
NOTICE TO ADVERTISERS.

In order to assure changes
being made in advertisements
copy must reach this office not
later than nine a.m. on the
day of publication.

The Daily Mail

THE WEATHER.

Light westerly winds fine and
very warm. Wednesday easter-
ly winds, showery in Western
districts fair in Eastern.

VOL. XX NO. 130

FREDERICTON, N. B., WEDNESDAY, JULY 15 1914

TWO CENTS PER COPY

REMARKABLE CASE OF ALABAMA NEGRO

**Has Been Sentenced to Death for Murder
No Less Than Eight Times---Case Has
No Parallel in the History of America
Jurisprudence---Has Stoutly Maintained
His Innocence of the Crime From the
Outset---Sentenced to Die Aug 21**

Anniston, Ala., July 15.—Probably without a parallel in the annals of American courts is the remarkable case of Ervin Pope, the Alabama negro who has just appeared in court and for the eighth time listened to the reading of the death warrant and heard the date set for his execution. For five years the negro has been in jail under conviction for the murder of J. B. McClurkin, a white man living near the town of Oxford. He has been convicted and sentenced to hang five times; the case has been before the Supreme Court and reversed four times, and eight different days have been set for the execution. Through it all the negro's nerve has never been shaken. From the day of his arrest he has maintained his innocence of the crime charged against him and has expressed confidence in his ultimate acquittal.

THE MURDER.

The murder of McClurkin occurred on the night of April 19, 1909. About midnight the victim was awakened by the noise of someone robbing his cotton gin. He got up, saddled his mule and followed the robber's wagon toward Oxford. The next morning his body was found horribly mutilated in a cotton patch on the edge of the town. In an alley in a negro settlement he had evidently been hit on the head with a heavy club and his skull beaten in with a large stone.

Ervin Pope lived in the town of Oxford, about a mile from where the body was found. He owned a little farm in the country and also ran a little restaurant in town. It was proved that on the afternoon preceding the murder Pope was at the mill owned and operated by McClurkin and had exchanged corn for meal. The principal witness for the state was a negro, John Body, in front of whose door the murder was committed. Body testified that on the night of the murder he was awakened by the sound of screams and blows in the alley. He claimed to have gone to the door, opened it and looked out, and swore that he saw two men struggling and heard a voice say, "Ervin, Ervin." A blacksmith testified that he discovered the track of a wagon leading from the scene of the murder to Pope's house. Later a pair of shoes, said to show traces of blood, were found in an out-house in Pope's yard. On this

evidence, all of it circumstantial, the negro was tried and convicted.

ANOTHER ARREST.

John Body, the negro in front of whose house the murder was committed, was arrested and held on suspicion. After Pope's conviction Body was released. He immediately abandoned his crop and family and ran off and all trace of him has been lost. The state and the defense have both made efforts to find him but they have failed.

The lawyers for Pope have contended from the start that Body was the guilty man. Their theory is based on the seeming improbability of Body's story; on the fact that the murder was in front of Body's door; that the club with which McClurkin was killed came from a wood-pile in front of Body's yard; that the murderer had taken pains to drag the body away from Body's door; that Pope had no one-horse wagon, while Body had a wagon which exactly corresponded with the tracks found at the scene of the crime; that bare-foot tracks were found at the scene of the murder, as if Body had gotten out of bed and committed the murder and that the cotton seed which was stolen from McClurkin's gin on the night of the killing was found in an out-house just back of Body's house.

At the first trial the court permitted a negro witness to describe his own conduct and actions as proof that Pope was guilty. The Supreme Court held that this was an unfair and improper way to proceed against the accused and ordered a new trial. The second appeal was granted on the ground that the defendant had a right to have Body's guilt considered by the jury and that the state could not introduce illegal evidence to clear Body. By a singular accident, the court repeated at the third trial the identical error it had committed at the second trial and resulted in the third reversal of the conviction. The verdict found at the fourth trial was reversed by the Supreme Court on a point of law. On the fifth trial Pope was again convicted and sentenced to hang. The Supreme Court has now handed down a decision affirming the verdict of the trial court. Nothing short of executive clemency or the discovery of new evidence tending to prove his innocence can now save Pope from the gallows. He is under sentence to be executed on the twenty-first day of next month.

STOCK MARKET IS UNSTEADY

**Canadian Was off a
Point From Last
Night's Closing**

**Court's Decision in Favor of Union
Pacific Gives the Stock a
Boost**

New York, July 15.—Opening was moderately active with prices about unchanged with few exceptions. C. P. R. was again weak opening down almost a full point from last night's close, while Union Pacific was strong opening up half a point to this initial gain. Strength in Union is due to the favorable decision by the Court of Appeals, allowing Union to distribute \$8,000,000 among common stock shareholders. B & O was affected by this decision, showing a 3 point loss on opening.

The break in Rock Island 4's was accompanied by rumors that re-organization plan would fail and that as the only alternative the Company will have to pass into a receivers' hands.

(Quotations by J. M. Robinson & Son, Bankers and Brokers, Fredericton, N.B.)

	Open	Noon
Copper	69 1/2	69 1/2
Smelters	65	64 1/2
C.P.R.	185 1/2	184 1/2
Great Northern	122	122
Pennsylvania	111 1/2	111
Northern Pacific	109 1/2	109
Pennsylvania	111 1/2	111
Reading	162 1/2	162
Union Pacific	155 1/2	155 1/2
U.S. Steel	60 1/2	60 1/2
Lehigh	137 1/2	136
Total sales, 210,000.		

BURGARS FOILED IN AT- TEMPT ON OTTAWA STORE

Ottawa, July 14.—With a high-powered automobile awaiting their coming, two burglars made a daring attempt early this morning to loot the safe in A. McMillan's jewelry store, Sparks, Street, and were only foiled in their attempt by the alertness of the police. One man, who gave his name as Sam Green, of New York, was arrested at one o'clock under a bed in the Windsor Hotel, which he attained by a fire escape in the rear, after having been warned in some manner that the police were on guard in the store. The Windsor abuts on McMillan's. His accomplice escaped.

Between closing time Saturday night and noon Sunday, the burglars had drilled two large holes in the diamond safe in preparation for completing the "job" last night. Mr. McMillan, however, happened to visit the store Sunday afternoon and discovered that his premises had been entered from the adjoining building of the Slater shoe store by a hole cut in the wall. He immediately notified the police. There were \$60,000 worth of diamonds in the safe.

The store was surrounded by police and detectives last night and shortly after 12.30 Green appeared at a rear window at the Slater store. He raised the window and was partly through, when, it is thought, his companion gave him a warning signal. He darted for safety and hid in one of the rooms of the hotel, where he was afterwards found. The other burglar escaped.

This is the fifth time the McMillan store has been entered by burglars in eight years.

TO RACE SEVEN DAYS AT WINDSOR

Windsor, Ont., July 15.—Under the auspices of the Windsor Jockey Club, a seven-day race meeting was inaugurated here today under conditions that promise one of the most successful meetings here in recent years. Practically all of the best horses that have been campaigning over the Canadian circuit this summer are entered for the various events that make up the week's program.

Mr. A. B. Connel, K. C. of Woodstock, is a guest at the Barker House.

A CONFEDERATE MONUMENT UNVEILED

Manning, S. C., July 13.—With impressive ceremonies and in the presence of a large crowd, a handsome monument to the Confederate soldiers of Clarendon county was unveiled here today. The principal addresses were delivered by Col. James Armstrong of Charleston, and John J. McSwain of Greenville. The monument consists of a granite shaft, surmounted by the marble figure of a young Confederate private.

MASONS OBSERVE PEACE CENTENARY

Niagara Falls, Ont., July 15.—Under the auspices of the Masonic fraternity a notable celebration was held here today in honor of the completion of a century of peace among English-speaking nations. The participants in the celebration included official representatives of the Masonic grand lodges of England, Ireland and Scotland, the various states of the union and the Province of Canada.

Mr. G. D. Otty, K. C., of Hampton is a guest at the Barker.

GIRL ASSAULTED BY TWO NEGROES

Montreal, July 14.—Gertie Hodge, seventeen years of age, of Valleyfield, Quebec, was found at noon today in a box car in the C.P.R. yard in Montreal in a serious state as the result of an assault. She was taken to the Western Hospital. The girl says she came to the city yesterday to see the Robinson circus and after the night performance she was grabbed by two negroes and hurried into a railway car, where she was assaulted and robbed of jewelry and money. The circus was going to Farnham, Quebec, and she says the two men in question must have thrown her unconscious body into a box car at Farnham on a train bound for Montreal.

MOTOR CYCLISTS GATHER IN ST. LOUIS

St. Louis, Mo., July 15.—Hundreds of devotees of the motorcycle have gathered in St. Louis for the annual convention of the Federation of American Motorcyclists, which was opened today and will be continued the remainder of the week. In addition to the daily business sessions the convention program provides for a series of motorcycle races on the local track.

Was Engaged by Flemming To Handle the Booodle Fund

RESIGNATION OF HUERTA COMING SOON

Washington, July 14.—Although the resignation of General Huerta is confidently expected by the state department and Washington diplomats to occur at any moment, the Constitutionalists unaffected by the news, are pressing hard their military campaign on Mexico City.

Official despatches revealed that General Villa with 15,000 men was ready for a rapid advance on the Mexican capital and that General Obregon's forces at Guadaluajara were prepared to sweep onward within a few days.

Although officials have not been given much to predict, they now firmly believe the Constitutionalists will be in Mexico City in two or three weeks, regardless of what the Huerta government may do.

Diplomats are working hard to prevent fighting in the capital and still hope that the transfer of power to the Constitutionalists may be effected without further bloodshed. General Huerta's resignation, it is realized, would not immediately compose the situation, but it would make possible parleys with the Constitutionalists through which a change of government could be accomplished peacefully.

The numerous official advices saying Huerta will resign in a day or two, including messages from the Brazilian minister in Mexico City and other diplomats have raised the expectations of official Washington that his exit from power also would mean his flight from the country. Some Constitutionalists here think he will go by the way of Salina Cruz, a Pacific coast town. Others, among them Fernando Iglesias Calderon, and some high administration officials, are not at all convinced that Huerta is ready to abdicate. They declare that the departure of his family means only that he is preparing for desperate measures, such as a big rally of federal forces which he himself would command.

HUERTA'S FAMILY LEAVES CAPITAL.

Mexico City, July 14.—At 10 o'clock tonight the family of President Huerta and other relatives and close friends left the capital for Vera Cruz aboard a special train. Running ahead of the special were two military trains carrying 800 men. Following came another military train with 500 troops on board.

The family of General Blanquet minister of war, also left on the special.

It is believed that President Huerta General Blanquet and other high officials will leave the capital tomorrow morning.

BIG GATHERING OF OSTEOPATHS

Philadelphia, Pa., July 15.—Two weeks hence there is to assemble in this city the largest gathering of osteopathic physicians and surgeons ever held in the world. The occasion is the international conference of practitioners of the osteopathic school. Officially it is known as the eighteenth annual convention of the American Osteopathic Association. Three thousand delegates are expected. The sessions will be held at the Bellevue-Stratford Hotel.

Each afternoon of the convention there will be a clinical demonstration of the technique of osteopathic treatment in charge of Dr. J. R. McDougall of Chicago. The operators will include Dr. G. W. Reid of Worcester, Mass.; Dr. C. E. Farnum of Newport, R.I., and Dr. D. K. Byrkit of Boston. Surgical clinics will be held in the dispensary of the Philadelphia College of Osteopathy. Neurological clinics will be given at the Philadelphia Hospital, which is one of the largest institutions of its kind in the country. The concluding day of the convention will be devoted exclusively to the consideration of nerves and mental diseases.

Senator Thompson, and his daughter-in-law Mrs. J. Alexander Thompson, left last night on a trip to the Pacific Coast.

**E. R. Teed of Woodstock Gives Important
Evidence Before the Royal Commission
at St. John--Says Premier Told Him
That the Lumbermen Were Making up
a Fund for the Party---More Lumber-
men Tell of Extortion**

(Special to The Mail.)

St. John, N.B., July 15.—The Dugal commission resumed work here today after a brief respite.

The first witness this morning was J. E. Moore. His holdings did not reach the limit fixed for exacting payment of \$15 extra per mile. He told of amounts having gone through his hands and paid to Berry and Teed by him. He knew nothing of why these moneys were paid through him. He was not asked to pay to any fund.

James Rundle, of Newcastle, was next called. His holdings did not reach one hundred square miles. He paid \$832.50 to the fund. Berry told him that the surveyor general sent him to collect \$15 a mile. He did not know his classification then. He thought the \$15 was part of the bonus. He found out next day that it was blackmail and had he known so at the time he would never have paid it.

"Berry was always hard on me," he said.

Charles Henderson of the Lousin Lumber Company, Jacquet River, swore he paid \$2,000 into the fund. Berry told him that the government wanted this extra \$15 paid for an election fund.

"Mr. Berry told me that the classification had been discussed and \$150, \$75 and \$50 per mile was spoken of as a bonus but was not definitely fixed.

Later Berry came back and told me the bonus was fixed at \$100, \$75 and \$50, but the government wanted \$15 a mile extra for an election fund. Our firm having had trouble before with the scaler of lumber and this extra being asked, we were influenced in paying it because we feared we might get worse treatment than in the past."

The counsel for Flemming tried hard to break the effect of the Rundle evidence under cross examination but the witness stuck solid to his statements.

FLEMMING KNEW ABOUT IT.

R. R. Teed, the treasurer of the fund, was next called. He swore that Mr. Flemming sent for him and told him that Mr. Berry had informed him that the lumbermen were going to make up a fund in the interests of the party. The premier said he told Berry that as an officer he could not handle this fund and therefore the premier asked him to become the custodian of this fund.

"I consented. I went with the premier to Fredericton. Berry and Brankley met us in, I think, the premier's room. I have no recollection of that meeting but I accept Mr. Brankley's statement as correct."

Witness was giving details of the different amounts placed in his hands when court adjourned for lunch.

RAILWAY COMMISSIONERS ARE MEETING HERE TODAY

A joint meeting of the Dominion Railway Commission and the New Brunswick Public Utilities Commission is being held in this city today. The members of the Railway Commission arrived by C. P. R. from Montreal at noon their private "Acadia" car being attached to the Montreal train. The representatives of the C. P. R. arrived on the same train to which was attached Supt. Groulx's private car "Rosemere." The commissioners walked from the C. P. R. station to the Court House, where a short session was held before the lunch-hour. The joint-boards of commissioners heard statements in connection with the application of the St. John & Quebec Railway for rights to connect with the C. P. R. lines in this city and also for a right to use portions of the C. P. R. right-of-way. The C. P. R. representative opposed the application and the St. John & Quebec Railway representatives also supported it although making a counter proposition in connection with it.

AT THE COURT HOUSE.

There were few spectators present at the session of the joint boards. The commissioners and others directly concerned in the inquiry were as follows:

H. L. Drayton, K.C., chief of Dominion Railway Commission.

A. S. Goodeve, member of Railway Commission.

George Spencer, chief operating officer of Railway Commission.

George O. Dickson Otty, chairman of the New Brunswick Public Utilities Commission.

A. B. Connell, member of the New Brunswick Public Utilities Commission.

J. S. Armstrong, representing F. P. Robinson, secretary of the New Brunswick Public Utilities Commission.

R. R. Richardson, secretary of joint boards.

P. A. Guthrie, counsel for St. John & Quebec Railway Company.

Ross Thompson, representing St. John & Quebec Railway.

E. P. Flintoff, Montreal, counsel for the C.P.R.

E. C. Weyman, St. John, associate counsel for the C.P.R.

H. C. Groulx, superintendent of the Atlantic Division of the C.P.R.

Mr. Fairbairn of Montreal, member of the engineering staff of the C.P.R.

Mayor Mitchell, Ald. W. J. Osborne, Ald. T. S. Wilkinson, representing the City of Fredericton.

TO GO OVER GROUND.

Before resuming the sitting the members of the joint boards will go over the ground concerned in the application.

The list of cases for hearing was as follows:

1.—In the matter of the application of the St. John & Quebec Railway Company to the Board of Railway Commissioners for Canada and to the Board of Commissioners of Public Utilities for New Brunswick, for a joint order under sections 227-229 of the Railway Act directing the Canadian Pacific Railway Company as follows:

1.—To allow the St. John & Quebec Railway Company to connect the tracks with those of the Canadian Pacific Railway, in the City of Fredericton, Province of New Brunswick, and to maintain and operate the necessary switches and turnouts, at the following points:

1. At a point between Westmorland and York streets marked "A" on plan.

2. At or near station 1159 plus 50 (C.P.R. Location), marked "B" on plan.

3. At or near station 1113 plus 00, (C.P.R. Location), marked "C" on plan.

4. At or near station 1072 plus 80 (C.P.R. Location), marked "D" on plan.

2.—To permit the St. John & Quebec Railway Company and its lessees to operate its trains, engines, cars, and other vehicles between A-B and between C-D above mentioned over and along the different tracks, switches "Y" and sidings of the Canadian Pacific Railway Company or as leased by them.

(Continued on page four.)