

THE WEATHER TO-DAY  
For North Carolina:  
FAIR.

# The News and Observer.

THE WEATHER TO-DAY  
For Raleigh:  
Fair and Warm.

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RALEIGH, NORTH CAROLINA, WEDNESDAY MORNING, APRIL 30, 1902.

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## Leads all North Carolina Dailies in News and Circulation

### BOTH SIDES OF CONTROVERSY PRESENTED

#### ATTACK ON JUDGE WALTER CLARK JUDGE WALTER CLARK DEFENDED

##### Maj. J. W. Wilson Attacks Justice Clark and Opposes His Nomination as Chief Justice of the Supreme Court.

The political situation in North Carolina is one of some uncertainty. The approaching election is to be held under conditions and circumstances that are new to us; we cannot with any certainty foretell the result of the various changes in the Constitution and the election laws enacted since the last election. The enemy is awake, preparing for a vigorous campaign. It therefore behooves us to look well to our defenses, to take counsel of one another, to plan wisely, to execute carefully.

We are just now emerging from the baneful effects of Fusion rule in North Carolina. The education of our people and the industrial development of our natural resources will soon put our State in the front rank of Commonwealths; but a mistake now would be fatal. I feel that my life-long adherence to the Democratic party gives me the right to speak to Democrats. My knowledge of a peculiar danger that confronts the party impels me to warn it. I respectfully ask the thoughtful attention of all Democrats, leaders in party thought and action, as well as the rank and file, to what I have to say.

The candidacy of Associate Justice Walter Clark for the nomination as Chief Justice of the Democratic party for the office of Chief Justice of North Carolina, is openly avowed, and seems to be seriously received. Personal injustice received at the hands of this man led me to an investigation, the result of which I feel it is my duty to make public. If any charge I shall make is untrue, Judge Clark has his remedy in a suit for libel, and he may be sure I shall plead justification and produce proof.

Judge Clark should not be nominated by the Democratic party because:

1. He is not a Democrat, and was against us during the Fusion regime.
2. He is morally unfit for the place.
3. He is not and was not, during the Fusion regime, a Democrat. In the first place, he was elected in 1894 by Fusion votes. The Democratic judicial ticket, headed by Judge Shepherd including Clark, was defeated. The Fusion judicial ticket, headed by Faircloth—including Clark—was elected. Judge Connor declined the Fusion nomination (as any other Democrat would have done). Judge Clark accepted it, at least by not declining, and was elected by Fusion votes. Clark, Democrat, was defeated, and there has been no such person in North Carolina since that election. Having "turned his face towards Sodom" is it any wonder he was soon deep in the flesh-pots of Fusionism? What was his own estimate of his political status at that time? Let us see. He undertook to convince the Fusion Legislature of 1895 that he was good enough a Populist to go to the United States Senate instead of Mr. Maria Butler. He held private interviews with leading Populists in the Legislature of 1895, and sought to handle the Senators, pleading that he had the endorsement of the Populist party in the election of 1894. When he says for himself that he is a Populist, shall Democrats gainsay him?

He was the confidential adviser of Butler, Russell, Ayer & Co. He had private, nay, even secret conferences with them; he inspired and suggested editorials in the Caucasian while the Fusionists were in control; he was one of them. Throughout the whole of that black page in North Carolina's history he was in close touch with the enemies of Democracy. He had no sympathy nor encouragement for the Democratic party during the White Supremacy campaign of 1888; instead he was conferring secretly with Marion Butler, with Dr. Thompson, with Hal Ayer, with Mr. Cade and other leading Populists. He thought the Democracy was done for in North Carolina, and aligned himself with what he thought was the winning side. After Faircloth died and before he was buried, he requested Dr. Cyrus Thompson to see Governor Russell in his behalf, asking for himself the appointment as Chief Justice to succeed Faircloth, saying that his appointment would be acceptable to the Fusionists, and referring again to the support they gave him in 1894.

His correspondence with Governor Russell, Mr. Butler, Mr. Cade and other Populists was very voluminous, very interesting, and a part at least is still in existence. He wrote and spoke freely then, because he thought Democracy was a dead duck in North Carolina. He was not a Democrat then, he is not a Democrat now, and he cannot be elected Chief Justice of North Carolina. If nominated, the correspondence I have referred to will be produced and scattered broadcast over the State. Republican and Populist leaders may be able to whip their followers in line and elect unfit men to office, but Democrats have too much intelligence and too much honesty to vote for such a man; they cannot be made to do it.

Already these things are flying from mouth to mouth, and this hidden history of '94 to '98 is even now the subject of common talk. If Judge Clark shall be the standard-bearer of the Democratic party in this year of 1902 Democracy is doomed to defeat.

In October, 1898, when it became apparent that the Democrats would win,

Judge Clark abandoned his former political associates, jumped on the Democratic band-wagon and tried to take charge of it. In order to make peace with the Democratic organization he was willing to sacrifice all his Populist friends and impeach the men with whom he was elected on the Fusion ticket of 1894.

Politically, he has been all things to all men. Prior to 1894, posing as a Democrat, holding office as a Democrat. From '94 to '98 the confidential adviser of the leaders of the Populist party, still holding office. In 1898, turning his face to the rising sun of Democracy, holding out both hands for more office. Winds from the four quarters of the compass blowing salary into his pocket. The rest of us suffered defeat and went down in sorrow and chagrin before the unholly alliance of black and tan; not he. The Kentucky postmaster who had held on for thirty years, and explained his staying qualities by saying that it took a damn smart administration to change any faster than he could, can learn tricks from Judge Clark, even as Saul of Tarsus at the feet of Gamaliel.

I am an old man now, and my thoughts often go back to the days that tried men's souls. From '61 to '65 I followed the stars and bars with Lee and Jackson. I have seen deserters and traitors shot, I have seen them paraded and restored to the ranks, but I have never seen nor heard of one who was put in command of the army. The experiment, if made, will prove as disastrous in politics as in war.

2. He is not morally fit for the place. I charge that Judge Clark has sat in judgment on cases which he himself had previously instigated, and concealed his connection with them. It is a well known rule of law that a new trial may be had if one juror out of the twelve can be shown to have had any interest, however remote, in the case; or, to have formed and expressed decided opinion about the merits of the case before the trial. Yet here we have a judge of the court of last resort instigating cases with full knowledge that they would come up for hearing in his court and hiding his connection with them, gravely sitting in judgment on the very cases he himself had inspired, and writing judgments on the pending decisions with all the innocence of virtue. There is no parallel in the history of the judiciary in North Carolina.

I charge that Judge Clark prepared a paper which was submitted and tendered for the use and approval of Governor Russell, giving the reasons for the removal of the two Railroad Commissioners, Otho Wilson and Wyatt, who he had every reason to know that the matter would come before him for decision as Associate Justice of the Supreme Court of North Carolina; that this paper was prepared by Judge Clark after personal conference with Governor Russell and Senator Butler; typewritten, with the signature and initials of Wilson and Butler in Judge Clark's handwriting; that after the Railroad Commissioners were removed by Governor Russell, and while they were resisting such removal in the court, Judge Clark wrote in his own handwriting a letter to Governor Russell, of which the following is the substance:

There was first a memorandum that the letter was confidential, or a request to destroy. It then stated that he (Judge Clark) had previously sent to the Governor a paper giving the reasons for the removal of the Railroad Commissioners; that the paper was in typewriting, but had interlineations in his (Judge Clark's) handwriting; that the paper had not been adopted by the Governor, but he now heard that the Commissioners intended to object to his sitting on the case when it came up for hearing before the Supreme Court, therefore it was important to destroy the paper referred to, as it was the only evidence of his connection with the matter, and requested Governor Russell to destroy the paper, if in existence, and to destroy the letter.

At that time I had no valid proof that Judge Clark had acted as promoter or instigator of my removal, and could not therefore object to his sitting on the case. Having, as he thought, removed the evidence of his connection with the case in its beginning, he did sit in judgment on the case, wrote the opinion of the court removing me from the office, and was particularly active in having the Marshal seize the office by force of arms, thus depriving me of my office pending an appeal to the United States Court.

If Judge Clark cares to deny any of the allegations I have made, full proof of my charges is in reach and will be produced.

In like manner I charge that he inspired or originated what is known as the free-pass indictments, and afterwards sat on them in judgment. How many other cases he may have originated or suggested and afterwards adjudged, there is no way of finding out; but enough is known to warrant the belief that there have been very many.

In the Gattis vs. Kilgo suit, heard at this term, his connection with the case was so plain that it could not be hid, therefore he refrained from sitting on it. In Jackson vs. Corporation Commission, heard also at this term, the reverse is true; it was hid (so he thought) and he sat on the case. (Continued on Page Six.)

and for Henry G. Connor to succeed Judge Armstead Burwell, as Associate Justice"—two well known Democrats, the two other gentlemen being equally well known Republicans. Judge Clark was at the Supreme Court room when he heard news of his endorsement, and as I learn from Hon. B. R. Lacy, our present public Treasurer, he immediately sent for him and Hon. F. M. Simmons, then and now Chairman of the State Democratic Executive Committee and now Senator. Judge Clark stated to them, so Mr. Lacy says, that he was surprised, and said that the next day he would come out in such card as they thought proper, declining the endorsement or he would take any other course they thought proper. Chairman Simmons advised him not declining, saying that he thought Judge Clark would probably be nominated for Associate Justice by the Democratic Convention the following week, and that it was his duty to his party to obtain all the votes possible for the candidate of the Democratic party. Judge Clark told him he had carte blanche to write what he thought fit and proper. It was thought best to put it in the form of an interview, and the following interview was thereupon written entirely in Mr. Simmons' own hand writing, and was adopted by Judge Clark without alteration, and appeared next morning in the News and Observer, parallel with a column containing the report of the Populist Convention. The original in Mr. Simmons' hand writing is still in existence and is in the possession of Mr. Lacy at the public Treasury, where it can be seen. Here is a copy as taken from the News and Observer August 2nd, 1894, on file in the State Library:

**"AN INTERVIEW WITH JUDGE CLARK."**

Judge Clark was seen last night, and said in substance: that the action of the Peoples party in endorsing him for Associate Justice was neither sought for in any way, or encouraged by him, that while he greatly appreciated the desire of any body of his fellow citizens to elect him to this position, it must be distinctly understood that he is a Democrat, and is not, and has not been a candidate for the nomination or endorsement of any party, except the Democratic party; that if nominated by the Democratic Party at its convention on August 5th, he would be a candidate for re-election, otherwise he would not be a candidate.

The News and Observer in commenting upon it states that Judge Clark and Judge Connor had been nominated without their consent, suggests a reason why Judge Connor would not be a candidate, and adds as follows: "Judge Clark is not in the same boat. Assuming the Democrats will nominate him, he will receive the votes of his own party and the Populists, and it may be that the Republicans will follow suit and he will be elected unanimously."

On the following day the News and Observer editorially, Carl E. A. Ashe being the editor, said as follows: "It is well to observe that Judge Clark in his interview which we printed yesterday says in effect, that the action of the Populists in endorsing him was without his sanction, and that he would abide by the action of the convention of his own party, just as if the Populists had taken no such action, otherwise he will be no candidate."

After these prompt and excellent declarations, the Populists and Republicans who voted for him, could have no misconception of his attitude.

Two days after Judge Clark's card, Judge Connor had been nominated without in the News and Observer on August 4th. The following week on August 5th, the Democratic Convention met and with all the facts known to Chairman Simmons and other leaders, and indeed to the public, Judge Clark was unanimously nominated by the Democratic party. Judge Connor could not run against Judge Burwell, the nominee of his own party, but Judge Clark being the nominee of the Democratic party had no right to refuse any votes tendered for his nominee. His declaration that he had not sought the Populist endorsement is as explicit as pen can make it, was written by the chairman of the Democratic party and was not denied by a single man, Populist or otherwise, in the whole State.

Two year later, as Major Wilson says, Judge Clark was tendered the Democratic nomination for Governor, and we know that he was unanimously endorsed for Vice-President by the State Convention, and later was voted for by several States at Chicago, as the running mate of Mr. Bryan, and his first refusal to be nominated solely and only because when a boy he had been a Confederate soldier. After these party endorsements, six or eight years ago, it is too late to question his party loyalty. We who live in Raleigh, where he has resided for nearly thirty years past, know that he has attended every Democratic primary and always voted the Democratic ticket without scratching. For a great part of the time I lived in

### BODY NOT YET FOUND

#### It is Believed That Mr. Ray Was Murdered.

The Negro in Jail in Danger if the Body of the Missing Man is Found by the Searchers.

(Special to News and Observer.)

Troy, N. C., April 29.—Vigorous search is still being made for the body of Mr. Ray, whose mysterious disappearance and probable murder is the sensation of this section of Montgomery county. Over three hundred men are searching for the body of the missing man and the country is being scoured in all directions.

The negro who is suspected of being implicated in the disappearance is under arrest and in the jail here. The evidence in hand going to show that Ray was killed is such that of his body is found a lynching may take place. The reward of a thousand dollars offered by the lumber company for Ray's body is stimulating the search for it.

The suspicion against the negro arrested comes from the fact that he demanded of Mr. Ray, who was the book-keeper for the Mills Lumber Company here, money which Mr. Ray had reserved from his wages to pay for medical attention given the negro's wife by Dr. Thompson. This the negro had asked to be done, but later demanded the money and was heard to say that he would have it or kill Ray.

Mr. Ray declined to give the man the money. Last Monday Ray disappeared, being last seen leaving the mill at Vista on his way to another mill to pay off the men. The negro arrested was seen shortly afterward coming from the direction in which Ray had gone, and when a search was instituted for Ray's body the earth at this place was found to be spaded up as if to remove blood and everywhere there were signs of a struggle. Two clubs made from the limbs of trees were found and a negro woman living near by says she heard two pistol shots about the hour the men must have met.

The excitement, in place of subsiding, is increasing, and this is added to by the report that Mrs. Ray, the wife of the missing man, is so prostrated by grief that it is feared she will lose her reason.

### PUBLIC BUILDING BILL PUT THROUGH

#### No Opportunity is Given For Amendment.

Measure Provides For 77 New Buildings and Sites.

TELLER DENOUNCES SMITH'S ORDER

A Stiring Discussion in the Senate of the Barbarous Methods Practiced in Philippines to Crush Out Opposition.

(By the Associated Press.)

Washington, D. C., April 29.—Under a special order which allowed the three hours' debate but cut off all opportunity of amendment the House today passed an Omnibus Public Building Bill which will distribute \$17,065,450 among 174 cities. As the bill covers into the treasury \$1,855,000, the total amount carried by the bill is reduced to that extent.

The bill provides for 77 new buildings and sites; six buildings on sites already purchased, seventeen buildings on donated sites and fifty-eight increases in appropriations for buildings already authorized. It also provides for the purchase of sixteen sites.

The majority for the bill was so overwhelming that only nine members backed a demand for the ayes and noes on the passage of the bill. There was some criticism of the method by which it was proposed to pass the bill without opportunity for amendment, which Mr. Mercer, chairman of the committee, answered by stating that if the bill had been subject to amendment the appropriations carried by it would have been increased to \$60,000,000.

Mr. Richardson (Tenn.) opposed the addition of the special order saying that this method of legislation could not be justified by any course of reasoning. Among those who spoke on the bill were Messrs. Bartlett (Ga.) and Small (N. C.).

**THE PHILIPPINES SITUATION.**

Spirited Debate of Two Hours Engages the Attention of the Senate.

(By the Associated Press.)

Washington, April 29.—A spirited and at times heated discussion of the Philippine situation occurred in the Senate today. It revolved around the order alleged to have been issued by General Jacob A. Smith to make the Island of Samar a howling wilderness, and to kill all male inhabitants over the age of ten years. The debate took a wide range, however, and many other points were discussed.

When the Philippine Bill was laid before the Senate a Senator was prepared to deliver a set speech upon it. Mr. Lodge, Mass., in charge of the measure, said he felt compelled to press it for consideration. His remarks drew the fire of Mr. Teller, Colo., who criticised the Republicans for not participating in the discussion. This precipitated the debate and for more than two hours it continued.

During Mr. Teller's remarks Mr. Tillman (S. C.) said it was reported that the Government was very polite to the warlike datos of Mindanao and observed that consideration was shown Mohammedans of that island, while cruel treatment was meted out to the Christians of Samar.

Discussing the alleged order of General Smith, Mr. Teller said he understood that General Smith had tried to justify his order by what is known as the "Tom Ewing Order." During the Civil War, by this order, the population of two counties in Missouri was deported and the property destroyed. He was proceeding to characterize the action of the American army in the Philippines as most cruel and barbarous when he was interrupted by Mr. Spooner with the inquiry, "Does the Senator not remember Fort Pillow?"

"What does the Senator mean by his reference to Fort Pillow?" inquired Mr. Carmack, Tennessee.

"I had in mind," replied Mr. Spooner, "what has been considered a massacre of colored troops there."

Mr. Carmack insisted with some heat

that there was no massacre of troops or killing of prisoners at Fort Pillow.

Mr. Teller was continuing his remarks about General Smith's order when he was interrupted by Mr. Fairbanks. "I do not understand," said he, "that the Government approves of General Smith's alleged order. It has ordered a court martial to try General Smith."

Mr. Teller offered an amendment to the bill providing for a commission to be appointed by the President, and to consist of not less than seven nor more than fifteen persons to proceed to the Philippines and try to secure a lasting peace between the United States and the Philippines. The United States to pay the commissioners salaries of \$10,000 a year each and all expenses.

Mr. Teller continued his discussion of General Smith's order, which he said, had shocked the public mind in this country, regardless of party affiliations. He said he would desire of our Government if the American people should not repudiate such an order.

"If," said he, "it be true that he issued such an order I believe the officer ought to be dismissed from the service."

He said he would despise himself if he did not enter his protest against such infamy as was evinced by the order of General Smith.

"In the records of all the great wars since the Middle Ages," he declared, "you cannot find such a disgraceful and wicked order as that issued by General Smith."

Mr. Lodge said nothing was known here of General Smith's order until it was pleaded by Major Waller as a defense for his action in Samar. As soon as Waller had pleaded that order as his defense the President himself had directed that General Smith be court-martialed. He said he did not know whether the order of General Smith was verbal or written.

Mr. Carmack (Tenn.) insisted the evidence indicated that orders of a very extreme character issued in the Philippines were being suppressed, not he believed, by the War Department, but by the military authorities in the Philippines.

In calling attention to the report of Secretary of Batangas province, that there had been so great mortality in the province as to reduce the population from 300,000 to about 200,000, the mortality being due to disease, Mr. Tillman inquired whether the Philippine commission had investigated that matter.

When informed that it had not, he exclaimed:

"Well, how long are we going to hold on to this bag of cats? What benefit is it to the American people to pursue this infamous policy?"

As the running colloquy continued, Mr. Cullerson asked Mr. Lodge if he endorsed the order issued by General Bell.

"No," replied Mr. Lodge. "I do not endorse cruel methods of warfare. General Smith's order is one which every American should regret. On the surface these orders seem to me to be revolting."

In explaining the great mortality among the inhabitants of Batangas, Mr. Bacon (Ga.), expressed the belief that the disease among the natives had been caused by the laying waste of the province by war. Crops had been destroyed and the inhabitants had been confronted almost by a condition of famine.

Mr. Teller in conclusion declared that this government could not escape the condemnation of the world and of every right thinking man for "this miserable, wicked attempt to compel those people to accept our government whether they desire it or not."

**FATHER PRICE LECTURES.**

May the 10th Will be a Notable Day at Taylorsville.

(Special to the News and Observer.)

Taylorsville, N. C., April 29.—Taylorsville has been visited the past week by Father Price, of Raleigh, N. C., a Roman Catholic priest, who has given a series of lectures on the beliefs and doctrines of his church. This is something quite new in Alexander county. Few of our citizens have ever seen or heard a Catholic.

The cornerstone of Alexander county's new court house is to be laid Saturday, May 10th, by the Grand Lodge of Masons and Junior Order of American Mechanics. Congressman Klutz has been invited by these orders to deliver an address and he has promised to be on hand and meet our people, as Alexander county is in his Congressional district this year. A soldiers' reunion is also to be held and Private R. Z. Lindsey, Esq., is to address them, while A. L. McIntosh, Esq., is to make a talk on the history of Alexander county.

Taylorsville High School closed for the term last week.

Minister Wu Ting Fang has declared an invitation to deliver an address at a school commencement at Millidgeville, Ga., an account of the recent criticisms of himself in the Senate.

### On the Diamond.

#### Greensboro Defeats Trinity.

(Special to the News and Observer.)

Greensboro, N. C., April 29.—Greensboro defeated Trinity College in a game of baseball here this afternoon by a score of 7 to 5. The game was not especially interesting. The attendance was good.

### American League Games.

(By the Associated Press.)

Chicago, April 29.—A gift, an error and three hits gave Chicago today's game in the seventh inning.

Score: R. H. E.  
Chicago... 000000031-4 4 3  
Cleveland... 000010100-2 11 5  
Batteries: Callahan and Sullivan; Wright and Bemis. Time 1:50. Umpires, Johnstone and Connolly. Attendance 2,200.

St. Louis, April 29.—Mercer had the local players at his mercy today and was well supported, while Donahue was battered all over the field.

Score: R. H. E.  
St. Louis... 100002000-3 5 4  
Detroit... 000013200-11 16 4  
Batteries: Donahue and Donahue; Mercer, Beaulieu and McGuire. Time 2 flat. Attendance 2,000. Umpire, Caruthers.

### National League Games.

(By the Associated Press.)

New York, April 29.—The New York team shut out Brooklyn on the Polo grounds today in a game which was called in the latter half of the sixth inning.

Score: R. H. E.  
New York... 13001002-7 11 3  
Philadelphia... 100000010-2 7 0  
Batteries: Patten and Ely; Plank and Steelman. Umpire—Sheridan. Time 1:40. Attendance 2,900.

### From Trinity College Association.

(Special to News and Observer.)

Charlotte, N. C., April 29.—At the banquet given by the Methodistists of the Southern Manufacturers Club a "Trinity College Association" was formed. Mr. S. J. Durham was the toastmaster and speeches were made by Dr. J. C. Kilgo, Mr. J. H. Southgate, Dr. Edwin Mims and others. The banquet was largely attended and the affair most enjoyable.

The Senate Committee on Military Affairs yesterday authorized an adverse report on the bill creating a national park at Appomattox, Va., where General Lee surrendered to General Grant.

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**THAT POLL TAX.**

If YOU do not pay YOUR poll tax before the first day of May, YOU cannot vote.

This law is as unalterable as the laws of the Medes and Persians.

YOU will feel very cheap next November to be disfranchised because YOU failed to pay your poll tax.

Pay it today.