

Weather.

Washington, April 2—Forecast for North Carolina for tonight and Saturday: Rain tonight; Saturday generally fair; moderate north winds.

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DEFENSE INTRODUCES STRONG TESTIMONY IN FAMOUS MURDER TRIAL

Theory That Smith Was Seen After Alleged Disappearance With Holderfield

WAS SEEN AT MIDNIGHT

Not So Many People Were Present At Opening of the Smith Murder Case This Morning But Interest is Intense and Crowd Soon Began to Gather and by 10 O'clock the House Was Full—James E. Gaston Makes Good Witness for the Defense—Saw Smith as Late as 11 O'clock on Fatal Night—Says Murdered Man Left Kelly's Place With Fred Miller.

The fifth day of the Smith murder trial opened with not such a large attendance as had been heretofore. The inclement weather in addition to the early morning hour caused the crowd to be much smaller than usual. Interest, however, has not waned in the slightest. This case is the common topic of conversation on the street corners, in drug stores, and in fact, everywhere there are two or three people congregated the Smith trial is being discussed.

Although the strain has been great upon both the defendants and the counsel, neither of them shows the slightest trace of weariness. Tim Holderfield, who went on the stand last night, was bright and cheerful this morning. Cotton and Hopkins retain their confidence.

Witness home in Moore county. Was in Raleigh on November 14 and at 9 o'clock that night he went to Winslow Kelly's elder store in East Raleigh. The day was rainy and pretty cool. Stayed at Kelly's to 5:20 a. m. Many people came in and out of the store during the night.

A man came in about 11:30 and took a seat by the fire. Had on a "greysish" overcoat and button shoes. Was about five feet, six inches high. Large face and nose and was fast talking man. Seemed to want a drink.

Stranger handed negro ten dollars to get some whiskey, but Tom did not want to take it until another man punched him and told him to take it. He went out and in a few minutes came back and Kelly changed the money. Tom took half dollar to get whiskey. Stranger got up with fellow called Fred Miller, and they got in Tom's carriage. The carriage drove out east. Fred Miller came back in an hour and a half, and on being asked what he did with the man, Fred Miller said that he carried him home. Stranger drank a bottle of small brew while in Kelly's place of business. Miller and Tom Crenshaw drank with him. Witness was taken to Coroner Sparks' office and shown picture and asked if it was the man that came in Kelly's. It was to best of witness' knowledge. He also identified the overcoat that the coroner had. Look at photograph as that of her husband, and says that to best of his knowledge and belief that was the man that came in Kelly's place that night and later went off with Fred Miller; also identifies photo taken of body after death, as that of the same man.

Yarborough House, was second witness for defense introduced today. Was working at Yarborough on November 14th, and the key to room No. 40 was at the hotel. Witness stated that room No. 40 was occupied by W. Smith, of Richmond, Va., on November 14th.

No cross-examination. Court suspends for five minutes to allow counsel for state to confer. John S. Huckleby, night clerk at Yarborough, was on duty on night of Saturday, November 14, 1908. Register showed room No. 40 to be occupied by E. W. Smith, of Richmond. Mr. Pou asked if any person called for the key to room No. 40 that night. Witness answered that somebody called for the key just after he went on duty. Handed out the key to the person, who was a white man. Would not know him if he should meet him again. After the witness heard of Smith's death, the other clerk, Mr. Sinclair, said that one of the guests had been found dead at the rock quarry. On being told this, the witness said that he remembered giving the key to some one shortly after he came on duty the night before.

On cross-examination the witness said that he did not know who he gave the key to, but was satisfied that it was a white man.

On being recalled, Mr. Sinclair stated that he told Huckleby that Smith had been found dead in the rock quarry. Huckleby said, "What?" I gave that man the key to No. 40 last night, or some one. Huckleby comes on duty at 9 o'clock. Smith registered on Friday afternoon prior to his death.

The state is here granted a request to be allowed to introduce character witness.

Mr. A. J. Kaplan, merchant, has known Ed. Chavis for fifteen years. Worked for witness about ten years. So far as witness knows, Chavis' general character is good.

Captain John R. Ferrall has known Ed. Chavis for thirty years, and his general character is good.

Mayor James I. Johnson testifies as to Chavis' general character, which he thinks is good.

T. P. Sale, chief sanitary inspector, has known Chavis for ten or twelve years. His general character is good.

On cross-examination, Mr. Sale said that Chavis drank sometimes and talked a good deal.

Oscar Peebles said Chavis' general character was good. He was loud-mouthed but witness had never seen him drunk.

R. E. Lewis had known Chavis for about six years.

On cross-examination, Mr. Lewis said that he had seen Chavis drinking but had never seen him drunk. Was loud-mouthed.

Will Taylor testified as to good character and drinking and talking habits.

Dr. William Moncure, physician, was next introduced by the defense. Had experience with observing the effects of cocaine. Is qualified to give expert testimony on uses and effects of cocaine.

If Richard Williams had been under influence of cocaine for several months prior to December 1, and was arrested and gradually suspended from use of drug, what effect would it have, was asked by Mr. Pou.

"If a man uses cocaine for any length of time, he would become morally deficient and unreliable and would be addicted to hallucinations; would see things where there was nothing; would hear sounds where everything was quiet, and would feel things crawling under his skin when there was nothing," was the answer.

Witness would not know what he was telling and could not be depended upon.

Wouldn't reply upon statement of a man that had used cocaine; cannot rely upon statement of a man who had been using cocaine and who told of something that happened during the time of his using cocaine.

Cross-examined by Mr. Holding. Cocaine users have unsteady steps, rings under his eyes, sometimes a wasted appearance. Cocaine has effect of deadening body or any part that it comes in contact with; makes a man forget he is hungry. In South America a man has been known to go days without food. The hallucinations are not as a general thing of the most pleasant character, but are part of the time pleasant. One of the reasons for using her drug is because of its pleasant sensations. Continued usage causes hallucinations of unpleasant nature. Best cure is to cut it off immediately. A man's memory is sometimes in good condition while using cocaine, but not generally.

On re-direct examination, Dr. Moncure said that no blotting resulted

from the confirmed usage of cocaine. Dr. J. W. McGee, Jr., was next called by the defense. His testimony was as corroborative of Dr. Moncure's statements as to unreliability of a man who had been addicted to the use of cocaine. Man's truthfulness would decrease after few months of use of cocaine. Sense of untruthfulness comes before body deterioration. Richard Williams could be depended upon more so than if he was still using the drug.

Mr. Huckleby, on being recalled, said he did not recognize the clothes or the features of the man that came for the key. Saw man after death and could not state that the dead man was the same person that came for the key.

Dr. Abernethy was next called by the defense, but the state objected to his testifying on account of his being present yesterday while evidence was going on. Heard Williams' evidence. Objection overruled.

Witness had had two years' experience with sedatives and narcotics. Is demonstrator of anaesthetics in University of North Carolina medical department. Dr. Abernethy's evidence as to reliability of a witness who had been a confirmed user of cocaine, but for four months had been from under its influence, was along the same lines as that of Dr. Moncure and Dr. McGee. The person would not know himself whether or not he was telling the truth.

Cross-examination by Mr. Holding. Hallucinations are among the last stages, and are generally followed by paralysis, which takes place as the result of the continued usage of the powerful drug.

Anticipating the great length of time that it would take for the stenographer to copy his notes and the delay that would necessarily follow, should he be forced to stay in court and complete his notes, the court suspended for a few minutes in order to get Mrs. Calvert to replace Mr. Weidon Smith. This advantage would enable Mr. Smith to start immediately upon the transcription of the evidence. The court notified the defense that any instructions should be handed in before the beginning of the argument. The counsel for the defendants announced at this juncture that the defense rests.

Rebuttal Testimony. Officer C. E. Barrow was first witness called by state in rebuttal. Knows defendant Tim Holderfield. Saw him on Monday after the homicide and had a conversation with him. Holderfield told Barrow about some woman getting out of a carriage at a house in East Raleigh early in the night, and then he, Holderfield, got drunk and went into Cotton's back room and went to sleep.

No cross-examination. William H. Hicks had place of business on the corner of East and Davis streets all of last year. About 200 yards west of Cotton's. Heard about Smith being found about 10 o'clock on Sunday, November 15. Saw Holderfield early the night before, just after dark. Holderfield went back towards Cotton's place after buying two bladders of snuff from the witness.

No cross-examination. Frank Bryant has known Holderfield all his life. Witness was at Dan Harris' junk shop on night before the finding of the body in the rock quarry. Went there immediately after supper. Stayed there about two hours. Witness said that if Tim Holderfield came there he did not see him, and that he did not see Coier King, Carl Harris or William Godwin there at all. Said that Alfred Blake and several others were in the shop.

Alfred Blake, who lives on south Fayetteville street, has known Tim Holderfield ten or eleven years. Knows Carl Harris and William Godwin. Witness did not know that he was at Dan Harris' Saturday previous to the finding of Smith's body at the rock quarry on Sunday, November 15th.

Laura Woods, colored, had seen Tim Holderfield before the man was found in the rock quarry. Saw Holderfield one afternoon since in front of Nancy Cotton's house on east Davis street. Holderfield passed by and asked what was the news. Nancy answered, "Everything." He went on down to Hick's corner and later came back by and told Nancy that he had read it all. Asked Nancy if it wasn't a wonder that he was not mixed up in this matter. She answered no because she did not think he would do anything like that. "Yes I was in it," he replied, "but I was sleepy as hell."

Cross-examination by Mr. Hinsdale. Denied ever having been arrested for selling whiskey or that she was a street strumpet, but admitted that she drank whiskey when she could get it.

Witness says that she did not tell John Olmstead that she did not know anything about the case.

On being asked to have Mr. Olmstead retire that the defense would call him in rebuttal, the court said that it would not cross a bridge until it came to it. "The state is at the bat," said the court.

Alice Griffin was next called by the state. Lived at 540 east Davis street.

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FILIPINO TALKS ON PASSAGE OF PAYNE MEASURE

Free Trade Between United States and Philippines Would Ruin His Country

SPOKE WITH DIFFICULTY

Speaker Cannon Not Present Today and Representative Dazell, of Pennsylvania, Calls the House to Order—Representative Moore Makes the First Speech—Says His District Has Been Built Up by the American Policy of Protection, Wants Protection For the Farmer, the Laborer, and the Capitalist. Members Listen With Interest to Delegate From Philippines.

(By Leased Wire to The Times)

Washington, April 2—In the absence of Speaker Cannon Representative Dazell called the house to order at 10 o'clock. Representative Moore of Pennsylvania made the first approach defending the Payne bill. He spoke of the advantages of protection. His district is purely a manufacturing one, he said, built up by the American policy of protection. He urged protection to the farmer, the laboring man and the capitalist. He asserted that it had raised the standard of living in this country and the revenues to meet the expenses of the government.

Commissioner Resident O'Campo, of the Philippines, presented a unique figure when he began making an address to an American congress. Members gathered around him so that they could hear him plainly. He spoke with considerable difficulty. The trend of his remarks was that free trade between the United States and the Philippines would financially ruin the latter and delay the day of independence.

He asked the privilege for his people of selling their goods free of tariff duties in the United States, but they want the privilege of taxing articles coming from the United States into the Philippines. He approved that part of the Payne bill which allows a free importation of Philippine sugar to the amount of 300,000 tons per year and also tobacco. In return the Philippines would be willing to admit free of duty agricultural implements from the United States.

Representative Young argued in favor of free hides. "Hides have never been taxed," he said, "since the passage of the Dingley bill." The tax does not protect the farmer, but gave an opportunity for a trust, which has already established twenty-five tanneries in this country.

Representative Slight said that if hides were placed in the free list boots and shoes should be included. He opposed the reduction of the duty on lumber, and advocated one on cotton ties, which cost the planter about \$1,000,000 a year, while cotton is practically unprotected.

It is expected the house will vote on a rule Monday for the consideration of the Payne bill and amendments and fixing the day for the final vote. The committee has agreed to report amendments striking out the duty on tea and coffee, increasing the duty on barley 25 cents, and providing for a vote on the lumber and hides schedule. This concession to the western republicans has secured enough votes to insure the adoption of the rule.

Representative Lindberg spoke in favor of free tea and coffee and urged that sugar be placed on the free list. Representative Ransdell, who is a Louisiana protectionist, said the revision of the tariff should be a business proposition and not a political one, as it affects the interests of the entire people. He contended for a reasonable duty on sea island cotton in order to protect the cotton markets of the south. He also advocated the duty on lumber as provided for in the Dingley bill.

COSTLY DAM BLOWN UP BY DYNAMITERS

(By Leased Wire to The Times) St. Charles, La., April 2—The Hermetan dam at Grand Cheniere, forty miles south of this place, has been dynamited and destroyed for the third time. The dam cost nearly \$100,000 and was built by the rice growers of southwest Louisiana.

Crazy Snake, the Fighting Indian.



Pierce, Okla., April 2—The pursuit of Crazy Snake by the state troops under Colonel Hoffman was resumed at daybreak. If the Indian leader is not captured by nightfall the pursuit will be abandoned and Colonel Hoffman will recommend that the state offer a reward for his capture. All the Indians captured have been released.

FOR BETTER HIGHWAYS GETTING INTO SHAPE

Nr. Jao. H. Broad of New Ways and Means Committee Yerk a Visitor Here Kept Busy

Represents An Association That Stands For System of National Highways Built by Federal Government—Interest in Road-Building is General—Pleased With the South.

Mr. Jno. H. Broad, editor of the Morrisville (N. Y.) Leader and representative of the National Good Roads Association, has been spending several days in the city investigating business conditions and getting the sentiment of the business men of the city on the question of federal aid for road-building. When seen at his room in the Yarborough House this morning Mr. Broad spoke interestingly of the great movement which his organization is backing and of industrial conditions in the south in general.

The organization which he represents began its work about one year ago, at St. Augustine, Fla. Mr. John A. Stewart, a prominent New York business man, head of many industrial enterprises and interested in farm life, was the originator of the movement and is president of the association. The association has headquarters in St. Augustine, also in New York and Washington City.

Said Mr. Broad: "Within the last 10 years there have been a score of attempts to interest congress in the question of aiding in the construction of a system of national roads. None of these have met with success. Mr. Stewart is now in Washington, working to bind together these different organizations into one, in order that greater pressure may be brought to bear on the national congress. It is our plan to construct a system of trunk highways, emanating from St. Augustine and running north, passing through the principal cities of the south, into Washington and connecting with the state highways of Maryland and Pennsylvania, through New York into New England. Then the trunk highway would cross New York state, connect with the Ohio system, thence to Omaha and then across the Rockies to the Pacific coast."

"I have been in Washington, and while there conferred with the departments in regard to road-building, and I found that it would be possible to have all preliminary surveys for this great system of roads made by the United States war department."

At least 100 Amendments Have Been Considered and Whipped Into Shape the Last Two Days by the Committee.

(By Leased Wire to The Times) Washington, April 2—The ways and means committee has done much work in the last two days. At least 100 amendments have been considered and many have been whipped into shape to be offered by the committee when the Payne bill reaches consideration under the five-minute rule. Among these are those to strike out the duty on coffee, and an increase in the duty on barley from 15 cents to 25 cents. The committee has intimated that it will provide for a separate vote on lumber and hides, but as to coal, that it still is in doubt. The western members especially are fighting for all the protection they can secure against Canadian lumber, coal, and barley, and with the strong protection sentiment among the southern democrats, it is believed the chances are equal that a vote on lumber will restore the existing two dollar rate.

Chairman Payne believes the situation will be cleared up by the first or next week so that the question of a rule can be disposed of without much friction. Unless the plans of the leaders miscarry, the vote will be taken a week from next Monday. The passage of the bill is assured with the changes indicated.

NATIVES SHOUT "LIBERTY." Garrison Under Arms to Quell Any Disturbance. Cairo, Egypt, April 2—The English garrison is under arms today anticipating further trouble from the natives who engaged in rioting yesterday. The rioters surged through the streets shouting "liberty" and creating a wave of terror. They were charged by the mounted police and beaten back. Fire hose was turned upon them, which assisted in quelling them.

THE WHOLE TOWN SEES ROOSEVELT AT GIBRALTAR

Ex-President Gets Vociferous Welcome When He and Party Land Today

THE ENTIRE TOWN OUT

Liner Hamburg Arrived at Gibraltar This Morning and Colonel Roosevelt and Number of Party Land and Are Driven About the Town, While the People Shout Their Welcome—Learned That Ex-President Had Narrow Escape From Possible Drowning at Punto Delgado Island. While Landing in Open Boat Waves Swept Over Boat and it Comes Very Near Sinking—Roosevelt Waves His Hat.

(By Cable to The Times)

Gibraltar, April 2—The liner Hamburg, bearing the Roosevelt party, arrived here this morning. Mr. Roosevelt and his son, Kermit, with others in the party, landed and visited the town. The entire town turned out to welcome the ex-president and their welcome was vociferous. The American consul was on hand with carriages and Mr. Roosevelt was quickly bundled into one of them. He enjoyed everything immensely and frequently murmured "bully".

On the arrival of Colonel Roosevelt it was learned that he had a narrow escape from possible drowning at Punta Delgado Island on Tuesday last. United States Consul Creevy and Vice-Consul Nichols came to the side of the steamship Hamburg for Colonel Roosevelt in an open boat. The sea was running high and only three other passengers dared make the trip to shore.

The open boats were put in tow of a launch and started for the dock when a tremendous wave swept over them and they almost sank. In spite of the dangerous seas and the half-swamped condition of the boat Colonel Roosevelt stood up in the small craft and waved his hat. At the same time the ship's band played "The Star Spangled Banner".

Just as the boat reached the gangway it was caught by a terrific sea and a wave 10 feet high swept over it. Colonel Roosevelt went in the water to his waist.

Colonel Roosevelt laughed at the incident, but those who saw him make the trip and lucky leap to the gang-plank were frightened and in grave fear for his safety.

The Hamburg left at 12:20 p. m. for Naples.

PAJAMA TEA A SUCCESS. Girls Have a Dandy Time—Affair Causes Sensation.

San Francisco, April 2—The "pajama tea" to the young women of the fashionable Satowa Club by Miss Effie Thatcher, is the sensation of Oakland.

The young women are pretty and popular. News of the affair has been spread broadcast and there is a buzz among the social elite. Some condemn the pajama tea and others seize it as a child would a new plaything.

It is being talked of between the sipping of tea and the playing of five hundred and bridge whist.

It all happened when Miss Thatcher invited the ten girls to her home to commemorate the fifth anniversary of their club. Over the telephone Miss Thatcher asked each one to come attired in pajamas.

"Oh, that's jolly," was the general assent. "Won't we have a dandy time? I always did hate skirts."

So in pajamas they came. There were tea and cards and dancing and music.

Long Distance Walker. Boston, Mass., April 2—Sergeant John Walsh, of the United States army, the long distance walker, who arrived in Boston yesterday after having completed a walk from Boston to San Francisco and return, a distance of over 7,700 miles, in 156 days, is today on his way again, after a few hours rest, to repeat the performance.

Walsh left Boston August 13, 1908, and arrived in San Francisco October 23, according to his statement. He said he lost 50 pounds, but felt strong and would make the present trip in competition with Edward Payson Weston. Walsh is 57 years old.

Russian Troops Capture Brigands. St. Petersburg, April 2—Russian troops today captured a band of brigands near Krasnoyarsk, Siberia, after a desperate fight, in which six brigands were killed and five wounded.