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WOULD ACCEPT JUSTICE RESIG.

Glenn Says Anti-Corporation Lawyer Can Retire

IF LEGISLATURE MEETS

The Governor, Commenting on Ipe Dixit of Mr. Speaker Justice, Who is Holding Two State Jobs at Present, Says He Will Be Allowed to Separate Himself From One of Them and Retire as Assistant Attorney-General For the State in Railway Rate Case.

Should Governor Glenn decide to call an extra session of the legislature to ratify any basis of compromise he has offered the various railroads...

Mr. Justice has written a letter to the governor asking that in case a special session is called, his resignation be accepted, since he does not desire to be employed by the state and at the same time serve in the capacity of speaker of the house of representatives.

Governor Glenn this afternoon was asked for an opinion as to the letter of Mr. Justice which has appeared in some of the papers. He freely discussed it and stated among other things that he agreed with Mr. Justice.

The governor added that he believed the state now has a better chance of winning its fight in the United States supreme court than ever before, and that the opinion of the state supreme court would be the strong card used before the highest tribunal of justice.

Justice Only Attorney Against a Compromise.

It has been known for some time that Mr. Justice was the only attorney employed by the state who did not favor a compromise. Mr. Justice wants to fight the matter to a finish. The terms of settlement as proposed by the governor and which the Southern and Seaboard stated they would accept, are believed by many to be more advantageous to the state than the present rate.

Governor Glenn thinks so, and should the other roads accept the proposition, subject of course to the approval of the general assembly, he would have no hesitancy in recommending to an extra session that the agreement be ratified. The state thereby would be a winner and the railroads would be satisfied.

NEW CHAM'N DEM. CONG. COMMITTEE; LOYD OF MISSOURI

Washington, D. C., Dec. 12.—It is now practically certain that Representative James T. Lloyd, of Missouri, will be elected to succeed Representative James M. Griggs, of Georgia, as chairman of the democratic national congressional committee.

Mr. Griggs announced several days ago that he would not stand for reelection. Friends of Mr. Lloyd, who have polled the democratic members of the house, say his election will be unanimous. As chairman of the committee he will have charge of the congressional campaign next year. Burton Harrison of New York, is slated to succeed Charles A. Edwards as secretary.

Negro SLAYER OF EUBANKS ARRESTED

Spencer, N. C., Dec. 13.—Oscar Gaddy, the murderer of Foreman Charles Eubanks, of Lane Bros. Company, near Lexington, last July, has been arrested at Cutt, a small station in Tennessee, and is being held for identification. The crime charged to Gaddy was one of the most brutal in the history of the state. Mr. Eubanks being shot dead without warning. He escaped and was chased through the woods, but the race was finally abandoned by the officers. Mr. F. W. Clark, of Lane Bros. Company, who knows Gaddy well, has been summoned from Spencer to Tennessee to identify the criminal. A lynching is feared if he is brought back to Davidson county now.

TOBACCO CO. FILES ANSWER

In Case of Cigarette Seizure at Norfolk Recently

OTHER SIDE OF THE CASE

The Answer of the Tobacco Company Describes the Industrial Struggle Between the American and the Imperial Tobacco Companies and the Final Settlement—Alleges the Sherman Law is Unconstitutional and States Why—Legal Status of the Case.

(By Leased Wire to The Times.) Norfolk, Va., Dec. 13.—The British-American Tobacco Company answering in the United States district court here the information filed by the government for forfeiture under the Sherman anti-trust laws, of \$750,000 cigarettes of the value of \$7,272.52, seized by the collector of customs of this port in October, while in transit from factories of the respondent in Petersburg, Va., and Durham, N. C., to London and Singapore, denies ownership of the seized goods "under contracts by combinations and pursuant to conspiracies in restraint of trade obnoxious to provisions of law," and further denies that the cigarettes were the "subject of any such contracts, combinations or conspiracies."

The answer describes the industrial struggle between the American Tobacco Company and the Imperial Tobacco Company of Great Britain and its final settlement, saying:

"The Imperial Tobacco Company paid for this English business of the American Tobacco Company not only their own American business but a small minority not exceeding 8 per cent of the stock of the Imperial Tobacco Company in addition; that the American Tobacco Company, 'Ogden's Limited' and the American Cigar Company, finding their business greatly developing, made purchases one of the other of the good will of the business in certain sections of the world, and that while these contracts were perpetual ones, entered into not in this country, but all in England, the considerations were valuable and 'necessary to the vendees' full enjoyment of its purchase, and it is insisted that in such a case the fact that the covenant is perpetual in time does not invalidate it."

The respondent declares the Sherman law to be unconstitutional because it imposes excessive fines with arbitrary discrimination in the infliction of punishment, making certain parties not liable and placing power for arbitrary discrimination in the hands of persons who do not hold judicial power under the government. It admits that for business convenience it maintains an office in New York but says it is a British corporation and that all of its negotiations by which contracts with other concerns were entered into occurred on British soil in violation of neither British nor American statutes. It denies that the purchases made by one company of the other has cut off competition, because each still has to buy goods of the other.

The respondent asks for a dismissal of the proceedings on the ground that the government is already prosecuting in the same manner under different form in the southern district of New York, where evidence is being taken daily before a United States commissioner to determine the same questions brought to issue in these proceedings declared to be in every way irregular and wrong.

SUITS BRYAN ALL RIGHT, HE SAYS

(By Leased Wire to The Times.) Lincoln, Neb., Dec. 13.—When told of the national democratic convention Mr. Bryan expressed his satisfaction and said he believed the convention was wise to set a date following the republican convention. He said that while he had taken no part in the canvass for the convention city, he was sure the delegates would find Denver a delightful place to meet on the date decided upon.

Mrs. William A. Taft and Mrs. George P. Wheeler, who Had a Thrilling Experience on the Lighter Holland.



NO JAPS ABOARD PACIFIC FLEET Jap Cooks and Servants are Supplanted by Negroes SHIPS READY TO SAIL

Taps Will Sound Sunday Night and the 11,300 People Who Will Go On the Cruise Will Not Set Foot On Land Again Till They Reach Port of Spain, Trinidad, the Day Before Christmas—The Wedding Out of the Jap Servants a Wise Move.

(By Leased Wire to The Times.) Norfolk, Va., Dec. 13.—When the fleet leaves Monday for the Pacific, there will not be a Japanese cook or servant aboard any of the iron clads, according to statements made today by petty officers on shore leave. Japanese are being quietly weeded out by orders of the commanding officers. It is said, and their places are being filled by negroes. No reason is given for the order.

"Fighting Bob" Evans, in command of the sixteen war vessels that are to go on the "peace mission" yesterday received the report "all ready" from Rear Admirals Emory, Thomas and Sperry, commanding three of the four divisions of the fleet.

When taps sound Sunday night every officer and man among the 11,300 who go with the fleet will be on board and will not put foot ashore again until the vessels reach port of Spain, Trinidad, the day before Christmas.

JOCKEY DURNELL RULED OFF AGAIN.

(By Leased Wire to The Times.) New York, Dec. 13.—By decision of the stewards of the Jockey Club, Chas. E. Durnell, famous on the turf as "Boots" Durnell, has again been ruled off the turf, and by the ruling takes rank as the most ruled-off man known to racing anywhere in the world. Under the general agreement of the several turf governing bodies, this means that Durnell is barred from racing anywhere on recognized tracks in the United States, and in Canada, England, and throughout Europe.



Mrs. William A. Taft, wife of the American Secretary of War, and Mrs. George Post Wheeler, formerly Miss Cattie Emille Rivers, wife of the Secretary to the American Embassy at Tokio, who had a terrifying experience on board the lighter Holland off the shore of Honolulu. Mrs. Taft and Mrs. Wheeler left Honolulu in a small boat for the steamer President Grant. A heavy sea was running and the lighter's stid was broken, thus leaving the tiny craft at the mercy of the waves, where it bobbed about like a cork and threatened to smash on the rocky shore. Mrs. Taft and Mrs. Wheeler were in the small cabin. Furniture was thrown about, and a swinging lamp crashed to the floor. Both women had narrow escapes from injury. The lighter finally fastened on anchor, made repairs, and proceeded to the President Grant, on which Secretary Taft awaited his wife. The sketch is based on a cable description.

THE SITUATION AT GOLDFIELD

(By Leased Wire to The Times.) Goldfield, Nev., Dec. 13.—Although a few possession men are at work in the Combination mine, there has been no apparent effort here to start operations in any of the other properties, and it is generally believed that the owners are having considerable difficulty in getting labor. The union officers say that a large proportion of the men now at work in the Combination mine are spies in their employ, who have been sent to procure evidence of the company's violation of a recent Nevada law, which provides that "it shall be unlawful for a firm to make an employee sign an agreement to withdraw from any labor organization which he may have joined." It is said that the arrest of several officers of the mining company, charged with violating this law will be ordered today.

General Dunston and two officers of his staff have reached this city and are engaged in an investigation of the situation. The soldiers are in camp just above the Combination mine, but are taking no part in the patrolling or guarding of property.

Mrs. Langworth Doing Well. (By Leased Wire to The Times.) Washington, Dec. 13.—Mrs. Langworth passed a very comfortable night and is doing splendidly.

DEFENSE OF CALEB POWERS

(By Leased Wire to The Times.) Concord, N. C., Dec. 13.—When court was convened today for the Caleb Powers trial, Judge Morris announced that Commonwealth's Attorney Frankling was ill and would be unable to be present today. He therefore adjourned court until 9 o'clock tomorrow morning. Judge Sims outlined the defense yesterday, saying it will be shown that Jim Howard, whom it is claimed by the Commonwealth killed Governor Goebel, was not in the executive building at the time of the shooting. Caleb Powers will be placed on the witness stand first and also Attorney Frankling intended conducting the cross-examination the trial will not proceed until he is able to appear in court.

EMPEROR WILLIAM ARRIVES IN AMSTERDAM.

(By Leased Wire to The Times.) Amsterdam, Dec. 13.—Emperor William arrived here today. He was greeted by the members of the royal family of the Netherlands. Prince Henry escorted the Kaiser to a pavilion on shore, where Queen Wilhelmina awaited him. The emperor kissed the queen's hand. At the palace, where he appeared on the balcony, he was loudly cheered.

PRES'DT IS GLAD OF MONEY PANIC

Showed up Rotten Foundations of Finances

HOUSE CLEANING IS GOOD

Mr. Roosevelt Today Told National Committeeman Dabman That the Showing Up and Conviction of the Rotten Financial Foundations on Which Business Was Being Built Was Done a Great Benefit—It Had to Come and Sooner the Better.

(By Leased Wire to The Times.) Washington, Dec. 13.—"Tell the boys out in Omaha that if I am responsible for this money panic which showed up the rotten foundation on which the business of the country were being built I am glad of it."

In those terms President Roosevelt today told James Dabman, newly elected mayor of Omaha, Neb., just when he stood on the panic proposition. The president and Mayor Dabman are old friends, having hunched over on adjoining ranches in the west some years ago.

Mayor Dabman was accompanied by Elmer E. Brown, who owns and edits an anti-trust paper in Lincoln, Neb.

"I don't care what governors and judges say," the president is reported to have said. "This panic had to come sooner or later. If I have been instrumental in bringing it about sooner than it would have come naturally it is all the better. The panic showed the necessity for a general house cleaning in financial circles, and the sooner house cleaning is started the sooner it is over with."

ROOSEVELT IS STILL FOR TAFT; WORKS FOR HIM

(By Leased Wire to The Times.) Washington, Dec. 13.—It is now believed the president will use his strength in rounding up support for Taft.

This belief was given additional weight recently when the names of Charles Barker, applicant for postmaster at Anniston, Ala., was sent to the senate.

State Senator Brown, who was looked on as having the say as to entrance, had suggested another man. The white house was not satisfied with Brown's attitude in the presidential situation. He was too active against Taft and the result was that National Committeeman Scott was suddenly called on to suggest a candidate, Scott suggested Barker.

The action in the Anniston case is pointed to by politicians as proof of the fact that this is no reason to suppose the president, because he is not making office himself, will fall to play a vigorous game of politics in behalf of his favorite candidate and for the purpose of controlling the national convention.

AN ACCIDENTAL KILLING DOWN IN HARNETT CO.

(Special to The Evening Times.) Lillington, N. C., Dec. 13.—While killing hogs at his home near here, Mr. William L. McLean, a prominent farmer of Harnett county, was accidentally shot and killed by a young man, James Waddell.

Waddell had been shooting the hogs for Mr. McLean, and in handling the rifle it was unintentionally fired and the ball passed through McLean's side, taking effect in the heart.

FIGHT AT FRISCO WAS A CLEAN ONE

Fighter Ketchell Against Boxer Joe Thomas

KETCHELL THE BEST MAN

A Game and Straight Contest That Pleased the Crowd—Ketchell Won Although the Men Had to Be Patted Apart When the Time to Stop the Mill Was Called—Tent Came Near Coming Down and Precipitating a Disaster.

(By Leased Wire to The Times.) (By W. W. NAUGHTON.)

San Francisco, Cal., Dec. 13.—Stanley Ketchell really demonstrated last night that he was Joe Thomas' master at the fighting game. The match between the pair at the baseball grounds went the full twenty rounds. When the "cease fighting" sounded Referee Sam Berger pulled the struggling middle-weights apart and held Ketchell's right glove aloft, the official intimation that the lad from Montana had won. His margin of credits was so extensive that there was not a chance for argument in respect to the reward.

Through the whole fight one fact was patent, namely, that it was fighter against boxer. Ketchell was aggressiveness personified. Thomas, while he spouted occasionally, used his cleverness as a foil to the other man's whole-souled methods. If it had not been for the way Ketchell carried the battle to his opponent the contest would have been far less interesting. As it was, it was voted one of the most thrilling encounters it has been the privilege of local patrons from the ring sport to witness.

Ketchell obtained a lead after the first round started. Thomas was bleeding from the nose in the second round and he seemed to lack confidence.

What They Said. Young Ketchell: "I was confident all through the fight that I was going to win. Thomas was clever but his blows did not have force enough to hurt me and at no time was I in any distress. I think I proved conclusively last night that I am his superior, and I will now look for some one else to fight."

Joe Thomas: "I figured that I was outpunching Ketchell all through the fight, but I have no kicking coming at Referee Berger's decision. Ketchell is a very strong young fellow and his blows contain a great deal of punishing power. I did the best I could and if the referee thinks that Ketchell had the better of the fight I am satisfied."

Sam Berger: "It was Ketchell's great animal strength that won the fight for him. Thomas fought a game and a clever fight, but there were times during the battle that he was weak and his cleverness and clean hitting were more than offset by the force of Ketchell's punch. Both boys broke quickly when I told them, and take it all through it was a nice fight to referee."

Disaster Narrowly Averted.

San Francisco's first acceptance of a prize fight under canvass came very near being a disastrous one. In the early evening while the crowd was gathering outside the baseball grounds a fierce windstorm arose and the fight-goers were blinded with great clouds of dust. They escaped from this experience only to run into greater danger, for inside the pavilion guy ropes were snapping and swirling, tent poles were cracking and the huge canvas seemed in danger of being carried away on the horns of the gale. At one stage promoter Gleason wanted to have all his patrons get up into the gallery as he feared the tent and poles were coming down about their ears. The seat-holders were game, however, and kept their seats, even though the turmoil continued and many electric wires were dangling in all directions. The damages were repaired before Ketchell and Thomas entered the ring. When the wind dropped the rain came down in bucketfuls, drenching many of the spectators.

The Fight Tonight at Philadelphia. New York, Dec. 13.—Jack O'Brien will enter the ring again at Philadelphia tonight. He is to meet Bill Heveron, an English heavy-weight in a six round bout. Jawn is extremely popular in his home town and the Quakers are welcoming the bad boy home with open arms.