

RULING OF COURT AGAINST DEFENSE IN SCHENK CASE

Testimony of Mrs. Hedges is Ruled Out by Judge in Trial

ARGUMENTS BEGIN IN FAMOUS CASE

Conspiracy Charge of Mrs. Schenk Knocked Out by Judge's Ruling

WHEELING, W. Va., Jan. 23.—The end of the trial of Laura Farnsworth Schenk on a charge of administering lead poison and arsenic to her husband, John O. Schenk, is now in sight, arguments having been begun today afternoon at 3.15 and it is expected that the case of the accused will be in the hands of the jury no later than Wednesday noon. Apparently the greatest blow yet sustained by the defense was struck today when on motion of Prosecuting Attorney Hamilton, the evidence of Mrs. Jane Hedges was ruled out. It was this witness who told on the stand that Albert Schenk had said he would "leave no stone unturned to rid the family of John O. Schenk's wife." The defense played its trump card in Mrs. Hedges, relying upon her evidence to prove their contention that members of the Schenk family had conspired against the woman who is fighting for her liberty. The evidence given by Mrs. Hedges was ruled out on the grounds that no overt act suggestive of a conspiracy has been attributed to Albert Schenk or other relatives.

State Rests Case. The state immediately after the exclusion of Mrs. Hedges' testimony announced that they would rest their case, taking counsel for defense and every one else by surprise, as it had been anticipated that a number of witnesses would be put on in rebuttal. The state apparently scored again when instruction to the jury were offered. The state offered ten instructions, all of which were given. The defense offered thirty-four, nineteen of which were stricken out. The suggestion of the state for instructions were of usual form and while the defense objected to most of them, the objections were of a technical nature.

(Continued on Page Four)

DEMOCRATS MUST BE RESPONSIBLE FOR WAR CLAIMS

Present Congress Will Not Pass Omnibus War Claims Bill

CLAIM CALENDAR ALREADY CROWDED

So it Will be up to Sixty Second Congress Which is Democratic

WASHINGTON, Jan. 23.—The democratic sixty-second congress will be charged up with an extra \$3,000,000 appropriation for war claims, as the result of the action of the house committee on claims today in killing the omnibus claims bill for this congress. The bill, which already had passed the senate, is largely made up of claims from the South on account of deprivations during the Civil war, and there are many provisions in it for individual relief. When the bill, which President Taft had strongly urged, reached the house the claims committee appointed a sub-committee to inquire into the whole question, and they delved into a mass of historical details. The full committee today decided to postpone indefinitely any action on the measure, the announcement being that the calendar of the house was already full and that there were many more measures pending than could possibly be put through at this session. Chairman Payne, of the committee stated that there was no antagonism to the measure but that it was impracticable to load the calendar further. The addition of about \$800,000 for French spoliation claims by the sub-committee caused a lively session in the committee and finally defeated the proposed legislation. The democratic members contended that if the French spoliation claims were to be taken care of that this should have been done long ago instead of saddling them on to this generation. On an aye and nay vote the entire bill went down to defeat. The democrats say the bill will be passed in the next congress with the French spoliation amendment eliminated.

WILL DELIVER ADDRESS. WASHINGTON, Jan. 23.—Representative Saunders, of Virginia, has accepted an invitation to address the South Carolina association at its annual banquet at Columbia this week.

NORTH CAROLINA ANTI-TRUST LAWS OPENLY VIOLATED

State is Exploited by Trusts Says Ewart of Henderson

INVESTIGATION IS ASKED OF CHARGES

Resolution Provides Committee With Wide Power of Search

RALEIGH, N. C., Jan. 23.—The senate today passed a resolution of Senator Brown, of Columbus, appointing a special committee of five to investigate the matters mentioned in the report of the state board of internal improvements. Senator Brown said the report shows that the state has about \$244,000 invested in various enterprises, the value of which is problematical and that conditions demand a thorough investigation. Involved in it are the state's interest in Mattamuskeet railway, Statesville Air Line and Elkin and Allegheny Ry., in which the state's stock is for convict labor for which the state paid the state's prison. A bill introduced by Senator Green, of Craven, would increase the expense allowance for Superior court judges, from \$250 per year to \$750. Ex-Judge Ewart of Henderson offered in the house a resolution for an investigation of the conduct of the American Tobacco Co., and other great corporations as to their observance of the state anti-trust law which he declares it to be commonly charged is being flagrantly violated. This resolution recites that charges are openly made by journals and citizens of the state of the highest character that North Carolina is being exploited by trusts, that under existing laws the courts and prosecuting officers of the state are helpless; that the American Tobacco company especially is openly charged with violating the anti-trust law. To the end that thorough and searching inquiry be made of these charges the resolution directs that the speaker appoint a committee of five, who shall have power to sit at Raleigh or elsewhere, subpoena witnesses, making witnesses immune from prosecution if compelled to answer. It directs the attorney general to act as counsel for the state and that all expenses shall be paid.

(Continued on Page Four)

The Song of The Sea.



DAVID GRAHAM PHILLIPS, POPULAR WRITER, SHOT BY CRAZY ASSASSIN

Was About to Enter Princeton Club When Approaching Man Drew Pistol and Fired Six Shots at Him, Then Turned Pistol Upon Self, Committing Suicide.

NEW YORK, Jan. 23.—David Graham Phillips, editor, publicist and novelist, was shot six times today as he approached the Princeton club, by Pittsburgh Corle Goldsborough, a Harvard man, who immediately after committed suicide. Tonight Phillips was at Bellevue hospital in an extremely critical condition, but, as relatives hopefully express it, with "a chance of life." The body of Goldsborough, whose career at Harvard was brief, lies in the morgue. Apparently insane, he had a fancied grudge against the author and sought his life. He was only 31 years old; Phillips is 43.

Sent Bullet in Own Brain. "There you go," snapped the assassin, as he opened fire, and "here I go," he echoed as he sent a bullet into his own brain. He used a ten shot 32 calibre automatic pistol and all six shot aimed at Phillips took effect. One of them perforated the abdomen; another pierced the right lung and came out at the back; a third shattered the left wrist and a fourth drilled the right thigh. Two of them dropped from the wounded man's clothing as he was being undressed at the hospital. The most dangerous wound is thought to be that through the lung. Septicemia or pneumonia are the secondary effects most feared. The robust constitution of the patient bore him through the loss of blood and shock surprisingly well, and his first request to his physician was that no alarming reports be given out.

Staggered but Not Dead. Phillips staggered but did not fall. He lurched against the iron railing that surrounds the clubhouse yard, with one hand to his body and the other grasping for support. Satisfied that he had been successful, the assassin fired the seventh shot into his own brain and toppled over before anybody could reach him. For hours his body lay in the bright sunshine with only a sheet to cover it. The policeman and two bystanders came upon the man. At the same moment three members of the club, Newton James, Frank Davis and Frederick Evans, rushed down the steps and carried Phillips into the house. "Graham, what happened?" asked Evans. Phillips was conscious and suffering intensely. "He shot me in the breast," he answered. "Don't bother with him. For God's sake get a doctor." Assassin Identified. It was some time before an ambulance arrived and in the meantime the club members were trying to identify the dead man. In the pockets were cards bearing his name and the address 1321 K. street, Washington, D. C. He carried \$24.70 in cash, a membership card in the American Federation of Musicians and two manuscripts of short stories, one entitled "The Conquest of the Climate" and the other "For Conscience Sake." Wm. F. McCombs, secretary of the Princeton club, recognized the man for Pittsburgh Goldsborough of an old and respected Maryland family. He said Mr. McCombs said Goldsborough had entered Harvard with the class of 1901 but left at the end of his freshman year. After the arrival of the coroner, the body was taken to a police station where it was further identified by Akerston Lee, secretary of the club.

(Continued on Page Four)

EDITOR LUKE LEA WINS SENATORSHIP FROM TENNESSEE

Long Drawn Out Fight in Legislature Suddenly Terminated

ELECTION CAME ON ELEVENTH BALLOT

Lea Will be Youngest Member of United States Senate

NASHVILLE, Tenn., Jan. 23.—Striking at the psychological moment today won for Editor Luke Lea, of the Tennessean, the United States senatorship in the fight before the legislature over the seat soon to be made vacant by James B. Frazier. At 1 o'clock Monday morning Mr. Lea said he would not allow his name to be used today—at 11 a. m., Monday, the fusionists had decided to vote solidly for one candidate, but whom they did not know. At 11.30 they had decided to drop B. A. Bnio, who they had been supporting and go to Mr. Lea who had just given his consent to being put in the race. He was nominated at 12.30. When the last name had been called on the roll call of the joint session he lacked one vote but a member who had refused to vote went into the Lea column and later two were changed, giving him two more than the necessary sixty-six to elect.

Mr. Lea is 32 years of age and will have the honor of being the "baby" senator and holding his first public office. McMillin polled 43 votes. Lea's election came on the eleventh ballot. When the final vote was taken the hall of representatives and corridors were jammed with people. When it was announced Lea had won an animated scene followed. The many women tied with the men in the noise making and filling the air with anything they could throw. The victory of Lea is one for prohibition and a distinct defeat to the Patterson wing of the party. Though never holding an office, Lea has been a hard fighter for prohibition and has taken part in local fights on the subject of what was usually termed the reformers.

SELF EXILED REPUBLICANS ARE GRANTED CONCESSIONS AND RETURN TO WEST VA.

Election of Democratic Senators Will Proceed

ARBITRATION

CINCINNATI, O., Jan. 23.—"We have been conceding everything we have been demanding and we are going back to Charleston" was the announcement of State Senator Meredith, one of the fifteen West Virginia state senators who have been here for a week past just before leaving for Charleston tonight. Senator Meredith said that while the articles of agreement had not "been sealed, signed and delivered" he had been assured that an agreement had been reached by which the democrats would concede to the republicans the presidency of the senate and a dismissal of contents that are pending against two republican members of that body. The West Virginia senators will enter into a conference with Governor Glasscock and other republican leaders immediately upon arrival in Charleston.

ARBITRATE DIFFERENCES. CHARLESTON, W. Va., Jan. 23.—Assured that no attempt would be made to enforce warrants for arrest for non-attendance upon the sessions of the state senate, fifteen republican members of that body will return from "voluntary exile" in Cincinnati tomorrow. All matters in dispute between the 15 democratic senators and the equal number of republican senators are to be referred to an arbitration committee according to the announcement of Governor Glasscock made here tonight following a conference between the governor, W. E. Chilton, democratic caucus nominee for the seat of Senator Scott and former governor W. A. McCorkle, the latter a democratic member of the state senate. By agreeing to arbitration it is believed that the democrats will rescind their action by which Senator Hearne, (republican) was declared unseated, and this and other contested election cases will take their regular course before the senate.

WEST VIRGINIA DENIES ANY LIABILITY FOR OLD BONDED DEBT IN VIRGINIA

Claims That Certificate Holders Are Ones To Sue

IN SUPREME COURT

WASHINGTON, Jan. 23.—The first word of defense for the state of West Virginia in the suit brought by the commonwealth of Virginia in the Supreme court of the United States to require the former state to pay one-third of the Virginia public debt at the time West Virginia became a state, was said before that court by Charles E. Hogg, of Morgantown, W. Va. He followed Major Holmes Conrad who spoke in favor of West Virginia being required to bear a portion of the debt. Arguments will continue tomorrow. After making denials of many of the claims of Virginia, Mr. Hogg attacked the right of Virginia to sue West Virginia for one-third of the \$23,000,000 debt. He said that Virginia had been released from all liability for this third of the debt by a refunding agreement between the state and its creditors. Furthermore, Virginia, he argued, according to its own claim, was responsible for two-thirds of the debt, and as it had paid only that proportion it could not bring a suit to require contribution to it from West Virginia. Any liability that West Virginia might be under, he said, was not to the commonwealth of Virginia but direct to the certificate holders.

SOUTHERN CITIES AFFECTED BY RATE

WASHINGTON, Jan. 23.—In a complaint filed today with the interstate commerce commission it is alleged by the F. M. Kirby company and other shippers in the southwestern states, that the freight rates on glassware and buggy dashes from Pennsylvania points and from Black Rock, N. Y., were excessive and unreasonable. The points affected are Danville, Va., Columbia and Greenville, S. C. and Raleigh, Henderson, Greensboro and High Point, N. C. The commission is asked to readjust the rates as to make them equitable.

FOR MURDER OF OCEY SNEAD MOTHER GETS SEVEN YEARS STATE PRISON SENTENCE

One of Surviving Sisters In Bath Tub Murder Mystery

"I AM INNOCENT"

NEWARK, N. J., Jan. 23.—Seven years in state prison was the sentence imposed upon Mrs. Carolina B. Martin for the part she played in the death of Ocy Snead, her daughter, by Judge Ten Eyck in the court of Oyer and Terminer today. Mrs. Martin had pleaded non cult to manslaughter when arraigned in an indictment charging her with murder. The body of Ocy Snead was found in a half-filled bath tub in a partly furnished house in East Orange, N. J., November 29, 1909. The indictment against her will be nolle prossed. Several times while the judge was reviewing the case Mrs. Martin broke in with "I am innocent, I never injured my daughter or anyone else living or dead, I am as innocent in the sight of God as you are, Judge Ten Eyck." Twice she collapsed, and at one time a recess of ten minutes had to be declared as it was found necessary to carry the woman from the court room to revive her. When the sentence was pronounced Mrs. Martin again became greatly excited. "It is not because I deserve it," she shrieked. "I do not deserve it. I am absolutely innocent." The attendants carried Mrs. Martin out of the room in a chair in which she was sitting.

PROMOTER DISAPPEARS. LOREDO, Tex., Jan. 23.—D. L. Story, promoter and agent for several New York banking houses, disappeared from Laredo about December 29, and now fears are felt for his safety. He was seen with a large amount of money the day before he disappeared. He left all his personal belongings here. Mr. Story had been in Laredo about two months.

FIGHTING IN INTERIOR OF MEXICO CONTINUES WITH VARYING SUCCESS

Latest Reports Give Victory To Government Forces

REBELS ROUTED

MEXICO CITY, Jan. 23.—A special from Ciudad Juarez to El Paso, dated yesterday, related that the encounter at Ometza de la Aldea was a stubborn fight, resulting in losses in killed and wounded on both sides, but gave no figures as to the number of casualties. The rebels were said to have suffered more owing to the fact that a part of their number fought in an open plain. A reinforcement from General Lopez's troops arrived while the battle was in progress and saved the day for the small force under Colonel Dorantes, a portion of whose command had been dispatched to Casa Grande and Culcan. A rumor was in circulation, it was stated, that Maderists have been for some days in Casa Grande at the head of a considerable number of followers recruited from the mines of the Galena district, where work had been suspended. Colonel Antonio Rabago, with infantry and cavalry, was reported en route to Galena. Chihuahua dispatches to the same newspapers recounted a recent brush with rebels at Bonillas on the Rio Grande opposite Brewster county, Texas, and a sharp fight in the Batopilas mining district near the Sonora state line, southwest of Chihuahua. The former lasted an hour, the rebels having been routed with one killed and several wounded. In the latter the federalists took the town of Yoquiva, where the insurgents had been entrenched. The rebels were defeated with the loss of a great number of dead, wounded and prisoners. Among the prisoners were four leaders. Dispatches to El Imparcial from Chihuahua refer to meagre reports of fighting at San Buena Ventura and Galena but give no details.

SPECIAL BEARING MORGAN MAKES MILE A MINUTE

Record Time Over Pennsylvania Between Washington and New York

PHILADELPHIA, Pa., Jan. 23.—What is believed to be the fastest railroad trip ever made between Washington and New York occurred today when J. Pierpont Morgan, the financier, was whirled from one city to the other over the Pennsylvania railroad in the unparalleled time of three hours and 56 minutes. All the way the special train on which Mr. Morgan made the trip averaged more than a mile a minute. The distance between the two cities is 224 1/2 miles and express trains make it in five hours. Mr. Morgan's train, composed of a locomotive, a tender, one steel coach and a private car left Washington at 11.22 o'clock this morning. Fifteen minutes stop was made at the West Philadelphia station, where engines were changed and the train arrived in New York at 3.08 o'clock this afternoon. The special train, it is said, was ordered in a hurry and the purpose of Mr. Morgan's trip was not made known to the railroad officials.

FAIR. WASHINGTON, Jan. 23.—Forecast for North Carolina: Fair Tuesday; Wednesday increasing cloudiness and warmer; moderate northeast and east winds.

CRITICISED THE ATTORNEY GENERAL AND IS FIRED

Resignation of District Attorney at New Orleans Asked by Department

NEW ORLEANS, Jan. 23.—Attorney General Wickersham has received for the immediate resignation of United States District Attorney Charlton H. Beattie, of New Orleans, according to a special Washington dispatch printed in The Item today. The action of the attorney general, it is said, was called forth by Mr. Beattie's public criticism of an opinion by Mr. Wickersham advising against an indictment prosecution which the district attorney had started. The statement which the attorney general took exception to was given to the press by Mr. Beattie several weeks ago following an investigation by the federal grand jury of the charges that the New Orleans clearing house association, by certain agreement as to exchange rates violated the Sherman anti-trust law. No indictment was returned. Subsequently the district attorney gave out an interview in which he said that the attorney general was of the opinion that the agreement referred to did not constitute a violation of the law. He added that he did not agree with the opinion of Mr. Wickersham. Mr. Beattie refused to discuss the matter.

HONDURAN CONSUL GETS ENCOURAGING HOME NEWS

Reported That Bonilla Is Not as Popular as Generally Supposed

NEW ORLEANS, Jan. 23.—Advice received here today by Consul Ulloa of the Honduran government, state that General Lara and Colonel Munoz, with a force of 1,000 men, have left Tegucigalpa for Truxillo to meet the insurgents under General Bonilla. The advice also say General Bonilla has only about 100 men at Truxillo and the government forces, should there be a fight, would have little trouble in defeating the insurgents. The same information states that the inhabitants of Puerto Cortez and Cocha are loyal to the government and that any attack by the revolutionary army can be easily repulsed. There have been no disaffection in the interior, according to Consul Ulloa, and the success of the revolution along the coast has been only at such minor ports as Truxillo and Raatan Island. The seizure of the Hornet by the United States, the advice continue, has proved a body-blow to the insurgents and it is expected the revolution will be put down within two weeks.

NOTED CAPITALISTS INSPECT RAILROAD

AUGUSTA, Ga., Jan. 23.—A party of 25 eastern bankers and capitalists among the Bird S. Coler of New York, J. H. Carter, Philadelphia, Edward Bardt, Baltimore; Pemberton Berman, Philadelphia; Walter Kupperman, Baltimore are guests of the Georgia and Florida railroad and will leave on a special train tomorrow to inspect the line to its Florida terminal. C. T. Williams also a member of the party, made a short flight with Frank Coffyn today at the aviation camp.

