

Message of President to The Last Session of Fifty Ninth Congress

President's Message Communicated to the Joint Session of Congress Today. Subject of Lynching Receives Attention.

No Thought of Permanent Occupation of Cuba. The Need of Efficient Navy Urged. Corporations Discussed.

By Associated Press. Washington, D. C., December 4.—President Roosevelt's message to Congress occupied the attention of the Senate as soon as the opening preliminary was concluded.

These included the receipt of messages from the House reciting the death of several of its members. The Russian Ambassador, accompanied by two members of his staff occupied the diplomatic gallery during the reading.

Following the reading of the journal in the house a committee was appointed to join a committee from the Senate to wait upon the President. These members performed that service and that he would communicate in writing to Congress.

The House after waiting on the motion of Mr. Payne took a recess for 15 minutes. Speaker Cannon announced the appointment of Consuls of Iowa, chairman of the House committee on foreign affairs.

Representative Lowden, Illinois, was appointed on the committee on foreign affairs to fill a vacancy. A committee appointed to notify the President that Congress was in session made a report through Senator Hale.

The reading of the message began at 12:11. Many Senators were in their seats. The message received careful attention. The Message. To the Senate and House of Representatives:

As a nation we still continue to enjoy a literally unprecedented prosperity and it is probable that only reckless speculation and disregard of legitimate business methods on the part of the business world can materially mar this prosperity.

No Congress in our time has done more good work of importance than the present Congress. There were several matters left unfinished at your last session, however, which I most earnestly hope you will complete before your adjournment.

Corporation Campaign Contributions. I again recommend a law prohibiting all corporations from contributing to the campaign expenses of any party. Such a bill has already passed one House of Congress. Let individuals contribute as they desire; but let us prohibit in effective fashion all corporations from making contributions for any political purpose, directly or indirectly.

Government's Right of Appeal in Criminal Cases. Another bill which has just passed one House of the Congress and which it is urgently necessary should be enacted into law is that conferring upon the Government the right of appeal in criminal cases on questions of law. This right exists in many of the States; it exists in the District of Columbia by act of the Congress. It is of course not proposed that in any case a verdict for the defendant on the merits should be set aside. Recently in one district where the Government had indicted certain persons for conspiracy in connection with rebates, the court sustained the defendant's demurrer; while in another jurisdiction an indictment for conspiracy to obtain rebates has been sustained by the court, convictions obtained under it, and two defendants sentenced to imprisonment. The two cases referred to may not be in real conflict with each other, but it is unfortunate that there should even be an apparent conflict. At present there is no way by which the Government can cause such a conflict, when it occurs, to be solved by an appeal to a higher court; and the wheels of justice are blocked without any real decision of the question. I can not too strongly urge the passage of the bill in question. A failure to pass it will result in seriously hampering the Government in its effort to obtain justice, especially against wealthy individuals or corporations who do wrong; and may also prevent the Government from obtaining justice for wage-workers who are not themselves able effectively to contest a case where the judgment of an inferior court has been against them. I have specifically in view a recent decision by a district judge leaving railway employees without remedy for violation of a certain so-called labor statute. It seems an absurdity to permit a single district judge, against what may be the judgment of the immense majority of his colleagues on the bench, to declare a law solemnly enacted by the Congress to be "unconstitutional," and then to deny to the Government the right to have the Supreme Court definitely decide the question. It is well to recollect that the real

efficiency of the law often depends not upon the passage of acts as to which there is great public excitement, but upon the passage of acts of this nature as to which there is not much public excitement, because there is little public understanding of their importance, while the interested parties are keenly alive to the desirability of defeating them. Setting Aside of Judgments and Granting of New Trials. In connection with this matter, I would like to call attention to the very unsatisfactory state of our criminal law, resulting in large part from the habit of setting aside the judgments of inferior courts on technicalities absolutely unconnected with the merits of the case, and where there is no attempt to show that there has been any failure of substantial justice. It would be well to enact a law to prohibit this.

Injunctions. In my last message I suggested the enactment of a law in connection with the issuance of injunctions, attention having been sharply drawn to the matter by the demand that the right of applying injunctions in labor cases should be wholly abolished. It is at least doubtful whether a law abolishing altogether the use of injunctions in such cases would stand the test of the courts; in which case of course the legislation would be ineffective. Moreover, I believe it would be wrong altogether to prohibit the use of injunctions. It is criminal to permit sympathy for criminals to weaken our hands in upholding the law; and if men seek to destroy life or property by mob violence there should be no impairment of the power of the courts to deal with them in the most summary manner. Continued on page 9.

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Two of Feudists Hanged To-day

Unusual Features Connected with Crimes for Which Rawlings and Moore Were Hanged To-day.

By Associated Press. Valdosta, Georgia, December 4.—J. G. Rawlings, and Alf Moore, negro, were hanged here for the murder of Willie and Carrie Carter, July, 1905. Both stepped on the scaffold without a tremor, stood on the trap together and fell together.

Rawlings in his last statement declared that he had told the truth and that his sons had no connection with the crime. Moore also declared he had told the truth, insisting that Milton Rawlings fired the fatal shots.

Mrs. Rawlings and her two daughters visited Rawlings during the morning. They remained in the jail but did not witness the execution. Faced Death Calmly. Valdosta, Ga., Dec. 4.—The crime for which J. C. Rawlings and Alf Moore are under sentence to be hanged today presented unusual features.

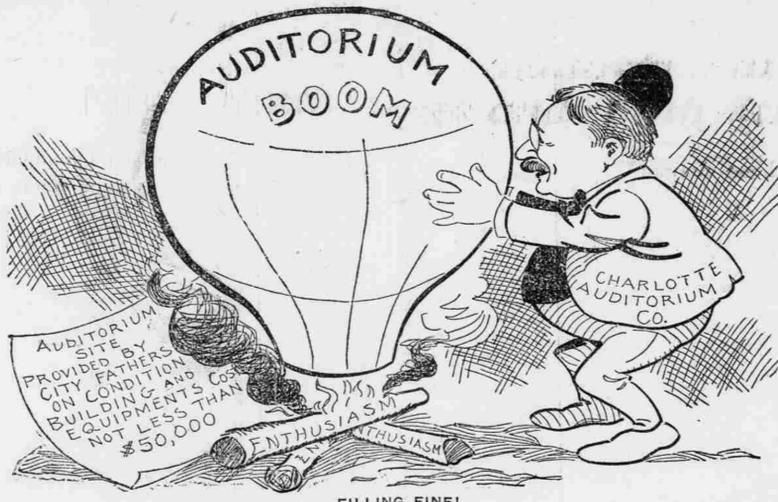
J. C. Rawlings and W. L. Carter were neighbors, 12 miles from here. Both were Baptist ministers. Several years ago a dispute arose as to the line between the respective farms. A litigation and bad blood resulted.

Carter was wounded by a shot from ambush, and had Rawlings arrested on the charge of attempted murder. A few days later a night attack was made on the Carter home. Two of the children, Willie and Carrie Carter were shot just outside the house and shots were fired without effect at Carter and his wife and another daughter.

The wounded boy managed to drag himself to the house and inform the parents that Milton and Jessie Rawlings had shot him. He died next day. After the shooting of the children, the attacking party attempted to set fire to the house, but were fired upon and driven off without further casualties.

The trial which lasted two weeks resulted in a verdict of death for elder Rawlings, his son Milton and Jessie and Alf Moore. A third son, Leonard Rawlings, was given a life sentence as an accomplice. Every legal expedient was resorted to, but the verdicts have been sustained in each instance.

IS HE THE MURDERER. Man Who Resembles the Man Wanted for the Murder of Two Persons, is Held by Officers. By Associated Press. Hartford City, Ind., December 4.—A man, thought to be mentally unbalanced, believed to be Grover Ford, of Denmark, Va., wanted for the alleged murder of Charles Cash and Miss Lydia Entaminger June 25, 1905, in Virginia, is held here awaiting instruction from that state. He is said to bear a striking resemblance to a photograph of Ford and on the clothing was found the name "G. Ford."



FILLING FINE!

Finale of Famous Gillette Case Outstrips all Proceedings in Many Sensational Developments

AMERICAN EMBASSY PUZZLED. Question to Be Proposed in House of Commons Causes Surprise.

By Associated Press. London, Dec. 4.—The foreign office and the American embassy expressed themselves unable to imagine the reason for the question for which George Stewart Bowles, the Conservative, proposes to ask in the House of Commons, whether an arrangement has been made between the United States and Germany, providing in case Germany becomes engaged in war that the German mercantile marine be taken under the United States flag.

The foreign office officials stated they never heard the slightest suggestion of such idea. POPULACE EXCITED. Great Excitement Over Cabinet Crisis in Madrid—Manifestations Continued Throughout Night.

By Associated Press. Madrid, Dec. 4.—The populace of Madrid are greatly excited over the cabinet crisis. Anti-clerical manifestations continued throughout the night. The police were compelled to charge the crowds. Many persons were injured. Increase of Capital. By Associated Press. Trenton, N. J., Dec. 4.—The American Woolen Co. filed papers increasing its capital stock from \$65,000,000 to \$75,000,000.

—Mr. D. W. Riddle, a street car conductor, received the box of Robert Burns cigars that was given away by the Consolidated Cigar Stores, Saturday night.

Hot and Sensational Clash Between Prosecution and Defense in Famous Case of Chester Gillette.

District Attorney Ward Said Gillette's Plan to Rob Girl of Life was far Less Than his Plans to Steal Virtue.

By Associated Press. Herkimer, N. Y., Dec. 4.—District Attorney Ward resumed his summing up of the case against Gillette. He ridiculed the argument of State Senator Mills for the defense. "The defense," continued Mr. Ward, "said there was a physician at the Glenmore who had seen Grace Brown's body and that the jury would have the benefit of his attendance."

"Did you? He was here, but not in court. Why? It was just another of the counsel's sly moves." Gillette, Ward said, "wanted to stay in Cortland, in society. He never intended to take Grace Brown anywhere except to her death. "He concocted a plan to rid himself of her, one far less than his first to rob her of her virtue. The girl received her death-blow, I am sure, with a grateful heart, out there in the woods."

FUNERAL OF COL. YOUMANS.

Attorney General of South Carolina Will Be Buried Tomorrow—A Great Advance to The News.

Columbia, S. C., Dec. 4.—The funeral of Attorney General Leroy Y. Youmans will be held tomorrow at noon. The body of the distinguished lawyer is lying in the state library in the capitol building. Col. Youmans was undoubtedly the most eloquent South Carolinian in the last 50 years. He was in many respects a great lawyer but it was as an advocate that he has no equal in this state and perhaps in the whole South, for he was familiar with the best literature and possessed a wonderful memory, being able to quote what he had not read for many years. It is characteristic that when he awoke in the middle of the night, Sunday night, he reached for his volume of Macaulay, which he read for a time. Laying aside the book, he laid his head on his wife's shoulder and fell asleep, as she thought, but as the weight of the head seemed unnatural, she turned and found him dead.

Ask Loan of \$1,000,000. Washington, D. C., December 4.—President Tucker of the Jamestown Exposition Company, said the company would ask Congress for a loan of \$1,000,000 to be secured by a mortgage on the gate receipts. The predicted loan will be paid in 3 months.

Shall Negroes Serve in Army Representative Slayder of Texas Introduces a Bill Which Favors Exclusion of all Negroes from Army of U. S.

By Associated Press. Washington, Dec. 4.—Representative Slayden, of Texas, introduced a bill which provides that "on or before the 30th day of June, 1907, all enlisted men of the army who are negroes, or of negro descent, shall be discharged from the service of the United States and thereafter no negro, or person of negro descent, shall be enlisted or appointed in the army of the United States."

In explaining the bill Slayden said: "It was not introduced for buncombe. My purpose is to give the Congress of the United States the opportunity to purge the army of an admittedly dangerous element. To say that negroes are brave is not argument against this measure. Many men have been brave, in fact most men are in a matter of fighting. The Comanche and Sioux Indians were as brave as men can be. But no one would seriously suggest that we ultimately recruit the regiments from them, put guns in their hands and station them near companies of white troops, toward whom they entertain an inherent race hostility. "The 25th Infantry is manifestly imbued with the same race hostility and events have shown it to be quite as dangerous as the Sioux or Comanche would be."

Criminal Court. Criminal court yesterday disposed of a large number of petty cases. The trial of John Bailey, charged with the murder of John Miller on the 25th of last June, has been set for Friday morning. A special venire of 25 men has been ordered summoned. W. S. Jones, charged with assault with deadly weapon upon A. A. Anthony, plead guilty. Case continued owing to civil action now pending.

Aldermen Favor Plan to Build Auditorium at College and Fifth Sts.

JUDGMENT CONTINUED IN CASES.

Judge Boyd Continued Judgment in Cases of Revenue Officers and Distillers Convicted, Until Special Term in January.

Gheensboro, N. C., Dec. 4.—In the Federal Court here this morning Judge Boyd ordered the trial for judgment of the revenue officers and distillers, formerly convicted, continued to await the trial of the other officers at the special term of court to begin here the second Monday of January. Judge Boyd also set the trial of the case of Simmons, Kard & Company and other creditors vs. Harding & Davis for trial at the special January term. These defendants are among the revenue officers convicted and awaiting sentence.

N. C. POSTMASTERS. List of Nominations Sent to the Senate for Postmasters.

By Associated Press. Washington, Dec. 4.—The following nominations for postmasters were sent to the Senate: Florida—L. C. Lynch, Gainesville. Georgia—C. W. Parker, Elberton. North Carolina—V. J. McArthur, Clinton; M. L. Buchanan, Concord; W. C. Briggs, Raleigh; C. E. Orr, Brevard; R. D. Douglas, Greensboro. South Carolina—J. R. Cochran, Jr., Anderson; J. F. Richardson, Greenville; C. D. Short, Sumter. Tennessee—N. J. Talent, Dayton; F. W. Galbraith, Jefferson City.

Case of Bud Abernathy Governor Glenn Rescinds Pardon Recently Granted Bud Abernathy, Notorious Criminal of Mecklenburg County.

Governor Glenn, having first pardoned the dangerous and notorious negro, Bud Abernathy, now at large having escaped from the State prison, and later canceled the pardon on the ground that he had not been put in possession of all the facts in the case, there was wide-spread interest in the city yesterday as to who secured the pardon for the negro. Mr. Roy Kirkpatrick represented the negro when he was convicted and sentenced, and when asked yesterday if he had secured the pardon which the Governor afterward canceled, he smiled but refused to say anything about the matter at all.

Abernathy was convicted at the fall term, 1901, of Mecklenburg county, for robbing a man of a jug of whiskey and sentenced to nine years in the penitentiary. Saturday he was pardoned but the Governor almost immediately rescinded the pardon. The Raleigh News and Observer of this morning says: "Governor Glenn, after he had announced the pardon, learned through the newspapers of some facts which showed that Abernathy's case had not been correctly represented and he immediately telegraphed to Sheriff Wallace, of Mecklenburg, to return the papers in the case as the pardon had been cancelled and refused."

"It had been represented to the Governor that the man had done no damage and had only taken a jug having in it some liquor worth about 50 cents and that he had been in the penitentiary for six years. The Governor thought the punishment sufficient, as the negro had been a soldier in the Spanish-American war and had been honorably discharged. When he found that he had been deceived in the matter as to the grievousness of the man's offense he at once cancelled the pardon, and Bud Abernathy remains in the State prison.

The News Raleigh correspondent today sends the following: Concerning the revocation of the pardon of Bud Abernathy, serving nine years sentence from Mecklenburg county for taking a jug of whiskey from an old man on the streets of Charlotte six years ago, Governor Glenn said today that in February 1906 application was made for a pardon by Abernathy's attorneys, but he declined to act at that time. It was represented to him that Abernathy had taken whiskey valued at about 50 cents and that because his victim was an old man the judge gave Abernathy nine years sentence, also that counsel represented to the governor that no injury was done the old man by Abernathy in taking the whiskey and that Abernathy was a good prisoner, had served in the Spanish-American war and received honorable discharge. After issuing the pardon the governor says he received authoritative information that Abernathy had injured the old man from whom he took the whiskey and that he also broke jail sometime after his incarceration. It was for this reason that the pardon was cancelled. The prisoner will now have to serve the whole nine years sentence for his drunken escapade in forcibly taking fifty cents worth of mean whiskey.

Mrs. Armistead Burwell and Mrs. R. C. Carson left this morning for Pinehurst to spend a few days.

Agree to Furnish the Lot Owned by the City as a Site. The Structure to Cost Fifty Thousand Dollars.

Recommendation of General Committee on Extension Postponed Until Property Owners Can be Heard.

By approving plans submitted by members of the Charlotte Auditorium Company and agreeing to offer a site for the proposed building, the board of aldermen in session last night practically assured the erection of an auditorium in this city within the near future. The discussion of this subject was held immediately after the session concluded its preliminary work and after the plans were briefly discussed, the aldermen adopted resolutions approving the project and offering the site at the corner of Fifth and College streets, which the city has owned for a long time. The resolution was passed unanimously.

It is agreed in the report that the building and equipment will cost \$50,000, \$20,000 to be raised in cash by the Auditorium Company, composed of Messrs. Willis Brown, E. R. Press, F. D. Lethco, Robert Glasgow, John A. McRae and others. Bonds will be issued not exceeding \$30,000, bearing 5 to 6 per cent. interest and made payable after ten years, the first mortgage on the property as security. The lot is valued at \$20,000, which shall be paid to the city in auditorium bonds with a second mortgage as security. Interest on the amount being discharged by the use the city shall make of the parts of the building and for its use on occasions of the graded school commencements. The city shall be given an option on the purchase of the property at the end of ten years. In the event that the report so as to give the Charlotte Auditorium Company shall be given the right to purchase the building for such an amount as shall be fixed by a board of arbitrators.

These are the primary conditions embodied in the resolutions adopted, which were reported by the auditorium committee. Alderman Faison endeavored to amend the report so as to give the city the right to use the auditorium free of charge for political events occurring during the 20th of May exercises, as well as during the commencements of the Charlotte graded schools. This amendment failed to carry. On motion of Alderman Ross, Mayor S. S. McVinch appointed Alderman Ward, Williams and Dowd to act conjointly with the Auditorium Company in beginning work upon the plans and arranging the details of building.

Extension Subject Postponed. The report of the Committee of One Hundred on extension, favoring a 2 1/2 mile limit, was held over. Mr. Gathrie, representing the anti-extensionists, appeared before the board in behalf of the property owners and business interests on the outskirts, asking that these parties be tendered a hearing before final action was taken, the question to be discussed at the next meeting or a special meeting ordered for the purpose.

Mr. E. L. Keesler, representing the committee on extension, read the report, and stated finally that the committee would have no objection to the proposed postponement. He asked that the extensionists should be given the same right of speech, however, when a final hearing is ordered. Mr. Keesler moved that the meeting be held on the 17th in the county court house at 8 p. m., when all parties interested prior or now could be given an opportunity of expressing themselves. In this connection a letter was read from Mr. Heriot Clarkson, who filed the minority report of the committee, and expressed himself as satisfied that he had done his duty in the matter and acted according to his best judgment.

Alderman Smith reported that no progress had been made by the committee of which he was chairman, appointed by the board to confer with the Mecklenburg camp of Confederate Veterans, the Daughters of the Confederacy and the Sons of Veterans for the purpose of securing a site from the city upon which to erect a museum and veterans' armory. The committee are anxious for a lot on the Mint property and has asked Congressman Webb to use his influence in securing this lot.

Representing Messrs. J. W. Brown and J. W. Gardner, Mr. A. B. Justice appeared before the board. His clients asked for a license to conduct a restaurant on West Trade street in the new business building being erected on the Brown lot, stating that application for the license had been turned down. It was moved by Alderman Anderson that the board grant the petition, Alderman Ross offering a substitute to forbid the opening of the restaurant on the grounds that the place was unfit for such a business. The latter motion failed to carry, but the original motion was amended so as to make the applicants give a \$200 guarantee to preserve order and decency in the place, with the understanding that the license shall be revoked upon the first complaint filed.

Fruit Licenses Raised. The board increased the license of retail produce and fruit dealers, except Pinehurst to spend a few days.

(Continued on Page Two.)

ALL RECORDS BROKEN THE NEWS takes pleasure in announcing to its friends and patrons that the year closing December 1st has been the best in the history of the paper. THE NEWS has in the circulation and advertising field has been won and held by fair and legitimate business methods. Statement The Circulation of The News December 1, 1906, was 5,054 December 1, 1905, was 4,263 Net Gain 791 THE NEWS has 27 carriers in Charlotte and covers every section and suburb of this growing city. The Cash Receipts for November—the best indicator of good home circulation—was the largest of any month in the history of the paper. The Advertiser who wishes to reach the People should remember "in Charlotte Nearly Everybody Reads THE NEWS"