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## REVIEW AND COMMENT ON PRINCIPAL WORK OF THE LEGISLATURE

### The Important New Laws Enacted and Their Probable Effect

### MEASURES FRAUGHT WITH WEAL OF PEOPLE

Second of a Series of Legislative Stories Designed to Entertain and Enlighten the Readers of The Evening Times.—Railroad and Trust Legislation and What the Acts May and May Not Accomplish.—A Readable Resume of the New Laws Passed by the General Assembly of 1907.

The important bills passed at this session of the legislature were much greater, numerically and otherwise, than usual.

There can be no question that the most important of these include the following:

Adequate provision for the proper care and treatment of the insane, the act including epileptics and idiots, and making a total appropriation of a half million dollars (\$125,000 per annum for four years) for carrying out its provisions. In addition to that, another bill was passed making an appropriation of some \$22,000 for furnishing the women's annex to the central hospital for the insane at Raleigh. This annex is already in use, the furnishings having been already installed, and the money appropriated was for the purpose of setting the bill.

The people of North Carolina, of all classes and conditions of life, will heartily approve this tardy and long-delayed act of the legislature. It was a demand upon the humanity and charity of the commonwealth that could no longer be denied, even if the opposition of the state's finances had not been in as good condition as it is.

### Railroad Rate Regulation.

The two acts reducing, respectively, passenger and freight rates in the state, whereby the passenger rate is reduced from 3 1/2 cents first-class and 2 1/2 cents second-class to 2 1/2 cents flat, the second-class fare requirement being entirely eliminated.

The freight transportation bill is most important in its design to regulate the classification of freight and prevent as far as possible discriminations on the part of the railway companies against North Carolina points, especially in comparison with points in Virginia, notably Richmond, Norfolk, Lynchburg and Danville.

The merchants and other shippers and consignees of freight and the people of North Carolina as a whole will be the direct beneficiaries of the enforcement of the new railroad freight regulation law, because it necessarily affects the prices of the necessities and commodities generally of the life of the consuming public.

The practical results of this legislation which ought to follow its enforcement will materially and directly affect the individual for the better, and will be correspondingly appreciated.

### Anti-Trust Legislation.

The anti-trust bill which was finally adopted, and which will probably be best known as the McLean bill, will, it is thought by some of the legislators who passed it, accomplish much toward the ultimate objects aimed at in the provisions of that measure.

Others, including some of the most learned of the lawyers, hold to the opinion that it is impossible for a state to enact a law that will effectively reach the big combinations known as trusts; that the congress of the United States is the only legislative body that can enact laws that will be effective in controlling the great corporations of that character, which operate in all the states, like the meat trust, the tobacco trusts, oil trust, and others of that character.

If what they stated, in conversation is the correct situation, from the legal standpoint, it would seem to make little difference which of the four or five trust bills introduced last month was enacted. The fight against what was termed the "radical" mea-

sure of Senator Reid was said by its opponents to have been based largely on the contention that it discriminated, and instead of being designed to correct and regulate all trusts—and in doing that to treat all alike—it apparently had been drawn to apply specially and severely to one trust alone, and that one which, if it withdrew from the state, because of possible harassment through the provisions of the Reid bill, would disastrously affect the bright tobacco growing industry of the state, as well as ruin the North Carolina tobacco markets; and that the effect of the latter probability would be to build up the tobacco markets of Virginia, like Danville, Richmond and Lynchburg, at the expense of such North Carolina towns as Durham, Winston, Reidsville, Wilson, Greenville, and others, which have depended so largely upon the tobacco market for their growth and prosperity in the past, and whose future existence is wrapped up in that industry. The main object of the McLean amendment and those of the judiciary committee, so it was claimed, was to make the law uniform in its application to all trusts and "unlawful combinations of capital," and to prevent the alleged discrimination of the Reid bill.

Playing to the Grand Stand. Probably no member of the general assembly of 1907 stands higher as an individual man of character and a legislator of brains and political acumen, versed in statecraft than Senator J. C. Buxton of Forsyth.

In an interview printed yesterday in one of his home newspapers, the Winston Sentinel, Senator Buxton charges that the course pursued by some prominent members of both branches of the legislature was that of the demagogue, pure and simple, so far as their conduct in "playing to the grand stand" on the anti-trust bills was concerned.

And why? Because these prominent legislators are aspirants for the democratic nomination to high political offices, says Senator Buxton.

This serious charge is preferred by one of their own close legislative associates, and he does not beat around the bush in making it. In this Winston Sentinel interview Senator Buxton says something pertinent concerning the effectiveness and merits of the bill that was passed and those that did not pass. If it is incorporated in this story because Mr. Buxton is one of the best lawyers in North Carolina, and his opinion on this particular subject at this writing is timely and valuable. And in reading what follows it should be borne in mind that Mr. Buxton is not making a speech as a senator, but is expressing his own individual opinion as a citizen and a lawyer. Mr. Buxton says:

### McLean Bill an Effective Measure.

"So far as the trust bill is concerned, there was a certain element in the house and senate who were aspiring to leadership in the democratic party, and some of them are well-known candidates for office in the state and in this district. For the first time in their lives they were pretending to be friends of the farmer and were taking great credit to themselves as friends of soil-tillers.

"The McLean bill is a fine anti-trust bill and is aimed more to regulate trusts than it is to drive them out of the state. For instance, it deals with any trust that undertakes to prevent leaf tobacco from bringing its value on any market. The more conservative element of the legislature preferred to deal with the American Tobacco Company as an existing evil, and to regulate it rather than to drive it out of the state. We knew very well that the company leaving North Carolina would have a tendency to break up all the tobacco markets which exist in this state and cause our farmers to have to ship their tobacco from the state into Virginia for sale, as that state has no anti-trust law and the market of Danville is open to them and all other buyers of tobacco. We thought it best to keep trusts within the jurisdiction of our courts, so we might remedy, as (Continued on Page Eight.)

Important. Members of the legislature sometimes carried books from the house and senate libraries to their rooms at hotels and boarding houses; and in the rush at the close, oftentimes the books were left in their rooms. The state librarian will thank any who find such books to notify him over the phone and he will send them.

## RESCUED FROM A RAGING MOB

### Negro's Foul Crime Roused People to Madness

### RUSHED TO RALEIGH

A North Carolina Girl Assailed at Mallory, a Small Place in North Carolina—Officers Elude the Mob and Bring the Criminal to the North State Capital.

(Special to The Evening Times.) Fayetteville, N. C., March 13.—Following a criminal assault upon Miss Pittman of Rowland, this state, by a negro named Nathan McClary, at Mallory, a small station on a branch of the Atlantic Coast Line in South Carolina, where Miss Pittman was teaching school, the negro was captured by officers who boarded No. 80 on the Coast Line at Dillon and rushed the prisoner to Fayetteville as fast as steam would bear them.

The attack on Miss Pittman occurred near the school house at which she taught, the criminal being frightened away by her screams. She fought desperately in defence of her honor, and though her clothes were badly torn in the struggle, she was not injured. The shock to her nervous system, however, was severe and it was many hours before she recovered from its effects.

Officers left Dillon just in time to prevent the lynching of the negro by an infuriated mob. An effort was made there to charter a special train and follow in the hope of taking the negro from the officers and wreaking vengeance upon him for his deed, but the railroad officials refused to let the mob have the train.

Prisoner Sent to Raleigh. Arrived at Fayetteville, Sheriff Watson, fearing an attempt by incensed people to drag the negro from Cumberland county jail, left for Raleigh with the prisoner on yesterday afternoon's train. Another report has it, however, that the negro was taken through the country.

The bringing of the man to Raleigh is an unusual proceeding, the crime having been committed in the Palmetto state, and the negro himself claiming Sumter as his home; but H. McD. Robinson, one of Sheriff Watson's legal advisers, talked with the governor of South Carolina and Governor Glenn, and the action indicated followed. Governor Ansell was anxious that the mob should not lay its hands on the negro and Governor Glenn was equally desirous of offering every protection to him and a courtesy to South Carolina; hence his quick removal to the penitentiary, the state's strongest fort.

The crowd of South Carolinians who came up last night in the train from the south were met at the depot by the sheriff's deputies and about five hundred citizens and shown through the jail here. This satisfied them that the negro they sought had been taken away, and they departed quietly.

When the Norfolk and Western passenger Old Dominion steamer for shipment to be taken away.

A rumor that the criminal had not been taken far from the city, however, determined them to remain here today and they are searching all (Continued on Page Seven.)

## MANY VOICES MUTE FOR AYE

### The Roll of the Battleship Jena Is Called

### HOW MANY ARE DEAD?

One Hundred and Fifty-five Fail to Respond to Their Names, but it is Suggested That a Number of These Have Sought Refuge in Toulon.

(By The Associated Press.) Toulon, March 13.—Minister of Marine Thompson arrived here this morning. The roll of the battleship Jena, on which the explosion occurred yesterday, was called: 407 men replied to their names. Twenty-four officers and the engineers are also reported safe, and there are 44 members of the crew lying in hospitals seriously injured.

As the officers and crew numbered 530 it will thus be seen that 122 are not accounted for, but the naval authorities consider it probable that a large number of these have sought refuge in Toulon.

### FIRST GAME MONDAY

### A. & M. & Trinity Park Will Open Season

Seventeen Games Scheduled to Be Played at Raleigh This Season. They Will Be at the Fair Grounds, as New Grounds Are in Grass.

The baseball season in Raleigh will open next Monday, the 18th, with a game between the teams of the A. & M. College and Trinity Park High School.

Out home college team is in excellent condition this year, and indications are that the real thing in the baseball line will be put up.

A. & M. has been hard at work since the Christmas holidays, whenever the weather permitted outside practice. Coach Clark and Captain Thompson have selected a team from the large number of candidates that is said to be the best in the athletic history of A. & M.

There are seventeen games scheduled to be played in Raleigh this season, and probably others will be added later. The diamond at the fair grounds has been put into good condition. All the Raleigh games will take place at the fair grounds, as the new athletic park will be planted in grass to prepare it for football games next fall.

## FELLED GRAVES BY BLOW FROM BEHIND

(By The Associated Press.) Atlanta, Ga., March 13.—John Temple Graves, editor of the Atlanta Georgian, was assaulted on the street here yesterday, being struck from behind without warning, by J. H. Crutchfield, Colonel Graves was knocked to the pavement and stunned for a few minutes.

Crutchfield, who used his fist in his attack, is a muscular man, towering above Colonel Graves by many inches. A friend of Colonel Graves immediately attacked Crutchfield, who escaped. His arrest was ordered from police headquarters and he was taken into custody an hour later.

Crutchfield, who was recently acquitted of a murderous assault upon his wife, who lost a leg as a result of his shooting her, as he claimed accidentally, complained that certain statements published in the Georgian were false and unjust to him, and that when he demanded retraction, he got no satisfaction.

## SELF-MURDER OF A BANK PRESIDENT

(By The Associated Press.) Canton, Ohio, March 13.—Horace G. McDowell, president of the Farmers' Bank of Canton, shot and killed himself here today.

## BUILDING USED BY LEGISLATURE

### Workmen Tearing Down One of Raleigh's Landmarks

### THE MASONIC TEMPLE THUS SAYS GARRETT

Will Be Erected Where Old Smith Building Now Stands—Once Regarded as a Skyscraper—Session of Legislature Held on Third Floor After Capitol Was Burned.

The work of tearing down the old building on the northeast corner of Fayetteville and Hargett streets has begun, and thus will one more of the landmarks of Raleigh disappear. It is on the corner where the old three-story building now stands that the handsome Masonic Temple is to be erected. When the past century was young, the Smith building was regarded as the skyscraper of Raleigh, and on one occasion the legislature met on the third floor of the building, which was then the most spacious hall in the city. So, within the walls of the old red brick building were made some of the laws of the state, and it has a history other than having been occupied by various mercantile firms, as well as a banking institution in recent years.

The building was erected about seventy-seven years ago by Benjamin B. Smith, and for a number of years he occupied the first floor, where was conducted a mercantile establishment. It is said that the building was completed about 1830, and it was during the following year that the capitol was burned. One session of the legislature was held on the third floor of the building while the new capitol was being erected. Several years after this the building was badly damaged by fire, and again in 1851 it was damaged by a fire which destroyed several buildings on Fayetteville street. With the exception of the Haywood building, the Creech building and the rectory of Christ Church, the building on the northeast corner of Hargett and Fayetteville streets is the oldest in the city of Raleigh.

For a number of years after it was erected, the building was occupied by the owner, as above stated; then by A. Klein, J. M. Rosenbaum, David Rosenthal and others. The second floor was occupied for many years by the Raleigh Insurance Company, and for twenty years the Nichols & Gorman printing office was on the third floor, but in recent years it has been used by a fraternal organization.

To the older people of the city it is with a feeling of regret that they see the old landmarks disappear, but it is in the nature of things, the old must give way for the new, and the march of progress during the past few years has been especially great in the south. But a few more years and all of the old landmarks will have disappeared, with perhaps an exception or two on some obscure street where old buildings will stand as mute reminders of the days of the long ago.

## STREET CAR STRUCK. FIFTEEN INJURED

(By The Associated Press.) Los Angeles, Cal., March 13.—Fifteen persons were injured here today when a Southern Pacific freight engine struck a street car near Ascot Park. Two of the injured will probably die.

## LIFE CRUSHED OUT BY FALLING ROCK.

(By The Associated Press.) New York, March 13.—One man was killed and eight were injured by the caving-in of rock in the Pennsylvania Railroad station excavation here today.

Rescuing Many Flood-Prisoned. (By The Associated Press.) Lancaster, Ohio, March 13.—The worst flood since 1845 swept over Lancaster today. The police and fire department are working to rescue people from the second stories of their homes.

Flood conditions prevail nearly all over the state.

## RUIN ROADS AND INVITE PANIC

### People Laying the Foundation of Financial Wreck

### THUS SAYS GARRETT

Unless a Change of Sentiment Sweeps Aside the Ruinous Trend of Legislation Against the Railroads, It Will Be Impossible for the Systems to Live, He Declares.

(Special to The Evening Times.) Norfolk, Va., March 13.—Sharing the sentiments of President Stickney of the Chicago Great Western Railroad, who declared in Washington last night that "the people are now laying the foundation, firm and strong, for a tremendous panic," by present adverse railroad agitation, which threatens all railroads with bankruptcy, President W. A. Garrett, of the Seaboard Air Line Railway, who returned last night from a two weeks inspection trip of the Seaboard system, declared today that "only a change of sentiment, sweeping aside the present ruinous trend of the legislation of the states and government against the railroads, can save these corporations from the hands of receivers.

"If the rates are forced down further," said Mr. Garrett, "neither the Seaboard Air Line system nor other roads, if they continue their present service, will be enabled to live."

Present conditions were attributed by Mr. Garrett to the great prosperity of the country.

"There is a shortage of men," he said, "and labor is dear. The volume of business is greater than the cost of space production is; competition is greater still, yet at this time we are forced to cut rates when we should be allowed to increase them."

Aside from the heavy operating expenses at this time, Mr. Garrett pointed out that taxes on railroads are very high and the railroads have a large bonded indebtedness to maintain. He says conditions as they stood a year or two ago were satisfactory, and he believed it would have been to the best interest of both people and railroads if matters had been allowed to remain as they were. Mr. Garrett said that under his administration of the affairs of the Seaboard the public will be taken into the confidence of the railroad officials; whenever a wreck or accident occurs, the details will be made public and the responsibility will be placed, with announcement to the world as to who are to blame for such accidents.

### MRS. EDDY IS SAID TO BE NOT COMPETENT.

An Associated Press dispatch from Concord, N. H., last night said:

Fred W. Baker, of Epsom, N. H., a second cousin of Mrs. Mary Baker Eddy, and Dr. E. J. Foster-Eddy, of Waterbury, Vt., Mrs. Eddy's adopted son, have become additional parties plaintiff as "next friends" of Mrs. Eddy to the bill in equity brought to secure an accounting of her property against leaders of the Christian Science Church.

In joining in the bill in equity Dr. Foster-Eddy says in his petition that he has "become convinced that Mrs. Eddy is, and for a long time has been, incapable of intelligently conducting or receiving an account of her business and property, and that the same is being managed wholly by the defendants, who are giving proper accounting thereof."

He believed, he said in his petition, that Mrs. Eddy is virtually a prisoner in her own house; that she is kept secluded by the defendants, Frye and others, and that she is not capable, under all her conditions, of managing her own business.

### FOR VIOLATING ANTI- BANKRUPTCY LAWS.

(By The Associated Press.) Augusta, Ga., March 13.—J. S. Nixon, president of a wholesale grocery firm, and one of the most prominent men in the city, was arrested on the charge of violating bankruptcy laws by accepting more than ten per cent due him. The case grew out of the failure of the H. C. Morrison Supply Company, some months ago. Nixon was placed under a bond for his appearance before the United States commissioner tomorrow.

## DELMAS MOVES TO BLOCK GAME

### Wherever Jerome Turns He Finds no Thoroughfare

### HUMMEL AND SMITH

These Two Witnesses Occupy the Early Hours of the Court, Delmas Fencing With Jerome as the District Attorney Questions Them—End of Trial in Sight.

(By The Associated Press.) New York, March 13.—The appearances are that the Thaw case will go to the jury within two weeks. The prosecution has practically finished with its testimony with the exception of its experts. It seems likely that today's session will be brief and that after adjournment Jerome and Delmas will consult on exact language of the hypothetical question which Jerome will read to his first expert witness.

Jerome today called Abraham H. Hummel and his clerk Schneidecker to the stand in an attempt to secure the admission to evidence of a copy of the affidavit making charges against Thaw which Evelyn says she was tricked into signing. The court however has repeatedly ruled that no evidence may be introduced to show the story she testified, she told her husband was untrue. Last night Jerome did not know of other witnesses he would call today.

James Clinch Smith, White's brother-in-law, was again called as a witness this morning. Smith was questioned by Delmas for the defense, having been recalled to testify as to a cablegram he received from Jerome in February summoning him to this country.

Smith said he did not have either the original cablegram or the copy. "As I remember the message," said Smith, "it read, 'Your evidence most important. Your attention desired.'" He first communicated this evidence to his lawyers. Smith said he returned to this country February 17 last.

Hummel Is Questioned. Abraham Hummel then took the stand. He had testified before the arrival of Smith that he saw Evelyn Nesbit at his office October 27, 1902, after her return from Europe.

"Did you after the conversation with Evelyn Nesbit on October 27 dictate something to the stenographer?" asked Jerome.

"Yes," answered the witness.

"Did Mrs. Thaw tell you that Thaw wanted to injure White and put him in the penitentiary, and that Thaw had begged her time and time again to swear to documents he had prepared involving White, and charging that he had drugged and ruined her, and that Thaw had beaten her because she would not sign papers?" asked Jerome.

Delmas arose to lay the ground for objection. He asked Hummel if at the time of the conversation with Miss Nesbit he was acting as her legal adviser and attorney.

"I was acting only for White," replied the witness.

"Did you not contemplate some action in Miss Nesbit's behalf?" asked Delmas.

"No; there was no legal action contemplated so far as she was concerned."

"There was no communication between the witness and Miss Nesbit as counsel and client?"

"I must object," said Delmas, "to the question on the ground that it is not proper in rebuttal."

Before the court ruled, however, Delmas put further questions to the witness which had reference to payments he received from White for legal services. The amount paid for this particular item of service, the witness said, was about \$100. Delmas then renewed his general objection.

Proposition by Jerome. "The proposition I make to the court is simple," Jerome said. "If Evelyn Nesbit did not tell Thaw this story in Paris the reason for his insanity disappears. If her story is true I know of nothing in the history or literature more sublime than Evelyn Nesbit's self-sacrifice in her renunciation of the love of a man who we are told was paying honorable court to her.

"But she returned to America on October 24, and on October 27 she was in Hummel's office with the man who she says ruined her, and there she said that in Europe Thaw had drugged and beaten her with a whip because she refused to sign a (Continued on Page Five.)