

Weather.

Washington, March 8—Forecasts for North Carolina for tonight and Tuesday: Rain tonight and Tuesday; warmer tonight; colder Tuesday.

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LAWYERS IN THE MURDER TRIAL BEGIN SPEECHES

Colonel Fitzhugh, Life Long Friend of Carmack, Opens the Argument

SCORES COL. COOPER

Great Crush Attends the Opening of the Cooper Trial This Morning—People Began to Gather as Early as 4:30 O'clock and by 9 O'clock Every Available Space in the Court Room Had Been Taken and Many People Were Turned Away—Capt. Fitzhugh Opened the State's Argument Before the Jury—Scores Col. Cooper.

(By Leased Wire to The Times) Nashville, Tenn., March 8—The greatest crush of people since the trial began were in attendance this morning to hear the opening argument in the case of Colonel Duncan B. Cooper, his son Robin Cooper, and John D. Sharp, whose trial on the charge of murdering former Senator Edward W. Carmack, has entered upon its eighth and probably final week.

Back of the table reserved for the prosecution's attorneys, who will begin the argument of their case today, the crush was unusually heavy. Large numbers of ladies were in the crowd, which began to gather as early as 6:30 o'clock. By 9 o'clock every bit of available space in the court room had been taken and many scores of people had been turned away.

It was 9:20 o'clock when Captain G. T. Fitzhugh, the eloquent Memphis attorney and life-long friend of Senator Carmack, opened the state's argument to the jury. The court room at this time was crowded to suffocation, every seat being taken and all the open places were filled with standing spectators.

Captain Fitzhugh began by paying the customary tribute to the jury, thanking them for their untiring patience and their uniform courtesy and attentiveness.

He then lauded the citizenship of the dead man. He dwelt at length upon the distinguished service to his country of this son of Tennessee. Captain Fitzhugh then defined "malice" to the jury and said it could arise suddenly, in law and fact, or could be the result of brooding, "as it has been in this case," he added. He told how the defendant, Colonel Cooper, had been heard cursing and threatening Carmack and said that this showed that the colonel bore malice deep in his heart against Carmack.

Captain Fitzhugh declared that Colonel Cooper did not kill Senator Carmack because of wounded reputation, but he killed him because of his fear of the truth and his love of vengeance.

The speaker asked how it was that this man's name could not be mentioned, "this man who had shaped the destinies of a state, this man who had made politicians, this man who had pulled the wires. Jno. D. Rockefeller, J. P. Morgan and E. H. Harriman are not officeholders, yet they are not going around killing men who dare to mention their names in the public press."

"This man who has injured all he has ever touched; this lobbyist, this defaulter, this professional politician," exclaimed Captain Fitzhugh, with intense emphasis, "puts himself on a pedestal so high that his name may not be mentioned even in a jocular manner."

Captain Fitzhugh took up the editorials of which Colonel Cooper had complained in order. The first was October 21. In this one Colonel Cooper had complained because his name had been linked with those of certain saloon men and gamblers.

"The only difference," declared Captain Fitzhugh, "lay in the fact that Colonel Cooper, a gambler all his life, had played for larger stakes and has never paid his debts with his big winnings."

"The editorial of November 3," said Captain Fitzhugh, "did not even mention his name, yet he took offense at it because the machine was attacked. His attitude was, I am the machine; I am the state, and when you strike the machine you strike me."

"Where was the offense in that unless Colonel Cooper was looking for it with jaundiced and malicious eye?"

Captain Fitzhugh then took up the editorial of Sunday morning, Novem-

Secretary Frederick Carpenter.



This is a picture of the man who is to take the place of Secretary Loebe in the White House. He is Frederick Carpenter, and has been President Taft's Secretary for a long time.

REAR ADMIRAL SPERRY RETIRES

(By Leased Wire to The Times) Washington, March 8.—Rear Admiral Charles S. Sperry, who was commander-in-chief of the Atlantic fleet, on his world tour, hauled down his flag today and Rear Admiral Stetson Schroeder succeeded him. Admiral Sperry will be assigned to the Naval War College at Newport.

Rear Admiral Schroeder is one of the best known officers of the navy. He is a brother-in-law of Rear Admiral Richard Wainwright, of the first division of the fleet, who many believe will assume command of the fleet in a few weeks.

Rear Admiral Casper F. Goodrich, commandant of the New York navy yard, will be relieved on May 15, when Superintendent Joseph Murdoch of the battleship Rhode Island, will succeed him.

The battleships Kentucky, Kearsarge and Illinois will be replaced in the Atlantic fleet this week by the New Hampshire, Idaho and Mississippi.

YALE GRADUATE SUCCEEDS CRUM

(By Leased Wire to The Times) Washington, March 8.—It is announced that President Taft has decided to appoint as successor to Dr. Crum, the colored collector of the port of Charleston, S. C., over whose re-appointment there has been much contention in congress, a personal friend of the president named Durant, who is a well known resident of Charleston and a man of large means. Mr. Durant, who is a Yale graduate, was married some years ago to Mrs. Gregg Chisholm, a widow well known in South Carolina and Louisiana, where the Chisholm family is highly connected. Mrs. Durant will be received with much satisfaction in Charleston.

THIEVES BREAK INTO CRINKLEY DEPT. STORE

Thieves broke into Crinkley's department store last night and secured \$170 from the cash register, several shirts and some shoes. It is thought that they entered at the rear window. The affair occurred just after the crowd had returned from the place from which a false fire alarm had been turned in.

Mr. Hinman, of the Rescue Company, stated that he had just gotten into bed, when he heard a window glass fall out. The robbers must have been bold ones as they chose 10:15 as the time to do their work.

BALTIMORE IS GETTING NORMAL

(By Leased Wire to The Times) Baltimore, Md., March 8.—After three days and nights' effort by an army of workmen, estimated at between 10,000 and 12,000, and aided by the warmer weather, Baltimore is again in communication with the remainder of the world by both wire and rail. Hundreds of telephone and telegraph poles and hundreds of miles of wire were destroyed and replaced. Wrecked tracks and bridges were repaired and the officials of the Western Union and Postal, the Baltimore and Ohio, the Pennsylvania and Western, Maryland, all report that trains are running nearly on schedule time and that messages are being handled.

No exact amount can be given as to losses but railroad officials issue estimates running from \$1,500,000 to \$3,000,000. Much cannot be said, however, of telegraph facilities. Messages are being sent and received, but it is an emergency service, and two weeks or more must elapse before conditions are the same as they were before the storm of Thursday.

KING ALFONSO IN AUTO WRECK

(By Leased Wire to The Times) Madrid, March 8.—King Alfonso of Spain, was today hurled from a speeding automobile as he was dashing down a steep winding road near Seville, the car suddenly whirled and dashed into a stone wall.

The motor car belonged to the Marquis Viana, who accompanied the king. Alfonso's host was thrown several feet, being shot across the front of the car and the stone wall. He is reported to have escaped serious injury. The king himself suffered only bruises, a few cuts and a severe shaking up, it is said.

WILL BE NO STRIKE OF ANTHRACITE MINERS

Wilkesbarre, Pa., March 8.—It is now said authoritatively that there will be no strike of the anthracite miners even if the operators refuse all demands, as they have publicly announced that they will. President Lewis and the district officers will advise the workers, it is said, to remain at work during the summer, while the union is getting strengthened, and wait until the fall, when there is a brisk demand for coal, before taking further action. Then the operators could be given another chance to grant some concessions, and, if they again refused, the mine workers could go on a strike.

SENATE GETTING THINGS IN SHAPE FOR THE CLOSE

Extends Thanks to Lieutenant Governor Newland for His Fair Rulings

MATTERS DISPOSED OF

Senate Met Early and is Pushing Work in Effort to Get Through—Mr. Bush Led the Prayer—Many Bills Passed Final Reading—Among Them Bill to Allow Widows of Confederate Veterans Who Were Married Prior to 1868 to Receive Pensions—Joint Resolution Passes to Appoint a Commission to Investigate the Torrens System of Registering Land Titles.

The senate was called to order at 9:20 today by President Newland. Mr. Bush led the senate in prayer.

Passed Final Reading. The following bills passed their third readings:

H. B. For relief of flood sufferers in Bladen county.

H. B. To provide for construction and repair of roads in Nashvillo township, Nash county.

H. B. Relative to the acquiring of the right of eminent domain.

H. B. To regulate fishing on Cape Fear River.

H. B. To allow widows of old soldiers who were married prior to 1868 to receive pensions, instead of before April, 1865, as the present law provides.

H. B. For relief of janitor of capitol.

H. B. To re-enact chapter 389 of public laws of 1878.

H. B. For relief of Capt. W. S. Lineberry.

H. B. Joint resolution in regard to appointing a commission to investigate the Torrens system of registering land titles.

H. B. For separation of white and colored prisoners in state penitentiary and in convict camp.

H. B. To promote proper management of forests in North Carolina.

H. B. To pay costs of special committee appointed to examine the report of the legislative auditing committee.

H. B. To incorporate State Normal and Industrial College Alumni Association.

H. B. To amend hog law in Dare county.

H. B. To amend law relative to open season for hunting quail in Greene county.

H. B. To authorize Jno. A. Exum to collect back taxes in Greene county.

H. B. To assist poor children to obtain school books in Chowan county.

Thanks to Capital Club. The thanks of the senate was extended to the Capital Club by a ringing vote for its many courtesies to the members of the general assembly.

Senators Pharr of Mecklenburg, and Dockery of Richmond, spoke feelingly of the many courtesies of the club.

Thanks to Governor Newland. Senator Manning introduced a resolution of thanks to Lieutenant Governor Newland for the able and impartial manner in which he has presided during the session and the resolution was adopted by a unanimous vote and amid much applause.

S. B. To establish a board of water course commissioners for Adams Creek, Cabarrus county.

H. B. Relative to highway commission for Valleystown township of Cherokee county.

S. B. To increase the pension of Capt. Frank Siler, placing him on the first class pension roll.

H. B. To correct law establishing free library in Wilmington.

H. B. To amend charter of Glenwood, McDowell county.

S. B. For relief of C. P. Gaskins, an old soldier.

S. B. For prevention of spread of disease.

S. B. To prevent directors of state institutions from appointing one of their members to a position in the institution under their control.

For State Hospital. A joint resolution to provide for a contingent appropriation for the maintenance of the Central Hospital at Raleigh was introduced by Senator Doughton. Senator Mills said he "wouldn't play without a limit" and asked that some limit to the appropriation be made.

Senator Pharr offered a resolution (Continued on Page Two.)

Mrs. Taft in Ballroom Costume.



Mrs. William H. Taft is here shown in the evening dress which she wore at the Inaugural Ball, adorned with Golden Rod.

MORTON CALLS UP WILMINGTON FINANCE MATTER

Long Discussion Over the Subject When Matter Came Up in the House

PUSHING THE WORK

Fifty-third Day's Session of the House Met at 9:30 O'clock—Mr. John Latham, of Beaufort, Led the Prayer. Omnibus Magistrate Bill Passes. Mr. Currie Introduces Bill Out of Order Providing For Protection of the Supreme Court Library—Bill Tabled—Many Bills Disposed of and House Rushes Work With View to Adjournment.

The fifty-third day of the house of representatives, North Carolina general assembly, was called to order by Speaker Graham at 9:30 this morning and Mr. John F. Latham, of Beaufort county, led the prayer.

The calendar was taken up and the first thing on passage was the omnibus magistrate bill, carrying all the great list of magistrates needing to be appointed.

Mr. Currie asked to introduce a bill out of order providing for protection of the supreme court library. This was objected to and on a division the rules were suspended and the bill introduced which provides for a new heating plant, moving the present one out of the supreme court building; the state to bear half the expense and the agricultural department the other half. Mr. Graham opposed the bill, so did Mr. Lee, saying it was patch work. Mr. Rascoe said it looked like a waste. Mr. Doughton said it was a late hour. Mr. Gwyn moved to table the bill, and it was quickly done.

Bills Passed or Disposed Of. To allow stockholders in a corporation to vote cumulatively; passed. To refer oyster claim to oyster commission; passed.

The bill to make all loans expire December first each year, unless otherwise stated, was tabled.

To create the North Carolina Library Association; passed.

To perpetuate fish in the waters of North Carolina, requiring all shad net out of Neuse, Cape Fear, and Black rivers; held up.

The bill creating a highway commission was tabled.

The bill to make a wife lose title to the dower in her husband's estate after five years living apart, and a tender as reconciliation was held up.

To abolish term of court in Scotland; passed.

To better protect game in Catawba county; passed.

To increase pay of janitor of capitol; passed.

To allow foreign executors to qualify without bond; passed.

Mr. Kennedy sent forward a protest against the seating of Charles T. Williams over D. M. Stringfield, and on assurance that it was couched in parliamentary language, Mr. Doughton moved it be put upon the journal without reading.

The bill for making a uniform bill of lading was called for by Connor, it being on the unfavorable calendar, but it was voted down, and it is good dead.

Passed Third and Final Reading. To improve the roads of Randolph. To incorporate the town of Chadbourn.

To amend the charter of Gatesville. To improve the highways in Halifax.

To improve the highways in Mars Hill township. To validate an election in Bryson City.

No Tax on Dogs. The bill to tax dogs was laid on the table good and hard. Passed Final Readings. To punish for burning unoccupied houses by owners.

To punish for burning boats. For protection of married women by punishing husband for slandering wife, allowing her to testify.

The shad bill was tabled as to Neuse, Cape Fear, and Black rivers. To require butchers records in Harnett county. Norton Versus Governor. Mr. Morton moved to reconsider the vote on the Wilmington audit and finance board bill, which failed of passage Saturday, saying he did so in order to offer a substitute, and (Continued on Page Two.)

TEXAS NEGRO LYNCHED and Burned

Taken From Jail Sunday Night and Burned

(By Leased Wire to The Times) Rockwall, Tex., March 8.—After having been identified by Mrs. Arthur McKinney as the negro who attacked her Friday morning, but who was released, Anderson Ellis was taken from the Rockwall county jail last night. He was bound to an iron stake, driven into the earth in the public square, and was burned to death in the presence of about 1,000 persons.

Earlier in the evening Will Clark, a negro, was shot and instantly killed when his father, Andrew Clark, refused permission to a posse to search his premises on the assumption that Ellis was concealed there.

People were here from several towns, and from Dallas, Collin, and Hunt, as well as Rockwall county, to witness the execution of the negro. Ellis admitted his guilt, but refused to make a statement, or to leave a farewell message for his relatives. He did not utter a cry as the pile of cordwood which had been saturated with kerosene, was set on fire, nor did he show loss of nerve as the flames cooked his flesh. He was dead within nine minutes after the torch had been applied.

A posse arrived at the farm house of Andrew Clark, a negro, yesterday afternoon to search the premises for Ellis. Upon refusal the inmates were commanded to surrender. Two negroes were seen to run from the rear of the house. Shots were fired at them, and one, Will Clark, son of the farmer, was killed. The other negro, now known to be Ellis, escaped. Bloodhounds were put on his trail. About 8 o'clock he was surrounded at a farm-house three miles south of Caddo Mills. Ellis made desperate resistance and emptied his weapon at the posse without effect. Quickly closing in, the posse overpowered the negro and tied him securely. During the fight with the posse Ellis was wounded twice, once in the arm and once in the back.

The negro was placed in the Rockwall county jail. When it became generally known that Ellis was held in the jail determined men overpowered the jailers, obtained the keys, unlocked the cell and took the negro to his doom.

MR. WATSON IMPROVED. (Special to The Times.) Winston-Salem, N. C., March 8.—Hon. C. B. Watson's condition shows improvement today so far as attacks of Bright's disease and diabetes are concerned. His heart is extremely weak, however, and physicians are administering stimulants to keep him alive.

RAILROADS WIN CASE

Missouri Rates Are Held to be Confiscatory

(By Leased Wire to The Times) Kansas City, Mo., March 8.—Judge McPherson, of the United States district court today handed down a decision in two cent fare and maximum rate cases involving eighteen Missouri lines, in favor of railroads. The railroads contend that the rates fixed by the statutes of the state were not remunerative but confiscatory and that the enforcement of the statutes should be enjoined.

The question, said Judge McPherson, in his decision, "is whether the traffic wholly within the state of Missouri, generally referred to in evidence as local traffic can be carried under the freight rate statute of 1907 and the passenger fare statute of 1907 at such profit as will give a reasonable return after paying expenses upon the investment or whether such traffic is carried at a loss or less than such reasonable profit. The court reached the conclusion that upon this question the statutory rates fixed by either and both statutes are not remunerative."

The bill for making a uniform bill of lading was called for by Connor, it being on the unfavorable calendar, but it was voted down, and it is good dead.

STATE OPENS IN LUMSDEN CASE

(By Leased Wire to The Times.) New York, March 8.—The state opened its case against John C. Lumsden, the young inventor from North Carolina, who is charged with murder in the first degree, in the court of general sessions this morning. The defendant's wife, a pretty woman clad in grey, occupied a seat with a friend in the rear of the court room. Inside the rail with a young man companion sat the widow of Harry Suydam, the curb broker, for whose death Lumsden is being tried. Lumsden is defended by former Congressman James J. Fitzgerald, of New York, and former Governor Charles B. Aycock, of Raleigh, N. C.

The state's interests are looked after by Assistant District Attorneys Nott and Appleton.

Although locked up since last December, the defendant does not show that confinement tells on him.

Destructive Fire in Turin. (By Cable to The Times.) Turin, Italy, March 8.—A destructive fire today ravaged the business section of this city, wiping out the building housing the telephone exchange. This building is in the center of the business district.