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SPEAKERSHIP CONTEST WAXES WARMER AS THE END DRAWS NEAR

Claims of Murphy, Justice and Dowd are about on a Parity

MANNING OUT FOR A SECOND CHOICE

Members Still Pouring in Fast, and It is Expected All Will Be Here for the Caucus Tonight—Representative From Graham is a Republican, as Well as One From Macon—Actual Voting Strength of Caucus Will Not Be Over 92. Dowd's Friends Claim His Chances Have Improved Since Yesterday, and They Say They Confidently Expect Him to Win.

There is practically no change in the house speakership situation today. The claims of the various candidates are about as they were yesterday.

The friends of both Walter Murphy of Rowan and E. J. Justice of Greensboro are claiming the lead on the first ballot, and W. C. Dowd of Charlotte, say his supporters, will be up with them.

Those who are working for J. S. Manning of Durham are not expecting any large vote on the first ballot, but they seem to think that in case there should be a deadlock between the three leaders, Mr. Manning will be strong for second choice.

That is about the state of affairs in a nutshell, as it stands today. The lobby of the Yarborough Hotel presents an even more animated appearance today than it did yesterday, for many more of the members are on hand, and they are pouring in by every train today. By tonight it is expected that all will be on hand for the caucus.

The democratic forces will not be quite so large as had been calculated. The member from Graham is a republican, G. P. Rose, as well as the member from Macon. This of course reduces the former estimate of the caucus strength, 98, to 95. Then, taking away the four candidates mentioned, 92 is the number left.

Frank McNinch of Charlotte, speaking for Mr. Dowd, said today: "Mr. Dowd's chances have materially improved since yesterday, and he is right up along with the first, with a strong lead for a second choice. We confidently expect that our man will be nominated."

The republican members do not seem to have settled definitely yet upon any of their number for the post of minority leader and straw candidate for the speakership of the house. However, it is likely that they will name either A. T. Grant of Davidson or G. E. Taylor of Brunswick.

Open at Noon. Chief Clerk Frank D. Hackett of Wilkes will call the house to order at noon tomorrow, and the first work will be the qualifying of the members, who will in alphabetical order show their certificates of election and subscribe to the oath of office.

Republicans for Adams. As to the candidates for United States senator to be supported by the republicans, there seems to be no doubt that it will be Spencer B. Adams of Greensboro.

REPUBLICAN ORGAN SAYS IT IS MR. JUSTICE.

Readers of the Daily Industrial News will remember that last summer we printed a story touching on and appertaining to the District Combine, in which certain prophesies were made as to the probable political complexion of the state in the then near future.

With no particular "I told you so" feeling we wish to point with pride to the fact that one of the prophesies contained in the article referred to has taken shape, in that Judge Bigger is now wearing the ermine, and we would further make mention of the

fact that it seems now extremely likely that Mr. E. J. Justice will be chosen speaker of the house again as per prophesy.—Greensboro Industrial News.

GOULD LAYS PART OF BLAME UPON THE BIG SHIPPERS.

(By the Associated Press.)
New Orleans, La., Jan. 8.—George J. Gould, head of the Gould railway system, is quoted today on the car shortage problem as follows: "The car shortage is not altogether the fault of the railroads. The big users are partly responsible in not preparing loading and unloading facilities in proportion to their business. Merchants and shippers have failed to take account of the increase by many times of the amount in business handled by them. This is what the railroad men has to contend with in Pittsburg, Chicago and manufacturing sections, and it applies as well to New Orleans in a lesser degree. The prosperity of the country is to blame as well as the growth of new sections."

BLACKBURN HAS NOTHING TO SAY

Governor Writes Him But Receives no Reply

IS NOT YET SETTLED

Governor Glenn Says He Cannot Have Blackburn Arrested While Congress is in Session But Will Do So When It Adjourns—Will Have Conference Soon With Mr. Manly.

The Blackburn incident is not yet settled and it now looks very much like E. Spenser will not escape as easily as he had hoped. Gov. Glenn has written to him in regard to the charges he made but so far has received no reply whatever from him. This is not surprising for the matter has been peculiarly mixed up from the start and it appears that the desire to keep the real facts from being learned. As was previously stated, Governor Glenn was not at all satisfied with the retraction made by Blackburn and as time passes he does not change in regard to his former stand. Mr. Manly has made investigations in regard to the Blackburn letter and later he will visit Raleigh and take up with the governor the situation. When Governor Glenn first decided to get he wired to Mr. Manly, his former law partner, and asked him to take steps to have Blackburn arrested.

Governor Glenn stated today that he could not have Blackburn arrested while congress is in session; but that when that body adjourns he expected to have him arrested and brought back to North Carolina. If Blackburn had answered the letter to Governor Glenn promptly he would have felt more like he was willing to act in the right spirit about the matter, and although the letter was written several days ago not one word has been received from Blackburn in reply. Not correcting the letter as soon as it was given out and now in failing to answer the letter of the governor, is considered by Governor Glenn as showing very plainly that the congressman from the eighth district is not acting in a square manner but is trying to slip out of the matter in the easiest way possible. This he will not be allowed to do, and there seems to be but little doubt that E. Spenser will have to make a clean breast of the whole affair, and do it in a manly manner or face the charge of criminal libel. Because so little has been said on the subject or done during the past few days does not mean that it is at an end, for facts are being gathered both in this state and Washington.

INSTRUCTED TO SEEK FOR MISSING SHIP.

(By the Associated Press.)
Washington, D. C., Jan. 8.—The navy department has telegraphed instructions to Captain Swift commanding the battleship Connecticut which sailed today from Hampton Roads for the island of Cuba off the coast of Porto Rico, to do everything possible to discover some trace of the missing steamship Ponce now nine days overdue at New York from Porto Rico.

IT IS DUTROW OR HILDEBRAND

The Man Responsible for Terra Cotta Wreck

THE INQUIRY NARROWS

It Looks Just Now That the Burden of Blame Will Fall Upon the Shoulders of the Block Signal Operator and That the Engineer Will Go Free.

(By the Associated Press.)
Washington, Jan. 8.—With the beginning of the sixth day of Coroner Nevitt's inquiry to determine the responsibility for the Baltimore & Ohio wreck at Terra Cotta, D. C., it looks as though the jury must decide between the testimony of Operator Dutrow of Silver Springs, who says that he displayed a white signal for the guidance of the crew of the equipment train, and Engineer Hildebrand of the "dead train," who testifies that he was given the double green light at Silver Springs. The jury's decision will throw the responsibility for the disaster on one of the two men. Engineer Hildebrand's testimony is substantiated by every member of the crew of the equipment train, while Operator Dutrow is corroborated by only one witness, J. Trundle, the aged helper at Silver Springs station, who admitted on the witness stand that his memory is bad and that he does not see well. The investigation may not be concluded until tomorrow or Thursday.

WHILE WE SWEAT MANILA SHIVERS.

(By the Associated Press.)
Manila, Jan. 8.—A cold wave is sweeping over Luzon and the adjacent islands. The temperature at Manila is 55.6, while at Baguio, the capital of the province of Benguet, it is 30. This is the coldest weather ever experienced in the history of Manila. The nearest approach to it was in 1872, when the temperature was 56.6. The natives are suffering great discomfort, as they are unprovided with proper clothing for the changed weather conditions.

DISPENSARY FIGHT WARMS AT NEW BERN.

(Special to The Evening Times.)
New Bern, N. C., Jan. 8.—Fight on dispensary question has commenced in good earnest here. The mass meeting held in the court house last night of those opposed to the measure was addressed by ministers of the city Dr. R. C. Beaman of the Methodist Church being the principal speaker. The Anti-Saloon League was re-organized into an anti-dispensary league for more effective work. Tonight a mass meeting will be held by those in favor of dispensary. It is expected the campaign will be much warmer than the campaign of two years ago when prohibition was voted upon.

MARTIN CONFESSES AND CLEARS POWLEY

(By the Associated Press.)
Richmond, Va., Jan. 8.—Percy Martin, who was arrested at Huntington, charged with complicity in the recent Seaboard train robbery near La Cross, has signed a full confession that he alone did the work. He says Powley had nothing to do with it.

To Establish Abri for Powley.

Norfolk, Va., Jan. 8.—William Powley of Jersey City, father of Charles Powley, was still in Norfolk today. He is preparing to leave tomorrow for Boydton, Mecklenburg county, with a dozen or more Norfolk witnesses whom he declares will establish a complete alibi for his son when the latter's trial comes up at Boydton Thursday. The father is paying the expenses of carrying witnesses to Boydton with the hope of reimbursement later.

PETER DENIES THAT HE WILL ABDICATE.

(By the Associated Press.)
Belgrade, Serbia, Jan. 6.—King Peter today authorized a specific denial of rumors that it is his intention to abdicate or permanently leave Serbia with his family in consideration of financial compensation.

DOWN TO WORK BEFORE DAWN

Steps to Obtain Mayoralty Election Ballot Boxes

SERVING COURT ORDER

Representatives of Attorney General Jackson Are Sent Out Before Day- light Today With Demand for Per- mission to Affix New Labels to Each Individual Ballot Box.

(By the Associated Press.)
New York, Jan. 8.—Following his action of yesterday in serving upon Mayor McCellan papers in a suit to oust the mayor from office, Attorney General Jackson today began steps to obtain possession of the boxes containing the ballots cast in the municipal election in November, 1905. Armed with court orders served late last night by Supreme Court Justice Hendricks, representatives of the attorney general's office today visited the various places where the ballot boxes are stored and demanded that they be permitted to affix new labels to each individual box.

The first place visited by the attorney general's men was the Station Island Savings Bank at Stapleton, S. I., where the Station Island ballots are stored. The call was made long before daylight, and the men were refused admission to the building by the watchman. From the bank the men went to the home of President Herman Hagadorn, three miles away, routed him out of bed, served the court papers upon him and directed him to comply at once with the order to open the bank vaults.

Hagadorn protested on the ground that there was no certainty that the court order was authentic. After a conference, however, it was decided to send for Robert Ross, chief clerk of the election bureau of the borough of Richmond. Ross was obliged to walk several miles from his home to the bank, and in his presence the vault was opened and the new labels were affixed.

THE STRANGLING OF COMPETITION

To Investigate This Charge Against Harriman System

INQUIRY IN CHICAGO

The Labor of the Interstate Commerce Commission Shifted From New York to the West—Some of the Results of the Investigation in New York.

(By the Associated Press.)
Chicago, Jan. 8.—The interstate commerce commission in Chicago is to resume its investigation of the Harriman Railroad combination this afternoon. The fact that subpoenas have been served upon a number of traffic managers indicates that the testimony will relate to the effects on competition wrought by the consolidations. E. H. Harriman has brought about. It has been alleged that they have tended to stifle real competition throughout a large part of the west and southwest. The commission and its counsel intend to try to find out if this is true.

The inquiry in New York developed the fact that the Union Pacific owns about \$10,000,000 worth of stock in the Santa Fe, and it is generally understood that the Standard Oil interests, whose money Mr. Harriman is supposed to be using extensively, own another big block of Atchison. The commission has summoned E. P. Ripley, president of the Atchison, Topoka & Santa Fe Railroad, as a witness, its object being doubtless to find out what influence the relations between the Harriman-Standard Oil stocks and the Santa Fe exert in preventing active competition between that line and the Southern Pacific and Union Pacific.

KILLED A NEGRO; NOW AT LARGE.

(Special to The Evening Times.)
Wilson, N. C., Jan. 8.—Bruce Brown was shot by Jesse Turfey yesterday afternoon, and died last night at the almshouse. Brown was a railroad negro. Turfey escaped. The coroner's inquest is now in session.

DANIEL BACKS THE PRESIDENT

Authority to Discharge Ne- gro Troops Unquestioned

BUT HE WENT TOO FAR

This He Did in Taking Position That the Troops Should be Forever De- barred From Entering Civil Ser- vice—Republicans to Harmonize Views of Lodge and Foraker.

(By the Associated Press.)
Washington, Jan. 8.—The republican leaders of the senate were in conference at various times today with a view to reaching an agreement on the terms of a resolution relating to the president's discharge of negro troops that will harmonize the differences between Senators Foraker and Lodge, and thereby the excellent prospect of success in that direction. The indications are that a provision will be determined upon directing an inquiry by the committee on military affairs into the occurrences at Brownsville without specifying whether it shall deal only with the facts or shall include the legal problems as well. In consequence of this prospect Senator Foraker today postponed a further presentation in the senate of his views on the subject.

Later it was learned that Senator Lodge has agreed to accept certain amendments to his Brownsville resolution which will probably be suggested by Senator Foraker, but the exact language has not been decided upon. The compromise probably will not be presented to the senate until the discussion closes.

Daniel Takes the Floor.

The discussion in the senate of the president's course in discharging the negro troops was resumed, as usual, at the floor today by Senator Daniel being the first speaker. In the main he supported the president, saying "from the beginning of the history of the country there has never been a question of the power of the president to drop from the roll any private soldier. The people ought not to be deceived by any misunderstanding on this subject. My sentiment should always stand by the chief executive and commander-in-chief of the army when he is clear in his great office, and in this case I think he is clear."

Senator Daniel did not, however, endorse the position of the president in forever debarring from entering the civil service the men discharged from the army. "I think in that respect," he said, "the arrow from his bow went too far."

Mr. Daniel analyzed the theories of war and army regulations to sustain him in his conclusion that the power to dismiss is equal and conclusive in the president, the secretary of war, the commander of a department and a court martial. This, he said, had been so for a hundred years and must necessarily be so. "I am neither the lover, the friend nor the advocate of autocratic power," he said, "but no people in all the tide of time have ever been able to make aggressive or defensive war without pursuing it through the discipline and organization of armies by putting power into the hands of those who command it."

Referring to the army regulations, Mr. Daniel said they were made by the president, "and," he continued, "whatever other criticism has been made upon the present president from the republican side of this chamber, none has ever intimated that he is engaged in seeking to curtail his own power. In fact some have delicately intimated that he was speaking to extend it beyond the lines which they would prescribe as legitimate and proper."

NEGROES UNFIT FOR SOLDIERS—SLAYDEN.

Washington, Jan. 8.—An echo, loud and long of the Brownsville assault by negro soldiers of the 25th infantry was heard today in the house, Representative Slayden of Texas, telling anew and with considerable detail the story of that August night of last year, when the colored troops as alleged "shot up" the town of Brownsville in his state.

Incident to the story of the shooting and defense of the citizens of Brownsville, Mr. Slayden devoted much of his time to a careful analysis of the conditions of the white and black races and said that race prejudice was at the bottom of the assault.

"In the history of the negro troops in the United States," said Mr. Slayden, "one finds many chapters that tell of violent breaches of discipline, of riotous and mutinous conduct, of murder and race hostility."

In declaring the negro race to be unfit for American soldiers, the Texas congressman said he had only in view the circumstances of their service. He did not impeach their physical courage. "This is a virtue," he said, "that belongs to nearly all men, and if there is any difference between savage and civilized men in this respect, the superiority possibly lies with the savage, who is undeterred from rash ventures

by thought of the consequences."

Gulf Between Races.

Mr. Slayden spoke of the sympathy that welds people into a homogeneous political and social mass, but said that it "has never existed and never will exist between negroes and Caucasians."

Mr. Slayden traced the history of the 25th infantry and said that it has a "particularly vicious record," and going into particulars he said that while stationed at Fort Meade, S. D., in the summer of 1885 a corporal of that regiment murdered a citizen and the people of the community lynched the murderer. About three weeks after the lynching fifteen or twenty negro soldiers raided and "shot up" the town of Sturgis, which is only a mile and a half from the post.

According to Mr. Slayden's narrative, Winnemucca, Nev., was the next scene of a criminal outbreak by this regiment. Then came the outbreak at Fort Niobrara, Neb., where a "wanton and cold-blooded murder" was committed.

Other instances of lawlessness by negro troops were also detailed. Speaking of the Brownsville shooting Mr. Slayden said: "It seems too absurd that at this late day we should be asking how did the shooting. I fail to see how there is room for honest doubt. If the soldiers had been white, and the circumstances the same, if the same mass of clear, strong evidence against them had been submitted, and if the president had dismissed them from the service in the same manner, there not only would have been no doubt as to who were the murderers, but the action of the president would have been almost unanimously approved. But then the whites are not a valuable political asset, handled in bulk, which explains many things."

MYSTERY'S VAIL OVER THE CRIME

His Lips Sealed as to John- son's Murder

ALVORD FIRST EAGER

But After a Short Visit to the Mur- dered Man's Wife He Would Say Nothing to Shed Any Light—A Crime That Startles and Mystifies Portland.

(By the Associated Press.)
Portland, Ore., Jan. 8.—The murder in this city last night of Dr. Philip Edwards Johnson, a physician recently arrived from New York is one of the most mysterious tragedies that ever has occurred in the northwest.

Dr. Johnson came to Portland with his newly wedded wife two months ago to take up the practice of his profession and bought a site for a home in a fashionable section. Mrs. Johnson before her marriage last fall was a Mrs. Scarborough and is a daughter of the late Governor Hoodley of Ohio. Dr. Johnson was a son of Archdeacon Johnson of Staten Island and a graduate of Columbia University.

Shortly after dinner last evening Dr. Johnson left his wife to call upon Dr. Pantan, one of the state medical examining board. On his way Dr. Johnson called upon his cousin, W. C. Alvord, assistant cashier in a local bank. What happened at Alvord's house has not been learned. Alvord refusing to make any statement for publication, Alvord's parents, however, told the police that after leaving their home Dr. Johnson walked toward the Ford street bridge, about two blocks distant, in the direction of Dr. Pantan's home. A short time afterward a car conductor found Johnson's mangled body lying in Jefferson street, 117 feet below the bridge.

Johnson's pockets had been turned inside out and his watch removed. Dr. Johnson's empty pocket book and keys were found on the bridge above. There was no evidence of a struggle.

Alvord when first approached by the newspaper men for a statement was apparently eager to talk, but excused himself a moment and went to Mrs. Johnson's room. Returning he informed them that Mrs. Johnson was prostrated, and all further efforts to get him to make a statement were unavailing. The police met with no better result. Alvord later on visited the police headquarters and endeavored to secure possession of some articles found on Johnson's body, but was not successful. A visit to the coroner had better results, that official turning over to Alvord several articles.

Captain Bruin of the police department inclines to the murder theory and yet, according to his statements to newspaper men, intimated his belief that the murderer had some other motive than robbery.

Postmaster at Mount Olive.

(By the Associated Press.)
Washington, Jan. 8.—The president sent to the senate today the nomination of W. J. Flowers as postmaster at Mount Olive, N. C.

USURP RIGHTS OF THE STATES

Overman on Pending Child Labor Bills

A GROWING SENTIMENT

Sees in the Trend Toward Centraliza- tion End of State Sovereignty—If More Power is Needed Submit an Amendment to the National Con- stitution to the States.

(By the Associated Press.)
Washington, Jan. 8.—In presenting his objections in the senate today to the pending bills for the regulation of child labor Senator Overman went into an elaborate defense of the doctrine of state's rights. His test was taken from the constitution of his state: "A recurrence to first principles is absolutely necessary to the preservation of our liberties."

The child labor bills of Senators Lodge and Beveridge were read by Mr. Overman with the comment that the enactment of either would be not only a stretch to the breaking point the commerce clause of the constitution but would be a usurpation of the rights of the states—rights which the people had expressly reserved to themselves when the tenth amendment to the constitution was adopted. It provides that "the power not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

As there was in the days of the adoption of this amendment evidence of a strong sentiment for consolidated or centralized government Mr. Overman believed there was even stronger evidence of this tendency today. "With sentiment," he said, "has grown with the prodigious dealer for the dollar, has increased with the growth of imperialism, the building up of mighty fortunes, the centralization of great wealth in the hands of the few, produced by the trusts and monopolies, many of which are organized for the purpose of crushing out competition and which have been robbing the people of untold millions."

Sees End of State Sovereignty.

Mr. Overman pictured the end of state sovereignty as the result of the present desire for encroachment on the reserved rights of the people.

If more power is needed, he suggested, the way is clear: "Let an amendment be submitted to the states. In any event let the people be consulted; let their sacred will be known; let their consent be given to the surrender of any of their rights. Without their consent let nothing be done by an unwarranted construction."

Mr. Overman held there was no limit to the power of congress to deal with commerce which is interstate in its nature. He heartily endorsed recent measures exercising this control such as the rate bill, the pure food law and the meat inspection regulation. There was a decided distinction between regulating interstate commerce and making regulations concerning commercial production which might and might not become interstate commerce. For this latter class of industry Mr. Overman desired no interference from congress. The one fact that goods were manufactured in one state for transmission to another did not, in his opinion, make those goods subjects of interstate commerce. To support this contention, Mr. Overman went into an elaborate discussion of court rulings on the question. He then drew his conclusion that if congress could regulate child labor in the factory and mine, it could regulate it on the farm and in every industry, and in fact, it could regulate every other detail of every industry.

Mr. Overman said he was in favor of a child labor law for the District of Columbia and was not to be understood as making any objection to the enactment of state laws regulating the subject. His objections were on the broad ground of defending the rights of the states against the centralization of power in the federal government.

A WORLD'S NAVAL AND MILITARY PAGEANT.

(By the Associated Press.)
Washington, D. C., Jan. 8.—In response to a request transmitted to other governments by the state department at the invitation of the navy department nearly 200 foreign countries have accepted the invitation of the Jamestown Exposition Company to be represented by a military or naval display. The only official information received in Washington so far, however, is that Chile will send two ships; Italy one; Portugal one; and Sweden one. Belgium will send a detachment of army officers, so will Guatemala. Argentina will participate. Persia and Denmark have accepted. The government that they will send a military. Undoubtedly it is stated that Great Britain, France, Germany, Japan, and possibly Russia, will be represented by fleets of modern warships.