

Weather.

Washington, D. C., Feb. 18.—Forecast for North Carolina for tonight and Friday: Warmer and partly cloudy tonight, with rain in west.

The Evening Times

SECOND EDITION

ESTABLISHED 1876.

RALEIGH, N. C., THURSDAY, FEBRUARY 18, 1909.

PRICE 5 CENTS

ORATORY FLOWS UNCHECKED IN THE HOUSE TODAY

Say "Fish" and You Set Them All to Talking Briskly

WANTED TO ADJOURN

Thirty-Eighth Day's Session of the House Met at 10:30 O'clock.—Service Conducted by Rev. Hight C. Moore.—Many New Bills Introduced and Calendar Bills Acted Upon.—The Unfinished Business of Yesterday Comes and Provokes an Extended and Very General Discussion.—Talk of Adjournment to Consider the Matter.

The thirty-eighth day of the North Carolina General Assembly, House of Representatives was called to order at 10:30 this morning by Speaker Graham, and the morning devotions were conducted by Rev. Hight C. Moore, editor of The Biblical Recorder.

The Journal of Wednesday's sessions were reported as correctly recorded.

On the call for petitions memorials and communications the following were sent to the clerk's desk and read:

By Mr. Koonce: Petition asking appointment of W. A. Eubanks a justice in Onslow county.

The call of the committees brought forth the usual pile of bills reported favorably and unfavorably. The bill for giving free books to indigent children was reported unfavorably, as well as was the bill to establish a reformatory for the colored youth. Leave of absence was granted McLaughlin.

Bills Introduced.
By Latham: To allow counties having no newspaper to adopt one.

By Cox, of Wake (three): To allow Raleigh to lease the auditorium. To equalize the assessment of property. To erect State public buildings in Raleigh and to issue bonds for same.

By Julian by request: To appropriate \$500 to mark birth place of Andrew Jackson.

By Floyd: To amend the law as to probates and fees in Franklin.

By Morgan: To adopt "Carolina" as the State song.

By Braswell: To confer criminal jurisdiction on March term of Nash court.

By Braswell: To amend law as to court stenographer for Nash and Wilson counties.

By Smith, of Durham: To place W. J. Boon and W. W. Farrell on pension roll.

By Myatt: To extend the corporate limits of Benson.

By Myatt by request: To protect stock in vicinity of Princeton.

By Lee: To provide for parole evidence as to streets.

By Berry, of Bladen: To relieve sufferers from flood in Bladen.

By Lovelace: To allow Cleveland county to issue road bonds.

By Crawford: To amend the law as to the Hiwassee railroad. To allow Clay to issue bonds for said railroad.

By Hayes, of Chatham: To place Mary F. Perry on pension roll. To amend law as to classification of publication of legislative proceedings. To prevent trapping and netting quail in Chatham.

By Gordon: To prohibit sale of cigarettes in two miles of Guilford College.

By Barnes, of Johnston: To allow Selma to issue bonds.

By Williams, of Dare: To provide for regulating the oyster industry.

By Hageman: To aid Watauga railroad in connecting with the Carolina and Northern.

By Sigman: To protect rainbow trout in Western North Carolina.

By Pickett: To incorporate Alamance Battle Ground Association.

By Gaston: As to division of Asheville school funds.

By Cox, of Anson: To better the schools of Anson.

By Campbell: To amend the law as to election of county boards of education.

By Graham: To amend law as to elections in Stovall. To amend the law as to hunting in Granville. To provide for transfer of one Martin from fourth to second class pension list. To amend the law as to tax

(Continued on Page Five.)

AVERY COUNTY BILL FAVORABLY REPORTED TODAY

Senate Committee Favors New County of Avery But Is Re-referred

OTHER MATTERS HEARD

The Senate Met This Morning At 10:30 O'clock, Senator Ormond Conducting the Prayer Service.—Committee Reports Substitute Bill For the Original Avery County Bill But There Are Few Changes Made.—On Objection the Bill Was Re-referred and Will Come Up As a Special Order Saturday at Noon.

The committee on counties, cities and towns this morning reported favorably a bill to create the new county of Avery, out of a part of Mitchell county. The original bill providing for this county was reported unfavorably, but the committee substitute is practically the same. The bill provides that Mitchell county officers shall retain jurisdiction until the new county is fully organized. The governor is authorized to appoint in due time a board of county commissioners, who will serve until their successors can be elected. The bill provides that the county seat shall be at Linville. Senator Doughton offered the report of the committee.

Senator Britt asked that the matter be referred to the committee that certain citizens of Mitchell may be heard. Senators Doughton, Emile and Barringer opposed a re-reference. Senators Starbuck and Bassett asked for delay. On motion of Senator Bassett the bill was re-referred to the committee on counties, cities and towns and made a special order for Saturday at 12 o'clock.

The senate was called to order at 10:30 this morning by Lieutenant Governor W. G. Newlands. Senator Ormond led in prayer. The journal was reported to be correct and standing committees reported a number of bills.

New Bills Today.
New bills were introduced as follows:

S. B. 952. Senator Doughton. An act to prevent the sale and distribution of impure and improper agricultural seeds. Agriculture.

S. B. 953. Senator Elliott. To place every ex-Confederate soldier on the pension list. Pensions.

S. B. 955. Senator Barham. To allow the Whiteville Lumber Company to build a railroad. Corporations.

S. B. 956. Senator Love. To amend charter of Bessemer City. Counties, Cities and Towns.

S. B. 957. Senator Love. To secure better drainage of Hayes Creek. Agriculture.

S. B. 958. Senator Burton. To amend law relating to fishing in Onslow county. Fish and Fisheries.

S. B. 959. Senator Dawes. To regulate the appointment of receivers. Judiciary.

S. B. 960. Senator Love. To allow Gastonia to condemn land for cemetery. Propositions and Grievances.

S. B. 961. Senator Love. To extend corporate limits of Gastonia. Counties, Cities and Towns.

S. B. 962. Senator Long, of Person. To confer police power on deputy sheriffs at Longhurst. Judiciary.

Passed Third Reading.
The following bills passed their final readings:

S. B. To amend charter of Bryson City.

S. B. To amend charter of Rowland.

S. B. To incorporate Bostic, Ruthford county.

H. B. To incorporate Waltha, Pender county.

H. B. To supplement Smithville township good roads fund.

H. B. To amend graded school law of Hendersonville.

H. B. To amend charter of Black Mountain, Brunsck county.

H. B. To amend Transylvania road law.

S. B. To incorporate Stantonburg, Wilson county.

S. B. To fix per diem of Mitchell county commissioners.

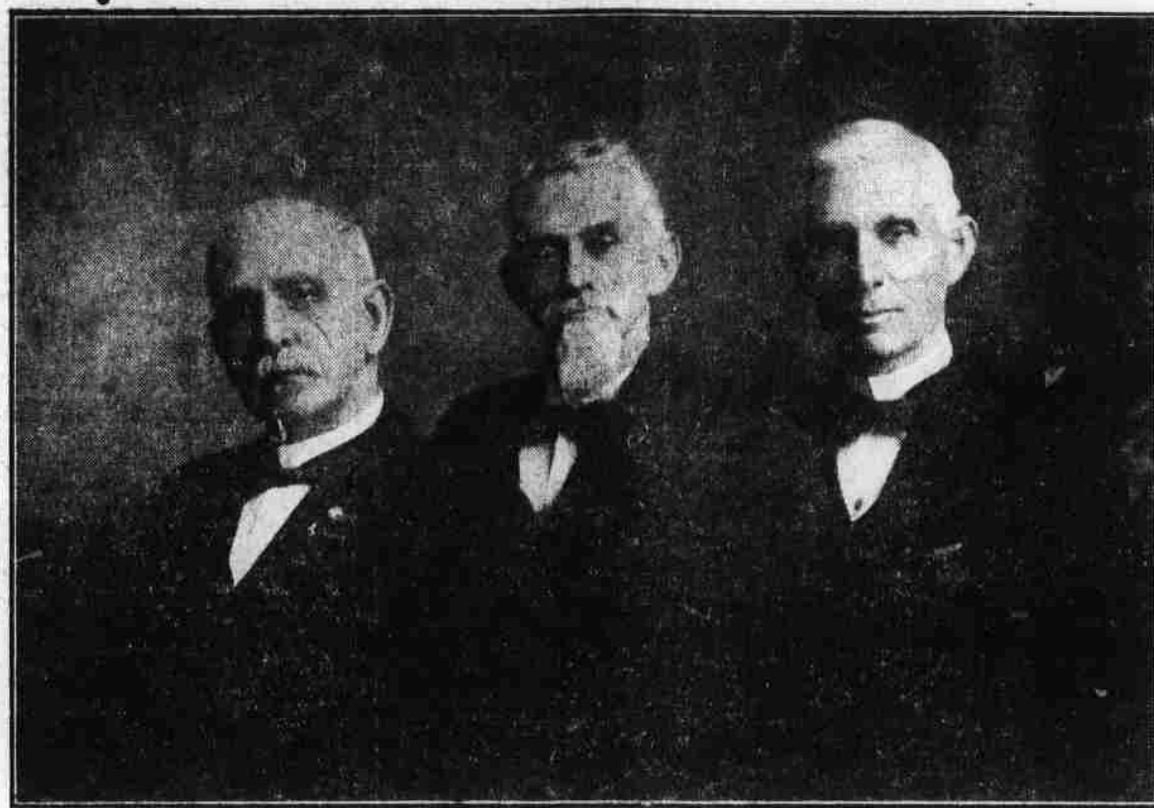
H. B. To amend law relating to holding courts in Onslow.

H. B. To amend law relative to licensing physicians.

H. B. To incorporate the United Sons of Hyde Lodge No. 1.

(Continued on Page Two.)

Three Surviving Heroes of Big Bethel.



Messrs. R. H. Bradley, John H. Thorpe and R. H. Ricks, the surviving comrades of Henry L. Wyatt, Mr. Bradley is the Marshal of the Supreme Court, which position he has held for thirty years. Mr. Ricks is a prominent farmer of Nash county, and Mr. Thorpe is eminent in the business life of Rocky Mount.

THE SIX HEROES OF BIG BETHEL

Henry L. Wyatt's Surviving Comrades Want Monument Erected in His Memory

ONLY THREE NOW LIVING

John H. Thorpe, R. H. Bradley and R. H. Ricks heartily favor the Appropriation for the Erection of a Suitable Monument in Honor of the Memory of their Fallen Comrade, Henry L. Wyatt—Bill Now Pending in Legislature—Thorpe Describes Wyatt's Death.

At the battle of Big Bethel, on June 10th, 1861, Col. D. H. Hill called for volunteers to burn a house, which afforded protection to Federal sharpshooters. Six gallant far-heelers, who in the glory of their young manhood days, in the pride of their strength, were built like the strong oak that fixes its roots deep in the earth, like the tall cedar that lifts its head far above the trees of the forest—men who feared no danger and felt no hardships—responded promptly to the call, willing to give their life in the service of their country. One of this sextette of heroes fell midway, pierced in the forehead by a musket ball. Henry L. Wyatt is the name of this brave soldier and devoted patriot.

Of his five surviving companions, who were daunted at no obstacle, who faced death at the cannon mouth upon many battle fields, two have been borne to the open grave and their mortal remains gone down to the tongueless silence of the dreamless dust, from whence they came, with the solemn saying, "earth to earth, ashes to ashes, dust to dust." Only three are now awaiting the coming of that incessant traveler, who, with scythe in hand and silent tread, goes on harvesting from life into eternity, these broken images of the glory of our lost cause. These remaining comrades of Henry L. Wyatt, are R. H. Bradley, of Raleigh, and John H. Thorpe and R. H. Ricks, both of Rocky Mount. Their pictures will be seen elsewhere in this issue. With one accord have they given their hearty support to the movement now on foot to erect a suitable monument in honor of the memory of their fallen brother.

The state is only asked to appropriate \$2,500 to this worthy cause, which, if carried out, will not only perpetuate the memory of the first to yield his life upon the field of battle in defense of the Southern Confederacy, but will afford a great convenience to the tired and thirsty wayfarers.

A bill providing that the sum of two thousand five hundred dollars be appropriated to aid in the erection of a monument to Henry L. Wyatt, in Capitol Square, Raleigh, North Carolina, to be available when a like amount shall be raised for such purpose by private subscription or otherwise, has been introduced in the general assembly, and upon which there has been no report made as yet. This bill has met with general approval throughout North Carolina and it should be passed without the slightest hesitation.

It will be of interest to know that in scrambling over the breastworks a few moments before his death, Wyatt was just between Messrs. Thorpe and

(Continued on Page Three.)

MR. DOWELL REPLIES

Article By "Citizen" Brings Forth Reply

THE CONFERENCE AT NEGRO SCHOOL

Says Raleigh Can Get Same Light As Durham For \$23—Durham Pays \$23—Writes From Impartial View and as Official of the City.

To the Editor of The Times: In justice to myself I desire to deny the truth of the statement that I attempted to array the people of Raleigh against the Street Car and Lighting Company. This charge is without foundation and is made by one (Citizen) who does not sign his name.

I note the first paragraph of the "Citizen's" reply: "I have read with interest the article signed by Horace R. Dowell on the subject of gas illumination," etc.

If the "Citizen" in question had not read the article with interest would he be faithful to the interests he represents? When an issue is adopted by the board of aldermen which is not in the strictest accordance with one man's personal interests, then I think this certain one man should state his remarks over his personal signature as I did, and not disguise himself as a solely disinterested "Citizen" and one having absolutely nothing but the city's interests in mind.

As the question was publicly asked I desire to answer in the same manner and to say to Mr. Carr that I am conversant with the city's lighting contract and when I say they refused flatly the order for 15 lights I mean exactly what I say.

This order was given them with the provision that a part of these lights were to be installed on Goose neck poles, said poles to be purchased at the company's expense.

Under our contract we could not force them into an acceptance of this order and if Mr. Carr knows the contract he can not deny this fact.

I do not care, neither do I intend to enter into a mud-slinging controversy, but when Mr. Carr, considering his connection with the Electric Company, takes it upon himself to criticize the action of the Board of Aldermen, then I would suggest that he sign his printed articles in order that the real citizens may understand the continuance of the discussion and know that it is not our actions, but one who is directly connected and whose personal interests are on the other side.

It is true that Durham only pays \$25.00 per year for the gas light, but I understand this is only 125 candle power. If this be true, then our city can get the same light—125 candle power for \$23.00 per year.

There is no Chinese wall around the city of Raleigh and as an evidence of this we could not do better than to advertise the city's courtesy and willing assistance given the electric people encouraging the car line extension.

We have cheerfully withheld every hardship from them.

I could not, neither would I attempt to debate electric lighting with the Electric Company, but I reserve the right of claiming to know the wishes of the good people of Raleigh from an impartial standpoint and the action of the Board was in accordance.

HORACE R. DOWELL.
Raleigh, N. C., Feb. 19, 1909.

THE CONFERENCE AT NEGRO SCHOOL

Second Day's Session of the Conference at Tuskegee Normal Institute

HEALTH CONDITIONS

Special Subject For Discussion Today Was the General Health Condition of Negroes in the Southern States, Physicians, Ministers, Teachers and Laymen in the Small Towns Surrounding Tuskegee Were Invited to Hear Lectures and See the Exhibits—Other Questions Discussed.

(By Leased Wire to The Times.)

Tuskegee Institute, Ala., Feb. 18.—Representatives of more than 300 schools and colleges in different parts of the south attended the second day's session in the Tuskegee negro conference. The meeting today, known as the "Workers' Conference," is a sequel of the meeting yesterday which was attended by negro farmers from the country districts and from many parts of the south.

The special subject of discussion today was the general health condition of negroes in the southern states. On December 11 last a tuberculosis congress, under the direction of the national tuberculosis association, was held for one week at Tuskegee Institute. Physicians, teachers, ministers and laymen in the small towns surrounding Tuskegee were invited to hear the lectures and to see the exhibits.

The subject of important interest at the meeting was the report of Professor Monroe N. Work, who has been making a study of the work and influence of the Tuskegee Institute among the rural communities within radius of twenty or thirty miles around the school.

During the past three years in 33 school districts new school houses have been erected and the people raised for school purposes, \$3,375.12. Other persons described the "Mothers' Meeting," the demonstration farming work, the work of the farmers' newspaper, The Messenger, which is used to a certain extent in the rural schools as a supplementary reader. Particularly interesting was the description of the model school which has started a few miles from the institute. The school is at present in the experimental stage. The intention is to make it a rural home.

All this work is to be carried on under the general oversight and direction of the people at the Tuskegee Institute. It is hoped to demonstrate that it is cheaper and easier and in every way more profitable to carry on the school work in connection with the household duties and with agricultural work than it is to carry on the work of a school in the old-fashioned way. The members of the "Workers' Conference" were invited to visit the school and to keep track of the experiment as it developed from year to year.

Is Erecting a Magnificent Residence at Cost of More Than \$3,000,000.
(By Leased Wire to The Times.)

Middletown, N. Y., Feb. 18.—E. H. Harriman, who is erecting a magnificent residence at Arden, Orange county, at an estimated cost of \$3,000,000, decided to add another large wing to his house.

CONSERVATION CONFERENCE IS NOW IN SESSION

Canada, Mexico, and United States Confer on Promotion of Mutual Welfare

CALL ON PRESIDENT

North American Conservation Conference Called by President Roosevelt Met This Morning in Washington—Commissioners Were Presented to President by Secretary Bacon—Gifford Pinchot Made the Address of Welcome—Reception by President Brief and Informally—Commissions Take Up Their Work in Earnest This Evening.

(By Leased Wire to The Times.)

Washington, Feb. 18.—The North American Conservation Conference called by President Roosevelt through invitation to the governments of Canada and Mexico began its sessions here today. The conference is held to consider the mutual interests of Canada, Mexico and the United States involved in the conservation of the natural resources of the three countries and to deliberate upon a general plan to promote and conserve the mutual welfare of the governments concerned.

The Canadian commissioners are Sidney Fisher, Canadian minister of agriculture; Henri Belland, member of the Canadian parliament; Robert C. Young, and Clifford Sifton. Mexico sends Rutilo Escobar, Manuel A. DeQuevedo and Carlos Celier. The United States commissioners appointed by President Roosevelt are Secretary Bacon, Secretary Garfield and Gifford Pinchot, chief forester. Many members of the national conservation commission are in Washington to attend the sessions of the conference. At 10 o'clock this morning the president received the Mexican and Canadian commissioners in the east room of the white house. They were presented to the president by Secretary Bacon. The reception was informal and brief. At its conclusion the conference proceeded to the state department, where, in the diplomatic room the first session was held. An address of welcome was made by Gifford Pinchot, chairman of the American delegation and brief responses made by the visiting commissioners.

This afternoon the conference will take up its work in earnest. The evenings of the delegates and visitors will be occupied with various social functions. The commissioners will attend a brilliant army and navy reception tonight at the white house. The president is to give a luncheon tomorrow to the commissioners. The conference probably will adjourn on Saturday.

FLEET NEARING HAMPTON ROADS

(By Leased Wire to The Times.)

On Board the Flagship Connecticut, Feb. 18.—The position of the Atlantic fleet is latitude 34°27' north, longitude 65°55' west, 926 miles east of Cape Henry.

The Maine, New Hampshire, Idaho, Mississippi and the Salem of Admiral Arnold's squadron, have joined the fleet. The weather is good and the fleet is proceeding in the formation line of squadrons. With fair weather the fleet should arrive off the capes on the evening of February 21.

GOV. DAWSON WILL LOOK TO LABOR'S INTERESTS

(By Leased Wire to The Times.)

Wheeling, W. Va., Feb. 18.—Governor Dawson has accepted President Roosevelt's offer of a position in the department of commerce and labor, to investigate labor and commercial conditions in Chicago and Japan for the government.

PISTOL HOLDER FOUND IN SEN. CARMACK'S COAT

Undertaker Says It Had Been Put There Since the Killing

PROGRESS OF TRIAL

Pistol Scabbard Found in Senator Carmack's Clothes Yesterday, But Prominent Undertaker Who Buried Him Said He Had Examined Clothes Very Carefully After Shooting and That There Was Nothing in His Pockets—Said Two Attorneys For Defense Examined Clothes One Day During His Absence.

(By Leased Wire to The Times.)

Criminal Court Room, Nashville, Tenn., Feb. 18.—The interesting question as to how a short rubber pistol scabbard happened to get into the clothes of Senator Carmack after his death, was sprung this morning at the Cooper-Sharp trial. Finley M. Dorris, prominent undertaker, who buried Senator Carmack, the first witness this morning for the State, testified that he had examined the clothes of Senator Carmack twice very carefully and found no such rubber scabbard in the clothes. He said the clothes had been examined by two of the attorneys for the defense one day in his absence. The scabbard was found in the right-hand overcoat pocket of Senator Carmack yesterday afternoon by Embalmer W. G. Jones. The scabbard was produced in court this morning. It is about four inches long, 3 inches wide, and appeared worn from use. A large crowd was in the court room this morning when the trial was resumed.

Witness Will Murray, of Dorris, Karsch & Company, undertakers, stated that General Washington, one of the counsel for the defense, in examining the clothing of Senator Carmack put on the overcoat of the dead man, ran his hands in the pockets the first thing, and then brought out the scabbard.

Patrolman Robert Vaughn was next placed on the stand. He exhibited the Colt's automatic pistol with which Senator Carmack was shot three times by Robin Cooper. The weapon was number 40,396. There were six steel packed 32-caliber cartridges taken from the gun. Two of the steel bullets cut from Senator Carmack's body were produced. They tallied in size with the remaining six cartridges. A third bullet that shot Senator Carmack in the back of the head has not yet been produced in court.

Further examined, Policeman Robert Vaughn said he found the cartridge tallying in calibre and make to those taken from Robin Cooper's pistol. He found the shell a yard south of the telephone post by which Senator Carmack fell when shot. While this witness was on the stand, Juror F. O. Berman, asked permission of Judge Hart to ask the policeman a question. It was granted. The juror then asked the policeman how many times the automatic pistol shot. The witness said it carried nine cartridges. The officer said he had been on the force eight years and this was the first one of this kind he had ever taken off any one he had arrested.

Dr. Rufus Fort, who conducts Fort's Infirmary, into which Robin Cooper was brought when wounded, was the next witness. He said Robin Cooper had a bullet wound in the right shoulder about the collar bone, half way between the shoulder joint and the neck. The bullet grazed the skin from toward the center of the chest or neck before entering. It did not strike any bone and did not have any exit. The witness dressed the wound, but did not probe for the bullet. While Colonel Cooper and Robin were in his infirmary the colonel called up several persons. One of them was his daughter, Mrs. Burch. The witness heard Colonel Cooper tell Mrs. Burch: "Daughter, it's all over; Robin has killed Carmack."

Colonel Cooper said Robin was wounded. The witness told the colonel to tell her that the wound was not dangerous. The witness did not remember hearing Colonel Cooper say: "Doctor, don't let anybody else in here unless it's an officer; I don't want to shoot anybody else."

Court adjourned at noon until 2 o'clock.