

THE RALEIGH EVENING TIMES.

VOLUME 27.

RALEIGH, N. C., FRIDAY, APRIL 6, 1906.

PRICE 5c.

ELKINS SAYS IT IS INCOMPLETE

Four Important Omissions He Mentions

HE'S A SHIPPER FIRST

Omissions Are: Prohibition Against Roads Selling Coal, Switch Building Requirement, Connection Requirement and Car Distribution Requirement — Contends These Are Not Covered by State Legislation.

(By the Associated Press.) Washington, April 6.—The routine business occupied a very few minutes in the senate today and as soon as it was disposed of Mr. Elkins took the floor to present his views on the railroad rate bill.

Mr. Elkins announced at the outset his desire to secure legislation that would secure to the people "a prompt and adequate remedy for the evils, injustices, abuses and wrongs of every kind practiced by railroads in the way of carrying out of their operations," but he said that while he favors the pending bill he wanted to make it "better and stronger."

"I stand first for the interests of the people of my own state," he went on, "and after that for the interests of all the people of the United States. I have no interest that can affect my judgment or prevent me doing my duty as a senator as I see it. My desire and highest purpose is to secure and serve the public interest. Because of my supposed interest in railroads, it is charged and believed that I favor the railroad side of this question. This has been so often repeated that I am sure it will be pardonable if I say in justice to myself that my interest on the side of the shipper is ten times greater than on the side of the railroad, and that my interest in railroad is confined to those in my own state."

He declared his principal objection to the house bill to be that it does not go far enough in remedying evils and expressed the opinion that if enacted into law it would prove a general disappointment. He was in hearty accord with the president on the duty of rate legislation, and then indicated the respects in which, according to his opinion, the bill falls short in accomplishing all that should be accomplished by railroad legislation. Among these were the following: A prohibition against railroads producing, selling and shipping their own coal and other like articles in competition with other owners; a requirement compelling interstate roads to make connections with connecting lines; and a requirement for the fair and just distribution of cars among shippers.

Mr. Elkins made reply to the contention that they could be covered by state legislation. He said:

"In the state of West Virginia and nearly all the states there has been legislation on these subjects, but for many reasons the law is not invoked. In the first place, a shipper, single handed and alone, can not afford to sue a great interstate railroad; so he is bound to incur a large expense, great delay, and is sure to incur the hostility of the great through line, which may work irreparable injury to his interests."

What People May Lose.

"As matters now stand, it is in the power of the great through lines to largely prevent the building of branch or lateral lines or to utterly crush them out when built or make them unprofitable. If there is not a provision in this bill compelling connections and fair treatment to short lines, the certain result will be that people who have made investments in lands will lose their money, fewer railroads will be built, and there will be less business and less development of the resources of the country."

He expressed the conviction that "there should be a definite provision in the bill denying the power to a commission to fix rates between localities in divergent lines."

His Conclusions.

After considering the question of court review at some length Mr. Elkins announced his conclusion in the following language:

"First. That any legislation attempting to confer upon the interstate commerce commission the power to fix rates will be unconstitutional unless it prescribes the standard of charges which shall control, and requires the commission to conform thereto in fixing rates.

"Second. That any legislation attempting to fix rates would be unconstitutional whose practical effect is to deny to common carriers the right to invoke and obtain, in due time, the protection of the courts from being compelled to transport persons or property at rates which violate the carriers' constitutional rights."

He declared that the pending bill (Continued on Page Seven.)

COAL AND OIL INQUIRY

First Hearing by Commission Tuesday

To Be Held in Philadelphia—Take up First Eastern Bituminous Situation, Including Western Pennsylvania and West Virginia Coal Fields.

(By the Associated Press.) Washington, April 6.—The first hearing of the interstate commerce commission in its coal and oil investigation, under the recent resolution of congress, will be held in the United States court rooms in Philadelphia Tuesday, April 10, at 11 o'clock a. m. In speaking of the investigation, Chairman Knapp said:

"We are taking up first what may be called the eastern bituminous situation, which, roughly, includes the western Pennsylvania and West Virginia bituminous coal fields, their ownership, the general character of the operations and the relations of the lines moving that traffic to tidewater and eastern destinations. The preliminary hearing at Philadelphia is mainly to ascertain methods of the Pennsylvania and Philadelphia and Reading lines, including, as a special subject of inquiry, the system of cart distribution and the operation and effect of that system on these lines."

"We have directed the attendance on the part of the Pennsylvania Railroad Company of W. W. Atterbury, its general manager and chief operating officer, and Joseph G. Seares, its general coal traffic agent, and on the part of the Philadelphia and Reading Company of Theodore Voorhes, the first vice president and chief operating official."

THE CHINESE BOYCOTT

Vice Consul at Tien Tsin Says It's Serious

A Crisis, He Says, May Arrive at Any Moment, Demanding Intervention of Armed Force for Protection of Foreign Residents—Goods Still in Warehouses.

(By the Associated Press.) San Francisco, Cal., April 6.—Allen W. Murphy of Berkeley, who has been vice consul at Tien Tsin, China, for more than three years, arrived from the Orient on the transport Sheridan, speaking of the situation in China Mr. Murphy said:

"There are undoubtedly strong disruptive forces at work in China, with no real government to control them. A crisis may arrive at any moment demanding the intervention of an armed force for the protection of foreign residents."

"The boycott on American goods, which was not considered serious at first, has certainly taken on a serious aspect, and the agitation is by no means over. In the north the boycott was suppressed by Yuan Shih Kai, viceroy of Chi Li province. Northern China is now in a peaceful state and there are no signs of unrest."

"In the south the movement has received a degree of encouragement from the official class. Large quantities of American goods that were shipped last year are still in Chinese warehouses because the consignees refused to accept them. I do not think that the next report of trade conditions will show that our exports to China have increased."

VON BUELOW IS ALL RIGHT TODAY.

Berlin, April 6.—Chancellor von Buelow, who fainted while in the Reichstag yesterday afternoon, slept throughout the night and awoke this morning fresh and clear headed. After taking a cup of coffee, he asked for the newspapers, but Professor Renvers suggested that it would be advisable not to read them.

Professor Renvers and the physicians who are associated with him in the case say that no bad consequences are likely to result from the chancellor's illness.

TWO MEN BLOWN TO PIECES BY DYNAMITE

Roanoke, Va., April 6.—Two men employed on construction work on the tidewater railroad near Roanoke were blown to pieces today by the explosion of a large quantity of dynamite which they were handling. The victims had only recently come here and their names are not known. They were working by themselves quite a distance from other workmen and the cause of the explosion has not been ascertained.

WILLIAMS ASKS FOR NEW TRIAL

Sentenced to be Hanged Here May 25

NEW EVIDENCE FOUND

Attorney for Condemned Man Appeals to the Supreme Court—Hearing Next September—Twenty Year Sentence Imposed On Garfield Williams, a Colored Murderer.

Judge Council this afternoon sentenced Ben Williams, colored, to be hanged here May 25 for the murder of Alex Clark, colored. Counsel for Williams have appealed and the case will not be heard before the supreme court until September.

Williams was found guilty last week but the death sentence was not imposed until today, just before court finally adjourned. This was the first time since Judge Council went on the bench that he has been called upon to discharge this unpleasant duty.

Mr. Charles E. Harris, attorney for Williams, asked that the verdict be set aside and a new trial granted on the following grounds:

First. Because of newly discovered evidence bearing out the contention of the prisoner's insanity. His mother, it is said, was insane when he was born and is now a patient at Goldsboro.

Second. The only eye witness to the shooting, Gertrude Peterson, did not really see the killing, and so stated Mr. Len Roster not twenty minutes after Clark was shot.

Third. The method of the jury in arriving at a verdict was irregular. The jury stood 6 to 6 all night and in the morning decided to take one more ballot, and if either side got a majority the minority would yield.

Fourth. That the evidence was not sufficiently specific to justify a verdict in the first degree. Thirty days were allowed to perfect the appeal.

Garfield Gets Twelve Years.

Garfield Williams, for the killing of Charles Burch, colored, here last April, was this afternoon sentenced to twelve years in the penitentiary at hard labor. He, too, was convicted last week.

JURY FOREMAN SUD-DENLY GOES BLIND

(By the Associated Press.) Chicago, April 6.—A dispatch to the Tribune from Evansville, Ind., says Addison N. Thomas of Jasper, Ind., foreman of the Dubois county grand jury, suddenly became blind yesterday, and it is stated his blindness is the result of listening to harrowing evidence of crime. These stories are believed to have injured his nervous system so as to affect the nerves regulating the flow of blood to the eyes. The grand jury has been investigating several crimes, and it was noticed that Thomas was extremely nervous during the examination.

20 YEARS FOR KILLING HIS MOTHER IN LAW

(Special to The Evening Times.) Wilmington, N. C., April 6.—The April term of superior court for the trial of criminal cases, Judge Webb presiding, adjourned yesterday afternoon. The most interesting cases disposed of were those of T. A. McCraw, who gets twenty years for killing his mother in law, and Herbert Blake, the white youth of eighteen years, convicted of larceny on five counts. Blake goes to the penitentiary for four years.

RESIDENCE BURNED.

Warrenton, N. C., April 6.—The residence of Mr. Samuel L. Bobbitt was completely destroyed by fire. Very little was saved from the burning building. The property was not insured. The building caught from the kitchen stove pipe. Loss about \$1,500.

PROBATIONARY SEA SERVICE

Recommended for Boys Before Entering Academy

BONAPARTE SAYS NO

Officers With Years of Experience Advocate It, as It Would Prevent Many Boys Unsuitable for Naval Service from Entering It—Many Officers Suffer Terribly.

(By the Associated Press.) Washington, April 6.—Among suggestions offered to Secretary Bonaparte for the betterment of discipline at Annapolis is a plan to have boys begin their training for a naval career two years before they actually enter the academy, this time to be spent in sailing all over the world and familiarizing themselves with life on the sea and especially in getting acquainted with each other and settling differences of opinion which might result in serious hazing if the boys were on land.

The secretary of the navy does not think favorably of this plan, however, and will not recommend it to congress. He believes discipline at Annapolis will improve under the bill just passed by congress for the graduated punishment of hazing according to its severity, and is not inclined to seek other changes in academy laws until this new measure shall have been thoroughly tested.

Officers with years of experience on the sea advocate the two years of probationary service, and say it would prevent many boys who are unsuited for naval service from entering upon it as a life career. Many officers of the United States navy who have spent half of their life at sea are wholly out of touch physically with a sea-going life, but did not realize how terribly they were to suffer from seasickness until after they had graduated from the naval academy, and did not feel they could seek another occupation.

On a recent cruise the captain and third officer of an American warship suffered much inconvenience through having an executive officer who is a bad sailor, and was so sick that he had to remain in his berth whenever the sea was rough. Consequently the officers had to fill his place on the bridge, in addition to their other duties. This experience is not uncommon with naval officers. Many men have resigned from the navy after years of service because they were always miserable when at sea and could not be employed continually on land duty.

Testimony before the congressional investigating committee which recently visited Annapolis to look into hazing charges showed that fist fights are practically impossible on board ships. One midshipman testified concerning quarrels which started at sea, but could not be settled until the cruise ended because the midshipmen had no opportunity to fight under the ship's strict discipline.

Many congressmen have become advocates of the plan to make sailors out of boys before submitting them to conditions which tend to perpetuate "traditions" at the naval academy.

THE SOUTH CAROLINA CONVENTION MAY 16

(By the Associated Press.) Columbia, S. C., April 6.—The state democratic committee has decided to call a state convention of the party at Columbia, May 16. In the meantime meetings of clubs and county committees will be held to select delegates.

The convention will be for the purpose of arranging the regular state primary and electing another executive committee.

A resolution denouncing a recent statement in the magazine published by Thomas E. Watson of Georgia, to the effect that it did not matter to the south or southern people if representation in congress and the electoral college was cut down, elicited considerable discussion, but was withdrawn before passed upon.

GOVERNOR PATTISON TAKEN TO HOSPITAL

(By the Associated Press.) Cincinnati, O., April 6.—Governor John M. Pattison, who has been dangerously ill at Columbus for the past six weeks, arrived here on a special train at 2:30 o'clock this morning. The governor was immediately placed in an ambulance and driven to Christ hospital on Auburn avenue. He was accompanied from Columbus by Mrs. Pattison, their son, John Pattison, and Dr. Holt of Cincinnati.

The trip from Columbus was made in slow time on account of the condition of the distinguished patient. Dr. Holt stated that the governor stood the trip well, and that he would remain at the hospital at least two weeks, after which he would be removed to his home at Milford, Ohio.

NORWEGIAN WRITER DEAD.

Bergen, Norway, April 6.—Alexander Lange Kielland, the popular Norwegian poet and author, died today of paralysis of the heart. He was born in 1849.

THE PITTSBURG DISTRICT SAFE.

Pittsburg, April 6.—There was an almost complete resumption of operation today in the mines of the Pittsburg Coal Company and its subsidiary, the Monongahela Consolidated Coal & Coke Company. By Monday next, it is expected normal conditions will prevail at all the company's mines.

MR. RAINEY GOT GREAT OVATION

Real Leader of the Republican Party

DEMOCRATS NEED NONE

Tariff Revision Will Come Because Next House Will Be Democratic—Declares Mr. Rainey Amid Applause.—Democratic Platform Means "Thou Shalt Not Steal."

(By the Associated Press.) Washington, April 6.—Mr. Rainey (Ill.) immediately after the house met and the journal had been approved, resumed his speech on the alleged iniquities of the protective tariff.

Using the watch trust as an object lesson to show how protection works in behalf of monopolies the lone democrat from Illinois in the national legislature set up a "kindergarten school for stand-pat republicans."

Mr. Rainey read a letter from the speaker to a friend in the west, in which he stated that "tariff revision would come in the not distant future."

"How can it come if the speaker doesn't want it?" asked Mr. Sulzer (N. Y.)

"It will come because the next house will be democratic," responded Mr. Rainey, which brought a round of applause from the democratic side.

"There are no leaders on the majority side of this house," continued Mr. Rainey. "The real leaders of the republican party are the McCurdys, McCalls and Hamiltons—the Rockefelleres who skulk behind stone walls to resist service—they are the real leaders of the republican party."

Mr. Rainey said the democratic party had no leader, for every member of that party was a leader unto himself.

"The democratic party needs no leader," he exclaimed, "for every platform of the democratic party means 'thou shalt not steal,' and as long as that sentence is emblazoned on the party's escutcheon no leader is necessary."

Mr. Rainey was accorded an ovation by his colleagues on concluding.

ROOSEVELT DAY WILL BE GREAT.

(By the Associated Press.) Norfolk, Va., April 6.—The coming to Norfolk of President Roosevelt May 30 to participate in the Memorial Day services at the naval hospital cemetery here will be made the occasion of an elaborate program of entertainment for the nation's chief executive. The president when invited to Norfolk some months ago promised to visit this city when the opportunity presented itself and incident to his presence here in connection with the army and navy union's memorial exercises he will visit the site of the Jamestown exposition on Hampton Roads in which he has displayed such great interest and which he has given material aid in the matter of a national appropriation already favorably recommended in the house of representatives.

VESUVIUS ERUPTION THREATENS TOWNS

(By the Associated Press.) Naples, April 6.—The eruption of Mount Vesuvius is now most violent. On the Pompeii side the main stream of lava has divided into two, one threatening Ottolano, a commune of 28,000 inhabitants, and the other threatening Torre Del Greco, with a population of 25,000.

The danger is becoming serious and calls for the immediate evacuation of Boscoreaux, the nearest village to the crater, which has a population of 9,000 souls.

HIS WIFE IS MISSING

Husband Believes She Was Kidnapped

Italian Real Estate Dealer of Rochester, N. Y., Went Home to Find House Empty, but Nothing Gone Save His Wife—Has Received Threatening Letters.

(By the Associated Press.) Rochester, N. Y., April 6.—The wife of Philomeno Pinta, an Italian real estate dealer, is missing, and Pinta believes she has been kidnapped. He last saw her at noon Wednesday. When he returned to supper Wednesday night the doors of the house were unlocked and it was empty. The house was in order, and none of the woman's clothing or personal property is missing.

Pinta is one of the most successful Italians in business in this city, and it is said their home life has been peaceful. Pinta recently has received threatening letters, some of which were mailed from Scranton, Pa., and some in New York. Pinta and his wife came here about ten years ago from Scranton, where he had been engaged in the wholesale fruit business and had made considerable money. Shortly after they got settled here he was swindled out of \$1,500 by two other Italians, also from Scranton. One of the Italians who took part in the transaction, John Abruzzo, was caught, brought back here and sentenced to Auburn prison for nine and one-half years. He was recently released.

DENIED FILIPINO WIFE

Lieut. Burbank Dismissed and Sentenced to Prison

Married to a Filipino Woman and After Reaching the Mainland Renounced Her and Reported to War Department That He Was a Single Man.

(By the Associated Press.) San Francisco, Calif., April 6.—The transport Sheridan, which arrived from Manila, had on board besides a large passenger list and a battalion of the Tenth infantry, four general prisoners for the military prisons; among them being Sidney S. Burbank, formerly a lieutenant in the Sixth infantry.

Lieutenant Burbank was court-martialed and sentenced to be dismissed from the service of the army and to serve fifteen months in the military prison at Fort Leavenworth, Kas., for deserting, abandoning an officer and a gentleman. He was married to a Filipino woman, and after reaching the mainland renounced her and reported to the war department that he was a single man.

(By the Associated Press.) San Francisco, Calif., April 6.—The transport Sheridan, which arrived from Manila, had on board besides a large passenger list and a battalion of the Tenth infantry, four general prisoners for the military prisons; among them being Sidney S. Burbank, formerly a lieutenant in the Sixth infantry.

Lieutenant Burbank was court-martialed and sentenced to be dismissed from the service of the army and to serve fifteen months in the military prison at Fort Leavenworth, Kas., for deserting, abandoning an officer and a gentleman. He was married to a Filipino woman, and after reaching the mainland renounced her and reported to the war department that he was a single man.

SALISBURY-SPENCER STREET RAILWAY LINE EXTENSION.

(Special to The Evening Times.) Salisbury, N. C., April 6.—The contract to extend the Salisbury-Spencer Street Railway from Chestnut Hill to Fulton Heights has been awarded Capt. C. M. Hendlerite. The car company will not own this line, but agrees to run his cars over it. Fulton Heights is a beautiful place, and has the finest locations for residences of all the town's suburbs. All sorts of amusements that surround the average southern city park will be found here and the Southern Development Company will have the cars running by June 1.

FIRE IN GRAHAM.

Graham, N. C., April 6.—There was quite a disastrous fire here yesterday morning about 1 o'clock. At one time it looked as if the fire would reach large portions, but it was controlled with as small loss as could be expected under the circumstances.

The fire originated in the dye house of Oneida cotton mills and this department was entirely destroyed. The fire was then communicated to the spinning room and the end of this department was burned off. The machinery and fixtures were damaged but the greatest damage was by water in putting out the blaze.

Several times during the fire the Baptist church caught but the fire was put out without any great damage to the church property.

The loss will amount to several thousand dollars.

MOORE & BURCH ARE ACQUITTED

Jury Holds Them Not Guilty of Murder

DELIBERATED ALL NIGHT

Jurors Returned Verdict Today and Judge Council Discharged the Defendants.—Case of Frank Gilbert Emphasizes the Need of a Reformatory.—Other Cases Tried Today.

Frank Moore, a white youth, and Burch Burch, a colored boy, were this morning acquitted in the superior court of the charge of murdering Nightwatchman Henry Strickland at the Standard Oil warehouse here May 20, last.

The jury spent the night deliberating over the case and filed into the court room shortly before 11 o'clock this morning and recorded the verdict. At no time, so it is said, was there serious disagreement among the jurors, but they took their time to carefully consider the evidence and weigh all the facts brought before them.

Judge W. B. Council charged the jury last evening and the case was given to them about 7:40. Solicitor Armistead Jones and Maj. S. G. Ryan had ably prosecuted the prisoners, but they had to rely mainly upon a confession which Moore made and swore to, but has since repudiated. The counsel for Moore, Col. T. M. Argo and Mr. Elmer M. Shaffer of Snow, counsel for Burch, argued strongly to the jury that Moore was utterly unworthy of belief and the established facts showed that his confession could not have been true. The jurors were not satisfied beyond a reasonable doubt of the guilt of the accused and when the verdict was returned Judge Council ordered the defendants discharged on this accusation.

Frank Gilbert's Case. A pitiful case came up today when Frank Gilbert, a white boy, submitted to stealing a watch from Mrs. C. L. Pike. It was represented to the judge by Mr. R. H. Hayes of Pictor and others, that the boy came from an excellent family. Letters had been received by the judge from sisters of the youth. Judge Council said he felt exceedingly sorry for the boy, but even the statements of relatives showed that it was necessary for him to be corrected. Judge Council spoke of the crying need for a reformatory and declared that if it can be arranged he will send the boy to the county farm instead of the road for a term. Gilbert, it will be remembered, came to Raleigh from Greensboro and after being befriended by Mrs. Pike, stole her watch.

Simon Jones, colored, was convicted of collecting \$1 twice for one load of wood and was sentenced to six months on the roads.