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ONCE AGAIN THE HARRY THAW CASE

Supreme Court May Rule On This Well Known Wrangle.

THE JUDGES DO NOT AGREE

One Says Questions Are Too Much For The Lower Courts.

Concord, N. H., Dec. 10.—Judge Edward Aldrich rules today that the mental condition of Harry K. Thaw must be determined in the Federal courts. The court's announcement was made at the hearing on Thaw's petition for bail.

Attorneys for Thaw, who are attempting to prevent the extradition of their client through habeas corpus proceedings in the United States District Court, and counsel for New York State had agreed that the charge of conspiracy to escape from the insane asylum at Matteawan, N. Y., was a bailable offense when the question of whether the prisoner, if admitted to bail, would be a menace to the community was raised by William T. Jerome, special deputy attorney general for New York.

"We have very radical objections to turning Thaw on the community to which he would be a peril," said Jerome.

Judge Aldrich held that before the question of bail was decided it would be necessary to determine the prisoner's mental condition to the satisfaction of the United States District Court.

"The constitutional question involved in this case," he added, "are of such importance that I shall not pass upon them myself, but shall forward them as promptly as possible to the Supreme Court of the United States."

The constitutional questions are concerned with Thaw's extradition, his status in New York, and his status in New Hampshire.

Washington, Dec. 10.—Judge Aldrich's statement today that he would not pass upon the constitutional questions involved in the Thaw case, but would forward them promptly to the Supreme Court of the United States, was not taken in Supreme Court circles as meaning that the case would come to the highest court without at least the form of a decision by Judge Aldrich on the pending habeas corpus application.

Only the Federal Circuit Court of Appeals, it was pointed out, may certify questions of law to the Supreme Court for answer before they have acted themselves and this can be done only in cases where the decisions of the circuit courts of appeals are final.

The only way in which the Thaw case may come from the District Court to the Supreme Court is said to be by way of appeal from a decision rendered by Judge Aldrich. In several cases in recent years, however, where district judges considered the cases before them of such importance that the Supreme Court would be asked to review the matter, the judges have not considered at length and passed upon the intricate points raised, but have promptly handed down decisions from which appeals might be taken.

As recognized constitutional questions are involved in the Thaw proceedings an appeal from the District Court may go directly to the Supreme Court instead of first going to the Circuit Court of Appeals.

GOOD VAUDEVILLE AT THE ATHENS LAST NIGHT

The Athens had a change in their vaudeville last night that proved a big hit. The Cabaret Girls made a complete change from Monday and Tuesday; all new songs, new scenery and new comedy. There is some excellent voices with this company. The acrobatic work is new and different from any ever seen on any stage in New Bern. There were remarks from a great many last night that this part was worth more than the price of admission.

Messrs. Lovick and Taylor say they have another good company for next week. They certainly are giving the people some show for their money. All other towns and cities, where these musical comedy companies play, get more for admission than is charged at the Athens.

Mrs. Wm. Hitt



Mrs. William Hitt, formerly Miss Katherine Elkins, of West Virginia, who was reported to have been engaged to wed the Duke of Abruzzi, and was married suddenly to "Billy" Hitt, of Washington.

THE NORFOLK SOUTHERN ERECTING WATER TANK

STRUCTURE WILL BE LOCATED NEAR THE COAL CHUTE.

The contractors who have charge of the work of erecting the large steel water tank at the coal chute for the Norfolk Southern Railway Company, have already begun this work and the steel frame on which the tank will be located, is now being placed in position.

This tank will hold eighty thousand gallons of water and will be supplied by the pumping station now used in furnishing water to the locomotives. From it will be secured the water for the railroad shops.

The Norfolk Southern is also engaged in repairing a quantity of its rolling stock at the local shops. At present four day coaches are being overhauled and repaired and a number of freight cars are receiving needed repairs.

CENTRAL SCHOOL BUILDING IS COMPLETED

NEW STRUCTURE AT THURMAN TURNED OVER TO COMMITTEEMEN.

Frank C. Pettway, of this city, the contractor who erected the central school building at Thurman in Township No. 7, yesterday turned the building over to the school committeemen.

This school was opened several days ago, but at that time the work was not completed. However, this did not delay the teachers from conducting the classes in the usual manner.

Three large busses which will be used in carrying the pupils to and from their homes and the school building have been ordered, but these have not arrived yet and several of the residents of that section have loaned their wagons to be used for this purpose until the busses arrive.

The school committeemen are very much pleased with Mr. Pettway's work and commended him for the interest he has manifested in erecting the building in such a thoroughly satisfactory manner.

"PAID IN FULL."

Will Be Presented In New Bern Tonight.

The dramatic treat of the season, "Paid in Full," will be presented at the Masonic Opera House tonight. It is from the pen of Eugene Walters and is considered by all who are competent to judge, as the best play ever written by an American playwright. It has the distinction of making the longest run of any play ever presented in New York, being played for over two years at the Astor Theatre on Broadway.

Over six million pleased playgoers have laughed and cried with Jimmie and Emma, have despised Capt. Williams and felt sorry for Joe Brooks.

Mrs. Mae Felgar and Mrs. Jesse Scheck, of Columbus, O., have arrived in the city and are engaged in indexing the books in the office of the clerk of Craven County Superior Court.

CONGRESSMAN FAISON KEPT HIS WORD

Told Basnight In His First Campaign He Would Get Him Later—Senator F. M. Simmons Has a Pretty Tough Problem on His Hands As Whom To Select For Postmaster.

H. E. C. Bryant, the Charlotte Observer's Washington correspondent, yesterday had the following interesting article relative to the squabble in the New Bern postoffice:

"The row at New Bern over R. E. Smith, a Democrat, has brought about many interesting situations and recalled some almost ancient history."

"Representative Faison, who is known as the archenemy of all Republicans, was speaking to a crowd in his district during his first campaign for Congress. He had as an auditor Jesse S. Basnight, who was removed last Saturday as postmaster at New Bern. Sometime in the course of Doctor Faison's remarks Basnight sneered or jeered at him. Doctor Faison told him that he had better be at his office looking after the mail, and his partisan employees. Basnight laughed; Doctor Faison told him he would go to Congress and see that his record was clear, or have him ousted."

Doctor Faison has kept faith with himself. He planted the dynamite that blew Basnight out of a fine job. The fight did not last long after the old time partisan enemies locked horns. Basnight got mad, lost his head, and virtually hoisted himself on his own petard."

"In blowing Basnight out of the water Doctor Faison trotted Senator Simmons into one of the liveliest little postoffice contests that has come to Washington recently. Who will succeed Basnight? That is the all-important question, and it is up to Senator Simmons. The Senator is always permitted to name the postmaster of his own town without interference from the Representatives of the district. Doctor Faison, upon his arrival here Monday, lifted his hat to Senator Simmons and told him to let the music begin. Senator Simmons had not eaten breakfast before a delegation of New Bern Democrats whose names have already appeared in The Observer, landed in town. The fight is on."

"Lewis Daniels, John C. Thomas, Jr., S. H. Lane, and others are candidates for Basnight's old place. The signs point to Thomas or, perhaps, Daniels. Here is the situation: Senator Simmons and Mr. Daniels are the best of friends—personal as well as political friends. Thomas is a very active party worker, and has larger support in New Bern than any other man in the race. Mr. Simmons must decide between the two Daniels and Thomas as capable. Daniels is well-to-do and Thomas has but little."

"It is Senator Simmons' affair," said Doctor Faison to the Observer correspondent to say, "I am an interested onlooker. Courtesy puts it up to the Senator, for New Bern is his home town."

"Senator Simmons will be ready to make his announcement in a few days."

"The older Washington newspaper correspondents for North Carolina newspapers recall the contest over the New Bern office that put Basnight in and shut 'Bob' Hancock, now dead, out. The real war over the office was between John Motley Morehead, chairman of the State Republican Committee, and Marion Butler on the one side and National Committeeman E. C. Duncan on the other. Messrs. Morehead and Butler won out. Carl Duncan was licked in one of his strongholds."

PROMINENT DRUGGIST OF HAMLET KILLED

AUTOMOBILE OF EARL MORROW OVERTURNED KILLING MR. MORROW.

Hamlet, Dec. 10.—Earl Morrow, a prominent druggist of Hamlet, was instantly killed and Wilson Page, a lumberman, his brother-in-law, seriously injured, when Mr. Morrow's automobile turned turtle about 4 o'clock today near West End. They had left about noon for a hunting trip and information of the accident was phoned here soon after the accident. Both parties are prominent business men. Mr. Morrow leaves a widow, a baby about three years old, father, mother and one sister. Mr. Page is unmarried. Mr. Morrow was a prominent Mason and Elk and took a leading part in business affairs of the town. His body will reach Hamlet Thursday morning and the funeral will be conducted Friday morning under Masonic auspices. The injuries to Mr. Page are said to be serious.

FARMERS' UNION AT SHELBY NEXT WEEK.

The North Carolina Farmers' Union meets at Shelby, December 16, 17 and 18. There is no program mapped out, but a number of prominent men will address the meeting. The arrangement of plans for the next year's work will also take place.

The secretary of the Union, Dr. J. M. Templeton of Cary, has sent word to the members of the union stating that the railroads will give reduced rates to the meeting. One and one-half fare, plus 50 cents, will be charged to delegates to the meeting.

The officers for the ensuing year will be elected. The executive committee will also be appointed for next year.

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STANDARD SHOE CO. TO HOLD BIG SALE

HAVE CUT PRICES ON THEIR ENTIRE STOCK OF FOOTWEAR.

Christmas is fast approaching and every New Bernian will want a new pair of shoes for this occasion. Realizing this, the Standard Shoe Company, one of New Bern's up-to-date shoe stores, have decided to put on a big "Christmas Sale" of shoes and this will begin Friday.

This company handles only the very best grade of footwear and their stock is an extensive one, therefore affording the purchaser an almost unlimited line to select from. Every shoe in the store will be sold at a reduction and this means that the people of this city will have an opportunity to get some real values.

On page seven of this issue of the Journal they have a message to New Bern citizens that will be of interest to every reader of the paper. Don't fail to look it over.

BRIDGE COMPLETED.

Connects Glenburnie Road And National Avenue.

The new bridge crossing Jack Smith Creek, and connecting the new Glenburnie road and National Avenue, has been finished.

This road will pass through Woodrow Place and on to Glenburnie Park and the Fair grounds. Work on the roadway is now in progress and will be completed in a few days and opened to the public.

Woodrow Place is the latest suburban property offered to citizens wanting to own their home in New Bern and many lots were sold to parties at the auction sale several weeks ago, who will build homes in the near future.

G. A. McCullum, travelling representative of the Greensboro News was in the city yesterday calling on the local patrons of that paper.

Shop early and keep at it.

Oswald S. Schutte



Oswald S. Schutte, who coined the famous phrase "the steam roller," has just been elected president of the National Press Club, of Washington. Mr. Schutte is the Washington correspondent of several large daily papers.

THE TALKING PICTURES ARE THE REAL THING

THAT IS—THOSE MADE BY EDISON ARE GENUINE ARTICLES.

Like every remarkable invention, Edison's Talking Pictures have aroused a host of skeptics who believe the inventor is using the antiquated methods which proved a failure long ago—that of taking an ordinary photograph record and then having an actor act out the scenes to fit the record.

Such, however, is not the case. Edison Talking Pictures are the result of an invention which permits the making of films and records at one and the same time. The doubting ones need but reflect a moment in order to correct their erroneous impressions. In the first place, would so busy a man as the late Mayor Gaynor have made a photograph record of his speech and then rehearsed his speech over and over again until he had learned to move his lips in time with the record? Would he then have stood up before the camera and gone through a meaningless pantomime? Of course not. The Mayor and his Department Heads simply repaired to the Edison Studio and delivered their speeches and while the camera photographed their movements, the phonograph, placed above the camera, recorded every word.

Another proof of the genuineness of the Edison Talking Pictures lies in the minstrel shows and comedy sketches in which a large cast appear. While it might be possible for a single player or even two players to fool the public it is obviously impossible for a large number of people to perform which such absolute precision as to make the illusion perfect. No other method than that of simultaneous photography and recording could possibly give the wonderful results which Edison obtains in the Talking Pictures.

They have been hailed as the greatest vaudeville attraction of the year and have proven their claim to the title in all the big cities of the country. The people of New Bern will have an opportunity to judge of the genuineness of the Edison Talking Pictures when they appear at the Masonic Theatre on December 15.

Mrs. Pankhurst had a quick trip from platform to prison. Just the right time of year for a whole lot of currency talk. Oysters and eggs are two of the most interesting shell games. Thinking well of other people helps a man to think well of himself. Every now and then the man higher up is taken down a peg or two. The people who get the presents do not regard them as "useless giving." Charity may begin, but it should not stop at home.

The gas freight boat Wave arrived in port yesterday from the straits.

The steamer S. J. Phillips left yesterday for Maple Cypress with a cargo of general merchandise.

The gas freight boat Charmer left yesterday for Swansboro with a cargo of general merchandise.

The two masted schooner Bertha L. Morton, of Hobucken arrived in port yesterday with a cargo of oysters.

The gas freight boat Fannie Brevard arrived in port yesterday with a cargo of sweet potatoes.

The gas freight boat Bernice Croe left yesterday with a cargo of general merchandise.

P. O. INSPECTOR IN THE CITY

G. G. Hemilwright Investigating Charges Against The Night Clerk.

MORE SENSATIONS EXPECTED

Friends Of John Thomas Leave Tonight For Washington, D. C.

While there is an air of quietness around the New Bern postoffice which is quite a relief after the strenuous happenings of the past few weeks, those who are keeping up with affairs there realize that something else is scheduled to happen during the next few days and they are awaiting this with much anticipation.

The Journal told yesterday morning of the reinstating of R. E. Smith, the night clerk whom Postmaster Basnight dismissed from office just a week before he received a dismissal from the Postoffice Department. In a previous article the Journal told of the charges which had been preferred against night clerk Smith and after the recent sensational developments, it was supposed that these charges would be dropped.

However, there's no such luck for the night clerk. Postoffice Inspector G. G. Hemilwright was in the city yesterday making a quiet investigation of these charges and there is no doubt about the fact that every effort is going to be made to put an end to the night clerk's connection with the postoffice.

The charges made against him are said to be trivial and the night clerk has denied each and every one of them and tells his friends that he can prove conclusively that there is no foundation to any one of them. That he will be given an opportunity of doing this is believed by those who are familiar with existing conditions. However, he remains at his post of duty in the office.

Interest in the probable selection of a postmaster to fill the place of Mr. Basnight, has not in the least abated and, in fact, seems to increase as the days go by. A delegation of the friends of L. G. Daniels, one of the candidates for the office, spent Monday in Washington conferring with Senator F. M. Simmons urging him to appoint Mr. Daniels.

Tonight a Pullman car-load of John C. Thomas' friends will leave for the capital city to hold a conference with Senator Simmons, and it is said that they are "loaded to the brim" with reasons why their favorite should have the place.

According to Senator Simmons' statement to a newspaper man Monday night, he will recommend one of the candidates during the next few days and until this has been done, local interest in the affair will not decrease in the least.

MARINE NEWS.

The three-masted schooner Edward and Maud, Capt. E. A. Riggins, in command, is at the Atlantic Coast Line Railroad Co.'s warehouse taking on a cargo of lumber for Baltimore.

The steel barge Agnes McNally, of Philadelphia, is also at the A. C. L. R. R. Co.'s warehouse taking on a cargo of lumber for Philadelphia.

The three master schooner Chas. L. Rhode, arrived in port yesterday from Norfolk with a cargo of freight for the merchants of this city.

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