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# Daily Press

Rain Tuesday, cooler in southwest portion, Wednesday showers with rising temperature; fresh east winds becoming south.

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NEWPORT NEWS, VA., TUESDAY, MAY 5, 1908.

PRICE TWO CENTS

## HARRY THAW LIKES JAIL BETTER THAN ASYLUM

### Murderer of Stanford White Out of Matteawan for a Short Time Anyway.

## HEARING IN RELEASE PROCEEDINGS

### Convicted Insane Murderer Taken to Poughkeepsie to Appear Before Judge Who Signed the First Papers—Thaw Picture of Health and Twenty Pounds Heavier.

(By Associated Press)

POUGHKEEPSIE, N. Y., May 4.—Temporarily at least, Harry K. Thaw is out of the Matteawan hospital for the criminal insane. As a result of today's proceedings on the writ of habeas corpus sued out in an effort to have him legally declared sane he will remain in the Dutchess county jail until the final decision on the writ is handed down.

The formal hearing in the case will come before the Supreme Court here next Monday.

The adjournment was taken upon the request of a representative of the district attorney of New York county to give District Attorney Jerome an opportunity to appear in person to oppose Thaw's release from the asylum.

Thaw appeared to be in excellent health today having gained fully twenty pounds in weight since his transfer to the asylum from the Toms.

One of the interesting features of today's proceedings was an announcement that Evelyn Nesbit Thaw, although she has brought suit for annulment of her marriage, will appear, if necessary, as a witness in her husband's behalf.

Thaw himself undoubtedly will go on the stand in his own behalf. A. Russell Peabody, one of Thaw's counsel said today that the prisoner is willing to submit to any examination that court or the district attorney may desire as proof of his sanity.

The opening of the hearing today was delayed by a conference between District Attorney Mack, of Dutchess county and Assistant District Attorney Garvan, of New York.

Dr. Baker, acting superintendent of the Matteawan asylum, was called in to the conference at the conclusion of which Mr. Graham, of Thaw's counsel formally filed his writ and received from District Attorney Mack his return to it.

Dutchess County Dodge Expense. District Attorney Mack then moved that the proceedings be sent to New York county.

Mr. Mack said he was informed that it would cost Dutchess county \$20,000 to have the proceedings tried in Dutchess county. He thought it would be had for the tax payers of Dutchess county if the precedent were established that such cases must be tried here.

Mr. Garvan said that the trial would involve sending a commission to Paris, Monte Carlo and other places in Europe to obtain evidence as to Thaw's sanity.

He argued that the case should be concluded under the jurisdiction where it originated. Mr. Graham opposed the motion. He contended that the proceedings should be tried under the statute in the judicial district where the haines corpus was made returnable. He said that the statement of cost of proceedings had been exaggerated; that the function of the New York district attorney ended with the murder trial and that the New York district attorney could appear only by courtesy of the court and the Dutchess county district attorney.

"To spend \$20,000 would be a waste of the public money. It can be entirely regulated by the district attorney of Dutchess county as he must audit the bills. We strenuously object to having the case transferred to New York and our witness made subject to subpoena by the district attorney's office. There has been intimidation of witnesses before in that direction and we want none of it in these proceedings."

Justice Morschauer denied the motion to transfer the hearing but offered to sit in New York to hear the people's testimony if both sides were to consent.

Mr. Graham raised the question as to where Thaw shall be confined during the proceedings and the court ordered him committed to the Dutchess county jail. Thaw smiled with pleasure at the announcement.

It was arranged to adjourn the proceedings to May 11 providing Mr. Jerome can be here on that day. After the relator's side has been heard

Judge Morschauer will sit in New York to accommodate Mr. Jerome and his witnesses.

Thaw was conducted after the hearing to the jail floor of the courthouse. He is in the custody of Sheriff Robert Chandler, brother of Lieutenant Governor Chandler, and a member of the Astor family.

He will have a large room and his meals will be served from a restaurant. He can receive any visitors he wishes to see.

## HIS POTATOES GROW BAKED, BOILED, FRIED

### Middlebury (Conn.) Man Discovers an Irish Variety Like a Tomato and Already Cooked.

WATERBURY, CONN., May 4.—Dwight Wheeler, of Middlebury, who has experimented for years on Irish potatoes, has at last solved the problem of the potato in a variety which requires no cooking and grows on vines like the tomato.

His efforts are declared to be certain to revolutionize potato culture and reduce the strain on the housewife, who now finds it difficult in all temperatures to keep the cooked potato constantly on hand.

Fortunes have been dissipated in an attempt to can or preserve successfully the cooked Irish potato. Mr. Wheeler has invited farmers all over the state to an exhibition of his growing vines, which will be in blossom soon.

Fatal Leap From a Freight Train.

ROANOKE, VA., May 4.—Ray Parrish, of Mount Airy, N. C., while jumping from a freight train early this morning near this city, had his skull broken, and was otherwise badly injured. He is in the hospital here and may die.

Parrish is said to have been looking for work.

## BROWNSVILLE IN COURT

### Draggling Case of Negro Soldiers Into Court to Test Constitutionality.

### RIGHTS OF PRESIDENT QUESTIONED

### Lawyer for the Negro Soldiers Contends That Roosevelt Overstepped His Authority, But Judge Says He Has to Be Shown Such is Case.

(By Associated Press)

NEW YORK, May 4.—For more than three hours tonight, Judge Hough, in the United States District Court listened to arguments which involved a question of right of President Roosevelt to summarily dismiss the three companies of negro soldiers of the Twenty-fifth infantry for alleged participation in the Brownsville riot.

The argument was on a demurrer interposed to a portion of the answer of the government in the action commenced by Private Oscar W. Reid to recover \$122, which sum represented his wages as a soldier from the date of his dismissal without honor and the date of the expiration of his enlistment. The suit was commenced in the Federal court in this district. To the complaint filed in behalf of Private Reid, United States District Attorney Stimson entered a general denial and for an additional defense alleged the right of the President to dismiss the soldiers of three companies, and also referred to the various army inspectors recommending such action, making the reports a portion of the record of the case. It was to this portion of the government's answer that Charles E. Meilen, counsel for Private Reid, demurred.

Counsel Meilen contended that the enlisted men were protected by constitutional rights which the President had not the power to ignore, even as commander in chief of the army and navy; the enlistment operating really from a legal viewpoint as a civil contract between the soldier and the government. The real power of removal, the attorney contended was vested in the Congress, which evaded the army and navy, the President as commander in chief possessing in times of peace the right of applications for the congressional act.

Judge Hough reserved decision, but told Lawyer Meilen that it would require considerable legal proof to convince him that the relations of the enlisted soldier and government amounted simply to a civil contract. Briefs are to be submitted by Wednesday and Judge Hough said he would take the matter up at the end of the week.

## REPUBLICANS AT ODDS ON FINANCIAL BILL

### Vreeland Measure Tabled by Committee, But Majority Conference Will Take It.

## FOWLER FIGHTING FOR MEASURE

### Tried to Have Speaker Cannon Side-track the Vreeland Measure and Have a Week's Debate on Financial Measure But Speaker Says—No Long Debates Desired.

(By Associated Press)

WASHINGTON, D. C., May 4.—Notwithstanding the fact that the committee on banking and currency today voted to table the new Vreeland financial bill the impression prevails among many members that the measure will be adopted at the conference of the Republican members of the House tomorrow night. The vote in the committee by which the Vreeland bill was tabled was 13 to 3. Messrs. Weeks, Burton and McKinney voted in the negative. The committee adopted a resolution offered by Mr. Waldo, New York, requesting that suitable time be given for the discussion in the House of all pending currency measures. Chairman Fowler was authorized to lay this request before Speaker Cannon.

Strong efforts were made to reach a compromise on the financial question and the proposition advocated some time ago by Floor Leader Payne was taken up as the basis for an agreement. This proposition allows any national bank which has circulating notes outstanding secured by deposits United States bonds to an amount equal to its capital stock actually paid in, to take out additional circulation upon depositing United States bonds or certificates of indebtedness authorized during the Spanish-American war.

The proposition was acceptable to some of the House leaders and also to members of the banking and currency committee. It was at first thought by offering this proposition as an amendment to the Fowler currency commission bill the conference which has been called for tomorrow night could be obviated. When the plan was laid before Speaker Cannon, together with the request of the committee for a week's debate, he informed Chairman Fowler that he had no authority either to call off the conference or to grant the time for debate asked for. He stated that more than a sufficient number of Republicans, and that it was for the conference, and that it was for the conference, and that it was for the conference to determine what measures should be decided upon.

He gave it as his opinion that the members would not care to stay here an additional week listening to the financial discussion. The members of the banking committee subsequently held numerous conferences and it was decided that the Payne proposition as an addenda to the currency commission bill should be offered at the conference.

## SHRINERS WILL HAVE OWN TEMPLE IN RICHMOND

### Six Hundred Members in Richmond and Eighteen Hundred in State at Large Will Have Building.

RICHMOND, VA., May 4.—Representatives of Acacia Temple, Ancient and Arabic Order of the Mystic Shrine, from all over Virginia are to assemble in Masonic temple May 14 for the purpose of deciding on a location for a large Shriners' temple in this city.

According to one of the leading officers of the order, the organization is entirely too large to have its important conclaves in any hall they can secure here, and new quarters will have to be built. They have temporarily engaged the Jefferson auditorium as their quarters in Masonic temple is to decide on the location and the architect or to appoint a committee on building to handle the matter. At present there are 600 members in Richmond and 1,500 in the state. All belong to Acacia Temple in this city. Officers and the degree team here frequently go to other cities throughout the state and initiate classes of members for the Temple here.

Three sites are under consideration for the Temple. Several officials here favor the site in south side of Broad street, between Ninth and Tenth, between the Park hotel and the Life Insurance Company of Virginia building. This property is 100 feet wide in Broad street and runs back to Capitol street. The plans as discussed

by a member yesterday afternoon are for a ten-story building of gray stone or granite.

Nine floors are to be devoted to large offices, ten to a store, and the tenth or top floor to be devoted exclusively to Acacia Temple. The building will have every one of the most modern conveniences for offices and lodge or meeting rooms, as to be the model of all similar organizations in the future.

## WANTS TO INCREASE THE NIGHT TELEPHONE RATES

### Southern Bell Asks Leave to Make Long Distance Charges the Same as Day Figures.

RICHMOND, VA., May 4.—The Southern Bell Telephone Company, through its counsel, Colonel Hunt Chipley and H. E. W. Palmer, today filed with the state corporation commission a petition asking leave to withdraw his "special" rates now charged between the hours of 6 P. M. and 6 A. M., and to make them the same as the day rates.

Wednesday, May 13th, was fixed as the date for the hearing. The petition, of course, applies only to long distance service between points in Virginia. It says that the night rates were voluntarily made in the hope and belief that the concession would result in the use of petitioner's toll lines during the hours of the night when the lines would otherwise be comparatively idle, and thereby secure a more even distribution of business during and over the twenty-four hours of each day.

The result, however, it is alleged by the company, has proved unsatisfactory, as it has, it is claimed, produced a congestion of business during certain periods of time within said hours, and has greatly impaired the efficiency of the service during the whole twenty-four hours of the day. The petition further says that the practice of charging a less rate for service rendered between 6 P. M. and 6 A. M. has been abandoned by the Southern Bell Company in the greater part of its territory, and that the change has resulted in substantial improvement of the service.

## NO JURY FROM ANOTHER COUNTY IN MURDER CASE

### Mrs. Edmondia M. Peebles Just Face Venue of Bedford Citizens for Murdering Husband

BEDFORD CITY, VA., May 4.—Counsel for the defense in the trial of Mrs. Edmondia M. Peebles, for the murder of her husband last September, has applied for a venire from some other county.

Judge Barksdale, of Halifax county, who will preside at the trial, after hearing witnesses and argument, overruled the motion, and an effort will be made to secure a jury in Bedford.

This murder, which was complicated with much horror and brutality, created much interest at comment at the time of its omission, but like most such cases, has somewhat minimized in public interest the lapse of time.

The first trial, with six months of this circuit presiding took place months ago and resulted in a hung jury.

By reason of the illness of H. O. Humphreys, the attorney for the commonwealth, the case is not called in the next term of court.

Meanwhile Mrs. Peebles has remained in jail, giving trouble. She has never seemed to ritze the enormity of the crime or read the outcome of the trial. Her unanimity has been truly remarkable.

Neison Sale, R. V. Withers and Judge Clarence G. Cippell, of Amherst, are counsel forte defense.

## PLEGGED ASSISNCE TO EMMA GOLDMAN

### United States Sold Who Associated With Anarchists, to Be Court Mailed.

(By Associated Press)

SAN FRANCISCO, May 4.—In the Fort Mason guardhouse is Private Buwaida, of Comp. A. First battalion of engineers, waida had been identified as the fier who shook hands with Emma Goldman at a meeting of anarchists, pledged her his assistance. The identification was made by detectives the police force and he was placed under arrest. Buwaida will be kept before a court martial.

Mobjack Off Dock. Having had repairs made to her hull, the Old Union steamer Mobjack was hauled out of dry dock No. 2, at the shipyard, yesterday. The vessel has been given new boilers installed and undergoing a general overhauling at third.

## IF BLACK IS CAUGHT LYNCHING WILL FOLLOW

### Mulatto Commits Most Horrible and Brutal Crime on Young Girl.

## HE MANGLED HER WITH A KNIFE

### Country for Miles Around from Where Deed was Committed is Excited and the Aroused People Are Making Diligent Search for the Brute—Girl in Serious Condition.

(By Associated Press)

CHRISTIANSBURG, VA., May 4.—A most brutal and horrible crime was committed today upon the 16 year old daughter of Montgomery county farmer named Meeks, at her home near Elliston on the Norfolk & Western Railway, by a young mulatto. The man in order to accomplish his purpose, found it necessary to horribly mangle the girl with a knife. After committing the assault he succeeded in making his escape. The girl, when found shortly afterwards, was able to partially describe the man.

All stations along the railway line and all train crews were notified to look out for him. The entire county is aroused. Late this afternoon it was learned that a negro, answering the description given by the girl of her assailant, had been arrested near Shawsville. The negro was immediately hurried to the home of the girl for identification. Sheriff Martin, who was attending court here, hurried immediately to the scene for the purpose of preventing a possible lynching.

Later advices are to the effect that the negro arrested is not the right man. Excitement runs high throughout the county. Officers are scouring the county in every direction. There is little probability that a lynching can be averted if the right man is arrested.

Miss Meeks is reported in a very serious condition tonight but conscious. She says she will be able to identify the right man. Owing to the distance from telephone or telegraph it is impossible that any further developments will be secured tonight.

## AMSTERDAM COMING AGAIN.

The Dutch steamship Amsterdam, Captain Van Walraven, of the Holland-America Line, sailed from Rotterdam for Newport News on May 2 at 4 p. m. This will be the first trip the Amsterdam has made here in more than a year, she having been employed on the Philadelphia-Rotterdam line for the past year.

## ONE THOUSAND BOYS IN GREAT RELAY RACE

### Youngsters Will Take Message from Mayor of New York to Mayor of Chicago.

(By Associated Press)

CHICAGO, ILL., May 4.—Members of the Chicago Young Men's Christian Association will cover the last ninety miles of the relay race from New York to Chicago with a message from Mayor McClellan to Mayor Busse. Each of one thousand runners will carry the message one mile. The race will start July 15. The plan is said to have originated with Martin Cackrel, director of boys' work at Cleveland, Ohio, and has been taken up enthusiastically in the East. A. A. Jameson, secretary of the Twenty-third street branch, New York city, has made plans for the completion of the run as far as Buffalo. The first lap to Yonkers will be covered by his runners. The Yonkers boys will carry the message fifteen miles to Ossining and the Newburg Association will carry it across the Hudson as far as Fishkill landing. From there Poughkeepsie lads will cover fifteen miles. Only where there are gaps in a string of associations will any boy be allowed to run more than one mile, and the most that any will be permitted to run will be two miles. An average of a mile in eight minutes is the time that is expected to be made. The Chicago runners will carry the message from South Bend, Ind. The object of the long run is explained as a demonstration of the physical fitness of the members of the association to inculcate in them a spirit of self-reliance.

## HIGH SCHOOL vs O. P. C. COLLEGE.

### Rival Student Baseball Teams Meet Here Today.

For the second time this season,

the baseball nine of the Newport News High school will cross bats with the team of Old Point Comfort College on the Casino diamond at 3:30 o'clock this afternoon. The collegians defeated the locals at Old Point College a week ago by a score of 9 to 8. The locals expect to wipe out the sting of that defeat this afternoon.

The "Rooters' Club" of the High school, composed largely of the girl students, will turn out in force and help cheer the team on to victory. It is expected that many local fans also will be on hand to aid the home team with the rooting.

## Dope Fiend Wants Term Reduced.

NORFOLK, VA., May 4.—"Doc" Richardson, convicted of the illegal possession of cocaine and given three years in the penitentiary, who offered to reveal the cocaine traffic in Norfolk with "startling developments" if two years of his sentence were taken off, was today sent before the grand jury.

Commonwealth's Attorney Tilton would promise nothing in advance of Richardson's testimony.

## Test Case of Bucket Shops.

WASHINGTON, D. C., May 4.—Percy Wade, recently convicted of violating the gambling laws of the District of Columbia by conducting a "bucket shop," was today sentenced by Justice Barnard in the criminal court to serve thirty days in jail. Mr. Wade took an appeal and was released on \$500 bail. Wade's case was regarded as a test one under the district code.

## Alfred Vanderbilt Starts Coach Trip.

LONDON, May 4.—A great crowd gathered in Northumberland avenue this morning to witness Alfred G. Vanderbilt's start on the coach venture from the Victoria hotel on its first business trip to Brighton. The coach was heartily cheered as it passed down the avenue.

## POWERS TO BE PARDONED

### Gov. Wilson Said to Have Decided to Free Him This Week.

## HAS BEEN IN JAIL FOR MANY YEARS

### Liberty for Jim Howard at Same Time—Powers May Address Kentucky Republican Convention the After He is Released from Jail.

(By Associated Press)

FRANKFORT, KY., May 4.—That Governor Wilson has made up his mind to pardon Caleb Powers and Jim Howard was learned tonight from one high up in authority here, and from the same person it was learned that the pardons would be granted this week, probably tomorrow.

Governor Wilson will leave here Saturday for Washington to attend a conference of the governors, and he feels that these cases must be disposed of before he leaves the state. The State Republican convention meets at Louisville on Wednesday, and it is predicted that Powers will make his first speech on regaining freedom at this convention.

There are rumors that personal violence will be done both Powers and Howard if pardoned, but the majority of the people at the capital here regard these rumors as only town talk. Gov. Wilson has been studying the records of the trials in both cases almost day and night since the public hearing was given the attorneys of the defense and the commonwealth two weeks ago, and it is understood that he told one of his close friends yesterday that he had found no testimony so far that is strong enough to hold the men.

## Express Robber Confesses.

LADEDO, TEXAS, May 4.—Louis Cutting and Rodolfo Avares, chief clerk and express messenger for Wells Fargo & Co., have been arrested at Mexico City, and Cutting has confessed that he and the messenger, Avares, took \$62,000 which was missing from the company's strong box on Friday. The money intact was found in Cutting's room. Under the Mexican law the men can be sentenced to life imprisonment.

## Six Months in Jail.

Irving Chestman, a negro who was arrested Sunday by Detective Sergeant Gridgers for insulting a white woman, was given six months in jail by Justice Brown in the police court yesterday.

## Thomas J. Sullivan Dead.

WASHINGTON, D. C., May 4.—Thomas J. Sullivan, director of the bureau of engraving and printing, died in this city today.

## H. H. ROGERS FILES INDIGNANT ANSWER

### One Five Hold Half of Atchison Railroad Stock, But It Was Purely for Investment.

## HIS CHARACTER WAS SMIRCHED

### Standard Oil Magnate Thinks Indictment by Utah Grand Jury on Charge of Conspiracy is Cause Sufficient for Damages—Bought Stocks for No Other Purposes Than Investment.

(By Associated Press)

SALT LAKE, UTAH, May 4.—H. H. Rogers and James Stillman, named as defendants with Harriman and others in the merger suit of the government filed their answers in the Federal Court today. They, with E. H. Harriman, Joseph Schiff and others and the Union Pacific, the Atchison, Topka & Santa Fe, the Southern Pacific and other railroads are charged with unlawful conspiracy in attempting to gain control of other railroads and restrain and control commerce between the states.

Mr. Rogers makes a sweeping denial of every allegation and demands that the case against him be dismissed because he is not a resident of Utah district, and therefore not within the jurisdiction of the court. He also asks that costs be granted him and also demands for injury to his character by reason of the allegations made against him.

He denies that he is, or ever was, a member of any body of men who attempted to gain control and restrain commerce and traffic between the states or that he ever bought stock in any railroad to gain control. Purely for investment, says Rogers.

Mr. Rogers admits that he bought heavily of Atchison, Topka & Santa Fe stock, but said he did so purely as an investment, even though the purchase was heavy enough in some cases to absorb half the stock, and he denies that there was the slightest intent to conspire, or gain control, to an unlawful end.

Mr. Rogers gives as his belief, through information and observation, that no one of the defendants in the merger suit had any idea of creating a combination for the unlawful control of the Southern Pacific. He denies acquaintance with all the deals made prior to October, 1901, the date he became a director and before which time the government alleges that all the attempts to gain control were made. Since that time Rogers avers neither he, Harriman, Stillman, Kuhn, Frick nor W. A. Clark have made in any way efforts to get control of the road.

Similar admissions and denials are made concerning the purchase of Union Pacific stock through Kuhn, Loeb & Company and the Oregon Short Line. James Stillman, whose answer was filed today, follows the lines laid down by Mr. Rogers, admitting investments of money, but denying any unlawful purpose.

Mr. Stillman became a director of the Union Pacific on December 6, 1907.

## CRUISER BREMEN DOCKED.

### Vessel Hauled Out in Dry Dock No. 2 at Shipyard.

The German cruiser Bremen, which is undergoing her annual overhauling at the local shipyard, was hauled out in dry dock No. 2 yesterday afternoon. She will be in the basin for a week or more and will have repairs made to her hull. The Bremen has been here for three weeks and she will not be ready to leave for the South Atlantic until next month.

## Boat Captured; 120 are Drowned.

ST. PETERSBURG, May 4.—At St. Peter, in the Government of Moulouff, yesterday a ferry boat carrying 150 persons returning from church, was capsized while crossing the River Dunieper and 120 were drowned.

## Police Raid Roanoke Jail.

ROANOKE, VA., May 4.—The police raided a gambling joint yesterday and arrested S. W. Summers on the charge of being the proprietor. A number of men found in the place were summoned on