

## ITS LAST SESSION

### The 59th Congress Convened at Noon Yesterday.

## THE GALLERIES THROGGED

### Discharge of Negro Troops Brought Up in the Senate.

Resolutions "Went Over" by Unanimous Consent—Senate Refused to Act on Long List of Appointments Until After President's Message had Been Received—Twelve New Members of House Were Sworn In—Both Houses in Session Only a Short Time The Message Will be Sent in Today.

Washington, December 3.—The fifty-ninth congress began its last session at noon today. It took the senate fifteen minutes to arrange its preliminaries and the house of representatives an hour. The senate received from President Roosevelt a long list of appointments for its confirmation and in an executive session of nineteen minutes decided that as the nominations had been received before the body had been organized formally, to make no confirmations until the president's message had been received and the session fairly started.

Senators Penrose, of Pennsylvania, and Foraker, of Ohio, came forward with resolutions of inquiry regarding the discharge of the negro troops of the 25th infantry. One was addressed to the president and the other to the secretary of war. Vice President Fairbanks suggested that it was unusual to transact any business until the president's message had been received and the resolutions "went over" by unanimous consent.

Senator Dupont, of Delaware, took the oath of office.

The opening of the two houses was witnessed by an animated throng which filled the galleries to their capacity.

Hundreds went away disappointed in not gaining admission to witness the session of either senate or house.

The following new members of the house presented their credentials and took the prescribed oath of office:

W. F. Englebright, first district of California; J. W. Overstreet, first district of Georgia; F. C. Lowden, thirtieth district of Illinois; C. C. Gilhams, twelfth district of Indiana; D. J. Riordan, eighth district of New York; J. E. Reburn, second district of Pennsylvania; C. N. Brumm, twelfth district of Pennsylvania; J. H. Moore, third district of Pennsylvania; E. W. Saunders, fifth district of Virginia; J. M. Nelson, second district of Wisconsin; Frank H. Waskey, delegate, Alaska.

Speaker Cannon appointed Representative James R. Mann, of Illinois, as a member of the board of regents of the Smithsonian institution, vice Robert R. Hitt, of Illinois, deceased.

The galleries of the house were crowded at an early hour.

The absence of flowers from the desks of the members was commented on, but the order of the speaker prohibiting the floral display was generally commended for its good sense. A similar rule was made in the senate two years ago.

The presence of Mrs. Nicholas Longworth, daughter of the president in the executive gallery, accompanied by Miss Hagner, the social secretary to the wife of the president, gave to the women in the galleries an opportunity to observe the wife of the representative from the Cincinnati district at close range.

The routine work of the house incident to the opening day was quickly dispatched, the roll call showing nearly 300 members present.

After the appointment of the committee to wait upon the president and inform him that the house was organized and ready to receive any communication he might desire to make of interest to the public service, the house adjourned out of respect to the memory of the deceased.

President Roosevelt's message will be received both in the house and senate tomorrow. No bills were introduced in the senate. In the house there were 38 public measures and 350 of a private character.

## Picture of Miss Sallie Cobb Johnson.

In Sunday morning's Atlanta Constitution, on the society page, there appears a splendid picture of Miss Sallie Cobb Johnson, who is rated as one of the most popular young debutantes.

Miss Johnson is the daughter of Mrs. L. D. McDonald and with her mother she has been a frequent visitor to the beach and city, where she always is the recipient of marked attention.

## TO ESTABLISH NEW CITY COURT

### Suggestion Made to County Commissioners and Aldermen.

By County Attorney Bellamy Would Result in Speedier Trial in Many Cases and in Great Saving in Jail and Jury Fees.

A new city court, to have certain well-defined jurisdiction in cases less than a felony, is the suggestion of Marsden Bellamy, Esq., county attorney, who broached the subject at the regular meeting of the county commissioners yesterday afternoon, its strongest recommendation to popular favor being that it will result in very great saving, both to the county and city, in jury fees and in the expenses of the jail.

Mr. Bellamy stated that for many years he had been giving thought to the matter, but the question of constitutionality had always been in his way. Recently however, the supreme court decided in a case brought up to test the constitutionality of a similar court now existing in Asheville, having been created by the last legislature, that the bill creating the court was constitutional and the court has the rights and powers delegated to it. This decision, Mr. Bellamy said, removed the stumbling block and he thought it a wise move to work for the establishment of such a court in this county. He asked that a committee from the county commissioners be appointed to confer with a similar committee from the board of aldermen, in regard to the advisability of having a measure drawn up for presentation to the next legislature, which meets in this January, for the establishment of this court. His request was granted and the committee appointed. Later in the evening a committee from the aldermen was also appointed.

Mr. Bellamy states that if the measure is adopted the local court would have concurrent jurisdiction with the magistrates' courts and in appeals from magistrates' courts, the local court would have final jurisdiction over all grades of crime not felonies. Of course there would still exist the right of appeal to the superior court.

The objects of the court would be to result in speedier trial for defendants bound over from the lower courts and to greatly curtail the expenses of the city and county in jail fees. It was suggested that the city and county divide equally the expense of the new court, and that costs would be equally divided between them.

Of course until the two committees meet, no detail can be gone into, as to name of court, title or salary of the presiding officer and various other minor matters that can be agreed on in discussion. It is the desire of Mr. Bellamy that action on this matter be not delayed, but that the bill be ready for presentation to the legislature when it first assembles.

The aldermen were not heard to express themselves one way or the other in regard to the matter, but the commissioners were very frank in their words of praise for the idea and in their expression of their belief that a great saving in money, aside from other noteworthy features, would be effected.

## MINSTREL AT THE FORT

### Soldier Boys of Watcoosa Tribe of Red Men Delight a Large Audience.

A minstrel performance was given last night at Fort Caswell, under the auspices of and for the benefit of Watcoosa Tribe, No. 66, I. O. R. M. The minstrel was given in the large gymnasium at the fort and it was very greatly enjoyed by the large audience present.

Business Manager Meece and Assistant Treasurer Schmitt were in the city yesterday making arrangements for taking a crowd of Wilmington Red Men and others and the people from here left on a special boat, the Wilmington, at 6 o'clock this morning. The efforts of the soldier boys were greatly enjoyed and they gave a regular old time minstrel performance, with middle man and end men, songs and chorus, jokes and coon songs and all the other enjoyable features that ever make a minstrel popular.

## CHAMBER OF COMMERCE.

### Special Meeting Today to Take Action Relative to River and Harbor Improvements.

A special session of the chamber of commerce has been called to meet today at 11 o'clock, at the request of the committee on Harbors, Shipping and Commerce, and a full attendance of members is desired. The committee is anxious for the chamber to take action relative to certain river and harbor improvements, as will enlist the sympathy and aid of the people of all North Carolina, in pressing on congress the importance and necessity of such work as they thought it advisable to recommend.

It is not necessary to tell of the great need of improvement in the Cape Fear river in order that the facilities of Wilmington as a port may be increased to meet the demands of the shipping that comes here now and which with improved facilities could be very greatly increased.

## CHARGES AGAINST SUPT. GOODWIN

### Committee Leaves for Morganton to Investigate the Matter.

PREFERRED BY A TEACHER.

Report on New Rifle Range at Permanent Encampment Grounds.—Penitentiary Officials Announce Escape of Convict—Charter Issued to Woman's Club—Contempt Case from Columbus County Heard by Judge Purnell.

(Special to The Messenger.)

Raleigh, N. C., Dec. 3.—This afternoon B. C. Beckwith, of the State Board Internal Improvements, N. B. Broughton, John E. Ray and J. N. Holding left for Morganton to investigate charges made against E. McK. Goodwin, superintendent of state school for deaf mutes, brought by J. A. Tillinghast, of Converse college, South Carolina, and embraces favoritism, extravagance, etc. One charge is that David Tillinghast, who for many years has been a teacher and is now about 70 years old, was displaced by the efforts of the superintendent and given a menial position. Superintendent Ray, of the state school for the blind, goes to act as interpreter, Broughton as ex-member of the board of trustees, and Holding as attorney for Goodwin. R. A. Morrow, another member of the state board of internal improvements goes to Morganton. Beckwith will preside at the meeting, which will act as a court in hearing charges, which Broughton stated, just before leaving, did not in his opinion amount to anything.

The first report on the new rifle range at the permanent encampment grounds at Morehead City, made by Col. W. T. McGhee, inspector general of rifle practice, shows only about \$500 expended last year and only one regiment practiced firing. That \$1,200 will be available next year for completing the range, which will be ready for use by the entire brigade, which it is said will encamp there next summer.

The penitentiary authorities announce the escape of James Bell from the state farm near Weldon, white, aged 48, sentenced from Pitt county last September for ten years, house burning.

A charter to the Women's club, issued this afternoon, says its purpose is social and the civic betterment of Raleigh.

Wake county commissioners met today and elected D. T. Johnson, of Raleigh, chairman, and B. M. Gatling, county attorney.

John C. Drewry says his father-in-law, Banks Holt, recently shot at Graham, has almost entirely recovered, only a slight scar on cheek remaining.

Judge Purnell heard the case from Columbus county of Kelley Register, D. I. Register and Rufus Register, to show cause why they should not be attached for cutting timber in the tempt of the court's injunction in the lands of New Jersey and North Carolina Lumber Company. The whole matter was continued until the next term of court at Wilmington in May.

## NEW YEAR'S CALLS

### A New Drink to Replace the Old Time "Apple-Jack."

Twenty-five years ago the custom of making New Year's calls was a delightful one for all concerned, until some of the boys got more "egg-nog" or "apple-jack" than they could successfully carry.

Then the ladies tried to be charitable and the gentlemen tried to be as chivalrous as ever and stand up at the same time.

If any one thinks there has not been considerable improvement made in the last quarter of a century in the use of alcoholic beverages, let him stop to consider, among other things, the fact that the old custom of New Year's calls and the general tipping is nearly obsolete.

The custom of calling on one's friends, however, at the beginning of the new year, is a good habit, and another good habit to start at that time is the use of well-made Postum instead of coffee or spirits.

A Staten Island doctor has a sensible daughter who has set Postum before her guests as a good thing to drink at Yule Tide, and a good way to begin the New Year. Her father writes:

"My daughter and I have used Postum for some time past and we feel sure it contains wholesome food material."

"I shall not only recommend it to my patients, but my daughter will be most pleased to give a demonstration of Postum to our Christmas and New Year callers." Read "The Road to Wellville" in pkg. "There's a reason."

## DANCING PROVES FATAL

Many men and women catch colds at dances which terminate in pneumonia and consumption. After exposure to Foley's Honey and Tar is taken it will break up a cold and no serious results need be feared. Refuse any but the genuine in a yellow package. Jos. C. Shepard, J. Hicks Bunting Drug Co.

## TRIBUTE TO SAMUEL SPENCER

### Distinguished Men and Railroad Officials Attend Funeral.

HELD IN ST. JOHN'S CHURCH.

Only Closest Personal and Official Friends of Deceased Admitted to Edifice—Hundreds Stood Outside Paying Solemnly and Silently Their Tribute to the Dead—Floral Tributes Profuse and Beautiful.

Washington, Dec. 2.—All that is mortal of Samuel Spencer, late president of the Southern railway, whose tragic death on his own railroad on the morning of Thanksgiving day shocked the peoples of two hemispheres, was laid to rest this afternoon in the receiving vault at Oak Hill cemetery, there to await final disposition.

A notable tribute was paid to the memory of the distinguished railroad magnate by his associates, by statesmen and by men eminent in all the walks of public life. The funeral obsequies, held in historic St. John's Protestant Episcopal church, were attended by railroad officials, financiers and public men from all parts of the country. Many of them were lifelong associates. Hundreds of friends came from the south.

Long before the hour announced for the funeral, 2 o'clock p. m., admission to the church had to be denied to all but the closest personal and official friends of Mr. Spencer. Hundreds of people stood outside the edifice in the crisp December air throughout the services, paying solemnly and silently their tribute of respect.

Shortly before 1:30 p. m., the officials and employees of the Southern railway, 319 in number, assembled at the general offices of the company here, and proceeded, as a body, to St. John's church. They were headed by the four general superintendents of the company, Messrs. Foraker, Loyal, Ritchie and Coopman, and included General Passenger Traffic Manager Hardwick, General Passenger Agent Tayloe and Assistant General Passenger Agent Cary. Practically all of the officers of the company throughout its system of nearly 5,000 miles were in attendance upon the services. Joining their friends of the Southern railway in paying respect to President Spencer were representatives of the Mobile and Ohio, Georgia, Southern and Florida, Cincinnati, New Orleans and North-east, Central of Georgia, Atlantic Coast Line, Seaboard Air Line, Chesapeake and Ohio, Pennsylvania and Norfolk and Western.

At the conclusion of the ritualistic service the remains were borne from the church during the singing of "Abide With Me." After the members of the family and the immediate funeral party had left, the clergy and choir retired to the strains of Handel's dead march from "Saul."

No such wonderful profusion of exquisite floral offerings has been seen in Washington since the obsequies of the late President McKinley as today filled the Massachusetts avenue residence of President Spencer and the chancel at St. John's church.

## LOWER COURT IN ERROR.

### U. S. Supreme Court Decides That Railroad is Responsible for Delivery of Freight.

Washington, December 3.—In deciding today the case of Paul Heyman versus the Southern Railway Company, the supreme court of the United States dealt with the question to the extent where a railroad company becomes an insurance company to its freight patrons. Heyman is a wholesale liquor dealer in Augusta, Ga., and when some consignments of whiskey to purchasers in Charleston, S. C., it was immediately seized by the state authorities and destroyed, in pursuance of the South Carolina dispensary law, while still in the warehouse in which it had been placed by the railroad company. Heyman was compelled to return the purchase price to the consignees and then sought to recover from the railroad company on the ground that the railroad had insured the safe delivery of the goods.

## EFFECT OF MOB'S ACTION.

### Insurance Policies on Buildings Owned or Controlled by Tobacco Trust in Western Kentucky Have Been Cancelled.

Princeton, Ky., December 3.—All insurance policies covering buildings owned or controlled by the tobacco trust, so called, in western Kentucky, were cancelled today as a result of the burning of two stemmeries by a mob which entered Princeton last Friday night. The policies were cancelled by telegram from Louisville, most of them being in two companies. The excitement caused by the mob's action is still intense, interest being heightened by the inquiry begun today by State Fire Marshal Ayres. William Winters, a section man employed by the Illinois Central railroad, is under arrest charged with participation in the burning. The fact that one witness, who had previously declared he recognized members of the mob, testified to the contrary today, is taken as an indication that the chances of procuring convictions are slight.

## MR. JAMES BISSETT DEAD.

### Succumbs to Injuries Received in Wreck of Logging Train—Body Will Be Taken to Iowa for Interment.

The remains of Mr. James Bissett were brought to the city on the train from the north yesterday morning and it was thought that the interment would be here, but later advices came from his father that it would not be possible for him to come here to the funeral, so the remains will be sent to the Bissett home in Iowa, where the burial will occur.

It will be recalled that Mr. Bissett was fearfully burned in the wreck of a logging train of the Rowland Lumber Company, near Bowden, on Thursday last and since that time he has been lying in a very critical condition at the lumber camp, not far from Clinton. Doctors from that town have been in attendance on the injured man and they held out hopes for some time that he might recover; but the burns were too severe and the end came early Sunday morning news from the injured man had been eagerly awaited in this city where he had many relatives and friends and his death is very deeply deplored.

Among his relatives here are Misses Mary and Jessie Bissett, Mrs. R. F. Warren and Mrs. W. C. VonGlahn.

## Contributions to the Catherine Kennedy Home for November

The following contributions to the Catherine Kennedy home were made during the month of November: Mrs. M. E. Bridgers, coffee; Mr. J. A. Montgomery, oysters; Mr. G. M. Murrell, hominy, soap; a friend, 2 lbs butter; a friend, tea; Mr. James Post, apples, oranges; Miss Jannett Frank, periodicals; Mr. T. R. Post, periodicals.

Thanksgiving—Friend, large assortment of fruit; "Sunbeam Club" Miss Alderman's school, large donations of substantial and delicacies; 5 year old child, knife, fork and spoon bought with her own money; Mrs. John Hazelhurst, frosted cake; Ladies of First Baptist church, large donation of substantial; Brotherhood of St. James barrel of apples and oranges; Mr. R. R. Bellamy, drugs; Mr. J. Hicks Bunting, drugs; Mr. J. A. Springer, ice. To those who have so liberally and generously furnished the means to purchase wood for the individuals who compose the household of the home, we, as a society, extend our most grateful thanks, coupled with those of the ladies themselves. A large number have requested that their names be withheld, so we deem it best not to publish any. It gives us pleasure that we will have enough wood to carry them through the cold weather.

The monthly meeting will be held at the home Tuesday afternoon at 3:30 o'clock.

## CIRCUS TRAIN WRECKED

### One Man Killed and Two Badly Injured—Conductor Beaten by Showmen—Cause of Accident Unknown

Charlotte, N. C., December 3.—The train hauling John H. Sparks circus was wrecked this morning at Roberdel, a small station on the Aberdeen and Ashboro railroad twenty miles below Troy, N. C. One show man was killed and two were badly injured as a result of the smash up.

The causes of the wreck are unknown. Several of the cars were damaged and two horses and a pony injured.

The blame for the accident was placed upon the conductor by the showmen. Immediately after the wreck several of them, infuriated by the death of their companion, attacked Conductor Slack and beat him into insensibility. They escaped into the woods and have not been apprehended.

Immediately upon the arrival of the Ashboro train at High Point with the news of the wreck and the assault upon Conductor Slack, the Sheriff started with a posse for the scene.

## HYOMEI CURES CATARRH

### Costs Nothing Unless it Gives Relief—Sold United Guarantee.

If you have catarrh, with offensive breath, burning pains in the throat, coughing, raising of mucous, difficulty in breathing, sneezing, huskiness, discharge from the nose, tickling and drooping in the back of the throat, especially at night, coughing spasms, etc., begin the use of Hyomei at once. Its healing medication will give relief in a few days and its continued use will completely drive all catarrhal germs from the system.

Hyomei contains Nature's healing oils and balsams, the germ-killing properties of the pine-forests, and goes with the air you breathe to the most remote cells of the respiratory organs, searching out and killing all catarrhal germs and soothing and healing any irritation there may be in the mucous membrane. It is easy and pleasant to use Hyomei, pleasanter than most of the stomach dosing, as its healing air is breathed through a neat pocket inhaler, which can be carried in the purse or vest-pocket, and carries medication to just hit the spot where relief is needed.

The complete Hyomei outfit costs but \$1, extra bottles, if needed, 50 cents, and R. Bellamy gives his personal guarantee with every package that money will be refunded unless the treatment cures. This shows his faith in the power of Hyomei to cure catarrh.

There's no one just as good as Blue Ribbon Lemon and Vanilla. Absolutely pure, go twice as far and the "Blue Ribbon" flavor is perfection. Ask for the 25c size.

## ARE VERY IMPATIENT

### President is Asked for an Explanation.

## RESOLUTIONS INTRODUCED

### By Senators Penrose of Pennsylvania and Foraker of Ohio.

### President Called Upon to Give all Information Bearing Upon the Subject—Foraker Disclaimed Intention of Raising Race Question—Said it is a Question of Constitutional Power on the one Hand and Constitutional and Statutory Rights on the Other. It Concerns White as Well as Colored Soldiers.

Washington, December 3.—Surprise lit up the faces of the Senators today when Mr. Penrose injected into the formal opening ceremony of that body today, a resolution of inquiry addressed to the president regarding the discharge of the three companies of negro troops of the 25th infantry.

When Mr. Penrose said he had a resolution for which he should like immediate consideration Mr. Fairbanks arose and after hesitating a second, remarked "the usual rule is not to consider resolutions or miscellaneous business until after the message of the president is received."

"Then," rejoined Mr. Penrose, "I shall ask unanimous consent to have the resolution read."

This was granted. It follows: "Resolved, That the president is requested to communicate to the senate, if not incompatible with the public interests, full information bearing upon the recent order dismissing from the military service of the United States three companies of the 25th regiment of infantry, United States troops, colored."

Mr. Foraker, of Ohio, was on his feet at once, saying, "I have a substitute for that in the following resolution and I ask that it be read and that both lie over."

Mr. Spooner secured the re-reading of the first resolution, and Mr. Warren, of Wyoming, asked that both go over. The Foraker resolution was read at his request. It was addressed to the secretary of war directing that official to furnish the senate copies of all official letters, telegrams, reports and orders, filed in the war department in connection with the recent discharge of the troops in question, together with complete list of the men discharged, showing the record of each, the amount of retired pay each was entitled to under certain sections of the revised statutes. The ruling of the department is asked on this or any other similar case regarding the right of the men to such retired pay, also the ruling of the department as to the right of such discharged men to retire on three-fourths pay, with allowance, subsistence and clothing; their rights to enter the National Soldiers Homes; to be buried in a national cemetery; to receive subsistence and transportation from the place of discharge to their homes; also the complete official record of the 25th regiment of infantry from the time of its muster into the date of the discharge of the companies mentioned.

Under the various requests that the matter go over, nothing further was said after the reading of the resolution. Senator Foraker explained the purpose of his resolution in an interview as follows:

"The resolution speaks for itself. I cannot discuss it. I will say, however, I have no purpose of raising the race question. The question involved is broader. It would be unfortunate to have it narrowed down by law to discolor line. It concerns white as well as colored soldiers. It is a question of constitutional power on the one hand and constitutional and statutory rights on the other. Until we have a complete record, I do not know just what questions will arise; but we may have to consider whether a man can be convicted of felony by order and whether, following such a conviction, sentence may be imposed and punishment inflicted by order. Discharges without honor may be granted where they are not based on an offense against the law of the land, the commission of which is denied, and where no punishment follows. But where there is conviction, sentence and punishment, I have always supposed that there would have to be also trial, either in a civil court or in a court martial, or before some other tribunal there unto duly appointed by law. But it is idle to discuss any of these questions until we know whether they are raised by the record."

## Officers of Stonewall Lodge K. of P.

At the convention of Stonewall lodge No. 1, Knights of Pythias held last evening the following officers were elected for the ensuing term:

C. C. T. R. Bryan; V. G. W. F. Michaux; Prolet, B. H. Scott; M. of W., T. D. Meas; M. of K. of R. & S., W. C. Smith; M. of Ex., J. R. Hanby; M. of F. J. D. Kelley; M. of A., T. E. Davis; I. G. T. H. Griffin; O. G., J. M. Holmes.