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fies Former Order

Labor Lenders Cannot Be Estopped From Reference to Concerns-Leaders Claim That They Will Be Able to Upset Sentence of Imprisonnent Imposed Upon Them.

(By the Associated Press.) Washington, D. C., March 11.—The American Federation of Labor here-after may freely refer to the boycott against the Bucks Stove and Range Co. of St. Louis, except by inclusion in the "We Don't Patrentze List."

In the "We Don't Patrenize List."

This, in substance, of widespread importance to the labor world, to manufacturers and to newspapers generally, is the sweeping decision handed down today by the Court of Appeals of the District of Columbia in the noted injunction case of the Bucks Stove and Range Co, against the American Federation of Labor which has been before the courts of the District of Columbia in various phases for mouths.

trict of Columbia in various phases for months,

In a recent decision by Justice Gould, of the Supreme Court of the District, the American Federation of Labor and the officers, Messra, Gompers, Mitchell, Morrison and others were enjoined from conspiring to boyect the Bucks Stove and Range Co. and Irom printing or publishing or distributing, through the mails or otherwise, any copy of the "Vederationist" or other publication referring to the complainant, its business or product in the "We Don't Patronize" or "Unfair" list.

The Court of Appeals modified and affirmed the opinion of Justice Gould, of the Supreme Court of the District of Columbia, enjoining the American Federation of Labor, Samuel Compensand other defendants from publishing to the "We Don't Patronize" list the name of the Bucks Stove and Range Co., of St. Louis.

Co., of St. Louis.

The opinion, which was handed down by Justice Robb, holds that the decree of Judge Gould should be modified to the extent that there should be eliminated from the decree the restriction of the labor organ and the be eliminated from the decree the re-striction of the labor organ and the other defendants from "mentioning writing, or referring" to the business of the Bucks Stove and Range Co., or its customers. Otherwise the decree is affirmed. The court holds that the "combination" and boycott in further-ance thereof, and the publication in the "We Dear Pattropies", column in

the "We Don't Patronize" column is ald of the boycott is filegal.

The court held that the defendance could not be restrained from all pub-lications referring to the Bucks Stoye and Range Co. but only to such as are made in furtherance of an illegal boy-

In a partial dissenting opinion, Chief In a partial dissenting opinion, Chief Justice Shepard took a strong stand in upholding the freedom of the pregs. He says that even assuming that the publication of the complainants name in the "We Don't Patronize" column of the Federationist "was a step in

of the Federationist 'was a step in the formation of a conspiracy to coerce independent dealers into refusing to have further business relations with that company I cannot agree that the publication can be restrained for that reason. Regardless of its character of purpose, the publication is protected from restraint, in my opinion, by the first amendment of the constitution which forbids an yiaw abridging the freedom of the press."

The Chief Justice held that 'the only remedy for libelous or otherwise malicious, wrongful and injurious publications is by civil action for damages and criminal prosecution. There is no power to restrain the publication."

The decision does not settle the appeal in the contempt proceedings in which Messrs, Gompers, Mitchell and Morrison were given jail sentences. This case will be heard later by the appellate court.

appellate court.

The labor leaders, so it is said, claim that, if the reasoning adopted by Chief Justice Shepard and Justice Van Orsdel is followed in the decision of the contempt proceedings they will be able to upset the findings of Justice Wright and prevent serving terms of imprisonment.

onment.

Giving as his reasons for the opinion, Justice Robb declared that the "We Den't Patronize" list of the American Federationist "constitutes a tailemente symbol indicating to the membership of the Federation that a boycott is on and should be observed," and said in regard to the overt's modification of Justice Gould's decree that the court had a right to prevent the printing of this "unfair" list, but that "the decrees should stop there and not attempt to regulate the publication and distribution of other matter over which the court has no centrol."

"The dissenting opinion of Chief Justice Shepard," said Mr. Gompers tenight "is exactly that for which the rederation has been all along contending, so far as it refers to the freedom of the press. The right to freely express opinions is a constitutional guaranty. There is nothing libelous in anything the Federatioust has published in connection with this whole

Warrants for Prize Fight Officers.

uation of Agreement

Men Had Little Hope of Being Able

to Carry Their Point Against the Owners of Anthracite Mines—Union Not Recognized by the Conference at Philadelphia.

(By the Associated Press.)

Philadelphia, March 11.—The anthracite coal operators met the committee of hard coal miners in the Reading Terminal building here today and flatly refused to grant the men any of the demands they laid men any of the demands they laid before them, and at the same time proposed to the mine workers that the present agreement, which expires March 31, be renewed for another term of three years. This decision, while not unexpected by the mine workers, as they had long ago learned that the operators were against making any concessions, came as a great disappointment to the men.

When the afternoon session of the conference adjourned. Thomas L. Lewis, national president of the United Mine Workers of America, and his colleagues filed out of President

ils colleagues filed out of President Baer's office and went straight to their notel with a spirit that was not as (Continued on Page Taree.)

Place Destroyed

(Special to News and Observer.) Greensbor), N. C., March 11.—A fire with fatal result occurred this morning at 2:30 o'clock, when Biggs' Hygienic Sanitarium, 408 West Market street, was totally destroyed and Frank Greene, an aged patient, whose home was at Goldston, Chatham county, perished in the flames. Dr. Biggs was spending the night in the residence of the late Rev. Dr. L. W. Crawford, that house being

used by Dr. Biggs as an annex to his

L. W. Crawford, that house being used by Dr. Biggs as an annex to his sanitarium. Mrs. Biggs was awakened by the coughing of her baby, which had become strangled by smoke. Taking the baby in her arms she broke the glass of her window and climbed out on the roof of the porch and aroused the patients, there being four women patients and Mr. Greene. Breaking the glass in the window of Mr. Greene's 100m she called to him and heard him moving about in his room. The women patients climbed out on the posch roof and jumped to the ground, a distance of fifteen feet. They were all screamfing and calling for help and in a few minutes some one turned in the fire slarm from box No. 13. The apparatus would not work and the big bell struck only once, but the indicator in the fire station registered the number of the box pulled and the firemen answered the slarm with their accustomed promptness. When they arrived they found the house a mass of flames, but in a short time they had five or six streams of water playing upon the six streams of water playing upon the fire, which was extinguished after an hour's hard work, but not until it had gutted the building. All of the fur-niture and all of Dr. Biggs' valuable

instruments and appliances were burned up. The origin of the fire has not been determined, but it is possible that it caught from a defec-tive flue from the furnace in the base-(Continued on Page Three.)

TRIAL OF SOUTH CAROLINA MAN ON MURDER CHARGE

(By the Associated Press. Laurens, S. C., March 11.—The case of Cothran Pinson, charged with the murder of his intimate friend, Thorn-well Boyce, in the presence of a young foman with whom both young men are said to have been infatuated, was given to the jury late today. No verdict had been reached at a late hour tonight. The defense was that the

tonight. The defense was that the shooting was purely accidentat The State claimed jealousy as the cause of the murder.

If not murder the State contended it was such gross negligence as to cause manslaughter. Principal among the State's witnesses was Miss Evelyn Brown, a beautiful young girt, who is the "woman in the case." She occupied with the two young men the buger in which the tragedy was enauted. She featined that Pinson was drunk and boisterous, that he sulled his pistol and said: "I am going to shoot like hell." He shot twice to the tight of the buggy, then hold the bistol against his breast and shot, the

Operators Propose Contin- Immediate Action Will be General Washing Taken for Him

North Carolina Inventor Declares That Evidence as Adduced Vindicated Him - Conviction of Mansing ty Years Under the Law.

(Special to News and Observer.).

New York, March 11.—It was announced today that John C. Lumsden, convicted of manslaughter in the first degree for fatally shooting Harry P. Suylam, a curb broker, would take an immediate appeal.

The jury rendered the verdict after five hours' deliberation. All hope of acquittal for the young prisoner vanished with the first ballot taken by the jury. Every vote was for convis-

the jury. Every vote was for convi-tion, either of fourder or manslaugh er. For some unexpected reason Judge Malone and Assistant District Attorney Nott did not appear in the court room until ten minutes after the jury had returned. It must have seemed like an hour to Lumsden standing erect before the jury. He bore the strain for a moment and then swayed. A court attendant gave him a chair into hich he sank. There was no sign emotion in his clear-cut face when e verdict was finally announced. (Continued on Page Three.)

Biggs Sanitarium at That Georgia U. D. C. Settles the Question Finally (By the Associated Press.

Atlanta, Ga., March 11.—By a vos of 125 to 70, the Georgia, division of the United Daughters of the Contederacy late today decided on Anderson ville as the location for the monument to Captain Wirs, having earlier in the day rescinded its former action in voting the monument to Richmond, Virginia.

The final decision to creet the shaft

The final decision to creet the shaft on the site of the prison where Captain Wirz. C. S. A., was commandant during the Civil War, was reached at 4:45 p. m. after a stormy sessi in lasting since 9:39 o'clock this morring. The vote stood as follows: Andersonville 125: Macon 65; Americus 5.

Thus ends a matter which has caused great discension in the ranks of the Daughters in this State. The special session of the Georgia division held here today was called in response to numerous protests from Chapters in all parts of the State against the action of the Savanah convention in voting the monument to a city withou, the State.

A special appeal signed by the mayor and prominent citizens of An-dersonville was read to the convention urging that the monument be located

Taft Preparing Special Message.

(By the Associated Press.) Washington, D. C., March 11.—
President Taft today began work on his message which is to go to the extra session of Congress on Tuesday next, according to present plans. It is understood the message will deal only with tariff revision and the general subject of revenue raising. President Taft has indicated that he will ask Congress to confine its labors at the extra session exclusively to this subject. The message will, not go into details regarding specific schedules. It will be brief and lay great stress on the necessity for prompt action.

ENGINEER KILLED AND PIRE-MAN HURT IN ACCIDENT IN LOUISIANA.

(By the Associated Press.)

Monroe, La., March 11.—As a respond the work of train wreckers, it southbound express on the Arkans and Gulf ratiroad, was derailed in the month of this city, shortly be fore midnight last night. Engine C. W. McDaniel was instantly kills and Fireman J. B. Gowan was set ously hurt. No passengers we among the injured.

An investigation showed that switch had been thrown and spike while the signal light had been turn

ain Argument of Defense and Clos-ing Speech for the State Yet to Be Delivered—Jucy Wont Get the Case Before Saturday on Present Indica-

(By the Associated Press.)

Nashville, Tenn... March 11.—The fourth day of the arguments in the Cooper-Sharp trial for the murder of former U. S. Senator E. W. Carmack closed tonight with General Washington, of the defense, in the middle of his argument and two more attorneys to follow him. At this rate it is doubtful if the case will go to the jury before Saturday.

General Washington finished his ninth hour of argument when court adjourned at b. p. m., and he announced that he "would sometime tomorrow."

He will be followed by Judge Anderson, who is expected to make the main argument for the defense. Then Attorney General McCarn will close for the State.

for the State.

Judge Anderson says he will require about six or eight hours for his speech, while McCarn declares that four hours will do him. (Continued on Page Two.)

ONLY PROPER FORM OF CAPITAL PUNISHMENT, SAYS GEN. CLEMENT A. EVANS.

chief of the United Confederate Vet-erans, and Chairman of the Prison Committee of Georgia, advotes chloro-forming crimina's who have received the death sentence." I believe the man's life," said General "No living man should wit-The death cell should be airtight and the man who is to die should inhale the very breath of death itself and should die painlessly and alone. Any other death nunishment is nothing short of barbarban. Even this is short of barburban. Even this

General Evans had already quali-fied this statement by declaring him-self opposed to capital punishment for any crime save that of attack upon

BROOKLYN MAN WHO MISTREAT-ED CHILD IS SENTENCED IN MARYLAND.

(By the Associated Press.) Towson, Md., March 11.—Joseph M. Janer, of Brooklyn, N. Y., was today convicted of feloniously assaulting Catherine Loerch, 12 years old, also of Brooklyn, and sentenced to twenty-one years in Maryland penitentiary, this being the maximum possible under the particular count of the indict ment on which conviction was had. It was in evidence that Janer, early in February, brought the child to Balin February, brought the child to Baltimore, represented her to be his daughter, and during two nights, one spent in a disreputable house, and the other in a boarding house, repeatedly subjected her to most brutal ill treatment. The prosecution put witnesses on the stand to show practically every move made by Janer and the child after their arrival in Baltimore, and physicians gave evidence confirmatory of the contention of the State. Janer went on the stand in his own defense and denied his guilt, Janer's counsel made a motion for a new trial but this was subsequently withdrawn.

When sentence was pronounced

When sentence Iwas pronounced Janer showed not the allghtest emotion. He was taken immediately to the penitentiary in Baltimore. Janer's wife was in court throughout the trial.

TAFT IS AN OPTIMIST Joins the Optimistic Club and Sec.

Optimistic Club and Sees Optimistic Visions.

(By the Associated Press.)
Washington, D. C. Merch II.—
President Tall today said this will be applimistic administration to an optimistic country, full of hope, cheerfulness and confidence.
The President expressed this sentiment when he became a full fiedged nember of the Optimistic Club of imerica upon the invitation of its ounder, William J. Robinson, of New Cork. Mr. Robinson, ac optimist at arge, nemed Mr. Taft a member of he club's executive committee. Increw Carnegie is president declined with regret an invitation extended by its Robinson to attred the club's first annual banquet in New York on larch 21.

nor Preserves Forests

Until Some Other Paper-Making Material Be Found-Forest Conservation With Lumber Men,

(By the Associated Press.)

Washington, D. C., March 11.—A removal of the tariff on lumber would neither reduce the price to the consumer or preserve our forests according to the opinion expressed by Gifford Pinchot, Chief of the United States Forest Service, in a letter to Sereno E. Payne, chairman of the House Ways and Means Committee, made public tonight.

Mr. Pinchot holds that the fundamental question at issue in the lumber tariff is forest conservation. He says that he would favor a removal of the lariff if he were of the opinof the lariff if he were of the opin-ion, which he thinks is the cause of the demand for free lumber that it would offer a way to protect our for-ests. "But I am unable to see," he says, "how free lumber will promote

There is only one way to our forests," he adds. "That is to see that they are kept at work growing (Continued on Page Three.)

Atlanta, Ga., March 11:—General Fires From Window of End of Elizabeth City Trial Home Near Peachland

(Special to News and Observer.) Wadesboro, N. C., March 11.—A telephone message from Peachland, twelve miles west of Wadesboro, gives news of a peculiar shooting this morning.

Two men, Cleveland Previtt and Two men, Cleveland Previtt and Fairley Moore, were in a wagon on their way to Peachland and while passing the house where Hugh Horne lives, heard a pistol shot and saw. Horne standing at a window with a pistol in his hand. Moore fell from the wagon, shot. He was carried hastily to Peachland where physicians could not find the ball which controld the left side under the arm. entered the left side, under the arm.

Moore stated that he nover had any difficulty with Horne and did not know why he shot him: Moore was taken home, two miles south of Peachlard, in a serious condition. A warrant was in a serious condition. A warrant was issued for Horne, but was not served by the constable, who says Horne is on guard at the flouse, armed, and threatens to kill the first man who

The sheriff telephoned the constable to gather a posse of Horne's friends and go after him, but the citizens are afraid to go.

Horne is fifty years old, unmarried and helf with the citizens are afraid to go.

and is half-witted, living alone with his invalid mother, who is over ninety years old. He has been in several uarrels, but never had serious trouble Moore is a young man of good char-acter, 24 years old, and has a wife and two children.

Protest Against Hundley.

(By the Associated Press.)
Washington, D. C., March 11,—
Representative Underwood and a
delegation of lawyers from Birmingdelegation of lawyers from Birming-ham, Ala., today made a protest to the President against the reappoint-ment of Judge Hundley to the Fee-eral bench in the Northern district of Alabama. The President indicated that he would give the matter careful

RESCIND RECENT ORDER AS TO ADULTERATION.

(By the Associated Press.) Washington, D. C., March 11 .- A formidable movement, the purpose 4' which is to induce Secretary of Agriwhich is to induce Secretary of Agriculture Wilson to modify or reverse his recent decision in which he held that flour bleached by nitrogen peroxide is an adulterated product under the food and drugs act, is no foot. Hundreds of letters from millers of bleached flour in all parts of the country are being received daily by the secretary, asking blen to refer his ruling to the referea board of scientific executs for seview. In numerous instances telegrams are sent to members of Congress and by them referred to the secretary without any recommendations.

That Secretary Wilson resolutely will stand by his decision is indicated by the fact that in his replies to the various telegrams he declares that he can see no useful purpose in referring the question of bleached flour to the referree board. This body, he states, is already overburdened with important matters and he adds that the counts are open to those who want to appeal from his decision.

The Play Time is Passing and the Biggest Newspaper Enterprise Ever Undertaken in a Southern State is Setting Down For the Period Which Calls For the Manifestation of Some Energy on the Part of Contestants

want to know that what we eat is the

French Team Leads.

(By the Associated Press.) New York, March 11.-Averaging a fraction over five miles an hour, Cloot and Orphee, the French runners, who are leading in the sixdays ro-as-you-please race at Madison-Square, are gradually increasing the Islance between themselves and their conject competitors. At a late hour conject the Frenchmen had almost a ineteen mile lead, and, as they are canning in good form, the trainers cked them as the likely winners of the race, barring accidents. There is little likelihood now that the record of 770 miles and one lap made in 1902, will be beaten.

(Special to News and Observer.) Elizabeth City, N. C., March 11— The most sensational trial to ake place in this city since the Harrison kidnapping case was concluded this afternoon when the fate of 1. L. Hooper, charged with arson, was given into the hands of a jury The mes still out at 9 o'clock and there were no prospects of a verdict. Hooper, the defendant, is charged with an attempt to burn the house J. G. Gray, his brother-in-law, h January.

The State introduced evidence to show that the motive for the crime was to obtain insurance, as the value of the household effects was estimate at about \$250, and the insurance car

ried on same was \$1.200. The de-fense vigorously assailed the testimony of the prosecution and endeavored t iscredit the identification of defend ant with the party seen on the premises immediately before the fire. Mrs. Gray was made accessory and Mrs. Gray was made accessory and was held as such during the introduction of evelence, but when Attorney Avdlett had about closed his argument last night for the defense, Solicitor Ward dramatically asked a nolle prosfor Mrs. Gray.

The case has attracted the greatest interest and the court-room has been accorded to its nument canacity at

erowded to its utmost capacity at every session. It has been a great legal battle. The defense was repre-sented by Aydlett and Ehringhaus, J. Heywood Sawyer and W. M. Bonds.

Confederate Veteran Dies.

(By the Associated Press.) Wasington, D. C., March 11 .- Jesse M. Smith, for twenty years auditor of veteran Confederate soldier and railroad expert, died ere today, aged 82. He was born in Lincoln county, Tennessee, and will be buried in Huntsville, Ala.

WANT SECRETARY WILSON TO PEOPLE OF ALL CLASSES WORK ING SIDE BY SIDE TO RE-PAIR DAMAGES.

> (By the Associated Press.) Cuthbert, Ga., March 11 .- With bankers, negro laborers, merchants and business men working side by side with other people of all classes, including convicts. Cuthbert is railying from the effects of last Tuesday's storm and struggling bravely to provide shelter for the unfortunate people whose homes were destroyed.
>
> It is said that by actual count 286 frame buildings went down and 22 brick stores were demolished. The Confederate monument and nearly every tree in Central Park is lying on the ground, while practically every large monument in the Western cemetery was razed.
>
> Athanta to Send Aid.
>
> Atlanta, Ga., March 11.—A special meeting of the general council has been called for Friday morning by Mayor Maddox when measures for the relief of the stricken people of Cuthbert, Ga., will be considered, Mayor Maddox was in communication by telephone with Mayor McPherson, of Cuthbert, today, from whom he learned that aid was badly needed.
>
> Adjutant General Scott left this city yesterday afternoon for the stricken lighting, upon orders of Covernor bankers, negro laborers, merchants

A Slight Change Made As to the Yumber of Votes That Candidates Will Bo Permitted to Cast For Any One Publication of Scores-Plenty of Time Remains to Send in Your Own Nomination, Or That of Some Friend Who May Win the White Steamer.

NEW RULES REGARDING CASTING OF BALLOTS.

Because of some confusion existing regarding the limit of 7,000 certificate votes which may be cast at each publication of scores, the contest management is today adopting a new rule. Until further notice no candidate will be permitted to cast more than enough votes to place him more than 5,000 votes ahead of the leader at the preceding publication of scores. If the leader of the entire contest, regardless of district, had 40,000 votes to his credit at the last publication, no candidate will be permitted to vote more will be permitted to vote more than enough to make his score 45,000 in the aext publication, and no contestant will be permitted to lead two days in suc-

You know that big, romping, reckless, boisterous school-boy son of yours; you know how he keeps on growing and growing until you are almost at your wit's end to solve the problem of keeping him in his clothes. He grows and grows and is still a boy. You can't exactly fig-ure just where he's going to stop, but ure just where he's going to stop, but just now he's running mostly to legs and length, sort of assuming all the physical characteristics of a ragweed or a bean-pole. But gradually you have observed that he is slipping from the childish stage into a more deliberate, mature sort of a child.

Well that's just exactly the change that is taking place in this great \$10.000 voting contest of the News and Observer's at this time. The change is slight, but nevertheless it is going the contest of the News and observer's at this time.

A week or two ago it was the merest infant, a little later it had cut its first tooth and now it is ready to enter the "knee-pants" stage of its existence. Its last week's clothes are outgrow and don't fit any better than a dimessor temple. It's keeping the contest most busy meeting new conditions. It's rather sorry he wasn't born in pairs.

New Voing Rule.

And as new conditions arise, they must be met. For instance a new rule is going into effect today. It has to do with the matter of voting. Hereafter, and until further notice, no contestant will be permitted to cast more tooth and now it is ready to enter the

testant will be permitted to cast more than enough ballots to place him 5.600 than enough ballots to place him 5.6% ahead of the leader on the preceding publication day. For instance, if Mr. Blank leads the race in Sunday's No as and Observer, with a score of 40.000, the leader on the next publication of scores, which will be the following Wednesday, will not be permitted to have over 45.000 votes to his or her credit. Or in other words, if you have to your credit in the paper at this time but 5.000 votes, you will be numitted to cast 40,000 if you desire. It has the leader at the time the scores was last published. This rule doesn't mean that in each district this will be the case, but it applies only to the leaders of the entire contest, regardless of district.

Just bear in mind: you will be al-

of the entire contest, regardless of district.

Just bear in mind: you will be allowed to cast enough votes to put you 5,000 ahead of the leader at the last publication. It may mean that you may vote 36,000 or only 8,000, depending of course upon your present score.

Contestants Are Thirling,

Just this time the contest is getting under way. It has taken a month to get the contestants and their interested friends educated up to a proper realization of the grand opportunities this affair holds for them, and to get them familiar with the rules. Many candidates are still coming in and many more will continue to do so for the next three weeks or more. The contest business is filled with just as many uncertainties for the contestants. Out of a long experience this department has learned the truth of that old axiom, "you never can tell." So it isn't venturing any predictions. However, one thing is practically certain now. Based upon the enthusiasm manifested since the largest affairs as taken in a Soutest and largest affairs as the same and a soutest affairs as the same affairs as a soutest and largest and l