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The Weather—FAIR.

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DIAZ WILL NOT RESIGN PRESIDENCY

Health Is Good and There Is Harmony in the Cabinet

ACTIVITY AT FORT

Report That Diaz Will Resign Officially Denied—Peace Terms Will Be Rejected—Soldiers Getting Ready for Manoeuvres—Bandits Attacking American Interests—State of Active Warfare Being Moved Into Sonora.

(By Leased Wire to The Times.)
Washington, March 20—"There is absolutely no truth in the report that President Diaz will resign the presidency," declared Senor Bulle, first secretary of the Mexican embassy today.

"I can speak for Ambassador De La Barra on this matter. Our private advice here show that President Diaz is in good health mentally and physically and there is entire harmony in his cabinet. There is no truth in the gossip that Senor Limantour, minister of finance, will succeed him at the present time."

Peace Terms Will Be Rejected.
Washington, March 20—Peace terms proposed by the Mexican insurgents calling for the retirement of President Diaz will be rejected according to Ambassador De La Barra. He declared today that under no circumstances would President Diaz retire and denied the report that Minister of Finance Limantour was on his way to Mexico city with a proposition for a peaceful settlement of the revolution.

Getting Ready for Manoeuvres.
San Antonio, Texas, March 20—Activity at Fort Sam Houston was pronounced today. In view of the Mexican peace plans the officers and men now expect serious manoeuvres to determine the efficiency of the army for a period of three or four months under conditions as nearly stimulating warfare as possible.

Hiking under the hot sun with no prospect of an active engagement or the opportunities for promotion which come on the field of battle is not especially attractive but this is what is placed squarely before the men who are in camp.

By Tuesday the first brigade will make the practice march to Leon Springs and return. Manoeuvres are being worked out for the other brigades as well.

When manoeuvring involving an attack on Galveston will begin has not been revealed.

Officers at the camp believe the show of force made by the United States has accomplished its purpose so far as Mexico is concerned and likelihood of having to invade that country is very remote at present.

The measles and mumps which appeared in camp, continue to spread but have not yet assumed the proportions of an epidemic. The hospital corps is having an opportunity of showing its efficiency and is being complimented on the way in which the situation is being handled.

Some fever has appeared in camp, but this is not of an infectious or contagious nature and taken as a whole the health of the camp is considered remarkably good.

DR. WASHINGTON LICKED BUT LITTLE LIFE LEFT

Negro Educator Attacked In New York Apartment

Receives Severe Beating at the Hands of Albert Ulrich—Ulrich Says Washington Insulted His Wife. Washington Says Ulrich Was Drunk.

(By Leased Wire to The Times.)
New York, March 20—Dr. Booker T. Washington, the negro educator, was too ill from the beating he received last night from Albert Ulrich of No. 1102 West 63rd street, to appear in the Westside police court today as complainant against his assailant, and Magistrate Cornell therefore postponed the case until tomorrow afternoon, holding Ulrich in \$1,500 bail.

Ulrich, who charges that Washington insulted Mrs. Ulrich, did his best through his lawyer to get off on parole until tomorrow, but the magistrate declared the case was "too serious."

The prisoner was highly indignant and said he would fight the case to a finish. He declared that he had acted within his rights and was not afraid of the outcome.

When the case was called Attorneys Wilford and Smith appeared for Washington. He presented a certificate from Dr. Bosford which stated that the educator's condition was such that he would be unable to appear in court, but was confined to his apartments in the Hotel Manhattan.

James C. Moore, attorney for Ulrich, then asked that the prisoner be paroled. William J. Gibson, another lawyer, who attempted to explain his interest in the case by saying that he appeared in the "cause of justice," also asked that Ulrich be paroled.

After Magistrate Cornell had disposed of the case, Mrs. Ulrich, who was in the court, again declared that Dr. Washington had met her in the hallway of her home and addressed her with "Hello, sweetheart."

J. H. Benton, who also lives in the Sixty-third street house, was in court with his two daughters. They said that they had seen Dr. Washington in the vestibule and passed him, but that he had paid no attention to them.

Mrs. Ulrich told her story of the affair today. She defended her husband's action, declaring that repeated overtures had been made to her. Mrs. Ulrich, who is a pretty young woman, talked at length after a conference with her husband.

"I was out for a walk last night," she said. "When I returned home and entered the outer lobby this man was in the vestibule. He said, 'Hello; but I made no answer. He then said, 'Hello, sweetheart.' I asked him what he meant. Then I ran in and told my husband. He rushed out and said to this man, 'What in — are you doing here?' The negro replied that he was looking for a friend. Then my husband said, 'What in the — do you mean by talking to my wife?'"

"The man denied it but my husband said, 'Yes you did,' and went for him. I ran and called Mr. Revett, with whom we live. When he saw the two fighting he said, 'Ulrich can take care of the negro.' Then the man ran away toward Central Park and a detective came out of a hotel and stopped him. When he asked what the trouble was Mr. Ulrich said he wanted the man arrested."

COMMISSION CHARTER FAILS OF ADOPTION

Indications Are That the New Charter Will Be Defeated By a Big Majority

VOTE UP TO 3 O'CLOCK

The vote being cast in the election for a commission form of government is heavy. Up to 3 o'clock a total of eleven hundred and twenty-eight were cast, of these 225 were for the adoption of the new charter and 903 against it.

While this is true, there are some facts that should be considered. The forces for the commission form were never organized and never spent any money at all in the campaign. The people all sat idly by and depended upon the papers to do the work for them.

On the other hand the opposition was well organized and spent their money in the fight. The old-line fighters were fighting the proposition hard, they did all the organized work.

The vote by wards and division was as follows:

	For.	Against.
1st. Ward, 1st. Div.	40	71
1st. Ward, 2nd. Div.	15	102
2nd. Ward, 1st. Div.	46	46
2nd. Ward, 2nd. Div.	4	106
3rd. Ward, 1st. Div.	54	165
3rd. Ward, 2nd. Div.	15	115
4th. Ward, 1st. Div.	38	200
4th. Ward, 2nd. Div.	14	98
Total	225	903

WOMAN STOLE \$19,000.

Sentence Deferred Until Her Mother Dies—Stole That Her Parents Might Live in Comfort.

(By Leased Wire to The Times.)
New York, March 20—Judge O'Sullivan in the court of general sessions today delayed passing sentence on Miss Susan McComber of East Orange so that the girl's aged mother, who is dying, may pass away without knowing that her daughter is a convict.

Miss McComber who pleaded guilty to stealing \$19,000 from the publishing firm of John Lane & Company, was calm and collected when she was taken before Judge O'Sullivan to be sentenced.

Her aged father, for whose comfort she stole, she said, was in court with a lawyer friend.

"Your honor," said the young woman, "I ask only that sentence be deferred if possible until my dear mother shall have passed away. I shall then be ready to pay the penalty for what I have done."

Judge O'Sullivan deferred sentence until Thursday.

AN AMERICAN KILLED.

Received Fatal Wounds at the Hands of Insurrectos.

(By Leased Wire to The Times.)
Torreon, Texas, March 20—Dying from four wounds inflicted by Mexican insurgents, H. E. Driscoll, American manager of Hacienda Guichapa, owned by St. Louis capitalists, was brought to the hospital here today.

The insurgents tried to hold him up and when he refused to give them money they shot him down.

Rebels under Sixto Ugalde fought the federals at Colonia Siding, near here, last Thursday and thirty men were killed on both sides, including Captain Durano, of the federal army. Ugalde is a former shoemaker of Matamoros.

At Coyote Hacienda three rebels were killed and several wounded.

To Merge Elevated Railways.
(By Leased Wire to The Times.)
Chicago, March 20—A merger of the four elevated railway companies in Chicago and operation of through routes from the Southside to the north and west sides will be in effect by September 1, according to an announcement made today by Henry A. Blair, financial head of the Chicago Railway Company, who has just returned from New York where arrangements for the combination were made.

Limantour Back in Mexico.
(By Leased Wire to The Times.)
Mexico City, March 20—Senor Limantour, minister of finance, arrived here safely today after his trip through the rebel infested section of Mexico.

He was given an enthusiastic greeting by waiting diplomats and other officials when he stepped from the private car Hidalgo.

SHEEHAN SAYS HE IS STILL IN THE RACE

(By Leased Wire to The Times.)
New York, March 20—According to reports current in political circles this afternoon, William Sheehan has repudiated Charles F. Murphy's plan to end the senatorial deadlock at Albany by a series of caucuses and will stay in the contest. When Mr. Sheehan was seen at his home today he refused to discuss the senatorship, but close friends declared that he would not get out. Mr. Sheehan is said to believe that he "has become the embodiment of a great principle" that of majority rule.

BROWER BEFORE GRAND JURY.

Vice President of the Defunct Northern Bank Testifies.

(By Leased Wire to The Times.)
New York, March 20—William L. Brower, vice president of the defunct Northern Bank, voluntarily appeared before the grand jury today as a witness in the investigation of the Carnegie Trust Company, and other banking affairs. He was questioned by Joseph G. Robin, the bank examiner.

Before Brower appeared, Robin was closed with Assistant District Attorney Clarke for several hours. Dr. Louise Rabinovitch was also there. Robin told Mr. Clarke how to question Brower regarding heavy city deposits in the bank.

It is believed that several indictments have been voted by the grand jury, one of which names a man prominent in the management of the Carnegie Trust Company. Other indictments are to be voted this week.

Blow to Black Hand.

(By Leased Wire to The Times.)
Pittsfield, Pa., March 20—A blow at black hand methods was struck here today when Frank Tucci, an Italian, was fined \$1,000 and sentenced to three years imprisonment at hard labor in the county jail. He was convicted of sending a black hand letter to Angelo Enlick, a mine foreman, who was shot and killed from ambush at Morea, subsequent to his receipt of a letter. The letter demanded \$1,000 from Enlick on penalty of death.

Fell From Third Story Window.

(By Leased Wire to The Times.)
Washington, March 20—Leaving out of a third story window at his home, 1212 Ninth Street, Northwest, to take down a flag pole this morning George W. Harold, a well known merchant tailor, lost his balance and fell to the brick pavement 30 feet below. He was carried into a house, where he died half hour later.

Went Suddenly Insane.

(By Leased Wire to The Times.)
New York, March 20—Becoming suddenly insane George Shagoroff, a Syrian, dashed into the office of a firm of bankers at 5 Wall street this afternoon and threatened to kill the president and cashier. Six policemen were called and subdued him after a struggle.

Long and Short Haul Clause.

(By Leased Wire to The Times.)
Washington, March 20—Arguments from the state railroad commissions of Washington, Oregon, Nevada, and Utah, and various commercial bodies, were presented to the interstate commerce commission today on the question of the "long and short haul" clause as applied to trans-continental shipments.

Mobile Bank Fails.

(By Leased Wire to The Times.)
Mobile, Ala., March 20—The Leinhardt Company, one of the oldest banks in the city, today assigned to Henry B. Pate, of Demopolis, Ala. The failure was due to extensive lumber deals resulting in uncollectable paper. The concern expects to pay in full.

UPCHURCH TRIAL IS ON

Housebreaking and Injuring Personal Property Charge

W. K. Upchurch is Charged With Entering Cooper Brothers' Shop and Destroying the Marble Statuary—E. B. Crow and W. W. Roberts, Expert Bankers, Declare Note Found is in Defendant's Handwriting.

The case against W. K. Upchurch, charged with house-breaking and destroying personal property, was tried today.

It is remembered that some time ago some one entered the marble shop of Cooper Bros., and destroyed about \$2,000 worth of statuary by breaking off wings, arms, heads and chipping off the corners to bowls, etc. The officers were at once notified and they set to work on the case and as a result of their investigation W. K. Upchurch was placed under arrest. He was given a preliminary hearing and put under a \$500 bond until his trial.

At the hearing today the evidence, while circumstantial, is exceedingly strong against Upchurch.

Messrs. George and William Cooper told on the stand of the destruction of their property, of the finding of blood stains all on the marble, supposed to have come from a cut on the finger or hand; also about finding a note written in very obscure language to Mr. George Cooper, which they believed to be in the handwriting of W. K. Upchurch. Mr. George Cooper said that Upchurch worked for him about three years ago, and in working a piece of statuary, some bad work was done, and he was ordered to work it over, which he not only refused to do, but left the shop.

Police Officer Jake Pope told of his work in finding out the guilty party and that when he found Upchurch, he had a cut on his left hand.

Mr. C. W. Cooper testified that he had seen Upchurch's handwriting enough to know it and believed the note found was written by him.

James Hoge, a colored employee of Cooper Bros., told of going to the shop early that morning to open up and finding the door open. He said that when he went in to build a fire he first found a jar or bowl with the corners broken off. He then noticed the door, leading into the show room open, and going in there, he found a lot of the statuary broken to pieces.

Messrs. Gosney, of the Carolina Light and Power Company; W. W. Roberts, teller of the Citizens National Bank; E. B. Crow, cashier of Commercial National Bank, all testified that they had examined the note in question with other instruments in Upchurch's hand-writing and believed that he wrote the note found.

Messrs. G. S. Goodwin and Lonnie Johnson told of Upchurch's stopping his work because of a dispute over a piece of work with Mr. Cooper, and how he cursed him and said that some day he would get even with him, that he only hoped and prayed that his health would get better, so he could fix him.

Chief Stell testified to Upchurch's action when he went to arrest him, of how he refused to let him see his finger, and how he found blood stains all on his coat, that he refused to give him a sample of his writing.

BATTLESHIP TEXAS TO BE BOMBARDED

Costly Naval Test With Ship As Target to Begin Today

TEST TO BE SECRET

Battleship New Hampshire Will Hurl Broadside at Texas—Costly Experiment but Naval Men Say It is Needed to Determine Effect of Armor-piercing Shells—Secretary Meyer, Senator Clapp and Several Congressmen Will Witness Tests—No Foreign Representatives Allowed With Fleet.

(By Leased Wire to The Times.)
Crisfield, Md., March 20—With the battlement of the Atlantic fleet, Rear Admiral Schroeder commanding, acting as spectators, the battleship New Hampshire late this afternoon will hurl broadsides into the old battleship Texas, re-christened the San Marcos, ten miles off here in the upper reaches of Chesapeake Bay.

Great secrecy is maintained by navy officials. Orders from Washington, governing tests were that information, technical or otherwise, should be made concerning the bombardment. Ordnance experts of the navy, and a corps of artillery officers, headed by Brigadier General Crozier, chief of ordnance, U. S. A., are aboard different ships of the fleet to watch the firing. Secretary of the Navy Meyer, Senator Clapp, of Minnesota; Representative Roberts, of Massachusetts; Lord, of Michigan, and Gregg, of Texas, are in the midst of the fleet on the Dolphin. "It is the first time in the history of the American navy that a battleship has been used for a target, a costly experiment when the target is a \$5,000,000. It is a test, however, navy officials say, that is greatly needed to determine the effect of armor-piercing shells upon the intricate mechanism of a battleship.

Usually the navy department, in conducting tests of guns and armor plate, permit naval attaches of foreign governments to be witnesses. In this instance the request of the foreign naval officers was ignored.

Last Saturday the San Marcos was towed up Chesapeake Bay from Hampton Roads by six puffing, busy little tugs. She was anchored off Tangier Island in Tangier Sound. There were no men aboard her, though none of her fittings had been taken out except the furniture. In her turret and magazines were placed dummies of men, live chickens and cats.

Once the pride of the American navy when she was commissioned the Texas, in 1885, the San Marcos today seemed a mere plucky compared to the lighting monsters that make up the Atlantic fleet, which arrived here from Hampton Roads last night to witness the "battle."

The New Hampshire was picked to be the firing because her guns will have to be replaced before those on any of the other ships. Seventy men boarded the New Hampshire before her flag left Norfolk. They claimed that the guns of the ship are too old to be safe. In firing the New Hampshire will use her entire battery of four 12-inch guns, eight eight-inch guns and twelve 7-inch guns.

Before going into "action" the crew of the New Hampshire will be ordered under the showers and after the water the men will appear in clean underclothing. This precaution is always taken when guns are fired because in event of an explosion there is less liability of poisoning should any of the crew be wounded. It is a practice the navies of the world adopted soon after the Japanese after the Russian-Japanese war.

What effect the firing will have upon the San Marcos is problematical. The general belief is that if hit below the water line she cannot float for many hours.

When the firing tests, which probably will last until Wednesday end, the fleet will return to Hampton Roads and early in April will go to the drill grounds off the Virginia capes for spring target practice.

Rebuilding Grandstand.
(By Leased Wire to The Times.)
Washington, March 20—President Pom Noyes and Treasurer Harry Rapley, of the Washington baseball club, together with President Ben Johnson, of the American league, made a trip of inspection at National Park today and all expressed surprise at the progress already made in the work of rebuilding the grandstand and bleachers which were burned last week. A meeting of the board of directors of the club will be held this afternoon when the rebuilding plans will be finally passed on.