

HIGHER COURT MAKES DECISIONS

Batch of Vital Opinions Handed Down

Five Against Man Who Let Bird-dog Run at Large During Closed Season For Quail Upheld—Concern Held Liable For Work of Its Contractor, If Dr. McCullers Loses His Case Extra Session of Legislature Might Have to Be Called—Other Matters at State Capital.

Dispatch News Bureau.
Raleigh, N. C., Dec. 7, 1911.
Alison and Hardy Baker, white, were committed to the Wake county jail last evening by Colonel John Nichols, United States commissioner, on the charge of blockading the men having been captured at a blockade still Tuesday by Deputies Merritt and Knight. Four men were at the plant, but two of them escaped. The Baker boys could not raise bonds of \$300 each. The still had a capacity of 50 gallons; a jug of liquor was destroyed, together with 600 gallons of beer.

The case of Dr. J. J. L. McCullers against the board of county commissioners, has been docketed in the Supreme Court. It is thought that the issue between him and the county commissioners of Wake county will be settled at once by the court in order that the health laws of the state may not be long in dispute, Judge Peebles declaring the county board of health an illegal body. It has been suggested, though not officially, that the governor may be asked to call an extra session of the legislature to pass health laws in the event the Supreme Court declares the act of the last legislature unconstitutional. Lawyers, however, are of the opinion that the county boards of health are legal, and they think the Supreme Court will be slow to declare unconstitutional an act of the general assembly, especially since to do so would upset the entire state.

That Charley Houston and Will Boyd, convicted in Mecklenburg county of manslaughter, did not actually do the killing, is the belief of the solicitor and an attorney who prosecuted these men, and this fact led Governor Kitchin today to pardon Boyd and commute the sentence of Houston to a year. Both men were sentenced in November, 1910, to four months on the roads for manslaughter. In his reasons for his actions, the governor says:

"After considering this matter and the petitions, upon the strong recommendation of the solicitor and attorney who aided him, who after thorough investigation, think that a third person did the killing, and that Will Boyd should be promptly pardoned, I pardon him on condition that he remain of good behavior or law abiding. Upon same petition and recommendations, I commute Charles Houston's term to twelve months on condition that he thereafter remain of good behavior. The attorney aiding the solicitor greatly fears that these men were erroneously convicted. Many of the jurors in asking for clemency for them say there is considerable doubt as to whether they participated in the fight which resulted in the homicide."

The Supreme Court found no error in the trial of A. S. Blake, of Henderson county, who was fined by the Superior Court for permitting a bird-dog to run at large during the closed season for quail in that county. The court also held that there was no error in the trial of the case of Vangy Carrick, a cotton mill operative of Lexington, against the Southern Power Company, and damages in the sum of \$1,200 were affirmed. Carrick was injured by falling into a hole which was dug by a contractor for this corporation, but the Supreme Court held that the company was responsible for any negligence. Joseph May et al., of Guilford county win their fight against the Western Union, they having got a verdict for trespass.

Other opinions follow:
The John Church Co. vs. Dawson, from Beaufort, affirmed; Aberdeen and Ashboro Railroad Co. vs. S. A. L. Railway, from Moore, new trial; May vs. Telephone Co., from Guilford, no error; Earnhardt vs. Southern Railway Co., from Rowan, no error; Garrick vs. Southern Power Co., from Davidson, no error; Ex Parte Watson, from Mecklenburg, affirmed; Culver v. Jennings, from Watauga, affirmed; South-west National Bank vs. Justice, from Mitchell, affirmed; Caldwell Land and Lumber Co. vs. Hayes, from Caldwell, modified and affirmed; costs against each party; Bowman vs. Blankenship, from Catawba, no error; Stout vs. (Continued on Third Page.)

MUST RETURN RAILROAD CARS

Important Ruling Made by Commission Today

Holds That One Line Can't Confiscate the Cars of Another, But Must Return Them—The Decision Would Give the Interstate Commerce Commission Larger Jurisdiction.

Washington, Dec. 7.—The Interstate Commerce Commission holds "that temporary confiscation by carriers of cars of other railroads and placing of embargoes against cars being sent off the lines of owner are alike unlawful and the railroads are expected to make such rules for the return of cars as will terminate such abuses."

Under this decision all car interchange rules of the American Railway Associations become subject to the Commission's regulations, affording it absolute jurisdiction over transportation as well as over charges of all freight. The case which called forth the decision was one in which the Missouri and Illinois Coal Company complained of an embargo established last winter by the Illinois Central Railroad against the movement of coal from mines on its lines in Illinois to point in Missouri, on the ground that if it allowed its cars to go to the lines in Missouri, the cars would be confiscated and the Illinois Central would not have sufficient equipment to conduct its local business.

TARIFF BOARD BILL SIDETRACKED TODAY

Washington, Dec. 7.—The Payne bill to create a permanent tariff board was brought up before the House Ways and Means Committee today by the Republican members. The committee indefinitely postponed action through the unanimous vote of the Democrats. This probably shuts off consideration of the measure at this session.

COMMISSIONER GRAHAM HAS HIS BACK UP

Special to The Dispatch.
Raleigh, N. C., Dec. 7.—Behind closed doors the Board of Agriculture discussed today, it is said, the remarks of Commissioner Graham yesterday with reference to alleged usurpation by the Board and State Chemist. Nothing could be learned definitely, but it is likely the board will have something to say tomorrow. Commissioner Graham stands pat in the stand taken yesterday and will buck the board if he thinks his rights are being infringed upon.

PERSIA SEEKS AID OF U. S. CONGRESS

Washington, Dec. 7.—An appeal from the Persian people to Congress for aid and sympathy in their controversy with Russia, threatening their independence, was read in the House of Representatives. It asked aid consistent with Persia's dignity and independence.

BOY TRIED TO BE TRAIN WRECKER

Unionville, Conn., Dec. 7.—John Schinakis, aged 11 years, admitted to the authorities today that he placed the obstruction on the New York, New Haven and Hartford Railroad tracks here Thanksgiving Day, in an attempt to wreck the train. The engineer of the first train over the line saw the obstruction in time to stop his train. The boy said he saw a train wrecking scene at a moving picture show and wanted to see the real thing. The court has taken the case under advisement.

World's Baseball Series
At the Grand Today Presented Under Perfect Conditions. It



Los Angeles, Cal., Dec. 7.—District Attorney Fredericks, now that the trial of the McNamaras has been finished, is ready to devote his energies to an investigation of the bribery charges made against Bert H. Franklin and others. Fredericks has in his possession several hundred dollars which, he says, were paid to prospective jurors by men interested in gaining freedom for the McNamaras. The United States authorities will aid the state in an effort to learn where this money came from.

GEORGIA ELECTION

Hot Fight There Today For Governor, With the Question Revolving Around Old Boaze—Three Candidates in the Race to Succeed Hoke Smith.

Atlanta, Ga., Dec. 7.—The Democratic voters of Georgia are voting in a primary today to choose a candidate for Governor to succeed Hoke Smith, recently elected to the United States Senate. The candidates are Joseph M. Brown, former Governor, who was defeated by Hoke Smith for re-election; Judge Richard B. Russell, of the Georgia Court of Appeals, and Pope Brown, former State treasurer. The contest revolves around the liquor question. Jos. M. Brown wishes to submit all proposed liquor legislation to the voters; Russell stands for local option, and Pope Brown for State-wide prohibition.

GETTING THE JURY IN THE KNIGHT CASE

Huntsville, Ala., Dec. 7.—The examination of talesmen from whom a jury will be chosen to try John W. Knight, accused of using the mails to defraud, began in the United States District Court today. Knight was formally placed on trial yesterday. Charges against him are that he, as head of the cotton firm of Knight, Yancey & Co., of Decatur, forged bills of lading on the strength of which he collected millions of dollars from drafts, representing the value of the alleged shipments of cotton from Southern ports.

HARMON IN ATLANTA

On His Way to Waterways Congress Now in Session.
Atlanta, Dec. 7.—Governor Judson Harmon, of Ohio, was a breakfast guest of the Atlanta Bar Association today. He left at 11 o'clock for Washington, to attend the National Rivers and Harbors Congress. He spoke yesterday at the Southern Corn Show.

GARY AGAIN BEFORE PROBE COMMITTEE

Washington, Dec. 7.—E. H. Gary, of the United States Steel Corporation, testified before the Senator Interstate Commerce Committee, today that he always believed it was entirely legal for competitors to come together, mutually disclose their business conditions to steady and balance trade, without making and agreement on prices.

An \$80,000 Blaze.
Boonton, N. J., Dec. 7.—Nine stores, and two hotels in the business district were destroyed by fire today with a loss of eighty thousand dollars. The blaze originated in a laundry.

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YOUTH TO PRISON

End of a Wild Escape in Which Three Young Men Stole an Automobile and Went From Connecticut to Virginia—One Killed in Accident and Other Two Go to Prison.

Hartford, Conn., Dec. 7.—Three to five years in prison for Robert R. Taft, ten months in jail for Raymond Manson and a grave in a lonely country cemetery, were the fates from Buchanan, Virginia, for Richard Clark, the termination of an escapee of three Springfield, Mass., youths, which began September 20th with the theft of a \$4,000 automobile, belonging to George L. Bidwell, of this city. The boys drove the machine to Virginia and when near Buchanan met with an accident, in which the car was overturned and Clark killed. He was buried in a small cemetery near the scene. The other two were subsequently arrested and tried. Yesterday sentences were imposed. Taft is 19 years and Manson 17.

MYSTERIOUS DEATH

Coroner to Investigate Sudden Death of Young Woman.
New York, Dec. 7.—An autopsy has been ordered on the body of Mrs. Nellie Burrele, president of a clipping bureau, who died yesterday. An anonymous telephone message has led the coroner to believe the woman did not die from a natural cause.

TWO MEN ARRESTED FOR TRIPLE MURDER

Decaturville, Tenn., Dec. 7.—After leaving the witness stand during the coroner's inquest into the murder of three negroes, two white witnesses were arrested. They are George Shelton and John Bailey. Warrants charging a triple murder were sworn to by a kinsman of the victims. The murders occurred several days ago. As Benjamin Pettigrew, a negro, and his two children were on their way to market with cotton they were held up and killed. Robbery, it is said, was the motive. It was believed Pettigrew was taking money to a bank.

STATE WORRYING DEFENSE IN TRIAL OF DR. HYDE

Kansas City, Dec. 7.—Successful attempts of the State to introduce testimony not directly connected with the death of Colonel Thomas H. Swope, for whose alleged murder Dr. B. Clark Hyde is now on trial for a second time, is causing the defense considerable worry. Miss Elizabeth Gordon, a nurse, resumed her story today about how Hyde injected what the State asserts was pus into the arm of Margaret Swope under the guise of camphorated oil. The defense objected strenuously to this testimony.

BUSINESS ALL RIGHT

Declares Comptroller of Currency in His Annual Report Submitted to Congress Today—Steady Growth Recorded.

Washington, Dec. 7.—The general business of the country as reflected in banking operations was "quite satisfactory" during the year ending October 31st last, according to the annual report of Lawrence O. Murray, Comptroller of the Currency, submitted to Congress today. Mr. Murray records a steady growth in the volume of business and the establishment of some high records on this connection. He points out, however, that while augmenting some of the important elements of banking during the year business did not reach the average of increase for the past ten years.

The Comptroller makes the startling declaration that "the dishonest practice by officers of National Banks of receiving personal compensation for loans made by the bank is a growing evil and has already reached such proportions as to call for criminal legislation on the subject."

"In this manner," he adds, "either the bank is defrauded of lawful interest which it would otherwise receive or usurious interest is exacted of a borrower by a corrupt officer. A secret reward to the officers is sometimes a deliberate bribe for obtaining a loan on insufficient security."

Mr. Murray urges that the taking of money or other valuables in this connection by a bank officer be made an offense punishable by imprisonment in the penitentiary.

The aggregate amount of assets of the National banks increased during year approximately \$53,258,000 or 5.63 per cent. Loans and discounts, the biggest item in a bank's resources, increased only 3.59 per cent. in the face of an average ten year increase of 6.52 per cent. Individual deposits, representing 53 per cent of a bank's liabilities, reached the highest point in history September 1st last—\$5,489,995,011. This high record, however, was an increase of only 6.69 per cent. over the previous year, as compared with a ten year average of 7.49.

The banking power of the nation including the operations of every bank—national, state and private—is estimated by the comptroller at \$21,334,456,790, an increase during the year of \$285,212,407, or over 1.3 per cent. The total banking capital is estimated at \$2,032,411,085, and the total individual deposits at \$16,514,730,351.

The net earnings of the National banks during the fiscal year ended June 30 last were \$156,985,513, from which dividends were paid to the amount of \$114,685,412 or 11.38 per cent on the capital and 6.83 on the combined capital and surplus.

Only three National banks were placed in the hands of receivers during the year ended October 31st. The United States holds the greatest stock of gold and silver in the world, according to statistics submitted by Mr. Murray for the calendar year 1910. The total aggregate of gold in possession of the principal countries was \$6,604,100,000, of which the United States held \$1,710,000,000, or 26 per cent.

BAPTISTS FOR PEACE TREATIES

Also Seek Relief From Whiskey Shipment

Resolutions Bearing on Both Vital Matters, and Directed to Congress, Adopted at This Morning's Session of the State Baptist Convention—Big Endowment Movement Started For Meredith College.

Special to The Dispatch.
Winston-Salem, N. C., Dec. 7.—At yesterday afternoon's session of the Baptist State convention Dr. C. S. Gardner made a strong appeal for North Carolinian students at the Seminary and to raise the indebtedness. The convention voted instruction to the Educational Secretary to make a canvass of the State and pay off the indebtedness. The report of the Ministers' Relief Board was read by Rev. J. M. Arnette, of Durham.

A brilliant fight for the "Old Soldiers of the Cross" was made by Dr. C. E. Brewer, of Wake Forest. Rev. Frank M. Jordan, one of the oldest ministers in the convention, spoke briefly, telling of the hardship of the establishment of the Baptist Church at Winston-Salem and gave the history, beginning with one member to the present enormous membership.

Last night's session was taken up with consideration of Meredith College. The report of the Board of Trustees was read by W. N. Jones, of Raleigh, and a strong plea for the college was made by Archibald Johnson, editor of Charity and Children, Thomasville. A collection of \$10,932 was taken on an endowment movement.

This morning's session began with devotional exercises by W. A. Adams, Winterville. Rev. Chas. E. Maddy read the report of the financial plan. The report of the orphanage was read by V. P. Hoggood, of Oxford. A plea by Rev. Oscar L. Power for the orphanage was one of the most pathetic and brilliant ever heard by a Baptist State convention, bringing tears to nearly every eye in the house.

Rev. Walter N. Johnson read the report on State Missions and spoke on it very strongly.

The convention adopted resolutions asking Senators and Congressmen to aid in the construction of such laws as will relieve the sending of whiskey into dry territories; also that the heartfelt approval be given and express hope that the peace treaties pending between the United States, England and France be confirmed by our Senate.

A very affecting scene occurred when the State Missionaries came forward and presented a watch to Rev. Livingston Johnson, secretary of the Board of Missions.

LEFT DEAD IN ROAD BY AUTO DRIVER

Utica, N. Y., Dec. 7.—When the body of Daniel Donovan was picked up last night in the road here, the blade of an automobile air fan dropped from beneath his coat. After visiting the garages of several nearby villages Sheriff Becker arrested George H. Sherman, in Herkimer. The blade fitted into a broken fan on Sherman's machine. The prisoner refuses to talk.

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the total. The total supply of silver was \$2,599,500,000, this country's share being \$729,500,000 or 28 per cent. Mr. Murray recommends that Federal or State corporations holding stock in National banks be made liable to assessment as shareholders. He also asks Congress to extend to ten years the statute of limitations for the prosecution of offenses under the National Banking laws.

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WON'T TELL THE GRAND JURY

Believes McNamara's Confessions at An End

James B. Informs Sheriff He Will Not Testify Before the Federal Grand Jury—Detective Burns Does Not Look For Any Further Confession From Them—Strikers in Illinois Denounce Violence in a Labor Controversy.

Los Angeles, Cal., Dec. 7.—The McNamara brothers, whose complicity in the alleged dynamiting conspiracies became a matter of investigation, after their confessions of guilt and their sentences to terms in the State penitentiary, today faced a vigorous ordeal when interrogated by a special prosecutor in the Government's probe into the alleged trafficking of dynamite and misuse of mails to promote the destruction of property where labor warfare was involved. A Federal grand jury met with the expectation of getting from the McNamaras details sufficient to bring within the purview of law, those persons who may have been involved in promoting their purposes in defense of organized labor. What the McNamaras would tell the grand jury remained a mystery. It was believed the McNamaras would tell enough to warrant a jury investigating the methods of other men.

John J. McNamara, the confessed dynamiter, told Jailer Gallagher, that under no circumstances would he give the Federal Grand Jury any information. Following that announcement under Sheriff Bain sought Oscar Burns, the special Government investigator, to tell him of the prisoner's statement. It was understood that James B. McNamara also would refuse to give testimony to the Federal Grand Jury.

Burns Consulting in New York.
New York, Dec. 7.—William J. Burns, the detective who captured the McNamaras, arrived today to consult with Walter Drew, counsel for the National Erectors' Association, which retained him to investigate more than one hundred dynamite outrages throughout the country.

"I have come," said Burns, "to look into certain dynamitings here for which the McNamaras and that gang are responsible. Every dynamiting which occurred since 1906 may be traced directly or indirectly to the McNamaras and the men behind them."

Disavowing any enmity towards organized labor and declaring that "such conservative leaders as John Mitchell and others have stood behind me and my work," Burns said: "If Unionism is to prevail it must kick out boots and breeches, the corrupt and dishonest leaders and corrupt machine which are drawing it down today."

Burns said the McNamara case has been the greatest blow to Socialism in the history of this country. He said he did not expect any further confession from the McNamaras. "And the Iron Workers are not the only Union guilty of dynamiting," he said. "There are other, but to say who would be obviously unwise."

Strikers Condemn McNamaras.
Chicago, Dec. 7.—Thirty-eight hundred striking shopmen of the Illinois Central lines condemned the McNamara brothers today and declared death should have been the penalty allotted them. The action was taken at a mass meeting of the Burnside Shop Federation. Violence of any kind in a labor controversy was held injurious to union labor.

GARD OF THANKS.
To the many friends who lightened our burden of sorrow by consoling words and loving assistance in the dark hour of the sickness and death of our little child, we render heartfelt expressions of thanks.
MR. AND MRS. J. R. CASTEN.

CAMPS SELECTS AN ALL AMERICAN TEAM

New Haven, Conn., Dec. 7.—Walter Camp's choice for an all-American football team is as follows: Ends, White, of Princeton, and Bomeister, of Yale; tackles, Hart, of Princeton, and Devore, of West Point; guards, Fisher, of Harvard, and Duff, of Princeton; center, Ketchum, of Yale; quarterback, Howe, of Yale; half-backs, Wendell, of Harvard, and Thorpe, of Carlisle; full-back, Dalton, of Annapolis.