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FATE W. GOSS IS RELEASED

Triple Death Case Practically At End So Far As Young Durham Man Is Concerned

HE MET ALL EVIDENCE

Had Numerous Witness Who Swore To His Having Various Articles Long Before Three Benson Men Met Death in Frank Wilson's Place—Very Nature of Wilson's Place, Made Investigation All the More Necessary, and Officers Did Duty in Inserting Probe, Public Will Agree.

Fate W. Goss, of Durham, was discharged last night by Associate Justice Platt D. Walker from custody, it being clear to all that the young man had met overwhelmingly the evidence presented by the state in the matter of the death of the three Benson men, who died in Frank Wilson's place on February 4 or 5. It was 8 o'clock last night before the habeas corpus hearing was concluded, and at this point, the justice stated that young Goss' defense was conclusive. Solicitor Norris then said he would recommend that the \$1,000 bond, under which Maynard Moseley was held, be refunded.

This means that the death of the Benson men, so far as Fate Goss is concerned, will not reach the superior court. Young Goss established beyond a doubt, that he owned the watch, fob, pictures and pistol weeks before R. A. Johnson, H. T. Porter and Fred Jennings, sojourning for a night at Frank Wilson's place, were asphyxiated with illuminating gas. As was stated in The Times yesterday, young Goss had numerous witnesses from Durham, and they identified every piece of property belonging to him. There was nothing to the case against him, with the evidence he produced for the defense.

The prosecution had depended on the testimony of Goss' former friends—people with whom he associated in Raleigh—and witnesses from Benson. They were Goss' friends who first intimated to the constable, coroner and solicitor that Goss might know something about the affair. They told of his "casiness," of his getting up during the night, and witnesses from Benson identified the articles found in his possession.

Under such conditions the coroner's jury could not reasonably be expected to do otherwise than commit to jail. Under cross-examination, however, Goss' attorneys considerably weakened the prosecution, and brought out the strong points for the defense. In order that there shall be no misunderstanding about the matter, it should be repeated that young Goss produced witnesses who vindicated him completely. His defense was thorough.

Under Other Circumstances.

Had the men died at some other place under the same circumstances, the natural inference would have been that death was due to an accident. In the case of Wilson's place, however, people were ready to believe anything, and the officers felt it necessary to probe thoroughly. The reputation of Frank Wilson, and the questionable nature of his restaurant and apartment business, made an investigation all the more necessary.

Victim of Circumstances?

That a business such as Frank Wilson's, was said to be, should be conducted in the very center of Raleigh, made it all the more incumbent on the officers to probe. And they probed.

Young Goss, it would appear, was merely the victim of circumstances and a questionable environment.

KNOX AT SAN SALVADOR

Round of Special Functions—Leaves Tomorrow.

San Salvador, March 12.—The round of official functions in honor of Secretary Knox's visit continued today. An army dress parade featured the program. Tonight the American visitors will be the guests at a presidential ball in the Casino. This is the final function of Knox's stay. He leaves tomorrow.

DYNAMITING CASES TODAY

Demurrers Filed Before Judge Anderson By the Indicted Men's Counsel

EIGHT NOT PRESENT

Forty-six of the fifty-four indicted men present—Attorney Made Motion to Quash Indictment But Was Interrupted by Judge Who Told Him That His Contention Was Absurd—Judge Said Defendants Would Never Go to Trial Without a Thorough Understanding of the Charge.

Indianapolis, Ind., March 12.—Demurrers to indictments against forty-six defendants in the government's prosecution of the alleged dynamiting conspiracy, were filed before Judge Anderson by the indicted men's counsel when they were arraigned in federal court. Eight of the fifty-four defendants were not present. Elijah Zolin, of Chicago, one of the defense attorneys, began argument in support of the motion to quash indictments on the ground that many of them charged the same offense of conspiracy to transport explosives from state to state illegally.

The judge interrupted Zolin with the statement that any motion to quash the indictments on the ground of confusing multiplicity "was absurd." "These defendants will never go to trial without a thorough understanding of what they are charged with," said the court. "They will not be embarrassed or confused in this court. The motion is overruled." Prominent among the indicted men in court were: Frank Ryan, of Chicago, president of the Iron Workers' Association; John T. Butler, of Buffalo, first vice president; and Herbert S. Hocking, of Detroit, second vice president and acting secretary-treasurer.

In McManigal's confession Herkin appears as the traveling superintendent of the "dynamiting squad" and ex-codan of the depositories of explosives in western Pennsylvania, at Tiffin, Ohio, and other points.

YET ANOTHER SUIT

Mr. W. E. Stinson Against Commissioners

Asks For Salary For Seven Months of Unexpired Term as Road Superintendent—Claims He Could Not Be Removed Without Cause.

Mr. W. E. Stinson, who was ousted from the office of superintendent of roads by the present board of commissioners, has begun a suit against the commissioners to recover damages in the sum of \$875, the amount he alleges is due him for seven months' salary from May 1, 1911, to the first Monday in December, 1911, when his term would have expired, as he claims. Mr. Chas. U. Hurriss is attorney for Mr. Stinson.

The complaint sets out the two road laws—the one under which Mr. Stinson held his office and the one under which the commissioners selected another man—and seeks to show that Mr. Stinson was removed without cause. After his successor was elected he received pay for a month's salary. He was elected by the commissioners to fill out the unexpired term of the late W. G. Allen, who would have gone out of office the first Monday in December had he lived, and under the provisions of this act, the superintendent of roads could not be removed except for misconduct, malfeasance in office or neglect of duty, none of which the complaint says, Mr. Stinson, was guilty of.

Mr. H. G. Holding, now county auditor, was first elected to the vacancy caused by the death of Mr. Allen, but Mr. Holding declined to qualify, and Mr. W. L. Wiggs was chosen. The title of the office under a new act was changed to "general supervisor of roads," but it is claimed that the records show that Mr. Wiggs was elected "road superintendent," the office held by Mr. Stinson.



PLEADING OF DYNAMITE CONSPIRATORS.

More in the center is Judge Albert B. Anderson, of the Federal Court, before whom the defendants were arraigned. On his left is G. Newton Handy, chief counsel for the indicted men and on the right is Charles W. Miller, United States district attorney, who is presenting the government's case. Below are the three chief defendants, left to right, J. T. Butler, of Buffalo; Frank M. Ryan, president of the union, and Herbert S. Hocking, of Detroit.

PABLO LAVIN IN THE STATE

Mexican Revolutionary Leader Visited In Asheville—Check Flasher

(Special to The Times.)

Asheville, March 12.—Associated Press dispatches announced yesterday morning that Pablo Lavin, head of the revolutionary forces in the Torreon district of Mexico, had been wounded and captured yesterday by the federal troops at Gomez Palacio. Several years ago Mr. Lavin, then a young man, spent several weeks in this city and he is still pleasantly remembered by friends he made here at that time, with whom he has communicated from time to time since coming here.

Lavin and his friend, Juan Quintanilla, had been in school in Mexico, when the latter teacher took them out in New Orleans and their families ordered them to come to Asheville and stay while arrangements were made for them to enter another school. While here he spent considerable time about the Gate City News office. Lavin is said to have some Indian blood in him.

They remained here about three months and then went to a boys' school at Ithaca, N. Y. Two of their letters have been received from him by friends here.

A few days ago a man of favorable appearance called at a business house in the city and contracted an account to the amount of \$1 and in payment he tendered a check for \$9 drawn on the First National bank of Marion. The name signed to the check was "George Cowan" and the check was made payable to the firm with whom he had contracted the debt. He was given \$5 in change and the check was deposited with a local bank. In the regular course it was received at the Marion bank and was returned with the pencilled note, "No such account on our books."

The firm communicated with Sheriff Ray of McDowell county and he returned the information that there was no such man in the town of Marion and that mail addressed to Cowan at Marion, R. F. D. No. 2, had not been delivered and that there is no No. 2 route at Marion.

The description given of the man is that he is about five feet and 10 inches high; has light hair and blue eyes, is clean shaven, and what would be called a well-groomed man, who might be placed in the drummer class; seemed to be about 35 years of age, was rather slow in his speech; wore a black stiff hat and overcoat of black or dark gray.

TAFT LEADERS MAKE THEIR PLAN OF ATTACK

Washington, March 12.—After an conference held on President Taft, Senator Crane, Director McCreedy, of the Taft campaign bureau and Secretary Hill, it became known that hereafter the literary end of the Taft bureau would not indulge in personal attacks or attacks on Mr. Bryan or the other opposing him. The president himself, that the method of attack, he announced. While no definite plan of campaign was made public it was said that Taft leaders would devote their attention largely to such things as the third term, recall of judges, decisions, and other questions of national interest.

NEW FORTIFICATION FOR THE CHESAPEAKE

Washington, March 12.—The senate yesterday passed the order of a new fortification on the Chesapeake. It is to be built on the site of the old fortification at the mouth of the river.

SCORE FOUR LEADERS.

Washington, March 12.—Four men were named as candidates for the position of secretary of the National Education Association.

NUMBER OF CLASHES IN GERMAN STRIKE

Berlin, March 12.—Clashes between strikers, police and non-strikers are reported from many coal centers. Near Hanover a mob of two thousand strikers stoned and fired revolvers at two score policemen, injuring five. The police charged with drawn sabres, injuring many.

A number of casualties were reported in other localities, where the police used sabres, dispersing the angry mobs. The strike is making progress in all districts. The owners invited the miners' representatives to meet in conference tomorrow.

Mr. Everett Whitaker is visiting his brother, Mr. J. A. Whitaker, on North street.

BRYAN TO CONVENTION

Favors Initiative Referendum, Recall and Says It Is An Evolution

THE JUDICIAL RECALL

William Jennings Bryan Speaks Before the Ohio Constitutional Convention—Tells Them His Views of Making a Constitution—Difference Between the Recall and Impairment Explained According to Mr. Bryan's Views—Believes Recall, Instead of Menacing the Judiciary Will Improve Its Character.

Columbus, O., March 12.—William Jennings Bryan gave the Ohio constitutional convention his views of the making of a constitution. Bryan favored the initiative referendum and recall, saying the recall is an evolution rather than a revolution. Bryan said the only difference between the recall and impeachment, is that in impeachment the trial is before a body of officials, while recall places the decision in the hands of the people. Championing the initiative and referendum, Bryan asserted:

"Experience has shown that our government's defects are not in the people themselves but in those who set up as representatives of the people, embezzle power and turn to their own advantage, the authority given them for advancing the public welfare."

Two Whittors Hurt.

Belling, March 12.—Lieutenants Deane and Solmize, of the army engineers' corp, were severely injured while exercising military reconnoissance in a barren mountainous area near Belling while the machine was at a high altitude, the aviators descended heavily to the ground and was smashed.

CHANGE IN PATENT LAW

Several Bills to Curb Monopolizing Power

Washington, March 12.—Several bills to curb the monopolizing power of patents were introduced today in the senate by Senator C. W. Johnson.

Man Ordered to Be Home Early

New York, March 12.—Walfred Cowan, an employment agent, recently ordered by a magistrate to be home with his wife every night by 10 o'clock, shot and killed her on today.

State \$2,000 Worth of Jewels.

Atlanta, March 12.—Jewels valued at over two thousand dollars disappeared last night from the apartments of Mrs. Helen Rosenbaum, of Chicago, who is stopping at a local hotel. The shock of losing her diamonds made the woman ill. Some of the stolen articles were heirlooms.

New Spanish Cabinet.

Madrid, March 12.—The Spanish cabinet resigned yesterday, and was reconstituted today. Premier Canalejas retains the leadership.

T. B. WHITSON IS PARDONED

Was Man Who Escaped to Kentucky and Was Betrayed By Rival After Seventeen Years

INTERESTING CHAPTER

Conviction, Sentence, Escape, Recapture and Pardon of Mitchell County Man, One Most Romantic in Annals of North Carolina—Governor of Kentucky, Where Whitson Made Good Citizen, Was Among Large Number Requesting Pardon—Cousin of Slain Man Thinks Somebody Else Did the Killing.

Thomas B. Whitson, whose sentence to death for murder in Mitchell county many years ago, subsequent commutation to thirty years, together with his escape from the penitentiary shortly after beginning his sentence, has formed a rather romantic chapter in North Carolina's criminal annals, need no longer fear a church or business rival. He was granted a conditional pardon today by Governor Kitchin, and he may now return to his home in Kentucky, without danger of being surrendered to the officers.

Mr. Whitson was convicted in the spring of 1892, of murder—there being no second degree murder at that time—and his sentence was commuted to thirty years. Shortly after being sentenced he escaped from prison and went to Kentucky, where he lived well and became a good citizen. A business or church rival betrayed him.

Reasons For Pardon.

The governor of Kentucky was among the hundreds of people in the two states asking that the pardon be granted. A cousin of the slain man does not believe Mr. Whitson did the killing.

Coal Conference Again.

London, March 12.—Disputants in the British coal war, which threw out of employment two million men in England, Scotland and Wales, and caused great suffering among the population, met again today in conference.

District Judge Resigns.

Washington, March 12.—Alexis C. Angell, United States district judge of the eastern district of Michigan, at Detroit, forwarded his resignation to President Taft. His reason is unknown. Angell was appointed in July 1, 1911.

Minnesota "Wet."

Minneapolis, March 12.—Citizens of 200 Minnesota towns are voting on the "wet" or "dry" question. One hundred and seventy-five towns are "wet," one hundred and twenty-five "dry."

Vote Tariff Bill Thursday.

Washington, March 12.—Senate finance committee has abandoned the intention to act on the house steel tariff bill today, and agreed to vote Thursday.