

Weather.

Washington, D. C., Feb. 19—Forecast for North Carolina for tonight and Saturday: Rain tonight; colder in western portion; Saturday, colder.

The Evening Times

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MESSAGE FROM THE GOVERNOR SENDING REPORT

Board of Internal Improvements Makes Report as to Certain Conditions

GOV. JARVIS ON FLOOR

House Met at 10:30 O'clock and Was Led in Prayer by Representative Latham of Beaufort—Report Board Internal Improvements Scores Contractors as to Floors and Other Things and Saying Final Settlement Had Been Withheld Until Work Was Made Good—New Bills.

The thirty-ninth day of the house of representatives of the North Carolina General Assembly was called to order at 10:30 this morning by Speaker Graham, and the morning devotions were led by Representative Jno. F. Latham, of Beaufort county.

The report on the journal was in the usual order, and the call for petitions, memorials and communications brought out the following:

By Mr. Koonce. Asking appointment of S. B. Taylor a justice.

By Connor. Petition of employees of railroads asking passage of house bill 511.

By Morton. Memorial from colored citizens as to fraudulent insurance companies.

The reports of the various committees fell like rain for the space of a few minutes. The bill to adopt "Carolina" as state song got an unfavorable report.

The privileges of the floor were granted Dr. J. T. Baird, of Buncombe, a member of the house fifty years ago.

A message from the governor transmitting the report of the board of internal improvements, which was read to the house.

The report went for the contractors as to floors and other things, saying many changes had been made and that final settlement had been withheld till the work was made good.

Mr. Morton moved that the bill for taking nets out of Cape Fear river and other places was taken from committee and placed on the calendar.

Bills Introduced. By McDonald of Moore: To improve roads in Lee county.

By McDonald of Moore: To empower counties, cities and towns to purchase vast road bonds.

By Cox of Wake: To establish a state conservation commission.

By Barnes of Hertford: To protect fish in Hertford and Northampton counties.

By Barnes of Hertford: To levy a special tax in Hertford.

By Connor: To relieve holders of mileage books.

By Lovelace: To amend the charter of Shelby.

By Lovelace: To allow number six township in Cleveland county to issue road bonds.

By Campbell: To permit manufacture and sale of brandy in Stanly county.

By Campbell: To pension an old soldier.

By Campbell: To repeal law creating fish commission.

By Cox of Pitt: To promote better free rural delivery.

By Martin: To make Bayboro graded school district.

By Harrison: To amend law as to cotton weigher at Enfield.

By Green: To relieve aged Confederate soldiers.

By Albrighton: To incorporate Walstonburg in Greene county.

By Albrighton: To consolidate charter of Snow Hill.

By Hayes of Chatham: To allow J. R. Millikin to collect back taxes.

By Hayes: Extending time for corporations to file reports.

By Barnes of Johnston: To require ginners to make correct weight on cotton bales.

By Barnes: To create road supervisors in Johnston.

By Barnes: To made W. L. Adams a citizen of Johnston.

By Livingston: To work the roads of Polk county.

By McDevitt: To encourage stock raising in Madison county.

By Sparrow: To regulate road funds of Orange county.

By Hinsdale: To relating to fees of jurors in Wake county.

By Gavin: To incorporate Faison Industrial Training School.

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RESOLUTION BY PHARR AGAINST UNJUST RATES

Important Joint Resolution Introduced By the Senator From Mecklenburg

THE TEXT OF THE BILL

Purpose of Mr. Pharr's Bill is to Free the State From Unjust Freight Discrimination and Provides That the Attorney General Shall Prosecute All Infringements of the Law—President Newland Called the Senate to Order at 10:30 O'clock and Dr. Vann Conducted the Prayer Service.

The most important measure introduced in the senate this morning was a joint resolution by Senator Pharr, of Mecklenburg, concerning freight rates. The purpose of the bill is to free the state from unjust discrimination and provides that the attorney-general shall prosecute all infringements of the law. The bill is as follows:

Resolution by the General Assembly of North Carolina Concerning Freight Rates: Whereas, There is and has been serious discrimination against the people of North Carolina by the railroads in the matter of freight rates; and efforts to adjust same and get relief have not resulted in correction of this discrimination, therefore,

Resolved by the senate, the house of representatives concurring:

1. That the corporation commission be and they are hereby instructed and directed to put into effect, not later than the 1st day of January, 1909, such rates per ton per miles from the ports of this state to all interior points in the state as will not be in excess of such rates per ton per mile charged by the railroads for through business from and through other ports; or that they take such other steps as may be lawful in order to prevent that discrimination.

2. That the attorney-general be and he is hereby authorized and instructed to take such legal steps and institute such actions and proceedings, on behalf of the state and against offending persons and corporations, as he shall deem proper and advisable to prevent such discrimination.

President Newland called the senate to order at 10:30, Dr. R. T. Vann led in prayer.

The journal was reported to be correct and standing committees answered to the roll-call, reporting many bills.

New Bills Today.

New bills were introduced today as follows:

S. B. 1003, Senator Bassett: To authorize an exchange of sites for the erection of a school building in Tarboro. Judiciary.

S. B. 1004, Senator Gay: To amend law relative to suits by and against executors and administrators. Judiciary.

S. B. 1005, Senator Barringer: To allow Kernersville to issue bonds for street improvement. Judiciary.

S. B. 1006, Senator Johnson: To allow bond issue to fund floating indebtedness of Elizabeth City. Judiciary.

S. B. 1007, Senator Nimocks: To provide for working roads in Cumberland county. Calendar.

S. B. 1008, Senator Elliott: To amend game laws in Catawba. Game Law.

S. B. 1009, Senator Pharr: To maintain North Carolina room in Confederate Museum at Richmond, Va. Appropriations.

S. B. 1010, Senator Pharr: To define the residence of a corporation. Judiciary.

S. B. 1011, Senator Pharr: A joint resolution concerning freight rates. Judiciary.

S. B. 1012, Senator Love: To amend charter of Gastonia. Counties, Cities and Towns.

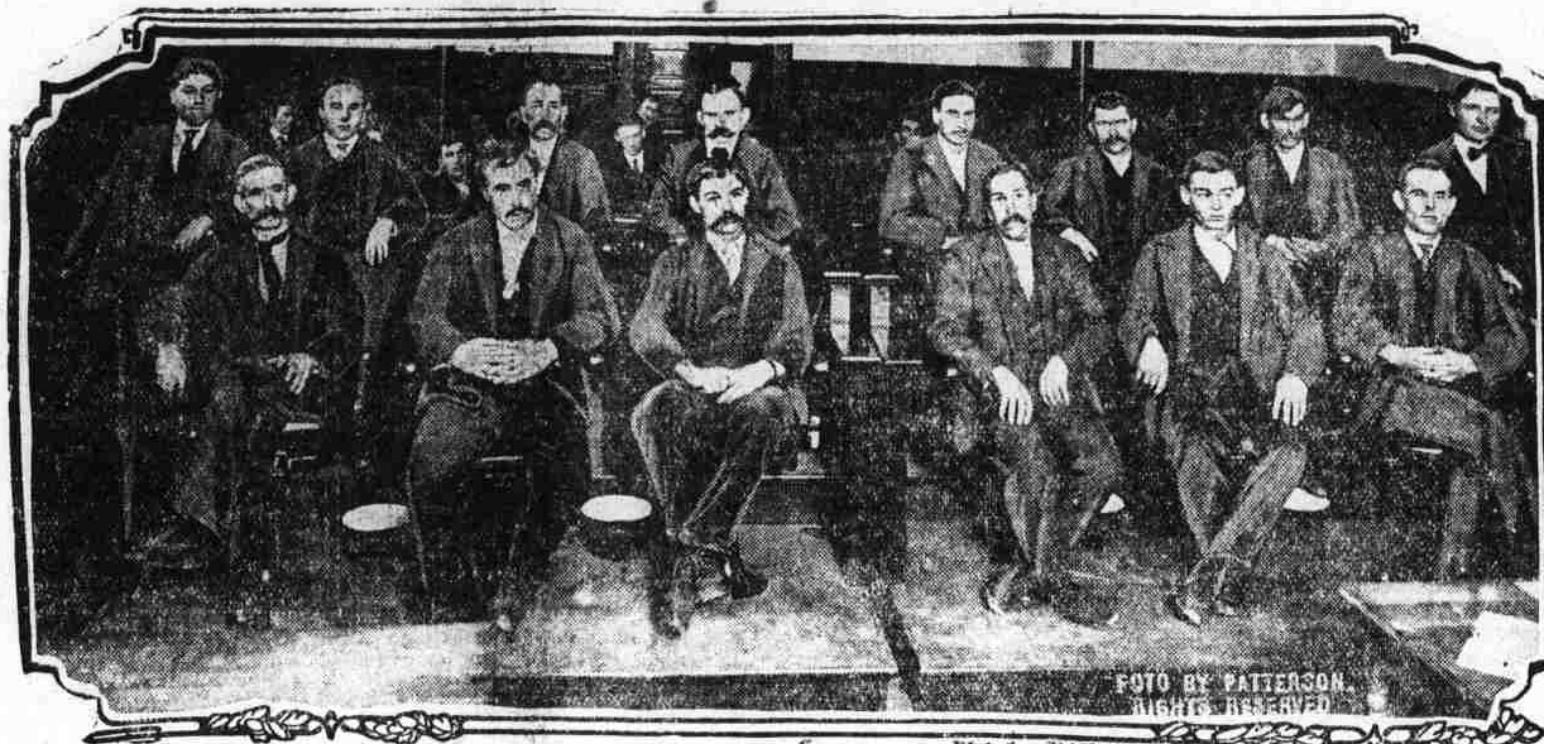
S. B. 1013, Senator Pharr: To authorize the county commissioners of Mecklenburg to construct macadam streets in the city limits of Charlotte. Calendar.

S. B. 1014, Senator Gay: An act to amend road law of Northampton county. Calendar.

Senator Holding: A petition from citizens of Franklin county relative to the maintenance of the Lousburg Normal and Industrial Training

(Continued on Page Two.)

The Cooper--Sharpe--Carmack Jury.



This is the jury which is to try Robin Cooper, Col. Duncan Cooper and John B. Sharpe, charged with the murder of former United States Senator E. W. Carmack. Reading from left to right, first row: John Dandridge, officer; Jay Newton, officer; J. A. Woodruff, G. A. Lam, Casper Shoup, J. H. Vaughan, W. A. Ashlock and Robert McPherson. Second row: E. M. Burke, W. H. Hays, S. H. Hyde, Jacob Frutiger, Gus Kueper, F. O. Bierman and Addison Kirk, officer.

MANY MEN FOUND OFF IN STUDIES

Three North Carolinians Have to Drop Out of Naval Academy

MARKS NOT SUFFICIENT

As a Result of the Semi-annual Examinations at the Naval Academy at Annapolis Twenty Midshipmen Were Found to be so Badly Deficient in Their Studies That They Will be Dropped and Their Resignations Have Already Been Called For—Three Are From North Carolina.

(By Leased Wire to The Times)

Annapolis, Md., Feb. 19—As a result of the recent semi-annual examinations at the naval academy 20 midshipmen were found to be so badly deficient in their studies that they will be dropped and their resignations have already been called for. These will resign:

Second class—Fenton Cannon, of Galveston, Tex.

Third class—Charles C. Julian, of North Carolina; Frank G. Peters, of Pennsylvania, and Harry W. Renner, of New Jersey.

Fourth class—Edward F. Croker, Jr., of New York City; Robert H. Grayson, Alabama; James M. Lott, Georgia; Roy Pfaff, Oklahoma; Morton L. Savage, Illinois; Henry B. Dawson, New York; Frederick W. Grube, Wisconsin; Harry J. McDonald, Kentucky; Jerome L. Reeves, North Carolina; Ralph Vaill, Montana; Oliver L. Downes, Delaware; Lloyd R. Gray, California; Michael Hudson, North Carolina; Grady P. Oakley, Alabama; William J. Russell, Pennsylvania, and Charles S. White, New York.

Edward F. Croker, of the fourth class, is a son of Chief Croker, of the New York City fire department.

RAILROADS WANT A HIGHER RATE

(By Leased Wire to The Times)

Richmond, Va., Feb. 18—The corporation commission is hearing argument by counsel for the railroads for prescribing a maximum rate for the carriers of the state in lieu of the 2-cent rate. The companies are fortified with statistics to show that during the existence of the 2-cent rate they have lost money, the figures presented by Lawyer Sullivan showing the decrease month by month and the comparison with former years.

The purpose of this is to demonstrate the necessity and the justice of the commission going into the case in detail and to fix and promulgate a rate which will give the carriers a reasonable return for their operations.

CONFERENCE GOT DOWN TO WORK

The Conservation Conference Holds its Session Behind Closed Doors

OUR MUTUAL RESOURCES

The Commission Only Heard One Address, That of Dr. W. T. Hornaday, Director of the New Zoological Park, Who Spoke of Destruction of Wild Game in North America—Game Does Not Breed as Fast as It is Killed—Said the Speaker—Drastic Measures Wanted.

(By Leased Wire to The Times)

Washington, D. C., Feb. 19—The North American Conservation Conference got down to actual business today. The conference will continue in closed session. This was regarded as necessary to a free discussion of the relations of the three countries as regard their natural resources and of a general plan of cooperation for conserving them.

To secretaries of conference were elected. The Canadian commissioner selected Robert E. Young, secretary of their commission. The commissioners from the United States chose Thomas R. Shipp, secretary of the National Conservation Commission, with Clifford Pinchot as permanent chairman. This makes the organization of the conference complete.

The only address the commissioners heard today was one by Dr. W. T. Hornaday, only a few years hence will see the last of the large wild game of North America.

"Game does not breed as rapidly as it is killed," he said. He declared that we were not taking account of the constantly increasing number of hunters. He urged the importance of considering the conservation of wild game along with the conservation of other natural resources.

MORSE REFUSED PRISON BOUNDS

(By Leased Wire to The Times)

New York, Feb. 18—When Charles W. Morse applied to United States Marshal Henkle to leave the Tombs prison again today, under the ruling of the Federal court permitting him to quit his cell to transact necessary business, the marshal refused, intimating that Morse was trying to convert the court order into an excuse for daily excursions.

Marshal Henkle, after a visit from Harry Morse, on behalf of his father, refused to accompany the young man in the waiting Morse automobile to the Tombs and declared he would not permit the ice king to leave the prison until he had consulted with United States Judge Lacombe and had a definite ruling as to just what the court order meant and what it permitted Morse to do.

COLONEL COOPER NOT TO TESTIFY

This Would Circumvent State in its Plan to Attack His Character

ROBIN COOPER POPULAR

Biggest Crowd Since Beginning of the Famous Case Expected Tomorrow in Anticipation of Hearing Defendants' Testimony—Trial Has Supplanted All Other Topics As Food For Gossip—Presentation Had Prepared a Grilling Cross-Examination For Aged Defendant, State Announces Close of His Case Except For Few Witnesses.

(By Leased Wire to The Times)

Nashville, Tenn., Feb. 19—The Cooper-Sharpe trial has supplanted all other topics as food for gossip today. The biggest crowds since the beginning of the famous case are expected tomorrow in anticipation of hearing what the defendants will say.

The most interesting rumor today is that Colonel Cooper will not take the stand at all and that the task of relating the Cooper version of the tragedy will be left for young Robin Cooper. Robin Cooper is popular in Nashville; his life has been an exemplary one.

Colonel Cooper has long been interested in Tennessee politics and it is known that the prosecution has prepared a grilling cross-examination for the aged defendant. Keeping Colonel Cooper off the witness stand would circumvent the state in its plan to attack his character, save in a general way.

The state announced yesterday that it had closed its case in chief, but gave notice that a few more witnesses might be called later on.

State's Case Strong.

Confronted with a case which apparently calls for heroic efforts to counteract in the minds of the jurors, the defense in the case of Colonel Duncan Cooper, Robin Cooper and John B. Sharpe, charged with the murder of former Senator Edward W. Carmack, is at its wit's end and today took advantage of the interim of a day in the proceedings to release its witnesses and prepare to meet the prosecution's grilling cross-examination of some of the principal witnesses until later. If all twenty-nine witnesses were examined, less than half this number will be used in rebuttal, but the impression seems to prevail that the state has made out a surprisingly strong case.

Beyond a doubt the plan of self defense will be depended upon to save the three defendants. The finding of the pistol shield in Carmack's overcoat after the pockets had been examined by the undertaker, developed a point (Continued on Page Five.)

STEEL MARKET OPENS SAGGING

Statement Expected From Judge Gary as to Street Trade Conditions

THE TARIFF'S PART

Following the Conference Yesterday of Prominent Steel Men There Were Misgivings Which Were by No Means Wiped Out of the Market Today—Judge Gary's Statement is Eagerly Watched For by Both Capitalists and Investors—Steel Corporation Promises Reduction in All Departments Save That of Finished Rails.

(By Leased Wire to The Times)

New York, Feb. 19—With the promise of a statement covering the general steel and iron conditions in the United States from Judge E. H. Gary, head of the United States Steel Corporation late today, the market opened today with both common and preferred shares of steel sagging.

Following the conference in this city yesterday of prominent steel men there were misgivings which were by no means wiped out by the aspect of the market today. Judge Gary promised yesterday to issue a general statement today, and it was eagerly watched for by both capitalists and investors.

When seen this morning at his apartments in the Waldorf Judge Gary said:

"I shall probably issue a statement later in the day, but at this time I have nothing to say."

From the indications an open market will prevail and the various allied and independent companies will be compelled to fight and shape their own destinies in the battle for trade.

The United States Steel Corporation promises reductions in all departments save that of finished steel rails. In short it appears from external developments that the corporation will go back to the principles of the old Carnegie company in selling for the best prices obtainable and using every legitimate means in business to beat the opposition. Tariff plays an important part in the present condition of interest.

RALEIGH IS SOON TO HAVE A COUNTRY CLUB

There will be a meeting tonight to consider the establishment of a Country Club here, at which time a committee will be appointed to choose a site on which the club is to be located.

Many persons are interested in this movement and about \$5,000 has already been subscribed. The interested parties have options on several sites near the city.

The club will consist of charter members, who will manage its executive affairs, and associate members, who will enjoy its social privileges.

HISTORY OF THE TOBACCO TRUST AND INDUSTRY

Report By Commissioner Herbert Knox Smith, of the Bureau of Commerce

STORY OF COMBINATION

Report Deals With the History of the Company From the Standpoint of Its Organization of the Great Tobacco Combination—Starting in 1890 as the American Tobacco Company With a Capitalization of \$25,000,000, the Net Capitalization is Now Over Three Hundred Millions—Controls Four-fifths of Output With Exception of Cigars.

Mr. Herbert Knox Smith, commissioner of corporations of the Bureau of Commerce and Labor, has submitted the report given below on the tobacco industry to the president. It deals with the history of the tobacco combination and the position of the combine in the industry. The report, owing to the position of the American Tobacco Company in this community and to the talk of anti-trust legislation in the state legislature, is of peculiar interest here. The report is in part as follows:

The Tobacco Combination has as its center the American Tobacco Company. This company controls three great subsidiary combinations—the American Snuff Company, the American Cigar Company, and the British-American Tobacco Company. The American Tobacco Company and the other three combinations each control a large number of subsidiary companies. The number of companies in the combination doing business in the United States, Porto Rico, and Cuba is 86, besides a considerable number of operating only in foreign countries.

The Tobacco Combination dominates the tobacco industry of the United States. With the exception of cigars, its proportion of the country's output of manufactured tobacco products is substantially four-fifths, giving it a large degree of monopoly power.

The magnitude of the Combination is further shown by its enormous capitalization. The said 86 companies have an aggregate capitalization, including bonds, of \$450,395,890. A considerable part of this, however, represents duplication through inter-company ownership of securities. The net amount of the stock and bonds of the companies in the hands of the public (including the directors and all holders except the companies themselves), however, is no less than \$316,346,821.

The present report deals with the position of the Tobacco Combination in the industry, and includes a history of the combination, a description of its organization, plants, and business, and an analysis of its control of the industry. Reports to be published later will deal with the effect of the combination upon the prices of tobacco, with its profits and the relation thereof to its capitalization, and with the competitive methods pursued by the combination.

The American Tobacco Company and Its Cigarette Monopoly, 1890 to 1895.

The history of the combination begins with the organization of the American Tobacco Company in 1890. This was a combination of the five principal manufacturers of cigarettes (Allen & Ginter, W. Duke, Sons & Co., Kinney Tobacco Company, Wm. S. Kimball & Co., and Goodwin & Co.), and its business at first was confined substantially to cigarette manufacture. The company started with a capital of \$10,000,000 of preferred stock and \$15,000,000 of common stock—an amount vastly in excess of its tangible assets, which were \$5,000,000 (including \$1,825,000 in the form of notes of the individual stockholders). James B. Duke was made president, and from that time to this he has been president of the leading companies in the combination and has largely directed its policy.

The American Tobacco Company at its inception secured control of over 90 per cent. of the cigarette business of the country. It sought to maintain this dominant position partly by making agreements for the exclusive use of what were considered the best cigarette machines; the most important of these agreements, however, (Continued on Page Seven.)