

# THE RALEIGH EVENING TIMES.

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## SUPREME COURT AFFIRMS STATE

### Decision in Bucket Shop Case From Durham

## FEDERAL CONSTITUTION

The Court holds That the State Law Prohibiting the Dealings in Futures is Not Repugnant to That Constitution—The Case of Sheriff Shipp and Others.

(By the Associated Press.)  
Washington, Dec. 24.—In deciding the case of Gatewood against the State of North Carolina, in which Gatewood was prosecuted for keeping a bucket-shop in Durham, the supreme court of the United States today in effect held the state law prohibiting the dealing in futures to be not repugnant to the federal constitution. Justice White delivered the opinion of the court affirming the decision of the supreme court of North Carolina.

After quoting from the decision of the North Carolina supreme court to show that section 7 of the North Carolina law is not discriminative as was charged, Justice White said:

"In the argument it is insisted that the construction given by the supreme court of North Carolina to the statutes is wrong, since in effect it reads out the provisions of section 7 and it is urged that it is the duty of this court to disregard the interpretation affixed by the state court, thereby bringing the statutes within the prohibition of the fourteenth amendment. But it is elementary that under the circumstances we must follow the construction given by the state court and test the constitutionality of the statutes under that view."

The supreme court today decided adversely to the defendant the preliminary questions involved in the case of Sheriff Shipp and 26 others of Chattanooga, Tenn., charged with contempt for the supreme court in lynching a negro named Johnson after the court had taken cognizance of the case. The opinion was handed down by Justice Holmes who announced that with the preliminaries disposed of the court would proceed with the prosecution. He did not say when the next step would be taken.

### State Again Upheld.

The court today decided the inheritance tax case of Camille Cahen and other legatees under the will of the late Mathias Colby of New Orleans against the tax authorities of that city. The state law providing for a tax on bequests was attacked as unconstitutional because of its retroactive features and its lack of uniformity. Colby died a month before the law was enacted, but it went into effect before the estate was settled. The opinion in the case was delivered by Justice McKenna and affirmed the decision of the supreme court of Louisiana which upheld the law.

The opinion of the supreme court of the United States in the case of the board of education of the Methodist Episcopal Church vs. The State of Illinois, which was handed down today by Justice McKenna was favorable to the state.

## ALBIANA TWICE IN COLLISION.

(By the Associated Press.)  
Norfolk, Va., Dec. 24.—The British steamship Albiana, Captain Tyrnick, with cattle for Liverpool, was in double collision Sunday afternoon, from which the vessel narrowly escaped sinking just as she was leaving Lambert's Point coal piers here. The Albiana, assisted by the tug Louisville, was backing out from the piers, after taking on bunker coal, and the New York, Philadelphia & Norfolk Railroad tug Crisfield was off Lambert's Point shifting from one side to the other of a railroad transfer barge she had in tow. The barge first struck the Albiana on the port quarter, buckling fourteen feet of the steamship's plates. The steel tug then came on, cutting a seven-foot gash in the port side of the Albiana, which, but for the fact that she was lashed to the port when the impact came, would have sunk when she righted. The Albiana was carried to Newport News for repairs.

## MISSING HEIRESS HAS RE-APPEARED

(By the Associated Press.)  
New York, Dec. 24.—Announcement is made today that Philadelphia's missing heiress, May Miller Kuhn, is in the Hotel York, in this city, with her husband, Dr. Rolando Kuhn. She arrived from Queens-town, Ireland, by the Umbria, of the Cunard Line, yesterday. She has, it is stated, been in her father's old home, Knockmoyle, near Omagh, county Tyrone, Ireland, and among his relatives in that neighborhood, for three weeks, collecting evidence to support a charge which she says will be made immediately upon her return to Philadelphia this week, that his estate has been looted.

## FIRST RESPONSE TO CHINA'S CRY FOR AID.

(By the Associated Press.)  
Washington, Dec. 24.—L. Klopsch, the editor of the Christian Herald, was the first to subscribe funds for the relief of starving Chinese in response to the president's message. Mr. Bacon, the assistant secretary of state and a member of the executive council of the American red cross received \$5,000 today from Mr. Klopsch to be expended in China by the red cross.

## THREE KILLED IN COLLISION

### Light Engine Plunges Into Passenger Locomotive

## AND CARS ARE SMASHED

No Passengers Are Hurt—The Men Killed Are Two Engineers and a Fireman, Both Men in the Passenger Engine's Cab Meeting Death in the Crash.

(By the Associated Press.)  
Rochester, N. Y., Dec. 24.—A light engine collided with passenger train No. 2 on the Buffalo, Rochester & Pittsburgh at Ealey's Crossing near Eagle early today.

Michael Lynn, of Rochester, engineer, and Henry Gath of Warsaw, fireman of the passenger engine, were killed; George McNally, engineer of the light engine, was badly injured, and E. Palmer, fireman of the light engine, is reported to have been killed.

The smoker and baggage cars were smashed and the passenger coaches hurled from the track, but no passengers were injured.

### Bank of Pine Level.

(Special to The Evening Times.)  
Pine Level, N. C., Dec. 24.—At a meeting of the directors Friday the organization of the Bank of Pine Level was completed, with authorized capital stock of \$25,000.

D. B. Oliver was elected president and Berry Godwin vice president. R. L. Fitzgerald was chosen cashier.

## WILD DEEDS OF LOVE- CRAZED CUBAN NEGRO

(By the Associated Press.)  
New York, Dec. 24.—Because his affectionate advances were repelled Thomas Clares, a Cuban negro cigar maker who had been until Saturday a boarder in the 133rd street home of Clara Wells, 33 years old, also colored, cut the woman's throat with a razor today, slashed his own throat and then jumped from a window three stories to the paved yard. His skull was fractured, Clares and Mrs. Wells were taken to a hospital. Clares undoubtedly will die. The woman probably will recover.

## KILLED THE GIRL; SHOT HIMSELF.

(By the Associated Press.)  
Atlanta, Ga., Dec. 24.—Walter Hightower, a painter, shot and killed Bessie Jones, aged 22, here today. He then turned the weapon on himself, inflicting a probably fatal wound.

## GAUL AND BRITON STRIKING HANDS

### In War and Peace They Will Stand Together

## MOVES SUBTLY MADE

A Combination Against Germany an Accomplished Fact—Plans of Co-operation by Land and Sea Worked Out in Case of Certain Eventualities—Drawing in Other Powers.

(By the Associated Press.)  
Paris, Dec. 24.—The Associated Press has obtained some interesting information regarding the progress of Anglo-French relations which led to the recent reports that the entente of 1904 had been supplemented by a military or naval convention. Mutual co-operation on sea and land in the face of an aggressive move against either in the channel as assured, both at the Quai D'Orsay and in Downing street. The machinery of diplomacy has, however, been scrupulously avoided in the accomplishment of this result.

### A Subtle Combination.

Nothing has passed through the only channels recognized by governments as qualified to bind countries which could be challenged by Germany as aimed at her "isolation." Nevertheless in a subtle and quite as effective fashion the combination against Germany so far as France and England are concerned can be considered an accomplished fact. The other ramifications of its diplomacy which is called in England the policy of binding Germany over to keep the peace, which includes the Russian-England entente, the cementing of closer relations between Spain and England and the weaving away of Italy from the triple are also making progress.

It was regarded as preferable to lay the basis of mutual support primarily in a broad and friendly relationship between the two peoples. The entente cordie adjusting outstanding differences had no sooner been signed than the campaign of friendship was inaugurated. All kinds of visits were exchanged furnishing occasion for celebrating the new found friendship, and now a great Anglo-French exposition in London has been planned for 1908.

Matters had reached such a stage during the summer that England's physical as well as diplomatic support was certain had the sword been unsheathed. At that time the military and naval authorities of the two countries were in communication and after the crisis had passed they proceeded to work out "in a purely technical fashion," plans of co-operation by land and sea to meet certain eventualities. So intimate had the relations between the military departments of the two countries become last summer that General French, the chief of the English mission was detailed to attend the French maneuvers and listened if he did not participate in discussions.

### To Strengthen the Artillery Arm.

A proposition to reduce the size of the cavalry arm of the French army—the arm of the service which has steadily decreased in importance with the perfection and increasing range of small arms—is attracting much attention in the army, in parliament and in the press. The discussion revolves about the necessity of strengthening the artillery upon which the fate of modern battles depends. As parliament with constantly growing budgets and a deficit for the present year of about 200,000,000 francs, will not listen to an increase of military expenses, the only possibility of strengthening the artillery is at the expense of another arm of the service, and all are agreed that cavalry can be sacrificed with least danger.

As it now stands France's field artillery compared with Germany's with which French standards of strength are naturally measured is less than two-thirds of that of her possible adversary. Although the number of batteries is about equal, namely 500, the disparity of strength is due to the fact that eight years ago when France possessed the only effective quick firing gun, the number of guns per battery was reduced from six to four on the theory that four quick firing were superior to six of the slower pattern in use by the other powers.

### Superiority of the Teuton.

Since then, however, Germany has equipped her artillery with a field gun as good as that of the French and is now able to fire three shots to France's two. Many believe the strengthening of the artillery can be accomplished without increasing the war budget or materially decreasing the effectiveness of the thirteen regiments of Cuirassiers and turning over the men and horses to the artillery. The argument, of course, is that in modern warfare the role of cavalry has entirely changed. Battles which formerly hung in the balance until the cavalry was launched are now decided by artillery and the long range fire of the modern rifle. General Bonial, the most famous of

French military writers, proposes that a third of the men of France's mounted gendarmes, who number 12,000 and practically all the horses be turned over to the military. The remaining eight thousand, with the exception of the few needed for service in the mountainous districts, he would equip with bicycles.

## CERTAIN POPE WILL REJECT THE NEW LAW.

(By the Associated Press.)  
Paris, Dec. 24.—The Associated Press learned from a high ecclesiastical source here that it is certain the pope will reject the new religious law and at an opportune time forbid the parish priests to continue services in the churches after which they will organize private worship. The informant of the Associated Press added:

"The Vatican can pursue no other policy. Having failed to retain the church property under the conditions laid down by the government it can only logically vindicate its action by proving to the faithful that they are the objects of persecution." The republican organs regard the order of the bishops suppressing Christmas masses tonight as being the formal inauguration of the policy outlined above. The Aurore says it is a scheme dictated by the Jesuits and that the cry will be reached by every handle and verge in France. "Yet," says the Aurore, "there is not a single thinking Catholic who does not know that the suppression of the midnight masses is the work of the head of the church and not of the government."

## COLDEST DAY THIS WINTER

(By the Associated Press.)  
New York, Dec. 24.—The coldest weather that New York has known this winter came today when the thermometer went down to 8 degrees above zero.

A keen northwest wind, blowing at the rate of 20 miles an hour added to the discomfort of the weather. William Reilly was found by the police lying unconscious in a doorway on Broadway this morning. His hands were frost bitten, and he said he had been unable to find work and had no home.

Atlanta, Ga., Dec. 24.—The government thermometer here today touched 16 degrees above zero, the coldest yet of the season. Freezing weather is reported as far south as Tampa, Fla., where 28 degrees is reported. Jacksonville reported 24. The cold wave extends over the eastern half of the southern states, and continued cold weather is predicted for today and tonight.

## TRIUMPH FOR STANDARD OIL

(By the Associated Press.)  
Findlay, O., Dec. 24.—The Standard Oil Company won a victory in common pleas court here today when Judge W. S. Duncan decided that the probate court had no jurisdiction in the suit brought against it in the probate court, and threw out the recent verdict of guilty against the company. The decision in no way affects the indictments recently returned in common pleas court by the grand jury against John D. Rockefeller and the other officials of the Standard Oil Company, charging them with violating the anti-trust laws.

## FATALLY STABBED IN A STREET FIGHT

(By the Associated Press.)  
Chicago, Dec. 24.—In a fight on State street last night in the presence of many persons, Robert Mehring, twenty-five years old, was fatally stabbed by John Connors, twenty-four, Mehring died within a few minutes after receiving the wound. The cause of the fight is not known to the police.

## SEVEN BANDITS TRIED AND SHOT.

(By the Associated Press.)  
Riga, Russia, Dec. 24.—A large store of explosives for the manufacture of bombs, including a considerable quantity of pyroxylene and detonators, has been discovered at the Aetna factory, of which many of the employees are revolutionists. Seven Lettish bandits have been tried by drum-head court-martial and shot near Mitau.

## ROASTED IN BED BY THE FLAMES

### Two Mothers and Two Children Perish Thus

## THE HUSBANDS ESCAPE

The Fire in Which the Women and Children Lost Their Lives Awoke the Two Men in Time for Them to Escape in Their Night Clothes From the House.

(By the Associated Press.)  
Norfolk, Va., Dec. 24.—The wife and child of Samuel Poyner, of Norfolk county, and the wife and child of William Grimstead, of Princess Anne county, were last night burned to death at the Grimstead home on Morris Neck, in Princess Anne county, while Messrs. Poyner and Grimstead slept in another part of the house until the fire, which had spread to the room in which they were and awoke them barely in time for the men to escape from the house in their night clothes, with the thermometer below 20 degrees.

The fire is supposed to have started from an overheated wood stove in the room in which the women and children were sleeping.

The Poyners, who had been visiting W. A. Poyner, a brother, at Pungo Ferry, Princess Anne, left there yesterday afternoon for the Grimstead home, Mrs. Grimstead and Mrs. Poyner being sisters. The charred bodies of the two women and children were moved from the debris by the husbands and fathers as soon as it was possible for them to do so.

This is one of the most horrible affairs on record in Princess Anne county, the history of which is replete with tragedies of various kinds. The Grimstead home was in the Back Bay section of lower Princess Anne, where ex-President Grover Cleveland has frequently gamed on the marshes of the Back Bay Gaming Club.

Henry Wilkins, colored, aged 60 years, paralyzed, and living alone, was burned to death here yesterday as the result of a fire he had built in a stove kettle in the middle of the floor.

## PLAYED HAVOC WITH SCHEDULES.

The trains were away off schedule on the Seaboard Sunday, but it was due to a wreck and not the heavy travel. A freight train was derailed at Athens, Ga., or near there, and No. 38, due here at 11 a. m., did not reach Raleigh until 9 p. m., and No. 66 was five hours late. The Seaboard did not require the passengers to wait for these trains, but made up a train at Hamlet, which reached here only thirty minutes after No. 38 was due. With this exception, the trains on the Seaboard did very well yesterday, No. 41, going south, being only about thirty minutes late. All trains are more or less off schedule, something that is looked for at this season of the year, for the trains are compelled to stop much longer than usual at every station. It is stated that the travel is fully as heavy as last Christmas, if not heavier.

## ALL ARE REMEMBERED AT EXCELSIOR LAUNDRY.

The employees of the Excelsior Steam Laundry will this afternoon present Mr. B. W. Baker, secretary and treasurer, and as such superintendent of the laundry, with a handsome present as a token of their regard for him. This will not be the only present given at this establishment, for the Excelsior Steam Laundry Company will present a valuable present to each person in the employ of the company, and there are about twenty. The presentation of the gifts will take place this afternoon immediately after the laundry closes down.

## THREE VICTIMS OF OVERHEATED STOVE.

(By the Associated Press.)  
Steuenville, O., Dec. 24.—A fire that started from an overheated stove in the rear of Ira Hillman's bakery last night partly burned the upstairs sleeping apartments. Three persons were suffocated: MRS. IRA HILLMAN, aged 25 years, KATHERINE HILLMAN, aged 2 years, ELIZABETH MCCOY, aged 15 years. Mrs. J. Glange and Jacob Oxemider, were rescued from their rooms unconscious by firemen with ladders. They will recover.

## THE DEPOPULATION OF GOLDFIELD BEGUN

(By the Associated Press.)  
Goldfield, Nev., Dec. 24.—As the result of a strike on Friday by the industrial workers of the world, the miners of this section are leaving in train loads. Goldfield is rapidly growing a deserted city. Many business men have discharged the majority of their employes and some are contemplating closing their doors. The population of Goldfield has decreased from 15,000 to about 7,000 within the last week. The strike still continues and every nine smaller except the Hay Mowette and the Francisco Mohawk is closed.

## STONE THINKS THAT ROOSEVELT DID RIGHT.

(By the Associated Press.)  
Kansas City, Mo., Dec. 24.—Senator W. J. Stone believes that President Roosevelt did right in discharging the negro soldiers at Brownsville. "I am glad to have an opportunity to say this, but I wish to be understood," he declared last night, "that I have not looked into the legal phase of the matter. I am not ready to give an opinion on that. But so far as the sentiment concerning it—as far as the offense itself—I am in hearty favor of the step taken by President Roosevelt and Secretary Taft."

## VICTORY FOR CAR WORKERS

### An Agreement is Reached With the Railroads

## PRESENT RATES HOLD

The Railroads Agree to Haul to Pacific Coast Points at a Minimum Weight of Sixteen Thousand Pounds to a Car Instead of Twenty, Which They Demanded.

(By the Associated Press.)  
Washington, Dec. 24.—An agreement has been reached by the interstate commerce commission with the railroads interested regarding the complaint of the North Carolina Case Workers' Association filed with the commission several weeks ago.

The complaint was that on shipments of furniture from North Carolina and Virginia points to the Pacific coast the railroads demanded a minimum weight of furniture in 26 foot cars of 20,000 pounds. The weight the association claimed was excessive, as it was not possible to load a 26-foot car with more than 16,000 pounds of furniture.

Today it was agreed by representatives of the railroads to carry the furniture to Pacific coast points at the present low rate, with a minimum weight of sixteen thousand pounds to a car. The agreement contemplated a readjustment of the rates on furniture, and it is expected that in about thirty days the new tariffs will be filed with the commission.

## ENGINEER DEAD WITH HAND ON THROTTLE

(By the Associated Press.)  
Toronto, Ont., Dec. 24.—With the engineer dead at his post and his hand on the throttle, the Canadian Pacific Railway's Hamilton Express (No. 43) left Parkdale Station Saturday afternoon. The fireman, alarmed at the increased speed made for the engineer's box and found the man dead. He applied the emergency brakes and the train came to a standstill. The engineer was John Paul. It is supposed he was struck by a semaphore.

## BULLETIN OF KING OSCAR'S CONDITION.

(By the Associated Press.)  
Stockholm, Dec. 24.—The following bulletin was issued this morning by the physicians in attendance on King Oscar: "His majesty continues free from fever. His temperature last evening was 98.9, and this morning it is 98.6. The heart's action is stronger. There is still some mucus in the trachea."

## COLDEST XMAS EVE ON RECORD

### Mercury Went Down to 18.9 This Morning

## WILL TOUCH 15 TONIGHT

Lowest Temperature Last December Was 22 on the First—On Last Christmas the Thermometer Was Up to 47—Coldest Christmas Day on Record Here, 17 Degrees.

This is the coldest Christmas eve on record in this city, and the records in the weather bureau office here date back nineteen years.

At sunrise this morning the thermometer's mercury had fallen to 18.9 degrees, and the wind was blowing mildly from the northwest, as it has been for several days now.

Those people who are accustomed to taking cold baths of mornings upon arising had a parlous time this dawn.

But the worst is yet to come, so it behooves one to cheer up, as Minister Upchurch is fond of saying. Director Thiesen says the quicksilver will go down to 15 tonight. No danger of a full graveyard this year or poor crops next summer.

The lowest Christmas temperature on record was 17 degrees in 1896, and the highest was 70 in 1899 and 1895. On last Christmas the thermometer was up to 47. There was snow here on Christmas day in 1887, 1890 and 1899.

The minimum temperature during last December was 22 on the 1st. On this day last year 36 was the lowest mark reached, and on Christmas day 29.

The minimum temperature last winter was on February 14, when the thermometer registered 9 degrees.

The present cold wave appeared last Saturday in the northwest and has steadily moved across the country. It is now getting warmer west of the Mississippi and colder in the eastern portions of the country.

The lowest reached on Saturday here was 32, and 42 was the highest. At 8 o'clock Saturday night it was 26. Then the mercury had dropped to 26.9 by early yesterday morning. The weather office had predicted that it would go to 26 some time during the night of Saturday. Last night at 8 o'clock it was 27, and this morning at sunrise 18.9.

The following is the comment of Section Director Thiesen on the weather conditions given out today:

"The atmospheric pressure is above normal over the entire country, with areas of relatively low pressure in the northeast and northwest, and of high pressure central over the Mississippi Valley and over the Rockies."

"The weather at 8 a. m. this morning was fair, except it was snowing at Boston and Pittsburgh. Some precipitation occurred along the Lakes and the northwest. In the south it is below freezing east of the Mississippi river, while west of this river the temperatures are generally above 32 degrees. The conditions indicate fair and continued cold weather tonight and Tuesday in this vicinity. The minimum temperature tonight will fall to about 15 degrees."

## A DESTRUCTIVE FIRE AT MARIETTA

(By the Associated Press.)  
Atlanta, Ga., Dec. 24.—A special from Marietta, Ga., says the plant of the Georgia Manufacturing & Public Service Company, including the Marietta Paper Mill is burning. Already a loss of \$250,000 has been caused. The fire is not yet under control, and heavier loss is threatened. The fire has caused serious interruption of telegraphic communication to the south and east, as many of the through wires pass close to the company's plant.

## SPAIN WANTS ARTILLERY SHE LEFT IN ISLAND OF CUBA.

(By the Associated Press.)  
Madrid, Dec. 24.—The foreign minister, replying to a question in the chamber of deputies today, said that Spain was still trying to secure the restitution of the artillery left in Cuba when the treaty of Paris was signed, and was also continuing the negotiations to secure recognition of the Spanish debt of the island.