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RAYNER INTIMATES THAT ROOSEVELT IS OUR MODERN CAESAR

**Caustic Criticism for the
President's Position on
the Japanese Question**

**SPRUNG BY ACTION OF
FRISCO SCHOOL BOARD**

If the Military and Civil Forces of the Government are to be used by the President, declares Mr. Rayner, it becomes very important to know his exact power. As to the Constitutional Question involved He says that it is clearly within the reserved power of a State to regulate its School System.

(By the Associated Press.)
Washington, Dec. 12.—Senator Rayner addressed the senate today on the Japanese question.

Caustic criticism of President Roosevelt's position on the Japanese question prefaced the senator's discussion of the constitutional question involved. If the military and civil forces of the federal government were to be used by the president, Mr. Rayner said, it became very important to know the exact power of the president in the matter.

"Because," he added, "it is quite a serious matter in view of the great calamity that has lately befallen the city of San Francisco to the president to contemplate the bombardment of the city at this time, and to declare war against the boards of county school trustees of California if there is no justification or pretext upon which such ferocious proceedings can be undertaken. The president is exercising a great many functions—executive, legislative and judicial, lawful and unlawful, constitutional and unconstitutional. If he is possessed of the idea that he is the supervisor of all of the public schools of the various states of the union, and he seems to be impressed with this idea, because in the very last paragraph of his message he recommends to congress the establishment of shooting galleries in all of the large schools of the country, we must either disabuse his mind of this fancy or we must let him know that we agree with him as to the omnipotence of his jurisdiction. If he can take possession of the public schools of California and compel the state to admit to them Japanese students contrary to the laws of California he could with equal propriety send us an amendment to the Santo Domingo treaty and demand the admission of the negro children of Santo Domingo into the white schools of South Carolina or of any other state of the union. Of course, if the people have come to the conclusion that everything that the president recommends is right, then there is hardly any use in contesting any of his propositions, and instead of conferring upon him the power to give congress information of the state of the union, we might confer upon him the function of furnishing his own peculiar views upon the entire state of the universe and recommending any improvements or changes in the general plan of creation that he may deem expedient, from the cradle to the grave."

REPORT ON WARSHIPS
Building in Government Yards and Under Contract

In His Annual Report the Chief of the Naval Bureau of Construction Gives His Views Favoring Work in Government Yards.

(By the Associated Press.)
Washington, Dec. 12.—The ability of government navy yards to turn out warships equal in all respects to those built under contract, in the opinion of Rear Admiral W. L. Capps, chief of the bureau of construction of the navy, in his annual report, has been fully demonstrated. He argues that at least one yard on the Pacific coast and one on the Atlantic coast, when practicable, should be given a reasonable proportion of new construction work in order that such yards may always be available for any work the government may desire to undertake therein.

Admiral Capps admits the oft-repeated charge that it costs less to build a warship by contract, by reason of the shorter hours of labor, paid holidays, vacations, etc., granted to navy yard employes, but he believes nevertheless that the government should be always prepared to turn out its own ships in times of emergency.

tion whenever they come in conflict with the treaty-making power."

Seizure of the Silas Stearns.
The senate today adopted a resolution calling on the president to furnish information and all correspondence relative to the seizure by the Mexican government of the fishing schooner Silas Stearns.

The body received the election certificate of Thomas H. Paynter as a senator from Kentucky.

A resolution was laid before the senate today by the vice-president, at the request of Senator Gearin, giving it as the consensus of the opinion of the senate that negotiations be entered into with Japan definitely to define the rights of each country under the existing treaty with a view to securing such modification of this treaty as will absolutely prohibit the entrance into the United States of Japanese coolie laborers.

Washington, Dec. 12.—The house today adopted the concurrent resolution to adjourn for the Christmas holidays on December 20 and to reconvene January 3.

WHITE SAYS HE HAS NOT YET ACCEPTED.

(By the Associated Press.)
Norfolk, Va., Dec. 12.—William H. White, who was yesterday elected to the presidency of the Richmond, Fredericksburg & Potomac Railroad at Richmond, said today that the newspaper announcements that he had accepted the position were premature.

Mr. White said he had just received official notification of his election and had the matter under advisement. He said he had not yet determined upon what course he would pursue.

The necessity of a change of residence from Norfolk to Richmond which would follow his acceptance is causing mature consideration on the part of Mr. White who will announce his decision in the matter within the next few days.

DESTRUCTIVE FIRE STRIKES BALTIMORE.

(By the Associated Press.)
Baltimore, Md., Dec. 12.—Fire of unknown origin today destroyed the four-story building at 224 and 226 west Camden street occupied by the Hubbs & Corning Company, manufacturers of paper and twine; the Monarch Manufacturing Company, ladies neckwear; J. Kahn & Company, shirtwaists; the Crescent Manufacturing Company, neckwear. The aggregate losses are estimated at \$85,000, fully covered by insurance. The Hubbs & Corning Company are the worst sufferers, their loss being placed at \$40,000.

mends the building of an additional dry dock capable of docking the largest vessels at both the Norfolk and Pensacola navy yards, and that provision should be made for enlarging and rebuilding dry dock No. 3 at the New York navy yard. The development of the Norfolk navy yard to meet the requirements of a fleet as regards construction and repair is recommended for special consideration.

The report states that preliminary work has begun upon the designs of the 20,000-ton battleship authorized at the last session of congress.

SEMI-ANNUAL DIVIDEND BY PANHANDLE SYSTEM.

(By the Associated Press.)
Philadelphia, Pa., Dec. 12.—The Panhandle system of the Pennsylvania Railroad today declared semi-annual dividends of 2 1/4 per cent on the preferred stock of the company and 2 per cent on the common stock. The directors of the Pennsylvania company which operates the Pennsylvania Railroad lines west of Pittsburg also declared a semi-annual dividend of 3 per cent.

BRIDGE CASE FROM BEAUFORT

Will be Taken up in Supreme Court Tomorrow

AN IMPORTANT MATTER

If the Court Should Decide in Favor of the Citizens Making the Protest It Would Necessitate Tearing Down the Bridge, for it is Nearly Completed.—Claimed That the Raleigh & Pamlico Bridge Would Interfere With Navigation.

The case appealed from Beaufort county in regard to placing a bridge over the Pamlico river at the town of Washington will be taken up in the supreme court tomorrow morning. In order to get into Washington it was necessary for the Raleigh & Pamlico Railroad to cross the Pamlico river, and the most available point for a bridge, it was decided, was a short distance below the county bridge. A strenuous protest was made by some of the citizens of the town and an effort was made to get out an injunction to prevent the company from building a bridge at the point decided upon, claiming that it would seriously interfere with navigation. The hearing was before Judge T. A. McNeill, who refused to grant the injunction, and the case was appealed to the supreme court.

It is claimed by the railroad company that the bridge will not interfere with navigation, as there will be two draws, each of seventy feet, whereas the county bridge, which is only a short distance above this point, has only one draw of thirty-six feet. The channel at the county bridge is not quite eight feet deep, and at the railroad bridge nine feet; and the railroad company agrees to keep the channel open, and also the approaches. The draws are to remain open at all times except when trains are passing over. It is contended by the Raleigh & Pamlico officials that this is practically the only way to get into the town, as to detour and cross the river some distance above the county bridge would necessitate crossing nearly three miles of swamp, and it would be extremely difficult to get a foundation.

The citizens making the protest, on the other hand, claim that the road can reach the city by another route, although it would not be so direct.

The bridge in question is about a half-mile long and is nearly completed. Litigation has not stopped work on the bridge, which has progressed as if no protest was being made.

Attorneys representing the citizens who are endeavoring to get out an injunction are Messrs. Shepherd & Shepherd of this city, Messrs. Nicholson & Daniels and Mr. E. S. Simons of Washington. Mr. Stephen A. Bragaw of Washington, Mr. L. Moore of Greenville and ex-Governor Aycock of Goldsboro are attorneys for the Raleigh & Pamlico Railroad.

BOSTON'S VOTE ON THE LIQUOR LAW YESTERDAY.
(By the Associated Press.)
Boston, Mass., Dec. 12.—The vote in Boston yesterday on the liquor question was: Yeas, 43,280; noes, 18,540.

LIBERALS GIVE A RAY OF HOPE

Step For Legalizing Services in Paris Tomorrow

BREAKING WITH ROME

The Irreconcilable Attitude of the Ecclesiastical Authorities There Does Not Prevent an Effort by Some French Catholics to Meet the Government's Demands as to Services.

(By the Associated Press.)
Paris, Dec. 12.—The prefect of police during the afternoon announced that the government had accepted the application of M. Maréchal, editor of the Renaissance, and Felix Robin, for permission, under the public meetings law of 1881, to hold religious meetings in all the churches, as being in compliance with the law. In other words, the step taken provides for the legalization of Catholic services in the churches of Paris tomorrow.

Earlier Report of Conditions.
Paris, Dec. 12.—The day of grace granted to the churches of Paris in the execution of the law providing for the separation of church and state postpones until tomorrow the measure for its enforcement. The delay, however, has only served to increase the excitement caused by the expulsion from France yesterday of Mr. Montagnini, secretary of the papal nunciature at Paris.

Protestations have been begun against the ultramontane abbes of the churches of St. Pierre du Gros Chailou, St. Augustin and St. Roch, where the greatest resistance to the taking of the inventories occurred, and it has been decided to take over immediately the buildings belonging to the clergy, compel aspirants to the priesthood to fulfill their military obligations, and, if necessary, treat the clergy as subjects of a foreign power. This constitutes a sufficient demonstration of the spirit with which the government intends to meet resistance.

The reception of Premier Clemenceau's speech in the chamber of deputies last night also shows that he has parliament at his back. Nevertheless, M. Clemenceau was careful to say that there was still time for Catholics to conform to the law. That the rank and file of the liberal Catholics disapprove of the intransigent attitude of the authorities at Rome is evidenced by the fact that the editor of the Renaissance, Felix Robin, has of his own initiative fled with Prefect of Police Lepine an application under the public meetings law of 1881 for permission to hold religious meetings in all the churches. This affords the single ray of hope in the situation. The Figaro today says that Cardinal Richard, archbishop of Paris, at first declined to approve of M. Robin's action, but that later he changed his mind.

Important Evidence.
It turns out that the papers seized at the papal nunciature yesterday placed in the government's hands important evidence, which may prove exceedingly embarrassing to the Vatican if open war is to take place. They include, besides all the diplomatic records covering the correspondence exchanged before the rupture with Cardinal Merry Del Val, the papal secretary of state, a mass of letters from prelates all over the world and letters in the handwriting of deputies of the right party. M. Jaures, the socialist leader, asserts in his paper that the seized documents even prove the existence of a conspiracy.

Cardinal Richard has accepted the temporary hospitality of M. Denys Cochin, a conservative member of the chamber of deputies from one of the Paris districts.

The Catholic seminaries at Bordeaux, Mende and Saint Brieux were evacuated today.

Odious, the Cry of Rome.
Rome, Dec. 12.—The Vatican authorities characterize the action of the French government in having Mgr. Montagnini, the expelled secretary of the papal nunciature at Paris, accompanied to the frontier by police as being "an odious act showing a desire to inflict humiliation on those who because of their weakness cannot retaliate." It is much regretted in Vatican circles that contrary to the propositions of some of the cardinal Mgr. Dela Chiesa, the papal assistant secretary of state, was not sent to Paris after the rupture

of diplomatic relations between the Vatican and France, as in view of his francophile attitude under the late Pope Leo, he was the only person capable of reaching an understanding with the French government. It is believed even now that notwithstanding the gravity of the situation, France would not find it difficult to conciliate the Vatican if negotiations on the subject were opened. In the meanwhile all the Vatican forces have been mobilized to take part in the campaign. Even Father Wernz, the general of the Jesuits, has joined the belligerents.

The latest instructions sent to the French clergy are in substance that they are to look upon the situation from its worst possible aspect and organize private religious services.

Thousands of telegrams it is announced here, have been sent from free masons, anti clerical republicans and liberal clubs and politicians to the French premier, M. Clemenceau, and Minister of Public Worship Briand, congratulating them on their energetic attitude against the Vatican and clericalism. On the other hand the Vatican authorities have received thousands of telegrams of sympathy and encouragement from bishops, Catholic clubs and prominent Catholic clubs and prominent Catholics, Italians and foreigners, condemning the action of the French government.

MURPHY BRANCH OF SOUTHERN

Road Found to be In Very Bad Condition

A REPORT JUST MADE

An Investigation of the Condition of This Line Was Made by Commissioner S. L. Rogers.—Physical Condition of the Road Reported as Bad—Principal Complaint Was in Regard to the Passenger Service Given.

The corporation commission has just made a report on the condition of the Murphy branch of the Southern Railway, the investigation having been made on account of various complaints. The principal allegations were to the effect that the passenger service was inadequate, no regular schedule being observed; that the freight service was extremely inefficient and that the physical condition of the roadbed was bad and dangerous to life of passengers going over it.

The report as to the condition of the road was made by Commissioner S. L. Rogers, who recently went over the same. In the report he says that the greater portion of the road being over mountains and across rapid streams, naturally causes heavy grades and sharp curves. Since the commission went over the road, more than a year ago, at which time they were assured improvements would be made, Commissioner Rogers states that practically no improvement has been made; that five miles of seventy-pound rail have been laid between Murphy Junction and Asheville, and that the division superintendent states positively that seventy-pound rail will be laid over the remainder of the road as fast as the rail can reach the line. The statement is made in the report that the record of accidents and the general appearance of the roadbed, with its steep grades and sharp curves, laid with light rail and ties on short banks, and in many places defective physical condition of the road is such as to endanger the life of a passenger going over it.

Within five years the service on this road was performed by the use of one passenger train each way daily, and there are now two each way daily. One local freight daily, aided by three extras each week was formerly employed and now there are four daily locals aided by four extras. The report says that proportion to the increase in the business of the line. The supply of cars, it is stated, is inadequate.

The report shows the number of passengers carried between August 1st, and October 20th, and it is an average of 700 per day. In connection with the schedule of the passenger trains, the following statement is made: "Having an engine crippled and a delay occasionally on that account, it is avoidable in railroad business, but the deliberate daily assignment of crippled, worn out and powerless engines to trains transporting 700 passengers is unreasonable. There were in the shop October 20th, off the Asheville division, fourteen of these crippled, and none of them being repaired, while those trying to do their duty were making the record I give you. They are designated on the usual list as Nos. 1327, 1328, 1329, 1330 and 144. Superstition would make us believe that there was fatality in the serious thirteen." In summing up, Commissioner Rogers says the service is inadequate and intolerable. A copy of the report has been served

FREEMAN JONES

AGAIN RESPITED BY THE GOVERNOR

COYTEYOU TO TAKE CHARGE MARCH FOUR.

(By the Associated Press.)
Washington, Dec. 12.—"It is the present intention to have Mr. Coyteyou take charge of the treasury portfolio on March 4th," said Senator Aldrich, who talked with the president today about Mr. Coyteyou's nomination to be secretary of the treasury, which was held up by the senate finance committee yesterday because no date was specified as to when the appointment would become effective. The same formal objection it is said, applied to other nominations now before the senate, notably that of James R. Garfield, to be secretary of the interior. It has been, customary heretofore, the senator said, to indicate specifically the date upon which such appointments are to take effect and its omission in the case apparently was an oversight. So far as he was aware, the senator said, there is no objection to Mr. Coyteyou's confirmation nor to others now pending. Senator Spooner accompanied Senator Aldrich to the white house.

As the result of conference between Senators Aldrich and Spooner and the president, the nomination of Mr. Von Meyer to be postmaster general and Mr. Garfield to be secretary of the interior also will be dated to take effect March 4th. An alteration will be made in the form of the nomination of Attorney General Moody to be associate justice of the supreme court, Secretary of the Navy Bonaparte to be attorney general, Secretary of Commerce and Labor Metcalf to be secretary of the navy, and Oscar Straus to be secretary of commerce and labor. These nominations will take effect on December 24th.

Attorney General Moody will, if confirmed, be sworn in as associate justice of the supreme court on December 24th. The other cabinet changes consequent upon the retirement of Mr. Moody will follow immediately. Secretary Bonaparte becoming attorney general and Secretary Metcalf assuming the position of secretary of the navy.

THE CONDITION OF FORMER SENATOR BROWN.

(By the Associated Press.)
Washington, Dec. 12.—The condition of former Senator Arthur Brown of Utah, who is at the Emergency Hospital, suffering from the effects of a bullet wound inflicted by Mrs. Anna M. Bradley on Saturday last, was reported today to be practically unchanged. The patient passed a fairly comfortable night.

TAKEN FOR CONTEMPT

Grossly Inaccurate Reports of the Gillette Trial

Editors of the New York Morning Telegraph Are Arrested on This Charge—They Are Sent to the Court of General Sessions.

(By the Associated Press.)
New York, Dec. 12.—William B. Masterson, a United States deputy marshal and W. E. Lewis and Henry N. Carey, editors of the New York Morning Telegraph, were arrested in this city today charged with "criminal contempt of court in circulating false and grossly inaccurate reports of the trial of Chester E. Gillette of Herkimer." Masterson was also arrested as an editor of the Telegraph. All three were sent to the court of general sessions.

NOMINATION OF FOUR AMBASSADORS.

(By the Associated Press.)
Washington, Dec. 12.—The president today sent to the senate the following nominations: Ambassadors extraordinary and plenipotentiary—Henry White, Rhode Island, to France; Lloyd C. Griscom, Pennsylvania, to Italy; John W. Riddle, Minnesota, to Russia; Irving B. Dudley, California, to Brazil. Envoy extraordinary and minister plenipotentiary—Leslie Combs, Kentucky, to Peru.

Action Taken at Request of Number of Citizens of Durham

JONES WAS TO DIE ON DECEMBER 15TH

Reprieve Granted Until the 8th of February—Matter Taken up From Durham Today Over Long Distance Telephone—Man Was Found Guilty of Burglary in the First Degree—The People of Durham Taking Great Interest in the Case. Scaffold Was Being Built in the Jail Yard When Respite Was Granted.

At the earnest request of a number of citizens of Durham, Governor Glenn today granted a respite to Freeman Jones until February 8th. The time for Jones to die was drawing near. He was tried at the August term of Durham county court and found guilty of burglary in the first degree and sentenced to be hung on Friday, November 22nd. An effort was made to get the sentence commuted and he was granted a reprieve until Saturday, December 15th—next Saturday. A few days since Governor Glenn announced that he had looked into the case and would not interfere. Today the matter was again taken up over the long distance telephone from Durham and at the request of a delegation of citizens he agreed to open the case again and Jones was reprieved until February 8th.

The people of Durham are taking great interest in the case and a member of the jury is reported as having made the statement that if they had believed that the sentence would not be commuted to life imprisonment in view of their having made a recommendation of mercy, that they would not have returned a verdict of burglary in the first degree.

In commenting on the case the Durham Herald of this morning says:

"The reporter for The Herald has gone the length of the town and the Jones case has been the one topic of conversation. There are very few people—a very small per cent of the people—who believe that Freeman Jones should die for his crime. "The facts have been published so many times that it would be a simple repetition to tell now anything about his crime on that June night. The people know and the will of the people is the law, if it is expressed in time to be recorded in this case. Jones was drunk at the time he entered the home where there had been conducted a notorious 'blind tiger.' "He says that he does not remember anything that occurred there. It is certain that he entered the home at a late hour at night and that no damage was done. Had it been a home that was pure and free from the violation of law there would have been a different sentiment. But as it is there is not a sentiment that demands the taking of this life to pay for crime. These are the simple facts in the case.

"In the meantime Freeman Jones expects to die sometime Saturday morning. He says that he is not scared in the least and that he will meet his end without a fear or tremor. He does not know that the lumber has already been placed on the jail lot with which the scaffold is to be built, but he says that he is certain he will have to die this week and that he has nothing to fear."

Sudden Death of J. T. Skiles.
(Special to The Evening Times.)
High Point, N. C., Dec. 12.—The many friends here of Mr. J. T. Skiles learned with sorrow of his sudden death in Thomasville yesterday, due to heart trouble. Mr. Skiles was a brother-in-law of Mr. J. T. Hoffman of this city, and owned considerable property here. The remains were carried last night to the old home of the deceased in Chester county, Pa.