

UNABLE TO REACH A VERDICT SCHENK JURY IS DISMISSED

Stood 11 to 1 For Acquittal of Prisoner on The Last Ballot Taken

ACCUSED WOMAN IS PUT BACK IN JAIL Motion Will be Made by Her Attorneys That She be Released

WHEELING, W. Va., Jan. 26.—After struggling for more than a day of 24 hours, with the mess of technical and sensational testimony, the jury in the case of Mrs. Laura Farnsworth Schenk, charged with poisoning her husband, John O. Schenk, announced late today they were hopelessly divided and could not reach a verdict. Judge L. S. Jordan impounded them to further efforts, but at 5:04 p. m. discharged them from the case, and the long drawn out trial resulted in a disagreement. Tonight Mrs. Schenk is again in jail despite her hopes that she would be a free woman upon the verdict of the jury. The final vote taken by the jury after their long session stood eleven for acquittal and one for conviction. On the first ballot taken within five minutes after the jury retired at 3:55 Wednesday evening, eight voted for acquittal, three for conviction and one jurymen refused to vote. On the second ballot there were nine votes for acquittal and three for conviction. From this status the number standing by an acquittal verdict was gradually worked up to 11, one of the jurors coming over at the night session Wednesday while another changed his opinion today. The juror who held up hopes of a verdict was Isaac Heyman, salesman for a local provision company. From the start he held that the accused was guilty of the crime with which she was charged and it was early recognized that there was absolutely no chance for changing the result. When the jury was brought into court at 6 o'clock Judge Jordan asked: "Have you arrived at a verdict?" "We have not," replied Foreman Phillip Burke. "Is there any possibility of agreeing?" the judge asked. "There is not," was the emphatic answer. The jurymen were polled separately each giving as their opinion.

YOUTHFUL LOCHINVAR MARRIES HIS CHOICE IN SPITE OF ALL OBSTACLES

He Dodges Paterfamilias and Police and Now Has A Little Wife

EXCITING JOURNEY

SPARTANBURG, S. C., Jan. 26.—Outwitting the police of Raleigh, N. C., and eluding the father of the bride, S. W. Jenkins, 21 years old, a lumber dealer at Clayton, N. C., and Miss Maymo Honeycutt, the 18 year old daughter of W. R. Honeycutt, a prominent merchant of the same place, made a night flight of fifty miles in an automobile followed by a railroad journey of more than 300 miles, and upon crossing the state line this afternoon, were married in this city by Lewis M. Cantrell, notary public. After the ceremony, Mr. Jenkins telegraphed to friends in Clayton asking how "the land lay." They advised him to remain away for a while.

TO DROP APPEAL

COLUMBIA, S. C., Jan. 25.—After much debate the state senate tonight passed the Carlisle resolution which directs the attorney general to drop the appeal in the so-called Southern merger suit.

HITCHCOCK CURIOUS

WASHINGTON, Jan. 26.—Representative Hitchcock, of Nebraska, sprang a sensation in the house today by demanding an investigation of the irregular proceeding which has resulted in a delay of 49 days in getting the reports of the Ballinger-Pinchot investigating committee printed and into the hands of members of the house. The acrimonious debate followed in which Speaker Cannon took an active part resending what he termed an implied criticism of the chair.

KEPT N.Y. JOURNAL OF COMMERCE BUSY DODGING BRIBES

According to Dodsworth Even Poor Old Spain Wanted to Pollute Him With Financial Offers.

WASHINGTON, Jan. 26.—A flat denial of statements made by Alfred W. Dodsworth, business manager of The New York Journal of Commerce, who said that an offer to buy the editorial influence of his paper had been communicated by its then correspondent, Chas. A. Conant, was made in a telegram to the house ship subsidy investigating committee from Mr. Conant, now a New York financier. Mr. Conant says Mr. Dodsworth is laboring under a misapprehension, and that he, Conant, "was never interested in any manner in shipping legislation" and never submitted any offer from the Spanish government, or from any other source, to bribe The Journal of Commerce, or to influence its editorial opinion on any subject.

PREPARE ARGUMENTS IN GERMAN POTASH CASE

American Buyers File Brief In Opposition To That of President Vogel

WASHINGTON, Jan. 26.—Arguments in opposition to the brief filed with President Taft by A. Vogel, representative of the German potash syndicate, were prepared today by the executive committee of the independent potash buyers of the United States, claiming to represent most of the fertilizing interests and the large chemical and gunpowder concerns. The committee arranged to confer with Secretary Knox at the state department tomorrow. Members of the committee characterized the Vogel brief as a confession of discrimination on the part of the Germans and added that they also would prove the illegality of the operation in this country of the German syndicate in competition with American interests. He declared that the penalty export tax on potash to Americans if not removed by the German government would keep the price of potash per ton for the American farmer from \$12 to \$14 above what is really should be.

point of the passenger traffic pool was that each line must maintain its share of the business and when one line gets too many passengers it would be authorized to raise the rate. He contended that the onus of the reduction of rates on sailing dates of the Independent Uranium lines was on that company; that his own line never took the initiative in cutting a rate. For fifteen years he said his line had sailings on Thursdays and when the Uranium line began to get any business at all he had to reduce his rate.

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Mrs. Laura Schenk, Who Must Stand Another Trial

PRESIDENT PLEADS FOR PROMPT PASSAGE OF THE U.S. AND CANADA TREATY

Sends Special Message to Congress Accompanied by Famous Agreement Looking to Such Treaty.— Means Cheaper Living?

WASHINGTON, Jan. 26.—The wish of the American people that this country enter into a "more intimate and cordial relationship with Canada," was announced simultaneously here and in Ottawa today. The agreement provides reciprocal lists on leading food products and places on the free list certain commodities such as cotton seed oil by Canada and rough lumber by the United States, and some raw materials. Printing paper is to become free on the removal by Canada of all restrictions on the exportation of pulp wood. With an extended message urging its confirmation, the agreement was sent to congress this afternoon by President Taft. Urging the prompt passage of a reciprocity treaty between the United States and Canada, President Taft today sent to congress a special message accompanied by the agreement looking to such treaty, reached by representatives of the Canadian government and state department reached at a conference in this city. Identity of two people linked together by race, language, political institutions and geographical proximity, the president gives as the chief reasons for such reciprocity as he recommends. The president says that he feels it is "the

JOHN GARY EVANS GOES ON THE TRAIL OF GOVERNOR CASE OF S. CAROLINA

Is Satisfied That the Legislature Will Look Fully Into Published Charges

PREPARED TO FIGHT

SPARTANBURG, S. C., Jan. 26.—Former Governor John Gary Evans returned this afternoon from Columbia, where he went to demand an explanation of the implied charges made against him by Governor Bleasie in the latter's message to the legislature regarding the commission for winding up the state dispensary. He said that upon learning that the legislature would investigate the charges he made no effort to communicate with the governor. Mr. Evans entered a general denial of the insinuations in the following statement: "As soon as I saw the matter in The Herald I immediately went to Columbia. I found that the legislature had appointed a committee to make an immediate investigation of the allegations in the governor's message. It will be reported at the present session. "I will state that so far as I am concerned the connection of my name with the matter is without any foundation of fact or circumstance. I have not seen one of those whose names is mentioned in connection with mine in four years until a week ago in Columbia."

MRS. HENEY DEAD

NEW YORK, Jan. 25.—Mrs. Frances J. Heney of San Francisco, whose husband gained fame as a fighting prosecuting attorney, died tonight of tubercular meningitis. She had been ill about ten days. Mr. and Mrs. Heney came here on Jan. 6 to attend the dinner of the Periodical Publishers' association.

JAIL DELIVERY

OSHSING, N. Y., Jan. 26.—Beating down the guards with heavy brass musical instruments as weapons, three prisoners, one of them a murderer, serving a life sentence, made their escape from Sing Sing prison tonight and were lost in the fog.

POLICE BELIEVE THAT PRINCE POMIL WAS VICTIM OF UNKNOWN ASSASSINS

Mystery Surrounding Death of Former Minister Is Being Investigated

BODY FOUND ON HOOK

ST. PETERSBURG, Jan. 26.—There is much mystery in the death of Prince Pomil, ex-Corean minister to Russia, whose body was found today hanging in his lodgings in a suburb of St. Petersburg. It was thought at first that the prince had committed suicide. Letters from the dead man addressed to the Korean and Russian emperors, were found lying on the table, together with another letter indicating the reason for the taking of his life. The police suspects that the prince was murdered and his body placed in the position in which it was found. The officers were summoned by the prince's secretary, who heard shots within the barred room. An entrance was forced and the body was found hanging to a hook in the ceiling. One of his hands clasped a revolver. Three bullet holes were found in the wall. Examination showed that one of the vertebrae was broken. An undertaker's receipt for a sum of money for the transportation of the body to Vladivostok was discovered on the prince's person. The undertaker stated that this money had been deposited with him a few days ago by a self styled Japanese prince.

FOR MARDI GRAS

WASHINGTON, Jan. 26.—In addition to the four torpedo boat destroyers which have been ordered to Mobile for the Mardi Gras there in February, the scout cruiser Birmingham also will represent the navy.

COUNCIL ADJOURNS

NASHVILLE, Tenn., Jan. 26.—The Sunday school council of evangelical denominations closed in this city today with the election of the following officers: President, A. J. Rowland, Philadelphia, re-elected; vice president, J. M. Duncan, Toronto; secretary, Henry H. Meyer, D. D., New York; treasurer, D. M. Smith, Nashville.

HARRIS PLEADS FOR THE COMMONWEALTH OF VA.

Says West Virginia Will Have No Right to Complain if Justice Is Done

WASHINGTON, Jan. 26.—In an appeal for what he termed justice for the old commonwealth of Virginia, Randolph Harrison, of Lynchburg, today closed the long oral argument before the Supreme court of the United States over the apportionment between Virginia and West Virginia of the state debt at the time the latter was admitted into the union. "She asks only for justice," said Mr. Harrison for Virginia, as he brought the argument to a close. "West Virginia has no right to complain if justice is done. Justice has long been delayed. It is but right that the state of West Virginia, so prosperous, probably the rights in the union—should comply with the obligations which she made in being admitted into the family of states."

NEWSPAPERS MAY GIVE ADVERTISING FOR PASSES

Alabama Legislature After Spirited Debate Takes Action on Corporations

MONTGOMERY, Ala., Jan. 26.—Railroads and other corporations were before the Alabama legislature today in both houses. In the senate, after much skirmishing and a spirited debate, the bill allowing newspapers to exchange advertising for railroad passes and sheriffs to accept free transportation was passed. Walker Perry and Speaker Almon were the objects of heated attacks in the house by Dr. Huddleston of Elmore and Mr. Jenkins. Dr. Huddleston attacked corporations and corporation lawyers and especially Birmingham corporation lawyers. Mr. Perry replied that he was fortunate enough to be a corporation lawyer, but he did not ask any corporation, but the people to, send him to the legislature. Speaker Almon objected to allowing a former member a seat on the floor, and this caused an attack on him from Mr. Jenkins.

COMMITTEE OF 100 ADOPTS REPORT FOR COMMISSION

Almost Unanimous Vote Recommends New Form of Government To Citizens of Asheville.

At the meeting of the committee of 100 last night to hear the report of the committee of seven which was recently appointed to draft a charter for the commission form of government for this city, it was decided by an overwhelming majority to recommend to a mass meeting of the citizens of Asheville to be held next Thursday night that this city adopt the commission form of government and instruct its legislators to provide for an election to place this city under the commission form of government. Chairman Bernard called the meeting to order and asked Chairman George R. Powell for the report of the committee of seven. He read the following report: "We submit herewith and recommend for your approval, a plan for a commission form of government, and request that you recommend same to a mass meeting of the citizens of Asheville, to be held in accordance with the resolutions passed at a previous mass meeting. Before reading this plan, we wish to say that while the time taken by the committee for this work may seem short when the importance of the matter is considered, yet the movement for a commission form of government is not new in Asheville, and that we have used in making up this plan, the information gathered by those who have given much time and thought to the subject. In the fall of 1909 the board of trade appointed a committee to investigate this matter, and report back to the board. Later on, the Retail Merchants' association and Central Labor union took similar action. In the early spring of 1910 two of these committees filed an exhaustive report showing the workings of the commission plan in other cities, and recommended that our representatives in the next general assembly be requested to take steps to secure such legislation as may be necessary to enable the citizens of the city of Asheville to adopt the commission form of government. This report was unanimously adopted. The plan herewith submitted contains the best features of the charters of Galveston, Houston, Des Moines, Cedar Rapids and Greenboro, and the changes recommended have proven to be progressive steps in the development of municipal government along practical business lines. The main features of this plan are to divide the duties and responsibilities of the city government among three men, one of whom is the mayor and known as commissioner of accounts and finances. Another known as the commissioner of public works, and the other to be known as the commissioner of public safety. The first is to receive a salary of twenty-five hundred dollars and the other two two thousand dollars per annum each. These men are to devote all of their time to their public duties, and are to be directly responsible to the people. Partisan politics will be eliminated from the city elections so far as it is possible to do so, and the power of recall is vested where it belongs—in the people. The plan also embodies the initiative and referendum. We have recommended no changes in the present

charter nor in the ordinances, except those in conflict with this plan. We retain our present charter, amendments and ordinances in respect to public schools, sanitation, public health, street improvements, taxes, etc. The whole proposition is to be submitted to the voters for their ratification or rejection. Asheville today has one of the best of the old forms of municipal government, and we have been particularly fortunate in having good men to manage our municipal affairs under a system that is obsolete in some respects. Asheville is one of the best advised, cleanest and most progressive cities in the country. These achievements have been attained by a public spirit that has always been quick to adopt improved methods, and a willingness to benefit by the experience of others. This has been shown in the building of the first electric trolley system in the South, our public school system, water works, street and sewer improvements, sanitary department, Auditorium, etc., all of which had to meet the argument that "it is best to let well enough alone." Because of human limitations the plan submitted is far from perfect, and those who are looking for defects only will find what they are looking for, but as a whole it is a forward step in our municipal development, and unless the Asheville spirit has died out, it will be taken with the same wisdom and confidence that has been shown in the past. Respectfully submitted, "GEO. S. POWELL, "W. B. WILLIAMSON, "O. R. JARRETT, "THOMAS A. JONES"

Mr. Powell then stated that it was the desire of the committee that last night's meeting be a harmonious one and that personalities be not indulged in, in that no good could possibly result in hard feelings and words which would be better left unsaid. He pleaded for every man in the meeting to express his opinion in a clear cut manner and to be a member that every man present was working for the good of Asheville, understanding the fact that many different opinions were represented as to how to attain the best things for the city. He stated that he had asked Judge Thomas A. Jones to read the proposed charter which is shaped after the Greenboro plan. "Merritt" Report. At this point Mr. King and van Winkle, a member of the committee of seven, asked that he be allowed to file a minority report. The committee voted to hear this report.

(Continued on Page Three)

BODY OF MRS. EDDY LAID IN CONCRETE GRAVE ON SHORES OF LAKE HALCYON

Directors of Mother Church Were Present at The Impressive Ceremonies GEN. BAKER THERE

CAMBRIDGE, Mass., Jan. 26.—In a concrete grave on the shores of Lake Halcyon in Mount Auburn cemetery there was laid today a bronze casket containing the body of Mrs. Eddy, founder of the Christian Science denomination. On the casket rested a bronze box enclosing a complete set of the works of Mrs. Eddy, together with all Christian Science publications while the silver plate beneath gave her name and dates of her birth and death. The ceremony was attended by the directors of the church and a score of its strongest supporters—Judge Clifford P. Smith, first reader of the mother church, repeated the ninety first Psalm and the last two verses in Judges which were read at the funeral on December 9. Then the grave was sealed. General Henry H. Baker, of Bowe, N. H., Mrs. Eddy's cousin and executor of her will, was the only member of her family in attendance but it was announced that all claims to the old burial place had been waived. So the church buried its leader.

TRUCE DECLARED IN SENATORIAL FIGHT

ALBANY, N. Y., Jan. 25.—Another three day truce was declared tonight in the battle to elect a United States senator. Leaders of both houses of the legislature said there would be no quorum of the joint assembly tomorrow. Wm. F. Sheehan whose strength on the eighth ballot today showed no apparent diminution, intends to go home tomorrow and Chas. R. Murphy and other Tammany Hall leaders will spend the week end in New York. The truce was declared in recognition of the general feeling that there was no chance of breaking the deadlock this week.

FAIR logo with a sun and a figure holding a staff.

GRAND OPERA FOR ATLANTA PEOPLE

ATLANTA, Ga., Jan. 26.—It was announced here today that the Metropolitan Opera company would appear in Atlanta for four performances on April 27, 28 and 29 next. "The Girl of the Golden West," "Koenigskind," "Il Trovatore" and "Glaucolds" will be sung here. Among the noted singers to be included in the cast are Caruso, Farrar, Amato, Szek, Karl Jorn, Emmy Desjann and Kappold.

RELATED NEWS OF A BIG BATTLE SEEPS THROUGH

Federal Troops Rout 400 Rebels Who Had Been Pillaging and Burning

MEXICO CITY, Mex., Jan. 26.—Related news of a five hours' battle between troops and rebels near San Juan Evangelista, southwest of Coahuila, Vera Cruz, reached this city today. The rebels estimated to be 400 strong, who had been pillaging ranches in the Acayucan district, were routed by federals on January 22 with a loss to the latter, said to have been three killed and several wounded. The rebel loss was not known. After the battle, Captain Gonzalez of the federal army, with his aid, was attacked by the revolutionists while en route to the town of Acayucan on a mission. They took refuge in a church at La Cruz del Milagro and made a heroic defense. The rebels fired the building, the two unfortunate meeting death in the flames.

REVOLUTIONISTS ROUTED

NEW ORLEANS, La., Jan. 26.—The revolutionists in the department of LaPas, Honduras, under the leadership of General Solo were routed by government troops yesterday, according to despatches received today by General Ulloa, of Honduras. No details of the battle which occurred near the Salvadoran border, were given. General Ulloa expressed the belief that General Gutierrez, vice president and commanding general of the government troops in the field would shortly strike a telling blow against the revolutionists commanded by General Leo Christmas.