

THE DAILY PRESS is the only newspaper published in Newport News that receives the full news service of the Associated Press.

# Daily Press

THE WEATHER.  
Showers Wednesday; weather for Thursday at present uncertain, moderate south shifting to west winds.

VOL. XIV. NO. 49.

NEWPORT NEWS, VA., WEDNESDAY, MARCH 3, 1909.

PRICE TWO CENTS

## ADMIRAL SPERRY ASKS TO BE RELIEVED

### Admiral Schroeder is Designated as Commander of the Atlantic Battleship Fleet.

## SPERRY DECLINES ANOTHER BERTH

### Late Chief of Globe Encircling Fleet Doesn't Wish to be President of Naval War College—Wainwright to Remain in Command of the Second Division.

(By Associated Press.)  
WASHINGTON, D. C., March 2.—Rear Admiral Charles S. Sperry, today made formal application to be relieved from duty as commander-in-chief of the Atlantic battleship fleet and Rear Admiral Seaton Schroeder has been appointed in his place.  
Admiral Sperry was tendered the presidency of the naval war college, but declined the position, indicating his preference for other duty there.  
Rear Admiral Richard Wainwright will remain in command of the second division of the fleet, Rear Admiral William T. Potter is transferred from command of the fourth division to command the third division, formerly in charge of Rear Admiral Schroeder, and Rear Admiral Edward R. Barry, who has been supervisor of naval auxiliaries at New York has been appointed commander of the fourth division.  
**Schroeder's Tenure Limited.**  
Admiral Sperry will haul down his flag as commander in chief on the eighth instant when Admiral Schroeder will assume command.  
The impression is that Admiral Schroeder's tenure will be but temporary, and that before the summer is over he will turn over the command to Admiral Wainwright.  
The battleship Illinois is soon to go in reserve at the League Island navy yard and it is expected that her captain, J. M. Bowyer, will be assigned either to the Rhode Island or the Kansas.

## ALLEGED GERMAN FORGER IS HELD IN PRISON

### Charged With Many Forgeries in Prussia, Lowenstein Held in Richmond Without Bail.

RICHMOND, VA., March 2.—Louis Lowenstein, charged with forgeries in Beverungen, Prussia, amounting to 100,000 marks, or \$25,000, appeared before Commissioner Brady this morning, but on account of the absence of witnesses or documentary evidence against the prisoner, he was remanded to the city jail where he will be kept until the proper authorities are heard from. Commissioner Brady refused to bail the man.  
Emil Carl Victor, German consul in Richmond, who is acting in this case as the representative of the German empire, yesterday afternoon had the warrant issued to Lowenstein's arrest, and gave it to Deputy Marshal Murphy. The deputy arrested Lowenstein last night in Norfolk's market in Church Hill, where the prisoner has been working for some time. E. Konietzko, of 1 Duval street, furnished the identification which led to Lowenstein's arrest and pointed on the man when Mr. Murphy came for him. Lowenstein did not deny his identity, but denied having committed any crime.  
The warrant in the hands of Mr. Victor, charges Lowenstein with the forgery of several hundred marks of different people, dating from Sept. 26, 1907, to May 1, 1908. The first forgery was drawn on Julius Bousch, of Legenthal, Prussia, for 279 marks. The other forgeries followed in quick succession until they amounted to 100,000 marks.  
Commissioner Brady postponed the case in order that Mr. Victor might have the opportunity to gather evidence against the man and receive instructions from the German representative in Washington as to what should be done. Commissioner Brady will hear the evidence pro and con, will certify the record of the proceedings, and send them with his findings to the secretary of state in Washington who, if he finds it expedient, will issue extradition papers for the man's deportation. A representative of the German government will take the man to Germany after the extradition papers are issued.  
Lowenstein was recognized by a fellow immigrant who came to this country in the same boat with him. The informer heard of the warrant issued against Lowenstein and informed Mr. Victor that he was in this city.

## PRESIDENT ACTED WITHOUT AUTHORITY

### Seven Members of Senate Committee So Decide Concerning Approval of Steel Merger.

WASHINGTON, D. C., March 2.—Seven members of the senate committee on judiciary signed the report declaring that President Roosevelt, without authority of law, sanctioned the absorption of the Tennessee Coal & Iron Company by the United States Steel Corporation, and that the merger was in violation of the Sherman Anti-Trust Law.  
Three of the majority of the committee, however, attached certain individual views.  
Under an agreement reached in the committee on judiciary yesterday any views submitted have the standing of individual opinions only.

## CAVALRYMEN LEFT FOR WASHINGTON LAST NIGHT

### Two Sections Carry Men and Horses. Infantry Leaves Today—No Parade.

Two trains, carrying several troops of the Eleventh United States cavalry, and their horses, who arrived here from Cuba Monday, left over the Chesapeake & Ohio last night for Washington. The first section departed at 5:45 o'clock and the second at 6:15 o'clock.  
This morning two trains will make two battalions of the Fifth infantry, also bound for Washington to participate in the inaugural parade.  
The parade and review of troops scheduled to take place yesterday morning did not occur on account of the unfavorable weather.

## BURNING SOOT FELL INTO ROOM.

### Blaze in Chimney Came Near Resulting Seriously.

The burning out of a chimney canner resulting in serious damage at the residence of Mr. H. B. Hill, 118 Twenty-seventh street, last night about 9 o'clock. Burning soot fell into one of the rooms on the second floor, setting fire to the mantel and other woodwork.  
An alarm called out the Central Company, and Chief Stow and his men made short work of the blaze with chemicals.

### Daughters of Confederacy.

An important meeting of John W. Daniel Chapter, Daughters of the Confederacy, will be held at the Occoquan hotel this afternoon at 4 o'clock.

## WASHINGTON FILLING

### Visitors Already are Gathering at the National Capital.

## CITY PRESENTS BRILLIANT ASPECT

### Glittering Electric Lights and Patriotic Color Schemes Lend Grandeur to Main Thoroughfare—Weather Man Silent Concerning Conditions.

(By Associated Press.)  
WASHINGTON, D. C., March 2.—With inaugural day near at hand the population of this city tonight is from 75,000 to 100,000 greater than usual, and by tomorrow night this surplus will have been doubled.  
Of the 21,000 members of civic and military organizations who will participate in the inaugural parade, about one-third already have arrived within the shadow of the capitol dome.  
By tomorrow night fully nine-tenths of them will be here. The West Point cadets will reach the city tomorrow afternoon and will be quartered on special Pullmans, in which they come, while the Annapolis "midshipmen" will arrive on Thursday morning as will also the boys from St. John's Military Academy, at Annapolis.  
**Won't Risk a Guess.**  
While predicting fair weather and moderate temperature generally over the east portion of the United States for Thursday, the weather bureau tonight refused to make any special forecast for inauguration day in the District of Columbia.  
There is every indication, however, that the weather will remain mild. Had the sun shone down tonight on Pennsylvania avenue its own brightness could have been dimmed by the brilliant illumination along the avenue.  
**Scene One of Grandeur.**  
Long golden ropes of gorgeously glittering electric lights, waving American flags, done in red white and blue lights, shields bearing in the midst of light the beaming face of the President-elect and other similar devices, made the fronts of many buildings pictures of fairland beauty. In one tall building the upper floors were a mass of red light, the middle floors of white and the lower floors of blue.

## HOUSE REJECTS SHIP SUBSIDY BY CLOSE VOTE

### Feeling Was Strained and Attendance Was the Largest During This Session.

## TALLY SHOWED 172 YEAS; 175 NAYS

### Four Democrats, Including Jones of First Virginia District, Voted in Affirmative—Thirty Republicans Opposed It—One Opponent Wheeled in on Invalid's Chair.

(By Associated Press.)  
WASHINGTON, D. C., March 2.—The ship subsidy bill was rejected by the house of representatives today by a vote of 172 to 175. The principal feature of the bill is the provision that American mail steamships of 16 knots or over, and of not less than 5,000 gross tons, shall be paid \$150 per nautical mile outward bound on route of 1,000 nautical miles or upward to South America, Philippines, Asia and Australia.  
Mr. Landis, of Indiana, made an earnest plea for the passage of the bill.  
Mr. Moon of Tennessee led the opposition to the measure.  
**Call It Infernal Fraud.**  
"It is an infernal fraud designed to plunder the treasury," he declared, speaking of the provision for training of American boys, and answering the plea of patriotism advanced by Mr. Landis, he said that it was but a blind to hide the giving of the people's money to corporations or ship owners.  
The climax came when Minority Leader Clark declared that a lobby had been carried on "right on the floor of the house" in favor of the bill.  
"It is an outrage to a civilized country," he declared, "this thing of coaching men, of buttonholing men, and I undertake to say that when Mr. Moon of Tennessee, denounced this bill as an 'infernal fraud,' he used language he was justified in using." The debate against the bill was closed by Mr. Cochrane, of New York.  
He denounced the sending of the American flag abroad by a subsidy "as an outrageous concession by the enslaving of a people through the agency of a government."  
**Fassett Champions Subsidy.**  
As their champion, the advocates of the bill put forth Representative Fassett of New York, as the closing speaker.  
He referred to the condition of the battleship fleet on its return from its recent encircling of the globe, and that it showed that Americans could build as good machinery and as good commanders as any country in the world. But no tender carrying the American flag went the trip with the fleet, he added.  
"The wars of the future will not be gun wars," said Mr. Fassett, "but trade wars. They will be wars to get goods to the market. In that war we cannot choose weapons but must fight with weapons of our opponents. We must face facts, not syllogisms."  
**Members Who Opposed.**  
Among those to speak for the bill were Goebel of Ohio, Landis of Indiana, Humphrey of Washington and Hobson of Alabama; against it were Small of North Carolina; Kusterman of Wisconsin; Stafford of Wisconsin; Lord of Missouri; Sulzer of New York; Burton of Ohio; Saunders of Virginia; Wilson of Pennsylvania; Clark of Missouri; Stearnson of Minnesota; Finley of South Carolina; and Norris of Nebraska.  
The voting in the house was strained as the hour of voting approached.  
The attendance was probably the largest of the session. Everyone recognized that the vote would be close.  
**Invalid Wheeled In.**  
Representative Goldfogle of New York, who was operated on yesterday in a hospital, was carried on the floor in a chair to vote against the bill.  
A scene of wild confusion followed the roll call.  
With the announcement of the vote of 172 in the affirmative the speaker hesitated to get a good breath and then said:  
"175 in the negative."  
The Democratic side of the house broke forth in cheers.  
Mr. Overstreet, in charge of the bill, was recognized and he asked to be permitted to change his vote.  
This would have allowed him to move to reconsider and have another vote on the bill.  
The speaker informed him that the vote had been announced and his request came too late.  
Thirty Republicans voted against the measure and four Democrats voted for it.  
**Jones Voted in Affirmative.**  
Republicans against: Boyd, Nebraska; Burton, Ohio; Campbell, Kansas;

## CHAPMAN, ILLINOIS; COOK, COLORADO; CRUMPACKER, INDIANA; DAVIDSON, WISCONSIN; DAWSON, IOWA; GRONNA, NORTH DAKOTA; HINSHAW, NEBRASKA; HULBARD, IOWA; KNOPF, ILLINOIS; KENNEDY, IOWA; JENKINS, WISCONSIN; KUSTERMAN, WISCONSIN; LOWEN, ILLINOIS; MCKINNEY, ILLINOIS; McLAUGHLIN, MICHIGAN; MARTIN, SOUTH DAKOTA; MORSE, WISCONSIN; MURDOCK, KANSAS; NELSON, WISCONSIN; PRINCE, ILLINOIS; WOODYARD, WEST VIRGINIA; GARY, WISCONSIN; COOPER, WISCONSIN.

### Democrats for: Bartlett, Nevada; Estopinal, Louisiana; Holtson, Alabama; Jones, Virginia.

In his speech, Mr. Landis said, in part:  
A strong plea for better trade relations with Latin American

## COLORADO SENATOR FINDS FAULT WITH CANAL WORK

### Teller Declares Congressional Sentiment Has Been in Favor of Sea Level Type.

(By Associated Press.)  
WASHINGTON, D. C., March 2.—During the reading of the conference report on the penal code bill by the Senate today Senator Teller took the floor and spoke on the Panama canal. He contended that the sentiment in Congress had been for a sea level waterway at Panama until the Spooner act of 1902, was adopted by a small majority.  
Since then every six months the plans for the canal have been changed and each time the new plan was heralded as the very best one that could be adopted.  
They had moved the location of the dam from Bohio to Gatun because they found that the rock they had depended upon was a mere boulder, which, together with the driftwood, had been washed there at some early period.  
Mr. Teller said the general structure of the series of locks such as proposed at Panama was subject to dangers under any condition.  
"I doubt," he said, "whether if the canal was finished the secretary of navy would take the risk of sending ships of the navy through them."

## TYPOTHETAE OF AMERICA LOSES CASE IN COURT

### United States Judge Rules That Pressmen Are Entitled to Eight Hour Day.

CINCINNATI, OHIO, March 2.—The union men win in the long fought case of the Typothetae of America against International Printing Pressmen's Union. A decision rendered this afternoon by the United States Circuit Court of Appeals establishes an eight hour day for work.  
The appellate court rules that no contract exists between the union and the Typothetae to maintain the nine hour day as alleged by the Typothetae.  
The appellate court declined to enter into a consideration of the injunction features of the case, but sustained Judge Thompson on all other matters.  
Judge Thompson's rulings therefore to restrain the officers of the union from advising the union men to keep or break a contract because they are parties to, or interested in the contract.

## COVINGTON VOTES "DRY" AFTER HOT CONTEST

### Both Sides Well Organized—Work of Women and Children a Feature of "Dry's" Campaign.

COVINGTON, VA., March 2.—The local option election held here today resulted in a victory for the "dry's" by a majority of 88 out of a total of 490 votes cast.  
The feature of the campaign was the strong organization of both sides under local leaders. Rev. Edward J. Richardson represented the State Anti-Saloon League, and organized the effective work of the women and children. Rev. J. D. McCallister, field secretary of the Anti-Saloon League; Rev. James Y. Cannon, League; Rev. James Cannon, Jr., and Rev. Robert J. Hogan participated in the campaign.  
John T. Donahy worked in behalf of the "wets." A number of business houses closed until the middle of the day in order that the proprietors and employees might attend the local option fight.  
Business was practically suspended. The election was called on petition of the "wets," who believed that they saw a chance to carry the town.

## MURDOCK ASSIGNED.

### Commander of Rhode Island to Control New York Yard.

(By Associated Press.)  
WASHINGTON, D. C., March 2.—Formal orders, detailing Rear Admiral Casper F. Goddard from duty as commandant of the New York navy yard and assigning Captain J. B. Murdock of the Rhode Island to that post on March 15, were issued at the navy department today.

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### Reserves Right to Introduce New Witnesses Should New Issues Hereafter Develop.

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A major later by Attorney General McCann, for the state, asked an adjournment to 9 a. m. Thursday, in order that absent witnesses might be brought on, which request was granted.  
The testimony today was very technical.  
Dr. Glasgow was recalled to describe again the wounds on Senator Carmack's body.  
Dr. Duncan Ewe was then called to say whether or not the wounds described by Dr. Glasgow would have been instantly fatal.  
He said they would.  
**General Brown Testifies.**  
Adjutant General Tutley Brown, who attended the conference in Judge Bradford's office an hour before the shooting, described what took place there, as did Judge Bradford himself.  
General Brown was not cross examined, but the state did not let Judge Bradford escape.  
The prosecution concentrated its fire upon the part he played in preparing the famous statement for the press the night of the killing.  
Judge Bradford said he was at the police station that night, saw W. J. Ewing, editor of the American there with a stenographer and heard several men giving information.  
**Wrote it Out in Full.**  
He declared, however, that the only part he took in the affair was to write out in long hand all the facts in the case of which he had a personal knowledge.  
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On cross examination he was asked whether the cylinder of a Smith & Wesson revolver can be turned by the finger without pulling the trigger.  
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He said Mrs. Eastman did not tell him that Colonel Cooper said to Carmack "Now, we have the drop on you."  
On cross examination Morgan said: "Mrs. Eastman was crying and grabbed the lapels of my coat. She said that Senator Carmack jumped in front of her and that Colonel Cooper

## ARGUMENT IN FAMOUS CONTEMPT CASE BEGINS

### Tennessee Sheriff and Co-Defendants Answering to Supreme Court For Alleged Contempt.

(By Associated Press.)  
WASHINGTON, D. C., March 2.—Argument was begun today in the Supreme Court of the United States in the case of the government against Joseph F. Shipp, of Chattanooga, Tenn. Shipp and his co-defendants were prosecuted by the government on the charge of showing contempt for the Supreme Court by permitting the lynching of a negro prisoner, who was held on a charge of rape, after the Supreme Court had taken cognizance of his case.  
Shipp was sheriff of the county in which the lynching occurred, and it was charged that he had not used due diligence in preventing the lynching.  
The case was opened for the government by Solicitor General Hoyt and James J. Lynch and G. W. Chambliss spoke in behalf of the defendant.  
The hearing was continued until tomorrow.

## GOVERNOR AGAIN RESPITES NEGRO MURDERER

### Second Time That Execution of Sentence Has Been Delayed—Will Take Appeal.

RICHMOND, VA., March 2.—Joe Payne, the Bedford negro, who killed his father-in-law, Swain, sometime ago before the new law as to electrocution became effective, and who was originally sentenced to hang February 19th, is doing all he can to dodge the gibbet.  
Through the representations of his counsel he some days ago induced the Governor to respite him until March 5th, and today he has been allowed still another respite until April 9th.  
This additional clemency has been accorded the negro in order that his lawyers may take his case to the Virginia Court of Appeals.  
Letters received by the executive indicate that Payne is a bad negro, and that the homicide of which he was found guilty was an angry crime.  
The Bedford negro, if he ultimately loses his case in the Appellate Court, may be the last man in the State to hang. Another offender, Elijah Wright, has a similar punishment hanging over his head in Dickenson county, but he, too, is doing his best to avoid the hempen cravat.

## EVIDENCE IS CONCLUDED

### Sugar Trust Officials Examined in False Weighing Case.

(By Associated Press.)  
NEW YORK, March 2.—Testimony given today by officials and directors of the American Sugar Refining Company, of New York, the corporation on trial for alleged false weighing of sugar imports, and the American Sugar Refining Company, of New Jersey, the parent corporation, practically concluded the presentation of evidence for the defense.  
Counsel for the company said that they expected to present their last witness tomorrow.  
**Officials Deny Knowledge.**  
All the officials examined explicitly denied knowledge of any fraudulent weighing devices in the company's possession, or used by it to defraud the custom revenues.  
Secretary Heik, of the company, in his testimony declared that the average profit to the company on the sale of a pound of sugar was 18 to 21 of a cent.  
W. B. Thomas, president of the American Sugar Refining Company, of New Jersey, and several of the directors of the company, including Horace Havenmeyer, son of its late president Henry Havenmeyer were among the witnesses of the day.

## ALL DENY KNOWLEDGE OF FRAUD

### Government Charges That False Weighing by Corporation's Employees Has Been in Vogue—Secretary Tells of Profits.

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## RACING MAY BE CONTINUED

### (By Associated Press.)

AUSTIN, TEXAS, March 2.—The Senate committee today reported unfavorably the anti-racing bill which was recently passed by the House of Representatives.  
It is believed that a bill will be passed amended so as to permit racing to continue under stricter regulations.

## COURT OF APPEALS WILL CONSIDER WARD LAW

### Comes Before High Tribunal Today Upon Appeal From City of Fredericksburg.

## BRILLIANT ARRAY OF COUNSEL

### Many Other Matters Taken up Yesterday—Expecting Local Option Matter to Come up, Many Lawyers and Citizens Were on Hand—Poll Tax Case Coming.

RICHMOND, VA., March 2.—The case involving the constitutionality of the Ward election law will come up for argument in the Virginia Court of Appeals tomorrow. It was not reached on the docket today.  
The poll tax case was partly argued this afternoon by Randolph Hicks and Attorney General Anderson for the appellants, and by N. T. Green and John B. Jenkins for the respondents. Argument will be resumed and concluded tomorrow.  
It has been fondly hoped in some quarters that the Fredericksburg local option matter, involving the validity of the Ward election law and hence the cynosure of all eyes in the Virginia temperance world, would come up for argument in the Virginia Court of Appeals this morning, but at noon there seemed little probability of the case being reached.  
**Big Array of Counsel.**  
A big array of counsel showed up, however, and along with them appeared a number of interested Fredericksburg citizens. Speaker Richard E. Byrd, although but recently out of the sick room, was one hand to appear as senior counsel for the temperance folk and to make the opening argument. Associated with him are Judge William Hodges Mann, who is to deliver the closing argument, Ben P. Willis and F. M. Chichester, of the Spotsylvania metropolis.  
The liquor men, who are fighting the constitutionality of the act, were represented by St. George R. Fitzhugh A. T. Embrey and O'Connor Gooldrick.  
It is not believed that the lawyers interested in this case will require more than three hours to present their respective sides, as the main points under discussion are embodied in briefs which the judges, of course, will carefully scrutinize.  
Mann and Byrd Waited.  
Judge Mann and Mr. Byrd appeared early in the clerk's office, as did other counsel, but pretty soon they saw, from the drift of things, that it would be several hours, if at all today, before their time for talking could come.  
Other cases had precedence on the docket. First of all was that of E. D. Taylor against the Commonwealth, which involves a somewhat novel construction of the new statute bearing on the laws against the sale of cocaine and other dope.  
Taylor, who is a Norfolk druggist, was sentenced to two years in the State prison for having a package of drugs shipped to him. His orders were that it be consigned to a North Carolina point, but through some mistake or hitch with the express company, it came to his Norfolk address. This case was not argued today; it was submitted on briefs.  
As to Grass Widows.  
The second matter on the docket is another criminal case—that of Jennings vs. the Commonwealth—which, like the Norfolk case, involves some unusually novel points.  
Jennings, the appellant, was convicted in Louisa on the charge of betraying the affections of a divorced woman, and was sentenced to a term in the penitentiary under the law designed to protect "unmarried females of chaste character."  
His counsel have raised the point that a divorced woman does not come within the purview of this statute. This case is not without some amusing features, and likewise breaks some new ground.  
The appellant is represented by Lindsey Gordon, of Louisa, and Assistant Attorney General Robert Cawthell's Attorney Bibb is here to watch the case and hear the lawyers talk.  
**Payment of Poll Taxes.**  
The third case on the docket is second in importance only to that involving the constitutionality of the Ward election law. In fact, there are many who think it even more important. It is the case of John G. Tilton et al. vs. Herman, Treasurer, and others.  
This litigation involves the suffrage clauses of the Constitution, or more specifically speaking, the construction of that part of the organic law requiring poll taxes to be "personally paid." In this matter, the Court of Appeals is asked to say just what "personal payment" signifies, and upon its as-

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