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THE PROGRESS OF THAW TRIAL

Third Day's Session of the Famous Case

TRIAL DELAYED TODAY

Nearly 11 O'clock Before Court Resumed—Three Accepted Jurors at Beginning and Work of Choosing Others in Progress—Prisoner Depends on Wife's Judgment.

Sworn Jurors.
Gremmels, Charles, broker, No. 2 South street, residing at No. 817 East 155th street.
Naething, Arthur R., baker, No. 1925 Seventh avenue.
Carey, George W., drygoods merchant, No. 648 Broadway.
New Men in Box.
Rupprecht, C. G., salesman at No. 817 Hudson street, residing at 466 West 49th street.
Greenbaum, Moses, real estate broker at No. 684 Broadway, residing at 342 East 50th street.
Magrin, John R., retired merchant, residing at No. 14 West 60th street.
Cranston, Thomas L., proprietor of printing establishment 4210 Fifth avenue.

(By Leased Wire to The Times.)
New York, Jan. 8.—The opening of today's session of the Thaw trial was considerably delayed and it was almost 11 o'clock before Justice Dowling ascended the bench. Mrs. Thaw had been in the court room half an hour, waiting for Harry Thaw to be brought in. They smiled a greeting at each other as Thaw walked briskly to his seat.

There were three accepted jurors and four provisional jurors in the box when court opened. The accepted jurors were brought from the Hotel Knickerbocker today in charge of Captain Lynch, of the court police squad, while a subordinate officer had charge of the four provisional jurors. They were kept away from each other at the hotel last night, having their meals in separate private dining-rooms.

The box was filled with provisional jurors at the beginning of last night's session, but one was dismissed by consent and each side preemptorily challenged four.

Clerk Penny called the names of the last of the 100 members of the first panel, thereby delaying the examination of talesmen until 10:45 a. m. Josiah Thaw was the first of the prisoner's family to enter the court-room. With the calling of Harry K. Thaw to the bar Mrs. Evelyn Nesbit Thaw came from the witness-room and took a seat alongside her husband's half-brother.

She wore the same costume as she did yesterday, the only change in her make-up being a new pair of chambré gloves.

The prisoner walked through the railed enclosure carrying his overcoat and the portfolio containing his morning mail.

The first talesman called was John Schreiner, a builder.

Mr. Schreiner was excused by consent, after making a conflicting statement in regard to an opinion he held.

John H. Holbert, of No. 850 Longwood avenue, the Bronx, who described himself as president of a spring water company, No. 126 West 36th street, sued Jerome. He had a slight impression, he declared, because of what he had read, but thought that he could lay it aside. His declaration that he would accept the ruling of the court as final on the question of insanity proved entirely satisfactory to the state and Mr. Littleton took up the examination.

Q—Do you feel that you could morally lay aside your opinion?
A—I feel that I could.

By Justice Dowling:
Q—Would you consider the case solely on the evidence?
A—I think I could.

Harry Thaw looked toward Evelyn Thaw and nodded his head in the direction of the talesman, an apparent message for her to pass on Holbert's desirability as a juror.

A nod of approval from the prisoner's wife resulted in Holbert being chosen.

He went into the jury box and found chair No. 8. He was not sworn. He is an intelligent looking (Continued on Second Page.)

HOKE SMITH ON RAILROADS

Georgia Governor on Pet Subject Today

HE SCORES THEM HARD

In Course of Address in Savannah, He Indicates/That He Will Not Retrench in His Campaign—Most Radical of All His Utterances.

(By Leased Wire to The Times.)

Savannah, Ga., Jan. 8.—Governor Smith, of Georgia, today addressed the National League of Commission Merchants, which is in annual convention here. The governor's words as to the government and state control of corporations, if anything, were the most radical he has uttered upon the subject and indicate that he has no idea of retrenching in his campaign of railroad regulation.

Governor Smith, in referring to the railroads, said:
"The railroad companies are quasi-public enterprises.
"The right of the nation and of the states to stand between the railroad companies and the public, to regulate rates and pass upon questions involving proper facilities, has been fully recognized and upheld by the courts of the country.

"The railroad companies uncontrolled can absolutely control the property and the persons of the people of this country. Should they be permitted to do so?
"The mileage of the railroads in the United States exceeds 230,000. During the last fiscal year they have collected from the people over two billions of dollars. They killed and injured over 75,000 people.

"Shall we leave this immense tax to be placed upon the public and this great loss and injury to life and limb to the uncontrolled will of the men who own the railroads?"

The governor continued with an execration of the methods of railroad officials who manipulate the securities for the purpose of fleecing the stockholders out of a just return upon their capital.

HEINZE PLEADS "NOT GUILTY"

His Case Today Put Off Until January 20

INDICTED BY THE JURY

Alleged to Have Acted Queerly in Brokerage Transactions—Took Air-fair Coolly and Smiled When Marshal Took Him in Hand—Nature of His Offense.

(By Leased Wire to The Times.)

New York, Jan. 8.—F. Augustus Heinze, the copper magnate who was forced out of the presidency of the Mercantile National Bank last October, in the house cleaning undertaken by the clearing house to stem the financial flurry, was indicted yesterday by the federal grand jury for the alleged over-certification of checks in favor of the brokerage house of Otto Heinze & Co., and in the days immediately preceding his resignation.

The federal grand jury has been engaged for two months in an investigation of the conduct of affairs in the several banks from which the Heinze, Morse and Thomas interests were ousted and the indictment found yesterday is the first tangible result.

Mr. Heinze took the affair coolly, and was smiling when the marshal took him before the United States commissioner.

Mr. Heinze was arraigned before Judge Chatfield in the federal court today and the case put over until January 20. Heinze entered a plea of not guilty, with leave to substitute any other plea he deemed advisable.

TEN GEORGIANS ARRIVE IN N. Y.

"Distinguished" Gentlemen Escaped Prohibition

COLONEL IS SPOKESMAN

Party Now On Broadway Where They Are Endeavoring to Deplete World's Visible Supply of Liquor. "Colonel" Walker's Opinion of "The Once Glorious State."

(By Leased Wire to The Times.)

New York, Jan. 8.—"I regret to inform you, sah, that we are heath to escape temporarily, sah, the odious and drastic measures adopted in our native state, which has never before been placed in a position to have an aspersion cast upon her fair name, sah. I refer to the once glorious state of Georgia, sah."

This statement, delivered in a grandiloquent but aggrieved tone by "Colonel" Toldens Walker of Savannah, Ga., voiced the sentiments of a party of ten gentlemen with military titles and aristocratic cognomens who arrived on the steamship City of Savannah.

The distinguished southerners hail from various points in the newly gentry state, but all had assembled on board the Savannah for the common purpose of escaping the unprecedented conditions, as some of them was willing to be forced into a seat on the bright new sprinkling cart which a philanthropic legislature had been thoughtful enough to provide.

The Savannah sailed from the harbor of the city for which she is named on January 2, but as it takes three long hours to steam down the Savannah River and put Tybee light, and incidentally the power of the state, aboard, the refreshment booth on board was inaccessible until after 6 p. m. During that period of enforced abstinence Chief Steward Mitchell listened to more varied and forceful arguments on the subject of opening up and appeasing the twenty-four-hour thirst which his ten passengers had acquired than he ever dreamed could be invented.

When Tybee light was passed they simply fell up against the bar and waved their hands at the bar tender. That man worked overtime that night.

E. C. Newton, who operates the De Forest wireless on board, was also called upon to lend his services in sending messages compounded of delight and confidence to friends of the aquatic party who had not sufficient fortitude to join the relief expedition.

"We are sailing on a sea of endless delight," "We are nearing the portals of the golden shore," and sundry messages of similar import were dashed back to the disconsolate thirsty ones ashore.

"I regret to say, sah," continued Colonel Walker, as he stood on the promenade deck of the City of Savannah, "crossing the ends of his drooping army moustache with one hand, while the other was thrust inside the lapels of an immaculate frock coat, which was tightly buttoned at the waist, "that the fair name of the grandest state in the union which has never before been besmirched by so much as a speak-easy, has at last been dragged in the mire, sah. Why, I have been permitted to enjoy a julep without restriction since I was a boy, sah. I was wounded while fighting for my rights. I recovered from the sight of our slaves dispersing. But permit me this indignity? Nevah, sah? Nevah!"

The party was taken in tow by Passenger Agent J. C. Horton and started for Broadway, where they are expected to aid in depleting the stock of some of the leading hotel buffets while the City of Savannah remains in port.

The visitors include Colonel James Mohawk, Edward F. James, Cornelius McDuff, John Parkinson, Francis Quigley, Stephen Montgomery and Majors Joseph Halpin, A. B. Van Loan and D. L. Jackson.

Passenger Agent Horton expressed the belief that when the experience of his guests is heralded over the state so many of her citizens will be ready to escape the thraldom of the new laws that it will be necessary for his line to charter extra ships to carry out the suffering citizens.

ANOTHER ATTACHMENT AGAINST ATLANTA BANK.

(By Leased Wire to The Times.)
New York, Jan. 8.—Sheriff Foley has received another attachment against the Neal Bank of Atlanta, Ga., for \$75,000 in favor of the president and directors of the Manhattan Company of this city, on a note dated September 3, 1907, for \$75,000 payable four months after date. The attachment was served on the Fourth National Bank of this city.

THREE DEAD AND EIGHTY INJURED

Result of Terrible Wreck at Dallas, Ga.

200 OR MORE ABOARD

Chicago-Florida Limited Falls Through Trestle With Fatal Results—Injured Mostly From Ohio. Spreading Rails Cause of Catastrophe—List of Dead and Injured.

(By Leased Wire to The Times.)

Atlanta, Ga., Jan. 8.—Three trainmen are dead and over eighty passengers are more or less seriously injured as a result of the wreck of the Southern Railway's "Chicago-Florida" Limited which broke through a trestle at 3 o'clock yesterday afternoon, near Dallas, Ga.

Advices from the various city hospitals where the injured are being cared for, this morning, indicate that all will recover, though many are terribly injured.

That the train did not catch fire and incinerate the imprisoned passengers is a wonder.

The train was composed entirely of Pullman, dining and observation cars and carried nearly 200 passengers, most of whom were from Ohio.

The train was due in Atlanta shortly after midday, but left Chattanooga three hours late, running as the third section of its regular scheduled number.

The train was running at a high rate of speed and at the curve over a low trestle between Dallas and Hiram a span of the trestle crumbled and the train was smashed to bits.

Reports vary as to the cause of the accident, but it is generally conceded that the rails spread under the engine and as the giant machine struck the cross-ties the jar caused the trestle to break. The engine turned completely over and fell against an embankment, while the entire train of seven coaches either fell through the trestle or rolled over down the embankment to the bottom.

Engineer Edwards, with Chief Engineer Snapp, of the division, who was riding on the engine, and Fireman Moses Baldwin, negro, were caught in the cab and scalded so badly that all died later.

In the dining car the escape of the passengers was miraculous. Thirty were at lunch and the crash sent them flying like so many bundles into one end of the car together with a mass of broken tables, cut-glass and silverware. Few of them, however, were seriously hurt.

There were a number of children on board, many of them babes in arms, but none of them were very seriously injured.

Work of Rescue.

The work of rescue was orderly and effective. Conductor Y. R. Norris perhaps is due the credit for saving scores of lives. Before the train left the tracks and after the span of trestle had collapsed, he slammed on the emergency brakes, thus arresting the speed of the coaches while they were still on the rails. Doctors were hurried to the scene on special trains and the injured brought in to Atlanta where they were given attention at the various city hospitals.

The Seaboard Air Line, whose tracks cross the Southern tracks overhead at the scene of the wreck, ordered their passenger train from Birmingham, due at the crossing a few minutes after the wreck, to stop and bring in all the injured that could be moved without medical assistance. About fifty of the slightly injured availed themselves of this opportunity to leave the scene of the disaster.

List of Dead.

The dead are:
James Edwards, engineer, Atlanta
D. H. Snapp, foreman of engines, Atlanta
Moses Baldwin, negro fireman, Atlanta.

Seriously Injured:

Mrs. Emma Hoover, Cleveland, O.
Miss Florence A. Studebaker, Reese Norris, Atlanta, badly hurt;
R. Flick, Canton, O., hip dislocated;
Catherine Cleary, Cleveland, ch. 8t. mashed;
G. W. Morse, Cleveland, O., shoulder and right leg sprained;
Mrs. Charles Hickey, Cleveland, O., slightly injured;
Mrs. Bartlett, of Cleveland, forearm fractured;
Della Duff, Cleveland;
Theresa Cleary.

(Continued on Page Seven.)

C. W. WHITNEY KILLS HIMSELF

New York Banker Finds Death Via Pistol

SHOT HIMSELF IN BED

Noise of Shot Heard by Family Who Were at Breakfast—Financial Troubles Denied as Cause of Act. Account of the Tragedy.

(By Leased Wire to The Times.)

New York, Jan. 8.—Charles W. Whitney, a member of the banking and brokerage firm of H. M. Whitney & Son, one of the most important in the Wall Street district, shot and killed himself at his home, No. 258 West 72nd street, today.

Both the partners of the dead man in the brokerage concern and his family deny that money troubles led to his act. It was said that he had been suffering from intense insomnia for some time and that this caused him to take his life.

It was several hours, according to the police before the coroner was notified of the suicide. Then an investigation was begun which led the police to believe that the man had been dead for a longer time than it had been given out he was.

According to the story told by the Whitney family to the police of West 68th street station, Mr. Whitney shot himself in his bed when he awoke this morning about 8:30 o'clock. The rest of the family consisting of his father and his uncle were at breakfast when they heard a shot.

The report seemed to have come from the top of the house.

Whitney's room was on the third floor. The uncle ran upstairs and found his nephew in his bed with a bullet hole in the left temple. He was dying then and expired before a physician arrived.

Dr. Hoppe was called and he reported the case to the coroner's office. A .38-calibre revolver lay on the floor of Whitney's bedroom, having fallen from his fingers after he fired the shot through his brain.

PROHIBITION WARMING UP

Senate Stirred by Southern Members

WANT STATE CONTROL

Senator Clay Will Attempt a Year and Nay Vote Tomorrow—Dolliver Introduces His Bill in Senate and Will Meet Conditions for Which South is Protesting.

(By Leased Wire to The Times.)

Washington, Jan. 8.—Prohibition has become one of the liveliest questions before the senate in consequence of the view of the earnestness of a number of the senate committee that will insure control of interstate shipments of liquor sent into their borders.

Senator Clay, of Georgia, who is anxious to get the senate judiciary committee to make a report on this proposed legislation, will try to force a yeay and nay vote in the senate tomorrow. He will insist that senators go on record in this matter. He, with other senators, does not like the somnolence displayed by the committee with reference to this subject. For session after session, bills dealing with state control of interstate shipments of liquor have been before the committee but they have been allowed to lie there without being reported upon.

Senator Dolliver, of Iowa, who has long been urging legislation dealing with the same problem, has introduced the Dolliver-Hepburn bill in the senate. This bill is intended to meet the same conditions against which Senator Clay and other senators from states that have prohibition laws are protesting.

MANY MASONS TO BE HERE

Grand Lodge to Meet in Raleigh Next Week

121ST COMMUNICATION

Much Work to Be Done During Three Days—New Officers to Be Chosen and Deputy Grand Master Gattis Will Probably Succeed Lieut.-Governor Winston—Other Matters of Interest.

(By Leased Wire to The Times.)

When the 600 or more Masons assemble in Raleigh next Tuesday for the 121st annual communication of the Grand Lodge, A. F. and A. M., they will dispose of some very important matters. At the meeting this year new officers will be elected, the matter of making arrangements to have the work on the Masonic Temple pushed will be taken up, the work of the district deputies will be given new emphasis and the reports to the Grand Lodge will show a membership of 18,000, an increase over the past year of 1,500.

The Grand Lodge will be in session Tuesday, Wednesday and Thursday and probably a part of Friday. This year the Grand Lodge officers will be changed. It was thought at one time that the Masons would depart from this established custom of changing officers every two years and re-elect Grand Master Francis D. Winston, who has made such an excellent officer. To Lieut.-Governor Winston and Grand Secretary John C. Drewry are due much of the success of the Masonic Temple. Governor Winston has given much of his time traveling over the state arousing enthusiasm in the cause. He and Mr. Drewry, as members of the Masonic Temple committee, have practically borne the burden of making the Temple a certainty. In spite of his services, however, the Grand Lodge will hardly break all precedents, and Governor Winston, with the thanks of the body, will join the ranks of past grand masters. In his place will probably be chosen Deputy Grand Master S. N. Gattis of Hillsboro.

To Push Temple Work.
The matter of making arrangements for pushing to an early completion the Masonic Temple will be taken up. It has been found necessary to carry on the work on the building slowly because of slow payments. The communication, however, will provide for prompt payments to the Central Carolina Construction Company and the work will be urged forward rapidly.

Another matter to come up is the advisability of increasing the power of the district grand deputies. Two years ago the state was divided into thirty districts and the plan has worked so well that the Masons will undoubtedly emphasize their action two years ago by increasing the scope of the thirty district deputy grand masters, so that masonry will be given further emphasis.

Membership 18,000.

A fact which will be gratifying will be the statement of the increase of membership in the state. Approximately 1,500 new members have been added during the past year, and today there is a total enrollment of 18,000. The revenues of the Grand Lodge have made a corresponding increase and the annual dues now amount to \$14,000.

Next Monday the board of custodians will go over the work of the Grand Lodge with lecturers so as to exemplify before the lodge the various degrees.

Reunion of Past Grand Masters.

A feature of the communication will be a reunion of all past grand masters. Every one of these dignitaries has signified his intention of being present. The past grand masters are: F. H. Busbee, Raleigh; Col. Robert H. Bingham, Asheville; Gen. William R. Cox, Edgecombe; Major Samuel H. Smith, Winston-Salem; Gen. John W. Cotton, Tarboro; Col. John Nichols, Raleigh; Charles H. Robinson, Wilmington; Dr. R. J. Noble, Selma; Dr. H. I. Clark, Scotland Neck; Dr. F. M. Moye, Wilson; Gen. B. S. Royster, Oxford.

There will be about six hundred Masons in Raleigh next week and the work of the communication will be awaited with interest.