

THE WEATHER.

Generally fair tonight and Friday.

THE DAILY TELEGRAM.

EXCLUSIVE ASSOCIATED PRESS SERVICE

CIRCULATION The Largest and Best in Clarksburg.

ESTABLISHED 1861.

CLARKSBURG, W. VA., THURSDAY, SEPTEMBER 10, 1908.

PRICE TWO CENTS.

SWISHER GETS DECISION



REPUBLICAN NATIONAL COMMITTEE DECIDES THE CASE IN FAVOR OF SWISHER.

ONE MORE FELONY IS FOUND BY JURY

Grand Jury Brings in Another Bunch of Indictments for Crime.

Indictments were returned as follows by the grand jury at the Thursday morning session of the circuit court:

Felony—Mike Rose, attempt to kill Henry Martin with a gun.
Misdemeanors—Hie Daugerty, assault on James M. Criss; Mary E. Hurst, assault on Anna B. Hurst; Mike Rose, carrying revolver; Gilbert L. Hurst, unlawful entry of property of Melvin V. Hurst; Homer Hurst, disturbing the peace of Anna B. Hurst; William A. Batten, defacing and destroying fence of William H. Harrison.

James H. Frum vs. Della Elder, et al., dismissed.
Martin Moore pleaded guilty to a misdemeanor, and was fined \$5 and costs.

Town of West Milford vs. James D. Hoff, notice docketed.
Bessie Lyon vs. James H. Mines, dismissed.

Charles A. Sutton was appointed committee in the suit of F. E. Foster vs. W. A. Peeler with bond at \$1,000.
The motion of the Hope Natural Gas company in the Strother injunction case against it to dissolve the order was argued and submitted.

FOR LUNACY

Reavy Martin, Who Shot at Walter Frum, Will Be Tried.

Reavy Martin, the loose-witted son of Byron Martin, of Meadowbrook, who emptied a shot gun at Walter Frum Wednesday morning as the latter was on his way to the city to attend to his duties as a circuit court grand juror, will be tried before Magistrate George H. Gordon on lunacy proceedings.

Martin was arrested near Bridgeport late Wednesday afternoon and brought to the county jail by Deputy Sheriffs John Lang and John Knox. He will be examined before the magistrate in a day or so.

CASE DISMISSED

Because Sub-Treasurer Would Not Testify at Hearing.

CHICAGO, Ill., Sept. 10.—George W. Fitzgerald, accused by the state authorities of the theft of \$173,000 from the United States sub-treasury here, was freed today by Judge Cheeklain. Sub-Treasurer Boldenweek, acting on instructions not to disclose the evidence gathered by the federal authorities, refused to testify. Cheeklain thereupon dismissed the case.

PRETTY NEW SHOW WINDOWS

Handsome improvements have been made in the display windows at the Highland Brothers & Co. store on Third street. The floors and walls of the windows have been laid with polished hard wood of different kinds, the floors being tessellated and the walls backed with plate glass mirrors. The windows are tastefully decorated with foot-covers and present a pretty appearance.

SWISHER IS WINNER BEFORE COMMITTEE

Regular State Committee is Recognized by the National Committee.

ONLY ONE SET OF ELECTORS

Decision Strengthens Swisher Ticket and May Mean Scherr's Withdrawal.

Chairman Frank H. Hitchcock, of the Republican national committee, last night in New York announced that the sub-committee appointed to settle the Swisher-Scherr troubles in West Virginia had decided in favor of the Swisher faction, and that he had confirmed the decision. "We have decided in favor of the Swisher faction," the chairman said, "after an all-day hearing, and the presentation of all the facts in the case. This decision applies only to the national issue. We agreed to leave the two factions to settle their own state differences."

Chairman Hitchcock said that the sub-committee of the National Republican committee, appointed to look into the mix-up in West Virginia, had reported to him on the question of regularity, the only question that was before them, and that the state committee, of which Samuel V. Matthews is chairman, is the regular state committee. This means that the regular organization state ticket, headed by Charles W. Swisher for governor, has the stamp of regularity placed upon it by the Republican national committee, to which body the matter had been referred.

The national chairman further said the factional fight in West Virginia had not been settled by the sub-committee, as the national committee had nothing to do with the matter, but it had been left entirely with the Republicans of the state to settle. It was stated, however, that there would be only one set of presidential electors and that matters would be so adjusted that the national ticket would not be imperiled.

Mr. Hitchcock did not doubt but that everything would be settled without further trouble and that the contending factions would get together and work for the success of both national and state tickets. Should the antagonistic elements continue to wage war in West Virginia, however, it was hinted that the national committee might take a more decided stand and that Mr. Taft himself might enter the state and make a declaration of his views on the matter in a public speech. This, however, it is thought, will not be necessary.

Following is the report of the sub-committee:

"New York, Sept. 9, 1908.
"Hon. Frank H. Hitchcock,
"New York City.

"Dear Sir:
" In compliance with your request of August 23, relative to recommendation on the suggestion as to the regularity of the West Virginia State Committee, we beg to submit the following report:

"After careful investigation and hearing at which both sides received all the time they asked for, we find that the convention presided over by the Hon. Joseph H. Gaines was the

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SCHOOLS ARE MUCH LARGER

In Point of First Week's Enrollment Than They Were Last Year.

Superintendent F. L. Burdette reports the following enrollment in the city schools up to and including Wednesday, September 9:

High school 169
Central (grades) 252
Pierpoint 324
Carroll 281
West End 102
Alta Vista 159
Monticello 52
Pineknob 56
Colored 155

Total enrollment 1512
This is a large increase over the enrollment during the first week of the last school year, but the total enrollment will be greatly augmented during the first month of the present school year, as many pupils have not yet entered.

The transient officer has not been appointed, but will be selected at the next meeting of the board of education, which will probably be held this week.

MILLS FUNERAL AND BURIAL.
The funeral of Mrs. Mary Mills was conducted at her late home at Club Run this morning at 10 o'clock, by the Rev. Mr. Mothey, and the body accompanied by relatives and many friends, was brought here and buried in the Odd Fellows cemetery.

SOLDIER BOYS LEAVE STATE

Company K, Fifty Strong, Leaves With Troops for Indiana Maneuvers.

At 2:30 o'clock Thursday afternoon, the boys of Company K, First Infantry, West Virginia, National Guards, clad in their handsome khaki uniforms and leggings, and followed by the best wishes of their Clarksburg friends and relatives, bade fond farewells to those who accompanied them to the station, and boarded a special train from Martinsburg for the national guard encampment at Fort Benjamin Harrison, Lawrence, Ind.

Fifty boys went from Clarksburg, and in all five companies were on the special train, Company A, of Weston, Company B, of Sutton, Company F, of Martinsburg, and Company M, of Terra Alta, being represented. Five special trains, starting from Martinsburg, Fairmont, Parkersburg, Huntington and Charleston, and their total number is expected to be more than twelve hundred. The boys are in fine shape for the encampment, and West Virginia is expected to make an excellent showing in the encampment.

A Bloody Battle With Policemen Ends In a Death

Terrible Tragedy is Enacted in the Town of Richwood With Guns.

THE DEAD.

W. L. RUTHERFORD, Richwood, shot through the head.

THE INJURED.

C. E. BRYANT, Richwood, policeman, shot in right arm.

WILLIAM KRAFT, Richwood, policeman, shot over heart and in a hip.

HARVEY ELLIOTT, Richwood, shot in an arm.

One dead, two seriously wounded and another not dangerously hurt, the summary is of a shooting affair at Richwood last night. It was a battle royal with guns, a conflict between two policemen and two men, one of whom was under arrest and the other who intervened in behalf of the prisoner to the extent of not only demanding the man's release but also attempting to force it by the use of a revolver. The would-be liberator now lies dead with the top of his head shot off.

The shooting took place at 7 o'clock last night. Policemen C. E. Bryant and William Kraft had placed Harvey Elliott under arrest near the railroad station for a town violation and were taking him to the town prison, when W. L. Rutherford approached them and demanded the release of Elliott. He told the officers to release him immediately or he would kill them, and without further warning he opened fire. Bryant was shot in the right arm, but with his left hand shot Rutherford through the top of the head, causing a wound that resulted in Rutherford's death two hours later.

Policeman Kraft was shot in one of the hips and over the heart. He lies in a critical condition at the Richwood hospital and will likely die. Elliott was shot in the arm but his wound is not regarded dangerous. Bryant is enroute to the Johns Hopkins hospital at Baltimore for treatment and may recover from his injury.

Error in Newspaper Starts Big Rush to Theatre Box Office

"Newspaper advertising is the kind that does the work," declared Manager Reuben Robinson of the Grand opera house this morning to representative of the Daily Telegram.

Mr. Robinson went on to explain about an unexpected big rush of people to the box office of the theatre as a result of an error in one or two press notices of "The Man of the Hour," published in the Daily Telegram. The date announced by mistake was Friday, September 11, when it should have been Friday, September 18, just a week later.

"Judging from the numerous calls for tickets," said Mr. Robinson, "there will be a big house at 'The Man of the Hour.'"

SPEAKING TOUR

Of the Lake Cities of Several States is Begun from Chicago.

STEAMER STRANDS.

BROAD STAIRS, Eng., Sept. 10.—The British steamer Lake Michigan from Montreal with passengers, stranded today near Margate. The sea is smooth.

Fifth Tragedy of Little More Than Two Weeks Occurs

Harry Peck, Colored, Shoots Down Wm. Johnson, Also Colored, at O'Gara.

NOT CONSTITUTIONAL

COMMUNITY CLAUSE OF HEPBURN RATE BILL PREVENTING RAILROADS FROM OWNING INDUSTRIES, IS SO DECLARED BY UNITED STATES CIRCUIT COURT.

PHILADELPHIA, Pa., Sept. 10.—The commodities clause of the Hepburn railroad act was today declared unconstitutional by the United States Circuit Court for the Eastern District of Pennsylvania.

Judges Gray and Dallas agreed in the opinion as to the clause being unconstitutional, while Judge Buffington dissented but did not file an opinion.

The commodities clause provides that after May 1, 1908, it shall be unlawful for any railroad company

to transport from one state to another or to any foreign country any article or commodity manufactured, mined or procured by it under its authority directly or indirectly, except such articles or commodities as may be necessary for its use in conducting its business as a common carrier. The clause was aimed particularly at railroads owning coal mines. The case was argued in July before Judges Dallas, Gray and Buffington.

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FIVE TRAGEDIES IN COUNTY IN TWO WEEKS, THREE DAYS

The killing of William J. Johnson, a negro, by Harry Peck, another negro, at Phoenixville last evening, makes the fifth tragedy that has occurred in Harrison county within the short period of two weeks and three days, a record perhaps never before equaled in the county.

The other tragedies that occurred within the time mentioned were:

The killing of Thomas Isador, a Roumanian, at Grassell Sunday night, August 23, by Steven Irwin, alias Nick Stup.

The accidental shooting of Harry Johnson, burglar, by A. J. Fletcher, Thursday morning, August 27.

The murder of Frank Asher at Salem Saturday, September 5, by Harry Fisher, his brother-in-law.

The killing in self-defense, of Frank Seales, a foreigner, by Sam Polietta at O'Neil Sunday, September 6.

REGISTRAR ABSENT AND VOTERS ANGRY

Many Come to Appointed Place But Find No Registrar There to Take Names.

There was much disappointment and dissatisfaction over the state of affairs that was found to exist Thursday in election precinct No. 4, in Clark district. The day had been announced as general registration day by the county court, but the registrar was not there and no one was there for him to register the voters, who appeared personally for that purpose, many of them coming a considerable distance and others leaving their work to have their names enrolled on the list of voters, so that they could vote this fall. Protest after protest went up over the fact that the registrar was absent.

Some time ago the county court appointed George W. Shuttleworth registrar in that precinct. Later he went to Canada on a two months trip and is not likely to be home for some time. The members of the court must have known of his absence and that he would not be there Thursday and should have taken steps to appoint some one in his stead.

As this was not done the court should lose no time in making an appointment in place of Mr. Shuttleworth. The precinct is a large one and the voters in that section of the county, Republicans and Democrats alike, have the right to register so they can vote this fall and no one has

the right to deprive them of that right. It is hoped that the court will see the importance of immediate action.

PIVOTAL STATE

Democrats Think Indiana is and Their Forces Are to Invade the State.

CHICAGO, Ill., Sept. 10.—At a conference today between Democratic National Chairman Mack and John R. Lamb, of Indiana, vice chairman of the advisory committee, it was decided to make Indiana a pivotal state around which the Democratic campaign in the Middle West will swing from now until election, and all the forces that the national committee can summon will be brought into play to carry the Hoosier state for the Democrats. Lamb stated that the Democratic members of the legislature, which has been called into special session, will not vote on any temperance legislation that may be introduced on the ground that the local option question is now before the people for the coming election.

TEACHERS' EXAMINATION

The state uniform examination of applicants for teachers' certificates will be held in the Adamston school house tomorrow and next day. The examination will open at 7 o'clock tomorrow morning.

BROADDUS RECITAL ON FRIDAY NIGHT

By Miss Soder and Grine, Who Are Noted in These Lines of Work.

Broaddus Institute announces a recital at the Baptist church on Friday evening, Sept. 11, to be given by Miss M. Alberta Soder, soprano, and Miss Mabelle M. Grine, reader, members of the Broaddus faculty. The public is invited.

Miss Soder comes highly recommended as a teacher and a singer. After graduating from her home school at Freeland, Pa., she entered Dickinson Seminary, Williamsport, Pa. She studied there one year and then went to Oberlin Conservatory, Oberlin, O., where she studied under Margaret Jones-Adams, voice, Prof. Howard Handel Carter and George Hastings, piano, and full theory and composition under Prof. Heacock. During her last year at the conservatory she acted as substitute in the voice department. Last year she

was instructor of voice in Campbell College, Holton, Kansas.

Margaret Jones-Adams has the following to say of Miss Soder:

"She has a soprano voice of pleasing quality and good range, and her singing is unusually musical and attractive. She has a good understanding of the work, and has shown real ability.

Miss Grine, of the expression department, also comes well recommended. She had two years work in the oratorical department of Beaver college, winning from that school the intercollegiate championship in oratory. After finishing at Beaver college she took a full course at King's School of Oratory in Pittsburg, graduating from there and afterwards teaching post-graduate work. She received the Byron W. King medal at the King school and at Ashland College, Ashland, O. She has assisted in the expression department at

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At the O'Gara coal mine between Phoenixville and Reynoldsville, William J. Johnson, a negro, was shot and killed by Harry Peck, another negro, Wednesday evening about dark, a shotgun being the weapon used. A negro is said to be at the bottom of the tragedy.

Peck immediately gave himself up to the authorities, admitted that he did the killing, and is now in jail awaiting the action of the grand jury in the case. He says he shot Johnson in self-defense, as the latter had threatened to kill him.

Johnson Had a Revolver.

According to the story of the tragedy told to Magistrate John T. Flynn, to whom Peck surrendered himself, Johnson came to Peck's house at O'Gara armed with a revolver and tried to break into the place. Peck went out to the house of John Henderson, a neighbor, borrowed a shot gun, returned to his house, and when Johnson tried to come in the front door, shot him in the abdomen. According to witnesses, two shots were fired. Johnson walked around the house and fell to the ground under a rear window, dead.

When Magistrate Flynn reached the scene he found Johnson's body lying under the window and upon an ash pile about six feet away, a loaded revolver. Finding life extinct, Magistrate Flynn ordered the body turned over to an undertaker.

Peck Goes to Magistrate.

In the mean time Peck had given himself up to the magistrate. Squire Flynn was sitting in his office at Wilsonburg when a telephone call came from the O'Gara mine asking him to come over there as a murder had been committed. He began to fill out some blank forms to be used in the case when Harry Peck appeared in his office, breathless and with perspiration rolling from him. The magistrate told Peck he was on the way to O'Gara to investigate a reported killing and asked him if he knew anything about it.

Admits Killing.

"I killed the man," replied Peck. "I think he is dead, for they told me he was and I came over here." Apparently Peck had run all the way from the scene of the tragedy to the magistrate's office.

The magistrate placed handcuffs on Peck's wrists, placed him in the custody of a deputy constable, and after making an investigation of the killing and taking the testimony of several witnesses, sent him to the county jail by officers.

Were Drinking Whiskey. George Harris, Katherine Harris, Henry Helton, Lucy Alexander, William Casey and Bob Smith, all colored, were examined as witnesses. Some

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