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UNDER THE BLACK CAP THREE GO DOWN TO DEATH

Frank Johnson and Ben Foster Are Hanged at Asheville.

JOHN H. ROSE AT WILSON

Johnson Smiles on the Scaffold Saying Better Death Than Life Imprisonment.

FOSTER TALKS WITH RELIGIOUS FEROR

Story of the Crime for Which Johnson and Foster Paid the Death Penalty. Rose Died for the Murder of Thomas Farmer.

(Special to News and Observer.) Asheville, N. C., Feb. 26.—Frank Johnson, alias Dudley Johnson, alias Frank Wilson, white and Ben Foster, colored, were hanged here at 12:30 today.

Johnson's neck was broken and he died in eighteen minutes. Foster died in twenty-five minutes by strangulation.

Johnson showed remarkable coolness and nerve. He smiled on the scaffold and in conversation shortly before his death said he preferred hanging to life imprisonment.

Foster talked with religious fervor. Both men were baptized yesterday. Their funeral took place this afternoon.

A great crowd surrounded the jail before and after the execution.

Two men hung and two imprisoned for life is the result of the burglary which occurred at the Emma postoffice last February.

The case of the four Emma burglars has for the past year been the cause of widespread comment and argument and has created much controversy.

The men were tried in the Superior Court last summer and sentenced to die by hanging August 16, 1901.

The case of the four Emma burglars has for the past year been the cause of widespread comment and argument and has created much controversy.

The decision that the burglars must suffer the death penalty brought many petitions and letters to the Governor and many citizens saw him personally in an attempt to have the sentence commuted.

Governor Aycock said, however, that he would not interfere with the decision of the courts and the law must take its course.

On last Friday news was received here that the sentence of two of the burglars, Gates and Mills, who had had least to do with the robbery, had been commuted to life imprisonment.

The other two, Johnson and Foster, paid the penalty of their crime today (Wednesday).

STORY OF CRIME. On the night of February 8, 1901, four robbers attempted to plunder the postoffice at Emma, a village three miles west of Asheville.

They forced an entrance into the building but were met by a brave man, who resisted their attack and foiled their attempt. The four got away with only a few dollars and a pistol.

Within six hours they were captured and the next morning were in the county jail. Two of the men were white and two were negroes. The whites were Russell Gates and Dudley Johnson. The colored boys Harry Mills and Ben Foster.

All were young, the oldest not 25, and except Gates, who was not known here, all bore bad reputations.

The man who seemed to lead the gang was Foster, who had served for several years on the chain gang and who had escaped a number of times. He had always been unruly on the gang.

Johnson, it is said, was a professional safe breaker, and had an altogether bad reputation.

Mills had been in trouble before and had served a term or two with the chain gang.

For several weeks during night attacks and burglaries had been made on Asheville's streets and the police were on the lookout for the perpetrators.

Early on the morning of February 9 the city was roused by the news of the burglary at Emma, and for a time there was great excitement.

followed and the two (Johnson and Foster), directed Mr. Alexander to go to his room for his revolver. The man obeyed and was followed by the two robbers, who, when they had possession of the weapon, told Mr. Alexander to unlock the postoffice. Upon finding that he had not the key, they ordered him to unlock the safe.

Mr. Alexander told him that he did not know the combination. One of the robbers then drew a knife, threatening to cut his throat if he did not obey.

Mr. Alexander opened the safe at that time and Johnson, laying his revolver down on the top of it, proceeded to rifle it, while Foster kept Mr. Alexander covered.

Suddenly a slight noise in the back of the store, made by a cat, drew the attention of Foster. Mr. Alexander quickly caught up the revolver from the top of the safe, and turning upon Foster, shot him in the left side, just below the heart.

Foster fell and Mr. Alexander tried to shoot Johnson. The revolver missed fire and the two grappled in a life and death struggle. As they fought Foster fired at Alexander and the ball struck him in the left thigh.

Mr. Alexander then fired again at Johnson and wounded him in the shoulder and jaw, the bullet ranging upward from the shoulder and striking in the face.

Mr. Alexander finally overpowered his assailants and dragged them to the porch. He then fell, weakened from the loss of blood.

Gates and Mills were waiting outside for their companions, and all four made off, the uninjured men helping the injured.

By the Odd Fellows' signal of distress Mr. Alexander roused Mr. McLellan. About 11 o'clock news of the trouble was received at police headquarters here and three policemen were detailed to search for the men.

They were found in a short time in a section known as Scratch Ankle and made no resistance to arrest.

Between \$10 and \$20 was found on the (Continued on Second Page.)

RESSENT HIS ACTION Roosevelt Asked to Withdraw Acceptance of Invitation to Present Sword.

(By the Associated Press.) Augusta, Feb. 26.—Lieutenant Governor James H. Tillman, who is in this city, says that today, in deference to requests by wire from subscribers to the fund for the sword alluded to, he telegraphed as follows to President Roosevelt:

"A short while ago I had the honor to address Your Excellency a letter requesting that on the occasion of your visit to Charleston you present a sword to Major Micah Jenkins, of the First United States Volunteer Cavalry, whose gallant service you spoke of so highly, your words being engraved on the scabbard. You accepted the invitation, for which we thank you. I am now requested by contributors of the sword fund to ask that you withdraw said acceptance.

(Signed) JAS. H. TILLMAN, Lieutenant Colonel First South Carolina Volunteer Infantry and Lieutenant Governor of South Carolina."

In explaining the sending of the telegram Lieutenant Governor Tillman said: "It is with much regret that I am directed, or rather required to send this telegram, especially in view of the fact that I am so closely related to one who but a few days ago was subjected to an affront which was seemingly, or at least the people who contributed to the purchase of the sword think, unwarranted."

H. and B. Beer's Cotton Letter.

(Special to the News and Observer.) New Orleans, La., Feb. 26.—Liverpool advices were more favorable than anticipated and our market in sympathy opened unchanged, advanced six to seven points later on fresh buying, closing at a net gain of six points.

Port receipts for the five days are 20,000 in excess of last year. The semi-weekly interior receipts were 53,000, against 38,000 last year and 37,000 year before last, being the largest on record for this time of the year. The loss in stock, however, was 18,000, against 1,000 last year and 18,000 year before last.

The movement continues large but everything pertaining to facts is ignored and sentiment is markedly bullish now on the expected market falling off in receipts during March. These assertions have been in circulation since December and although the movement during the interim has proven the incorrectness of such claims, they are as vigorously disseminated from week to week and accepted only to meet with no realization.

Cables predicting the long anticipated perpendicular drop in the movement during March also occasioned the firmness in Liverpool today. We must have a decided decrease in receipts soon or short crop advocates must abandon their estimates.

The trade have been working on a small crop basis, but this on its face points to a crop of 10,333,000, therefore those believing and working on a crop of 10,000,000 or under cannot continue to assert that these figures are correct, but they will have to prove that such is the case. For the present manipulation and sentiment sustain values, consequently if new buying can be attracted to the article prices may be maintained.

H. & B. BEER.

Gold to Europe.

(By the Associated Press.) New York, Feb. 26.—The National City Bank announced today that it will ship \$700,000 in gold to Europe tomorrow.

Lazard Freres will ship \$1,000,000 and Heibach, Ickelheimer & Co. \$750,000 sold to Europe tomorrow.

WILL HARDLY GO BEYOND CENSURE

Democrats Will Not Submit to Suspension.

BAILEY GIVES WARNING

Republicans Want Severe Punishment For Tillman.

DEMOCRATS GENERALLY OPPOSE THIS

Sub-Committee Will Meet Today to Frame a Resolution For Action of the Full Committee Which Meets Again Friday.

(By the Associated Press.) Washington, Feb. 26.—The meeting of the Senate Committee on Privileges and Elections this forenoon, did not result in supplying any solution of the difficulty before the Senate in connection with the Tillman-McLaurin matter.

The Republican members of the committee frankly confessed that they had not been able to formulate a scheme which would relieve the situation, and after less than an hour's discussion they asked that the committee should adjourn until 2 o'clock this afternoon with the understanding that the Senate should adjourn after a brief session and thus give the committee an opportunity to fully consider this important matter, which most Senators look upon in its present shape as a stumbling block in the way of all other legislation.

The meeting of the committee was marked by the best of feeling on the part of all the members, and all agreed readily to a preliminary suggestion by Chairman Burrows that the question should be approached from a purely non-partisan standpoint, because of its general importance. It was evident, however, that the Democrats were inclined to apprehend some effort at political advantage on the part of the Republicans, and the channel through which they expected this manifestation soon became evident when Senator Foraker made the suggestion that there should be a severer degree of punishment meted out to Senator Tillman than to Senator McLaurin.

Senator Dubois met this suggestion with a positive negative, and when the suggestion was afterward made that Senator Tillman should be called upon to prove before the committee the charge which he had presented in the Senate that his colleague had yielded to undue influence, there was a hint that if this matter should be entered upon some Senators would insist upon the re-opening of the charges on file in the committee, in connection with the election of other Senators, which charges have never been disposed of.

During the morning meeting of the committee Senator Bailey notified the Republican members that the Democrats would not submit to the adoption of a resolution suspending the South Carolina Senators. He said he agreed that they should be punished for their breach of the peace in the presence of the Senate, but he was satisfied that the Democrats would not submit to any proceeding which would deprive a State of representation.

Some of the Republican members of the committee replied that they agreed as to the unwisdom and impracticability of proceeding by way of suspension. While no positive statement of policy was made from the Republican side there was enough said to lead to the conclusion that the proposed resolution for suspension has been abandoned and that the punishment suggested will be in the form of censure.

Indeed some of the Republican members of the committee say that this is practically the only course open to them. The Republicans, however, will contend for more severe rebuke to Mr. Tillman than shall be administered to Mr. McLaurin, and the Democrats will resist this discrimination. That is now the point of greatest difference.

The committee on Privileges and Elections continued its consideration of the Tillman-McLaurin episode during the afternoon, but reached no conclusion beyond deciding to refer the entire matter to a sub-committee, and to meet again on Friday to consider any recommendation made by the sub-committee. The afternoon session lasted three hours and after the Democratic members took their departure at 5 o'clock, the Republicans continued the sitting. The meeting of the full committee was devoted to a general exchange of views. No vote was taken on any proposition; indeed no proposition was made by either the majority or the minority. There was entire agreement on the one point that both the South Carolina Senators should be punished, but there was disagreement on the details of punishment as well as on the degree of it.

The Senators had before them full reports of the speeches of both the Senators, making careful comparison of their language. Each member also was provided a copy of the Constitution and of the rules of the Senate, and these as well as the established parliamentary authorities were consulted frequently.

A half dozen different suggestions were made as to modes of punishment, including suspension and censure by the Senate and censure with the added requirement of further apologies from the offenders. There also was a continued discussion of the relative punishment of the two men. Most of the Republican members of the committee hold that to Senator Tillman should be awarded a more severe form of rebuke than to Senator McLaurin, while the Democrats do not generally concede there should be discrimination.

Senator Bailey quoted at length from the speech made by Senator Tillman, which provoked the reply of Senator McLaurin, contending that it did not make a specific charge of bribery. The Democrats also held out stiffly against all suggestions looking to the suspension of the privileges of Senators as an attack on the rights of the State they represent, rather than on the Senators themselves.

When the committee adjourned its members professed to be hopeful that a unanimous agreement would be reached, but they were not so hopeful as they had been when the noon recess 'was taken. The proceedings were not of a character to permit of any definite conclusion as to what the result would be, though so far as they went they indicated censure as the form of punishment more likely to be recommended. Some of the Republicans, however, are holding out for a more pronounced rebuke to Senator Tillman than could be given in any verbal reprimand.

The sub-committee appointed is composed of Senators Burrows, Hoar, Foraker, Republicans, and Senators Pettus and Bailey, Democrats. This sub-committee will meet tomorrow afternoon and make an effort to frame a resolution for the action of the full committee, which will meet again at 10 o'clock Friday.

Galleries Again Disappointed. (By the Associated Press.) Washington, Feb. 26.—Again today the galleries of the Senate were thronged (Continued on Second Page.)

GERMANY EXTENDS A HAND ACROSS THE SEA

Desire For Friendlier Relations With the United States.

THIS BRINGS THE PRINCE

So He Declares in a Short Address at the Press Banquet in His Honor.

DINES WITH THE CAPTAINS OF INDUSTRY

Later He Reviews the Torchlight Procession of the German Societies. A Visit to Grant's Tomb is Postponed. One Thousand Present at Press Dinner.

(By the Associated Press.) New York, Feb. 26.—Prince Henry of Prussia remained on board the Hohenzollern this morning. A visit to Grant's tomb, which the Prince had desired to make early in the day, was postponed, because the wreaths to be placed on the sarcophagus were not finished in time.

The Prince left the Hohenzollern about noon, and escorted by Troop C, went to Sherrys. Heading the procession was a squad of mounted police. Prince Henry rode in an open barouche and following were carriages containing members of the Prince's suite and Rear Admiral VonBaudissin. The party arrived at Sherrys at 12:30.

With Prince Henry were Admiral Evans, Admiral VonTirpitz, Gen. Corbin, Commander Cowles, Col. Bingham and Assistant Secretary of State Hill. The luncheon was given in the ball room. Eleven tables had been arranged, crescent shaped, each table seating twelve guests, with the exception of the Prince's table, which had twenty guests. All sat on the outside of the crescent so that every guest faced the Prince. The room was beautifully decorated.

Among the guests were H. Mc. Twombly, Daniel S. Lamont, Alexander F. Orr, J. Pierpont Morgan, H. W. Vreeland, Ex-Ambassador General John W. Griggs, Abram S. Hewitt, Chauncey M. Depeve, Lieutenant Governor Woodruff, Rear Admiral Melville, Charles A. Moore, Emil Boas, Thomas A. Edison, John A. McCall, Nathan Strauss, E. J. Berwind, William H. Cramp, Prof. Simon Newcomb, John A. Bradstreet, Rear Admiral Walker, George Gould, Alexander Graham Bell, Dr. S. Weir Mitchell, D. O. Mills, the German Ambassador, Dr. VonHelleben, Geo. F. Bates, Henry O. Havemeyer, Charles M. Schwab, J. Ogden Armour and Adolphus Busch.

From the dinner give nby the "captains of industry," Prince Henry, preceded by mounted police, who cleared Fifth avenue of all vehicles, sending them into the side streets, was driven to the imperial yacht Hohenzollern. After a two hours' stay the Prince accompanied by his suite, Ambassador VonHelleben and Admiral Evans, was driven to the Arion Society Hall, there to review the torchlight procession of the German societies. He was escorted by Troop C, of Brooklyn, and mounted police.

THE PRESS BANQUET. Henry Dines at the Waldorf Astoria With Men Who Make Newspapers. (By the Associated Press.) New York, Feb. 26.—Prince Henry of Prussia dined tonight with 1,000 of the men who make American newspapers. He was the special guest of Herman Ridder, proprietor of the New Yorker Staats Zeitung, who gathered at his table a majority of the leading figures in American journalism. They came from four quarters of the country and made the most noteworthy gathering of their profession ever assembled in the United States. There was a felicitous exchange of greetings between Prince Henry and the men who spoke for the journalistic craft and the affair claims rank as one of the notable incidents of the American tour of the German Prince.

The dinner was given in the handsome ball room of the Waldorf-Astoria Hotel, but that immense apartment was not large enough to accommodate the numerous guests and the Astor gallery was also used.

The two rooms were splendidly decorated. Mr. Ridder and the special guests sat at an elevated table, above which were the American and German flags. The staves were crossed and the banner, draped fan-like reached out like the wings of a huge butterfly.

Above them the Prussian eagle done in incandescence lights. From the boxes hung clinging vines, and set in on the ledges were hundreds of palms. Each table carried bouquets of American Beauty roses, around which were candleabra shaded in red.

As the diners took their places the ladies of many of the party appeared in the boxes which wall the room. Prince Henry, attended by the members of his suite, drove to the hotel under escort of cavalry and mounted police. The demonstration in the streets leading to the hotel was the most cordial of any

that has so far marked his appearance in public. Great crowds lined the way and pressed against the police guards that had been thrown around the 33rd Street entrance to the hotel. They cheered when the Prince came in sight and he frequently raised his hand to his cap in acknowledgment of the demonstrations.

Old Books Purchased. The State Library has recently bought from Henry Stevens, Son & Stiles, of London, seven volumes relating to a controversy between Colonial Governor Arthur Dobbs, of this State, who was Governor from 1754 to 1765, and one Capt. Christopher Middleton, concerning the discovery of some overland route. The use of the books, and the fact that they treat of one of our old colonial governors, makes them of considerable interest. The price paid was fourteen pounds, five shillings and four pence.

To Deal in Sugar Futures. (By the Associated Press.) New Orleans, Feb. 26.—The New Orleans Sugar Exchange has decided after an exciting meeting to establish a futures branch. The progressive element of the exchange has been endeavoring to make this change for several years, believing that it would tend to make New Orleans a more important sugar market.

The "Naiad" Burned. (By the Associated Press.) Columbus, Ga., Feb. 26.—The steamer "Naiad," owned by the Georgia and Florida Navigation Company, of this city, was burned at Blountstown at 2 o'clock this morning. No lives were lost. The boat and part of her cargo, including the United States mail was a total loss.

HERE'S A HOT LETTER

Collector Refuses Department's Command to Rescind Order.

Death of Rev. Mr. Proctor.

Bunn-Williams.

Atlanta, Ga., Feb. 26.—The Southeastern Passenger Association, embracing all railroads south of the Ohio and Potomac Rivers, and east of the Mississippi today announced a rate of one cent per mile each way to the reunion of Confederate veterans in Dallas, Texas, in April.

Washington, D. C., Feb. 26.—Some time ago the Secretary of the Treasury received unofficial information to the effect that J. W. Ivey, Collector of Customs at Sitka, had instructed his deputy at Unalaska not to permit Canadian vessels presumably about to engage in pelagic sealing, to obtain supplies at that port. The collector was directed to send a statement of the facts to the department and was informed that if such orders had been given they must be rescinded. Today the department received a telegram from Ivey, saying:

"My Americanism will not allow me to rescind an order which gives British subjects privileges within our marine jurisdiction, which are denied our own people. There is another matter that may attract your attention. I have recently issued orders to the deputy at Skagway, a copy of which has been sent you, which has put Canadian officers located there out of the business and sent them to their own territory. You are aware of the fact that this officer became so offensive that he interfered with American officers in the discharge of their official duties, opened United States custom mail, dominated over the railroad officials, discriminated in the order of shipment in favor of Canadian merchandise against that shipped from Seattle, established a Canadian quarantine at Skagway, collected moneys and performed other acts of British sovereignty in a port of the United States, such as hoisting with bravado the cross of St. George on the flagstaff of his custom house. I have sent the concern, bag, baggage, flag and other paraphernalia flying out of the country. You may feel the shadow of international complications and rescind this order but a Reed, a Cliney or a Blaine would not."

Yesterday afternoon, at one o'clock, Rev. F. W. Proctor died at the home of Mrs. J. A. Egerton, his half sister. Mr. Proctor had suffered from consumption for many months, and came to Raleigh last November with Mrs. Proctor in the hope of improving his health. Mr. Proctor was thirty years old, a native of Dinwiddie County, Va., near Petersburg. His last church was at Newport News, Va. He leaves a wife, mother, a brother and a sister. His brother, William R. Proctor, is pastor of the McKenzie Methodist church in Norfolk. He has been telegraphed for, and will accompany the remains to Petersburg today, where the interment will take place in the family burial ground this afternoon.

A quiet home wedding was celebrated last night at 9 o'clock, when Miss Eula A. Williams was married to Mr. W. H. Bunn, at the home of the bride's father, Mr. Thos. Williams, on Firwood avenue. The ceremony was performed by Rev. R. H. Whitaker.

Atlanta, Ga., Feb. 26.—The Southeastern Passenger Association, embracing all railroads south of the Ohio and Potomac Rivers, and east of the Mississippi today announced a rate of one cent per mile each way to the reunion of Confederate veterans in Dallas, Texas, in April.

That student who lingers around the foot of his class may eventually become a first-class chiropodist.