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STORY OF THE TRAGEDY TOLD BY JUDGE LOVING

MISS ELIZABETH LOVING HIGHER RATES TO BE UPHELD

BUILDING CRUMBLES IN ROAR OF DEATH AND RUIN

The Jury Is Chosen and the Trial Now in Full Swing

AN APPLICATION FOR INJUNCTION

AN ARGUMENT BETWEEN THE OPPOSING COUNSEL

The Rate Case Hearing in Asheville Tomorrow

Strode, for the Defense, Argues that the Hearing That His Name Has Been Dishonored Calls for Reduction of Crime from Murder to Manslaughter in the Case of a Man Who Kills to Wipe Out the Stain—Harmon Holds That Words, However Violent or Abusive, Give One No Excuse for Acts of Violence.

FINLEY AND THOM CO

Others Connected With the Southern in the Party—The First Instance in Which Questions Involved in Reduced Rate Laws are Brought Before a High Tribunal.

(By Leased Wire to The Times.) Houston, Va., June 25.—The session of the second day of the Loving trial began at 9:30 this morning. A roll-call of the jury was had, after which they were carried to the jury room, and the discussion of whether Judge Loving's testimony should be admitted was continued. Mr. Aubrey Strode, of the defense, argued that the jury and not the judge should decide what the length of "cooling time" should be, quoting several authorities on the subject. He further argued that the counsel for the prosecution was entirely wrong in its reasoning of yesterday to the effect that if a man found his wife in adultery and killed either her or her companion, the crime could not be reduced from murder to manslaughter unless the husband actually saw the act of adultery. He cited several cases to show that though the act was originally intended in that manner, the decisions hold that it is not necessary that the husband see the act of adultery, but that hearing of the act is enough to reduce the crime. Mr. Strode concluded his argument at 10:25.

(By Leased Wire to The Times.) Asheville, N. C., June 25.—President W. W. Finley, Walter D. Hynes of New York, special counsel; Alfred P. Thom, general counsel; C. E. Northrop, assistant general counsel; and several other officers of the Southern Railroad are here to be present at a hearing tomorrow before Judge Pritchard, of the United States Circuit Court, on an application for an injunction restraining the North Carolina and Virginia authorities from putting into effect a reduced passenger rate.

The rates proposed by the railway are two cent passenger rate per mile, which has been ordered by the Virginia state corporation commission, and a two and one-quarter cent a mile rate bill, which was recently passed by the North Carolina legislature. This is of great importance to railroad men throughout the country, and especially to the railroad operating in those states which have passed the two cent passenger rate law. The railroads operating in North Carolina and Virginia have joined their efforts in fighting the reduced rate law, and they are the applicants for the injunction.

This case is the first instance in which the legal questions involved in the reduced rate laws have been brought before a high tribunal, and it will probably be the first to reach the supreme court of the United States for adjudication.

Mr. Harmon, for the commonwealth, then began his argument, claiming that more words were not sufficient provocation to reduce the crime from murder to manslaughter. At this point he was interrupted by Mr. Lee, of the defense, who asked: "Do you contend, Mr. Harmon, that words, insulting language, if you please, are never a provocation?"

MURDERER IN AGONY OF BIDEOUS FEAR

"That is my position, sir," answered Mr. Harmon.

"Do you mean to tell me," continued Mr. Lee, "that a man charged with assault and battery could not mitigate the charge by showing that the man he had assaulted used insulting language to him?"

Mr. Harmon did not reply directly to this question, saying he would discuss it later. Continuing his argument, he turned to the question of "cooling time," and contended that that question should not have entered into the discussion because more words were not sufficient to afford cause for excitement, and that a person never having become excited, he could not "cool off."

At this point Mr. Lee again interrupted with a question. He asked, "Do I understand you to contend that word brought to a father that his daughter had been carried out driving and brought back after night in a drugged and insensible condition is not calculated to excite him?"

"Under the law," replied Mr. Harmon, "I do not think it is admissible as a palliating cause which would reduce the crime from murder to manslaughter."

Mr. Harmon's argument took half an hour, and he was followed by Hon. Wood Bouie, of the prosecution, who continued the discussion along the same lines. He was interrupted several times and asked unimportant questions by the defense. At one time, when Mr. Bouie made a statement in the course of the argument, Mr. Walton Moore, of the defense, interrupted, saying:

(By Leased Wire to The Times.) West Chester, Pa., June 25.—Declared responsible by a coroner's jury for the death of his six-year-old daughter, five-year-old Mary Robbins Newlin, held for the grand jury without bail and committed to jail on a capital charge. Irwin Lewis is in so shocking a physical condition that physicians express doubt whether he will live to face a jury on an accusation of murder.

Half led and half carried from the justice's court to the county jail, Lewis fell in a fit as he entered his cell, frothing and shrieking until the jail physician, Scattergood, administered a sedative, when he fell into the sleep of exhaustion.

He is comparatively quiet today, but seems numbed with horror, scarcely answers the question asked him, and moans and wrings his hands constantly.

The inquest was short. Physicians who examined Mary Robbins Newlin's body told their story, declaring that the child was buried alive. Then prosecutor MacElbee told how Lewis confessed to him that he buried the child, denying, however, that he killed her. The verdict followed in five minutes.

Trembling and in complete collapse Lewis was then arraigned before Justice Lipe, committed to jail and returned from Avondale to the county jail here.

DYNAMITE BOMB IN THE OFFICE?

(By Leased Wire to The Times.) Washington, June 25.—What is supposed to be a dynamite bomb has just been found at the government printing office.



This picture is from a photograph of Miss Elizabeth Loving, daughter of the manager of the Virginia farm of Thomas Ryan, who has been indicted for killing Theodore Estes, which alleged to have drugged Miss Loving.

HARRY THAW VERY ILL AND HE REFUSES TO CONSULT A PHYSICIAN

Grave Fears are Entertained That He is on the Verge of a Mental Breakdown—An Application Has Been Made for Bail.

(By Leased Wire to The Times.) New York, June 25.—Harry Thaw is desperately ill in his Tombs cell and grave fears are held that he is on the verge of a mental collapse. It has been common report about the Tombs for a week that Thaw is in a bad way. Efforts to induce him to see a physician failed. He told Dan O'Reilly today that he would have no doctor and that if he died his blood would be on the head of the district attorney. Thaw's despondency was evidenced when he learned that Assistant District Attorney Garver, without whose aid Thaw cannot be tried, was to go to Europe on a three-months vacation. Application was made to a supreme judge for bail for Thaw on the grounds that his health is being impaired by the confinement in jail.

ORCHARD RECALLED TO THE STAND TODAY

(By Leased Wire to The Times.) Boise, Idaho, June 25.—Harry Orchard was recalled to the witness stand this morning when the Haywood trial was resumed. The defense wanted to ask further impeaching questions. The first two witnesses for the defense were Mrs. King and her daughter, of Cripple Creek, who testified that Orchard frequently visited the mine owners' detectives at night.

PAPERS WERE SERVED TODAY

Today, through the United States court in Raleigh, the papers in the matter of the temporary restraining order granted by Judge Pritchard in Asheville yesterday for the Standard Trust Company of New York, trustees, against the Carolina & Northwestern Railway and the Corporation Commission, were served on the attorney general and filed at the office of the corporation commission. The bill of complaint was served by United States Marshal Claudius Doctery for the Standard Trust Company of New York against Carolina & Northwestern Railway Company to restrain said company from allowing the new passenger rates to go into effect July 1.

Private Henry L. Wyatt

Private Henry L. Wyatt, of the Edgecombe Guards, the first man killed in the war between the states, shot down in the action at Big Bethel, Virginia.

COMMISSIONER'S ACT

The Appeal of the Southern Manufacturers Against Alleged Discrimination in Favor of the New England Mills Will Not Be Granted by the Interstate Commerce Commission.

(By Leased Wire to The Times.) Atlanta, Ga., June 25.—It is understood from reliable authority that the interstate commerce commission will dismiss the complaint of southern cotton goods manufacturers and exporters of cotton goods to the Orient against the railroads, which are charged with having given lower trans-continental rates to New England mills.

Although no opinion has been handed down by the commission, or even put in writing, it is understood that the commission has formed its decision, and, when it is announced within the next week, will uphold the higher rates from the south to the Orient.

The complaint was brought by a number of southern manufacturers and was known as "the cotton differential rate cases." The cases have been pending since the early part of February, while the commission has held them under advisement since May 14, when argument was heard.

The complaint charges that the trans-continental railroads are given a lower rate to the New England cot-

ton mills which ship to Japan and China, subjecting the cotton manufacturers of Georgia, South Carolina and other states to unjust discrimination. It is alleged, is a direct violation of the railroad rate law. It also involves the refunding of excess freight charges amounting to nearly \$3,000,000.

In the decision to be handed down by the commission in the next few days it is understood that the position it will take will be that the lower rates granted to New England mills are not unreasonable upon the record of the case.

What the Commission Will Hold.

It will be held by the commission that as the trans-continental rate is regulated by a later competition to the Orient from New York, the manufacturers of New England are entitled to a differential based upon the difference in the rate from New England to New York and the rate from the south to New York. New England's geographical advantage of being closer to New York than the south leads the commission, so it will say, to consider New England in position to have lower rates. The decision will affect one of three cotton differential cases filed by southern manufacturers. All of the complaints involved vital principles. The cases were brought in each instance by manufacturers or shippers of southern cotton piece goods and waste direct from the mills of the south to the Orient and against twenty-seven railroads and transportation companies.

One of the cases dealt only with rates to points on the Pacific coast. The other two involved the through rates across the continent and the Pacific ocean—part water and part

(Continued on Page Seven.)

HOUSS CRUMBLE IN MERCE WIND

(By Leased Wire to The Times.) Medford, Kan., June 25.—Three houses struck Medicine Lodge last night, destroying twenty houses. Six persons were injured and one is missing. As far as known, no lives were lost. The negro of United States Senator Chas. L. Long was slightly damaged. The Long family escaped unhurt. The residence of Ralph Faxon, Long's secretary, was washed, but the family escaped.

DIVI FLED FROM OWN DISHONOR

(Spit to The Evening Times.) Columbia, S. C., June 25.—Blacksville, Irwell county, is profoundly stirred a scandal involving its Baptist parson, Rev. Dr. C. M. Billings. He has fled for parts unknown away from the crash of expulsive church having positive proof in his hands, has excommunicated him his infidelity to his invalid wife, a domestic being involved. He left wife and child to bear the shame.

THE BATTLESHIPS TO BE BUILT IN PRIVATE YARDS.

(By Leased Wire to The Times.) Washington, D. C., June 25.—There is no likelihood that either one of the new 20,000 ton battleships, bids for which were opened at the navy department last Thursday, will be built in government yards.

The estimates made by the naval constructors for the building of one of these vessels in a government yard are in the neighborhood of \$700,000 in excess of the bid of the Newport News Shipbuilding Company and \$500,000 higher than the proposal of the Fore River Company. In fact, it is said that they are only slightly under the bid of the Cramps Company, which was the highest of any submitted.

TALE OF THE NIGHTSHIRT OF WILLIAM J. BRYAN.

(By Leased Wire to The Times.) Parsons, Kas., June 25.—William J. Bryan lost his night shirt on a train at this place, and how it fell into the hands of Jefferson Davis, the conductor of the train, was reported by trainmen to the general offices of the Missouri, Kansas & Texas. Mr. Bryan's shirt was returned to him by an agent named William McKinley.

HENRY L. WYATT SOON TO HAVE MONUMENT

Recently Mr. John A. Mitchell, of Selma, called attention through The Selma News to the fact that North Carolina had had the first killed in almost all the wars in which this country had been engaged, and suggested that they should have monuments. The Raleigh Evening Times used the article as a monument to the memory of Wyatt in the Capitol square. At the time the Selma News, the chapter of Wyatt in the Capitol square. At the time the Selma News, the chapter of Wyatt in the Capitol square.

THREATS TO KILL GENERAL FUNSTON

(By Leased Wire to The Times.) San Francisco, Cal., June 25.—General Frederick Funston, declares he has received twenty anonymous letters threatening his death if he dares to parade with his troops July 3. These letters were received, the general says, before he made his report to the request of the Fourth of July committee for the co-operation of the federal troops in the procession parade.

Private Henry L. Wyatt



Private Henry L. Wyatt, of the Edgecombe Guards, the first man killed in the war between the states, shot down in the action at Big Bethel, Virginia.

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The picture of Henry L. Wyatt shown above is copied by the courtesy of the Selma News. The Henry L. Wyatt chapter of daughters at Selma has a splendid portrait of Wyatt, and it will give it as a prize to the chapter raising the greatest amount of money for the monument.