

Weather.

Washington, D. C., Jan. 26—Forecast for North Carolina for tonight and Wednesday: Fair tonight and Wednesday; cooler tonight.

The Evening Times

SECOND EDITION

ESTABLISHED 1876.

RALEIGH, N. C., TUESDAY, JANUARY 26, 1909.

PRICE 5 CENTS

WORK OF 18TH. DAY'S SESSION IN LOWER HOUSE

Petitions and Memorials Presented and Bills Introduced in the Lower Body

THE HOMESTEAD AGAIN

Rev. Milton Barber Conducts the Religious Exercises This Morning. Under the Call For Petitions Memorials, Etc., Memorial Was Presented By Representative From Rowan From the Firemen's Relief Fund. Also One From Citizens of Spencer As to the Homestead Exemption Law—Reports From Committees and Bills Presented.

The eighteenth day's session of the house of the North Carolina general assembly was called to order at 11 a. m. by Speaker Graham, the religious exercises at the opening being conducted by Dr. M. A. Barber, rector of Christ church, this city.

The journal committee reported the proceedings of yesterday as correctly recorded and the same stood approved.

Under the call for petitions, memorials, and communications, the following were presented and sent to the proper committees: Carleton, from Rowan: A memorial from Spencer firemen as to fireman's fund, and from citizens of Spencer as to repeal of homestead law; and Mr. Butler, a petition from School District No. 1, of Columbus county, asking repeal of school tax law.

By Mr. Kitchen: A petition from Halifax citizens as to protection of game.

The various committee reports came in as follows:

To pay the expenses of inaugural committee; to repeal certain laws as to Cherokee; to repeal chapter 1506, Laws of 1905, favorably; to raise revenue for schools, unfavorably; to put University of North Carolina in line for Carnegie fund, favorably; to amend charters of Rose Hill, Burlington, and Greenville, favorably; to appoint board of public improvement for Marshall, favorably; for relief of tax-collector of Lincoln county, favorably; to repeal chapter 487, Laws of 1907, as to Transylvania county, favorably; to make a highway commission for Cherokee, favorably; to consolidate road law of Buncombe county, favorably; to amend law as to road overseers, favorably; as to autos in Edgecombe and Nash, favorably; to incorporate Pee Dee Valley Railroad, favorably; for a bridge tax for Rutherford, favorably; to amend the charter of Hendersonville, favorably; to charter towns of Ruple and Vaughan, favorably; to locate hospitals in Greensboro, unfavorably; to confer police power on deputy sheriffs at Kannapolis, favorably; to make side-walk in Hendersonville, favorably.

The bill to put solicitors on salary of \$2,700 per year was read, as special order, and Mr. Roscoe sent forward an amendment to strike out \$2,750 and insert \$2,500. Mr. Koonce rose to say he introduced the bill and that a similar bill had been defeated at several other sessions, and that most solicitors made more than \$2,700 and the saving would be to the county in saving time to grand jury, and that the solicitor had to draw the bill, and the saving came in saving witness fees as well. He did not know if they were worth that much, but as they held off from civil law they were entitled to pay. Let's try it and see how it works. It has failed heretofore for want of agreement as to price. Mr. Koonce thought it ought to be tried.

Underwood sent forward an amendment providing for election as judges, but chair (Mr. Morton) went back for reshaping. Mr. Turlington thought Mr. Koonce's law faulty in that there were inconsistencies as to fees in it. Mr. Koonce said it had gone through the committees, and none had turned it down. Pitt asked for re-reading of bill. It was read.

Mr. Wooten took issue with the original bill and advocated the Roscoe amendment, and said there were only four solicitors in the state who received \$2,750, some as low as \$2,000, as at present. Said he, while it hurt some solicitors it would hurt the state more. Mr. Stubbs said it

New Home Planned For N.Y. Elks



might be important to know why the bill came in the shape it did, and the only reason is this: The committee would not agree to put them on salary unless the fees paid the bill. Two years ago we wrote to them and the average was over \$2,500. Mr. Lee interrupted to ask if there would be as many fees collected if on salary. Mr. Stubbs thought there would be less, and the reason was the committee did not want to go in the state treasury.

Mr. Harshaw said this was interesting, as it dealt with dollars and cents. He thought that there would be quite a difference in fees under salary as compared with now. He thought \$2,000 all they would collect on a salary. Mr. Harshaw had a solicitor and said he had sent 20 bills against one man for retainer, and all this would not be so under salary, and he expected one state. He thought the solicitor's office a good place to bring out a young lawyer, as he was knocked about so badly, and he thought a man would work less on a salary—the difference being in knowing what was coming and having to hustle to get all he could. He opposed a salary and if any not over \$2,000.

Mr. Underwood said the argument of Mr. Harshaw showed the fee system ought to be abolished. An amendment by Mr. Gordon to make \$2,250. Mr. Koonce asked Mr. Harshaw if he did not think it a saving to each individual county. Mr. Harshaw said it might, but he thought it better to let criminals pay.

Mr. Grant sent forward an amendment to make it \$2,000. Mr. Haymore said the bill ought not to pass, as it went into the treasury, when it was taxed already. He thought the solicitor should be put on his own hook to get his living.

Mr. Turlington said we were entering a new era in North Carolina, and that the recorder courts to be established would cut off the fees of solicitors, and he thought this the wrong time to fix salaries. Mr. Turlington thought some solicitors got not over \$1,250 and others would, when the courts of recorders were established. He opposed it for many reasons. Albritton sent forward an amendment to make salary \$1,250 and \$50 for each week of court and no amount to exceed \$2,750. Mr. Murphy said the fees should continue as to magistrates, who never worked, but the state office of solicitor ought to be on a salary. Nothing said here in evidence in court, and he had not heard of one getting as low as \$1,000. He cared not what the salary was, but it ought to be taken off the present basis, and allow him to protect the weak as well as fight the strong. He appealed to the house to put them on a straight salary. Mr. Turlington interrupted to read a letter from a solicitor saying \$2,500 a reasonable salary. Mr. Murphy still contended for the bill, citing cases where the fees held up even after recorders were elected. The question was, he said, to get clear of the old fee system. Mr. Turner interrupted to ask if the law would be as heartily enforced under the salary. Murphy said yes, and was cheered. Mr. Koonce asked if he did not suspend judgment in cases where they accumulated on a single person? Mr. Murphy said yes, and the solicitor's fee system multiplied such. Mr. Turlington asked a question on the same

line, saying we did not have such under the present way. Mr. Harshaw asked if the criminals or the state ought to pay? Mr. Murphy thought the state should pay for fairness, if nothing else. Mr. Hindsaid said he favored the bill. That the sixth paid \$4,500, and he favored putting all on \$2,700.

Mr. Bowie spoke of the bill as one not to be settled on dollars and cents basis. He spoke eloquently for a high salary so as to get the best men possible. Mr. Graham said the introduction of so many bills argued that the people want a change, and that they are not satisfied with the justices, recorder, or superior courts as now conducted. That the process is too slow. But he was one who did not want an enlarged judiciary, put an increase in the power of justices and recorders, especially as to carrying concealed weapons, and thus reduce the number of cases. He said some relief was demanded, and recorders' courts seemed the way. The lines of districts needs to be changed, he said, so as to equalize. Some think the salary system is better for several reasons, but he did not think a multiplication of cases should be made. But as to delay, there must be some change and he favored this bill, and he wanted the state re-districted so as to equalize the work. He favored the salary of \$2,500, and the idea also of making the criminals pay it into the state. He how'd it would pass as amended. Mr. Murphy said the criminals are innocent, and the people pay now. Mr. Pool said he wanted to abolish the fee system, it was wrong in principle, but he wanted it made \$2,250, or \$2,500. Let's get together, said he, and pass a bill fixing the salaries. Get together on some common ground. Mr. Privott was glad the house seemed to be against the fee system. He referred to judge's salaries of \$3,250, and thought \$2,250 a reasonable salary. Mr. Underwood said Mr. Privott made \$2,500. Mr. McNary said he had heard from everywhere by the governor and district judge that if prohibition carried we would need no judges or solicitors, and he thought this no time to change. Mr. Turlington spoke of the deficit in the treasury and if shown where the money was to come from he would vote for judges to have \$5,000 and solicitors \$2,750. Mr. Barnes, of Hertford, said he favored the bill if the state was re-districted, but as now constituted he opposed it, and thought we ought to get together and fix it. He moved to postpone and re-district the state so as to equalize and put on salary. Cox, of Pitt, seconded the motion, and the chair said two-thirds was necessary if indefinite. Mr. Brown amended by making it one week from today. Several suggestions were made and the 9th of February. Mr. Stubbs asked if it was in favor of new district. The answer was indefinite. Mr. Stubbs wanted it voted on as the salaries must be fixed first, and a postponement meant the death of the bill.

Mr. Roscoe wanted it settled now others had had all the say. His amendment of \$2,500 was, he thought, ideal, and he hoped the order for February. The motion was lost, and the amendment of \$1,200 and \$50 per week, and \$30 if less than one week. Lost. The \$2,000 amendment by Grant was taken up, and he demanded the ayes and noes and the roll-call proceeded, and the amendment was lost by a vote of 31 to 66. The amendment by Gordon to

line, saying we did not have such under the present way. Mr. Harshaw asked if the criminals or the state ought to pay? Mr. Murphy thought the state should pay for fairness, if nothing else. Mr. Hindsaid said he favored the bill. That the sixth paid \$4,500, and he favored putting all on \$2,700.

Mr. Underwood said the argument of Mr. Harshaw showed the fee system ought to be abolished. An amendment by Mr. Gordon to make \$2,250. Mr. Koonce asked Mr. Harshaw if he did not think it a saving to each individual county. Mr. Harshaw said it might, but he thought it better to let criminals pay.

Mr. Grant sent forward an amendment to make it \$2,000. Mr. Haymore said the bill ought not to pass, as it went into the treasury, when it was taxed already. He thought the solicitor should be put on his own hook to get his living.

Mr. Turlington said we were entering a new era in North Carolina, and that the recorder courts to be established would cut off the fees of solicitors, and he thought this the wrong time to fix salaries. Mr. Turlington thought some solicitors got not over \$1,250 and others would, when the courts of recorders were established. He opposed it for many reasons. Albritton sent forward an amendment to make salary \$1,250 and \$50 for each week of court and no amount to exceed \$2,750. Mr. Murphy said the fees should continue as to magistrates, who never worked, but the state office of solicitor ought to be on a salary. Nothing said here in evidence in court, and he had not heard of one getting as low as \$1,000. He cared not what the salary was, but it ought to be taken off the present basis, and allow him to protect the weak as well as fight the strong. He appealed to the house to put them on a straight salary. Mr. Turlington interrupted to read a letter from a solicitor saying \$2,500 a reasonable salary. Mr. Murphy still contended for the bill, citing cases where the fees held up even after recorders were elected. The question was, he said, to get clear of the old fee system. Mr. Turner interrupted to ask if the law would be as heartily enforced under the salary. Murphy said yes, and was cheered. Mr. Koonce asked if he did not suspend judgment in cases where they accumulated on a single person? Mr. Murphy said yes, and the solicitor's fee system multiplied such. Mr. Turlington asked a question on the same

line, saying we did not have such under the present way. Mr. Harshaw asked if the criminals or the state ought to pay? Mr. Murphy thought the state should pay for fairness, if nothing else. Mr. Hindsaid said he favored the bill. That the sixth paid \$4,500, and he favored putting all on \$2,700.

PRIMARY BILL INTRODUCED BY DOCKERY TODAY

Message From the Governor Transmitting Insurance Commissioner Young's Report

A GREAT MANY BILLS

Senator Reynolds Introduces Bill Relating to Tobacco Warehouse Charges—Senator Dockery Introduces the Bill Relating to the Legalized Primary—Senator Klutz Has Bill Relating to the Mailing Out of Public Documents by State Officials—Report of the Insurance Commissioner Transmitted by the Governor.

The senate was called to order by President Newland. Senator Ormond led in prayer. The journal committee reported no corrections to be made in the journal.

New Bills Today.

New bills were introduced as follows:

S. B. 274, Senator Reynolds. An act relating to regulating tobacco warehouse charges. Propositions and Grievances.

S. B. 275, Senator Manning (by request): An act to protect real estate owners in rural high school districts. Committee on Education.

S. B. 276, Senator Basset: An act to change the corporate limits of Tarboro and redistrict the town. Committee on Counties, Cities and Towns.

S. B. 279, Senator Clark: An act relating to the fees of certain officers in Bladen county. Committee on Salaries and Fees.

S. B. 280, Senator Dockery: An act relating to the appointment of justices of the peace in Guilford county. Committee on Justice of the Peace.

S. B. 282, Senator Dockery (by request): An act to require all railroad companies to equip their engines with electric headlights. Committee on Propositions and Grievances.

S. B. 283, Senator Scott (by request): An act to amend section 1652 of the revised. Committee on Judiciary.

S. B. 284, Senator Nimocks: An act to allow county boards of commissioners to increase the pensions of Confederate soldiers by levying a tax. Committee on Pensions.

S. B. 285, Senator Klutz: An act relating to the mailing out of public documents by state officials. Committee on Propositions and Grievances.

S. B. 286, Senator Hankins: An act relating to the Firemen's Relief Fund. Committee on Insurance.

S. B. 287, Senator Dockery: An act to permit the commissioners of Richmond county to donate land for a Confederate monument. Committee on Counties, Cities and Towns.

Message From the House.

A message from the house was received transmitting a number of bills which were duly referred to the proper committees.

Bills Ratified.

Senator Hawes, of the committee on enrolled bills, reported several bills properly enrolled, and the bills were duly ratified by the president and sent to the secretary of state.

Message From Governor.

Messenger from the governor appeared, bringing the governor's message transmitting the report of the insurance commissioner for 1908, the governor's message and Commissioner Young's letter transmitting his report was read to the senate.

Bills on Their Passage.

Bills were reported from committees, put upon their passage and disposed of as follows:

A bill relating to the establishment of a school district in Tolson township in Wilson county. Passed second reading.

S. B. 191. A bill to authorize board of education of Wake county to borrow money. Passed second reading.



Mrs. A. B. Gates, formerly Miss Hemenway, daughter of the Senator from Indiana, whose recent marriage in Washington caused the Senate to adjourn.

of grouse and quail for two years. This bill was made a special order for today. A substitute was offered by Senator Long, providing that every man who killed a quail be required to pay twenty-five cents for each and every bird. Substitute was lost. Senator Basset opposed the measure on the ground that it was legislation in favor of a class of the people.

Senator Empe, who introduced the bill, spoke earnestly in favor of the bill, showing that there was absolute necessity for some legislation for the protection of quail and grouse, and that the measure proposed was the best law possible under the circumstances.

Senator Manning, Senator Manning said that he had taken pains to find out how the people of Durham stood on this bill and he found that it met their approval. He recognized in it no class legislation, but a simple right of the commonwealth to protect its own. Senator Godwin, of Gates, opposed the bill. He went for Senator Empe with gloves off using the senator's own admission that he had killed 500 quail a year against him, declaring that the sportsman was the man who should be restrained from killing birds.

Senator Empe spoke in favor of the bill, declaring that there was a big destruction between the commercial hunter and the sportsman and that his people wanted the law.

Senator Britt opposed the bill on the same ground as taken by the other opponents of the measure.

Senator Barringer favored the bill. Amendments Suggested.

Senator Burton offered an amendment prohibiting any person from killing more than fifty birds in a year. Senator Ormond offered one requiring "mighty hunters" as Senator Travis said he was, to divide with their non-hunting neighbors.

Senator Godwin moved that a provision be incorporated in the law prohibiting any sparrow-hawk from killing a bird on the penalty of ten years imprisonment in the state prison for each offense. (Laughter.) Senator Means spoke briefly in favor of the bill. Senator Pharr spoke in favor of preventing the killing of birds for two years, an amendment offered by Senator Godwin. Senator Hankins opposed this amendment as hostile to the interests of the Audubon Society. Senator Ormond offered an amendment prohibiting the shipping of birds from the state and spoke against allowing foreign hunters so many privileges.

Senator Elliott called for the previous question. Lost by a vote of 19 to 21. Senator Nimocks moved that the question be made a special order for 12 o'clock tomorrow and that the senate adjourn to meet at 11 o'clock tomorrow morning. Motion carried and the senate adjourned.

PHILLIES AT SOUTHERN PINES.

Will Leave Philadelphia on March 12 and Stay South Three Weeks.

Philadelphia, Pa., Jan. 26—The Phillies will do their spring training at Southern Pines, N. C. They will leave Philadelphia on March 21, and will stay south three weeks, when they will begin the homeward trip, playing a few exhibition games with the University of North Carolina, Raleigh and Charlotte.

MUCH INTEREST BEING AROUSED

Work of the Special Committee Watched With Great Interest

STATE OFFICIALS TALK

The Somewhat Sensational Report of the Legislative Examining Committee the Subject of Much Talk Pro and Con—The Special Committee Met Yesterday in Executive Session to Consider the Report—State Officials on Hand to Present Their Side of the Case—Dr. Dixon Prepares Statement.

Much talk has been caused by the somewhat sensational report of the legislative examining committee presented to the house of representatives Saturday. A committee was appointed to look into the report aforesaid and examine the charges contained in it.

The committee met yesterday afternoon at 4 o'clock in the speaker's room of the house of representatives. The committee was in executive session and what took place behind the doors is largely a matter of conjecture. It is understood that the state officials accused in the auditing committee's report were on hand at the meeting and presented their side of the matter. Insurance Commissioner Young, State Superintendent J. Y. Joyner, and Auditor B. F. Dixon were present, and called attention to inaccuracies in the auditing committee's report.

Dr. Dixon said to a Times' man late yesterday evening that he had prepared a statement in answer to the committee's reflection on the conduct of his office, but that the statement was not for publication until after it had been considered by the committee. This statement was probably presented to the committee at its session yesterday evening.

Young is confident that a close examination of his department will show not the slightest discrepancy in his books for the employed \$100,000 bookkeeper. The biggest fault found by the committee was that he did not keep a set of double entry books. A man capable of handling a complicated bookkeeping system cannot be hired for \$750 per year.

Mr. Joyner's reply to the reflections cast upon his office was published in these columns yesterday afternoon and is clear, cogent and convincing.

In some quarters, however, there is a feeling akin to panic. The report of the auditing committee was like a bolt from a clear sky. No one suspected that there was even the slightest irregularity in any of the state offices. One and all the state officials were held to be not only innocent but above suspicion. The democrats of the state felt that their best men were placed at the helm and this attack on them is staggering, coming as it does at a time when the enemy has shown increased energy and strength all along the line.

It seems to be a general feeling among the best democrats in this city that the party has made one of the very worst of "bonehead plays."

Said a prominent Raleigh democrat yesterday:

"The democratic party is living up to her emblem all right. She certainly has the right figure at her masthead. She deserves the appellation of the jackass party. It was foolish to allow this auditing committee, a committee composed of men who don't know a thing about bookkeeping, besmirch the character of good men through their own vast ignorance of bookkeeping and office methods. A close examination will reveal the mistakes that the auditing committee has made, but it will take a long time to right the impression that their ill-advised report has created."

The special investigating committee held a six hour session yesterday evening and last night, adjourning at 11 o'clock. It meets again this afternoon at 4 o'clock. The outcome of its labors is awaited with interest.

Service Medals Stolen.

(By Leased Wire to The Times) Washington, Jan. 26—Several service medals, in a glass case in the war department, were stolen last evening by someone who gained entrance to the building. The medals are invaluable, because they cannot be reproduced. They were given to war heroes and have been on exhibition for many years.

GAS EXPLOSION TRAPS NUMBER IN COAL MINE

Inspecting Party Is Caught While Seeking Trouble and Escape Cut Off

TWO KNOWN TO BE DEAD

Small Explosion Occurred in the Mine Yesterday Afternoon and Party Was Made Up to Seek the Cause of the Trouble Soon After They Entered More Explosions Came and Escape Was Cut Off by Falling Slate and Timber—Rescue Party Works Heroically But It Believed They Will be Too Late.

(By Leased Wire to The Times.)

Johnstown, Pa., Jan. 26—As the result of a double gas explosion at the Boswell mine of the United Coal Company last evening 22 miners are supposed to have met death. They were members of an investigating party that had entered to make an inspection.

The known dead are: Superintendent J. A. Logan and Andy Stochel. Among the supposed dead are Assistant Superintendent Morris, John Cole, William Hay.

Seventeen other men. Until after midnight signals were heard from the imprisoned miners. After that, however, they ceased. It is supposed they have fallen under the influence of the after damp.

About 4:30 o'clock yesterday afternoon a small explosion occurred in the mine and as a result of this and other conditions that needed attention it was decided to make a thorough inspection of the underground workings and entries. This work was in charge of Superintendent Logan.

The party entered shortly after five o'clock and while they were in the mine a second and worse explosion occurred. This was followed by the second and third explosions, which had the effect of tearing down great quantities of the slate, rock and coal in the interior, completely preventing the men from reaching the outside. State received a letter from Somerset, and explosions and is now on scene directing the work of rescue.

From the experienced miners of the night shift who had been prevented from going to work as a result of the first explosion rescue crews were formed and in spite of the large quantity of after damp that was manifest in the mine, they worked heroically in an effort to rescue their comrades, encouraged by the signal tappings coming from that portion of the mine where they were imprisoned.

At 5 o'clock this morning the body of the superintendent was recovered. He had succumbed to black damp. Shortly after the finding of his body five of the rescue party were overcome by the after damp and they were carried to the outside. Physicians attended them and in a short time they were revived.

THREW EGGS AT CARRIE.

Mrs. Nation Gets a Warm Reception at Some of Her London Appearances.

(By Cable to The Times) London, Jan. 26—Whack! Whack! Whack! went several eggs, one of which hit Carrie Nation on the cheek. Down came the curtain and in a few seconds Mrs. Nation's first appearance at the Canterbury Music Hall was over.

Before that she had appeared at the Paragon Music Hall, where the east-end audience gave her more time, apparently, in order to listen to their own, and not her remarks.

"Is it time now?" she asked, leaning over the footlights to make herself heard above the din.

"Yes," cried two camera-holders. Whereupon Mrs. Nation lifted up one arm. Flash went the magnesium. "Get off" yelled the audience, and down came the curtain.

TWO MORE JURORS IN COOPER CASE

(By Cable to The Times) Criminal Court Room, Nashville, Tenn., Jan. 26—Two more jurors, making nine in all, were secured this morning. One of them, S. N. Hyde, is a farmer. The other one is H. P. Jackson, a blacksmith, living beyond West Nashville. Hyde is 48 years old and has a wife and three children.