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RUSSIA'S GRAND OLD MAN GONE

The Death of Count Tolstol is Reported

APOSTLE OF FREEDOM

In His Passing from Earth the Russian People Lose Their Greatest Champion and the World of Letters One of Its Most Brilliant Ornaments—Sketch of His Life.

(By Leased Wire to The Times.) St. Petersburg, July 16.—A telephone message from Moscow says that Count Tolstol died at his country seat at Jasnaya Poliana, in the government of Tula. The report is not confirmed.

In the death of Tolstol the Russian people lose their greatest champion and the world of letters one of its brightest ornaments. He was 79 years old, having been born August 18, 1828, at a place near Tula, about 150 miles south of Moscow. His mother died when he was three years old and his father three years later.

His rearing was amid aristocratic influences. He attended the University of Kazan, but did not graduate. He entered the army, and in 1854, at the outbreak of the Crimean war, applied for active service and served throughout the war.

Before entering the army he had written many short stories and had earned a place in Russian literature. After the war he went to St. Petersburg, where he was honored as a war hero, a noble and a writer. He became disgusted with his surroundings there and the life of idle pleasure, and went to Jasnaya Poliana, where he remained the greater part of his time during the remainder of his life.

First to Free Serfs. He was married in 1862 to the daughter of a Moscow University professor, who had obtained a degree when she was 17 years old, and who was in sympathy with his views and purposes. Throughout their life they enjoyed the greatest happiness in each other's society.

Tolstol was the first noble in Russia to free his serfs, which he did soon after retiring to the country. He began to follow his own gospel of life, settling down to manual labor and extreme simplicity of conduct. He gave away much property and refused to accept any remuneration for his extensive and popular writings.

In his books he set forth fearlessly his views of true living. He experienced direct persecution and prosecution for his writings, but while the government suppressed a number of his works, mutilating others and banishing some of Tolstol's friends, he was never directly molested. Recently he went so far as to address a communication to the czar himself, warning him that the terrors of nihilism and massacre would return if the government did not speedily manifest a change.

He was opposed to the duma, calling its member a "set of habblers." He had a profound admiration for great Americans, his favorites being William Lloyd Garrison, Henry George and the late Ernest Crosby. He was a vegetarian and was opposed to drinking to such an extent that his physician found it difficult to persuade him to take liquor as medicine.

TOLSTOI SAID TO BE ALIVE AND WELL

(By Leased Wire to The Times.) London, July 16.—The reports from Moscow of the death of Count Tolstol were at first accepted as being true, but the latest information is that the rumors are without foundation. The count is alive and well.

LOOKS LIKE WRIT OF HABEAS CORPUS

Since Ticket Agent Green has apparently made no effort to secure bond, it is inferred that his counsel will seek to have him liberated from the custody of the sheriff through a writ of habeas corpus in the United States court.

Editor Hudson Passes. Mr. H. T. Hudson, of Shelby, editor of the Cleveland Star, stopped over in Raleigh a few hours today en route to the press convention at Morehead City this week. Mr. Hudson held for several years the position of chief clerk in the auditor's department, and is well known in Raleigh.

GOVERNOR SAYS LAW IS VIOLATED

Railroads Are Not Heeding the State's Laws

LETTER SENT TO JUDGES

Governor R. E. Glenn Declares That a Great Wrong is Being Done the State—Stands Ready as Chief Executive to Render Any Aid Possible in Enforcing the Law.

Governor Glenn has taken a vital interest in the important railroad rate question, and has offered his assistance in enforcing the laws passed by the North Carolina Legislature of 1907.

His feeling in the matter is expressed in the following letter which he sent yesterday afternoon to every Superior Court judge in the State:

"My Dear Judge—The General Assembly of North Carolina on the second day of March, 1907, passed an act prescribing the maximum charges railroad companies may make for transporting passengers in North Carolina, said act fixing the maximum rate at 2 1/4 cents per mile, and going into effect from and after July 1st, 1907.

Before said act went into effect, the Southern Railway Company and the stockholders of the Atlantic Coast Line obtained from the Circuit Court of the United States an injunction against the Corporation Commissioners and the attorney general, prohibiting them from putting said act into effect until after the final hearing in that court. Before the circuit judge could render such a decree, this interfering with an act passed by the Legislature of a sovereign State, he would have to find that said act was unconstitutional by reason of its being confiscatory of the railroad's property. The judge in this case did not declare the act unconstitutional, but ordered a reference to the Master to find out if the rates fixed were confiscatory—the very thing in my opinion, that should have been done before any decree should or could be legally made restraining officers of the State from executing its laws. On examining the law as passed by the General Assembly, I find in Section 1 these words:

"No railroad company doing business as a common carrier of passengers in North Carolina, except as herein provided, shall charge, demand, or receive for transporting any passenger, etc., a rate in excess of 2 1/4 cents per mile."

"In Section 4 of the same act it is further provided that 'Any agent, servant or employee of any railroad company violating this act, shall be guilty of a misdemeanor and upon conviction, fined or imprisoned, or both in the discretion of the court.'

"The act of the General Assembly required no action on the part of the Corporation Commission or attorney general to give it vitality or to put it into effect. It was self-acting, and on July 1st, 1907, became a law, and no decree of a circuit judge of the United States enjoining the Corporation Commissioners and attorney general could or did prevent its becoming a law. The law is therefore now in effect and the agents, servants and employees of the railroads, who, since the first day of July have charged, demanded and received a greater rate than 2 1/4 cents per mile have violated the plain letter of the law and are liable to indictment, as well as the higher officials of the roads who advised and directed their agents so to act.

"The decree of the circuit court of the United States did not prevent or enjoin the enforcement of the criminal violation of the rate law, and I do not believe any judge, after reading the case of Pitts vs McGhee, 172 U. S. Reports, page 172 and cases there cited will ever attempt to make so high-handed an order, but will by trial, appeal, etc., as provided by the Constitution, both of the State and United States.

"As Executive officer of the State it is made my duty to see that the criminal laws of the State are enforced. To do less is to violate my oath. The law is being violated every day. I therefore view you as a judge of the Superior Court of the State, to properly instruct the grand jury, and to direct the solicitor of your district to send bills against the agents and employees of the railroads or its higher officials thus openly acting in defiance of the law.

"I do not desire unnecessarily to maul the railroads in costs and expenses by sending a great number of indictments against them, but only enough to test in the State courts every phase of the law, to the end that the guilty parties may be punished. If the railroads had given this law a fair test (and many are) to see if they could live under its provisions without their property being confiscated, and had found that they could not, the people of our State are just, and as I told some of your leaders, (Continued on Second Page.)

Miss Mary Phillips



Miss Mary Phillips, the beautiful young fiancee of Jacob Riss, noted author and friend of President Roosevelt, is shown in this picture. Miss Phillips has been working in the Jacob A. Riss settlement.

DR. JEKYL BY DAY RAY FIRED TWICE. MR. HYDE AT NIGHT ADAMS FELL DEAD

(By Leased Wire to The Times.) Coatsville, Pa., July 16.—Dr. Benjamin J. Holbrook, one of the best known physicians in Delaware county, has startled his friends by an alleged confession to the effect that he is a thief by night. Holbrook is the son of a former Philadelphia physician now deceased.

Dr. Holbrook is said to have confessed fully to Detective Bague of the Pennsylvania Railroad. His crimes began several months ago, and so far as known were confined to a territory within a few miles of his home. The robberies were committed at night, and always the doctor drove to the scene in his buggy and the booty was carried off to the swift pace of his spanking team of sorrels.

Thus industrious at night, he was in the day time a suave, well bred practitioner, specialist in eye, nose, and throat treatment, well mannered, and an especial favorite with families of good standing.

Holbrook was given a private hearing before Justice of the Peace Johnson at Downingtown and held in \$2,000 bail for court.

PITEOUS CASE OF A MODERN KING LEAR

(By Leased Wire to The Times.) Hartford, Conn., July 16.—Forced for nine years to enact the title role in what was practically a real life presentation of Shakespeare's tragedy of "King Lear," aged Jeremiah Haley will seek relief in the form of a suit brought for the recovery of his property in the Supreme Court.

In March, 1888, Haley, then a very old man, was stricken with blindness. He hastily summoned the family lawyer and disposed of his property. The \$30,000 which he had accumulated by long and well-sustained effort was equally divided between his wife, Jane, and his daughter, Annie. Haley's native caution, however, caused him to have inserted in the will a clause to the effect that if he recovered the property was to be returned to him. The unexpected happened, and he got well, but Mrs. Haley and Annie refused to part with their gifts. When Mrs. Haley died in 1892 she will her share of the property to her daughter. Since that time, it is said, the aged man has been ejected from his daughter's home, and has been struck by her on several occasions.

ROWDON BLACK GETS 12 YEARS

Sentenced This Morning by Judge Long

IS FOR MANSLAUGHTER

Case Began Yesterday Evening and Concluded Today at 11:05—Seventeen-Year-Old Boy to State's Prison for Killing Young Marshall Rowland at Willow Springs—Judge Long's Sentence.

"Young man, it is no pleasure to me to pronounce the sentence of the law, and in doing so I make the pronouncement as merciful as I can under the circumstances." Judge Long thus sentenced Rowdon Black to twelve years in the penitentiary for the killing of Marshall Rowland at Willow Springs, Sunday, April 21, last.

Rowdon Black pleaded guilty to manslaughter last evening. The charge against him was murder in the first degree, but owing to his extreme youth—he is only seventeen years—a verdict of manslaughter was agreed upon. Witnesses last evening and this morning told of the shooting, which occurred at Willow Springs, Sunday, April 21.

According to all of them, Black had struck a younger brother of Rowland, and he and another brother, Croston, went up to the car of the Raleigh & Southport, where Black was and Marshall, with his right hand in his trousers' pocket and left on car, asked Black why he struck a boy so young. He said good evening also and said that he had learned that another saw him was to be placed in the neighborhood. Then Black, who was fooling with pistols, drew one from his left hip pocket, fired once, snapped twice. The first took effect in Rowland's face and as he ran off, Black fired with his other pistol, which he drew out with his right hand, and shot Rowland in the back of the neck. The wounded man died next day in Rex Hospital in this city.

The defense claimed that Black feared bodily violence and soon became as though Rowland, who was over six feet tall and weighed 150 pounds, would spring up on the car and chastise Black. The defendant did not remember firing his own shooting.

The case was not given to the jury, the judge passing on cases of manslaughter.

Testimony Ended at 10:30. The evidence in the case was finished at 10:30 this morning, and the defendant's lawyers, Messrs. Stewart & Muse and Col. T. M. Argo, addressed the judge for about twenty minutes. Just as the clock had struck eleven, Judge Long sentenced Black to twelve years in the state's prison. He told him if he believed himself his sentence would be shortened, for it is the custom to discount sentences where behavior is good.

Young Black in Court. Rowdon Black was perfectly collected until 10:30, when Mr. Muse got up to address the judge. At Mr. Muse's words, however, Black's cheeks blanched; he drew a handkerchief from his pocket and wiped his eyes. He is a young fellow, about five feet eight inches high, will weigh 150 pounds, is fair and has brown hair. He appeared in court wearing a soft cream colored shirt without coat. The most remarkable thing about him is his low forehead. In the bar with him were his brother, Jesse Black, his sister, Miss Sallie, and sister-in-law, Mrs. Robert Black. His father, D. M. Black, was in the court house and his mother arrived at 10:40 from Willow Springs.

A Child in Window. While Colonel Argo was speaking, Judge Long observed a small girl standing on the radiator at the front of the court house. She was leaning out the window, and for fear she would fall to the pavement below, the judge called attention to her, and had her taken down. Several policemen hastily withdrew to the child's rescue, and one of the number lifted her to the floor.

Judge Long's Sentence. After testimony as to the good character of Marshall Rowland and after young Black's attorneys had presented their case, Judge Long passed sentence. He said it was extremely painful to pass sentence in (Continued on second page.)

DEATH LIST HAS REACHED ELEVEN

Explosion On the Georgia Grows in Horror

OTHERS MAY DIE SOON

A Board of Investigation Has Been Ordered to Inquire Into the Cause of the Disaster—Fire Thought to Have Remained in the Gun After a Previous Discharge.

(By Leased Wire to The Times.) Boston, Mass., July 16.—Seaman Edward J. Walsh, James P. Thomson and L. C. Mosse are reported dying at the Chelsea Naval Hospital today from their injuries received in the explosion of 100 pounds of powder on the battleship Georgia.

Their deaths will bring the list of fatalities up to eleven. Four other men of the fated super-imposed turret's crew are in a critical condition and can hardly recover.

Lieutenant Caspar Goodrich, son of Rear Admiral Goodrich, commandant of the Brooklyn navy yard, died just before midnight. His father and another and two sisters were at his bedside but he did not recognize them.

Sparks from the smoketanks of the ship or fire remaining in the eight-inch gun from a previous discharge are assigned today as the cause of the disaster.

Among the dead is Midshipman Paulkner Goldthwaite, who was assigned to the ship from the Annapolis Naval Academy only a short time ago.

The Georgia is again at practice with other ships of the Atlantic fleet today.

BOARD OF INQUIRY IS TO INVESTIGATE. (By Leased Wire to The Times.) Washington, D. C., July 16.—A board of investigation has been ordered to inquire into the cause of the accident on the battleship Georgia at Provincetown yesterday, and until it has completed its work the exact cause will not be shown. As the department understands the matter from the information now at hand, the disaster resulted from the lighting of a charge of powder used in one of the two 8-inch guns in the turret. The manner in which the powder became ignited is not surely known. It might have occurred from a flare-back or from a short circuit. Usually the crew of each gun consists of eight officers and men, besides the gun umpire and the turret captain, which would make eighteen men on duty in the turret.

The charges for these guns contain about 100 pounds of smokeless powder, in two sections. It does not explode in the open as does ordinary powder, but when ignited gives off a dense and poisonous gas, which explodes with great violence.

The fact that the reports don't show that any damage was done to the lower turret, where the 21-inch gun are located, indicates to on-duty officers here that the automatic shutter which separates the upper from the lower turret in the hoist, where the charges are raised from the magazine, worked all right. The automatic shutter is a comparatively new device, after the explosion on the Keenawake several years ago, when a spark descended into the magazine.

Investigation of the cause of explosion on the battleship Georgia was begun at 10 o'clock this morning by a board of inquiry under orders from the navy department. The board consists of the captains of the battleships comprising Admiral Thomas' division of the Atlantic fleet, namely, Captain Sinton Recorder, of the Virginia; Captain Ritchie and Watwright, of the Louisiana; Captain Charles T. Bowman, of the Rhode Island, and Captain William Kimball, of the New Jersey. Captain Henry McCrea, of the Georgia, who is also attached to this division, it is presumed will not serve.

YAMAMOTO SHOWS SYMPATHY BY FLOWERS. Boston, Mass., July 16.—Deeply affected by the tragedy on the United States battleships Georgia, Admiral Yamamoto, of the Japanese navy, today sent to the Chelsea Naval Hospital a beautiful wreath of flowers, as a token of the sympathy felt for the dead and injured sailors by the Mikado and the people of the Japanese empire. Admiral Yamamoto desired, he said, that in memory of Lieutenant Casper Goodrich a victory wreath of laurel and orchids be sent to Midshipman Paulkner Goldthwaite, a victory wreath of laurel and a box of American Beauty roses and four Midshipman James T. Cruise, American Beauty roses and orchids.

For the other seamen killed and injured (Continued on Fifth Page.)

THRILLING STORY BY THE SHERIFF

On the Stand in the Anson Lynching Case

FIRST WITNESS TODAY

He Followed His Daughter, Mrs. Bogan, Upon the Stand Yesterday. His Testimony Being Incomplete When Court Adjourned Until Today—John Jones Identified as One of Lynchers.

(Special to The Evening Times.) Monroe, N. C., July 16.—The trial of twenty-three Anson county lynchors at the special term of court here did not get well under way till this morning.

After calling court to order yesterday, Judge Peebles adjourned the session till 2:30 p. m. It took till 5 o'clock to get a jury, which was quicker than either side anticipated.

John Jones, the first defendant placed in the dock by the defense, is not the man whose case was made the "test case" at the first term of the special court, whose rulings were overruled by the supreme court. Zeke Leach's case was the first passed on then.

The defense took the state somewhat to surprise by the change, but the prosecution is apparently at no disadvantage today and late last evening identified Jones as one of the lynchors.

Sheriff Bogan was the first witness this morning, his cross-examination by the defense beginning soon after the completion of his direct evidence. He identified defendant Jones and saw a gun in his hands while he stood in the jail yard.

The sheriff described the taking of the white man Johnson from the jail and the cutting-down of the body later. The sheriff's daughter corroborated the father's evidence in material parts.

A great crowd is attending the trial, but best of order prevails. Evidence given yesterday by Miss Bogan and her father follows:

Miss Bogan testified that on the night of May 28th, 1906, she heard some one knocking at the door of the jail and calling for the sheriff. She ran down stairs and found her father and brother Henry at the door. Just at that time the door was unlocked and the crowd tried to force an entrance and fired pistols at the door, while her father and brother were trying to close it.

Her father was pulled outside of the door, but she and her brother succeeded in closing it. The crowd finally forced the door open, broke into the jail and went to the third floor, where Johnson was confined. The entrance to the corridor on the third floor was barred by an iron door. This was broken down and the crowd went to Johnson's cell.

"Who had the keys?" "I carried the keys to my father." "What did he do with them?" "Father was going to take them when a man seized them."

Witness could not describe the man who got the keys. She said that an aunt and a cousin were in the jail that night besides her family.

In answer to the question, "Did you identify any one in the crowd?" the witness replied, "I did," but when the solicitor asked who they were, the defense objected, and after a short wrangle, the state withdrew the witness from the stand for the present.

Sheriff Bogan. John A. Bogan, sheriff of Anson county, was the next witness for the state. He said that he acted as his own jailer and was in the jail the night in question.