

ESTABLISHED 1876.

RALEIGH, N. C., SATURDAY, DECEMBER 5, 1908.

PRICE 5 CENTS

MRS. SMITH IDENTIFIES THE JEWELRY OF MURDERED MAN

Earle Cotton and Tim Holderfield Charged With Murder and Larceny

BIG CROWD IN COURT HOUSE THIS MORNING

No Attempt Made to Establish Cases Against Others Who Have Been Arrested and They Will Be Used as Witnesses—Hearing Moved to Court House so as to Get a Larger Room—Many Witnesses Summoned—Smith's Widow and Others From His Home Here.

At one o'clock today the sensation of the Smith murder mystery was sprung by City Attorney Snow, when he had Capt. Thompson exhibit the watch, chain, and diamond ring of the late Dr. E. W. Smith and immediately afterwards they were identified by the widow of the dead man. Mrs. Smith came into court in company with her attorney, Mr. Sands, of Richmond, and on being shown the articles above named she examined them carefully and in a faltering voice declared them to be the property of her late husband. As each word was emitted from her lips the defendant's faces were seen to harden, as if the jig was up. It was truly one of the most touching scenes ever witnessed in a Wake county court-room. There was not a man in the great throng whose heart did not go out to her and she may rest assured that justice will be done.

The Smith murder case came up for a preliminary hearing this morning. At half past nine o'clock the crowd began to gather in the police court and by 10 o'clock every available space was taken up by the citizens of Raleigh, eager to witness the unravelling of the most mysterious homicide that ever baffled Raleigh's police authorities. To say that the death of E. W. Smith has aroused intense interest would be putting it in very mild terms. It has been the talk of the town since the fatal Sunday, three weeks ago.

The crowd that gathered at the preliminary hearing this morning showed that instead of interest waning it had heightened. Employers and employees, fathers and sons, business men and loafers, stood in death-like silence to catch every word that would tend to throw any light on the mystery.

At 10:09 o'clock there entered the court room Mrs. E. W. Smith, the widow of the dead man; Mr. J. T. Seray, manager, and Mr. Alexander Sands, attorney, for the White Oak Coal Company, for which Smith was travelling at the time of his death.

Col. J. C. L. Harris moved that the court adjourn to the court house in order to accommodate the large crowd. Judge Badger said he did not see any objection to this arrangement. Mr. William B. Jones preferred to wait until City Attorney Snow came in and hear his opinion on the proposed motion. The city attorney arrived at 10:25 o'clock and stated that the state desired to enter non pro in cases of State vs. Earle Cotton, Richard Williams, E. A. Hopkins and Ed. Chavis. He stated that the cases that would be heard this morning were: State vs. Earle Cotton and Tim Holderfield, for murder; State vs. Earle Cotton and Tim Holderfield for larceny; and State vs. same defendants for an assault with intent to kill.

State announced their readiness for trial at 10:30. Counsel for Cotton moved that on account of the inability of the counsel to be with his client that the trial be held in the county court house. City Attorney Snow acquiesced and the immense throng followed officers and prisoners to the court house.

Defendants Cotton and Holderfield seemed in good spirits and talkative humor. Cotton wanted to know of Sherwood Upchurch if "old man Ike had got back from Norfolk." Upchurch didn't know.

City Attorney Snow stated to the court at 10:50 that Mr. William B. Jones and Mr. Sands, attorney, of Richmond, would assist him in the prosecution.

Mr. Gatling wished to know if there was any charge against Hopkins. On being notified that there was not, he wanted to know if he had been subpoenaed, or was Hopkins

PRELIMINARY MEETING SWINDLER ARRESTED Cycle Meet Will Be Held Tonight

Will be Preliminary to the Six Days' Grind Which Starts Tomorrow Night—Exceptional Card Has Been Arranged—Some Great Sprinters and Pace Followers in the Meet.

(By Leased Wire to The Times) New York, Dec. 5—The annual short distance world's championship cycle meet, preliminary to the start of the International six day grind tomorrow night, will be held at Madison Square Garden tonight. An exceptional card has been arranged bringing together the fastest sprinters and greatest pace followers and middle distance men in the world.

The star event of the evening will, in all probability, be the three-cornered match race between Frank Kramer, sprinting champion of America; Victor Dupre, one of the fastest men in France, and the world renowned speed marvel, Major Taylor.

This race will be run in heats, the first at half a mile, the second at a mile and in the third and fourth, if they be necessary, the distance will be decided by the toss of a coin. Dupre, who will also ride in the six day event, has been showing his heels to every sprinter in Europe, including among his victims Frool, Poulaine and Major Taylor. The latter, however, is in better shape now and more at home on a small track similar to the one in the garden. Frank Kramer is, as usual, in first-class condition.

The ten mile motor-paced race in which Bobby Walthour, champion of America, will meet Albert Edward Willis, the holder of the world's record of sixty-one and a half miles, may witness another defeat of an American by an Englishman. Willis is certainly a phenomenal rider. He is a little bit of a chimp, about the size of Jimmy Michael, and seems to be perfectly at home on an indoor track. Since his arrival here with the Europeans, who came over for the six day race, he has been training at the Park Square cycle track in Boston, behind the man who will pace him in tonight's race, Charles Turville.

A ten mile open event in which all of the six day riders, as well as many others will compete, and two amateur events complete tonight's card.

With the completion of the track everything is in readiness now for the start of the six day grind one minute after 12 o'clock tomorrow night. The box office has been open for several days and the sale of seats is unusually heavy. The doors will be open at 7 o'clock tomorrow night and the crowd will be entertained while waiting for Dorando to start the long grind, by a sacred concert rendered by a band. Sixteen teams will start in the big event.

MINE EXPLOSION IS NOT A MYSTERY

(By Leased Wire to The Times) Pittsburgh, Pa., Dec. 5—The average mine explosions is not a mystery declared the state mine inspectors of Pennsylvania. They, take issue with the statement, oft-repeated during the past three days' sessions of the American Mining Congress that the great cause of explosions is unknown. Fifty inspectors, including James E. Roderick of Pennsylvania, George H. Harrison of Ohio, David Ross of Illinois, and John G. Ross of West Virginia, held nearly an all day session yesterday to discuss and digest the addresses made during the two days' meeting of the congress.

The result was the presentation of an address to the mining congress just before adjournment last night by the inspectors protesting against the broad assertion that mine disasters were a mystery.

In addition the inspectors have in preparation a series of suggestions for recommendation as to new mining laws in the central competitive field, which they will take back home with them. These also may be presented to the congress today if they are prepared in time.

The most important recommendations will declare that stricter rules are needed. They will appeal to the legislature to force the keeping of a record of the dust sprinkling similar to the fire bosses records in the mines.

THE GOVERNOR PARDONS ONE Two Commutations Granted and Three Pardons Refused To-day

Admiral Coughlan Died Suddenly at New Rochelle This Morning

HEART FAILURE, CAUSE

(By Leased Wire to The Times)

New York, Dec. 5—Rear Admiral Joseph Bullock Coughlan, retired, who had been one of the most distinguished officers in the American navy, died suddenly today at the home of Charles Chamberlain, Sutton Manor, New Rochelle, and seemed to be in excellent health.

Admiral Coughlan went to visit Mr. Chamberlain several days ago. He walked about the streets of New Rochelle last evening and greeted a number of friends. He seemed to be in excellent health at that time. Heart failure is supposed to have caused his death.

Since June 1, 1907, when he retired from the navy, Admiral Coughlan had been engaged in business. He had a host of friends in New York—men who admired him for his bravery and also because of the determined stand he took at Manila during the Spanish-American war.

It was at Manila that Admiral Coughlan wrote his famous "Hoeh Der Kaiser" poem, after Admiral Von Deterich, of the German fleet, in Pacific waters, had vigorously protested against the holding up of German boats in this blockade. That poem nearly caused a serious clash between Germany and the United States.

Admiral Coughlan was born on December 9, 1844, in Frankfort, Ky. On his father's side he was of Irish extraction. He entered the Annapolis Naval Academy in 1860 and was graduated in 1863. From 1863 to 1885 he was attached to the steam-ship Sacramento on special service. His promotion after this was rapid.

From 1886 to 1887, after having commanded the "Adams," he was stationed at the Mare Island navy yard. He later commanded the Mohican and the Raleigh, and it was while serving on the Raleigh that he took part in the battle of Manila Bay. While there Admiral Dewey called upon Admiral Coughlan to protest against the holding of German ships in the American blockade. Dewey said that the ships would have to stop when ordered.

"That we fly the German flag," protested the admiral.

"Those flags can be bought for a dollar a yard anywhere," retorted the admiral. "The slightest infraction of my rule will mean only one thing and that will be war. If your people are ready for war with the United States they can have it at any time."

"And the quicker the sooner," chuckled Coughlan as the German departed. Sometime later, while reading an Australian paper, he discovered a poem about the Kaiser, which had been written during an unpleasantness between England and Germany. Admiral Coughlan memorized it and sometime later at a banquet of the fleet officers, he recited it. Admiral Dewey is said to have laughed so heartily that he narrowly escaped choking.

After the war, when Admiral Coughlan returned to New York, he was given a dinner at the Union League club, at which he again recited the "Hoeh Der Kaiser" poem.

Admiral Coughlan was married in 1883 to Julia Barbour, of Terre Haute, Ind. He leaves one son, Graham Coughlan.

THREATS AGAINST GRAND JURY

(By Leased Wire to The Times) Toledo, O., Dec. 5—Constantly armed and even sleeping with a gun at his side, Joseph Munch, a hotel proprietor, foreman of the grand jury now in session is prepared to meet threats against his life. During the present inquiry into criminal cases by the grand jury Munch has received anonymous letters and telephone messages warning him that if certain lines of investigation are not dropped he will suffer. This attempted intimidation and other suspected interference with the work of the grand jury will probably be investigated by Lucas county authorities.

NO PARDON FOR MARTIN

Pardon for W. H. Martin, Convicted of Embezzling Funds From the State of North Carolina While Clerk in the Treasurer's Office is Denied—Robber the State of \$16,000 in Six Years—Commutation of Sentence for John Angel and Henry Burgess.

GOVERNOR GRANTS THREE PARDONS

(By Leased Wire to The Times) Chicago, Dec. 5—Raymond L. Bernier, founder of two financial magazines, who had a career pyrotechnically unexcelled in the history of "wild cat" finances, has been arrested in Goldfield and is on his way to Chicago. He will arrive here today in charge of secret service men. The greatest care has been taken by the government to keep the arrest of Bernier secret.

Bernier had offices in the Majestic building, occupying the whole top floor. Many persons were hit hard in the mining swindle which he is charged with perpetrating.

There is to be some secret scheme to free Bernier if his liabilities and responsibilities, it is reported, but the nature of the plan is a mystery, as many things connected with the flight of the man.

There was a large splurge when Bernier came to Chicago from New York two years ago, the stir caused by the authoritative appearance of his "Journey of Finance" and the sensation following the publication of the first and only number of "Opportunity of Today," the reaping of the first harvest and then the discovery that there was not a mountain of gold behind it, the consequence dwindling of his establishment and then the flood of complaints which caused his hasty departure.

Bernier bought a small farm magazine in Michigan to obtain a circulation status and opened his offices in the Majestic building. The nineteenth floor was fitted up at a cost of \$40,000.

Several good editorial writers, short story writers and a prominent artist were employed.

To a big printing firm he paid more than \$20,000 to get out the first number of the magazine which was to boost his stock schemes.

The magazine came out after numerous delays and was said to be one of the finest examples of the printer's art ever issued. The first number alone cost \$20,000. The printers went to work on the second number of the magazine and the word went around that Bernier was "broke."

The postal authorities say the Milwaukee man, who paid over \$20,000, did so for mining stock, which he has never been able to sell. Even an approximate amount of money belonging to other people that Bernier is accused of getting away with is not definitely known.

State vs. Charles Vance—Defendant was convicted September term, 1908, Gaston superior court, of larceny, and sentenced to four months on county roads. The defendant had a fair trial, and sentence of four months does not seem to me excessive. Neither the judge or solicitor recommend the pardon, and in my judgment sentence ought not to be disturbed. Application declined.

State vs. John Angel—Defendant was convicted November term, 1902, Surry superior court, of murder, second degree, and sentenced to 21 years in state prison. I heard this trial, and think the defendant was properly convicted. Before passing sentence, the judge asked me what I thought would be a fair punishment, and I told him under all the circumstances I thought 10 years was enough. I am still of that opinion. He has been in prison for 6 years and is entitled to some credit for the good record he has made. I therefore commute his sentence to 10 years, and direct that he be discharged from custody the first day of May, 1912, provided that from now until then he is of good behavior, and remains of good behavior thereafter.

State vs. Henry Burgin—The defendant was convicted at Buncombe superior court of murder in the second degree and sentenced to 20 years in the state prison. Both trial judge and solicitor, as well as of the best citizens and attorneys of Buncombe county, recommend the pardon of this man, and the defendant having served 7 years and made a good prisoner, upon the condition that the defendant remain of good behavior up to that time, and also thereafter, I commute his sentence, and order his discharge on the first of January, 1910.

Pardons Granted.

State vs. George W. Barnes—Defendant was convicted September term, 1904, Martin superior court, of carnally knowing a girl under 14 years of age, and sentenced to 10 years in state prison. The trial solicitor, the private prosecutor, the parents of the girl, recommend the pardon of this defendant, and after carefully considering the testimony, believing that the defendant was unjustly convicted, I grant pardon, conditioned on his remaining of good behavior.

EVANS WON'T ACCEPT GIFT

(By Leased Wire to The Times) Los Angeles, Cal., Dec. 5—"Of course, the people in Southern California, who know me will understand that I don't want to be placed in the position of accepting a home, and those who do not know me had better be told that I would not accept a home or any other present."

GENERAL SIMON IS IN HAYTI

(By Cable to The Times) Port Au Prince, Dec. 5—With General Simon at the head the revolutionary army, numbering 8,000 men, marched into this city at 9:15 o'clock this morning. General Simon was given a splendid ovation. There was no disorder. The troops are distributed throughout the city and perfect order is being maintained.

PHILADELPHIA PHYSICIAN TRIES EXPERIMENT TO PREVENT TYPHOID

Philadelphia, Pa., Dec. 5—"Yes, I inoculated myself and Dr. Miller, one of the internes at the Methodist Hospital, together with Miss McBroome and Miss Henderson, two nurses at the same institution, with anti-typoid germs," said Dr. Harlan Shoemaker, of 1618 Spruce street, "and I would not take a great deal for the immunity."

NEGRO PEACEMAKER KILLED

Was Shot Accidentally by His Own Son. Camilla Ga., Dec. 5—While acting as peacemaker at a negro festival last night between his son Bill and other negroes, Sam Smith, negro, was accidentally shot and killed by his own son.

Doc Brown, negro, was killed by Levi Stanford, also colored, over domestic troubles.

Another negro is reported killed at Leland, near here. No details of the killing has been received.

LEAGUE MEETING HELD NEXT WEEK

Real Action Expected When Meeting of the Leagues Are Held

GOOD DIPLOMACY NEEDED

According to Report a Number of Questions Are to Be Settled, Some So Important There is Sure to Be Trouble in Satisfying All Hands, Chubby Charley Murphy, of the Cubs, Has an Axe to Grind, and Will Be Well Represented in the Arena When the Muss Starts.

(By Leased Wire to The Times) New York, Dec. 5—Some real action is expected when the meetings of the National and American leagues open in this city next week. According to report there are a number of questions to be settled and some of these are so important that there is sure to be trouble in satisfying all hands. Chubby Charley Murphy, of the Cubs, has an axe to grind and while it is rumored that he may be forced to remain in Chicago during the confab, it is certain that he will be well represented in the arena when the muss starts.

John T. Brush is another that is expected to stir things up, for he wants to know what right President Pulliam had to order the Giants and Cubs to play off their protested game after the season had closed. Charley Ebbetts wants to go to the mat with Doves, of Boston, and there are other troubles that will come to the surface and cause the magnates more than the usual amount of time and diplomacy to settle.

Mr. Pulliam has prepared a long defense of his action regarding the protested game. He says that section 57 emphatically states that in case of a tie at the conclusion of the season a series of three games must be played to settle supremacy.

This game, however, was an exception. Charles Murphy's protest tied up the matter so that playing it off the next day was impossible, and it came to the end of the race a drawn game only through a technicality. In such case the board of directors harked back to Section 22 of the constitution, which was interpreted as authority for the course of action pursued.

Mr. Pulliam says there are no reasons why the present constitution should be altered to guard against a repetition of the unsatisfactory wind-up of the present season. He explained that had the race resulted in a three-cornered tie, Chicago and New York would have been called upon to play off the one sudden-death game and then Pittsburg would have met the winner for the pennant in a three-game series.

The big league moguls are naturally interested in the much-heralded disputes of the Eastern League and American Association. The conspirators will get together at the Hotel Victoria at 2 o'clock Sunday. While none of the first water magnates will venture on the stamping ground most of them will be somewhere in the vicinity.

Manager Murphy says that he does not intend to allow Ban Johnson, as a member of the national commission, to run the Chicago club. This outburst of Chubby Charley is due to the fact that Johnson has been conducting an investigation of the charge that during the recent world series the Chicago club was in collusion with ticket speculators.

Murphy says this is untrue, and, to back up the statement, he has just sent two of his club officials to Garry Herrmann, also a member of the commission, to find out if there is any conclusive proof of guilt. Herrmann, it is said, has made a statement that the Chicago club is not guilty, which, if true, may cause a general rumpus.

FOUND WATER IN DREAM

(By Leased Wire to The Times) Oil City, Pa., Dec. 5—Residents of Cherry Tree township are excited over the discovery of a spring by Benjamin Walters, who dug at a spot indicated by his mother in a dream. Recently farmers have been driving their stock to a stream three miles distant, but the creek froze over. Last night Mrs. Walters dreamed water was pouring from the ground in the orchard. The son dug a hole eighteen inches deep and a stream big enough to supply the entire neighborhood gushed forth.