

Washington, D. C., Feb. 27—Forecast for North Carolina for tonight and Sunday: Partly cloudy tonight. Sunday, fair; moderate west winds.

ESTABLISHED 1876.

RALEIGH, N. C., SATURDAY, FEBRUARY 27, 1909.

PRICE 5 CENTS

PROPOSAL TO REMOVE STATE CAPITOL GETS A FAVORABLE REPORT

Committee on Propositions and Grievances Springs a Surprise in Senate

GREENSBORO'S MOVE

Bill to Submit Proposition to Remove Capitol to Greensboro for the People Reported Favorably by the Committee, the Vote Standing 7 to 3—Senator Means Offered the Report of the Committee on Trustees of the University Recommending For Election a Number of Trustees—President Klutz Called the Senate to Order at 10 O'clock.

The committee on propositions and grievances sprung a surprise on the senate by reporting favorably the bill to submit to the people of the state, the proposition of moving the state capitol to the city of Greensboro. It is learned that the vote in the committee stood 7 to 3, an overwhelming majority.

Senator Means offered the report of the committee on trustees of the University recommending for election the following:

Trustees whose terms expire in 1911: J. L. Armfield, E. R. Wooten, W. B. Rodman, Walter Murphy, W. T. Whitsett, J. O. Carr, W. P. Bynum, Jr.

Term expiring in 1913: W. N. Everett, A. C. McAllister, R. A. Allsbrook, W. F. Breese, Jr., Whitehead Klutz, J. J. Britt, Walter Clark, Jr.

Terms expiring 1915: Herbert W. Jackson. Terms expiring 1917: A. B. Andrews, R. H. Battle, J. S. Carr, Joseph Daniels, A. W. Graham, A. W. Haywood, F. P. Hobgood, H. A. London, Geo. M. Rose, Paul J. Long, Paul B. Means, W. S. Howard, Lee S. Overman, D. C. Barnes, J. Bryan Grimes, J. A. Barringer, S. M. Gattis, James Sprunt, Geo. G. Stephens, John W. Hunsdale, Jr.

President Klutz called the senate to order at 10 o'clock. Senator Means led in prayer.

New Bills Today. S. B. 1356. Senator Dockery. To call a constitutional convention. Constitutional Amendment.

S. B. 1357. Senator Mills. Relative to working roads in Rutherford, Public Roads.

S. B. 1358. Senator Nimocks. To prevent the spread of disease. Public Health.

S. B. 1359. Senator Nimocks. To amend constitution and provide for a six month's school in every public school. Constitutional Amendment.

S. B. 1360. Senator Nimocks. To establish a legalized primary in Cumberland county. Calendar.

S. B. 1361. Senator Ray. To appoint a justice of the peace in Henderson county. Justice of the Peace.

S. B. 1362. Senator Hankins. Relative to special school tax districts in Davidson. Calendar.

S. B. 1363. Senator Bassett. Relative to moving a cemetery in Rocky Mount. Judiciary.

S. B. 1364. Senator Gay. An act relative to public roads in Northampton county. Calendar.

S. B. 1365. Senator Spence. To require all white epileptics to be confined in State Hospital for the Insane at Raleigh. Calendar.

S. B. 1366. A joint resolution relative to the election of trustees of the University of North Carolina.

Passed Third Reading. S. B. To validate certain services of summons.

S. B. To amend law relative to the general school law. This bill again brought out a sharp discussion. Senator Pharr objected to certain provisions which changed the present school law in Mecklenburg. Numerous amendments were offered by Senator Pharr, Spence, Fry, Bassett, and others. Senator Spence's amendment cutting out section five, relative to the apportionment of funds between urban and rural schools was carried and the bill passed its third reading by a vote of 34 to 2.

S. B. To create a special tax district in Lee county.

S. B. To authorize commission of Edgecombe county to fund its floating indebtedness.

S. B. To authorize merger of a railroad to be organized in Ashe and Allegheny with the Virginia-Carolina Southern Railway Company.

S. B. To amend charter of Gastonia.

H. B. To authorize bond issue in Scotland for good roads.

S. B. To amend charter of Kings Mountain.

S. B. To authorize state bond issue to pay off state bonds that mature in 1910.

S. B. To appoint court stenographer for Rowan county.

H. B. Relative to county buildings of Tyrrell county.

S. B. Relative to the election of chief of police and other officers of Kinston.

Bills Introduced. H. B. To establish a recorder's court for Kinston.

H. B. To authorize election of trustees of graded school of Kinston by people.

Bill of Lading Act. The bill of lading act introduced by Senator Nimocks was taken up at 12:15. This bill is aimed at making the railroads to be bound by their bills of lading and estopped by them so that such bills of lading may be used as negotiable papers with safety to banks and shippers. A substitute bill was presented to the committee to which Senator Manning proposed an amendment, which would incorporate in the substitute three sections from the original bill. It was lost. The substitute was adopted by a vote of 17 to 15.

Solicitors' Salary Bill. Senator Ormond's bill to place solicitors on salary was taken up at 1 o'clock. The bill provides for a salary of \$2,250 per annum for all solicitors to be paid monthly.

Senator Ormond made the first speech, setting out clearly and succinctly the advantages of the bill. He called attention to the fact that solicitors are the only constitutional officers of the state that are not now on salaries. He showed the growth of sentiment in all parts of the state in favor of the salary system, county officers being placed on a salary basis in a number of counties. The office of solicitor is a high one, fraught with great responsibility.

Senator Travis followed, endorsing the bill. He proposed an amendment to put the law into effect January 1st, 1910.

Senator Pharr made the first speech in opposition. He showed the inequality and unfairness of the proposed bill. It would reduce the pay of some solicitors, making them do the same work for less money and would raise the salaries of men in small districts where there is little work to be done. Under the present system solicitors can do a great deal of civic practice and thus add to his income. He declared that the proposition would be costly and impracticable. Senator Peele also opposed the bill and reviewed the history of the proposition for ten years. He challenged the advocates of the bill to show where one cent would be saved to the state by placing solicitors on salary. He answered the objection that the solicitors draw too many bills under the fee system by showing that under the salary system too few would be drawn. He called attention to the fact that the state of Tennessee had a salary system for solicitors and that it was unsatisfactory. He quoted Zeb Vance to the effect that "the horse that pulls the plow should eat the fodder," and it would be unjust to pay one man \$2,250 for twenty-seven weeks of court, or less, as they have in some districts, and the same sum to the man who has to work forty weeks.

Senator Blow followed Senator Peele, speaking for the bill.

Senator Travis' amendment to postpone the taking effect of the bill till January 1, 1911, was carried.

Senator Pharr's amendment to provide that in districts where the fees amount to less than \$2,250 the salary shall not exceed such fees brought out more debate, Senator Ormond declaring that it would destroy his bill. The amendment was lost by a vote of 14 to 25. The substitute was adopted and the substitute passed by a vote of 26 to 14.

Objection was made to the passage of the bill on the third reading. A motion to suspend the rules failed by a vote of 25 to 14. Senator Travis asked a roll call and was sustained. The motion again failed by a vote of 25 to 15.

Bills Out of Order. S. B. 1367. Senator Godwin. To incorporate the town of Gatesville. Calendar.

S. B. 1368. Senator Nimocks. To

(Continued on Page Five.)

BIG BATTLE TO COME MONDAY IN STANDARD CASE

Rebating Case Against the Standard Oil Company Now in Progress

GOVERNMENT HANDICAP

Under the Ruling of Judge Anderson Government Can Prove But 36 Offenses and the Maximum Fine Can Be Only \$720,000 as Against \$29,240,000 Imposed by Judge Landis. Government is Expected to Begin the Presentation of Evidence Monday—No Session of the Court Today—Trial is Drawing the Big Men of the Standard to Chicago.

(By Leased Wire to The Times) Chicago, Feb. 27.—The real battle between the United States government and the Standard Oil Company of Indiana will begin Monday in the second trial of the now famous \$29,240,000 rebating case before Judge A. B. Anderson in the federal court.

No session of court was scheduled today because of the absence of Judge Anderson in Indianapolis. Monday, however, it was declared, the government would begin the introduction of its evidence before the jury. The government is beginning its new case under a heavy handicap. Judge Anderson has already indicated that he will hold the government to the proof in but thirty-six offenses.

He has declared that he believes that under the government's indictment there can be but that number of offenses because there were but that number of shipping transactions upon which concessions were paid the oil company by the Chicago & Alton Railroad.

The government contended for 500 offenses, but from the present attitude of the court but thirty-six will be allowed. This means that in the event of conviction, the government can hope only for a maximum fine of \$720,000 under a \$29,000 maximum fine for each offense. There is also a possibility of a fine of \$35,000 under the minimum fine provided by the law.

This possibility no wronfronts the government as against the holding of Judge K. M. Landis in the first trial which resulted in the famous fine of \$29,240,000.

The trial as it now progresses is drawing the big men of this branch of the Standard Oil trust into court. The "big three" were there at the close of the case yesterday. The "big three" of the Standard Oil of Indiana are: President A. J. Moffett, president of the Standard Oil Company of Indiana; A. G. Felton, traffic manager of the oil trust in New York; Edgar Bogardus, traffic manager for the Indiana corporation.

They are present in court watching every move in the case.

(By Leased Wire to The Times.) Norfolk, Feb. 27.—Two thousand jacksies from the Atlantic fleet, accompanied by Norfolk's military companies, marched through the flag-decorated streets this morning, this being the official "welcome home" day. Federal and Confederate veterans in blue and gray formed a court of honor through which the parade passed. One hundred and fourteen officers from the fleet took part. After the parade the sailors and soldiers were served with refreshments at the new naval Y. M. C. A., built by John D. Rockefeller at a cost of \$300,000, and a reception was tendered the officers at the Monticello Hotel.

Rear Admiral Arnold is in command of the fleet in Admiral Sperry's absence in Washington.

Colored School Doing Well. Report from the colored State Normal school at Elizabeth City, N. C., P. W. Moore, principal, shows an enrollment of over three hundred students. These represent twenty-three counties—all the way down from Franklin to Dare. This school is doing great good for the negroes in eastern North Carolina, although lack of better dormitory, facilities and other equipment is hindering its usefulness.

DIPLOMATS ARE PUZZLED OVER THE INAUGURAL

Don't Know Whether They Will Get to the Ball or Not

A DIPLOMATIC MIX-UP

Diplomats Say They Will Not Buy Tickets at the Rate of Five Per For the Ball, As it is Beneath Their Dignity to do so—Wives and Daughters of the Distinguished Foreigners are Afraid Their Finery is Going to be Wasted—German Ambassador Says He Will Not go if Not Invited.

(By Leased Wire to The Times) Washington, Feb. 27.—To be or not to be—invited to the inaugural ball. That is the question which has set the entire diplomatic corps puzzling their brains. Wives and daughters of the distinguished foreigners are asking their husbands and fathers whether all their specially designed gorgeous gowns are to be so much wasted finery on the evening of March 4. Members of the embassy and legation staffs are exchanging confidences, wondering if the inaugural committee has forgotten all about them. In short, money diplomatic mix-up has resulted.

Mr. Hanihara, of the Japanese embassy, believes it will be necessary to buy a ticket for \$5 in American coin in order to be welcome. If this is the case, the majority of the diplomats say they will not go to the ball. It is beneath their dignity to go to such a function on bought tickets.

"I shall simply wait and see if I am invited," Count Von Bernstorff, the German ambassador, said today. "In which case I shall probably be delighted to attend."

"I most certainly will not go until I am invited," says Mr. Do Amaral, of the Brazilian embassy. "I should much prefer to stay at home if there is no invitation."

"If Mr. Bryce is invited anywhere, Baron Mayor Des Planches, the Italian ambassador, should get his invitation first, because he is dean of the diplomatic corps," another says; while at the Italian embassy it is said that the ambassador had no invitation and that several members of the embassy staff are anxious to attend.

Baron Ambrose, of the Austro-Hungarian embassy, is one of those who will go to the ball, even if he has to buy a ticket. It is said that Baron Hengelmueller, the Austro-Hungarian ambassador, was invited, but will be unable to attend, as he leaves for Europe on March 2.

CHARLOTTE MEN AND NEW CHARTER

That Charlotte is hot over the fight for a new charter is shown by the fight that they are putting up both for and against the new charter. The following men arrived this morning and it is understood that they are opposed to letting the section go into the charter that gives the board of aldermen supervision of corporations.

Mr. Morgan B. Spier, representing the Southern Bell Telephone Company, Messrs. John M. Scott and Thomas T. Allison, representing the C. C. C. Company, of which they are directors, Col. W. B. Rodman is also here as the special attorney for this company. Mr. F. I. Osborne is representing the Southern Power Company. Messrs. W. S. Alexander and A. M. McDonald of the Southern Savings Bank and Word H. Wood and George Stephens, of the American Trust Company, and Mr. Clarence Kuester are also here on charter business.

Carnival Ends in Big Riot. Lisbon, Feb. 27.—The carnival celebration of the week ended today in a blaze of rioting. Two hundred men and women are in jail. The merry-makers took the extreme liberty to mimic the assassination of the late King Carlos and in the midst of the shooting it was found that ordinary muskets were being used. The precaution to remove the bullets had not been taken, and a number were wounded. It is not known whether any are dead or not. The soldiery was called into action and charged through the streets with fixed bayonets, dispersing the lawless multitude.

PUBLIC PUZZLED BY THE ATTITUDE OF THE DEFENSE

Minor Witnesses Being Put on by Defense in the Cooper Trial

SHARP CONTRADICTED

Manner in Which Defense Has Been Presenting Its Evidence Has Proved a Bit Puzzling to the Public—T. Leigh Thomson Was on Stand Again This Morning—He Contradicted John D. Sharp Regarding the Condition of the Weather on the Day of the Murder—State Will Not Antagonize the Testimony of Governor Patterson—A Number of Patterson Leaders Will Give Sharp Good Character.

(By Leased Wire to The Times) Nashville, Tenn., Feb. 27.—The manner in which the defense has been presenting its proof has proved a bit puzzling to the public up to the present time. Following the appearance of the three defendants on the stand the defense put on a number of minor witnesses, men who testified largely to matters of detail. Major Vertrees in fact was about the only witness of interest yesterday.

T. Leigh Thomson, deputy insurance commissioner of the state, was on the stand again this morning. He contradicted John D. Sharp in regard to the latter's testimony that it was clear enough the afternoon of the tragedy to see people at the posts from a point up Vine street opposite the Leake lot.

Witness said on the contrary it was the darkest afternoon he remembered in Nashville. He said in the first instance it was cloudy, and that there were also forest fires raging to the south of Nashville.

Judge Anderson, for the defense, admitted this morning that Governor Malcolm Patterson would likely go on the stand during the day, testifying in behalf of Colonel Cooper. The state, it is learned, will not antagonize the governor in any manner but will likely handle him "with gloves."

Quite a number of Patterson leaders from different parts of the state are said to have been summoned to give Colonel Cooper a good character.

A good sized crowd again was in court this morning. Some of the spectators brought their opera glasses along with them and these they are holding on the defendant at times.

Quite a ripple of excitement ensued in the court room when the name of Governor M. R. Patterson was called out shortly after 11 o'clock by counsel for the defense, when they were asked to name their next witness.

Governor Patterson entered through the door nearest the table occupied by the counsel for the state, walked by the jury and took the witness chair. He wore a black Prince Albert coat, grayish trousers, standing collar and a dark green tie. He carried his black derby hat in his left hand and his black overcoat was thrown over his left arm. He was sworn by Clerk Handy.

"State your name," said Judge Anderson, of the defense.

"My name is M. P. Patterson," replied the governor.

"You are governor of the state?"

"Yes, sir; I have served one term as governor and one month on my second term."

"Did you know Senator E. W. Carmack during his life time?"

"Yes, sir."

"Do you know Colonel Duncan B. Cooper, Robin J. Cooper and John D. Sharp?"

"Yes, sir, I know them all."

"Do you remember or recall the day of the killing?" was the next question of counsel.

"Yes, sir, I think it was on November 3."

"That morning, governor, did you go down to the Maxwell Hotel to see Colonel Cooper?"

"I did."

"What occurred?"

"Well, I met Colonel Cooper in the writing room of the hotel. He was dictating a letter to a stenographer. I told him I wanted to speak with him and he said he would see me as soon as he got through. I saw Lee Brown there and told him to call Mr. Bradford over from his office. Mr. Bradford came. He, Colonel Cooper, I think Robin and myself then went to the end of the hall. I then discovered that

(Continued on Page Six.)

COX WITHDRAWS HIS MINORITY REPORT IN THE CAPITOL MATTER

UNION STATION IMPROVEMENTS

All Railroads Agree That Any Temporary Improvements Would be Useless

NEED RADICAL CHANGES

Seaboard and Southern Recognize Fact That Depot is Not What It Should Be and That It Needs a Great Deal of Work Done on It, But as the Proposed Plans Would Necessitate an Expenditure of \$5,000 or More, They Ask for Delay of Sixty Days, Which is Granted.

Important railroad matters of interest to the citizens of Raleigh and the state, were discussed before the corporation commission to-day.

In the matter of the improvements at the Union Station, the matter was deferred for sixty days, in order to give the railroads time to formulate plans for this improvement.

Mr. Seddon, chief engineer for the Seaboard Air Line, stated that his road had recognized for more than a year and a half ago, that the Union Station at Raleigh, needed repairing and improving. The Seaboard, said Mr. Seddon, had had a scheme drawn and were on the verge of beginning the work when the business slump came on and caused a financial depression throughout the country, which finally forced his road into the hands of receivers. The matter has again been brought to the attention of the Seaboard officials and the matter will be taken up as early as possible.

Mr. Seddon said that he thought that it would be better for the city of Raleigh and for all parties concerned, to wait a short while before making the proposed improvements, for the reason that any temporary work would be useless; that radical changes were needed and that any money expended on temporary improvements would be thrown away. To do any permanent work, as is needed, the Seaboard feels compelled to ask the citizens of Raleigh to hold off for a short while, until better times.

Mr. H. W. Miller, for the Southern, stated that his road also recognized the fact that improvements were badly needed and that the depot is not what it ought to be, but business at this time does not justify the expenditure. Plans were drawn in Summer of 1907 for these improvements, which carried an expenditure of \$15,000 or more, but the panic came on and work could not be done. Expenditures, elsewhere in North Carolina at this time, are taking all the available funds, and the Southern would ask sixty days' additional time in which to take the matter up with all parties concerned, and see if the work could not be done satisfactorily and at a more reasonable figure.

Mr. Miller stated that he didn't think he was betraying any confidences when he said, that the S. A. L. wanted the Union Station moved up to head of the "Y," in order to avoid the delay in backing in. For the Southern, he would state that in consideration of the great amount of money involved, they would prefer backing in.

According to the plans outlined before the commission to-day, the changes in the Union Station will be as follows: The present baggage room will be added on to the men's waiting room, making this a general waiting room, double the size of the present room; the ladies' waiting room would be made a waiting room for the colored people; the colored waiting room would be made into a baggage room; smoking room would be built just outside general waiting room, and a ladies' retiring room would be where the express room was; all tickets would be sold by same men on the inside of the waiting room; and the hacks and carriages would drive up to the door on Martin street, instead of on Dawson. These radical changes would

(Continued on Page Two.)

Bill for Enlarging Capitol Now Goes Before House Without Adverse Report

THE REVENUE ACT AGAIN

Resolution to Stop Introduction of Bills After Monday, March 1st, Introduced—Went Over for Consideration Monday—Many New Bills Are Again Introduced and Work Goes Noisily On—The Revenue Act Comes Up As Special Order and is Considered in Open Session—House Met At 10 O'clock—Representative Latham Leading the Prayer.

The forty-sixth day of the house of representatives, North Carolina General Assembly, was called to order at ten o'clock by Speaker Graham, and the morning devotions were conducted by Representative Jno. F. Latham, of Beaufort.

The journal was reported as correctly recorded, and the call for petitions and such, the following were sent forward: By Julian, from citizens of Rowan as to game law; By Graham, from Granville, from citizens, asking for rate on road law question.

The call of the committees was fruitful, and a great bunch of bills went on the calendar. Mr. Grant's bills to make poll tax the only cause for challenge on election day, and providing punishment for certain registrars who refuse to enter names, were reported unfavorably, and he gave notice of a minority report.

Mr. Cox, of Wake, withdrew notice of minority report on the bill enlarging the capitol, saying he saw the need of some way to preserve the state records, and would throw nothing in the way.

By Cox, of Wake: For relief of gardener of the capitol. For relief of night watchman of the capitol police.

By Koonce: To protect claims in Brown's Sound, Onslow county.

By Higdon: To incorporate Otto in Macon county.

By Smith, of Harnett: To make a school district of parts of Wake and Harnett.

By Julian: To allow drainage of Grants.

By Suell: To amend the pension law.

By Campbell: To allow Stanly to issue bonds and build new courthouse.

By Pickett: To confer police power on sheriffs at Saxapoleen.

By Crumpler: To prohibit sale of wine and cider in two miles of Hapelwell church in Sampson.

By Foy, by request: To amend the charter of Burgaw.

By Wallace: To amend law 1905 as to Carteret. To repeal a tax law as to Carteret.

By Latham: To amend a Beaufort law of 1903.

By Price: To prevent saw-dust in streams North Fork, McDowell county.

By Crumpler: For inclosure of gins.

By Myatt: To allow Cleveland township to sell land in Johnston county.

By Jarrett: To enlarge town of Dillsboro.

By Underwood: As to pay of pages.

By Underwood: As to writing deeds.

By Braswell: To create a recorder's court of Nash.

By Balton: To incorporate Rich Square School.

By Stubbs: To call a constitutional convention.

Mr. Mitchell introduced a resolution to stop introduction of bills Monday, March 1st, at noon. Mr. Cox amended it to Wednesday the 3d of March. After some discussion the whole was declared out of order at that time, and the resolutions went over to a later hour, and when called up, the point was made that a few days' notice was necessary, and Mr. Mitchell gave notice he would call it up Monday next.

Messrs. Braswell, Julian and Cox, of Anson, were granted leave of absence till Monday.

The hour for the special order arrived and Mr. Dowd said he would not ask to go into committee of whole, but would consider the machinery act and revenue bill in open

(Continued on Second Page.)