WEATHER:
WASHINGTON, Jan. 29.—For Delaware: Rain or snow tonight and probably Thursday.

The Evening Journal

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WILLARD SAULSBURY ELECTED U. S. SENATOR; FOUR KENT COUNTY BOLTERS SURRENDER

GENERAL DUPONT ASKS LEGISLATURE TO SAY WHETHER PEOPLE WANT BOULEVARD BUILT OR THE BOULEVARD LAW REPEALED

Declares He Does Not Have and Never Had Any Idea of Making Personal Profit, and Would Agree to Turn Any Profits Above Development and Maintenance Over to State.

GOVERNOR MILLER SENDS MESSAGE TO ASSEMBLY

Special to THE EVENING JOURNAL.

DOVER, Del., Jan. 29.—Governor Charles R. Miller, this morning transmitted to the Senate and House a communication he had received from General T. Coleman duPont, in behalf of the Coleman duPont Road, Incorporated, who wishes to ascertain the sentiment of the people of Delaware as to whether or not they desire the duPont Boulevard to be constructed.

In his letter to the Governor, which was laid before the Legislature today, General duPont suggests that, to ascertain the wishes of the people, a bill be introduced into the General Assembly repealing the Boulevard Amendment and also authorizing the repayment to the Coleman duPont Road, Incorporated, the $50,000 deposited by that corporation with the State Treasurer and now held in trust by him under the Boulevard Law, upon the delivery to the Secretary of State of a certificate of dissolution of said corporation.

"If these Acts should fail to pass the Legislature, I shall understand that a majority of the people of Delaware want the Boulevard," said General duPont, in his letter laid before the Legislature today.

"If they should be passed I shall understand that a majority of the people do not want the Boulevard, and will at once take steps to restore the land, given or condemned, to the former owners and give up all interest therein and title thereto."

PROFITS TO GO TO STATE.

Declaring his belief that the lateral strips alongside the actual vehicular road of the Boulevard will prove of vast benefit to the State, General duPont says:

"I do not have and never had any idea of making personal profit from the Boulevard or anything directly or remotely connected with it. Coleman duPont Road, Incorporated, is entirely willing to agree that any and all profits of every kind that may be derived from that part of the Boulevard not devoted to the road for vehicles, after defraying the expense of maintenance and further development of said part of the Boulevard, shall be applied through the agencies of the State, to the cost of maintenance of the road for vehicles, or to any other public use the State may designate."

Accompany the letter to the Governor, General duPont sent two Acts, one for the repeal of the Boulevard Law, which was passed two years ago as an amendment to the General Corporation Law, and the other providing for the return of the $50,000 deposited by the Coleman duPont Road, Incorporated, to that corporation should the Boulevard law be repealed.

DECLINE TO EXPEDITE LITIGATION.

In his letter General duPont discusses the history of the Boulevard project which he conceived and started to put into operation, and points out that he has so far spent about $300,000 in preliminaries and actual construction work, securing of materials, rights of way and in perfecting his organization. When the work had just begun to show progress, he points out, it was stopped by litigation. He still has held the nucleus of his organization, he says. The Supreme Court of Delaware decided the litigation in favor of the constitutionality of the Boulevard Law, General duPont cities, and his attorneys have advised him that the other parties to the appeal case pending in the United States Supreme Court have refused to join in any effort to expedite a decision of the case, which may not be decided for three years if it must wait its regular turn.

General duPont observes that the newspapers of the State are about evenly divided on the Boulevard question, and those opposed endeavor to convey an impression that there is much public sentiment throughout the State against the Boulevard. His personal contact with the people has led him to believe that a very great majority of the people favor it, General duPont adds, and he asserts that he is as enthusiastic about the Boulevard as ever.

ADDITIONAL LEGISLATION SUGGESTED.

If the Legislature should fail to pass the repealer of the Boulevard law, General duPont says he shall expect the Legislature to enact a law to require the Chesapeake and Delaware Canal to erect and maintain a bridge where the duPont Boulevard is to cross the canal, and a further amendment to the Boulevard Law, by changing the method by which boulevard corporations may acquire land by condemnation and by authorizing such corporations to construct branch boulevards. In the latter bill it is proposed that a commission of five persons, to be named by the Resident Associate Judge, shall award the damages for right of way for the Boulevard, and in assessing damages shall take into consideration the benefits to be derived from the Boulevard by the person from whom the land is taken. An appeal can be taken from the finding of the commission of five, and the sheriff is empowered to name a commission of twelve to award damages. This Commission's finding shall be final.

WESTERLY BRANCH IN SUSSEX.

General duPont also suggests that the law be amended so as to permit a boulevard corporation to build branches, it being his desire to construct a branch down the westerly side of Sussex county. In the proposed amendment, too, is provision for ingress and egress between properties adjacent to the Boulevard and the Boulevard itself.

General duPont's letter, as transmitted to the Legislature by Governor Miller, is appended herewith. The Governor made no recommendation, merely submitting the communication for the consideration of the General Assembly:

"Wilmington Del., Jan. 23, 1913.
"Hon. Charles R. Miller, Governor of Delaware.
"My dear Sir:

"I desire to address you as briefly as possible upon the subject of the Boulevard which I am trying to build throughout the length of the State. As you know I organized a corporation called "Coleman duPont Road, Incorporated," under the General Corporation Law as amended by what is known as the Boulevard Amendment, for the purpose of building the Boulevard, and began work in 1911. In acquiring rights of way, developing an organization, buying equipment, materials and supplies, and in grading and other construction work on rights of way acquired, I have so far spent about $300,000.00, and the work had just begun to show progress when it was stopped by litigation which called in question the constitutionality of the Boulevard Law. By reason of this litigation, under advice of my attorneys,

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How to Insure Your Pocketbook

To do that you simply make sure of getting the highest quality for the most reasonable price. You yourself cannot be familiar with the values of all the necessities you buy, and so you must rely on what others tell you of the good points of the various articles.

Insure your pocketbook by taking the word of the man who has his all at stake—the manufacturer himself. If he tells you an untruth through his advertisement you will not continue to use his goods, and his profits will fall off. In time his misleading statements to buyers will drive him out of business.

You can insure your pocketbook with the help of THE EVENING JOURNAL—get quality and price and convenience with small effort. Rely upon the advertisements of THE JOURNAL'S advertisers. You can in that way put yourself out of the power of unscrupulous manufacturers, and be guided to the stores of reliable dealers. It pays in time, money, and trouble saved to read THE JOURNAL'S advertiseuents closely and constantly every day.

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STATE WILL INVESTIGATE MAN SLAYING

Coroner Returns Open Verdict After Hearing How Fisher Was Killed

BODY UNCLAIMED AT CITY MORGUE

Coroner Spring held an inquest last night in the case of Frank Fisher, colored, who was shot and killed by Policeman T. J. Zebley, from whom he was fleeing, the officer having a warrant for his arrest. The jury returned the following open verdict:

"The said Frank Fisher came to his death on Monday, January 27, 1913, at about 7 o'clock in the evening in the city of Wilmington, Del., while on the way to the Delaware Hospital from the effects of a gun shot wound inflicted at the hands of Thomas J. Zebley, the said Zebley being then and there a patrolman of the city of Wilmington and on duty and having a warrant for the arrest of the said Frank Fisher."

Deputy Attorney-General Armon D. Chaytor attended the inquest, but he did not question any of the witnesses. Coroner Spring swore the jurors over the dead body of Fisher at the morgue and Deputy Coroner Harvey E. Nichols swore the witnesses and questioned them. He directed the proceedings generally.

By direction of Attorney General Wolcott, Charles G. Guyer took stenographic notes of the evidence submitted. Policeman Zebley also was present and took considerable interest in the proceedings.

Eye Witness of Shooting.

John E. Skelley of No. 1217 D. street, South Wilmington, testified that early Monday evening he and Patrolman Zebley were walking along the street together when Fisher approached from the opposite direction. He said Zebley said to the negro, "Hello Fisher, you are just the man I want to see. I have a warrant for you."

The witness said Zebley took off his hat and took from it the warrant. He placed his hand on Fisher and took him into custody. Skelley said he then continued to walk down the street alone. He had reached A street, nearly, when he heard men running and looking around he saw Fisher running away with the policeman in pursuit. Then he heard three shots fired just about the time the negro and the policeman turned into a vacant lot at B and Heald streets.

"Fisher fell over a pile of stones that had been dumped upon the lot," said Skelley. "Perhaps Zebley was shooting low, and as the negro fell, he may have hit him. I did not see the third shot fired."

Dr. J. W. Bastian, coroner's physician, testified that he held an autopsy yesterday morning. He found a flesh wound in the right leg between the ankle and the knee and a wound back of and a little above the right ear. He removed the bullet from the left side of the brain. Dr. Bastian said it was this wound that had caused death. This showed that two of the three short fired by the policeman struck the fleeing man.

Chief of Police George Black told of having received a telephone message relative to the trouble and of his having hurried to the scene. He had the negro taken to the hospital, but the man died on the way. He said Fisher made no statement for he was unconscious.

Patrolman Zebley was anxious to produce witnesses to prove the desperate character of Fisher, but the jury did not at first seem to think they were material at this time. There was a conference among the members who discussed the subject with Mr. Chaytor. It was finally agreed that the officer could produce any witnesses he wanted to, but then Zebley decided not to have them heard. There was another discussion as to whether Zebley should make a statement and it was left to his own discretion. He willingly agreed to tell all he knew about the case.

Policeman Tells of Affair.

Zebley said that about 6.35 o'clock Monday night he was walking down Heald street to make a report at A and Townsend streets when he met Fisher about in the middle of the block between A and B streets. He said it was a surprise to meet him so unexpectedly. He had been talking to the negro at noon that day about the trouble Fisher had with Sarah Spencer, the colored woman who had sworn out the warrant Zebley had to serve on Fisher. He was to have met Fisher at 3 o'clock in the afternoon to talk about some other trouble, but Fisher did not appear at that time.

Zebley said he and Fisher laughed at the fact that there was a warrant for Fisher after having had their conversation earlier in the day. He

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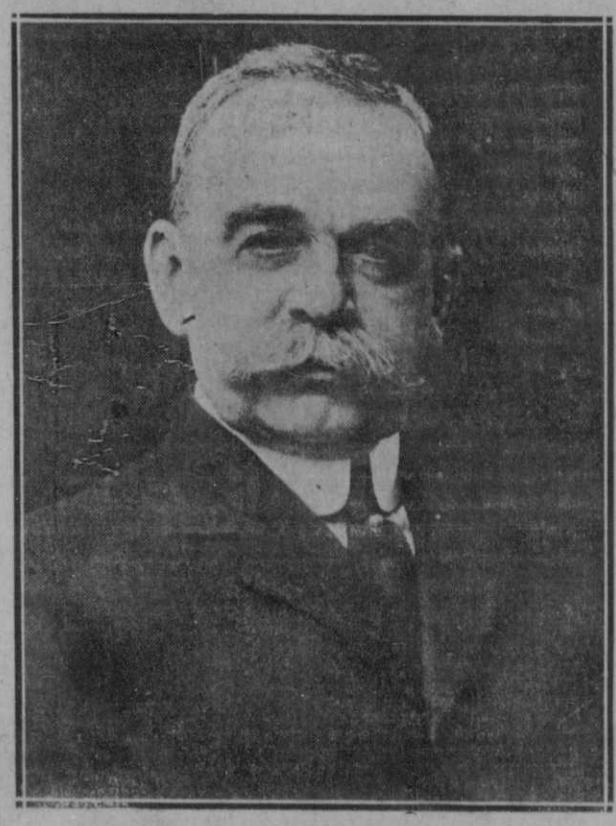

WILLARD SAULSBURY.
United States Senator from Delaware.

Willard Saulsbury's election to the Senatorship today is the culmination of sixteen years' of effort to attain that office. In every year in which a United States Senator has been chosen from 1899 until two years ago he was the Democratic caucus nominee for the Senatorship. His opponents allowed him to set up the legislative nominations at the primaries last fall, and discovered too late that he had the upper hand.

Mr. Saulsbury was one of the first members of the National Committee, of which he is the member from Delaware, to declare in favor of the nomination of Woodrow Wilson for President and he fought for him from first to last. He had a Wilson delegation sent to Baltimore from Delaware and in the convention the Delaware delegation was the first on the roll calls to proclaim its allegiance to the Jersey Governor.

He was active in many directions in the Wilson fight, was one of the most trusted men in the Wilson organization. When the campaign began he went to New York and took charge of the foreign bureau. This bureau had 11 departments—German, French, Italian, Welsh, Spanish-American, Polish (with branches in Celeveland and Buffalo), Hungarian-Slavonic, Jewish, Greek, Syrian and Scandinavian.

These departments had a total of 162 employes working under Mr. Saulsbury's direction. He employed the speakers, translators and clerks in all of them, superintended the getting out of 8,000,000 pieces of literature and the sending out of more than 1,000,000 letters, of which more than 300,000 were in Polish. He had men traveling all over the United States.

Mr. Saulsbury received much of his political training in Delaware. He was made chairman of the Democratic executive committee for New Castle county in 1892, and served in that capacity until 1898. He was chairman of the Democratic State Committee from 1900 until 1906, and went as delegate to the National Convention at Chicago in 1896 and St. Louis in 1904, as well as Baltimore last summer. He was elected a member of the Democratic National Committee in 1908.

Willard Saulsbury was born in Georgetown, and is approaching his fifty-second birthday. His father, Willard Saulsbury, was an able lawyer, and figured in many cases of importance. He was Attorney-General of Delaware when he was 29 years old. He was United States Senator from 1859 until 1871, and from 1871 until 1892 was Chancellor of Delaware. Senator Saulsbury was succeeded in the Senate by his brother, Eli Saulsbury, uncle of the present Willard Saulsbury, in 1871 and served until 1899. Gove Saulsbury, another of his uncles, was Governor of the State, as was another uncle, James Ponder.

Willard Saulsbury himself was educated at the University of Virginia and began the practice of law in Wilmington in 1882, associated with Victor duPont, whose daughter May, he later married. The law partnership with Victor duPont continued until Mr. duPont's death in 1888. After that the law firm of Saulsbury, Ponder and Curtis was formed, and after the elevation of Charles M. Curtis to the Chancellorship of Delaware the firm of Saulsbury, Ponder & Morris succeded it and later James W. Ponder withdraw from the law firm.

Mr. Saulsbury's activities outside of politics have been wide. He helped to consolidate the Wilmington street railways and electric companies; he is a director in the Equitable Guarantee and Trust Company, of Wilmington, and is a director in the Union National Bank and various other business organizations. He is a member of the New Castle County Bar Association, the Delaware Historical Association, the Society of the Sons of the American Revolution and the Society of Colonial Wars. He is a member of the St. Anthony, Manhattan and National Democratic Clubs, the Southern Society of New York, the Wilmington Club, of which he is president and the Wilmington Country Club, of which he is vice-president. He lives at Fourteenth and Brooome streets.

Would Give Government Land to Make Canal in Sussex

Special to THE EVENING JOURNAL.

STATE HOUSE, DOVER, Del., Jan. 29.—epresentative Wagamon gave notice in the House today of a bill empowering the Federal Government to acquire title to land for the Assawoman Canal and naming Dr. Hiram R. Burton, William C. Loftland and J. T. Lank as commissioners to condemn the land.

Other notices given were:

By Representative Grantland: for the State to reimburse New Castle county $500 for assessors making a merchantile assessment.

By Representative Hoffecker: to incorporate the farmers trust company of Newark.

By Representative Phillips: for the destruction of animals dying of contageous diseases.

By Representative Hammond: Authorizing a justice of the peace for Dagsboro.

Reject Assessorship Appointment Bill.

An unfavorable report was made by the committee on revised status of the Revenue Commissions bills authorizing the Superior Court to appoint county assessors for New Castle, Kent and Sussex counties.

The New Castle County Levy Court is here for hearings on several county bills, including one permitting Robert M. Burns to collect on a ten per cent. basis, outstanding county taxes due for four years.

Clapp Addresses Legislature.

United States Senators Clapp and Chamberlain addressed theLegislature this afternoon in advocacy of the Initiative and Referendum.

The Allee Progressives held a conference here this morning to prepare suggested legislation.

William P. White brought some bills here advocated by the National Progressives.

TO-DAY'S TEMPERATURE
THE BELT DRUG STORE.

1.30 P. M.	39
12.00 M.	38
10.00 A. M.	36
8.00 A. M.	32

CHILD IMPROVES.

The condition of Robert Cunningham, the 8-year-old son of the Rev. and Mrs. Henry Cunningham, who recently underwent two operations for glandular trouble is reported to be slightly improved this morning.

PRICE OF BUTTERMILK GOES UP

While the talk of the high cost of living is uppermost in the minds of the people a local dairy firm today announced an increase of two cents a quart on buttermilk. Heretofore the price has been six cents but it now is selling at eight cents a quart.

On Ninth Joint Ballot in Legislature Today, Democratic Caucus Nominee for High Office Gets Support of Every Democrat Present and Long Deadlock Over the Senatorship Comes to an End---Democrats in Frenzy of Joy While Former "Hold Outs" Vote for Saulsbury---Cummins and Houston Are Hugged and Kissed by Former Judge Cochran---May be Deal Back of Election.

Special to THE EVENING JOURNAL.

STATE HOUSE, DOVER, Del., Jan. 29.—Willard Saulsbury, Democrat was elected United States Senator from Delaware, in joint session of the Legislature at noon today after Representative Cummins, one of the four Kent holding out members, had succumbed to the persuasions of Saulsbury men and then Senator Williams and Representatives Houston and Schneider fell in line for Saulsbury.

It was not until a few minutes before twelve o'clocke, just as the joint session was convening, that the trick was turned for today, as the four "holdouts" were inclined to delay the election until tomorrow.

When Representative Cummins however, decided a few minutes before 12 o'clock to vote for Saulsbury today the other three followed his lead, they feeling that it was useless for them to hold out any longer inasmuch as the Saulsbury men had it in their power to unseat Representative Bennett, Republican, and seat John C. Dickerson, a Democrat, whom they felt would vote for Saulsbury and assure his election.

The winning over of Representative Cummins is credited to John G. Armstrong, a young Democrat, of Odessa, and to former Judge Edwin R. Cochran, of Wilmington.

Mr. Armstrong was in conference with Representative Cummins until midnight last night and was closeted with him part of the time. Former Judge Cochran was back of Armstrong in the round up campaign concentrated on Representative Cummins.

The three Kent members who had been voting for James H. Hughes and L. Irving Handy for Senator and not for Saulsbury heard of the pressure being brought on Cummins and had a conference with him this morning, when he told them he intended to vote for Willard Saulsbury but would wait until tomorrow before switching over to Saulsbury. Meanwhile, Armstrong and Judge Cochran kept buzzing away with Cummins at every opportunity trying to get him to make the break to Saulsbury today, instead of tomorrow.

CONFERENCE BEFORE BREAK.

A conference of Democrats was held about 11 o'clock in which it was announced that Cummins was about to flop to Saulsbury. Representative Houston also informed Representative Thomas O. Cooper and some other Democrats that there would be no use in the other three holding out longer if Cummins should vote for Saulsbury and they would follow his lead but desired until tomorrow morning to make up their minds.

This glad news to the Saulsbury supporters soon became noised about and naturally there was rejoicing among the Democrats.

Just as the joint session was convening Speaker Holcomb had a conversation with Cummins and the latter agreed to vote for Saulsbury today, instead of waiting until tomorrow. So quickly did he change his mind that Senator Williams and Representatives Houston and Schneider did not know of it until Representative Cummins voted.

There was a buzz of excitement as the joint session roll was called. The balloting proceeded without incident until the name of Senator Williams, one of the "hold out" four, was reached.

"James H. Hughes," he announced, amid silence of the big crowd present.

COCHRAN HUGS CUMMINS.

When the name of Representative Cummins was called the big oysterman from Leipsic half rose, his face flushed and announced:

"Willard Saulsbury."

Immediately there was an outburst of cheering and applause on the part of the spectators. Former Judge Cochran who was on the floor as Representative Houston, rushed over to Cummins, hugged him and kissed him, to the embarrassment of the Democratic member. Pounding with

Continued on Second Page.

WILSON PLEASED WITH SAULSBURY ELECTION

By The United Press.

TRENTON, N. J., Jan. 29.—"That pleases me very much. I am delighted."

This was the comment of President-elect Wilson today when he was informed by telephone from Wilmington that Democratic National Committeeman Willard Saulsbury had been elected United States Senator from Delaware.

GOMPERS ATTACKS ARBITRATION PLAN.

By The United Press.

NEW YORK, Jan. 29.—Samuel Gompers, president of the American Federation of Labor, today bitterly attacked the proposed compulsory arbitration plan of settling strikes and predicted a fight against the "enslaving of labor" by it, in a spectacular speech before the National Civic Federation. In the presence of many prominent society women, Gompers characterized society workers as "dilettantes and faddists who go in for sociological, mental slumming expeditions and who then walk by on the other side of the street."

DEATH IN WAKE OF PITTSBURGH STRIKE.

By The United Press.

PITTSBURGH, Pa., Jan. 29.—With one man dead, one believed to be dying a score injured and three detectives and the police chief missing following the wire mill strike riot at [illegible] further trouble was expected today and extraordinary precaution was taken against another outbreak.