

The Weather
For North Carolina: Fair and warmer Wednesday; Thursday cloudy.
Highest temperature, 47; lowest, 17; precipitation, 0.

News and Service

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RALEIGH, N. C., WEDNESDAY MORNING, FEB. 18, 1914.

PRICE: FIVE CENTS

DR. J. J. HARDY CHOICE OF SEVEN FEEBLE MINDED

Defeated Dr. Ira M. Hardy For Superintendent of Schools For Feeble Minded

CONTEST WAS LONG ONE

At One O'clock This Morning The News Was Given Out That The Decision Was Reached By A Vote of Seven Against Five — Dr. Hardy Says Still Is Interested

(By Long Distance Telephone.)
Kinston, Feb. 17.—At a late hour of the night, with the trustees of the school for the feeble-minded in session here, no vote had been taken as to the election of a superintendent. The outside information is that there is a majority of one against the reelection of Dr. Ira M. Hardy, the present superintendent.

Seven of the twelve trustees are opposed to the incumbent, who is said to be unpopular with the majority, although five eastern trustees are supporting Dr. Hardy.

In the case of a tie, Dr. J. Y. Jenner, State Superintendent of Education, ex-officio chairman, will decide, voting probably for Hardy.

Local Interest is Rife.
The Chamber of Commerce called the attention of the trustees to a former resolution sending the desire of that body and the Kinston people generally that Dr. Hardy be retained until he has had a chance to test his ability with institution in actual operation.

H. N. Cartwright, of Hyde county, a trustee, declares that the opening of the school has hindered two years because of the antagonism of a majority of the board to Dr. Hardy for personal reasons.

LAWYERS TO MEET AT WRIGHTSVILLE

North Carolina Bar Association To Hold 1914 Session at Seaside Resort

The 1914 annual convention of the North Carolina Bar Association will meet at Wrightsville, N. C. This was decided at a meeting of the executive committee of the association, which was held in Raleigh, and which was attended by a number of the members of the committee. Those present were: A. W. McLean, chairman, Lumberton; J. Crawford Bligg, Raleigh; Harry Skinner, Greenville; A. B. Andrews, Jr., Raleigh; Thomas W. Davis, Wilmington; and Thomas S. Reiths (ex-officio), Asheville.

The date set for the meeting is June 29-July 1, which will make three days in all, the first session to be held on Monday.

Nothing has as yet been done toward selection of the speakers, nor in making out any sort of a program for the occasion. All of this will be left until later. The committee having in charge the preparation of the program is considering several speakers and subjects, and it is supposed that the principal address will be delivered by some attorney of more than State-wide reputation. It has been announced, however, that there is as yet nothing to be given out in regard to the speakers or the program.

No decision has been reached as to which of the Wrightsville hotels will be made headquarters for the convention, it being considered that this is a matter of minor importance at this distance from the date for the convention.

The meeting of the association was held last year in Asheville at the Battery Park hotel, and was one of the most largely attended in the history of the organization. It is expected that the 1914 convention will be a record-breaker.

SENATE COMMITTEE NOT PREPARED TO STAND BY PRESIDENT'S CHOICE OF SEVEN

Senate Committee Not Prepared To Stand By President's Choice of Seven

SAY THEY'RE BEWILDERED

Under Impression He Would Not Object To Literacy Test. Interesting Session of Committee Looked For Today; Senate Repealed Similar Bill Over Taft's Veto

(By the Associated Press.)
Washington, Feb. 17.—Information that President Wilson will veto the immigration bill if it is sent to him from Congress with the literacy test provision, today amazed members of the Senate Immigration Committee. Many of them confessed tonight that they were bewildered, inasmuch as they had determined to retain the literacy test in their draft of the immigration measure, as it passed the House, under the impression that the President would accept the bill if it passed the Senate. An interesting session of the committee is looked for tomorrow.

Two weeks ago the committee directed Senator Smith, of South Carolina, chairman, to consult with President Wilson on immigration legislation. It was said today that the members especially desired to learn whether the veto power might be directed at the literacy provision of the Burnett bill. Some of the Senators were inclined to the belief that it would be a great relief to take up consideration of immigration reform at all if the restrictive literacy test again would fall. They were committed to that provision as a beneficial form of restriction, had voted for it before, and felt constrained to insist upon it again, but they did not want to waste the time of a busy Congress should there be a possibility of immigration legislation falling again under the executive axe.

Senator Smith reported that while the President did not look upon the literacy test with favor, he would sign the bill if it passed the Senate. Upon that basis the committee went to work. Now the members are inclined to stand by their guns despite the President's attitude, certain that the measure can pass the Senate and not at all sure that it might not be repassed both houses by a two-thirds vote over the head of the President. The Senate repealed a similar bill over Taft's veto, but it failed in the House.

TWO FEATURES AT THE CROATIAN CLUB SMOKER

Miss Zona Shull Sang Over Long Distance and Mr. Bennett Perry Manipulated Filipino Dummy Figure.
(Special to The News and Observer.)
Henderson, Feb. 17.—Two events at the smoker of the Croatian Club, the progressive social organization of Henderson, which were among the enjoyable features on Monday were of special interest.

One of these was that a young lady of Raleigh, Miss Zona Shull, of St. Mary's school, who was visiting at the home of Dr. and Mrs. Hubert C. Foster, in Raleigh, sang into the telephone and was heard by a delighted group in the club rooms, her voice carrying perfectly over the regular lines, the sound magnified by the large special apparatus in the club rooms, which was manipulated by Mr. F. C. Toole, of the Home Telephone and Telegraph Company, who was chairman of the Croatian Club entertainment committee.

The other event was one prepared by Mr. Bennett Perry, one of the club members. There was given many local hits by means of a dummy figure, the jaws, arms and hands being worked by electricity, a telephone annunciator within the machine giving the name of the dummy. This arrangement was the same as that in the now noted Carabao dinner in Washington, hence the name of the Filipino given the figure. It was admirably handled by Mr. Perry and the local criticisms added to the merriment. The evening was one of surprise after surprise, no one but the committee knowing "what next" on the program till it was taking place, the entire program making a hit.

REVENUE CUTTER TOWS IN DISABLED SCHOONER

The Bayard Hopkins Picked Up Ten Miles South of Diamond Shoals Sunday Night.
(Special to The News and Observer.)
Morehead City, Feb. 17.—With loss of sails and with spars and steering gear damaged, the three-masted schooner, Bayard Hopkins, was picked up ten miles south of Diamond Shoals Sunday night by the revenue cutter Seminole and brought in port here today. The boat had been disabled since Friday night and was without water and had very little food. She had a cargo of lumber consigned to Hilton Dodge Company, New York. She left Wiggins, S. C., January 29. One of the crew, who was badly injured, was carried to the local hospital this afternoon. The damaged boat is being repaired while waiting for orders from its owner.

FIVE MEMBERS CREW ITALIAN BARK PERISH

Captain and Four Seamen Lose Their Lives When Vessel Is Wrecked On Cape Cod.
Wellfleet, Mass., Feb. 17.—Captain Varva and four seamen of the Italian bark Castagna perished when their vessel was hurled onto the outer bar of Cape Cod before dawn today. The first mate and seven sailors were rescued by life savers, one of whom, Captain Tobin, of the Caboon's Hollow life saving station, was badly injured by the overturning of the surf boat. The skipper of the Castagna was washed overboard, three men were frozen to death in the rigging and one died in the surf boat on the way to shore. The loss of life was the largest in a wreck on Cape Cod in years.

SHARP CLASH IN STRIKE INQUIRY

Warm Words Pass Between Members of Committee Investigating Strike

AS TO HEARSAY EVIDENCE

Republican Representative Argues That Testimony Should Be Expunged From Record and Democratic Chairman Charges Him With Trying To Discredit Committee

(Special to The News and Observer.)
Hancock, Mich., Feb. 17.—Chairman Taylor, a Democrat, today refused to entertain the motion of Representative Switzer, a Republican, that hearsay testimony by striking miners regarding alleged violations of constitutional rights of citizens be expunged from the record. Debate on the question grew acrimonious. Mr. Taylor charged that Mr. Switzer was attempting to discredit the work of the committee by taking the position that it had no authority to make a full investigation.

"You can object as much as you please," Mr. Taylor exclaimed, "but if you object to an investigation of the conditions here, you ought not to be on this committee."
Mr. Switzer objected to an investigation but he insisted that a limit should be fixed so that every thing offered could not be admitted into the record.

Chairman's Statement.
"As chairman of this committee, representing the democratic majority in the House," Mr. Taylor said, "I will say that anything that goes into the record will go back to Congress. We were sent here to investigate conditions with a view of providing relief for the miners and if we can do anything to help them, we will do it. If the situation, we would be severely criticized."
"Do I understand you to say that this is a partisan committee and that you are going to investigate the conditions of the miners and not the other Republican member?"
"No," the chairman replied, "but when a minority member tries to discredit the committee by saying it is exceeding its proper limits it is time for the majority to take decisive action."

Mr. Howell said the experience of centuries had shown that the rules of evidence afford the best means of conducting an investigation of this character.
"Mr. Switzer has a right to ask to have anything stricken out," Mr. Taylor said, "and his objection will appear in the record."
"Should it not be stricken out because anything that is stricken out," Mr. Switzer asked, "is not in the record?"
"No," was the reply.

Beginning of Trouble.
The discussion arose while Waino Wyrene, a striker, was giving testimony as to a raid in which members of the "Citizens' Patrol" acting as sheriff's posse, raided the Western Federation of Miners' headquarters at South Range following the shooting of a deputy sheriff, who had been searching for arms. The witness said he heard a man who was described by others as a deputy sheriff, Mr. Switzer asked that this testimony be stricken out because the witness personally did not know his assailant was a deputy.

ASK INVESTIGATION OF FEDERAL JUDGE

Labor Organizations Prepare Petition To President Asking Impeachment of Dayton of West Virginia.
(By the Associated Press.)
Washington, D. C., Feb. 17.—Appel will be made to President Wilson tomorrow for an investigation of the official conduct of United States District Judge Alston G. Dayton, of the northern district of West Virginia. A committee from the Ohio Trade and Labor Assembly and the United Mine Workers of America today arranged with Secretary Tumulty to lay their case before the President. They brought with them a petition asking Judge Dayton's impeachment. The committee said the petition had been adopted at a recent mass meeting in Wheeling and was signed by several thousand citizens.

FEDERALS AND REBELS IN BLOODY BATTLE

Ten Federals Killed, Eleven Captured and 125 Constitutionalists Wounded in Engagement.
Brownsville, Texas, Feb. 17.—Ten Federals were killed, 11 were captured, including a captain, and 125 Constitutionalists were wounded in a battle today at Sabinal Hidalgo, Nuevo Leon, Mexico, according to an official report received at Matamoros. The rebels were attached to the command of Gen. Cesar Castro. The Federals were reported to be the vanguard of a large force.
Matamoros is headquarters for the Constitutionalists in Tamaulipas.

FUNERAL SERVICES OF SENATOR BACON

Funeral Services of Senator Bacon Held in Upper House of Congress

BRIEF AND IMPRESSIVE

Representatives of all Branches of the Government Join In Last Respects To Dead Georgia Statesman — Body On Way To Atlanta Where It Will Lie In State

(By the Associated Press.)
Washington, Feb. 17.—Final tribute to the late Senator Augustus O. Bacon, of Georgia, was paid today by the Representatives in Washington of the American people and foreign nations. Funeral services were held in the Senate chamber as an unusual honor to the dead statesman. Joining the houses of Congress in the tribute were the justices of the Supreme Court, members of the President's Cabinet, the diplomatic corps, officers of the army and navy and others high in official life.

Solemn and impressive as the services were, they were brief, and within 30 minutes after Vice-President Marshall opened the ceremonies, the Senate adjourned as a further mark of respect. The body was borne away and placed on a train for Atlanta, where tomorrow it will lie in state at the Georgia Capitol. On the train were members of special Senate and House committees and the Secretary of the Senate.

Impressive Assembly.
It was an impressive assembly that gathered in the Senate chamber for the funeral. The bright uniforms of the members of the diplomatic corps were mingled with the uniform of the General Wood of the army, and Rear Admiral Vreeland of the navy. Some funeral garb marked the appearance of all the others present on the floor.

President Wilson could not go to the funeral because of the risk of exposure after his recent hard cold, but Mrs. Wilson and some of the family occupied places in the gallery. A large wreath bearing the name of the President and Mrs. Wilson was placed on the casket, the only floral tribute in the chamber besides one from the Senate.

The new casket was carried by simply. There were no eulogies—only prayer and funeral services by the Senate, Chaplain and Bishop Harding, of the Episcopal church. At the coffin in the marble room, from which the general public was excluded, was a guard of honor composed of a veteran of the Union and a veteran of the Confederate armies. Senator Bacon was a Southern soldier.

JETTON'S TRIAL SET FOR THURSDAY

Name of Dr. Wooten's Slayer Drawn With Special Venire of One Hundred
(By the Associated Press.)
Charlotte, Feb. 17.—All efforts to obtain the release on bail of R. M. Jetton, held here for the alleged murder of Dr. W. H. Wooten last Tuesday, today were ceased, when Jetton was arraigned in Superior Court on a charge of murder and the trial set for Thursday of this week. Both the State and the defense expressed readiness to begin the trial on that date. Jetton entered a plea of not guilty and the court ordered a special venire of 100 drawn.

WILL RELEASE GOODNOW

Will Be Free To Accept John Hopkins Presidency.
(By the Associated Press.)
Peking, Feb. 17.—President Yuan Shi Kai today declared that he was willing to permit Prof. Frank Johnson Goodnow, of Brooklyn, legal adviser to the National Government, to retire from his post here in August, thereby enabling him to accept the offer that has been made to him of the presidency of John's Hopkins University. Prof. Goodnow, however, has not decided whether he will withdraw from China.

FRANK LOSES IN SUPREME COURT

Atlanta Factory Superintendent Mary-Phagan Sustained

FIGHT IS NOT GIVEN UP

Determined Battle Which His Attorneys Are Waging For Freedom of Condemned Man May Be Prolonged In Numerous Ways, Months Elapsing Before Fate Being Sealed

(By the Associated Press.)
Atlanta, Ga., Feb. 17.—Leo M. Frank, under sentence of death for the murder of 14-year-old Mary Phagan here on April 26 of last year, today was advanced one step closer to the gallows when the Georgia Supreme Court sustained the verdict of the lower court, which pronounced him guilty. The opinion, written by Justice Anderson, also was signed by Justices Hill, Lumpkin and Evans, dissenting opinion was entered by Chief Justice Clark and Justice Beck.

Although Frank's lawyers tonight would make no statement as to what they would take next, it was reported that they have not yet given up the determined battle which they have waged for the freedom of the young factory superintendent. News that the highest court of the State had upheld his conviction was again tried to shake the iron nerve of the condemned man. His friends said he received the tidings quietly, refusing to comment thereon.

Evidence Supports Verdict.
While the Supreme Court's decision is voluminous, the pith of the ruling is contained in the head-note, which says: "The evidence in this case sustains the verdict of the jury and there was no abuse of discretion in refusing a new trial."
In their dissenting opinion, Chief Justice Clark and Justice Beck held that the trial court erred in admitting the testimony of Conley and C. B. Dalton regarding alleged acts involving the immoral conduct on Frank's part prior to the murder of the Phagan girl. Unless an extraordinary motion for a new trial, or some other move by the convicted man is made, he is sentenced to die within the next few days.

Frank's fight for freedom prolonged in a number of ways. Tonight it was pointed out that months may elapse before his fate finally is decided. According to court officials here it is possible that in view of the dissenting opinion of two of the Justices of the Supreme Court, Frank's lawyers may move to reargue the case before that body. In the event that such a motion was denied, an attempt then probably would be made to get the case before the United States Supreme Court on the grounds that Frank has been deprived of his liberty without due process of law. Another course open to Frank would be to file an extraordinary motion for a new trial before the court which he was convicted. Should the court deny this motion, an appeal could be taken to the State Supreme Court. As a last resort, it was pointed out, an appeal could be made to the Governor for an extension of executive clemency.

When the Frank case was appealed to the Supreme Court more than a hundred counts were contained in the plea. Stress was laid on allegations of prejudice on the part of jurors, a charge which had face-feeling against the young factory superintendent, who is a Jew, had made itself felt in the court room and influenced the verdict. Significance also attached to the statement of the juror who, denying a motion for a new trial, said that although he heard all the evidence, he was not convinced either of the guilt or innocence of the defendant.

History of Case.
Frank's arrest came two days after the body of Mary Phagan was found by a night watchman in the basement of the National Ice Factory, where she had been employed, and of which Frank was superintendent.
On May 8 a coroner's jury ordered that Frank and Neve Lee, the negro watchman who discovered the body, be held for the grand jury investigation. Frank was indicted for murder on May 24. Charges against Lee were dismissed. The trial began July 28. It was featured by the sensational testimony of James Conley, a negro sweeper at the factory. He declared he helped Frank dispose of the Phagan girl's body after the superintendent had killed her, and added charges of degeneracy on Frank's part. The verdict of guilty was returned August 25, and on the next day Frank was sentenced to be hanged October 19.

Execution was indefinitely stayed on the filing of a motion for a new trial. Judge L. S. Roan, who had presided at the trial, heard argument also on the motion. His denial of a new trial immediately was followed by the filing of an appeal.

REFUSES TO SIGN IMMUNITY WAIVER

District Attorney Whitman In Case Against Blind Senator

IS WITHOUT PRECEDENT

Will Not Permit Engineer To Testify — Bensel Had Already Signed Waiver But Asked To Have It Revoked Claiming Misunderstanding

(By the Associated Press.)
New York, Feb. 17.—John A. Hensel, State Engineer, refused to waive immunity when summoned today to testify before the grand jury investigating political graft, and District Attorney Whitman declined to call him as a witness. The State officer's testimony was desired in connection with the letting of contracts for the construction of the Catskill Aqueduct, which was in charge of the Board of Water Supply of New York City, of which Hensel formerly was a member.

Hensel also was to be questioned as to his relations with Thomas Hasset, recently his secretary, formerly connected with the Board of Water Supply and now under indictment for an alleged attempt to extort money from a contractor who sought to obtain one of the Catskill contracts.

Hensel already had signed one waiver of immunity. This was when he appeared before the jury last month with members of the State Canal Board, including State Treasurer John A. Kensel, who committed suicide Sunday. District Attorney Whitman had assumed when he subpoenaed the State engineer to appear again today, that Hensel would testify under the same waiver. Hensel, however, did not understand when he originally signed the document that it subjected him to the affairs of the canal board would be considered.

Mr. Whitman did not conceal his astonishment and indignation at Hensel's action. He informed the lawyer that for a State officer who had taken oath to uphold the law, to refuse to sign a waiver of immunity before a body like the grand jury was without precedent. He added that, under no circumstances, would he permit Hensel to testify under a waiver of immunity. There were contracts concerning the aqueduct which Hensel had signed in 1909. He was one of the members of the board in the possession of the political control in connection with the contract, but that the jury has been unable to determine who received the money.

AVIATOR MURRAY'S DEATH CAUSED BY DROWNING

Naval Flying Man Could Not Free Himself From Floating Wreckage of Hydro-Aeroplane.
(By the Associated Press.)
Pensacola, Fla., Feb. 17.—Drowning caused the death of Lieutenant J. McC. Murray, of the United States Naval Aviation Corps, who late yesterday lost his life when his hydro-aeroplane plunged several hundred feet into Pensacola bay. At first it was thought he had been killed by an explosion of the engine of his craft or injuries sustained in his fall, but an examination by physicians today showed his body to be almost unmarked by the accident. Officials of the naval station said his death was doubtless due to his inability to free himself from the floating wreckage of his craft.

Whether a defect in the mechanism of the hydro-aeroplane caused its fatal plunge, or whether the aviator lost control of his machine today remained a mystery. The wreckage of the craft was towed to the naval station and an official investigation was begun.

MAYFLOWER ORDERED TO MEXICAN WATERS

Presidential Yacht Will Be Dispatched By Secretary Daniels To Relieve Battleships at Vera Cruz.
(By the Associated Press.)
Washington, D. C., Feb. 17.—After a conference with President Wilson today, Secretary Daniels ordered the Presidential yacht, Mayflower, to Mexican waters to relieve one of the battleships at Vera Cruz. The Presidential yacht, Mayflower, is regarded as particularly useful in Mexican waters because of her light draft.

GORE DAMAGE SUIT NEARING THE END

Case Against Blind Senator Jury Late Today

LAWYER SAYS GORE LIED

Counsel For Plaintiff Denounces Defendant For Testifying That Mrs. Bond Improperly Approached Him—Six Hours of Argument Scheduled For Today

(By the Associated Press.)
Oklahoma City, Feb. 17.—The twelve hours allotted for argument in the damage suit brought by Mrs. Minnie E. Bond, of Oklahoma City, against United States Senator Thomas P. Gore today had been consumed when court adjourned, and unless some unforeseen contingency prevents, the case will be submitted to the jury late tomorrow.

Two attorneys today spoke for the plaintiff and one for the defense. Neither spared the parties to the suit and both Senator Gore and Mrs. Bond, as well as those characterized by Senator Gore as "disgraced politicians whose pleadings for plea were unanswerable," and who the defense charge engineered the suit were severely arraigned.

Unexpected Turn.
Summing up began after Judge Clark read his instructions to the jury at the opening of court, counsel for Mrs. Bond announcing that they would not exercise their privilege of presenting additional evidence in rebuttal. Before court convened, it was understood that at least three witnesses would be called today, among them James R. Jacobs, in whose favor the plaintiff's case was argued last March. No explanation other than they considered their case established was given by Mrs. Bond's counsel. Jacobs' testimony was not heard.

E. J. Giddings, attorney for the plaintiff, who opened the argument declared the contention of the defense that the Senator had been made the victim of a conspiracy was without foundation. "After one month, the effort been made to have the alleged conspirators arrested," he asked the jury. "And is it not true that to impute to another a crime is a criminal act in itself?"
He described Mrs. Bond as a "plain woman, the daughter of a simple farmer," and challenged counsel for Senator Gore "to show from the records where this woman has once stepped aside from the path of virtue."

"Even though he be United States Senator," Giddings shouted, "I say that Senator Gore is lying when he says that Mrs. Bond improperly approached him."
The Senator testified that Mrs. Bond asked him while they were discussing the possibility of the appointment of her husband to a Federal position.

Moman Pruett, who spoke for Senator Gore, denounced the witnesses for Mrs. Bond, who he pointed out were disinterested candidates for Federal patronage, either directly or indirectly at the hands of Senator Gore. Ross Lillard, a counsel for Mrs. Bond, caused surprise when in the course of his argument he accused Jacobs.

The action of Jacobs toward Mrs. Bond on the day of the hotel occurrence was inexcusable," Lillard declared. "He betrayed her confidence when he failed to go to his room with her and Senator Gore. Mrs. Bond's position and name have been given by Jacobs, former Democratic National Committeeman from Indian Territory and regarded as one of the most important witnesses summoned by the plaintiff, was not called upon to testify."
Attorneys for both parties to the suit expressed themselves as satisfied with the instructions of the court to the jury. Judge Clark devoted himself almost entirely to setting forth the applicable statutes and precedents under the Oklahoma statutes, and instructing the jurors that the past character of either Senator Gore nor Mrs. Bond should influence them, confining themselves to the direct allegation in the case. The Senator and Senator Gore's counter charge of conspiracy tomorrow attorneys for the defense will have four hours for argument and counsel for Mrs. Bond, two.

FIFTY THOUSAND FOR STRIKERS PROPOSED

United Mine Workers Urged To Contribute To Lull Miners in Colorado Fields.
(By the Associated Press.)
Fort Smith, Ark., Feb. 17.—Donation of \$50,000 as a contribution to a fund being raised to aid the striking miners in Colorado today was proposed in a resolution presented to the Southwestern District Convention of the United Mine Workers of America which met here. It is asserted that sufficient votes have been pledged to insure the adoption of the resolution. Two hundred delegates, representing approximately 15,000 miners in Texas, Oklahoma and Arkansas, attended the first session of the convention, which will be in session ten days.

Secretary-Treasurer Fred Hill reported a fund of \$172,000 on hand and the president, E. B. Stewart, recommending that a determined effort be made to utilize the fund. Arkansas coal fields, tried that the limit placed on strike expenditures be raised, until the coal is exhausted.

CLOUDBUST IN SPAIN
Paris, in City of clouds and sun. In the city of clouds and sun. In the city of clouds and sun.