

WESTFELDT'S WIN FAMOUS "COPPER MINE CASE" BEFORE CHIEF JUSTICE M. W. FULLER

Judge Pritchard Overruled in the Court of Appeals at Richmond. STATE COURT IS SUSTAINED

Suit is Ordered Dismissed on the Ground of Jurisdiction.

Completely overturning the decree of Judge Pritchard by setting aside his judgment in favor of the North Carolina Mining company...

The decision of the eminent chief Justice make a nullity of the long fought and elaborate contest in the federal court over the ownership of the copper mine property located on Hazel creek, in Swain county...

The steps indicated by legal procedure for the mining company, represented by W. S. Adams, are either to take the case to the supreme court of the United States by certiorari or otherwise in the hope that that tribunal will reverse the decision handed down by Justice Fuller and Judge Morris and Braswell in the court of appeals...

Enormous Costs. The costs in the federal court are enormous and no one will hazard more than a guess as to the total. It is known that the printing of the testimony and papers in the case alone cost the Westfeldts over \$4,000 and this is but a minor detail in the sum total...

A very unusual degree of local interest attaches to the decision of yesterday aside from that created by the importance of the case and its unusual incidents because of the acquaintance and standing of the members of the Westfeldt family here...

(Continued on page five.)

LIVES OF OVER 100 MINERS ARE SNUFFED OUT

Two Weeks Ago in Same Mine Fifty Persons Were Killed.

RESCUERS DRIVEN BACK BY FUMES

Vast Throng of Women Beg to Aid in Saving Loved Ones.

(By Associated Press.) BLUEFIELD, W. Va., Jan. 12.—An explosion today in the mines of the Lick Branch colliery snuffed out more than one hundred lives...

In the quiet of the early morning there came like the sound of thunder a mighty rumbling from the bowels of the earth, which reverberated among the hills and told of a dire calamity...

The mine foreman, Bowers, who was near the entrance, was blown from his feet, but managed to crawl out safely as did also Robert Smith, a miner...

A train was rushed from this city to the scene of the disaster, some 25 miles away, carrying brattling and other material to be used in the work of exploration and rescue...

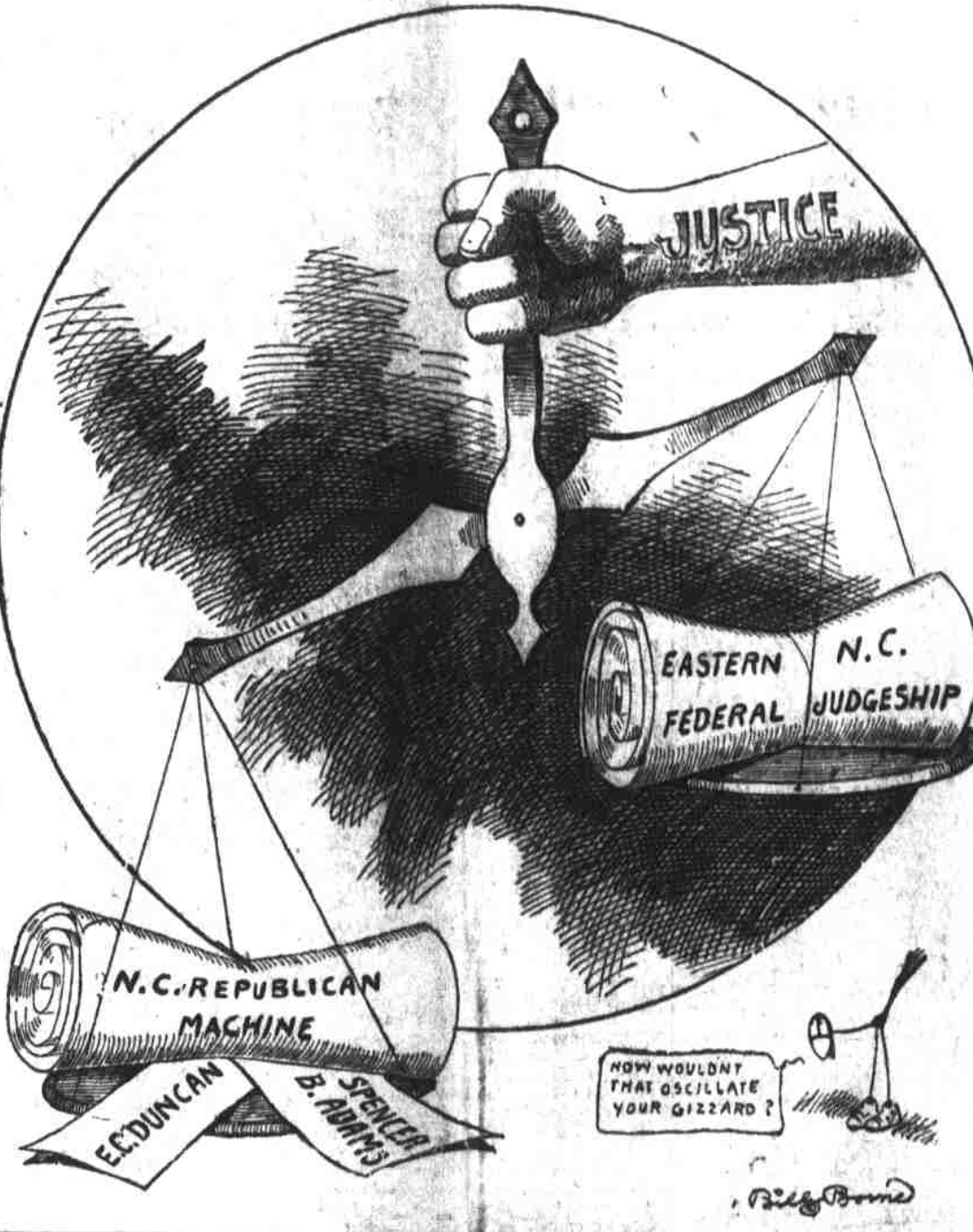
The explosion was in a different part of the mine from that of two weeks ago. Since the catastrophe the mine has been inspected by government officials and by the most experienced miners in the region...

None of the bodies have been recovered. It is said that a part of the mine in which eight men were at work, will be reached before morning...

The main entry of the mine is four miles long, running from one side of the mountain to the other. Debris has blown from both entries, which gives some idea of the tremendous force of the explosion...

(Continued on page two.)

If Weighed Heavily But Didn't Count



KITCHIN IS NOW GOVERNOR OF N. CAROLINA

Imposing Ceremonies Marked Inauguration of Chief Executive at Raleigh.

HE IS IN FAVOR OF PRIMARY LAW

The Inaugural Address is a Lengthy One and Covers Much Ground.

(Special to The Citizen.)

RALEIGH, N. C., Jan. 12.—It is Governor Kitchin now. Never, perhaps in the history of North Carolina were inauguration day ceremonies surpassed in point of brilliancy, crowds and weather...

The inauguration proper took place on a great grandstand built for the purpose at the east front of the capitol. The ceremonies began at 10 o'clock. The oath of office was administered by Chief Justice Walter Clark...

As soon as the address was concluded and those near enough had congratulated the new governor, he proceeded at once to the reviewing stand, accompanied by the chiefs of the various staff departments and state officers...

(Continued on page six.)

RAILWAY PRESIDENT IS FOUND GUILTY

Charged With Conspiracy and Misdemeanor in Attempting to Bribe.

(By Associated Press.)

PITTSBURG, Pa., Jan. 12.—Charles H. Cameron, president of the Tube City railway company, who has been on trial for several days charged with conspiracy and misdemeanor in attempting to bribe former City Councilman William A. Martin...

The case came to an abrupt close today and the jury was out but fifteen minutes. Attorneys for Cameron gave notice of an appeal for a new trial and the accused was held in \$20,000 bail...

Former Councilman W. A. Martin said he was honest in selling his honor to Cameron and that he considered it very cheap at \$70,000.

THREE EARTHQUAKES SAYS SEISMOGRAPH

(By Associated Press.)

WASHINGTON, Jan. 12.—Three earthquakes have been recorded by the seismograph at the coast and Keweenaw survey magnetic observatory at Cheltenham, Maryland, during the past 24 hours...

The first began on January 11, at 7:05 A. M. The meridian time was 7:12:40. The maximum occurred at 7:06:10. The second earthquake began at 5:22:30 on the morning of January 12, and ended at about 5:44 A. M. The third began at 7:22:20 on the morning of January 12, and ended at about 7:52. The maximum occurred at 7:51.

The recorded disturbances were very small, and were no doubt caused by distant earthquakes, but the record is not sufficient to give an estimate of the distance.

ATTY. GENERAL ISSUES REPLY TO MR. TILLMAN

But Takes Up Only Part of South Carolina Senator's Speech.

DENIES SENATOR TOLD ANYTHING

Was Ignorant of Whole Affair Till He Saw the Documents.

(By Associated Press.)

WASHINGTON, Jan. 12.—Attorney General Bonaparte tonight issued a statement replying to that part of the speech of Senator Tillman, delivered yesterday, in which he declared the resolution in regard to the Oregon land grants introduced by him in the senate on January 31, 1908, had been prepared by the attorney general...

Mr. Bonaparte also replies to Senator Tillman's remark made in the senate last February that he had "not bought any land anywhere in the west or undertaken to buy any."

The attorney general disputes the senator's statement that he had informed him in their conversation that it was the senator's wish to acquire some of the lands.

"He never told me a word of any connection on his part with an arrangement to acquire some part of these lands, nor that he intended, expected, or even desired at that time to make any such purchase."

JUDGE ADAMS' STAR IS WELL NIGH EXTINGUISHED

Fickle Fortune Shifts Her Base to the Camp of H. F. Seawell of Carthage.

FRIENDS OF ADAMS FOUGHT IN VAIN

"No More on Prancing Palfrey Borne, He'll Carol Light at Early Morn."

(By J. Hooper Caffee.)

WASHINGTON, D. C., Jan. 12.—The president dealt a death blow to ring politics today when he declined positively to appoint Judge Spencer B. Adams, boss of the republican machine in North Carolina to the federal judgeship in the eastern district to succeed Judge Partell.

Judge Pritchard, of U. S. court of appeals, and E. C. Duncan a national committeeman from North Carolina, made several visits to the white house yesterday in behalf of Judge Adams.

In declining to favor Judge Adams the president made it very plain that he saw no reason why any number of men who reside in the district could not be considered first.

Change of Base. Judge Pritchard and Duncan, then turned their forces in support of H. F. Seawell, of Carthage and asked the president to appoint him if the judge must be a resident of the district.

Was Once Egged. The race for the judgeship has really simmered down to Mr. Seawell and it is a safe prediction that he will be named.

Who Mr. Seawell is. Mr. Seawell is said to be well qualified for the position, but it cannot be said that his appointment will rejoice old time republicans, because republicans here said yesterday that Mr. Seawell had been a populist and had distinguished himself by voting against Roosevelt for president.

KERN IN LEAD FOR SENATORSHIP

(By Associated Press.)

INDIANAPOLIS, Jan. 12.—On the eve of the caucus which will choose a democratic senator to succeed James A. Hemenway, the situation tonight is as complicated as it has been for the last ten days.

There are 83 democratic legislators, making 43 votes necessary to nominate. John W. Kern declares he will be nominated on the third ballot, but his opponents, especially the supporters of Shively, say Kern's strength will leave him on the second or third ballot.

Tough on Organization. The election of Mr. Seawell knocks to pieces the "organization" program, and those who were "in" wish now they had kept out.

TENNESSEE SENATE PASSES THE STATE-WIDE PROHIBITION BILL

(By Associated Press.)

NASHVILLE, TENN., Jan. 12.—Senate bill No. 1, providing for the prohibition of the sale of liquor in Tennessee, tonight passed its third and final reading in the senate. The vote was 20 to 13.

Another was charged made by Senator Dancy Fort of intimidation against Rev. E. Folk, whom he termed the "high mogul" of the anti-liquor league.

H. T. SEAWELL WILL BE JUDGE IN N. CAROLINA

Despite Machine Influence, Judge Adams Finishes Last in the Race.

ROOSEVELT SAID "NOTHING DOING"

Friends who Went to Washington to Aid Adams Fall Down.

(Special Correspondent of The Citizen.)

WASHINGTON, D. C., Jan. 12.—Judge Adams, didn't get it. H. F. Seawell, practically an outsider in the betting will be North Carolina's new judge. Seawell is a Carthage, Moore county man.

Out of half dozen contestants, Adams finished a bad last. He really never had a look in. The president considered him "impossible" and Pritchard, Mr. Duncan and those machine men, who follow their leadership, are tonight keenly disappointed.

They entreated, coaxed and begged the president to give the judgeship to Adams. Finally seeing that the president could not be reconciled to Adams they reluctantly withdrew Adams' name, substituting Seawell.

Change of Base. Judge Pritchard and Duncan, then turned their forces in support of H. F. Seawell, of Carthage and asked the president to appoint him if the judge must be a resident of the district.

Who Mr. Seawell is. Mr. Seawell is said to be well qualified for the position, but it cannot be said that his appointment will rejoice old time republicans, because republicans here said yesterday that Mr. Seawell had been a populist and had distinguished himself by voting against Roosevelt for president.

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CHARGES THAT TESTIMONY AGAINST T. J. HAINS WAS MANUFACTURED

(By Associated Press.)

FUSHING, N. Y., Jan. 12.—Charges that the testimony of the members of the Bayside Yacht club was manufactured and that witnesses were withdrawn from the stand because their evidence was not sufficiently rehearsed were made by Attorney John F. McIntyre today in the trial summing up the defense in the trial of Thornton Jenkins Hains. Mr. McIntyre had not finished his closing address when adjournment was taken.

school. Mr. McIntyre declared that much of the testimony of Mrs. William E. Hains, whose husband was shot and killed by Captain Peter C. Hains, was "manifestly false," and that she had not been taken from the witness stand when it was seen that her story had not been sufficiently rehearsed.

During the defense's closing Mr. McIntyre and Prosecutor Darris had verbal clashes which occasionally punctuated Mr. McIntyre's dramatic recital. Justice Crane informed Mr. McIntyre that he must conclude his address at noon tomorrow, when the state will sum up. The court said that the case must go to the jury on Thursday.



WASHINGTON, Jan. 12.—Forecast for North Carolina: Partly cloudy Wednesday, with much colder except in extreme west portion. Thursday fair; warmer in west portion. Moderate northwest winds, becoming variable.