

THE RALEIGH EVENING TIMES.

VOLUME 30.

RALEIGH, N. C., THURSDAY, AUGUST 1, 1907.

PRICE 5c.

TO REMOVE THE CURB OF COMER

Alabama's Legislature May be Called Together

COMER HOT AFTER 'EM

Nominated on Anti-Railroad Platform, Though He Has Been Flayed by the State Press, He Yet Stands Head Down Toward the Roads. Accused of Stealing Glenn's Thunder.

(By Leased Wire to The Times.)

Montgomery, Ala., Aug. 1.—As the result of an all-night conference between Governor Comer and his lawyers, it is probable that an extra session of the Alabama legislature will be called in an effort to repeal certain of the railroad curbing acts passed during the winter session of the legislature, which are now suspended from operation, owing to litigation over the constitutionality of the laws.

The conference was turned into a vigil after midnight, while the chief advisers to the governor tried to determine whether legislative acts may be repealed while their operation is under federal court probe. At an early hour this morning the question had not been settled to the satisfaction of the attorney general and governor, with the result that the decision on an extra session will not be made until this evening.

In case an extra session is determined upon, it will mean that the governor of Alabama will attempt a new strange grip on the railroads that operate within state borders. The chief executive of the state was named on an anti-railroad platform, and, notwithstanding that the people have lost confidence in him, that the state press has unmercifully flayed him at every step, he is as determined as ever, and unless the members of his legislature desert him completely he will have Alabama railroad legislation fixed to his satisfaction before he gives up the fight.

However, chances for further legislation against the railroads will be fought tooth and nail. All over Alabama editors will take up the cudgel against this latest move of the governor. In several instances this morning he is openly charged with plagiarizing the ideas of Governor Glenn of North Carolina, while other editors renew their charges of personal ambition against the governor.

Filibustering of a colossal artistic nature exhausted every minute of the senate session this forenoon, with the result that one of the administration's pet measures becomes a dead letter until it is taken up at this evening's session. The measure chloroformed is the pet scheme of the governor to halt the operations of freight trains in Alabama on Sunday.

THAW CHOOSES M. W. LITTLETON

(By Leased Wire to The Times.)
New York, Aug. 1.—Martin W. Littleton, former president of the borough of Brooklyn, was today appointed chief counsel for Harry K. Thaw, and to continue as such until after the next trial of the young Pittsburg millionaire, on a charge of killing Stanford White.

This announcement was made in the Tombs after Thaw held a conference with his mother, who had come especially from Pittsburg and Littleton will be assisted in the conduct of the case by Lawyers O'Reilly and Peabody.

It was understood that Mr. Littleton will receive a fee of \$25,000 for his work. After the announcement of his retention had been made by Mr. O'Reilly, the young Brooklyn lawyer said: "I have accepted this proposition with the distinct understanding that no one is to interfere with me in any manner and that I shall have the sole conduct of the case. Mr. O'Reilly and Mr. Peabody will assist me. Papers have been signed which guarantee me a free and unhampered management of the case."

It was remarked as peculiar that Thaw should select another lawyer from the west to conduct his case. He brought Delphin M. Delmas from California as his chief counsel at the last trial and now retains Mr. Littleton, who came from Tennessee.

HEALED BY THE SALVE OF GOLD

His Wife's Affections Lose Many Points

GO AT HALF FACE VALUE

Prosser Sued Fogarty of the Navy for Alienation of Mrs. Prosser's Love. Now It is Said Matters Are Arranged by the Payment of One-half He Asked.

(By Leased Wire to The Times.)

New York, Aug. 1.—A dispatch from Portsmouth, N. H., to a New York paper says:

Navy circles have been stunned by the rumor that the \$10,000 suit brought against Lieut. William B. Fogarty, U. S. N., assistant naval constructor, on duty at this yard, by William Prosser, commissary steward on the prison ship Southern, charging the lieutenant with alienation of his wife's affections, had been settled by the payment of \$5,000. Neither Prosser nor Fogarty would confirm or deny the story, but people in a position to know say that a settlement has been made and that Prosser will soon ask for sea duty.

The suit was the result of an alleged confession by Mrs. Prosser to her husband, after he had discovered her registered under an assumed name at the Hotel Netherlands in Boston, Saturday, May 25, last, at which place, it is alleged, she had gone to meet Fogarty.

The Wednesday before his discovery, Mr. Prosser says, his wife left for a visit with relatives in Philadelphia. The next day (Thursday), upon his return from work at the navy yard, he found a letter from his wife addressed to the house girl, in which Mrs. Prosser asked that whatever mail came for her be forwarded to the Hotel Netherlands, Boston, where she was registered under an assumed name.

The note gave the assumed name and stated that her friend "F." was coming to Boston Saturday to see her. Prosser went to Boston Friday, where he found his wife.

He said nothing, but hung around the hotel until Saturday, when, Prosser alleges, Fogarty came into the hotel and inquired for the lady bearing the assumed name given by Mrs. Prosser in her note.

Fogarty, it is alleged, made a start as though to take the elevator for Mrs. Prosser's room, when he was confronted by Prosser. Without saying a word, the lieutenant turned about and left the hotel.

Then followed a stormy scene between Prosser and his wife, Mrs. Prosser finally returning home with her husband.

It is alleged that Prosser found his wife in the possession of costly garments and much jewelry, things he had never seen before, and these, he says, were given to his wife by Fogarty.

TALLOW DICK COMBS KILLED BY A TRAIN.

(By Leased Wire to The Times.)
Georgetown, Ky., Aug. 1.—Tallow Dick Combs, one of the most important witnesses for the commonwealth in the case against Caleb Powers, was run down by a train near here last night and was instantly killed. A large bottle of whiskey was found in his pocket. Combs had been indicted for the murder of Governor William Goebel, but he turned state's evidence and gave much testimony used for conviction of Caleb Powers. Fate is adding Powers in death's commonwealth's witnesses, as both Combs and W. H. Culton, the most important witnesses for the commonwealth, have died in the last six months.

FULL PARTICULARS OF THAT DURHAM RAID

Deputy Collector D. C. Downing returned to the city this afternoon and brought particulars of the big raid in Durham county Tuesday night, a report of which was printed yesterday in The Times. The distillery destroyed had a capacity of 125 gallons. There were eighteen fermenters, 3,500 gallons of beer and seven gallons of whiskey, and all were heaped together and burned. Nobody was captured, the

blackaders having left, but fire was found under the furnace. "If it hadn't been for an old man in his night shirt," said Mr. Downing, "we would have caught a good team, and wagon, too. A fellow was hauling a load of meat to the still, and we were close by. Just as the wagon passed a house by the road, an old man ran out, almost as naked as a jaybird and overtook the fellow with the meat. A whispered conversation followed, the wagon turned round, and the man who did the warning act, returned to his repose." The distillery was about nine miles west of Durham.

A JAIL DELIVERY FIGHT AT SING SING

(By Leased Wire to The Times.)
Sing Sing, N. Y., Aug. 1.—A giant convict tried to bring about a jail delivery in the state prison here, it was learned today, and in an attempt almost succeeded in murdering Robert Martin, one of the keepers.

WHY THIS GRAFT, MR. PENNYPACKER?

(By Leased Wire to The Times.)
Beach Haven, N. J., Aug. 1.—Former Governor Pennypacker of Pennsylvania is likely to be called to account for not stopping some of the graft on the state capitol at Harrisburg. It is said that the members of the capitol investigation commission are prepared to go the limit in advocating the punishment of every man who in any way profited illegally from the capitol contracts. It is said that the members of the commission are of the opinion that Governor Pennypacker in his testimony before them showed that he had reason to be suspicious of the manner in which the state's money was being squandered, and yet did nothing to stop the "graft." It is now proposed, it is said, to make him explain to a court why he remained inactive.

HANLEY SAYS WE FACE DESPOTISM

(By Leased Wire to The Times.)
Eckhart, Ind., Aug. 1.—Governor Hanley surprised the Chautauqua audience here by the strong grounds he took against the policies of President Roosevelt and by broadly hinting that if further attempts at centralizing were persisted in, despotism would result. The governor said that President Roosevelt has earned the gratitude and confidence of his country by his work and signal service, but he is not infallible. Governor Hanley is impressed with the conviction that the absolute power of the federal government to prohibit the shipment of goods in interstate trade arbitrarily and for any reason that may seem sufficient to congress "would be fraught with greater peril to the usefulness of the states to our dual form of government and to free institutions, than any of the evils which are sought to be effected by its exercise."

TRYING TO SAVE NECK OF BANKS

Messrs. George L. Park and Thos. C. Bowie of Jefferson, Ashe county, appeared before the governor this afternoon, Mr. Park in favor of and Mr. Bowie in opposition to the commutation of the sentence of Will Banks, an Ashe negro who will be hanged August 23 if Governor Glenn does not commute the sentence to life imprisonment. Banks was convicted at the July, 1906, term of Ashe court for the murder of another negro and was sentenced to be hanged July 19, 1907. An appeal was taken to the supreme court, but this court refused to set aside the verdict. Governor Glenn set August 20 as the date on which to hang Banks.

Messrs. Park and Bowie this afternoon were heard by the governor in regard to the matter.

SENATOR BACON HAS SAILED FOR EUROPE.

(By Leased Wire to The Times.)
New York, Aug. 1.—United States Senator A. O. Bacon of Georgia sailed for Europe this morning on the steamship Princess Alice. He will travel on the continent for some time but at present does not know when he will return, but in ample time to attend congress in December.

Father Martoogessian.



The above picture shows Father Martoogessian, the Armenian priest, whose name is mentioned by wealthy Armenians in New York city in connection with threats of death unless they contribute to the revolutionary party, of which the priest is said to be the leader.

NELSON BEATEN BY JIMMY BRITT

(By Leased Wire to The Times.)
San Francisco, Cal., Aug. 1.—Jimmy Britt, twice defeated by "Batling" Nelson in previous contests, won a clear victory over his old antagonist last night. The fight went the entire twenty rounds, but at the end Nelson was clearly whipped. "I knew I could do it, and I did it. I was stronger than Nelson. I will fight anybody in the world," said Britt after the contest.

"It was a good fight," said Nelson. "Britt had it on me only in the last round, and he won." Referee Jack Walsh said: "I gave the only decision possible. Britt won decisively. He fought a great battle."

"The decision was a fair one," said Manager Billy Nolan, "and the only one possible to render. Personally, I never saw that fight such a poor fight in all his ring career."

Joe Gans said: "The proposed match with Nelson is off. I will fight Britt if satisfactory arrangements can be made."

TWO HELD FOR FIENDISH CRIME

(By Leased Wire to The Times.)
New York, Aug. 1.—Two men were held today by the police as suspects in the Jack the Ripper murders. One of them, believed to be the man Girard who escaped after the murder of Gusie Pfeiffer in the Bronx two years ago, was captured at Verplanck, near Catskill. In the very close details the man answered the description of the fiend who killed Pfeiffer, as well as Miss Edith Davis, whose mutilated body was found in the Walkill River at Walden, N. Y., and of the man wanted in connection with the similar murder of the unidentified young woman whose lacerated corpse was found in the area way of a Nineteenth Street building last Tuesday.

Constable Otto Henry, of Verplanck, communicated with the New York police today that he had captured a man who he was certain was Girard. The man had been in town only a few

hours, when he was arrested and offered a stubborn fight, and Constable Henry was compelled to use his club vigorously.

"I have no doubt that this man at Verplanck is the man for whom we have been searching for two years," said Acting Police Captain Herlihy, at police headquarters, "but to make certain, I have sent two detectives from the Bronx because who knew Girard and I expect to hear from them at any time."

Another man, John Kuznicho, who admitted he had been with the Nineteenth Street victim in a deserted house on Sunday was arrested by the police at about the time the Verplanck arrest was made.

The finding of parts of the horribly mutilated body of a young woman which had been weighted down and sunk off Fort Wadsworth, S. L., further complicated the "Ripper" mysteries today, and the police feared they would have another charge against the fiendish slayer of women.

BRYAN TO ACCEPT IT IF OFFERED

(By Leased Wire to The Times.)
Columbus, Ohio, Aug. 1.—William Jennings Bryan will accept a third nomination, according to Chairman Garber, of the democratic state executive committee, who met Mr. Bryan at the Miami Valley Chautauqua assembly.

"Did Colonel Bryan say to you that he would be a candidate for the presidency next year?" Chairman Garber was asked.

"I did not put the question to him," he replied. "He is not competent to answer. It is for the people—the democrats of the nation—to say whether Colonel Bryan or some other man shall be the candidate next year."

"While no action looking to the selection of delegates for the national democratic convention will be taken in Ohio this year, it is proper to say to the democracy that Mr. Bryan will not decline the nomination if tendered when the convention meets."

"What is here said is not without the knowledge of Mr. Bryan himself, and his friends throughout the state should govern themselves accordingly."

FIVE KILLED BY AN EXPLOSION

(By Leased Wire to The Times.)
Pittsburg, O., Aug. 1.—When a freight engine on the Indianapolis division of the Pennsylvania Railroad blew up this morning five railroad men lost their lives and two were seriously injured. The dead men whose names are learned at this time are: LOUIS LAMBERT, Columbus; CAREY WEYNER, fireman, Columbus; STEWART, brakeman, Columbus.

The other injured were brakemen of the train crew. The cause of the explosion is said to have been due to a fault in the escape steam valve. The big engine was blown to pieces and the explosion shook Urbana from end to end, starting the inhabitants from their sleep.

CONDITION OF THE COTTON CROP

(By Leased Wire to The Times.)
New York, Aug. 1.—Miss Giles today issued a report on the cotton crop, making the average condition 76.8, as compared with 76.2 on July 14 last and 82.7 per cent last year. The crop is still from two to four weeks late.

NO VICE-PRESIDENCY FOR ME, SAYS CARMACK.

(By Leased Wire to The Times.)
Chattanooga, Tenn., Aug. 1.—A special from Columbia, Tenn., says: In an interview ex-Senator Carmack says: "My alleged boom for the vice-presidential nomination is fictitious. I would not want the office if I could get it without effort. The duties of a vice-president are simply to look solemn and draw his salary. I prefer to be a justice of the peace or school commissioner and have something to do."

Makes Assault a Capital Crime.

(By Leased Wire to The Times.)
Atlanta, Ga., Aug. 1.—The general judiciary committee has recommended for passage the bill which makes the crime of assault with intent to rape a capital one.

MR. JENKINS ON HIS REAR LEGS

Froths Over Carolina Railroad Rate Battle

IT IS HUMILIATING

The Humiliation Consists, According to the Honorable Mr. Jenkins, in the Fact That the Nation Has to Some Extent Surrendered to the State—Whereas Mr. Jenkins Foams.

(By Leased Wire to The Times.)

Chippewa Falls, Wis., Aug. 1.—Congressman Jenkins, chairman of the house judiciary committee, has issued a statement relative to the North Carolina railroad rate imbroglio. He says there has never been any event since the civil war that calls for so severe condemnation as the recent senseless trade on behalf of the states against the nation. He adds that it is humiliating that the matter has been compromised, and that the nation has to some extent surrendered.

"The civil war was the result of such agitation and we may have earlier than we want another civil war," he said. "To avert such a calamity and preserve the nation, we must conform to the law, obey the law and have the law enforced according to the framework provided in the constitution."

Mr. Jenkins believes the executive of a state should keep cool, maintain his dignity, and remember the country has to depend upon the judiciary of the country to save the union.

"Other States' Troubles." "Ever since the civil war," he said, "other states have had similar troubles, and did not make fools of themselves or declare war, and the questions involved were decided by the supreme court and no bad results followed."

"It is so mad, tear our hair, and talk loud and reasoning, is not simply to show our unfitness for popular government. It is a reflection upon the people who framed and adopted the plan of settlement."

"It is better to take a little time and follow constitutional lines than to humiliate either state or nation, or adopt reactionary methods."

"If all states authorities are going to usurp the function of the supreme court and judge what federal act shall be nullified, no one can tell where it will end."

In concluding, Mr. Jenkins says the supreme court of the United States may err. It may differ with the views of a great majority of the people, but however that may be, the constitution says its decision is final and must be regarded as the supreme law of the land, and that is what must govern us.

MATTERS HEARD BY THE CORPORATION COMMISSION.

The Corporation Commission this afternoon heard an application to have freight rates from the Seaboard in Raleigh to the Pamlico Junction on the Norfolk and Southern made a flat switching rate rather than a straight freight rate, as is now the case. Mr. Frank Stronach was the petitioner. The distance from Raleigh to the junction is about two miles. Another application heard by the commission was presented by Mr. H. B. Varner of Lexington, for additional passenger service to Denton, Davidson county, a town on the Carolina Valley Railroad.

FIRE IN A BUSINESS HOUSE IN WILMINGTON.

(Special to The Evening Times.)
Wilmington, N. C., July 31.—Fire originating on the third floor of the I. Carier building, Princess and Front streets, today about noon, resulted in a damage of three to four thousand dollars to the building and clothing stock carried by Shrier. The fire was caused by the explosion of a lamp.

JOHNSON IS NAMED TO SUCCEED PETTUS

(By Leased Wire to The Times.)
Montgomery, Ala., Aug. 1.—At noon today former Governor Joseph F. Johnson was nominated at a joint session caucus of the Alabama legislature to succeed Senator Pettus.

His Hand Mangled.

(Special to The Evening Times.)
Salisbury, N. C., Aug. 1.—Conductor Walter H. Hess, of the Southern, fell under a coal car on the yard and three fingers of the left hand were so badly mangled that Dr. W. W. McKenzie found it necessary to amputate them.

GIBBERING AMID SWIRLING FIRE

Horrible Scene at a Retreat for Insane

DEVOTION OF NURSES

One Killed and Five Injured, Hundreds of Sick and Helpless Borne from the Building into the Night Ablaze With Lightning and Resonant With Volleying Thunder.

(By Leased Wire to The Times.)

Pittsburg, Pa., Aug. 1.—Fire claimed one life last midnight at the city farm at Marshalsea, resulted in the injury of five persons, drove hundreds of sick and helpless beings into the night air to be drenched in a thunderstorm; excited half a thousand insane persons to shrieking, gibbering frenzy and destroyed many thousands of dollars worth of public property.

The dead: Samuel Means, an employe, caught under a falling wall.

The injured: W. H. Larkin, an employe, caught under falling wall; W. R. Williams, superintendent of the institution, bruised by falling brick; Thomas Irelan, an employe, fell from second story window while playing a hose; Harry Bright, an employe, injured by falling from second story window; Penton Thornton, an employe, injured under falling wall.

The laundry building and the inmates' kitchen are a total loss. The chapel building and bake-shop were partially destroyed.

The fire started in the laundry, presumably from the explosion of a gas water heater. When the fire was discovered the building was a raging furnace.

They 'Phone for Aid. Provided only with their own fire fighting apparatus, Superintendent Williams and as many of the employes as were at the place went to work to fight the flames, but their efforts were of little avail and a telephone message was sent to Pittsburg asking for assistance.

By the time the assistance reached the scene, however, the fire was fairly well under control.

Deeds of heroism mixed with scenes of pity, hairbreadth escapes mingled with indescribable terror; the crackling of flames, the shouts of the crazed, the moans of the frightened inmates, the groans of the ill, all combined to make up the story of the fire.

Force had to be used at one time to prevent the panic stricken inmates from rushing headlong into danger. Driven frantic by the leaping flames, dazed by the booming of the thunder overhead, dripping wet from the rain, they scarcely knew where to turn.

In the midst of the fire twenty women nurses took their lives in their hands when they guarded more than 200 insane women in their removal from the buildings to cottages. Wrought to the highest pitch of their manias, the inmates all unknown of the fearful havoc that was threatened, laughed, sang, screamed and swore as they were led away into the open air where the flames were dancing a few yards away.

BOILER BLOWN UP, THREE DEAD

(By Leased Wire to The Times.)
Breckenridge, Mo., Aug. 1.—Three men were killed another is dying as the result of the blowing up of the Burlington locomotive No. 21, hauling a freight train near here last night. The dead are: HENRY MILLHALL, head brakeman; PATRICK BREWER, fireman, and a student fireman, whose name is not known.

The explosion is Samuel Roberts, who is dying.

The explosion was heard three miles away. What is left of the boiler of the engine is in the ditch on one side of the track and the trucks are in a field on the other. The cars nearest the engine were badly smashed. The cause of the disaster is not known.