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

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Leads all North Carolina Dailies in News and Circuitate

to Consider Today

All Reference to the President Finally Cut From the Resolution Before It is Passed by the General Assembly of That State-Playing Politics in

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

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

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

The report of the committee follows:

"We firmly believe tha tlegislation 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 of the globe. To single out any one particular nation would bring us into conflict with the constitution of the United States and render us ridiculous in the eyes of the nation

Whatever is done to restrict Jap This matter is not one in which own interests alone are involved, but one in which the whole nation is in-

Nevada Tones it Down.

Carson, Nev., Feb. 2.—The Assem-bly 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 had been eliminated. The resolution will go to the Senate to-

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 cannot mingle on terms conducive to our interests, are rapidly becoming a menace to our peace and prosperity, mainly from the want of proper naval protec-

Komura Outlines Policy.

foreign policies of Japan in a carefully worded speech delivered before a full and attentive house. The open-ing sent-rice gave the key note of the entire speech, when Count Komura Rocky Mount Athletic Association, said: "The foreign policy of this empire should have as an 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, in-mediately began a bitter and sensa-tional 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 opportun-ity 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 Asheboro Endorse His Attitude-Southern Railway Agent

(Special to News and Observer.)
Asheboro, 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 Burlington.

Many of the leading citizens of both parties commend the course taken by Governor Kitchin in regard to the pasenger rate question.

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 toby attending physicians as fatal in-juries. His skull is fructured. Mr. Adkins is thirty years old and is a brother-in-law of County Court Clerk Childress, of Stokes.

District Appropriation Bill.

(By the Associated Press.) Washington, D. C., Feb. 2.—The Dis trict of Columbia appropriation bill, which was reported to the Senate today, carries total appropriation amounting to \$12,026,022, a net | crease of over \$2,000,000 more t

any Driven to Use Steam

Just When Operations Will Be Re-

sumed it is Impossible to Say-Dynamite Fails to Break Jam-Biltmore Parish School is to be Closed at the End of Spring Term.

(Special to News and Observer.) Asheville, N. C., Feb. 2.—As a re-sult 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 Ivy plant, on Big Ivy, twenty miles from town, are out of commission.

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

Definite **Toward a Team**

I JS SHOWN HIGH POINT JOINS, TOO MAKES

the Stock Subscribed for the Starting of Raliroaders on the Way to Pennant Winning-Will Attend the Eastern Carolina League Meeting.

Rocky Mount, N. C., Feb. 21-Orranization perfected, a stock company formed, a part of the stock sub-scribed and delegates to the meeting of the League to be held in Goldsborn was the work gone through last night in a meeting of the baseball enthusi-asts held in the Maydr's office, and it looks as though the "Railroaders" will again be in the race to land the "rag" over this way.

Despite the cold weather there was a goodly number to see the launching of the new venture.
N. A. Allcock was elected chairman

of the meeting, while Joe B. Ramsey was chosen secretary. The minute of the league meeting, recently held in Wilson, were read and the invitation to this city to join the organiza-Tokio, Feb. 2.—Speaking before the lower House of the Diet today, Forcign Minister Komura outlined the city had been made, and that they and that sixteen persons had consented to contribute twenty-five dol-A stock company, known as the

> 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, As delegates to the meeting of the East Carolina League which is called for February 15th at three o'clock in Goldsboro, W. E. Fenner and N. L. Allcock were chosen. It was decided that snother meeting of the local as-sociation be hel next Monday night or at any time upon the call of the

Vote on Aldrich Bill February 22. Washington, D. C., Feb. 2.-February 23 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 qualificaions of the discharged soldiers of the 25th regiment charged with having shot up Brownsville, Texas,

Question Near Settlement

(Special to News and Observer.) Asheville, N. C., Feb. 2.-The old Asheville and Spartanburg Railroad powerful dry times and a nip of the bond issue repudiation matter which a man forget his troubles is as hard has been more or less prominent in to get as it is to make a successful this county for the past twelve or trip to the north pole. thirteen years is in a fair way to have Around Neverson—a new town on speedy and final settlement, the chief the Norfolk and Southern road, is it speedy and final settlement, the chief point at issue, the repudiation by the day and sustained what is regarded county of the bonds has long since been settled. The courts holding that fortunate (or unfortunate) ones, but 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 repudiation question, will shortly beclosed up, it is believed.

The board of county commissioners have adopted a resolution accepting the proposition of A. C. Avery, of Morganton, Chriss A. Moore and Mark 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 in the syent that the syent and now this item, the last in connec-

Youth Found

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 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, father leading the party. The gas boat Lena was located near the black buoy, about one mile from this city

Upon boarding the boat the search-ing party found young Wright lying in the bottom of the boat blood spat-tered all over the interior and his body frozen with his skull crushed in. His body was immediately brought to

machinery of the boat which had new Judge. caused the head wounds and these together with the exposure to the weather whee in this wounded condition caused his death.

Municipal Association

(Special to News and Observer.) High Point, N. C., Feb. 2 .- This city now a member of the Carolina Municipal Association, the title havthe board last night, the association will urge the legislature that irregularities respecting municipalities existing in the present revenue act be left out of the new one.

At a meeting of the school board tonight a committee from the Junior Order urged action towards better at an early date. Mr. Vanbrunt interested in street

car and other projects for High Point, has written the board of aldermen not to grant franchise to any other company than Coler & Co., as they would build a street car and gas plant; also Vanbrunt sold his interest in con-A factory for the manufacture of wooden trays is being organized here.
The Hub and Handle Company, of this city, has been chartered by D. O.

PANAMA PROTESTS.

Cecil and others, capital \$25,000.

Doesn't Like the Language Used By Representative Rainey.

Panama, Feb. 2.-The National Assembly has unanimously approved a resolution protesting against what it describes as "the slanderous asserions made by Representative Rainey who made them.'

The resolution concludes as follows: ly protests against the insult to the Chief Executive of Panama, his evcellency, Domingo de Obaldia, as implied in the parliament of a friendly A copy of the resolutions will be officially communicated to the govern-

SETTLE BOND ISSUE TOOK EVEN BUNG HOLE TOBACCO AT ROCKY MOUNT INLAND

ment of the United States.

the Missing Keg of Brandy

(Special to News and Observer.) Wilson, N. C., Feb. 2.—These are

especially hard to get—no one has any except those who are able to order. Neverson Williams is one of the it was not necessary for him to order—he had it in his brandy house, where it has been for lo! these many yearsapple brandy, good old Nash brandy of his own manufacture; rich and

Another Asheville Electric Comp- Body of Washington N. C. Duncan Turning Every Jury Out Only Possible Trick

All The Influence of That Kind in

The South is Being Brought to Bear Upon The Senate, and Still There's Nothing Doing as Fet, at Any

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. F Seawell, for the Judgeship. Mr. Duncan was hot on the trail of the North Carolina 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 longe oppose the nomination of the More county man. The biggest railred influence in the South have been torking for Seawell's confirmation for some days past, and it would not

this city and Coroner Josana Tayloe for some days past, and it would not decided that no inquest was necessary be surprising should they succeed in decided that no inquest was necessary converting the Aldrich apposition to as there were no evidences of foul converting the Aldrich apposition to as attitude Seawell's confirmation to an attitude Dr. Tayloe stated that the skull of of active support. If Aldrich gets Wright was fractured in three places busy it will be up to Senators Simand he thought the young man had mons and Overman to say whether Taken and he thought the young man had mons and Overman to an another in some way become entangled in the President-elect Taft shall appoint the

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

of the Same Place

(Special to News and Observer.) Statesville, N. C., Feb. 2 .- Miss Maggie Hilsaps, of west Statesville, has brought suit against W. L. Smith, ing been conferred at a meeting of 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 school facilities, which will materialize \$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.

Nimoeds and Co. Grocers Make an Assigiment

(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 busiin the American Congress against President Obaldia, which assertions deserve to be considered only because Nimpoks, but for the past eight years of the official character of the one he has devoted his time exclusively to the practice of law, the business being The Assembly publicly and solemn- under the active management of A. P. Johnson.

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

for The Season at That Place (Special to News and Observer.)

servative report of sales of leaf tobacco on the Rocky Mount market: Sales for month of January, 1909. 712,818 pounds for average of \$9.52; sales for month of January, 1908, 635,513 pounds for average \$10.87 Gain in pounds January, 1909, 77,-Sales for season to February 1st

1909, 9,683,415 pounds, average, \$10.06; sales for season to February 1st, 1908, 6,102,236 pounds, average \$10.54—Gain in pounds for season 1908-'09, 3,581,179, or more than 50 per cent over last season. Statesville Infants Die.

Eugene Miller, the 8-months-old son of Mr. and Mrs. F. A. Reavis, who live near town, died yesterday after-neon and was buried today at New

Fifteen Locked Up in Statesville The Senate Refuses to 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

of one hundred men was ordered. He was brought under the guard of the 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 ludge Allen requested the audience to leave the court-room, which they did voluntarily, while the prosecutrix testified. A large crowd has been here all day but good order has prevailed Ward says he is half Indian and looks.

Governor Aycock has been attending court this week defending Howard Casey, charged with seduction The case was compromised, the defendant entered a nolo contedere and pays the prosecutrix an agreed sum and the costs. The lawyers are glad of anything

that will clear the crowded docket. The docket needs some relief; it is (Continued on Page Six.)

KILLED IN

Organization Perfected and Part of Now a Member of the Carolina West Statesville Girl Sues Man Explosion in Alabama Costs Lives Bacon, of Georgia, Wants to Know of minners

(By the Associated Press.) Birmingham, Ala., Feb. 2 .- Seventeen men are dead as the result of a nexplosion in the No. 2 Shot Creek mines of the Birmingham Coal and Iron Co. this morning. Five of the lead are white and twelve are ne-

The explosion occurred between 11 and 12 o'clock and is thought to have been caused by a windy shot. The mines are about ten miles west of Ensiey, on the Birmnigham Southern Railway, and are difficult of access. The seventeen bodies were taken from he mines this morning and the rooms and passages are clear. The mine itself is practically uninjured.

Alexander Bonnyman, manager of ate company, was the first to leave Pirmingham for the scene of the disaster, although Mine Inspectors Hill-house and Flynn hursed to the scene to render what aid they could and to make an inspection. Officials of the company did not know the wact num-bre of men in the mine at the time of the accident but they state tonight that seventeen fatalities will be the

Ambulances were sent from Ensley to the mines and later tonight coffins were rushed out to the ill-fated mine. The mine was running on short force, or the death list would probably have been much larger.

Used Part of Canal.

(By the Associated Press.) Panama, Feb. 2.—The Pacific Main Steamship Co.'s steamer Newport, used today for the first time the Pacific entrance to the canal which has peen 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

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

in The Senate

BY THOMAS J. PENCE.

Washington, D. C., Feb. 2.—The action of the House Committee on Rivers and Harbors in reporting favorably the proposition providing for a survey of an inland water route from Boston Harbor to Beaufort Harbor and Southward derives additional importance from the fact that during the first session of the present Congress Senator Simmons introduced and passed through the Senate a bill of the same character.

This makes it certain, if the measure shall pass the House, it will have no trouble in passing the Senate, Senator Simmons Bill for that purpose having passed the Senate by a unanimous vote.

Deserter Taken to Fort Caswell.

Want Him Too-Raffroad 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 Inman, Va., af-

Robert Cloer is Brought Back From

Inman, Va.-Catawba County Folk

On Serious Charge

ter 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 after-noon, when they went to the home (Continued on Page Six.)

JIHIU JEMAIL

Starts With Debate Over Crum Case

How Pacific Coast Would Like to Have a Chinese or Japanese Collector of Customs at San Francisco.

Washington, D. C., Feb. 2 .- An agreement was reached in the Senate loady to vote on February 23 on the Aldrich substitute bill for the appointment of a court of inquiry to deter-mine the qualifications for re-enlist-ment of the discharged soldiers of the Brownsville incident.

The Senate today passed a House bill which is intended to prevent the importation of oplum 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 seen made toward confirmation.

After Senator Tillman had taken the floor be 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 athours of the last session of Congress to the effect that business must intervene between calls for a quorum and that a 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

Mr. Tillman had received communifrom various commercial bodies of Charleston in opposition to the confirmation of the Crum nomination and read them to prove that his protest against Crum fully represented the popular sentiment in Char-

The Japanese and Chinese questions now causing discussion on the Pacific coast were referred to and Mr. Pacon, of Georgia, made a general in-quiry of the Pacific coast Senators as to their attitude toward any proposition to appoint a Chinaman as collec-tor of customs of San Francisco. About fifty Senators remained in the chamber throughout the session. The nomination will come up tomorrow and Mr. Tillman, it is expected, willcontinue his remarks.

Old Asheville and Spartanburg Being the Pathetic Narrative of Report of Sales For January and House Action Already Anticipated Door Blown to Bits and Salisbury Shop is Robbed

(Special to News and Observer.) Sallsbury, N. C., Feb. 2.-By the D. M. Miller, in Sallsbury, was blown open shortly after midnight this morning and the premises robbed by un-

covery at the opening hour. The door Counties, Cities and Towns. was blown to pieces and the locks scattered in all directions. A rifle, a mall amount of money and other escaped without detection.

A reward has been offered for the thief. valuables were taken and the robbers

Author a Suicide,

Descriter Taken to Fort Caswell.

(Special to News and Observer.)

(Special to News and Observer.)

(By the Associated Press.)

Mendham, N. J., Feb. 2.—John Gilmer Speed, the author and journalist, committed suicide by shooting himself in the head while in his bed room at the Phoenix house, here, today. He left no explanation of his act. He leaves a daughter, Mrs. Dudley Gray, of New Hanovs and Brunswick countered in the streams of New Hanovs and Brunswick countered in the streams of New Hanovs and Brunswick countered in the Speed was a grandnephew of section 1805 of the Revisal, relating

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.

Raise The Rate

The Senate yesterday by a vote of 29 to 3 defeated the passage of a bill by Mr. Ray, 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 has more than once put itself on record as being averse to an early adjournment. Yesterday two resolutions were introduced to ex-

resolutions were introduced to pedite the work of the General A bly, one by Mr. Elliott, of Car requesting the Finance Committ prepare its report on a certain and restricting the time for the intro-duction of new bills, which was re-ferred to the Committee on Rules; the other by Mr. Fry, to prevent introduction of bills after the fift 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

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 8.0'clock Thursday evening. Dr. J. M. McCormick. secretary of the Board of the B will speak on infect hygiene. Surgeon C. P. Wertenbacke of the United States Public Health at

Marine Service, will deliver his popular illustrated lecture on tuberculosis.

The public is invited to hear these Yesterday was another busy work day in the House, and a great many

their final readings. The incorporation of several rail-25th infantry, as the result of the road, electric and water power companies was perfected, one of the most important being the North Caro-lina 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 Com-

Among bills of public nature which passed were those regulating the sale of poultry and stock feeds, condition pounders, etc., and the bill authorizing the Board of Agriculture to sell its seed test farms and purchase oth-

ers 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.

THE SENATE. The Senate convened at 11 o'clock, Lieut.-Governor Newland in the chair Prayer was offered by Rev. Mr. Moncrief, pastor of the Baptist Tabernacle. The committee on the daily journal reported no corrections.

Mr. Bassett presented two petitions: one from citizens of Rocky Mount against the passage of his bill to prevent the garnisheing of wages

railway employes, and from 485 rail-way employes for the passage of the The courtesies of the floor were extended to ex-Senator C. L. Turner. Leave of absence was granted Senator Barham, of Wayne, on account of illness, and Senator Nimocks,

of Cumberland. Introduction of Bills New bills were introduced as fol-

By Manning: To repeal section 3773 of the Revisal relating to failure to maintain bridges and provide a new section therefor. Judiciary. By Starbuck: To ament chapter 11 of the Private Laws of 1905 relating to the schools of Kernersville, Edu-

cation.

B. Manning: To amend the charter of Elon 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 12th and that no new bills be introduced after February 15th. Rules.

By Starbuck: To consolidate and re-vise the charter of Winston. Coun-

By Turner: For the relief of prisknown parties.

The explosion was heard by residents of that section of the city but no attention was given until the discovery at the opening hour The days. By Ray: To pay off and refund \$20,000 water works and sewerage bonds of Hendersonville. 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