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RESOLUTION DEMANDS THAT DEPEW RESIGN

Introduced in N. Y. Legislature by Senator Brackett Today

SAYS DISCLOSURES ARE DISGRACEFUL

Insurance Investigation Proved That Confidence in His Ability Has Been Shaken and Advocates of Clean Politics Want Him to Voluntarily Retire—General Assembly Meets to Take up Important Matters—Odell Goes Home.

(By the Associated Press.) Albany, N. C., Jan. 3.—Senator Brackett, of Saratoga, soon after the Legislature convened to-day, introduced a resolution demanding of Chauncey M. Depew his resignation as United States Senator from this State. The resolution in full is as follows:

"Since the adjournment of this Senate the people of the State and nation have been staggered by the relation shown to have existed for years between the Equitable Life Assurance Society and Chauncey M. Depew, one of the senators of the State in the United States Congress.

"Recognizing that these disclosures have caused a total lack of confidence in the ability of the Senator named to properly represent the people in the body to which he was elected.

"Resolved by the Senate, That Chauncey M. Depew, be, and he hereby is, requested to forthwith resign his seat in the United States Senate."

The State Legislature convened at noon for the 129 session, under conditions in some ways remarkable. The closing of one of the bitterest factional fights for the Assembly speakership in many years; the expectation of many that the defeated faction would at once inaugurate a policy of reprisal; the understanding that at the opening of the session Senator Edgar S. Brackett, of Saratoga would introduce his long-heralded joint resolution requesting the resignation of United States Senator Chauncey M. Depew; the intensity of feeling in many quarters resulting from the disclosures of the insurance investigation—all these things drew upon the opening of the session today a degree of public interest greater and more evident than for many years past.

There was very much more than the usual interest also in the annual message of Governor Higgins to the Legislature, which included important recommendations as to life insurance, the mortgage tax law, the savings bank surplus tax and electoral reform.

The political atmosphere was quiet after the speakership struggle. State Chairman B. B. Odell, Jr., left today for his home in Newburg. He would say nothing as to the speakership, the State chairmanship or his future plans.

After several Senators had eulogized Senator Depew and protested against referring the resolution to any committee, Senator Brackett said he was willing for it to be put over, but he did not want to be "kissed out of existence."

Subsequently the resolution was withdrawn.

James W. Wadsworth, Jr., was elected speaker of the assembly, receiving the entire Republican vote.

CONTRACT FOR ST. MARY'S AUDITORIUM

The committee of the trustees of St. Mary's School met at the office of Drs. Lewis and Battle and awarded the contract for the building of the auditorium at the school to Messrs. Hook & Rogers, of Charlotte. The plans call for a building to cost \$13,000, exclusive of heating plant and seats. There were 20 bids submitted by numbers. Mr. C. C. Hook, representing the firm of architects of Charlotte, is in the city.

TO REPRIMAND COMMANDER YOUNG

(By the Associated Press.) Washington, Jan. 3.—Although not concurring in the finding of the court which found Commander Lucien Young guilty of "resistance in the performance of duty," and failed to find him guilty of the charge of "neglect of duty," Secretary Bonaparte in his review of the case made public today appears without comment the recommendations of the judge-advocate general. The latter in announcing his non-concurrence in the finding of the court says:

"After careful and painstaking consideration of the evidence adduced, this office does not concur in the findings of the court nor in a number of the court's ratings upon the admission of evidence. In order, however, that Commander Young may not go wholly unpunished, it is recommended, as best subserving the ends of justice, that the proceedings, finding upon specification five and the sentence be approved and that the findings upon specifications 1, 2, 3, 4, and 6 be disapproved. The remission in the finding upon specification 5, which alleged that Commander Young failed to approve the smooth steam log of the Hensington for the months of November-December, 1904, and January, February, April, May, and June, 1905, prior to the explosion on board that ship last July. Secretary Bonaparte is now preparing the letter of reprimand to Commander Young.

CASTRO'S SLIGHT TO MR. TAIGNY

(By the Associated Press.) Washington, Jan. 3.—Cable advice received here to-day from Caracas bring the news that M. Taigny, the French representative at Caracas, was ignored by President Castro on New Year's Day, and was not invited to the New Year's reception at which the Venezuelan president received the felicitations of the diplomatic corps.

At Paris, in view of the withdrawal by the Venezuelan government of the objectionable note to M. Taigny and the promise of President Castro that relations would be resumed, M. Maubourguet, the Venezuelan representative, was received with all the honors appropriate to his rank, as if there had been no trouble between the two countries. This latest action on the part of President Castro has been communicated to the French government, but what course it will take is not known here.

POULTRY SHOW IN SALISBURY

(Special to The Evening Times.) Salisbury, N. C., Jan. 3.—The Piedmont Poultry Show opened here to-day for a four-days' showing. There are already more than one hundred fine specimens of fowls on exhibition, and the line of entries is increasing to-day. At the close of the show costly prizes will be awarded to the successful exhibitors, and a large number of the finest birds in the South will be offered for sale. The Piedmont Poultry Association is one of the strongest in the South, and its annual exhibits are largely attended.

The feature of the opening day here is an address of welcome to the visitors by Col. A. H. Boyden, mayor of Salisbury.

TEN MEN HURT IN FREIGHT COLLISION

Chicago, Jan. 3.—Ten men were injured in a rear end collision between freight trains on the Chicago, Milwaukee & St. Paul Railroad at Kedzie Avenue today.

The men were asleep in the caboose of the train when in the mist and darkness of this morning the locomotive of the second train crashed into the caboose. The injured were quickly removed to the hospitals nearby. The men were all from Wisconsin.

London, Jan. 3.—In his annual address to the Salvation Army, General Booth attributes his robust health to the fact that for the past seven years he has been a strict vegetarian.

STUPOR FROM FRIGHT A DRASTIC BUT A SANE LAW

Stable Boy Saw His Employer Killed

Principal Witness Against Dr. J. W. Simpson for Murder of His Father in Law Cannot Testify at Hearing Heard Last Words of Victim.

(By the Associated Press.) Northport, L. I., Jan. 3.—Fright has thrown Frank Wisniski a stable boy, into such a drug-like stupor that he cannot testify to-day in the preliminary hearing of Dr. J. W. Simpson, the dentist, charged with having wilfully shot and killed Dr. J. J. Horner, his wealthy father-in-law.

The stable boy, who was employed by Mr. Horner, was in the kitchen when his employer was shot by the dentist, and has repeated to the coroner the last words of Horner before he died. He is considered a very important witness, and was in custody of an officer.

When suddenly he became almost unconscious physicians at first thought him drugged, but after working over the strange case for fifteen hours, they announced to-day that the boy's pulse and temperature were perfectly normal, and that he was suffering only from fright. He has eaten nothing for 24 hours. It is proposed to delay the closing of the hearing if necessary until the stable boy can be roused enough to become a witness.

REVENUE OFFICERS' TRIAL BEGINS

(Special to The Evening Times.) Greensboro, N. C., Jan. 3.—In Federal Court, convened for the trial of indictments against revenue officers and distillers for conspiracy to defraud the government, the government was allowed to consolidate bills found at Charlotte with Greensboro cases under objection of defendants.

The trial of the cases begins to-morrow. Governor Aycock, for defendants, was arguing a motion to quash the bills of indictment when court recessed to 1 o'clock.

S. C. Davis, ex officer, through his counsel, Thomas S. Rollins, pleaded guilty of filing false vouchers. His sentence was deferred until the termination of the other cases.

A. E. ORR ELECTED TO SUCCEED M'CALL

(By the Associated Press.) New York, Jan. 3.—John A. McCall to-day resigned as president of the New York Life Insurance Company. The resignation was accepted by the board of trustees and Alexander E. Orr was promptly elected to the presidency of the company.

Mr. Orr's salary was fixed at \$50,000. President McCall has had a salary of \$100,000 a year.

Mr. Orr is a retired merchant of this city. He is president of the rapid transit commission and formerly was president of the chamber of commerce. He is a director in many financial and philanthropic institutions of New York. Mr. Orr was born in Tyrone county, Ireland, in 1831.

HIGH POINT BOY HAS DISAPPEARED

(Special to The Evening Times.) High Point, N. C., Jan. 3.—Sylvester Spangh, an 8-year-old white boy living on Willowbrook street, mysteriously disappeared from home last evening and has not been seen since by his parents. The father has been on the hunt ever since. "Has the boy been kidnapped for any reason or is he lost?" is the question propounded.

Funeral of Mrs. Lamsden. The funeral services of the late Mrs. Mary J. Lamsden will be held at 11 o'clock Thursday morning from the Edenton Street Methodist Church.

A DRASTIC BUT A SANE LAW

Gov. Higgins to New York Legislature

He Makes One Very Damaging Admission

WORLD'S EYES ON THEM

Handle Insurance Question in a Spirit of Courage, but Not Hypocrisy—Attention to Other Forms of Insurance Besides Life—Expectations of the People.

(By the Associated Press.) Albany, N. Y., Jan. 3.—Governor Higgins' message to the Legislature, which was presented to that body to-day, was awaited with much interest because of what he might say regarding the legislative investigation of the insurance companies. The Governor in his message urged a drastic insurance law and hinted at the necessity of a like investigation of other forms of insurance. The Governor says:

"The eyes of the whole world are now turned towards New York, and if the Legislature does not produce an insurance law which shall be drastic but practicable, radical will come in a spirit which shall be outrageous but not hysterical. It will fail to meet the expectations of those who have confidence in the ability of popular government to solve its own problems as they arise."

"Future effective action by Congress or the Federal government is not probable, and the possibility of such action should not retard in an instant the work of the State."

"While life insurance has received almost exclusive attention, it cannot be assumed that other corporations dealing in indemnity and investment contracts have been harmless, and a word of caution may not be amiss regarding assessment associations, accident insurance companies, co-operative fire insurance companies and the like. Better allow free and unregulated insurance than permit such concerns to exist under laws which do not protect of doubtful schemes to beguile the investor to financial disappointment and fatten himself on false promises and deluded hopes."

"The policy holder now demands something better from the State than a guarantee of solvency. He has learned that his insurance will be cheaper and safer when the companies are compelled to invest their assets for his benefit exclusively, and are prevented from diverting funds to the individual undertakings of speculative directors and to the payment of vast salaries and exorbitant commissions, gratuities to men of influence and contributions for political campaign purposes. He invokes the power of the State to shield him more effectively and to curb the companies and their directors."

"You will be called upon to make a radical revision of the law for the benefit of investors in life insurance and for the regulation and restraint of the companies. We may well consider at this time the expediency of providing for more thorough regulation by the department of insurance."

MAN WANTED FOR CAPITAL CRIMES

Governor Glenn this morning issued a requisition on the Governor of Pennsylvania for a white man who is charged with two or three capital crimes under the laws of this State. His name is N. L. Glenn, of Forsyth county, and he is charged with a capital offense upon two girls. The grand jury of the county has returned a true bill against him. Besides this, one of the women, Pearl Hairston, is under fourteen years old and Glenn is charged with abducting her.

This much-wanted man is now under arrest in Pittsburg, Pa., and the requisition is made upon request of the sheriff of Forsyth. The warrant for Glenn was sworn out by Deputy Q. Hutchings.

Lines Open Again. (By the Associated Press.) New York, Jan. 3.—The cable companies were advised to-day that the telegraph lines to St. Petersburg are now working well. There is communication with all stations except Odessa, Saratoff and Samarra. The Caucasus and Siberia are still cut off.

CASE AGAINST YOUNG DECATUR

He Makes One Very Damaging Admission

THE FOSTER CASE NEXT

Decatur Admits He Ordered Church to Report to His Room, and that He Was Hated There in His Presence by Someone Else—Last Day of the Trial.

(By the Associated Press.) Annapolis, Md., Jan. 3.—The testimony made for prosecution and defense closed this morning in the court martial proceedings against Midshipman Stephen J. Decatur Jr., charged with the hazing of fourth class men Isaac N. McCrary and Gaylord Church. At the request of the judge-advocate and counsel for the defense, the court took a recess until 2 o'clock this afternoon, when the argument will be concluded. The case will be given to the court this afternoon.

Decatur is charged with having caused Church to report to his room, and that he was hated there in his presence by someone else. Decatur admitted that he had ordered Church to report to his room, and that someone in his presence had ordered Church to report as specified. He denied, however, that he gave the order for ordering Church to the room, and that he had smiled in the ranks and was to be reprimanded. This, in itself, was a violation of discipline and the accused was put in a bad position when he was compelled to admit that he did not reprimand Church, but heard him ordered in the closet to be hazed. Counsel for the defense will urge that, under the act of 1874, active participation in hazing must be proved to support the charge.

The prosecution contends, however, that the admission, coupled with the testimony of first classman P. H. Marzoni, to the same effect, is sufficient to support the charge of hazing, particularly as Decatur was the ranking midshipman present. It was also stated that if Decatur should be cleared of the present charge, a clear case of neglect of duty in failing to prevent the hazing of Church in his room could be made out in subsequent proceedings, though the defense is confident a conviction cannot be had on the specifications which relate to the hazing of McCrary, as while McCrary testified that Decatur flatly denied it, and there were no corroborating witnesses to McCrary's testimony.

The case of Midshipman Worth W. Foster, of New Albany, Ind., will be taken up to-morrow, and that of P. H. Marzoni, of Pensacola, as soon as the case against Foster is concluded. Both are first class men and both are charged with hazing Midshipman Chester S. Roberts, of Joliet, Ill., on several different occasions.

Marzoni was one of the witnesses called by the defense yesterday in Decatur's case. His evidence certainly did not help the accused, and it was thought that the charges against him covered the same matter as did Decatur's, so far as it referred to Midshipman Church. This is an error, however, as all the specifications in Marzoni's case refer to the hazing of young Roberts.

What is considered a somewhat drastic precaution was taken to-day when Provost Marshal Torry, U. S. M. C., was ordered to remain near the assembled witnesses in the room where they are kept pending their call before the court. He was told to prevent any and all conversation on the subject of the court, cases or their own admissions on the stand, before the witnesses. The record findings of the court in the case of Midshipman Trennor Coffin were today returned to the court for a number of minor corrections as to the form in which they were made, and the court informally took up this matter during the recess taken this morning, and the necessary corrections made. The record will be reviewed again by the superintendent and then forwarded to the Secretary of the Navy from whose office the sentence will be made public.

The Fleet Assembling. (By the Associated Press.) Norfolk, Va., Jan. 2.—The United States armored cruisers West Virginia, Pennsylvania, Colorado and Maryland, and the battleship Iowa are now in the waters of Hampton Roads awaiting the arrival of the battleships Missouri and Illinois and other vessels. When the entire fleet has assembled in Hampton Roads it will proceed to West Indian waters for mid-winter maneuvers.

FIERCE BATTLE AT PUERTO PLATA

Morales' Troops Attack the Town

STREET FIGHTING ALSO

Portion of the City's Population Declares in Favor of Morales, and Fire on Caceres' Troops from Houses—Story That Rodriguez Will Be Candidate.

(By the Associated Press.) Cape Haytien, Haiti, Jan. 3.—Advice received here early this morning from Puerto Plata, on the northern coast of Santo Domingo, say that the troops of the fugitive President, Morales, under the command of General Demetrio Rodriguez, attacked Puerto Plata at 10 o'clock yesterday morning.

The fighting, which was severe, lasted until 2 o'clock in the evening, when the besieging force retired. A number of men were killed or wounded on both sides in the engagement, during which bayonets and swords were principally used. The forces of General Rodriguez, which are massed outside Puerto Plata, were, when these advices were forwarded, preparing for another attack on the place.

A portion of the population of Puerto Plata has declared in favor of Morales, and street fighting has occurred, the supporters of Morales shooting from the windows of their houses at the troops of General Caceres, the temporary President of Santo Domingo. These troops were experiencing difficulty in defending themselves, as they were unable to locate the persons firing on them.

A messenger who arrived here from Monte Cristi today brought the news that General Demetrio Rodriguez has announced that if his attack on Puerto Plata is successful he will proclaim himself a candidate for the presidency of Santo Domingo.

ERA OF THE BAD GIRL

Bad Boy Disappearing, Says Juvenile Court Clerk

Nearly 600 Delinquent Girls Last Year Before Bar in Chicago—Create Public Sentiment Against Infamous Dance Halls, in Which Downward Career Starts.

(By the Associated Press.) Chicago, Jan. 3.—The bad boy is disappearing; the bold, bad girl is taking his place, according to William O. La Monte, for five years clerk of the juvenile court, who spoke before the Social Economics Club yesterday.

"During the first six months following the establishment of the juvenile court," declared the speaker, "only six delinquent girls were brought before the bar. The year before last the number increased to 384, and it is growing constantly. I believe when the totals are made for last year the number will be found to reach nearly 600. You women—we all—ought to work day and night to create a public sentiment which will cause the extinction of those infamous dance halls in which nearly all those girls started on their downward career."

"At the State refuge at Geneva every room is full; in nearly every room there are cots to accommodate the overflow. It is impossible to build cottages fast enough to meet the increase."

THE M'CURDYS ARE ENTIRELY OUT NOW

(By the Associated Press.) New York, Jan. 3.—Richard A. McCurdy, former president of the Mutual Life Insurance Company, and his son Robert H. McCurdy, to-day resigned as trustees of that company. The resignations were accepted by the board of trustees. This office was the last one remaining to either the former president or his son in the company.

TALKING NOW OF ROJESTVENSKY

St. Petersburg Discusses His Late Tactics

EYES OPEN IN BATTLE

Whipped by the Fearless Togo, He Now Attempts to Prove that He Was the Hero, to Save Himself from Court-Martial—Resolute to Make Anniversary of Red Sunday Day of Mourning.

(By the Associated Press.) St. Petersburg, Jan. 3.—A general meeting of the workmen's council and delegates of all the proletarian organizations has been in session secretly since last night, perfecting their future plans. All that is thus far known is that they are planning to mark the anniversary of January 22 ("Red Sunday" when the most serious fighting in St. Petersburg occurred) into a day of national mourning, during which it is planned to make demonstrations in memory of the "martyrs." All the shops, factories and theaters will be closed, and the street car and railroad services will be stopped. Requiem masses will be celebrated, and processions in which the workmen will wear crepe on their sleeves and march through the streets. No papers will be allowed to appear except with black borders. It is proposed to make a gigantic, peaceful manifestation, but if they attempt to carry it out the leaders fully understand that it is sure to precipitate bloodshed on a large scale.

From Admiral Rojestvensky's account of his tactics in the battle of the Sea of Japan, published in the Novoye Vremya to-day, the reader is almost convinced that the Russian commander outmaneuvered Admiral Togo at every point, and was himself the real victor. He declares he knew Admiral Togo's exact whereabouts two days before the battle, made his dispositions accordingly and entered the fight with his eyes open. The admiral only casually states in the course of his letter that the minister of marine is investigating the matter. (Concluded on Second Page.)

Others of Crew Fatally Injured—Engine Left Track, Turned Over and Cars Piled on Top of One Another—Near Fair Forest, S. C.

(By the Associated Press.) Greenville, S. C., Jan. 3.—A through freight on the Southern Railway was wrecked near Fair Forest, S. C., at 11 o'clock to-day. The engine left the track, turned over and the cars piled on top of one another.

BIG FREIGHT WRECK

Engineer and Fireman Killed on Southern

Trains from the north are being detained via Columbia, S. C., delaying them from six to seven hours. A washout apparently caused the wreck.

Engineer J. A. Lucas, of Greenville, and a colored fireman were killed. Others of the crew were fatally injured.

Trains from the north are being detained via Columbia, S. C., delaying them from six to seven hours. A washout apparently caused the wreck.

THE DISPENSARY CLEARS \$63,500

The dispensary commissioners met this afternoon and declared a dividend for the city and county of \$20,000, net profit for the last quarter of 1905. This makes the net profit from the institution for last year \$63,500, an increase of \$7,500 over 1904.

THREE-YEAR-OLD TOT SHOT BY LITTLE BROTHER.

Shelby, N. C., Jan. 3.—Almira, the three-year-old daughter of Mrs. B. E. Hamrick, who was accidentally shot by her five-year-old brother yesterday afternoon, died at 6 p. m.

Death of Mrs. Redmont. Durham, N. C., Jan. 3.—Mrs. Elvira Redmont, wife of Sanitary Officer W. T. Redmont, died suddenly at her home on Burch avenue this morning. Death was caused by asthma. She was 62 years of age and left a husband and five children, four sons and a daughter. The funeral and burial will probably take place to-morrow.