

THE WEATHER TODAY. Forecast for North Carolina this Wednesday and Thursday: light west to southwest winds.

The News and Observer

WEATHER YESTERDAY. Maximum temperature, 56; minimum temperature, 36; total precipitation for 24 hours ending 8 p. m., 0 inches.

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RALEIGH, N. C., WEDNESDAY, FEBRUARY 3, 1909

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NEW KATI-JAP BILL REPORTED

California Has Another to Consider Today

NEVADA QUIETS DOWN

All Reference to the President Finally Cut From the Resolution Before It Is Passed by the General Assembly of That State—Playing Politics in Japan.

(By the Associated Press.) Sacramento, Cal., Feb. 2.—Another added today to the anti-Asian and anti-Japanese bills that will be a special order of business in the Assembly tomorrow.

Grove L. Johnson, chairman of the Committee on the Judiciary, reported favorably his measure specifying "Japanese" in the law segregating Mongolians and Indians in the public schools. It was the attempted inclusion of this word "Japanese" in the statute that caused President Roosevelt, two weeks ago, to ask Governor Gillett to stop anti-Japanese legislation.

In the Senate the Committee on Executive Communications reported on the recent message of Governor Gillett dealing with the subject of Japanese legislation. The report advises these measures, declaring it to be the sense of the committee that such legislation would be unconstitutional.

"We firmly believe the legislation of this nature is a menace to the welfare of our country. It is true that our population is composed of people from all nations, and that no single one of any particular nation would bring us into conflict with the constitution of the United States and render us ridiculous in the eyes of the world."

Nevada Tones It Down. Carson, Nev., Feb. 2.—The Assembly of the Nevada Legislature this afternoon accepted the anti-Japanese resolution directed to the California legislature after it had been so amended that all references to President Roosevelt will be eliminated. The resolution will go to the Senate tomorrow.

Assemblyman Dodge introduced a resolution today asking that a fleet of warships be maintained in the Pacific waters, as "citizens of Asiatic countries with whom we carry on our trade are rapidly becoming a menace to our peace and prosperity, mainly from the want of proper naval protection."

Komura Outlines Policy. Tokyo, Feb. 2.—Speaking before the lower House of the Diet today, Foreign Minister Komura outlined the foreign policy of Japan in a carefully worded speech delivered before a full and attentive house.

The opening sentence gave the key note of the entire speech, when Count Komura said: "The foreign policy of Japan, this empire should have as object the maintenance of peace and the development of national resources."

The foreign minister's speech was received with applause by the government side of the House, but Count Hattori, an opposition member, immediately began a bitter and sensational attack on the foreign policy of the government. He said that Japan had not determined foreign policies and that this was shown by her recent attitude toward America, where Japanese were denied an equal opportunity and were even abused by Americans. The recent events had proved that the anti-Japanese sentiment in America had not subsided.

COMMEND KITCHIN. Both Sides at Ashboro Endorse His Attitude—Southern Railway Agent Transferred.

(Special to News and Observer.) Ashboro, N. C., Feb. 2.—George W. Hilliard, who has for many years been chief clerk in the Southern Railway depot here, has been promoted to agent. Mr. Motley, the former agent, goes to Washington.

FARMER FATALLY HURT. Thrown From His Mule and His Skull Is Fractured.

(Special to News and Observer.) Winston-Salem, N. C., Feb. 2.—John Adkins, a prominent farmer of Stokes county, was thrown from his mule today and sustained what is regarded by attending physicians as a fatal injury. His skull is fractured.

District Appropriation Bill. (By the Associated Press.) Washington, D. C., Feb. 2.—The District of Columbia appropriation bill, which was reported to the Senate today, carries a total appropriation amounting to \$12,022,022, a net increase of over \$2,000,000 more than was carried by the bill passed in 1908.

POWER PLANTS ARE FROZEN UP

Asheville Electric Company Driven to Use Steam

ICE FILLS THE RIVERS

Just When Operations Will Be Resumed It Is Impossible to Say—Dynamite Fails to Break Jam—Biltmore Park School Is to Be Closed at the End of Spring Term.

(Special to News and Observer.) Asheville, N. C., Feb. 2.—As a result of the intense cold Saturday and the partial freezing up of ponds and the river here, both the plant of the Weaver Power Company, on the French Broad river, four miles below Asheville, and the big plant, Big Ivy, twenty miles from town, are out of commission.

These two plants furnish current (Continued on Page Six.)

BASEBALL FOR ROCKY MOUNT

Definite Steps Taken Toward a Team

ENTHUSIASM IS SHOWN

Organization Perfected and Part of the Stock Subscribed for the Starting of Railroads on the Way to Pennant Winning—Will Attend the Eastern Carolina League Meeting.

Rocky Mount, N. C., Feb. 2.—Organization perfected, a stock company formed, a part of the stock subscribed and delegates to the meeting of the league to be held in Goldsboro, was the work done through last night in a meeting of the baseball enthusiasts held in the Mayor's office, and it looks as though the "Railroaders" will again be in the race to land the "rag" over this way.

Mr. Alcock was elected chairman of the meeting, while Joe B. Ramsey was chosen secretary. The local association to this city to join the organization was thoroughly explained. The chairman stated that a canvass of the city had been made, and that they had met with success in every instance and that sixteen persons had consented to contribute twenty-five dollars.

A stock company, known as the Rocky Mount Athletic Association, was discussed. It was decided that the company should be chartered by the State with \$5,000 capital with \$2,000 paid in before beginning operation, and that each share be valued at \$25 and sold for this amount.

Vote on Aldrich Bill February 22. Washington, D. C., Feb. 2.—February 22 was today agreed upon by the Senate as the time for a vote on the Aldrich substitute bill for a court of inquiry to inquire into the qualifications of the discharged soldiers of the 25th regiment charged with having shot up Brownsville, Texas.

TO SETTLE BOND ISSUE

Old Asheville and Spartanburg Question Near Settlement

(Special to News and Observer.) Asheville, N. C., Feb. 2.—The old Asheville and Spartanburg Railroad bond issue reputation matter which has been more or less prominent in this county for the past twelve or thirteen years is in a fair way to have speedy and final settlement, the chief point at issue, the reputation by the county of the bonds has long since been settled. The courts holding that the bonds were valid.

The matter of counsel fees has, however, hung fire for many a day and now this item, the last in connection with the reputation question, will shortly be closed up, it is believed.

The board of county commissioners have adopted a resolution accepting the proposition of A. C. Avery, of Monticant, Charles A. Moore and Marie A. Brown of Asheville, each to accept \$500 in full settlement for all legal services rendered the county in fighting the validity of the bonds. These attorneys were to have received \$1,000.

MEETS DEATH ALONE IN BOAT

Body of Washington N. C. Youth Found

ACCIDENT SAYS CORONER

Edward N. Wright Succumbs While Enroute to Washington in Small Boat on the Pamlico River—Head Crushed and He was Frozen Stiff When Found.

Washington, N. C., Feb. 2.—Edward N. Wright, the eldest son of M. F. Wright of this city, was frozen to death while in a gas boat on Pamlico river last night enroute for this city. Searching parties were immediately organized and started down the river looking for the missing man. His boat Lena was located near the black buoy, about one mile from this city and was towing a raft of logs to this city.

WORKING HARD FOR SENWELL

Duncan Turning Every Possible Trick

WILL HARD TO HAG MARCH 3

Jury Out Only Fifteen Minutes

Quick Handling of the Negro Brute in His Trial at Clinton Court—Forgery Case is Interrupted to Permit of Prompt Trial—Governor Aycock Attending Court.

(Special to News and Observer.) Clinton, N. C., Feb. 2.—At 6:40 the jury returned a verdict of "guilty" in the case of State against Will Ward for rape after having been out fifteen minutes. Judge Allen sentenced Ward to be hanged March 3.

Will Ward, alias Jackson Palmer, was arraigned today, a special venire of one hundred men was ordered. He was brought under the guard of the sheriff and the Sampson light infantry, who have been on guard all day.

A forgery case was interrupted to take up the case. This afternoon Judge Allen requested the audience to leave the court-room, which they did voluntarily, while the prosecutor testified. A large crowd has been here all day but good order has prevailed. Ward says he is half Indian and looks it.

Governor Aycock has been attending court this week defending Howard Casey, charged with seduction. The case was compromised, the defendant entered a nolo contendere and pays the prosecutor an agreed sum and the costs.

The lawyers are glad of anything that will clear the crowded docket. The docket needs some relief. It (Continued on Page Six.)

WORKING HARD FOR SENWELL

Duncan Turning Every Possible Trick

RAILROADS AIDING TOO

All The Influence of That Kind in The South is Being Brought to Bear Upon The Senate, and Still There's Nothing Doing as Yet, at Any Rate.

(By THOMAS J. PENCE.) Washington, D. C., Feb. 2.—Receiver Duncan, of the Seaboard Air Line, spent another day in Washington and set to work with renewed effort to bring about confirmation of the nomination of H. P. Seawell, for the judgeship. Mr. Duncan was hot on the trail of the North Carolina Senators. He also saw a number of Republican Senators with whom he was associated in the last campaign, and with whom he stands well.

The Seawell backers are now claiming that Senator Aldrich will no longer oppose the nomination of the more county man. The biggest railroad influence in the South have been working for Seawell's confirmation for some days past, and it would not be surprising should they succeed in converting the Aldrich opposition to Seawell's confirmation to an attitude of active support. If Aldrich gets busy it will be up to Senators Simmons and Overman to say whether President-elect Taft shall appoint the new Judge.

So far as I can learn, some fifty different persons have written endorsing Seawell's candidacy. A good part (Continued on Page Four.)

MAKES GRAVE CHARGE

West Statesville Girl Sues Man of the Same Place

(Special to News and Observer.) Statesville, N. C., Feb. 2.—Miss Maggie Hillsaps, of west Statesville, has brought suit against W. L. Smith, also of west Statesville, for \$5,000 damages, alleging seduction under promise of marriage.

Mr. Smith was arrested yesterday afternoon while standing in front of the court house by Sheriff Deaton, and required to give bond in the sum of \$5,000 before he was released from custody. He will contest the suit, which will come up at the May term of Iredell Superior court.

Mr. Smith came to Statesville from Alexander county some years ago. He has done considerable real estate business and is well-to-do.

FAYETTEVILLE FIRM FAILS

Nimocks and Co. Grocers Make an Assignment

(Special to News and Observer.) Fayetteville, N. C., Feb. 2.—The firm of Nimocks & Company, grocers, late this afternoon filed an assignment for the benefit of creditors. The business was owned by Hon. Q. K. Nimocks, but for the past eight years he has devoted his time exclusively to the practice of law, the business being under the active management of A. P. Johnson.

The deed conveys the stock of about \$5,000 and some individual real estate. Mr. Nimocks would not reserve a homestead or personal exemption, but surrendered everything to his creditors without preference.

USED PART OF CANAL

(By the Associated Press.) Panama, Feb. 2.—The Pacific Mail Steamship Co.'s steamer Newport, used today for the first time the Pacific entrance to the canal which has been dredged to a depth of 35 feet.

President-elect Taft was not present when the Newport started on the trip and there was no ceremony of any kind.

The channel used by the Newport leads into what will be the completed canal from the Pacific side. The channel has been dredged for a distance of about five miles from the shore to deep water.

STATESVILLE INFANTS DIE

(Special to News and Observer.) Statesville, N. C., Feb. 2.—The 15-days-old son of Mr. and Mrs. Quince Freeze, who live in the Amity section, was found dead in bed yesterday morning by its mother.

Eugene Miller, the 8-month-old son of Mr. and Mrs. E. A. Reavis, who live near town, died yesterday afternoon and was buried today at New

REPORT OF SALES FOR JANUARY AND FOR THE SEASON AT THAT PLACE

(Special to News and Observer.) Rocky Mount, N. C., Feb. 2.—Conservative report of sales of leaf tobacco on the Rocky Mount market: Sales for month of January, 1909, 712,813 pounds for average of 39.52; sales for month of January, 1908, 636,512 pounds for average 41.87—Gain in pounds January, 1909, 77,303.

Sales for season to February 1st, 1909, 2,683,415 pounds, average 310.06; sales for season to February 1st, 1908, 2,122,378 pounds, average 316.54—Gain in pounds for season 1908-'09, 5,581,179, or more than 50 per cent. over last season.

ALLEGED FORGER TO STAND TRIAL

Locked Up in Statesville On Serious Charge

ROBERT CLOER IS BROUGHT BACK FROM

Imman, Va.—Catawba County Folk Want Him Too—Railroad Man Is Promoted, and Goes to Asheville—Negroes on Trial for Theft.

(Special to News and Observer.) Statesville, N. C., Feb. 2.—Sheriff Deaton, who went to Imman, Va., after Robert Cloer, the young white man wanted here to answer charges of forging checks, arrived yesterday morning with his prisoner and placed him in jail. Cloer was accompanied here by his young wife and baby, who remained here until yesterday afternoon, when they went to the home (Continued on Page Six.)

RACE QUESTION STIRS SENATE

Starts With Debate Over Crum Case

(By the Associated Press.) Washington, D. C., Feb. 2.—An agreement was reached in the Senate today to vote on February 23 on the Aldrich substitute bill for the appointment of a court of inquiry to determine the qualifications for re-enlistment of the discharged soldiers of the 25th infantry, as the result of the Brownsville incident.

The Senate today passed a House bill which is intended to prevent the importation of opium into the United States except for medicinal purposes.

The nomination of Dr. W. B. Crum to be collector of customs of Charleston, S. C., was before the Senate in executive session today for more than four hours, at the end of which time no substantial progress had been made toward confirmation.

After Senator Tillman had taken the floor he called for a quorum and after the roll call he announced that he proposed to see that a quorum was maintained throughout the day.

The Vice-President called his attention to a ruling made in the last hours of the last session of Congress to the effect that business must intervene between calls for a quorum and that speech would not be regarded as "business." This announcement provoked a discussion of the rule but throughout the afternoon no occasion arose to call forth a ruling on that question.

Mr. Tillman had received communications from various commercial bodies of Charleston in opposition to the confirmation of the Crum nomination to a ruling made in the last hours of the last session of Congress to the effect that business must intervene between calls for a quorum and that speech would not be regarded as "business." This announcement provoked a discussion of the rule but throughout the afternoon no occasion arose to call forth a ruling on that question.

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THE SENATE

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Mr. Bassett presented two petitions: one from citizens of Rocky Mount against the passage of his bill to prevent the garnishing of wages of railway employes, and from 425 railway employes for the passage of the bill.

The courtesies of the floor were extended to ex-Senator C. L. Turner, of Lenoir, to incorporate the bill of Senator Barham, of Wayne, on account of illness, and Senator Nimocks, of Cumberland.

INTRODUCTION OF BILLS

New bills were introduced as follows: By Manning: To repeal section 3773 of the Revised Statutes to failure to maintain bridges and provide a new section therefor. Judiciary.

By Starbuck: To amend chapter 11 of the Private Laws of 1905 relating to the schools of Kernersville, Education.

By Manning: To amend the charter of Blon College, Corporations.

By Elliott: To incorporate the town of Iron Station in Lincoln county, Counties, Cities and Towns.

By Elliott: A joint resolution that the Finance Committee be requested to make its report by February 15th and that no bill be introduced after February 15th.

By Starbuck: To consolidate and revise the charter of Winston, Counties, Cities and Towns.

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THE STATE CONTEST WITH SIX PER CENT

The Senate Refuses to Raise The Rate

NO EARLY ADJOURNMENT

Votes Down Resolution by Mr. Fry to Limit the Introduction of New Bills to the 15th of February—Distinguished Medical Officers Invited to Address the General Assembly.

The Senate yesterday by a vote of 29 to 3 defeated the passage of a bill by Mr. Fry, of Henderson, allowing an eight per cent. rate of interest. The bill had received an unfavorable report from the Judiciary Committee, but a minority report was also filed. Only one speech in support of the bill was made, Mr. Fry, of Swain, supporting it, but other members of the Judiciary Committee who had favored it before the committee were absent from the city yesterday.

The Senate was more than once put itself on record as being averse to an early adjournment. Yesterday two resolutions were introduced to expedite the work of the General Assembly, one by Mr. Elliott, of Catawba, requesting the Finance Committee to prepare its report on a certain date, and restricting the time for the introduction of new bills, which was referred to the Committee on Rules; the other by Mr. Fry, to prevent the introduction of bills after the fifteenth day of February. The latter resolution was withdrawn from the Committee on Rules, to which it had been referred, and given immediate consideration with the result that it was killed.

Both Senate and House have invited two distinguished medical authorities to address the General Assembly tomorrow night, and they will be heard in the hall of the House at 8 o'clock Thursday evening. Dr. J. M. McCormick, secretary of the American Medical Association, and chief organizer of the American Medical Society, will speak on infectious diseases and hygiene. Surgeon G. F. Wertenbaker, of the United States Public Health and Marine Service, will deliver his popular illustrated lecture on tuberculosis.

The public is invited to hear these addresses.

Yesterday was another busy work day in the House, and a great many bills of general importance passed their final readings.

The incorporation of several railroad electric light and power companies was perfected, one of the most important being the North Carolina Public Service Company, this being the new electric and power company of Greensboro and High Point, which has recently purchased the Greensboro Gas and Electric Company.

Among bills of public nature which passed were those regulating the sale of poultry and stock feeds, condition polders, etc., and the bill authorizing the Board of Agriculture to sell its seed test farms and purchase others if it thought proper.

But few bills of a public nature were introduced, except the four bills relating to labor, introduced by Mr. Grant, of Davie.

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By Starbuck: To consolidate and revise the charter of Winston, Counties, Cities and Towns.

By Fry: A Resolution fixing a limit for the introduction of bills. Rules.

By Mills: To allow the Governor to appoint special police for Rutherford county, Counties, Cities and Towns.

By Shaw: To fix the time for holding the courts of Robeson county, Judicial Districts.

The Senate concurred in the House amendment to the Senate bill relating to cross ties used in the streets of New Hanover and Brunswick counties.

The bill by Mr. Manning to repeal section 3765 of the Revised Statutes