



NEW TRIAL FOR AUSTIN JOHNSON

The State Supreme Court Gives Him a Hearing.

He Will Escape the Gallows.

LITTLE DOUBT BUT WHAT A HORRIBLE MISTAKE WAS MADE. ATTORNEY ENGLISH'S GREAT FIGHT.

Because of after-discovered evidence, which tends to prove a purpose on the part of a detective...

An opinion in the Johnson case was handed down by Judge Stafford C. Whittle in the supreme court...

The particulars of the crime of which Austin Johnson was convicted are too familiar to need repetition...

UNSATISFACTORY PROOF.

But, it is stated, that the court is painfully conscious of the unsatisfactory state of proof with regard to the identification of the prisoner...

The opinion then goes into a statement of the facts relating to the arrest and identification of Johnson by the victim...

It is appearing that when he was first taken into her presence she was twice asked if he was the guilty party, and each time indicated by a shake of her head that he was not...

Thereupon the officers took the prisoner to the home of a little colored girl who was with Ruth Pinchbeck when her assailant lured her away...

and the colored girl, on being interrogated as to whether he was the man, replied, "No; that is not the man; that is Austin Johnson. The man who met us this evening was a tall, black man, etc., etc., and it was also shown that Johnson was well known to this colored girl, having been formerly in the employment of her father...

After hearing the colored girl's statement the officers released Johnson. The child having said she was frightened when Johnson was taken before her and that she wanted to see him again, and believed that he was the man who assaulted her, got up from the following morning was found by two detectives, who had set out to arrest him, in a shanty at a brickyard in the vicinity, where he was accustomed to stay at night with a friend.

A DETECTIVE TESTIMONY. One of the detectives testified that while his companion had gone to the house of the owner of the brickyard to telephone for the patrol wagon, the accused man got up from the bunk where he was lying, went to the fire place and kindled a fire; that he then went to the corner of the room, pulled down some cloth from the loft above, put it in the fire and burned it. The tendency of this evidence was to show that the prisoner burned some of his garments to destroy evidences of the crime, and burnt pieces of cloth were produced at the trial, which the detective claimed to have gotten from the fireplace and identified by an expert as portions of underwear.

AFTER DISCOVERED EVIDENCE. The evidence discovered after the trial, referred to in the opinion of the court, is contained in the affidavits of the managing overseer of the brickyard, who states that he went with the detective to the shanty, where Johnson was, on the day referred to, and that there was no fire of any kind in the shanty, and no signs of any fire having been there; that nothing was said by the detective about the burning of the bundle of underwear; and that on the next day, when he again went with them to the shanty, they took from a small accumulation of old ashes in the fireplace something which resembled a piece of burnt ribbon, and which they said was a piece of necktie, and that was all they took from the fireplace.

The court is of opinion that the injurious impression that must have been wrought upon the minds of the jury by the uncontradicted testimony of the detective can hardly be overestimated; and that, conversely, the testimony of an intelligent disinterested witness of high character, which, if true, indicates a purpose on the part of the detective to compass the conviction of the accused upon fabricated evidence, would reasonably have exerted a favorable influence with the jury in his behalf.

JOHNSON OVERJOYED. Austin Johnson was overjoyed when Mr. English informed him of this chance may yet save his life. "Thank God!" he exclaimed, piously.

For some months Austin has been resigned to his fate, and has been in a religious frame of mind. Yet all the time he has stoutly declared his innocence. Many people have grave doubts as to the colored man's guilt. It is said that a sheaf of after-discovered evidence will be used to advantage by the accused.

A Ringing Compliment. Warren, Tenn., Jan. 29, 1906. Mr. John Mitchell, Jr., Dear Editor and Brother,

You will please find inclosed a postal money order for (\$1.53) one dollar and fifty cents to pay for your great Negro paper, THE PLANET, for one year from February 3d, 1906 to February 3d, 1907.

I read several copies belonging to Rev. I. J. Persons, and I am persuaded to believe that THE PLANET takes the lead of all the colored journals in standing and fighting the cause of our race. Editor Mitchell, I must say that I am enthused by your strong efforts in siding with your people like a hero, battling for their cause. It so compelled me to send in my little mite to help hold up your hand as Aaron did the Prophet. I only wish that thousands of others could see as I do and send in their little mites. I remain yours truly,

R. H. SHAW.

Honest Men Required to Collect Insurance Money. Insurance Companies sometimes have a good deal of trouble with some men who mishandle the people's money. As a rule the agents and collectors of the American Beneficial Insurance Company are honest and upright men; very recently however two of the agents have dealt unfair with the Company, having collected the people's money and used it for themselves. The Company has been very lenient towards them not wishing to punish them, but since they are not making any efforts to return the moneys misappropriated, these two agents are forever and eternally dismissed from our service. The one is Mr. Willie S. Page, the other is Rev. Robert Watkins. The public is warned against them.

Very respectfully, The American Ben. Ins. Co. W. F. Graham, Pres.

REV. DR. EDWARDS REMEMBERED.

Great Rally at His Home.

On Tuesday, January 9th, 1906, we moved into our new home, 916 Turpin street and thug very day showers of blessings began to fall. When the first shower was over we were pleased to find in our home as a result of the same an antique oak rocker, presented by Mr. Wise Ellis, a handsome Morris chair, Messrs. Robert Seay and T. L. Beverly; cook stove and utensils, Deacon and Mrs. William J. Woodson; dishes and provisions, Deacon and Mrs. C. L. Taylor; fruit bowl, Mrs. Eliza Griffin; dipper, one bushel of meal, flour, sugar and a number of other things Mr. and Mrs. Charles Givens; butter and preserves, Mr. and Mrs. Jessie Williams; large photo and frame Mrs. Kate Turner; kitchen table, bowl, pitcher, hammer; bottle Florida water, 2 combs, brush, box toilet soap, shaving soap, tooth brushes, Deacon and Mrs. Edward Coleman.

On Monday night January 22nd, we were startled by a great storm right upon us, even at our door. The first intimation of it was sweet music in the air and then we recognized the voice of brother Richard Beverly with others singing, "I Will Guide Thee." A loud peal from the bell brought us to our feet and hastily to the door. When we threw wide the door a great host marched in under the leadership of sisters Jimmie Woodson and Emma Taylor and took possession of the house.

They were laden with flour, meal, meat, lard, butter, sugar, baking powder, cereals, soap, starch, bluing, pearline, soapine, canned goods of all kinds, bananas, coffee, oranges, jars of fruit waters, crumb brush and receiver, cut glass bowl, cups, saucers, ornaments, cigars, vegetable and meat dishes, salad bowls, cream and water pitchers.

After depositing their bundles a fervent prayer was offered by Deacon Coleman, followed by short and timely speeches by Deacons Woodson and Taylor, and Brother J. A. Hawkins who presented a purse of \$26.51. Responses by happy recipients and words of cheer by Brothers William Mason and S. M. Wilson. Among those present and who do not are the following named persons:

Jimmie Woodson, Emma Taylor, C. L. Taylor, Deacon Wm. J. Woodson, Melvinia Jackson, Richard Beverly, Lucy Beverly, Deacon Spencer Henry, Deacon A. Randolph, Kate Turner, Georgiana Walker, Cora Horton, Alexander McCoy, J. A. Hawkins, Mrs. Hamm, Virginia Ransom, Brother Foster, Henry Crutchfield, Rosie Booker, Rosie Johnson, S. M. Wilson, Richard Randall, Sarah Peterson, Alice Robinson, Mildred Price, Peter Friend, John Smith, V. L. Hawkins, Essau Tinsley, Emma Underwood, Wise Ellis, J. H. Dodson, Dabney Ellis, Edward Lewis, Kitty Garrett, Daniel Williams, Charlie Treats, Charlie Brown, M. A. Worde, Charity Worde, Deacon Fred. Worde, Cleveland Woodson, Jacob Russell, Minervia Gofee, Mrs. Burk, Jeff. Davis, Caroline Givens, Deacon Obadiah Ware, Christine Smith, Lillie Woodson, Lizzie Henderson, L. Rosa Henderson, Maria Robinson, Rev. William Mason, Ana Givens, Benj. T. Johnson, Sam Harris, Dr. R. E. Jones, Mrs. Jessie Williams, Mr. Beard, Charles Givens, Mrs. S. M. Wilson, James West, N. Ellis, Deacon Edward Roman, Mr. Griffin, Robert Seay, Ellen Williams, Catherine Allen, Mrs. T. L. Beverly, Deacon Edward Coleman, Mrs. Edward Coleman, Henry Watkins, Margaret Wood, Royal Price, E. W. Booker, Virginia Coleman, Hattie Fauntleroy, A. D. Ayers, M. A. Walker, A. W. Dandridge, J. A. Moss, Alberta Walker, Ida Turner, Mrs. John D. Booker, Virginia Burner, Leroy Brown, Mrs. Leroy Turner, Belle Hayes, William H. Harrison (deceased), Mr. Thomas Turner, Willie Harris, Mrs. Susan Holmes, Mrs. Baker, Mary D. Booker, Nat Hanks, Jennette Waddill, M. H. Watline, J. W. Johnson, Deacon Horton and wife, Martha Price, Miss H. Willis, Maggie Coleman.

Thanking these good, kind and generous friends and praying that God may wonderfully bless them, We are gratefully yours, A. E. EDWARDS.

Eighteen Years For Murder. Norfolk, Va., Jan. 31.—Captain E. W. Jones, convicted of the murder of Maud Cameron Robinson, formerly of Solma, N. C., whose head was almost severed with a razor, which he afterward used in cutting his own throat, was denied a new trial by Judge Hanckel and sentenced to 18 years in the penitentiary. The sentence, however, was suspended for 30 days to allow counsel for the defense time in which to appeal the case to the supreme court.

THE INSURANCE PROBE. Pennsylvania Legislature Passes Resolution Ordering Inquiry. Harrisburg, Pa., Jan. 30.—The methods of doing business employed by the insurance department of Pennsylvania and the fees of the actuary of that department will be the subject of legislative inquiry. This inquiry will be conducted by a committee of three Republican and two Democratic senators and four Republican and two Democratic representatives. The investigation will be made as soon as the committee is appointed and the results reported not later than February 6.

A joint resolution authorizing this investigation was adopted by the senate and house after a spirited debate in both bodies. The resolution was offered in the house by Mr. Pusey, Republican, of Delaware, and in the senate by Mr. Fox, Republican, of Dauphin.

ROBBED TO PAY GAMBLING DEBTS. Railroad Clerk Shot Himself When Confronted With Crime. Steubenville, O., Jan. 31.—Confronted with evidence that he had resorted to robbery in order to pay gambling debts, Roy Stewart, 22 years old, of Knoxdale, Pa., shot himself at Empire, near here, and died instantly. The railroad station at Empire was robbed Sunday night, and Stewart, who had been a clerk there, was arrested. He confessed and offered to settle, but while the detectives went to summon a justice of the peace the prisoner shot himself. Stewart is said to have lost heavily at cards.

Confesses Murder. Baltimore, Md., Jan. 31.—Silas Davidson, colored, 31 years old, who is under arrest here on a minor charge, confessed that on November 30 last he killed an eating house keeper named Street at Haverstraw, N. Y., after a dispute about the price of a meal. Davidson says that Street was approaching to attack him with a knife, when he shot in self-defense.

Miss Converse Improved. Washington, Jan. 31.—Miss Shelby Converse, the daughter of Rear Admiral Converse, chief of the bureau of navigation of the navy department, who was pitched headlong from her horse after a three-mile runaway and was painfully injured, improved, and her physicians say her wounds will not prove dangerous.

Four Killed in Wreck. Norfolk, Va., Jan. 31.—A disastrous wreck occurred on the Seaboard Air Line railway between Hamlet, N. C., and Columbia, S. C., by which four persons were killed. The wreck was between a north-bound passenger train and an extra freight train, south-bound from Hamlet, N. C.

Aged Woman Kills Herself. Ithaca, N. Y., Jan. 30.—Mrs. Patience Smith, aged 91 years, one of the oldest residents of this city, committed suicide by inhaling chloroform, a sponge saturated with which being tied over her mouth and nose with a handkerchief. She had been grieving over her advanced age.

General Chaffee to Retire. Washington, Jan. 31.—Lieutenant General Chaffee will be placed on the retired list of the army Thursday at his own request, after about 45 years' service. General and Mrs. Chaffee and Miss Chaffee will leave here the end of the week for the City of Mexico, where they will remain until May 1 next. Later in the summer they will take up their permanent residence at Los Angeles, Cal.

ADMITS KILLING MISS ALLINSON

Rufus Johnson Confesses Committing Murder in New Jersey.

SAYS HE HAD NO ACCOMPLICE

Baltimore, Md., Jan. 30.—After days of strenuous denials, false statements successively disproved by the police, and earnest pleadings that he be not taken to New Jersey, Rufus Johnson, colored, gave up the fight and confessed to Captain of Detectives Pumphrey and Detective Pohler that it was he who, on January 18, murdered Miss Florence W. Allinson in the barn at her home at Moorestown, N. J. He declared that he had no accomplice. In his statement Johnson said that he went to the Allinson barn very early on Thursday morning, January 18, and that while he was lying in the hay, between 6 and 7 o'clock, a woman he does not know came to the barn and fed the cow. At about 11 o'clock, he said, Miss Allinson came to the barn. He choked her into insensibility, and was about to leave, when she showed signs of returning consciousness. He again attacked her, and after she once more became insensible he cut a strap from a blanket and fastened it about her neck. He says he then went to the house, which the child, Bessie Walker, invited him to enter. There he secured Miss Allinson's watch, a brush, a hand mirror and a small amount of money. As he was leaving the house the child showed him her little savings bank, which he took and broke open to secure the trifling amount of money it contained. He afterward returned to the barn, intending to loosen the strap he had placed about his victim's neck, but found her dead. He then took a car to Camden and crossed the ferry to Philadelphia.

NO SOLDIERS TO GUARD JOHNSON. Murderer of Miss Allinson Will Be Taken to Mount Holly Secretly. Mount Holly, N. J., Jan. 30.—The hangman's noose is gradually tightening around the neck of Rufus Johnson, of Raleigh, S. C., the colored man in the Baltimore jail, charged with the murder of Miss Florence W. Allinson, of Moorestown.

Because of his apprehension, Mrs. Smith, of the Monumental City, will receive the full reward of \$500 offered by Mrs. Esther W. Strawbridge, upon whose property the crime was committed. She will also get a share of the \$500 offered by the township of Chester, and of an equal amount offered by the county of Burlington.

Prosecutor Atkinson said: "We will not give the slightest intimation as to the time when Johnson will be transferred to Mount Holly, and the idea that soldiers will be employed to secure his safety is most ridiculous. It is not well to do so, although I am not apprehensive that there will be any trouble. We don't propose that any one shall know of his arrival. When once he is locked in the county jail, you can rest assured that he will not be molested."

Johnson will have a speedy trial. The December grand jury, which has not yet been discharged, will take up the case in a few days, and Johnson will be placed on trial immediately.

PENSIONERS DYING FAST. In Six Months 28,006 Civil War Veterans Have Succumbed. Washington, Jan. 29.—In the past six months taps have been sounded over the graves of 28,006 pensioners of the Civil War, according to a statement of Chief Pension Commissioner Warner. This, he says, is an evidence of the rapidity with which the veterans are being diminished. The total number of pensioners on July 1, 1905, was 684,608. On December 31 it was 679,234.

Prominent Song Writer Dead. New York, Jan. 31.—Paul Dresser, a song writer, whose "Banks of the Wash" and "The Blue and the Gray" brought his name into public notice, died at the home of his sister in this city. Mr. Dresser was born 47 years ago in Terre Haute, Ind.

Will Formulate Miners' Demands. Wilkes-Barre, Pa., Jan. 31.—President Mitchell and the three district boards of the United Mine Workers of the anthracite region will meet in this city next Monday to formulate the demands to be presented to the operators.

Mean Thief Takes Child's Treasures. Newark, N. J., Jan. 29.—Freda Wagenein, 12 years old, of 212 Broome street, was standing in front of the court house listening to a fakir crying his wares, when some one behind her clipped off her long dark braids, which hung below her waist.

JUDGE SPEER SUSTAINED.

The Georgia Supreme Court Decides the Case.

HENRY JAMISON RELEASED

A FAR REACHING DECISION—PRISONERS GUILTY OF MISDEMEANORS CANNOT BE SUBJECT-ED TO INFAMOUS PUNISHMENT.

The writ of error in the case of Henry Jamison v. the state was withdrawn from the supreme court, January 15th, 1906 by Attorney Alex Ackerman, of Macon, who represented Jamison. Mr. Ackerman stated that Jamison would pay the fine assessed against him by the recorder of Macon, a fine having been imposed as an alternative sentence, and he requested the supreme court to have the remitter in the Pearson case forwarded to the superior court of Bibb county as soon as possible in order that the matter might be straightened out.

The reason for the withdrawal of the writ of error in the Jamison case is that it is controlled by the recent decision of the supreme court in the case of Pearson v. Wimlish, in which it was held that while a recorder's court may sentence to the city prison or to a city chain gang wholly under municipal control, it is a violation of the constitution to sentence a person to a county chain gang along with misdemeanors and felony convicts for the mere violation of a city ordinance.

This, it is thought, practically ends the litigation on this subject, which was made famous by Judge Emory Speer's ruling granting a writ of habeas corpus in the Jamison case and holding that the recorder could not sentence to the county chain gang without trial by jury. Judge Speer's ruling is practically sustained by the supreme court of the state, but municipalities having chain gangs of their own are not affected by it.

—Atlanta Constitution.

REV. DR. W. F. GRAHAM ACCEPTS THE CALL.

The 5th Baptist Church Marches On. Last Sunday was a great day with the Fifth Baptist Church. Dr. W. F. Graham preached morning and night. Rev. Bolling of Dover Mines preached an excellent sermon in the afternoon. Large congregations attended each service, there being a packed crowd at night. The collection was large, the singing of the choir sweet and grand. The Sunday School was largely attended.

There has been a spirit of despondency because of the heavy debt hanging over this church, but new life has now come and the people are getting close together with a mind to pay off their debts, beautify the church, put in a two thousand dollar organ, install a steam heating outfit and thus make Fifth Baptist Church one of the grandest in the state. Dr. Graham will assume charge tomorrow as Pastor and calls upon the public at large to assist him and the Fifth Baptist Church members in saving this beautiful piece of church property. He will preach to-morrow at 11:30 A. M. and 8:30 P. M. The choir will render choice music.

A Card of Thanks. The Richmond Charitable Union wishes to express its very sincere gratitude to the Coronella Literary and Art Club of which Miss Zipporah Jackson is president, for the very handsome sum of \$25.57 which amount was raised on January 15th, 1906 at a "Tacky Party" conducted at the residence of Mr. and Mrs. W. P. Burrell.

Very gratefully, Richmond Charitable Union. C. L. Bright, Sec'y.

The Installation of the officers of Pochontas Lodge, No. 41, K. of P. at Pochontas, Va. was performed at the Castle Hall, January 15th, 1906 by D. D. G. C. D. C. Johnson, M. of E. The following acted as Grand Officers: G. C. D. C. Johnson; G. V. C. P. H. Fulton; G. P. T. W. Green; G. P. C. Steven Osborne; G. M. of Ex. Elam Spencer; G. K. of R. and S. N. M. Kirk; G. M. at A. R. S. Thompson; I. G. Isiah Johnson; O. G. R. A. Thompson.

The following officers were installed: C. T. Davis, C. C.; J. W. Bethell, V. C.; S. L. Brown, M. of W.; S. H. Mullens, P.; J. C. Howe, M. of Ex.; D. C. Johnson, M. of F.; W. T. Foster, K. of R. and S.; Shelton Thompson, M. at A.; G. H. Staley, I. G.; John Lawrence, O. G.

The Auditing Committee showed that the lodge was in a most prosperous condition.

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ROYAL LODGE, NO. 26. A Fine Entertainment and a Grand Banquet.

The banquet of Royal Lodge, No. 26, Knights of Pythias held at the Pythian Castle, Friday night, January 26th, 1906 was a grand affair. The concert hall was magnificently decorated with flags and bunting. The colors were national and those of the Order. The rostrum was profusely decorated with bunting and palms.

The hall was packed and Chancellor Commander John R. Holmes was the presiding genius and served the assemblage well in a most graceful manner. The programme was as follows:

Singing, by the Lodge; Scripture Reading, Rev. S. C. Burrell; Prayer, Rev. S. P. Robinson; Singing, by the Lodge; Welcome Address, Sir Willis Wyatt; Response, Dr. W. F. Graham; Solo, Mrs. Alice Kemp Burrell; Address: The History of the Order of Knights of Pythias, Hon. John Mitchell, Jr.; Solo, Sir Joseph P. Woolfork; History and Financial Progress of Royal Lodge, Dr. J. Bradford; Paper on Friendship, Sir N. W. Bouldin; Paper on Benevolence, Sir D. W. Washington; Paper on Charity, Sir J. L. Ballard. Remarks by distinguished visitors.

After the exercises, the members and visitors repaired to the dining hall below. Covers had been laid for 214. The brilliant lights shown on fair ladies and gallant gentlemen. On the front there was a steady stream of golden light from the incandescent lights on the front. It was a scene of wondrous beauty. The table was decorated with flowers and here and there magnificent parlor lamps which shed their soft rays upon the eatables and added to the loveliness of the occasion. Sir J. J. Carter was toast master. Eatables were served in abundance and all heartily enjoyed themselves. The affair was voted a grand success and every one left well pleased with the entertainment. The programmes contained the menu also. The officers of the lodge are as follows:

Sir John R. Holmes, C. C.; Sir William Croxton, V. C.; Sir U. S. Briggs, M. of W.; Sir Samuel T. Thornton, P.; Sir A. L. Woolfork, M. of F.; Sir J. H. Terrell, M. of E.; Sir D. J. Bradford, K. of R. and S.; Sir Nilton W. Bouldin, M. at A.; Sir Marshall James, I. G.; Sir D. W. Washington, O. G.

The Committee on Decorations is as follows: E. T. Pollard, N. W. Bouldin, Willis Wyatt, J. L. Ballard, W. H. Lightfoot.

This banquet was given in honor of the event by which 82 new members were initiated and added to the lodge. This is now the banner lodge of the state having a member ship of about two hundred.

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