

THE WEATHER TODAY -
For North Carolina:
Showers
For Raleigh:
Showers

THE MORNING POST.

TEMPERATURE:
Temperature for the
past 24 Hours:
Maximum 74
Minimum, 56.

Vol. IX

RALEIGH, N. C., SATURDAY, OCTOBER 7, 1905

No. 111

THE RAILROAD LEGISLATION

Which Congress Will Be Asked to Pass

PRESIDENT'S PROGRAM

The Each-Townsend Bill Modified in Important Particulars—Some of the Provisions of the New Measure—To be Rushed to a Vote in House if Possible—Speculations

Washington, Oct. 6.—After repeated conferences between President Roosevelt and Representative Townsend, an announcement was made that the administration program relative to the railroad legislation is completed. The plan that will be favored by the president will be embodied in a bill which has been drafted by Mr. Townsend of Michigan and Mr. Esch of Wisconsin, known as the Esch-Townsend bill, which the house passed last winter. The measure will be modified in important particulars, and additions will be made to it to overcome the criticisms directed against it while it was pending in the house and since then.

The bill will provide:
First. That the interstate commerce commission shall be given the power to decide upon complaint after full hearing whether a rate is unjust or unlawful and that the commission shall have authority to substitute a rate which shall become immediately effective and so remain unless and until reversed by the courts.

Second. The commission shall have the authority to declare that a rate charged for shipments on private cars is unjust or unreasonable, if it be so and that the common carrier shall be held responsible for such charges.

Third. Giving the interstate commerce commission jurisdiction over terminal railroads.

Fourth. A reassertion of the long and short haul provision of the original interstate commerce act.

Fifth. A provision relating to the shipment of merchandise by water and rail so as to prevent alleged manipulation of rates made possible in such circumstances under the present law.

Sixth. Giving the commission full authority to examine the books and records of the railroads and to prescribe the general form and manner in which such records shall be kept.

Whether the provision in the Esch-Townsend bill of a year ago providing for an interstate commerce court will be incorporated in the new measure remains to be determined. Before a decision is reached on this point Representative Townsend, at the instance of the president, it is understood, will confer with the attorney general and Secretary of War Taft. Either a new court will be created or the number of federal judges increased to take care of the new business.

Investing the interstate commerce commission with the power to make a rate which shall stand until reversed by the courts is, of course, not new. This, or at least modifications of it, is the central idea of nearly every bill dealing with the subject that has been presented either house of congress dealing with the subject.

The features of the Esch-Townsend bill relating to private cars and terminal railroads is adopted to give the measure strength, and also to correct abuses which are generally admitted to exist. The private car lines will not be declared to be common carriers. Such a legislative enactment, good lawyers contend, would not stand the test of judicial procedure. On the contrary the burden of responsibility is to be placed on the carrier, as it will be held that the handling of perishable commodities by the carrier is a part of transportation.

There is vigorous protest over the present enforcement of the long and short haul clause of the interstate commerce act as interpreted by the courts. Under the existing act the interstate commerce commission is limited in its power to examine the books, papers, records and accounts of the railroads. It may call for any specific document, but that is not all. In accordance with the policy of publicity in corporate management instituted by President Roosevelt, it will be proposed that the authority of the commission shall be sweeping when the records of the carriers are desired in the adjudication of questions arising under the proposed law.

some annoyance at the aggressiveness of his tone in recent public discussions of interstate commerce problems. Mr. Townsend was asked whether the testimony had been offered before the Senate committee had changed his mind as to granting enlarged powers to the commission. He said:

"The Senate committee on interstate commerce called witnesses and the railroads of course knew whom to send to the hearings. During the first part of those hearings the time was devoted largely to showing that it would be unconstitutional to confer such power on the commission as the bill proposed. They contended that the commission never exercised such power, but they were confronted with the record of the interstate commerce commission, showing every order the commission had ever issued and it was shown that they had exercised the same power as was proposed by the Townsend bill. Then they had eminent lawyers come and tell the committee that the bill was not unconstitutional, and after those opinions had been received, the committee called on the attorney general for an opinion and he clearly set forth that it would be constitutional to confer the power as proposed.

"They then proceeded to present no evidence but theories of railroad men as to the nature such legislation would have on the railroads. I believe that not 2 per cent of the evidence presented there could be designated."

SCHEDULE REARRANGED

President's Train Will Be Stopped Outside of City

May Not Come Into Town Before Breakfast—Time of Stop in Charlotte Increased to 15 Minutes. Leave Raleigh at One O'Clock

By THOMAS J. PENCE

Washington, Oct. 6.—Special.—President Roosevelt has decided to extend his stay in Charlotte and the schedule of the itinerary as rearranged today calls for a fifteen, instead of a five-minute stop, at that point. The decision to increase the length of the stay in Charlotte, probably means that the president will not be able to remain in Raleigh longer than 1 p. m., as at present arranged. Private Secretary Loeb said today that if an extension of the stay in Raleigh should be made the hour of arrival in Charlotte would be thrown back that much, and as the schedule puts the presidential special in Charlotte at 7 p. m. he is of the opinion that it will be unwise to make the hour any later.

In addition to his stay in Charlotte, the new schedule calls for a stop at Salisbury, which was arranged by Senator Overman. It was originally stated that there would be no stops save those provided in the original schedule, but an exception was made in this instance because it was asked by Senator Overman, whom the president holds in high esteem.

It was stated today that the president's special which is due in Raleigh at 1 o'clock p. m. would not arrive in the city proper until 7 o'clock in the morning. The arrangements provide for the side-tracking of the train at a station some miles out from the city, so that the distinguished visitor and his guests will not be disturbed by shifting trains and early whistles. This early morning stop while the president is asleep will probably be made at Neuse or Millbrook.

The new schedule which will probably be the one that will be observed in North Carolina is as follows:
Arrival near Raleigh, 1 a. m.; leave Raleigh at 2 p. m.; Durham at 1:55; arrive at 2 p. m.; arrive at Greensboro at 4 p. m.; leaving at 4:05; arrive at High Point at 4:30; leave at 4:35 p. m.; arrive at Salisbury at 5:35; leaving at 5:40 p. m.; arrive at Charlotte at 7, leaving at 7:15 p. m.

The stops above enumerated will be the only ones made in the state. The train will be a special, consisting of three cars. The personnel of the guests the president will select to accompany him is not known, though it has been ascertained that Dr. Rixey, the White House physician, will be one of them.

President Return Trip

When President Roosevelt comes from New Orleans to Hampton Roads, he will be escorted by the armored cruiser squadron of the North Atlantic fleet, commanded by Rear Admiral Brownson. This plan has practically been decided upon. The squadron is composed of the armored cruisers West Virginia, (Flagship), Pennsylvania, Maryland and Colorado. The Maryland, however, is making repairs at New York and will be unable to make the trip. President Roosevelt will be carried on board the West Virginia, that being the flagship of the squadron.

Budapest, Oct. 6.—The celebration here in commemoration of the execution of Count Bathany in Budapest in 1849 and other Hungarian revolutionary officers at Ada, passed in an orderly manner despite the present unrest.

THE NORTH IS AGAINST NEGRO

And He Has No Business Up There at Present

A FEARFUL DEATH RATE

Prejudice and Ostracism, Especially Among Foreigners, Much Greater Than in the South—Difficult to Rent Shelter in New York—What Booker Washington Says

New York, Oct. 6.—Today's issue of Charities is a special number devoted entirely to a study of the negro in the cities of the north. Its purpose is to bring the facts relative to the condition of negroes in the cities before the public and with the aid of Booker T. Washington, Dr. Dubois of Atlanta University and other leaders of the race, and of such agencies as Green-Wich House in this city, it has been possible to gather a great mass of matter.

The shifting of the negro to the north in the last few years is one subject discussed. Washington now has the largest negro population, 90,000. New York has 70,000 and Chicago 35,000. The extent of migration is indicated also by the fact that in a great majority of the counties of Virginia in the last ten years there has been actual decrease in the number of negroes. Of each 10,000 negroes born in the south Atlantic states 247 lived in the north Atlantic states in 1890 and 403 in 1900.

In the cities of the north the negro has a more severe struggle for existence than in the south. Booker Washington believes the place for the negro is in the south and he tells why he thinks so. He writes: "I do not believe the masses of negroes are yet fitted to survive and prosper in the great northern cities to which so many of them are crowding. The temptations are too great and the competition with the foreign population, with which they come in contact, is too fierce."

Washington urges the negro business man to go south and he says that money earned by the negro in the south goes further than money in the north, principally because of the cheapness of land and the cost of living. In describing the negroes' struggle for existence in northern cities another writer says that the negro's difficulties are accurately reflected in the high death rate, especially the frightful mortality of the negro child. Roughly, in proportion to their respective numbers, for one white child in 1900, six negroes died from diphtheria and croup. Other diseases of childhood kill from two to four times as many negroes as whites.

One of the most difficult things the northern negro has to contend with is the matter of housing. In many neighborhoods in this and other northern cities the negro is unable to rent a house or apartment, no matter how well he is supplied with money.

That the great majority of negroes in Manhattan live in poverty is the conclusion of Miss Mary White Ovington, who has studied negro conditions in this city for a year and a half. She points out that in the districts the negroes are forced to live they see much that is base in the dominant race.

Charities pays considerable attention to the bringing of women from their homes in the south to the northern cities and the abuses that result. The southern states, especially Virginia and Georgia, are honey-combed with employment agencies who use every sort of inducement to get colored girls to leave their homes, promising good wages, easy work and good times. These dupes of the employment agencies sign a contract agreeing to work one or two months for nothing after their arrival. They sign over their personal belongings to the employment agencies and when their little store of money is gone and no work is found for them they fall into evil life.

WILL BE MORE CAREFUL

GORILLA NEGRO'S FATE

Not Yet Recaptured—Gov. Lanham Denounces Lynching

Dallas, Tex., Oct. 6.—Reports from Edna tonight state that the general search by citizens for Monk Gibson, who outraged a little girl, has been abandoned. State rangers alone are hunting for him. Rumors are current that Gibson is being held in concealment to be burned when the state troops leave Edna. Governor Lanham today emphatically refused to entertain the petition from Jackson county asking that the people be permitted to execute Gibson if caught. The governor in positive terms denounced mob law in any form.

molly a contract once made, even if when the work is well under way it is found that the specifications of the contract cannot be fulfilled, as sometimes happens. Hereafter there will be no modification whatever, but, with the approval of the secretary of war, the contract may be annulled and bids invited for the new contract, with the competitors fully informed of the changes in the requirements. Mr. Taft, in the order, points that if modifications are permitted after a contract has once been made, it is unfair to the other bidders who made their proposals with the idea that the specifications advertised would necessarily be observed to the letter. On soft provisions is that all supplies must be inspected, whenever practicable, by a commissioned officer of the army at the time of delivery. This follows along the line adopted by Acting Secretary Oliver several weeks ago, when the Schuykill frauds were exposed.

The secretary directs that the commercial standing of the bidder be carefully investigated, as well as the financial status of his bondsmen. Another provision is that a contract shall be made with no one who has failed unjustly to fill a former contract. This departure, it is explained, is made in observance of the law that supplies for the army shall be purchased "where the same can be purchased the cheapest, quality and cost of transportation and the best interests of the government considered, and such contract shall be made with the lowest responsible bidders."

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SHOT DEPUTY SHERIFF

Big Rucus in Stokes Over Woman Moonshiner

She Was Ordered to Jail by the Magistrate and Pistol Battle Ensued. Deputy Sheriff Smith and Two of His Assaults Shot

Greensboro, N. C., Oct. 6.—Special. Particulars were received here today of a lively pistol battle which occurred at Smithtown, Stokes county, yesterday afternoon, in which Deputy Sheriff John Smith was wounded in the side and two young men of the crowd who attacked him were also shot. The trouble occurred when the deputy was removing to jail Mrs. Frank Caldwell, who had just been bound over by a magistrate to court on a charge of retailing.

A crowd of men, headed by Oscar Sisk, set upon Smith attempting to take the woman from his custody. The shooting followed the deputy's refusal to give up the prisoner about fifty shots being fired in rapid succession. The woman finally gave bond and was released. Sisk was arrested and committed to jail. It is not known who fired the shot that struck Deputy Smith or the other two men who were wounded, so fierce did the fusillade rage for a time. The officers wounds, while very painful are not considered serious. The extent of the wounds sustained by the others was not learned.

ANOTHER MURDER MYSTERY

Mother and Daughter Killed—Two Old Men Missing

Middletown, N. Y., Oct. 6.—Mr. Martin Ingerik, the housekeeper for Willis C. and Fred Olney, brothers, old men who live on a farm four miles from here, was found lying in the Olney barn, buried under a pile of hay. Her skull had been crushed by a piece of gas pipe. Her daughter, Lella, aged 8, had been murdered. The body of the girl was found in the cellar of the Olney house, her head battered out of all resemblance. The two brothers are missing and a search is being made for them. A well on the Olney farm is being dragged on the theory that one of the brothers was murdered and the body thrown in the well.

Mrs. Ingerik lived at the Olney farm house with her daughters, Lella and Grace. This morning Grace went to Middletown, leaving her mother, sister and the old man at home. When she returned this evening she could not find her mother or sister, and the old men were missing. She gave the alarm and a search of the premises revealed the facts stated above. A physician examined Mrs. Ingerik's injuries and said she would probably die.

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MARYLANDERS WANT TO KNOW

About Operation of Our Suffrage Amendment

SIMMONS INTERVIEWED

By Maryland Newspaper Men and His Explanation of Benefits of Amendment Will Be Laid Before the Voters During the Fight Which Senator Gorman is Leading

By THOMAS J. PENCE

Washington, D. C., Oct. 6.—Special. Senator Simmons was sought today by Maryland newspaper men, who desired to get from him his views with reference to the effect of the suffrage amendment since its introduction in North Carolina. Over in Maryland the people vote this fall on the question of disfranchising the negro, and the question is discussed to the exclusion of every popular issue. The Tar Heel senator, in speaking of how the amendment worked in North Carolina, said: "The adoption of the suffrage amendment in North Carolina is regarded by people generally as possibly the wisest move in a generation. There is hardly a man in the state who would be willing to return to former conditions, and should there be a vote on the question tomorrow it would receive more than 100,000 majority. During the campaign in which the amendment was an issue the Republican leaders declared from every stump that the measure was unconstitutional and that suit before the United States supreme court would so decide. The Republicans in our state have not only not brought such a suit, but they are practically unanimous in favor of the amendment today.

"By adopting the amendment the people of the state rid themselves of an issue that was always a source of anxiety. There is no question about the negro in the state now, and the two races are living in perfect peace and harmony. The best of good feeling prevails between them—more so than ever before.

"With the elimination of the ignorant vote, the people of the state are now able to discuss and settle economic and moral questions. Matters of local government that could not be approached with the intelligent and calm consideration they deserved are now determined by the people. I refer, among other things, to bond issues.

One of the best known Washington correspondents who represents a Maryland paper said, after hearing Senator Simmons' evidence on this question, that he did not see how any well-meaning citizen could vote against the amendment.

A Slip Twixt Cup and Lip?

Although the appointment of John C. B. Morton as postmaster at Morehead City, N. C., was announced at the White House yesterday, the belief is expressed here by North Carolina Republicans familiar with the situation that a mistake has been made and that the Morton selection will soon be withdrawn. In any event, Morton is not the candidate of the North Carolina Republican organization, and Chairman Rollins' followers do not believe for a moment his recommendation has been knowingly cast aside. Mr. Rollins, as well as National Committeeman Duncan, endorsed A. S. Willis for appointment, and when they learned today that Morton had been appointed they at once got in communication with the postoffice department. They believe that a mistake has been made and that Willis will finally be the new postmaster.

Roosevelt's Raleigh Speech

Senator Simmons called at the White House again today, by invitation, to see the president about his trip south. It is understood that Mr. Roosevelt talked with the senator about things that he will have to say, especially with reference to his forthcoming Raleigh speech, which will be one of the notable ones of the southern tour.

Postmasters were appointed today as follows: George W. Stepp at Black Mountain, Buncombe county, and Furnifold P. Koonce at Trenton, Jones county.

Rural delivery route No. 5, from Henderson, Vance county, is authorized to begin operation December 1st. Today's arrivals include Mr. and Mrs. W. C. Douglas and two daughters, of Raleigh, William O. Cory of Asheville, H. A. Shuford of Hickory and J. T. Patrick.

Steamship Wrecked

Eureka, Cal., Oct. 6.—Fast upon the rocks one and a half miles south of Point Gorda and beside the boilers of the old steamer Humboldt, the San Francisco and Portland Company's St. Paul, Captain Randall, lies a total wreck. Its ninety-three passengers and crew

of sixty-five men are safe. Some are on board the steamer Pomona en route to San Francisco, but the greater number are in Eureka, having arrived on the tug Ranger of Eureka and the steamer Vanguard. The captain and most of the crew are in Eureka. The disaster, it is said, was due to a thick fog.

WEST INDIAN CYCLONE

It Is On the Way and Will Be Felt From Fla. to Maine

New York, Oct. 6.—Coastwise cities from Florida to Maine may be swayed by the first West Indian cyclone of the season that has manifested the energy worth the consideration of the official weather experts. Key West began to feel the influence of the tropic storm tonight. The low pressure has been observed over Cuba for the last two days. It developed great energy today.

Capt. Nat. Burrus Dead

Norfolk, Va., Oct. 6.—Capt. Nathaniel Burrus died today, aged 62 years. He fell in the office of the railway company here while buying a ticket for the honeymoon trip of his daughter, who was married September 9th to Lieutenant H. B. Jordan of the United States army. His hip was broken by the fall. He never recovered. He served in the Confederate army through the war.

NOMINATED FOR MAYOR

New York Republicans Name Charles H. Hughes

Few Will Know Who He Is But This Dispatch Introduces Him—An Empty Honor and He May Decline It—Cut-and-Dried Affair

New York, Oct. 6.—The Republican county convention tonight, in Carnegie Hall, nominated the following ticket: For mayor, Charles H. Hughes of Manhattan; comptroller, Richard Young of Brooklyn; for president of the board of aldermen, James L. Wells of the Bronx. The ticket was nominated without a dissenting vote. The delegates had no idea, up to the time the name of Hughes was mentioned by Senator Elberg, who made the nominating speech, for whom they were expected to vote. The ticket, it was said, was made up by Benjamin Odell, Jr., and Chairman Halpin of the county committee.

There was great enthusiasm displayed at the convention when Hughes' name was mentioned in the nominating speech. Hughes is the counsel for the Armstrong committee, which is investigating the affairs of life insurance companies. He was also counsel for the legislative committee which recently investigated the gas companies affairs with a view to fixing prices of gas. Hughes may not accept, it is said tonight.

SECOND PEACE CONFERENCE

President Roosevelt's Answer to the Czar's Proposal.

Washington, Oct. 6.—The president's answer to the czar's proposal to call a second peace conference at The Hague has been partly prepared by the state department and will soon be sent to St. Petersburg and be presented to the Russian government.

President Roosevelt gives hearty acquiescence to the move made by the czar, announcing his intention to call and confer and it is expected that the tenor of the American note will have a good effect on other nations when they are formally asked to participate.

The note does not make any specifications concerning the program of the conference. That detail will be included in the circular note to be sent out by St. Petersburg together with requests that cokments be made by the nations invited to take part in the program. The other conference will be vastly larger than that held in 1898, for all the South and Central American governments will be represented. The program which will be proposed by Russia will be entirely tentative, and before a final program is adopted there will be a general discussion along all of the governments.

Supreme Court U. S. Meets Monday

Washington, Oct. 6.—The October term of the United States supreme court will be convened Monday. It is expected that every member of the court will be present. There are 415 cases awaiting, of which 135 have been filed since adjournment in May. The rest of the cases come over from the previous term.

New Russian Ministry

St. Petersburg, Oct. 6.—The Slovo says that in the new ministry Privy Counsellor A. S. Stishinsky will be minister of the interior, Baron Noidt, present chancellor of the committee of ministers, minister of justice, and General Treppoff, now assistant minister of the interior, minister of police.

GOVERNMENT'S CASE IS WEAK

Trial of Indicted Revenue Men at Greensboro.

SAMUELS CASE PENDING

May Consume a Week—The Evidence Yesterday—Concensus of Opinion is Disappointment in Lack of Strength of Government's Case. Defendant's Able Counsel

Greensboro, N. C., Oct. 6.—Special. Federal court resumed its sitting this morning in the case against G. W. Samuels in the presence of an overflowing bar and a packed audience.

After the roll call of the jury came a motion from Mr. Watson that the witnesses be separated and each called when needed, to which motion Mr. Holton assented and it was so ordered. This had the effect to largely diminish the audience, Mr. Holton called for a government list of witnesses but enough to convict a hundred federal officials if they knew enough. The first witness was Mr. West of the treasury department at Washington, who identified the official reports on file from the defendant Samuels. These reports show sundry illicit distilleries with their paraphernalia destroyed, which the government contends are false.

This constitutes the gist of offense charged in the several counts in the bill of indictment. The burden of proof is on the government to show the falsity of the contents.

For this purpose the first witness was Deputy Marshal Brown of Wilkes, who was with Samuels on some of the raids covered by said reports and gave some dangerous testimony tending to sustain the contention of the prosecution. But under the severe and exhaustive cross-examination of Mr. Watson the witness did not add any weight to his direct testimony and the defendant looked as if he felt safe after that.

The government introduced eight witnesses during the afternoon session of the court, some of whom were dangerous and all of whom were to some extent discredited by the searching and relentless cross-examination of Mr. Watson.

Mr. Holton is cold, tenacious and determined, with his case well in hand, while Mr. Watson is alert, earnest and effective with a ready knowledge of the character of every witness. These two gentlemen are conducting the examination of witnesses. Mr. Price is at the side of the district attorney, while Judge Eymum and ex-Governor Aycock have full access to the ear of Mr. Watson. Every witness is thoroughly pumped and some severely tested.

The end of the case is not in sight. If all of the witnesses called this morning are to be examined the case will likely consume the greater part of another week.

Miss Sherrill of Statesville is the court stenographer.

Maj. H. L. Grant of Raleigh, Solicitor Brock and Representative Blackburn were among the spectators today.

The consensus of opinion as expressed on the outside tonight is disappointment in the strength of the government's case.

FOURTEEN MEN KILLED

Fearful Loss of Life by Quarry Caused in New York State

Troy, N. Y., Oct. 6.—Fourteen men were killed today by a cave-in at a quarry about two and a half miles from Granville, N. Y. Among the dead is F. V. Williams, president of the company. The others were Hungarian laborers. Sixteen men were buried in the cave-in. David Cadwalter, and Warden Queen, the foreman of the quarry, were rescued. The latter is expected to die.

Russian Finances

St. Petersburg, Oct. 6.—The preliminary returns for the first six months of the year 1905 received by the ministry of finance, show that the ordinary receipts were 949,246,000 roubles, an increase of 14,852,000 as compared with the corresponding period of 1904. The ordinary expenditures were 921,550,000 roubles, a decrease of 25,730,000. The extraordinary receipts were 462,005,000, an increase of 78,594,000. The extraordinary expenditures were 552,404,000 roubles, an increase of 400,696,000.

Funeral of Dr. V. O. Thompson

Winston-Salem, N. C., Oct. 6.—Special.—Dr. V. O. Thompson, Winston's oldest druggist, who died yesterday in his seventieth year, was laid to rest this afternoon with Masonic honors. Deceased served through the civil war as captain of Company C and as surgeon in the Forty-sixth Regiment.