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CADET'S TRIAL AT ANNAPOLIS

Failure to Hold Autopsy Serious Error

BATTLE CASE RECALLED

Witness Said That Blows Received in Fight Were the Cause of Death, But Admiral McCormick Was Searching in His Cross-Examination As to Contrary Facts—The Evidence.

(By the Associated Press.)

Annapolis, Md., Nov. 24.—The trial of Midshipman Minor Meriwether, charged with manslaughter as the result of a fist fight with Midshipman James R. Branch, Jr., was resumed this morning. The sessions being transferred from the temporary reception hall to the more commodious club room in the officers' mess building. Surgeon A. M. D. McCormick was the first witness called. He said:

"I saw Branch between 10 and 11 Monday morning. He was unconscious, his left side was paralyzed, his right arm and leg were continually thrashing and he was much bruised about the face, head, shoulders and forearms. The injuries could readily have been inflicted in a fight by successive blows of the fist increased in light gloves. The symptoms indicated, oedema of the brain producing compression. I think that the condition was brought about by the repeated blows he had received. I do not think his life could have been saved by any treatment, nor do I think that the hot baths or other treatment he received from his friends accelerated his death."

On cross-examination by Mr. Munroe, counsel for Meriwether, Surgeon McCormick said that an autopsy might have developed a cause of death existing prior to the fight and that it might have indicated more clearly the definite cause of death. He added, however, that his convictions were that the bruises Branch had received in the fight had caused the death.

Surgeon McCormick was examined very rigidly by Admiral A. H. McCormick, of the court, the object being to bring out whether or not any possible cause of death could have existed prior to the fight. The witness answered that it was impossible to say this absolutely in the absence of an autopsy, but that there was no reasonable doubt that the blows had caused Branch's death. Under this examination Surgeon McCormick said that excitement and over-exercution might have contributed to Branch's condition but only in a secondary way.

Admiral McCormick's examination of the witness was very searching and lasted much longer than the examination by counsel. Its manifest intention was to bring out clearly the degree of certainty of the knowledge of the medical men as to how far antecedent causes on possible diseased condition of Branch might have contributed to or even caused his death. Admiral McCormick evidently was not at all satisfied that the hot applications on Branch's head by his companions on the night of the fight had not contributed to the death. He brought out from the witness that hot applications might contract veins if applied to them closely and continually.

The remainder of the examination of Surgeon McCormick only brought out details to which the other medical witnesses testified. As such medical officer includes his testimony, the conviction grows that a serious and perhaps fatal error was made as far as a conviction for manslaughter lies in failing to hold an autopsy. There is evidently a serious doubt in the minds of some members of the court as to whether there may have been any other unusual condition in the organism of young Branch which led to his death.

Dr. E. P. Stone was recalled and testified from the Academy records as to a physical examination of Branch about eight months prior to his death. This examination, he said, included the heart, and no disease of that organ was discovered. If Branch had been in such a condition in November to cause his death from brain trouble, the witness thought, there would have been some evidence of it which would have developed at the examination.

(Continued on page seven.)

OUR OUTSIDE TRADE

Commerce With Non-Contiguous Territory Grows

For 1905 It Will Exceed by Many Millions That of Any Preceding Year—Estimate is \$125,000,000—Gold and Silver from Alaska Not Included.

(By the Associated Press.)

Washington, Nov. 24.—The commerce of the United States with its non-contiguous territory in 1905 seems likely to exceed by many millions dollars that of any preceding year, according to a statement issued by the Department of Commerce and Labor through its bureau of statistics.

The bureau's nine months' statement ending with September shows that the shipments from the United States to its non-contiguous territory amounted to \$86,552,175, against \$29,929,079 in the corresponding months of the preceding year, and that the shipments of merchandise to the United States from its non-contiguous territory in the same period amounted to \$66,466,150, against \$47,141,623 in the corresponding months of the preceding year.

The figures given relate to merchandise only and do not include the gold and silver, of which the shipments from Alaska to the United States were nearly \$7,000,000 and \$5,500,000 of foreign gold shipped from Alaska, being presumably that originating in British territory adjacent thereto. In the merchandise shipped from Alaska to the United States there is a falling off of a little less than \$2,000,000 compared with the previous year.

In shipments from the United States there was an increase of nearly \$2,000,000 to Alaska, over \$3,000,000 to Porto Rico, about \$1,000,000 to the Philippines and nearly \$1,000,000 to the Hawaiian Islands. In shipments from the non-contiguous territory to the United States there was an increase of about \$5,000,000 from Porto Rico, of over \$4,000,000 from the Philippines and of about \$12,000,000 from the Hawaiian Islands.

BURTON SPRINGS. A NEW POINT

(By the Associated Press.)

St. Louis, Mo., Nov. 24.—United States Senator J. Ralph Burton, of Kansas, on trial in the Circuit Court under an indictment charging that he acted as paid attorney for a corporation in the matters pending before a department of the Federal Government, went on the witness stand this afternoon.

The Senator's testimony followed closely that given in the former trial, with the exception that in describing his conversation with Thomas B. Harlan, in regard to which the latter has already testified, Senator Burton laid special stress upon the fact that before the conversation relating to his employment by the Rialto Company was started, the train in which they were on route from St. Louis to Chicago, had crossed the Mississippi and was in Illinois, outside the jurisdiction of the court before which the case is being tried.

The eyes of all in the court were fastened on Burton as his counsel, Lehman, asked him whether or not he remembered the conversation relative to his employment by the National Securities Company as related yesterday by Charles H. Brooks, witness for the prosecution.

"No!" almost shouted Burton, instantly leaning forward as if to emphasize his answer.

Contrary to the procedure of the government during the former trial, at the close of direct examination the witness was cross-examined by United States District Attorney Dyer.

DOUGHERTY TO THE PENITENTIARY

(By the Associated Press.)

Peoria, Ill., Nov. 24.—Newton C. Dougherty, for years prominent as an educator and financier, pleaded guilty today to five of the forgery charges against him in connection with looting the school fund of thousands of dollars. He will be taken to Joliet penitentiary to-night or to-morrow. Judge Worthington pronounced sentence of one to fourteen years in the penitentiary on each of the five counts, the same to be concurrent.

WARSHIPS MOVE FOR TURKEY

Naval Demonstration Will Not Be Delayed

START FROM PIRAEUS

Porto's Vellied Threat Has Created a Bad Impression in Diplomatic Circles—But It is Recognized That There is Danger of Trouble in Macedonia.

(By the Associated Press.)

Paris, Nov. 24.—It is stated in official quarters here that the changes of communications between the powers concerning Turkey's answer to their ultimatum have resulted in the practical determination not to consider the answer as postponing the naval demonstration, which will proceed without further parley.

It is understood that the warships of the powers are already moving from Piraeus. Their objective point is not yet definitely stated, but the island of Mytilene still appears to be the objective point applicable to the situation.

Trouble Ahead.

Constantinople, Nov. 24.—The Porto's reply to the demands of the powers is not only a categorical rejection of the demands, but contains thinly veiled threats that the pressure of Europe will possibly excite the Turkish population to reprisals on the Christians. The communication states that the Turkish government finds it absolutely impossible to accept financial control of Macedonia, as it would violate the Sultan's sovereignty. The note concludes: "If the powers increase the pressure in order to compel the acceptance of the control scheme the imperial government declines all responsibility of the consequences which may arise from the discontent (Continued on Seventh Page.)"

WILL FRANCE "DEMONSTRATE"?

(By the Associated Press.)

Paris, Nov. 24.—A despatch from L'Orient says the French cruiser Jean Bart will take on her armament December 12th for the purpose of forming part of the division charged to make a demonstration in Venezuelan waters. The ministry of marine however will not give any additional details.

The Foreign Office officials insist that no decision has yet been taken to use force, but they add that the naval branch is taking preparatory measures so as to be ready in the event of the failure of the negotiations to secure a pacific solution.

SWINDLED THE A. C. L. ROAD.

(By the Associated Press.)

Washington, Nov. 24.—T. E. Lockhart, city detective of Atlanta, Ga., called at the State Department today and filed an application from the Governor of Georgia for extradition papers in the case of James Noble Strobbard, alleged defaulting agent of the Atlantic Coast Line Railroad.

It is alleged that while acting as the company's agent in Gainesville, Fla., he took checks to the amount of more than \$20,000 and had them cashed in Atlanta. He was recently arrested at Montreal, Canada, and is in custody there awaiting the arrival of requisition papers.

POINDEXTER WAS HANGED

(By the Associated Press.)

Richmond, Va., Nov. 24.—Cephus Poinexter, the murderer of Deputy Marshal Zeb Waide, was hanged at Rocky Mount, Va., at 11:13 this morning. When taken to the scaffold he was asked if he had anything to say, his words were: "They are hanging an innocent man." The drop fell at 11:13 a. m., and life was extinct in thirteen minutes. His remains will be taken to his home near Union Hall, this evening.

DAY OF THE MASSACRE

Moravians Observe Its 150th Anniversary

Big Gathering of Pennsylvania Moravians at Lehigh—Address by Liberal Deaconess of One of the Missions in Massacred by Indians on November 24, 1755.

(By the Associated Press.)

Richmond, Pa., Nov. 24.—Under the auspices of the Moravian Historical Society, of this place the 150th anniversary of the massacre by Indians of Moravian missionaries at Gnadenhutten, November 24, 1755, now the site of Lehigh Carbon county, was observed to-day.

More than a thousand visitors from the Lehigh Valley crowded Lehigh station and filled Trinity Lutheran church, where the first part of the celebration took place to overflowing. The town had been properly decorated for the occasion.

The memorial address was delivered by the Rev. Dr. William H. Rice, of Gnadenhutten, O., a liberal descendant of one of the massacred missionaries.

The second part of the celebration took place in the Lehigh Cemetery, where a mound and a monument marked the resting place of the martyred missionaries. In the cemetery the exercises were conducted by the Rev. Dr. Morris W. Leibert, of New York city.

This massacre is the bloodiest event in the history of the Lehigh Valley, and is second only in importance to the Wyoming Valley massacre, which took place several years later.

ENGINEERS' FAREWELL

Outlines of Canal Report Already Drafted

(By the Associated Press.)

Washington, Nov. 24.—At the meeting of the members of the board of consulting engineers of the Isthmian Canal Commission yesterday afternoon the rough outlines of the report to be made by them to the canal commission were drafted.

To-day the members of the board called upon Secretary Taft to bid him an official good-bye, and afterward went to the White House, where they were received by President Roosevelt.

At two o'clock this afternoon the last meeting of the board occurred. This took the form of a farewell between the American and foreign members of the board.

The members of the board will not leave Washington before Monday morning. Sunday night they will be the guests of Secretary and Mrs. Taft at dinner. Besides the members of the board it is expected that the ambassadors from France, Germany and England and the minister from the Netherlands also will be present.

When asked whether they felt annoyed by the uncompromising remarks as to their decision for a sea-level canal made by persons favoring a dock canal, one of the foreign members said:

"We care very little about those remarks. Wherever we go in this world to give our advice we are accustomed to meet with severe criticism and opposition. The railroads in Europe are just as much opposed to canals as are those in the United States. Besides, human nature is the same all over the world, and it is quite the ordinary thing that men who perhaps have never in their lives seen a lock or canal will give us wonderful advice after we have studied a question for three months and have studied it with the greatest care. We have done our work here as best we knew how and have met with the greatest courtesy from all officials and persons connected with the board. The criticism of persons absolutely unfamiliar with the whole problem cannot interest us greatly nor do any harm to our reputation."

The next meeting of the foreign members of the board will probably take place in January, in a city to be designated later. Brussels was considered, but no decision has been reached.

Young Field May Recover.

(By the Associated Press.)

Chicago, Nov. 24.—Marshall Field, Jr., was decidedly better this morning and the chances for his recovery are considered much brighter.

DRAPER'S A SOLUTION

Federal Courts to Settle Rate Complaints

TO SAVE MUCH TIME

Shipper to Bring Complaint to Commission, Which Shall Certify It to Attorney General, Who Shall Refer It to District Attorney, Who Shall File P-Ottion in Circuit Court.

(By the Associated Press.)

Washington, Nov. 24.—Senator Foraker, of Ohio, to-day presented to the Senate committee on interstate commerce the copy of a bill drafted by him to amend the interstate commerce law, and devoted about two hours to a discussion of its provisions.

After the committee adjourned Senator Foraker made public his bill, and also gave out a statement embodying his views of the measure. It provides that whenever a shipper may think that he is charged an excessive rate, or is discriminated against, or that the railroad is practicing rebates, he may bring complaint before the commission, and the commission instead of proceeding to have a formal trial as heretofore, continuing through several years, shall certify the complaint with a brief statement to the attorney general, and the attorney shall refer it to the district attorney, who shall at once file a petition in the circuit court of the United States, and the court shall proceed at once to hear the case, and upon such hearing may enjoin the railroad against the excessive rate, the rebate or the discrimination. The railroad shall have the right to appeal but such appeal shall not suspend the judgment of the court pending final decision.

Senator Foraker said that this will save much time to the shipper, as the first trial does not have to go before the interstate commission, but goes to a court of first instance.

Another provision of the bill is that it will allow the books and papers of any interstate road to be examined by an expert of the interstate commerce commission.

All passes are abolished. Still another provision is that freight destined for export must be charged the same rate as over the same line and the same distance for use within the United States.

MAIL TRAIN RAN INTO FREIGHT WRECK

(By the Associated Press.)

Harrisburg, Pa., Nov. 24.—One trainman was killed and five others injured in a wreck on the Pennsylvania Railroad at Thompsonstown to-day.

The wreck was caused by a rear-end collision between two freight trains going West. The mail train leaving Harrisburg at 4:40 p. m., ran into the wreckage, blocking four tracks and delaying traffic several hours.

E. G. Hantzberger, of Harrisburg, a freight brakeman, who had just been promoted to flagman, was killed in the collision between the freight trains. None of the injured is seriously hurt.

BIG FOUNDRY PLANT BURNED.

(By the Associated Press.)

Cleveland, O., Nov. 24.—Fire early to-day practically destroyed the big plant of the T. H. Brooks Foundry Company, 950 to 970 Lake street, manufacturers of structural iron. The loss is estimated at \$100,000.

The plant of the Otis Steel Company, across the street from the Brooks building, caught fire and for a time was threatened with complete destruction. The flames were finally checked, however, after causing a loss of \$10,000.

BARGE OWNERS CLAIM \$40,000.

(By the Associated Press.)

Norfolk, Va., Nov. 24.—Louis Luckenbach, of New York, owner of the ocean-going barge, Frank Pendleton, which was rammed and sunk in this harbor November 11 by the Merchants & Miners Transportation Company's steamer Kershaw, bound in from Boston, to-day libeled the Kershaw in the United States court here, claiming \$40,000 damages by reason of the sinking of the Pendleton, which went down loaded with 2,113 tons of Pysanotic coal just as she was about to sail for Providence, R. I. The Kershaw will give bond in the sum of \$40,000 with T. S. Southgate and John Twohy, of Norfolk, sureties.

NAVY'S WINTER PLANS

Evans' Program for the Caribbean Sea Maneuvers

Admiral Dewey Will Be There if His Health Permits—Charleston Will Be Headquarters for the Coast Squadron This Winter Under Rear Admiral Dickins.

(By the Associated Press.)

Washington, Nov. 24.—The general board has been holding daily sessions this week, presided over by Admiral Dewey, the most important subject under consideration being the report of Rear Admiral Huber L. Evans, commander-in-chief of the North Atlantic fleet outlining his program for the winter maneuvers in the Caribbean Sea.

This will in general be approved by the board certain changes of minor importance having been agreed upon. It is intended that the first squadron consisting of the battleships Maine, Missouri, Kentucky and Kearsarge; the Alabama, flagship, of the second division; Illinois, Iowa and Indiana; and the fourth division of the third squadron consisting of the armored cruisers West Virginia, flagship of Rear Admiral Brownson, Pennsylvania, Colorado and Maryland and one destroyer flotilla shall rendezvous at Hampton Roads early in January and proceed to the Caribbean Sea, where the drills will take place.

If his health will permit Admiral Dewey will go south during the exercises, making the cruise probably on the Mayflower, which is soon to arrive here from the New York navy yard. The Mayflower will make the Washington navy yard headquarters for the winter.

Charleston, S. C., will be the headquarters for the coast squadron this winter, and Rear Admiral Dickins commanding will assemble his ships there the latter part of this month. From this as a base the squadron, consisting of the second class battleship Texas, flagship, and the monitors Florida, Arkansas and Nevada will make cruises along the coast for the purpose of familiarizing the officers with the waters of important ports along the southern Atlantic and Gulf coasts.

Repair Wyoming's Turret.

(By the Associated Press.)

Vallejo, Cal., Nov. 24.—The orders for the repairs of the turret of the monitor Wyoming have been issued. The entire work of the machinists on the vessel will cost about \$20,075.

CHILL TONIC FOR COMMUNION WINE

(Special to The Evening Times.)

Oriental, N. C., Nov. 24.—A solemn yet ludicrous mistake occurred at the Disciples Church here Sunday, when one hundred persons partook of communion, and after services were over and the members had dispersed to their several homes, the taste of the wine used for communion still lingered. Comment caused an investigation, and it was discovered that chill tonic had been used instead of wine, due to the fact that the good sister who kept the wine had placed it in her medicine chest, and being in a hurry Sunday morning, she emptied the wrong bottle into the deacon's tumbler. However, the good spirit and intent was there.

Fitz-O'Brien December 20th.

(By the Associated Press.)

San Francisco Cal., Nov. 24.—The Fitzsimmons-O'Brien contest will be held at Mechanics Pavilion on Tuesday evening, December 20. This announcement of the date is authorized by a telegram from Promoter Coffroth, who is in New York.

BOTH LEGS AND AN ARM CUT OFF

(Special to The Evening Times.)

Asheville, N. C., Nov. 24.—Paul Rodman, eight years of age, was run over by an engine in the yards of the Southern Railway here this morning and both legs and one arm were cut off.

The boy stepped in front of a moving engine and was struck. He was knocked head first from the track, with his legs resting on the rails, and the trucks passed over him. When the trucks passed over the boy's legs the body was turned around and the right arm was thrown across the rails and the arm cut off. The boy crawled under the engine.

The doctors say he will live.

THIS WILL BE A STRANGE CRUISE

Towing of the Dry Dock to Manila Bay

TO CARRY LARGE CREW

No Rudder Could Be Devised Big Enough to Steer the Great Hull. No the Three Collies Will Have to Hold It in Its Course by a Steel Towing Line a Half Mile Long.

(By the Associated Press.)

Washington, Nov. 24.—J. D. Wood, a tug master of Norfolk, has just signed a contract with the Navy Department to go out to Manila on the "D. D. Dewey" on one of the most remarkable cruises of modern times. The "D. D. Dewey" means the big steel floating dry dock now at Solomons Island in Chesapeake Bay, which is destined to dock the largest ships of the American naval force in the Far East if this great structure can ever be successfully piloted through four seas, the 14,000 miles lying between Chesapeake Bay and Manila Bay.

Mr. Wood is to live aboard the dock during the voyage. He anticipates one of the most pleasant experiences of his life. He will receive 1500 compensation per month, his vessel will be so stable in the heaviest weather that it might be possible to play billiards aboard, according to some officers, and he will have plenty of good company and solid comfort.

There is a permanent crew of eighty machinists, engineers, sailors and electricians and firemen, and these people are to remain attached to the dock at Manila. On the voyage across, they will be reinforced by 25 sailors, who will be discharged when they reach Manila. These are civilians, shipped for the voyage.

The sleeping accommodations on the dock are as good as on the best modern-of-war, and an extra abundance of room there will be no crowding. Receiving the best of meals last winter, the crew will be abundantly fed, as the ration allowance for this cruise is placed at 60 cents each daily instead of the usual rate of 50 cents.

There will be small boats and wireless telegraph installation. The Navy Department is still looking for three operators for this service, offering to pay the men \$60 per month with rations and allowances and to send them back from Manila, passage free.

This comparatively large crew is needed for the purpose of handling the towing lines and operating the pumps and electrical contrivances that keep the dock dry. They cannot steer the great hull, for no constructor has been able to devise a rudder big enough to shape a course for the dock, which could safely be attached and operated. So the dock is to be held on its course solely by the towing power of the three great collies, Glacier, Caesar and Brutus, the whole under command of Captain Fullam, U. S. N. Each of the collies will have its own wireless plant, so that they may freely communicate with the dock and with each other.

The towing line will be one-half mile long, a length regarded as necessary to guard against sharp strains in a heavy sea, and even with this, great towing bits with pneumatic cushions have been placed on the collies to reduce the chance of breaking the cables, the largest steel ropes in the world outside of some of the great suspension bridges.

Estimates vary as to the length of time that will be consumed in the voyage, but some of the most competent naval officers say that the "Dewey" can be towed at the rate of about 100 miles a day and allow about three or four months for the trip via the Suez Canal.

\$10,000 AND A KISS FOR DR. JONES

(By the Associated Press.)

Chicago, Nov. 24.—A dispatch to the Tribune from Memphis, Tenn., says that a kiss from a leading society woman accompanied the reward of \$10,000 given to Dr. Heber Jones, president of the Memphis Board of Health, in recognition of his successful efforts in keeping the city free from yellow fever during the recent visit of the scourge to the Southern States.

The kiss was not on the program for the formal presentation, which occurred yesterday. The society woman was Mrs. James S. Robinson, wife of the millionaire pharmacist. Following the presentation of the check she walked up to the physician and without a word of warning, kissed him squarely upon the lips. The act took Dr. Jones by surprise, but he soon regained his composure.