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SENATE TACKLES THE TRUST QUESTION AND DISCUSSES REID BILL

Mr. Reid Fights Changes Made in His Bill by Senate Judiciary Committee

PASSAGE OF BUXTON EQUALIZATION BILL

Only Seven Votes Against Bill to Create a State Board of Equalization to Assess Real Property—Its Necessity Pointed Out—Inequalities That Now Exist—Senator From Rockingham Makes a Hot Anti-Trust Speech—Many Local Bills and Some Important Measures Pass Through the Legislative Hopper—Today's Proceedings of the State Senate.

Among the bills reported by the senate committees this morning was the general street car bill, designed to provide for the separation of white and black races on the street cars of the state. The bill was referred to the railroad committee Monday, when it came up on its second reading. The committee struck out the amendments adopted by the house, excepting Wake county from its provisions, and inserting the words "if practicable." They also amended the bill to extend the corporate limits of the city of Raleigh.

While the senate judiciary committee's anti-trust bill was under consideration in the state senate today Mr. White sent forward an amendment designed to include the Associated Press and all other news associations or public service corporations, which shall sell or agree to sell to any person or single interest the use exclusively of any news service or other service used in the dissemination of useful information. No press association is named, of course, but the wording of the instrument makes plain its purpose.

Senator Brown spoke the opening prayer at the opening of today's session of the state senate, when the lieutenant governor called it to order at 2:30 o'clock.

Roll-Call Bills Passed.
The following roll call bills were put upon their final reading:

To amend and revise the charter of the city of Raleigh. (Amended and returned to the house.)

To amend the charter of the city of Concord. Enrolled for ratification.

Authorizing Yadkin and Surry counties to levy tax. Enrolled for ratification.

Authorizing townships in Davidson county to levy special tax. Sent to the house.

Providing for special school tax in Moore county.

Incorporating town of Denton in Davidson county. Sent to the house.

Providing for a vote on proposed issue of bonds in Elizabethtown, Bladen county. Sent to the house.

Amending charter of the city of Asheville. Sent to the house.

In relation to graded schools in Moore county. Sent to the house.

Calendar—Bills Passed.
Together with a number of insignificant local bills, of no manner of general interest, the following more important calendar bills were passed on second and third reading:

Relating to "the government of the town of Beaufort."

Extending time for hunting deer in Brunswick county.

Relating to powers of board of aldermen of Bryson city.

Mr. Blair asked and obtained leave to withdraw the bill introduced by him relating to tearing up certain parts of track of the Aberdeen and Asheboro Railroad. Mr. Blair stated that on further thought he could not stand for the bill that if the road or Mr. Pags wanted it introduced again by some other senator that could be done, and that he had telegraphed him to that effect.

When the bill of Mr. Dickey, relating to the terms of the superior courts of Cherokee county came up, Mr. Brees stated that the officers of the court which the bill seeks to abolish, are all democrats. He read from a petition in his hands signed by a large number of citizens asking that the term of court in question be not abolished, and stated that it contained the names of some of those who signed the petition Mr. Dickey had signed later, and added that the entire bar finally was opposed to the bill. The bill finally was passed and ordered to be enrolled.

State Board of Equalization.
Consideration of the Buxton bill providing for the creation of a state board of equalization for the assessment of real estate for taxation was resumed.

Mr. Buxton explained certain amendments to the bill that he had drawn, including one relating to the meeting of the expenses of members of the board and providing that the board shall not meet till 1908, at which time the assessments of 1907 would be acted on, as these assessments are made only every four years.

Mr. Blair addressed the senate on the merits of the bill and said he believed his proposed state board wouldn't be worth the snap of your fingers; that the bill was not worth the paper it is written on, and gave his reasons for that opinion. He believed the local county boards were the best judges of the value of property in their respective counties.

Mr. Webb stated that under the present system there was too much unequal valuation, some of the glaring instances being mentioned, and that because of that fact, and because much property is not assessed for near its value, the need of a state board is felt. He believed the bill to be a good one and would support it.

Mr. Odell said the bill had his hearty support, although it was not all he desired. It was a good start.

Mr. McLaughlin stated that the need of a state board had been felt for many years, and he believed the pending bill to be one of the most important measures that has been considered by the present legislature. He thought that the very existence of the board and the knowledge that the assessors of the local board would be reviewed by it, would have a good effect.

Mr. Howard would vote for the bill heartily and with the hope that a reform would also be effected before long in the assessment of personal property.

Mr. Mason stated that he saw no reason why there should be any impediment to the effect that the creation of a state board would be antagonistic to the interests of land owners. The primary purpose of the bill is not to increase assessments but to equalize them.

Mr. Aycock referred to the great amount of labor and pains the author of the bill had devoted to the measure and he believed he had practically solved the question. It is a good bill and would take great pleasure in voting for it.

Messrs. Mauney and Wood announced their support of the pending measure.

Mr. Hicks referred to the inequalities that exist under the present system and the need of a bill like this, and called the previous question.

The bill was then passed. Vote, 22 to 7, and sent to the house.

Anti-Trust Bill.
The chair then laid before the senate the speech order for the hour, being S. B. 60, being the senate substitute for the several anti-trust bills, it being the Reid bill, with certain changes by the committee. "Prohibition of the conduct within the state of North Carolina which interferes with trade and commerce."

Mr. Reid took the floor and read a minority report, in which he objected to certain changes which eliminated some of the provisions contained in his bill. He advocated the passage of his original bill, which he offered as a substitute for the committee substitute bill.

He then proceeded to point out his objections to the committee's bill.

Reid Bill and Committee Amendments.
Following is the text of the bill with the amendments made by the senate judiciary committee:

or association to directly or indirectly make or have any agreement or understanding, express or implied, to lower or prevent the increase in price of any article or thing of value, which any such person, firm, corporation or association may enter to purchase within the state of North Carolina.

(b) For any person, firm, corporation or association to directly or indirectly willfully destroy or injure, or undertake to destroy or injure, the business of any opponent or business rival, in the state of North Carolina, with the purpose or intention of attempting to fix the price of anything of value when the competition is removed.

(c) For any person, firm, corporation or association which directly or indirectly buys or sells within the state, through himself or itself or through any agent of any kind, or as agent or principal, or together with or through any allied, subsidiary or dependent person, firm, corporation or association, as much as fifty per centum in quantity of any article or thing of value, which is sold or bought in the state to injure or destroy or undertake to injure or destroy the business of any rival or opponent, by lowering the price of any article or thing of value sold, so low, or by raising the price of any article or thing of value bought so high, as to leave an unreasonable or inadequate profit for a time, and with a purpose of increasing the profit of the business, when such rival or opponent is driven out of business, or his, their or its business is injured.

(d) For any person, firm, corporation or association dealing in any thing of value, within the state of North Carolina, to give away, or sell at a price where there is competition, such thing of value, at a price lower than is charged by such person, firm, corporation or association for the same thing at another place, where there is no sufficient reason for charging less at the one place than at the other, with the view of injuring the business of another.

2. That it shall be unlawful for any person, firm, corporation or association, which shall lower the price of any article or thing of value sold by him or it in violation of the provisions of subsections (b) (c) and (d) of section 1 of this act, to ever again sell the same within the state of North Carolina at a higher price.

3. That any corporation, either as agent or principal, violating any of the provisions of section 1 or 2 of this act shall be guilty of a misdemeanor, and such corporation shall, upon conviction, be fined not less than one thousand dollars for each and every offense.

4. That any person being either agent or principal, who shall induce, entice or willfully allow or permit any agent or associates in business in this state to violate any of the provisions of sections 1 and 2 of this act, shall be guilty of a felony, and upon conviction shall be punished as provided in section 3 hereof.

5. That where the things prohibited in sections 1 and 2 are contained, then and in such event, after the first violation of any of the provisions thereof, each week that the violation of such provision shall continue shall be a separate offense.

6. That the attorney general may demand of the president, secretary, treasurer or any other officer or agent of any foreign or domestic corporation doing business in this state, who may desire to investigate under this act, as often as four times a year, and, if he sees proper, that he may make an affidavit in form and substance as follows: (Form of affidavit.)

And on refusal to make oath in answer to said inquiry, or on failure to do so within thirty days from the mailing thereof, it shall be the duty of the attorney general to proceed against said corporation, if a domestic corporation, for violating the provisions of sections 1 and 2 of this act, and also for the forfeiture of its charter or certificate of incorporation, and if a foreign corporation, to proceed against said corporation for violating said sections of this act and to forfeit its right to do business in this state. Provided, the failure to cause affidavit to be made when the corporation is notified to have an officer make it shall be prima facie evidence that such corporation has violated sections 1 and 2 of this act. It shall be the duty of the attorney general to enforce the provisions of this act.

7. All actions authorized and brought under this act shall have precedence, on motion of the attorney general, of other business, civil and criminal, except criminal cases where the defendants are in jail in force from and after March 19, 1907.

Amendments of Senate Judiciary Committee.
Amend as follows:

1. In section 4, line 7, strike out the word "foolish" and insert in lieu thereof the word "misdemeanor;" and in line 8 of said section strike out the word "and" and insert the word "or;" and in line 9 strike out all after the word "imprisoned," in said line, and insert in lieu thereof the words "within the district of the court."

2. In line 3 of section 4, strike out the word "foolish" and insert the word "misdemeanor."

3. As a subsection (e) of this bill, insert immediately after subsection (d) of section 1, the following words: "Any contract, combination or agreement in violation of the provisions of this act shall be absolutely void and not enforceable in law or in equity."

4. As a subsection (f) of section 1 of this act, insert the following words: (Continued on Page 5.)

THE CASE TO THE TWELVE TODAY

Argument Is Begun in the Strothers Trial

MOORE FOR DEFENCE

Micajah Woods for the Prosecution Makes the Closing Argument This Afternoon—The Plea of the Defense an Uncontrollable Emotional Impulse.

(By the Associated Press.)
Culpeper, Va., March 6.—By late today the Strother brothers, James and Philip, charged with the murder of William B. Bywaters, will probably know their fate. It is not thought that the jury will be long reaching a verdict.

Attorney R. Walton Moore, addressed that body in behalf of the defense when court opened this morning. He presented the legal phases of the case necessary to support the plea of mental derangement at the time of the shooting, contending that the Strother brothers acted on sudden, uncontrollable impulse, impelled by a sense of wrongs to their sister, Mrs. Viola Bywaters.

John L. Lee followed with an additional plea of justification as contained in the "unwritten law."

In the afternoon Capt. Micajah Woods, for the prosecution, will make the final legal argument intended to combat Attorney Moore's reasoning.

BECOMES A JEW FOR LOVE OF HER

(Special to The Evening Times.)
Norfolk, Va., March 6.—T. A. Harris, aged 33 years, a clothing merchant and formerly a sailing member of the Methodist church, Washington, N. C., renounced Christianity and in Norfolk yesterday accepted Judaism as his only religious faith so that Mrs. J. S. Wahrhaftig, age 27 years, and well to do widow of Washington, would become his bride. She had said she would not marry him otherwise. Harris returned to Washington today, and the wedding will follow at once. Mrs. Wahrhaftig is the widow of Harris' former employer in Washington. She has been a widow fifteen months and has two children. They will come to Portsmouth, N. C., to live after the wedding.

AN OLD VETERAN BURNED TO DEATH

(By the Associated Press.)
Spartanburg, S. C., March 6.—While sitting in front of his fire place abis home today, Hon. T. Wilkins, an ex-Confederate soldier, was burned to death by a spark from the fire hitting a quilt which he had wrapped around himself. At the time his life was cooking breakfast, and Wilkins, being a paralytic, was unable to extinguish the flames. The house was burned to the ground.

AUSTRIA WARSHIPS ARE COMING HERE.

(By the Associated Press.)
Vienna, Arch 5.—Commodore Pleckett has been appointed to the command of an Austro-Hungarian squadron, consisting of cruisers St. George and Esper which will take part in the naval review at Hampton Roads to honor the inauguration of the Jamestown Exposition. The warships will sail for the United States in March.

SOUTHERN PACIFIC LACKS UNDER WATER.

(By the Associated Press.)
El Paso, Tex., March 6.—Another storm brot over the Salton Sea today, and the Southern Pacific tracks are reported under water.

THE PENALTIES ARE RESTORED

Freight Rate Bill Passes Its Third Reading

AMENDED BY JUSTICE

The House Then Takes Up the Douglass Bill Repealing the London Libel Law, and With Douglass Speaking for it and Harris in Opposition it Grows Interesting.

The house met at 9:30, Speaker Justice presiding. No public prayer was offered.

Bills introduced.
Pursuant to a rule adopted March 5th, no further bills were allowed to be introduced except by unanimous consent.

The following obtained this consent and introduced the bills following:
To strike out the word "ireddell" from chapter 72 of Public Laws of 1901; to repeal law of 1901 relating to special court-house tax for Iredell county. Turlington.

To protect pheasants in Rutherford. Gallert.

To increase the salary of the stenographers of the supreme court. Winborne.

To incorporate the Old North State Banking and Trust Company of High Point. Gordon.

Freight Rate Bill.
The special order, the committee bill regulating freight rates, coming up for its third reading at 10 o'clock, Mr. Manning gave notice that he would call the previous question at 10:30. Mr. Manning announced that he would support the amendment introduced by Mr. Justice last night. This amendment, if adopted, would be a substitute for section 4 of the bill as amended on second reading by the Douglass amendment, limiting penalties for failure to deliver goods to three times the value of the article. The Justice amendment made the law notice to the railroad, the law taking the place of actual notice by the shipper of importance of prompt delivery.

Mr. Bickett, opposing the amendment, said the Justice amendment was fraught with great danger. He would much prefer taking the bill as reported by the committee, even striking out the Douglass amendment limiting penalties to three times the value of the article, than accept this amendment. Instead of peppering the railroads with a shotgun, as the present penalty laws did, the Justice amendment went for them with a Columbiad. He cited instances of where suits had been brought and heavy verdicts given against the railroads where the bars were let down and permit all kinds of theories as to damage go to the jury. In reply to an inquiry from Mr. Justice, the speaker said he appeared for the defendant in this case, and in answer to another question he said the judge set the verdict aside.

Mr. Justice said his amendment met the objections of those who had been crying out against speculators in penalties. It cut these speculators out, but let the business men, manufacturers, etc., in. Under the proposed bill there could be no recovery of penalties over \$25.25 in less than carload lots, no matter what might be the damage, and not even then without a long and expensive lawsuit. The business man ought not to be put in a position where his only leverage to force prompt shipment, or any shipment at all, would be by a lawsuit, and, in the event of gaining it, get only \$25.25, no matter whether his actual loss was \$25 or \$2,500. He declared he had met Mr. Bickett and that with him half way by his amendment, and if they defeated this he gave notice he would fight for the senate bill. His amendment met the objection made by Mr. Bickett last week in advocating the Douglass amendment, that penalty speculators were making the present law a disgrace, by cutting them out, but not at the same time, as did the Douglass amendment, take away from the business man his only means of securing reasonably prompt service, without an expensive and prolonged delay by a lawsuit, and even after winning, get nothing.

Mr. Douglass offered an amendment striking out section 3, naming penalties for non-delivery of cars, and leaving it to the corporation committee. The amendment was lost.

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THAW'S MOTHER WEEPS ON STAND

She Tells of the Change Wrought in Him

HER VOICE LOW, BROKEN

She Took the Stand at the Opening of the Afternoon Session, the Morning Being Consumed in Cross Examination of Dr. Wagner—A Pathetic Scene.

(By the Associated Press.)
New York, March 5.—Batting Nelson, the puglist, occupied the entire attention of the spectators in the court room today up to the time the defendant was called to the bar and Justice Fitzgerald had taken his place on the bench. Nelson was accompanied by his manager, William Nolan. They occupied seats just behind the prisoner.

At the opening of the trial Dr. Wagner was recalled to the stand for cross examination.

Thaw again came into the court laden down with letters which continue to come to him from all quarters of the globe. Most of these letters are in the praise of the defendant.

Questioning Wagner.
Dr. Wagner, replying to questions, said he believed that when Thaw wrote the section of his will providing for a fund for the prosecution of any one who might take his life, his mind was clouded and he did not have as clear an idea of such matters as a man who was wholly sane, much to the regret to appreciate that the taking of human life was a crime.

"Doctor, when this defendant stood up to be married on the same day that the will was signed, did he not know what he was doing?" asked Jerome.

"I don't think his mind was entirely clear."

"Was it clear enough to understand he was getting married?"

After questioning Dr. Wagner at some length regarding the letter written by Thaw in 1903 to Attorney Longfellow, Jerome suddenly asked:

"Was there any period, doctor, between 1903 and 1905 when this defendant was in full possession of his faculties?"

Wagner replied: "There are several months in that period of which I have no record. It is possible that there may have been a recovery during that time and a condition of soundness."

Jerome took up the matter from works of various authors on psychiatry, other mental diseases and asked Wagner's opinion of these works and writers. For half an hour this line of questioning was kept up. Wagner acknowledged that most of the authors noted were learned men. Following this Jerome returned to Thaw's letter.

Dr. Wagner was asked by Jerome if he could say from a description of the killing of White if Thaw was insane or simply intoxicated. The alibiist replied that there was nothing whatever to indicate intoxication but much to indicate insanity.

An Interruption.
Just here a tall man created a stir in the court room by suddenly slipping into one of the vacant chairs at Thaw's counsel table and engaging the defendant in an earnest conversation. An officer moved toward the table, but Attorney O'Reilly interposed himself between the prisoner and the newcomer, who arose, shook Thaw's hand cordially, and left the court room. It was explained that the man was from Pittsburgh and had been a close friend of Thaw's father.

STORMY DAYS NOT YET OVER

The House Passes an Investigation Resolution.

WANT NAME DIVULGED

Members Express Themselves As Regarding the Action of the House As Absurd—Tabled Resolution But Committee Wanted It Passed, So It Was Done.

The house of representatives was very quiet when called to order last night and for a few minutes proceeded in the regular order of business. Such was not to last long, a day had passed without a stormy session, this day had not passed, the "personal privilege" proposition had once more to be discussed, and the reason was, the house of representatives of North Carolina wanted to earn the name of the party or parties who furnished the information for a certain article which had reference to including the Aberdeen & Asheboro road under the lowest rates named in the rate bill. Some members of the house regarded newspaper ethics as nothing; that when a name was demanded it should at once be forthcoming whether a confidence was betrayed or not.

There were many present who thought the entire move absurd. They went on record as thinking so when the motion to table both resolutions prevailed, but the members of the conference committee wanted to have an investigation "so bad" that to gratify them a motion to reconsider was made, and the house then voted to let them be investigated.

Passed Third Reading.
To extend time for obtaining grants for entries of land.
Regulate terms and elections of officers of state institutions.

Mr. London, the author of the bill explained the provisions of the same.

Mr. Dowd sent forward an amendment. He said he was opposed to the superintendent of the blind institution being elected for four instead of two years.

Mr. London said he was in favor of striking out the second section. The bill then passed its third reading, the four-year term having been amended so as to leave it as it is at the present time.

They Are So "Curious."
(At this juncture Josephus Daniels arrived on the scene. Those in the galleries at once became all attention.)

Before taking up the libel bill, Representative Manning asked for permission to take up a special matter. He then read a letter written to R. W. Simpson, Jr., editor of The Evening Times, and the article that appeared in The Times several days since in regard to the Asheboro & Aberdeen Railroad; also the editorials, etc., which had appeared in The Times. A letter was read from Editor Simpson in reply to a request for the name of the party who furnished him the information in regard to the Asheboro & Aberdeen Railroad incident. Mr. Manning offered a resolution providing for an investigation to look into such charges, which is as follows:

"Resolution to investigate the charges publicly made, which reflect upon the Conference Committee on the part of the Senate and the House of Representatives on the subject of passenger rate reduction, and which therefore reflect on the Senate and House of Representatives which adopted the report of the committee."

"Whereas, in The Evening Times, a newspaper published in this city of Raleigh, there appeared in the issue of that paper of February 24, 1907, and which was afterwards repeated in a subsequent issue of that paper, serious charges reflecting upon the members of the Conference Committee on the part of the Senate and House of Representatives, having under consideration the passenger rate bills pending before the General Assembly of 1907.

"Whereas, further the dignity of the Senate and House of Representatives should be preserved, and the respect of the people should not be impaired by false charges made by

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