

INVESTIGATION IS ASKED OF MUCH OF STATE PROPERTY

Board of Internal Improvements Makes Interesting Report
MATAMUSKEET IS LOSING INVESTMENT
Stringent Law Asked Against Shipping Live Quail Out of State

RALEIGH, N. C., Jan. 20.—Both branches of the general assembly received today through special messages from Governor Kitchin the report of the state board of internal improvements which, in dealing with the state's interest in various railroad enterprises, reports few of them in satisfactory condition.

It recommends that the state take immediate steps to investigate the road and either get out of it or see that it is completed. It calls the value of the state's interest "problematical".

The board represents the state's interest in the North Carolina railroad to be not in the best possible condition but doubts if anything can be done under the lease. It declares the state institutions not in absolute satisfactory condition, urges investigation by the legislature into the needs for new buildings, also that the state tuberculosis hospital be given liberal aid and that the state school for the blind be moved to more ample grounds outside the city.

In the house Ray, of Macon, declared the message and report of great importance and his motion that (Continued on Page Four.)

VIRGINIA WANTS WEST VIRGINIA TO PAY PART OF DEBT

Was Contracted Before Civil War For Internal Improvements
CONTEST REACHES SUPREME COURT
Argued That West Virginia Is Liable For One Third of \$33,000,000

WASHINGTON, Jan. 20.—The staggering arithmetical problem complicated by questions of internal law, of how much of the \$33,000,000 debt of the old state of Virginia, West Virginia should bear, was laid today before the Supreme court of the United States for its solution.

Recognizing the intricacy of the problem and the importance of the outcome, the court consented to devote practically all of its time until next Thursday to a hearing of arguments in the case. This is more time than has been given to any case argued before the Supreme court of the United States within many years.

Debt of \$33,000,000
The debt of Virginia at the time West Virginia was organized was about \$33,000,000. Many more millions have been added to that sum as interest. The commonwealth of Virginia seeks to have West Virginia bear about one third of the debt. West Virginia denies her liability for one cent. To settle the controversy, it may be necessary for the Supreme court to review the expenditures and receipts of the state of Virginia since 1825 and figure out from that examination the liabilities.

Contest is Bitter
The bitterness of the contest, which has been manifest for years, was reflected today by the earnestness of Holmes Conrad of Virginia in opening the argument. He was the spokesman for holders of \$15,000,000 worth of certificates, representing a part of the debt. In the present litigation the certificate holders are urging that West Virginia be required to pay the debt represented by the certificates.

Mr. Conrad only had time to lay before the court part of the foundation of the contest. He took the court back to the days of 1825, when Virginia inaugurated a system of constructing roads, canals and railroads.

Makes Total of Twenty Five Million to Invested IN BONDS
NEW YORK, Jan. 20.—The donation of an additional endowment of \$10,000,000 to the Carnegie Institution of Washington by Andrew Carnegie, the founder, was announced today. This brings Mr. Carnegie's gifts to the institution up to a total of \$25,000,000.

Coupled with the formal announcement was a declaration by Mr. Carnegie that the work of the institution had cleared from blame the captain of the British ship who ran his vessel upon the rocks by proving that the British admiralty charts by which the captain was guided were two or three degrees astray.

The discovery of 60,000 new worlds by Prof. Hale at the observatory on Mt. Wilson, California, was also announced. Mr. Carnegie also announced that a far more powerful telescope than man has ever made is now under construction for the Mount Wilson observatory. With it he hopes to make possible the discovery of still more celestial bodies. The new telescope will have a lens of 100 inches diameter. Mr. Carnegie declares that "the whole world is going to listen to the oracle on top of Mt. Wilson and in a few years we shall know more about the universe than Galileo and Copernicus ever dreamed of."

Mr. Carnegie's last donation to the institution, like his first, is in bonds. The institution was founded on Jan. 28, 1892, when Mr. Carnegie gave to a board of trustees \$10,000,000 in registered bonds yielding five per cent interest.

MEXICO CITY, Jan. 20.—Telegrams received here from Tampico state that the fire which threatened the destruction of the oil well recently brought in the Tuxham district has been extinguished.

WITH SHEEHAN IN LEAD DEADLOCK CONTINUES IN N.Y.

Deaf Ear Turned to Plea Made by Judge Parker For Him
ELEVEN SHORT OF NUMBER NEEDED
Governor Dix Still Playing Hands Off in Senatorship Fight

ALBANY, N. Y., Jan. 20.—The third joint ballot for United States senator today showed practically no change in the rival camps into which the fight to elect Wm. F. Sheehan has split the Democratic majority. Put to the test of spending an unexpected week-end in Albany, Mr. Sheehan's friends stayed and voted, except when able to arrange "pairs," which left his position unimpaired. But Mr. Sheehan did not gain a single vote, although Alton B. Parker, his law partner, in a personal letter to Assemblyman Saunders, solicited for him the aid of the seven assemblymen who previously voted for Parker.

Six Won't Move
Mr. Sheehan returned to New York tonight but intends to come back for the resumption of the battle on Monday. Before leaving he made another effort to enlist Governor Dix's aid. All the governor would say about this conference was that Mr. Sheehan showed him a copy of the letter written in his behalf by Alton B. Parker.

The governor added that his position on the senatorship question was unchanged. He believed it his duty to keep his hands off. How Vote Stood. The result of today's ballot follows: Whole number of votes, 141. Necessary to a choice, 71. Whittier P. Sheehan, 69; Edward M. Shepard, 11; John D. Kernan, 4; Alton B. Parker, 3; D. Cady Herick, 3; James W. Gerard, 2; Martin H. Glynn, 2; Martin W. Littleton, 2; Simon W. Rosendale, 1; Morgan J. O'Brien, 1; Chauncey M. Depew (Republican), 52.

Assemblyman Saunders sent a reply tonight to the letter received by Mr. Lee, in behalf of the school board urged that \$75,000 be provided since they had asked for this amount only after carefully studying the needs of the schools. If that amount were provided no more would be asked for within five years while \$50,000 would only last about three years, after which it would be necessary for the whole thing to be gone over again. He felt sure that an issue for the larger amount could be carried with just as much ease as the smaller amount. However, the board decided that \$50,000 was enough to vote at present.

Suit Against City
The board notified that suit would be brought against the city for \$10,000, the amount Mr. J. B. Sherrill claims as personal damages sustained by falling into a ditch on

ELECTION OF REPUBLICAN SENATOR FROM TENNESSEE MAY COME FROM DEADLOCK
NASHVILLE, Tenn., Jan. 20.—The tenth ballot for United States senator in the general assembly today, when no election resulted left the political leaders in the air. Benton McMillin, who received 62 votes yesterday, could only muster 56 today. B. A. Enloe received the same vote as he did yesterday, 63, while K. D. McKellar of Memphis who has never announced his candidacy, received eight votes. The insurgent republicans—Honk, Davis and Brown—again voted for Wooleridge, a lawyer of Campbell county.

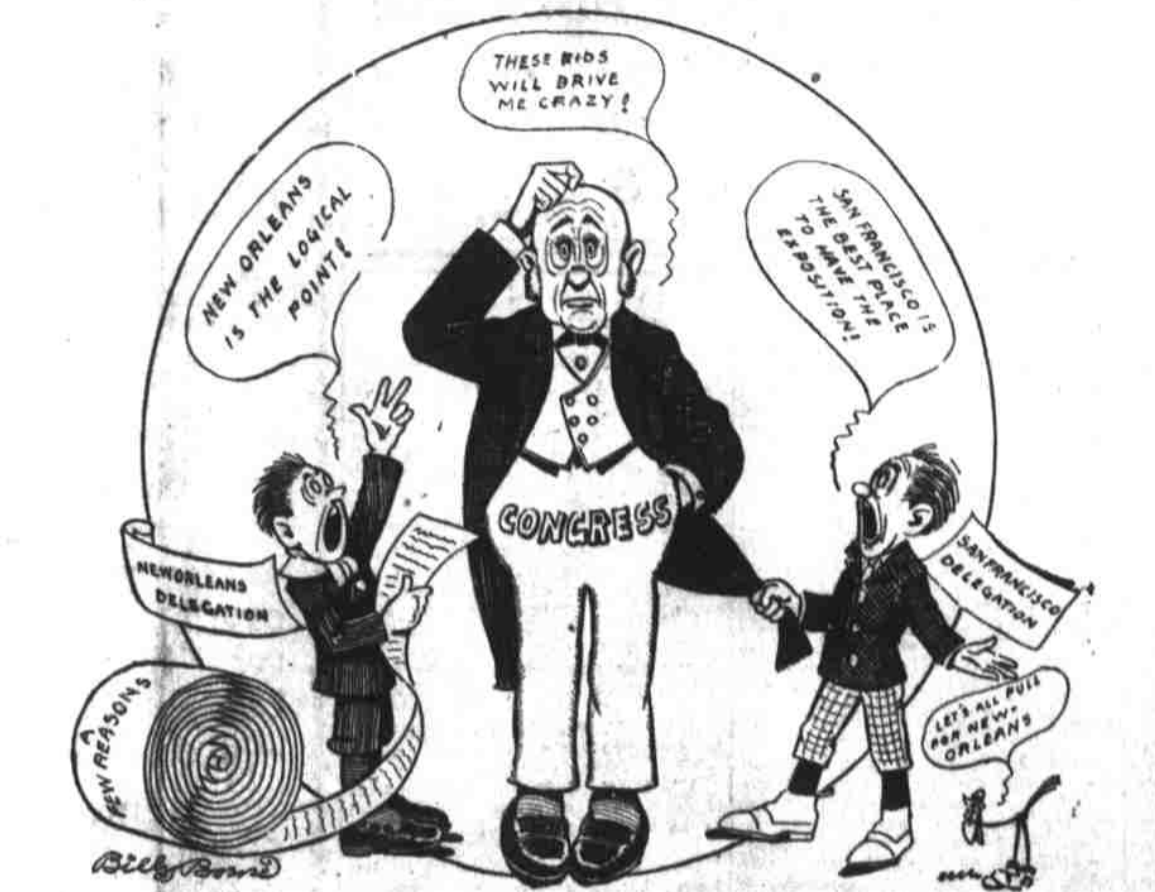
The result of this ballot has led the leaders of both sides to reach the conclusion that neither McMillin or Enloe can get elected. That men who have not heretofore been in the field will be voted for next Monday seems beyond doubt. The best informed politicians on both sides look for new men to come into the struggle. On the side of the regulars it is expected that Luke E. Wright or Nat Baxter, jr., speaker of the senate, will be put forward. The fusion forces seemingly are inclined to Luke Lea, but it is openly asserted that several independent democrats will not vote for him.

There is said to be a likelihood that a Republican will be elected. This possibility is giving the more thoughtful democratic leaders concern, and it is possible some compromises will be reached before balloting is resumed on Monday next.

PURSE FOR AVIATOR
HAVANA, Jan. 20.—The city council of Havana today voted a purse of \$2,500 to J. A. D. McCurdy, the American aviator, in case he makes a successful flight in a heavier than air machine next week from Key West to Havana.

WASHINGTON, Jan. 20.—Forecast North Carolina, unsettled and warmer Saturday, Sunday cloudy; moderate South winds.

That Panama Canal Exposition



FIFTY THOUSAND IN BONDS FOR SCHOOLS TO BE SUBMITTED TO VOTE

Board of Aldermen Wants to Issue Sufficient Bonds to Refund The Present City Debt and Also to Pave Streets Without Petitions From Property Owners.

The special committee, appointed by Mayor Campbell to report on the question of issuing \$75,000 bonds for the improvement and equipment of the city school buildings recommended at last night's meeting of the board of aldermen that the general assembly of North Carolina be requested to pass a bill providing for an election to be held to ascertain whether or not the voters of Asheville wish a bond issue of \$50,000. The special committee reported that it thought that \$50,000 would be enough to vote just at the present time that the promoters of the issue were providing for an amount to last as long as five years. And, since various things might happen in that length of time, such as more revenue coming in, more buildings being provided and other things of like nature, they thought \$50,000 would be sufficient.

Mr. Lee, in behalf of the school board urged that \$75,000 be provided since they had asked for this amount only after carefully studying the needs of the schools. If that amount were provided no more would be asked for within five years while \$50,000 would only last about three years, after which it would be necessary for the whole thing to be gone over again. He felt sure that an issue for the larger amount could be carried with just as much ease as the smaller amount. However, the board decided that \$50,000 was enough to vote at present.

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Attorney is Acquitted of Charge of Bribery
Case Grew Out of Lorimer Bribery Charges in Illinois Legislature
CHICAGO, Jan. 20.—Attorney Charles E. Erbstein was found not guilty tonight of having bribed a juror to prevent the conviction of Lee O'Neill Browne, minority leader of the state legislature, who was charged with bribery in connection with the election to the United States senate of Wm. Lorimer. It was Erbstein's second trial.

The specific charge against Erbstein who was counsel for Browne in his second trial, was that he had bribed Juror Grant McCutchen to hold out for a verdict of "not guilty." Browne was acquitted. Soon after the trial Harry Sacey declared to State's Attorney John W. Wayman, that he had arranged with Erbstein for holding out. Similar testimony was given by McCutchen and a charge was made against Erbstein.



WASHINGTON, Jan. 20.—Forecast North Carolina, unsettled and warmer Saturday, Sunday cloudy; moderate South winds.

Ralph street which had no sign of warning to keep him out of it in the dark. He claims that he was confined for many months and that perhaps lasting injuries were inflicted to one of his legs. Hon. Richmond Pearson appeared before the board asking that a fence, which the city had built upon his property on Market square, be removed since it had decreased the value of the lot on which it is located. He desired that this matter be referred to a committee in that he does not desire to wait as long as the committee generally require for a settlement. He wishes also that he be released from the assessments on two houses on Spring street in that one of them was damaged by the city to the extent of the amount of the assessments. These matters were referred to the street committee with instructions to report next Friday night.

Mr. Mease of the National Meter company, requested of the board that his company be instructed when to ship out the meters ordered some time ago. At the time the order was given, the company was instructed to ship part of the meters at once and the others at a later time. The last lot is the one to which Mr. Mease referred.

Many Matters Referred
Mrs. Campbell of Poplar street, complained of a man hole near her property. The complaint was referred to the sewer committee, corporation counsel and city engineer. Citizens of North Main street complained that the board walk had been taken up making it very disagreeable to walk on that street during rainy weather. This was referred to the street com-

Methodist Bishop of Japan Declares People of That Country are Friendly
WASHINGTON, Jan. 20.—"Japan wants peace. There is not the least desire in the hearts of any Japanese people to have war with the United States, towards which they feel most friendly and to which they look as a model for justice and right."

This was the statement made by Bishop M. C. Hattie of the Methodist Episcopal church in Japan and Korea, who called on President Taft today. Japan, he said, has the same desires and ambitions as this country, the desire to grow, but to grow by peaceable means and in the direction of higher civilization. Bishop Hattie, who has lived for nearly 40 years in Japan and Korea, "boohooed" the war talk of certain people in this country. He declared that Japan, like the United States, would fight only if forced to do so, but they would fight to the last ditch. He said he knew well the hearts of the Japanese people and that it grieves them to know that a few people are trying to make bad blood between the two countries. They look upon America, he added, as their best friend.

REVOKES COMMISSIONS
COLUMBIA, S. C., Jan. 20.—Governor Blease today announced to the legislature that he will revoke the commissions of all the 6,900 notaries public in South Carolina, the revocation to take effect Feb. 10. The governor urged that the legislature establish the qualifications for the office more specifically and also fix a definite term of office.

Chattanooga Firm Withdraws Answer in Suit to Break Bath Tub Trust
BALTIMORE, Jan. 20.—In the United States Circuit court today the Cahill Iron works, of Chattanooga, Tenn., Frank H. Caldwell, president, and John J. Mahoney, vice president and secretary, through their attorneys, asked and were granted leave to withdraw their answer in which they had joined the other defendants in the suit of the government for the dissolution of the so-called "bath tub trust," and to substitute another answer therefor.

In this new answer, the defendants named acknowledge that they did on July 6, 1910, enter into an agreement with Edwin L. Wayman, of Pittsburgh, which agreement plays a prominent part in the case; that they observed its terms, having been informed that it was perfectly legal and that it had been submitted to and approved by the department of justice; that on December 17, 1910, they withdrew from this agreement and restored prices to what they had previously been, having discovered that the agreement had not been submitted to the department of justice and that it was illegal. The defendants named, desiring to withdraw from further contest of the case in equity, expressed their willingness to submit to such decree as the court may think proper in view of their withdrawal from the agreement with Wayman.

Improvement Assessments
It was authorized that the property owners on South French Broad avenue, Merrimon avenue and Panola street be assessed with the amount of

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WEST VA. LEGISLATURE KEPT FROM ORGANIZING BY ABSENT REPUBLICANS
State Senators Have Fled State To Prevent Meeting
ARE IN OHIO
CHARLESTON, W. Va., Jan. 20.—While the democrats of the state senate deny that they have any concessions to offer the republican members who are remaining in Cincinnati until such time as the democrats are willing to make terms, representatives of William E. Chilton and Clarence W. Watson, democratic caucus nominees for United States senators, are known to have conferred today with Governor W. E. Glasscock in an effort to get at least one of the republican absentees to return in time to have an unquestioned quorum by Tuesday when the balloting for senators begins.

Governor Glasscock refused to make any further statement of his attitude towards the senate today. His announcement that he would transmit his message only when the legislature is legally organized being the only expression he has made on the situation. It was stated here tonight that the senators in Cincinnati will not return until the presidency of the senate is conceded them and if this is done they will be here within a few hours. After wrangling in conference for an hour the rules committee of the senate today rejected the amendment in its report providing for the immediate return of the fifteen republicans.

SCHENK WAS SICK LONG BEFORE WIFE GAVE HIM POISON

Or Rather Before Time She is Alleged to Have Given It
DEFENSE PLAYS STRONG CARD
Court Rules Out Testimony as to Habits of Trained Nurse

WHEELING, W. Va., Jan. 20.—The defense in the trial of Mrs. Laura Farnsworth Schenk today introduced testimony to show that her husband, John O. Schenk, whom she is charged with poisoning, had been ill for a long time before the time the state alleges the woman administered poison to him. To support this claim the lawyers for Mrs. Schenk put on the stand Charles B. Hughes, a railroad man, and Dr. A. B. Best, the Schenk family physician.

The afternoon session of the trial was enlivened by several bits between the attorneys. The defense sought to put on the stand Dr. Robert E. Blespy, of Pittsburgh, to impeach the testimony of Miss Eleanor Zoelker, or "Mrs. Klein," the detective nurse, who testified for the state that she had been offered \$1,000 by Mrs. Schenk to administer a poison pill to her husband. Attorney Boyce said that he wished to show by this witness that the detective nurse was addicted to the use of morphine. The state objected and was sustained, the court holding that this is not proper contradictory evidence.

Schenk Long Time Sick
When the defense failed in this attempt they put on the stand Chas. B. Hughes, a railroad man, who testified that long before Mr. Schenk's trip to Europe he had told the witness that he was suffering from nausea, vomiting and abdominal pains, the same symptoms the physicians for the state had testified that Schenk had been suffering from when they attributed the cause as due to poisoning. Dr. Best testified that he had treated Schenk for tonsillitis in September, 1909, and also had attended him on other occasions. The doctor answering the hypothetical question for the state was of the opinion regarding the symptoms described that they were those of lead and arsenic poisoning.

During the whole morning and part of the afternoon Dr. J. J. Osborne, the first witness for the defense, was under the fire of cross-examination. The testimony was chiefly in reference to the witness' experience in lead and arsenic poisoning and the prosecutor succeeded in bringing out that from the symptoms as told by the physician who attended Mrs. Schenk in the early part of his illness that the symptoms indicated lead and arsenic poisoning. Sensational scenes between the attorneys marked the first night session of the trial. It has been decided by the defense that they will not place Mrs. Schenk on the stand.

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