

FREEDOM OF TRADE THE END IN VIEW

WICKERSHAM POINTS THE WAY.

Suggests Modifications of Interstate Commerce and Anti-Trust Laws.

Kansas City, Nov. 19.—Modifications of the interstate commerce act, in order to secure reasonableness of rates to all and fairness of practice in the operation of interstate railroad lines were suggested by Attorney General Wickersham in an address here to-night at the annual dinner of the Commercial Club...

Mr. Wickersham said that one of the fundamental objections urged to the present organization and functions of the Interstate Commerce Commission is that it combines legislative, administrative and quasi-judicial functions.

The President, said Mr. Wickersham, "in a speech delivered at Des Moines, Iowa, in September last, enumerated certain suggestions which have been made to meet these objections.

For the purpose of preventing the conflict of decisions and the delays and uncertainties in the enforcement of the law which now exist it is proposed to create a special tribunal, to be known as the Commerce Court, in which shall be exclusively vested all the jurisdiction now possessed by the Circuit and District courts and the Circuit courts of appeals of the United States with respect to the enforcement or review of orders and decrees of the Interstate Commerce Commission, and that all applications for injunctions to restrain orders of the commission be heard by all the judges of this court, whose orders and decrees shall be final, except that an appeal may be taken to the Supreme Court of the United States from final decrees in cases where a constitutional question is involved.

AMENDMENTS SUGGESTED.

The further suggestions are that the interstate commerce act be amended as follows:

"By providing that the commission be specifically empowered to review classification of rates on items and grouping."

"By providing that the rate or classification shall be filed with the commission by the carrier, and that the commission be authorized to fix the rate or classification in any case where the carrier fails to do so within the time specified in the act."

"By providing that the commission may, in its discretion, modify or annul any changes in rates or regulations which it has made under its own authority, or which it has made under authority of the act."

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ARREST MRS. LAMONT. Widow of ex-Cabinet Member

Accused of Speeding. Worcester, Mass., Nov. 19.—Mrs. Juliet Lamont, widow of John J. Lamont, who was Secretary of War in President Cleveland's Cabinet, was arrested here to-day for reckless automobile driving.

The party was on its way from New York to Boston to witness the Harvard football game to-morrow.

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A JUDICIAL "JOKER" SALARY DISCOVERY AFTER ELECTION.

Amendment Used to Increase Pay of Supreme Court Justices Here.

By unanimous vote the Board of Estimate and Apportionment increased yesterday the additional compensation received from the city by the Supreme Court justices of the First and Second Departments by \$4,000 each.

This increase in compensation is made to take effect immediately, under the constitution as it now stands, in the face of the constitutional provision that the compensation of judges "shall not be increased or diminished during their official terms."

The justices will undoubtedly profit by the increase in salary to be paid by the state after January 1 under the constitutional amendment voted on at the recent election, which it is believed was passed, although the full vote has not been canvassed.

There had been a widespread understanding that the amendment was meant to provide simply for an increase of the salaries of upstate justices, who do not receive large additional compensations from counties and cities.

Word was received here yesterday from Washington that the government in its search had swept the entire middle south Atlantic Ocean. Cable messages have been sent from the revenue cutter service to all points in the West Indies to locate the missing yacht.

It is believed by the Treasury officials that the yacht has gone into some out of the way harbor to avoid rough weather.

THOUGHT SAFE IN HARBOR. Douglas Robinson, brother-in-law of Colonel Roosevelt, telephoned the Treasury Department yesterday from this city and asked that the Revenue cutter Albatross, stationed in Porto Rican waters, be sent to search for the Nourmahal.

THOUGHT CITY WOULD SAVE. The amendment stated that in the First and Second Judicial Departments the justices should receive such additional compensation as would make their "aggregate compensation what they are now receiving."

It was thought by many that this meant that when the state increased its allowance by \$4,000 a year the city would have to pay just that amount. This would have meant a total saving of \$172,000 a year, as there are thirty justices in the First Department and thirteen in the Second.

But by the action of the Board of Estimate yesterday the city will continue to pay what it has paid, and the \$4,000 of the state will go to increase the compensation of the justices to \$21,500, placing them among the highest paid judiciary officers in the world.

However, the action yesterday means that in the month of December the city will have to stand the entire increase, as the state increase does not begin until January 1. This means an additional expenditure for this month of nearly \$15,000.

QUESTION LEGALITY OF ACTION. When news of the action of the Board of Estimate spread last night the question of its legality was raised in some circles.

NOURMAHAL SILENT NO WIRELESS NEWS OF COL. ASTOR.

Middle South Atlantic Searched by Government Messages Without Result.

Although no word was received either in this city or Washington yesterday from any government vessel or merchantman concerning the whereabouts of Colonel John Jacob Astor's yacht Nourmahal, which was cruising in the Caribbean when the recent hurricane came over the West Indies, considerable credence has been placed in the report of Captain Durie, of the fruit steamer Annette, who reported here on Thursday that he believed he saw the yacht at San Salvador.

Every available means has been resorted to in an effort to find or get in communication with the Astor yacht, but thus far all efforts have been fruitless. Captain Ross, of the revenue cutter service, and the officials of the Treasury Department in Washington are inclined to regard the story of Captain Durie as most likely.

The delay in hearing from the Nourmahal, it is said, is largely due to the lack of communication between Jamaica and Porto Rico and the derangement of the cable along the Brazilian coast, which has cut off all communication between Porto Rico, St. Thomas, Barbados and Trinidad.

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KILLED BY FOOTBALL WEST ORANGE BOY'S NECK BROKEN.

Death Soon Follows Tackle Near Goal by Trinity Chapel Player.

Orange, N. J., Nov. 19.—Snapping his vertebrae much the same way as Cadot Byrne, of West Point, in the game with Harvard, Albert P. Wibralskie, seventeen years old, son of Mr. and Mrs. Theodore Wibralskie, of No. 97 Riess Place, West Orange, died in the Orange Memorial Hospital at 8:15 o'clock to-night, three hours and a quarter after he had been admitted to the institution.

Wibralskie was playing right halfback for the West Orange High School team on the Watessing Oval of the Essex County Park playground against the Trinity Chapel team, of New York, when the fatal accident occurred.

In the second half, with the score 17 to 0 in favor of the local team, young Wibralskie on the second down rushed the ball to the 30-yard line of the opponents' goal, when he was tackled low. He fell head first, his head doubling up under his chest, breaking his neck.

The unceremonious form of the injured player was picked up by his team mates, and he was hurried in an automobile to the office of Dr. Frank W. Lockwood, No. 237 Prospect street, East Orange, three blocks away. Seeing the serious condition of the lad, the physician ordered his immediate removal to the Orange Memorial Hospital, two miles away.

The automobile, with every ounce of power that its mechanism could summon, rushed at breakneck speed to the hospital, getting there in less than five minutes. The boy was placed on the operating table, but despite the continuous efforts of the physicians of the institution, he died without regaining consciousness.

The field is at Dodd street and Glenwood avenue and the game attracted several hundred students from the local school, while the visitors had a goodly following of rosters. When it was seen that Wibralskie, who was the star athlete of the school, for he played on the basketball and baseball teams as well, was probably fatally injured, gloom was cast over the throng and soon the field was emptied. The East Orange police are making an investigation.

STEEL BACKS COPPER? Report of U. S. Corporation in \$800,000,000 Merger.

Pittsburg, Nov. 19.—It is reported here to-night, from apparently authentic sources, that the United States Steel Corporation is back of the copper consolidation now in process of formation. It is believed here to be the most important industrial development since the steel movement of a decade ago, only it is being accomplished more quietly.

It is reported that the Steel Corporation will have more to do with the new company than the Cole-Ryan and Guggenheim forces. The Steel men have always pinned their faith to the business ability of Thomas F. Cole, who was formerly head of the ore section of the corporation. They have followed him into North Butte, Greene-Canaan, Superior and Pittsburg, Calumet and Arizona and others of the profitable Cole-Ryan copper projects.

PAID \$3,000 CUSTOMS PENALTY. Mr. and Mrs. Ogden Codman Had Declared No Dutiable Goods.

When the Cunard liner Lusitania reached here last week she had among her saloon passengers Mr. and Mrs. Ogden Codman, of No. 15 East 41st street. Mr. Codman is an architect, with offices at No. 31 Fifth avenue. The Codmans made a declaration that they had no dutiable goods. Yesterday they paid \$3,000 duty.

GLADSTONE'S NEW POST. Accepts Appointment as Governor General of South Africa.

LURTON FOR JUSTICE. President Selects Him to Succeed Peckham.

Washington, Nov. 19.—The President has decided to appoint Judge Horace H. Lurton, of Tennessee, to the Supreme Court of the United States as successor to Associate Justice Rufus W. Peckham. This was learned from an official source to-day, and the formal announcement from the White House is expected within the next week.

It has frequently been predicted by those in close touch with the President that if he decided to appoint a Democrat his choice would undoubtedly be Judge Lurton, his old associate. The names of several other Democrats, notably Frederick N. Johnson, of Missouri, have been prominently mentioned, but it is understood that Judge Lurton has all along been first on the list. He has served for many years on the Tennessee bench, and is an intimate friend of Mr. Taft. He is sixty-five years old.

FLOODS IN PANAMA. Railway Tracks Three Feet Under Water Along Canal.

Panama, Nov. 19.—The heavy rains continued to-day. No trains ran between Colon and Panama, as most of the tracks were flooded. In some places they are three and four feet under water.

AEROPLANE RECORDS. Hubert Latham Reaches a Height of 13,45 Feet.

Bouy, France, Nov. 19.—Competing for the Wellier height prize for heavier-than-air machines, Hubert Latham, in a monoplane, ascended a distance of 13,45 feet and M. Paulhan, in a biplane, 11,81 feet. Both these heights are world's records. Paulhan previously held the honor at 9,97 feet, the flight having been made at Sandown, England.

BALFOUR DUBIOUS. Opposes Tax on Raw Cotton—Churchill's Campaign.

London, Nov. 19.—The political crisis has drawn out from Mr. Balfour, the leader of the Opposition in the House of Commons, the written admission on the contemplated taxing of raw cotton that "such a tax would violate the fundamental principles of fiscal reform."

EIGHT MURDERED. Hacked to Death with Axe in German Village.

Plaschen, Germany, Nov. 19.—Unknown murderers to-night hacked to death with an axe eight persons in a farmhouse in the village of Baguslawitz, near the Russian frontier. The victims were a farmer named Wasilowski, his wife, five children and his father-in-law. The murderers are believed to have crossed the frontier.

PHONE SAVES LIFE. Express Train Stowaway Dislodged Just in Time.

Dover, N. J., Nov. 19.—A foolhardy man, whose identity was not learned, jumped aboard the Lackawanna Limited, a solid vestibule train from Buffalo, as the train was pulling out of the Dover station this evening.

U. S. MAY CONTROL SUGAR REFINERY MORE EVADED DUTIES TO BE COLLECTED.

Loeb Dismisses Nineteen More, Among Them His Deputy, James F. Vail.

It was learned yesterday that while the special prosecuting officers of the federal government in this city were investigating the American Sugar Refining Company's books and general affairs, the Department of Justice at Washington was working out a plan to collect more of the evaded duties on sugar importations.

To do this effectively, it was said, it might be necessary to apply to the courts that a receiver be appointed; at all events to ask for legal action of some kind that would enable the government to control the situation so far as the American company was concerned.

The government is estopped from reopening the case of short weighing by the agreement of settlement, made in the spring, resulting in the payment of \$2,000,000. But it was learned yesterday that there had been disclosures that would enable the federal authorities to ask for heavy penalties or fines on other grounds. To get at the figures, it was said that control of the company might be asked in the courts.

Special significance was given to the foregoing rumor by the utterances of Attorney General Wickersham, in Kansas City yesterday. "We are going to recover, as far as possible, all the back duties due the government," he was quoted as saying, "and we are going to ascertain who were guilty of frauds, wherever they may be, that they may be punished. There is not much to be said about the investigation now because it is still going on, and we do not know where it will end. But I can tell you that it is going to be as thorough and as effective as the machinery at my disposal can make it."

ATTITUDE OF GOVERNMENT. When Mr. Wickersham was asked what the attitude of the government would be toward wealthy malefactors, if there were any, he said: "A malefactor is a malefactor, and anybody who is found to be implicated in any fraud against the government will be prosecuted, no matter how high up he may be."

Henry L. Stimson, special counsel for the government in the prosecution of the American company, said recently that the government had not finished its efforts to get its full due. From another source it was learned that similar efforts had been contemplated in July, 1907, in the prosecution of all so-called "trusts." The American Tobacco Company was under investigation, and James C. McReynolds, special Assistant Attorney General, and Milton Purdy, Assistant Attorney General, evolved the receivership plan and a receiver was actually asked for in court.

It was rumored yesterday that the federal plans contemplated action for the seizure of the sugar plants and their operation under a government official until all the facts in new revelations had been disclosed. A federal lawyer said that would be a rather radical proceeding, but that the scheme of Mr. McReynolds and Mr. Purdy might, with additions, be applied. Their plan was for the complaint to include a request to the court that a receiver be appointed if, in its judgment, the facts disclosed demanded such action, the receiver to administer the business in harmony with the law.

BREAKING UP A MONOPOLY. The receiver would be expected to sell and dispose of the different units, composing the monopoly in such a way as to preserve the essential interests of the stockholders, and at the same time ultimately give to the public the benefit of competition between separate and independent corporations or businesses.

It was pointed out that the government prosecutors would have to show the court to its satisfaction that an injunction would not be effectual, or that other means could not be used to obtain the things for which the federal counsel were contending. In the event of the government deciding upon drastic action the situation regarding the American company is entirely different from that which confronted Mr. McReynolds and Mr. Purdy.

Every avenue of approach to a solution of the problem as to the means of getting adequate returns for the 234 or more cargoes of sugar which were said to have been tampered with is being examined by the Department of Justice corps of legal experts and a solution, it was said, was not far away.

One of the government counsel said to-night that the Treasury Department might collect back duties because of the sampling frauds and the drawbacks should the investigation show that suit for these reasons had a reasonable show of success. He had not heard of the Department of Justice probing the situation with a view to taking drastic action looking to the complete control of the company. In the tobacco suit the United States Circuit Court had decided, he said, not to grant the application for a receivership, as the facts did not seem to warrant such a procedure.