

FIFTY-NINTH CONGRESS OPENED AT NOON TODAY

Sessions in Both Houses Were Brief and Formal

SENATE ADJOURNED IN HONOR OF PLATT OF CONN.

Organization of the House and Drawing of Seats by Members—The Capitol Remained Outside and Inside—States of Fifty Years Time Removed—Granite and Marble Stand Out With Startling Whiteness—Dome and Rotunda Burnished.

(By the Associated Press.) Washington, Dec. 4.—Congress convened today at noon with the usual formalities. The sessions of the two bodies were brief.

In the Senate new members were sworn in and the routine incident to the first day was transacted, after which an adjournment was taken out of respect to the memory of the late Senator Platt, of Connecticut.

In the House greater interest attached to the proceedings, because a complete organization was necessary. This included the election of a Speaker and other officers and the drawing of the seats by the members of the House.

The first session of the fifty-ninth Congress has been looked forward to as one likely to be more than ordinarily eventful. Pending matters of commercial and political interest have proved intensely attractive during the long recess.

The matters to be urged upon the attention of Congress include the insurance companies, standard for the remaining territories, Panama canal construction, immigration, and the treatment of the Chinese under the present exclusion law.

Changes That Greet the Eye The visitors were greeted with many changes both on the exterior and interior. The finger marks of time have been scored away in the nine months that have elapsed since the last session.

The rotunda and dome have been scoured and banistered until nothing is left of the stains of age that have been accumulating for fifty years.

Regular attendants at the open sessions of Congress missed the usual tributes of flowers, with which friends of members have testified their admiration and esteem.

The first arrival on the floor was Senator Sutherland, of Utah. He came in about 11 o'clock and a few moments later Senator Heyburn appeared. From that time on there were receptions in every part of the chamber, the marble room and the cloak rooms.

For an hour preceding the opening there were scenes of increasing animation on the floor and in the galleries of the House of Representatives.

At 12 o'clock the galleries began to fill. Both the Republican and Democratic clubs came were glad of unusual opportunity. Revilla of the Senate was recognized and pronounced legislative business.

At 12:30 the business of the session was the history of business in introducing bills. As many as one hundred public bills had been placed in the basket on the clerk's desk before 11 o'clock. These measures of legislation affecting the general government.

Speaker Cannon arrived in his office early, and for an hour and a half before the session began he held an enthusiastic reception in his office adjoining the hall of the House. Members of both political parties went to see him and extended congratulations.

It was just 1:05 o'clock when Mr. Cannon entered the hall. He was received by the members of the House, standing, while applause came from both sides and the galleries. On reaching the speaker's chair, Mr. Williams said:

"I have the honor of introducing to the Fifty-ninth Congress the Hon. Joseph G. Cannon, who will be, and who deserves to be, its speaker."

Stilling the applause with his gavel, Mr. Cannon addressed the House in a speech of acceptance. Representative Bingham (Conn.), father of the House, administered the oath of office to Mr. Cannon, after which the roll as called by States for the purpose of administering the oath to members.

Exactly at noon Major Alexander McDowell, clerk of the House, called that body to order, standing in his place directly in the speaker's chair, which was vacant.

Declaring the House "in order," he announced prayer by the chaplain, Rev. Dr. Henry C. Condon. The invocation comprehended a review of the peaceful and prosperous condition of the nation, a plea for patriotic and wise legislation, and concluded with a repetition of the "Lord's Prayer."

Roll call by States to show the presence of a quorum was at once begun. A large attendance of the members were present, every seat on the Republican side of the hall being occupied, with but few vacant seats on the Democratic side.

At the conclusion of the roll call, Clerk McDowell announced 264 members present, a quorum of the fifty-ninth Congress.

Unanimous consent was objected to at this stage of the proceedings to place the name of Representative Marshall (N.D.) on the roll.

Neither made nominating speeches, and the roll call for election of Speaker at once proceeded, the following tellers supervising the tally sheet: Denby (Mich.), Dickson (Ill.), Beall (Texas), and Webb (N.C.).

OPENING OF THE SENATE.

Great Crowds Filled Gallery and 68 Members Answered Roll.

Washington, Dec. 4.—It was a familiar scene at 12 o'clock to-day when Vice President Fairbanks called the Senate to order with two strokes of the gavel. There were few changes in the membership. Death had taken away Senator Bate, of Tennessee, and Platt, of Connecticut. There were no changes among the Senate officials.

The first arrival on the floor was Senator Sutherland, of Utah. He came in about 11 o'clock and a few moments later Senator Heyburn appeared. From that time on there were receptions in every part of the chamber, the marble room and the cloak rooms.

In the meantime the galleries had filled. The public galleries were well occupied as early as 10 o'clock. The reserved galleries were opened at 11:30, but the waiting crowd had taken nearly every seat within five minutes. In the audience were the families of many senators and men.

MUST PAY THE GOVERNMENT TAX

South Carolina Dispensaries Case Settled

MONEYMAKING CONCERN

Opinion is by Justice Brewer—Exercise Police Power Not Thoroughly Disguised—Real Purpose Held to be Money Making—Individuals Acting for State in Business Revenue Amenable to Taxation.

(By the Associated Press.) Washington, Dec. 4.—The Supreme Court of the United States to-day decided that the national government may properly tax the State liquor dispensaries of South Carolina. The opinion was delivered by Justice Brewer in the case of the State of South Carolina v. the United States.

This action was instituted by the State of South Carolina to recover \$20,000 paid to the revenue officers of the national government on account of the sale of liquors by the State and county dispensers under the dispensary law.

The State took the position that as the dispensers sold liquor without profit they should not be taxed by the government, but the tax has been collected since 1892.

This is said to have been the first case in which a State unites in one undertaking the exercise of its police power together with the prosecution of a commercial business. The court of claims dismissed the petition on the ground that the exercise of police power was but thinly disguised, holding that the real purpose was money making, and that decision was today affirmed.

The contention on behalf of the State was that as the United States is beyond the reach of State taxation, so is the State equally beyond the reach of United States taxation; that neither the property nor the agencies and instrumentalities used by the State for the transaction of its business can be subjected to any burden of taxation by the United States.

In support of the proceeding by the national authorities it was urged that while this may be true as to strictly governmental functions, yet when the State engaged in what was looked upon at the time of the adoption of the Constitution as a private business the individuals acting for the State in the transaction of that business become amenable to the taxing powers of the United States. The court sustains the latter contention.

CHILES CASE SET FOR NEXT MONDAY.

(By the Associated Press.) Norfolk, Va., Dec. 4.—The grand jury to-day returned two true bills of indictment, one of which was for murder against Dr. L. R. Chiles in connection with the recent death of Miss Sarah Atkinson, who died following an alleged criminal operation. An indictment was also found against Miss Atkinson's former lover, James E. Franklin, who is accused as an accessory before the fact. The Chiles case was set for trial on Monday next.

REV. R. J. BATEMAN CALLED TO NORFOLK

Norfolk, Va., Dec. 4.—Rev. R. J. Bateman, of Raleigh, N. C., was last night called to the pastorate of Spurgeon Memorial Baptist Church, of this city. He took the call under advisement and left for Raleigh this morning.

Mr. Bateman, who is now pastor of the Fayetteville Street Baptist Church, here, left Raleigh Saturday for Norfolk, where he preached Sunday in the Spurgeon Memorial church. He is popular with his Raleigh congregation, and they would regret to see him leave.

WOMAN STILL HOLDS THE CAR.

(By the Associated Press.) Girard, Kan., Dec. 4.—Mrs. Ina Berry, who for several days has held possession of a passenger car here, and has resisted all efforts to dislodge her, was still in full possession this afternoon.

COMMITTEE WON'T DIE

Meeting of Legislature Won't End Ins. Investigation

MORAL EFFECT IS HAD

Committee Will Continue to Sit and Take Evidence Unless Legislature Orders It to Stop—Hope to Finish By December 31—George D. Eldredge, Vice-President and Actuary Mutual Reserve Life Insurance Company, Testifies.

(By the Associated Press.)

New York, Dec. 4.—George Armstrong, chairman of the legislative life insurance investigating committee, said to-day that there was an erroneous impression that the life of the committee would end at the beginning of the next session of the legislature, on January 1. This, he said, was not true. The committee should continue in existence and should continue to sit and take evidence unless the legislature by joint action ordered it to stop the investigation.

"We hope and intend," said Senator Armstrong, "to finish this investigation by December 31, and to make our report to the legislature when it opens. We have got at the main things and the moral effect is had."

The Senator said it is possible that Postmaster General Cullison and Cornelius N. Bink, of the Republican National Committee will be called, but he does not see any reason why they should. Asked about the probability of calling other witnesses among whom H. H. Rogers had been mentioned as a possibility, the senator said the committee was not appointed to investigate the Standard Oil Company.

"There are instances," he said, "where would be glad to have us devote the twenty-three remaining days to something else than insurance."

George D. Eldredge, vice-president and actuary of the Mutual Reserve Life Insurance Company, was the first witness before the committee to-day.

IS LIKELY TO WAIVE Cause of Matthews Case this Afternoon

His Attorneys Apt to Waive Examination and Let Their Client Be Bound Over to Superior Court, Which Meets Next Monday—Prisoner is More Rational.

(Special to The Evening Times.) Greensboro, N. C., Dec. 4.—While the general public seems much interested in the preliminary hearing before Mayor Murphy this afternoon of the charge of murder against Dr. J. B. Matthews, and he himself seems anxious to be given an opportunity to "tell it all," as he expresses it, those who know about such things do not expect anything to be done except a waiting of examination by his attorneys, and the case being sent on to court.

Superior Court for the trial of criminal cases meets here next Monday, and as Matthews would probably be held without bail anyway, the case will be probably sent on to court without either side showing its hand. The prisoner was not at all raving yesterday and to-day has been able to sleep some and has eaten a portion of two meals. In his cell was a waiter of food untouched, but he had been persuaded to eat a little breakfast.

DR. MATTHEWS ATTEMPTS SUICIDE.

(Special to The Evening Times.) Greensboro, N. C., Dec. 4.—Dr. Matthews, the accused wife murderer, attempted suicide in jail at 11 o'clock this morning by cutting his wrist with a tin spoon. Physicians prevented bleeding to death.

Last night he swallowed matches, cigarette stamps and chewing tobacco, an emetic saving him. A guard has been placed in his cell. The preliminary trial of Matthews has been postponed until Tuesday at 10 o'clock by request of Judge Bynum, who stated that the dead woman's relatives had just employed him to assist in the prosecution. Defendant's counsel agreed to the continuance.

THE SIX-DAY BICYCLE RACE

Eighteen Thousand See the Start at Midnight

ONE SLIGHT ACCIDENT

At Three O'clock This Morning Fifteen Thousand People Were Still Watching the Careless Whirl—Gouglitz of the French Team Hurt, But He Soon Resumed His Work—Sixteen Teams Riding.

(By the Associated Press.)

New York, Dec. 4.—All through the night thousands of people sat in the high balconies in Madison Square Garden watching the ceaseless grind of the six day bicyclists, which began at midnight and will continue throughout the week.

At the start it was estimated that 15,000 persons were crowded around the track. At three o'clock this morning no less than fifteen thousand remained in their seats and when daylight broke nearly half that number still clung to their chairs, peering down upon the oval where apparently tireless riders were plunging along.

Only once during the night was anything approaching a serious accident. Just before three o'clock seven riders became tangled during a spurt around the dangerous 26th street turn and men and machines were sent flying down the steep sides of the board track.

Likely only one of them, Gouglitz of the Swiss-Italian team, was hurt. He immediately resumed the race without giving physicians time to examine his injuries, but before he had ridden five minutes the other riders saw that he was losing his strength. Immediately they began a spurt in order to secure a lead on him. The immense crowd in an instant realized the situation, and as Gouglitz slowly dropped behind the flying crowd, with his wheel at times jerking dangerously to one side as he in a condition of semi-collapse, leaned over the bars, but always riding gamely, the spectators howled their disapproval of the action of the other riders. Gouglitz kept up the unequal struggle several minutes, losing two laps before he fainted on his wheel and rolled to the bottom of the saucer track. It was then found that he had a broken rib. His partner Vanoni immediately took the vacant place and made up one of the lost laps.

Vanoni was unable to continue the terrific pace unassisted, however, and he soon left the track. Later it was announced that the team probably would be forced to retire from the contest.

Soon afterward Vanoni and Gouglitz withdrew their team, but Vanoni was able to continue in the race under other colors, owing to an accident which happened to the Mexican team.

Emile Agraz, a member of this team, fell and injured his knee so badly that he was obliged to retire. Fred E. Castro, the remaining member of the Mexican team, and Vanoni then formed a new Mexican team. Under the rules of the race this new team was allowed to start with the score which the old Mexican team had made up to the time of Agraz's injury.

FIVE BLOCKS OF HOUSES DESTROYED

(By the Associated Press.) Shenandoah, Pa., Dec. 4.—Five double blocks of houses belonging to the Reading Coal & Iron Company were destroyed by fire at Yatesville to-day.

The whole village was in danger of being wiped out until the Shenandoah fire department responded and extinguished the flames. Loss about \$20,000.

MRS. CHADWICK NEARLY COLLAPSES.

(By the Associated Press.) Cleveland, O., Dec. 4.—Mrs. Cassie L. Chadwick was taken into the Federal bankruptcy court to-day upon her own request, for the purpose, as she stated, of completing her testimony, as to some of her financial dealings.

Although she has recently stated that she could reveal certain facts of importance, nothing of that nature was brought out, and the hearing ended with Mrs. Chadwick in a condition bordering on collapse.

GOVERNMENT SAYS OVER TEN MILLION BALES

ATLANTA MAN SHOT OFFICER NEAR MANILA

(By the Associated Press.)

Manila, Dec. 4.—Lieutenant Charles Pendleton of the constabulary ordered four native soldiers into the vehicle in which he was driving. A native policeman stopped him and ordered him to light the lamps on the vehicle when Pendleton shot him dead. He then continued on his way but later returned and obtained the body which he delivered to the police, claiming that he had found the man dead on the road. The soldiers accompanying him confirmed his story until to-day when they broke down. Pendleton had been drinking.

Pendleton's family live at Atlanta, Ga. He was formerly a sergeant in the seventy-first regiment of New York. He has been held for murder.

NO PARDON FOR MRS. ROGERS.

(By the Associated Press.) Chicago, Dec. 4.—Gov. C. J. Bell, of Vermont, accompanied by his wife and a number of members of his staff, arrived in Chicago last night to attend the annual dinner of the New England Society to-morrow evening.

He denied that he intended to prolong his absence from his State until after the execution of Mrs. Mary Rogers next Friday. He added that the execution would not be interfered with by any action of the Governor.

Not Guilty of Forgery.

(Special to The Evening Times.) Goldsboro, N. C., Dec. 4.—The forgery case of the Southern Railway against Clarence Ward, charging him with raising a pay check, that has been on trial here for the past two days in the superior court, was finished Saturday afternoon at 5 o'clock. The jury returned a verdict of not guilty.

TWO BURGLARY CASES

Trial of Wm. Barbee for Entering Cousin's House

Durham Superior Court Convened This Morning, Judge Ward Presiding—One Week Term With 150 Cases on the Docket—Several Highway Robbery Cases.

(Special to The Evening Times.) Durham, N. C., Dec. 4.—Superior Court convened here this morning with Judge Ward on the bench. The term is for one week and there are now a total of 156 cases on docket, many of them being important.

Among the criminals are two charged with burglary—William Barbee (white) and Lewis Williams (colored). It is probable that Williams will not be tried on the capital charge.

The young man, Barbee, is charged with having burglarized the home of Reuben Barbee, his cousin, and the prosecuting witness is his cousin and cousin's wife. Their evidence is that they heard a noise in the room and investigation proved that William Barbee was in there, having removed his hat and shoes. There is other evidence to substantiate their statement, one being that the prisoner was heard to say that Reuben Barbee had money in his home and he was going to get a part or all of it.

There are several highway robbery cases and many cases in which selling whiskey without license is charged.

CUT WIFE'S THROAT AND HIS OWN.

(By the Associated Press.) Trenton, N. J., Dec. 4.—Edward Lovett, former sealer of weights and measures of this city, to-day killed his wife and then committed suicide at their home here.

Lovett slashed his wife's throat and then severed his jugular vein with the same instrument. The woman survived a few minutes.

No cause for the act is known except that the couple did not live together happily. Lovett was about 50 years old.

First Sale After Report Was Quarter Cent a Pound Better

THEN PRICES FELL 10 TO 15 POINTS IN REACTION

In New Orleans Cotton Jumped Up 35 to 41 Points on Reading of the Report—National Ginners' Association's Report To-Day Estimates Crop at 9,623,000 Bales—Black Figures of Government's Report 10,167,818—Area 56,117,152 Acres.

(By the Associated Press.) Washington, Dec. 4.—The cotton crop bulletin issued to-day by the Department of Agriculture estimates the total yield at 10,167,818 bales of 500 pounds gross weight, not including linters.

The area picked and to be picked is estimated at 26,117,152 acres, a reduction of 882,389 acres or 3.3 per cent. reduction from the acreage estimated as planted.

The total number of pounds produced in the 1905-06 will amount to 4,860,271,254, not including linters. The estimated production in 500-pound bales, by States, is as follows:

Table with 2 columns: State and Bales. Includes Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Missouri, Oklahoma, Indian Territory.

It was officially announced that the delay in the issuance of the report was caused by a wide divergence in the reports of yield per acre, which caused prolonged discussion.

Cotton Jumps Up. New York, Dec. 4.—The first sales following the announcement of the government's figures was made at 25 points or a quarter a cent a pound higher than the price just before the announcement.

The market advanced rapidly after the report, March selling at 12.35 within a few minutes after the figures were known. This was an advance of 76 points or 3-4 of a cent per pound since Saturday's close. The market was excited and feverish, and after the first advance there was a reaction of 10 to 15 points.

National Ginners' Report. Dallas, Tex., Dec. 4.—The report of the National Ginners' Association on this year's cotton crop was made public at noon to-day. The report gives 9,623,000 bales as the season's yield.

President J. A. Taylor issued a statement saying that the crop report has been practically completed and he has allowed two per cent. for an underestimate.

BILL TO CHANGE THE LAND LAWS

(By the Associated Press.) Washington, Dec. 4.—At least two bills providing for important changes in the land laws will be introduced at the approaching session of Congress. One will provide for the replot of the timber and stone act and the other will make it possible for purely agricultural land in forest reserves to be acquired by settlers under the homestead law. Representative Lacy, chairman of the House committee on public lands, will introduce both of these measures in the House.

Secretary Hitchcock favors the repeal of the desert land law, but as yet it is not known that any bill providing for the repeal of this law is in preparation. Opinion is divided among the members of Congress as to the advisability of striking this law off the statute books. Mr. Lacey says it is true there have been many frauds under the desert land act, but that they occurred entirely before its amendment in 1919.

Upton's Postmistress. (By the Associated Press.) Washington, Dec. 4.—Miss Ollie Bates was appointed to-day postmistress at Upton, N. C.