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## THE SAME ACTION WOULD HAVE BEEN TAKEN HAD THE TROOPS BEEN WHITE, SAYS ROOSEVELT

Standard of Honor and Loyalty to Flag the Same For All

### BLACKEST CRIME IN ANNALS OF THE ARMY

In His Reply to the Senate's Request for Information as to His Reasons for the Discharge of the Negro Battalion at Brownsville the President Repudiates With Indignation a Suggestion That Had the Raiders Been White Such Action Might Not Have Been Taken, Briefly Recalls the Salient Features of the Murderous Outrage, Calls Attention to the Conspiracy to Shield the Guilty and Declares That He Ordered the Discharge From His Sense of Duty as Commander-in-Chief of the United States Army.

(By the Associated Press.)  
Washington, Dec. 19.—In a communication read in the senate today the president gives the information asked by that body relative to his action in the discharge of a battalion of negro troops, members of which recently figured in a raid at Brownsville. The president writes:

To the Senate:  
In response to senate resolution of December 6, addressed to me, and to the two senate resolutions addressed to him, the secretary of war has, by my direction, submitted to me a report which I herewith send to the senate, together with several documents, including a letter of General Nettleton and memoranda as to precedents for the summary discharge or mustering out of regimental companies, some or all of the members of which had been guilty of misconduct. I ordered the discharge of nearly all the members of Companies B, C, and D of the Twenty-fifth Infantry by name, in the exercise of my constitutional power and in pursuance of what, after full consideration, I found to be my constitutional duty as commander-in-chief of the United States army. I am glad to avail myself of the opportunity afforded by these resolutions to lay before the congress the following facts as to the murderous conduct of certain members of the companies in question and as to the conspiracy by which many of the other members of these companies saved the criminals from justice, to the disgrace of the United States uniform.

I call your attention to the accompanying reports of Maj. Augustus P. Blockson, of Lieut. Col. Leonard A. Lovering, and of Brig. Gen. Ernest A. Garlington, the inspector-general of the United States army, of their investigation into the conduct of the troops in question. An effort has been made to discredit the fairness of the investigation into the conduct of these colored troops by pointing out that General Garlington is a southerner. Precisely the same objection would have been taken had the troops been white—indeed, the discharge would probably have been made in more summary fashion. General Garlington is a native of South Carolina; Lieutenant-Colonel Lovering is a native of New Hampshire; Major Blockson is a native of Ohio. As it happens, the disclosure of the guilt of the troops was made in the report of the officer who comes from Ohio, and the efforts of the officer who comes from South Carolina were confined to the endeavor to shield the innocent men of the companies in question, if any such there were, by securing information which would enable us adequately to punish the guilty. But I wish it distinctly understood that the fact of the birthplace of either officer is one which I absolutely refuse to consider. The standard of professional honor and of loyalty to the flag and the service is the same for all officers and all enlisted men of the United States army, and I resent with the keenest indignation any effort to draw any line among them based upon birthplace, creed, or any other consideration of the kind. I should put the same entire faith in these reports if it had happened that they were all made by men coming from some one state, whether in the south or the north, the east or the west, as I now

do, when, as it happens, they were made by officers born in different states.

**The Actual Evidence.**  
Major Blockson's report is most careful, is based upon the testimony of scores of eye-witnesses—testimony which conflicted only in non-essentials and which established the essential facts beyond chance of successful contradiction. Not only has no successful effort been made to traverse his findings in any essential particular, but, as a matter of fact, every trustworthy report from outsiders amply corroborates them, by far the best of these outside reports being that of Gen. A. B. Nettleton, made in a letter to the secretary of war, which I herewith append; General Nettleton being an ex-Union soldier, a consistent friend of the colored man throughout his life, a lifelong republican, a citizen of Illinois, and assistant secretary of the treasury under President Harrison.

It appears that in Brownsville, the city immediately beside which Fort Brown is situated, there had been considerable feeling between the citizens and the colored troops of the garrison companies. Difficulties had occurred, there being a conflict of evidence as to whether the citizens or the colored troops were to blame. My impression is that, as a matter of fact, in these difficulties there was blame attached to both sides; but this is a wholly unimportant matter for our present purpose, as nothing that occurred offered in any shape or way an excuse or justification for the atrocious conduct of the troops when, in lawless and murderous spirit, and under cover of the night, they made their attack upon the citizens.

**The Midnight Attack.**  
The attack was made near midnight on August 13. The following facts as to this attack are made clear by Major Blockson's investigation, and have not been, and, in my judgment, cannot be, successfully controverted: From nine to fifteen or twenty of the colored soldiers took part in the attack. They leaped over the walls from the barracks and hurried through the town. They shot at whomever they saw moving, and they shot into houses where they saw lights. In some of these houses there were women and children, as the would-be murderers must have known. In one house in which there were two women and five children some ten shots went through at a height of about four and a half feet above the floor, one putting out the lamp upon the table. The lieutenant of police of the town heard the firing and rode toward it. He met the raiders, who, as he stated, were about fifteen colored soldiers. They instantly started firing upon him. He turned and rode off, and they continued firing upon him until they had killed his horse. They shot him in the right arm (it was afterwards amputated above the elbow). A number of shots were also fired at two other policemen. The raiders fired several times into a hotel, some of the shots being aimed at a guest sitting by a window. They shot into a saloon, killing the bartender and wounding another man. At the same time other raiders fired into another house in which women and children were sleeping, two of the shots going through the mosquito bar over the bed in which the mistress of the house and her two children were lying. Several other houses were struck by bullets. It was at night, and the streets of the town are poorly lighted, so that none of the individual raiders were recognized; but the evidence of many witnesses of all classes was conclusive to the effect that the raiders were negro soldiers. The shattered bullets, shells and clips of the government rifles which were found on the ground are merely corroborative. So are the bullet holes in the houses, some of which, it appears, must, from the direction, have been fired from the fort just at the moment when the soldiers left it. Not a bullet hole appears in any of the structures of the fort.

**Deliberate Murderers.**  
The townspeople were completely surprised by the unprovoked and murderous savagery of the attack. The soldiers were the aggressors from start to finish. They met with no substantial resistance, and one and all who took part in that raid stand as deliberate murderers, who did murder one man, who tried to murder others, and who tried to murder women and children. The act was one of horrible atrocity, and so far as I am aware, unparalleled for infamy in the annals of the United States army. The white officers of the companies were completely taken by surprise,

and at first evidently believed that the firing meant that the townspeople were attacking the soldiers. It was not until 2 or 3 o'clock in the morning that any of them became aware of the truth. I have directed a careful investigation into the conduct of the officers, to see if any of them were blameworthy, and I have approved the recommendation of the war department that two be brought before a court-martial. As to the non-commissioned officers and enlisted men, there can be no doubt whatever that many were necessarily guilty, after it had become known that the conduct of those who took actual part in this murderous riot. I refer to Major Blockson's report for proof of the fact that certainly some and probably all of the non-commissioned officers in charge of quarters who were responsible for the gun-racks and had keys thereto in their personal possession knew what men were engaged in the attack.

Major Penrose, in command of the post, in his letter, gives the reasons why he was reluctantly convinced that some of the men under him—as he thinks, from seven to ten—got their rifles, slipped out of quarters to do the shooting, and returned to the barracks without being discovered; the shooting all occurring within two and a half short blocks of the barracks. It was possible for the raiders to go from the fort to the farthest point of firing and return in less than ten minutes, for the distance did not exceed 350 yards.

**Fired on Children.**  
Such are the facts of this case. General Nettleton, in his letter herewith appended, states that next door to where he is writing in Brownsville is a small cottage where a children's party had just broken up before the house was riddled by United States bullets, fired by United States troops, from United States Springfield rifles, at close range, with the purpose of killing or maiming the inmates, including the parents and children who were still in the well-lighted house, and whose escape from death under such circumstances was astonishing. He states that on another street he daily looks upon fresh bullet scars where a volley from similar government rifles was fired into the side and windows of a hotel occupied at the time by sleeping or frightened guests from abroad, who could not possibly have given any offense to the assailants. He writes that the chief of the Brownsville police is again on duty from hospital, and carries an empty sleeve because he was shot by federal soldiers in the course of their murderous foray; and not far away is the fresh grave of an unoffending citizen of the place, a boy in years, who was wantonly shot down by these United States soldiers while unarmed and attempting to escape.

The effort to confute this testimony so far has consisted in the assertion or implication that the townspeople shot one another in order to discredit the soldiers—an absurdity too gross to need discussion, and unsupported by a shred of evidence. There is no question as to the murder and the attempted murders; there is no question that some of the soldiers were guilty thereof; there is no question that many of their comrades privy to the deed have combined to shelter the criminals from justice. These comrades of the murderers, by their own action, have rendered it necessary either to leave all the men, including the murderers, in the army, or to turn them all out; and under such circumstances there was no alternative, for the usefulness of the army would be at an end were we to permit such an outrage to be committed with impunity.

**Cold-blooded and Cowardly.**  
In short, the evidence proves conclusively that a number of the soldiers engaged in a deliberate and concerted attack, as cold-blooded as it was cowardly; the purpose being to terrorize the community and to kill or injure men, women and children in their homes and beds or on the streets, and this at an hour of the night when concerted or effective resistance or defense was out of the question, and when detection by identification of the criminals in the United States uniform was well-nigh impossible. So much for the original crime. A blacker never stained the annals of our army. It has been supplemented by another, only less black, in the shape of a successful conspiracy of silence for the purpose of shielding those who took part in the original conspiracy of murder. These soldiers were not school-boys on a frolic.

## INDEPENDENT INVESTIGATION

Foraker Favors it as to Brownsville Affair

### OFFERS A RESOLUTION

A Bill Designed to Extend Relief to the Money Market Along the Lines Recommended by Secretary Shaw is Introduced into the Senate by Mr. Elkins.

(By the Associated Press.)  
Washington, Dec. 19.—The question whether the senate should make an independent investigation of the Brownsville raid was raised in the senate today by Senator Foraker immediately after the reading of the president's message. He offered a resolution giving the committee on military affairs authority to make such investigation, if deemed necessary, after consideration of the testimony transmitted by the president. A bill designed to extend relief to the money market along the lines of recommendations made by the secretary of the treasury was introduced today by Senator Elkins. It authorizes the deposit in national banks of receipts from customs as well as from internal revenue, requiring the banks to pay a tax on such deposits, and making all national banks eligible for designation as depositories. The bill also expressly authorizes the secretary of the treasury to make transfers of public moneys from the treasury to the banks, which has heretofore been done by the secretary on his own responsibility without authority of law.

Under a special order the senate today cleared its senate pension calendar, passing more than two hundred bills.

President Roosevelt's Panama message is to be reprinted for the senate in "normal" spelling. Senator Kittredge today secured the adoption of an order for the printing of 2,000 copies of the message. Senator Lodge remarked that "the sense of the house is that documents printed by order of congress shall be in what I may call 'normal' spelling, and I suggest that the message be printed in 'normal' spelling."

This suggestion was concurred in. A sharp debate in the house, Washington, Dec. 19.—There was a sharp debate in the house today over the policy of adjourning over for Christmas holidays, during which Mr. Lacey of Iowa declared that the policy of such a course was "idiotic," and Mr. Clark of Missouri charged that many "unseemly jobs" had crept into legislation as a result of crowding much of the work on appropriation bills into the closing days of congress. On a challenge from Mr. Tawney he said he would later specify some of these "jobs."

## MONEY ON CALL AT TWENTY-FIVE.

(By the Associated Press.)  
New York, Dec. 19.—Money on call was loaned at 25 per cent shortly after 11 o'clock today.

## MADAME GOULD WON ONCE MORE

(By the Associated Press.)  
Paris, Dec. 19.—Madame Gould, the former Countess Boni De Castellane, has been victorious in the suits brought by creditors and money lenders against her with the object of making her jointly responsible with the count. Thirteen of the fifteen cases were dismissed today by the court with costs against the plaintiffs.

Only in the cases of two art dealers did the court express the opinion that Madame Gould should be held responsible as the objects purchased in these instances for the most part were still in her possession. There are still three cases to be passed upon and they will be decided December 26. In dismissing the thirteen suits the court held that the plaintiffs had failed to prove that the debts were contracted for the common benefit of the count and countess. The latter, the court declared, had more than fulfilled the obligations under her marriage contract. During her wedded life she had retained nothing for herself, her entire revenue being collected by her husband and employed according to his own wishes either for the household expenses or for the payment of his personal debts.

## CONTRACT FOR N. C. BUILDING

Awarded Yesterday to J. D. Elliott of Hickory

### WORK BEGINS AT ONCE

Will Be Surpassed in Beauty By No Building On the Jamestown Exposition Grounds—Mr. Pogue Says There is Practically No Doubt About Opening On April 20th.

Mr. Joseph E. Pogue returned from Norfolk this morning, where he had been in connection with his duties as commissioner general from this state to the Jamestown Exposition. At a meeting of the commissioners, held in Norfolk yesterday afternoon, the contract was awarded for the erection of the South Carolina building, the successful bidder being Mr. J. D. Elliott of Hickory. The plans were drawn by Zimmerman & Lester of Winston-Salem, and the building is to be of colonial design and will be surpassed in beauty by none on the grounds. It will cost in the neighborhood of \$20,000. Mr. Elliott is one of the leading contractors of the state and is well able to carry out his part of the contract. Work on the building is to commence at once and Mr. Pogue states that he has no fear of it not being completed by the time the exposition opens on the 25th of next April.

This week Mr. Pogue says the commission went over the grounds and they were highly gratified with the progress being made, which was beyond their expectations. He expresses the belief that the Jamestown Exposition will be in better condition as far as the completion of the various buildings is concerned when the date for the opening arrives than any of the big expositions held in this country in former years. He states that there is but little, if any, doubt about the exposition not being opened on the date previously decided upon—April 20th.

Yesterday the senate passed the bill providing for a loan of \$1,000,000 to the exposition and it is believed that there will be no doubt about the house passing it.

## GIVE MERRILL A LIFT Beat Off Mob, Last Chance of Re-Election

So Declares Roosevelt in a Letter to Attorney-General Bonaparte, Writing of Former Sheriff Merrill of Carroll County, Georgia.

(By the Associated Press.)  
Washington, Dec. 19.—The following letter was given out at the white house today:

"The White House, Washington, Dec. 17, 1906.  
"Dear Mr. Bonaparte:—Some three years ago Sheriff J. L. Merrill of Carroll county, Ga., lost his chance for re-election by his action in beating off a mob of several hundred white people who were trying to take a negro out of jail and put him to death. Sheriff Merrill and his deputies fired on the mob, killing and wounding several men and beating the others off. Because of this he was defeated for re-election. Congressman Adamson brought the matter to my attention saying that he hated to see a man who had done such a service as a public official defeated because of the very fact that he had rendered the service. He told me that Governor Terrell had offered Merrill a place, the best he had to give, which carried a salary of \$30 per month. I told the congressman I thought I could beat that, and got him a place at \$1,200 a year as custodian of the grounds of the federal prison at Atlanta. I hear he has done well. If he has done well, can't we give him a promotion?"

"Sincerely yours,  
"THEODORE ROOSEVELT.  
"Hon. Charles J. Bonaparte,  
"Attorney General."

## ONE DOZEN BLIND TIGERS IN THE NET.

(Special to The Evening Times.)  
New Bern, N. C., Dec. 19.—The police court had the biggest round up of blind tigers that it has had since prohibition went into effect two years ago. Ten men and two women were in the drag net and in the preliminary trial before Mayor Patterson, all the defendants waived examination but two. These had their cases continued.

## THE SHIPPER CAN HOPE FOR NO RELIEF UNDER THE EXISTING LAWS

BISHOP M'CABE DEAD Stricken With Apoplexy the Eleventh Instant

Though Indications at First Seemed to Promise a Speedy Recovery, the Bishop Early Realized the Seriousness of the Attack.

(By the Associated Press.)  
New York, Dec. 19.—Bishop Charles C. McCabe, of the Methodist Episcopal Church, died in the New York Hospital at 5:20 a. m. today. Death was due to apoplexy, with which the bishop was stricken December 11th while passing through this city on his way to his home in Philadelphia. Mrs. McCabe and the bishop's niece, who have been with him almost constantly since he was stricken, were at the bedside when he passed away.

The night before he was stricken Bishop McCabe had delivered his lecture, "The Sunny Side of Life in Liberty Prison," at Torrington, Conn. Accompanied by Dr. George P. Mains, publishing agent of the Methodist Church, the bishop had reached the West Twenty-third street terminal of the Pennsylvania Railroad and was about to step upon a ferry-boat, when he staggered and fell unconscious. He was carried into the ferry-house and later was removed to the New York Hospital, where he received treatment as a private patient. The indications of the twenty-four hours following were that the shock had been a slight one, and the patient's condition gave promise of speedy recovery. Just before the attack he had walked briskly and carried a grip weighted with books and papers without apparent fatigue.

Bishop McCabe, however, early realized the seriousness of his illness, and his first words upon returning to consciousness were: "Please notify my wife that I am very ill, and ask her to come at once." That night Mrs. McCabe, a niece and the bishop's secretary arrived from Philadelphia and have since remained at the hospital. The condition of the patient did not change materially until early Saturday last, when he lapsed into unconsciousness. From then on the bishop failed gradually, and Monday the physicians in attendance said that the outcome was no longer in doubt.

## EXTRADITION OF HAU HAS BEEN GRANTED.

(By the Associated Press.)  
London, Dec. 19.—The extradition of Prof. Karl Hau of the George Washington University, Washington, D. C., to Germany was formally granted at the Bow street police court this afternoon on the charge of murdering his mother-in-law, Frau Molliter at Baden-Baden, November 5.

## SOLDIERS FIRE ON CONDUCTOR

(By the Associated Press.)  
Washington, Dec. 19.—No advices have been received at the war department regarding the reported firing on a car conductor last night by some soldiers at Fort Barrancas, Fla. The matter, however, unofficially was brought to the attention of the department today and the commanding officer of the fort has been called upon for information. Coming so soon after the affair at Brownsville, Texas, which has received so much attention in the public press, army officers today expressed their chagrin at the report of this latest disturbance.

Fort Barrancas, which is located a short distance from Pensacola, is regarded as one of the most important posts in the service, five companies of the coast artillery, the Seventh, Ninth, Fifteenth, Twentieth and Twenty-second being stationed there.

An Almost Intolerable Condition Created by the Scarcity of Cars

## AN INQUIRY INTO THE CAUSES PROCEEDING

In the Annual Report of the Interstate Commerce Commission Transmitted to congress Today, This Matter is Taken Up and Discussed at Some Length—Though Without Authority to Deal Effectively With the Situation, the Commission is Investigating With a View to Discovering Some Remedy Which May Be Applied by the Carriers Voluntarily or Under the Compulsion of Suitable Enactments—The Commission Has Devoted Much of Its Time to An Administrative Construction of the New Rate Law, the Most Important Legislation of the Year.

(By the Associated Press.)  
Washington, D. C., Dec. 19.—From the synopsis of the 20th annual report of the interstate commerce commission, transmitted to congress today, the following facts are given:

The most important legislation of the year relating to the work of the commission was the passage of an act, approved June 29, which amended the act to regulate commerce in various and important particulars. A joint resolution adopted on the same day postponed the taking effect of this measure until the 28th of August, and the amended law has been in force since that time. The scope of the statute has been materially enlarged by this enactment and the powers of the commission substantially increased.

The commission does not present any recommendations for further amendment of the regulating statute in this report, but says such amendments as it may conclude are necessary will be submitted in special communications to congress during the present session.

The questions arising under the new legislation are numerous and some of them extremely difficult. It has been necessary for the commission to devote a considerable part of its time to an administrative construction of this law and the preparation of decisions and rulings as to its meaning and application. The nature and scope of these rulings and decisions are indicated in a summary, and the text of the several circulars is printed in full as an appendix to the report.

These decisions and rulings under the new law relate to the following subjects: Money payment for transportation; tariffs of new roads; through rates higher than the sum of locals, and reduction of such through rates on one day's notice up to December 31, 1906; desire to meet rates of a competing carrier; round-trip excursion rates, and establishment of such rates on short notice; round-trip tickets on certificate plan; party-rate tickets; filing and publication of intrastate rates applying on interstate traffic; issuance and use of free passes; transportation of land and immigration agents free or at reduced rates; free or reduced-rate transportation for ministers of religion and others; transportation for care takers of live stock, poultry, fruit, and vegetables; filing of contracts or agreements for divisions of joint rates; export rates on cotton and other commodities; application of the amended law to cases previously pending before the commission.

**Car Shortage.**  
The inability of shippers to procure cars for the movement of their traffic is the subject of numerous and grievous complaints which come to the commission from all parts of the country. A car famine prevails which brings distress in almost every section, and in some localities amounts to a calamity. The extraor-

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