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FACING CHARGE OF FALSEHOOD

Efforts to Prove Miss Loving's Story Fabrication

MISS KIDD NOT CALLED

It is Generally Believed, However, That Judge Loving Will Be Acquitted, As It is Conceded That He Believed His Daughter Whether the Story Was True or False.

(By Leased Wire to The Times.)

Houston, Va., June 27.—Elizabeth Loving's second ordeal came today when the prosecution started out to prove that the remarkable sacrifice she made of her honor to save her father from the death penalty was based on falsehood.

Through Miss Loving's closest friend, Miss Kidd, the state said it would prove that she had not been attacked by Theodore Estes, the young man her father shot down, but that she was simply intoxicated by one drink of liquor and had confided that such was the case to Miss Kidd.

Miss Loving went to the Kidd home after the carriage drive and there explained to her chum that the one drink had been too much for her and went to bed. Had Estes attacked her it is certain, according to the theory of the prosecution, that she would have wept and told her closest friend to whom she went in preference to her own house.

Whether his daughter was attacked or not is little matter. He believes she had been and that is his defense. In delivering his opinion with regard to the admission of testimony tending to disprove the assertions of Miss Loving with regard to the event occurring on her drive with Estes, Judge Barksdale said:

"To admit such evidence would be unnatural and unjust. To maintain that the prisoner, while in the heat of passion, should have stopped to investigate the facts would be depriving him of the right to plead 'hot blood,' and would raise the crime from manslaughter to murder in the first degree."

Conflict of Testimony. Following the opinion of Judge Barksdale the prosecution put upon the stand Mr. McInnis, who was at Oak Ridge at the time of the shooting. The witness was closely questioned concerning the physical condition of the prisoner immediately after the shooting and testified that the only difference he noticed in Judge Loving was that his face was "extremely red—redder than I have ever seen it, even when he was drunk."

It will be recalled that witnesses for the defense have testified that Judge Loving's face immediately after the tragedy was very pale.

The witness said he drove back to Lovington with the prisoner and that their conversation was entirely rational. It now becomes apparent that the prosecution intends trying to prove the sanity of Judge Loving at the time of the shooting.

That he had been intimate with Judge Loving for many years and had never seen him take a drink was the startling testimony of E. L. Kidd, clerk of Nelson county court and father of the young lady whose testimony was not allowed to be introduced.

Mr. Kidd was asked: "Have you known Judge Loving long?" "Yes, for several years."

"Do you know whether he ever drank or not?"

"Do you mean to my own knowledge?" asked the witness.

"Yes," replied Mr. Boudin.

"Well, during all the time I have known him I have never seen him take a drink; so, of course, I cannot say of my own knowledge that he ever drank."

The witness further testified that the prisoner had made an excellent judge, was a fine huntsman and capably administered the affairs of the Ryan estate.

SAN SALVADOR AWAITS ATTACK

(By Leased Wire to The Times.)

Mexico City, June 27.—Minister Delgado, representing the republic of San Salvador in Mexico, has received a cablegram from President Figueroa of that country, saying that the republic of Nicaragua is fitting out a fleet of three gunboats on the Pacific side, and that an attack is expected at any time. The message added that Salvador was fortifying its ports in anticipation of the attack. President Delgado of Nicaragua is playing the role of dictator, and is using his forces to form a confederation of the Central American government.

CYCLONE VISITS TOWN OF ZEBULON

Stores and Houses Blown Down in the Storm

NOLIVES REPORTED LOST

Occurred About Two O'Clock Yesterday—Wires Down and Communication Cut Off—Damage is Mostly to New Buildings Under Construction—Vague Rumors.

(By Leased Wire to The Times.)

The town of Zebulon, N. C., situated about twenty-five miles from Raleigh, on the new Norfolk & Southern Railroad, was visited yesterday afternoon about 2 o'clock by a severe cyclone and hail storm.

Telephone and telegraph wires were torn down, so that it was impossible for any intelligence of the occurrence to reach Raleigh last night. Mr. Thomas P. Lumsden, an engineer employed by the Norfolk & Southern, brought the news to the city this morning. Mr. Lumsden says that when he reached Zebulon late yesterday afternoon the scene was one of fearful destruction. Houses were down everywhere in the town, some had been moved from their foundations and dropped in another position, and the debris scattered in every direction. There was no one injured, so far as can be learned at present, although there were persons in some of the stores that were blown down.

The following property owners suffered losses: M. S. Chambliss, new dwelling nearly finished blown down; W. L. Wiggs, two new stores under construction entirely destroyed; Wilson Oil Company, one seed house blown down; M. Brannan, one dwelling nearly completed blown down; B. M. Alford, dwelling and storehouse badly damaged; Sanders Bros., saw mill damaged; Hales, Finch & Richardson, large warehouse blown down, large window glass in front of store smashed, and store badly damaged.

Reports from the vicinity say that the amount of damage will reach a large figure, but no conservative estimate has yet been announced as to the total destruction. One man states that he saw the end of a house moved around into the front yard. Another says that the trees all around the town looked like ten-pins that had been knocked over. Details are difficult to procure on account of damage to the wires. All the inhabitants of the vicinity are still alarmed over the fierce storm.

DISFRANCHISEMENT BILL OF GEORGIA

(By Leased Wire to The Times.)

Atlanta, Ga., June 27.—When the legislature convened for the second day's session at 10 o'clock this morning the house immediately took up the resolution passed by the senate Wednesday providing for a joint session of the two branches of the legislature for the purpose of canvassing the vote of the late election for state-house officers.

A bill providing for a constitutional amendment to create the office of lieutenant governor of Georgia probably will be introduced at this session by Representative Taylor of Sumter.

Representative Williams of Laurens will probably introduce his "disfranchisement bill" in the house this afternoon. The bill has been prepared in accordance with the views of Governor-elect Smith and the policy as defined by him during his campaign for governor.

The measure provides that no person shall be allowed to vote in the state unless he can correctly read and write in the English language any paragraph in the constitution of this state or of the United States. The bill also contains what is known as the "grandfather clause," which exempts from the educational restriction all citizens who have served in any of the various wars in which the United States has been involved, and their descendants. The property-ownership clause provides that "any person who is the owner of at least forty acres of land or an assessed taxation value of \$500" may be allowed to vote.

Representative E. A. White of Madison will introduce a bill providing for the election of county school commissioners by direct vote.

HINES ARGUES FOR RAILROAD

Replies to Contentions of Ex-Congressman Woodard

THIS IDEA NEW, HE SAYS

He Refers to Statement That Many Accidents and Injuries Suffered by the Road Are Due to the Company's Carelessness and the Public Shouldn't Pay for Them.

(Special to The Evening Times.)

Ashville, N. C., June 27.—With the opening of court this morning Walker D. Hines, the eminent railway lawyer of New York, resumed his speech for the plaintiffs in the action in the matter of the injunction against reduction of passenger rates of the Southern Railway before Judge Pritchard.

Replying to a contention of the defendants voiced yesterday by ex-Congressman Woodard that much of the heavy loss of the Southern by accidents and injury was due to the carelessness of the company and the public ought not to have to pay for them, Mr. Hines said this was a new idea to him and contrary to the well established principle of the courts.

The defendants make much of the assertion that reports to the corporation commission made last year show a much smaller net profit than is shown in the bill now presented by the complainants. Mr. Hines stated that these former reports were approximate, and were clearly stated to be such at the time they were made.

Court adjourned at 1 o'clock and resumed at 2. Mr. Hines finished his argument at the morning session, and A. P. Thom began speaking. Mr. Thom, who is general counsel of the Southern, will consume the afternoon session.

A New Treaty With Japan Forecast

(By Leased Wire to The Times.)

London, June 27.—The Tokio correspondent of the Daily Mail says that apparently an understanding has been reached by Japan and America that the existing treaty between the two countries will be replaced by a new one in 1909, when Japan will fight hard to place her subjects on an equal footing with Europeans.

SUICIDE TODAY BY THE BULLET

W. M. Smith, Post Graduate of Trinity College

FOUND DEAD IN ROOM

The Deed That Laid Him a Corpse Believed to Have Been the Result of Despondency—The Suicide Was Highly Esteemed—A Popular Baseball Man.

(Special to The Evening Times.)

Durham, N. C., June 27.—W. M. Smith, a post-graduate of Trinity College and captain of the Trinity ball team for the past three seasons, committed suicide today between 11 and 12 o'clock. The fatal affair occurred at his boarding house on Randolph street where he has been boarding since college days. He held a position with the American Tobacco Company.

This morning he reported for duty at the factory at regular time and shortly after ten o'clock said he was sick and was given permission to leave the factory. Nothing was heard from him until at the dinner hour, when he failed to show up and upon investigation was found in his room dead with a bullet hole in his right temple.

He was familiarly known as Capt. Billy Smith by his numerous friends. He was exceedingly popular and his death cast a gloom over the entire student body of Trinity and members of the faculty. He was a man of jovial personality and made friends with every one with whom he came in contact. For the past five years he had been a student of Trinity and at the last commencement took the bachelor of arts degree.

Captain Smith made his home in Concord and he is survived by a mother, father and one brother, Henry Smith, who also lives in Durham. Nothing has occurred in Durham in many months that caused more sensation and extreme sadness. His popularity as a short-stop of Trinity team is known throughout the north and south.

It is believed that he took this rash step on account of despondency. A number of his personal friends during the past five days have noticed his peculiar actions but were (Continued on Fourth Page.)

NO DECISION ON EASTERN SCHOOL

State Board of Education in Session This Morning

TO BE SETTLED JULY 10

Discrepancy in Offers Made by Various Bidders—The Offers Must be Stated in Writing and Submitted to the Board—One Representative Allowed from Each City Making Bids.

(By Leased Wire to The Times.)

The State Board of Education met this morning at 9 o'clock in the office of Governor Glenn and unanimously decided to postpone action upon the selection of a site for the East Carolina Teachers' Training School until 10 o'clock Wednesday morning, July 10th.

This postponement is for the purpose of getting the various offers into systematic shape so that just what each city in the contest proposes to give may be in proper form for comparison.

The following letter is today being sent out by State Superintendent J. Y. Joyner to the competing cities:

"Moved, that the selection of the site of the Eastern Carolina Teachers' Training School be postponed until 10 o'clock Wednesday morning, July 10th, 1907; that on account of a variance and discrepancy in the offers made by the members of the board as to these offers made at the meeting on June 5th, the board decided that, in fairness to all and that there might be no misunderstanding and no advantage given to any bidder, all be allowed, if they see fit, to state in writing what they are willing to do, allowing them to add to or explain the bids heretofore made; that confusion having arisen on account of the ambiguity of the bids heretofore made, no alteration or increase shall be considered except as clearly made in writing; that no further oral argument is requested by the board but each bidder so desiring may appoint one representative to be present on July 10th, when the bids are submitted to the board."

Lodge of Elks Organized.

(Special to The Evening Times.)

Fayetteville, N. C., June 27.—A lodge of Elks was organized here last evening to be instituted some time early in July, and to be called Fayetteville Lodge, No. 1081.

CHICAGO TO FEEL THE FIRST BLOW

The Strike Will Then Extend to New York

COMPANIES GET READY

Western Union and Postal Issue Orders That Messages Will be Accepted at Sender's Risk—A Committee of Girls to Appeal to Clowry for Living Wages.

(By Leased Wire to The Times.)

Chicago, Ills., June 27.—The Western Union Telegraph Company began preparing for a strike in Chicago yesterday by issuing orders that all messages would be accepted at sender's risk. The Postal has been prepared for several days.

It is now believed that President Small and his advisers have reached an agreement as to the extension of the strike. The hour has been selected and the manner of calling the strike decided upon. Chicago will be the first place affected. New York will be the next. In the meantime the union officials will send a committee of six girls from Chicago to New York to see President Clowry and personally appeal for living wages.

The girls will represent the employees on the Barclay telegraph machines and the branch offices. They will pick up other committees on the way to New York. In every city they will announce why they are going to interview President Clowry. The Chicago girls state that they receive from \$5 to \$7 a week and that these wages are too small. In New York they will call on President Clowry and state their grievances if he will see them. If not they will visit Miss Helen Gould and appeal to her to induce President Clowry to grant an audience.

According to information direct from the Western Union office the company in Chicago is nearly 3,500 messages behind and New York office is 1,100 messages behind.

Rev. Dr. Aked is Ill in Bed.

(By Leased Wire to The Times.)

New York, June 27.—Obeying the peremptory order of his physicians, among them Dr. Janeway, the Rev. Dr. Aked, pastor of the Fifth Avenue Baptist Church, of which John D. Rockefeller is a communicant, has taken to his bed, and perhaps will be operated upon for the removal of gall stones.

COMMISSIONERS HOLD SESSION

Hearing Evidence in Regard Road Matters

NOT MUCH IS DOING

In the Trial to See Whether or Not the Wake County Road Commission Should be Removed Only One Witness Examined up to Adjournment at 3—Session is Very Tedious and Looks Good to Last a Long Time.

(By Leased Wire to The Times.)

It was a few minutes after 12 today before the county commissioners got busy on the petition submitted by the Wake Forest citizens asking the board to remove the Wake County Road Commission on the grounds that it had violated the rights of the people of Wake county and committed other acts. At the rate business was transacted, it looked like the session is good for a couple of months. At 2 o'clock the board adjourned till 3.

Chairman D. T. Johnson of the Board of County Commissioners called the board to order, and Register of Deeds Bernard read the minutes, and the regular business of the meeting was taken up.

The court room was pretty well filled with citizens from Wake Forest and New Light townships. From the very start it looked like there would be a warm time, in spite of the smiles that played about the faces of those present.

The first thing done after the board had been called to order was the reading of the charges preferred against the road commission. Then the answer to these charges was read. The reply denied every allegation of the petitioners that the commission had acted contrary to its duty.

Chairman Johnson read the method of procedure adopted by the board for the session today. The last section of the rules adopted by the board was that order must be maintained.

The road commissioners, Messrs. W. C. Riddick, H. D. Rand and Geo. E. Gill, were represented by J. H. Pou and Armistead Jones & Son, Mr. S. G. Ryan and Prof. N. Y. Gully of Wake Forest College represented the petitioners.

Rev. W. G. Clementia, clerk of the commission, was called upon the stand by Mr. Pou and asked about the resignation of Mr. Holding, former superintendent of roads. He said that Mr. Holding tendered his resignation in April, to take effect immediately, but the commission would not accept it. The reasons Mr. Holding assigned were friction, but nothing in regard to the Wake Forest road.

Mr. Ryan read a petition from the citizens of Wake Forest (the petition has already been printed), stating that the new road was not wanted, and that it was an extra expense to the county.

"When you read the name of a colored man, please say so," requested Mr. Pou of Mr. Ryan. "We want to know your colored troops."

"There are no negroes on the petition," some one said; but somebody else said there was one. Mr. Ryan and Mr. Pou threw several pleasantries at each other. Mr. Pou saying, "Just wanted information, brethren," and Mr. Ryan replying, "You are getting information, brethren." Just four petitions were read by Mr. Ryan, and each contained a great number of names.

Objected to Use of Bible.

Prof. Benjamin E. Sladd, of Wake Forest College, arose when witnesses were about to be sworn and objected to the use of the Bible "in this transaction." Here the attorneys arose, but Professor Sladd never pressed his objection and the Bible was used. He refused, however, to be sworn, and counsel for the commission and the petitioners did not interpose objection.

Mr. Holding Examined.

Mr. W. G. Holding, former superintendent of public roads, stated that he made several surveys of a roadway from Wake Forest to New Light. He recommended to the county commissioners that the old road—from G. J. Holding's to Wake Forest—be used. He did not recommend a new road, because it would have been an injustice to the people who he thought should have had a vote in the matter. The board by an extra session ordered the new road, he said. No survey of the new road was ever made under his direction. He made a verbal report to (Continued on Fourth Page.)



THE "B B B" BASEBALL TEAM, RALEIGH. 1. Chas. U. Harris, O. P. 2. Winder Harris, 3rd B. 3. W. C. Harris, 2nd B. 4. Chas. King, O. F. 5. James Novell, 1st B. 6. E. Bridger, 1st B. and O. F. 7. W. R. Makepeace, Pitcher. 8. J. J. Bernard, Manager. 9. M. W. Crocker, Asst. Manager. 10. Gordon Harris, Pitcher. 11. Clarence Mitchell, S. S. 12. Jos. Sawyer, L. F. 13. William H. Sawyer, C. F. 14. S. Brockwell, Catcher. 15. Fred Gill, O. F.