

The Evening Times

RALEIGH, N. C., FRIDAY, MARCH 19, 1909.



8 - 1 11-84

ESTABLISHED 1876.

MISTRIAL AS TO BOTH THE COOPERS AND JOHN D. SHARP IS ACQUITTED

The Jury in the Carmack Trial sharp. **Reports** Disagreement As to the Coopers

SHARP GETS FREEDOM

Jury Has Never Left Their Room Since the Case Was Given to Them. They Have Done Nothing But Debate, Discuss and Eat and Sleep, Save at Brief Intervals to Rest Their Weary Minds in a Game of Cards or Checkers-Good Crowd in Court Awaiting the Verdict. Jury Sent Back to Consider the Case Further.

(By Leased Wire to The Times) Nashville, March 19-A ripple of excitement passed over the courtroom in the Carmack case when the jury reported it was ready to give its verdict as to one of the defendants. The sheriff and officers escorted the jury into the court. The defendants since the trial began. The men have were also brought in.

"Gentlemen of the jury, have you to them, save at brief intervals to agreed on a verdict?" asked Judge Hart.

Mr. Burke, foreman, said: "May it please your honor, we uty Jay Newsom, who slept in a cot

have agreed as to one of the defend- at the landing half-way between the ants. We find John D. Sharp not second and third floors. guilty. We are helplessly tied up as to the two Coopers.

the jury retire to their room for fur- less night on account of his vigilance. ther consideration.' Judge Hart, upon being informed by the attorney-general in answer to house when the verdict does come in, a query of the counsel for the defense he is taking every precaution. He that there was nothing further has kept a large force of deputies in against Mr. Sharp, ordered the de- the court room and about the clerk's fendant released from custody. Mr. office and the corridors. These men Sharp then went back in the jail and are all armed with 45 calibre Colts ate dinner. He declined to give out | revolvers and are determined. Shera statement

nel Cooper and Robin Cooper, seemed room when the verdict does come in or appeared not to have caught the and that he will clear the space of

tainty exists in the case of John D

There was a good-sized crowd in court this morning awaiting the ver-The jury was communicated with shortly after 9 o'clock and word came back that no agreement had been reached, but that they would likely be ready soon.

The all-absorbing topic in Nash ville, the ever-repeated question is: Jury ready to report? What you heard?

Disappointment was again the portion of the crowd in the court room this morning, when, after it had been rumored that the jury was ready, there was nothing doing at the convening hour. The friends of the defendants and their relatives stood about the corridors and in the clerk's office anxiously awaiting the news. It seems to be the general impression that the delay was on account or John D. Sharp. It is said that the first eight out of the twelve jurors wanted to convict John D. Sharp and that the only jurors who were for acquitting him were Jurors Lane, Knifner, Frutiger and Schnupp. Others jointed their ranks, however, it is rumored, as the deliberations progressed

The jury has never left their room done nothing but debate, discuss and

indulge in a game of cards or checkers to rest their weary minds. The jury last night was in charge of Dep-

At 8 o'clock this morning the offi-

cer still held his post of duty. It was 'Very well," said the judge, "let apparent that he had spent a sleep-Although Sheriff Borum is not now expecting any trouble at the court

iff Borum states that he desires as Counsel for the defendants, Colo- small a crowd as possible in the court

FIRE ON FIFTH AVENUE THE MARCH TERM Thirteen Persons Injured in OF COURT BEGINS Buildings All Occupants Cut Off From Exits

and Had to be Taken Out at Windows by Firemen-Millionaires Aid the Injured.

(By Leased Wire to The Times.) New York, March 19-Thirteen persons, men, women and children were injured early today in a fire that burned the Fifth avenue apartments at Nos. 24 and 26 West Fifty-ninth street and damaged Nos. 28 and 30 So quickly did the fiames spread that all the occupants of the apart-

ment house were cut off from escape and were rescued by firemen with scaling and extension ladders while clinging to windows and fire escapes The fire threatened the Plaza Hotel,

which is one door from the Fifth avenue apartments and the guests nearest the burning building were ordered to retire to places of safety. The Hotel Plaza was turned into : hospital for the injured and millionaires and their wives, roused by the brilliant flames of the quarter million dollar fire, stood around the corridors of the big hotel and watched the doctors work, or aided them, as chance came their way. Mrs. Mark Hanna, Mr. and Mrs. Paul Morton, Mr. and Mrs. Claus Spreckles, Mr. and Mrs. Henry Clews, Julia Mat-

John Fox, Jr., (Fritchle Scheff) were in the gathering. SPEAKER ATTACKS EDITOR.

Speaker of the Tennessee House Takes Offense at Editorial Statement,

(By Leased Wire to The Times.) Memphis, Tenn., March 19-Folowing an editorial attack on him, peaker Kinney, of the lower house of the Tennessee legislature, attacked and seriously injured John R. Green, editor of the States Graphic at Brownville. After knocking Green down, it is alleged that Kinney beat

him into a semi-conscious condition Green is sixty-five years old and his ondition is serious. Mr. Kinney is a leader of the statevide prohibition forces and Green's

editorials accused him of making a combination with the republicans to ccomplish prohibition legislation.





the Docket to be Heard at this Term

THE SMITH MURDER CASE

Case Against Earl Cotten, Tim Hold erfield, and Red Hopkins Will be Heard-It is the Most Important Case on the Docket, and Will Attract a Great Deal of Attention. The Other Murder Cases—A Heavy Dorket, Numbers of Cases Probably Reaching 175 by the Time Const Opens-Nineteen Cases For Carrying Concealed Weapons. Some Bline Tiger Cases.

The March term of court begins fonday and a crowded criminal docket awatts the judge and Solicitor Jones. There will probably be 175 lowe, the actress, and Mr. and Mrs. cases or more on the docket when court opens.

There are six murder cases to b ried. Of these the one attracting the most aftention is the case against Earl Cotten, Tim Holderfield, and Red Hopkins, charged with the mur der of Dr. E. W. Smith, of Richmond Va. The case is set for the second

Monday of court. Turner Evans and John Evans, who killed Sue Holding at a quiltingbee near Wake Forest some time ago will be tried on the first Friday. Ed. Harris and Hoy Carter, both charged with murder near Rolesville, will be tried on the first Tuesday. Earl Ways who killed another

legro at Garner will be tried on the first Wednesday. Lovey Upchurch, who killed Ella McKoy a few nights ago, will prob ably stand trial.

With the exception of the first amed defendants the accused are al egroes

The old popular offense, assault with a deadly weapon, commonly designated "A. D. W.", retains its oldime standing on the docket. There



Picture of the wife and baby of Police-lieutenant Joseph Petrosino, the New York detective who was slain by the Mafin at Palermo. A fund has been raised by sympathetic New Yorkers to place Mrs. Petrosino and her child beyond the reach of want.

Florence Lee Committed to Jail on Suspicion Yesterday, Has Been Released.

HARRIMAN SAYS LAWS CAUSE THE **BAD CONDITIONS**

PRICE & CENTS

Deplorable Condition Caused More by Administration of Law Than by Roads

RAILROADS CANT CONFER

Railroad Magnate Denies That He Intends to Retire From Active Work. New Mexican Line Will Extend From Nogales South and Connect With Mexican Central-Has No Intention of Going Beyond City of Mexico-Is Not Opposed to Government Regulation-Laws Prevent Roads From Conferring For the Good of the Service-Other Matters Discussed.

(By Leased Wire to The Times.) Los Angeles, Cal., March 19-E. H. Harriman, after denying that he intended to retire from active work because of ill health, outlined the railroad policy he has in view in the near future.

Referring to his new Mexican lines in particular, Mr. Harriman said:

'Our new lines extend from Nogales south along the west coast to about twenty miles south of Mazatlan. We have about 350 miles to construct and that will give us a connection with the Mexican Central into the city of Mexico. Beyond that we have never thought of going.

"I would like to have it understood that I am not at all opposed to government regulation. I have always fought for co-operation and when I could not get it in any other way I used retaliation, but never to destroy-only to develop. I have never town down. I have built up. "The blame for the present deplorable condition of the laws and her attitude toward the railways rests more with the administration of the laws than with the railways. As the law is construed today it would be considered a conspiracy if the managers of competitive lines could sit together in a room and talk over what they may or may not wish to do in the operation of their lines. So far Florence Lee, the white woman who | Today Mr. L. H. Royster, who saw as I know, they might be tried and woman from all suspicion in the mat- doing just such a sensible thing as ter and she was released. According that. You see just how helpless we has gone too far. There ought to be co-operation between the government and the railways, but the law, as I understand it, prevents that." "Have you any reason to think that Mr. Taft will continue the same ing establishment. The funeral was during the administration of Mr. Roosevelt?" Mr. Harriman was asked. "The interstate commerce act was passed in 1887," he replied. "There were regulations long before Mr. Roosevelt was talked of. The Sherman act was passed about the same time. I think. The idea of regulation did not originate with Mr. Roosevelt. It had become acute when Mr. Roose-Held an Enthusiastic Meeting veit came into the political field and he was quick-minded enough to see he was quick-minded enough to see it and possibly carried it too far. I think the results have been rather disastrous. "I think I said to Roosevelt in 1905 that he ought not to have the and to fight for it. It asks the co-

exact language used by Foreman Burke in regard to the Coopers, and | fense and allow to be there only the they asked that it be repeated. Upon attorneys, the defendants and the being informed that Mr. Burke had newspaper men. said: "We are hopelessly tied as to the two Coopers," General Washington inquired of the court: "Is that not a definite and complete verdict?'

Judge Hart replied:

"I have ordered the jury to retire to their rooms for further consideration."

The court took an adjournment at 12:40 until 2 o'clock.

Nashville, Tenn., March 19-After 49 hours deliberation the jury in the Carmack case this afternoon reported to the court that it had reached an agreement in the case of John D. Sharp, acquitting him of complicity in the murder of Ex-Senator Carmack, but that it was in disagreement in regard to the Coopers. The court accepted the Sharp verdict and sent the jury back for further deliberation over the fate of Colonel Duncan B. Cooper and his son, Robin.

Belief in the court room was that there will be a slight chance for agreement and prediction was freely made that the trial, one of the hardest and most bitterly fought in the history of Tennessee, would have to be re-enacted. While the interests of Sharp were closely bound up in those of the Coopers it was around the latter that interest centered.

Attention this afternoon was diverted almost entirely from Sharp by row with his wife. An assistant, speculation as to whether it ever will Aram Shamir, who is sometimes be possible to get together a jury which shall be united on a verdict also out of the Turkish consular serfor Colonel Duncan Cooper, repre- vice. senting, as he does, the interests which extend into and are powerfully Raiuf Bey, first secretary of the Turkpotent in every phase of Tennessee

public life.

2 p. m.

Nashville, Tenn., March 19-Many periors. interesting and sensational rumors are afloat this morning and shortry VIRGINIA FARMER KILLS WIFE. before convening time there was persistent rumor that the jury had Then Tried to Drown Himself, But agreed; that John D. Sharpe was not guilty and that the two Coopers had been found guilty of murder in the second degree and given twenty years braining his wife with an axe, Henry in prison. Another report was that C. Wheatley, a Culpepper farmer, the two Coopers had been found placed her head on a block of wood

the tables of the state and the de-

Under the laws of Tennessee should any of the defendants be convicted of murder in the first degree the punishment is either death by hanging or life imprisonment The punishment for murder in the second degree is from ten to twenty years in the penitentiary; for voluntary manslaughter two to ten years; and involuntary manslaughter, one to five years.

Judge J. G. Anderson, leading counsel for the defense, General Washington, A. G. Ewing, Jr., and James A. Ryan, all for the defense, have been about the court house all

morning. General Jeff McCarn, for the state, has been in the criminal court room since before 9 o'clock. While waiting for the Cooper jury Judge Hart went ahead with the routine business.



New York, March 19-Turkish consul general here, resigned today and will depart for Europe tomor-

known as the prince Shah Emir, is

The local office is now in charge of ish embassy at Washington. In one year Mundji Bey has dropped from Judge Hart declared a recess until the highest diplomatic position of his country-minister from Turkey-to

that of a man discredited by his su-

Was Revived and Placed in Jall. (By Leased Wire to The Times) Culpepper, Va., March 19-After

guility and that the jury was dis- and severed it from the body. He agreed as to John D. Sharp. It is then threw himself into a well, where generally believed that the two Coop- his apparently lifeless body was ers will be convicted of some degree found. He was taken out by neighof mansiaughter and that the uncer- bors, revived and placed in jail.

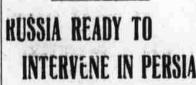
(By Leased Wire to The Times.) Washington, March 19 .- The committee of fifteen, appointed by Representative Clayton, chairman of the democratic caucus, held a meeting this porning to consider what action should taken to discipline the 22 democrats who voted for the Fitzgerald resolu-

in the virtual defeat of the "insur-Speaker Cannon. No action was taken.

YOUNG LAD KIDNAPPED IN FRONT OF HIS HOME

(By Leased Wire to The Times.) New York, March 19 .- Spencer Daly, ix years old, was kidnapped from it front of his home at 213 York street. Jersey City, according to his mother Mrs. Lelia Daly. 'Two days' of search has revealed no trace of the child and Mrs. Daly today appealed to the police

of New York and Jersey City. Mrs. Daly declares she thinks the child was taken by her husband, John Daly, from whom she has been separated a year. She says he refuses to give her any information.



(By Cable to The Times.)

St. Petersburg, March 19.-All preparations are made for Russian intervention in Persia. The third rifle battalion with its field equipment arrived at Julfa on the Persian frontier today, ming from Tiflis.

The Salvansk regiment also is in readiness to move at a moment's noice. Supplies and equipment are now being sent forward from Resht.

> Wants Whipping Post. (By Leased Wire to The Times.)

Boston, Mass., March, 19.-Judge Wentworth, in sentencing Roger Sherlock, in Somerville, for wife beating, said today: "It seems too bad there is not

whipping post in Massachusetts.

re 19 cases for disposal. There is one case of burglary, seven el fa cases, and four cases of affray. The Seaboard Air Line Railway is

obstructing public highways and street crossings.

The attraction that lurks in other peoples' chattels seems to have lost son's death. none of its drawing power and 14 un-

tion to change the rules, which resulted come?" Larceny and receiving, closely allied to plain larceny. of 21 who will have to answer the a coherent manner.

charge of stealing. "Retailing spirituous liquors in prohibitions territory," etc., is six There are 14 cases of retailing on the docket, the bulk of the offenders be ng negroes.

Of the terrible crime of rape and assault with intent to commit rape. there are five cases. There are two cases of assault, one of perjury and a long list of minor offenses.



(By Cable to The Times) Palermo, March 19-The Sicilian police today arrested a man said to be Girgenti, one of the conspirators who planned the death of Joseph Petrosino, the New York detective, While the police are maintaining rigid secrecy it is learned that they

believe Girgenti followed Petrosino here from New York, sailing on the same ship with him and Palozzotto. who is also under arrest. The police believe the assassing are caught.

PASSENGER ROLBED OF \$10,000

Robbed on Pennsylvania Express Train on Way to Philadelphia. (By Leased Wire to The Times) Philadelphia, March 19 .- The detect-

ve bureau here has received a mespassenger on a Pennsylvania Railroad express train had been robbed of \$10,-

The passenger, on his way to this city from Alken, S. C., informed the conductor that he had been robbed of a traveling bag containing \$10,000.

of carrying concealed weapons, 10 was put in jail last night on suspicion the unfortunate occurrence, freed the convicted, fined, or imprisoned for that she was in some way the cause of charged with eight offenses against Mr. A. J. Jackson's death, was releas- to his story, Jackson was twenty yards are. The administration of the law the peace and dignity of the state by ed this morning. There was not the from the woman when she fell in. slightest scintilla of evidence against Both he and Jackson heard her the woman and her arrest and imprisscream and rushed to her ald. Jackonment was the result of the exciteson plunged in and kept the woman's

ment of the hours following Mr. Jack- head above water until help arrived. The woman was saved, but aid cam

It is certain that the woman was too late for Jackson. fortunates will be lined up and asked drunk at the time she fell into the He was taken to Brown's undertak- conditions as those brought about the embarrassing question, "How creek. When she was rescued the excitement and the liquor combined rat- announced for this afternoon at three tled her in some way and she could not o'clock from Christ church. Mess. J. tell the story of her close call with I. Johnson, J. A. Briggs, C. B. Park, A. gent" forces, and the re-election of claims seven victims, making a total death and Mr. Jackson's drowning in Dughi, J. A. Mullins and W. B. Jones were named as pall bearers.

prohibitions territory," etc., is six imes charged up against Elmo Gill. Good Government Association

The Raleigh Good Government As-Jurged to be present and take a part sociation held an enthusiastic meet- in the meeting.

ing last night. A good crowd was It is the purpose of the association present and several carnest speeches to place a strong ticket in the field, Hepburn amendment passed without were made.

A determined effort will be made operation of every good citizen. It give the railroads protection as well by the association to place good men will not try to monopolize things, in the field for all the city offices. name all the candidates, or anything of the kind. There is a sincere de-The name of Mr. R. B. Raney for mayor was mentioned last night and sire on the part of the association to take the people into its confidence, brought forth a storm of applause. form a working partnership and clean It is not known whether Mr. Rancy up the city. would make the sacrifice or not, but The association is in the fight to

he would make a fine officer. The association adopted by unanimous vote the following: "The members of the Good Govern

eigh desire to express their satisfaction at the result of the recent election, whereby our excellent schools have been placed upon a permanent nine months basis. The members of said association also approve mos heartily the proposition to erect a city auditorium and administration build

ing out of the public taxes. In view, however, of the fact that these things will necessitate an increase in the tax

> fairs of the city this can be done." The association decided to call a citizen was wounded.

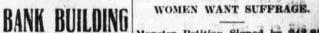
mass-meeting for next Monday night. The robbers escaped and posses are Every citizen of Raleigh, whether a in pursuit. The bank officials state member of the association or not, is the robbers did not secure any money. in every section of Great Britain,

THE LIBERIAN COMMISSION.

as regulation."

Date For Departure Has Not Been Set.

(By Leased Wire to The Times) Washington, March 19-The date of departure for the Liberian commisthe wires and move their puppets so sion has not yet been set. The memas to win this time, but change is in bers will confer at the state department for several days and carefully consider the various correspondence fight next election, and next, and and documents which have passed between the United States and Liberia. Before leaving they will also be assigned a secretary, by the state department.

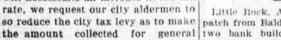


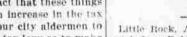
Monster Petition Signed by 243,859 Women Sent to House of Commons.

London, March 19-A monster peso reduce the city tax levy as to make patch from Bald Knob, Ark., says that tition, signed by 243,852 women, was the amount collected for general two bank buildings were dynamited presented in the house of commons sage from Wilmington, DeL, that a purposes one dollar. We believe that and the town of Bald Knob terrorized today asking that no bill aiming to with economy in conducting the af- early today by a small band of men, give women suffrage be rejected. The petition is signed by women of all houses were met by bullets and one degrees, classes and ages, and

mand for suffrage is couched in no uncertain terms. Its signers reside

Little Rock, Ark., March 19 .- A dis-Citizens who ventured from their





win. The machine may manipulate the air. The members of the associament Association of the city of Ralion are carnest and will be in the

next, if necessary.

ROBBERS DESTROY