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GOVERNOR WITHDRAWS FROM THE WHITE CASE

Granting of Pardon Was Placed in Hands of the Council of State

MR. LACY WITHDREW AS HE FAVORED PARDON

Both Expressed Themselves as Not Being the Proper Persons to Sit on the Case—Governor Glenn Made Statement in Regard to His Position and Read Letter He Had Written to Mrs. Linn, Sister of the Murdered Man, in Which He Said He Knew of the Whites' Guilt and Would Not Pardon Them Unless It Was Recommended by Mrs. Sherrill—Sensational Affidavit and Counter Charge.

The hearing in regard to granting a pardon to Chalmers L. and Thomas White, the two young men of Concord who were convicted in Rowan county of the murder of Russell Sherrill, who, it was claimed had ruined their niece, Annie White, was begun this morning. The fatal affair occurred at Mt. Ulla, which is 18 miles from Salisbury. It has been only a little more than two years since the tragedy was enacted and the public is yet familiar with the facts, for the case attracted statewide interest at the time.

The Whites come of a prominent family and are connected with some of the most influential and wealthy people in the town of Concord. They have served a little more than two years of their term.

Governor Glenn Withdraws. When the hearing was begun this morning, which was about 11 o'clock, the governor made a statement, which was as follows:

"Before commencing this case I want to make a statement in regard to my position in the matter. As is known to all of you, I prosecuted the Whites and they were convicted and were sentenced to six years in the State Prison. I do not think the sentence was excessive.

"On yesterday Mr. Linn (attorney for the prosecution) showed me a letter that I think you gentlemen ought to see. This is a letter written in 1905 to Mrs. Linn, then Miss Sherrill, in regard to whether or not application had been filed for the pardon of these men."

The letter was here read, and was as follows: Sept. 25th, 1905. Mrs. P. D. Linn, Salisbury, N. C.

Dear Mrs. Linn:—Your letter received. There has been no application for the pardon of the Whites as yet. When it comes up I will consider it carefully. They are demanding that I refer the matter to the Council of State, saying I have no right to pass upon it. This is not a private letter. I have not made up my mind yet what I will do, but it will not be heard even by the Council of State for two or three years, perhaps more, and you will be given ample time to file petition and have counsel to represent you. Of course if I passed on it, I would refuse it, as I know their guilt, unless your mother recommend it."

The remainder of the letter is of a personal nature and has no bearing on the case.

"I understand also that Mr. Barber said yesterday that I had said at the time I had prosecuted this

case that in case I was elected Governor, that these Whites should not be pardoned as long as I was Governor of North Carolina.

"Now as I told you, I prosecuted. I thought they were guilty. They are entitled, however, to a fair hearing, but it would require a good deal of evidence to disabuse my mind of the views that I have formed in regard to the case. I do not think that I ought to sit in the case, and I am not going to sit in the case unless both sides demand it, and even then I would sit in it against my wishes. I do not think it would be right to these prisoners, and I do not think it would be right to me, for gentlemen to come here and insist upon my sitting in this case and then in case I should decide for or against it—deny the pardon or grant a conditional pardon,—then to feel that they did not have a fair chance, that it was tried by a man who was necessarily biased. Now I want to retire from this case. I do not want to have anything to do with it.

"So far for my position. "Mr. B. R. Lacy, treasurer of the state, was talked to in regard to this matter by some parties from Concord, and from their representations to him he conceived the idea that the Whites ought to be pardoned. He has more than once requested me to pardon the Whites. That he thought they ought not to be kept in the state prison any longer. That they had done nothing more than he would have done or any father or uncle would have done towards protecting their niece or daughter, and, therefore, he asked me to pardon these parties. Mr. Lacy does not think that he ought to sit in this case. He says his mind has been so prejudiced that it would take the strongest testimony to change his views and he is not willing to sit on it.

"Col. Grimes, Dr. Dixon, and Mr. Joyner have not formed or expressed an opinion as to whether or not these men ought to be pardoned, and I think the proper course to take would be for Mr. Lacy and myself to retire and let Col. Grimes, Dr. Dixon and Mr. Joyner hear it, or if any of you gentlemen object to the council of state hearing it, then allow me to appoint three men who know nothing about the case and are not in any way interested. Then let them make known their decision to me and I will be governed by it.

"Consult together and let me know what you will do gentlemen. It is my wish to retire from this case."

Mr. Linn then said: "I wish to say that we know and believe that whatever may be your private opinion that you will be guided in this matter for the best interests of the state of North Carolina, and we are perfectly willing and we ask that both of you gentlemen sit and hear this matter."

Governor Glenn: "Now in regard to that letter that has been referred to, in which I say that unless Mrs. Sherrill recommends the pardon that I would refuse—now suppose that I should go on and hear this case, and from what was brought to my attention should feel that it was as fair and impartial as God and man can give them. If they ought to be pardoned, pardon should be granted; if they ought not to be pardoned, it should be refused. They should have a trial by impartial men just as in a jury trial."

Mr. Stickley (for defendants): "I did not know several weeks ago when Mr. Rogers, Mr. Cannon and I were in your regard to this case of the existence of this letter, but so far as I am concerned and so far as they are concerned, we have absolute confidence in you and Mr. Lacy doing what is right, but in view of this letter and in view of the statements that appear therein, we are willing for the course to be taken that you have suggested. Feeling as you do, I only think it would be fair to you gentlemen to talk the course that you suggest."

Governor Glenn: "Gentlemen, I again repeat that I do not think that Mr. Lacy and I ought to sit in this case. Here are all letters and petitions in reference to the case. The evidence is over in the supreme court room. You gentlemen can take just such steps as you see fit. I do not propose to mention the case again to any of you. I will ask Mr. Grimes, as ranking state officer, to act as chairman. Whatever you gentlemen decide to do will be my position. I cannot sit. I feel that I would be a prejudiced juror. So is Mr. Lacy—be he for, and I against. We are not qualified to sit in the case."

Mr. Lacy then said: "I do not hesitate to say that I would do the best I could, but I tell you frankly that I am prejudiced. I have tried to get the governor to pardon these men and I am not the man to recommend that sort of thing and they

CAR SHATTERED BY EXPLOSION

Four Men are Killed and Several Injured

THE DEPOT BLOWN UP

The Disaster Occurs on the Southern Yard at Atlanta—Besides Dealing Death to Some and Wounding Others the Explosion Wrought Much Damage to Property.

(By Leased Wire to The Times.) Atlanta, Ga., March 27.—With a deafening detonation that echoed throughout the center of the city and shook buildings to their foundations, forty cases of dynamite caps exploded in a box car standing on a sidetrack at the Southern Railway freight depot on PETERS street, shortly after 8 o'clock this morning, and as a result four are dead and three injured.

Part of the freight depot was blown in, and several box cars reduced to kindling wood, where any part of them could be found.

The dead: Will Smith, colored laborer; East Point.

Will Jenkins, colored laborer; home, McDonough, Ga.

Pink Moore, colored laborer; died on way to the Grady Hospital.

The injured: Walter S. Pullen, white, clerk; lives at 47 Walker street; cut on head. Alf Smith, colored laborer; cuts and bruises. Eugene Wilson, colored laborer; blown across depot under pile of freight; cut on head and otherwise bruised.

Besides dealing out death to some and maiming others, the explosion wrought havoc to the extent of several thousand dollars.

It is the belief that the explosion was caused by a negro laborer jamming the car door against a box of the dynamite caps.

DESPAIR DROVE HIM TO SUICIDE

Loved a Woman Not Wisely But Too Well

HIS OWN VOWS BROKEN

Another Woman Who Really Loved Him Waits in Sad Heart-Hunger for the Man Whose Body Now Floats Somewhere in the Waters of San Francisco Bay.

(By Leased Wire to The Times.) San Francisco, Cal., March 27.—Unable to forget the sweetest he came across the continent to wipe from his memory, distracted by her refusal to answer his pleading letters begging forgiveness, Arthur S. Lee, 23 years old, a traveling salesman, took his life yesterday.

His body now floats somewhere in the waters of the bay. In today's mails to New York are passing two letters, one telling Nellie Kane, pretty but feeble, of the sacrifice made in her name; the other conveying the news that it is feared will break the heart of a pretty southern woman whom Lee as a youth adored.

The message will reach Savannah, Ga., where Lee's father was chief of police until his death, and where a little woman lives and waits for him to return and redeem the vows he made two years ago. She is Ethel Lee Hague, Lee came to San Francisco last August. For a month all was well. Then he met the first friend he found in New York after leaving the south. This man is Harry Burns, now stationed at the Presidio.

The two had an appointment for Monday night, but Lee did not meet his friend. Yesterday Burns received a letter from Lee telling of his unrequited love for Nellie Kane.

"I have stood it as long as I can," he said, "and I am going to end it all by drowning. Will you be kind enough to let my mother know that I am dead?"

Lee's mother lives at 250 East 12th street, New York, and Nellie Kane lives at 418 Street and Lexington Avenue that city. Besides his mother, Lee leaves a brother and sister.

DEATH CLOSES THE HONEYMOON

Silent Smith, Money Lord, Dies in Japan

CONTROLLED ST. PAUL

Through Depression in Stocks His Estate is Said to Have Shrunk in Value Between Ten and Twenty Millions—Wedded Recently a Divorced Wife.

(By Leased Wire to The Times.) New York, March 27.—James Henry Smith, one of the wealthiest men in New York, died last night in Kyoto, Japan, where he had gone on his honeymoon tour. The news came here today.

Mr. Smith and the divorced wife of Rhineclander Stewart were married in Scotland on September 13 last. They started immediately upon a world-girdling tour. Smith inherited his fortune, which is estimated at about \$25,000,000, from an uncle. He was known as the wealthiest bachelor in the world. "Silent Smith" was the sobriquet won for him by his taciturn manner.

Mr. Smith's death could not have occurred at a more unfortunate period, so far as its effect upon his estate is concerned. The recent depression in the stock market had caused a vast shrinkage in the value of his holdings.

"It will be found that the value of Mr. Smith's estate has depreciated between \$10,000,000 and \$20,000,000," said one man who spoke with authority.

In Control of St. Paul. In Wall street Mr. Smith was regarded as being in virtual control of St. Paul. He did not own a majority of the stock, but his block of shares was so huge as to place him in the position of holding the balance of power. The stock could not be manipulated without his aid. (Continued on Page Seven.)

A REPUBLIC PROCLAIMED 'MID MURDER AND PILLAGE

THAW FACES THE BOARD OF LUNACY

Mother and Wife on Hand to Aid Him

EVELYN'S FACE IS SAD

Peabody Declares Thaw is Ready to Submit to Any Reasonable Test. The Commissioners Consult With Justice Fitzgerald—Thaw is Anxious to Testify in His Own Behalf.

(By Leased Wire to The Times.) New York, March 27.—Harry K. Thaw today faced the lunacy board which will decide his fate.

If he is found to be of unsound mind at the present time he will in all likelihood spend his remaining days in the asylum for the criminal insane at Matteawan.

Should his members conclude he is sane, his trial for the sensational murder of Stanford White will be immediately resumed.

Thaw, anxious to go before the commission and testify in his own behalf, was in court early and greeted the commissioners cordially.

His mother, as well as his young wife, Evelyn, were on hand to aid him. Both will take the stand if the prisoner's counsel deem it necessary.

The outcome of the inquiry depends greatly upon the impression Thaw creates individually.

Confer With Fitzgerald. The members of the commission conferred with Justice Fitzgerald in the private chambers. It was thought that the conference was to determine the best mode of procedure. The conference began at 10:30, when the justice arrived, accompanied by Morgan J. O'Brien, lawyer for the commission.

The jury was in the box. Thaw's array of counsel were at their tables. District Attorney Jerome and the newspaper men waited in open court for Justice Fitzgerald and the commission to come out of their chambers.

During the tedious wait Thaw spent his time in the Tombs. Mrs. Evelyn Thaw, the Countess of Yarmouth and her mother, Mrs. William Thaw spent the time in an ante room awaiting the result of the conference.

Statement by Peabody. A Russell Peabody, counsel for Harry Thaw, made this statement today: "Now that the commission has been appointed, Mr. Thaw has decided not to oppose a legitimate examination. His lawyers will now place him in the hands of that body. Indeed, we will place no obstacle in the way of the commission getting at the exact truth as to the present mental condition of the defendant. More than that, we will aid the commission in every way to that end. Of course, we will not stand for any sensational tests such as the pricking with needles and the lighting of matches, which we consider barbarous. If it is necessary for him to do so, Mr. Thaw will go on the stand before the commission to testify in his own behalf as to his mental state.

"Mr. Thaw firmly believes that the commission will declare him to be sane, and he knows, and we know, that that will mean his ultimate acquittal."

The session began at 11:25 a. m. The members of the lunacy commission took seats inside the rail and Mrs. William Thaw and Evelyn Thaw occupied seats back of the prisoner, who was brought into court at 11:30.

Justice Fitzgerald excused the jury until next Monday morning. Addressing the jury, Justice Fitzgerald said: "Gentlemen of the jury, I am going to discharge you until next Monday morning. Of course, you are not to read the papers nor must you speak of the case among yourselves, nor must you form any opinion or express any to any one concerning the case. You will report back here at 10:30 a. m. next Monday."

The jury thereupon filed out of the court room and soon after Thaw was taken away.

District Attorney Jerome and Mr. Hartbridge then conferred with Justice Fitzgerald. The Countess of Yarmouth and Mrs. George L. Carnegie, who had gone to the Tombs to see Harry, entered the court room before Justice Fitzgerald began his remarks.

The prisoner had been in court for just four minutes.

Faces of Sadness. He nodded cheerfully to his relatives as he came in and again as he left the room. The members of the Thaw family who remained after the jury had retired looked sadder than on any previous occasion.

Ringleaders of Roumanian Revolution Announce Seccession of Fenestric

HIDEOUS ATROCITIES BY PEASANTS FOLLOW

Troops Mass on the Outskirts of (Bucharest to Meet the Revolving Peasants Reported to be Marching on the Capital—Large Bodies of Police Stationed in the Hebrew Quarter—Fifty Thousand Peasants Are Threatening Jassy—Four More Regiments Ordered There as Reinforcements.

(Special Cable to The Times.) Vienna, March 27.—The peasant revolt in Roumania came to a head today when in the midst of slaughter and pillage a republic was declared in the district of Fenestric.

The ringleaders of the revolutionists gathered in the ministerial palace in the town of Fenestric, drew up a defiance of the government and publicly announced that Fenestric had seceded from the rest of Roumania.

The proclamation of independence, when read to the mob of rioters outside the palace was received with great cheers. Its effect was to drive the peasants into a frenzy. The mob sallied forth from the town and made directly for the residence of the nearest of the great land owners. The proprietor was dragged from the house and butchered. Afterwards his body was soaked in tar and burned. The estate was sacked.

Marching on the Capital. Then the mob attacked the next of the land owners and killed him, also pillaging the estate. The same tactics were pursued by the mob throughout the Fenestric district. The government agents were powerless. Reports from Bucharest today declared that a great band of the revolting peasants was marching on the capital. One report had it that the peasants number 4,000. The authorities immediately proclaimed a minor state of siege in the city.

The troops left in Bucharest were being massed at the outskirts of the city to repel the peasants before they were able to enter. All the field pieces available have been placed in position outside the capital. The troops have been given orders to mow the peasants down with shrapnel if they refuse to retire.

Hebrews Look for Massacre. The Hebrews of the city are in great-est fear. They believe that the peasants are marching on the city, bent on a terrible massacre. They believe that the authorities will permit the mob to plunder and kill in the Jewish quarter in the hope of thus appeasing the revolters.

Large bodies of police have been stationed in the Jewish quarters by direction of the city authorities together with as many troops as could be spared from the defenses on the outskirts. Still the Jews are in terror.

The attacks on the Jews in the country districts and in the larger towns continue. The latest occurred at Bacesti. A band of the revolters marched upon the suburbs of the town and slaughtered all the Jews who had not fled.

Several of the mob found a mother and new born twins and wrung the children's necks before her eyes. Then they killed her with a blow from the butt of a rifle.

Fifty thousand furious peasants surround Jassy, ready to attack it at any hour. All the shops are closed and artillery is camped in the principal street. Four more regiments have been ordered to reinforce the 12,000 troops now concentrated in the town.

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BIG BUILDINGS SINK IN RUIN AT ELIZABETH CITY

(Special to The Evening Times.) Elizabeth City, N. C., March 27.—A large portion of Polindexter street north of Matthews street was swept by fire last night, totally destroying nine mercantile establishments and damaging several others.

The alarm was turned in at 10 o'clock, the flames being then confined to the Olive Grocery, where the fire originated. The entire department responded, but it was impossible to save the store or its contents, though the flames were prevented from spreading, and by midnight seemed to be entirely under control.

Watchmen were placed around the burned building and everything became quiet, but at 3 o'clock this morning the buggy and wagon establishment of Broughton & Etheridge, became ignited from the intense heat from the Olive Grocery walls and burned like tinder.

Adjoining Broughton & Etheridge were the H. H. Lavenstein furniture stores, the largest in the city, and adjoining these was the large hardware house of D. M. Jones Company.

The department was soon again at work, but there was no pressure and the crews of the steamer were so thoroughly exhausted from the long fight in the first part of the night that they did not get the steamer at work until the fire had gained too much headway to be checked.

The flames crossed the eastern side of the street and wrought havoc among the clothing establishments there.

The following were among the losers: Olive Grocery, \$3,000. Broughton & Etheridge, \$3,000. H. H. Lavenstein, \$10,000. D. M. Jones Company, \$6,000. Lavenstein Brothers, \$10,000. Joe Eisenberg, \$1,500. L. Lavenstein, \$5,000. T. W. Willias, \$2,500. L. S. Gordon, \$2,500. E. T. Harris, \$1,500.

Charles A. Johnson, \$1,000. The D. M. Jones Company saved probably \$25,000 worth of their stock; the others lost everything.

The damage to the buildings is heavy. The stores occupied by H. H. Lavenstein are totally destroyed, the walls of the others are standing. Some of the stocks were partially insured. L. Lavenstein had no insurance at all.

All the building were insured, though for nothing like their value.

The flames were checked about sunrise this morning. This is the worst fire that has visited this city since the burning of the Norfolk and Southern warehouses and yards three years ago.

REPORTED LOSS OF FOUR HUNDRED THOUSAND. (By Leased Wire to The Times.) Elizabeth City, N. C., March 27.—A disastrous fire swept the business portion of Elizabeth City, N. C., early today, causing a loss of \$400,000.

The firemen have gained control over the flames though the fire is still burning.

SENTENCE OF WALKER DEATH

(Special to The Evening Times.) Fayetteville, N. C., March 27.—The condition of Tom Walker after his attempted suicide yesterday afternoon was such as to allow his trial to continue this morning. He was brought into the courtroom on a stretcher.

Walker made a confession, in which he stated that he alone did the shooting and killing.

The case is now in the hands of the jury and a verdict is momentarily expected of murder in the first degree.

The jury, after being out twenty minutes, returned a verdict of murder in the first degree. Judge Webb at once sentenced the prisoner to hang on April 15th, at 2 o'clock. The execution will be public.

Richard Mansfield III. (By Leased Wire to The Times.) New York, March 27.—Richard Mansfield, the actor, is at his home, No. 310 Riverside Drive, seriously ill and bitterly chagrined at having been compelled to abandon his tour.

A FIGHT TODAY AT THE CAPITOL

Assistant Attorney General One of the Participants

INSULTED MR. BRITTON

Mr. Clement Declared if He Published Certain Things Connected With the Hearing He Was "No Gentleman, a Cur and a Dog"—Trouble Immediately Followed.

Mr. Edward E. Britton, city editor of the News and Observer, and Mr. Hayden Clement, assistant attorney general, went after each other in the office of the governor's private secretary this afternoon immediately after the conclusion of the White hearing. No damage was done, for Col. Arrington rushed between the two men before any blows could be passed.

The trouble arose over the publication of the affidavit read by Judge Montgomery and the other evidence growing out of the introducing of the affidavit. Col. Paul B. Means, of counsel for the Whites, asked Mr. Britton if he expected to say anything in regard to the affidavit, and Mr. Britton replied that he did not know, but did not care to be dictated to in regard to what he published; that he knew his business. Col. Means said it should not be published. Mr. Britton replied that Col. Means was one of the attorneys for

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