

LEGISLATURE

Proceedings of the State Senate and House Yesterday

THE DIVORCE BILL

A Large Number of Bills Were Ratified in the Senate—Nearly all the Session of the House Was Devoted to a Discussion of the Divorce Bill, and It Passed Second and Third Readings—The Committee on Railroads Had Before It the Question of Free Passes Brought Up by Senator Travis Bill—House Judiciary Committee Gave Hearing to Morton's Bill and They Decided to Unfavorably Report the Bill—Night Session of Both Branches.

(Special to The Messenger.)
Raleigh, N. C., March 2.—In the senate today bills were introduced to prohibit killing deer in Cumberland, Bladen and Robeson.

The school law was made a special order for tomorrow.

102 bills were ratified.
Bills passed as follows:

To incorporate the Oxford Savings bank.

To establish stock law in Belvoir township, Pitt county.

To incorporate the Southport and Northwestern railway.

To allow Lenoir, Jones and Onslow counties to build a road from Kinston to Jacksonville.

To establish graded schools at Plymouth.

To allow the voters of Richmond county to vote on the issue of road bonds.

To establish stock law in parts of Beaufort.

To prohibit the manufacture and importation of liquor in Cleveland, Gaston, Catawba and Mitchell counties.

The senate went into committee of the whole on the revenue bill, Section 8, requiring the inheritance tax to be paid two years after the death of the deceased, with 6 per cent. interest was amended by adding "unless the payment is prevented by litigation of the said estate."

The House.

In the house bills were introduced as follows:

To incorporate the Albermarle Light and Water Company.

To incorporate the Lenoir and Yadkin Valley Turnpike.

To provide for working Sampson roads.

To provide for election of stock law in Northampton.

To repeal the laws relating to the defence of officers and persons on federal court.

To amend Pamlico's fish law.

To provide for separate indexing of conveyances.

To add canals and turnpikes to public works under the supervision of the board of internal improvements.

To incorporate the Baptist Ministers Annuity Association.

Bills passed as follows—

To protect oysters, clams and terrapins in Brunswick.

To amend the rules governing the demurrage, in the matter of placing of cars by railroads for shippers, Morton's amendment to insert the word "seasonable" before the word "rules" wherever it occurred in the bill was lost.

Nearly all the session was devoted to a discussion of the divorce bill, relative to the time limit for the remarriage of divorced persons, by providing that abandonment for two years shall be cause for divorce, neither party to marry in five years. Davidson said such a departure from the laws of 15 years standing was dangerous. Bill passed second reading, 53 to 45, and third reading, 57 to 42.

Parker of Wayne, sent up an amendment to his bill to establish the North Carolina Industrial School, by substituting the word "training" for word "industrial." The amendment was adopted, as was also an amendment making the amount to be paid annually by the county for the maintenance of each child sent there \$75 instead of \$100. This was adopted and the bill was referred to the appropriations committee.

Bills passed as follows:

To give electric light and power companies the same powers and rights of condemnation as telephone and telegraph companies, this not to apply to existing action.

To prohibit the shooting of wild fowl in Currituck and the hedging of fish in Carteret.

Senator Hoey's Bill.

Today the senate committee on elections met and took up Hoey's bill, which it will favorably report tomorrow.

The bill fixes the time for county commissioners to grant poll tax exemption; this having to be done prior to May 1st, to entitle such a person to vote. The present law did not make this matter plain, and this fact cuts quite a figure in the contested election case of Moody against Guder in 10th congressional district.

Revenue Bill.

When the revenue bill was before the senate today and it reached section 22 requiring tax payers to show his income.

(Continued on Fifth Page.)

REFUSES UTLEY BAIL.

Prisoner Appeals from Decision of the Court—Appeal to be Heard by Full Bench.

(Special to The Messenger.)
Raleigh, North Carolina, March 2.—

Late yesterday afternoon, Edward L. Utley, convicted of murdering Theodore Hollingsworth, was brought here from Fayetteville and lodged in jail.

Today he had a hearing before Associate Justice Platt D. Walker, on his application for bail under habeas corpus proceedings. The first point in the proceedings was a legal one, namely, whether Utley, having been tried for murder, and convicted of a less offense than the first degree, and having perfected an appeal to the supreme court, is entitled to bail, pending appeal. This is an open question under the statute dividing murder into two degrees, though the supreme court has in the 120th reports decided that a defendant appealing from a verdict of less than murder in the first degree, should be awarded a new trial will be tried the second time for the original offense, that is first degree. The next point was that the judge might pass upon the sufficiency of the state's evidence as to murder in the first degree, and in his discretion should grant or refuse bail, according to the view he took of the evidence. Utley was accompanied by his uncle, Herbert Luterloh, and by his attorney Thos. H. Sutton. The state was represented by H. L. Cook, and N. A. Sinclair. The hearing was had at the supreme court room. At request of Judge Walker, Judge Connor sat with him in this case. After hearing the argument, Judge Walker this evening rendered a decision dismissing the proceeding and declining to admit Utley to bail, stating that no proper grounds had been shown for allowing bail to be given.

Judges Walker and Connor held that there was not sufficient cause shown to entitle the prisoner to bail. The prisoner appealed from the decision of the court. N. A. Sinclair made the point for the state that the judgment of a court in habeas corpus cases and was not appealable. Judge Walker said he understood this to be law. But when the prisoner the benefit of appeal in the record. The case will be heard when an appeal on the 17th instant by a full bench.

CHARGES AGAINST WORTMAN.

Five Specifications in General Charge of Culpa Negligence.

Washington, March 2.—Five specifications are contained in the general charge of "culpable inefficiency in the performance of duty" preferred against Ensign K. Wortman, who is to be tried by court-martial at Pensacola, Fla., next week, for alleged responsibility for the accident on the Massachusetts some weeks ago, in which nine men were killed by the explosion of an eight inch gun. Briefly it is charged that the ensign ordered the breach of the gun to be opened for the purpose of returning electric fire while the lock remained cocked; that he failed to exercise due precaution in returning to electrical firing; that he was guilty of negligence in failing to cause the bolt of the gun to be eased down before ordering the breach opened; that he was guilty of "culpable negligence" in allowing the target practice to be conducted while the lanyards used in firing the gun by percussion were led out and hooked to the triggers of the combination locks and finally that he ordered the breach of the eight inch gun to be opened without assuring himself that the breach of the left gun was closed.

An American Ordered to Leave Dresden.

Dresden, March 2.—T. O. O'Brien, an American dentist has been ordered to leave the kingdom on account of his supposed relations with the former Crown Princess Louise. He will leave Dresden Wednesday and will sail with his wife and four children for America on Thursday. The police at first ordered him to leave Saxony within twenty-four hours, but the court extended the time so as to permit Mr. O'Brien to settle up his affairs.

The Saxon government has notified the other governments of Mr. O'Brien's expulsion, making it under royal courtesy impossible for him to reside in Germany or Austria.

Receiver Appointed for Cumberland

Chattanooga, Tenn., March 2.—A petition in voluntary bankruptcy was filed in the federal court here today by the Central Manufacturing Co., and others against the Cumberland Coal and Coke Co., whose mines are at Crossville, Tenn. The company was capitalized under the laws of New Jersey. A receiver was appointed for the company on November, 1902, to wind up its affairs, but the creditors who filed the petition today claim that no progress has been made toward that end. The petitioners also complain that the receiver appointed in 1902, took charge without giving notice to the company's creditors.

Iowa Monuments to be Erected at Chickamauga.

Chattanooga, Tenn., March 2.—The Iowa monument commission has advised the Chickamauga Park commission that the contracts for the three Iowa monuments, to cost \$32,000 have been awarded to the VanAmringe Company of Boston. The monuments will be erected at the following points in the Chickamauga Park reservation: One at Rossville, Ga., on Missionary Ridge, to the memory of Osterhaus Brigade; one near the Moon Place on Missionary Ridge, and another at the Cravens place on Lookout mountain.

President Lincoln's Private Secretary Dead.

Mount Zion, Ga., March 2.—Dr. Jas. Mitchell, private secretary to President Lincoln, during the war between the states, is dead here. Mr. Mitchell was 85 years of age.

HAVE AGREED LITTLE DONE

Delaware Legislature Finally Elects Two U. S. Senators

ALLEE AND BALL

For the First Time in Four Years Delaware Has at Last Secured Full Representation in the United States Senate—After Weeks of Vain Efforts to Reach Agreements Between Different Factions and Different Parties, the Union and Regular Republicans Finally Agreed on Terms—The Long Term Senatorship Goes to J. Frank Allee, a Union Republican, and the Short Term to Congressman Ball, a Regular.

Dover, Del., March 2.—For the first time in four years, the state of Delaware has secured full representation in the United States senate. At a special session, the state legislature elected state Senator J. Frank Allee, Union republican to the senatorship which expires in 1907 and Congressman T. H. Ball, regular republican, to the term expiring in 1905. The election was undoubtedly due to pressure from Washington brought to bear upon the regular republicans in the legislature who all along were opposed to the election of J. Edward Addicks or any of his adherents to the United States senate. Congressman Dick, of Ohio, came to Dover today in the interest of republican harmony. He established headquarters at the Hotel Richardson, where, prior to the joint session of the legislature he received a delegation from each republican faction. He advised the acceptance by the regular republicans of the Union republican proposition agreed upon in Philadelphia Saturday that a union republican be elected to the long term senatorship and a regular republican for the short term. Addicks himself being eliminated.

Anticipating the likelihood of an agreement between the republican factions, Democratic State Chairman Salisbury presented a proposition to the regular republicans agreeing to use his influence for the election with the republicans, of two republicans for the United States senate.

A compromise was effected between the regular republicans and the Addicks-Union republican forces, resulting in the selection of a senator from each faction.

After the agreement between the union and regular republicans had been reached the Union republican members of the legislature met in caucus and named J. Frank Allee as their candidate for United States senator.

The democrats in the caucus voted unanimously to vote for one regular republican, but were unable to agree on the proposition to vote for two regular republicans. In expectation of the settlement of the senatorial difficulty, politicians and prominent men from every section of the state were present at today's sessions of the legislature.

The election of Messrs. Allee and Ball was announced to an audience that filled the house of representatives to suffocation. The appearance of Congressman Dick in the hall was the signal for wild and prolonged applause. During the voting occupied the seat of Representative Townsend and beside him in the seat of Representative Jones sat Mr. Addicks. The latter evinced much satisfaction when the result of the vote was announced. The vote was as follows:

Long term—Allee 30; Sausbury 17; J. H. Hughes, democrat 1; Woodburn Martin, democrat 1; E. Sanborn 1; E. W. Tunnell, democrat 1.

Short term—Ball 31; Kenny, democrat 19; B. A. Hazell, democrat 1; E. R. Cochran, Jr., democrat 1.

Mr. Addicks was the first to congratulate Senator Allee and he was followed by a number of legislators and spectators, all of whom were anxious to shake the hand of the successful candidate.

The election is regarded here as an Addicks victory, because of the refusal of the regular republicans to agree to a compromise with the democrats.

Nominations by the President.

Washington, March 2.—The president today sent these nominations to the senate:

George C. Holt, United States district judge, southern district of New York; Consul Edwin S. Cunningham, Tennessee at Bergen, Norway.

Postmasters: Louisiana—George W. Whitworth, Jeanerette; North Carolina—R. W. Smith, Charlotte.

Marine Fishery Interests of Florida.

Washington, March 2.—The senate today passed a bill authorizing the fish commission to establish in the state of Florida on the Gulf of Mexico, a station for the investigation of problems connected with the marine fishery interests of the region.

Washington, March 2.—William R. Day the new associate justice of the United States supreme court, sat with the court for the first time today. The ceremony of initiation was in accordance with the usual practices of the court.

Democrats Continue to Block Legislation in the House

THE ALDRICH BILL

The Senate Passed the General Deficiency Appropriation Bill—The Aldrich Financial Bill Taken Up—Immigration and Omnibus Public Building Bills Sent to Conference—Mr. Morgan Discussed the Canal Treaty—The House Was in Continuous Session for Thirteen Hours and Made Little Progress. With Many Special Rules, the Democratic Filibuster Programme Causes Work to Proceed Very Slowly.

Washington, March 2.—The senate today passed the general deficiency bill after four hours consideration and after it had been amended in several particulars. An amendment by Mr. Rawlins calling for an appropriation of \$50,000,000 to further the works of irrigating the arid lands furnished material for considerable discussion, Mr. Rawlins contending that the surplus in the treasury could be better used in this manner than by turning it into the national banks. The amendment was rejected on a point of order.

Mr. Tillman criticised the appropriation of \$100,000 for printing, for the department of commerce and labor, saying it was out of all proportion. He likewise criticised the appropriation of \$30,000 for special agents, remarking that it was inadequate. Regarding special agents, Mr. Hale doubted if Secretary Cortelyou could set a force as large enough and able enough to use up the appropriation of \$30,000.

"And honest enough," interjected Mr. Tillman.

An amendment was agreed to providing that claims for rebates on tobacco and snuff shall not be paid, unless presented prior to April 1, 1903. The amount appropriated for the payment of the claims was increased to \$1,370,000.

When the Aldrich financial bill was taken up Mr. Teller continued his remarks begun Saturday. He was followed by Mr. Carmack who replied to some newspaper criticism of a recent speech by him on the subject of murders in the Philippines. The paper had referred to some of Mr. Carmack's remarks regarding the army as "atrocious." Mr. Carmack said he had been misquoted and reiterated his former statements that prisoners of war had been murdered in the Philippines and said that they had gone unanswered.

During the course of the day, the conference reports on the fortifications appropriation bill and the Alaskan Homestead bill were agreed to.

The Immigration and Omnibus public buildings were sent to conference.

After a brief executive session the senate at 6 o'clock took a recess until 8 o'clock.

A bill was passed to provide for the appointment of a district judge for the western judicial district of South Carolina.

The conference report on the agricultural appropriation bill was agreed to.

The Aldrich bill was taken up. Mr. Mallory of Florida, offered an amendment providing that national banking association shall preserve deposits of public money separate and apart from the other moneys and also providing that on loans of public money a rate of interest not to exceed four per cent. shall be charged.

The conference report on the immigration bill was agreed to. Continuing his remarks, Mr. Morgan attacked the trusts and said they were arrogant institutions. He criticised the Aldrich bill, saying there was no limit to the amount of money the secretary of the treasury can put in a national bank with a small capital. Mr. Morgan spoke for nearly two hours.

He was followed by Mr. McClaurin, of Mississippi.

Mr. Clay, of Georgia, made a vigorous speech, saying that Mr. Bailey had no right to charge filibustering to men who opposed the Aldrich bill. He pointed out that not to exceed eight hours debate had been given to the very important measure. He said the men who had prevented a vote on the statehood bill were responsible for the failure to have more time for this bill.

Mr. Tillman was recognized and convulsed the senate by saying that "the democratic party has been unbecomingly the most astute politician in the United States and that is Matthew Stanley Quay." It was some time before order could be restored so great was the laughter. He said that all but two democrats had been led by Mr. Quay to support the statehood bill, which he believed had been used for the purpose of preventing anti-trust legislation.

In reply Mr. Quay said he was deeply indebted to Mr. Tillman for his tribute and referred to the action taken last June, when by unanimous consent the

statehood bill was made the unfinished business and before the anti-trust legislation. Mr. Quay declared that he did not put the statehood bill forward to keep back trust legislation.

"Then the senator from Pennsylvania has been unbecomingly the senator from Rhode Island," remarked Mr. Tillman, causing renewed laughter.

Mr. Aldrich said he knew that it was apparent that senators, who were intending to talk the financial bill to death were doing so because he and others who thought with him assisted in defeating another measure, the statehood bill. "They are trying to punish us and punish the country," he said.

Mr. Carmack contended that it was legitimate to adopt obstructive tactics at this late day on a bill of such importance. At 11:55 p. m. the senate adjourned until 11 o'clock tomorrow morning.

House of Representatives.

From 11 o'clock this morning until late tonight the house struggled laboriously against the democratic filibuster working steadily to wind up the necessary business of the session. Despite another special rule adopted early in the day legislation proceeded at a snail's pace. Roll call followed roll call on every proposition. The voices of the reading clerks were worn out by the ceaseless calling of the roll and several clerks from committees have been drafted to help out. Since Thursday last, when the filibuster was inaugurated, there have been over sixty roll calls as against fifty-seven for the entire long session lasting from December 1, 1901 to July 2, 1903. The members also show the effects of the heavy strain but they are sticking to their posts. Tonight the great hall presented a disheveled appearance. The floor was strewn with bits of paper, looking as if a snow storm had swept through the hall. In the galleries among the spectators were many weary waiters, interested in bills doomed to failure, but still hoping to the end. The proceedings were enlivened several times as the leaders of the respective sides crossed swords. Their tempers had not been sweetened by their long vigil and frequently the sparks flew.

The presentation of the rule to cut off the filibustering, which adopts the same methods of sending to conference general bills with senate amendments which have been pursued with reference to appropriation bills thus cutting off several roll calls and cuts out the demand for the previous question on conference reports was the occasion of a lively debate.

Mr. Williams, Mississippi, protested against the course of the republican partisan press in attributing the action of the minority in the house to revenge against the unsetting of Mr. Butler. He said the country should know that the situation was broader than that. The democratic minority, he said, was not acting in retaliation; it was teaching the majority that its rights must be respected. If reasonable time had been given to discuss and present that contested election case, he said, the minority would not have been under the necessity of pursuing its present course. Every constitutional and parliamentary privilege, he said, would be employed to drive home the democratic protest and if in the 58th congress an attempt was made to deprive a democrat elected by 66,000 majority of his seat, the same tactics would be pursued.

Mr. Grosvenor compared the present situation with that when the democrats in the 53rd congress in a rule to occur in the six hundred senate amendments to the Wilson tariff bill "in gross" the pretext of the democrats for their present course, he said, was a flimsy excuse. The minority he said, was trying to paralyze the government, but the majority would not allow it to do so.

"We are not paralyzing the government," interposed Mr. Williams, of Mississippi. "An extra session could be called and such a session would give congress an opportunity to pass the Littlefield bill." The rule was adopted 162 to 103.

The conference report on the Alaskan Homestead bill and the immigration bill were adopted, the Omnibus house building bill and the General deficiency appropriation bill were sent to conference. The Otjen bill to prohibit tobacco dealers from giving prizes, the bill to provide for a delegate from Porto Rico; a bill to advance Major W. C. Gorgas to the rank of assistant surgeon general and a bill for the relief of Lieutenant B. F. Hanforth were passed. That was the net result of the session up to 9 o'clock tonight.

The house adopted the conference report on the postoffice and agricultural bills and shortly before midnight, at the end of a continuous session of almost thirteen hours, took a recess until 11 o'clock tomorrow morning.

EULOGIZING THE DEAD.

Messrs. Pritchard and Mallory Speak of the Late Representative Moody.

Washington, March 1.—The senate spent three hours today in eulogies of deceased members of the house Messrs. Martin of Virginia, Gallinger of New Hampshire, Perkins of California, Clay of Georgia and Daniel of Virginia, spoke of the late Peter J. Otey of Virginia.

Messrs. Pritchard of North Carolina, and Mallory of Florida spoke of the late James H. Tongue of Oregon.

At the conclusion of the addresses the several resolutions of regret were adopted and as a further mark of respect the senate at 3 o'clock adjourned until tomorrow.

Confirmations by the Senate.

Washington, March 2.—Confirmations by the senate: Postmasters: Mississippi—John B. Clifton, Senatobia; North Carolina—G. W. Robbins, Rocky Mount; A. M. Long, Rockingham.

INDIANOLA

The Postmaster General Forwards All Papers to the House

WHAT IS SHOWN

The Office Was Discontinued by the Administration Because of the Alleged Forced Abandonment of the Office by Minnie Cox, the Negro Woman Postmistress—A. B. Weeks Has Been Very Insistent in Keeping His Own Candidacy for the Office Before the Administration—The Letters Given to the House Do Not Show Any Proof of Any Threats or Intimidations by the Indiana People.

Washington, March 2.—Postmaster General Payne today forwarded to the house all the papers in the case of the Indiana, Miss., postoffice, which postoffice was discontinued by the administration because of the forced abandonment of the office by its negro postmistress, Mrs. Minnie V. Cox. The correspondence shows that A. B. Weeks, a brother-in-law of Mayor Davis, of Indianapolis, began his candidacy for the postoffice, as against the negro incumbent as far back as April 7th, 1902 when he began sending a long series of letters and telegrams to the department. The papers include an extract from a letter of a postoffice official, dated February 23rd, 1903, narrating a conversation which, it states, took place at Biloxi, Miss. In this letter Mayor Davis, of Indiana is quoted as saying that if Mrs. Cox should again take charge of the Indiana postoffice, "she would get her neck broken inside of two hours."

On January 3 last John C. Dougherty, United States special attorney at New Orleans telegraphed to a Sistant Attorney General Pradt, at Washington, that "there are numerous negro county and municipal officers serving under democratic administrations throughout the southern states."

Mayor Davis, of Indiana, wrote the fourth assistant postmaster on January 3rd last, requesting copies of all letters written the department regarding the postoffice and stated that the postmaster was requested by all of the citizens to resign; that no threats were made; that she was "perfectly willing" to give up the office. Fourth Assistant General Bristow declined to furnish the copies of the letters.

The correspondence shows that A. B. Weeks wrote the department several letters during last April, in one of which he requested that he be appointed at once, and in a letter dated May 30th, 1902 he stated that he was anxious to get appointment, supplementing this on July 2nd with a letter urging his own appointment and giving reasons why it should be made. On September 19th, he wrote the fourth assistant postmaster general that there was a determined effort of the people to make the postmaster resign or give up the office in some way because she is colored and requesting that his application be remembered.

On October 9th, Weeks wrote the president that he had the assurance of Mrs. Cox the postmaster "that she will forward her resignation in the next few days" and pressing his own application on the ground that he was the only white republican at Indianola. On December 13th he wrote the president that he would be glad to come to Washington so that it could be seen how competent he is. Six days later he wrote that he was the only good friend the administration has among the white people of Indianola and later on forwarded a petition of colored citizens of Indianola and vicinity in behalf of his appointment. On January 1st he wrote the president that the postmaster had abandoned the office; pressed his claims for the appointment and said that he would be glad to have the president wire him to qualify. Later he wrote the president twice asking that the postoffice be re-established stating that Mrs. Cox would not take charge of the office again and urging his own appointment.

The papers also show that several other candidates, notably John Sharkey Montgomery, Mrs. R. D. Watts, Miss Mary Hicks Hogin and Mrs. Lillian Green, applied for the office in October on the understanding that Mrs. Cox had tendered or was about to tender her resignation. Postmaster Inspector Johnston at New Orleans wrote the department on December 13th that Indianola is the county seat of Sunflower county and that the postal laws and regulations contemplate that each court house and county seat shall be supplied with mail. Postoffice Inspector Fitzgerald on December 15th submitted a detailed report relative to the circumstances which caused the people of Indianola to order W. W. Cox a railway postal clerk, and two other persons to leave that place, presumably on account of their color.