Weather.

Washington, March 11.-Forecast for North Carolina for tonight and Friday: Fair tonight, fair in eastern, rain in western portions.

The Evening Times

ON TOMORROW

If Full Penalty of Twenty

Years is Imposed De-

SECOND. **EDITION**

ESTABLISHED 1876.

RALEIGH, N. C., THURSDAY, MARCH 11, 1909.

PRICE 5 CENTS

SMALL CROWD AT OPENING OF **COOPER TRIAL**

Many Vacant Seats in the Court Room and the **Galleries Today**

SYMPATHY OF PUBLIC

General W. H. Washington Resumed His Speech for the Defense This Morning-There were Many Vacant Seats in the Courtroom-Varying Size of the Crowds Shows That the Sympathy of the Public is With the Prosecution-When Lawyers for the State Speak the Courtroom is Crowded, But Small Crowds Hear Speeches for Defense.

(By Leased Wire to The Times)

Criminal Court Room, Nashville Tenn., March 11 .- The crowd in the court room at the resumption of the Cooper-Sharp trial this morning was much smaller than yesterday. It fact when General W. H. Washington resumed his speech for the defense there were many vacant seats, both in

the room proper and in the galleries. Manifestly the public at large sympathizes with the prosecution in the case, judging from the crowds that have been in attendance respectively when the counsel for the state and for the defense have spoken. Yesterday it was impossible to get out or the court room after one had gotten in, while today ingress and egress at

all times were easy. General Washington held the interest of his audience throughout his address. He is an actor as well as an orator. He speaks with his hands, his arms, his body, his eyes and every feature and pitches his voice away up in a treble key. His peculiar man-nerisms frequently provoked the audience to laughter and often Judge

Hart was forced to rap for order. General W. H. Washington resumed his speech promptly at 9:07 o'clock this morning and immediately launched into the discussion of the editorials written by Senator Carmack in which the name of Colonel Frown Cooper appeared. It was manifest from the tenor and direction of his remarks that he was doing everything possible to prejudice any "Patterson men" on the jury against Carmack. Time and again General Washington declared to the jury that Carmack was hitting at Patterson and that Carmack's purpose in those editorials was "to ruin Patterson.'

He declared that every man on the jury knew this was Carmack's purpose; that any ten year old child knew it. General Washington went out of the record time and again dragged politics into the case.

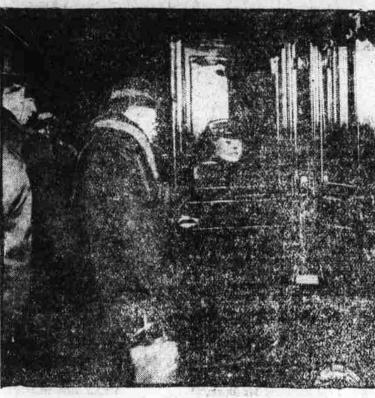
He referred to the fact that Patterson had defeated Tillman in the November election by 20,000 and that most of the "Carmack men who had worn the red in June" were loyal to Patterson in November. He left it plain that he meant the jury to know that Carmack was not loyal. He stated that it was at a time, too, when all democrats ought to have gotten together."

General Washington even pleaded guilty to the soft impeachment of having himself "been on the firing line in the November campaign." On one occasion he showed the ridicule there was in connecting Colonel Cooper's name with that of the Louisville and Nashville Railroad by terming the latter corporation "the corruptest that ever inflicted a state or a people." General Washington while disclaiming that Cooper had the right to kill on account of the editorials, declared that they were most insulting and damaging. He said ridicule was the worst form of assault, and that men could be indicted and put in jail for it.

A sharp clash occurred between General McCarn and General Washington regarding an alleged bit of pleasantry, indulged in by General Washington during the latter's speech. General Washington said some one since this trial began had asked where were the "brains of the Patterson administration," and the reply had been made that "they are in jail." General McCarn was on his feet in a moment objecting to the injection of such matters into the

"May it please your honor," said General McCarn, "there is not one word in this record about the brains of the administration being in jail and we respectfully ask that General (Continued on Page Two.)

Theodore Roosevelt Private Citizen. UMSDEN



Hon, Theodore Roosevelt is now a simple citizen of the United States This flashlight photograph shows the former chief executive leaving the automobile in Long Island City to take a special train for Oyster Bay after he had given up his reign of government to President Taft.

BUYCOTT

of Appeals

-Modifies Judge Gould's Injunc-

trict court of appeals this morning

This opinion will affect the ques-

eration of Labor was enjoined from

publishing the name of the stove

of Appeals this morning modified

The famous decision of Judge

Wright was made upon contempt pro-

ceedings, brought by the stove com-

Morrison were sentenced to jail for

respectively. While there is an ap-

crime committed by Gompers, Mitch-

holds the freedom of the press in

Three Separate Opinions.

Washington, March 11-in three

PATIENT LOSES LIFE

opinious, one by each justice, the

(Continued on Page Two.)

SANITARIUM BURNED;

this morning's decision.

strong terms.

Judge Gould's original injunction.

handed down an opinion on the ap

tion Against Gompers.

INSURGENTS TO MEET THE

Program Tonight

Want a Program That Will Receive Opinion in the Famous Rucks Stove the Approval of the Democrats for They Know That Without Democratic Support They Cannot Win.

(By Leased Wire to The Times) Washington, March 11 .- The insurgents will hold a meeting tonight and endeavor to map out a program peal of the officers of the American that will receive the approval of the Federation of Labor in the famous democrats. The insurgents understand that without the support of the democrats they cannot win, and therefore they are willing to accept after" the stove company in print suggestions from them.

As stated today by a leading insurgent they will attend the caucus Saturday night and take part in the Judge Wright upon Samuel Compers, selection of the speaker and other John Mitchell and Frank Morrison. house officers. This does not mean The decision of this morning was that there will be no opposition to given upon the appeal of the federa-Cannon in the caucus. When the tion from the injunction granted by question of rules comes up, the in- Judge Ashely surgents, it is said, will withdraw months ago. and thus be free from caucus action. If twenty-four or more leave the cauous then Cannon and his followers know they are defeated. All the in- company in the "We Don't Patronsurgents are not here and there may ize" list in the Federationist. The not be more than twenty of them at Federation appealed and the Court the meeting tonight.

TOBACCO STATEMENT ISSUED BY THE DEPT.

The regular monthly statement of he department of agriculture showing affected by the action of the Court he tobacco sales of the state for the of Appeals this morning. month of February has just been issued. Winston-Salem, as usual, leads. Wilson has dropped from second place o eighth place. The statement is as follows:

teldsville.. *.. 697,161 loxboro)xford Mount Airy 457,755 Rocky Mount.. 880.250 Wilson 439,494 Ireenville 256149 Warrenton Louisburg Burlington Madison........... Farmyille Statesville.. Snfield., Арех..

AIRSHIP FACTORY.

Ayden.,

Boston to Have First in the United States.

(By Leased Wire to The Times.) Boston, Mass., March 11.-Boston is to have the first airship factory in burned to death. The building and all the United States. The Napier Automobile Company is making prepa- tained are a total loss. rations at its plant in Jamaica Plains for the enterprise, and contracts for airship motors are about to be signed between the Napier firm and Charles J. Glidden, president of the Boston and New York airship line. property and \$3,500 on the building.

fense Will Appeal SEEMED TO BE PLEASED

The Defendant Smiled Cheerfully As Soon As Jury Had Been Polled and With Evident Gratification Shook Hands With Itis Lawyers-No Spectators in Court Except Reid Miller, Lumsden's Brother-in-law. Ex-Governor Aycock Made An Eloquent Plea on Behalf of Lumsden, Justifying His Act on the Ground of Self-defense.

(By Leased Wire to The Times.) New York, March 11-John C ameden, the young contherner who has been on trial before Judge Maone in the criminal branch of the supreme court for the murder of Har y B. Suydam, a curb broker, in his Will Endeavor to Map Out Opinion From District Court Broad street office on December 19, was found guilty last night of manslaughter in the first degree. The prisoner was seemingly pleased with the verdict and smiled cheerfully as soon as the jury had been polled. With evident gratification he shook and Range Company-Gompers Case bands with his lawyers and before going back to the Tombs asked for some cigarettes. He will be sentenced by ludge Malone on Friday morning. Washington, March 11.—The dis- There were no speciators in court ex- just been received at the state departept Reed Miller, the prisoner's prother-in-law.

In giving his pedigree the prisoner ave his full name as John C. Lumsden, aged thirty-one, born in Raleigh Bucks Stove and Range Company N. C.: New York adress 313 West Fifty-seventh street. He told the clurk that he was an inventor, and the records of individuals every half tion of the president's right to "go. had never been convicted of any erime. and permit it to refer to that com-The lawyers who defended Lums

pany as unfair and which finally may den declared that if the law was exresult in some modification of the ercised to the full penalty of twenty sentences for contempt passed by ears they would take the case to the appellate division. Mrs. Lumsden, wife of the pris

oner, and Mrs. Kate Suydam, widow of the slain man, were both in court terday morning. By Judge Gould's decision the Fed-

Among the witnesse called by the defense was Edward G. Powell, who knew Lumsden seven years ago it Birmingham, Ala., where the defendant sang in a choir.

William Henry Bagley, brother of Ensign Worth Bagley, the only American naval officer kiled in the Spanish-American war, and a member of the staff of the governor of North Carolina, was called as a character witness.

pany for violation of Judge Gould's James I. Johnson, mayor of Ral injunction. Gompers, Mitchell and eigh, N. C., told Assitsant District At orney Noti that he believed a man terms of nine, six, and three months ould carry a revolver and still keep reputation of being peaceable.

peal from this decision, it was not Colonel Z. P. Smith, of Raleigh, N , who was first lieutenant of Lum: den's company in the First North It is believed, however, that the Carolina mounted infantry when they action of the Court of Appeals may went to Cuba, when questioned as to affect the decision in the case of the whether Lumsden had been twice appeal upon the contempt sentences. court-martialed during the war, said It is possible that since the Court of Appeals has found Judge Gould's that he knew nothing of it. injunction &co harsh-the plleged

Ex-Governor Charles B. Aycock, of North Carolina, made an eloquent ell, and Morrison having its origin in plea on behalf of Lumsden, justifying violation of that injunction-the de- his act on the ground of self-defense

The murder of Suydam grew out of fendant labor leaders will base their misunderstanding he and Lumsden appeal from the jail sentences upon had over an invention the broker had agreed to sell for Lumsden. Lums Chief Justice Shephard, who dissented from the opinion of the court | den thought Saydam had cheated him which modifies but does not va- in the deal. rate-the injunction, but which up-

THE GOVERNMENT AT A STANDSTILL

Washington, March 11.-That the rovernment is at a standstill in the prosecution of the Standard Oil Company was practically admitted today at the department of justice. Attorney General Wickersham was not prepared to say what further steps, if any, would be taken by the department in the prosecution of the Stand Greensboro, March 11.-Fire at 2:30 ard Oil Company, until he has receivo'clock this morning destroyed the ed all the papers in the case from Unit-Biggs Sanatorium and one inmate was ed States Attorney Sims at Chicago. They are expected today.

It is thought the attitude of the new appliances, and furniture that it conadministration probably will be the The patient who was burned to same in regard to to the prosecution death was named Frank Greene. Sev- of the trusts as under the Roosevelt eral other patients were injured by regime. There is little doubt that if jumping, but none seriously. The ori-gin of the fire was unknown. There government other prosecutions will be was \$7,000 insurance on the personal brought against the Standard Oil Com-

Peter C. Hains and Sheriff Harvey



This is a snapshot of Captain Peter C. Hains and Sheriff Harvey, of Queens County, on their way to court, where the slayer of William E. Annis was taken to have a date set for the trial of his case. Sheriff Harvey is shown on the left.

CHINA ABOUT TO FRENCH TEAM IS TAKE A CENSUS

(By Leased Wire to The Times.) Washington, March 11.-China bout to take a census of the uncountd millions within her borders. In acrdance with the program for constiutfound reform an edict, which has and provincial treasurers to enumerate the individuals and families of the empire. The returns for the censu of families must be completed by 1910 and for individuals by 1912. After returns are made the records of families will be reviewed every two months and

The edict provides that the regions ot yet organized as provinces, such as Inner and Outer Mongolia, Koner and Tibet, must be enumerated by their espective officials, who will report to the board of the interior

(By Leased Wire to The Times.) Berlin, March II. According to a legram from Zurich, Joseph Brucker, a Austro-American journalist, has acanged with Count Zeppellin for an the questions at issue had been rechip fight across the Atlantic, The story is that the mart is to be

cole from Caliz on July 25th with the Yest Indies as the destination. The ount is said to intend to follow the ourse of Columbus' first voyage of bitrary and aggressive and that he is

FIRE DESTROYS THE YOUNGSVILLE STATION

elegraph office and two waiting was completely destroyed by ive early this morning. It is thought but the building was set after by parks from one of the early morning trains. The telegraph wires on one side of

et ben o'clock the damage had been epaired. The train service was not Two years ago the freight station at Youngsville was burned,

BRAD SCHIEFFELEIN DEAD.

Man Who Introduced Refined Petroleum to Commercial World. (By Leased Wire to The Times)

New York, March 11 - Brad Hurst Schleffelein, aged 95, who was credited with introducing petroleum to her expenses in the divorce suit, subthe commercial world almost a half home in Richmond, S. I.

Played for the Judge.

(By Lensed Wire to The Times.) Taunton, Mass., March 11.--Arraigned before Judge Fox on a vagrancy charge Eugene Choquette, late a member of the Farnul Brothers' comedy act troupe and his brother, Arthur, gave a comedy sketch which made the judge laugh so he

(By Leased Wire to The Times)

New York, March 11.-Maintaining their phenominal pace through the night, the French team of Cibol and Orphee, in the six day go-as-you-please race at Madison Square Garden, were in the lead at the eightleth hour at 8 clock this morning. Their score was 453 miles and six laps, 16 miles and 5 laps ahead of Davis and Metkus. The Prouty were third, 80 miles and four aps behind Davis and Metkus.

> Major Zalinski Dead. (By Leased Wire to The Times)

New York, March 11 .- Major Edmund Louis Gray Zalinski, U. S. A., retired, inventor of the pneumatic dynamite torpedo gun, is dead from pneumonia, aged 60 years

(By Leased Wire to The Times.) Philadelphia, Pa., March 11-It was stated when the miners and operators adjourned for luncheon that ferred to a committee of seven operalors and seven miners.

President Lewis gave the assurance that his colleagues would not be arprepared to remain here until next Christmas, if by so doing, he can bring about an amicable understand-

"I know that I have been represented," said Mr. Lewis, "as of a hasty disposition, but the public has nothing to fear along that line.

Lot today's conference in advance. An tation at Youngsville, consisting of a indiscreet word will often prevent negoriations. We are not seeking any undue advantage of the operators and we are concrous enough to exsect to receive fair treatment at their hands.

"I shall be as courteous as possible in my dealings with the press and all others. I shall freely answer such questions as I can answer without prejudicing our case, and when I cannot answer I shall say so frankly."

MRS. STIRLING GETS EXPENSES Also Allowed Reasonable Access to Her Child.

(By Cable to The Times) Edinburgh, March 11.-Judge for the husband's expenses.

Norman Mack's Home Burned. (By Leased Wire to The Times)

York and his family in Atlantic City. hearts of the people,

GENERAL HAS BROUGHT SUIT

Against Tennessee to Definitely Establish Boundary Line Between States

CAUSED GREAT STRIFE

Collection of Taxes and Conflicting Land Grants Have Caused Considerable Litigation-Proceeding is of an Entirely Friendly Nature and is to the Interest of All Parties Con-Cerned-Real Part in Dispute is About Fifteen Miles Long and Three or Four Miles Broad, Involving a Great Amount of Property.

Attorney General T. W. Bickett, by he direction of Governor Kitchin, has brought suit in the supreme court of the United States against the state of Tennessee to definitely establish the boundary line between the two states. It seems that for a number of years there has been considerable between the officers of the two states in regard to the collection of taxes, and much litigation has also arisen on account of the conflicting land grants. The proeeding instituted is of an entirely friendly nature, it being to the interest of all parties concerned that the lines in dispute may be definitely established.

This step was decided upon by Governor Kitchin after hearing numerous requests from the North Carolinians, who live in the disputed territory and to whom the continuous litigation is a source of much trouble and expense. Trouble over this land has been going on for about eight or ten years, and when a suit would be brought in court, one party would claim the title to the property under a Tennessee grant and the other party would claim the disputed section. under a grant from North Carolina. Then the question, as to which court had jurisdiction, would arise. In the suit instituted today, however, no question of this kind can arise, as the constitution says that the suit must be started in the supreme court of the United States, which has been

The contested line is along the Tenessee river in the Unaka mountain section, the real part in dispute being about fifteen miles long and three or four miles broad, involving several million of dollars worth of property.

Former Attorney General Theo F. Davidson, of Asheville, who is well acquainted with the facts in the case. has been designated by the governor to appear with Attorney General Bickett in the prosecution of this suit.

A NEW AEROPLANE.

Flights Will be Made Next Week at Fort Meyer. Washington, March 11 .- Trial

flight of the Luttrell aeroplane, which a wealthy automobile manufacturer of this city has been build-"We have nothing to conceal but I ing for several months here, will be hink it best not to discuss the details made next week near Fort Myer, Va .. where the owner has secured a large vacant space for the trials.

The Luttrell aeroplane is built on the same principle as the Wright machine, but the supporting planes are shorter and broader, with a larger supporting surface. It is designed to carry one person, and is equipped with a 24 horse-power engine. The builder has no doubt but that the machine will prove a success and he plans to offer it to the government if it comes up to expectations.

VISITATION OF WRATH.

Cuthbert, Ga., March 11-Some of the people of Cuthbert say that the tornado of Monday night was a visitation of God's wrath on Cuthbert for Guthrie today allowed Mrs. Stirling its wickedness. A revival meeting has been in progress at the Methoject to the possible modifications of dist church for two weeks and they century ago, is dead of old age at his his decree and he also gave her per- say the good women have fasted and mission to apply to court if refused prayed to God to send the earth-make reasonable access to her child. The and the cyclone to waken the people. judge ruled that Lord Northland, An immense growl was at the church named as co-respondent was liable when the storm broke over the city. When word reached the church of the awful wreck and roln and the appalling property loss the preacher made a strong appeal to the people and in Buffalo, N. . Y., March 11 .- The the darkness cries and supplications esidence of Norman E. Mack on Del- went up to God, mingled with shouts aware avenue, was destroyed by fire of victory. Yestorday a praise serdeclared the brothers needed no law- last evening. The damage is estimat- vice was held that God had answered yer and discharged them from cus- ed at \$50,000. Mr. Mack is in New their prayers au1 melted the stony