomery 4.
Second Game: Little Rock 10; Montgomery 0.

Shreveport-Nashville, rain.

South Atlantic.

Augusta 2; Charleston 1.
Macon 3; Jacksonville 2.

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SOUTH NOT BARRED

Entitled to its Quota of Offices

SHOULD APPLY FOR THEM

Otherwise Others Will Be Selected To Fill Them

Opinion Printed in Pamphlet Form and Distributed Throughout State, Considered Final by State's Counsel and Therefore Argument Would be Futile.

Washington, Aug. 24.—Civil Service Commissioner McIlhenny today talked of his recent trip through the south where he went for the purpose of interesting the people in the service.

"There are throughout the south," he said "many men of high literary attainments, of learning and ability, the type of the college professor, to whom the fierce struggles of commercial life are repugnant. Men of this class would be most valuable to the government in many capacities and government employment would be congenial to them.

"The benefit would be mutual. There are young men also of this same type who could come to Washington and serve the government while studying in professional schools.

"Among the greater part of the southerners the impression prevails that the civil service is not for them, that they can have no part in clerical administrative work of the nation. It is not the least difficult to understand why this impression prevails. This belief was once a fact and not so long ago.

"It is a conviction based upon years of experience, during which it was evident to everybody that a southerner was the last man who could hope to get a federal position. Politics not only entered this question, but permeated it.

"There were southerners of a sort, who held offices under the government, but these were not of the class which I have been trying to interest in the service. And it was largely because persons of character of which little need be said—though much could be said—succeeded in obtaining and holding office that desirable citizens come to the conclusion that all avenues were closed against merit and respectability."

Mr. McIlhenny said the southerners of the high class which he tried to interest, held aloof from such things as civil service examinations, feeling that civil service reform was a farce. He added:

"It was my endeavor to impress upon the people that the condition which they had come to regard as unchangeable had changed forever; that no longer were they without the pale of the government; but that they were part of it; that the attitude of President Roosevelt had put the civil service upon a plane where performance equalled promise and that this state of affairs had become firmly fixed during his administrations that the country would never allow another president to go back to the abuses of the spoils system.

"Under the civil service rules each of the southern states is entitled to its quota of government servants and the people of the south must be convinced that these positions belong to them. Such posts must, of course, be filled, and when southerners do not come forward to take them others must be chosen."

FIRE IN HOSPITAL

Women Nurses Do Heroic Work in Fighting Flames and Rescuing Patients.

Middle, N. Y. Aug. 24.—Fire originating from a sterilizing apparatus broke out in the Thral hospital here tonight.

Arthur Thornley, an orderly in the hospital was so badly burned that he will die. He fell to the floor unconscious and was rescued by Dr. Lillian Morgan.

A dozen women nurses did heroic work in fighting the fire and rescuing the 26 patients who were in the hospital, most of whom were removed through the windows on ladders of the fire department.

The interior of the building was badly damaged.