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PRICE Se.

Says Caucus Action Violates Prance M. Garrens Will Ste Tried Mr.

STATE RIGHTS INVADER

Declares Any Senator Who Permits Than Sense of Duty Dictates De- to attend. grades Dignity.

(By the Associated Press.)

Washington, Feb. 5 .- The senate ing former Secretary of State Riebard Oldey as a member of the board of regents of the Smithsonian Insti-

Mr. Patterson caused a sensation in the squate by intrducing a resolution relative to the rights of senators in voting upon treaties.

Mr. Patterson's resolution recited that the action of the democratic caucus indicating to senators how they should vote was a plain violation of the spirit and intent of the date; that any senator who permits \$100,000 twth \$60,000 insurance. himself to be so cocreed weakens and legrades his state; that for any sensense of duty dictates degrades his 13 DEATHS HERE high office and assalls the dignity and standing of the senate.

The resolution was listened to with great interest by the senators.

Mr. Lodge had prepared a resolution similar to that of Senator Patterson, declaring that a treaty like the Dominican should not be made the subject of party action, but withheld it when he heard that Mr. Patterson had proposed a resolution. Mr. Lodge conceded the superiority of Mr. Patterson's claim.

ent consideration of the Patterson white people and eighteen were colored, resolution unless it was a question of However, the record is not bad since personal privilege. Mr. Patterson twelve of the deaths occurred among said it was not and gave notice that children under five years old and seven said it was not and gave notice that condition and seven the would discuss the resolution to
of the deceased persons were past their the makers and curse the postmaster General Hitchcock ett of Durham. Bretton is not in in the annual reports filed by the

Mr. Tillman presented and the senate adopted a resolution calling upon the postmaster general for information as to the number of postal clerks killed in railroad accidents during the past five years, also asking how many steel cars are now used in the postal service and whether the fatalities have been so great

Tillman said that he had noticed the fire early today causing a loss of \$75. frequent fatalities to mail clerks in 000. The entire business district of the railroad accidents, and that he want- city was threatened for a time, and ed to ascertain whether more security three hore companies and an engine for them could not be secured by means of stronger mail cars.

in those as in other cars.

The shipping bill was taken up at 2.15 p. m. in the senate. Mr. Teller took the floor and denied that funds used in the irrigation service were in nature of a bounty to the west. He contended that these funds were a loan, and a benefaction only in the fact that they draw no interest.

WAR TALK ABOUT CHINA SERIOUS.

(By the Associated Press.) port Logan report that the prospect of rouble in China is the chief topic of proceeded. ssion in army circles in Manila. The thirteenth infantry and two squadrons of the eighth cave ry have been

ordered to prepare themselves for field service. The destination of these troops remains a headquarters secret, but the only explanation of the order is that they are to be held in readiness for a China expedition, at the first warning of an outbreak.

first for news from China, as they said that most of the information on the subject which was current in the Philippines came by the way of Washing-

The officers of the troops under field orders have made preparations to leave on twenty-four hours' notice and their expectation is that they will be sent

RY PATTERSON Well Known Asheville Citizen

Probably This Week on the Charge of Murdering Calch Let, Who He Says Was Trying to Break Into His

(Special in The Erboing Troon.) Asherille, N. C., Peb. L.--Upon relpl of a message this morning sinting that Judge W. R. Allen but confixed to his bed at Guidsboor, Sheriff Collabed Judicial Opinious That the Question Who Will Succeed Parkins Purumatic Tabes that Cost \$120,000 Minneif to Be Coerced Wenkers aspector fourt until Saturday when His State,-To Vote Otherwise Judge Atlen hopes to be well enough

> The only important criminal charon the docket is that of State vs. France M. Stevens.

Mr. Stevens, a well known citizen of Asheville, and worth at least \$40,000, railroad rate debate began in the deat today sent the following point today adopted a resolution respicial- is charged with the murder of a negro. better today two bills were passed nations to the senate one Calch Los, here several weeks ago The killing occurred early one morn ing and Stevens alleges that the megre was attempting to break toto his hous when he fired the fat-d shots. There is other evidence, however, to the effect that Lee was on his way to work at the Hotel Berkeley and was killed by Stevens while passing through a vacant lot adjoining Stevens' property.

Car Plant Burned.

(By the Associated Press.) constitution of the United States; early this morning completely dethat each senator was entitled to one stroyed the car barns and power vote and any attempt to coerce him bonse of the Canton-Akron Traction was an invasion of the rights of a Company. The loss is estimated at

There were thirty-four deaths in Baleigh during January and nearly half have been productive of a very fatal Colorado conster, who claimed the stage of this disease. The record of and see so little practiced." The privilege of presenting the matter, shows that the until commission had been overruled twoshows that the public sould take precautons against colds and ward off any step towards contracting this disease. Mr. Tillman objected to the press Of the thirty-four deaths sixteen were three score and ten years. One was its makers. over 100 years old, three were over eight years and three were seventy and eighty years old

BIG FIRE AT INDEPENDENCE.

(By the Associated Press.) Independence, Mo., Feb. 5.-A three story brick building on the north sid of the city square, occupied by the Mize In presenting the resolution Mr. Hardware Company, was destroyed by came from Kansas City to assist in get ling the fire under control.

FEDERAL EXPRESS RAN INTO FREIGHT.

(By the Associated Press.) New York, Feb. 5,-The federal express of the New York, New Haven & Hartford Railroad, from Boston for Washington, ran into some freight cars while pasing through the Mott Haven yard early today. One side of a sleeping ear was stove in and its rudely wakened occupants badly frightened but not injured. No one was injured. San Francisco, Cal., Feb. 5.-Army Two baggage cars of the express and officers who arrived here on the trans- three freight cars were decalled, but the passenger train soon afterward

EFFORTS FOR HIGH LICENSE IN CHICAGO

Ohr the Associated Press.) Chipago, Feb. 5.—With more civic or ganizations preparing to line up in favor of a \$1,000 saloon license in the interest of better police protection and with the pulpits sounding the alarm four more aldermen came out yesterday in support of the plan. With 18 alder men still undecided this brings the discussed at length by the secretary, council practically to a tie on the

All the influence of local churches was put forth in the sermons of the lay in an effort to rouse citizens to the He declared it absurd to say, that a realization of the criminal menuce which overshadows Chicago. The need

THE RATE BILL MILLIKEN LAND

sion Would Bob Courts of Their Bights and Act As a Confiscation of Property or Authority. (By the Associated Press.) Washington, Feb. 5 .- Before the

Giffing of Powers To a Commis-

One provides for setting seids town sites in the Flathead Indian recerration in Montana; the other authrizes the further expenditure of \$60,000 for county improvements from the sale of town lots at Lawton, Indian Territory.

An hour to oppose the railroad rate bill was yielded to Mr Littlefield (Me.).

A remedy for nine-tenths of rate postmaster at West Point, Va. evils, he said, now exists in all Canal Dover, Ohio, Feb. 5.-Fire courts, both under present law and KNOCK OUT TO BOTH FACTIONS. the common law.

Mr. Littlefield collated judicial decisions to support his contentions that in giving the commission all these powers the courts could have absolutely no power of review of any action of the commission, which might be just a shade under or less than confiscation of property.

A number of senators listened to Mr. Littlefield's argument, including publican leaders in the state. Con-Senators Fornker, Perkins, Millard, Kean, Bulketey, Rayner, Piles, Scott, Gallinger and Allee.

of this number was caused by pneu- terstate commerce commission and The congressman selected L. C. Wagvariations in temperatures, seems to added, "I will give them that square thirds of the time, he said.

The bill provided seven commissloners and made four a quorum, and remove three and leave all the power

ing, said the huge and awful things predicted were not contained in the

Should Show?

(By the Associated Press.) Washington, Feb. 5.-Secretary of War Taft today was heard before the senate committee on Philippines in favor of the Philippine tariff bill. Our obligations to the Islands provided the theme for an earnest appeal made with an emphasis that he has not ordinarily used in addressing committees of congress. He asked the committee what congress had done for the Philippines and answered that a people cannot be fed on constitutional principles, and that the Filipinos cannot be uplifted by this country unless we are willing to aid them in increasing their produc-

purpose of improving business in the United States, he declared, and asked show its wards.

both have had the highest kind of probeen created has nothing of substance in it," in respect to injuries to thesi

Maine Claudius Bockery's Name in Nine Hundred Clerks Work. North A monthly brown to be a control of the control

HIM COLLECTOR NOT NAMED MACHINERY

Same Reason.

(By the Associated Press.)

Named for Criminal Operation on

(By the Associated Press.)

Norfolk, Va., Feb. 5.-The grand jury

here today returned join indictments

for second degree murder against Dr.

Luther R. Chiles and James Franklin

The grand jury today also returned

true bill of indictment against Dr.

at this term of court, but the dates

(By the Associated Press.) Cleveland, O., Feb. 5.—Snow has been

falling throughout northern Ohlo for

more than twenty-four hours, with the

result that traffic on many of the steam

and electric roads will be seriously de-

layed today. The six to eight inches

FALL IN OHIO.

murder, but Franklin had not.

Mrs. Josephine Hall-Davis.

is Still Open,-Boyall E. Cobell Unders for Lack of Clerks-Ma-Postmaster # Richmond.--8. Brown Allen Marshall Western District of Virginia.

(By the Associated Press) Washington, Feb. 5 - The president

on, western district of North Caro handle its mail business. For the

Marshaln-James H Milliken, of nine hundred clerks in the mailwestern district of North Carolina; ing division was required to work North Carolina; b. Brown Allen, that has clogged the machinery since western district of Virginia. February 1

Royall E. Cabell, postmaster at Richmond, Va.; Hunsford Anderson, working from ten to twelve hours a tracks of the Norfolk & Southern at day, hundreds of bags of mail are

President Roosevelt Seems to Have His Own Mind About Distributing North Carolina Patronage. In appointing District Attorney

days: Holton and Marshal Milliken to third Pneumatic tubes in the new post terms President Roosevelt has disreoffice which cost \$120,000 to install garded the wishes of both State Chairman Rollins and Congressman are practically useless because there are not enough clerks to take the Blackburn, the two contending remail promptly to them, and they are gressman Blackburn it is well idle much of the time. Machinery known, has been strengerally opposed in the new building which cost \$200, 000 is also proving more of a hand to both these men, and State Chair-Mr. Littlefield said he would de man Rollins even couceded him that rance than a benefit because it remonstrate the incapacity of the in- he should name the next marshal quires quite a number of clerks to operate it, and that number has been monia. The mild winter with its swift from their own records. "And," he oner of Statesville, and the politic taken from the regular force, which was inadequate before. clans thought this settled the matter. White the government officials at As to the district attorneyship the White the government officials at Thaddus Bretton and others in the companies, in violation of the act pass-state chairman and the congressman Washington are aware of the condideal that we hear talked of so much As to the district attorneyship the agreed in desiring the retirement of flons they have said that Chicago presenting "Reconstruction Days," and entitled "An act to protect trade Holton. But it seems that Holton cannot expect relief before July first. and fortified himself at the White when next year's appropriation be- Dixon's copyright. mouse by his active prosecution of comes available. it was possible for the president to the men in the government revenue service accused of fraud. An impor- leave for Washington to make one Pou & Fuller, and Murray Allen. In the majority of the remaining tant trial is now in progress at more appeal for more help. Ten The defendant, Bretton, was not pres-

conduct of a distillery. He did not to this city. go to trial and secure a vindication, but compromised the case. The present marshal, who has actively assisted JOINT the district afterney, should continue in his office rather than give the place to one who had a relative threatened with prosecution. The Dr. Chiles, James Franklin appointments today were a distinct reverse for Congressman Blackburn after his victories last week in the

AND SHOT HIMSELF

(By the Associated Press.) Dayton, O., Feb. 5 .- Because wished to postpone her wedding day, set for Wednesday, Mrs. Eva Ken-nedy is dead with a bullet hole in her heart and Roy Mendenhall is at the hospital with two self-inflicted revolver wounds which will probably will cause death.

Mrs. Kennedy and Mendenhall had been engaged for some time. They frequently quarreled but always made up. Last night Mrs. Kennedy pleaded for a postponement of the wedding. which the couple had planned to take place Wednesday. Mendenhall objected. The argument led to a long, bitdisappointed, jealous rage, Mendenhall pressed a revolver to the woman's breast and ended her life. He then for the trials were not fixed today. turned the weapon on himself, inflict-

vided as to the justice of the verdict. to near the zero mark by tonight.

rary Injunction from Judge Purself-Control Supposed to Se Over Markey's Ferry Landing.

A bringwise's Supplication was grained by Judge Purnell in the Sederal source today restraining the staffeth and thruline Ballroad (corps.) from in ing a right of was through the yards of the Northile & Southern Statirons of Roper. This is supposed to be a contool to brevent the Sufferh & Carolina from entering Mackey's Peris as imchinery that Cost \$200,000 More portant posts of the Norfolk & Nortol with on Albertain's Sound of Hindrance Than Benefit for The action was sutified the Metro

politac. True: company and others against the rultisk & Carolina Ballroad Company. This trust company is the trusce of the Nortolk & Bouthern Chicago, Feb. 5 .- Chicago, with which is now on sed to the same nat one of the finest postoffice buildings then who have the Attanto & North following report submitted to aim by District Atterney. Alfred E. Hot. in the country, is utterly unable to Carolina, the New New New Incidental & the interstate commerce communication in Western and are supposed to be behind response to a resolution regarding the the Baleigh & Families Rattroad. The first time in four years the full force bill in equity was filed for the Metropolitan Trust Company by lawyers Pour and Putter and W. H. White of Norlaudius Dockery, custern district of yesterds) to relieve the congestion folk. Judge Purnell glunded the order restraining the Suffick & Carolina from crossing and obstructing by con-Although the cierks have been demnation for right of way arrows the Roper and made the order returnable March 5, next The pinintiff executes left undistributed each night: Ima proper bond in the matter. The most portant mail for business houses is interesting point in the matter is what as follows: hours late in being tied and sent out. big systems, if any is behind the Sufand complaints about the inadequate folk & Carolina, and its extension into service have been piling up in Post- the section being traversed by the lines master Busse's room for several in control of the owners of the Norfolk & Southern

Judge Thomas R. Purnell, in the United States district court, after a the Philadelphia, Baltimore & Wash hearing this morning granted Thomhearing this morning granted Thomas Dixon, author of "The Clansman," a perpetual injunction restraining or any two or more of said railroad which is deemed an infringement of and commerce against unlawful re-Dixon's copyright.

The plaintiff was represented at datory thereof. Tomorrow Postmaster Busse will the hearing today by T. S. Fuller of And this prosecution also gress had enacted a law making the decided to make the injunction pership. Wagoner's brother-in-law was ble if they exceeded their appropria- "The Clausman," type written and ceedings before the commission. accused of violating the law in the tions, and there was no money to give handsomely bound and illustrated. was presented before the court, and was left with Judge Purnell for his 1905, the following figures and other

perusal and edification. **INDICTMENTS** BIG TIMBER SALE IN FAYETTEVILLE.

Fayetteville, N. C., Feb. 5,-The Cargest and wealthiest crowd of land buyers here in years. After spirited bidding it was sold to W. H. Britton, formerly of Timberland, N.

moved to Alabama, for \$76,500. Before the sale Cameron MacRae, attorney for certain Mackmillan helrs, trustee, a bond of \$89,000 to guarantee title. The sale then proceeded.

FIERCE BLAZE AT ASBURY PARK.

in connection with the case of Miss Sarah Atkinson, whose death followed Asbury Park, N. J., Feb. 5 .- The a criminal operation alleged to have Hotel Astoria was partly burned and been performed by Dr. Chiles. Dr. several well known buildings near of \$80,000,000, of which \$40,000,000 has the beach were entirely destroyed by been issued. All this issued stock is Chiles had previously been indicted for fire today with a loss of about \$50,- owned by the Pennsylvania Railroad

Francis M. Morgan of Berkely, charged with having performed a criminal op-KILLED BY BONB the Pennsylvani owns \$23,490,775. eration on Mrs. Josephine Hall-Davis of Norfolk. All three cases will be tried

Dublin, Feb. 5.-The Lokal Anxiegier today printed a dispatch from Kattowitz, Prussian Siberia, stating that a private house at Silla, across the Rus. Railroad Company owns \$9,401,950. sian frontier, has been destroyed by the explosion of a bomb. The bodies of twelve persons can be seen in the ruins and it is believed that many others were killed,

WOMAN SOCIETY LEADER SUICIDES. St. Louis, Mo., Feb. 5 .- Mrs. Lil-

turned a verdict last night for ac-quittal. Public opinion is much di-ports, the temperature will again fall day at her nome, 4629 Berlin'avenue.

Contained in Annual Reports of the Several Ballroads Concerns A Rather Lengthy Document to Say so Little.

(H) the Associated Press,3 Washington Peli L-President States vell today transmitted to the house the

ma Statiread Company and certain other roads named therein, in violation of the audi-trust law. "Interstate Commerce Commission "Washington, Peb. 2, 1996, "The President: The interstate comnerce commission has the honor to submit the following in response your request of January 29, inclosing a resolution adopted that day by the

house of representatives, which roads

alleged combination of the Pennsylva-

"'Resolved that the president of the 'nited States be, and he is hereby, raquested if not incompatible with the public interests, to report to the house of representatives, for its information all the facts within the knowledge of the interstate commerce commission which shows or tends to show that there exists at this time, or heretofore, withthe last twelve months has existed, a combination or arrangement between the Pennsylvania Railroad Company, the Pennsylvania Company, the Norfolk & Western Railway Company, the Baltimore & Ohio Ralfroad Company, ern Central Raffroad Company, and the Chesupeake & Ohio Raliway Company,

The only definite fact known to the commission, believed to have bearing upon the subject-matter of four. It would be then that this dan- Greensboro. President Roosevelt be- days ago he was told by first assist- sent, but his lawyer was R. O. Ever- the resolution, are those appearing the present district attorney should that Chicago would have to get along the district. Lawyer Everitt asked companies named in compliance with Mr. Stranahan, (Minn.), follow- be upheld and awarded him another as best it could because the last con- for a continuance, but Judge Purnell section 20 of the act to regulate the caused Wagoner to lose the marshal-heads of departments criminally lia-manent. The original copyright of disclosed from time to time in pro-

> From the latest of these reports covering the year ending June 30, data have been compiled:

"The Pennsylvania Railroad Company has an authorized capital stock of \$400,000,000, of which \$302,513,-300 has been issued and is now outstanding. This company appears to control, and is understood to control, michael land sale of fifteen hundred all the lines embraced in the Pennacres of round pine attracted the lar- sylvania system so-called, having an aggregate mileage of 10,999.86 miles and gross earnings for the year named of \$238,172,528. The term Pennsylvania System as here used includes the line of the Pennsylvania Railroad Company, the Pennsylvania announced pendency of suit against Company, the Philadelphia, Baltiland ,whereupon John Blue and D. J. more and Washington Railroad Com-Lindsay deposited with C. J. Cooper, pany, and the Northern Central Railway Company, but does not include the Baltimore and Ohio Railroad Company, the Norfolk and Western Railway Company, or the Chesapeake and Ohio Railway Company.

The Pennsylvania Railway Company, which controls all the lines of the Pennsylvania system west of Pittsburg and Erie, has an authorized capital stock Company.

The Philadelphia, Baltimore & Washington Railroad Company has an authorized capital stock of \$25,350,450, of which \$23,493,550 has been issued and is now outsanding. Of this issued stock the Pennsylvania Railroad Company

The Northern Centra! Rallway Company has an authorized capital stock of \$20,000,000 of which \$17,193,400 has been issued and is now outstanding. Of this issued stock the Pennsylvania

The Baltimore & Ohio Railroad Company has an authorized capital of \$50,-800,600 of preferred stock and \$125,000 900 of common stock, of which \$50,985,-464 of preferred and \$124,272,060 of common have been issued and are outstanding. Of this issued stock the Pennsylvania Rallroad Company owns \$21,480,000 of preferred and \$30,298,300 of common; the Pennsylvania Company owns \$5,000,000 of the preferred and \$11. burn G. McNair, prominent in society 044,600 of common; the Northern Con-

Those who came on the Logan asked

Getting Scared Early. (III) the Associated Press.)

Chicago, Fel. 5.—Because of the posshillty of a strike of the coal miners of wiping out the disorderly saloon and a number of wholesale coal dealers of raising the standard of responsibility among all saloon-keepers was dwell coal twenty-five cents per ton.

Where Was Justice Guardian

Heard Before Committee in Favor of naming of Grant and Frazier. Philippine Tariff Bill-Our Obli-Appeal Made With Unusual Em- KILLED SWEETHEART

tive conditions. The islands are being used for the iwere was the justice a guardian should ter quarrel. Early this morning, in

Referring to the tobacco and sugar interests, Secretary Taft said that tection, and that "all this fog that has ing two probably fatal body wounds.

who contended that in order to get resuits from the Filipino so many concessions have to be made to him that it is impossible to fix the day wage goor laborer could be had for 10 or 15 ents a day and figure on the cost of tobacco or sugar production in that

The hearings were adjourned to Wed-

and Dr. Chiles The Two Former for the Death of Miss Sarah Atkinson, the Last

A HEAVY SNOW Labor conditions in the islands were JURY OUT SINCE THURSDAY ACQUITS

Wilmington, N. C., Feb. 5,-After deliberating since Thursday noon the the lake shore. The accompanying jury in the Lamb murder case re- high wind has caused much drifting