

THE WEATHER TO-DAY:
For North Carolina:
FAIR.

The News and Observer.

THE WEATHER TO-DAY:
For Raleigh:
FAIR.

VOL. LIV NO. 108.

RALEIGH, NORTH CAROLINA THURSDAY MORNING, JAN. 14 1904

PRICE FIVE CENTS.

Leads all North Carolina Dailies in News and Circulation

ROUGH SHOD OVER THE CONSTITUTION

Roosevelt's Policy Must Involve Us in War. SO ASSERTS CARMACK

Action in the Case of Panama the Beginning of a Policy of Intermeddling Whose Results Will be Written in Blood and Flame.

(By the Associated Press.)
Washington, Jan. 13.—Panama was again today the principal subject of consideration in the Senate and as on yesterday the debate was spirited. Today there were only two speakers, and between them they held the floor for about four hours. Mr. Carmack opened the proceedings with a set speech in pointed criticism of the President's course, and was followed by Mr. Spooner in defense of the President's action. Mr. Tillman frequently interrupted Mr. Spooner and there were a number of sharp encounters between them. When the Senate adjourned the Panama question was still before the Senate, and it was announced that the discussion would be resumed tomorrow.

The Panama resolution offered by Mr. Gorman, was laid before the Senate and Mr. Carmack was recognized. He said that while he had the utmost respect for the office of the President, he did not mean to conceal the excesses of that office, "and every act of the President in this wretched Panama business," he went on, "has been in violation of law, of statutory and international law, and of the Constitution of the United States."

He spoke of the new isthmian power as a "hideous abortion of night and darkness, misnamed the Panama Republic." He compared the course of President Jackson in the Texas case with that of President Roosevelt in the present instance, and commended the former at the expense of the latter. In that case he said there was no recognition until Mexico had abandoned the struggle. As for himself when his conduct should be questioned, he would point to Andrew Jackson, and not to Theodore Roosevelt as his guide and he had no doubt of the result.

"The President had, he said, made it plain that he had never intended to execute the Nicaragua provisions of the Spooner act. "Never for one moment," he said, "did he consider any plan that had in it so little of the strenuous and the sensational as the execution of the law. If instead of peering into the future as Mr. Loomis tells us he did, he had peered into the past, he would have saved the country much trouble."

Mr. Carmack contended that President Roosevelt had not contented himself with recognition of Panama, but had intervened. "His acts were not simply offensive, not simply a cause of war, but they were war," he added. "As a matter of fact there never was any insurrection on the isthmus," said Mr. Carmack. "They speak of the rising," he said, "as the act of one man. Very true! and that one man was the President of the United States."

Discussing the act of Colonel Black of the United States army in raising the first flag in the Panama Republic, the Senator criticized him sharply. "I do not believe that he would have engaged in this plot if he had not believed that he was doing the will of the administration. That," he added, "is what I think, and if Colonel Black is not punished, I will know that I am right."

Mr. Carmack declared that a mob has as much right to hang its victim as has the President to secure what he wants by disregard of the law. President Roosevelt, he said, loses the power of reasoning and his moral sense when he becomes involved in action, he said and exclaimed: "Into what difficulties may we not be led by this headlong man!"

He did not agree that the President would have hesitated if Colombia had been a stronger nation. On the contrary the President would have welcomed such an opportunity.

"He makes history as he would order a melo-drama, making certain that the star performer is always in the center of the stage."

THE WAR TO SEAT A DEAD MAN BEGUN

Argument in the Moody-Gudger Contest. HEARD ON ITS MERITS

The Case Against Albright Argued Before a Sub-Committee of the Senate Committee on Post-Offices. Strong Suggestion by Mr. Pou.

(Special to News and Observer.)
Washington, D. C., Jan. 13.—House elections committee No. 1 today heard argument of counsel in the Moody-Gudger contest from the Tenth North Carolina district. The committee met at 10:30 o'clock and remained in open session until 5, when the argument having been concluded, it went into executive session.

The opening argument for the contestant Moody was made by ex-Congressman Thomas Settle. He was followed by Frank Carter, of Asheville, and Chas. M. Busbee, of Raleigh, for the contestant, Gudger. Then Mr. Settle closed the case. Col. V. S. Lusk, who is also one of Moody's counsel, was present, but did not speak.

The argument on both sides was confined almost exclusively to the evidence, the chairman and some other members of the committee intimating quite plainly that they were inclined to brush aside all legal technicalities and consider the case on its merits.

This intimation eliminated the lengthy argument that would otherwise have been made on both sides regarding the effect of the contestant's death on the contest.

The official returns as canvassed by the Board of State Canvassers, and on which Gudger's certificate of election is awarded, gives 12,700 votes to Gudger, and 12,517 votes to Moody, or a majority of 183 for Gudger.

It is insisted by the attorneys for Moody that the entire vote from South Wayneville precinct, in Haywood county, should be rejected. This precinct returned 266 votes for Gudger and 147 for Moody, or a majority of 119 for Gudger.

It is likewise insisted that the entire poll from the precinct of Shields, in Polk county, should be rejected. This precinct returned 150 votes for Gudger, and 60 for Moody, or a majority of 90 for Gudger.

It is also insisted that the entire vote from the county of Buncombe should be rejected. The returns from this county give Gudger 3,023 votes, and Moody 2,690 votes, or a majority of 333 for Gudger.

REPLY TO RUSSIA

Japan's Answer is Submitted, Negotiations Will Continue.

London, Jan. 13.—A dispatch from Tokyo to Reuters Telegram Company, says that Japan's answer to the last Russian note was handed this afternoon to Baron De Rosen, the Russian minister, and that negotiations will be continued without any time limit being set for their termination.

The demands which Japan is said to have made, according to reports published abroad have caused some surprise in Tokyo, according to the dispatch, and it is now stated that Japan never asked for the evacuation of Manchuria, but on the contrary frankly recognizes Russia's special interests there and her right to protect them. Japan demanded the realization of Russia's voluntary pledges respecting China's territorial integrity in Manchuria and the freedom of residential rights and international trade therein.

Berlin, Jan. 13.—Official opinion regarding the probability of war between Russia and Japan is under consideration.

Port Said, Egypt, Jan. 13.—The Russian cruiser Aurora has arrived here.

Later the Russian cruiser Dmitri Donskoi and seven Russian torpedo boat destroyers arrived here.

The Dmitri Donskoi entered the Suez Canal bound for the Far East.

The torpedo boat destroyers will await the arrival here of the remainder of the Russian Mediterranean squadron, which is expected soon.

War Seems Inevitable.

Pekin, Jan. 13.—The forecast of Russia's position regarding Manchuria, cabled by the Berlin correspondent of the Associated Press, January 11, coincides with the information received by the foreign legations here and also strengthens the impression that war is unavoidable. At the Japanese legation an effort is made to conceal the belief that war is expected.

The crux of the situation is still Russia's refusal to admit the right of Japan to a voice in the settlement of Manchurian affairs, which Japan considers one of the most vital interests and to sustain, which the Japanese government is determined to resort to arms, if necessary.

DOORS ARE FLUNG WIDE BY TREATY

Ratifications of Convention With China. THE EXCHANGES MADE

This Throws Open the Ports of Mukden and Antung and Among Other Concessions Accords Our Missionaries Protection.

(By the Associated Press.)
Washington, Jan. 13.—Ratifications of the Americans-Chinese commercial treaty were exchanged at the State Department today by Secretary Hay and Sir Chengtung Liang-Cheng, the Chinese Minister here. The treaty provides for the opening of the ports of Mukden and Antung, in Manchuria, to the world's commerce. The President today signed the proclamation putting into effect the treaty.

The following statement was issued by the State Department regarding the treaty: "Although relating in its principal provisions to questions of commerce and navigation, removing restrictions which have hampered them both in China, it also speaks of a number of questions of great importance to the people of the two countries. For example, it defines the rights and privileges of the diplomatic and consular officers and of American citizens, especially missionaries residing in China and insures the latter enjoyment of rights which they have only had in the past practically by toleration. The treaty also deals with trade-marks, copyrights and patents, ensuring them a fair degree of protection in China—a thing which they have had very little of in the past."

"Perhaps the provision of the treaty which interests most the public is the opening of two new localities in Manchuria for foreign trade—the city of Mukden and the town of Antung on the Yalu river. It is to be noted in this connection that the Japanese-Chinese treaty, the ratifications of which were exchanged yesterday at Peking, secures also to international trade the opening of the port of Tantung Kou, about thirteen miles below Antung and at the mouth of the Yalu. It is highly probable that the presence in these localities at an early date of American consular officers and those of other nationalities—for all nations having treaties with China and Japan, the right to establish consulates at these places—will greatly tend to the establishment of order in this much disturbed borderland of China, and will powerfully contribute toward insuring the principles of the 'open door' to which this country stands irrevocably committed, as well as aiding in insuring the integrity of China and its administrative control over its Manchurian provinces."

STRUCK OUT BY THE HOUSE.

Provision for Salaries Civil Service Commission and Clerks Thereunder.

(By the Associated Press.)
Washington, Jan. 13.—After a lively debate lasting three hours the House today in committee of the whole by a vote of 78 to 65 struck out of the legislative, executive and judicial appropriation bill the paragraph providing for the salaries and expenses of the Civil Service Commission and clerks employed under the commission.

The action was taken on motion of Mr. Hepburn, of Iowa. He was supported by Republicans and Democrats, in charge of the bill, that a ye and nay vote will be demanded on the question when the bill is reported to the House.

Mr. Bartlett (Georgia), taking up the report of Fourth Assistant Postmaster General Bristow, referring to statements made by Mr. Bristow in the appointment of the chief of the supply division of the Postoffice Department, according to the report of General Bristow, the Civil Service Law had been violated.

"I call attention to this," he said, "because it is on the very threshold of this report. It meets you at the start, at the very door and stands out as a bold, bald violation of the law, and the man who violated it, the man who encouraged it, the man who started it, the man who asked it is a former First Assistant Postmaster General, Perry S. Heath, now Secretary of the National Republican Committee."

DEVOURING FIRE LIT SNOWY NIGHT

Five Story Brick Building in Greensboro. LOSSES ARE HEAVY

The Fire Bursts Out in the Beville Building Opposite City Hall Presenting a Spectacle of Terrific Splendor. List of Losses.

(Special to News and Observer.)
Greensboro, N. C., Jan. 13.—Fire tonight in the five-story brick building opposite City Hall and owned by W. E. Beville, damaged the building to the extent of \$5,000, which is covered by insurance.

Plumbing stock of J. Ed. Albright, loss \$600.
Stock of groceries, Chas. E. Pugh, \$2,500.
J. J. Stone Printing Company \$8,000, fully insured.
Boyles & Mitchell, window shade factory, \$2,500, insured \$1,500.

A large amount of the insurance was carried by Greensboro home companies. Two large printing presses of Stone Company, valued at \$7,000, were saved by preventing the fire from the upper story burning the end of the building they were on. The bindery and other machinery were totally destroyed.

The fire was caused by a boy in the plumbing establishment on the first floor. In looking for something with a lighted candle he set fire to the oakum hangings on the wall, which ignited like powder, and communicated to a bale of hay near the elevator shaft, the flames shooting up the shaft to the first story and igniting plume rthere. This, under a metal roof, was impossible to reach.

Another fire near the McAdoo Hotel burned the stables belonging to John Dick. Loss \$500.

The J. J. Stone Printing Company published Fairbrother's Everything, the next issue being due tomorrow. It is not known to what extent the matter is damaged by delay of issue will not be more than five days at furthest, possibly not three days.

Stone will at once equip office in another building, not discharging the thirty-five workmen, unless for lay off of a day or more. Beville will rebuild as soon as insurance is adjusted. The walls of the building apparently are not damaged. The water pressure was deficient, fire being in the fifth story, which occasioned great alarm for awhile. When the roof burst out after two hours of hard fighting, amid a fall of snow, the scene was magnificent beyond description. Work of firemen in saving the part of second story containing the expensive presses of Stone Company was splendid. Occupant of one store with large stock of groceries had just moved out.

RUSSELL SERIOUSLY ILL.

Removed From Ebbitt House to Johns Hopkins Hospital.

(Special to News and Observer.)
Washington, N. C., Jan. 13.—A private telegram received today from Mrs. Russell, who is with her husband in Washington, states that ex-Governor Russell has been removed from his rooms at the Ebbitt House in that city to Johns Hopkins Hospital in Baltimore. Governor Russell is suffering with kidney trouble, and private advices tonight are that his condition is very critical.

A DOUBLE TRAGEDY

Death by the Revolver Route for George Corn and His Wife.

(Special to News and Observer.) Asheville, N. C., Jan. 13.—Deputy Sheriff Wells and Coroner Hemphill today went to Pole Creek, in this county, where an inquest was held over the remains of Geo. Corn and his wife. Last night Corn shot his wife dead and then walked into the road, where he put a bullet through his own head. Corn was a well-known farmer of this county and was over fifty years old. He has had considerable domestic trouble and it is said this is what led to his rash act.

The death of Robert E. Sharpe, of New York, occurred at 4:30 o'clock this morning at 159 Charlotte street. The deceased was 85 years old. Mr. Sharpe was the father of Mrs. George J. Sheppard, of Asheville, and the grandfather of Rev. Frank R. Shepard, of Buell, N. Y.

MABEL'S LOVER ACQUITTED.

Alois Eckstein Goes Free. The Prosecution Tries the Court's Patience.

(By the Associated Press.)
Allentown, Pa., Jan. 13.—Alois Eckstein, one of the lovers of Mabel Bechtel, who was so mysteriously murdered last October, was acquitted this afternoon of complicity in the crime after a brief trial in which the conduct of the prosecution sorely tried the patience, not only of Judge Trexler, but also that of the jurymen and counsel for the defense. E. J. Lichtenwalner, the district attorney of Lehigh county, was so bogged that it was with difficulty the case was carried to a conclusion. Several times the court interfered and threatened to end the proceedings for the day unless the commonwealth conducted its case in a more orderly manner. At one time the district attorney's assistant in the case took charge, only to be set aside by the district attorney later on. The court endured the proceeding until after the jury had been instructed to render a verdict of acquittal when Judge Trexler adjourned the court.

The district attorney wanted to go ahead with the trial of the accused members of the Bechtel family, but the attorney for the Bechtels protested emphatically. The district attorney, however, was insistent and ordered the names of the defendants called, but the judge interrupted by saying to the district attorney:

"Do you intend to conduct the prosecution yourself, or will you rely on assistant counsel? If the latter, the trial will go on, otherwise this court will adjourn until tomorrow morning."

"The district attorney proposes to conduct this case himself," muttered the official.

"Then this court stands adjourned until 9 o'clock tomorrow morning," said the judge.

The opening address of Attorney Lutz, who is assisting the district attorney, was exceedingly brief, and did not give a strong indication that the commonwealth expected to fasten complicity in the murder on Eckstein.

SIXTEEN DAMAGE CASES.

(By the Associated Press.) Coal Creek, Tenn., Jan. 13.—Sixteen damage cases against the Coal Creek Coal Company and G. M. Camp, superintendent, for alleged misrepresentation made to secure a party of miners brought to Coal Creek from St. Louis on December 4th, last, were decided in favor of the miners in a justice court yesterday. A judgment for \$250 and all costs was rendered in each case. The company will appeal. The Fraterville mine, of the Coal Creek Coal Company is now being operated, a force of detectives and deputy sheriffs being on guard.

In Honor of R. C. Caldwell.

(Special to News and Observer.)
Winston-Salem, N. C., Jan. 13.—The annex committee of the First Presbyterian church have decided to name the proposed addition "The R. C. Caldwell Memorial Building" in honor of the beloved pastor who died in Philadelphia. Work on the building, which is to cost \$12,000, is to be