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THROGGED GALLERIES WATCH REASSEMBLING OF CONGRESS AT NOON

Dismissal of Negro Troops Because of Brownsville Af- fair Brought Up

RESOLUTION OFFERED BY SENATOR PENROSE

It is introduced in the Senate and calls upon the President for information regarding his action and the causes leading thereto. Earlier in the day it was understood that Senator Foraker would, early in the week, offer a resolution to the same effect.

(By the Associated Press.)

Washington, Dec. 3.—The fact that both houses of congress met today for the short session had the effect early in the day of giving the capitol an appearance of activity such as it has not presented since the adjournment last June.

Both visitors and members found the great building in excellent shape to receive them. Vast as is the structure, it has been thoroughly renovated, both inside and out, during the recess, and it looked as clean and inviting as many a newer building. All of the committee rooms have received a thorough overhauling, the pictures have been rejuvenated and the two chambers completely cleaned up.

Senators and members of the house began to arrive early in the day, and there were many cordial greetings in the corridors and on the floors. The experiences of the late campaign were a fruitful source of remark; but, although many of the meetings were between republicans and democrats, there was no evidence of any but the best feeling. The new comers generally expressed the opinion that the short session would witness little legislation beyond the passage of the appropriation bills.

"But if any one thinks we will not find something to talk about, he has another guess," said one of them, and here was general acquiescence.

Both Houses Convene at Noon.

Both the senate and house convened promptly at 12 o'clock today. No effort was made to transact business even in the committee rooms. The day was given over absolutely to reception and the formal business of opening the session. Practically all of the veterans of the senate were on hand. Senator Pettus, the oldest member, who was not well at the close of last session, was one of the first to arrive at the capitol. He sticks to his pet phrase of telling his colleagues how "young" he is when reference is made to his advanced years.

Senator Foraker, it is understood, has decided to offer in the senate early this week a resolution of inquiry into the dismissal from the army of a battalion of the Twenty-fifth United States Infantry (colored) as a result of the "shooting up" of Brownsville, Texas, on the night of August 13 last.

The senator's resolution will request the president or the war department to furnish the senate with all the facts in the case, including especially the evidence upon which the order of dismissal was based. The purpose of asking for the data is to permit a clear judgment whether an injustice has been done any of the members of the disgraced organization. The question has been raised whether the dismissal "without honor" which the colored infantrymen suffered does not deprive them illegally of military rights, such as pensions, admission to soldiers' homes, etc.

CANNON WIELDS GAVEL GALLERIES ALL AGLOW.

Washington, Dec. 3.—Victors and vanquished foregathered in the house today to congratulate and sympathize with one another on the results of the November ballot. There was little in the greetings of friends to show heartaches of those who failed in election, and the warmth of the salutations reminded one of an old-fashioned party convention before the days of the new primary system. Crowds came early, and when the

speaker's gavel fell at 12 o'clock the galleries were jammed with gallied women, who added much to the picturesqueness of the scene. The appearance of Speaker Cannon was the signal for a hearty round of applause from both members and gallery, which lasted until he brought the gavel down with the resounding whack convening the last session of the fifty-ninth congress.

Immediately following the prayer of the chaplain the roll was called by states.

THE PROCEEDINGS IN THE UPPER HOUSE.

Washington, Dec. 3.—Three raps with the traditional little ivory gavel in the hand of Vice President Fairbanks brought sudden stillness over the thronged galleries surrounding the senate chamber and ushered in the first minute of the senate's last session of the fifty-ninth congress at noon today.

The scene in the chamber had been one of increasing animation during the preceding hour and a half. Before 10 o'clock the galleries began to fill, and occasionally a senator would stroll into the chamber which bore none of the usual signs of the beginning of the session. As the hour of noon approached the floor of the chamber began to be the gathering place of

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THE NEW BOARD MEETING TODAY

D. T. Johnson of Raleigh Elected Chairman

B. M. GATLING ATTORNEY

Members Met at Noon Today in Court Room—Sworn in by Clerk of the Court—Affairs of County Formally Turned Over by Retiring Board.

The newly elected Board of County Commissioners met at noon today in the court room, as the commissioners' room is being renovated.

All the members were present, D. T. Johnson of Raleigh, W. C. Brewer of Wake Forest, D. B. Harrison of Marks Creek, A. Turner Smith of Panther Branch and W. M. Yates of White Oak. The members were duly sworn into office by Clerk of the Court W. M. Russ, and the affairs of the county were formally received from the hands of the retiring board, which met today for the purpose.

On motion of Mr. Brewer, Mr. Johnson was unanimously elected chairman of the board.

Mr. Brewer nominated Bart M. Gatling for county attorney. There was no other nomination, and Mr. Gatling was elected unanimously.

JAMES BISSETT IS DEAD OF INJURIES.

(By Southern Bell Telephone.)
Wilmington, N. C., Dec. 3.—The remains of Engineer James Bissett, who died yesterday at Bowden as a result of injuries received in the wreck of a logging train a few days since, were brought to Wilmington today. At the time of the wreck he was caught under the overturned engine and fearfully scalded. He was forty-two years old.

The funeral will not take place until after the arrival of Mr. Bissett's father, who is en route today from his home in Iowa. Mr. Bissett for a number of years was with the Atlantic Coast Line, but went with the Rowland Company to operate its logging trains. He left several relatives, Mr. J. R. Bissett, of Raleigh, being his cousin.

FRANCE STRIVES AGAINST EXODUS.

(By the Associated Press.)
Sydney, N. S., Dec. 3.—Alarmed by the rapid decrease in the population of St. Pierre, Miquelon, the French government has revised the customs tariff for the island in order to stimulate business interests. For

schooners entering the port for shelter or supplies, the tax has been placed at nine cents per ton instead of 25 cents, as heretofore; for vessels entering for the purpose of securing ball, 25 cents instead of 55 cents, as previously; for trading craft the old rate of 55 cents per ton remains.

For the past two months the population of Miquelon, the last remaining possession of France in America, has been steadily decreasing by emigration to the Canadian west and northwest.

SUIT HAS BEEN BEGUN INVOLVING \$5,000,000.

(By the Associated Press.)
Philadelphia, Pa., Dec. 3.—The equity suit of the city of Philadelphia, involving \$5,000,000 against the contracting firm of D. J. McNichol of this city and others, in connection with the construction of the \$25,000,000 municipal filtration plant was called for trial before Judge Beidler in common pleas court today. The city charges that the money it seeks to recover was obtained by the contractors by fraud and collusion. The defendants in the case are State Senator James P. McNichol, Daniel J. McNichol, the senator's brother, Israel Durham, former republican leader of Philadelphia; John M. Mack, formerly prominent in the councils of the republican organization; John W. Hill of Cincinnati, ex-chief of the bureau of filtration and Peter E. Costello and William C. Haddock, former directors of the department of public works.

JAPANESE FLEEING FROM LIFE OF SLAVERY.

(By the Associated Press.)
El Paso, Texas, Dec. 3.—Three hundred Japanese have entered the United States from Mexico through Eagle Pass since November 1. They are leaving Mexico because of alleged ill treatment at the hands of Mexican employers. The Japanese contend that they were lured into Mexico with promises of good pay and pleasant work on farms. On arriving in Mexico, however, the Japanese declare that they are put to work in coal mines on little wages and insufficient food and are watched by guards, making a condition little better than enforced servitude.

SCHOOL CALLS FOR AID TURNED DOWN.

(By the Associated Press.)
Pittsburg, Pa., Dec. 3.—Forty-two educational institutions of the south and west which had been endeavoring to secure financial assistance from one of Pittsburg's wealthiest churches have been refused aid because of the vast number of applications. Five representatives of colleges and other institutions of education visited the First Presbyterian Church of this city yesterday, but the officials decided it was time to shut down.

The calls, it was said, have been coming faster than the days upon which to present them.

The First Presbyterian Church has been very active in extending assistance, especially of a financial nature, to institutions of all kinds. The church is one of the largest in the city and records among its members most of the wealthy families of the city.

LIFE OF THE KING WAS THREATENED.

(By the Associated Press.)
Milan, Italy, Dec. 3.—A careful search has been made at Pergamo, about forty miles from here, with the view of discovering the sender of a threatening letter to King Victor Emmanuel, referring to a plot formed by what the writer termed "the holy alliance" to assassinate the king; but up to the present the efforts of the police have been fruitless.

MR. HOLT ALMOST ENTIRELY WELL.

Mr. John C. Drewry returned to the city this morning from a trip to New York. On his way back he stopped at Graham to see Mr. L. Banks Holt. He says Mr. Holt has almost entirely recovered from the effects of the bullet wound inflicted by the negro Walker. There is just a slight scar on the left cheek, where the ball went out. Mr. Holt has been out driving and is feeling splendidly.

Mrs. Drewry, who accompanied Mr. Drewry to New York, arrived home this evening with Master John C. and Thomas, who have been at Graham.

VIOLENCE TO THE PRINCESS

(By the Associated Press.)
Tiflis, Trans-Caucasia, Dec. 3.—A band of twelve robbers yesterday attacked the estate of Princess Avallia, plundered her residence and assaulted the princess. They were captured later and will be tried today by drum-head court-martial.

ZION CITY TO BE ABANDONED

Restoration Host to be Left
to Creditors

VOLIVA FOR NEW CITY

Autocratic Socialism to be the Government of the Coming Community—A "Condition of Brotherly Love and Primitive Christianity to Prevail"—Voliva, However, to Be Supreme.

(By the Associated Press.)

Chicago, Dec. 3.—The Chronicle today says:

Zion City is to be abandoned. The "restoration town" which was built up by John Alexander Dowd after years of strenuous effort, will shortly be left to its creditors by Overseer Wilbur Glenn Voliva. Announcement of the approaching change was made yesterday by Overseer Voliva. At the same time Voliva outlined his plans for a new city to be conducted along socialistic lines, with himself as supreme spiritual and temporal head. Coupled with the announcement of his plans were vehement denunciations of unworthy members of the church who he declared were responsible for its fall.

Autocratic socialism is to be the government of the new community. No more debts, no more house rent, no more holding of land or property by individuals, but "a sublime condition of brotherly love and primitive Christianity to prevail." At the same time Voliva is to be supreme.

The nucleus of the new Zion is to consist of ten chosen families which will be selected by Voliva.

A TEST CASE TO SUPREME COURT

Treaty With Japan Doesn't
Cover Points at Issue

FRISCO SCHOOLS CASE

Metcalf, It Is Stated, Told the School Board of That City That They Were Within Their Rights in Separating Caucasian and Japanese Pupils.

(By the Associated Press.)
San Francisco, Cal., Dec. 3.—The Call today says:

School Director D. H. Oliver stated yesterday that Secretary Metcalf told the school directors that he believed they were clearly within their rights in establishing a separate school for Japanese pupils. This would tend to correct the impression that Secretary Metcalf had decided to favor the Japanese in his report to the president. The secretary's report it may be assumed, will conform to this assurance to the school board.

Attorneys versed in international law believe that the treaty between Japan and America in no way covers the points at issue, and the best that the United States can do for the island empire is to institute a test case in the federal courts as has already been done.

That the matter will be taken to the supreme court for final decision is now quite evident, and if it is decided there that the Japanese are not Mongolians, a contention that has been made to divert the enforcement of the law requiring that race to be kept in schools separate from white children, it is quite certain that the state legislature at its next session will pass a new law to keep the Japanese out of the schools in which Caucasians are taught.

In an interview yesterday Dr. Walsh expressed sentiments similar to those of Mr. Oliver.

ESTABLISH LIFE SAVING STATIONS.

(By the Associated Press.)
Charlottetown, P. E. I., Dec. 3.—As the result of the many disastrous wrecks in the Gulf of St. Lawrence and Strait of Northumberland this fall, the federal government has decided to establish life saving stations along the Prince Edward Island coast. The majority of the stations will be located on the gulf side of the island.

TRIBUTE PAID TO MR. SPENCER

Col. Andrews and J. P. Morgan Prepare a Statement

THE DIRECTORS ATTEND

Attention Called to Magnificent Work and Record of Late President of the Southern Railway—How the System Prospered and Developed Under His Wise and Able Management—Grief for Dead Man.

At a joint meeting of the voting trustees and the board of directors of the Southern Railway Company, held at its office in Washington, D. C., on Sunday, December 2, 1906, immediately after the funeral services of Samuel Spencer, late president of the company, there were present Alexander B. Andrews, first vice-president, presiding; George F. Baker, voting trustee; George F. Baker, voting trustee, and Directors Joseph Bryan, Samuel M. Inman, Adrian Iselin, Jr., Edmund D. Randolph, James T. Woodward, William W. Finley, Charles Steel.

The following minutes were adopted and were ordered to be entered on the records and published at length in the press upon the lines of the Southern Railway:

Samuel Spencer, born in Columbus, Ga., March 2, 1847, died November 29, 1906, near Lawyers Station, Va., upon the railroad of the Southern Railway Company, of which he was the first and only president.

The personal qualities of Mr. Spencer, his integrity in heart and mind, his affectionate and genial disposition, his loyal and courageous spirit, his untiring devotion to duty, his persistent achievement of worthy ends, and his comradeship on the fields of battle, of affairs and of manly sport, combined to establish him in the loving regard of hearts of friends in every section of his country, and nowhere more securely than in the affection of his fellow-workers in the service of the Southern Railway Company. The importance of his service to this company is matter of common knowledge throughout the railroad world, but the character, the extent and the consequence of that service are and can be appreciated at their full worth only by his associates now gathered here to attest their regard for him and to recall their high estimate of his life and work.

Upon June 18, 1894 on the completion of the Richmond Terminal organization conceived by J. Pierpont Morgan and conducted by his partner, Charles H. Coster, the first meeting of the Southern Railway Company was called to order at Richmond by Samuel Spencer as president. In that calendar year the Southern Railway system embraced 4,391 miles of road, with 623 locomotives and 19,694 cars, which carried 3,427,858 passengers and 6,673,750 tons of freight, and earned \$16,643,298. In the last fiscal year the Southern Railway system embraced 7,515 miles of road, with 1,429 locomotives and 42,110 cars, which carried 11,663,550 passengers and 27,329,337 tons of freight and earned \$53,641,438. The number of employees had increased from 16,718, June 30, 1895, to 37,003, June 30, 1906, and the wages paid from \$6,712,796 to \$21,198,020. The full details and the impressive character of this remarkable advance, too, extended for present recital, are exhibited in the masterly communication, which upon February 1, 1906, Mr. Spencer addressed to Messrs. J. P. Morgan & Co. as the basis of the development and general mortgages. In this progress every step had been initiated and conducted by Mr. Spencer with the cordial concurrence of the voting trustees and the board of directors, and it is significant of the conservative and continuous position of Mr. Spencer and his supporters that this phenomenal enlargement of the system and the business was not made the basis of any increase of dividends beyond the amount contemplated and stated in the plan of 1893.

With reference to the properties originally reorganized: Every dollar that could be borrowed under President Spencer's management was put into the property in the effort to enable it to meet the ever-increasing demands of the vigorous and wonderful growth of the south and its industries. The mighty fabric which for twelve years he had been moulding must continue under others to

develop and improve the service that it shall render to the public, but never can it cease to bear the impression, to reveal the continuing impulse of the master mind of its first president. In the height of his usefulness and his powers he has been called away, but the inspiration of his shining example and his lofty stands must ever animate his successors. To many other corporations conducting the commerce of the country as well as to the Southern Railway did Mr. Spencer render invaluable service, and all of them will share in our sense of loss and personal grief.

As their chosen spokesman in the tremendous agitation culminating in the congressional action of 1906, his mastery of his subject, his dignity of bearing and his integrity of character commanded the confidence and approval of the vast interests whose constitutional rights it became his duty to assert and to protect. To the great public not less than to the commercial interests did he recognize his obligation. How well he conceived, how admirably he performed that duty was indicated in the last of his public addresses, his last message to his friends in the south, delivered at Montgomery on October 25, 1906, an address which deserves wide circulation and close consideration, not only in his own south that he loved so well, but throughout the whole country which he had learned to know far better than most of its citizens, wherever born. His chosen career has closed, but the wisdom and the virtues that characterized that career will abide as long as they shall be regarded for duty bravely done and for high service gallantly rendered. To his family we extend our deep and most respectful sympathy and every assurance that for them as well as for his associates honor and happiness will ever result from their relation to Samuel Spencer, that just and upright man and officer.

THE SATURDAY NIGHT TRAGEDY

Detailed Story of Killing of
Goss at Durham

AS TOLD AT INQUEST

A Graphic Report of a Dramatic Scene in the Store of B. W. Hobbgood When the Pistol of Harris Suddenly Flashed and Goss Reeled and Fell.

(Special to The Evening Times.)

Durham, N. C., Dec. 3.—There has been shed very little new light on the causes that brought about the tragedy Saturday night when J. B. Harris shot and instantly killed Maynard F. Goss, the shooting occurring in the store of B. W. Hobbgood, where Harris clerked at odd times, including Saturday afternoon and night.

The autopsy was held Saturday night and pending the service of witnesses the coroner's jury adjourned until Sunday afternoon, when the inquest was held. The facts surrounding the shooting were brought out and a large number of witnesses sent to the solicitor this morning, when he will investigate the case and send a bill to the grand jury now in session.

It seems that there was not a word spoken, that is so far as any one heard in the store, Harris, the slayer, employed counsel within a few minutes after the shooting; they waived preliminary hearing for their client, and he was at once committed without bail. The lawyers closed his mouth, and he has not made one word of statement, one way or the other.

Story of Witnesses.

The witnesses say that Goss entered the store Saturday night and went to where Harris was behind the counter, Goss standing in front of the counter. He did not attract any special attention. Then the shot rang out. This caused all to look up, and Harris was seen standing with the smoking revolver in his hand, and Goss had his right hand in his right hip pocket. Goss said: "I did not intend shooting you." Harris replied: "Yes you did, and if you take your hand from your pocket I will shoot." Goss then fell to the floor, the bullet having passed directly through his heart, left lung and lodged just under the skin of his back.

Harris then tendered his pistol to

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THE LAST WORD TO THE TWELVE

Judge Determined it Shall
be Spoken Today

ARGUMENT HAS BEGUN

Attorney for the State Takes the Ground That Gillette Deliberately Murdered Miss Brown—Counsel for Defence Urges That the Case is One of Suicide.

(By the Associated Press.)

Herkimer, N. Y., Dec. 3.—Chester E. Gillette, the young factory foreman of Cortland, on trial here for the alleged murder of Grace Brown, his sweetheart, probably will know his fate within the next twenty-four hours. District Attorney Ward summed up for the state today, taking the ground that Gillette deliberately planned to murder Miss Brown, and did kill her or render her insane with blows on the head with a tennis racket, her body being then thrown into Big Moose Lake, in the Adirondacks. Counsel for Gillette urged the theory of suicide.

The opening of court was delayed some time. The judge, however, is determined that the last word shall be said to jury today, if it be necessary to hold a night session.

A stream of people from surrounding places early flocked into Herkimer, and the court room was filled to its capacity when the trial was resumed.

The Last Witnesses.

Silas D. Feeter of Little Falls, a civil engineer, was called by the defence. He said he had been to South Bay, Big Moose Lake, within a few days and made measurements at the point where the overturned boat was found.

"At that place the water is seven and a half feet deep," he said. It had been testified by witnesses for the prosecution that the water was four and a half feet deep where the boat was found, and on cross examination Mr. Feeter admitted that "the summer shrubbery that was growing last July is now covered with water."

District Attorney Ward called Julian A. Van Wie as his witness. Mr. Van Wie lives in Cortland and is manager of a cycling company there. Objection was taken and allowed to the line of questioning, whereupon the district attorney announced that the case for the people was closed.

The defense had no further testimony to offer, and Justice Devendorf asked if counsel wanted to be limited in time for their addresses. "I do not propose to limit you unless you desire it," he said.

There was no request for time limitation.

NOMINATIONS BY PRESIDENT.

(By the Associated Press.)
Washington, Dec. 3.—The president today sent the following nominations to the senate:

Secretary of the Treasury—George B. Cortelyou.

Attorney General—Charles J. Bonaparte.

Postmaster General—George Von L. Meyer.

Secretary of the Navy—Victor H. Metcalf.

Secretary of the Interior—James R. Garfield.

Secretary of Commerce and Labor—Oscar S. Straus.

Associate Justice Supreme Court—William H. Moody.

In addition some recess appointments were sent to the senate including Interstate Commerce Commissioners Clark, Iowa, and Harlan, Illinois, and Collector of Customs D. O. Newberry, Albemarle, N. C.

SHOW WRECKED A MAN KILLED

(Special to The Evening Times.)

High Point, N. C., Dec. 3.—Parties coming in on the Asheboro train report a wreck of John H. Sparks' circus at Roberdel, twenty miles below Troy, this morning. One show man was killed and two badly injured and two horses and a pony smashed in the cars. Cause unknown. So infuriated were the showmen that they turned on Conductor Slack and beat him into insensibility and ran others away as if to attach the blame to the conductor. The sheriff and posse were on the way to the scene when the train left.