PRICE FIVE CENTS

Insubgents Join IN VOTE ON RULES

by Combined For-

FITZGERALD OF N. Y. WAS RESPONSIBLE

Ruling of Speaker Cannon

WASHINGTON, Jan. 16 .- The stirring scenes of the last session of con-

in the defeat of the speaker. By a vote of 145 to 126 the combined forces rallied to the support of Representative Fitzgerald (democrat) of New York and sustained him in his appeal from the speaker's ruling.

The fight developed as the result of the second attempt to use the new rule which gives the house the power court house every one was searched to discharge a committee from further and those with weapons were barred. democrats believed that this rule was iron clad, that as soon as the consideration of bills by unanimous consent had been concluded on every first received and third Monday of the month, the lence. house was bound by the new rule to take up the motions to discharge committees from the custodies of specified bills.

When the moment arrived today, however, Speaker Cannon gave recognition to Representative Hull of Iowa. chairman of the military affairs com-mittee. Mr. Hull, moved that the house resolve itself into a committee of the whole and take up the consideration of the military appropria-tion bill upon which it had been work-

Democrats and Insurgents There was an immediate rallying of forces and stiffening of ranks amongst the insurgents and demo

consideration of a motion to discharge a committee which was upon the cal-

(Continued on Page Four.)

NEGRO MURDERER DEMOCRATS AGAIN | WILL PAY PENALTY | HURLED BY DEFENSE FOR AWFUL CRIME

Czar of House is Turned Down Killed Man, Daughter and Cross Examination Falls. How Grand-Daughter and Burned Bodles

> TRIAL OF FIEND SHORT AND QUICK

Acrimonious Debate Follows Two Companies of Militia Attorney For Mrs. Schenk Guard Prisoner in Court House

OXFORD, N. C., Jan. 16.-Eight minutes deliberation by the jury of green, when the house overthrew the criminal court, convened in special Speaker Cannon and took the making term by order of Governor Kitchin of its rules into its own hands, was was all that was necessary today for re-enacted in part on the floor of the the conviction of Nathan Montague. ouse today.

a negro, for the murder of Layton
Threatened with what they believed Sanders. his daughter Mattie, and his to be an effort to "draw the teeth" of grand-daughter Irene Overton at Hesone of the most important of the new ter, on December 18 last. He was rules, democrats and insurgents joined sentenced to be electrocuted on Feb. 15 next.

Montague was brought from the state penitentiary at Raleigh, a jury was empanelled, the prisoner was convicted and sentenced, and returned to Raleigh within twelve hours.

Before a large crowd that had gathered was allowed to enter the court house every one was searched consideration of a bill that has been Before announcing the verdict of the referred to it. The insurgents and the jury, Judge G. W. Ward stationed officers in different parts of the building and warned the people that arrests would follow any demonstration. They received the verdict of the jury in si-

Good Order

Judge Ward commented on the good order of the comunity in allowing the law to takes its course in punishing Montague for his crime Though there were no witnesses to Montague's horrible deed, the discov ery of the bloodstained skirt of Miss Mattie Sanders and her purse in Montague's possession the day after she and her father and Miss Overton were found burned to a crisp in the ruins of their home at Hester was sufficient evidence for the court to convict the

Montague was brought from the state prison at Raleigh today by Sheriff Wheeler of Granville county and a guard of militiamen. At the time of his arrest there were threats of lynching and Montague was taken from the county jail at Durham to the

(Continued on Page Four)

FIERCE QUESTIONS AT TRAINED NURSE

ever, to Shake Testi-

mony

DETECTIVE NURSE STILL ON STAND

Bitter Towards Woman Witness

WHEELING W. Vo. Jan. 16. ness has been subjected by the defense in the case of Mrs. Laura Farnsworth Schenk, charged with administering poison to her millionaire husband, John O. Schenk, failed to shake the story told the jury on direct examination Saturday by Elanor Zoeckles, who was also known as Mrs Kean, the detective nurse who alleger that Mrs. Schenk offered her \$1,000 to put a poisoned pill in the medicine which was taken by the patient at the North Wheeling hospital. Zoeckler, who is connected with the Pittsburg detective agency, was on the stand all day.

The woman's veracity, her character and her past life were probed in the questions propounded by S. O. Boyce So flerce was the attack on the wit ness that Prosecuting Attorney Handland objected, declaring that Mr Boyce had no right to go beyond the bonds of authoritiy. The jury was exgued out: Mr. Boyce replied with equal hitterness and said: "Commercial Witness"

"This is a commercial witness and will treat her commercially. She was employed to squirm and ingrati-ate herself into the confidence of this defendant with a tissue of lies, she has agreed to lie for money and 1 will examine her on those lines. The detective profession is an honorable one, if conducted along honorable lines, but in this case it was not. This woman is not a defective. She is only an operative, and I will conduct this questioning along lines to show that In such capacity she lied and entered into a conspiracy against this ac

Time after time he asked, "When (Continued on Page Four)

GET TOGETHER FANS BASE BALL

Better Wake up And Get Busy.

ATTORNEY GENERAL ARGUES CASE FOR GOVERNMENT AGAINST STANDARDOIL

Contends Effect of Reorganization in 1899 Was to Rivet Control of One Hand Over The Twenty Companies Which Neither Death, Taxes Nor Financial Ruin Could Rend.

WASHINGTON, Jan. 16.—Declaring, that the reorganization of the Stan-dard Oil of New Jersey in 1899, riveted together the control of the subsidiary companies in a way that had not existed before, Attorney General Wickersham today argued before the

It was the third day of the oral toin. Pray tell me how the Stan-argument of the case. Frank B. dard Oil company of New Jersey Kellogs had concluded his long argument in favir of the dissolution veyance?"

as decreed by the Circuit court of Still Non-competitive. the Fifth district of Missouri, D. T. Watson had entered an attack on the form and effect of the decree. Mr. Wickersham was then called upon to close the argument for the government. He did not conclude but will complete his argument tomorrow, when John G. Johnson will inish foe presentation of the entire

paved the way for Mr. Wickersham's Standard Oil com

PROHIBITION LAWS ARE

"Are the Federal courts to sit by allow the subsidiary companies to pay the avenues of interestate commerce," inquired Mr. Watson, "to pass on the onveyance of properties?"

He declared that the Standard Oil

did not gain a single power by rea-son of the conveyance. Supreme court of the United States that the defense and up by the Standard Oil company against dissolution and of the ground.

Supreme court of the United Standard in the new organization, and the defense and up by the Standard Oil company against dissolution and the ground.

Pray tell me how the Standard of the United Standard Oil company against dissolution and the standard of the United Standard of the Unit

> He contended that the conveyed were non-competitive before 1899 and remained exactly as they

had been after that year. The reason he advanced for the Circuit court halding that the conveyance was illegal was that it be-lieved it had to follow the decision of the Supreme court in the North-The address of Mr. Watson ern Securities case

But the Standard (#1 case, he argued, differed from the Northern Se-Attacked Lower Court Decree.

Mr. Watson made the decree of the owing a duty to compete and engaged lower scourt the topic for his relief in active and actual competition.

He said that the Circuit were concerned. In the former case, curities suit. In the latter railroads owing a duty to compete and engaged

dividends to the Standard Oil of New Jersey and that the stock of the company became practically worth-Can't Evade Decree.

is gratifying to believe, said Mr. Wickersham, following Mr. Wat-"that the defendants will, at non, least, find some difficulty in evading the decree of the lower court if it is affirmed."
He took up the defense of the de-

ree, telling the court that the court below had held that a conspiracy to restrain trade had been found and that the conveyance of 1899 made in pursuance of that conspir-

After reviewing the history of the Standard Oil to support his claim, that its organization just preceeding the re-organization of the Standard Oil of New Jersey in 1899 was ille-gal, Mr. Wickersham answered Mr. Watson's question about the effect of the step in 1899. The effect was to rivet the control of one hand over the twenty companies, a control that neither death, tax nor financial ruin done nothing after the passage of the solution with one another death, tax nor financial ruin done nothing after the passage of the Sherman anti-law trust to violate late it but to convey the properties because of their common ownership.

A second point that Mr. Watson control. By this reorganization "a By this reorganization cated property because it did not corded to the control. immoral element was ac

DEMOGRATS WILL CELEBRATE GREAT **VICTORY IN NATION**

Militant Hosts of Democracy Gather in Baltimore Tonight

HARMON AND CLARK CHIEF SPEAKERS

Elaborate Banquet Will Take Place of One Time Dollar Dinner

BALTIMORE, Jan. 16.-Content during the lean years of defeat to dine at "dollar dinners," with "hog and hominy" as the central theme and spring water on the side, the militant democracy of 1911 will alt at a feast in this city tomorrow night where the exclusive diamond back terrapin will vie with the aristocratic canvass back duck and the epicurgan Smithfield ham in the courses of a banquet that is fittingly to celebrate the democratic victories of 1911.

The banquet will be the closing festture of a day given over to harmony conferences among the democrates from every section of the country. Governor Harmon, of Ohio, and Champ Clark, of Missouri, are to be the central figures in the day's do-flux. Both will deliver formal ad-dresses at a meeting in the Levis dedresses at a meeting in the Lyric to-

morrow afternoon.

Many Will Speak
Senator Jos. W. Balley, of Texas:
Governor Eugene N. Foss, of Massachusetts; former Representative
Theodore M. Bell, of California; for-Theodore M. Bell, of California; for-mer Senator Blackburn, of Kentucky; Senator Robert L. Taylor, of Teunes-see: Senator Shively, of Indiana; Representative-elect Martin W. Lit-tleton, of New York; National Chair-man Norman E. Mack, and "Deacon" James C. Hemphill, of Richmond, Va., are among others scheduled to take part in the conference and to deliver speeches, either at the meet-ing during the alternoon or at the

A special train from Washington will bring to Baltimore every demo-cratic member of the sensie and house of representatives. Altegether it is expected more than 1,000 faith-

(Continued on Page Pone,)

SHEEHAN FOR U.S. SENATE

Friends of Shepard Think They Can Elect

GREAT FIGHT

ALBANY, N. Y., Jan. 16.—Wm. F. Sheehan was nominated as the democratic candidate for United States senator tonight at the caucus of democratic legislators, receiving 62 votes, four more than a majority of all the democratic members of both houses. The fact, however, that 25 members refused to attend the caucus leaves a strong possibility that tomorrow when the legislature votes in regular session he may fail to re-

for election. Besides Mr. Sheehan's the names of Edward M. Shepard of Brooklyn and D. Cady Herrick of Albany and New York were the only ones presented to the caucus. Mr. Shepard received votes and Judge Herrick 7. The 5 leginlators who bolted the caucus till be in a position to declare themclves unbound by its action and even f all those who entered the caucus ote for Mr Sheehan tomorrow the bacutees can prevent his election beause a majority of all members of ooth houses present and voting is nehe nomination of Mr. Sheehan unaninous failed because two assemblymen

blected. The bolt was organized late today then a number of suporters of Mr. Shepard and opponents of Mr. Sheehan met at a downtown hotel. Sen-ators Roosevelt of Dutchess and Sax-New York and Assemblymen Friedman of New York and Drummond of Cayuga county were the leaders in this movement. Twenty two legislators attended this meeting and at five clock sent a committee to the gov-ernor to try to get from him a declaration in favor of some candidate. The governor told them that he could not interfere and declined to indi-cate the course they must pursue. "It is a question for each legislator to decide for himself," said the governor. After the committee returned and re ported to the conference all those present pledged themselves not to at-

tend the caucus.
Tonight twenty of the caucus botters gave out the following statement:
"The undersigned senators and as-

AOMIRAL BARRY MAY HAVE **ASKED TO RETIRE BECAUSE**

Navy Department Is Suspicious

WITH PACIFIC FLEET

WASHINGTON, Jan16 .- Secretary of the Navy Meyer this afternoon telegraphed to the Pacific coast for a full report on the allegation that the retirement of Admiral Barry was caused by the demands for his resignation by officers of the flagship West Virginia. The navy depart-ment declined to say to whom the telegram for a report had been sent but it is assumed that it was di-rected to Rear Admiral Phomas, the new commander-in-chief of the Pa-cific fleet. Not until the complaining officers of the West Virginia have been heard from will the navy department be, in a position to de-termine whether there shall be any proceedings in the case of Admiral If it should be decided in the affirmative, the mere fact that the accused officer has voluntarily re-tired may shield him from punish ment in the eyes of a courtmartial resulting in conviction. Under the regulations which specifically designate punishment for each offense a person convicted in such a case, if an officer, would be liable to the severe penalty of confinement, not to exceed 15 years, and expulsion from the naval service, cutting off all retired pay.

There is no record of the trial of an officer under such circumstance though many bluejackets have suf-fered conviction. Admiral Barry's request for retirement was received by the navy department by tele-graph last Thursday. The fact that was received by wire instead of by mail, was by no means unprecedented and excited no suspicion on the part of officials as to the probcauses for the request. Secretary Meyer approved the applica-tion on the day following its receipt. The president promptly approved the and the department telegraphed the fact to the admiral on Sunday, detaching him at the same time from the Pacific fleet, and or-dering him to his home in accordance with the established custom. His retirement dates from January Barry would have retired in October of the current year.

HEARING WEDNESDAY IN REGARD TO INVESTIGATING OF COMPLAINING OFFICERS | FIRE INSURANCE BUSINESS

Home for Soldiers' Widows

CONFERENCE TODAY

RALEIGH, N. C., Jan. 16.-Announcement is made that the house foint committee on propositions and Frazier in the United States senate grievances is to give a hearing Wednesday afternoon on the Koonce resolution for creating a legislative drawal of G T. Fitzhugh of Shelby commission to investigate the con- county became known, duct of fire insurance companies in North Carolina, this hearing being at didate of those independent demothe request of the insurance menopposing it.

Democratic members of the general assembly are to hold a caucus tomorrow, Tuesday, night to discuss a general legislative policy for the

The senate's session of half an hour was devoted to local matters A bill relative to fishing in Albemarle sound was passed. journment was taken as a mark of respect to the memory of the late W. J. Hicks.

The Ewart bill to ratify the federal constitution amendment for an income tax came up for final passage in the house today and was made a special order for Thursday. January 26th, so that members may have time to consider the measure A bill by McGill, of Cumberland, introduced today, appropriating \$5, 000 for a building at soldiers' home for wives and widows of veterans

and \$5,000 for maintenance.

A bill by Ray of Macon propose to increase the salary of the law clerk of the attorney general to \$2.-000 and to designate him as assist-

ant attorney general. The house passed the bill to em-power the state fair association to old \$150,000 instead of only \$50.

000 worth of property. Petitions were presented by Rep-resentativeGreer of Mecklenburg resentativeGreer of Mecklenburg from the ministers of Charlotte against the desecration of the Sabbath and in regard to the sale of ceremonies set for tomorrow in Co-liquor by clubs. A great number of lumbia will hardly be disturbed. Mr. local bills introduced the past few

(Continued on Page Four,)

FITZHUGH WITHDRAWS AND LEAVES TENNESSEE SITUATION WORSE MIXED

Telegraphed Request and Legislature May Provide Wright Will Wait to Give McMillin Aother Chance

ALL CONFUSION

NASHVILLE, Tenn., Jan. 16,-The struggle for the seat of James B assumed a new aspect this afternoon when the announcement of the with-

Fitzhugh has been the favorite can crats who have most ardently supported state wide prohibition and elec-

There are abundant signs that all of the Fitzhugh vote and some of the republicans will not accept Frazier. In fact, it is said that the republicans will again vote tomorrow for Newell Sanders, republican state chairman, or Hal Page, republican chancellor. The lines outside of the vote for Prazier will present a solld line for

McMillin tomorrow. It was sure up to the time of Fitzhugh's withdrawal announcement this afternoon that General Luke Wright, ex-Secretary of war, would enter the race tomorrow, but when that came there wes expressed a deter-mination by the Wright managers to give McMillin a further opportunity

CONFIRMS STATEMENT

MEMPHIS, Tenn., Jan. 16.-G. T. Fitzhugh tonight confirmed dispatches from Nashville announcing that he desired to discontinue his campaign in the Tennessee senatorial contest. Mr Fitzhugh was called to Memphis because of the death of his daughter.

BLEASE INAUGURATED TODAY

NEWBERRY, S. C., Jan. 16,-Al though Governor-elect Cole Blease has not fully recovered from an at-tack of acute indigestion which he indigestion which he sustained Sunday, the inaughration ceremonies set for tomorrow in Co-Blease left tonight for Columbia, ac-By operation of lay Admiral days were favorably reported from companied by his physician. He suf-By operation of lay Admiral days were favorably reported from companied by his physician. He suf-would have retired in Octopeared in better health tonight.

YOUNG MOTHER WHO KILLED CREW OF HORNET HOME INVASION OF ALL RIGHTS SON ON TRIAL FOR MURDER

Not Guilty in Court

ALBANY, N. Y., Jan. 16 .- Mrs

Edith Melber pleaded not guilty to-

day to the charge of murder in the

first degree befor Justice Cochrane

in the Supreme court after being in-

dicted by the grand Jury for killing

her five year old non Georgie by

The coroner's decision on the in-

According to the specialists in

mental diseases who examined Mrs.

Mother yesterday, she is perfectly

rational. On this report, the deci-

sion of the coroner, and the confes-

sion by the woman to the Rochester

solice the district attorney will base

Inasmuch as she confessed, the

authorities would not allow her to see the body before it was buried

She has

today at Schneetady. She has ex-pressed a wish to see Howard Kirk

quest is that death was due to car-

bolic acid .

giving him carbolle acid to drink.

So Says Governor of Alabama in His Inaugural Address to Legislature

MONTGOMERY, Ala., Jan. 16 .-Emmet O'Neal of Florence, Ala. Alabama's thirty fourth governor and inth native son to hold that office vas sworn in this afternoon on a datform near the state house.

In his inaugural address to the legslature today Governor O'Neal delared Alabama's prohibition laws to e an invasion of individual rights and onstitutional guarantees and branded he attempt to insert a prohibition lause in the state's constitution as in offspring of intolerance and bigory. He proclaimed prohibition a fail ire and recommended a general loca option law.

He advocated a divorce between the iquor interests and politics and said t could be accomplished by the creition of an excise commission vested with power to control liquor traffic. Governor Braxton Bragg Comer in

elinquishing to Governor O'Neal ook a parting shot at corporate in-



western portion; east winds.

a young Schenectady draughteman but the police will not allow him to visit her. SUPREME COURT

REFUSES TO ACT

WASHINGTON, Jan. 16 .- The Supreme court of the United States to day dismissed for want of jurisdic ion the appeal to the court Wash Hunter from his conviction of mansiaughter in South Carolina. Hunter was sentenced to the penitentiary for eight years. He was ac-cused of having killed Elbert F. Copeland near their homes in Lau-rens county, South Carolina in 1996, while the two were playing at cards. Hunter entered a plea of self-defense. The case was brought to the Supreme court on the claim that several technical errors were committed during the trial.

Despite Confession to Po-But Are Reticent About lice, Mrs. Melber Pleads Where Arms and Ammunition Were Picked Up

TELL OF BEING FIRED UPON

NEW ORLEANS, Jan. 16 .- Capmin Charles Johnson of the Hornet Stibustering expedition and twelve members of the crew, including Chief Engineer David P. Rowland, returned to New Orleans today on the steamer Joseph Vacarro, which sailed from Purto Cartez last Wednesday. All were extremely reticent concerning the tremely reticent concerning the evenents of the Honduran revolu-

Captain Johnson and crew left the Hornet at Ruatan and made their say in a sloop to Belize where they courded the Jos. Vacarro, Their places in the Hornet had been taken by stondurans and when they departed rom Ruafan the gunboat was preparing to take arms and ammunition Manuel Bonilla was still at Ruatan

when they left whence he was directing the operations against the ports on the guif coast of the mainland. "About a dozen shots were fired at s with small arms when we appeared t Ruatan,' said one of the Americans. but the fire was not returned. We ould have blown the town up with he modern guns of the Bornet but ieneral Bonilla would allow no shot be fired. As we neared the landing the firing ceased and the government soldiers threw down their arms. Practically every resident of the bay island now enrolled in Bonilla's army." When asked where the Hornet picked up the guns and ammunition after her departure from New Orleans every member of the expedition refused to answer.

MONEY FOR POST OFFICE

WASHINGTON, Jan. 16 .- The postoffice appropriation bill aggregating \$253,000,000 an increase of more than \$9,000,000 over the current appropriation was reported to today by the postoffice committee.

(Continued on Page Five)