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## EASTERN TRAINING AND HIGH SCHOOL BILL PASSED THE SENATE

### The Two Propositions Were Wedded for Mutual Protection

### SEN. FLEMING ROASTS THE NEWS & OBSERVER

### Hot Fight Over Spray School of Technology—Efforts of Odell and Webb to Reconsider Voted—After Bill Had Passed Failed—Miss Perry to Get \$2,000 for Marion Elkhan Institute—The Compulsory Education Bill Had the Finishing Touches Put on and the Bill Then Passed Final Reading With Many Counties Excepted—Minor Bills Passed—The Day's Proceedings in the State Senate.

In the state senate today the bill providing for "the stimulation of high school instruction and teacher training" (otherwise excepted originally a bill to establish an eastern training school for girls) provoked a spirited discussion.

The bill to provide for a school of technology at Spray was also passed; also the bill providing for the payment of the \$22,638 borrowed to furnish the new woman's annex at the Central Hospital for the insane at Raleigh was passed and enrolled.

During the argument over the bill providing for a school of technology at Spray, the fact was developed that the senate committee on appropriations and the joint committee had agreed to give Miss Blair of Marion the \$2,000 she asked for the Elkhan Institute for orphans at Marion. Miss Blair was up to that time under the impression that her appeal had been denied, and was present in the lobby of the senate when Chairman McLean made the statement for the committee on appropriations and called upon Senator Drewey to confirm what he said, which the latter did.

Senator Fleming's Question of Personal Privilege.

Senator Fleming of Pitt arose in the senate today and said:

"The amount of space given me on account of my effort on yesterday to stand by and defend the interest of the farmers, warehousemen and other interests of my county in this morning's News and Observer would seem a compliment, especially considering the fact that the News and Observer has not heretofore been reporting me at all; but a careful examination of the false and slanderous insinuations contained in said paper show plainly to an unbiased mind that it was the purpose of said paper to cast aspersions upon my democracy and make me appear ridiculous to my constituents who read the News and Observer."

"I should not mention this matter here at all but for the fact that senators who heard what I said on yesterday seem to think that notice should be taken of the matter."

"I want to say to the senators on this floor that my constituents know my democracy; my honesty of purpose and integrity too well to allow anything that the News and Observer may say about me to shake their confidence in me. They know me and they know the righteousness of my fight on yesterday in their behalf, and they also know the News and Observer and they don't expect the News and Observer to give me a fair report upon any proposition, because they know I am above the control and dictation of the News and Observer or any other newspaper or person."

"They know and recognize me as a democrat of better and longer standing than the News and Observer, and nothing that this paper can say will in any way affect their respect for me and their confidence in my democracy."

"To say that the report of what I said yesterday by this paper and its references to my attitude upon the question before the senate was unfair and unjust and contemptible in the sight of the decent and honest people who heard me goes without saying, and I shall content myself with the faithful and honest performance of my duty to my constituents in this senate, the News and Observer to the contrary notwithstanding."

**Senate Proceedings in Detail.**

The senate opened at 9:30 this morning with prayer by Rev. E. Y. Pool, pastor of the Fayetteville Street Baptist Church.

The following roll call bills from the house were put upon their final reading and enrolled for ratification, in addition to some local bills of no general interest whatever:

Authorizing special tax for road purposes in Robeson county.

Incorporating town of Coles in Harnett county.

Authorizing town of Rowland to issue bonds.

Authorizing Lincoln county to issue bonds.

Chartering the Castalia Railroad Company.

Authorizing Union county to levy special tax and issue bonds.

Chartering Alleghany and South-eastern Railroad Company.

Authorizing election on question of bonds in Davie county.

Authorizing Rutherford county to hold an election on bonds.

Authorizing county of Rutherford to issue bonds to fund indebtedness.

Amending the charters of towns of Ayden and Winterville, Pitt county.

Authorizing town of Rutherfordton to levy a special tax and issue bonds.

The following senate bills were passed:

Empowering magistrates in Alamance county to sentence to roads in lieu of jail sentences.

To create a fish commission.

Providing for a school of technology at Spray.

To place sheriff of Columbus county on a salary.

Relative to hunting quail in certain colonies.

Amending fishing laws of New Hanover county. Enrolled for ratification.

Authorizing the use of dispensary profits in Wayne county to build school houses.

Additional court for Columbus county for trial of civil cases exclusively.

Authorizing Leaksville township, Rockingham county, to subscribe to stock of a railroad.

For furnishing woman's annex to the state hospital at Raleigh insane asylum. (Authorizes state auditor to pay drawn warrant for \$22,638 to pay for same.)

Relative to state historical commission.

**The Eastern Training School.**

To "stimulate high school instruction in the public schools of the state and teacher training." (This was the compromise house bill, growing out of the original effort to create an Eastern Normal and Industrial School.)

Amendments by Mr. Hicks, striking out all of bill down to section 11, and thereby eliminating the high school feature of the bill.

Mr. Aycock proposed the amendment an advocated the bill.

Mr. Klutz protested against the elimination of the high school system feature of the bill, which he said would form a connecting link between the public schools and the University of North Carolina and other colleges.

Mr. Aycock stated that the bill embodied features of the bill which he introduced early in the session providing for an eastern training school. The bill is the result of an agreement to consolidate in one bill the high school establishment and the training school provisions. The bill does not require the high school feature. There is nothing compulsory to compel those students. He hoped the bill would be passed without change.

Mr. Hicks advocated his amendment and in the course of his argument stated that the State Normal was established as a girl's training school, and there had not been a day for years when the charter could not have been set aside had the proper efforts been made. Its wings had been clipped when it required girls to stand an examination equal to that at Murfreesboro and some other high grade schools.

But he and the late president McEver had made friends again before he died and clasped hands across the chasm. There should be a more equal distribution of the educational gift throughout the state. He had submitted this bill to a prominent educator of his county and he had declared that the state of North Carolina was not yet prepared to establish a system of high schools. I have no objection to the eastern training school feature of the bill or the \$5,000 appropriation for it.

Mr. Turner thought that the Hicks amendment would have a serious effect on the training school feature, whether the senator from Granville so intended it or not.

Mr. Ormond thought the bill provided the important missing link between the common public schools and the university and colleges through the provision which Mr. Hicks' amendment would strike out.

He dissected the bill and revealed the effect designed—to lower the things we have to buy and enhance the price of those things we in North Carolina have to sell.

Alluding to the point that no corporations are defined as trusts by name in the bill, he said that was not only necessary, but the bill would be worthless if it did so. He added that in two western counties the cultivation of tobacco had been abandoned because of the operation of the trusts.

**Mr. Mitchell Supports the Bill.**

Mr. Mitchell said the speeches made in the North Carolina senate by democratic senators reminded him of what one might expect to hear from senators in the United States senate at Washington belonging to the dominant party in the nation.

The conscience of the country had become so strong in protesting against

## MR. R. W. SIMPSON JR., WILL NOT DIVULGE THE NAMES OF ANY OF HIS INFORMANTS

In the following language Mr. R. W. Simpson, Jr., refused to reply to questions of the investigating committee this afternoon:

"I respectfully decline to answer any question concerning the article which appeared in The Evening Times on March 1, 1907, for the following reasons:

"First. Because the information was received by The Times under the confidence which obtains among honorable newspapers, and there are no circumstances under which I would violate such confidence.

"2. I am advised by counsel that it is in effect charged that the article was libelous, and its publication, if this charge shall be sustained, might subject me to criminal prosecution. I, therefore, under the advice of counsel, decline to give testimony against myself, or to make any answer to any question which might be used against me in a criminal prosecution, or which might directly or indirectly tend to incriminate me, or which might disclose any circumstance or source from which any possible connection of myself with the publication might be obtained."

There was applause at the conclusion of Mr. Simpson's statement.

It was not far from 4 o'clock when the committee of the house of representatives opened the hearing in the county court house for the purpose of investigating the sources of certain information furnished to Mr. R. W. Simpson, Jr., then editor of The Evening Times, upon which was based an article in the paper in regard to the reasons why the Aberdeen and Ashboro Railroad was included in the two and one-quarter cent passenger rate bill recommended to the legislature by the conference committee.

The chairman of the investigating committee is Representative Williams of Duplin, and the other members are Messrs. Midgette of Northampton and Yount of Catawba. Mr. Locke Craig of Asheville is acting attorney for the committee.

For some time before the hour announced for the investigation to begin, crowds began assembling in the court room. The committee was a few minutes late in arriving, and some time before the investigation was begun the court room was comfortably filled.

No case of any nature in a long time past has created such interest as that of the "investigation" and demand on R. W. Simpson, Jr., that he divulge the name of the party or parties who gave him certain information upon which he based an article.

The occasion was graced by the presence of a party of young ladies.

The chairman, just before the in-

vestigation began, stated that Mr. Judt was going to make a stenographic report of the proceedings and asked if Mr. Simpson had any objection.

Mr. James H. Poul, counsel for Mr. Simpson, replied that his clients there was no objection and they would like to have a full report.

Mr. Simpson was presented by Messrs. James E. Poul and E. H. Busbee & Son.

The members of the conference committee—Messrs. Williams, Winborne, Aycock, Daniel and Yount, were called to come forward and be sworn.

**Mr. Manning.**

Mr. Manning was the first witness. He was a member of the conference committee, the chairman of said committee. Asked as to whether in regard to the inclusion of the passenger rate, said there was no truth in the article published, as far as he knew.

He explained in regard to the conference and his position as chairman. He did not think the house would ever consent to the bill, but he received twenty or thirty who would vote for two fares; then he thought they would vote for two and one-half cent rates, and question then was, what rate both houses would pass.

He told the committee that the house would consent to two and one-quarter cent rate. Then discussed what could be done with little roads. Some one suggested fifty miles limit, which might exclude small roads. He looked over report of corporation commission and saw that fifty miles would not do. Named roads that it would be included. (Was told that East Carolina and Virginia Coast road and Norfolk and Southern, the road having sixty-one and one-half miles.) Discussed whether classification would be sustained, and then state and a decision of the supreme court of the United States. He thought classification by mileage constitutional.

The committee named Mr. Daniel, chairman of the senate committee, and himself, as chairman of house committee, to draft bill which was to be submitted to the committee. He had a bill drafted and it was gone over by several members of the committee.

Following morning, News heard an suggestion of 100 mile limit. Passenger rate is unusual as 70, 75, 100.

State whether or not Mr. Josephus Daniels ever approached you in regard to having Mr. Page's road included. "No, sir, he did not."

The only conversation had was one night as he entered Yarborough House Mr. Josephus Daniels said would like to see him, and that Mr. Daniels went to his room; that Mr. Daniels asked him his objections to

the senate bill, and he pointed out what he considered the defective places.

He did not remember that Mr. Daniels ever mentioned to him Mr. Page or Mr. Page's road. He knew that on some things Mr. Daniels and Mr. Page differed, but thought they were personal friends.

The reason he objected to excluding Mr. Page's road was because he had been selling tailgate books at 2 cents per mile.

As one of the conferees on part of house, purposely refrained from having anything to say to any one in regard to the bill.

Mr. Poul said he desired to ask no questions then, but reserved right to have witness recalled and cross-examine him.

**Judge Winborne.**

Judge Winborne was the next witness to take the stand. He was explained that he was a member of the conference committee.

He was asked the question in regard to connection of Mr. Josephus Daniels with the committee's action.

As far as he knew, Mr. Daniels had nothing to do with it; never said anything to him about it. He could give no special reason why 60 miles was adopted as the limit. Had no communication with Mr. Daniels. Knew of no personal animosity between Mr. Page and Mr. Daniels.

Remembered mentioning some of the short roads; he suggested 25-mile limit. There were 40, 50, 60 and 75 miles suggested. When he suggested 100 miles some member said that excluded Atlantic & North Carolina. Looked at income of the road and at once relinquished idea. Had informal talk soon after appointment that would discuss matter with no one until it was settled.

Same reservation made as to the former witness.

**Mr. Stevens on the Stand.**

Mr. Stevens, the third member of the conference committee on the part of the house, then took the stand.

Mr. Craig asked:

State whether any part of that bill was made to include the Page road so as to satisfy the animosity of Mr. Daniels towards Mr. Page.

There was none he knew of. He was not present when it was finally passed upon.

He knew of no personal ill will (Continued on Page Seven.)

## VERDICT OF THE JURY IS IN HARMONY WITH THE UNWRITTEN LAW

democratic party. Who gave him authority to take that position.

In my opinion, that man will disrupt the democratic party, if the party lies down and allows him to pursue such a course without protest.

I know the one who sits in judgment on everything that appears in his paper will tomorrow put me down as a "bitter" in tomorrow's issue of his paper because I opposed the section "A" of the Reid bill to which I have submitted an amendment.

Proceeding with his discussion of the bill, Mr. Buxton referred to the disappearance of the Holt bill and the future bill appearing here as an offering, as a substitute, without ever having been introduced in this body.

It looks like somebody is interfering with our business here in this senate.

Mr. Holt said Mr. Buxton could call up his (Holt's) bill if he wished to do so.

Mr. Buxton: No, sir. I will not stand for the child of any one when the father himself will not stand for it.

What has become of Mr. Aycock's wandering boy bill?

Mr. Aycock: You are very much mistaken if you think I had to consult the Great High Cackalorum. Mr. Justice is not here.

Mr. Buxton: Oh, he is not the Great Hick Cackalorum, by any means. But I was not talking about Mr. Justice.

What we need is a bill that will apply to all the trusts, and not to single out one or two. This bill seems to be aimed especially at one—the American Tobacco Company—and I have sent forward that amendment so the senate may see what the bill means and call it by name.

Replying to a question from Mr. Aycock, Mr. Buxton said he would vote for Aycock's bill if he would put the Associated Press trust in his bill. (Applause.)

He (Buxton) had never had any connection with the American Tobacco Company; never had a case as attorney for that company, and had but one case against that company, and that is now in the courts.

He had never been the counsel for that company and never expected to be. He had no feelings against the American Tobacco Company because of certain political results in which they were said to have had a hand.

Mr. Buxton read from a printed statement signed by every dealer in tobacco in North Carolina, (including Mr. T. L. Vaughn of Winston, who formerly had been writing articles on the subject in the News and Observer), protesting against the passage of the bill and stating that its evil effects would ruin the tobacco markets of North Carolina; that they would be sacrificed, while the tobacco markets of Virginia and other states would be greatly helped by it, and would grow accordingly, and urging other points against the bill.

He read from the statistics of tobacco manufactured at Winston in 1896 and 1906, in which it was shown that in the latter year more than double the amount was manufactured.

At this stage, it being 2:30 o'clock, the senate adjourned till 8 o'clock.

### Not Guilty the Decision of the Twelve in the Strother Case.

The Judge Silences the Demonstration—The Prisoners Surrounded by Friends Who Express Their Gratification at the Outcome—Harrison Declares That the Trial Has Established a Precedent in Virginia. "No Man Tried for Defending the Sanctity of His Home Should Be Found Guilty," is His Opinion Expressed to the Jury.

(By the Associated Press.)

Culpeper, Va., March 7.—The verdict of the jury in the case of the Strother brothers, on trial for the killing of their sister's husband, Bywaters, was rendered this morning, the decision of the twelve being that the brothers were not guilty.

The jury took the case at 9:30 o'clock, retiring immediately after Judge Harrison had put the case in their hands.

Then began the most trying ordeal for the defendants. The strain was most apparent in the face of Philip Strother, while James was seemingly confident of a favorable verdict. He sat in silence.

As the minutes sped by, the situation became more and more tense, and many in the court room took the delay as an unfavorable sign for the accused.

The jury was out one hour and thirty-two minutes. As they filed in and announcement of the verdict, "Not guilty," was made, it was a signal for an outburst of approval, which the judge quietly silenced. The effect of the verdict, however, was instantaneous. James Strother shook hands with his counsel; Philip was surrounded by his friends. Mrs. James Strother, overcome by emotion, fell into her husband's arms and sobbed.

Judge Harrison then addressed the jury, saying:

"I thank you for your verdict, which I think will be approved by the public. It has established a precedent in the state of Virginia. No man tried for defending the sanctity of his home should be found guilty."

## MOST SEVERE DENUNCIATION OF JOSEPHUS DANIELS BY SENATORS BUXTON AND FLEMING TODAY

### His Assumed Party Dictatorship Resented and Hotly Denounced

In the state senate this afternoon, the anti-trust bill being under consideration, the following proceedings were had:

**Anti-Trust Bill.**

The unfinished business of yesterday, being the committee's substitute for the Reid anti-trust bill (printed in full yesterday in this paper) was next taken up.

Mr. Breese first addressed the senate on the bill and advocated the Reid substitute. He stated, in the course of his speech, that the bill would have the effect designed—to lower the things we have to buy and enhance the price of those things we in North Carolina have to sell.

Alluding to the point that no corporations are defined as trusts by name in the bill, he said that was not only necessary, but the bill would be worthless if it did so. He added that in two western counties the cultivation of tobacco had been abandoned because of the operation of the trusts.

**Mr. Mitchell Supports the Bill.**

Mr. Mitchell said the speeches made in the North Carolina senate by democratic senators reminded him of what one might expect to hear from senators in the United States senate at Washington belonging to the dominant party in the nation.

The conscience of the country had become so strong in protesting against

the practices of great corporations that the congress had been impelled to pass the railway rate law recently accomplished.

He had read the bill carefully and he could not see where it would injuriously affect any legitimate business. He needed to protect those who also engaged in legitimate business when that business is sought to be destroyed by others—the powerful combinations of capital that would strangle the smaller corporations and companies.

The soil of North Carolina is such that we are not confined to growing tobacco, and if the effect of a bill like this would be to cause the withdrawal of any corporation and the cessation of tobacco growing, the state can afford that if necessary to accomplish the main good objects of the bill.

The people of North Carolina are not to be trifled with in this matter, on a subject about which they are very much in earnest. We cannot as members of this legislature say to these individual interests that are now suffering for the need of relief, that we refuse to help them.

Mr. Webb offered an amendment "to suppress the slander of the trusts."

**Mr. Buxton on the Bill.**

Senator Buxton prefaced his remarks by offering a substitute for subsection "A," (the substitute applying to the American Tobacco Company), and having read a telegram which he had received from a meeting of farmers, protesting against the passage of the pending bill, because they "felt it would work untold harm to the tobacco interests of the state" and endorsed by the Young Men's Business Organization of Winston.

Mr. Buxton said that if any one entertained the idea that the "putting of

him in a hole would embarrass him or deter him from doing what he believed to his duty, that person was mistaken.

He didn't believe in mixing matters and he would talk plain.

It is well known that both my name and that of the senator from Rockingham had been mentioned as the possible candidates for congress in the fifth district. He was not announcing his candidacy and he was not here to make a record with any such object in view, but he would say that he was not a member of the "fifth district combine." If he ever sought to represent the great fifth district in congress it would not be through the "closed warehouses in tobacco towns," or because of anything he did for or against the tobacco industry or any tobacco trust.

**Daniels Can't Read Buxton Out of the Party.**

He had always believed himself to be as good a democrat as any man in North Carolina, and when the editor of the News and Observer attempts to read me out of the democratic party, I say to him he cannot do it—"with his 12,000 subscribers behind him, of which he brags."

Personally, he has been kind to me, and I have accepted courtesies at his hands and appreciated them, but when one man sets himself up as the judge of every other man's democracy and party fealty, it is time to call a halt.

The News and Observer attempted to read out all the senators who voted for the two and one-half cent railway rate bill. There was a difference of only one-quarter of a cent between the senate and the house, and yet this one man, Josephus Daniels, the editor of the News and Observer, essays to read the majority of the senate out of the

### COULD HAVE KEPT IMMIGRANTS OUT.

(By the Associated Press.)

Washington, March 7.—A statement was issued by the department of justice today concerning the opinion submitted to President Roosevelt by Attorney General Bonaparte as to whether certain immigrants who were landed in South Carolina last fall are legally in this country. The opinion, in effect, is that the immigrants were entitled to admission to the United States, and that they are in this country legally. The opinion agrees with that rendered on the same case by Solicitor Earle of the department of commerce and labor. The attorney general holds further, however, that under the provisions of the recently enacted immigration act the immigrants in question could have been excluded.

### TO REVOLUTIONIZE FREIGHT MOVEMENT

(By the Associated Press.)

Richmond, Va., March 7.—Thirty-five men, representing nearly 1,500,000 commercial firms and individuals, and more than fifty percent of the annual freight volume in the United States, are in session here to formulate a plan for bringing about general improvements in the freight movement conditions. It is held by these men that the inability of railroads to meet freight transportation demands is paralyzing the commercial interests of the United States, and it is their purpose, they declare, to revolutionize the entire freight situation in the country.

### A DARING HOLD UP BY ARMED MEN IN MOSCOW

(By the Associated Press.)

Moscow, Russia, March 7.—A daring hold-up occurred at the university today while the officials were being paid off in the chancellery. Several armed men entered with pistols and demanded the money. The intruders then fired in the air, seized \$25,000 and decamped, killing the sergeant of police whom they met at the door as he was about to enter the building. The university is now surrounded by police and all the houses in the vicinity are being searched.

### FIVE ARE KILLED IN WRECK OF LOG TRAIN

(By the Associated Press.)

Monticello, Ga., March 7.—Five negro employees were killed in a wreck on a log road near Sunset Mills, and three others were injured. The train consisted of flat cars struck a tree lying across the track.

### WELL KNOWN NEGRO EDUCATOR IS DEAD

(Special to The Evening Times.)

Charlotte, N. C., March 7.—President Daniel Sanders, of Biddle University, died one of the best known negro educators in the south, died here at midnight, after a brief illness. Dr. Sanders possessed the esteem of all classes, and has done a great work for the colored race, his race. He was 90 years old.