

Weather.

Washington, D. C., March 17—Forecast for North Carolina for tonight and Thursday: Fair tonight and Thursday; colder tonight.

The Evening Times

SECOND EDITION

ESTABLISHED 1876.

RALEIGH, N. C., WEDNESDAY, MARCH 17, 1909.

PRICE 5 CENTS

JUDGE'S CHARGE TO COOPER JURY VERY LENGTHY

Charge Read at Opening Court and Fate of Accused Is With Jury

BIG CROWD IN COURT

Mrs. Carmack and Her Son Were in Court This Morning—Three Defendants Came in Early—An Unusually Large Detachment of Police and Deputies Around Defendants—Judge's Charge Contains 16,000 Words and Is Said to Be Longest Charge Ever Submitted to a Jury in This Country—Resumé of the Charge.

(By Leased Wire to The Times) Nashville, Tenn., March 17—Judge Hart arrived at the criminal courtroom shortly after 9 o'clock this morning and immediately went to an ante-room to look over the stenographer's transcription of his charge to the jury in Cooper-Sharp case which he read to the jury this morning.

Mrs. Carmack, the widow of the slain statesman, and little Ned Carmack, her son, were present in the courtroom early, together with the attorneys for the state and some close friends of the family.

The defendants came into court at 9:15 o'clock. Colonel Duncan B. Cooper, for the first time, abandoned his seat at the end of the table reserved for the counsel for the defense, and took a position facing the judge, where he could see the jury as well. He sat with Robin Cooper, his son, and co-defendant, and his two beautiful daughters, Mrs. Sharp and Mrs. Wilson. John D. Sharp, the third defendant, and Mrs. Sharp took their seats a little further back, at the side of the table.

It was noticeable that an unusually large detachment of police and deputies were stationed about the defendants. What this increase in their personal guard means is only a matter of conjecture, but it is believed to have been made in order to prevent any untoward demonstration in the event of a speedy verdict.

The auditorium and gallery of the courtroom were both crowded at 9 o'clock, the evening hour, and the audience carried its usual air of alertness and keen curiosity.

Judge Hart's charge, it is said, was the longest document ever submitted to a jury in a criminal case in this country. His honor returned to his seat on the bench at 9:25 o'clock and immediately sent for the jury which was polled by the clerk as to its readiness to receive the instructions of the court.

Judge Hart stepped down from the bench, took his seat in the witness chair, immediately facing the jury, and at 9:32 began reading his charge.

"State of Tennessee vs. Duncan B. Cooper, Robin J. Cooper, and John D. Sharp. Gentlemen of the jury," began his honor.

The charge contained 16,000 words. It would make about 13 columns in a newspaper, set in ordinary minion type.

Judge Hart defined at length the four grades of homicide—murder in the first degree, murder in the second degree, voluntary manslaughter, and involuntary manslaughter. He carefully explained to the jury the law as regards malice and previous threats.

He said the jury entered upon their investigation with the presumption that the defendants were innocent, but that this presumption must be overturned if the proof were strong enough to convince the jury beyond a reasonable doubt that the defendants are guilty of some form of homicide.

Judge Hart next took up a discussion of the law regarding the doctrine of self-defense. He went into this subject at some length. Next the judge read to the jury the punishment, its various grades which the law provides in cases of conviction of the respective grades of homicide. He told the jury that they were the judges of the law and facts, urged the importance of their taking the law as laid down to them by the court. You are the exclusive judges of the facts in the case, gentlemen," said Judge Hart. "You must not imagine that the court has any opinion regarding them."

credibility of witnesses, which were to be judged by the jury. The latter part of the charge and the most detailed portion, dealt with the respective theories of the case, as presented by the state and by the defense from their interpretation of the proof.

It required Judge Hart one hour and 45 minutes to read his charge.

Judge Hart devoted 41 minutes to finishing with the legal portion of the case. Before taking up the two theories of the state and defense, respectively, Judge Hart took occasion to remind the jury that any member of it was to disregard any fact in his knowledge that did not come from the proof in the case, and that it would be highly improper for such juror to communicate any such fact to his fellow jurors.

Judge Hart started in on the theory of the state at 10:12 and finished it in exactly 20 minutes. He instructed the jurors that if they found in accordance with the theory of the state it was their duty to bring in a verdict of "guilty" as to all three defendants. He said the jury, however, could convict with or without finding mitigation. The court then turned to the theory of the defense, and devoted 40 minutes to it. He instructed the jurors that if they found according to this theory it would be their duty to acquit all of the defendants.

Suppressed excitement prevailed in the courtroom as the final sentence was read to the jurors and his honor instructed the jurors to retire and consider their verdict.

There is speculation concerning the probable verdict. It is practically conceded that John D. Sharp will be acquitted, but there is a divergence of opinion as to the two Coopers. The attorneys for the state hope for a conviction in the case of Colonel Cooper, and possibly of Robin Cooper.

Attorneys for the defense say Robin Cooper will be cleared, and that the worst they expect for Colonel Cooper will be a hung jury.

It is regarded as not improbable that Judge Hart will, if necessary, keep the jury together for days, even a week, as he did in the Cox case several months ago.

EDWARDS VS. RALEIGH Affirmed by the Supreme Court of North Carolina

Mr. Edwards Was Injured in 1907 by Falling Into Cellar Opening on Martin Street—Judgment of Non-Suit At October Term, 1909.

The supreme court of North Carolina today handed down opinions in sixteen cases. Among these is the case of W. W. Edwards vs. City of Raleigh, in which the supreme court upholds the action of the lower court.

It will be remembered that Mr. Edwards fell into a cellar opening on Martin street by the side of the Citizens National Bank building in November, 1907, and suffered severe injuries. In his complaint he alleged that the fall so injured him that he lost the entire sight of one of his eyes and was otherwise cut and bruised about the head and other parts of his body. He asked damages in the sum of \$5,000.

When the case finally came to trial the plaintiff was "non-suited" under the Hinsdale act and appealed. The opinion of the court affirms the action of Judge W. H. Neal, who heard the case, in allowing the motion to dismiss.

The full list of opinions filed is as follows:

- Kinston vs. Wooten; no error. Royal vs. Thornton, from Sampson; error. Rivenbark vs. Teachey, from Duplin; no error. Hickson Lumber Co. vs. Gay Lumber Co., from Lenoir; affirmed. Hickson Lumber Co. vs. Gay Lumber Co., (Pou's appeal); reversed. Sloan & Sweeney vs. Hart, from New Hanover; partial new trial, each party to pay own cost of printing and one half of the costs of supreme court. Edwards vs. City of Raleigh; affirmed. Pearson vs. Millard, from Buncombe; no error. Taylor vs. Oates, from Cumberland; dismissed under Rule 17. Southport, Atlantic Terminal Railroad Company vs. Gossier, from Brunswick; dismissed under Rule 17. Page vs. R. & C. Railroad Co., from Robeson; dismissed under Rule 17. Messingill vs. Hodges, from Harnett; dismissed under Rule 17. Lanier vs. Rayner, from Martin, per curiam; affirmed. Mizell vs. Mizell, from Martin, per curiam; affirmed. Koonce vs. A. C. L. Railroad Co., from Wilson, per curiam; affirmed. Archie vs. Roper Lumber Co., from Onslow, per curiam; affirmed.

NEW TARIFF BILL IS PRESENTED TO CONGRESS TODAY

Bill Introduced in House by Young White Man of the City Accused of a Serious Crime

PROVISIONS OF BILL

Minimum Rates of Duty Are Contained in First Section and the Free List For the Minimum Rates is in the Second Section of the Bill. Third Section Contains the Maximum Rates—Maximum Rate Does Not Go Into Effect in Any Event Until Sixty Days After the Passage of the Act—Some Difficulties of the Committee.

(By Leased Wire to The Times) Washington, March 17—The new tariff bill introduced by Mr. Payne in the house is a minimum and maximum tariff bill. The minimum rates of duty are contained in the first section, and the free list for the minimum rates is in the second section of the bill. The third section contains the maximum rates, which are generally equal to the minimum rates and 20 per cent. in addition thereto and the articles on the free list, in the transfer to the third section, bear a duty of 20 per centum ad valorem as a maximum rate. The maximum rate does not go into effect in any event until sixty days after the passage of the act. By the fourth section the minimum rates are applied to all goods imported from any country which gives the United States as good terms by way of tariff as that given to any other nation, and the maximum rates are applied to those countries which discriminate against the trade of the United States or fail to give the United States tariff rates as favorable as those given any other nation. This section is self-acting, making it the duty of the executive to collect the duties, whether minimum or maximum, in accordance with the terms of the bill, leaving it open to the courts to decide upon the legality of the action.

One problem that confronted the committee was the question of revenue. The business of all commercial nations has been depressed for nearly two years, and thus has affected our commerce and greatly reduced our revenues, so that we have a large deficit, but the revenues under the present law are improving from month to month, as business conditions improve.

FAST TRAIN RUNS WILD Several Persons Are Killed in Crash

Boston and Montreal Express Dashes Into Montreal Station Without Drivers and Lands in Ladies' Waiting Room—Twelve People Were Killed.

(By Leased Wire to The Times) Montreal, March 17—The Boston & Montreal express which left Boston at 8:30 last night and reached here shortly after 9 o'clock today ran wild into the big Montreal terminal station at forty miles an hour and crashed through a granite wall and landed the engine into the ladies' waiting room. Six were killed and five seriously injured. Most of the victims are women and children. Two miles out from the station the breaking of a stay bolt hurled the engineer and fireman from the cab and the train thundered on without drivers. Five bodies have already been recovered from the ruins.

FIGHTING IN PHILIPPINES.

Band of Moros Attack Detachment of Constabulary.

(By Cable to The Times) Manila, March 17—A belated dispatch from Lake Lamar states that a band of hostile Moros attacked Lieutenant Furlong's detachment of constabulary at Bordong on March 8. After a sharp fight eight Moros and two members of the constabulary were left dead on the field, while two soldiers and one civilian were wounded.

A company of the 25th Infantry and a detachment of scouts have gone to the aid of Furlong's forces.

FRED MILLER IS UNDER ARREST FOR STEALING

Young White Man of the City Accused of a Serious Crime

THE VICTIM WAS DOPED

Gordon N. Morgan Says He Was Doped by Fred Miller and When Under the Influence of the Drug That Miller Proceeded to Drag Through His Pockets—The Alleged Theft Occurred About a Month Ago in Morgan's Room, Miller Drank Out of One Bottle and Gordon Out of Another—Trial This Afternoon.

(By Cable to The Times) Rome, March 17—With incredible boldness the members of the Mafia have issued a warning to any other American detective who may come here to complete the work begun by Lieutenant Joseph Petrosino, who was assassinated in Palermo. This death warning follows close upon the heels of a report that other detectives will come from the United States and not only carry on the work commenced by Petrosino, but bend their energies to ferret out the slayer of the New York detective.

Placards bearing the gruesome escutcheon of the Mafia, the American detectives are bent upon ferreting out the slayer of Lieutenant Joseph Petrosino—Prince Cuto, a Socialist, intends to make revelations in Parliament concerning the relations of the Mafia with the Sicilian Police—Police Are Powerless.

Placards bearing the gruesome escutcheon of the Mafia, the American detectives are bent upon ferreting out the slayer of Lieutenant Joseph Petrosino—Prince Cuto, a Socialist, intends to make revelations in Parliament concerning the relations of the Mafia with the Sicilian Police—Police Are Powerless.

The robbery took place on February 15th, more than a month ago. It seems that Gordon Morgan approached Miller on the night of February 15th and asked him where he could find some "licker." Morgan said he was sick and needed some. Miller told him that he could get it for him, and taking a five dollar bill, he went away and bought two pints. When he returned with the booze and four dollars in change the two went to Morgan's room. Morgan drank out of one bottle and Miller out of the other.

Morgan Was "Doped." Morgan claims that he was doped. He said that he had only drunk a little of the whiskey when his head began to feel queer and in a few minutes he was unconscious. He did not know anything about what had happened to him until later. Fortunately for him, others at his boarding house were stirring. One of them, a young man who is a student at King's Business College, came into the room and caught Miller in the very act of going through Morgan's pockets. He forced Miller to restore everything to the victim. So far as can be learned, he did not get away with anything. Others can testify to these facts, it is asserted, and it looks dark for Miller.

He will be tried this afternoon before Justice Batchelor. Mr. B. C. Beckwith will appear for the state. It will be remembered that Miller was arrested and held for several days as a suspect in the famous Smith murder case which is to be tried next week. When the idea of having a hearing before the coroner was abandoned he was released, as it was not thought by those in authority that he had any connection with the murder. If he is found guilty of doping and robbing Morgan, it may serve to quicken and reawaken suspicion as to his connection with the Smith case.

Miller is a very quiet, inoffensive young man and does not look the part of a hardened criminal.

J. E. COX WANTS CONSULAR POST

Washington, March 17.—J. Edward Cox, defeated republican candidate for governor of North Carolina in the last election, is a candidate for a position in the diplomatic or consular service of the United States. Although a republican, Mr. Cox has the backing of the democrats in congress. His name was placed before the president today by Senator Overman and Representative Small.

ANY DETECTIVE WILL RECEIVE THE SAME FATE

Death Warning Follows Report That Detectives Will Complete Petrosino's Work

A SENSATION EXPECTED

In Spite of Placards Bearing the Gruesome Escutcheon of the Mafia, the American Detectives Are Bent Upon Ferreting Out the Slayer of Lieutenant Joseph Petrosino—Prince Cuto, a Socialist, Intends to Make Revelations in Parliament Concerning the Relations of the Mafia with the Sicilian Police—Police Are Powerless.

Placards bearing the gruesome escutcheon of the Mafia, the American detectives are bent upon ferreting out the slayer of Lieutenant Joseph Petrosino—Prince Cuto, a Socialist, intends to make revelations in Parliament concerning the relations of the Mafia with the Sicilian Police—Police Are Powerless.

Placards bearing the gruesome escutcheon of the Mafia, the American detectives are bent upon ferreting out the slayer of Lieutenant Joseph Petrosino—Prince Cuto, a Socialist, intends to make revelations in Parliament concerning the relations of the Mafia with the Sicilian Police—Police Are Powerless.

The Italian government has sent its best detectives into Sicily to aid in the hunt for Petrosino's assassins. Impetus to the investigation was lent today by another assassination thought to be the work of the Mafia. The body of an unidentified man, well dressed and apparently educated, was found on the outskirts of Palermo stabbed to death and with two daggers still sticking in the trunk.

The police at first thought that this was a confederate of Petrosino's in his Sicilian investigation and are positive that the two murders are linked together in some manner. Prince Cuto, a socialist, intends to make revelations in parliament concerning the relations of the Mafia with the Sicilian police. A sensation is expected.

MANY PEOPLE TAGGED Day a Great Success in Every Way

Effort of the Children in Behalf of the High School Is Very Successful. Many Dollars Collected and Everybody Has Lots of Fun.

Tag! Tag! Have you been tagged? Oh, such fun in Raleigh today! And oh, the dollars, halves, quarters, dimes, nickels, and even pennies that have been tinkling into the little cigar boxes today.

The sun was very considerate and shone brightly all day; there was just enough wind to set the tags aflutter, so the children could get in a good day's work. They were out bright and early today, and before the day is over they will have a glorious amount to swell the treasury of the high school. The old debt on the furniture has already vanished before the great result of the morning's work. Soon this morning a little bunch of eleven children came in with all their tags gone and fifty dollars in their boxes. By noon a number had as much as \$10 and \$12 in their boxes.

One little girl had \$5.00 to start the day with, her father, Dr. Cooper Curtis, giving her that encouraging start. Another child was near Christ church this morning, when the people were going and coming to and from Lenten services and tagged 50 people before her breakfast.

Hurrah for Mrs. Barbee, the first one to be tagged. Master Mignel Elias, who was the first one to start out, put the little green tag on her. When the gentleman was found who promised \$10 for his tag it

proved to be Manager Weaver, of the Gaiety Theatre. Mr. Weaver divided his \$10 among the crowd who surrounded him, and when he escaped he was covered in the little fluttering pieces of green card-board.

M. S. J. Wynne, who is always interested in everything for the good of the city is vying with Mr. Weaver in the number of his tags. He even has one pinned on the back of his collar, and as he passed along the street today he was a good example for others to follow.

The Gem moving picture managers were right in the spirit of the occasion, giving a quarter for every tag that was offered today, not refusing any.

It was worth a trip around the city today just to see the fun. The tags swung from belts, watch fobs, button holes, caps, lace collars, and every conceivable place where one could be fastened. Even the horses and dogs were decorated. One of the first tags to appear on the street was that on Mr. Frank Jolly's dog, who was lying in front of the store wearing his tag very proudly.

Mr. Billy Boylan was seen coming down the street horseshoe, about noon today, with a little, ugly, shaggy dog following at his horse's heels, wearing a tag around his neck.

The members of the Vernon Stock Company were wearing their tags today, even the baby of the company. But the real advantages of Tag Day have been left for the men and maids to find out. It was interesting to watch the pretty girls as they looked with the question in their eyes, a smile, and then, "May I tag you?" "Sure," would be the reply, as the victim submitted joyfully to any number of tags, waiting in delight while dainty white fingers fastened the tags on. Then dropping a dollar or more into the little box the victim walked off murmuring it was worth it and the fair one went on up the street to the next willing victim.

Such a chance to meet the girl you had been wanting to.

Mrs. Charles Gattis chaperoned a merry crowd to the depot, and such fun as they had.

The girls would like to know the (Continued on Page Two.)

SERVIA RUSHING TROOPS Are Gathering on the Bosnian Frontier

Servia is Wrought to Highest Pitch of Enthusiasm and is Rushing All Her Troops to the Frontier. Austria Also Mobilizing Army.

(By Cable to The Times) Buda-Pest, March 17—Servia is rushing all her troops to the Bosnian frontier. Austria has already mobilized a strong detachment upon her frontier. Both movements are looked upon to be defensive although Servia is feverishly arming her men. The men in the field for Servia now number 75,000 men.

The Servians are wrought to the highest pitch of patriotic enthusiasm. In her army are men ranging from 18 to 50. Mere boys of sixteen have been sent from their homes to bear arms.

Crown Prince Will Take Field. Vienna, March 17—Crown Prince Franz Ferdinand is preparing to take the field within a week as commander-in-chief of the army.

Warlike preparations continue and apparently Servia and Austria are on the verge of a great clash. Servia has 125,000 men read to put in the field.

TREASURY OUTLOOK GETTING BRIGHTER

Washington, March 17.—Declaring the treasury outlook today is better than it has been before in months, Assistant Secretary of the Treasury Coolidge has authorized a statement giving figures to show a marked improvement so far as government receipts are concerned. In it he says:

"There is no foundation for the wildly circulated report that the payment of over \$50,000,000 of claims against the government now due has been postponed by the treasury for want of ready cash."

"On the contrary, the department is abreast of demands upon it in honoring requisitions, and no necessary payments are postponed for future action. "All claims are met as fast as appropriations therefor are made by congress. While the appropriations and expenditures of the government are increasing annually and the expenditures for the current fiscal year are largely above the revenues for the year, the available cash in the treasury is equal to all demands that may be made upon it for some time. The revenues from imports have recently shown substantial gains and should these continue, the treasury is in good condition to await the approaching readjustment of the tariff."

THE SOUTH AND ITS POSITION ON NEW TARIFF

Southern Congressmen on Ways and Means Committee Urge South's Interests

FACTS BROUGHT OUT

Southern States Were Not Represented on the Sub-committee of the Ways and Means Committee Which Framed the New Tariff Bill, But the Democratic Members of the Full Committee Made Every Effort to Bring Out Every Important Fact Regarding the Articles Named in the Tariff, Which Are Produced in the South—What They Asked For.

(By Leased Wire to The Times) Washington, March 17—Although the southern states are not represented on the sub-committee of the ways and means committee which framed the tariff bill, the democratic members of the full committee made every effort, during the hearings which preceded the deliberations of the republican members, to bring out every important fact regarding the articles named in the tariff which are produced in the south.

A number of congressmen from southern states appeared before the committee and the arguments presented for securing protection for the industries in the south formed one of the features of the hearings. The influence of the American Sugar Refining Company, the so-called sugar trust, on the cane sugar industry, was interestingly discussed by Colonel D. D. Colecock, of New Orleans, representing the tobacco association of Danville, Va., urged that the duty on Turkish tobacco be increased from 35 cents a pound to \$1.85 a pound, which is the duty imposed by the Dingley tariff on Sumatra leaf. The further claim was made that the Turkish tobacco is in a large measure supplanting the bright tobacco raised in Virginia, North Carolina, and South Carolina, and that the Turkish government prohibits the importation of this American tobacco.

The peanut schedule was the subject for an interesting hearing, at which Representatives Maynard and Lassiter, of Virginia, and Clark of Florida appeared to support the contentions of various peanut growers. The delegation asked for an increase in the duty on peanuts to 2 cents a pound. The republican members of the ways and means committee took occasion to banter the southerners for requesting protection to the extent of an increase of 300 per cent. in the duty.

Representatives of the lumber industry in the southern states presented strong argument in favor of the retention of the duties imposed by the Dingley tariff on lumber. They claimed that the removal of the tariff would bring them in competition with the low grade of lumber of Canada and other countries and low wages paid in other countries.

Mica, which is mined in Alabama, Georgia, South Carolina, North Carolina and Virginia, was one of the articles on which increased duties were sought. A new classification also was asked for this article.

Clay-producing companies in the south earnestly advocated that the tariff on clays be increased \$1.00 a ton. Representatives of the rice industry declared that the destruction of this industry would result in a lower duty than that provided in the Dingley bill were placed on rice. The growers of sea-island cotton in Florida and several other southern states urged the necessity for a duty on their article, claiming that the destruction of the industry is threatened. The citrus fruit growers of Florida also asked for protection.

Child Kidnapped. (By Leased Wire to The Times) Chicago, March 17—The police are seeking the five year old son of L. M. Askley, an attorney, who was kidnapped last night by a woman. A neighbor said that while the child was playing in the front yard at dusk a woman of dark complexion, apparently forty years old, led the boy away. She was joined by a man and the three took a street car going down town.