

HAD NO POWER TO AUTHORIZE STEEL MERGER

Sub-Committee of Senate Says T. C. I. Absorption Contrary to Law. REPORT CREATES CONSTERNATION. Senators Not Willing to Go Whole Length Advised by Committee.

(By Associated Press.) WASHINGTON, Feb. 20.—By a vote of three to two the sub-committee of the committee on judiciary which has been investigating the merger of the Tennessee Coal and Iron company and the United States steel corporation today decided to report to the full committee that the president was not authorized to permit the absorption. The committee found also that President Roosevelt was equally unauthorized to direct the attorney-general not to interfere with the merger and not to enforce the federal statutes against it.

It was decided also that as both companies were engaged in interstate commerce the absorption was in violation of the Sherman anti-trust law. It was found that the effect and purpose of the absorption were to monopolize the iron ore supply of the country and generally to eliminate the Tennessee company as a competitor of the United States steel corporation.

Rebuke for Roosevelt. The fact that such a report was to be made created consternation in the senate. It was realized that if the full committee subscribes to the findings of the sub-committee the effect would be to administer the severest rebuke to President Roosevelt and practically to direct the attorney-general to bring proceedings against the steel corporation under the Sherman law.

Leaders in the senate make no secret of the fact that they are unwilling to go the full distance. Under these circumstances the full committee, when it meets on Monday probably will decide to consider very carefully the possible effect of the report before deciding to adopt it.

The report acted upon was drafted by Senator Culberson, author of the resolution providing for the inquiry. The inquiry was conducted by a sub-committee of five, Messrs. Clark, of Wyoming; Dillingham, Kittredge, Culberson and Overman. The first three of these are republicans and the last two democrats. Senator Kittredge joined with the two democrats in making the majority report.

Deny Necessity for Merger. The report quotes from the president's message declaring that the absorption was necessary, according to the representation to him by Judge E. H. Gary and H. C. Frick on behalf of the steel corporation, as a certain business firm of real importance in New York circles would undoubtedly fail unless the deal could be made.

After giving much of the testimony on this point the report specifically denies the assertion of the president that the merger was necessary to save an important banking concern or business house in New York. It is asserted by the committee that whatever no discretion is lodged in the president as to the enforcement of the law. It was found in the opinion of a majority of the sub-committee that the president's communication to Attorney-General Bonaparte was in effect a direction not to interfere with the merger. It was pointed out that under federal institution, the president is the official who is expressly enjoined to "take care that the laws be faithfully executed."

BOOMING GUNS SIGNAL THAT FLEET IS NEAR

North Carolina Fires Salute to Blue Flag of Admiral Sperry. EVERY HOTEL IS JAMMED TO DOORS. Officers Wives Flock to Old Point to Meet Their Spouses.

FORT MONROE, Va., Feb. 20. (Old Point Comfort, Va.)—When the saluting guns on the forward bridge of the armored cruiser North Carolina, boomed thirteen times today in honor of the blue flag of Rear Admiral Sperry on the battleship Connecticut, the combined naval forces that are to enter the Virginia capes on Monday morning to be reviewed by President Roosevelt in the celebration of the world cruise of sixteen American battleships were completed. Wireless signals received from the North Carolina and her junior consort, the Montana, early today told of the approach of the last two ships sent to welcome the home-coming vessels to the main body of the fleet.

The wireless station at the Norfolk navy yard could not pick up the fleet direct either last night or today owing to static interference in the atmosphere, but the messages from the North Carolina were sufficient to indicate that the fleet is near enough to the Virginia capes tonight to insure its arrival off the entrance to Hampton Roads some time tomorrow. Officers' Wives Waiting. Scores of officers' wives are already at the hotels here. Among them are about nineteen who made the journey all the way around the world on merchant ships and who overtook or awaited the naval vessels at the various ports visited. Some of these intrepid women even went all the way to Australia, but most of them remained in Japan while their husbands were in the antipodes. There are other wives here who went with the fleet as far as California. Still others there are who contented themselves with witnessing the departure from here fourteen months ago and who then returned to their homes in various parts of the country. The social feature of the fleet's return and stay in the roads is to be as notable as at the departure. From Washington, Baltimore, Philadelphia, New York, Richmond and Norfolk large parties have arrived for "fleet weeks" and every room in the hotels is taken, and many persons were turned away today at the Chamberlain.

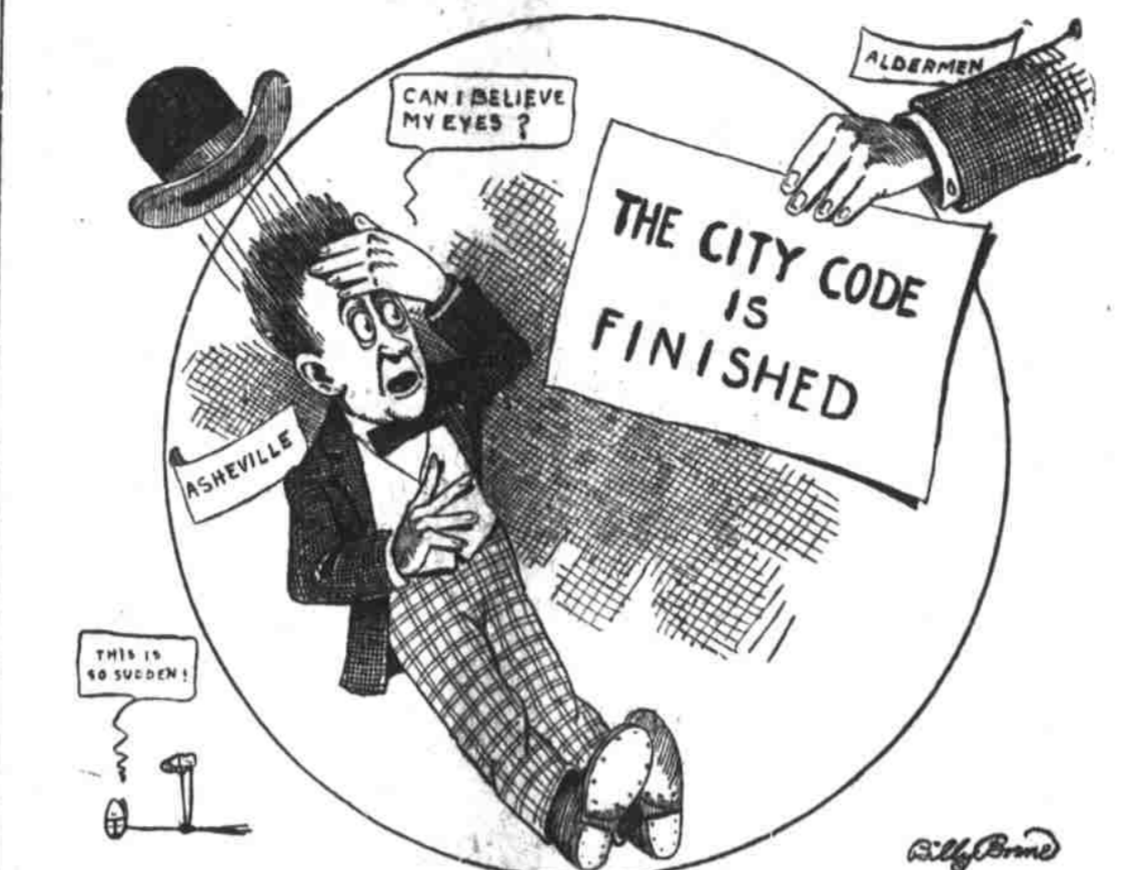
Will Celebrate Holiday. Washington's birthday is to be celebrated as a holiday more generally than ever before in this section and all theretendent Norfolk, Newport News, Hampton and other cities who can possibly do so will either be afloat or gathered along the shores of the roadstead to witness the impressive arrival of the ship and the ceremonies attending the visitors of the president. Rear Admiral William H. Emory who commanded one of the divisions of the fleet up to the time of his retirement at Manila last November, arrived today to witness the home-coming of the fleet and to provide for the transfer of his effects brought home on his old flagship, the Louisiana.

NEARLY MILLION FOR SAILORS. WASHINGTON, Feb. 20.—Carrying \$800,000 in gold pieces fresh from the government mint to pay the officers and men of the Atlantic fleet, the gunboat Yankton, which yesterday completed its cruise around the world, left today for Norfolk to rejoin the fleet. The Yankton also took a supply of the new signal code for the fleet.

RALEIGH ATTORNEY KILLED BY TRAIN. RALEIGH, N. C., Feb. 20.—W. A. Stewart, of Dunn, a prominent attorney, thirty-four years old, was killed tonight at the broad street crossing in Dunn, by a backing freight engine shifting cars on the Atlantic Coast Line. His body was cut to pieces. In 1901 and in 1905 he was a member of the house of representatives.

KING ALFONSO WANTED TO FLY BUT HIS WIFE WOULDN'T LET HIM. (By Associated Press.) POU, France, Feb. 20.—King Alfonso, of Spain, who arrived here from San Sebastian last night, today witnessed two successful aeroplane flights by the Wright brothers, the American aviators, after which he entertained Wilbur and Orville Wright, Earl O. Berg, their European business manager, and the mayor and Paul L. Lucheson. During the lunch the king kept up a lively conversation, principally on the subject of aviation. He admitted that he was sorely tempted to make a flight, but declared that a good soldier could not break his word. Then, laughingly, the king exclaimed: "I really think if I had stayed five minutes longer I could not have put the tempter behind me."

SAY, CAN THIS BE TRUE?



CHOOSES HORRIBLE WAY TO SUICIDE

Saturates Her Clothing with Oil and Sets Fire to Herself.

(Special to The Citizen.) CONCORD, N. C., Feb. 20.—Driven to desperation by poor health Mrs. Alida Burkhead, widow of John H. Burkhead and daughter of Capt. John Woodhouse, who for many years was editor of the Concord Register, saturated her clothing with kerosene Friday afternoon and then set fire to herself. She was burned to death.

At 2:30 o'clock she complained and told her 17-year-old daughter that she wanted to lie down, and went to her room at the head of the stairway. There she saturated her clothing with kerosene oil and set fire to herself, and before any one could reach her the flames had burned the flesh on her face, neck and body to the waistband into a crisp. She was conveyed to a room in the lower part of the house, where she was attended by physicians until death, which occurred at 1:45.

Her bad physical condition had, somewhat impaired her mind. The members of her family had kept close watch on the unfortunate woman for many days, but she worked the ruse today and eluded them. From all information now at hand it is inferred that the burning of herself had been planned by her for several days.

Mrs. Burkhead was about 50 years of age and is survived by five children — Misses Dora, Florence and Jessie, of this city; Mr. Calvin Burkhead, of the United States navy, who is now on his way from Beaufort to visit his mother, and John Burkhead, who left only a few weeks ago for California, where he is employed on a ranch. She is also survived by one brother, Mr. H. Irvin Woodhouse, president of the Cabarrus Springs, of this city.

BURNING SHIP CARRIES DOWN TWENTY SOULS

(By Associated Press.) BUENOS AYRES, Feb. 20.—The Argentine steamer, Presidente Roca, from Southern ports, according to reports received here has been wrecked between Puerto de San Antonio and Puerto Madrin on the east coast. The steamer caught fire, and press dispatches received here this afternoon state that the flames spread with great rapidity and that the steamer was headed into shore as rapidly as possible. Later official messages report that the vessel sank, but that only twenty lives were lost. Three hundred and fifty passengers and fifty members of the crew were saved according to these advices.

MARDI GRAS OPENS WITH AUTO RACE

Mrs. Cuneo Breaks Own Record and Makes Men Drivers Hustle.

(By Associated Press.) NEW ORLEANS, Feb. 20.—The principal feature of the first day's Mardi Gras automobile races was the breaking of the ten-mile world's track record for heavyweight gasoline cars by Ralph De Palma. In his Fiat car he made the distance in 9.11 2-5, which is 1 1-16 seconds better than the record made by Barney Oldfield in 1904. De Palma made this record in the ten-mile handicap, defeating a field of five after being handicapped a full minute.

Mrs. Joan Cuneo broke her own record for five miles in an exhibition race, her time being 5.05 2-5, her former record, which was also the world's woman's record, which was 5.04 3-5. Mrs. Cuneo negotiated the turns with ease and made them sharper than most of the men and kept abreast of De Palma for the first eighteen miles of the six-mile race.

No accidents of any kind occurred. The races last two days were. The features of Sunday's race will be ten entries, including Mrs. Cuneo and De Palma.

SUPPLY MEASURES ENGAGE CONGRESS

In Debate on Military Bill West Point is Severely Scored.

(By Associated Press.) WASHINGTON, Feb. 20.—Two more of the annual supply bills, the diplomatic and consular and the military academy measures were passed by the house of representatives today in a comparatively brief time. Neither excited much debate nor were they amended in any important particular. The rivers and harbors bill also was passed under suspension of the rules, after Mr. Keifer, of Ohio, had inaugurated a full-fledged filibuster against it in the expectation of securing an amendment providing for a survey of the proposed Ohio and Erie canal. The sundry civil bill, carrying an appropriation of \$127,000,000, was called up and an agreement reached whereby two hours were to be devoted Monday to general debate.

Criticism Academy. During the consideration of the military academy appropriation bill Mr. Tirrel, of Mississippi, criticized the entrance examination and course of study at West Point as being too severe. Because of that fact, he said, many a promising boy had been thwarted in his ambition.

DEMOCRAT WILL BE IN THE CABINET

Dickinson of Tennessee Will Succeed Wright as War Secretary.

(By Associated Press.) COLUMBUS, O., Feb. 20.—J. M. Dickinson, of Tennessee, will be secretary of war in the Taft cabinet. Charles Nagel, of St. Louis, will be Mr. Taft's secretary of commerce and labor. R. A. Ballinger will be secretary of the interior. This statement is not made upon the announcement of Mr. Taft, but its correctness may be accepted without question.

Mr. Nagel was a caller upon the president-elect Friday and Mr. Dickinson had a conference with him today. Mr. Taft will permit no announcement from him as to these conclusions. It has been known for some time, however, that he had practically decided upon Mr. Nagel's appointment, and the interview yesterday bears all the earmarks of having been arranged for the express purpose of an offer and acceptance.

Dickinson a Democrat. Mr. Dickinson came to Cincinnati from Chicago today. He has not been under consideration as a cabinet possibility so long a time, but has been personally and most favorably known by Mr. Taft for many years. His eminent legal record and acknowledged ability are such as to commend him peculiarly to Mr. Taft. Mr. Dickinson is a Tennessean, although temporarily residing in Chicago, where his duties as general solicitor of the Illinois Central railway system require his presence. He is a democrat, although always having opposed Bryan.

ONE GRAFTER FOUND GUILTY IN PITTSBURG

PITTSBURG, Feb. 20.—After deliberating twenty minutes this afternoon, the jury in the case of Captain John F. Klein, charged with accepting and soliciting a bribe in connection with an ordinance pending in council relating to the city depositing, returned a verdict of "guilty as charged."

Attorneys for Klein will appeal the case. The convicted man was released on \$25,000 bail and will be tried later on additional charges of conspiracy and accepting a bribe. Klein, who was a member of common council, was charged with receiving a \$17,500 bribe from two former officials of the German National bank of this city. Six other councilmen were arrested in connection with the case. Ernest Frey, a saddler, testified today that Klein had shown him six \$5,000 bills and remarked: "That is the way to get it." Klein said he had never seen a \$5,000 bill.

HALF AN ARMY WILL MARCH IN PARADE. WASHINGTON, Feb. 20.—More than 31,000 men will march in a grand parade, March 4, according to official reports made to the inauguration committee at a meeting held yesterday. There will be approximately 22,000 soldiers and sailors and members of the regular service, national guardsmen and independent military bodies, including the cadets from West Point and Annapolis in the military division.

ROBIN COOPER ON STAND GIVES DESCRIPTION OF THE CARMACK SHOOTING

POLICE BILL PASSES HOUSE, NOW IN SENATE

Several matters of Local Interest Before Legislative Session. PROPOSED BOND ISSUE FOR INSANE. Bill Providing For Australian Ballot Law in State Elections.

(Special to The Citizen.) RALEIGH, Feb. 20.—The house passed today Mr. Weaver's bill for the creation of a police commission for Asheville and it was sent to the senate. Mr. Weaver introduced today bills to define the voting precincts of Asheville and allow foreign executors to convey lands devised to them without first giving bond in this state. The house bill to prohibit public drunkenness in Buncombe county passed the senate today and is ordered enrolled for ratification.

A bill for the application of the Australian ballot to the election of the North Carolina general elections was introduced in the senate today by Senator Elliott, of Hickory, and went to the committee on elections. The senate passed the substitute Manning bill to require that all securities deposited by insurance companies with the state department of insurance shall be delivered to the state treasury for safe keeping. This is one of the results of the annual legislative examiner's report made earlier in the session.

The solicitor's salary bill, to pay all solicitors \$3,500 in lieu of fees, was made a special order for senate Thursday of next week. Pass Electrocution Bill. So far as the house's action of the matter may control, there will be no more hangings in North Carolina, but felons sentenced to pay the death penalty will be put to death by the electric chair method at the state's prison at Raleigh. The committee substitute for the electrocution bill was passed without division today. The bill to issue \$3,489,000 bonds to refund the consolidated bond issue of 1879 for \$3,427,000 passed its second reading. The issue is to be forty years, four per cent. The difference of twelve thousand is to defray cost of plates and other expenses of the issue.

Chairman Gordon of the committee on appropriations introduced a bill providing for a bond issue of five hundred thousand dollars to carry out the act of two years ago to care for the insane. LOST HISTORIC BUILDING. (By Associated Press.) ANNAPOLIS, Md., Feb. 20.—Fire this afternoon gutted historic old McDowell hall, the central building of the group composing St. John's college. While the interior was completely destroyed the massive walls, three feet thick and built of bricks brought from England, withstood the flames and will be used in the reconstruction of the building. The loss is estimated by officials of the college at \$65,000 and the insurance is given as \$25,000. The origin of the fire has not been determined.

The officers of the naval academy rushed midshipmen, marines and fire fighting apparatus to the scene, and to this in large measure was due the confining of the fire to McDowell hall. NEW TELEGRAPH SUPT. WASHINGTON, Feb. 20.—The Southern railway today announced the appointment of W. H. Potter as superintendent of telegraph with headquarters in this city to succeed the late C. F. Adams.

HOLD UP MAN GETS 30 YEAR SENTENCE. Kansas City, Feb. 10.—Robert Bledson, of Dallas, Texas, who on Tuesday entered the home of Lawrence M. Jure, a millionaire merchant of this city, and attempted to extort \$1700 from him was sentenced to thirty years in the penitentiary today. (Continued on page four.)

Is Almost Feminine in Appearance, but Made Good Witness. SWEARS SENATOR SHOT HIM FIRST

Narrates in Detail Events Leading Up to Tragedy in Calm Manner. (By Associated Press.) NASHVILLE, Tenn., Feb. 20.—This was the defense's day in the trial of Col. Duncan B. Cooper, Robin J. Cooper and John D. Sharp, charged with the murder of the former Senator Edward W. Carmack. Only one witness was examined, the boyish defendant, Robin J. Cooper, and he made a splendid witness. When the court opened it was expected that the state would offer one or more of its missing witnesses. At least three arrived, but the attorney general decided that he would use them all, or to save them for his big conspiracy fight in rebuttal.

Both sides seemed to be sparring for time at the opening of the day's session. Finally the state's attorney appeared. Then the defense asked for thirty minutes indulgence and took an hour and a half. It was presumed that a conference was on but in reality the time was requested in order that an x-ray photograph might be taken to learn if the bullet which Robin Cooper received in the shoulder was still there. Dr. Fore thought it was and so testified.

However, the day after the shooting Robin Cooper found a bullet in the bed near his knees at the St. Thomas hospital. It was a 38 calibre bullet. The gun found near Senator Carmack's body with two empty shells is a 38-calibre. The defense evidently wanted to be sure that the x-ray showed no bullet in Robin's shoulder before they produced the missile found in the boy's bed.

As soon as the x-ray plates had been developed and disclosed no trace of a bullet the defense announced ready and called young Cooper to the stand. Young Cooper Prosecution. The boy is a slender, erect, clean cut, high bred type of a young man. His features are delicate, almost feminine, but he carries himself in an erect and manly fashion and there is nothing effeminate in his manner. His voice is soft and well cultivated, he speaks slowly, almost with a drawl. He answered every question with a deliberation and accuracy that at times seemed to exasperate his counsel, Judge Anderson, and put him in the light of an unwilling witness. Cooper's Testimony. He said that he practiced law in the office of his uncle James Bradford, and that on November 5, the father called at Bradford's office in the forenoon. Young Cooper, who gave his age as 37 referred to his father as "papa."

"Papa told me," he testified, "he was afraid he was going to have trouble with Mr. Carmack." After a long argument of counsel Cooper was allowed to explain such part of the conversation as had been previously testified to by Miss Lee, who said she overheard parts of the conversation. The witness continued, speaking of his father. "He said he was afraid of trouble and I asked him why. He said in substance that Mr. Carmack in his paper had been printing editorials attacking his character and, as he put it, shooting poisonous arrows. He said it was becoming unbearable. He said he had seen Mr. Craig the night before and told him to tell Carmack that he must cease using his name in his paper. He said Mr. Craig returned and said he had seen Carmack but Carmack would agree to nothing. Was Worried. "As I remember it, Mr. Craig said to papa that Carmack was in a vicious humor or mood." Robin said his father also told Craig to tell Carmack that unless he ceased using his name the town was not big enough to hold them both.

"I was greatly worried," the witness continued, "and said I believed my uncle could bring influence to bear to show Carmack the injustice of his course. It was then that papa said: 'He had no right to use my name and I have a right to protect myself.'"

The defense attempted to get in testimony by Robin tending to show that Colonel Cooper's waiting for the trial was a result of the fact that the suit to bring about the constitutional removal of President Castro was instituted several weeks ago at the instance of the minister of the interior, whose communication to the attorney-general on this subject was accompanied by a large quantity of documentary evidence relating to the alleged plot against the life of Gomez. The minister declared that the documents showed that this plot was the result of suggestion, advice and orders of General Castro. Castro, who has recovered from an operation which he underwent at a private sanitarium at Berlin, left that city yesterday for Dresden, where it is his intention to make a protracted stay.

CASTRO, DEPOSED, IS ENJOYING DELIGHTS OF EUROPEAN CITIES

(By Associated Press.) CARACAS, Feb. 18.—Via Willemstad, Feb. 20.—Cipriano Castro has just his title as president of Venezuela, the high federal court having rendered a decision that sufficient evidence has been presented in the suit brought against him by the attorney-general at the instance of Senator Alcantara, minister of the interior, on the charge of having attempted to bring about the assassination of Juan Vicente Gomez, the acting president. In his decision the high federal court transfers the suit to the criminal court and declares that Castro in consequence of the disclosure, is constitutionally suspended from the presidency.



FAIR. WASHINGTON, Feb. 20.—Forecast: North Carolina: Fair, slightly warmer; Monday partly cloudy; light to moderate, mostly southwest winds.