

THE WEATHER TODAY:
For North Carolina:
Fair, colder.
For Raleigh:
Fair, colder.

THE MORNING POST.

TEMPERATURE:
Temperature for the
past 24 hours:
Maximum, 63.
Minimum, 39.

Vol. VIII

RALEIGH, N. C., FRIDAY, JANUARY 13, 1905

No. 37

PRELIMINARY MOVE AGAINST AMERICAN TOBACCO COMPANY

District Attorney Skinner's Visit to Washington Excites Curiosity---North Carolina Regarded as a Fine Field for Investigating the Methods of the Alleged Trust

By THOMAS J. PENCE

Washington, Jan. 12.—Special.—District Attorney Harry Skinner is here on important business, the belief being that he was summoned to Washington by the department of justice for a conference with reference to the investigation of the methods of the American Tobacco Company, which the administration is conducting with the view of making out a case of violation of the provisions of the anti-trust law.

Interest in Mr. Skinner's visit was increased when it became known that he was in conference with the attorney general and the interstate commerce commission during the day. It is known that Mr. Skinner furnished the commission with certain data and that he held quite a lengthy conference with members of the body. As was to be expected, the district attorney declined to discuss the object of his visit. He confined himself to the simple statement that he is here on official business.

While it is practically certain that Mr. Skinner was summoned here with respect to the prosecution of the alleged tobacco trust, his conference with members of the interstate commerce commission is not easily explained, unless it be that he furnished evidence of some sort with reference to rebates given the American Tobacco Company by railroads that operate in the south. The question of rebates has not arisen in the south the offense being confined largely to western railroads, and this idea was scouted in some quarters today. The interstate commerce commission has no relation whatever to Mr. Roosevelt's trust buster arrangements, and so Mr. Skinner's information which he furnished could not have related to the investigation of the tobacco trust, unless it involved the question of railroad rebates.

There is no authoritative information on the subject, but the belief prevails that Mr. Skinner has been directed to begin an investigation into the methods of the American Tobacco Company in eastern Carolina, as has been frequently intimated would be the case since it became known that the administration was in earnest. North Carolina is the home of the parent company, and an official of the department of justice made the remark today that it was the best field in the United States for probing into the methods of the so-called trust.

The first information published anywhere that the president contemplated an aggressive fight on the alleged tobacco trust appeared in this correspondence two days after the election. A few days later the fact was announced by the press associations, and since then a special attorney general has been appointed to take charge of the investigation. There is no doubt of the president's desire to put the screws to the American Tobacco Company. He believes this corporation is doing business in violation of the provisions of the anti-trust laws, and his preliminary move is to make out a case. It is said that the president's attention was called to the operations of the American Tobacco Company by a close and personal friend, who was forced out of business because he endeavored to work independently of the alleged trust.

A delegation including John Landstreet, W. J. Friedlander and S. H. Harris, prominent tobacco manufacturers, and the members of a special committee appointed for the purpose by the Independent Tobacco Manufacturers Association at its recent convention in Philadelphia, have called on Attorney General Moody and laid before him data gathered by the association tending to show the employment by the American Tobacco Company of methods claimed to be "in restraint of trade," and hence in violation of the Sherman anti-trust act. The practices of which complaint is made consist, it is said, in attempts to prevent both jobbers and retailers from handling the goods of the so-called independent manufacturers.

Isaac M. Meekins, one of the bright and shining lights in the Republican party of North Carolina, predicted today that unless various elements that are contending for control of patronage get together and agree upon a harmonious plan of action the president is likely to give the boot to all of them and seek advice from other quarters when considering North Carolina matters. This is Mr. Meekins' estimate of the situation after having learned of the plans of the various leaders who are preparing to make assaults on the White House.

With reference to his own political fortunes, Mr. Meekins said he did not think he would be a candidate for the attorneyship against Harry Skinner. Some time ago he wrote Chairman Rollins and asked him to withhold his decision in making the appointment, in dispanage to vestibule their cars.

The advance sheets of volume 13 of the Official Records of the Union and Confederate navies in the War of the Rebellion, covering the operations of the west gulf blockading squadron from February 21 to July 14, 1862, have been published by the superintendent of library and naval war records under the direction of Secretary Morton. The operations covered by the printed official reports, correspondence and different data include the passage of forts St. Philip and Jackson, the occupation of New Orleans, April 24 and 25, 1862, the passage of Vicksburg by Farragut, June 23, 1862, and many other naval operations along the Mississippi river below Vicksburg and along the coast of the gulf of Mexico from St. Andrews Bay, Fla., to the mouth of the Rio Grande. The volume contains over thirty illustrations and sketches of boats and fleets.

Representative Klutz was notified today of the establishment of eight new rural routes in his district, three in Watauga, three in Iredell and two in Surry.

Dr. J. E. Parker of Cisco, Chowan county, W. F. Buchanan of Charlotte and Mrs. Charles W. Burkett of Raleigh are here.

Mr. Roscoe Mitchell, who is now living in West Virginia, is here. He will leave tonight for Raleigh.

Mr. Spencer stated at the outset that it was not his purpose to discuss the subject in its entirety. There were, however, a number of important points which he wished to emphasize. The interstate commerce law and the commission, he said, had been in operation for eighteen years. Before its operation the rebate, the secret contract and discriminatory devices of various kinds were the rule. Now the reverse is the case. Rates are substantially maintained.

"There is no difference of opinion," continued Mr. Spencer, "between the railroads of the country, congress and the president on the subject that rebates are wrong. We agree with the language of the president that the highways of transportation must be kept open to all upon equal terms." On that basis the railroads are ready and anxious to co-operate; but I do not think any additional legislation is necessary in order to proceed against that particular class of abuses. If such legislation does appear to congress to be necessary, the railroads of the country will certainly stand, and I have no hesitation in saying so, in co-operation and aid to that end.

"That particular phase of regulation has already been pronounced by the committee as fully covered by existing statutes. It simply becomes a question of enforcement of the law." "But the question before you is not of that character; it is that of the power to name a rate upon the part of the commission after complaint and hearing. It has been claimed that this will be a means of stopping rebates. This claim I have no hesitation in disputing, and will give it attention later."

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Referring to the personnel of the commission, he expressed the confidence of the railway world in it, and said it was justly worthy of the respect of the country.

There was but one feature of the Quarles-Cooper bill which he wished to discuss specifically. That was the portion conferring power on the commission to substitute a rate for one complained of as unreasonable after due hearing, said rate to remain in effect, subject to change only by the commission or by the courts on appeal by the railroads. The reasons advanced for the necessity of this power were enumerated by Mr. Spencer, the first being that it is merely restoring a power which the commission had for ten years exercised. This power, Mr. Spencer denied, had ever legally existed.

The most important claim in the whole situation, Mr. Spencer believed to be, that such a power would enable the commission to prevent discrimination between localities. This question of adjusting rates between localities, he said, was the most difficult and intricate of all. The present adjustment was the outgrowth of natural competition, not only between localities, which had and would always exist, but between railroads as well. To disturb this, he maintained, would not only be a task so enormous that no statement could convey a comprehension of it, but would be impossible to satisfactorily complete in the hands of a body with authority only to take into consideration the one phase of adopting rates with reference to their equalization so far as the carrier was concerned, and leaving out the question of competition between localities.

In this problem the price of commodities of every sort would have to be taken into consideration, and he instanced the competition between mining centers, agricultural centers, manufacturing centers, etc., as illustrating his meaning. Stability as to prices of commodities could not exist, he maintained. Should such be the case commerce would become absolute stagnation.

Taking the subject of unreasonable rates, Mr. Spencer referred to the statement, which has been made to the committee, that rates were thirty-three thousandths of 1 per cent. higher in 1903 than in 1899, making a total raise of \$155,000,000. This he conceded to be true when the gross receipts were taken into consideration. He gave as a reason the increase in the price of commodities of every description, and consequently the cost of operation of railroads. The net return to the roads had been less than in 1899. It was a singular coincidence also, he maintained, that the comparison was made with the year 1899, which was the lowest year as to rates in the history of American railroads.

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Railroads Oppose Cooper-Quarles Bill

The Argument Presented by President Spencer of the Southern--All Are Agreed That Rebates Are Improper

Washington, Jan. 12.—Samuel Spencer, president of the Southern Railway, and authorized to voice the sentiments of the New York Central, Erie, Chicago, Milwaukee & St. Paul, Northern Pacific, Illinois Central, Delaware & Lackawanna and other railway companies, spoke vigorously today before the House committee on interstate and foreign commerce against the Cooper-Quarles bill or any proposition to authorize the interstate commerce commission to fix railway rates. Mr. Spencer is the first direct and official representative of the railroads to be heard by the committee, and his testimony is regarded as the keynote of the opposition to rate fixing by the government.

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Duke Habeas Corpus Will Come up Today

Counter-proceedings Begun as to Lunacy Inquiry—Lawyers Talk of Trouble of Long Standing in the Family

New York, Jan. 12.—Levy & Unger, as counsel for the wife of Brodie L. Duke, secured from Supreme Court Justice Gaynor in Brooklyn today an order appointing a commission to inquire into the sanity of her husband and to hear testimony before a sheriff's jury beginning January 19. In securing this order from Justice Gaynor pending the return of a preliminary order in a similar proceeding before Justice Greenbaum, Mrs. Duke's lawyers appear to have "short circuited" Nicoll, Anbale & Lindsay, counsel for Duke's son and brothers. Justice Greenbaum's order requires Mrs. Duke and all others interested to show cause before him January 20, why such a commission should not be appointed. In the meantime, before any of these proceedings are reached, Justice Gaynor is to have Mr. Duke before him tomorrow in Brooklyn on the writ of habeas corpus secured by Champe S. Andrews, representing Mr. Barham, Mr. Duke's private secretary. It is not at all likely, now that Justice Gaynor has signed an order for the commission to sit January 20, that he will decide tomorrow that Duke is sane and discharge him.

Duke will be produced in court by Dr. Brown, the head of the Sanford Sanitarium, to which Duke was committed by Justice Trux's order last Saturday. Lawyer Andrews says that he will have witnesses in court to prove that Duke has always been perfectly sane. He says that over one hundred public men have come forward volunteering to testify that Duke, while habitually inclined to go off on sprees, is nevertheless sane. Nicoll, Anbale & Lindsay say that they will confine their efforts to keep Duke where he is to an oral argument, citing the fact that he had been committed by a supreme court justice on the certification of Doctors Macdonald and Hamilton.

Back of the legal proceedings intended to free Duke lies, according to the lawyers, a story of a long war waged by Duke against his relatives and against the American Tobacco Company. According to the story told today by some of the lawyers, Duke opposed selling out the tobacco interests by the Dukes to the American Tobacco Company, and he has since retained control of a number of minor concerns down south, refusing to turn them into the trust. Of late, according to the information supplied by his secretary, he has been looking into certain properties in Texas believing that Havana and Sumatra tobacco could be grown there in opposition to the trust. It was while he was looking into this that the Webb woman, who is not his wife, came forward with her proposition that he finance a concern formed to take over 750 acres of tobacco land in that state. "The Duke brothers, so the lawyers say, heard of this and have been trying to thwart his scheme. From things some of the lawyers said to look as if the court might be asked to consider Brodie L. Duke and Mrs. Duke as rivals and victims of the tobacco trust. The interesting information was

given today that Barham's hurried trip here and his subsequent legal proceedings were the result of a telegram which reached him Sunday, coming apparently from Duke, who was then at Sanford Hall. This telegram read substantially as follows: "Come here at once and protect my interests." How Duke sent this telegram, if indeed he sent it himself, the lawyers do not know. At any rate Mr. Barham lost no time in getting here and getting out the writ of habeas corpus under which Duke will be produced tomorrow.

The commission appointed by Judge Gaynor to inquire into Duke's sanity consists of Prof. Isaac Russell, dean of the New York University Law School, Dr. Thomas Fogarty and Edward D. Candee of Brooklyn. Under the law they will sit as presiding judges and the testimony will be taken before a jury empaneled by the sheriff. Dr. Brown is directed to produce Duke before this commission.

Justice Gaynor's order was made on a petition of Duke's wife in which she said that Duke had been forcibly seized and taken into custody by two persons representing themselves to be police officers at the Park Avenue Hotel last Friday, that he had been subsequently committed to Sanford Hall, and that she, as his wife, was not satisfied with such commitment. The state law provides that within ten days a person interested can protest against such a commitment and ask for a trial before a sheriff's jury.

Mr. Levy, of Levy & Unger, said today that he anticipated that the lawyers for the Dukes might consent to his discharge today, in the hope that he would go to North Carolina where, Mr. Levy said, the lunacy law was very strict. Mr. Levy said he might ask, if it is decided to hold Duke for the trial, that Duke be sent to an institution other than that selected by the other side.

Delancy Nicoll called on District Attorney Jerome today in regard to the criminal aspect in the case, but refused to say what was discussed, so did Mr. Jerome.

IMPORTANT ORDER

Transfer of Inspectors in Post Office Department

Washington, Jan. 12.—Postmaster General Wynne has issued an order transferring the entire corps of post office inspectors from the jurisdiction of the fourth assistant postmaster general and placing them immediately under the postmaster general. The action is taken on the ground of subserving the best interests of the government and is based on the fact that the inspectors of the other executive departments of the government are directly under the heads of the departments.

The order is effective next Monday. It affects over 200 men, scattered throughout the country, who ever since the creation of the office of fourth assistant postmaster general have been under the direction and the control of that official. The order is one of the most important issued by the post office department for a long time, and may cause significant developments. Fourth Assistant Bristow, who is strenuously opposed to the transfer, has given definite expression of his opposition and made efforts to avert the change.

Court of Appeals Holds That McCue Must Die

The Charlottesville Wife Murderer at the End of His Chances in the Courts. Governor May Grant Him a Respite

Richmond, Va., Jan. 12.—The supreme court of appeals today refused a writ of error in the case of ex-Mayor McCue of Charlottesville, convicted of wife murder, and sentenced to be hanged the 20th of this month. A Charlottesville special says that when the news of the action of the supreme court in denying a writ of error was conveyed to McCue he lost his nerve and fainted.

"In the case of McCue against the commonwealth the judgment of the corporation court of Charlottesville, being plainly right, the writ of error is denied." That was the announcement made by Judge James Keith, president of the supreme court of appeals, in the case. So far as the courts of the state are concerned the case is ended, the only hope of the condemned man being with the governor.

In September last J. Samuel McCue was convicted of the murder of his wife by shooting her in their home. Two days before the commission of the crime McCue had given up the office of mayor, declining to stand for a third term. After the funeral of his wife the coroner's jury named McCue as the man responsible for her death. He was in-

dicted and tried at Charlottesville, the case attracting more attention than any murder case in the state in twenty-five years. He was convicted by a jury chosen from various parts of the state, the jury spending twenty of the twenty-six minutes while out in prayer. Death was the verdict. An appeal was taken with the result as given above. It is thought that the governor will give McCue a respite for a short time in order that he may prepare to meet death. He has three children, one boy and two girls.

New York a Skating Rink

New York, Jan. 12.—A light drizzling rain which continued through the night, freezing as it struck the ground, by today had transformed the streets and sidewalks of Greater New York into great skating rink. Transportation lines and horses in street traffic found themselves alike practically helpless. A dense fog which settled over the city during the night added to the seriousness of the situation, and harbor traffic suffered almost as seriously as the land transportation lines.

Japanese Force Strengthened

Berlin, Jan. 12.—The Neueste Nachrichten today published a dispatch from Mukden, saying that according to Russian intelligence the Japanese army facing General Kuropatkin's forces has been reinforced by 368 siege guns, recently used in the investment of Port Arthur and also by 32,000 infantry, making a total of 288,000 men with 1,241 guns.

W. R. Murray Placed on Trial for Murder

Jury Selected and Three Witnesses Examined—Evidence Not of a Damaging Nature—Lawyers Expect to Finish Saturday Night

Durham, N. C., Jan. 12.—Special. The trial of the W. R. Murray murder case began this morning, and when court adjourned late this afternoon the twelve men who will pass on the life and death issues had been selected and three witnesses examined by the state. A special venire of 250 men had been summoned by order of the court, and all of these with few exceptions were on hand when court convened this morning. Those who did not answer to their names were fined \$10. From that time until 4:15 o'clock this afternoon, with the exception of the noon recess, the court and lawyers struggled with the proposition of getting twelve fair-minded, unbiased men to pass on the issues to be presented. The jury is composed of seven farmers, two tobaccoists, one merchant, one blacksmith and one clerk. They are as follows: J. G. Parrish, T. A. Parrish, L. S. Nichols, A. L. Hoggway, Harrison Shippe, J. B. Walker, R. K. Umstead, George Ellis, Sr., S. D. Ball, W. H. Dopey, W. T. Carver, A. W. Umstead.

One of these men came from the regular jury. In getting the other eleven of the venire men were exhausted. After securing the jury an hour was devoted to the taking of evidence. During that hour three witnesses were examined. All of them were witnesses for the defense, two of them seeing only

a part of the trouble. The evidence given by these men was not very damaging to the cause of the prisoner. The only damaging feature was that three men—the prisoner, his son and a young man employed by the defendant—were beating the deceased when he fired the first shot. No one has yet said that the prisoner had the pistol in his possession when the fatal shot was fired. On the other hand all say that the two men were in a struggle for possession of the weapon.

Mrs. Murray, widow of the deceased, and her sister, Mrs. Robert Duke, sat close by the solicitor throughout the day. This afternoon the son of the deceased, who is a cadet in a military school, sat with his mother and aunt. The general opinion of lawyers is that the taking of evidence will be completed by Saturday noon. It is possible that tomorrow and Saturday night sessions of court will be held. It is hoped to turn the case over to the jury before midnight Saturday.

This killing was one of the most sensational in the history of Durham and that shocked the city and state. The prisoner is a nephew of J. S. Murray, the man killed. Both were engaged in the same line of business and much bitterness had been engendered. On the morning of November 25 the son of the prisoner and Walter Markham, an employe, got into some words with the prisoner and the prisoner went into the trouble, claiming that it was for the purpose of stopping what threatened to be a fight. The deceased drew a pistol and a struggle ensued for possession of it. Four shots were fired, the last one proving fatal. The defendant claims that the pistol was fired while both had possession of it. The state claims that prisoner disarmed the deceased and then shot him. Since the second day after the killing the prisoner has been under a \$20,000 bond.