THE WEATHER COLDER

VOL. XXVIII., NO. 53

ASHEVILLE, N. C., THURSDAY MORNING, DECEMBER 14, 1911

PRICE FIVE CENTS

HOPE FOR RESCUE

OF MEN STILL IN

MINE ABOUT GONE

Citizen Want Ads Bring

Results

VERY LIKELY THAT **BUSSIAN TREATY** WILLBEANNULLED

Sulzer Joint Resolution Passed **House Yesterday by Vote** of 300 to 1

SENATOR CULBERSON'S SENATE RESOLUTION

"Time For Action Has Come" Declares Congressman Nicholas Longworth

WASHINGTON, D. C., Dec. 18-The Sulzer joint resolution for the termination of the treaty of 1882 structure the United States and Russis, because of the latter's discrimination against Jewish-American citizens passed the house whight 300 to 1. The one negative vote was cast by Representative Maltby of New York. An identical resolution by Sonator Culberson, of Texas, is pending in the sonate and favorable action of both houses would be necessary for the resolution to be effective Both the Sulzer and Culberson res olutions would direct the president to give Russia, immediately, the year's notice necessary for the com-plete abrogation of the treaty that has been in force nearly 80 years.

An attempt led by Representative Olmstead, of Penn., to modify the Sulzer resolution so as to avoid making the direct charge that Russia has violated the treaty in refusing to recognize the passports of American Jews was defeated 184 to 115. Prominent, republicans, declared that the should not go on record as ing a violation of the treaty, hould adopt language stating house ussia had so construed the that the United States could treaty would Provoke War."

sentiments announced here declared Republican Leadtoday, declared Republican Lead-er Mann, "are such that if they were uitgred in another parliamentary heavy they might bring such resent-ment as would provoke war." Mr. Maan added that if the Unit-ed States asserted that a discrim-faction estatist races was a wook-

tion of a treaty it might weaken n of Orientals. The debate in the house bristled with charges that Russia's attitude was an offense against the United States and that her exclusion of American-Jews who bore properly certified pasaports was an affront to this government.

Representative McCall, - of Massa chusetts said the matter ought not to be acted upon in the house until it had been submitted to arbitration between the countries. Representative Longworth insisted that the inas for arbitration

COUNTER CHARGES **OF SPECULATING IN** TICKETS ARE MADE

President Brush of Giants Makes Allegations of Queer Dealings in The Pasteboards-Pres. Thomas J. Lynch Re-elected.

trade, and tall how they obtained

"In your letter to me you say, 'our chief aim is to protect the basehall

public from graft, and we should work together for that purpose,' and

to this I say, 'amon.' I am with you

solidly but why pick only the New

York National league club for the

No Developments

NEW YORK, Dec. 13.—The base-ball war which exists on paper be-tween the American and Naticnal leagues, went merrily on today but the public how it was that the hoindications were pientiful that it was itely and along Broad street in Phila-to be a war of words only. Officially delphia they were openly plying their to be a war of words only. Officially the National league attended severe-ly to its own affairs, re-electing President Thomas J. Lynch and ig-noring the resolution adopted yesterday by the Americans. Unofficially, both major leagues laughed at the prospect of a real encounter between millions of dollars invested in the each. The world's series ticket scan-

dal continued to hold the spot light. goat?" President Brush, of the New York Giants, who made public yesterday his report to the national commis-The letter was made public two hours after President Johnson left for Chicago. When a club official's attention was called to this fact sion on the scandal, addressed a letsaid Mr. Johnson's movements ter to Ban Johnson asking him to exhe had not been taken into consideration plain a few things alleged to have happened to the pasteboards in Philin issuing the letter. adelphia

The National league meeting this "Why pick the Giants for the goat ?" Mr. Brush asks, among other things, "while dilating upon the outafternoon gave no developments in the row between the organizations. Secretary Heydler said that neitbe rage perpetrated upon the New York public through misdirection and col-President Lynch nor the National league had received a copy of the lusion with ticket speculators, why tickets, an average of 500 each and as it had not come from the league it sixty-three others absorbed 3,000 tickets an average of fifty each." certainly could not. the discussed." The National league, will meet tomor however, and it was predicted

Incidentally Mr. Brush's letter say that there were no street ticket spec-ulators in New York during the world tonight that it will frame its answer to the American league then, "if there series-it being unlawful. In part the letter reads: is to be any reply." With Brooklyn and Philadelphia opposing President

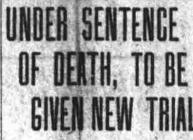
the New York club with handing out candidate being Robert W. Brown, a tion out of 25,000 of the new speculation out of 25,000 of its reserved seat capacity, depriving the public to that Gaffney, who decided over night to buy the Boston club and did so sat extent of an opportunity of buying directly; why is it that you are sithe council, which also included a woman for the first time in its his lent over the disposition of ticket tory-Mrs. Helen Hatheway Britton, Philadelphia where \$,801 tickets owner of the St. Louis club. A board of directors was also reelected. A resolution was adopted

out of a total of reserved capacity of 8,838 were given to seventy-three people and there was no public sale Tor the first two games? . home grounds on June 14 to observe "While the New York club repre-flag day with fitting decoration of reptailves show that lass than 350 the grounds. In short-tailes to the retickets were taken by its players and its officials the balance being available for the public, why is it that you do not explain how the players and the officials of the Philadelphia club

THRILLING EXPERIENCE

porters Mr. Gaffney and his new business manager, John M. Shaw, promised to revivity the Boston club Energy and money to accomplish this would not be lacking, they declared. ropriated 4,600 tickets out of its They expect to make the club a powtotal of 8,838?

(Continued on page 5) "Inasmuch as there were no street KING GEORGE'S SISTER'S LETTERS DRIVE HUSBAKD



THE ASHEVILLE CITIZEN.

State Supreme Court Gives **Charles Murphy Another Chance For His Life**

ONE BUNCOMBE CO. CASE WAS DECIDED

New Trial in Case of Gus Hanimett, Whose Damage Suit Was Non-Suited

RALEIGH, N. C., Dec. 13-State vs. Charles Murphy from Yancey county is an especially notable opinion in a list of seventeen just delivered by the supreme court, Murphy being now in the death cell of the states prison under sentence to be electrocuted for the murder of John inquiry is Simmons December 21, 1810. The supreme court' grants a new trial on account of error in the charge of the trial judge as to the plot of Murphy that he was so intoxicated that he was incapable of first degree murder. The court holds that this plea should have been consid-ered as to whether he was too drunk for premeditation and design to kill.

Opinions Rendered The list of opinions follows: In re will of W. T. Jenkins, Halfax county, no error.

Whitehurst vs. Badgett and James Pitt, no error. Merchison National Bank vs. Oll

Mills, New Hanover, error. . Dover vs. Mayes Munufacturing Co., Mecklenburg, affirmed. State vs. Francis, McDowell

firmed. ve. Corbin, Henderson, State no arror.

State trial. vs. Murphy, Yancey, new

Whitner vs. C. and O. Railroad Company, McDowell, affirmed. McBrayer vs. Blanton, Rutherfor

ton, new trial. Simmons vs. Fleming, McDowell, structing the four clubs playing on Lytton vs. Marion Manufacturing Company, Rutherford, new trial. Moree vs. Freeman and Plack, Rutherford, no error. O STPOT.

Hammett vs. Southern Railway Co., Buncombe, new trial.

State ve. Stacey, McDowell, for want of proper order to appeal in orma pauperia

Morganton graded School vs. Mc-VIRGINIA LEAGUE FIGHT Dowell, Burke reversed. Tuttle vs. Reid Transylvania, mo-tion for new trial for newly discov-

ared evidence allowed.

NEW TRIAL IN DAMAGE SUIT TO SHOOT HIS WIFE AND Disappointment was felt in Asheville last night by lawyers and their court to hand down opinions for the fifteenth judicial district. Only one case in this district was heard from, that of Gus Hammett against the Southern Railway Company, in which the plaintiff was su-ing for \$30,000, having lost both of legs by one of the Southern's locomotives. A year or so ago early on a wintry morning Hammett was making his way to the Rees tannery over a path that had long been used by the public on and across the South-ern's tracks. The plaintiff contended that as he was walking along or beside one of the tracks the tender of the locomotive hacked upon DANVILLE, Va., Dec. 13 .-- In an him, knocking him down and causing the loss of both logs, it being alleged that the tender had no light on it and that he was given no warning of the approaching train. nix, tonight lie dead as a result of a The case was heard here during dual homicide at 4 o'clock this afthe summer, resulting in a non-suit. ternoon, committed by the husband. The plaintifff through his attorneys. Locke Craig and Zeb F. Curtis, ap-Pinniz, who is a former employe of pealed to the supreme court, which the freight department of the Southgranted a new trial. T. S. Rollins ern railway and member of a promirepresented the defense.

Likely to Grow From Indianapolis Inquiry-Officials Won't Talk. WASHINGTON, Dec. 13.-A rigo- and checked against statements of ous investigation and prosecution of Ortio McManigal, confessed dynamit er, in the employ of John J. Me. all connected with the alleged dynamite conspiracy is the emphatic in-junction from the department of jus-Namara, the convicted secretaryice, direct to District Attorney Milclass of evidence is to be delved inler, under which he will conduct the to to fathom charges of a plot with federal grand jury beginning at Inits seat in Indianapolia, by which, acdianapolis tomorrow. District At-torney McCormick of Los Angeles, cording to the National Erectors' sociation, explosives in the last five years were carried, into seventeen states in violation of federal regulawho has been here several weaks con-ferring with officials of the department left tonight for New York on tons and by which about 100 structures have been partly or wholly wrecked, the Los Angeles Times a mission connected with the gov-ernment's investigation. Officials, however, in detail.

GOVERNMET WILL

CONDUCT RIGOROUS

DYNAMITINGPROBE

Prosecutions in Other States Where

decline to discuss the trip Attorney General Wickuilding being only one of them. Great precautions have been taken to insuing secrecy to the deliberations in the grand jury room. Guards, have been piaced at the doors and all outsiders, including witnesses to be called, are to be kept the entire longth of the federal building, or al-most a city block, away from the burges through Amistant Attorney General Harr, is personally directing the government's course. The based on two federal statutes, and if an accumulation of ofcan be proved under one or both of these laws against those re ponsible for the orimes, long terms Jurans. of imprisonment can be impor

May Go Into Petruary District Attorney Chas. W. Miller Indicated it. was not expected the grand jury would complete its work before the end of January. Mr. Mil-ier was much interested in the re-port from Los Angeles that he was to be assisted here later by Oscar Law-ler, who has been participating in the prosecution of the McNamara brothers, but he declined to com-ment upon. May Go Into February maximum menality for violation of the statute fixing stringent conditions and restrictions upon the shipment of explosives is 18 months in the penitentiary and a fine of \$2,000. The law by which it is hoped to reach all who may have inspired or direct-ed the cutrares makes a crime for two or more persons to conspire to break a federal law. This imposes a maximum genalty of two years im-prisonment and \$10,000 fins. One or

brothers, but he declined to com-ment upon. Harbert S. Hockin, secretary of Ste Iron Workers' association, returned today from St. Louis, where, it was reported, he had conferred with Pres-ident Frank M. Ryan. Hockin de-clared Ryan went' to Chicago and said he would return here itomor-row. Almost the first witness to be called, it was learned, would be size-osraphers, who were employed by McNamara when he was an active official of the union. Then evidence statues of the union. Then evidence interest is copy shop' contrac-tors papers estand in a raid on the from Workers' association hendquarboth of these laws would apply to every illegal shipment of explosives. Prosecutions in other states where buildings have been wrecked by dynunite during the past few years are likely, it is declared here, to grow out of the Indianapolis inquiry. PROBEC BEGINS TOPAY INDIANAPOLIS, Ind., Dec. 18.--Nation-wide interest will center here tomorrow when the weeks of work by detectives, actorneys and accoun-tants who have compiled syidence alleged to show the compileity of others than the McNamars hrothers in a dynamiting compiracy will be turned ever to the forders! in a dynamiting completely will be tess, or Voluntarily turned over by turned over to the federal grand the officials and dstalled confes-iury for formal investigation. Let-ters and records of the International Association of Bridge and Structural in which explosions have occurred have been abstracted have been subpeeneed.

FIVE HUNDRED FARMERS

OF STATE AT MEETING

WASHINGTON, Dec. 13 .---- Exist-

Owners of Illifated Mine State Buildings Have Been Dynamited That There Were Eighty-**Five Men in Mine** PROGRESS OBSTRUCTED BY SMOULDERING FIRE Director of American Rec **Cross on Scene, Satisfied** With Rescue Work

BRICEVILLE, Tenn., Dec. 14. With the passing of another day without the discovery of any more live men in Cross Mountain min hope for the rescue of the fifty of men still unaccounted for res its lowest abb late today. The report spread through the village that the more survivors had been located and practically the whole population flocked to the mine for news only t be disappointed in finding that it w untrue

Progress in the search was structed by a smoldering free w reged from early yesterday unto chock this sitemoon in left of entry 17, requiring the efforts of of the government beintet or the tinguish ft. Barrel after barre water was rolled into the oars and pumped on the 5 a time today it thrustened serious trouble but was fin dued. Whether the fire dis the explosion or from a is a matter of dispute. Horace Field, ared to, boss gaug resourd allve, Monda known to be in the violnity a said that those with him w was killed by the explosion lighted lamp beside the bei they were forced to another ber. Irish's body due been ed. Forty-five bodies had here with the mine we to eight o en in the mine when the ok place. took pla

Priends and relative accounted for are eat impatience because to all corners. Ca to all corners. Canary bire ing used to detaot the pr poisoned gases with grea and minure who at first posed to scoff at them are to realize their value a

and the time for action has come." No Affront to Russia

"This ought not to be considered in any way an affront to Russia, said Mr. Longworth, "The United States desires the friendship of Russia, but this question is above and beyond friendship; it is a question of national honor."

Mr. Mann endeavored to have the foint resolution amended so as to assert the continued right of the United States to discriminate against foreigners on account of race. All amendments to the resolution were overwhelmingly beaten. The resolution passed by the house tonight seclares, "that the government of the United States will not be a party to any treaty which discriminates or which by one of the parties there-

(Continued on page 5)

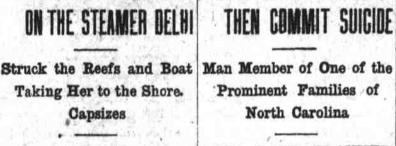


Three Large Business Houses Burned, Young Man Barely Escaped

DANVILLE, Va., Dec. 13 .- One of the most thrilling fires in a decade threatened Danville's best business block tonight, destroyed three large three-story brick structures occupied by merchants and required the utmost efforts of the entire department for over two hours to control. The damage is estimated at \$125,000. practically covered by insurance. Various other properties and stocks of goods are damaged by smoke and water but chief destruction was confined to the Boatwright Brothers' company printing and stationery entaurant and the Waddill Printing company. Other threatened proper-

ty were saved by intelligent work. At 1:10 a. m., Henry Day, proprietor of the Waddill Printing plant, who had been caught under debris in the store, was rescued by a band of frantic workers who braved falling walls and worked manfully to extricate him, guided by his groans. One leg is fractured and he has a painful wound on the head. Whon dragged out and rushed to a hospitel he was soaked by the streams of water which had been played upon him.

Tom Allen fireman, was rescued fout slightly injured and another fireman sustained minor husts.



HER DAUGHTERS, TOO DEED LONG PLANNED

GIBRALTAR, Dec. 13 .- Princess Louise Victoria, princess royal of humble home on a suburban street Great Britain and Ireland and sister the bodies of Mrs. Fannie New Pinof King George V., and her daugh- nix and her husband, William G. Pinters had a thrilling experience today when the Peninsula & Oriental steamship Delhi, on which they were voyaging to Egypt, struck the reefs off Cape Spariel, the northwest extremity of Africa.

While being taken ashore by the nent North Carolina family, left letlong boat of the British armored ters and memoranda showing that he cruiser Duke of Edinfourgh, they had planned the tragedy as long ago were thrown into the water by the as Thanksgiving day. The husband capsizing of the boat one of the was in poor health and had been daughters having a narrow escape drinking recently. Thes afternoon from drewning. She was rescued by while his son was lying down in an a sailor and carried to land with the adjoining room and, husband and wife others, all suffering severely from the were together, Pinnix without warn ing, fired upon the unsuspecting wife bitter cold.

twice in quick succession; one ball The Delhi struck at 1 o'clock in the entering the right temple, the other morning in a thick fog. Immediatethe check. She collapsed in a dying ly all the passengers hutried from condition just as the son rushed in At that moment the father turned their state rooms, malf dressed, and the weapon upon himself and sent a built through his right temple, the put on life preservers. Water poured steadily into the cabins, while enorball entering at the left side of the mous seas, sometimes mast high, broke over the vessel. Signals of head. He died at 8 o'clock without regaining consciousness. distress were sent out by wireless and Two hours before the tragedy Pinthe first warship to arrive was the

nix had turned over to his son to be French cruiser Friant. delivered to a friend a packet of let-It was long past daylight before ters and papers, impressing their imthe Friant's steam launch was able to come alongside the Delht. In the portance upon the boy. Most of these letters were written to Mrs. meantime preparations were made Marie New Pinnix and are couched in terms of endearment. They are signabourd the stranded steamer to send the women and children ashore. One ed A. B. One of the letters written by Pinnix declares the anonymous of the boats of the Delhi was lowwriter to have been A. Bridges, formerly an insurance solicitor here, now of Richmond. While ered and filled with passengers. The launch finally succeeded in getting this in tow and then steamed to the British cruiser Duke of Edinburgh. clean in verbiage, these letters where the frightened women show children were safely taken aboard. pelled Pinnix to his homicidal act. The Delhi is reported to be in a critical position. The is broudside or the rocks. The salvage vessel Gibelmuss has salled from here with lighters and will make an attempt to save the specie, mails and luggage.

an intimacy which

im-

The weather has moderated som what but heavy seas are still break-

WORK THROUGH COUNTRY Director Page Asks for Additional \$70,000 for Next Fiscal Year

REORGANIZATION OF ROAD

WASHINGTON, Dec. 18 .-- Logan Walter Page, director of the federal foureau of good roads, in his annual report to the secretary of agriculture, asks for an additional \$76,000 in the appropriation for the next flacal year, to as "to broaden the scope of the advisory, lecture, object lesson and experimental work of the bureau." This year's appropriation is almost \$150,000. As a result of investiga-tions now being made, Dr. Page expresses the bellef that there will be a complete re-organization of the present system of road administration in many communities throughout the country. He says that a compllation now being compiled indielled Pinnix to his homicidal act. cates that there are approximately The slain woman is a daughter of 150,000 officials in the United States.

W. W. New, formerly wealthy and prominent socially here. Pinnix is a won of Colonel Pinnix deceased, of to experiment with new materials and Vanceyville, N. C. Both families are to instruct local road officials in prominently connected here. Two proper methods the report says. children, a son, W. G., jr., sighteen reads were built in fifty-two places years old, and a daughter, Polly, aged during the past year and much origi-twelve, are orphanod.

Board of Arbitration Decides That President for 1912 is Yet Unchosen

COMES TO SETTLEMENT

GREENNBHORO, N. C. Dec. 13.---More than five hundred farmers of North Carolina are attending as dele-sates, the Farmers' union convention which held its first assiston in Wilson NEW YORK, Dec. 13,-The fight in the Virginia league of six baseball clubs was settled by a decision of the board of arbitration, that the league president for 1912 was as yet league president for 1912 was as yet this morning to discuss the cotton unchosen, notwichstanding several holding movement and other matters of vital interest to the farmer. Na-tional President C. S. Barrett made so-called elections' have been held to fill the office. The verdict was reached by the basebal court after it had the principal address of the day. He the principal address of the day. He said that the cotton holding plan submitted by the financiers was not in line with the proposition he laid before them; that he thought they wanted too much and that their re-strictions were harder than the far-mers would be willing to submit to. listened for four hours to testimony and arguments additional to those of yesterday, had looked up the law and deliberated some time before balloting. Decision was unanimous.

"In the matter of the appeal of the Virginia league," reads a state-"In the matter of the spinstate-the Virginia league," reads a state-ment made public by the board, "as to the election of a president, it is held that according to the consti-sution and the minutes of the various onweation in Mississippi, addressed the matter is a different modes of the convention on different modes of farming. Other addresses were made endorsing President Barrett's posi-

an election for president for the ensuing year has not been held." The contesting factions and their

counsel expressed themselves, as satis-field with the decision and left to-night for Virginia. The board rec-E. C. Hudson, of the state agricultirral department, made a special ad-dress on soil improvement. Commitommended informally that all clubs present tion got down to business. A special and voting-instead of by proxy- session was held this afternoon. H. early in January. The term of G. Q. Alexander, of Mathews, is ommended informally that an elsoearly in January. The term of the second of an atthews, as President Williams expires January 1. Should the election result in a tis, which is the result of recent elec-were cordially welcomed by Mayor tions, according to one faction, he Dickinson, of Wilson. will remain the league's bead, under the constitution until his su FREIGHT RATE COMPLAINT

tion.

chosen, it was stated.

HUNG-UP IN CONFERENCE

MUST SERVE TWENTY YEARS

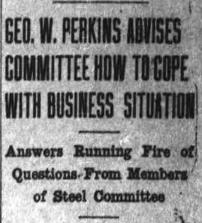
WAYCROSS, Ga., Dec. 13.-Hobbing pitcously, Mrs. R. L. Robbins was sentenced today to serve 20 years in the penitentiary for the killing of her stelghbor, Mrs. Belle Smith.

THE WEATHER

WASHINGTON, Dec. 13 .-- Forecast: North Carolina: cloudy and colder Thursday; Friday unsettled; moderate northeast and east winds.

resident Barrett Says out helmets are not permitted to en-

Financiers Wanted Too Much for Holding Cotton GREENNSBORO, N. C., Dec. 13.-More than five bundred farmers of North Carolina are attending as dele



PROPOSES PLANS WASHINGTON, Dec. 18-Geo. W. Perking, financiar and director of the

United States Steel corporation who was on the witness stand practically all day today discussed with mem-bers of the senate committee his ideas of how the committee could meet the business situation and was subjected to a running fire of ques-tions by the members of committee. He said the proper way to give the country's big business railet from existing uncertain and depression would be to create in the commerce and isbor department a business

the Southern railway and practically all of the trans-continental carriers. The commission is saked to fix a paration on previous shipments. SHEET LAW UNCONSTITUTIONAL NORFOLK, Va., Dec. 12.—The law parend by the logislature of Virginia requiring hotels to furnish sheets at isant 5 feet long to all beds was to-fay declared unconstitutional by Po-lice Justice Duncan, of Norfolk, be-fors whom a test prosecution was brought. The state appealed.

ing freight rates on furniture from North Carelina and South Carelina WASHINGTON, Dec. 13 .--- Legisla points to Pacific coast terminals of tion for the direct election of United \$1.78 a hundred pounds, were at-States senators apparently is hope-lessly hung up in conference. Unable States senators apparently is hope-lemly hung up in conference. Unable more commission today by the to reach an agreement today, file senate and house conference agreed association. From Virginia points to to consider the subject again imme- Pacific coast terminals the rate is