

Weather.

Washington, D. C., Jan. 18—Forecast for North Carolina for tonight and Tuesday: Fair tonight with frost on coast; Tuesday, cloudy.

The Evening Times

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THE TIME OF THE SENATE TAKEN UP BY LOCAL BILLS

What Was Done in the Upper Branch of the Legislature Today

COMMITTEE REPORTS

Senate Met at 12 O'clock, Lieutenant Governor Newland Presiding—Senator Webb Extended the Privileges of the Floor—Engrossed Bills Which Passed the House Saturday Reported—Bill to Appoint Justices of the Peace in Person County Reported Favorably—Many Local Bills That Had Passed the House Laid Before the Senate.

The senate of the North Carolina general assembly was called to order at 12 a. m. today by Lieutenant Governor Newland, who called upon Senator Means, of Concord, to lead in prayer.

It was announced that ex-Senator Webb was in the hall and was extended the privileges of the chamber. The presiding officer then called the committees for reports and the following reports were made: Engrossed bills, certain bills passed Saturday and had been properly engrossed and sent to proper places.

Justices of peace committee reported bill H. B. 106 as favorable, to appoint justices in Person county. The president then laid before the senate a message from the house transmitting measures passing that body as follows:

Incorporating town of Lands; issuing bonds in Moore county; to allow Mooreville to issue bonds; to amend 2021 revisals, and to prevent turkeys and geese running at large in Swain county.

Bills Introduced. 132, by Lockhart: To allow certain physicians to practice without license.

132, by Elliott: To establish a police court in Hickory.

134, by Elliott: To revise school laws of town of Hickory.

135, by Elliott: To prescribe fees for regulation of Building and Loan deeds in Catawba county.

136, by Barringer: To keep bird dogs from running at large in the nesting season of quails.

137, by Starbuck: To expedite trials in certain court cases.

138, by Barham: To provide compensation for holding special courts.

139, by Sherrill: To amend 2482 of revisal as to fishing in certain streams.

140, by Johnson: To amend chapter 396, laws 1907, as to fowls in Currituck county.

141, by Gay: To punish public drunkenness in North Carolina.

142, by Reynolds: As to appropriations for working roads.

143, by Gay: Providing the clerk of Northampton county to be absent from office on certain days.

144, by Sherrill: To promote education in Catawba county.

145, by West: To incorporate Cowee High School in Macon county.

146, by Ray: To place officers of Henderson county on salary basis.

147, by Tillson: To allow the town of Marshall to issue bonds.

148, by Matthews: To regulate speed of autos in Sampson county.

149, by Shaw: To make C. A. Purcell a justice in the county of Robeson.

150, by ... To amend chapter 376, laws of 1905.

The Calendar. Taking up the calendar, the bill to appoint justices in Caldwell, from the house, was, on motion, sent to the committee.

Senate bill 106, to appoint certain justices in Person county, passed second and third readings. The president announced the following additions to committee: Banks and Currency, Loans of Person. To Counties, Cities and Towns, Shaw and Nimocks.

SCARBOROUGH MAY HAVE TO GIVE UP SEAT

Holds Dual Position of Postmaster and Representative From Wake

NOTICE FILED SATURDAY

Surprise Sprung Saturday Evening When Charles D. Wildes Served Notice on E. H. T. Scarborough That He Was Ineligible to His Seat and That the Code Provided a Penalty of \$200 to be Recovered by Suit in Any State Court—Republicans Amused—Scarborough's Statement

Quite a surprise was sprung in the capitol Saturday afternoon when notice was served upon one of the democratic members of the house that he was ineligible to his seat. The representative upon whom the notice was served is E. H. T. Scarborough, who holds the dual position of representative from Wake, and postmaster at Eagle Rock, this county.

Saturday Charles D. Wildes, attorney for Powhattan McK. Mathews, who received the highest vote on the republican ticket for representative, gave Scarborough notice that article 14, section 7, of the Constitution, prohibited any person holding a position of trust or profit under the United States to be elected to the general assembly, and sections 2364 and 2365 of the Revisal, provided a penalty of \$200 to be recovered by suit in any state court. Mr. Wildes formally notified Mr. Scarborough, by letter, that under the Constitution he was ineligible to a seat in the general assembly and that his client would take such action as he deemed best.

The article 14, section 7, of the Constitution, which Mr. Wildes refers to, Mr. Scarborough is also referred to. It reads as follows: "No person shall hold more than one office, or place of trust or profit under the United States, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this state, or be eligible to a seat in either house of the general assembly; Provided, that nothing here contained shall extend to officers in the militia, justices of the peace, commissioners of public charities, or commissioners for special purposes."

The following section of the Revisal of 1905, 2365, lays down the penalty for holding office contrary to the Constitution: "Penalty for holding office contrary to Constitution. If any person shall presume to hold any office, or place of trust or profit, or be elected to a seat in either house of the general assembly, contrary to the seventh section of the fourteenth article of the Constitution of the state, he shall forfeit and pay two hundred dollars to any person who will sue for the same."

The matter became generally known about dark Saturday evening and the republicans are intensely amused over the discovery that the democrats have sent a postmaster to the legislature in violation, as they say, of the plain mandate of the Constitution.

Mr. Scarborough was seen by a Times man today and he stated that the only thing he had to say was what he had said to Mr. Wildes and what he would say when the matter was taken up. That the postoffice at Eagle Rock was not a place of trust or profit and that he only held it as a benefit to the community. If he had been after money he would have sought another job. He did not think that he had violated the Constitution or the laws of North Carolina and would not believe so until it had been definitely decided by the proper authorities.

The outcome of this contest is looked forward to with great interest.

Nothing was done about the matter in the house of representatives today.

TEXAS COURT OIL CASE AFFIRMED

(By Leased Wire to The Times.) Washington, Jan. 15—The supreme court today affirmed the judgment of the Texas courts in the Waters-Pierce Oil Company cases.

The combined oil suit and the \$1,500,000 fine was affirmed as well as the receivership of the company. The opinion of the supreme court was unanimous.

Soldiers Guarding Convicted Tennessee Night Riders.



PREACHERS ACCUSED

Charged With Dickered With Politician

Political Sensation Caused in Pittsburgh by Preacher, Who Accused Four Brother Ministers of Dickered With Manager of One of the Candidates For Mayor.

(By Leased Wire to The Times) Pittsburgh, Pa., Jan. 18—The political sensation of years was sprung here yesterday, when four well known Baptist ministers of the city were accused by a fifth minister, equally well known, of having dickered with the managers of W. A. Magee, candidate for the republican nomination for mayor of Pittsburgh.

The proposition, according to Rev. A. W. Fuller, pastor of the Second Baptist church, was one made to himself and Rev. Messrs. Silmo, Webb, Henderson, and Scott, all in charge of churches, last Wednesday, when they were called into the office of William A. Roberts, a rich business man of Pittsburgh and friend of Magee.

Rev. Dr. Fuller's statement is substantiated by witnesses whom he had placed on the outside of the room and is to the effect that the five ministers boost Magee from the pulpit Sunday and at the same time deliver up a letter which John Steele, another candidate for mayor, had written each minister personally.

For this each of the ministers present was to receive then and there \$100. Dr. Fuller says Rev. Mr. Scott, who had made the arrangements with him and who appeared to be conducting the affair outside of Roberts, assured the financier that all were willing to accept the terms, to quit fighting Magee, etc., but that he, Fuller, balked absolutely and refused to have anything to do with the matter. Dr. Fuller declares that when he left the room, each of the ministers save himself had handed over the Steele letter which was part of the bargain, the inclosure of which was to net each \$100.

The statement of Dr. Fuller as to the conversation in the room between Mr. Roberts and the ministers is substantiated by several persons who overheard it.

The matter promises to develop into a rather unsavory scandal. Mr. Roberts declares that Dr. Fuller is angry with him because he has refused to give him a further advancement on a mortgage which he holds against his house while the other ministers accused declared that they did nothing wrong, that Dr. Fuller, more than anyone else, arranged the meeting in the office of Mr. Roberts.

CALVE'S TOUR NOT CANCELLED

(By Leased Wire to The Times.) Atlanta, Ga., Jan. 18—The Georgian's correspondent at Augusta writes: "There is no truth in the report that Miss Calve is ill at a sanitarium at Savannah or Augusta. She sings tonight in Columbia and arrives in Augusta Tuesday morning. Her manager wires that her reported indisposition was only a slight cold and that she went over to Savannah for a rest of two or three days. She sings here Thursday night. Her southern tour has not been cancelled."

WHAT IS BEING DONE FOR OUR FOREST LANDS

The Government Spent More Than Two Million Dollars Last Year

A Retrospect of the Work of the United States Forest Service for the Fiscal Year 1908 Shows That For Administration and Protection of 182 National Forests in Seventeen States and Territories and Alaska, the Government Spent \$2,520,092.02 For Permanent Improvements.

(By Leased Wire to The Times.) Washington, Jan. 18—A retrospect of the work of the United States Forest Service for the fiscal year 1908, shows that for the administration and protection of the 182 national forests in seventeen states and territories and Alaska, the government spent \$2,520,092.02. Permanent improvements, including the construction of 3,400 miles of trails, 190 miles of wagon roads, 3,200 miles of telephone lines, 550 cabins and barns, 600 miles of pasture and drift fences, 250 bridges, and 40 miles of fire lines cost \$592,169.

The remaining \$297,840.40 of the total of \$3,416,107.61 disbursed on account of work of the forest service was used in forest investigations costing \$235,856.14, and in diffusion of forest information and federal cooperation. Last year the receipts, from sales of timber, grazing fees, and permits for special uses of forest resources amounted to \$1,842,281.87, an increase of \$271,222.43 over the 1907 figures. The amounts paid the states and territories for roads and public schools amounted to \$447,063.79.

There was a total increase of \$294,081.62 on the amounts payable to the states. There were 30,714 permits granted for the free use of timber by settlers, schools and churches, during the year, against 17,399 in 1907.

The grazing receipts for 1908 were \$962,829.40. Receipts from special uses amounted to \$30,425.23. Experimental broadcast sowings were made during the year in twenty-seven forests, in the states of Idaho, Montana, Washington, Oregon, Wyoming, Colorado, Utah and New Mexico. About 700,000 trees were planted last year on forests in the states of Nebraska, Kansas, Colorado, New Mexico, Arizona, Utah, Idaho and California. There are now growing at the planting stations over 2,000,000 trees, which will be ready for planting in 1909.

Prohibition in South Carolina. (By Leased Wire to The Times.) Columbia, S. C., Jan. 16—Prohibition bills are to be presented today in the house and senate. The bills provide for absolute prohibition after July 1 of this year.

ATTACK ON GREAT MEN

Preacher Thinks President Too Reckless

Takes Him to Task For the Way He Has Stamped the Brand of Ananias on the Foreheads of the Nation's Great Men.

(By Leased Wire to The Times) Chicago, Ill., Jan. 18—President Roosevelt was taken severely to task from the pulpit by Rev. Frederick E. Hopkins for stamping the brand of Ananias on the foreheads of the nation's great men. In a sermon before the Pilgrim Congregation church, the minister, who a year ago conducted a spectacular crusade against the sale of liquor to women, turned his attention to the nation's chief executive.

The men whose enforced memberships in the Ananias club most shocks the minister are Senator Foraker, Alton B. Parker, Joseph Pulitzer and Bellamy Storer.

"Nothing is so dangerous now as to be successful," said the clergyman. "Once it was an honor. Now we have it from the highest national authority that fifteen of the greatest men in the land are liars."

"Let us consider who some of these accused men are: "Judge Parker, one of the most eminent, distinguished and respected jurists and statesmen of our times. "Bellamy Storer, formerly one of our most honored and respected diplomatic representatives abroad. "Joseph Pulitzer, re-organizer of the New York World.

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WESTERN TRAIN IN OPEN SWITCH

Blinding Snow Storm

Western Canada in Grip of Severe Storm—Trains Tied Up.

(By Leased Wire to The Times.) Winnipeg, Man., Jan. 18—A blinding snow storm, driven across the prairies and through the woods by a raging wind, has enveloped western Canada in the wildest blizzard the country has experienced in recent years. Train service is at a standstill. Passenger and freight trains are tunnelling their way out through dense snow drifts in Saskatchewan and Alberta, while in Manitoba the short lines are tied up and snow plows are being driven with double power.

Coast express trains have been buried for almost 18 hours in snow drifts near Swift Current, Saskatchewan, and the snow is blowing back on the right-of-way faster than the auxiliary crews can cart it off, checking progress entirely.

SEAWELL GETS THE JUDGESHIP

(By Leased Wire to The Times.) Washington, Jan. 18—President Roosevelt today settled the question of the vacant judgeship of the eastern district of North Carolina, caused by the death of Judge Purnell, by sending the name of Herbert F. Seawell to the senate for confirmation.

THE WIDOW TALKS ABOUT VERDICT IN THE HAINS CASE

Says the Acquittal of Hains is the Shame of New York State

DON'T CONSIDER HER

Mrs. Annis Doesn't Think Much of the Unwritten Law—Thinks It Means That Any Man Can be Justified For Committing a Murder if He Has Plenty of Money—Says Jury Did Not Consider Her and Her Children—Children Were Robbed of Their Protection and Bread Winner.

(By Leased Wire to The Times) New York, Jan. 18—In the first authorized statement she has made since Thornton Jenkins Hains was acquitted of the murder of William E. Annis, Mrs. Annis, the widow of the slain man, today declared that the finding of the jury was the shame of New York.

"Thornton Jenkins Hains has been quoted as saying that the 'unwritten law' acquitted him," said the widow. "What does 'unwritten law' mean? Does it mean that a man can be justified for committing a murder just because he is rich."

"Is there no 'unwritten law' for broken-hearted widows or fatherless children? "Could not some 'unwritten law' have moved the jurors, as they considered the evidence, to think of how an honest business man—the head of a family—was ruthlessly shot down without being given an opportunity to defend himself? Could not an 'unwritten law' have impelled the jurors to have pictured to themselves the grief and the misery of the victim's little children? And if they did not think of this, could they not have at least considered that the children had been robbed of their protector—their bread winner?"

"The verdict given by these twelve men is the shame of New York. I fear there is no justice in men. Certainly the verdict showed that the men were careless of the injury done to my children."

Mrs. Annis said that she was preparing a complete written statement concerning the verdict, and that she would give it out tomorrow.

BLINDING SNOW STORM

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STORM WORST IN YEARS.

New York Suffered Very Much From Effect of the Storm.

(By Leased Wire to The Times.) New York, Jan. 18—The storm of sleet, snow and rain, which covered the city and country with ice, was the worst experience here in years and caused great suffering among the poor. Many persons were injured by falling on the slippery pavements. Five thousand men are at work today clearing the streets.

SEAWELL GETS THE JUDGESHIP

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HOUSE HAS BUSY SESSION WITH A NUMBER OF BILLS

House Met at Noon and Was Led in Prayer By Dr. Tyree

MEMORIALS ARE HEARD

Taylor Introduces Resolution From Citizens of Brunswick in Regard to Personal Property Exemption, Representative From Surry Also Introduces Resolution in Regard to Same Subject—Morton Introduces Bill Relative to the Separation of White and Colored Convicts—Morton Also Introduces Bill For the Better Training of the Colored Youth of the State

The speaker called the house to order at noon. Prayer by Rev. W. C. Tyree, pastor of the First Baptist church, of this city.

Petitions and Memorials. Taylor, from citizens of Brunswick: Relative to real and personal property exemption.

Haymore, by request: From certain citizens of Surry, for repeal of homestead and property exemption laws.

Haymore: Joint resolution to memorialize congress for the establishment of post-roads in North Carolina.

Bills Introduced. Cox, of Wake: Amend chapter 732, Laws of 1907, relative to supreme court marshal.

McCrary: Amend chapter 348, Laws of 1907, relative to hunting on lands of another in Davidson.

Hyde, by request: Amend chapter 89, Laws of 1907, relative to divorce.

Morton: Separate white and colored convicts in state penitentiary and convict camps at sleeping and eating hours.

Morton: For better training of colored youth of state and thereby minimize race prejudice.

McDevitt: To authorize town of Marshall to issue bonds for improvements.

Hanes: Regulate election of board of education for Yadkin.

Harshaw: For relief of W. A. white, ex-Confederate, of Caldwell.

Gaston: Authorize Buncombe to fund its floating indebtedness.

Gaston: Relative to boundary lines of Barnerdsville special school tax district.

Gaston: Change boundary lines of Montreat special school tax district.

Hinsdale: Regulate working of women and children in manufacturing establishments.

McCrary: Appoint justices of the peace for Reedy Creek township, Davidson county.

Latham: Regulate sale of pistols and cartridges.

Rodwell: Incorporate town of Bunn, in Warren county.

Rodwell: Relative to labor of convicts on county farm of Warren.

Buck: Validate certain probates.

Weaver: Incorporate Asheville and East Tennessee Railroad.

McWilliams: Pay W. P. Burroughs balance due on salary as oyster inspector.

Wilson: Protect deer in Henderson, Transylvania, Haywood, and Jackson.

Magette: Amend chapter 622, Laws of 1907, relative to hunting deer in Tyrrell.

Magette: Amend chapter 82, extra session 1908, relative to pound and Dutch nets in Scuppernon river.

Turner: Relief of S. J. Cooper, of Mitchell.

Graham: Regulate trial of capital cases, giving state and defendant each 12 peremptory challenges and state not to stand any at first of panel. Leave of absence granted to Mr. Foy.

Calendar. The following bills passed third reading: Amend section 2798, Revisal, compensation of jurors in McDowell. Authorize commissioners of Caldwell to pay clerk certain fees. S. B. Repeal charter of Spencer Mountain Mills, Gaston county. Fix boundary lines of special school tax district in Sterling township, Robeson. Prohibit killing of squirrels in Pitt from March 1 to October 1. Wayne county added. Regulate hunting in Anson: No killing ordinary game between January 20 and November 20. (Continued on Page Two.)