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HE WAS ASLEEP AT THE SWITCH

No Further Wreck Investigation at This End

SUPT. HUDSON TO PROBE

Wreck Could Have Been Avoided if Brakes Had Been Set or if Watchman at Safety Switch Had Been Awake—Brakeman Weatherspoon From Sumter, S. C.

There will be no further investigation here as to the responsibility of the wreck on the Seaboard Air Line at Pigeon House Branch crossing early yesterday morning, so Superintendent W. H. Jenks of this the second division told a reporter for The Evening Times today.

The complete investigation will be conducted by Superintendent Hudson of the first division, and will probably take place in Richmond, the headquarters of the first division, as the scene of the wreck was in the first division.

Superintendent Jenks' investigation last night was of a preliminary character only, in order to ascertain the facts so far as they could be learned here, and did not fix the responsibility on anyone.

Superintendent Jenks said today that if the brakes on the southbound freight which was standing in the yard had been set, as required, the accident could not have happened, for even if the coal car and caboose had become uncoupled from the rest of the train they could not have rolled out on the main track if the brakes had been set.

The yard crew told Superintendent Jenks last night that when they examined the brakes of the freight train they found that they were not set. On the other hand Conductor Burke of the freight declared that he had ordered his brakemen to set the brakes and had seen them do so immediately after taking the switch on the yard.

The only way in which these two conflicting pieces of evidence can be reconciled is to suppose that some one loosened the brakes after the brakemen had set them, and this does not seem likely on such a severely cold morning as yesterday.

And even after the cars got loose and rolled toward the main track the disaster could have been averted if the watchman at the safety switch had been doing his duty and had set the switch after the freight came in the yard. This safety switch is north of all the tracks on the yard, and is put there to prevent just such an accident as this one. The track runs into the woods, and if a car has sufficient momentum to climb the grade on the yard it would take this switch and run off at the end into the ground.

A watchman is statfoned there day and night, and it is his business to set the switch every time a train pulls into the yard. This precaution was taken after the accident near the same place several years ago, when a car loaded with lumber slipped out on the main track, and the engineer of the incoming passenger train was killed.

The watchman at this safety switch, a negro named Lum Upchurch, was found asleep shortly after the accident, and the switch had not been set.

The body of the brakeman, Willie J. Weatherspoon, is still at John Brown's undertaking establishment, but this afternoon directions came from the railroad authorities to ship it to Sumter, S. C. Some of the man's people will be here this evening for the remains.

The first train passed over the cleared track at half-past four yesterday afternoon. This was the shoo-fly coming south. Then No. 41 passed and next 38 and 66 and the shoo-fly going north.

No. 84, the one in the wreck, was brought back and sent to Durham on the tracks of the Southern and from Durham to Henderson. No. 81 from Washington was also sent from Henderson to Durham and to Raleigh via the Southern tracks.

Superintendent Jenks personally conducted the work of clearing the tracks, and a large crowd from Raleigh and the surrounding country viewed the work, and people were allowed to carry away the Florida lettuce, cabbage and parsley that had been scattered far and wide from the extra express car which was next to the locomotive of No. 84. The mail car immediately behind had demolished this express car above the trucks, sliding along over its floor and leaving its own trucks behind.

In the mail car which was just in the rear of the express were J. R. L. Beane and J. E. Parks, mail clerks, both from Virginia, Mr. Parks having formerly lived here. Beane was severely scratched on the right cheek and Parks was bruised in the side.

The coal car was struck first, and it split in two, one side going one way, and the other the other, scattering the coal on both sides of the track. The engine of the passenger train was turned over, probably because the rails spread under the demolished coal car. The caboose was only slightly damaged, the sleeping brakeman Weatherspoon having been killed apparently by a timber striking the end of the car close to his head. Had he been farther up in the car, he would probably not have lost his life.

WILL OPEN NEW STORE

Mr. Thos A. Partin to Engage in the Dry Goods Business

Has Leased Building Now Occupied by Williams & Nowland on Fayetteville Street—For the Past Thirty Years He Has Been Connected With Business of This Kind.

Mr. Thomas A. Partin, who has been connected with leading dry goods firms in this city for the past thirty years, has decided to enter business upon his own account and has leased the store on Fayetteville street, now occupied by Meessrs. Williams & Nowland. On or about the fifteenth of February he expects to open a dry goods store and will carry a complete line of ladies' furnishings and novelties. The exact style of the firm has not yet been decided upon, but will be announced later. Mr. Partin says that he will carry a large line of piece goods, woolens, silks, cottons, novelties of the latest ideas, suits, skirts and waists and will make a specialty of embroidery and laces. No shoddy goods will be carried.

The location is one of the best in the city, the store being large, well lighted and everything will be arranged in a most attractive manner. The lease the present parties have on the building expires on the fifteenth of January. Mr. Partin has already severed his connection with the A. B. Stronach Company and from now until the store is opened will devote his time to purchasing his stock and having the store arranged for the opening in February.

For the past thirty years, as stated above, Mr. Partin has been connected with the dry goods business and he has many friends, both in this city and section of the state, who will wish him much success. When a mere boy he entered the store of Messrs. W. H. H., R. S. Tucker & Company, the firm at that time being composed of W. H. H. Tucker, R. S. Tucker and Thaddeus McGee. More than twenty years did he remain with this firm and then went with Mr. A. B. Stronach, afterwards the A. B. Stronach Company. For the past eight years he had served this house as manager and buyer. During the long time that he has been engaged in the dry goods business he has only been in two dry goods houses. The store in which Mr. Partin is to engage in business is next door to the place where he started when a boy of thirteen.

The new store will be quite an addition to Raleigh's excellent dry goods houses.

THREE KILLED A TRAIN CRASH

(By the Associated Press.)

Tacoma, Wash., Dec. 26—Three persons were killed and eleven hurt, one fatally, in a collision today between an interurban train from Seattle and a work train. The collision occured near Edgewood.

The dead.

GEORGE ROSS, conductor of the interurban train.

WILLIAM HARRIS, third rail man, body cut in two.

GEORGE RUSHER, of Edgewood, reported dead.

WILLIAM GUYON, motorman was fataly injurd.

The wreck occured on a sharp grade in a deep cut. Two flat cars were piled on the first passenger car crushing it to splinters. The flagman whose alleged carelessness caused the wreck cannot be found.

For Masonic Temple.

Mr. John Briggs and Street Commissioner Blake were at work today determining the street lines and the elevations for the masonic temple, in order that Architect McMillan of Wilmington may proceed at once with the plot of the building.

NEGRO KILLED HIS SON-IN-LAW

James Prince Shot by Squire Rogers in Bartons Creek

SELF DEFENCE SHOWN

Prince Forcibly Entered Old Man's Place With Drawn Knife, Declaring He Was Going to Kill Rogers, Dead Man Wanted Before for Forcible Trespass.

Yesterday in Barton's Creek township Squire Rogers, colored, shot and killed James Prince, also colored, Rogers' son-in-law.

The old man has had a great deal of trouble with Prince for a long time on account of the latter insisting upon coming on his premises and in his house when he was not wanted and had been ordered away. In fact there is a warrant out now in this county and Granville for Prince for forcible trespass.

Yesterday morning Prince went to his father-in-law's house, but was made to leave. Later in the day he returned with a big knife drawn in his hand, declaring in the presence of many negroes that he was going to kill the old man.

As Prince tried to break into the house of Rogers with his open knife the elder man shot him with a double barreled shot gun, the load taking effect in his abdomen and killing him instantly.

Rogers at once sent for Deputy Sheriff J. J. Howard and to him gave himself up. The deputy took him to Justice of the Peace R. D. Heartcutt, who discharged Rogers on the evidence, which established a clear case of justifiable homicide in self-defense.

MANY JAPANESE GO TO WORK IN MEXICO.

(By the Associated Press.)

Mexico City, Dec. 26.—Warren Garrett, general agent of the Trans-Oceanic Emigration Company of Tokio, Japan, for the republic of Mexico, has just returned to this city from a trip to the Pacific coast followed by another to the isthmus of Tehuantepec. During this last trip Mr. Garrett placed 1,200 Japanese emigrants who left Japan last month for Mexico. Of these 550 were landed at Manzanillo and the remainder taken to Salina Cruz where they were landed and taken across the river to the Oaxaquena plantation. Among these latter were 57 women. They will all be employed in the cane fields. Thirteen hundred more are enroute from Janpan.

The experiment is now being made of bringing Japanese women with the men, as it is thought they will be more contented here if they have their wives with them.

NOBEL PEACE PRIZE DOCUMENTS ARRIVE.

(By the Associated Press.)

New York, Dec. 26.—The documents in connection with the Nobel Peace prize recently awarded to President Roosevelt arrived here today on the Danish steamer United States from Copenhagen. They were in charge of Captain Wulff of the steamer, in whose care they were placed by the American minister at Copenhagen. They will be forwarded to Washington.

Scientists and Historians.

(By the Associated Press.)

Providence, R. I., Dec. 26.—A large gathering of men distinguished in historical and scientific research assembled at Brown University today in preparation for the opening exercises this evening of the American historical, political science, sociological, economic and educational association convention. The sessions will continue for three days. The gathering was expected to be the largest of its kind ever held in this city.

HELD TO AWAIT THE RESULT OF AUTOPSY.

(By the Associated Press.)

New York, Dec. 26.—The steamer Petersburg, which arrived today from Libau, was held at quarantine to await the result of an autopsy on the body of a steerage passenger who died yesterday. The body was taken to Swineburne Island. The result of the autopsy undoubtedly will be known this afternoon.

CHRISTMAS HUNT IN THE EAST

Will Spend Several Days at Carteret Lodge

PLAN FOR BIG TIME

A Party in Which Will Be Several State Officials Leave Tomorrow Morning for Carteret County—Will Be On Lookout for Big Game, Such as Bear and Deer.

Game in the vicinity of Carteret and adjoining counties had better take to the woods and swamps, for a party of hunters will tomorrow morning board a train for eastern North Carolina on a hunting expedition. In the party will be several who have a reputation of being fine shots and they are bragging on the game they will bring in on their return Saturday night. Those in the party will be Dr. B. F. Dixon, State Treasurer B. R. Lacy, Col. F. B. Arendell, Capt. F. Billing, representative-elect from Carteret county, and Captain Moss, of Kings Mountain. They will be entertained at Carteret Lodge, and Capt. T. D. Hewitt, who is in charge of the lodge, says the party may be ever so poor huntsmen and still they will not lack for anything that the section affords.

The hunters will not be on the lookout for such small game as quail, but, nevertheless, a partridge had better not get in their way for some of them are extremely fond of quail on toast. They will be out after big game—bear, deer, and will pay some attention to turkey and ducks. Most of the time will be devoted to hunting deer, and each one in the party will leave confident of bringing home a big buck. There are many deer to be found in the eastern part of the state and it will be a sorely disappointed crowd if all have to return without bringing down a single deer.

This will be a regular old time Christmas hunt and every member of the party is going out to have a big time. The weather is cold, it is true, but it is just right for hunting and one can walk for many a mile without becoming tired. When the hunters return the railroad running from Morehead City may have to put on an extra express car to bring along all the game.

ARRESTS OF RIOTOUS NEGRO TROOPS MADE

The Associated Press last night sent out the following dispatch from Leavenworth, Kansas:

Fourteen soldiers, the majority of whom are troopers of the Ninth cavalry (colored), were arrested today in connection with a riot on a street car last night, when a number of shots were fired into a loaded car and several passengers slightly injured by broken glass.

Captain Walsh, of the Ninth cavalry, is making an investigation into the causes of the trouble, which is believed to be similar to that which resulted in the discharge of three companies of the Twenty-fifth infantry at Fort Reno, recently.

There is apprehension among the colored troops at the fort over the matter, lest it assume some of the importance of the Brownsville (Tex.) affair. The affair has been reported to Washington.

TO PREVENT ISSUE OF GREAT NORTHERN STOCK

(By the Associated Press.)

St. Paul, Minn., Dec. 26.—Attorney General Young of Minnesota today began an action aagipst the Great Northern Railroad to prevent the issue of stock recently authorized by the board of directors in New York.

THREE BLOCKS CRUMBLE IN FIRE.

(By the Associated Press.)

Des Moines, Ia., Dec. 26—Fire originating from a defective gas lighting system destroyed three business blocks in Perry today. The loss is $100,000.

TROOPS FIND SCOOBA QUIET

Four Negroes Were Reported Killed Near There.

TROUBLE AT WABALAK

The Rumored Killing Followed Directly on the Heels of That Conflict, and a Race War Was Feared. All is Reported Serene at Scooba, However.

(By the Associated Press.)

Scooba, Miss., Dec. 26.—Late yesterday indefinite reports reached this town that four negroes had been pursued by a posse and killed five miles east of here. It was also reported that the negroes in and around the town were in a state of unrest and trouble was feared. A telegram was sent to Governor Vardaman at Jackson asking that troops be forwarded here from Meridian. The governor ordered out a company of militia and the soldiers arrived here early today. They found, however, that no trouble existed in Scooba, and they are now walking about the little town chatting with the citizens.

The reported killing of four negroes yesterday was a direct outgrowth of the recent trouble at Wahalak where a desperate fight occurred on a Mobile & Ohio Railroad train between two negroes and Conductor Cooper.

One of the negroes was killed outright and the conductor received severe injuries. Great excitement prevailed at Wahalak when it was reported that the negroes had threatened to exterminate the white people and burn the town. Governor Vardaman promptly sent the state militia to the scene, but after remaining there one day Colonel McCants, in command, returned to Meridian, reporting that danger of further trouble had apparently passed away.

Citizens of Scooba say today that no clash with negroes is now feared here. The negro population is quiet.

Advices from Wahalak state that excitement there has subsided and business is being carried on as usual.

Advices Say Report Exaggerated.

Jackson, Miss., Dec. 26—Governor Vardaman said today that his latest advices from Scooba were that reports of the race riot had been exaggerated. He said he would hold the militia there however, until he was sure all had quited down.

Everything is quiet, and there are no indications of further trouble.

Beginnig of the Racial Trouble.

The beginning of the racial trouble in Mississippi is told in the following Associated Press dispatch from Meridian:

According to reports received here tonight, the negroes for miles around have congregated about the town of Wahalak, forty miles north of this city, and this afternoon paraded the streets, threatening vengeance on the whites because of the killing of one negro and the wounding of another by a conductor of a passnger train on the Mobile and Ohio railroad yesterday while the latter was attempting to quell a disturbance aboard the train.

At the town of Wahalak, scarcely more than twenty-five white persons reside, and in response to a plea for protection, Battery I and Company D, of the State militia, stationed in this city, has been ordered to proceed to the scene. They left aboard a special train at 10 o'clock and should reach Wahalak by midnight.

The battery, by instructions, carried a Gatling gun, and all the men are heavily armed.

At 8.30 o'clock tonight, a message from Scooba, the first station south of the trouble, states that a clash has occured between the races, with the result that two white men were killed. This report, however, has not been verified, although railroad officials admit receiving a message detailing some additional trouble.

The trouble of yesterday morning originated while the train was between Wahalka and Scooba in a fight between the negroes. Conductor Cooper, who was in charge of the train, attempted to separate the combatants when he was attacked by a negro known as Spencer. After receiving several wounds Cooper fired on his assailant, seriously wounding him and killing an unknown negro.

NO PAY TO ABSENTEES FROM THE CONGRESS.

(By the Associated Press.)

Wshington, Dec. 26.—Representative John Wesley Gaines of Tennessee, who is in favor of enacting a new statute providing that members of congress shall forfeit $13.70 for every day they are absent, announces that as a result of a search through the old documents at the capitol, he has found that a statute, passed in 1856, which prohibits absent members from collecting their salaries unless they are kept from their official duties by illness, has never been repealed. An attempt was made to enforce this law, he says, in the fifty-second congress, which resulted in a strenuous effort to repeal the statute in 1894, when the democrats had control of the house. Representative Gaines will call the attention of congress to the statute, he says, and insist that it be enforced.

The Alpha Omega.

(By the Associated Press.)

Birmingham, Ala., Dec.26—The twentieth biennial congress of the Alpha Omega Fraternity began here today with delegates present from almost every state in the union.

WEATHER IS WARMER

Yesterday Within Two-Tenths Degree of Xmas Record.

Minimum Yesterday 16.8, and on Christmas Morning, 1896, It Was 16.6—Won't Probably Go Below 25 Tonight—It Was 46 This Afternoon.

At a quarter to three o'clock this afternoon the thermometer had gone up to 46 at the observatory of the weather bureau.

Director Thiessen says warmer weather is coming for a few days, but that it will not be very much warmer. He says the mercury will get down to about 25 as a minimum tonight.

The lowest mark reached this morning was 20 degrees. At eight o'clock this morning it was 22.

Yesterday did not quite reach the record for the coldest Christmas, but it came so near it there was no fun about the thing. The lowest on record here is 16.6 on the morning of Christmas, 1896. The minimum yesterday morning was 16.8.

FIRST DEFINITE WORDS RECEIVED FROM BRYCE.

(By the Associated Press.)

Aberdeen, Scotland, Dec. 26.—James Bryce, who is to succeed Sir Mortimer Durand as British ambassador at Washington, has given his constituents here the first definite information of his selection for the Washington post in a letter which they have just received. In this communication Mr. Bryce said that the appointment will compel him to give up his seat for South Aberdeen.

The retirement of Mr. Bryce causes genuine regret as his scholarly qualities made him peculiarly qualified to represent the constituency which has the reputation of being the most intellectual in the united kingdom, as Aberdeen enjoys the unusual distinction of not having one illiterate voter.

APPLICATIONS FOR RE-ENLISTMENT WAIT.

(By the Associated Press.)

Washington, Dec. 26.—It is stated at the war department that no disposition will be made of the application for reenlistment of the members of the Twenty-fifth infantry, colored, who were recently discharged without honor, pending the return to Washington and report of Assistant Attorney General Purdy.

AMERICAN TROOPS TO QUIET SANTA CLARA

(By the Associated Press.)

Washington, Dec. 26.—Secretary Taft has received advices from Governor Magoon at Havana indicating that a more or less unsettled condition of affairs exists in certain parts of Cuba, and that in Santa Clara province some lawless bands are operating and pillaging. Therefore, at the governor's instance, General Bell has ordered a considerable reinforcement of the garrison of American troops in that province.

For the first time since the second occupation of the island by the Americans it has become necessary for the troops to undertake themselves the suppression of these disorders Instead of leaving this task to the native Cuban rurales, which in some quarters is regarded as an indication of the inability of the Cuban civil authorities permanently to maintain peace in the island.

THE CONDITION OF MRS. GATTIS NO BETTER.

Mrs. W. A. Gattis is no better today. Her pulse is gradually weakening and it is only a matter of time when the end comes.

BULLET SANG; MAN DROPPED

Incensed Officer Chased Fellow Who Assaulted Him

BEATEN WITH HIS CLUB

The Officer Fell and His Assailant Took to His Heels—The Policeman Rose, Pursued and Finally Brought the Man Down With a Shot From His Revolver.

(By the Associated Press.)

New York, Dec. 26.—After a desperate fight, in which he was pounded over the head until he was all but unconscious, James P. Gleason, a policeman, today chased John Walsh several blocks, and brought him down with a bullet just as the fugitive was about to enter the Hotel St. Regis. Walsh is employed as an elevator man in that hotel. He is now in a hospital with a serious wound in his thigh. When he recovers he will have to face a charge of felonious assault upon Policeman Gleason.

Gleason encountered Walsh and three other men on Third avenue, near Fifty-third street. One of the men was helplessly intoxicated; the others were trying to get him to go home. After watching the efforts of the three for a time, Gleason stepped in and placed the intoxicated man under arrest. The others protested, but Gleason was determined to take the drunken man away, and paid no attention until one of the men seized his night stick and began to rain blows upon his head. Half a dozen blows sent the officer to the ground, and as he rolled over and reached for his revolver the three men took to their heels.

Gleason started in pursuit of Walsh, who he declared had struck him, threatening to shoot unless he surrendered. The officer was gaining rapidly, when Walsh darted into the servants' entrance at the St. Regis. Fearing that his man was going to get away, Gleason fired and Walsh fell. He was not ready to give up, however, and he was overpowered only after a desperate struggle, in which Gleason was assisted by another policeman who had heard the shot and gone to his assistance.

FOUR MEN SHOT IN A PISTOL BATTLE.

(By the Associated Press.)

Williamson, W. V., Dec. 26.—Four men were wounded, two critically, in a pistol battle here last night. Leander Gilkerson and John Browning, while drinking, attempted to take charge of a local store, and Deputy Sheriff James McCombs and Policeman James Starr were called to arrest them. Shots were exchanged, the deputy sheriff was shot, and is in a critical condition, two bullets penetrating his body.

Gilkerson was probably also mortally wounded, one bullet entering his abdomen, another penetrating his left breast. Starr and Browning were also injured but will recover.

STOLEN FUNDS WERE RECOVERED.

(By the Associated Press.)

Kansas City, Mo., Dec. 26.—A special to the Star from Austin, Texas, says:

Between $8,000 and $9,000, stolen by William C. Anderson, former assistant paying teller of the First National Bank of Kansas City, who was arrested here last week, has been found in Austin. The exact amount recovered is not known, but, according to the agent here of the surety company that bonded Anderson, it is sufficiently large, with that turned over by Anderson when arrested, to reimburse the company for the $10,000 bond it had given. The surety agent declined to say where the money was found, except to state that it was locked in a box, but not in a bank.

THREE EXPEDITIONS TO STUDY THE ECLIPSE.

(By the Associated Press.)

Tashkent, Asiatic Russia, Dec. 26.—The French, German and Russian expeditions have arrived here to observe the eclipse January 14. In addition to making the usual observations the expeditions will study the condition of the upper air by means of balloons and automatic instruments.