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PHILLIP KILLED M'ABOY IN BRAWL

First Evidence at Trial of Young Washington Clubman Shows Death of Cabman Followed Night of Swift Revelry in Washington--MacAboey Pestered Phillip for Money

(By Leased Wire to The Times.) Washington, May 28.—The story of the events leading up to the shooting of Frank MacAboey by Gaston Phillip in the Arlington hotel, following a night of hilarious revelry about town, were narrated this morning by two witnesses, one the chauffeur of Phillip's automobile, the other an elevator boy at the Arlington. The testimony of both witnesses was distinctly favorable to the young defendant. It was shown that during the entire evening, following a game of crap at Hagerty's saloon at Fourteenth and Twenty-first streets, MacAboey pestered Phillip, claiming Phillip owed him \$150 as a result of the game. He used vile language to Phillip, threatened to knock his head off and generally bullied him. Under cross-examination it was brought out from William A. Grisett, the elevator boy at the Arlington, that there had been a scuffle before the shooting, and that Phillip had protested, saying, "Don't do that." Updyke, the chauffeur, was the most important witness. Under cross-examination of the assistant district attorney, Updyke narrated the events of the night preceding the shooting and the morning of May 18. He told of picking up the defendant at the Willard hotel before midnight and taking him to the Arlington. They met Mr. Taylor and Mintree and the chauffeur took him to the Arlington. The whole party went to 1335 Ohio avenue, where they picked up Hazel Davis, who keeps that house. Then they went to a luncheon on Pennsylvania avenue, arriving there about 2 o'clock. After that they returned to the Ohio avenue house, where Phillip and Hazel Davis stayed. Updyke and the others then went to the house at 1307 C street and then back to get Hazel Davis. They first saw Frank MacAboey in front of 1307 C street. They all went from there to Hagerty's saloon, at 14th and C streets. The women of the party and Mintree and Taylor then left. MacAboey and Phillip, who remained at Hagerty's engaged in crap shooting for \$50 a shot. Phillip won and then MacAboey put down a diamond horseshoe pin on the counter. Phillip won and started to pick it up, when MacAboey put it back in his pocket. Then they went to Norris's barroom, MacAboey claiming all the time that Phillip owed him \$150. MacAboey grabbed Phillip's hat off his head and also snatched Phillip's cigarette. At the Arlington Phillip jumped out and ran up the steps. MacAboey stayed in the automobile about 10 minutes and then went into the hotel, saying he was going to see what was keeping Phillip. The witness never saw MacAboey alive again. After the shooting he went after the doctor and then took Phillip to a police station.

HOUSE WAITING FOR SENATE TO PASS ONE BILL

Soon as Emergency Currency Measure is Disposed of Both Will Adjourn.

WOOD PULP COMMITTEE

Brings in Adverse Report On Publishers' Request for the Duty's Removal.

(By Leased Wire to The Times.) Washington, May 28.—The house today passed an omnibus fish hatcheries bill. The select committee on wood pulp reported adversely on the request of the newspaper publishers that the tariff duty on wood pulp and print paper be removed. The leaders of the house said this afternoon that they will be ready to adjourn as soon as the senate disposes of the emergency currency bill. No filibuster this time. Senate democrats have decided not to filibuster against the Aldrich-Vreeland currency bill. Senator LaFollette announced shortly after the opening of the session that he would make no protracted fight against the measure. Senator Aldrich called up the conference report on the currency bill at the close of morning business and the discussion of it was entered upon. A resolution by Senator LaFollette directing the department of commerce and labor to investigate the telegraph and telephone companies was passed. Early in the afternoon the campaign publicity bill came up and Senator Bacon, apparently speaking for the democrats, intimated to the republicans that if the republicans would permit the passage of a proper campaign publicity bill the democrats would not attempt to filibuster against the currency bill. Senator Beveridge promptly said from the republican side that he would be very glad to acquiesce in such an arrangement. Roads Damaged Millions. (By Leased Wire to The Times.) Galveston, Tex., May 28.—The railroads the present floods are the most destructive in the history of Texas. The roads estimate their damage between \$10,000,000 and \$12,000,000. The estimated amount of track washed away is 420 miles. Thirty bridges have been destroyed and 43 damaged.

MAJORITY FOR PROHIBITION IS ALMOST 43,000

Complete Returns From Whole 98 Counties Vary Little From Yesterday's Estimate

Revised returns and estimates of the majorities cast for and against prohibition in the election Tuesday are submitted herewith. According to these tables the bill has received a majority of 42,982 votes. Where no definite returns can be had the estimates in the prohibition column are liberal. The votes shown in the wet column are definite. The official vote will not be ascertained until the returns are canvassed, and it is practically certain that the prohibition majority will be considerably reduced when this is done. However, the figures are given for what they are worth in order that some idea may be gained of the day's net results. The most striking feature of the election is the fact that while Rowan county, headquarters of the anti-prohibition forces, returned a majority of 690 for prohibition, Wake county, the headquarters of the prohibition advocates, returned a much heavier "wet" majority.

HOW COUNTIES STAND.

Table with columns: County, Majority, Wet, Dry. Lists counties like Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Chowan, Clay, Cleveland, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Davie, Duplin.

STEPHEN D. LEE RESTS FROM HIS EARTHLY LABOR

Last of Confederate Lieutenant Generals is Dead at Home in Vicksburg, Miss.

FAILING SEVEN WEEKS

Fine Type of Old Southern Soldier Leaves Behind Memory That Must Live.

(By Leased Wire to The Times.) Vicksburg, Miss., May 28.—General Stephen D. Lee, commander-in-chief of the United Confederate Veterans and the last general of the Confederacy, died this morning after a sickness of seven days. General Lee was taken sick on May 21, after a hard day's task in making speeches and welcoming the Iowa and Wisconsin reunion of veterans, G. A. R., at the national park here. He suffered a collapse and his son, Blewett Lee, general counsel of the Illinois Central, was summoned from Chicago. Ex-Lieut.-Gov. Jas. Harrison and his sister, relatives of the general, were at his bedside. General Lee was 75 years old. Lieut.-Gen. W. L. Cabell, of Dallas, Tex., is senior among the division commanders of the Confederate veterans, the others being Gen. Irvine Walk, of South Carolina, and Gen. Clement A. Evans, of Georgia. Gen. Cabell is next in line for commander-in-chief. Gen. Stephen D. Lee was the last surviving lieutenant-general of the Confederacy and the honored commander of the United Confederate Veterans' association. He was one of the most interesting men in semi-public life in the country, and, owing to ties that bound him to the south as well as to his personality, he was easily the most popular man in the association. Although a soldier, the great-grandson and a grandson of a soldier, he spent his life quietly as a planter at Columbus, Miss., and as president of the Mississippi Agricultural and Mechanical college. Since the close of the war he had worked constantly to build up the waste places of the south. He rarely accepted political office.

WHITMORE'S ALIBI GROWS STRONGER

Expects to Show He Was Not in New Jersey During Hours When Wife Was Murdered and Thrown In Swamp--This Will Knock Out Prosecution's Case

(By Leased Wire to The Times.) New York, May 29.—Theodore S. Whitmore's alibi, on which he will attempt to show he was not in New Jersey the night his wife Lena was murdered and thrown into the swamp near Harrison, is being presented at the trial in Jersey City today. On this alibi Whitmore's fate hangs. His lawyer, Alexander Simpson, has declared he is in a position to prove Whitmore's whereabouts every minute from 11 o'clock Christmas until 2 o'clock next morning. Mrs. Whitmore was put to death during those hours, and if it be shown that Whitmore was not in New Jersey the prosecution's case will collapse. Up to this time the prosecution has scored a point only to have another point shattered by the defense, and during all the conflicting testimony Whitmore has displayed an assurance that is remarkable. At no time did he appear frustrated. When witnesses told how he had beaten his wife, how he threatened her, how he loved another woman and had given this woman some of his wife's jewels, how he had dictated letters to Fred Elliott to which the name "Lena" was signed, which purported to explain Mrs. Whitmore's absence after she had been murdered, and how he attempted to get possession of his wife's bankbook the day after the murder, Whitmore only smiled. Such evidence, which apparently built up a bulwark for the prosecution, only amused Whitmore. He is depending on his alibi, and it is probable Lawyer Simpson has his trump card up his sleeve to play today. It is believed that Whitmore will take the stand in his own defense. If he does it is expected the prosecutors will have difficulty in tangling him up. Whitmore was in exceptionally good spirits when he entered court. He shook hands with his brother and father, and said: "I'll be out by Saturday. I'll spend Decoration day in New York." Before the prosecution rested, Assistant Prosecutor Vickers called Joseph D. M. Lorenz, cashier of the Brooklyn bank. Mr. Lorenz testified that December 2 Whitmore came to the bank and asked that a new bankbook be made out in his own name for the account he and his wife had used jointly. He said the old bankbook had been burned. The cashier told him he would have to bring the burned book or part of it as proof. Whitmore left and returned in an hour with the charred fragment of the book, which he and Elliott burned, according to Elliott's testimony. He was given a new book. Mr. Simpson immediately began his opening address. He said: "We will prove Lena Whitmore on the 21st of December went away. She came back the 24th and stayed with Lilly Pealer all night. She went to Whitmore's house to get a dog and stayed with him all of Christmas. During the conversation she informed him she wished to go to Schenectady. He told her she could go and gave her \$50 to pay expenses. In the afternoon Whitmore left the house to get tobacco or a drink and when he returned he found his wife gone."

CURRENCY BILL LIKELY TO PASS

Only Opposition in Senate From Lafollette, and He's Sick Man

(By Leased Wire to The Times.) Washington, May 28.—Senators and representatives who called at the white house today expressed confidence that the conference report on currency would pass the senate without serious opposition except that which will be offered by Senator LaFollette. The danger from that source is not feared, however, for the reason that the senator's health is said to be such that he will find himself physically unable to put up a protracted argument against the measure. Representative John W. Weeks, of Boston, one of the house managers on the conference, said he had been assured that there would be no serious opposition to the bill, either by the republicans or democrats. "I feel sure," he said, "that if it rests." (Continued on Page Seven.)

CRAIG SHOT BY JEALOUS RIVAL

Dunlap, Who Sent Fatal Ball, Not Caught Up to Noon Today

(By Leased Wire to The Times.) Whittier, May 28.—William Dunlap shot and killed E. E. Craig as the result of jealousy over a young woman with whom both men were in love. Dunlap and Craig had been good friends until a short time ago, when this love affair came between them. They met yesterday a short distance from the town, a quarrel about the girl ensued, and Dunlap shot his rival dead. No details are obtainable. Dunlap escaped and has not been caught. —Tracks had been laid from Fayetteville street down East Martin beyond Bloodworth street yesterday afternoon on the latest extension of the street railway of this city.

Body of Gen. Clinton to Have Final Burial on the Hudson

(By Leased Wire to The Times.) New York, May 28.—After having lain nearly a century in the old congressional cemetery at Washington, the body of Gen. George Clinton, once a major-general in the revolutionary army, first governor of New York and some time vice-president of the United States, was brought to this city today on the revenue cutter Manhattan from Jersey City, where it arrived from the national capital under a military guard. The body was received at the battery by Maj.-Gen. Fred D. Grant, grand marshal and commander of the military escort. The body, mounted on a caisson, was then taken to the city hall. The program included a march from the battery to Whitehall to Pearl, to Broad, to Wall, to Broadway, to Park Row, to city hall. The body of Gen. Clinton lies in state at the city hall. Early tomorrow morning the recovery ship Wasp, with Maj. Clinton's body on board, will proceed up the Hudson with an escort of several torpedo boats to Kingston, where she is due to arrive at 4 p. m. At Kingston the citizens' committee will receive the body and on memorial day it will be interred at Kingston with impressive ceremonies.

JOHNSON TALKS ABOUT OUTLOOK

Southern Trip Filled Him With Hope--Thinks Bryan May Lose Georgia

(By Leased Wire to The Times.) Chicago, May 28.—Gov. Johnson, of Minnesota, arrived in Chicago last night after his trip through the south. "I did not meet enough people to say what the whole south will do," he said. "Personally, I feel more than confident. I think Bryan will lose Georgia, but as I only passed through the easternmost of the southern states I am not in a position to say much." For Want of a Kiss. Houston, Tex., May 28.—"Because my husband would not kiss me goodbye," is the reason alleged to have been given by Mrs. Clara Wessoon for committing suicide.

WRIGHT MAY GET JOB TAFT HOLDS

Washington Hears Tennessee Democrat is Considered for Secretary of War

(By Leased Wire to The Times.) Washington, May 28.—The World's Washington correspondent telegraphs: General Luke E. Wright, of Memphis, Tenn., is to succeed William H. Taft as war secretary, probably about July 1, according to a statement made here by a man who is Gen. Wright's close personal friend and business associate. Gen. Wright is a democrat and it is rumored he has announced he will support the ticket next November, although he was for several years governor-general of the Philippines, succeeding Secretary Taft in that position and, more recently, ambassador to Japan under President Roosevelt. The selection is regarded by the few politicians in Washington who have heard of it as one of the cleverest moves ever made by the president. (Continued on Page Seven.)

Woman's Sweet Letters Cost Old Colonel Snell \$100,000

(By Leased Wire to The Times.) Clinton, Ill., May 28.—The \$1,500,000 Snell will contest, sensational in its revelation of the "soul mate" letters written the aged millionaire, Col. Thomas Snell, by his niece, Mabelle McNamara, and other women, will be in the hands of the jury before night. It is possible a verdict may be reached before midnight. Among the startling revelations of the case and one which may influence the jury's action in determining whether Col. Snell was sufficiently sane to make a legal will, was evidence to show that Mabelle McNamara had secured in the neighborhood of \$100,000 from the old man in response to the "soul mate" letters, some 90 in all, written by him. The victory of the Snell heirs in getting the court to have read before the jury in camera five of the letters written by Mrs. McNamara was hailed by them as a great point in the final outcome of the suit. Following the proponents counsel, the attorneys for the legatees will talk and the case is expected to get to the jury this afternoon.

NO BOOZE FOR DENVER NATIONAL CONVENTION

(By Leased Wire to The Times.) Denver, Col., May 28.—Those in charge of the democratic national convention have decided to put an absolute ban on liquor during the gathering in July. Large sums were offered for a concession for the bar privileges, but the committee voted unanimously not to grant a bar or any other means of selling liquor on the auditorium premises. France Adopts Income Tax. Paris, May 28.—The chamber of deputies, by a vote of 349 to 170, adopted a clause imposing an income tax on rents.

TERRIFIC HEAT TODAY IN LITTLE OLD NEW YORK

(By Leased Wire to The Times.) New York, May 28.—Today opened as the hottest May 28 in the history of the weather bureau, following the hottest May 27 in 28 years. The temperature at 1 a. m. today and last year was 24 degrees. It continued to grow cooler until sun up. Then, suddenly, it changed again and at 9 it was as hot as at midnight, when all records for the month were shattered. Thousands of persons went from their homes to the parks last night in an effort to get some fresh air. The only hope held out by the weather forecast is rain tomorrow.

HEARST GAINS ON MAYOR IN NEW YORK'S RECOUNT

(By Leased Wire to The Times.) New York, May 28.—In the first 20 votes counted today at the quo warranto proceedings to oust Mayor McClellan, W. R. Hearst gained 13 votes. This makes 40 votes gained before three of the 1948 boxes have been completed. At such a rate Mr. Hearst's plurality may run far into the thousands. Magoon Wars on Gamblers. (By Leased Wire to The Times.) Havana, May 28.—The mayor, chief of police, city treasurer, and nineteen others at Neuva Paz have been indicted.

Wrights Planning to Hand Over Machine to Uncle Sam

(By Leased Wire to The Times.) Xenia, O., May 28.—The following statement was dictated by Orville Wright regarding the successful operation of the Wright brothers' aeroplane and the preparations for the delivery of a machine to the government: "Our experiments were entirely satisfactorily. We accomplished all we expected. The accident to the flyer at Kill Devil hill was not of a serious nature, and was the result of the use of a wrong lever too close to the ground to be turned upward, after it started down. "We did not make any attempt to go a long distance or attain a great altitude. We know exactly what the machine will do in that respect. We were testing some steering levers and proving the carrying capacity. This we have done to our satisfaction. "When will you deliver the flyer to the government?" "We have until September 28, but we are ready now." "Where will the government test be made?" "I presume it will be at Fort (Continued on Page Seven.)"