

Weather.

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

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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 courtroom at the resumption of the Cooper-Sharp trial this morning was much smaller than yesterday. In 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 of the courtroom 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 to a treble key. His peculiar mannerisms 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 Duncan Brown 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.

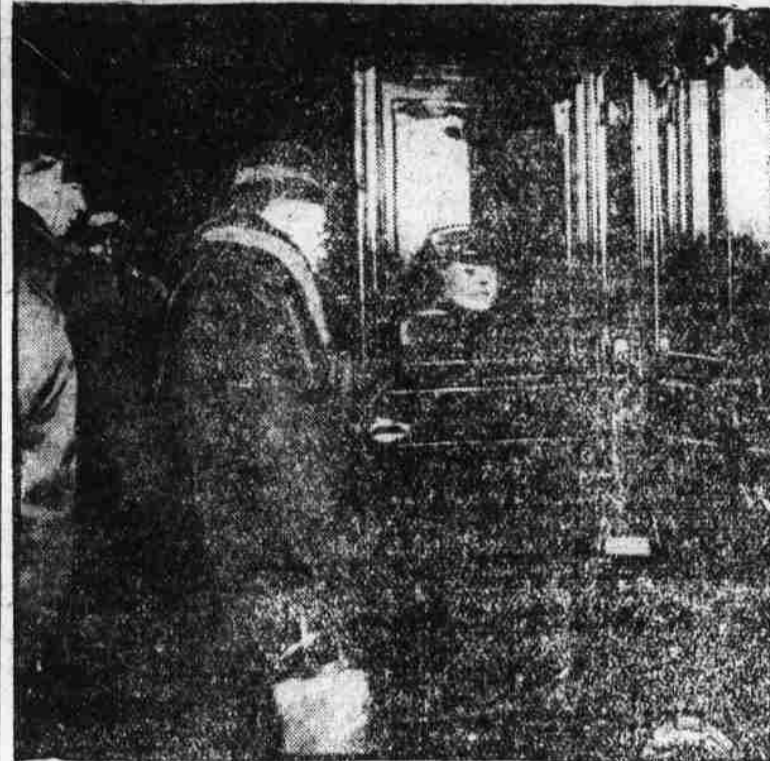
He referred to the fact that Patterson had defeated Tillman in the November election by 20,000 and that most of the "Carmack men who had worn the red in June" were loyal to Patterson in November. He left it plain that he meant the jury to know that Carmack was not loyal. He stated that it was at a time,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

"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

Theodore Roosevelt Private Citizen.



Hon. Theodore Roosevelt is now a simple citizen of the United States. This flash light 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.

INSURGENTS TO MEET THE BOYCOTT CASE

Will Endeavor to Map Out Program Tonight

Want a Program That Will Receive 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 that will receive the approval of the democrats. The insurgents understand that without the support of the democrats they cannot win, and therefore they are willing to accept suggestions from them.

As stated today by a leading insurgent they will attend the caucus Saturday night and take part in the selection of the speaker and other house officers. This does not mean that there will be no opposition to Cannon in the caucus. When the question of rules comes up, the insurgents, it is said, will withdraw and thus be free from caucus action. If twenty-four or more leave the caucus then Cannon and his followers know they are defeated. All the insurgents are not here and there may get more than twenty of them at the meeting tonight.

TOBACCO STATEMENT ISSUED BY THE DEPT.

The regular monthly statement of the department of agriculture showing the tobacco sales of the state for the month of February has just been issued. Winston-Salem, as usual, leads. Wilson has dropped from second place to eighth place.

The statement is as follows:

Winston-Salem	2,664,481
Ridsdale	697,161
Roxboro	543,993
Durham	607,099
Mount Airy	487,196
Stonesville	497,155
Rocky Mount	880,559
Wilson	428,494
Greensboro	266,575
Concord	329,817
Irevsenville	256,149
Warrenton	195,526
Wrensboro	185,913
Louisburg	157,933
Burlington	159,119
Creedmor	131,223
Haddon	86,413
Farmville	64,497
Kinston	42,154
Statesville	31,491
Hendfield	38,611
Raleigh	13,067
Apx	12,966
Aydlett	5,572
Leaksville	29,241
Total	7,854,681

AIRSHIP FACTORY.

(By Leased Wire to The Times) Boston, Mass., March 11.—Boston is to have the first airship factory in the United States. The Napier Automobile Company is making preparations at its plant in Jamaica Plain 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.

LUMSDEN TO BE SENTENCED ON TOMORROW

If Full Penalty of Twenty Years is Imposed Defense Will Appeal

SEEMED TO BE PLEASED

The defendant smiled cheerfully as soon as jury had been polled and with evident gratification shook hands with his 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. Lumsden, the young southerner who has been on trial before Judge Malone in the criminal branch of the supreme court for the murder of Harry B. Snydam, a curb broker, in his 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 hands with his lawyers and before going back to the Tombs asked for some cigarettes. He will be sentenced by Judge Malone on Friday morning. There were no spectators in court except Reid Miller, the prisoner's brother-in-law.

In giving his pedigree the prisoner gave his full name as John C. Lumsden, aged thirty-one, born in Raleigh, N. C.; New York address 213 West Fifty-seventh street. He told the clerk that he was an inventor, and had never been convicted of any crime.

The lawyers who defended Lumsden declared that if the law was exercised to the full penalty of twenty years they would take the case to the appellate division.

Mrs. Lumsden, wife of the prisoner, and Mrs. Kate Snydam, widow of the slain man, were both in court when the testimony was resumed yesterday morning.

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

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

James I. Johnson, mayor of Raleigh, N. C., told Assistant District Attorney Notli that he believed a man could carry a revolver and still keep a reputation of being peaceable.

Colonel Z. P. Smith, of Raleigh, N. C., who was first lieutenant of Lumsden's company in the First North Carolina mounted infantry when they went to Cuba, when questioned as to whether Lumsden had been twice court-martialed during the war, said that he knew nothing of it.

Ex-Governor Charles B. Aycock, of North Carolina, made an eloquent plea on behalf of Lumsden, justifying his act on the ground of self-defense.

The murder of Snydam grew out of a misunderstanding he and Lumsden had over an invention the broker had agreed to sell for Lumsden. Lumsden thought Snydam had cheated him in the deal.

THE GOVERNMENT AT A STANDSTILL

Washington, March 11.—That the government 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 Standard Oil Company, until he has received all the papers in the case from United States Attorney Sims at Chicago. They are expected today.

It is thought the attitude of the new administration probably will be the same in regard to the prosecution of the trusts as under the Roosevelt regime. There is little doubt that if the Chicago case is abandoned by the government other prosecutions will be brought against the Standard Oil Company.

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 TAKE A CENSUS

(By Leased Wire to The Times) Washington, March 11.—China is about to take a census of the uncounted millions within her borders. In accordance with the program for constitutional reform an edict, which has just been received at the state department, has been issued directing police and provincial treasurers to enumerate the individuals and families of the empire. The returns for the census of families must be completed by 1910 and for individuals by 1912. After returns are made the records of families will be re-vised every two months and the records of individuals every half year.

The edict provides that the regions not yet organized as provinces, such as Inner and Outer Mongolia, Komer and Tibet, must be enumerated by their respective officials, who will report to the board of the interior.

ZEPPELIN WILL CROSS ATLANTIC

(By Leased Wire to The Times) Berlin, March 11.—According to a telegram from Zarrich, Joseph Brucker, an Austro-American journalist, has announced with Count Zeppelin for a ship trip across the Atlantic.

The story is that the count is to be made from Cardiff on July 25th with the West Indies as the destination. The count is said to intend to follow the course of Columbus' first voyage of discovery.

FIRE DESTROYS THE YOUNGVILLE STATION

The Seaboard Air Line passenger station at Youngville, consisting of a telegraph office and two waiting rooms, was completely destroyed by fire early this morning. It is thought that the building was set on fire by sparks from one of the early morning trains.

The telegraph wires on one side of the road, it is said, were burned, but by ten o'clock the damage had been repaired. The train service was not interfered with.

Two years ago the freight station at Youngville was burned.

MRS. STIRLING GETS EXPENSES.

Also Allowed Reasonable Access to Her Child.

(By Cable to The Times) Edinburgh, March 11.—Judge Guthrie today allowed Mrs. Stirling her expenses in the divorce suit, subject to the possible modifications of his decree and he also gave her permission to apply to court if refuses reasonable access to her child. The judge ruled that Lord Northland, named as co-respondent was liable for the husband's expenses.

Norman Mack's Home Burned.

(By Leased Wire to The Times) Buffalo, N. Y., March 11.—The residence of Norman E. Mack on Delaware avenue, was destroyed by fire last evening. The damage is estimated at \$50,000. Mr. Mack is in New York and his family in Atlantic City.

THE ATTORNEY 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 Concerned—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 the 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 strife 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 proceeding 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 Carolina citizens, 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 done.

The contested line is along the Tennessee 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 building for several months here, will be made next week near Fort Meyer, 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 his wickedness. A revival meeting has been in progress at the Methodist church for two weeks and they say the good women have fasted and prayed to God to send the earth-quake and the cyclone to waken the people. An immense crowd was at the church when the storm broke over the city. When word reached the church of the awful wreck and ruin and the appalling property loss the preacher made a strong appeal to the people and in the darkness cries and supplications went up to God, mingled with shouts of victory. Yesterday a praise service was held that God had answered their prayers and melted the stony hearts of the people.