

## PASSED AT LAST

### After Many Days Senate Votes on Divorce Bill

## ABANDONMENT ADDED

### Senate Amendments Adopted by Overwhelming Majority—Other Changes—Road Bill, Measures of Local Interest

Senate passed the divorce bill yesterday.

This is no ordinary statement, for the upper house has been working on this bill at intervals for a month.

On seven different days, extending over a period of four weeks, there was an animated discussion of the measure, and some particularly eloquent speeches were delivered and some fine legal arguments made.

The speeches of Senators Henderson, Justice, Ward, Morrison, Webb, London, Woodard, Morton, Broughton, and others were the best those gentlemen have made during the session of the Senate.

The bill which passed the Senate yesterday is not, by a good deal, the same bill it was when it came over from the House.

The fight was chiefly over the amendment of Mr. Webb, reported favorably by the Senate Judiciary Committee, to add abandonment for three years as a ground for divorce.

The vote by which this amendment was adopted yesterday was 30 to 14, as follows:

For the abandonment amendment—Messrs. Aycock, Buchanan, Burroughs, Calvert, Crisp, Currie, Dula, Fox, Glenn, James, Justice, Leak, Marshall, McAllister, Michael, Miller of Caldwell, Miller of Pamlico, Morton, Pinnix, Roberson, Sikeleather, Sugg, Thomas, Travis, Vann, Ward, Warren, Webb, Woodard.

Against the abandonment amendment—Messrs. Alexander, Broughton, Guider, Henderson, Lindsay, Long, McIntyre, McIntosh, Morrison, Scott, Smith, Stringfield, Wood.

The other amendment by Mr. Woodard, recommended by the committee, making rape or assault with intent to rape by husband or another woman, ground for divorce, was adopted by the vote of 27 to 17.

An amendment offered in the Senate yesterday by Mr. Guider, striking out the provision in the bill permitting the marrying of parties divorced by the laws of this State, as well as those of other States, was also adopted, only four votes being cast against it, the negative votes being cast by Messrs. Dula, Long, Morton, and Wood as against 36 for it.

The amendment submitted by Mr. Morton last Thursday, to make the abandonment apply to future cases as well as to those in the past, and up to January 1, 1901 as Mr. Webb's amendment stipulated, was defeated, vote 31 to 6.

The bill then passed its final reading and was sent to the House for concurrence, the "finch" being put on it in the Senate by Mr. Webb. The vote on this reading was 30 to 15, exactly two to one, as follows:

For the bill as amended—Messrs. Alexander, Aycock, Bray, Buchanan, Burroughs, Calvert, Crisp, Currie, Fox, Glenn, Henderson, James, Justice, Leak, Marshall, McAllister, Michael, Miller of Pamlico, Morton, Pinnix, Roberson, Smith, Sikeleather, Sugg, Thomas, Travis, Vann, Ward, Warren, Webb, Woodard.

Against the bill—Messrs. Broughton, Calvert, Crisp, Dula, Guider, Henderson, Lindsay, Long, McIntyre, Miller, McIntosh, Morrison, Scott, Stringfield, Wood.

Following is the full text of the original bill as it passed the House, after a protracted fight, and the additions and changes made by the Senate yesterday:

Section 1. That all statutes amending section 1285 of the Code, relative to granting divorces, enacted since the session of the Code, be and the same are hereby repealed: Provided that any person from whom a divorce has been obtained or shall be obtained under any of the laws hereby repealed may marry again during the life of his or her husband, as the case may be, has been divorced under any of the laws hereby repealed.

Sec. 2. This act shall not apply to pending cases.

In the Senate yesterday the above bill (which is the text of the bill as it came from the House) was amended as follows:

By Mr. Webb: Amend section 1 by adding thereto: "If the husband shall abandon the wife and without just cause separate and without just cause for three years, the wife shall be entitled to a dissolution of the bonds of matrimony; and if the wife shall abandon the husband without just cause and live separate and apart from her husband for three years, the husband shall be entitled to a dissolution of the bonds of matrimony: Provided, all such abandonment shall have occurred on or before the first day of January, 1901: Provided further, the defendant against whom a judgment of divorce shall be rendered for such abandonment shall not be allowed to marry again during the life of the plaintiff."

Amendment by Mr. Guider: Strike out in section 1 all after the word "provided" in the original bill.

This amendment strikes out the provision permitting the marrying again of persons divorced under the laws hereby repealed by this act.

Amendment by Mr. Woodard: Amend by adding subsection 6 of the Code of

1888: "If the husband shall commit rape or be indicted and convicted of an assault with intent to commit rape, the wife shall be entitled to a divorce from the bonds of matrimony."

Whether the House will concur in the Senate amendments is not known. That another big fight will be precipitated when the bill is reached appears to be certain.

It may prove to be so protracted that unless the House does finally adopt the Senate amendments the bill will never go through both branches of the Legislature again on account of the rush during the closing days of the session. In such event the divorce laws would of course remain as they now are, and abandonment for one year would hold good still.

Before the bill passed yesterday Senator Morrison spoke against the Webb amendment making abandonment for three years a ground for divorce.

He stated that this bill, as amended, would not be more unfavorable to divorces than the existing law, in his opinion; that the Senate had just as well have adopted the amendment offered by Senator Morrison, making a measure divorcing in the future as well as to past cases only, because in the future he expected to see efforts made to get legislatures to move up to the date, and that this could be done every two or four years if the legislatures consented to it.

Mr. Morton then made a strong appeal for his side, but he was on the losing side.

Senator Webb made a final appeal for the adoption of his amendment, and incidentally replied to Senator Morrison. He also read a letter from Rev. Dr. Huffman, the well-known and venerable Baptist minister of Henderson, who voluntarily wrote the letter to Senator Webb. Although a private letter, he (Mr. Webb) would take the liberty of reading it to the Senate.

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## THE PENSION BILL

### Special Order in House Today at Noon

## THE CRIMINAL INSANE

### Bill Creating Department at Penitentiary—Smith Educational Bill Discussed Yesterday

The House held two sessions yesterday, day and night, a practice that will continue while the General Assembly is in session.

The Senate bill, which requires that the public schools shall be kept open four months in the year, was under consideration, but was finally recommitted to the Committee on Education.

The pension bill, which passed the Senate, was discussed and it was finally made the special order today at noon.

The bill was unfamiliar to the members of the House and action was postponed in order to give them time to examine the measure.

The bill appropriating \$25 per month for the employment of a stenographer by the Supreme Court failed of passage.

The usual discussion that attends consideration of a bill creating an office or increasing a salary resulted.

The revenue act was made the special order Thursday at noon. Printed copies of the bill were furnished members of the House.

There are two special orders Friday at noon. They are the bills which prevent the State from growing peanuts on the prison farms and also prohibiting the employment of labor on the State farms.

Mr. Bradsher of Person, introduced an important measure yesterday creating the department for the criminal insane. The bill requires that the criminal insane be confined in the State prison in this city and makes the board of directors of the penitentiary a board ex-officio to manage the department. The prison physician is directed to treat and care for the patients confined in the department.

Another provision requires that the department for the criminal insane be separated from the prison by a wall and that both institutions be kept separate. Provision for the erection of a stockade to separate the two departments. To carry out the requirements of the bill an appropriation of \$2,000 is made. An annual appropriation of \$4,000 is also provided.

## IMPORTANT BILLS REFERRED

### The Smith School Bill and the Insurance Bill

The bill introduced by Mr. Smith of Gates to carry out the constitutional provision in regard to public schools was considered in the House yesterday, it being the special order at noon.

The bill was reported from the Education Committee without prejudice, but it was apparent that there were members of the committee who were opposed to it and so it was recommitted to the Committee on Education.

Mr. Smith wanted to make the bill the special order next Friday at noon and he spoke on the merits of the measure.

Mr. Connor and others thought such an important bill should be recommitted to the Committee on Education.

Mr. Simms made the point that a bill carrying an appropriation should be considered by the Committee on Finance.

The speaker said the point was well made. The motion to make the bill the special order Friday next was defeated as was the motion to refer the bill to the committee on finance.

The bill introduced by Mr. Willard to amend the insurance laws, embodying the recommendations of the Commissioner of Insurance was discussed and referred to the Committee on Judiciary.

Mr. Willard explained the bill. Section two did not meet with popular favor. Mr. Willard said that bonding companies refused to guarantee county officers' bonds under the present law. Section 2 provided for a bank of deposit for the county funds to be named by the commissioners and the board of aldermen.

Mr. Graham of Granville, said: "We gave bonds long before surety companies came into the State and I reckon we can do so now."

Mr. Winston: "This seems to be a dangerous provision."

Mr. Shaunnonhouse: "This is an important matter, and the bill ought to go to the Judiciary Committee."

The motion by Mr. Shaunnonhouse prevailed.

## SALARY QUESTION AIGVAN

### House Defeats a Bill Giving the Supreme Court a Stenographer

The bill appropriating \$25 a month for the employment of a stenographer for the Supreme Court failed of passage by the vote of 36 to 70. It is a dull day when the House does not discuss a salary bill.

Mr. Mason said he did not like to oppose such matters, but that the clerk received fees and should meet this expense. He suggested that the fees of the clerk be increased so as to meet this additional expense. He said the lit-

gants in North Carolina should meet the expense of the judicial clerkship.

Mr. Allen said that the rules adopted by the court in recent years had greatly increased the duties in the office. He said the committee had investigated the matter fully and had come to the conclusion that the State should meet part of the expense. He said that \$25 would not pay the clerk, and that Colonel Kenan would be forced to pay \$50 out of his fees to employ the clerk.

Mr. Blount of Washington opposed the bill. He said it was not right to pay for services for which the State is already paying an official salary.

Mr. McLean: "How much does the clerk of the Supreme Court receive as a salary?"

Mr. Spainhour: "Colonel Kenan filed a statement with the auditor approximating his salary. I think he pays \$2,700 a year. Out of this he pays \$700 a year to his typewriter and to meet other necessary expenses."

Mr. Curtis of Buncombe: "We find that the clerk gets \$2,000 now, and I think that is a good enough salary for any man. I am opposed to the bill."

Mr. Gattis of Orange: "And the court is not in session all the year."

Mr. Britain of Randolph opposed the bill. He said the clerk's office was well salaried. Continuing, he said: "If this thing keeps on we will have to enlarge the county every two or four years if the legislators consented to it."

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## HOAR'S PROVISIO

### The Spooner Amendment Materially Modified

## DEBATE IN SENATE

### Senator Morgan Antagonizes Philippines Legislation and the Cuban Resolution—A Slap at Sampson

Washington, Feb. 26.—The early part of today was devoted largely to an effort on the part of the leading Senators on both sides to secure a modification of the Philippine amendment to the Army appropriation bill which would render it possible to secure a vote upon it. After several conferences an agreement was reached which was found to be satisfactory to a large majority of Senators. The amendment to the original provision suggested by Senator Hoar was urged as the basis of discussion, but various additions were made to it, so that when he again offered it in the Senate, it was presented as a proviso, and read as follows:

"Provided, that no sale or lease or other disposition of the public lands, or the timber thereon, or the mining rights therein, shall be made; and, provided further, that no franchise shall be granted which is not approved by the President of the United States and is not, in his judgment, clearly necessary for the immediate government of the islands and indispensable for the interests of the people thereof, and which cannot, without great public mischief, be postponed until the establishment of permanent civil government, and all such franchises shall terminate one year after the establishment of such permanent civil government."

Senators Morgan, Rawlins, Tillman and Bacon, who had been among the most determined opponents of the original provisions were all consulted concerning the amendment, and all of them, except Mr. Morgan, indicated a willingness to let the amendment go through after a reasonable debate. Senator Morgan did not commit himself. The Democratic acquiescence does not go to the extent of agreeing to support the entire Philippine provision; but only to the point of allowing it to reach the voting stage. The Republicans, without exception, accept the modification of the amendment.

Proceedings in the Senate

Washington, Feb. 26.—The Senate today resumed consideration of the Army appropriation bill, the Spooner Philippines amendment being up for discussion.

Mr. Pettigrew asked that certain copies of telegrams sent by the President to the peace commissioners at Paris be printed with other documents.

Mr. Lodge objected.

Mr. Pettigrew said that the telegrams should be printed if they were authentic. The matter was referred to the Committee on the Philippines.

Mr. Hoar offered an amendment providing that no sale or lease of public lands in the Philippines shall be permitted and no transfers shall be made without the consent of the President.

The matter arose adopted as Mr. Hoar said that it would remove much of the objection to the Spooner amendment.

Mr. Bacon gave notice that he would offer an amendment to the amendment.

Mr. Morgan stated that he had no intention of filibustering against the bill, and, to his knowledge, no other Democrat would filibuster. The Cuban and Philippines amendments, however, he said, were so important that he must insist in discussing them at length. He then continued his speech begun yesterday afternoon.

Mr. Platt of Connecticut said that he would withdraw the Cuban amendment. He began to explain his position, when Mr. Bacon said that he (Mr. Platt) did not speak loud enough to be heard.

Mr. Platt, speaking as loud as I can, said Mr. Platt.

"Louder," said Mr. Chandler.

"I will not say another word," said Mr. Platt, as he sat down in a huff.

Later he arose and said that the Cuban constitution had not yet been sent to Congress, and that there was plenty of time to insert the provisions of his amendment.

Consideration of the Army appropriation bill was resumed, Mr. Morgan being entitled to the floor to continue his speech begun yesterday.

Mr. Hoar asked Mr. Morgan to yield to him that he might present a light re-draft of the amendment he had offered relating to the restriction upon the sale of public lands in the Philippines and the islands. He said that the amendment had found favor on both sides of the chamber, and if it could be adopted now it would facilitate materially the consideration of the measure.

Mr. Lodge, chairman of the Philippine Committee, on behalf of the committee, accepted it.

Mr. Bacon said he could see no reason why the Senate should not go as far as it went in the Porto Rican bill and provide that all franchises should be ratified by Congress.

Mr. Morgan, after the amendment had been read, insisted upon proceeding with his speech, saying it was evident that Senators disagreed as to the wisdom of the adoption of the amendment at present.

He said his attention has been directed to a statement in a morning newspaper to the effect that Democratic

members of the Senate had reached an agreement that no vote should be had on the pending proposition before the 4th of March. This statement he denied emphatically.

He did not know why such a fabrication had been no agreement of the kind, but there had not been even a suggestion that the vote be postponed. Personally, he would not occupy a minute that he did not deem necessary to a proper elucidation of the question.

He then asked Mr. Platt of Connecticut, chairman of the Senate Committee on Relations with Cuba, whether it was the intention of the committee to press the amendment it had proposed to the bill.

"I had hoped," Mr. Platt replied, "that the amendment would meet with practical unanimity and that it would be placed upon this bill."

"There cannot be unanimity with respect to it," said Mr. Morgan, "without some effort to amend it. I do not think the Senate is ready to proceed with its discussion. We have not the necessary facts and data. We certainly are getting upon dangerous ground."

"I should not feel justified in withdrawing the amendment," said Mr. Platt. "I think it ought to be passed and be passed on this bill. I think it will settle what is known as the Cuban question satisfactorily to the Cubans and to the people of the United States."

Mr. Morgan protested against entering upon the discussion of a question upon which the Senate did not have all the necessary information. He himself was ignorant of the details involved in the pending amendments. He was familiar with many facts respecting Cuba, and he did not want to be accused of filibustering if he discussed them pretty fully.

Mr. Platt said that an unofficial translation of the Cuban constitution was being made, but it might be several days before it was available. However, he thought the draft of the constitution already printed was sufficient for the Senate to act upon so far as the pending amendment was concerned.

After protesting against being forced to pass upon questions the facts concerning which were obscure, Mr. Morgan resumed his discussion of the Philippines question, urging the Senate and Congress not to confer such extraordinary power upon the President as was contemplated by the Philippines amendment.

Mr. Foraker, chairman of the Committee on Pacific Islands and Porto Rico, interrupted Mr. Morgan to present a conference report upon "an act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain."

After some discussion the report went over until tomorrow. At the request of Mr. Shoup, in charge of the Army bill, the Senate agreed to take a recess at the conclusion of the debates upon the late Representative Frank Clark of New Hampshire, which were set for five o'clock today, until a 8 o'clock this evening.

Mr. Allen asked Mr. Morgan to yield to him for a moment which he did. Mr. Allen then had read Admiral Sampson's letter about Gunner Morgan and commented on it.