

TO RELIEVE COAL DISTRESS

Both Houses of Congress Considering Measures to This End

VEST RESOLUTION NOT ACTED ON

Mr. Aldrich Announced That There Were Hopes of Action Being Taken Elsewhere With a View to Removing the Duty on Coal—Senator Vest Wanted Something Done Immediately—Mr. Vest Again Reverted to His Recent Reference to Mr. Dingley Which Has Been Strongly Rejected—The Statehood Bill Was Up Again—Resolution to Investigate Coal Situation Passes the House.

Washington, January 12.—A lively debate was precipitated in the senate today participated in by Senators Aldrich, Vest and Carmack, when the former endeavored to secure a postponement of the Vest resolution, requiring the committee on finance to prepare and report a bill removing the duty on coal. Mr. Aldrich announced there were strong hopes of action being taken elsewhere with the view to removing the duty on coal. The proposition was not acceptable to Senator Vest, who vigorously objected, saying that he had no assurance that anything will be done in any other place. "Circumstantial evidence," he said, "is strongly against any such assumption. No action has been taken he said, and no suspicion of any action has been seen anywhere and therefore under existing conditions to allow this resolution to go into the uncertain and nebulous future would be equivalent to its defeat.

Mr. Vest called attention to the action of the legislature of Rhode Island, January 8th, unanimously voting for the removal of the duty on coal. Mr. Vest said he did not want to embarrass the senator from Rhode Island, who was amply able to defend himself, but his desire was to place before the senate proof of the sentiment for free coal now existing.

Mr. Vest again reverted to what he called his "unfortunate reference to Mr. Dingley," which had been so vigorously resented and sent to the desk and had read a letter from Congressman Fleming of Georgia enclosing one from former Representative King of Utah, detailing a conversation he had had with Mr. Dingley at the time the Dingley bill was under consideration in congress, in which he is said to have apprehended changes in the bill, which were necessary to obtain foreign markets for American goods and that the trend of Mr. Dingley's mind was in that direction.

Mr. Carmack, of Tennessee, charged that reciprocity has been "strangled" by protection. "It has been murdered in cold blood by protection," said he. "The beneficiaries of the protected manufacturers and the protected trusts, he said, have appropriated to themselves every particle of the tariff duties provided in the Dingley act.

Mr. Aldrich said the remarks of the senator from Missouri and the senator from Tennessee only confirmed his former statement that the resolution was for no other purpose than to discuss questions outside the coal questions. The resolution went over.

Mr. Nelson continued his remarks in opposition to the omnibus bill and had not concluded at 4 o'clock, when the senate took up unobjected pension bills on the calendar, a number of which were passed.

At 5:10 p. m. the senate adjourned out of respect to the memory of the late Representative Tongue of Oregon.

House of Representatives.

Washington, January 12.—The house today after adopting a resolution to authorize the Merchant Marine and Fisheries committee to investigate the coal situation, at once adjourned out of respect to the memory of the late Representative Tongue, of Oregon, who died in this city yesterday. The usual resolutions of regret were adopted and a committee was appointed to attend the funeral.

CONTESTING THE GIBSON WILL

Argument as to Whether a Stenographic Copy is Valid When Original is Lost.

Cincinnati, January 12.—A peculiar contest began in the probate court today when the widow of the late Major John McCormick Gibson of this city, who died at Asheville, N. C., a few months ago presented for probate a copy of his will made from stenographic notes alleged to have been preserved by Attorney Wells, of Asheville. The original will, it is asserted, has never been found since the death of Mr. Gibson. It bequeathed his entire estate to his widow, to whom he was married a few hours before his death.

His legal heirs, his mother and a brother, contest the probating of the will and a legal argument is in progress on the question whether a will of this description is valid or not. Mrs. Gibson, the widow, was Miss Cecilia Wolf, of Providence, R. I. She was called by a telegram to Asheville, when Mr. Gibson was critically ill, and was married on her arrival. He died the next day. Mr. Gibson's first wife was one of the victims of the Windsor Hotel fire in New York.

TO SUSPEND DUTY ON COAL

Probable That Congress Will Shortly Pass a Bill to This Effect.

Washington, January 12.—It is expected that congress will pass a bill removing the duty of sixty-seven cents a ton on coal imported into this country. This bill may take the form of a rebate or drawback for ninety days, and also will provide for reciprocity, admitting free of duty coal imported into this country from countries granting the same privilege to the United States. This means Canada and will allow Nova Scotia coal to come into this country free, while coal from the Alleghenies and westward will go into Canada free of duty. The ways and means committee will meet tomorrow and according to the present programme report a bill on the above lines. It is expected the bill will pass the house tomorrow.

It will be taken up in the senate very soon and the intention is to have it pass without much delay. A number of republicans who heretofore have been opposed to changing the duty on coal said they would not oppose the bill, provided it did not open the whole tariff question and afford an opportunity to offer innumerable amendments.

There was a conference on the floor of the senate today which was participated in by Senators Aldrich, Allison, Spooner and Lodge, and Chairman Payne of the house committee on ways and means. After this conference Senator Aldrich announced in the senate, that the Vest resolution for the removal of duty on coal came up, that he had reason to believe that "there would be action elsewhere regarding the removal of the duty. It has been the contention of Senator Aldrich that the senate had no right to initiate such legislation.

Chairman Payne said after the remark of Senator Aldrich in the senate that the ways and means committee would meet tomorrow and consider the coal bills.

Several bills have been referred to the committee, some providing for a suspension of the duty for a fixed period, some for a rebate and others for the removal of the duty without limit. Mr. Payne said he thought the committee would take some action either for a suspension of the coal duty or a rebate.

AGAINST INTER-STATE COMMERCE

United States Supreme Court Gives Decision Against North Carolina and Greensboro.

Washington, January 12.—In the United States supreme court today an opinion was delivered by Justice Shiras in the case of E. M. Caldwell vs. the state of North Carolina and the city of Greensboro.

The case involved the validity of an ordinance of the city requiring the taking out of a license for the sale of pictures and picture frames. Caldwell, who represented the Chicago Portrait company, resisted the payment of a license on the ground that the ordinance is in conflict with the provisions of the federal constitution relating to inter-state commerce. The North Carolina trial courts sustained the validity of the ordinance and the supreme court of the state sustained them. The opinion handed down today reversed this verdict and the case was remanded to the state supreme court. Commenting upon the case Justice Shiras said:

"Transactions between manufacturing companies in one state, through agents with citizens of another constitute a large part of interstate commerce; and for us to hold with the court below that the same articles if sent by rail directly to the purchaser are free from state taxation but if sent to an agent to deliver are taxable through a license tax upon the agent, would evidently take a considerable portion of such traffic out of the salutary protection of the inter-state commerce clause of the constitution."

Wilcox Trial Will Begin Wednesday or Thursday.

Charlotte, N. C., January 12.—A special from Hertford, N. C., to the Observer today says:

"The trial of the failure of Judge W. B. Council to reach Hertford until tonight, the special term of court for the trial for the second time of James E. Wilcox for the alleged murder of Nellie Crosey at Elizabeth City, did not begin today. Court will open tomorrow and it will probably require two days to get a jury, the trial proper beginning Wednesday or Thursday. A large crowd is present to attend the trial, but no violence is feared."

Brick Layers and Masons in Session.

Memphis, Tenn., January 12.—The annual convention of the Brick Layers and Masons International Union of America was called to order in this city today by President George F. Gubbins, of Chicago, 300 delegates being in attendance.

An unusually large amount of business will come before the convention during these sessions.

THE CAUCUS

Eight Ballots Were Taken Last Night Without Result

OVERMAN LEADS

The Second Night's Caucus to Nominate Senator Found 138 Members Present—Balloting Began Immediately—Little Change Was Noted From the Results of Friday Night's Caucus—Mr. Hoke Received No Votes and His Supporters First Voted for One and Then Another of the Candidates—Overman Led on Every Ballot.

Raleigh, N. C., January 12.—Without any preliminaries whatever the democratic caucus after the roll call tonight which disclosed the presence of 138 members, proceeded at 8:15 o'clock to take the fourth ballot for United States senator.

First ballot resulted: Overman 49; Watson 34, Carr 30, Carr 19, Hoke 0, Alexander 8.

Fifteen minutes was occupied in taking the ballot, and its announcement was received in perfect silence. Much excitement was in a few moments manifested as it showed a falling off in Overman's lead of 50, a rise in Carr's vote and a loss to Watson. Hoke's vote had apparently gone to Carr and Craig.

The second ballot resulted: Overman 49, Watson 35, Carr 30, Carr 20, Hoke 0, Alexander 8.

Upon the announcement of the third ballot of the night, which was the sixth of the series, the clock struck 9 and there was more apparent interest than at any previous time, as it indicated that while Overman reached his old lead 50, Watson had been shot forward to 39 by Alexander and Carr votes, while Carr was 31, Carr 18, Alexander 7.

The fourth ballot resulted: Overman 51, Watson 42, Carr 31, Carr 14, Alexander 7.

The fifth ballot was: Overman 53, Watson 38, Carr 29, Carr 16, Alexander 8.

The sixth ballot was: Overman 50, Watson 39, Carr 30, Carr 16, Alexander 10.

The seventh ballot was: Overman 50, Watson 42, Carr 28, Carr 15, Alexander 9.

At 10:20 o'clock the eighth ballot of the night and eleventh of the series was taken, resulting as follows: Overman 53, Watson 39, Carr 28, Carr 16, Alexander 8. A motion was made to adjourn to 8 o'clock Wednesday night. This was voted down and one was adopted to adjourn until tomorrow night.

The galleries were again packed with deeply interested spectators, mainly ladies.

Upon announcement of the eleventh ballot, Senator Brown moved adjournment until tomorrow afternoon. It was defeated 42 to 64, the result being greeted by applause. Overman men being prominent in cheering. Representative Lucas immediately moved to adjourn until tomorrow night at 8 o'clock. This motion prevailed, 80 to 46. The result of the caucus was exactly like that of Friday night, the original Hoke vote apparently changing first from Watson to Overman after voting evidently on the first ballot of the night, principally for Carr. The last ballot shows Overman leading his last ballot Friday night by three votes, it being evidently his alternate vote from this fluctuating element the main lines of all candidates remaining unbroken.

GRAND LODGE OF MASONS

Progress During the Year—Bet of 2 to 1 That Overman Will Win.

(Special to The Messenger.)

Raleigh, N. C., January 12.—Attorney General Gilmer decides that in order to get credit for insolvent collectible and errors, sheriffs must have the board of county commissioners certify to the state auditor's department on or before the date fixed by law for the sheriff to make his settlement with the state treasurer.

Late this afternoon on the exchange here, a bet of \$400 to \$200 was made on Overman for senator against the field.

The burial of the remains of Joseph B. Bachelor, Esq., will be at Warren in which town he lived a number of years.

The Grand Lodge of Masons meets here tomorrow evening. Grand Secretary John C. Drewry was interviewed this evening and said: "There are today 330 lodges, a gain of six during the year; and 12,662 members, a gain of 650, the largest gain on record. The total receipts were \$3,248. Grand Master H. I. Clark is here to preside. It will be perhaps the longest communication ever held. The committee on the temple will report. This was given full power and has bought and paid for the site here, and has \$10,000 dollars of the grand lodge funds in the bank to its credit."

Charlotte, N. C., January 12.—At a meeting of the directors of the Highland Park Manufacturing Company here today, it was decided to build a new mill which will have 1,000 looms and will cost \$450,000.

LOSS OF TIME

Delaware and Hudson Witnesses Before Commission

THEIR EVIDENCE

Witnesses Were Called to Tell of Conditions About the Collieries of the Delaware and Hudson Company—In 1901, This Company Lost 368 Ten-Hour Days on Account of Miners Being Out, Striking, Celebrating Union Days, Etc.—Testimony Was Introduced That Miners Were Not Loading as Many Cars as They Did Before the 1900 Strike.

Philadelphia, January 12.—The proceedings before the anthracite coal strike commission today consisted principally of the calling of witnesses by the Delaware and Hudson Company to tell of the conditions existing in and about its collieries and to refute certain testimony presented against the company when the miners side was being heard.

The first witness today was Abel I. Culver, of New York, controller of the Delaware and Hudson Company. Mr. Culver said that the Delaware and Hudson Company was selling coal to middle men at tide water at five dollars a ton, for prepared sizes. He did not know what price the middle men were receiving from the public beyond what he read in the daily papers.

George Anderson, of Scranton, a clerk in the coal department of the company presented a statement, showing that the twenty-eight collieries of the companies lost 368 ten hour days in 1901, for which employees were responsible. Of these 115 were lost on account of picnics and other holidays (not including legal holidays); 59 days on account of strikes and suspensions. Another statement offered by the witness showed that since the strike ended in the latter part of October, the twenty-eight collieries have lost 110 days, reducing the coal production of the company 92,000 tons.

Thomas R. Thomas, outside foreman at the Jermyr colliery of the company, told of the difficulty he had in inducing the men to mine more coal. He produced a paper alleged to have been drawn up by local union 1025, which stated that any man loading more cars in the headings than are loaded in the chambers would be expelled from the union. Two men, he said, violated this "good rule" and their tools were destroyed and one of their houses was dynamited, as a result of not restricting their daily output.

Two witnesses testified that since the strike of 1900 miners and laborers will not load as many cars as they did before the strike.

William H. Dettrey, of Nueburg, the newly elected president of District No. 7 of the miners union, against whom it was testified last week that he said non-union men should have their throats cut or should receive a "good thumping" denied the charges absolutely.

CHILD LABOR IN FACTORIES

Terms of a Measure Introduced by Representative Parker in the House.

(Special to The Messenger.)

Raleigh, N. C., January 12.—An important bill relating to the employment of children in factories was introduced in the house today by Representative Parker, of Wayne. Its provisions are Section 1. Those under twelve shall not be employed in any factory unless having widowed mother, or totally disabled father dependent for their labor for support, or is an orphan without means; children under ten to be employed under no circumstances.

Section 2. Requires employers to file certificates of age from parents or guardian of children employed and keep the same for inspection under heavy penalties for false certificate or failure to have same.

Section 3. Prohibits the employment of children under sixteen between the hours of seven p. m. and five a. m. for more than sixty-hours any one week or eleven hours any one day.

Section 4. After January 1st 1905 no child under fourteen shall be employed unless it can read and write.

Section 5. After January 1st, 1904 none under the age of fourteen shall be employed unless it attends school at least nine weeks a year not less than four weeks consecutively.

Section 6. Penalty of the violation of this act is \$50 to \$500 fine or imprisonment in discretion of judge.

FIRE AT NEWBERN

Hughes Building Destroyed—Other Property Threatened.

(Special to The Messenger.)

New Bern, January 12.—Shortly before 8 o'clock tonight fire broke out in the Hughes building occupied by Bradhams Pharmacy, a barber shop, a jewelry store and several offices upstairs. By prompt and steady work the fire was confined to the one building. It looked like other property would burn at one time. The Hughes building is wrecked.

The loss is estimated at \$20,000 with about one-third insurance.

SECRETARY MOODY INJURED

Thrown to the Ground and Rendered Unconscious in Run-Away Accident

WOUND PROBABLY NOT DANGEROUS

A SENSATIONAL SHOOTING

A Woman Kills a Man Who Circulated Stories Damaging Her Character.

Macon, Ga., January 12.—Mrs. Effie L. Carson, wife of a railroad machinist, formerly the wife of Ernest Thompson, a printer, shot and instantly killed Robert A. Rigby a student of a business college here today. The tragedy took place in the law office of Marmaduke C. Bayne, an attorney, to whom she had gone for advice. Mrs. Carson shot Rigby twice in the head and once through the heart. She emptied her revolver, the other shots going wild. She at once delivered herself to the sheriff, going across the street with the smoking weapon in her hand.

She was promptly placed in jail, but was subsequently released on a bond of \$1,000.

The coroner's jury found a verdict of voluntary manslaughter.

Mrs. Carson was a teacher of telegraphy in another business college. She charged Rigby had circulated stories damaging her character. She had gone to the lawyer with a paper for Rigby to sign, exonerating her. The lawyer took the papers to the college and submitted it to Rigby, who declined to sign, but asked a personal interview. He went to the lawyer's office and immediately asked the lawyer and his stenographer to step into the hall. The door was at once closed and locked. In a few moments the shots rang out and Mrs. Carson appeared, announcing that she had killed the man.

Rigby was found on the floor dead, with his revolver near his right hand. What occurred between them is not known, except an admission by Mrs. Carson that he applied an opprobrious epithet to her. Rigby was originally from Bowling Green, Ky., or a village near by, and is said to have been a member of a family prominent there. He had conducted a business college in Tampa, Fla., but had come to Macon to complete his education, intending to open another college in June. He was about 25 years of age. He had devoted to the killing been threatened by members of Mrs. Carson's family. Her maiden name was Fletcher and she was born near Macon.

BIG FIRE IN NEW YORK

Immense Establishment of Fayerweather and Ladew Completely Destroyed.

New York, January 12.—Fire early today completely destroyed the eight story building at Allen and East Houston street which was occupied by Fayerweather & Ladew, manufacturers of leather belting. Large quantities of oil and grease were stored in the building and this made the fire fiercely hot and caused two explosions. One of them nearly caught a squad of firemen with sheets of flame, and as a result of the other, a water tower of the fire department was destroyed. The occupants of all nearby buildings including several thickly populated houses were driven out. A portion of one of the walls fell on the Second avenue elevated structure and crushed a girder. A fire battalion of fifteen men working on the railroad just got out of the way in time to save their lives. The origin of the fire has not been ascertained.

While the loss on the building is estimated at about \$300,000 George Hull, one of the managers of the belting firm, said that stock valued at over \$500,000 had been destroyed. The firm carried \$821,000 insurance. Edward Ladew said that their employees who had been temporarily thrown out of work would be sent to the firm's factories at Fall River, Mass., Newark, N. J., and Charlotte, N. C.

FOR DEPOT FACILITIES

Representative Fuller Wants More Power Given to Corporation Commission.

(Special to The Messenger.)

Raleigh, N. C., January 12.—In the house today, Representative Fuller, of Durham, introduced the following bill which relates to the question of building a proper station at Durham and at other points in the state. "To require when practicable in the judgment of the corporation commission, any two or more railroads which now or may hereafter enter any city or town to have a common or union passenger depot and to unite in the joint undertaking and expense of and maintaining such depot commensurate with the business of such railroad on such terms, relations, provisions and conditions as said commissions shall prescribe."

Sudden Death of John D. Cox.

Jonesboro, Tenn., January 12.—John D. Cox, president of the Jonesboro Banking and Trust Company of this place and the Unaka National Bank of Johnson City, dropped dead in the city depot here today. Mr. Cox was 63 years of age and very wealthy.

He and Senator Hale Were at Annapolis to Inspect the New Buildings Being Erected on the Naval Academy Grounds—The Horses Attached to the Carriage in Which the Secretary Was Riding Became Frightened at the Firing of the Salute—They Dashed Round the Road-Way and the Driver Felled Them Toward a Vacant Lot—The Secretary Leaped Out, and Fell on His Face and Was Picked Up Unconscious.

Annapolis, Md., January 12.—Secretary of the Navy William H. Moody was seriously, but not dangerously injured in the naval academy grounds today by a runaway accident.

Accompanied by Senator Hale, chairman of the senate naval affairs committee, the secretary arrived here at 2 o'clock to inspect the new buildings being erected in the naval academy grounds, being driven from the railroad station in Superintendent Bronson's private carriage.

The battalion of cadets were drawn up in line of salute just inside the academy grounds, and as the carriage bearing the secretary, Senator Hale, and their escort, Lieutenant Poyer, passed in review, a salute of seventeen guns belched forth from the guns on the Santee wharf. The restive horses attached to the carriage averted suddenly and got beyond control of the driver. The braking of the pole of the carriage as the spirited animals dashed round the road-way served to render them more excited. The driver, seeking to stop them, suddenly turned their heads into a vacant lot between two houses. Secretary Moody who had opened the door of the carriage, as the horses dashed over the frozen ground suddenly leaped to the pavement as the carriage made the turn into the enclosure. He landed on his face on the pavement and was rendered unconscious by the shock.

The secretary was carried to the nearby residence of Superintendent Brown, where he shortly recovered consciousness. Slight cuts and bruises on his forehead, nose and face are thought to be the extent of the secretary's injuries. Neither Senator Hale or Lieutenant Poyer was injured, as the horses were brought against a wall shortly after making the turn into the open lot.

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PROCEEDINGS OF LEGISLATURE

Bills Introduced and Passed by State Senate and House.

(Special to The Messenger.)

Raleigh, N. C., January 12.—In the senate petitions were presented asking for dispensary in Tarboro to be submitted to a vote of the people. Bills were introduced: To provide for codifying the laws by three commissioners to be appointed by the governor, at a salary of \$1,500 each with one clerk at \$750; for the better distribution of public school books, providing for not less than six nor more than twenty, instead of one as now, distributing points or depots in a county; To amend the charter of the United Mutual Insurance Company.

House of Representatives.

In the house Bills were introduced: To regulate child labor in factories; To amend the corporation commission law so that the commission will have power to compel railroads, where more than one enter a town to erect a union depot; To incorporate Cane River Railway Company; To regulate employment of children and women in factories; To increase commissioners of Carteret county; To incorporate the Savings and Trust Company of Washington; To amend stock law in Johnston county. Bills that passed: Raising joint committee on printing bills, calendar and journal daily of the house and senate; For a new committee on expenditures of house. Bill ratified, to appeal the act authorizing Granville county to issue road bonds.

LEGISLATORS IN DANGER

Representatives Fred Carr and J. B. Little Come Near Being Suffocated.

(Special to The Messenger.)

Raleigh, N. C., January 12.—Representatives Fred Carr, of Greene, and J. B. Little, of Pitt, had a narrow escape from being suffocated in the fourth story of the building for years occupied by the State National Bank, which caught fire tonight. The stairs acted as a flue and fire and smoke prevented their escape. The fire caught from the gas jet against which the curtains were blown by the wind. Carr and Little were passing and rushed up stairs to give aid. The fire was extinguished with small loss.