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LEGISLATURE

City of Wilmington May Recover Wrightsville Sound Property

BILL INTRODUCED

In the Senate by Empe Providing for the Transfer of Title of the Encampment Ground on Summer Rest to City of Wilmington. Funds Derived from its Sale to be Used in Establishment of a Public Park. Bill Providing for \$1,000 Annual for Expenses of the Governor Reported Favorably, but Referred Back to Committee—Titles of Bills Introduced in Each of the Branches.

(Special to The Messenger.)

Raleigh, N. C., January 7.—The fourth day of the Senate opened this morning at 11 o'clock, with prayer by Rev. R. F. Bumpass, of the Edenton Street Methodist church, Lieutenant Governor Turner presiding.

Mr. Toms from the committee on enrolled bills reported the following bills and resolutions properly enrolled and they were ratified:

Resolutions to print 1,000 copies of the governor's message.

To increase pay of jurors in Pitt county to \$2.00 per day and pay mileage.

Favorable reports were made on the bill to allow the governor of North Carolina \$1,000 a year for expenses, and the bill applying to the road law of Henderson county.

The following bills were introduced, and referred as indicated:

S. B. 30—Beasley, of Currituck: To amend the act relating to the manufacture of liquor, etc., in Currituck county, near certain churches, Chapter 378, laws of 1903.

S. B. 31—Duls, of Mecklenburg: To permit board of education to borrow \$5,000 to build a public school house in district No. 2. On calendar.

S. B. 32—Vann of Chowan: To regulate fishing and fisheries in the Albemarle and Pamlico sounds. Fish and Fisheries.

S. B. 33—McLean of Scotland: To incorporate the Sanford and River Valley Company.

S. B. 34—Grady, of Sampson: To make punishment discretionary in cases of simple assault where indictment is brought for assault without intent to commit rape. Judiciary.

S. B. 35—Toms, of Henderson: For the relief of C. M. Pace, clerk of court of Henderson.

S. B. 36—Empe, of New Hanover: To permit Wilmington to dispose of certain land near Wrightsville Sound, and use funds for providing a public park in Wilmington. This bill provides for the cancelling of the deed to the state of the encampment ground near Wrightsville, the city of Wilmington to get the benefit from the same, as conditions necessary to hold the land are declared to have been violated, the encampment not having been there in twelve years. On calendar.

S. B. 37—McCullough, of Bladen: For the protection of fish in certain lakes in Bladen, White, Black, and Spalding and the appointment of Ralph B. Melvin as patrol. On calendar.

Second Reading.

S. B. 25—Scales, of Guilford: This bill providing for \$1,000 annually for expenses for the Governor. Mr. Scales explained that this bill was just and absolutely necessary, as no poor man could afford to be governor on the present salary. Russell is said to have expended \$10,000 over his salary, and that Aycock goes out \$4,000 or \$5,000 in debt. It is not fair to ask Governor Glenn to undergo the same but after Governor Glenn's telegram I think the best course in regard to this bill is to ask its recommitment to the Committee on Salaries and Fees. The bill was put to a vote, and the ayes carried, the bill being referred back to the committee.

S. B. 27—Toms, of Henderson: To amend the Henderson county road law, passed second and third reading.

S. B. 30—Beasley, of Currituck: Relating to the manufacture of liquor near certain churches in Currituck, passed second and third readings.

S. B. 31—Duls, of Mecklenburg: To provide for borrowing \$5,000 to erect a school house in District No. 2 in Mecklenburg passed second and third readings.

S. B. 37—McCullough, of Bladen: For the protection of fish in certain lakes in Bladen passed second and third readings.

S. B. 36—Empe, of New Hanover: Providing for the transfer to Wilmington of the title to the encampment ground near Wrightsville, its sale and use of the funds for a public park in Wilmington. On motion of Mr. Vann, of Chowan, bill was referred to the Judiciary committee, after it had been explained by Mr. Empe, who declared the State had violated the conditions and the property being bought by the citizens of Wilmington, it should now revert to them.

Leave of absence was granted to Mr.

Long, of Person, till Monday, and to Mr. Zollicoffer, of Vance, till Tuesday.

An invitation from Dr. Dinwiddie to the Legislature to attend an entertainment at Peace Institute Monday evening, January 16, was accepted.

On motion of Mr. Odell, of Cabarrus, the senate adjourned until 11 o'clock Monday morning.

The House of Representatives.

The House was called to order at 11 o'clock by Speaker Guion and prayer was made by Rev. Dr. C. W. Tyree of the First Baptist church of Raleigh.

The Journal of Friday's proceedings having been read and approved the following order was had:

Committee Reports.

Mr. McNinch for Judiciary Committee reported that the bill referred to it providing for the repeal of the law of 1903 known as the anti-jug law, respectfully asked that it be referred to committee for regulating of liquor traffic. This was done.

Judge Graham for Judiciary Committee reported back bill relating to roads in Henderson county, requesting that it be referred to Committee on Roads and Bridges.

Bills Ratified.

Providing for printing governor's message.

Increasing pay of jurors in Pitt county.

Introduction of Bills.

40.—Simpson: To extend time for proof of deeds—Judiciary Committee.

41.—Warren of Jones: To amend laws of 1899—Propositions and Grievances.

42.—Little: To pay tax listers of state a salary instead of fees—Committee on Salaries and Fees.

43.—Gordon of Stokes: To allow sheriff of Stokes county to pay interest on rail road bonds.

44.—McNinch: To reform the divorce laws of North Carolina—Judiciary Committee.

45.—Coffield: To amend laws of 1903 relative to fees of Justice of Peace and others of Martin county—Committee on Salaries and Fees.

46.—Chesson: To restore local self government to Washington—Committee on Counties, Cities and Towns.

47.—Roddux: To fix time for levying and collecting taxes of Madison—Committee on Finance.

48.—Winborne: To facilitate, cheapen and promote justice in trial of actions involving title to real estate—Committee on Judiciary.

49.—Simpson: To change corporate limits of Monroe—Committee on Cities and Towns.

50.—Murphy: To prevent fraudulent sales of stocks of merchandise in bulk—Committee on Judiciary.

51.—Cannaday: To amend Sec. 2, Art. IX of the constitution—Committee on Constitutional Amendments.

Passes Third Reading.

S. B. 30—To include Hebrew church, Currituck county, in Act of 1903, in territory prohibiting sale of wine.

The House at 1 o'clock adjourned until Monday at 11 o'clock.

THE MORSE-DODGE CASE.

Charles W. Morse Has Not Returned from Europe—The Issuance of Subpoenas for Certain Persons Denied.

New York, January 7.—Charles W. Morse, the banker, did not arrive from Europe on the steamer Lucania today. He engaged a stateroom on the vessel and it was expected he would sail on board at Queenstown, but he failed to appear.

Assistant District Attorney Garvan today said he placed no credence in the report that Mrs. Gelshenen was in New York and that she would appear before the grand jury on Monday.

Mr. Garvan said:

"I accept the word of her lawyer and her son, that she sailed last Tuesday. We are satisfied that Mrs. Gelshenen was not a passenger on the Deutschland today."

Mr. Garvan denied a report that subpoenas had been issued for Attorneys James M. Beck and Samuel Undermyer for their appearance before the grand jury and later District Attorney Jerome said that no subpoena had been issued for Charles W. Morse.

IN CARE OF THE SHERIFF.

Mrs. Chadwick Is No Longer Under Jurisdiction of the United States Marshal.

Cleveland, O., January 7.—Judge Wing of the United States District court today abrogated his recent order that no person should be allowed to see Mrs. Chadwick in the county jail without a written permit signed by the United States marshal.

His decision places Mrs. Chadwick absolutely under the jurisdiction of the sheriff while she continues to be confined in the county jail, and the latter official will have the sole authority to say who shall or shall not see her.

It is intimated however, that the Federal officials may take further action to prevent this, possibly by removing Mrs. Chadwick to some other jail or prison.

Congressman Swanson in Race for Governor.

Richmond, Va., January 7.—Congressman Claude A. Swanson today made formal announcement of his candidacy for the Democratic nomination for the governorship of Virginia. The other candidates in the field are Lieutenant Governor Willard and State Senator William H. Mann. The nomination will be by primary.

20 INJURED

Portion of Stage Setting in Metropolitan Opera House Falls

PANIC AVERTED

By Heinrich Conried Who Urged the Great Audience to Remain Seated and Not be Frightened—None of the Principles in "Carmen" Were on the Stage at the Time of the Accident—The Bridge in the Street Scene of Carmen, a Massive Affair of Heavy Timbers Collapsed Without Warning, Burying Several Members of the Chorus in the Wreckage—The House Was in an Uproar and it Was Only by Hard Work That a Panic Was Prevented.

New York, January 7.—More than twenty members of the chorus of the Metropolitan Grand Opera Company were seriously injured tonight by the collapse of the bridge in the street scene in the opening act of "Carmen."

None of the principals were on the stage at the time of the accident, and the uninjured members of the chorus heroically massed at the front of the stage and sang on, in an attempt to prevent the public from learning what had happened. The curtain was rung down as soon as possible and Heinrich Conried, the impresario, prevented a panic by urging the great audience to remain seated and not be frightened.

The injured removed to hospitals were:

Giovanni Rossi, two fractured ribs; Wanda Adamsky, fractured ribs; Natalie Cornelius, both legs fractured; Katharine Hahn, left hip injured and ribs bruised; Ida Robenstein, internal injuries and shock; Italia Langogari, dislocation of right shoulder; Desadora Paccetti, right leg fractured; Vincenzo Raggaro, fractured ribs; Giovanni, fractured ribs.

All have residences in this city.

In addition to these twenty or thirty more members of the chorus were painfully hurt.

All of the exits of the theatre were opened immediately after the accident, but scarcely half a dozen of the handsomely dressed audience left their seats.

Within fifteen minutes after the crash the performance was resumed and few persons in the big theatre realized how serious the accident had been.

The bridge fell ten minutes after the first curtain was rung up and while the people were still crowding down aisles to their seats. Many, even, were standing. Mme. Arnaud was to sing "Carmen," with a cast, including Madame Ackle, Madame Jacob, Dippel, Journet and Dufriche. The opera had attracted the usual big Saturday night crowd. Vigna was conducting. The opera had opened reasonably promptly.

The chorus was on the stage. The scene represented a street in Seville, with a bridge stretching from the guardhouse and the cigarette makers house at the right of the stage over to the stairs, leading up to the castle at the left. This structure had done service many times. It was a massive affair, built of heavy timbers, reinforced with steel beams.

Most of the one hundred and twenty members of the chorus were off the bridge at the center of the arch gave there were twenty or thirty men and women dancing up and down the structure, awaiting the entrance of Carmen.

Without the slightest warning, the bridge at the center of the arch gave way and the gridding and crunching of timbers being torn asunder, with the shrieks of the women drowned out the glad song of the chorus, and the accompaniment of the orchestra.

Women in the audience jumped to their feet, screaming and endeavoring to make their way out of their seats. The members of the chorus not on the bridge at the time of the accident did not lose their heads and immediately came closer together to screen the scene from the frightened audience.

Yet the cries of the stricken women and the groans of the men buried in the debris of the bridge and almost smothered by the bodies of their fellows who had been thrown on top of them were heard throughout the house.

Then Mr. Conried and his stage directors ordered a quick curtain. While it was descending the men and women of the chorus turned their backs on the audience and plunged into the wreckage to rescue their friends. Some had sung together for years, and many of them were relatives. For the ten or fifteen seconds necessary for the descent of the curtain the audience had opportunity to see something of what had happened.

The entire house was in an uproar. Ushers made every effort to reassure the people in the floor and the balcony seats. Scarcely had the curtain reached the stage than Mr. Conried went to the front of the stage and raising his hand, begged the audience to keep their places.

"We have met with an accident," said the impresario with all the cool-

HONOR TO FOE

First Meeting Between General Nogi and General Stoessel

ARMY AT MUKDEN

Was Not Greatly Surprised to Hear of the Fall of Port Arthur, as They Realized That the End Must be Near—The Meeting Between the Victorious and Vanquished Generals Occurred at the Village of Shuishi. Each General Has Warm Praise for His Rival and for the Opposing Troops—Regular Russian Soldiers in Port Arthur Have Marched Out. Formal Entry of Japanese Will be Made Today.

Headquarters of the Third Japanese Army, in front of Port Arthur, January 5th, via Tien Tsin.—The meeting of General Nogi and General Stoessel today was as undramatic as the conclusion of the siege. It had previously been arranged to take place at noon in the single undamaged house of the village of Shuishi. This house was a miserable hovel, called Plum Tree Cottage. Through a misunderstanding General Stoessel rode out to Port Arthur at 10 o'clock, accompanied by Colonel Reiss and two staff officers, to the Japanese lines, and missed the Japanese officer delegated to escort him to the meeting place. The general rode there without an escort and was received by a junior officer who happened to be on the spot. The latter telephoned to Nogi, who hurried his departure from headquarters and arrived at 11 o'clock, accompanied by Major General Ijichi, his chief of staff, and Colonels Yasuhara, Matsudaira and Watanabe, staff officers, and M. Kawsarkin, secretary of the foreign legation at Tokyo.

General Stoessel is a large man of heavy appearance and looks like a good fighter.

When Nogi, looking careworn, entered the compound of the cottage, the two generals cordially shook hands and Nogi, through an interpreter, expressed his pleasure at meeting a general who had fought so bravely and gallantly for his emperor and country.

General Stoessel thanked General Nogi for the pleasure of meeting the hero of the victorious army.

General Nogi explained that he had received a message from his emperor asking that the greatest consideration be shown to General Stoessel and his officers in appreciation of their splendid loyalty to their emperor and their country. Because of that wish, he added, the Russian officers would be allowed to wear their swords.

General Stoessel expressed his gratitude to the Japanese Emperor for thus saving the honor of his (Stoessel's) family and said his descendants would appreciate the thoughtful kindness of the emperor of Japan. The general also expressed the gratitude of his officers and thanked Nogi for sending the message from Stoessel to Emperor Nicholas, and transmitting his majesty's reply, which read:

"I allow each officer to profit by the reserved privilege to return to Russia under the obligation not to take further part in the present war or to share the destinies of their men. I thank you and the brave men of the garrison for the gallant defense."

Both generals then mutually praised each other and their officers for their bravery.

The conversation afterwards turned on the explosion of the mine at Sungshu mountain fort. General Stoessel said the entire garrison of the fort was killed or made prisoners.

The Russian commander greatly praised the Japanese artillery practice, especially the concentrated fire instantaneous with the explosion of Sungshu mine. The gallant deeds of the Japanese infantry, General Stoessel added, spoke for themselves. It was impossible to exaggerate their good qualities. The skillful work of the engineers had also won his admiration. Continuing, General Stoessel said he had heard that General Nogi had lost both his sons and praised his loyalty in thus sacrificing his sons, who died fighting for their emperor and country. General Nogi smilingly replied:

"One of my sons gave his life at Nanshan and the other at 203 Metre Hill. Both of these positions were of the greatest importance to the Japanese army. I am glad that the sacrifice of my sons' lives had been in the capture of such important positions, as I feel the sacrifices were not made in vain. Their lives were nothing compared to the objects sought."

General Stoessel then asked permission to present his charger to General

Nogi as a token of his appreciation and admiration.

General Nogi expressed his thanks for the Russian general's kindness, but said he could not accept the horse, but he continued he would accept it for the army since he considered that the Russian horses were the property of Japanese and felt he could not make General Stoessel's charger his private property.

General Nogi also promised that when the horse was handed over to him to see that it was treated with the greatest kindness out of respect for the brave Russian general.

Thereupon General Stoessel assured General Nogi that he admired his rigorous principles and appreciated his point of view.

The Japanese commander requested General Stoessel to continue to occupy his residence at Port Arthur until arrangements were completed for the return of himself and family to Russia.

Referring to the burial of the dead General Nogi said the Japanese since the beginning of the military operations had always buried the Russian dead. Those found later on would be interred at a special spot and a suitable memorial would be erected as a tribute to the bravery of the Japanese former foes.

After luncheon at which both generals sat together a group photograph was taken at the cottage and General Stoessel remounted his charger to show the horse's good points, said good bye to General Nogi and rode back to Port Arthur.

The quiet and even solemn meeting of the generals ended at about 1 o'clock.

The regular Russian soldiers in Port Arthur marched out today. The only troops now in the city are the volunteers.

Two fires were started in Port Arthur today for which General Stoessel apologized. He said the volunteers were unable to control the populace and he desired that the Japanese enter Port Arthur immediately to keep order.

The formal entry of the Japanese army into Port Arthur has been fixed for Sunday, January 8th.

RUSSIAN TROOPS NOT SURPRISED AT PORT ARTHUR'S FALL.

Mukden, January 6, via Pekin, January 7.—Though the news of Port Arthur's capitulation was first generally known here today it was surmised by the Russian army January 4th from the cheering heard in the Japanese camp along the entire line when cries of "Banzai" were distinctly heard. The news created no surprise, because the army had become accustomed to the possibility of Port Arthur's fall from before the battle of Liao Yang and since. Although the deaths of Generals Fock and Kondratenko were not published here the facts regarding Fock had been accepted for six weeks and the condition of Port Arthur was known throughout. While it is impossible to telegraph the tenor of opinion, yet it is evident that great events must transpire before the end of the war is apparent.

There was an unusual cannonading yesterday along the center. It was continued in moderate form today.

A. C. L. MAIL CAR ROBBED.

Large Amount of Registered Mail Secured by a Masked Bandit, Who Escaped With His Booty on the Outskirts of Montgomery.

Montgomery, Ala., January 7.—The mail car on the Atlantic Coast Line which arrived in Montgomery at 6 o'clock this evening, was robbed about five miles east of the city. A large amount of registered mail was secured, and the bandit made his escape, dropping off the train as it entered the outskirts of Montgomery. Eugene Hester, the railway mail clerk, was shot through the hand.

A stop was made at Wiley, six miles from Montgomery and Hester believes the robber entered the car at that point. Shortly after leaving there Hester was ordered to throw up his hands and turning he saw that he was covered by a pistol in the hands of a masked white man. Hester grabbed at the pistol and the robber fired, the ball going through the palm of the mail clerk's hand. Hester then gave in and the robber keeping him covered helped himself to the registered packages and when the train slowed up leaped from the car.

It cannot be told at this time the amount secured but it is believed to be large.

Hargis-Marcum Damage Suit Goes to Jury.

Winchester, Ky., January 7.—Testimony and speeches in the Hargis-Marcum damage suit were finished and the case was given to the jury this afternoon.

After deliberating several hours they reported that they were unable to agree. Judge Benton refused to discharge the jurors and placed them in the hands of the sheriff and adjourned court until Monday.

Bishop Spalding Shows Improvement.

Peoria, Ill., January 7.—Bishop Spalding who was stricken with paralysis last night passed an easy night. His condition is not considered serious. Close friends of the bishop attribute his condition to overwork and worry, superinduced by the recent public renunciation of the Catholic church by his ward, the Marquise de Monstiers Merinville, formerly Miss Mary Caldwell.

ADAMS WINS

Declared to Be the Duly Elected Governor of Colorado

BY LEGISLATURE

The Republican Candidates to All the Other State Officers Were Declared Elected—No Notice of Contest Can be Filed by Governor Peabody Until After the Inauguration of Adams, Which is Set for Next Tuesday—Appointees of the Supreme Court as Finally Agreed on Are George W. Bailey of Fort Collins and L. M. Goddard of Denver—Governor Peabody Almost Broke Up the Peace Plans but Finally Was Persuaded by Close Friends to Accede to the Wishes of the Republican Leaders.

Denver, Colo., January 7.—Alva Adams was tonight declared to be the duly elected governor of Colorado. The returns showed Adams 123,078; Peabody 113,304. Plurality for Adams 9,774.

A cheer greeted the announcement of the result of the election made by Lieutenant Governor Haggott.

The Republican candidates to all the other state offices were declared elected under the terms of the agreement reached today by the various factions in the legislature, no notice of the contest can be filed by Governor Peabody until after the inauguration of Mr. Adams, which is set for 10 o'clock Tuesday morning. It has not yet been definitely decided by Governor Peabody whether or not he will make a contest.

When the legislature convened this morning, Representative William Griffith of Cripple Creek asked for a recess until 4 o'clock in the afternoon, giving his reason for the request that "the white winged dove of peace is about to light on the dome of the capitol."

It was nine long hours before the dove came down and many and devoted have been her flights before she lit. It was a day given over to secret caucuses, conferences, to proposals and counter proposals. It was finally agreed at 5 o'clock in the afternoon that the vote should be canvassed, that Alva Adams should be declared governor, and that no contest should be made for any office until after his inauguration at 10 o'clock next Tuesday morning.

Throughout the entire struggle for the governorship the chief aim of both Democrats and Republicans has been to secure the appointment of two new judges to the Supreme court. The question of whether Peabody or Adams sat in the governor's office was a secondary matter. The Wolcott Republicans were insistent in their demand that they be recognized in the appointment of the judges and it was finally agreed that the appointees should be George W. Bailey, of Fort Collins and L. M. Goddard, of Denver.

When the Republican leaders called on Governor Peabody to inform him of the conclusions they had reached and to tell him his only hope of a second term lay through a contest in the Republican legislature, they were met by a wrathful and indignant man. He refused to accede to their wishes and for four hours, his friends labored with him. It was only the personal pleadings of some of his closest friends that finally induced him to agree to the plan proposed and to send the names of Bailey and Goddard to the Senate for confirmation.

On reassembling, the senators filed in the House with Lieutenant Governor Haggott leading. The Lieutenant Governor mounted the speakers rostrum, where speaker Dickson was awaiting him. The men eyed each other for a second and then Haggott with a laugh extended his hand and it was cordially grasped. The speaker stepped back and the Lieutenant Governor called the session to order. He announced the purpose of the joint session to be the canvassing of the vote and then gave way to the speaker.

Representative Griffith moved a reconsideration of the action taken yesterday, the resolution creating the committee of fifteen was laid on the table and that body passed out of existence. The canvass of the vote was then begun.

The election commissioners of Denver late last night refused to turn over to the legislative committee of fifteen appointed yesterday any of the ballot boxes in their possession. Today John M. Waldron, representing the committee, applied to the Supreme court for an order on the commissioners directing them to surrender to the committee certain ballot boxes.

The Supreme court granted the petition and directed the commissioners to deliver the ballot boxes to the committee with the understanding that a representative of the commission be present when they are opened.

(Continued on Fifth Page.)