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THE MORNING STAR.

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Oldest Daily Newspaper in the State.
Largest circulation of any Wilmington Paper.

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WILMINGTON, N. C., TUESDAY, MARCH 2, 1909.

WHOLE NO. 12,930.

OUTLINES.

In the Cooper-Sharp trial yesterday the State sold to the defense an expert witness, who had made an expert testimony on the body of Carmack.—The Gann bill providing for statutory State wide prohibition passed the House in the Tennessee legislature.—The Tennessee Senators, who left the State last Thursday, are still hiding-out, and the legislature tangle continues.—A fire at Reno, Nevada yesterday destroyed two hotels and a gambling house, entailing a loss of \$100,000.—Jake Wells was yesterday re-elected president of the Virginia League, at Richmond, Va.—The Appellate Court of New Jersey decides against the two leather companies on the right of merger.—The Senate Judiciary Committee decides to make no report on the steel merger, but to leave each member to express his own views.—The House amended and passed the National Forest Reservation Bill, which now goes to conference.—The Circuit Court of Appeals of this circuit declares the "safety appliances" act of 1889 to be valid.—A Lieutenant with the battleship fleet was married in Norfolk to a lady to whom he won in San Francisco on the around the world tour.—The Supreme Court of Oklahoma orders return of papers of Hearst's agent seized on Haskell's affidavit.—Dr. Crum resigns as Collector of Customs at Charleston.—The Common Council of Pittsburgh were convicted on bribery charges yesterday.—The Subsidy Bill will make an attempt to pass that measure today.—The House special committee reports no breach of privilege in Cook's speech attacking the President.—New York Markets: Money on call easy at 2 to 2 1/2 per cent.; ruling rate 2 closing bid 2 1/4, offered at 2 1/2. Flour firmly held. Wheat irregular. No. 2 red 1.23 1/4 elevator. Corn easy. No. 2 75 1/2 elevator. Oats steady, mixed 57 to 58. Rosin and turpentine quiet. Cotton quiet, 5 points higher, middling uplands 9.70, middling gulf 9.55.

"Roasting the President" will soon be an out of date headline, for newspaper articles.

We hope the legislature will stick to the rule prohibiting the introduction of bills after today.

Now we never will know what "Sub-Section A" would have done had the legislature passed that bill.

It is up to somebody to explain why only four Democratic Senators voted for the "anti-trust bill with teeth".

Won't there be danger of Roosevelt drowning in that bathtub that was put on the North Carolina for Taft's use?

After March 4th Ananias Club members will be deprived of the excitement of the frequent initiations they have enjoyed in the last few years.

Congressman Gaines may have been out of order but he gave Speaker Cannon some straight talk he has not been used to. It may do him good.

The Democrats of the legislature seem not to feel bound to vote according to the dictation of those outsiders who are trying to run that body.

If you watch the White House grounds day after tomorrow you will see Taft toting the big stick and the muckraker out to the trash barrel.

On the fourth Congressman Sherman will go into political retirement. If he doesn't believe it Vice President Fairbanks can prove it to him.

That hundred thousand dollars to be added to the pension fund could well be taken from some other proposed appropriation where it would do less good.

That was probably a very proper amendment the Senate made to the River and Harbor bill, but we are afraid it may cause the bill to fail of passage at this session.

Don't you think those Democratic Senators who voted against the Lockhart bill will prove as loyal to the party as the four who voted for it or as those outsiders who were such urgent advocates of its passage?

When Governor Patterson asked Mrs. Williamson to stay close by Colonel Cooper on that eventful day was it for the purpose of having her protect the Colonel from an anticipated attack from Senator Carmack?

If any hard feelings or unpleasantness arises during the municipal campaign we know it will not be caused by either candidate for mayor. They are not the men to conduct a campaign in that way, and they would both deplore any such occurrences.

They are to have roast monkey at a banquet in New York. Then there should be a revision of the old saying: "Dog eat dog"; or perhaps the revisers of adages will wait until that society set sits down to a feast of jack-ass steaks.

AFFAIRS COUNTY

Commissioners Definite Action Upon Question of Establishment of Recorder's Court Here.

MET YESTERDAY AFTERNOON

Reports from All Departments and Much Routine Business Transacted—Bonds of Officials Accepted—Other Proceedings.

The regular monthly meeting of the Board of County Commissioners was held yesterday afternoon, but no business of any special public importance was transacted outside the regular routine. It was expected that at this meeting, arrangements would be made for establishing the Recorder's Court in the county, but a certified copy of the bill had not been received from the Secretary of State as required by the act, and the Board took a recess subject to call of the chairman when a copy of the law is officially before the Board.

The Board met at 3 o'clock, all members present; also County Attorney Marsden Bellamy. Rufus G. Strickland, of Delgado, was continued on the outdoor pool list. Road Superintendent H. Hocutt made a statement relative to filling in on 17th street and the matter was continued with the Road Committee.

Eyota Tribe, Improved Order of Red Men, requested that Gentry's dog and pony show be allowed to exhibit here one day during the month of May for the benefit of the order without payment of license tax. The request was not granted on the ground that it will establish a precedent not wise to continue.

The Register of Deeds reported 16 marriage licenses issued during February, eight white and eight colored. The Clerk of the Superior Court reported \$158.15 in fines and forfeitures since last report. The Road Superintendent reported 96 days work by prisoners and 23 days for foremen in repair work on Market street and Wrightsville roads; 95 cars of stone were used on the Princess street road and Pauline avenue in East Wilmington during the month; graded, built and completed 1,483 feet of 12-foot roadway on Pauline avenue, 1,746 feet of same on Princess and 1,135 feet of 16-foot roadway on Princess street. The grading of Castle street road is now in progress with 30 convicts and 14 carts. Six cars of stone were furnished the city during the month.

The Superintendent of Health reported two cases of smallpox, three of diphtheria, five of typhoid fever and three of pneumonia during February; 144 patients were treated in the office and 10 at their homes during the month. One case of pneumonia was transferred from the convict camp to the hospital. This with two cases of fever and a few chills constituted the acute sickness in the county institutions during the month.

The following bonds were approved: W. H. Shearin, feed and care of prisoners in the sum of \$2,000 with Samuel Blossom and Marsden Bellamy as sureties. G. C. Simmons, standby keeper, in sum of \$200, with Geo. W. Penny and John C. Hoesch sureties. Herbert Hocutt, road superintendent, \$1,000 in the American Bonding Co. of Baltimore.

Upon advice from the Corporation Commission, the chairman reported an adjustment of the tax matter of the Carolina Transportation Co., and double tax erroneously paid by John D. Bellamy was ordered refunded.

Commissioner Robertson read a petition from residents of Middle Sound asking for the improvement of the Middle Sound road from a point near the 8-mile post on the Scott's Hill turnpike. The same was referred to the Permanent Road Committee.

Contract for feeding live stock for month of March was awarded to lowest of three bidders, John S. McEchem Sons.

The Board adjourned after drawing jurors, a list of which is printed elsewhere in today's paper.

W. L. I. Flag Presentation.
The flag presentation by the U. S. C. to the Wilmington Light Infantry on the grounds of the armory this evening at 8:15 promises to be an interesting and pretty ceremony. In the absence of Bishop Strange, who was called away from the city on account of illness, the presentation will be by Lieutenant Colonel J. VanB. Metts. Every member of the company is required to be present for this ceremony.

Entertain Friday Evening.
Cerro Gordo High School on Friday evening at 8 o'clock will give a concert in the school house to which all friends and the public are invited and the small admission of 15 and 25 cents will be charged. The teachers of the school promise a most pleasant evening to all who attend.

Today, Today.
Deposits made today with us will draw interest from March 1st. Last chance to get in on this quarter. The Wilmington Savings & Trust Co.

Monday and Tuesday.
Deposits made with The People's Savings Bank will draw 4 per cent. from March 1st.

THE FIRE RECORD

Cottage at Delgado Destroyed—Three Alarms in City Yesterday.

The cottage owned by the mill company and occupied by Mr. Gus Fowler, in the east end of Delgado village, was completely destroyed by fire Sunday afternoon about 2:30 o'clock, while an adjoining cottage, occupied by Mr. Joel Ray, was also damaged, the total loss being about \$500. Both Mr. Fowler and Mr. Ray were successful in moving their household effects before they were burned or damaged by the fire. A fine stream of water from the mill was available and prevented a spread of the fire, while Chief Schibben and a number of firemen from the city went out to the mill village and assisted with the work.

There were three small fires in the city yesterday, the most serious being at 2:20 yesterday afternoon when the Department was called in response to an alarm from box 47, the roof of the one-story dwelling of Mr. W. B. Crumpler, 711 South Third street, having been practically burned off causing a loss of over a hundred dollars, covered by insurance with the agency of Colonel Walker Taylor. Sparks from a chimney caused a loss of about \$15 at the home of Mr. M. T. Pitman, No. 210 North Ninth street, shortly after 9 o'clock yesterday morning, the Department responding to box 35, and within a short time thereafter another small fire required the attention of the laddies in a woodshed in the rear of a residence on Ann, between Sixth and Seventh streets.

TO FELL THE DRAM TREE

Representative Morton Loses Hope Several Charters Are Granted.

(Special Star Correspondence.)
Raleigh, N. C., March 1.—Representative Morton, of New Hanover, who has been working all this session to induce the legislature to grant New Hanover exemption from the State prohibition law, says now that he realizes that there is no hope of obtaining the relief and that he feels now that the only thing left to be done is to beg at least the passage of a bill that will authorize the cutting down of the historic old "Dram Tree," just below Wilmington on the Cape Fear, which has for centuries "umpired" loving cup conviviality and good fellowship on the Lower Cape Fear. Shorn of its long-established power, it is felt that it would be an act of humanity to the famous old tree as well as its numerous devotees now debarred by cruel statute from wonted obeisance to pass this centennial anniversary "monarch" into oblivion.

The Prease Bros Co., Wilmington, received a charter with \$50,000 capital by D. J. Prease, T. B. Prease, T. S. Young and others. There is also a charter for the W. L. Russell Shook and Lumber Co., Wilson, capital \$50,000 by W. L. Russell and others.

A new wholesale drug Co., The Acme Co., is chartered for Raleigh the place of business being Martin street with R. H. Battle, W. C. Douglas and others as the incorporators. The Cell-ko Battling Co. is largely interested.

FIRE AT LUMBERTON

Cottage in Cotton Mill Settlement Burned—Sudden Death in County.

(Special Star Correspondence.)
Lumberton, March 1.—Yesterday at 1 o'clock the alarm of fire was given at the Lumberton Cotton Mills and it was discovered that the cottage in the mill village occupied by the family of Ed Britt was on fire. The building was destroyed but the furniture was all saved. By the aid of the fire hose from the factory the buildings near the burned dwelling were saved. But for the splendid fire equipment of the mills, there would have been many buildings burned. Loss fully covered by insurance.

Mr. Luke Powers, residing in Howellsville township, about eight miles from Lumberton, died suddenly Friday evening while at work in the field. Mr. Powers was between 75 and 80 years old, and one of the most devout Christians in this section. The funeral was conducted yesterday morning at Barker's Methodist Church of which he was for many years a faithful member, the service being conducted by his pastor, Rev. Mr. Jenkins, and the interment was in the church cemetery. Mr. W. H. Humphrey and Mr. R. T. Musselwhite and family of Lumberton attended the funeral.

Well Known Colored Man.
The death of Benjamin Scott, a well known and highly respected colored man, occurred Sunday morning at his home on Walnut street. He came to Wilmington from Virginia soon after the Civil war and was engaged for many years in the livery business and for the past ten years conducted a grocery on Walnut street.

Anyone having trouble with their eyes should consult Dr. Vineberg, the eye specialist, at Kingsbury's drug store, Masonic Temple. If you have blurring, dizziness, neuralgia, headache, spot before the eyes, nervousness, burning and smarting of the eyes you should avail yourself of this eminent eye specialist. No charge for examination. Spectacles or eye glasses correctly fitted to your eyes for \$1.00 and up.

Today, Today.
Deposits made today with us will draw interest from March 1st. Last chance to get in on this quarter. The Wilmington Savings & Trust Co.

We travel all trains for baggage and passengers. Phone orders Orrell Livery Co., No. 47.

BUY WATERWORKS

Report of Joint Committee Submitted and Approved by the Aldermen Last Night.

REGULAR MONTHLY MEETING

Many Department Affairs—Further Investigate Sewerage System—Improve Fire Alarm System. Other Proceedings.

By unanimous vote, with the exception of Alderman T. W. Wood, who objected to some features of the method of indemnifying the city against the possibility of suits against the company, The Board of Aldermen at its regular monthly meeting last night adopted the report and confirmed the action of the special joint committee to which was referred the matter of concluding the negotiations for the purchase of the Clarendon Waterworks plant.

It was after 10:30 o'clock when the Board took up the matter of the report of the special committee after the decks had been swept clear of all other matters. The clerk read the report of the committee as follows:

To the Board of Aldermen and Board of Audit and Finance of the City of Wilmington, N. C.:

Gentlemen:—The Joint Committee, appointed by the Board of Aldermen, the Board of Audit and Finance, and the Water and Sewerage Commission (elect), for the purposes of negotiating the purchase of the plant of the Clarendon Water Works Company, begs to report:

That, after full deliberation and consideration, the committee submitted to the Clarendon Water Works Company, under date of Jan. 28th, the following offer:

"The city will pay for said plant, all its appurtenances in the county of New Hanover, including real estate, pumping station, stand pipe, filter, tools, fuel on hand, furniture, and all other property used and owned by the Water Works Company, the sum of \$145,000.

"Said purchase to be effective on the first day of April, 1909, and transfer to be made on that date.

"The Water Works to collect and retain all past due accounts at that date for service rendered. All collections that may have been made for service to be rendered after the 1st day of April to insure to the city.

"The property purchased to be delivered to the city, free from all encumbrances and liabilities, and the Water Works Company to pay and discharge all indebtedness, including accrued interest, if any, incurred before the said 1st of April.

"The Water Works Company to protect the city against all claims for damages or other judgments, suits pending, and all that may be instituted within sixty days after the registration of the conveyance and agreements necessary to effectuate this purchase.

"The Water Works Company to release the city from present contract, to agree not to again engage in the Water Works business in the city of Wilmington, and to dissolve the corporation as soon as permitted by the laws of North Carolina.

"All papers necessary to complete the terms of purchase herein stated, to be subject to approval of the City Attorney."

"In view of fact that from our own knowledge of the plant and its acquired business, and from expert opinion, the property is worth considerably more than we have offered to accept, we must respectfully decline your offer. We believe that a conference between parties would be conducive to the early closing of the matter, and respectfully ask that same be held. We repeat that we are willing to submit the entire matter to any just arbitration, pledging ourselves to abide the result."

In compliance with the request made a conference between your committee and officers of the Water Works Company was held on February 4th and on February 5th, the following communication, modifying the offer originally made, and pursuant to agreement at the conference, was addressed by your committee to the Water Works Company:

"The city will assume the bonded indebtedness of the company, to-wit: \$80,000, deducting the amount of same from the purchase price of \$145,000 heretofore offered.

"All other conditions to stand as stated in the communication of the Joint committee of said date of January 28th.

"Paragraph 6 of said communication is to be construed as meaning that the city is to be protected against all claims for which proceedings or actions are commenced within sixty days after date of transfer for torts or debts of any kind originating prior to date of transfer."

An answer to this communication, under date of February 15th, was received stating:

"In accordance with the resolution adopted by the stockholders of the Clarendon Water Works Company, at a special meeting held 12 o'clock above date, I hereby notify you that the city's offer for the purchase of the

plant, etc., as set forth in your communication of Jan. 28th, 1909, and Feb. 5th, 1909, is hereby accepted."

It has been further agreed between the Joint Committee and the Water Works Company that the sum of \$55,000 shall be reserved from the purchase money to be paid to protect the city against any liabilities which may have been incurred by the Water Works Company, the deeds and conveyances to be executed to include proper provision for this purpose.

The Joint Committee therefore reports to the Board of Aldermen, and the Board of Audit and Finance, for concurrence and confirmation, that it has concluded an agreement with the Clarendon Water Works Company for the purchase of its plant on the terms and conditions herein set forth.

Respectfully submitted,
H. C. McQUEEN,
S. P. McNAIR,
C. P. BOLLES, JR.,
CHAS. W. WORTH.

I concur in above, except as to adequacy of the indemnity.
T. W. WOOD.

Alderman Northrop moved that the committee's action be approved and confirmed and this was seconded by Mr. Carr. Disclaiming any purpose to bring in a minority report, which was one of the conditions to the appointment of the committee, and expressing his desire of going on record properly in the matter, Alderman Wood handed the clerk a rather lengthy and carefully prepared paper, dissenting from the indemnity arrangements and going into the matter of the possibilities of the suits in detail. There was a discussion of half an hour or more during which the several members took occasion to air their views on the question. Alderman Wood said there was a possibility of injunctions, etc., but a majority of the members seemed to think the gentlemen who signed the report were due a vote of thanks for their efforts and the motion to approve the report and confirm the action of the majority of the members on the committee was carried by a viva voce vote, Mr. Wood alone voting in the negative.

It is not out of the province of a local newsgatherer to say that the action of the Board will be fully approved by the public at large. Those who have closely watched the negotiations for a purchase of the plant these past several years will recall that the property was once virtually purchased for \$165,000. The notes were all drawn up and presented to Mayor Springer for his signature when he took occasion to inquire a little further into the earnings of the plant and finding them not what the committee had believed them to be from a closer examination in behalf of the city, he declined at the last moment to execute the notes and thereby resulted a saving of \$20,000 to the city. He was taken to task for having delayed the proceedings at that time and the committee with him were charged with incapacity, but time has proved beyond peradventure that they were "building wiser than they knew." The proposition as passed last night will go over to the Board of Audit and Finance tonight at its regular meeting and the deal will be closed, the city to take over the plant April 1st.

Other Proceedings.
The Board met at 8 o'clock last night Mayor Springer presiding and all members present, but few spectators. Minutes of preceding meetings having been read the regular order of business proceeded with the reading of the monthly reports, which are given elsewhere, except that of the Fire Department, which shows 11 alarms during February and a property loss not exceeding \$600, apparatus covering a distance of 88 city blocks. The City Clerk and Treasurer reported a balance of \$30,928.91 on hand Feb. 1st and receipts of \$14,615.58 during the month, making a total of \$45,544.49, out of which there were disbursements of \$29,020.33, leaving a balance of \$16,524.16 on March 1st.

Standing committee reports were heard. Chairman Ellis of the Sanitary Department reported 250 feet pipe laid on 13th, between Orange and Dock streets; number of drains cleaned out and force now working in Mecomber's ditch. Unsatisfactory sewerage conditions were reported at foot of Princess street and Chairman Ellis, Aldermen French, Wood and Superintendent of Health Harper spoke in regard to the matter and it was decided to close up the mouth of the pipe until the owner is ascertained, the Superintendent of Health to have the matter in charge.

Chairman Rathjen, of the Market Committee, reported on the petition of Decatur Sneed and others, recommending some reductions in rent but no refund of premiums as same would be unfair to other tenants of the market house.

Acting Chairman French reported for the Streets and Wharves Committee, progress on the Castle street extension, repair of Church street, between Front and Third, and work will begin today on driving piling for the repair of Princess street dock.

In response to inquiries from Alderman King, it was stated that the purpose was to keep Princess and Orange street docks open especially for wood flats. Alderman Northrop asked the committee to place curbing at Eighth and Princess streets, so that granolithic sidewalks may be laid by property owners.

Alderman O'Brien asked as to any steps that had been taken to have the legislature grant the city power to make street improvements in the old way until the bonds are sold. He said that the indications were that there would be some \$25,000 unexpended at the end of the fiscal year and this could be used very readily. The City Attorney stated that a strict construction of the law would even now permit

(Continued on Page 5.)

IN THE LEGISLATURE

Beginning of The End in General Assembly Witnesses Availsanche of Bills.

DAY AND NIGHT SESSION

Audubon Society Gets Hard Knocks. Solicitor's Salary Bill Killed—Fire and Police Commission For Wilmington—Other Notes.

(Special Star Telegram.)
Raleigh, N. C., March 1.—The General Assembly started today on the last week of the 1909 session with indications pointing to final adjournment next Monday. This will give Sunday for rounding up the work, in the enrolling office so that the final ratifications and other final details will be accomplished Monday.

The pay of members stops by constitutional limitation Saturday night and there will be mighty few here Monday. However it is always arranged for enough to stay over to keep up the semblance at least of sessions, it being understood that nobody will raise the point of a quorum.

There is a great deal of work before the legislature for this week. The Senate must consider and pass both the revenue and the machinery bills in addition to other important general bills and hundreds of local ones. The House must consider and pass the machinery bill, the appropriations bill, trash over again and dispose of the solicitor's salary bill and a crowded calendar of local measures. Probably twice as much work must be done this week in both houses than has been put through either House during any week of the session.

The Senate convened at 10 o'clock. President Newland in the chair. Prayer by Senator Tilson.

Among the new bills were: Elliott, a joint resolution relative to the introduction of new bills, prohibiting new bills after Wednesday, March 3rd. This was put on its immediate passage and sent to the House for concurrence by a special messenger.

Show, apply to Red Springs Sub Section 11, Chapter 73, of the Revisal. Empire, to appoint justices of the peace in Brunswick and New Hanover. Empire, regulate shooting and sale of certain birds in New Hanover, Brunswick and Pender.

Empire, to give the courts now used in New Hanover exclusively for trial of criminal cases, civil jurisdiction also. Empire, prescribe qualifications of tales jurors and special veniremen. Gay, to amend constitution relative time meeting General Assembly change to August.

Bills passed final reading: H. B. to improve roads in certain townships in Brunswick; H. B. to amend charter of Laurinburg; H. B. road law in Robeson county with special tax clause; H. B. to provide waterworks and other improvements in Warsaw; H. B. to authorize special tax in Warsaw township; incorporate Hodge Institute, Clarkton; H. B. for bond election in Columbus; H. B. to amend charter of Warsaw; H. B. relative to stock law in part of Warsaw township; H. B. bonds by Southern Pines for floating debt.

The bill by Senator Nimocks to authorize the several counties to levy a special tax exceeding two cents on \$100 property and six cents on poll for additional pensions of Confederate Veterans, passed second reading, being a roll call bill.

The Senate spent nearly two more hours discussing the Ormond solicitor's salary bill and then voted it through final reading 20 to 17, only to have the bill "knocked out" this afternoon by the House Judiciary Committee by an almost unanimous unfavorable report without minority report to give it standing on the House calendar so that it goes to the House "grave yard" of "do not pass" bills. Its pigeonhole will be alongside that in which the original House bill on solicitor's salaries reposes, defeated in the House two weeks ago.

Several House bills passed final reading as follows: Amend Columbus game law; protect game in Bladen.

The Pharr freight rate resolution directing the Corporation Commission to put into effect within the State rates per ton per mile from North Carolina ports inland that will destroy discrimination against North Carolina towns as compared with rates from ports of other States to the same inland points passed.

The Barringer resolution for an election on the removal of the capitol from Raleigh to Greensboro that had justly been reported favorably from the Committee on Proposals and Grievances had a further inning in the "joke column" by being put through second reading then went over to afford more fun for another day.

Bills passed final reading: Legalize primary elections in Cumberland; H. B. to regulate registration and sale of condumetal proprietary and patented and trademark and poultry regulators and conditioners; prevent and punish the sale of adulterated and misbranded seeds; amend Revisal relative to building and loan associations.

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