

Weather.

Washington, April 5—Forecast for North Carolina for tonight and Tuesday: Generally fair tonight and Tuesday; cooler in west portion.

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DEFENDANTS IN SMITH MURDER CASE ARE GUILTY

Verdict of Murder in the Second Degree as to All Defendants

MEN ARE INDIFFERENT

Jury Out Over Eleven Hours—Were Ready to Report At 9 O'clock Yesterday But Had to Wait Until 10 O'clock Before the Lawyers Could be Gotten Together—Verdict of Murder in Second Degree as to all Defendants but Recommendation of Mercy as to Red Hopkins—Cotton Gets Thirty Years, Holderfield Ten and Hopkins Two.

After over eleven hours of consideration, the jury in the Smith murder trial returned a verdict of guilty of murder in the second degree with a recommendation for the mercy of the court as to Red Hopkins, at 10 o'clock yesterday morning. Although ready to make known their finding at 9 o'clock, the jury was forced to wait until the above hour on account of the absence of the attorneys in the case.

Neither of the defendants seemed very much affected by the verdict, and although one would have judged from their demeanor during the tedious progress of the trial that they were confident of acquittal, they did not suffer any apparent disappointment at the outcome. When the verdict was announced by the foreman, their faces could be seen to turn slightly red and they were slightly nervous. But other than that they took their fate calmly and coolly and without any outward demonstration of disappointment.

Judge Lyon took occasion, while imposing sentence, to express his heartfelt sympathy for Dr. Cotton, but said that his duty forced him to be harder upon the defendant Cotton than upon either of the other two. The full penalty of thirty years in the state penitentiary was imposed upon Earle P. Cotton, because of the fact that it appeared to the court that he was the prime factor in the proceedings; that he conceived, planned and was the principal in carry out of the terrible crime. Holderfield, said the court, while guilty, was only a tool of Cotton's, and for that reason he would be given only ten years.

On account of the jury's recommendation for the mercy of the court as to Red Hopkins and the fact that he was a stranger in a strange land, and without friends, he was given the nominal sentence of two years. Judge Lyon stated that he had only intended giving Hopkins five years at any rate, and on account of the recommendation for mercy he reduced this to two.

The counsel for the defendants made a motion for a new trial, which was disallowed. They then gave notice of an appeal. To file the case on appeal they will be allowed ten days' time, but it is not definitely known by the counsel today whether they will appeal or not. When the reporter saw Mr. Walter L. Watson, counsel for Earle Cotton, today, he said that it has not been decided on yet whether or not an appeal would be taken. It will probably have been decided by tomorrow.

It is the general opinion on the outside, however, that no appeal will be taken for these reasons: Hopkins has only two years to serve, which would be nearly half over by the time of the next trial, in case a new trial was granted; and then if the appeal for a new trial failed, he would be in confinement a year longer than necessary, because he would be unable to give the bond that would be required of him and would have to remain in jail while the case was on appeal. On the other hand, with only two years between him and freedom, would it not seem rather foolish to put his life in jeopardy? By a new trial he can only gain two years and he might lose his life.

As to Cotton and Holderfield, it would be even worse for them in another trial, unless Hopkins was also a defendant. If Hopkins was not a defendant, he could be used as a state's witness and could be forced to tell all that he knew of the crime, which, if anything like his confession to the police authorities, would send the other defendants to the electric chair.

For these reasons it is generally conceded by those who have watched the trial that there will be no appeal

by either Cotton, Holderfield or Hopkins.

It was said this morning by a gentleman who had conversed with one of the jurors, that on the first ballot the majority of the jury was for murder in the first degree, and had it not been for the Defendant Hopkins, who the jury believed to be a victim of circumstances, such a verdict would have been returned.

The outcome of the trial seemed to meet the approval of the state, while the counsel for the defendants would make no statement as to whether or not they were satisfied.

The convicted men are now in the county jail, where they will remain until it is definitely decided that there will be no appeal.

ST. YVES THE WINNER.

The Famous Sausage Slinger Now Athletic Hero, Winning Easily.

(By Leased Wire to The Times.)
New York, April 5.—Henri St. Yves, of France, formerly a waiter in a London restaurant, is now the athletic hero of the hour.

He is the young man who beat the greatest array of Marathons that ever started and today can claim the honor of being the world's best in the particular stunt. He made Longboat and Shrub quit and as for Dorondo, Hayes and Maloney had the race before the country roads not one of these three could have been in sight at the finish.

VANCE GILL RELEASED

Case Not Pressed on Motion of City Attorney

No Evidence of Weight Against Vance Gill—Set Free Today—No Clue As to Real Culprit—Authorities Seem to be Hopelessly at Sea—Other Police Court Cases.

The case of the State vs. Van Gill was called this morning in the city police court. Gill was represented by Douglass & Lyon, who announced that their client was ready for trial. City Attorney W. B. Jones rose and went carefully into the causes leading to Gill's arrest, in a speech of some length. He spoke of the investigations that had been made by the police department and the results obtained. He then made a motion that the case be not pressed and Gill was liberated. There is no doubt in anyone's mind of Gill's entire innocence.

As to the real culprit, the authorities seem to be hopelessly at sea. If they have any idea as to who mutilated the books they are keeping quiet about it. It is to be hoped the investigation will not cease until the guilty man is found.

The case against Bud Wood, charged with an affray, was adjudged to be without foundation, frivolous and malicious, and the defendant was discharged.

The case against George Raiff, colored, charged with stealing a trombone from the United States government, was continued because of the absence of the witnesses for the state.

MESSENGER BOY GETS FORTUNE

Handed Message Which Told Him He Had Fallen Heir to \$30,000.

(By Leased Wire to The Times.)
San Francisco, April 5.—Given a message to deliver last night, Willie Robinson, a messenger boy in the employ of the Western Union Telegraph Company, saw it was addressed to himself, and tearing it opened learned that he had fallen heir to \$30,000.

The telegram came from Los Angeles, stating that by the will of his father, who died there Saturday, he was named as one of the three heirs to an estate of \$90,000, the other two being his brothers.

MR. ROOSEVELT HAS ARRIVED IN NAPLES

(By Leased Wire to The Times.)
Naples, April 5.—The Hamburg, with Theodore Roosevelt and his party aboard, arrived here at 10:15 a. m. today, two hours and 15 minutes late. The great crowd which assembled at the pier cheered the president and Mrs. Roosevelt. Kermit and Mr. Roosevelt, standing on the bridge, doffed their slouch hats and waved them in greeting. Ambassador Griscom boarded a tender and rode out to meet the ship. The Duke of Aosta, a brother of the Duke of Abruzzi, sent one of his automobiles to convey Mr. Roosevelt to the royal villa at Cape Dimonte.

It is reported that as a consequence of the Hamburg's delay Colonel Roosevelt will not land at Naples, but will be transferred to the Admiral. The German consul went on board today to convey the compliments of Emperor William to Colonel Roosevelt.

CASE AGAINST STANDARD OIL COMPANY BEGUN

Suit to Dissolve the Trust is Brought by the Government

LONG BRIEF FILED

Government Says Sherman Act Should Either Be Repealed or Enforced in Such Manner as to Make People Respect It—Government Attorneys Declare Remedies to Stop the Encroachments of the Gigantic Trusts Have Failed—Attorneys for the Defense Say the Sherman Act Does Not Apply to the Standard Oil Company.

(By Leased Wire to The Times.)

St. Louis, April 5.—Frank B. Kellogg filed his brief of 1,400 printed pages with the clerk of the United States circuit court in this city today and began his argument, after two years of evidence-taking in the government's suit to dissolve the Standard Oil Company of New Jersey, for alleged violations of the Sherman act.

In its brief the government attorneys declare remedies to stop the encroachment of gigantic trusts such as the defendant is alleged to be, have been tried without avail, and that now, "either the Sherman act should be repealed or it should be enforced in a manner to make the people respect it."

Moritz Rosenthal and other attorneys for the Standard Oil Company issued a statement of the case today. In substance it says: "The theory of the defense is that the Sherman antitrust law does not apply to the Standard Oil Company."

The earnings of the monopoly are summarized as follows: The Standard Oil trust and the Standard Oil Company on an investment of \$39,924,480, had earned up to the end of 1906, \$38,783,782.

"Adding the estimated profits of 1907 and 1908, we have a substantially," the brief says, "\$1,000,000,000 earned by the company in twenty-seven years with an original investment of about \$68,000."

It charged from 1874 to 1882 the Standard obtained control of practically all of the pipe lines and brought under the control of the National Transit Company and ever since it has sought to prevent or destroy competition in the pipe line business.

The brief says that "the government does not wish to be understood as discouraging enterprise or as taking a position against legitimate competition, but if the Sherman act means anything in this country it means a monopoly acquired by such methods of competition as are pursued by the Standard. Unless it is enforced the small corporation or individual who wishes to engage in business will have absolutely no opportunity at all."

The paper is signed by George W. Wickersham, attorney general; Frank B. Kellogg, Charles B. Morrison, C. A. Severance, and J. Harwood Graves, special assistants to the attorney general.

Diaz Will Run Again.

(By Leased Wire to The Times.)
Mexico City, April 5.—President Diaz, although he stated a year ago that he would never again be a candidate, has decided to make the race. He says he is "willing to sacrifice personal desires to serve my country."

NO TRUTH IN STORY THAT PAYNE MADE MISTAKE

(By Leased Wire to The Times.)
Washington, April 5.—Representative Payne, chairman of the ways and means committee, this morning positively denied that there is any truth in the yarn published in a local paper Saturday to the effect that he made an error of \$46,000,000 in his statement to the house as to the percentage of unexpended balances of appropriations. Mr. Payne said the figures he made public had been furnished him by the expert of the appropriation committee of the house and he was perfectly willing to accept these figures and stand by them. The members of the appropriation committee of the house are still smugling at the story regarding Mr. Payne's alleged error for the reason that it is the story had been anything else but a "fake" the democrats would have sought to make capital of it without delay.

THE TARIFF BILL DEBATE RESUMED IN HOUSE TODAY

Minority Leader Clark Asked That General Debate be Dispensed With

PLEA FOR FREE LUMBER

When Chairman Payne Made His Motion to Take Up the Tariff Bill This Morning Representative Champ Clark Asked That General Debate be Dispensed With and That the Bill be Read by Paragraph, Considered Under Five Minute Rule, With Amendments and Passed—Clark Said He Wanted the Country to Know That Democrats Are Anxious to Have the Bill Passed.

(By Leased Wire to The Times.)

Washington, April 5.—When Chairman Payne made his motion to take up the tariff bill this morning Representative Champ Clark, the minority leader, said he desired to amend the motion and would make a parliamentary inquiry to ascertain if it would be in order. He asked that general debate be dispensed with and that the bill be read by paragraph and considered under the five minute rule and amendments be considered and passed. The chair ruled that it was not a parliamentary inquiry. Representative Clark replied that the matter was now in the record and he wanted the country to know that the democrats are anxious to have the bill passed. The house then resumed consideration of the bill. Representative Bartlett, of Georgia, made the first speech, the principal part of his argument being a plea for free lumber.

Representative Calderhead defended the tariff bill, saying that it represents the best judgment of the ways and means committee. In constructing the bill the manufacturing interests of every section of the country were carefully considered and he did not think it possible to construct a bill that would be more profitable than the pending measure. He said the south has more mills and factories now than ever before in her history and they had been built because of the protective afforded them by the Dingley tariff.

Representative Burgess said the people of the south were taxed on all they bought but received little benefit on what they had to sell. He spoke for a tariff for revenue only.

Representative Hobson secured unanimous consent to reply to Representative Calderhead, who reflected somewhat on the south. Mr. Hobson referred to the greatest advancement in the south during the past two years. Mr. Calderhead, he said, did not realize the efforts of the south to raise up and elevate her people. The south has been charged by Mr. Calderhead with holding to its sentiments but a man should have a principle for which he is willing to die and its principle for which the southern people contend. Ninety-eight per cent of the south is American blood.

Representative Gillespie declared himself in favor of free wool, free lumber and free iron and steel. He wanted the tariff just as low as is consistent with the revenues of the government. Representative Kennedy asked him if he favored a tax on hides. He said he did not but "my people will favor a tax on incomes."

Representative Clark, of Florida, said he believed in protection "but if the Payne bill contains what my people sent me to congress to get, I will vote for it. I will not permit myself to be controlled by the populist element now running the democratic party. I will not follow the populist leader of Nebraska. I voted for Bryan three times and I'm awfully tired of it. The south never made a greater mistake than when she turned her back on her friends in the east and in the north to go with the populist leader of Nebraska."

He was frequently interrupted by democratic members who wished to know if he was a protectionist or a free trader. He replied that he was not a protectionist, "per se" but he believed in the democratic doctrine of a tariff for the revenue with incidental protection.

Representative Daisell has just reported to the house a rule from the committee on rules fixing the date for a vote on the Payne bill and amendments for 3 o'clock next Friday.

Killed by Lakeshore Flyer.

Goshen, Ind., April 5.—Thomas Hitt and Samuel Wertsbaugh of Ligonis, both old soldiers and about 67 years of age, were instantly killed today by a Lakeshore flyer when they stepped aside to avoid a freight train. Their bodies were horribly mangled.

TRIAL OF MRS. SAMPSON BEGUN IN LYONS COURT

Charged With the Murder of Her Husband on First of November

SAYS SHE IS INNOCENT

Murdered Man, or Dead Man, Was a Nephew of the late Admiral Sampson—Met His Death At His Home After a Quarrel With His Wife—She Says It Was a Case of Suicide and is Confident She Will be Acquitted—Work of Selecting Jury From 150 Veniremen Summoned Proceeds Rather Tediously—Four Jurors Already Chosen.

(By Leased Wire to The Times.)

Lyons, N. Y., April 5.—The trial of Mrs. Georgia Allyn Sampson on the charge of murdering her husband, Harry Sampson, a nephew of the late Admiral Sampson, on November 1, 1908, was begun today before Supreme Court Justice Rich. The special panel of 150 veniremen answered to roll call and the tedious work of selecting a jury was begun.

Mrs. Sampson says: "It will all come out right in the end. I am innocent." The prosecution is being conducted by District Attorney Gilchrist, cousin of the accused woman. His case will be purely circumstantial.

Mrs. Sampson pleaded not guilty. "I am innocent," she declared, "and I will prove it."

She was calm in the shadow of the electric chair, to which she will be doomed if found guilty in the first degree.

She directed the action of her lawyers in questioning the veniremen, most of whom were farmers. The great majority presented various excuses to escape service and only two were chosen during the morning session. The first man selected was Noah Parrish, a farmer of Clyde. He is 62 years old and the father of a family. Jacob Labbe, a farmer of Newark, was the second juror chosen. He is thirty-three years of age, married and has a family.

Court took a recess at 12:30 to 2 o'clock. Mrs. Sampson kissed her family good by and walked to the jail with the deputy sheriff. In the bright sunshine of the afternoon she showed on the street a lissom figure, her dress being freshly braided in black silk and of diaphanous cut although of mourning material.

Her feet were in trim patent leather oxfords. She wore a large black hat abundantly feathered. A crowd of villagers stood at the doors of the court room to see her pass. She showed neither annoyance nor excitement.

The third juror chosen was Charles R. Harris, a farmer 55 years old, married and with a family.

The fourth juror was Grant Welch, 35 years old, laborer unmarried. Sheriff Collins announced that as the members of the jury are chosen he will keep them locked up and away from all outsiders.

The afternoon session was spent in trying to add to the jurors. It looked as if the special panel would be used up by tomorrow and that another would have to be drawn. But as was the work of examining the talesmen, the court house was crowded and galleries showed many women, for the most part, friends and relatives of the defendant.

WESTERN REPUBLICANS ARE STILL CONFIDENT

(By Leased Wire to The Times.)
Washington, April 5.—The western republicans who are still holding out against the Payne bill for certain concessions on coal, iron, ore, lumber and pig iron, are confident they will get what they ask or there will be no rule adopted that will shut off amendments.

The committee on ways and means have agreed to many amendments, and these are expected to be reported today. They were placed in the bill at a meeting of the committee Saturday evening, and had been forecasted in these dispatches. Because of the protection sentiment among the southern members it was said this morning that the rules to be reported for the vote on the Payne bill and amendments, will be supported by a sufficient number of democrats to insure its adoption.

CHARGED WITH EMBEZZLEMENT

Railway Mail Clerk Charged With Making Way With \$60,000.
(By Leased Wire to The Times.)
Washington, March 5.—Roy M. Wright, railway mail clerk running

between this city and Huntington, W. Va., who declares he is a first cousin of Representative Langley, of Kentucky, has been arrested here at the request of the Boise City, Idaho, authorities. The telegram alleges that Wright obtained about \$60,000 by alleged false pretenses nearly a year ago. Wright says the amount is only \$600 and that he is willing to go back and stand trial.

Wright is 36 years old and is said to be a member of a prominent Kentucky family.

APPOINTMENTS MADE.

Gov. Kitchin Reappoints Two Gentlemen.

Gov. Kitchin today reappointed Col. J. Bryan Grimes as a member of the State Historical Commission. Col. Grimes has done efficient service in this capacity and his reappointment is by way of recognition of his value to the commission.

Mr. F. W. Hancock, of Oxford, was also reappointed as a member of the Board of Pharmacy.

Local Option in Michigan.

(By Leased Wire to The Times.)
Detroit, Mich., April 5.—Twenty-seven counties in this state are voting on local option today following one of the most frenzied prohibition campaigns ever made by the "dry's." The fight has been conducted under the auspices of the Anti-Saloon League. Both sides are claiming a victory.

SENATE TAKES HOLIDAY

Senator Frye Presides Over Body

Vice-President Sherman in New York City—Senate Adjourns Until Thursday—Resolution to Change Term of Office of President to Six Years.

(By Leased Wire to The Times.)
Washington, April 5.—Senator Frye presided at the senate today, owing to the absence of Vice-President Sherman, who is in New York City.

Immediately after the opening Senator Hale moved that the senate adjourn until Thursday. The motion was adopted.

Senator Cullom introduced a resolution changing the term of the president of the United States to six years, no president to be eligible for re-election.

Senator Daniels introduced a resolution directing the secretary of state to inform the senate of the foreign products sold in the United States at a lower price than in foreign countries, also a resolution directing the secretary of commerce and labor to give the senate the same information regarding manufactured products sold in foreign countries at a lower price than in the United States.

Senator LaFollette said that it is the intention of the committee on census to report the census bill to the senate next Thursday and will ask for its consideration on Friday. The senate adjourned after having been in session but 38 minutes.

EXPULSED SENATOR RE-ELECTED.

Colleagues Expelled Him, But Constituents Sent Him Back.

Fort Worth, Tex., April 5.—H. Bascom Thomas, recently expelled from the state senate for making charges of graft and corruption against his colleague, which he was unable to substantiate, has been re-elected by a majority of 2,000. Judge E. N. Doak, his opponent, failed to carry a single county of the district.

TAFTS WILL SUMMER IN MANCHESTER, MASS.

(By Leased Wire to The Times.)
Manchester, Mass., April 5.—The announcement was made today that President Taft and his family are to make their summer home here this year. They are to occupy the Glendyne the splendid summer home of Mr. and Mrs. Walter J. Mitchell in Magnolia avenue, overlooking the ocean. Mrs. Taft and Mrs. Mitchell were school girls chums and ever since their graduation they have kept up and rather increased their early friendship for each other. The Glendyne is amply large for the official establishment which the president will be compelled to use. Miss Elizabeth Egerton returned from a visit to Manchester, Mass., one of the most desirable of all the many splendid north shore summer residences.

To Meet the President.

Washington, April 5.—President Taft has invited the executive committee of the National Council of Commerce to meet him Wednesday afternoon at the white house. After their visit to the white house they will hold a business meeting at the Department of Commerce and Labor.

MRS. TAFT SEES THE HOUSE AND SENATE AT WORK

Went to House Gallery in Anticipation of Scrap Over Rules

BUT WAS TOO EARLY

Expected Scene Over the Adoption of the Rules for the Passage of the Amendments to the Payne Bill Did Not Materialize, As Rules Committee Was Not Ready to Report. Party Put in Time Riding Through the Subway in the Senate Automobiles and Later Walking Through the House Subway to the House Office Buildings—Mrs. Taft Much Pleased With Her Visit.

(By Leased Wire to The Times.)

Washington, April 5.—Mrs. Taft and her son, Robert, accompanied by the president's military aid, Captain A. W. Butts, were in the executive gallery of the house at 10:30 o'clock this morning in anticipation of a scene over the adoption of the rules for the passage of the amendments to the Payne bill, but as the rules have not yet been drawn they may not be reported until late in the afternoon. The party put in their time riding through the subway in the senate automobiles to the senate office buildings, and later walking through the house subway to the house office buildings. It was Mrs. Taft's first visit to the subway and she was evidently much interested. She was also greatly pleased with the simple grandeur of the two new office buildings and their appointments. Later, with her party she returned to the executive gallery of the house.

LIGHT TERM FOR MURDERER.

Gets Three and a Half Years for Killing Wife and Two Daughters.

(By Cable to The Times.)
Odessa, April 5.—Public indignation is running high over the lenient sentence imposed upon Count Sziber Marchotzki, a wealthy barrister and land owner, who was convicted of murdering his wife and two daughters and sentenced to three and a half years in prison. The murder was committed three years ago, but technical obstacles during the litigation hindered the trial and it was postponed from time to time. There were many expressions of anger heard today and it is feared trouble may result.

THE DUTY ON OIL.

Western Republicans Gain a Point in Contact With Committee.

(By Leased Wire to The Times.)
Washington, April 5.—The western republicans, especially the members of the Wisconsin delegation, who have been opposing the countervailing duty on oil, were informed this morning that the ways and means committee would give them an opportunity to offer an amendment striking out the countervailing duty on oil and substituting a specific duty of 25 cents. They were also told that the committee on ways and means had put the duty on barley at 25 cents and on malt at 40 cents.

DISPOSED OF BY JUNE.

Senate Experts to Make Short Work of the Tariff Bill.

(By Leased Wire to The Times.)
Washington, April 3.—Senator Aldrich said today that he believed the tariff bill will be disposed of by the senate by June 1, the latest. The bill, he thought, would be reported to the senate within two or three days after leaving the house.

It is the impression of Senator Stone and some others that the bill will be revised thoroughly after it leaves the house and that it will leave the senate almost entirely a new bill.

HITCHCOCK SERIOUSLY SICK.

Former Secretary of the Treasury Has Heart Disease.

(By Leased Wire to The Times.)
Washington, April 5.—Mrs. W. S. Simms, daughter of former Secretary of the Interior Ethan Allen Hitchcock, who is critically ill with a complication of heart disease and kidney trouble, at the Simms' home here, said this morning that her father's condition is unchanged. It is feared he will not recover. Two physicians are in attendance.