

Weather.

Washington, April 3—Forecast for North Carolina for tonight and Sunday: Fair tonight and Sunday; moderate westerly winds.

The Evening Times

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ATTORNEYS IN COTTON MURDER CASE TAKE UP THE DAY IN ARGUMENT

Defense Pleads Eloquently for Their Clients While State Asks Conviction

PROGRESS IN THE CASE

Large Crowd Again Attends the Cotton Trial, Notwithstanding It is Saturday, the Busiest Day of the Week—Mr. Bart M. Gatling is the First Speaker for the Defense—Takes Up Case of Red Hopkins and Makes Exhaustive Review of the Evidence—Also Reviews the Cases of Holderfield and Cotton—Other Speeches.

Although it is Saturday, which is the busiest day of the week with the working man, the court room was over two-thirds full at the opening of court today and the spectators filed in continually until every available space was occupied.

The fate of Earle Cotton, Tim Holderfield and Red Hopkins, which will soon be in the hands of the jury, has no doubt attracted more widespread attention than any case in the past few years. The continued large crowds at each session of the court bear out this statement.

It was the general opinion this morning that the strong argument of Mr. J. N. Holding, for the state, had greatly damaged the defendants and the spectators were curious to know how the defendants' counsel would answer this argument.

Mr. Bart M. Gatling, counsel for Red Hopkins, was the first speaker of the day. Mr. Gatling started off by warning the jurors of their solemn duty—a duty from which every man flinches. He stated that the prosecution in this case had been unfair and had done everything to exclude anything beneficial to the defendants.

When the speaker began to comment on Ed. Chavis' different statements in the preliminary and regular trials, the state objected and was sustained by the court. Mr. Gatling said that an important question answer that Chavis made in the preliminary trial was read to him and he was asked if he did not make such reply. Chavis said he did not know that he did. The state continued its objection and was sustained.

Mr. Gatling laid stress upon the point that Jones E. Gaster, the star witness for the defense, was only contradicted by Tom Crenshaw and Fred Miller, who at the time were arrested and charged with the same crime. If their statements about this matter had been different, he would now be on trial for their life. Why didn't the state bring Mr. Breckenridge into court and let him say that he was carried home by Miller and Crenshaw? argued the speaker.

Mr. Gatling then turned his attention to the preliminary proceedings, in which the case against Red Hopkins was not pressed. He said the entire conduct of the state in this case had been other than ordinary.

This case is what the lawyers call circumstantial evidence. The courts have said that the state must establish each link of the chain without a reasonable doubt.

Mr. Gatling said to the jury that if the counsel for the defense had not introduced any evidence whatever, the jury, upon the case presented by the state, could only have convicted Holderfield. But the defendants have not done this. They have shown such strong testimony on the other side, which, after its explanation, will only leave one alternative for the jury. The speaker then turned his attention to the story of Ed. Chavis. Can you believe this man's story, when on the face of it it was made to clear himself. Do you men believe that with the bright lights in Cotton's and Kelly's and on the street, a man could be brought out of Cotton's cafe in an unconscious condition and be put into a carriage and driven away unseen by no one? The defense has in opposition to this tale a man who was under indictment for a life at the time, the evidence of Tim Holderfield, who told his story in a straightforward manner. The speaker then reviewed Holderfield's story, which he said had been more than corroborated by trustworthy witnesses. Special weight is put upon the point that to believe Ed. Chavis' story, the jury must disbelieve the evidence of Munds, Eason and Jack Raines, men of good and honest character. The speaker then moved on down to Dan Harris' shop, and ar-

gued that here again Tim Holderfield is borne out by the evidence of Carl Harris, William Godwin and others. It's outrageous, said the speaker, to believe Williams' and Chavis' stories against the statements of these young men, who were under no indictment and who needed not to tell a lie. They had no interest to come here and tell a state of things that were false.

Leaving Holderfield's case, the speaker took up the evidence against Cotton, against whom there is only one point that is not against Holderfield, and that is a statement by a negro woman of low character and negro cook.

Now let's come to the Defendant Hopkins, gentlemen of the jury. It seems to me that the state would have done well to again stand before you and say that there was no evidence against Hopkins. No witness swore that the chloroform was gotten from Kelly's while Smith was in Cotton's cafe; no one swore that any chloroform, whatever, was used on the deceased. The evidence, said Mr. Gatling, goes to show that Smith entered Cotton's cafe two and a half hours before the chloroform was gotten, and nearly that length of time after the chloroform was returned to its hiding place. Seeing that there is no evidence of the drug being used on the deceased and that the defendants are in no way connected with the use of it, if there was any. The state asks you gentlemen to believe the thin story that he got it from Kelly's to use on this man. Now they ask you to say that Hopkins is guilty on this slim evidence.

Mr. Gatling then took up the story of Jones E. Gaster, who said that he saw a man with a grey overcoat and button shoes in Kelly's place at a midnight hour, after the time that Chavis swears that Holderfield took Smith to the rock quarry. Then he brought out the point that the witness, Miller and Crenshaw, did not say that Mr. Breckenridge had on a grey overcoat or button shoes. The speaker took up ten minutes in recalling points of evidence to substantiate Gaster's story.

Mr. Gatling closed after an earnest appeal for his client, Red Hopkins. Following Mr. Gatling Mr. John W. Hinsdale, Jr., started out by scrutinizing the testimony of Ed. Chavis and Richard Williams. Mr. Hinsdale spoke for twenty-five minutes on the improbability and untruthfulness of these negroes' story. He said there was something behind the case that the state had not brought out. "How did they find out anything about Ed. Chavis being implicated in the business?" said the speaker.

The theory that Holderfield went out to the quarry a second time and carried the dead body down into the quarry, as presented by Mr. Holding, next drew Mr. Hinsdale's attention. He showed that from his standpoint it would be utterly impossible to do this, as to get the man where he was, it would be necessary to jump down a distance of fifteen feet. "And then," said the speaker, "Mr. Holding forgot his own witness, Richard Williams," who swore that when Holderfield came back into the cafe at about 9 o'clock or before, he remained there all night.

Mr. Hinsdale went over the whole trial of evidence, lending credence where he thought it belonged and discountenancing the false and unworthy testimony, in his opinion. He paid a tribute to his client Tim Holderfield, laying stress upon his good character and his honorable conduct while before the mast. Mr. Hinsdale then showed the jury that they would have to pit Chavis and Williams against Eason, Munds, Raines, Carl Harris and William Godwin, and to convict these defendants they would be forced to believe the former and put the lie to the latter.

Mr. Hinsdale closed by asking the jury to bear in mind the fact that to convict these men they would have to believe two negroes and disbelieve five white men. He expressed confidence that they could not find them guilty beyond a reasonable doubt.

Mr. Snow, for the state, followed Mr. Hinsdale.

By the time Mr. Hinsdale closed his argument the aisles were crowded and every available seat was occupied.

(Continued on Page Two.)

SPEAKER CANNON GUIDES HOUSE DELIBERATIONS

Only 16 Members Present When the Gavel Fell at Opening

THE TARIFF DEBATE

House in Committee of the Whole and General Tariff Debate Resumed—Representative Sparkman of Florida Was the First Speaker, Favors Present Duty on Lumber and Advocates Duty of Five Cents on Cotton—Representative Kincaid of Nebraska Says He Will Vote For the Bill—Philippine Delegate Said There Should be a Limitation on American Exports to His Country.

(By Leased Wire to The Times) Washington, April 3—The house met this morning at 10 o'clock, Speaker Cannon presiding. Only 16 members were present when the gavel fell. After the reading of the journal the house went into committee of the whole and general debate on the tariff bill was resumed. Representative Sparkman of Florida, was the first speaker. He said he favored the present duty on lumber and advocated a duty of five cents on all cotton. Representative Kincaid of Nebraska spoke next. He said he would vote for the bill.

Benito Legarda, delegate from the Philippines, said there should be a limitation upon American exports to that country. He declared that if the proposition for free trade had been presented before the adoption of the constitution of the Philippine assembly there would have been no opposition to the measure. The removal of the tariff on sugar and cigars, he said, would secure for the Philippines an equivalent advance on prices in China. That country was the natural market for these islands. The production of sugar in the Philippines was only about one-half of what it was during the latter years of the Spanish regime.

Representative Cox made an attack on the drawback provision of the Payne bill, and charged that the effect of that provision was solely of interest to the manufacturers, and against the consumers.

Representative Malby argued against placing pulp wood on the free list, and a reduction of the tariff on wood pulp and print paper. He said the special committee appointed to investigate wood pulp and print paper had failed to obtain evidence showing a combination to increase the price. To reduce the duties on these substances would work a hardship on the manufacturers, and the employees of the paper mills. He said:

"We do not want more newspapers or magazines, but better papers and better magazines."

Representative Sabath read a telegram from a Chicago newspaper saying 200 men and women had signed a petition against the increased duty in the Payne bill on women's apparel and hosiery. He wanted a separate vote, he said, not only on these articles, but on other items in the bill. He declared the duty on gloves was enormous.

Representative Gronna commended the bill in a general way, but he said there were a number of schedules which did not meet with his approval. Referring to the sugar schedule, he said there had been so much of an insinuating character touching the sugar trust he thought it would be wise to have the matter investigated.

BLACK HAND LEADER CAUGHT. Trapped While Waiting for \$3,000 He Had Demanded.

(By Leased Wire to The Times) Chicago, April 3.—Vincenzo Garcia, trapped while waiting for \$3,000, the price of Dr. Peter Cutrera's life, is believed by the police and the Italian colony to be the great leader of that name, head of the black hand society in this part of the country. By his own confession Garcia has been arrested in New York, Cleveland, Buffalo and Brooklyn for complicity in black hand deeds.

Mme. Modjeska Weaker. (By Leased Wire to The Times) Los Angeles, Cal., April 3.—Mme. Helena Modjeska, who is seriously ill, is reported to much weaker. For the first time, her physician remained at her bedside all night and it is believed death is imminent.

A MYSTERIOUS BOAT Arrives in Port With Much Gold

Captain of Schooner Knows Nothing of Her Cargo Except That He Was Instructed to Bring it to the United States.

GENERAL SEARCH MADE

(By Leased Wire to The Times) Galveston, Tex., April 3.—The mystery associated with the schooner Caroline Vought, which put in this port from Truxillo, Honduras, is deeper than ever. Five chests of treasure, believed to represent at least a quarter of a million dollars, were taken ashore and placed in trust with the customs officials here yesterday.

The schooner's manifest says the chests contain gold bullion but Captain James Decker, who is in charge of the schooner, with a crew of seven men, says it is not bullion, but money, and that he knows one of the boxes contains \$70,000.

Decker says his instructions from the owner of the Caroline Vought, Miss Caroline Beauchamp, and E. C. Griffin, when he sailed from Truxillo, were to consign the gold and chests to the United States custom officials at the nearest port. The chests were reshipped here by the federal mails and placed in a vault.

TWENTY PERSONS BURNED BY GAS

(By Leased Wire to The Times) Bradford, Pa., April 3.—Twenty persons were burned, eight of them seriously, by a natural gas explosion following the "shooting" of an oil well with 120 quarts of nitro-glycerine. The well is located near a number of dwellings and between the high school, where 200 pupils were at their studies, and two large grammar schools. After the "shooting" of the well a crowd of children rushed to the mouth of the well to pick up stones which had been thrown to the surface when a sudden explosion of gas occurred.

ROOSEVELT GETS TO NAPLES MONDAY

(By Cable to The Times) Naples, April 3.—Theodore Roosevelt is expected Monday, instead of Sunday. All kinds of arrangements were made for his entertainment, and the disappointment is correspondingly great, as it is realized that through delay to the steamer Hamburg he will have only a few hours here.

EXCHANGING COURTESIES.

Garrett of Tennessee Gives Griggs of Georgia a Knock. Washington, April 3.—Representative Jim Griggs, of Georgia, who did not vote with the democrats on the rules, was standing on the corner waiting for a car when Representative Garrett, of Tennessee, walked up. "I understand," said Garrett, addressing Griggs, "that one of those blamed traitors is to close the democratic debate on the tariff."

Cervera at Death's Door. Puerto Real, Spain, April 2.—The condition of Admiral Cervera is considered hopeless. He is unconscious and unable to take nourishment.

BODY OF HAROLD MOON FOUND IN FLINT MILL POND

Body Had Been Missing Five Weeks, Thought to Have Been Kidnapped

GENERAL SEARCH MADE

(By Leased Wire to The Times) Chicago, April 3.—The body of Harold Moon, a 10-year-old missing boy, was found today in the Flint mill pond, in which the lad had been missing five weeks ago. It had been thought that the lad was the victim of a kidnaper and a nationwide search was started with rewards aggregating \$3,000.

News that the body had been found was received in Chicago today by the Pinkerton detective agency and the Chicago police, who abandoned the search here for the lad. Attempts were made to reach Mr. Moon, who came to Chicago last night in search of his son, having been told in an anonymous letter that his son was being held in captivity and would be given over to him here.

The mill pond, where the boy was found, had been dragged repeatedly during the last few weeks without a trace being found of the lad. As last season the water was let out of the pond during the night, and at 7:30 this morning the body was found. It evidently had been fast in the pond and had risen to the surface when the water began to drain from the pond.

APPOINTMENTS MADE

Full List of Military Officers Made Public Today

Gen. Thos. R. Robertson Becomes Chief of Ordnance, Gen. F. A. Macon Remains as Quartermaster General—Col. A. C. Davis is Appointed Advocate General. Governor Kitchin today announced his full list of military appointments. Brigadier General Macon, of Vance county, remains as Quartermaster General, a position he has filled with great credit for eight years. General Thos. R. Robertson, adjutant general under Governor Glenn, is transferred to the head of the ordnance department. Col. J. G. Hollingsworth, of Cumberland, becomes paymaster general. Col. A. C. Davis, attorney at law, formerly head of the Davis military school, becomes judge advocate general.

The full list of appointments is as follows: F. A. Macon, quartermaster general, Brainerd county, Vance county. W. E. Gary, assistant quartermaster, lieutenant colonel, Vance county. C. H. Gattis, assistant quartermaster, major, Wake county. Mark W. Williams, assistant quartermaster, major, Mecklenburg county. J. W. Dalton, assistant quartermaster, major, Forsyth county. J. L. Curran, assistant quartermaster, captain, Vance county.

Thos. R. Robertson, chief of ordnance, colonel, Mecklenburg county. W. F. Robertson, assistant ordnance officer, lieutenant colonel, New Hanover. J. B. Thomas, ordnance officer, major, Franklin county. A. K. Powers, ordnance officer, major, Pender county. J. C. Mills, ordnance officer, major,utherford county. J. M. Campbell, ordnance officer, major, Buncombe county. J. G. Hollingsworth, paymaster general, colonel, Cumberland county. W. W. Pierce, assistant paymaster general, lieutenant colonel, Duplin county. R. T. DaDuel, assistant paymaster, major, Halifax county. E. G. Althebrook, assistant paymaster, major, Edgecombe county. E. L. Conn, assistant paymaster, major, Wake county. E. G. Sherrill, assistant paymaster, major, Guilford county. A. C. Davis, advocate general, colonel, Wayne county. V. C. Bullard, assistant judge advocate general, lieutenant colonel, Cumberland county. T. A. Lyon, assistant judge advocate general, major, Bladen county. J. D. Proctor, assistant judge advocate general, major, Robeson county. A. L. Godwin, assistant judge advocate, major, Gates county. Elijah Moffitt, assistant judge advocate general, major, Randolph county.

What Extent Does Threatened Reduction Due to New Tariff Bill. (By Leased Wire to The Times) Washington, April 3.—To what extent are the present and threatened reductions in wages in the steel and other industries due to the proposed downward revision of the tariff in the steel schedule? How much of the wage reductions are properly attributable to tariff reduction; how much to depressed business condition following the financial disturbance which prevailed during the past year, and how much to unsettled conditions connected with the tariff revision program, which must await adjustment to the new schedules of tariff duties proposed?

TARIFF INFLUENCE ON WAGES.

These are questions confronting the republicans of the new administration and both houses of congress.

HOUSE WILL VOTE ON RULE TO LIMIT DEBATE MONDAY

Little Prospect of Passing Payne Tariff Bill Before April 10

THE SPEAKER'S VIEW

Speaker Cannon and Representative Tawney of Minnesota Say There is Little or No Prospect of Passing the Bill Before April 10 or Later. All Republican Members Have Been Instructed to be in Their Seats on Monday, When Attempt Will be Made to Adopt Rule Limiting Debate—Charges That Will Be Made.

(By Leased Wire to The Times) Washington, April 3.—According to Speaker Cannon and Representative Tawney of Minnesota, there is little or no prospect of passing the Payne tariff bill in the house before April 10, or perhaps a few days later.

All republican members have been instructed to be in their seats at noon Monday, when a rule providing for the consideration of the bill, paragraph by paragraph, limiting amendments to those approved by the committee on ways and means, and possibly fixing a time for the passage of the bill, will be reported.

Separate votes will be allowed on several of the more important schedules, such as lumber, coal, hides, and possibly iron ore. The belief prevails also that the committee will report an amendment removing the duty placed on tea and the counter-vailing duty on coffee. The house is almost unanimous for these changes.

THREE CHARTERS TODAY.

Big Power Company For Hendersonville and Strong Lumber Enterprise For Asheville. Charters were granted today to the following corporations: Granville Poultry Farm Company, Stovall. The company will own and operate poultry farms. The total authorized capital stock is \$2,000, paid-in capital, \$300. N. B. Wolfe, W. L. Taylor, and H. C. Wolfe are the incorporators. The Green River Power Company, Hendersonville. The company will operate a power plant for the manufacture and generation of electricity. Authorized capital stock, \$100,000. Paid-in capital, \$31,000. J. M. Torrence, W. A. Monney, C. E. Neisler, and M. G. Stator are the incorporators. The R. G. Hunt Lumber Company, Asheville, will deal in timber, farming and mineral lands. The authorized capital stock is \$50,000, with a paid-in capital of \$24,500. R. G. Hunt, of Asheville, holds 242 shares of the stock, while the remaining three are held by R. M. Fitzpatrick, J. W. Sluder, and H. F. Adecks, Jr.

VICTIM OF RUSSIANS.

Watchman Killed by Members of Secret Society. (By Leased Wire to The Times) New York, April 2.—John Koulschuk, forty years old, was found dead today in a poultry market in Brooklyn, where he was employed as watchman, the victim, the police believe, of a Russian secret society. He came to this country from Russia four months ago. The man had been struck half a dozen blows on the head and the assassins had tied a handkerchief around his throat so tightly that it cut deeply into the flesh. No attempt was made at robbery.

PRESIDENT ELLIOT WILL NOT ACCEPT AMBASSADORSHIP.

(By Leased Wire to The Times) Washington, April 2.—Official announcement was made at the white house today that President Elliot, of Harvard University, has declined the ambassadorship to the court of St. James. No one else is under consideration for the post. Kentucky Goes to Philadelphia. (By Leased Wire to The Times) Norfolk, Va., April 2.—The battleship Kentucky sailed from the Norfolk navy yard today for the Philadelphia navy yard, to remain in the fresh water basin until the \$550,000 to be used in repairing the vessel becomes available in July. Then she will be brought back to Norfolk.

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