

PRISON GUARDS IN DEATH STRUGGLE WITH CUT THROATS

Shoot Down One Prisoner Who Was Loading Attempt to Escape

NEGRO KILLED WAS DESPERATE CRIMINAL

Had Escaped From State's Once and Been Recently Recaptured

RALEIGH, N. C., May 23.—State prison guards shot to death convict J. L. Fox today in order to prevent the escape of a number of convicts who had evidently conspired to break away from their guard even at the cost of killing a guard or so.

He escaped from the prison nearly a year ago by making up a dummy that he left in his cell to fool the guards while he made good his escape over night, the dummy being tucked away snugly in the cell cot.

Recently Fox was recaptured in New London, Conn., with a young white man said to have killed two men.

The convicts with three guards were grading the rifle range northwest of the city. Fox went to get a wagon and seized Guard Honeycutt gun, at the same time shoving him off the wagon and cutting at him with an ugly looking double edged knife that he was secretly carrying.

PHILADELPHIA, May 23.—The Loankaka, which was obliged to withdraw from the Philadelphia to Havana motor boat race, after breaking down four times on her way to the sea came back today. The Loankaka was the largest of those entered in the race. All went well with the Loankaka until she was off Bombay Hook at 4:54 o'clock Sunday afternoon.

QUITS THE RACE.

HOMESICK, CAME BACK TO BE NABBED FOR MURDER DONE NINE YEARS AGO

First Man He Stopped to Beg of on Street Was Detective Who Knew Him

DENIED IDENTITY

NEW YORK, May 23.—Homesick man besetting him for nine years, during which time he roamed through the West, a free and unsuspected man, finally drove William Whiteway, thirty-six—"wanted" as one of a trio who murdered Theodore Johnson here in 1901—back like a homing pigeon to New York, to fall into the clutches of the police, who for the nine years have been on the lookout for him.

He came back disguised by beard, mustache and the changes wrought by years. Feeling thoroughly secure from detection he slipped from the freight train which brought him here, "broke" but happy. For hours he tramped the familiar streets for love of which he had risked his liberty. Then, exhausted and starving, he accented a man on One Hundred and Twenty-ninth street.

"Please give me some money. I must eat," he pleaded. The man looked straight into his eyes.

"Hello, Whiteway," he said. It was Detective Hart, who nine years ago looked high and low for the man. A few minutes later Whiteway was a prisoner in the Harlem Detective Bureau. At first he resolutely denied his identity. Later he broke down and admitted it.

PARDONED, COMES BACK TO TELL ALL TRUST'S TRICKERY

Spitzer, Convicted by Court and Conscience Will Lay Bare Secrets

SERVED ONLY THREE MONTHS OF SENTENCE

Testifies That Government Employees Were on Sugar Trust's Payroll

NEW YORK, May 23.—Oliver Spitzer, a man whose conscience hurt him, came back to New York today like a spectre from the grave, and, with a pardon from the president in his pocket, gave testimony at the trial of Charles Heitke, secretary-treasurer of the American Refining Company, who with five subordinates is charged with conspiracy to defraud the government in underweight of sugar imports.

Spitzer, as superintendent of the company at Williamsburg (Brooklyn) docks, got two years in the Atlanta penitentiary for his participation in the frauds, but he was quickly pardoned by the president last Thursday after serving only three months and, having made full confession, from now on he will aid the government in its attempt to convict his former assistants.

Causes New Arrest. Spitzer's story on the stand today does not directly connect Heitke with the frauds, but his confession resulted in one new arrest tonight. James Brezozinski, formerly an employe of the treasury department and now a private detective, was locked in the Tombs, charged with perjury. Spitzer confessed that he attempted to bribe Brezozinski to conceal the frauds and the latter is alleged to have denied this before a federal grand jury. This apparent conflict brought about Brezozinski's arrest.

Spitzer told an amazing story on the stand today under direct examination and hurried from the court to the federal grand jury room.

No promise of pardon brought about Spitzer's confession, say the federal authorities. His conscience merely hurt him. It was explained, but realizing the importance of his testimony and the legal obstacles likely to bar it were he a convict.

WASHINGTON, May 23.—After prolonged debate the proposed \$250,000 appropriation to defray the expenses of the tariff board, recommended by the president, was stricken from the sundry civil appropriation bill in the house today. This action resulted from a decision by Representative Mann, of Illinois, who was in the chair, sustaining a point of order by Mr. Fitzgerald, of New York, who contended that there was no law authorizing such an appropriation.

In order to meet the objection to the tariff board of inquiry of many democrats and some republicans, Mr. Tamm proposed another amendment which appropriated \$250,000 practically for the purpose with the added proposition that it was to enable the president to give to congress the information of the state of the union and recommend to their consideration such measures as he shall judge necessary and expedient.

Under this wording of the measure it is understood that the president shall send to congress any information which may have collected under the proposed appropriation by leaving out of the amendment all reference to the tariff board which already exists. It was hoped that the provision would come within the rules of the house and not subject to a point of order. Representative Fitzgerald promptly made a point of order against the new amendment and pending his argument upon it the house adjourned until tomorrow.

BERLIN, May 23.—Herr Frey, a German aviator made a splendid flight in a Farman bi-plane this evening over the city of Berlin from Johannis Thal. He covered a distance of sixty miles and returned to his starting point without accident.

S. S. CONVENTION STIRRED BY SONG OF CONGRESSMAN

A Blue Hen's Chick In Rear Outdoes The Great Alexander

COLOR QUESTION IS ALL SMOOTHED OVER

Whole Matter Settled by Making Booker Washington Life Member

WASHINGTON, May 23.—When former Congressman Walter O. Hoffecker, of Delaware, and the son of a former congressman from the same state, rose tonight, far back in the great crowd that filled the Convention Hall, where tonight's session of the World's Sunday School convention was held, and all by himself sang, "Traveling Home, Led by Jesus I Am Traveling Home," the audience applauded so long and so lustily that Mr. Hoffecker was compelled to go to the front, mount the platform and sing it again. It was during a song service led by Charles M. Alexander, the singing evangelist who has sung the gospel story to immense audiences in all parts of the world, that Mr. Hoffecker, when a volunteer was called for, stood up far off in one corner of the big hall and almost swept the audience off its feet with enthusiasm.

Among the officers of the association for the ensuing three years elected tonight were: President, Dr. George W. Bailey, Philadelphia; vice presidents, Sir John Kirk, England; Justice J. J. MacLaren, Canada; Bishop J. C. Hartwell, Africa; W. N. Hartshorne, Boston, and E. W. Fritchley, India.

Hugh Cork, of New Orleans, was elected statistical secretary for the United States. Bishop Hartwell, of Africa, spoke on "The Moslem Peril in Africa," declaring that "the Christian church has come to realize that in the conversion of the Mohammedan world, the church faces the supreme crisis of its history."

All the wrinkles which were formed in the world's sixth Sunday school convention when the color line was drawn on the negro delegates, were smoothed out today when Booker T. Washington was made a life member of the organization and the necessary subscription was promptly pledged.

MAYS LANDING, N. J., May 23.—Rapid progress was made today in the trial of William Seyler, the young married man accused of murdering Jane Adams, while she was defending her honor, on the million dollar pier at Atlantic City last February. The jury was chosen within an hour and twenty minutes after the prisoner was arraigned.

The first witnesses called were the motorman and a policeman who found the girl's bruised body with the torn clothing frozen to it, lying on the beach where it had been cast by waves several days after the girl had disappeared. Charles Adams, the girl's father, was then placed on the stand. He stated that on the night of February 4, Orvis, a brother of the defendant, came to his house and took Jane and her sister Alice out about 7 o'clock. Alice later returned at one, and said she left Jane on the pier with William Seyler.

Asked whether William Seyler ever came to his house to see Jane, Mr. Adams answered "No" decisively. "Jane was seventeen years old June 17 last," said Mr. Adams. "Orvis often came to the house to take her and Alice out."

Dr. Emery Marvel, a surgical expert, testified that the bruise found on the girl's face must have been caused before death ensued. The dead girl's mother told of her search for her daughter on the night she disappeared and of swearing out a warrant for Seyler's arrest on the charge of abduction.

A signed statement given to the detectives by the prisoner when he was arrested in Petersburg, Va., was also placed in evidence by the prosecution. In it Seyler denied that he had been out of his home or seen the girl on the night in question. The prosecution will continue the presentation of its case tomorrow.



DIGNIFIED PRESBYTERIANS LOSE POISE IN ANIMATED DISCUSSION

Proposal to Adopt Form of Gift Whereby Property Shall Remain Forever in Church Arouses Heated Discussion.—Debate Enlivened by Funny Breaks.

LEWISBURG, W. Va., May 23.—The Presbyterian assembly is deeply chagrined at a mistake which is said to have crept into the greetings sent to the Southern Methodist conference at Asheville, N. C. In the message the assembly referred to Isaiah 52-7 as expressing its sentiments instead of the message from the mountains being cited, it is understood the reference, when it arrived at Asheville, was to Isaiah 52-7. This passage tells about "lamb led to the slaughter."

form of conveyance whereby future donors will be assured that their gifts will remain forever in that organization. The fight over the proposal was the most earnest of any contest of the assembly. Judge Frank B. Hutton, of Abingdon, Va., led the forces in favor of the adoption of the form, having presented a majority report of a special committee.

"My conscience tells me," said he, "if I let this go without protest I will be a sinner." Pulling up coat sleeves in court room fashion, Judge Hutton set to work to defend his report. "Whose leading the Holy Spirit?" he demanded of the minister with an expression that he was not facetious. "Does any one know where the Spirit is going to lead us? How do we know that we will interfere with the leading of the spirit?" Judge Hutton said that this would not prevent organic union. He explained that if merely provided a form whereby persons could give property to the church and know that it would never be diverted to any institution outside the Southern Presbyterian church. "Your assembly asked our committee to draw such a form and we did it. And yet you accuse us of stirring up a debate on organic union and of being sinners."

Despite the protest that the action might hinder union with some other church the Southern Presbyterians in general assembly adopted an optional

SUBSIDY ADVOCATE APT IN CHARACTERIZATION Words Sound as if Spoken From an Intimate Knowledge of Himself

WASHINGTON, May 23.—"An ignorant ass, an unprincipled demagogue or the paid hifeling of ballet influence" is the way Wm. P. Hackney of Winfield, Kan., who testified today before the house subsidy investigating committee characterizes every man in these United States who opposes the principles of soap subsidy. This statement was made in pamphlet which Hackney wrote and circulated and sent to members of congress, newspaper men and others "to jerk them loose and set them thinking," as he expressed it today. "Can you think of anything else such a man might be called?" sarcastically asked Mr. Garrett of Tennessee. "That's a stinger I put in to challenge public attention to the situation," replied the witness.

WASHINGTON, May 23.—Forecast: North Carolina: Showers Tuesday and possibly Wednesday; cooler Wednesday in west, moderate southwest winds.

EUROPE RESTS EASY; SCHOOLMARM HOARSE Roosevelt Suffering of Increasing Silence Spends Day With Whitlaw Reid

LONDON, May 23.—Mr. Roosevelt is enjoying the quietest day thus far of his European tour and is getting something like a real rest. The throat still bothers him and his voice is husky. After spending the week end at West Park, the home of American Ambassador and Mrs. Reed, Mr. Roosevelt, Mrs. Roosevelt, Miss Roosevelt and Kermit returned to London today to be the guest of Lieut. Colonel and Mrs. Lee. Lieut. Colonel Lee was military attaché at the British embassy in Washington in 1889. The Roosevelts will remain with the Lees for the greater part of the week. The demands upon the ex-president time do not lessen, and it is almost impossible for the Colonel to refuse to receive callers and to have thought he stands so only speaking engagements for this week are Wednesday and Thursday. On Wednesday he will receive a delegation from the British group of interparliamentary union and on the following day he will receive a degree from Cambridge university. Today Mr. Roosevelt was the guest at luncheon of 20 big game hunters, several of whom joined in presenting him with a rifle before he started on the African expedition. In the evening Mr. Roosevelt had tea at Dorchester house meeting Andrew Carnegie and Mrs. Carnegie, Dr. Wm. Oster and a few others.

EIGHTEEN INJURED IN WRECK ON SOUTHERN Second Section of No. 10 is Derailed Near Calverton Virginia

WASHINGTON, May 23.—Eighteen passengers were slightly injured in the wreck late today of a special train running as the second section of No. 10 on the Southern railway near Cedar Run bridge, between Callett and Calverton, Va. The engine and four passenger coaches were derailed, two hundred yards from the bridge, the cause of the accident being a mystery. All the passengers were seriously shaken up and some were badly cut and bruised. Among the injured were Hardy M. Edwards, Buffalo; H. G. Ashley, Mobile; Mrs. A. L. Uiler, Honesdale, Pa.; Herbert A. Whiting, Boston; Jas. C. Park, New York city; Chas. F. Smith, Buffalo; Mrs. R. C. Farandis, Seattle; J. P. Dimmick, Montgomery; Mrs. G. E. Mellus, Bridgeport; Conn.; E. F. Miller, Baltimore; Miss Marietta Walsh, New York city; Capt. S. D. Buck, Baltimore; Mrs. Wm. E. McAvoy, Balto.; W. W. Tower, New York city; R. C. Hill, Buffalo; Mrs. L. S. VanLoan, New York city; A. M. Dumler, Baltimore. Physicians from Calverton, Warrenton and other nearby towns, gave aid to the injured and all were brought to Washington on a special train, arriving here tonight.

BURGARS FIRE DWELLING. BARTOW, Fla., May 23.—Aroused by flames and smoke in their home here after midnight this morning, the family of E. L. Burton escaped just in time to save their lives. The Burton home adjoined and partly was over the store occupied by Burton. Burgars entered the store, robbed it and set it on fire. The building was destroyed with a loss of several thousand dollars.

NAVAL BILL WITH ITS MILLIONS FOR SHIPS IS PASSED

Regardless of Impending Deficit, Senate Piles up Expenditures

TWO DREADNOUGHTS ARE PROVIDED FOR

Depew Tells How we Escaped War With England Under Cleveland

WASHINGTON, May 23.—By the action of the senate today the construction of two new battleships for the navy was assured. Senator Hutton's amendment to the usual appropriation bill, to limit the authorization to one ship of the Dreadnaught type, instead of two as authorized by the house was defeated 36 to 15. The bill then was passed. It carried appropriations aggregating \$134,000,000. Two important amendments were adopted today. One of them offered by Senator Johnston, appropriating \$450,000 for the purchase of torpedo boats, "whose vitas are below the normal load line"; the other by Senator Jones, eliminates railroad company and municipal bonds from the securities which may be deposited by bankers.

Increases Provided. The naval increase for the fiscal year ending June 30, 1911, provided by the bill as follows: Two first class battleships to cost not exceeding \$5,000,000 each. Two fleet collars to cost not exceeding \$1,000,000 each. Five submarine torpedo boats not exceeding a total of \$2,500,000. Six torpedo boat destroyers to cost not exceeding \$750,000 each. The house bill provides for only four submarines and no torpedo boat destroyers. The senate also added a provision that no more than one of the battleship should be built by the same contractor. The provision inserted in the house bill, requiring that the battleships and fleet collars should be built under the eight-hour law was retained by the senate.

Depew Tells History. The closing hour of the debate served to elicit from Senator Depew, of New York, some history concerning the Venezuelan episode of the first Cleveland administration. "An intimate friend of mine who also was an intimate friend of Lord Salisbury, told me," he said, "that when the president's message was promulgated Lord Salisbury said to him: 'I believe that on account of the rancor coming down from the revolutionary war and accentuated by certain occurrences in the Civil war, America means to have a war with Great Britain at some time, and I believe now is the best time, when America has no navy.' The views of the prime minister were overruled by Queen Victoria, but if Lord Salisbury had had the power possessed by some of the English prime ministers, the issue certainly would have been tried out." Mr. Depew used the incident to enforce an argument in favor of a

MAY TRY SHERMAN LAW ON THE LUMBER TRUST

Department of Justice Investigating Alleged Combination

WASHINGTON, May 23.—The department of justice is investigating the subject of the price of lumber in the United States with the view to determining whether or not the so-called lumber trust may be reached by the Sherman anti-trust law on the ground that it is a combination in restraint of trade. For some time this office has been looking carefully into charges that the so-called trust controlled the price of lumber and an agent has been at work securing information for the department. The lumber combination is said to be one of the most formidable with which the department has had to deal. That the cost of lumber is an important consideration in the high cost of living problems is the opinion of those who have been looking into the subject and it is said to be higher than it should be. The point is made that the treasury now under way is in line with the policy of the department of justice to investigate and prosecute combinations alleged to be in restraint of trade that enter into the high cost of living without waiting for the decision of the Supreme court in the Standard Oil and the American Tobacco cases. That such would be the attitude of the government was announced by Attorney General Wickham just after the announcement made by the Supreme court for the re-argument of those cases.

