

NEGRO SHOT TO DEATH

Wiley Austin Fires Fatal Bullet Into Garfield Williams

Homicide Happened Sunday Morning at Oyster Supper Near Holly Springs—Austin Shot Williams Because He Had Been Called Down for Being Too Boisterous—Has Fled and No Trace of Him Yet.

Wake county awoke Sunday morning to find itself confronted with a homicide committed within its borders. The shooting affair took place on T. A. Council's plantation in Holly Springs township, about thirteen miles southwest of Raleigh, about quarter past one o'clock Sunday morning. The facts as best can be learned, are as follows:

The negroes of the neighborhood were having a big oyster supper at the home of Garfield Williams, on Mr. Council's farm, and amid the gaiety and pleasure of the occasion, Wiley Austin got a little too much of the occasion in his bones and tried to raise a rough house. Just as politely as possible, Garfield Williams called him down. It being at his home, he did not want to see the occasion turned into a rough house, and he simply went to Austin, as the host of the oyster supper attendants, and asked that he be more calm and not be so boisterous. This angered Austin and he went out into the yard, where he proceeded to "raise a racket" proper. All kinds of boisterous talk and profanity were used and Garfield then, with several others, went out to him and tried to quiet him, and finding it impossible, ordered him away. This was more than he could stand, and before any one could realize what had happened, he pulled out a Smith & Wesson, 38 calibre, pistol and fired into Garfield, the bullet passing the heart, killing him instantly. He fled and has not been seen since. He has three brothers, one in Norfolk, Richmond and New York, and it is supposed that he is making his way to one of these points. Austin has long been known as a desperate negro and ran away from Wake county several years ago to escape the clutches of the law. He is a man about five feet, seven inches high, slightly stooped; color, dark ginger-cake, weight about 155 pounds. He has a scar over one eye, possibly the right eye.

Garfield Williams, the dead man, was one of the most highly respected negroes in Wake county. He has been living on Mr. Council's farm about two years and has been a valuable servant, doing the bulk of the farm work.

The authorities have been notified and are making every effort to capture the murderer.

Revenue Act Considered By the House

(Continued From Page One.)

many elections by political parties. William of Buncombe: To prohibit unlawful blowing of railway whistles in Buncombe county. Cox of Anson: To create free school district in Anson county. Taylor of Vance: To amend the charter of the citizens Bank of Henderson.

Wilson of McDowell: To amend the road law of Marion township.

Dillard of Cherokee: To appoint a justice of the peace for the village of Tipton and authorize the exercise of police powers.

Dillard of Cherokee: To amend the law of 1905 relating to conveyances.

Parham: To amend the revision relative to the compensation of county commissioners.

Latham: To prohibit the fishing with certain nets in certain waters of Beaufort county.

Latham: To improve the roads of Beaufort county.

Latham: An act supplemental to the act relative to the criminal court of Beaufort county.

McWilliams: To regulate fishing in Glades River in Hyde county.

McWilliams: To protect the oyster industry in Hyde county.

Connor: To amend the graded school law of Tolson.

Connor: To change the boundary lines between Wilson and Nash counties.

Thorne: To allow Ayden to issue bonds to erect school building.

Williams of Swain: To protect the public while traveling over the railroads.

Wall: To protect game in Rockingham county.

Ramsey: To amend the road law of Madison county.

Koonce: To allow Onslow to issue good road bonds to provide for working convicts on roads.

Wood: To regulate deer hunting in Transylvania county.

Wood: To remove the stock law fence from around Little River township.

Ray: To amend the law of 1909 relating to bonds of the town of Franklin.

nut Grove township, Wilson county. McPhaul: To educate the negroes in North Carolina relative to tuberculosis.

McPhaul: To protect a grave yard in Robeson county.

Edwards: To amend the charter of Robinsville.

Rabb: To enlarge the powers of the aldermen of Hickory.

Williams of Swain: To amend the stock law for Swain county.

Turlington: To amend the charter of Mooreville.

Tucker: To tax dogs in Ashe and Mitchell counties.

Battle: To fix the salaries of Wake county officers and to increase the road fund.

Andrews: To amend the law of 1905 relative to the town of Council in Bladen county.

Scarborough: To protect the hunting industry in Dare county.

Kellum: To repeal the law of 1909 relating to automobiles in New Hanover.

Kellum: To allow New Hanover county to employ a stenographer.

Kellum: To abolish the city prison of Wilmington.

Kellum: To annex Northwest township of Brunswick county to New Hanover county.

Kellum: To amend the claim law of 1909 relating to Brunswick and New Hanover.

Kellum: To establish a free ferry across the Cape Fear River at Wilmington.

Kellum: To allow the sheriff of New Hanover county to collect fees.

Thomas: To provide legalized primary election in Richmond county.

Thomas: To protect certain game in Richmond county.

McGill: To amend the law of 1909 relating to pensions for ex-Confederates.

Judd: To drain Walnut Creek in Wake county.

Ewart: To make it a felony for any corporation to contribute money or transportation to any party or candidate for any public office.

Ewart: To amend the road law of Henderson county.

McGill: To amend the law of 1909 allowing commissioners to increase pensions and to levy a special tax therefor.

Carr of Durham: To protect the property of telegraph and telephone companies.

Carr of Durham: To allow the city of Durham to issue school bonds.

At 12:30, on motion of Mr. Doughton, chairman of the finance committee, the house resolved itself into a committee of the whole to consider the revenue bill.

Mr. Ray, of Macon, was named by Speaker Pro Tem Connor to act as chairman of the committee of the whole. Mr. Doughton moved that the bill be considered by sections and that amendments be offered to each section. The reading of the sections then began.

Committee of the Whole. The committee of the whole then informally considered the various sections of the revenue act, it containing ninety-four sections.

Section one, relating to the kind of money in which taxes should be made was adopted.

Sections two and three, relating to poll tax and property tax, provoked much discussion. Amendments were offered by Mitchell, of Wayne, to increase the school tax from 18 to 22 cents. By Koonce, of Onslow, to raise the rate for pensions from four tenths to ten tenths and schools from eight tenths to twenty-five cents.

Mr. McGill, of Cumberland, to raise the pension rate from four to eight cents.

Chairman Doughton said the trouble about these amendments was that if adopted it would increase the amount of state tax from forty-three and a third cents to fifty-six and a third cents, leaving only ten and two-third cents to run the counties on. If the counties could hardly get on now with twenty-three and two-third cents, how could they get on with ten and two-third cents? That was the whole matter at stake. The only way to get these much needed appropriations for schools and pensions, was to get it out of the general fund of the state treasury.

Mr. McGill, of Cumberland, after hearing Mr. Doughton's explanation, withdrew his amendment, saying the old soldiers would trust the committee on appropriations.

Mr. Mitchell, of Wayne, withdrew his amendment relating to raising the equation for both schools and pensions, trusting to the appropriations committee.

Mr. Taylor, of Hertford, said although one of the old veterans, he was satisfied those asking pensions did not wish to cripple the counties. He thought the wisest thing to do would be to pass the revenue act just as it has been carefully agreed upon by the committee after weeks of careful consideration.

Mr. Connor, of Wilson, offered to amend section three by reducing the general levy from twenty-one cents to twenty cents and raise the rates for school from eighteen cents to nineteen cents. He said as long as these great lump sums were taken from the state treasury for schools and for pensions, it encouraged the land assessors of some counties, the passing of special tax levy bills, and from that source came the large number of deficit counties.

General Carr made an impassioned speech for increase of the vote to be



allowed for pensions. He said North Carolina was richer than Georgia, Tennessee or Florida, and was not doing over half as much as those states. Already by allowing widows of soldiers married in 1878, 1,500 widows had been admitted to the pension rolls, and this amounted to a decrease in the pension now granted the old soldier. It is ridiculous to continue the pitiful pension of \$450,000 for North Carolina soldiers, recognized in all the states as being the bravest that ever drew swords in any true cause in all the history of the earth. (Great Applause.) He concluded by declaring that if his bill, providing for a tax commission to equalize taxation in all the counties of the state, and make them list their property at even one-quarter of its value, there would be no trouble about an appropriation of a million dollars for the old soldiers and for schools and other purposes. There would be no more \$559,000 treasury deficits or pauper counties in rich and progressive North Carolina.

Mr. Horne, of Johnston, made a magnificent speech in behalf of the old soldiers. With frenzied eloquence he recounted the deeds of these men in the war and said he had never heard a man object to paying the pension tax. He, for one, was willing to trust the appropriations committee to do all that could be done further. He opposed upsetting the present revenue bills.

Mr. Ross, of Harnett, said the question of population of counties was equally as important as that of property. It was not fair to lower the tax on property from twenty-one cents to twenty cents and raise the tax for schools from eighteen cents to nineteen cents, as proposed by Mr. Connor, because it did not take into consideration the population of school attendance. There was nothing in the constitution to prevent the appropriation of any amount from the state treasury to public purposes, school pensions or otherwise, unless such appropriations attacked the very foundation of the government.

Mr. Gay, of Northampton, advocated the Connor amendment, saying he thought it would guarantee a four months school term. The legislature had no right to raid the state treasury when their funds could be easily raised by the counties themselves. The constitution requires the counties themselves to have a four month term. The benefit of the Connor amendment is that it will compel counties to assess the property of their county in all their townships at a more reasonable value in order to make up for this one cent for general county purposes. It would automatically prevent them innumerable special tax levies, the mother of the so-called pauper county list.

Mr. Doughton said he was afraid the Koonce amendment would hit the schools and the Connor amendment would hit the old soldiers.

Mr. Battle, of Wake, opposed all amendments.

All amendments were defeated and sections two and three were adopted without amendment.

Speaker Connor presiding, Mr. Ray reported that the committee of the whole had adopted three sections of the revenue act. The report was concurred in by the house.

Out of Order. Mr. Battle, of Wake, introduced

Mrs. Marjorie C. Love, who has begun suit for divorce, and her husband, Sidney C. Love, skyrocket financier, clubman and polo player. Mrs. Love, who is Phillip Burne Jones, the aesthetic English artist called "the most beautiful woman in America," has filed her suit in Mount Vernon, New York, the papers stating that she married Mr. Love in 1907, and that they lived together until March 17, 1907. She had not seen her husband since October, 1909, and the judge receiving the application signed an order summoning Mr. Love by newspaper publication. On the same day Mr. Love filed suit for divorce in Baker City, Ore., alleging that his wife deserted him in England in 1909, and has since refused to live with him. He also desires the custody of their two-year-old child, to be given to his mother, Mrs. Margaret Love, of Chicago. Mrs. Love's papers in the action state that he has lived different times at Seattle, Wash., Baker City, Ore., and Unity, Oregon.

out of order a bill to amend the charter of Apex.

On motion of Mr. Doughton the revenue bill was made a special order for Tuesday at expiration of morning hour, displacing the dog tax bill that had been previously set.

At 2:10 the house took a recess until tonight at 8 o'clock.

OFFICER ASSAULTED. Patrolman Warren Forced to Resort to Use of Club.

Some time ago Beattie Durham and Frank Smith, both colored, were tried upon the charge of f. and a. and given a road sentence. The man went on and served his time on the roads, getting off some week or two ago, but the woman escaped and never served her sentence. Yesterday morning, between 11 and 12 o'clock, Patrolman Warren was informed that she was at her home at the corner of Davie and Haywood streets, and he went out to arrest her. The facts as best can be learned are that when the officer entered the house and stated that he had come to arrest her, she started for him with a knife, dagger, or some weapon of the kind. The officer did not care to raise any big disturbance and tried to arrest her without using any force, and made an effort to get his hands on her, but she struck at him and cut a small scratch on his forehead. About that time Smith entered the room and closed the door on the officer, shutting the three up in the room together. At another effort to cut the officer he saw the serious position he was in and was forced to use his club. He struck the woman over the head and floored her.

This morning all kinds of reports were circulated, one that the officer had killed her, but that is not true. A message to the police headquarters stated that she was getting along all right; that no serious damage was done. It was very fortunate that

the officer kept his head under the trying condition. An officer who is likely to lose his head when shut in a room with a man and woman, and both after him, would in all probability have killed both and he would not have been censured for it. But for the coolness of Officer Warren the affair terminated with only a woman being knocked down with his club, which is carried as a protection in such a time.

It is very seldom that an officer has to resort to the use of his club, but when shut up in a room with a man and a woman, and both after him, no one can censure him for what he did.

JESSE MALLONEE PARDONED. Governor Kitchin Pardons Jackson County Man Convicted of Seduction.

Governor William W. Kitchin has issued a pardon to Jesse Mallonee, of Jackson county, convicted at the February term, 1910, of the crime of seduction, and sentenced to serve two years on the roads.

The reason for the pardon is as follows: "The jury recommended mercy when the verdict was rendered. Every member of the jury recommends pardon. The trial judge, owing to facts discovered by him since the trial, recommends prisoner's pardon. Owing to the facts disclosed before me, I think this a proper case for some clemency. I therefore pardon prisoner on condition that he pay the prosecutrix, Dovie Stinson, within thirty days, the sum of \$50, and that during the next eight years he pay annually the sum of \$40 for the support of the child of prosecutrix, said \$40 annually to be paid in \$10 instalments on the first day of April, July, October and January, and to be paid to the clerk of the superior court of Jackson county for the benefit of such child."

TODAY'S CHARTERS. Newspaper Plant at Shelby Is Found Among Today's Charters.

Tripp-Hart & Company, of Ayden, Pitt county, is chartered, to do a general mercantile business, both wholesale and retail; to buy and sell goods, wares, fertilizers, and merchandise of every description. The authorized capital stock is \$50,000, but may begin business when \$10,000 has been subscribed. Stockholders are J. H. Tripp, H. A. Hart, I. J. Frizelle.

The charter of the Speer Automatic Gas Machine Company, of Charlotte, is amended, changing its name to the Automatic Gas Machine Company, and increasing its capital stock to \$150,000.

The Stokes Supply Company, of King, Stokes county, is chartered to buy, sell, exchange, or otherwise deal in goods, wares, merchandise, and all farm products and supplies. The authorized capital stock is \$100,000, but may begin when \$75,000 has been subscribed. The stockholders are W. T. Pulliam, J. W. Slate, Jas. Hutchins.

The Highlander Publishing Company, of Shelby, is chartered to acquire, print, publish, conduct, and circulate, or otherwise deal in news-

paper or other periodicals. The authorized capital stock is \$25,000, but may begin when \$3,500 has been subscribed. Stockholders are Broadus H. DePriest, John F. Shenck and others.

The Harris, Young Company, of Henderson, is chartered to conduct the business of buying, selling, dealing in and handling leaf tobacco on commission, as warehousemen, or otherwise conducting a general commission and warehouse business for the purchase and sale of leaf tobacco. The authorized capital stock is \$10,000, but may begin when \$4,500 has been subscribed. The stockholders are Samuel R. Harris, B. Frank Harris, and others.

CHARGES AGAINST MR. STINSON. Will be Heard by County Commissioners March 6.

At a special meeting of county commissioners today, a resolution was introduced to remove W. E. Stinson, county superintendent of roads, from office. A hearing will be had on March 6. Some of the members wanted to remove Mr. Stinson without a hearing, but ex-Governor Aycock, who appeared for him, demanded that the charges be put in writing and a resolution was passed to this effect.

WAKE COUNTY SALARY BILL. Introduced in the House and Senate Today.

The bill to put Wake county officers on a salary was introduced today, Dr. Sikes introducing the bill in the senate and Mr. Battle in the house. The bill authorizes the following salaries: Sheriff, \$2,750; clerk of the court, \$2,750; register of deeds, \$2,500; chief clerk to register of deeds, \$1,250; treasurer, \$2,000. These figures were taken from the senate bill. The bill also creates the office of auditor of the county.

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