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Daily



Press

THE WEATHER.
Increasing cloudiness Friday, rain or snow Friday night and Saturday; moderate northeast and east winds.

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NEWPORT NEWS, VA., FRIDAY, FEBRUARY 11, 1910.

PRICE TWO CENTS

FORCES SUBMITTAL AT POINT OF GUN

Florida Negro Escapes Prison and Assaults White Woman.

SHE TELLS IN DETAIL MOST REVOLTING STORY

Unfortunate Country Lady Runs With Bare Feet Distance of Two Miles to Give Alarm — Bloodhounds Brought on Scene and the Convict is Soon Captured.

(By Associated Press.)

TAMPA, Fla., Feb. 10.—Escaping from a turpentine camp, six miles from here, where he was detained as a convict, Roland Flower, a negro, went to the home of Mrs. Jane Ellerbe, a prominently connected white woman, two miles away, at two o'clock this afternoon and at the point of a gun, forced the frightened woman to submit to an assault.

As soon as the negro left, the woman ran a distance of two miles with no shoes on her feet, and but the scant attire the brute had left on her, and gave the alarm.

Officers from Tampa hastened to the scene in automobiles, and securing bloodhounds, were soon on the trail of the negro. Half a dozen men on horseback also took up the chase, but the sheriff's posse was first to sight the fugitive, which probably prevented summary punishment being visited on him.

Capture is Made.

When sighted the negro had a gun which he had taken from the Ellerbe home. When commanded to halt, he started to shoot, but the officers fired first, one of the bullets piercing his thigh.

The negro was placed in an automobile and hurried to Harney, a small station several miles distant.

Anticipating that the roads would be watched by the infuriated citizens, who outnumbered the officers ten to one, the latter took a wide detour and arrived here with their prisoner at 6 o'clock and lodged him safely in jail. He is now under heavy guard and it is hardly probable that any violence will be attempted for the present at least.

Tells Horrible Story.

Mrs. Ellerbe tells a story revolting in detail. She was in the yard at the time the negro arrived and was the only person about the house. The negro, asked for a drink of water and permission to sit down and rest. He walked into the house to sit down, and when Mrs. Ellerbe protested, he forced her to go to the house also, pointing a gun which he found in the house, at her. Forcing her to divest herself of nearly all her clothing, he accomplished his fiendish purpose.

Mrs. Ellerbe is about 50 years old and lives with her son in a small farm house.

Flower admitted going to the house and getting the gun, but denied that he outraged the woman.

It was announced tonight that a grown son of Mrs. Ellerbe was at the head of a mob which was proceeding to Tampa for the purpose of attacking the jail and taking the negro out, but up to this hour nothing has materialized. The jail is an unusually strong structure with high brick walls enclosing it.

Sheriff Jackson does not believe it possible for a mob to secure the prisoner if an attempt is made.

MANN WOULD CREATE AGRICULTURAL BOARD

Sends Special Message to Legislature on Farming Interests of State.

RICHMOND, VA., Feb. 10.—Senator Watkins this afternoon offering a bill which carries into effect the recommendations contained in the message of Governor Mann. A similar bill was offered in the house by Delegates Page and Adams.

The following paragraphs taken from the governor's message explain the purport of the document:

"It is the purpose of the present administration, in every proper way, to advance and protect the manufacturing, industrial, mining and commercial interests of the state, and

when opportunity offers, to call the special attention of the legislature to the needs and requirements of these industries.

"To the members of the general assembly familiar with the operations of the commissioner and board of agriculture, the Virginia Agricultural College and Polytechnic Institute, and the State Board of Education, a plan for bringing these three agencies into harmonious combination, by which without any discrimination against any one of them, but with added efficiency to all, they can work without duplication of effort for the advancement of the great agricultural interest of the state, must commend itself.

"This result can, in the judgment of the executive, be accomplished by constituting a board to be known as the United Agricultural Board, consisting of the governor and superintendent of public instruction on from the board of education, the commissioner of agriculture and a member of the board of agriculture, to be selected by that board, and the president and a member of the board of the Virginia Agricultural College and Polytechnic Institute, to be selected by that board, acting in concert with the coordinating agency of the United States department of agriculture."

(By Associated Press.)

First Death in Big Family.

EEINBURG, VA., Feb. 10.—For the first time in fifty-four years, death has invaded the home of James M. Painter, of this town, his wife having died last night. Besides the husband, ten children and the same number of grandchildren, survive. Mrs. Painter was 71 years old.

(By Associated Press.)

Racing Season Approved.

NEW YORK, Feb. 10.—Racing at Pimlico from April 20 to May 7 inclusive, was approved by the stewards of the Jockey club today.

GET WITNESS SHADOWED

Defense Has Turn in New York Bribery Case.

BROTHER TAKES THE STAND

Senator Bringing Charge Against Colleague Furnishes Evidence to Substantiate Story Told by Cashier

Moe About Distributing Money.

(By Associated Press.)

ALBANY, N. Y., Feb. 10.—The trail of the \$6,000 bribe, which the state senate has heard was distributed among three legislators nine years ago by a representative of the American Bridge Company, led today to the village of Groton. After the attorney of Senator Jotham P. Allis, whom Senator Ben Conger, of Groton, accuses of having received \$1,000 of this fund, had done their best to impugn the character and motives of Conger's chief witness, Hiram G. Moe, Conger put his brother, Jay, on the stand to substantiate Moe's story.

Brother Testifies.

Jay Conger is president of the First National Bank of Groton. When he had identified certain books of the bank, the "prosecution" put in evidence entries which showed first that on Monday, April 22, Frank Conger, a vice-president of the American Bridge Company, drew two checks aggregating \$4,500.28; and second, that the bank issued on Frank Conger's check two New York drafts for \$3,000 each, payable to H. G. Moe. Taken with the cancelled checks and drafts, already put in evidence, their entries constituted the strongest corroboration of Moe's story yet presented.

Jay Conger corroborated Moe's assertion that Moe was authorized to draw checks over his own signature on Frank Conger's account.

Allis' attorney showed how completely the Groton bank was in control of the Conger family by having the witness tell that all the six directors were of that name.

Hiram G. Moe was allowed to leave the stand late this afternoon after eleven hours of direct cross-examination.

Defense Has Inning.

The defense had its turn with Moe today and they left untouched not an incident of his fifty-nine years of life that might weaken the force of his testimony.

In spite of the efforts of Conger and his friends to keep Moe under cover, it became evident that the defense had "shadowed" him with some success when Mr. Littleton made him admit that last night he made a tour of the assembly chamber and its committee rooms—the scene of alleged bribe delivery—and that this morning Senator Conger had taken him to the house where Conger lived in April, 1901 and where Moe says the \$6,000 was distributed into three packages.

SAYS TRUST MADE SCAPE GOAT OF HIM

Oliver Spitzer Flays Sugar People When Sentenced to Prison.

ABSOLUTELY DESERTED BY HIS EMPLOYERS

Former Dock Superintendent is Given Two Years in Penitentiary at Atlanta and Claims the Men Higher Up Sacrificed Him When the Government Cried for a Victim.

(By Associated Press.)

NEW YORK, Feb. 10.—Declaring that the sugar trust had made a "scape goat" of him, and that they had answered the government's cry for a victim in the alleged fraud prosecution by sacrificing him and four \$18-a-week checkers, Oliver Spitzer, former dock superintendent of the American Sugar Refining Company's plant at Williamsburg, severely arraigned that trust, following his sentence today to two years in the federal prison at Atlanta, Ga., for his part in the recent extensive sugar under-weighting frauds.

(By Associated Press.)

Get Him Ready for Trip.

Spitzer's application for admission to bail pending appeal was denied and arrangements were made later in the day to take him to Atlanta to begin serving his term. He said that he expected on the appeal "the court would be reversed and a new trial ordered."

"The trust deserted me absolutely. It bounded and ruined me after I served it faithfully for 29 years," said Spitzer in broken tones. "I started with the trust in 1880 as a boy and by industry worked my way, step by step, until I became superintendent of the docks at Williamsburg."

"It has been reported that I have been receiving big pay from the trust. As a matter of fact, I got \$5 a week. The expenses of this trial have cut into my savings and left me practically a ruined man."

Speaking of the report that he knew of the alleged manipulation of the scales at the sugar docks, he said he did not think he was in the scale house once during the last fifteen years.

"As to the corset steel said to have been discovered in a hole in a set of scales," he continued, "I know nothing about it and seemingly no one else except Parr, who claims to have found it later."

Somebody Had to Go.

He said none of them were guilty of any breach of the law, but "somebody had to go to prison to save those higher up."

Spitzer said he had directed his counsel not to apply for a stay of execution in the same sort of position which Charles W. Morse, who through stays and legal quibbles, added a year's imprisonment in the Tombs to his sentence.

Spitzer, with four former checkers, was convicted in the federal courts for conspiracy to defraud the government by under-weighting sugar imports. The checkers were sentenced shortly after conviction to one year each in the Blackwell's Island prison here, but sentence of Spitzer was deferred on account of his physical condition.

ABOLISH ALL PENSION AGENCIES BUT ONE

No Appropriation Recommended for Offices—Allowance Reduced Five Millions.

(By Associated Press.)

WASHINGTON, D. C., Feb. 10.—Seventy-eight of eighteen pension agencies, scattered throughout various portions of the country, are abolished under the terms of the pension appropriation bill reported to the house today, wherein no appropriation is recommended for these offices. The one remaining office is located in Washington and the usual appropriation for its maintenance is made.

For several years past continuous efforts have been made at each session to accomplish the abolishment of these branch agencies but no particular headway has been made in the effort. The pension bill carries \$15,674,000, which is a decrease of five million from last year.

Among the agencies thus cut off are Knoxville, Tenn., and Louisville, Ky.

WRIGHT BROTHERS ARE PRESENTED WITH MEDAL

Aeronauts Decline in Accepting the Trophy That They Have Startling Discoveries to Announce.

(By Associated Press.)

WASHINGTON, D. C., Feb. 10.—Orville and Wilbur Wright, the aeronauts, were today presented with the Langley medal of the Smithsonian Institution by Chief Justice Fuller, of the United States Supreme Court, who is also chancellor of the Smithsonian Institution.

The medal was created in 1908 in commemoration of Professor Langley and his work in aeronautics.

Wilbur Wright, in accepting the medal, declared that when the Wright brothers had perfected their commercial flying machine organization, they intended to go back to research work and announce some startling discoveries. He declared there was research work awaiting which could keep six men busy a life time.

The medal was struck in the mint at Paris. It was designed by J. C. Champlain, a member of the French Academy.

The reverse is from the seal of the institution designed by St. Gaudens.

Duplicates in bronze were also sent to the Wright brothers and one replica was kept for the institution.

MEASURE TO EXCLUDE JAPANESE LABORING CLASS

Committee on Immigration Reports Favorable on Bill of Representative Hays.

(By Associated Press.)

WASHINGTON, D. C., Feb. 10.—A bill by Representative Hays, Republican, California, aimed at the exclusion from the United States of the laboring classes of Japanese and other races, was reported favorably to the house today by the committee on immigration, by a unanimous vote.

At present the Japanese immigration is restricted by a mutual agreement between the United States and Japan by the terms of which Japan has prevented the laboring classes from coming to the United States. It has been expected that some exclusion law would be devised to take the place of this agreement. Representative Hays' bill is a lengthy one, embodying what the present law contains, with the clause inserted applying to the Japanese, but without specifically naming them. The clause reads:

"To exclude persons who, under the provisions of the revised statutes of the United States, are ineligible to become citizens of the United States unless they are merchants, teachers, students, or travelers for curiosity or pleasure."

The statute mentioned defines eligible aliens as "free white persons or Africans by nativity or descent."

WARSHIPS START SOUTH FROM HAMPTON ROADS

Squadron of Five Cruisers to Participate in Argentine's Centenary Celebration.

(By Associated Press.)

WASHINGTON, D. C., Feb. 10.—The navy department has completed the itinerary of the five warships which will visit Buenos Ayres, next May to represent the United States at the centenary celebration of Argentina's independence.

The armored cruisers Tennessee and Washington will leave Puget Sound about March 14; the cruiser Montana, flying the flag of squadron commander, Rear Admiral S. A. Staunton, will leave Hampton Roads about 11; the North Carolina will leave the same place February 22, and the Chester will leave New York, April 11. The squadron will rendezvous at Maldona, May 12, take coal and proceed to Buenos Ayres. The further movements of the ships have not been determined.

REVEALS OLD MURDER.

Kentucky Boy Coming to Virginia Tells Story of Killing.

(By Associated Press.)

LEXINGTON, KY., Feb. 10.—Revelation of a probable murder that occurred eighteen months ago was made to the police here today by John Self, a boy who asked for aid to obtain transportation to Gandy, Va.

Self said July 15, 1908, two men were murdered and robbed aboard a circus train enroute to Lexington from Morehead, Ky., and that the bodies were thrown from the train.

The police learned that Harry Hamilton of T.ledo, Ohio, was killed by an alleged fall from a train on that date.

There is no trace, however, of the second man.

Self said that he was so frightened by the murders that he deserted the circus the next day and went to work on a farm.

JUDGE HAS CLASH WITH LAWMAKERS

Congressional Committees are Summoned Before District Supreme Court.

SENATE FLATLY REFUSES TO OBEY ORDER OF BENCH

Higher Branch of Body Says the Jurist is Going Beyond His Authority in Demands—House Has Long Debate Over Question and at Night Session Agrees to Command.

(By Associated Press.)

WASHINGTON, D. C., Feb. 10.—Whether a court at law has power to summons before it a committee of congress was the chief subject of discussion before the senate and house of representatives today.

The senate required but a short time to dispose of this question and gave positive instructions to Senators Reed Smoot, Jonathan Burne and Duncan Fletcher not to respond tomorrow to the order issued by Justice Wright, of the Supreme Court, of the District of Columbia, directing them to appear before him. The proceeding grew out of a suit instituted by the Valley Paper Company, of Holyoke, Mass., as the result of the committee's award of a contract for furnishing paper for the government printing office.

The refusal of the senate was based upon the plea of the constitutional prerogatives of members of congress.

Senate's Position.

The senate took the position that as it was a co-ordinate branch of the government, the court had no right to interfere with its business affairs. Incidentally, the question was raised as to whether Justice Wright was in contempt of the senate or whether the senate was in contempt of Justice Wright.

Senator Nelson sought to have the resolution adopted by the senate so amended as to permit the senators to appear only for the purpose of testing the court's jurisdiction, and in doing so, said that if the recommendation of the judiciary committee was correct, Justice Wright might be called before the senate for contempt.

Senator Bacon, of Georgia, declared that the exercise by the court of such power as it claimed would result in the overthrow of the powers of the legislative department.

The Nelson amendment was voted down 14 to 45, the original committee resolution being adopted without division, as was another resolution directing the secretary of the senate to communicate the views of the senate to the court.

House Takes Up Matter.

In the house there was greater division of opinion as to whether in this particular case the court was authorized to summon its members.

The judiciary committee brought in two reports. The majority report recommended a compliance with the summons of the court on the ground that the committee was not summoned as members of congress, but while acting under the authority of a statute enacted by congress. The majority, therefore, recommended that Messrs. Cooper, of Pennsylvania; Sturgis, of West Virginia, and Finley, of South Carolina, be instructed to appear in court.

The minority report, in which Chairman Parker, joined Mr. Clayton, of Alabama, and Mr. Henry, of Texas, took the opposite view, claiming that the joint committee was acting in a legislative capacity. They recommended either that the committee be instructed not to respond to the summons, or that the resolution recommended by the majority be amended so as to instruct the members of the printing committee "if necessary to prosecute an appeal or writ of error from any judgment therein."

Declared an Invasion.

In addition to joining in the minority report Representative Clayton, of Alabama, offered a resolution declaring that the district supreme court had "unlawfully invaded the constitutional privileges of the house"; that it was without jurisdiction to hale into court members of the house, and instructing such members to ignore the summons of the court.

An extended debate upon the reports followed their presentation to the house and at 8 o'clock a recess was taken until 8 o'clock in order that final action might be had before adjournment.

House Agrees.

After six hours debate which in-

cluded a night session, the house tonight voted to permit its members of the joint committee on printing to obey the summons from the Supreme Court of the District of Columbia. Whether Senators Smoot, Burne and Fletcher, the senate members, will be adjudged in contempt for failure to appear, remains for the court to decide.

COLD STORAGE BEEF POISONS FIVE OF FAMILY

Health Department of Peoria is Having Samples of Meat Analyzed.

PEORIA, ILLS., Feb. 10.—Wholesale poisoning, resulting from eating beefsteak presumably of the cold-storage variety, and soup made from a "fresh" soup bone, came near causing the death of five members of the family of John Rush, an employee of a local brewing company.

Of six members of the family one, Mrs. John Rush, who was ill in bed with a bad cold and did not eat of the soup or beefsteak and escaped. George Rush is still dangerously ill.

The symptoms are of ptomine poisoning, or a type of poisoning simulating typhoid.

The health department has secured samples of the meat and soup, which are now being analyzed.

Changes Suit to \$60,000.

PETERSBURG, VA., Feb. 12.—When the Hastings Court convened this morning to further consider the \$50,000 damage suit of Charles M. Ambold against the Atlantic Coast Line Railroad, W. R. McKenney, counsel for plaintiff, asked to be allowed to change the declaration in the suit. Counsel for the railroad objected, whereupon Mr. McKenney entered a non-suit and immediately filed a new suit for \$60,000.

Capt. Alex. Sharp Dead.

Gallant Naval Official Passes Away in Washington.

COMMANDER OF VIRGINIA

Recently the Sea Fighter Was Detached from Battleship and Made President of Navy Inspection Board—Saw Service in Santiago Battle.

(By Associated Press.)

WASHINGTON, D. C., Feb. 10.—In the death here today of Captain Alexander Sharp passed one of the gallant commanders of the American vessel at the famous battle of Santiago harbor of July 3, 1898, when Cervera's fleet was destroyed.

Captain Sharp, at the time of his death, was president of the navy inspection board and until recently was commander of the battleship Virginia.

He died of typhoid fever at the naval hospital in this city.

Born in White Haven, Minn., fifty-five years ago, Captain Sharp entered the service as a midshipman in 1870.

When Theodore Roosevelt was assistant secretary of the navy Captain Sharp, then a lieutenant commander, was his naval aide and was of the greatest assistance in advising his chief in the days of the intense strain and preparation preceding the war with Spain.

Upon Mr. Roosevelt's resignation to become lieutenant-colonel of the Rough Riders, his young naval aide (readied for active service at sea and finally managed to obtain command of one of the converted yachts and was assigned to Vixen. The little vessel did splendid service during the blockade on the south coast of Cuba and although she was an insignificant boat and had no business in an engagement between ironclad battleships and cruisers, Commander Sharp did not hesitate to get into the thick of the fray, and made a fine record.

His service afloat was in command of the battleship Virginia from which he was detached last December. He was assigned to duty in this city about a month ago as a member of the board of inspection.

He is survived by a wife and a son, the latter an ensign aboard the Connecticut.

SHACKELFORD ELECTED.

Chosen Judge for Ninth Circuit of Virginia by Legislature.

(By Associated Press.)

RICHMOND, VA., Feb. 10.—The legislature today elected George S. Shackelford, of Orange county, to be judge of the Ninth Judicial Circuit to succeed the late Judge Grimley.

His Circuit comprises the counties of Orange, Gloucester, Madison, Culpeper and Louisa.

DR. HYDE ARRESTED ON MURDER CHARGE

Warrant Says Physician Feloniously Administered Strychnine to Col. Swope.

PROSECUTION WILL BE FOR FIRST DEGREE

Accused Man Quietly Surrenders to Officer in Kansas City and is Taken to Independence for Arraignment—Shows Most Unconcern of Any in Party—Out on \$50,000 Bond.

(By Associated Press.)

KANSAS CITY, MO., Feb. 10.—As a climax to the lengthy investigation of the mysterious death of Col. Thomas H. Swope on October 3, 1909, Dr. R. C. Hyde, husband of the late millionaire's niece, was arrested here today charged with the murder of the aged philanthropist.

The warrant upon which the arrest was made was issued at the request of Attorney John G. Paxton, executor of the Swope estate. First degree murder is charged. The warrant says that Dr. Hyde, with felonious intent administered strychnine to Col. Swope on the day of his death.

Endorses the Act.

Across the back of the complaint filed by Mr. Paxton asking for a warrant, Prosecutor Virgil Conkling wrote above his signature: "I hereby endorse this complaint."

Dr. Hyde surrendered quietly. He learned that a warrant was being sought and, with his attorneys, went to the prosecutor's office to await the return of Mr. Conkling. He submitted to arrest without demanding to hear the warrant read.

From here the party went to Independence, Mo., where Dr. Hyde was arraigned before Justice W. F. Loar. The physician pleaded not guilty. He was released on a bond of \$50,000.

His preliminary hearing was set for February 17.

Not Disturbed.

The calmest man in the justice's office in Independence was Dr. Hyde. While attorneys besieged themselves making out the papers in the case and while the few spectators whispered loudly and vied with one another for a view of the accused physician, he sat near County Marshal J. C. B. Mays, who made the arrest and read a paper that told of the developments in the Swope investigation.

"By the way, Mr. Mays," he said, folding up the paper, "wish you would call up my house and have my wife informed that I will be home for dinner. She will be worrying about me."

Just as soon as the bond was accepted Dr. Hyde hurried to his home. The arrest followed quickly after Judge Ralph S. Latham called a grand jury today to investigate the death of Col. Swope. Prosecutor Conkling made a request for a jury.

Dismissing his libel suit for \$600,000 against Attorney John M. Paxton, Dr. Frank L. Hall and Dr. Edward J. Stewart today, Dr. Hyde removed himself from the range of attorneys who have been using every legal means known to them to get his depositions in the case.

One suit for \$100,000 is still pending against Attorney Paxton. It alleges slander.

TEDDY, JR., TO MARRY.

Engagement of Ex-President's Son to New York Girl Announced.

(By Associated Press.)

NEW YORK, Feb. 10.—Mrs. Henry Addison Alexander, 42 West Forty-seventh street, announced tonight the engagement of her daughter, Eleanor Butler Alexander, to Theodore Roosevelt, Jr., eldest son of Col. Theodore Roosevelt.

Young Roosevelt, since his graduation from Harvard, has been learning carpet manufacturing in a factory at Thompsonville, Conn.

SIX MEN KILLED.

Terrific Explosion at Saw Mill in Michigan.

(By Associated Press.)

RAY CITY, MICH., Feb. 10.—Six men were instantly killed and a number of others seriously, if not fatally, injured when the boiler in Prince's saw mill at Crump exploded today, wrecking the mill and scattering the debris 100 feet in every direction. The accident is believed to have been caused by forcing cold water into the boiler when the water was hot, causing an excess of steam.