

WILL HE GET BY?



Cartoon by K. L. Russell, in the Washington Post.

Navy Department Decides to Send Only Our Newest Warships to the Pacific

Fifty Fighting Vessels, Large and Small, Will Be in Sight of San Francisco by January First.

WORLD'S GREATEST NAVAL REVIEW

Washington, D.C.—Two important decisions have been reached by the Navy Department concerning the announced program for the dispatch of the Atlantic fleet to the Pacific—first, only the newest and most modern ships will be sent, and, secondly, the average of captains of the ships will be reduced from three to five years.

In addition it is planned to send along a flotilla of torpedo boat destroyers.

It is figured here that, without the ships now on the Asiatic station, there will be thirty-two warships in sight of San Francisco by January 1. This number will include the torpedo boat destroyers.

It also is proposed to bring over the Asiatic force. Those which are considered real fighting craft are the four armored cruisers, West Virginia, Maryland, Pennsylvania and Colorado, and the monitors Monterey and Monadnock. These, added, will give a total of thirty-eight. It also is probable that when the plans for the greatest of all navy reviews are perfected even the smaller cruisers and gunboats will come over from Asia, and the total force will amount to fifty fighting vessels, great and small.

Announcement was made at the Navy Department that the proposed voyage of the battleship fleet to the Pacific would in no way interfere with the plan already arranged for the summer maneuvers of the Atlantic fleet. The decision has been made that Rear-Admiral Evans, commanding the fleet, shall assemble his vessels for midsummer operations at some point on the New England coast on August 25. The place has not yet been determined, as there is no great haste in the matter.

In the meantime the ships which may need repairs will be docked and put in condition. Repairs are being rushed on the Connecticut, which is Admiral Evans' flagship, but this is being done so that other ships may be sent to the Brooklyn yard for special work upon them as may be necessary and for the further reason that the ship has not completed her formal trials.

The plan of docking the vessels for repairs was mapped out months ago and is now being carried out without regard to the intended movement of the fleet to the Pacific. These repairs would have been made had there been no decision reached for the movement to the Pacific.

The New England maneuvers will be completed some time in October.

THE CRIME OF JINGOISM.

New York City.—The population of Japan is less than 48,000,000. The population of the United States is nearly 85,000,000.

The debt of Japan—taking the Statesman's Year-Book figures throughout to insure uniformity of comparison—is about \$325,000,000. The net debt of the United States is \$361,435,657. Japan is paying from four to six per cent. interest on its foreign loans and from five to seven per cent. on its internal loans. One-fourth of the debt of the United States is at four per cent. and the rest at two and one-half per cent.

Japan's revenue is less than \$250,000,000, while the revenue of the United States is \$762,000,000. Japan's total imports and exports for the year 1905-1906 were only \$420,000,000, while those of the United States were nearly \$2,000,000,000.

Against twenty first-class modern American battleships Japan has only ten. Against our eight first-class and five second-class armored cruisers Japan has nine. Against our nineteen protected cruisers Japan has seventeen.

In effective fighting force the American superiority is vastly preponderant. This fact is known to every Japanese statesman and to every intelligent Japanese citizen. Yet American jingoes are asking us to believe that Japan, in some fashion or another, is secretly menacing the peace of the United States.

The plain and obvious truth is that Japan is exhausted financially, that her population is struggling under burdens imposed by the war with Russia, and that her resources are so far inferior to those of the United States that no responsible Japanese statesman would think of war except as a last resort.

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NORTH STATE NEWS

Items of Interest Gleaned From Various Sections

FROM MOUNTAIN TO SEASHORE

Minor Occurrences of the Week of Interest to Tar Heels Told in Paragraphs.

N. C. Railroad Matters.

Grenesboro, Special.—The annual meetings of the stockholders and directors of the North Carolina Railroad Company was held here last week. The directors met in the parlors of Hotel Guilford at 12 o'clock and prepared and adopted resolutions to be submitted to the stockholders. One of these resolutions was in reference to the matter of the hotel property at Burlington. The resolution was adopted by the stockholders. It is a final adjustment of the matter, it being decided that the company will not rebuild the hotel, which was destroyed by fire three or four years ago. The stockholders granted permission to the national government to construct a viaduct under the main line of the road at Salisbury for the driveway to the Federal Cemetery. An appropriation for this was made at the last session of the United States Congress. All of the old directors of the stockholders were re-elected. After the stockholders' meeting the directors met and transacted the usual routine business. H. C. Chatham, of Elkin, was re-elected president; A. H. Eller, of Winston-Salem, secretary-treasurer; John W. Thompson, of Raleigh, expert. The reports of the officers were received and approved.

End of Telephone Trouble.

Winston-Salem, Special.—At a final conference between the telephone committee of the board of aldermen and the Board of Trade and Judge Palmer, representative of the Southern Bell Telephone Company, an agreement was reached by which the Bell Company will immediately begin to install in the Twin City a modern common battery telephone system, including a modern building and plant and underground wires in the business section of the city. The cost of the system is estimated at about \$80,000. Work will begin immediately upon the surveys, etc., for the new work, and it is thought that the new system will be in operation before January 1st, 1907.

Rowlands to Stand Trial.

Raleigh, Special.—Dr. David S. Rowland and wife, Lillian Rowland, were formally arraigned at 5:30 o'clock Thursday afternoon to stand trial for their lives on the charge of poisoning Mrs. Rowland's former husband, Engineer C. R. Strange, of the Seaboard Air Line. They were unexpectedly ordered into court in the midst of a long-drawn-out argument by counsel on the question of using certain depositions taken by the defense in the trial in the event the case comes to trial at all at this term. The entrance of the prisoners created quite a stir in the crowded court room.

Haywood County Fair.

Waynesville, Special.—The third annual Haywood County Fair will be held here October 9th to 12th next. Preparations for the event are already well under way, and it is confidently expected that the coming exhibition will eclipse either of the preceding ones. The association is offering this year the handsome sum of \$2,000 in premiums and purses, of which amount \$550 will be given on agricultural products and \$500 in purses for races.

North State Notes.

The State Bar Association held its annual meeting at Hendersonville last week. The meeting was very interesting and was largely attended. A feature was an address by Judge Alton B. Parker, of New York. Prof. Timberlake made a splendid address on "The Unwritten Law," which was a full exposition of the entire doctrine involved in that now popular phrase.

The city authorities of both Charlotte and Grenesboro are discussing the problem of allowing soft drinks and cigars sold on Sunday. Such sale has been prohibited for some time in both cities and the effort is being made to repeal the prohibitory laws.

A batch of twenty fresh Italian laborers arrived at High Point last week and began work in the factories there. Not one of them can speak English.

The Retail Hardware Association of the Carolinas held its annual session in Charlotte last week.

Storm Did Damage.

Salisbury, Special.—Reports throughout the county tell of great damage done to growing crops by the storm of Wednesday night. Portions of it were swept by furious winds and hail that battered down corn and cotton. The western section of the county in Locke township, was visited by a young cyclone that did timber and crops the most damage. No houses were blown down and no cattle killed.

CONFLICT OF THE COURTS

Lively Tilt Imminent Between the State and Federal Judicial Machinery Over Railroad Rate Matter.

Raleigh, Special.—The lines of the contest now being waged between the Southern Railroad and the State of North Carolina drew into closer antagonism by the filing in the Circuit Court here of the supplemental bill of complaint of the Southern and the restraining order of Judge Pritchard issued thereon whereby it is sought to restrain certain citizens of the State from prosecuting suits in the State courts under the penalty clause of the passenger rate law for violations thereof.

The restraining order also enjoins all other persons and individuals and corporation from prosecuting any action for damages or proceeding for the imposition of any penalty or punishment upon the complainant railroad under or by virtue of the act, on account of the violation of the provisions thereof by said railroad.

At practically the same hour that the supplemental bill was filed in the Circuit court, the grand jury of Wake county was returning indictments in four cases against T. E. Green, of the Southern for violation of the law under the provision thereof constituting such violation a misdemeanor punishable by fine and imprisonment in the discretion of the court.

When capias are issued for Mr. Green from the Superior court on Monday the question of State or Federal sovereignty will be actually presented. Although the restraining order does not specify solicitors or officers or presume in terms to restrain a court, its spirit and intentment can be nothing else. When the solicitor of the district takes steps, thereof, to prosecute the indictments the question will be fairly presented to Judge Pritchard whether or not he will attempt to interfere or not TAOTIAA tempt with the procedure of the North Carolina courts.

In case he should so attempt to interfere the conflict or jurisdiction would be so sharply drawn as to create a situation practically without precedent; if he should not attempt to interfere with the State court the jury in the cases against Mr. Green will be called upon to pass upon the matter set up in the bill of complaint of the railroad, since it is only upon the idea that the rate is confiscatory and the act therefore unconstitutional that the Southern can hope to defend its violation. The legal controversy on the constitutional question will be shifted at once from the Federal to the State courts.

In the meantime the individual respondents are cited to appear at Asheville, August 12, and show cause why an injunction pendente lite should not issue restraining them from prosecuting their actions for penalties already begun in the State courts.

Individuals against whom the bill of restraining order are directed are Messrs. J. A. Spence, Elijah Moffitt, J. R. McKenize, E. B. Hatch, W. C. Hurley, A. Armstrong, L. F. Nance Spencer Howell, Robert Howell, Coon Armstrong, Henry Smitherson, Jesse Eldridge, Claude Howell, Wallace Armstrong, Guy Smitherson, J. M. Way and B. C. Beckwith, all of whom are made parties defendant to the bill originally filed against the Corporation Commission and the Attorney-General and his assistant.

In the case of each of these new parties, with the exception of Mr. B. C. Beckwith, it is alleged that they have either brought suit or suit has been brought in their behalf for the recovery of the five hundred dollar penalty prescribed as recoverable by an aggrieved party in case he is charged more than the legal rate of fare by any railroad.

As to Mr. Beckwith, the allegation is that he has published publicly his willingness and intention of bringing such suits for penalty in spite of the pending injunction by Judge Pritchard and it is alleged on information and belief that he is in fact contemplating and preparing the commencement of suits against the complainant for the recovery of such penalty.

The papers were left with the Clerk of the Eastern District Hiram Grant, to be served. Mr. Beckwith, the only local party named in the bill, was not served until late in the afternoon. Service on the other parties will be made by the Marshal as soon as possible.

Conflicts Between Courts.

The very interesting matter in connection with the new bill and restraining order is, of course, what effect it will have upon the criminal proceedings started in the Superior Court of Wake county for violations of the law, which makes the charging of the illegal rate a misdemeanor as well as the basis for a suit for penalty. A reading of the injunction as quoted in part above will disclose that, by implication the solicitor, the grand jury, and the judge are alike restrained and enjoined from prosecuting any action, civil or criminal and from proceeding to impose any punishment provided by law for the violation of said acts.

It is just at this point that the State and the Federal courts seem to meet irreconcilably in opposition with one another.

6 DEAD; 20 HURT

Fast Passenger Train Collides With Light Engine

NO REASON FOR THE ACCIDENT

All of Dead Negroes of Party of 20 Being Brought from Alabama to This State—White Labor Agent in Charge Probably Fatally Injured.

Knoxville, Tenn. Special.—A long distance telephone message to The Journal and Tribune from Johnson City, says:

Six persons met instant death and 20 were injured when eastbound vestibule train No. 42 on the Southern Railway collided with a switch engine one mile west of Johnson City at 7:30 o'clock Sunday night. The switch engine was in charge of a hostler, who, when he saw the fast passenger coming toward him, reversed his engine and jumped to safety. Scarcely had he done so when the passenger crashed into the light engine with fearful force. The engine of the passenger, baggage, mail car and second-class coach were derailed and overturned, but the switch engine was not lifted from the rails and with full head of steam started on a wild run which was not ended until a switch was thrown for it and it was ditched at Carnegie.

The lives of the mail clerks were saved because of the fact that their car was of heavy steel construction. This heavy car, however, played havoc with the light second-class coach behind, which was entirely telescoped. The second-class coach was occupied by George Moore, white, a labor agent for the Virginia & Southwestern Railroad, who was conducting a party of 20 negroes from Alabama to North Carolina. Moore was perhaps fatally hurt, and of the negroes six were killed outright and all others maimed and injured.

Six Unidentified Negroes.

The injured are: Engineer Sam Bush, of Knoxville, slight injuries; F. O. Shipe, Knoxville, mail clerk, seriously injured; Archbold Moore, mail clerk, one leg slightly hurt; George Moore, labor agent, badly crushed, perhaps fatally hurt.

Physicians from the National Soldiers' Home at Johnson City were first upon the scene. Relief trains were sent to the wreck from both Knoxville and Bristol.

Appeal for Protection.

Loraine, O.—The American Shipbuilding company has appealed to the Federal circuit court for protection against a possible damage to property and violence against employees, as a result of the second strike. This week the shipbuilders walked out again on account of not desiring to work with former strikebreakers. Injunctions were issued by the United States court in Cleveland. Separate injunction against each striker were served. There were 125 orders forbidding the strikers from interfering with the company or its employees.

Conductor Shot to Death.

Angusta, Ga., Special.—A telephone message to the Chronicle from Sanderville says Conductor J. M. Mason of the Central railroad was shot to death by an unknown negro two miles from Sanderville. The negro escaped and is being chased by a posse. The negro attempted to ride on a note and was put off. He got on the rear car and when put off again drew a pistol and fired three times on the conductor. The shots were returned, but it is not known whether or not any were effective.

Fugitive Ex-Convict Wounded by Virginia Officer.

Bristol, Va., Special.—Joe Farnsworth, 23 years old, and for several days a fugitive from justice, was shot and perhaps fatally wounded by Policeman A. L. Hill, in the mountains near Bristol. The officer was attempting to arrest Farnsworth, who is wanted on a charge of shooting William Kirk in Bristol July 4th.

Floors of Building Fall.

Philadelphia, Special.—Fortunate Lagando and Francisco Brunce were killed, two other men fatally and six severely hurt by the collapse of floors in a building on Water street above Market, which was being razed. About 8,000 brick were piled on one of the upper floors, when the studs giving way and the floor went down, carrying with it the floors below. Lagando was dug out dead. Eugene Seutter and Loyal Jones were buried under bricks and heavy studs and badly crushed.

News Notes.

Governor Hughes is meeting with opposition on nominations by direct vote at the special session of the Legislature.

Archbishop Messmer and others addressed the Catholic Education Society in session at Milwaukee.

Clarence Mackay, president of the Postal Telegraph and Cable Company denied the existence of a telegraph combine.

KITCHIN OPENS CANYASS

He Discussed Trusts and Private Monopolies and Made Fine Impression

The opening speech in the campaign for the democratic nomination for Governor of North Carolina was made on Saturday by Mr. W. W. Kitchin. As the issues were pretty thoroughly gone into by him, we give a brief account of the meeting and rather copious extracts, covering the principal points in his speech.

Monroe, Special.—Five hundred people heard W. W. Kitchin fire the opening gun in his campaign for the gubernatorial nomination at Union Church, Sandy Ridge township, Saturday. The occasion was a rally and picnic of the farmers of the township. K. L. Stephens of Monroe introduced the speaker, saying that he himself was not committed to any candidate, but that he could say of Mr. Kitchin that he has always stood for the interests of the people of his own Congressional District had endorsed him in six elections. Mr. Kitchin spoke for an hour and a half and held the interest of his audience throughout. Most of his speech was taken up with the discussion of trusts and private monopolies, and he said that his position on these questions now was not new, but that he had been consistent to it all through his public career. He believed in governmental control of corporations and if that meant being a radical he was willing to accept that title. In discussing the attitude of the railroads toward himself, he said they opposed him because he stood for the interests of the people.

Mr. Kitchin said in part: "If any competitor or his champion questions my statements or positions I shall be glad to enter a public discussion with him, for I want the people to understand the true facts and the true situation in making their selection, with which I shall faithfully abide.

Certain of our people denigrate the last Legislature as radical, because instead of being satisfied with evils existing, it undertook to correct them. Had it been content to leave the trusts and railroads untouched by legislation it would have by many been considered entirely satisfactory, while proving itself unfaithful to the people. When the people fully understand it, in my judgment they will most heartily approve that legislation which has been most bitterly criticised.

In reference to the suits in the Federal Court over our rate act, while we must patiently abide their determination, believing that the State's attorneys will so far as attorneys can protect the State's interest, yet in my judgment under the sound doctrine announced in Epps vs. McChesney, the Court erred in not dismissing the actions, and I hope the Supreme Court, if they reach that court, will so find. If the officials of the State can be so enjoined in this manner in such a matter by the equity of powers of the Federal Courts instead of compelling the railroads to resort to their legal remedies, how long will it be before some Federal Judge, at the instance of some railroad company will assume to restrain some Speaker of the House from approving an act of retroactive merit or even restrain the Legislature itself from considering a bill which the railroad opposes?

In my judgment the law officers of the State ought to indict those who violate our rate act, and let the Court in law decide the controversy. I suppose no man will contend that it is proper to restrain the officers of our Criminal Courts. They should perform their duty under the law, and if any effort is made to restrain them they should resist it by every known legal means, and the State of North Carolina will sustain them and call them blessed. The dignity of the State is affected and the State through its officers should act. It is folly to expect a private individual to raise the issue with the Federal Court. Individuals may be protected by their rebate slips, and no one man wishes to incur the troubles and expenses which properly belong to all the people.

"I want to commend in the highest terms the charge of Judge Long to the Wake grand jury. He has done well as an able, patriotic and fearless judge, determined by lawful means to uphold the honor and dignity of the State and to punish those who violate her criminal laws. All honor to him."

The issues involved in the contest are greater than whether the Charlotte Observer, and its independent element that tried to defeat Judge Clark shall regain their lost prestige in the party—greater than whether Joe Daniels shall be retired as National Committeeman, as was published in that paper as a purpose of the conservatives—greater than whether certain distinguished gentlemen named in that paper oppose me—greater than the personal ability, ambitions and fortunes of aspirants.

In my judgment among the matters involved in this contest is whether the Democratic party shall persist in an advance in its determination as shown by its last platform and the last Legislature to fully protect the people from private monopolies and from the extortions, discriminations and unnecessary delays and dangers of railroads, or whether it will call a halt, desist in that determination, and leave the people at the mercy of those who ever desire to keep all advantages they have and constantly seek new ones. Should the railroads and trusts defeat me, they know that who ever is nominated must feel under obligations to them, and they have confidence in the gratitude of men.

Leach Director of Mint.

Oyster Bay, Special.—President Roosevelt has appointed Frank A. Leach, of Oakland, Cal., director of the Mint, to succeed George E. Roberts, who resigned to accept the presidency of the Commercial National Bank of Chicago, made vacant by the death of James H. Eckles. Mr. Leach is at present superintendent of the San Francisco mint.

SAYS ORCHARD LIED

Haywood Testifies in His Own Behalf in Idaho Murder Case

IMPEACHES MUCH OF EVIDENCE

Labor Leader Charged With Murder of Former Governor Stuenenberg Approaches Stand Pale and Trembling, But Gains Composure and Relates in Strong Tones the Story of His Life.

Boise, Idaho, Special.—William D. Haywood, took oath as a witness in his own defense, and in a lengthy narrative of his life and work as a leader of his fellow miners denied guilt of the murder of Frank Stuenenberg by Harry Orchard.

Haywood was pale and trembled nervously when he walked around the elevated witness stand where he faced the judge and the jury. When he began to respond to Clarence Darrow's questions his voice was low and somewhat uncertain, but within 10 minutes he had regained his composure and for the rest of the afternoon Haywood was master of his feelings. As he told of his boyhood that began with toil at the age of 9 and gave the history of his family, his invalid wife, who sat just to the left of the witness stand began sobbing. His mother-in-law soon comforted the wife, however, and thereafter she and the rest of Haywood's kinfolk remained quiet, but deeply concerned auditors.

Haywood's testimony was chiefly characterized by positive denials of allegations made against him by the prosecution. He denied that he met Orchard until some time after the Vindicator explosion, denied that he sent Orchard back to Cripple Creek to blow up the Independence station. He denied participation in the Lyte Gregory murder, and denied suggesting or discussing the Stuenenberg murder.

He swore that he never gave Orchard money at any time or any place for any purpose. He declared that he never made a threat against Stuenenberg, whom he regarded only as he did any politician swayed by capitalistic influences. He told of occasions when he met Orchard in Denver, the ordinary course of his relations with the federation and George A. Pettibone, and said he saw Orchard for the last time in August, 1905, when Orchard told him he was going to Alaska. Haywood said he then chided Orchard for deserting his wife at Cripple Creek.

The direct examination had not reached the connection of Jack Simpkins and the action of the federation after Stuenenberg was murdered when adjournment came.

The State completed the cross-examination of Charles H. Moyer at noon and in dealing with his testimony directed its strongest attack against the circumstances under which the federation at the suggestion of Jack Simpkins came to the relief of Orchard when arrested for killing Stuenenberg.

Senator Borah, who conducted the examination, emphasized the connection of Jack Simpkins and the federation and the fact that the federation without inquiry as to the guilt or innocence of Orchard, gave \$1,500 from its treasury to provide for his defense. He also developed the fact that the federation is providing for the defense of Steve Adams, who is charged with killing two claim jumpers. Moyer denied knowing anything about the \$100 that Haywood sent to Jack Simpkins a few days before Stuenenberg was assassinated and which is traced to Orchard by an unsigned note he got at Caldwell jail and a coincident of date.

Much Wanted Prisoner Escapes.

Denver, Col., Special.—John T. Thompson, a prisoner in custody of Detective Joseph Jay, of the Portland, Ore., police department, leaped from a car window while the train was running 40 miles an hour near its charge of stealing \$3,000, and was captured in London, Eng., after a chase around the world.

The 2-Cent Passenger Rate Effective

Des Moines, Iowa, Special.—Judge McPherson, of the Federal Court, denied the application of two stockholders of the Iowa Central and the Minneapolis & St. Louis for an order restraining the directors of the roads from putting into effect the 2-cent passenger rate enacted by the Iowa Legislature. The judge based his action on the ground that no injury to the roads was shown, that the complaint that the new rate would cut down dividends was not proven, that increased passenger travel might increase receipts.

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