

DISCRIMINATION CHARGES HEARD BY ALDERMANIC COMMITTEE YESTERDAY

Many Physicians Testify on Matter Involving The Mission Hospital.

FAVORITISM WAS ALLEGED

Dr. Fletcher, Chief of Staff, and Others, Called to the Stand.

Appointed by the board of aldermen to consider the charge which Alderman Glenn said had come to him, that the Mission Hospital had discriminated among physicians...

Physicians Testify. A number of physicians were summoned as witnesses. Dr. S. Westray Battle, Dr. Dan Sevier, Dr. E. B. Glenn, Dr. G. W. Purofoy, Dr. J. T. Sevier, Dr. W. P. Whitington, Dr. H. B. Weaver, Dr. H. M. Fletcher, Dr. Arthur Pritchard, and Haywood Parker appeared as representatives of the advisory board of the hospital.

The mayor stated what had been said to the aldermen and Alderman Frazer Glenn called Dr. Purofoy to the stand.

Dr. Purofoy said that there had been a feeling for 20 years that he was an enemy of the hospital, but this was not true because although he had been imposed on he had no feeling against the hospital. It was true, however, he said, that a patient he had put in the hospital had been told by Miss Laxon, the head nurse, that he ought to have Dr. Fletcher as his physician. The staff, he said, was self-perpetuating, because its members selected their successors, the managers electing only those they approved.

The public fund was not expended without discrimination, because patients of other doctors were required to pay more than those of staff physicians and desirable rooms were held for staff doctors and patients had gone to other hospitals because of this. If there was rotation in the staff physicians would feel more at home in the hospital. The city should have representation in the management and Alderman Francis said he thought so. He told Dr. Fletcher he had never had a charity patient denied admission and that so far as he knew the rules were applied equally to all charity patients.

Want Charity Patients. Dr. Fletcher, chief of staff, said that it seemed a case of scramble for the charity work which was involved. Nineteen or twenty charity cases were more drudgery but the twentieth was interesting and the only privilege of the staff was to treat the nineteen patients and get the interesting case. Dr. Fletcher said that a staff was necessary to every hospital and that while it was a courtesy to the staff to ask its members about its composition the managers could elect whom they wished. The hospital, he said, was incorporated and would be liable for improper treatment and there were licensed physicians who were not attending patients. There was, he said, no great privilege in being on the staff. Drs. Sevier, Ambler and Pritchard, having declined places on it, and as a matter of fact the management had not always put on doctors recommended by the staff. Of course, he said, there might be some favoritism shown by some of nurses to some doctors but it was hard to prevent this in any line.

\$5 and \$7 Rooms. It developed by the testimony of Mr. Francis and Mr. Westall that patients (Continued on page five.)

DIVORCE BILL IS SUBJECT OF HOUSE DEBATE

Speaker Graham's Substitute Referred to the Judiciary Committee.

THIS BILL REPEALS ENTIRE ACT OF 1907

Bill to Amend Charter of Citizens' Trust and Savings Bank Introduced.

(Special to The Citizen.) RALEIGH, N. C., Jan. 21.—A sharp debate in the house on the divorce bill was ended by a decisive vote to refer the substitute by Speaker Graham repealing entirely the 1907 act to the judiciary committee No. 2.

The bill introduced the other day amends the present law so as to allow divorce even if there are children, provided they are over twenty-one. That was favorably recommended by the committee, but the speaker fought it, objecting yesterday to its going to the third reading, and today he offered the substitute repealing the act of 1907 entire. This was adopted by an "aye" and "no" vote of 57 to 34, and the fight today was whether or not the bill as substituted should go back to the committee before final action by the house.

Doughton, Murphy, Kitchin, Hayes and Moore are all urged as references against the opposition of Speaker Graham and Mr. Currie. When that matter was disposed of Mr. Kitchin introduced a bill to put man and wife on equal footing before the law on the question of divorce.

The house voted out another tax exemption clause, this time in a bill for a bond issue in the town of Marshall.

Several interesting new bills in the house were Gordon, to protect laundries by establishing a lien upon wearing apparel.

Public Libraries. To establish a library commission to run the public library business all over the state, calling for an appropriation of \$1,500, the commission to consist of the superintendent of public instruction, state librarian, two other persons appointed by the North Carolina Library association and one other appointed by the governor, without compensation, but may employ a secretary not a member of the commission, the commission to give assistance and advice to all libraries in the state and all communities proposing to establish libraries, and every public library to make annual reports to the commission.

By Mr. Butler, to allow two years in which to bring actions against telegraph companies.

By Speaker Graham, to expedite the trial of capital cases and reduce the cost by allowing courts to summon a special venire from any county in the same or adjoining district.

By Senator Britt, to amend the charter of the Citizens' Trust and Savings Bank, Asheville.

By Long, of Irwell, to prohibit "franks" by telephone companies.

FIFTEEN AGED MEN BURNED

(By Associated Press.) CANTON, Ohio, Jan. 21.—Fire of an unknown origin this afternoon destroyed the men's building of the Mahoning county infirmary here, and fifteen of the aged inmates received burns, more or less serious. The loss is \$30,000.



The Water Cure.

SENATE VOTES \$9,000 SALARY TO 29 JUDGES

By Close Vote Upper House Passes Another Part of Appropriation Bill.

BILL PRECIPITATED ANIMATED DEBATE

Mr. Rayner Would Increase Salaries of 84 Federal Judges to \$8,000.

(By Associated Press.) WASHINGTON, Jan. 21.—Consideration of proposed increases of salaries of federal judges was resumed by the senate today when the executive, legislative and judicial appropriation bill was taken up. By a vote of 38 to 31 the salaries of 29 circuit judges were increased from \$7,000 to \$9,000.

Senator Bailey declared that states that pay the highest salaries to judges generally have the poorest decisions. "That state," he said, "which pays the highest salaries to its judges generally furnishes reports on which you can find something on both sides of every question which is raised."

Senator Piles insisted that the judges of the country could earn much more than they do, and that \$50,000 could readily be earned by some district judges.

Combating the idea that \$50,000 is a salary within the reach of most lawyers, Senator Bailey declared that Daniel Webster could not have made that much money. He said that much depended in that matter on a lawyer's place of residence.

Mr. Rayner then made a plea for increased salaries for judges of the federal courts, the amendment under consideration being to increase the compensation of 84 district judges from \$5,000 to \$8,000. He declared that the federal judges would be better when their appointment is taken away from the United States, and insisted that under the constitution it has a right to take the appointment of circuit and district judges from the president and place it in the hands of the supreme court of the United States.

Mr. Rayner declared that the president does not go to the leaders of the bar or to bar associations to get suggestions for the appointment of judges.

"No," said Mr. Bailey, "he goes to the corporations, as a rule, for recommendations."

Mr. Tillman, in a rasping voice, suggested that some of the judges are on the payrolls of corporations, while they draw their salaries as judges. Mr. Bailey said he was sure Mr. Tillman would wish to recall that charge.

"I simply have the suspicion, and I will not withdraw it," said Mr. Tillman.

Mr. Bailey, disavowing any sympathy with the statement of Mr. Tillman, said he had noticed that the corporations for 20 years had been extremely active in the appointment of federal judges.

SIX JURORS CHOSEN IN COOPER TRIAL

Delay Causes Distinct Disappointment to Court and Both Attorneys.

(By Associated Press.) NASHVILLE, Tenn., Jan. 21.—The second day of the effort to secure a jury in the trial of Col. Duncan B. Cooper, his son Robin Cooper and former Sheriff John D. Sharpe, charged with the murder of former Senator Carmack, closed with only six men in the box, a gain of but two over the day before. There was a distinct disappointment, not only to the court, but to the attorneys on both sides. One is that it happened that most of those examined today are residents of Nashville or vicinity, where the case has been fully discussed, and where most of the people have taken sides. The other reason is that few men are willing to serve upon a jury which is called upon to decide a case in which the feeling is so intense.

It is difficult to find men who do not know some of the defendants, especially John D. Sharpe, who was sheriff of this county for four years, and who thus was thrown into contact with most of the citizens. Cooper, senior, has been in politics for years. In spite of the bitter feeling between the two factions, there is apparently the best of feeling between the attorneys. There has not been the slightest dispute so far, and during recesses or between sessions counsel on both sides mingle freely. Unlike the night rider trials at Union City, only \$50 miles away, there is no display of weapons. Even the deputy sheriffs on duty are unarmed and laugh at talk of trouble.

J. Hartness, one of the spokesmen examined, when asked if he had any prejudice against the defendants, started the court by exclaiming in a loud voice: "Yes, they ought to have been hanged long ago."

When the name of A. J. Gotto was called, a deputy said: "Mr. Gotto just celebrated his one hundredth birthday yesterday, and—" "It promises to be not over it yet," remarked the court. "We will excuse the young man."

When court adjourned the state had used seven of its 18 peremptory challenges and the defense 11 of its 22.

PRIVATE DETECTIVES DISPENSED WITH

(By Associated Press.) WASHINGTON, Jan. 21.—The services of Brody and Baldwin, the private detectives who were paid \$15,000 for their work in following up the members of the discharged Twenty-fifth infantry and securing a "confession" from Ed Conyers, one of the number, has been dispensed with. The war department has not abandoned its effort to secure evidence as to the identity of the men who did the shooting, but has practically decided that private detectives have accomplished all that can be expected of them.



WASHINGTON, Jan. 21.—Forecast: North Carolina—Partly cloudy Friday and Saturday; light variable winds.

NO CLEMENCY IS ASKED SAYS PRES. GOMPERS

Together With Mitchell and Morrison He Attacks the Court's Decision.

ARTICLE IN ISSUE OF FEDERATIONIST

Two of Labor Leaders May Be Held in Additional Contempt of Court.

(By Associated Press.) WASHINGTON, Jan. 21.—"We have not asked and will not ask for clemency, and we hope our friends will not urge us to pursue such a course. Urging liberty as free men do—we do it—cannot be difficult to appreciate what incarceration in prison would mean to us. To ask pardon would render useless all the trial and sacrifice which our men of labor and our friends in all walks of life have endured, that the rights and liberties of our people might be restored. Such a pardon would only leave the whole case in confusion and it would have to be fought over again from the beginning."

This is some of the language used by Messrs. Gompers, Mitchell and Morrison in the current number of the Federationist, in formal protest against the action of Justice Wright in sentencing them to imprisonment for contempt of court in the Bucks Store and Range case, December 22.

Samuel Gompers heads his statement "Judge Wright's Denial of Free Speech and Due Process," and he declares: "We will not take a single word nor take a letter back."

Attacks Court. Mr. Gompers refers to the "Intemperate and undignified spirit displayed by the justice and to this trade of judicial abuses and misrepresentation" in a separate statement, but he joins with Messrs. Mitchell and Morrison in declaring that they "would not enter into competition with the honorable court in the use of invectives, sarcasm or scathing denunciation" and that they should protest "against the court's unprecedented and unwarranted flagellation of the cause and of the people who have the honor to represent."

"That the trial of labor leaders fully understand the responsibility they assume in making their statement is shown by their declaration that even though they may be held in additional contempt, 'we are willing to accept the consequences.' It may be necessary to the preservation of the liberties of the people that a judge should be disobeyed. Judges sometimes usurp power and become tyrants. Disobedience to a tyrant is obedience to law."

JURORS DISAGREE IN SHELLARD CASE

(By Associated Press.) NEW YORK, Jan. 21.—After six hours deliberation the jury in the case of David H. Shellard, a former Brooklyn policeman, charged with the murder of Barbara Reig, reported that it was impossible to reach a verdict and at 9 o'clock tonight Justice Crane discharged the jurors. The defendant was recommitting to jail. The conviction of Shellard for first degree murder, which involves the death penalty, was made impossible today when Justice Crane, on motion of the defendant's counsel, ruled that the prosecution had failed to show premeditation, and instructed the jury that it could convict for second degree murder or manslaughter only.

R. R. OFFICIALS CLAIM LOW RATE CONFISCATORY

Delegation Tells Gov. Kitchin That Trial Rate Has Proved a Failure.

WANT RELIEF OF PRESENT SESSION

Governor Takes Matter Under Advisement for Ten Days, Discussion.

(Special to The Citizen.) RALEIGH, Jan. 21.—The presidents and other high officials of the Southern, A. C. L., S. A. L., N. & S., and other railroads doing business in North Carolina, laid before Governor Kitchin today the situation as they see it in the matter of the North Carolina passenger rate that stirred such sensation a year ago, outlining a course that they desire the present legislature to pursue in making it possible for the railroads to be relieved of confiscatory rates in the event at the end of the probation year, April 1 next, it shall appear on investigation that the compromise rates of 2 and 2 1/2 cent are confiscatory. There was a long drawn out discussion of the situation, after which Governor Kitchin agreed to take the matter under advisement for ten days, when these railroad officials will return to Raleigh and hear the conclusion reached by the governor and his advisors and determine upon further action.

In the delegation of railroad officials were Presidents Emerson, of the A. C. L.; Finley of the Southern; Johnson, of the N. & W.; Mr. Garrett, chief executive of the S. A. L.; Receiver Fitzgerald, of the N. & S., and others.

They called attention to the fact that they had agreed with Governor Glenn in effecting the famous compromise that the present rates should go into effect for one year from April 1st, 1908. That Governor Glenn had agreed to recommend to the legislature that a bill be passed authorizing the corporation commission to consider the effect of these rates as an expiration of the trial period and give relief in case the rates should prove unreasonably low, and that Governor Glenn had made this recommendation to the special session, which had failed to make the desired arrangement.

However, the railroad companies, these officials explained, had gone ahead and put into effect the compromise rate rather than throw any obstacle in the way of an amicable settlement of the rate trouble as it then existed, simply putting the rates into effect for the trial period and trusting to the present legislature to provide relief if it should be shown to be needed.

Rate Confiscatory. The railroad officials contended to Governor Kitchin that the result of the trial had thus far been disastrous to their revenues and expressed the wish for the governor and other officials to examine into the merits of their contention and suggest some appropriate method of procedure.

They urged that they be not left for two more years without opportunity for any relief in the event they establish injustice of present rates at end of the trial period. Some machinery should be arranged since the corporation commission has no power to act. The railroad people insisted that this conference was purely to secure co-operation and friendly support from the state in an effort to conduct the properties in the interest of the public as well as the owners.

Participating with the governor in the discussion on the part of the state were Attorney General Hickett, Speaker Graham, of the house of representatives, and Senator Manning on the part of the senate.

Governor Kitchin says that in replying to the statement of the railroad presidents that the compromise rates were unreasonably low and wanting legislation at this time he stated that he had said in his inaugural address that there would be probably no agitation for change of passenger fares during his administration, that the people were not expecting such agitation, that he could not encourage any procedure, but hoped the railroads would try the rates during a normal year, when no panic conditions prevailed, that he had no information to justify him in suggesting such a course.

(Continued on page four.)

"DRY" SOLDIERS HEAVY EXPENSE TO GOVERNMENT

Taboo of Canteen Given as Cause of Wholesale Desertion From Army.

ARMY UNANIMOUS FOR RESTORATION

Objections of Temperance Workers Only Prevention of its Reinstatement.

(Special Correspondent of The Citizen.) WASHINGTON, Jan. 21.—"Give us back the canteen." From private to major-general the United States army is making this request as if with one voice. So emphatic is the entreaty congress would restore the canteen instanter were it not for the ever-watchful eye of the women temperance workers.

Desertions from the army are increasing at such a rate the war department has resorted within the last month to printing proclamations. There is about \$250,000 offered as rewards for the capture of deserters, \$50 being allowed for information that will enable the government to capture each runaway. These proclamations carry the deserter's picture, side and full face views, also a description, making the whole sheet look like the Bertillon report upon a criminal.

Army officers are united in the belief the taking away of the canteen is responsible for the desertions. Army and navy journals are advocating congress return the canteen. Representative Barthold of Missouri, who looks after the saloon and brewery interests in congress, is the father of a bill providing for its reestablishment. The friends of the canteen are amassing strength quietly, but it requires a strong congressional heart to deliberately step out in the open as a target for thousands of blue ribbon crusaders. Congress has not just like they used to be in this respect. The time has passed when a member of congress may argue against prohibition without finding it hard to win the following election.

"The anti-canteen law ought to be repealed," says Maj.-Gen. Frederick D. Grant, "but the prospects of congress doing anything right away are not very encouraging. Politicians do not care to antagonize the extreme prohibition sentiment. Congress sees, I think, it has made a mistake, but it is a hard thing to go back now."

Col. Silas F. Stewart, a retired army officer, who is a prohibitionist in all matters excepting the canteen, declares with the rest of the canteen forces that the taking away of the canteen is practically wholly responsible for the increased number of desertions. He says the number of young men who have run away from duty is so appalling the government hesitates to make public the figures.

Desertions On Increase. "The abolition of the canteen is responsible," he avers. "The men simply won't remain at the posts. The last congress raised their pay to hold them, but it failed. The desertions have kept on increasing until now they are appalling. There is no army in the world, and there never was one, so highly paid, so well fed or better clothed, and yet we cannot hold men in it. No army has ever offered better inducements in the way of promotion, yet the men are dissatisfied and desert."

Desertions began the day the canteen was abolished. The men did not intend to desert, but they got to town with their month's pay in their pockets, became intoxicated, overstayed their leave and then were afraid to come back for fear of punishment. The longer they remained away the longer they had to.

"Frankly, life at an army post now is a drudge. We will never stop desertions until we restore the canteen. We can double the pay and the soldiers will not remain."

"We were told that we might keep the canteen open for the sale of soft drinks. That was of no avail.

"The desertion of a soldier means a real monetary loss to the government of about \$50, that being the value of his clothing and full kit. His arms are not lost. After the soldier has been declared a deserter, his effects are put up at auction at the

or ten, with greater pay for the fewer heads.

"I think at the present time I have the finest men that could be secured," Mayor McClellan said. "There was a suggestion in the papers the other day mentioning the president of the United States as my successor. The friend or enemy who inspired it declared that Mr. Roosevelt would have Taft and Root in their city department. It is out of the question. In the cabinet there is great honor. It is the head of a city department means unlimited criticism, intolerant abuse, no thanks or praise."

MAYOR McCLELLAN TELLS OF ABUSE ATTACHED TO OFFICE

(By Associated Press.) NEW YORK, Jan. 21.—Mayor McClellan was called today as a witness before the legislative committee which, under the guidance of former Senator Cassidy as its chairman, is investigating New York city's finances.

Replying to questions about municipal ownership of public utilities, Mayor McClellan said: "There is a general socialistic tendency abroad in the country, and it requires all the backbone of the government to resist the pressure."