

## Leads all North Carolina Dailies in News and Circulation

### CONGRESS MEETS AFTER THE RECESS

No Business is Transacted the First Day.

### BOTH HOUSES ADJOURN.

Thus is Respect Shown to Senator Sewell's Memory.

### SCHLEY'S COUNSEL ON FLOOR OF HOUSE.

He Makes Himself Acquainted With the Many Bills Proposed in the Schley Case.

Admiral Schley Has an Interview With Roosevelt.

(By the Associated Press.)

Washington, Jan. 6.—The Senate today met after a recess of more than two weeks, but no business was transacted on account of the recent death of Senator William J. Sewell, of New Jersey, the Senate adjourning out of respect to his memory.

### In the Lower House.

Washington, Jan. 6.—The House transacted no business today. Immediately after it met Mr. Loudenslager, of New Jersey, announced the death of Senator Sewell, which had occurred during the holiday recess and after the adoption of their customary resolutions, the House, as a further mark of respect, adjourned until tomorrow.

### Rayner on the Floor.

Washington, Jan. 6.—Hon. Isidor Rayner, the counsel for Admiral Schley, of the Court of Inquiry spent some time on the floor of the House of Representatives today. He had been at the Supreme Court and later visited the House, where he served as a member for some years. Mr. Rayner joined Representative Cummings, of New York, a member of the House Committee on Naval Affairs and learned from him the general situation of affairs concerning the many bills proposed in the Schley case. Mr. Rayner said later that his visit was without bearing on the admiral's case, although being among old friends he had taken occasion to learn the general condition of affairs.

In this connection it is understood that the friends of Admiral Schley have expressed approval of the bill which has been introduced making the judgment of Admiral Dewey the judgment of the Congress. However, the informal talks today led to the conclusion that a bill of this character was not likely to be reported from the Naval Committee and that if action was to be taken it must be on one of the various other plans pending.

### Another Schley Resolution.

(By the Associated Press.)

Washington, Jan. 6.—Another Schley resolution was introduced in the House today by Representative Schirm, of Maryland. It provides an appropriation of \$12,000 for bronze tablets commemorating six great naval victories, beginning with those of John Paul Jones in 1792 and closing with the battle of Santiago Bay "Commander Winfield Scott Schley Commanding," in 1898.

### COURT KILLS CARTER'S HOPE.

The Petition for a Writ of Habeas Corpus Denied.

(By the Associated Press.)

Washington, Jan. 6.—The United States Supreme Court today refused to interfere in the case of Capt. Oberlin M. Carter. The decision was referred in the proceedings instituted by Capt. Carter for the purpose of securing a writ of habeas corpus that would release him from prison at Leavenworth, Kansas. The case originated in the United States Circuit Court for the district of Kansas, by which the petition for a writ was denied. Today's opinion was delivered by Chief Justice Fuller and affirmed the opinion of the Circuit Court.

### MR. DUKE MUCH IMPROVED.

Durham Superior Court Convenes. Death of Mr. E. J. Emerson.

(Special to News and Observer.)

Durham, N. C., Jan. 6.—The January term of Durham Superior Court, for the trial of criminal cases, convened this morning. Judge Walter H. Neal, of Laurinburg, is presiding. The hearing of cases will be confined to small offenses.

The condition of Mr. Washington Duke, who fell and broke his arm on Christmas, is much improved. The broken member is knitting together nicely and the condition of the patient is all that could be desired.

Mr. and Mrs. G. D. Markham, of this county, were called to Blue's Creek, Sunday, by reason of the illness of their son, Eustace, who is in school there.

A telephone message received in Durham today conveys information of the death of Mr. R. J. Emerson, which occurred this morning at his home on the Raleigh road, about five miles from Chapel Hill, of pneumonia. Deceased was

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TRUTHS FROM HOLY WRIT.

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The Party that Has No Higher Purpose than to Save Its Own Life, He Declares, Will Die Because It Deserves To Die.

(By the Associated Press.)

Washington, Jan. 6.—The United States Supreme Court today affirmed the decision of the United States Circuit Court for the southern district of New York in the case of Benjamin Green, John F. Gaynor, William T. Gaynor and Edward H. Gaynor. Green and Gaynor are charged with being in conspiracy with Capt. O. M. Carter, now serving a term in the United States prison at Leavenworth, Kansas, on the charge of defrauding the government of a large sum of money while superintending public works at Savannah, Ga. Green and Gaynor have sought by habeas corpus proceedings in New York to avoid being sent to Georgia for trial. The New York court refused to grant the writ and the opinion rendered today confirms that verdict. The opinion was delivered by Justice Peckham.

Commenting upon the action of the New York court in ordering the removal of the defendants in Georgia for trial Justice Peckham, who delivered the opinion of the court, said:

"We think that a fair interpretation of the language used by the district judge in granting the application for the writ of removal shows beyond question that from the evidence taken by the commissioner, the judge was of the opinion that there existed probable cause and that the defendants should therefore be removed for trial before the court in which the indictment was found. The judge says he did not express any opinion whatsoever on the merits of the case."

The case was not called upon to do so. It was sufficient if, all the evidence being taken into account, there existed such probable cause for believing the defendants guilty as to warrant their removal for trial of the offense charged."

### SENSATIONAL CHARGES MADE

Suit Against Theatrical Manager by Actor Who Says He Was Drugged.

(By the Associated Press.)

Kansas City, Mo., Jan. 6.—Melbourne McDowell, the actor who ended an engagement here yesterday, signed a sensational deposition here today in Kansas City, Kansas, in his suit against Clarence M. Brune, a theatrical manager, who last season started his wife Minnie Tittle Brune, and McDowell in Sardous's play, "Theodora."

McDowell in his deposition swears that in New York while intoxicated he was induced to sign bills of sale conveying the rights to the Sardou play to Brune for \$500. He asserts that fraud was used in bringing about the transaction and asks that it be set aside.

It was filed in Ramsay county, Minnesota, and seeks to recover damages and to restrain Brune from producing any of the Sardou plays. Other sensational statements made by McDowell in his deposition, one being to the effect that he was drugged in New York, put on board of a steamer and taken first to Boston and then to Newport News and that at Baltimore later, while still under the influence of the drug, he was married.

### PROF. CRAVEN ELECTED.

Tendered the Principals of New Grade School at Price's Mill.

(Special to the News and Observer.)

Price's Mill, N. C., Jan. 6.—The trustees of the Wesley Chapel graded school have offered the principals to Prof. Bruce Craven at a salary of \$70 a month. It will be remembered that this is the only rural grade school in North Carolina. The people of the community have been untiring in their efforts to have a first class school and realize that a first class man at the head of it means a great deal.

Prof. Craven is now principal of the high school at Jefferson in our neighboring county of Chesterfield, S. C., and it is not known whether or not he will accept the position tendered him. He has been very successful in his present situation and the citizens of Jefferson are loath to part with him, as his efficient and progressive work has already done much good in that town. He is a son of Mrs. Nannie A. Craven, of Trinity.

### STRUCK SNAG AND SANK

Steamer W. W. Kelly Goes to the Bottom. No Casualties Reported.

(By the Associated Press.)

Eufaula, Ala., Jan. 6.—The steamer M. W. Kelly, of the Independent Line, laden with a fair cargo and a number of passengers on board, struck a snag two miles above this city this afternoon and sank immediately. There were no casualties so far as reported. It is believed a portion of the cargo can be saved.

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The Party that Has No Higher Purpose than to Save Its Own Life, He Declares, Will Die Because It Deserves To Die.

(By the Associated Press.)

Washington, Jan. 6.—The Hon. William J. Bryan spoke here tonight at the Jackson Day banquet, which was held this evening, at his suggestion, in order that he might keep engagements at New Haven and Boston later in the week. His subject was "Steadfastness," and he said in part:

"Among the traits of character which distinguished Andrew Jackson, no trait was more prominent or more helpful to his country than his steadfastness. When he believed a thing, he believed it. Where duty led, he followed without questioning. When he decided that anything ought to be done, he did it, and no power could overawe him. He did not have in his veins a single drop of 'anything to win' blood. When Nicholas Biddle declared that through the national bank he could make and unmake Congress, Jackson replied that that was more power than any one man ought to have in this country, and he then began his war against Biddle and his bank, which resulted in the overthrow of that great financier and the institution which he so autocratically controlled. Others were afraid that Biddle's influence, if antagonized, would defeat the Democratic party, but Jackson saw in it a menace to his country and he did not stop to consider what effect an attack on the bank would have on himself or on his party. He won and we reverse his name and celebrate his day."

"Boston, in reviewing Jackson's work said that, as Ciesero overthrew the conspiracy of Cataline and saved Rome, so Jackson overthrew the bank and saved America. We shall observe this day in vain if we do not gather from the life of Jackson inspiration and encouragement for the work which lies before us. Today the Democratic party needs to learn from the hero of New Orleans the lesson of steadfastness; it needs to learn from him not only that to be right is more important than to be successful, but that to be right is the best way to insure success."

"A party must have principles or it can have no claim upon public confidence; and how can it commend its principles better than by standing by them? Who will have faith in the creed of a party if the party stands ready to barter away its creed in exchange for the promise of patronage? A halting vacillating course, not only fails to invite recruits, but it alienates and drives away veterans."

"Another reason for steadfastness is found in the fact that no one can tell until the attempt is made what obstacles courage can overcome. The bold and fearless triumph where the timid fail. The victories which live and light us on to noble deeds are the victories snatched from the jaws of defeat by intrepid spirits who preferred death to retreat."

"There is a profound philosophy as well as a religious truth in the words: 'He that saveth his life shall lose it.' The party that has no higher purpose than to save its own life will die because it deserves to die, if need be, for the sake of a great cause will live because it deserves to live."

"Who says that the money power is omnipotent and that the Democratic party must compromise with it or surrender to it? Not until human nature is entirely changed can the financiers be entrusted with the guardianship of the producers of wealth; not until greed becomes just can the money changers construct a system for themselves which will be fair to anyone else. A top can be balanced upon the point only when it is in rapid motion, and so the great financial structure designed by Wall street for the benefit of Wall street will stand upright only so long as it can be kept whirling; the collapse will come when the speed is slackened."

"Who says that we cannot afford to measure strength with the great monopolies which now arrogantly assume to control the domain of politics as well as the field of industry? Not until we can gather good fruit from an evil tree, and flgs from thistles, can we expect a private monopoly to bring forth public blessings. The water that has been secured into the stocks of our great corporations has for the most part been drawn from the agricultural regions, and the drought that is sure to follow will teach the farmer the meaning of the trust system."

"Must we abandon the self-evident truth that governments derive their just powers from the consent of the governed? Must we accept imperialism as an accomplished fact and join in the shout for 'Blood and conquest?' Our republic rests upon solid rock and while its principles are revered it cannot be over-

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### BERNARD TO KNOW FATE NEXT WEEK

Gone to Washington to Prepare His Case.

CHEATHAM TO RETURN

Will be a Candidate for Congress in the Second District.

REPUBLICANS ARE DISORGANIZED.

Charges Against Harkins and Rolens will Cost Their Official Heads, so it is Said.

Judge Purnell and Maj. Grant Return from Washington.

Claudius Melancthe Bernard has moved on Washington with more recommendations for reappointment as U. S. District Attorney and incidentally he carried an armful of affidavits and documents which relate to Harry Skinner's chameleon-like political record.

Next week Senator Pritchard has promised to take up the district attorney appointment for the eastern tree and everybody is awaiting the shaking of the tree. The odds are all in favor of Harry Skinner, but Bernard still fights, and thinks he is very much in the race.

The President was bombarded with the Bernard boom last week. L. L. Harris and Maj. H. L. Grant both saw Mr. Roosevelt in Bernard's behalf. While Col. Harris went to Washington for the purpose of promoting Jim Young's short lived candidacy for the recordership, he took occasion to do some Bernard talking. But with all this Skinner has Pritchard's endorsement and most people think that is the necessary medicine.

Judge Purnell and Maj. Grant, who made the trip to Washington together returned Sunday. Judge Purnell went to the National capital on private business and while he called on the President, he did not take any part in the district attorneyship fight. Maj. Grant's business in Washington was to see the President and the Attorney General in behalf of Claudius. He had an audience with both Mr. Roosevelt and Mr. Knox. Maj. Grant is plain spoken against Skinner, whom he said yesterday "ought to declare his political position and not attempt to run with two parties." Maj. Grant thinks that Skinner has been paid every political obligation due him by the Republican party. "Twice," he said, "we are an enormous amount of crowd to send him to Congress. We are tired of paying senatorial debts by giving appointments to Eastern Populists."

The Republicans in this State are badly disorganized as the result of Senator Pritchard's distributions at the pie counter. The latest from Washington is that charges have been preferred against Col. Harkins and Postmaster Rolens of Asheville, that will result in their removal. There are a batch of charges against Blue Jeans Holton, the western district attorney and now Senator Pritchard will have to defend some of Harry Skinner's wild Populist statements. With the entire Republican organization fighting Skinner, and charges resting over the heads of a number of those "right up," the Republicans in North Carolina hardly know what will happen next. President Roosevelt does some appointing of his own every now and then and the present conditions are not rosy for the united order of Doodles and Pie Eaters.

Ex-Congressman Cheatham, who is soon to retire from the Recordership in the District of Columbia will return to this State. When in Raleigh last week Cheatham confided to his friends his political aspirations. He will return to the Second district and be a candidate for the Republican nomination for Congress at the next election.

W. B. Ellis, of New York, who some time ago preferred charges in the office of the Attorney General of the United States against U. S. District Attorney A. E. Holton, has again written Attorney General Knox on this subject. Mr. Ellis has never heard from Mr. Knox since through the press and he repeats his former charges in this second letter. In addressing Mr. Knox he says:

"I have waited a month since filing my protest against the reappointment of A. E. Holton to the office of District Attorney, and have yet to receive from you official cognization of the receipt of my letter or any intimation of your decision or desire for more evidence to assist you in forming one."

Mr. Ellis says that "a merry jest around federal courts when Holton appeared for the government and his partner was employed by the sinner before the bar."

Meeting one of Mr. Holton's answers Mr. Ellis says:

"Can such a series of charges as I have brought against this man, as the representative of a State's citizenship, that has been overruled and covered by A. E. Holton, be ignored as if it were a petty personal affair between him and myself?"

The letter charges the district attorney with "setting his partner's clients loose upon the community without fines." Mr. Ellis says a warship is sent across the Pacific to investigate a naval Governor who is accused by one man of the comparatively harmless charge of intoxication. Can we not take a half-day's jour-

### SIX EXECUTIONS FIXED FOR ONE DAY

The Governor Names Wednesday, Feb. 26th.

EMMA BURGLARS TO HANG

Capt. Potter Here and Urges Governor to Commute Death Sentences.

JACKSON AND ROSE TO HANG—SAME DAY.

Remarkable Number of Executions to Take Place that Day and Wilson Will Have the First Since Anti-Bellum Days.

Governor Aycock yesterday fixed Wednesday, February 26th as the date for six executions.

The six men who are to pay the death penalty are the four Emma burglars, Andrew Jackson, the Lincoln county burglar and J. H. Rose, the Wilson county murderer. The cases came to the executive office from the Supreme court, where new trials were denied.

While six executions in North Carolina in one day are out of the ordinary, the conviction of four men for burglary and the imposition of the death sentence in each case is probably unprecedented.

It is understood that an application for executive clemency in behalf of at least two of the burglars is being prepared in Runcombe, but as yet no formal petition has reached the executive office. Capt. T. W. Patton of Asheville, called on the Governor Saturday and urged the commutation of the death sentences.

While it is not known that the Governor will interfere with the decision of the jury and the court, it is stated that Mills and Gattis, two of the condemned men, have a better showing for executive clemency than the other two. Judge Douglas of the Supreme court dissented from the decision of the court as to the guilt of these two, holding that they were only guilty of burglary in the second degree. Foster and Johnson made the entrance in the store and did the shooting, while Mills and Gattis stood on the outside.

Andrew Jackson, a white man, will be hanged for burglary on the same day in Lincoln county. There is now a petition before the Governor in his behalf, urging executive clemency. He entered a house which was only occupied by two women and when they discovered them he attacked both savagely. One of the women was very seriously cut with a knife and at the trial a little child born was shown to the jury and had birthmarks corresponding to its mother's wounds. Jackson eluded the officers for nearly a year and was finally captured in South Carolina, tried at Lincoln and sentenced to hang.

The Governor also fixed February 26th as the date for the execution of J. H. Rose, of Wilson, who waylaid and shot a neighbor. There has not been a hanging in Wilson county since the war.

### Remarkable Spring in Florida.

As a part of the water resources of the country, the United States Geological Survey is studying the wonderful Florida springs and lakes, from which most of the rivers of the State have their rise. Kissimmee Spring in Polk county is one of these. The water has a temperature of 70 degrees Fahrenheit, and is strongly impregnated with sulphur, iron and other ingredients that characterize artesian waters in that region. The spring is evidently a natural artesian well. The water all comes from one point, gushing up vertically with great force through a circular orifice in the bottom of the basin and although the basin is thirty feet deep or more the force is so great that the water directly over the orifice is considerably higher than the surface of the lake at the banks. While swimming in this delightful pool it is found to be exceedingly difficult to keep in a position over this spring, and impossible to sink in the water at that point. The outflow of the spring, as measured by hydrographers of the Geological Survey, was found to be 14,000 gallons each minute.

### A Very Live and Useful Citizen.

To the Editor: In the North Carolina nekrology for 1901, copies from the Wilmington Messenger occurs "Col. John M. Galloway, Confederate." I am still living and occasionally dancing. In the absence of Mrs. G. I sometimes talk soft, talk to pretty young ladies. The President is not altogether fair to publish me as dead and I hope you will make proper corrections.

Your friend,  
J. M. GALLOWAY,  
Madison, N. C., Jan. 1, 1902.

### Schley Called for Appointment.

(By the Associated Press.)

Washington, Jan. 6.—Rear Admiral Schley called on the President today, by appointment, and spent nearly an hour in conference with the President. The Admiral discussed the conversation, and the President also declined to initiate the matter of the conference.

### To Sue Railroad for Horses.

(By the Associated Press.)

New Orleans, Jan. 6.—J. W. Fuller has formally notified the Texas and Pacific that he will take legal measures to recover \$53,500 for the losses of the horses, George Arnold, valued at \$50,000, Free State, valued at \$2,500, and for injuries to the mares Queen Esther, \$500, and Katy Ayre, \$500. The two horses first named were killed and the others injured in a collision on the road at Keithville, La. George Arnold was a stake horse in the West last year and won the Christmas handicap here this season, lowering the mile track record to 1:39.

### Col. Cox Not a Candidate.

Col. Frank Cox authorizes The Tribune to announce that he will not be a candidate before the Democratic convention for the nomination for Congress this year. "This," writes a Rutherford correspondent to the Charlotte Observer "will practically narrow the contest down to Gallert, of Rutherfordford, and Campbell, of Asheville, with the chances in favor of Gallert."