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FOR THE MURDER OF YOUNG ESTES

A True Bill Returned Against Judge Loving

SESSION OF AN HOUR

The Arraignment Follows—Application for Bail is Made and Temporarily Granted by While the Lawyers for the Defense Make a Petition for a Change of Venue.

(By Leased Wire to The Times.) Richmond, Va., May 28.—At 12:30 this afternoon the grand jury in the circuit court of Nelson returned an indictment against Judge W. G. Loving for the murder of young Theodore Estes in that county April 21. The grand jury was in session only an hour, examined three witnesses and reported a true bill for murder. Judge Loving was at once arraigned in court before Judge Barksdale who had been designated to hear the case, and application for bail was made and temporarily passed by while the lawyers for the defense sent a petition for a change of venue. The first affidavit presented was one by Judge Loving, who recited the great popularity of the dead man, his father and the extensive relationship. The lawyers then took up other affidavits, many of which were to the same effect and the belief at this hour, one o'clock, is that the reading of affidavits will consume the rest of the session of the court. The state's attorney will oppose the change of venue.

CROPS DAMAGED BY THE COLD WEATHER

Although the month of June is almost at hand one would have never believed it this morning, for the weather, which felt like early spring. According to the weather man the temperature last night dropped to 49, which is not very far from frost, and at 8 o'clock this morning it registered 55. But the weather in North Carolina, according to some of the reports received, was mild compared to the middle and western states. In many respects this has been a most unusual spring, the weather during the latter part of March being like May, and this month has been more like March. There have been but few warm days this month, and during the month of March the temperature on several occasions went above 90, and on one occasion reached 94, a record breaker. The cold weather has done a vast amount of damage to crops and farmers say that it has caused much cotton to rot in the ground and the cut worms have been very bad. All crops have been injured but principally cotton.

WILL DECIDE ABOUT HOLDING CARNIVAL

A special meeting of the board of aldermen will be held this afternoon at 4:30, at which time the proposition to hold a carnival here will be passed upon. The proposition is to hold a carnival for the benefit of the Third Regiment Band. There has been considerable opposition to the carnival among the merchants, a class that would be supposed to favor it; but the merchants say that instead of helping their business it has the very opposite effect. If the permit is granted, the carnival will probably be held in Moore's Park on Hargett street.

THE BIRRELL BILL BELIEVED TO BE DEAD

(By Leased Wire to The Times.) London, May 28.—The fate of the Irish bill will be definitely known next Monday. Premier Campbell-Bannerman was expected to announce yesterday what action would be taken on the Birrell measure, but instead stated that he would not be ready to outline the government program for a week. The best impression is that the Birrell bill is dead and no resurrection.

THE WILL OF "MILLET" SMITH IS PROBATED

(By Leased Wire to The Times.) Genoa, N. Y., May 28.—The will of J. Henry Smith, the multimillionaire who died in Japan while on a wedding tour around the world, was admitted to probate here quietly. The value to Mr. Smith's estate has been variously estimated at from twenty-five to fifty million dollars.

URGE NAME OF PRES. C. C. MOORE

For Office of Commissioner of Agriculture

A RALEIGH CANDIDATE

Out for Position of Labor Commissioner—City Clerk W. W. Willson Expects to Enter the Race—H. B. Varner Has Announced That He Will Not Be a Candidate.

Another name is heard mentioned in connection with the office of commissioner of agriculture, that of Mr. C. C. Moore, of Charlotte, president of the North Carolina division of the Cotton Association. Friends of Mr. Moore say they believe he is the logical man for the office. He is a farmer and one of the best known men in the state, having been particularly active during the past few years in connection with the Southern Cotton Association, and there are but few counties in the state or eastern North Carolina that he has not visited during this time. Mr. Moore has never been in politics and his friends believe that instead of injuring him that this would be a considerable advantage, for he has no political enemies and at the same time is as well known as most of the politicians in the state.

It has been generally understood for some time past that Mr. Patterson would not be a candidate to succeed himself. There has been no absolute announcement yet by any candidate, although the names of several have been mentioned in connection with the office, their names having been given in The Evening Times a few days since. For Labor Commissioner.

Mr. W. W. Willson, at present city clerk of Raleigh, has decided to become a candidate for the office of commissioner of labor and printing. Mr. Willson was assistant insurance commissioner under Mr. Young, resigning that position five years ago and to become reading clerk of the house. Soon after the legislature adjourned he was elected clerk of the city of Raleigh.

Mr. Willson is well known throughout North Carolina and is very popular with all classes. He is a prominent Mason, Pythian and Odd Fellow. He will receive support from the entire state, and his friends, confident of his ability to run the office, will rally to his support.

ATTORNEYS DISCUSS SUIT OF SOUTHERN RY.

A conference is being held today between the attorneys employed to represent the state in the suit brought by the Southern Railway to prevent the corporation commission from putting into effect the rates made by the last legislature, said rates effective on all railroads in the state having a mileage of more than sixty miles. All of the attorneys—Mr. Fred A. Woodard of Wilson, Mr. Walter E. Daniel of Weldon, ex-Judge James E. Shepherd of Raleigh and Messrs. Winston & Bryant of Durham, as well as Attorney General Oulmer and Assistant Attorney General Chemical—are present. Nothing has been given out by any of the attorneys, further than that the general merits of the case are being discussed. A meeting was held this morning and the attorneys are also in conference this afternoon.

A copy of the bill in equity brought by the stockholders of the Atlantic Coast Line against that road was served on the members of the corporation commission and the attorney general this morning.

NEW YORK PARTING FROM SLAVERY MAY

(By Leased Wire to The Times.) New York, May 28.—With summer only four days off, according to the calendar, New York is parting from the coldest May it has known since 1882. In that year the mean temperature was 54. Up to today the mean temperature was 55.3. The mean temperature of this month for thirty-six years has been sixty.

ANXIETY FEELT ON THE ENGLISH EXCHANGES

London, May 28.—At 1:55 o'clock this afternoon there was great anxiety on the stock market. The situation has been strained all day. There has been more forced liquidation and depression. Gilt-edged British investments are flat, in sympathy with the continued decline in consols.



MR. AND MRS. HOWARD GOULD. The wife of the New York millionaire was formerly Katharine Clemmons, an actress. She charges that her husband has made efforts to trap her, and sought to prove she had a husband when she married him.

HARVIE JORDAN LOOMING LARGE

(Special Cable to The Times.) Vienna, May 28.—President Harvie Jordan, of the American Cotton Growers' Association, is one of the most interesting figures at the meeting of the international cotton conference now in session here. Mr. Jordan delivered a most interesting address before the conference at the opening session, telling of the organization in the United States of the cotton planters, and of their efforts to put an end to legitimate speculation in the United States and to put one of the world's greatest commodities on a purely business basis, so that it might be subject only to the laws which govern all legitimate business.

At the reception by the emperor of the 35 or more delegates, from all countries of Europe and the United States, Mr. Jordan was honored by His Majesty with several minutes' conversation. In opening the conference Herr Kuffler, Auguste spoke very highly of the representatives of the American cotton planters present and of the method which the yhad introduced of giving exact information concerning the growth of this important raw material.

WINTER WRAPS MAY IN SNOW'S ERMINE

(By Leased Wire to The Times.) Cumberland, Md., May 28.—Railroad men coming into Cumberland last night reported conditions similar to those of ordinary winter weather. For the past two mornings there has been snow throughout the state. At Sand Patch and in the sides of Garrett county snow fell yesterday. Leaves have dropped from the trees and conditions similar to those of late fall prevail.

A HORRIBLE TRAGEDY MOTHER AND SON MURDER THE BOY'S FATHER

They Confess the Deed, Say They are Ready to Pay the Penalty and That They Have Been Subjected to Torture.

(By Leased Wire to The Times.) Parkersburg, W. Va., May 28.—At MacFarlan, Ritchie county, a mother and son killed the husband and father, Harvey Yohe, a farmer, while he lay asleep in his bed yesterday.

Yohe, after a quarrel with his wife, in which a son, John, participated, went to bed. It is said the mother and son had threatened to kill him "before the day was over." It is alleged they stole his bedroom and fired two shots from a revolver. They acknowledged the murder, it is said, and say they are ready to pay the penalty. Both say they had been subjected to torture for years.

POISONED HIS MOTHER, THEN KILLED HIMSELF

Kalamazoo, Mich., May 28.—William McKee, or seventeen years a druggist, who disappeared from Kalamazoo last Thursday, it was learned today, had gone to his former home in Bright, Ont., where, with chloroform, he had murdered his mother, Jennie McKee, 71 years old, and then committed suicide.

BILL PROHIBITS USE OF TOBACCO BY BOYS

(By Leased Wire to The Times.) Madison, Wis., May 28.—The bill prohibiting the use of cigarettes, cigars and tobacco by persons under 16 years of age was passed yesterday.

STRIKE STILLS SANTIAGO LIFE

(By Leased Wire to The Times.) Santiago, Cuba, May 28.—Intense indignation against the United States has been aroused among longshoremen here because troops of the eleventh infantry unloaded the cargo of the steamer Antilla, the crews of which walked out. This was done because a famine was feared in the city and supplies were absolutely necessary. During a riot in the street in which the United States troops figured, a bullet entered the main office of the Ward Line of steamships lodging in the wall a few inches above the head of a man at his desk.

Business is at a standstill and no meat has been received in this city for two days. Bread was delivered under armed guard. The strikers seized two wagons and spilled the bread they contained into the street. After the strikers had retired the bread was gathered up by hungry women and children. The cigar makers voted to walk out today and this means practically the cessation of all work in the city.

The street cleaning brigade has stopped work and it was followed by the men in the other city departments.

KILLED HER FATHER, BURNED HERSELF UP

(By Leased Wire to The Times.) Chicago, May 28.—Early this morning Miss Philander Swinnen, 30 years of age, living at 101 Pierce avenue, believed to be demitted, shot and killed her mother, attempted to kill her father, and then set fire to her garments and was burned to death. The woman was released from the Dunning Asylum a year ago.

BOUND TOGETHER BY ONE PURPOSE OFFICERS FACE SERIOUS CHANGE

Mrs. William Thaw and Evelyn Begin Housekeeping

NEW HOME IN NEW YORK

The Elder Woman Said to Have Been Stung by the Cold Reception She Met With in Pittsburg—A Common Aim Born of Love the Bond of Union.

(By Leased Wire to The Times.) New York, May 28.—Mrs. William Thaw and Evelyn Nesbit Thaw, the wife of her prisoner son, have begun housekeeping in New York City. They are fitting up in a sumptuous manner a house on Park Avenue, near 69th street. The furniture, bric-a-brac, rugs and other appurtenances of a magnificent home are from the Thaw mansion, Lyndhurst, in Pittsburg.

The move is a significant one, indicating as it does many developments in the great Thaw case. It foretells that there is absolutely no chance of Harry Thaw leaving the Tombs until he has again been tried. It also makes plain to New York City, according to those who know, that Mrs. Thaw did not look kindly upon the reception she received at the hands of the Pittsburg exclusive social world after the revelations made in the trial. This, it is said, so struck at the roots of Mrs. Thaw's pride that she decided to leave Pittsburg. It is said she will never again live in her home city and this assertion is borne out by the establishment of a New York residence. Lyndhurst, as has been reported, is mortgaged. This is regarded as a fore-runner of absolute sale.

Then again, the arrangement for the elder and younger Mrs. Thaw to dwell in the same house tells plainly a story of heart sympathy of common surrender to one cause of devotion. It is an all important fact in the Thaw case. Both young women will nurse their sorrow and plan with woman's devotion for accomplishing their hearts wish, the release of son and husband.

BREAKERS UNITE WITH STRIKERS

(By Leased Wire to The Times.) New York, May 28.—The striking longshoremen today scored one of the greatest victories since they went on strike more than three weeks ago. Of the 600 strike-breakers employed by the Munson Line on pier No. 9, East river, 592 marched out today and joined the strikers.

President Patrick Connors made union men out of the 592 and organized them into branch No. 15 of the union. That left the Munson Line but eight men to load and unload three steamships tied up at its piers.

The crew of the French Line steamship La Touraine today became envious of thirty strike-breakers and engaged them in a fight on the French Line pier.

The crew had been given to understand that they would be given a chance to make extra money by working as longshoremen in the strikers' places, and when they saw the thirty strike-breakers at work they became angry. Reserves were called and had to use their clubs freely before order was restored.

FINAL EXAMINATIONS AT WEST POINT ARE ON

(By Leased Wire to The Times.) West Point, N. Y., May 28.—The final examinations for the scholastic year at the military academy are now in full swing, the last of the recitations for the year having been held yesterday. The full board of visitors is present and the exercises outside of the class room begin today with the inspection and school of the troops on the cavalry plain, for the first class this afternoon at 4 o'clock.

After this there will be drills with the machine, Maxim guns, and pack train on the target range. Tomorrow the field exercises comprise a review and drill of the field battery, position finding service, coast artillery and target practice and field artillery work. The cadet corps will leave West Point for a visit to the Jamestown Exposition going aboard the transport Sumner, which will come up to the point.

Trial of Murder Case in Federal Court

MEN INDICTED IN 1905

Deputy Collectors D. C. Downing and J. C. Stancil Are Charged With Murder of Watson Jernigan of Duplin County—Contend They Fled in Self-defense.

The case in which D. C. Downing and J. C. Stancil, deputy collectors, are charged with the murder of Watson Jernigan, was called this morning immediately after federal court convened, and the work of selecting a jury begun. It was apparent from the first that some trouble would be experienced in getting a jury, and when the regular jury had been exhausted only five jurors had been accepted. The marshal was then ordered to summon a special venire of twenty-five men.

This case had been on the docket since the fall of 1905. The suit was instituted in the state court, a true bill for murder having been returned by the grand jury of Duplin county against the above-named officers for killing Watson Jernigan, a resident of Duplin county. Through a writ of certiorari it was moved to the federal court.

The officers in question had learned that an illicit distillery was located on the farm of Jernigan, who was about 65 years of age, and a man of family, and on the 25th of October, 1905, they went to the distillery and destroyed the same. It was located about four hundred yards in the rear of Jernigan's house and near a swamp. It is contended by the officers that Jernigan was killed in self-defense, that after seizing and destroying the distillery Jernigan appeared on the scene and fired at them, the shot being returned, and resulted in Jernigan being killed, a bullet having passed entirely through his body.

The prosecution contends that the distillery was only on Jernigan's property, and when the officers arrived at the distillery he was not even there. Later he heard firing and went out to investigate, when the officers pursued and shot him. The prosecution will contend that he was shot in the back.

Soon after the affair it aroused considerable feeling in that section against the officers, the friends of Jernigan holding to the belief that the officers fled without just grounds for doing so.

Mr. Downing is from Cumberland county, and at the present time is a deputy collector. Mr. Stancil is from Johnston county, and at the time of the shooting was only acting as a special officer. Mr. Downing has been out under a \$1,000 bond and Mr. Stancil under \$200 bond.

It took until two o'clock this afternoon to secure a jury, and court then adjourned until three o'clock. The jury is as follows: E. B. Roberts, B. M. Williams, W. H. Cole, Jesse Williams, Quentin Jones, C. L. Sykes, A. R. D. Johnson, M. B. Benson, W. R. Hunter, Alex Stewart, W. B. Mann and J. M. Edwards.

This case will probably be concluded tomorrow as there are but very few witnesses, the majority of those for the defense being character witnesses. The officers were the only ones present when Jernigan was killed.

WILL CLEAR THE DOCKET

The Jernigan case clears the docket for quite a number of cases were continued. It was expected that at least two weeks would be consumed in disposing of the criminal cases. There are several cases on the civil docket that will probably be tried.

THE DUKE OF ARRIVEZ TO MEET COMMODORE PERRY

(By Leased Wire to The Times.) New York, May 28.—My greatest pleasure during this most enjoyable visit in the great city of New York is to come tonight when I shall meet Commodore Perry. It is a pleasure that I have long looked forward to. Thus spoke the Duke of Arrivez today, as he landed from the Italian cruiser Varese and started on a tour of the city. The duke is to meet Commodore Perry at a dinner given to his grace by the Alpine Club. The function takes place at the Hotel Astoria.