

ONE JUROR CHALLENGED; NO OTHERS SWORN IN

Yesterday's Proceedings in Cooper-Sharpe Murder Trial Were Unproductive of Results.

HUMOR AN ELEMENT IN THE RULINGS

Judge Sitting on Case of Men Charged With Slaying Ex-Senator Carmack Grants Morning Toddy and Dice Rolling Privilege to Six Men Already Enrolled.

(By Associated Press.)

NASHVILLE, TENN., Jan. 22.—The third day of the Cooper-Sharpe murder trial passed not only without securing another juror, but with the notion of the state being stalled, one of the six already chosen will be eliminated, because he was intoxicated when he reported for service and was chosen.

The state claims it secured knowledge of Juror Leake's condition after it had accepted him and judge Hart set tomorrow at 9 o'clock a trial to pass upon the motion.

The summoning of two additional takersmen began late this afternoon to appear Monday when the effort will be made to complete the jury which will try the alleged slayer of ex-Senator Carmack.

Judge Hart announced tonight that no sessions of the trial will be held on Saturday.

He believes that the case can be completed more rapidly by giving the attorneys one day in six in which to consult.

Wants Morning Toddy.
When the six selected jurors were brought into the court today one of them, J. M. Whitworth, called Judge Hart and said:

"Judge, I've been used to my morning toddy for a good many years and I missed it powerfully this morning. Can't I get one, just one, every morning?"

"The constitution prohibits unusual or cruel punishment," remarked the court, judicially. "Mr. Officer, see that those gentlemen who are wont to have a toddy, get their toddy hereafter."

It became known this morning that Judge Allison of the chancery court who was killed by Juror Whitworth's brother a few years ago was the father-in-law of Attorney General McCann, who is prosecuting this case.

Stands Very High.
He stands very high in the community, however, and is regarded as one of the best men yet selected.

Mrs. John Sharpe was the only relative of any of the defendants in court this morning when the proceedings began. Later Colonel Cooper's daughter and nieces arrived and greeted their kinsman on trial affectionately.

Later the attorneys asked for a conference and were granted forty minutes.

Juror Hart then suggested that the jurors retire to their room where they could be made more comfortable.

May Hold High Revelry.
"Can they play cards?" asked the deputy.

"Yes, and roll dice on the floor if they want to," retorted the court.

When the conference was ended the first surprise of the trial was sprung in the form of affidavits filed by the state attacking the competency of one of the six jurors already chosen.

The document was offered by Attorney General McCann who said:

"It has come to our attention that J. S. Leach, the second man chosen, was drunk the day before. The law disqualifies any man who has been drunk at any time since the coming of court at which he serves as juror. We challenge him for cause."

Mr. Anderson for the defense objected and asked time to examine the affidavit.

This was granted by the court.

The judge ordered the examination of the takersmen to proceed pending a decision as to the competency of Juror Leach.

The incident appeared to make the state's attorneys more cautious and he began to question prospective jurors closely that the defense objected to "argument with witnesses."

Captain Fitzhugh for the prosecution replied that he must learn the disposition of the witness before he could judge whether or not to accept him.

standing in and a physician was summoned to attend him.

As the defendant was the trouble and late this afternoon the judge was feeling much better.

In W. G. F. Ewing thanks Judge Hart will be able to call court to order at the usual time on Monday morning.

TILLMAN CHAMPIONS
FREEDOM OF PRESS

Would Regard President's Success in Panama Canal Suit as Public Calamity.

(By Associated Press.)

WASHINGTON, D. C., Jan. 22.—To judge what the nation can count upon without great alarm the possibility of the president's success in the Panama Canal case now being ventilated by the grand jury in this city and in New York, Senator Tillman of South Carolina in a statement tonight sounded a note of warning on the question of the attack on the American press.

The statement is as follows:

"The issue is a momentous one. Johnson declared that was between a government without newspapers and newspapers without a government. He would choose the latter because, when properly informed, the people will protect themselves even without a government through the instrumentality of public opinion.

Free Press Is Bulwark.
"A free press can alone preserve free institutions. Our great danger lies in the control of the press and its consequent subservience to those who use it to defame the people and perpetuate their grasp upon power.

"The American people cannot guard too jealously the right of freedom of speech and freedom to print whatever they like in the public interest. The news papers now under fire for their efforts to expose corruption in public places should have the active support of every true American for their cause is the cause of us all."

Leiter Operated Upon.
(By Associated Press.)

CHICAGO, ILL., Jan. 22.—Joseph Leiter, whose attempt to corner the wheat market one year ago caused a sensation, was operated on today for appendicitis.

Later tonight Mr. Leiter's condition was reported unsatisfactory.

IN RESPONSE TO FORAKER
President Sends Message to Senate in Reply to Inquiry.

SOME INFORMATION WITHHELD
But Roosevelt Offers Rest of It to the Senate Committee on Military Affairs—Precedent for Withholding of Names.

(By Associated Press.)

WASHINGTON, D. C., Jan. 22.—President Roosevelt today sent to the senate a response to Senator Foraker's resolution calling upon the secretary of the treasury for an itemized statement of the expenditures from the \$200,000 war defense fund.

The reply reached the senate in the form of an executive document. It supports fully a committee's view so far as the use of the war defense fund is concerned, but some of the names of persons who were paid were withheld.

In a message the president says that in recent session the president was told that the names were withheld, he will turn them over to the committee on full and entire.

Thought Expenditures Unwarranted.
Mr. Foraker introduced his resolution following the announcement in connection with the Brownsville affair that private detectives had been sent from this district, taking the position that such an expenditure was not warranted for the purpose for which the emergency fund was intended.

The president for President Roosevelt's action in withholding certain names to which payment had been made is tantamount to a resolution of the senate calling upon the late President McKinley for the accounts of the treasury of the parish committee.

Vanderbilt's Yacht Arrives.
(By Associated Press.)

NEW YORK, Jan. 22.—The steam yacht Tarentula, W. K. Vanderbilt, Jr., owner, arrived here today, passing in the strait at 12 p. m.

The Tarentula left New York in December for a cruise around Cuba, but while in the harbor of Havana she had trouble with her machinery and the trip was abandoned. Mr. Vanderbilt and a party of friends returning to New York.

PEACE ARGUMENTS ARE UNCONVINCING

House, Unimpressed by Tawney's Allegations of Japan's Weakness, Votes for Two Battleships.

RACES WON'T MIX, SAYS COCKRAN

New Yorker Spoke of Growing Number of Alien Race on Pacific Coast—Declares Japanese Will Fight When Their National Pride is Step Upon.

(By Associated Press.)

WASHINGTON, D. C., Jan. 22.—When the House of Representatives today resumed consideration of the naval appropriation bill, the members were struck by the fact that over the increase in the naval estimate. Speaking in support of an amendment by Mr. Fisher, a South Carolina Republican, the speaker declared that if there ever was a time when such an appropriation was unnecessary it was now.

"It is a sad state of affairs," he said, "the cause we are at peace with all the world and we have wisely managed to safeguard our peace as it has never been safeguarded before."

"I am getting somewhat tired," he said and loud applause, but those actually occurring wars with Japan which occur simultaneously with the consideration of the naval appropriation bill."

Says Japan is Poor.
Mr. Tawney declared that Japan could not go to war and could not impose a tariff more of tax than was now imposed without a revolution. That, however, he said, was not the only reason.

"Would Japan," he inquired, "even if she were equipped financially, ever think of sending a fleet of warships or battleships from Yokohama to attack our Pacific coast in time of war?"

Hawaii's Future Strength.
She would, he said, have to be supplied somewhere in the Pacific with a naval base, where she could coal her ships and make necessary repairs. There was no such place in the Pacific, except the Hawaiian Islands, and he declared that when the fortifications provided for were completed, the islands would be as impregnable as Gibraltar.

Continuing Mr. Tawney said that there was no naval vessel afloat that could sail from Yokohama to the Pacific coast and back again with her own coal, and such a fleet could not be supplied with enough coals to meet the requirements.

He spoke of the recent agreement between the United States and Japan, which he said, "we are told insures perpetual relations of peace with that country."

Water Stretches Best Defense.
The two oceans, he declared, were greater bulwarks of defense of the country than battleships.

"The United States was not situated as the other countries that were constantly being compared with in the matter of naval construction.

"There is no country that can strike effectively," he exclaimed, "with the fortifications we now have and with the navy we now have."

Touching on the finances of the government Mr. Tawney predicted a deficit this year of \$125,000,000 and next year of \$147,000,000.

The reconstruction of the two battleships, declared Mr. Slayden (Texas), would be a declaration to the world that the United States did not desire nor expect war.

We Are Still Warriors.
Representative Hays, Iowa, found reason for the increase of the navy in the warlike character of the American people. Every generation of Americans, he said, has had its war and probably the next generation would have its war.

Mr. Burton, in opposing the naval increase declared that no great recognition of the United States had ever been accomplished by a great navy.

He instanced the securing of the open door in China, which he said, would have been achieved by sending battleships to the Orient.

Races Won't Mix.
Mr. Cockran of New York, expressed the view that it was impossible for two races to live together on terms of equality.

He spoke of the growing numbers (Continued on Sixth Page).

TERRIFIC COLLISION OF TRAINS KILLS MANY

Pennsylvania Railroad Officials Report Newspaper Men—Details of Smashup Unobtainable.

(By Associated Press.)

JOHNSTOWN, PA., Jan. 22.—Following a series of nearly 50 collisions, the second section of the St. Louis express, on the Pennsylvania Railroad, which left Pittsburgh at 10 o'clock yesterday afternoon, crashed into the first section, which had left with an hour's start at a point between St. Louis and Johnstown.

The second section was a double-headed train with two engines, a 2-8-2 locomotive and a 2-10-2 locomotive, and was traveling at the rate of 40 miles an hour.

Immediately after the crash, the first section was stopped by the Pennsylvania Railroad officials, and the details of the smashup were being ascertained.

The wreckage was scattered over a large area, and the details of the smashup were being ascertained.

When the special train arrived at Johnstown, the details of the smashup were being ascertained.

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"JOHN MITCHELL DAY" IN MINERS CONVENTION

Leader Expresses His Views Upon Rights of Free Speech and Free Press.

GOMPERS SENDS HIS GREETINGS

Mitchell Says Injunction Not All Bad, But Sometimes Misused—Repliates Nothing He Has Said or Written—Money Voted For Defense of Leaders.

(By Associated Press.)

INDIANAPOLIS, IND., Jan. 22.—This was John Mitchell Day in the convention of the United Mine Workers of America.

When the United Mine Workers of America met at the convention at Indianapolis, the speaker of the house, John Mitchell, said that he was not a member of the union.

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ARCHITECTS DISSATISFIED AT EGGLESTON'S TREATMENT

Alleged That Some of Them Believe That Favoritism Has Been Shown.

(By Associated Press.)

RICHMOND, VA., Jan. 22.—Some of the architects of the state seem to be dissatisfied and some at Joseph D. Eggleston, superintendent of public instruction, over alleged discrimination in connection with the building of new school houses.

The architects complain that one man has succeeded in getting the bulk of the contracts to the detriment of the others, and they are collecting data to show that Mr. Eggleston has, as they claim, favored one Mr. Roby.

The charges have not been preferred, but they are in course of preparation and when they have been completed it is said that they will be placed in the hands of the attorney for presentation to the state board of education.

When Mr. Eggleston was asked regarding the report today he made the following statement:

"I have heard the report, it having come to me several days ago. I have not worried and I don't worry in the least whatever disgruntled gentlemen may do."

"I shall be glad to have every fact in connection with the building of school houses during the past three years in Virginia published as widely as possible. It is a record of which I am exceedingly proud. If there is anything about it which has not been for the benefit of the schools of the state I shall probably be more delighted than any one else to have it discovered."

If there is anything to show that I have not attended to my duty, or if there is, the least thing saying of unfairness or injustice, then I am not the man to hold the position, which the people of the state saw fit to give me nearly four years ago."

Crusaders for Taft Convoy.
(By Associated Press.)

CHARLESTON, S. C., Jan. 22.—The cruiser North Carolina, which is to convey President-elect Taft to Panama, arrived in port today from Norfolk.

Mr. Taft will reach here tomorrow morning from Augusta and embark Monday morning at 7:30.

The cruiser Montana to convey the other members of the Taft party will come here Sunday morning.

LIVES LOST IN FLOODS
One Hundred and Seventy Three Fatalities are Reported.

ALSO GREAT DAMAGE TO PROPERTY

High Water General Throughout Transvaal Colony and Northern Natal—Breaking of Dam Increases the Death List.

(By Associated Press.)

JOHANNESBURG, Jan. 22.—One hundred and seventy-three persons are known to have lost their lives today as a result of the floods which are general throughout the Transvaal colony and northern Natal.

Great damage also has been done to property.

By the bursting of Knight's dam, the Witwatersrand gold mine in the southwestern part of the Transvaal was flooded and ten white men and fifteen natives were drowned.

The waters from this dam, also flooded the low section of the town of Blyburg where a number of houses were swept away and thirteen persons perished.

A gold dredge valued at \$60,000 broke adrift on the Kape river and was wrecked.

PRAYER AND SUICIDE.
Man Shoots Himself While in Kneeling Position in Church.

SAVANNAH, GA., Jan. 22.—In a position of prayer, in St. Patrick's church here, and with a bullet hole through the temple, the dead body of Otto Schneider, of Philadelphia, was found today several hours after the fatal shot was fired.

Two notes were found, one beginning "I am," and another expressing regret, vaguely that he "had permitted himself to have any ill feeling."

Schneider had been here but a day, reaching the city aboard a steamer from Philadelphia early this morning.

The shot that killed him was not heard by anyone, traffic in the street in front of the church drowning the report.

The pistol, the man had used, was found beside his knee where he knelt as in prayer.

SAVANNAH, GA., Jan. 22.—Two spirited finishes thrilled the spectators at the Thunderbolt race track this afternoon. In the first race Sonny closed with a burst of speed and won in the final stride over Birdslayer.

In the fifth race Ensigns forged in the last lap just landing ahead of Nicodemus. The other three events were well in hand all the way.

Must Carry Life Preservers.
WASHINGTON, D. C., Jan. 22.—All motor boats propelled by naphtha or kerosene hereafter will be required to carry life preservers if the house appropriates bill passed by the senate today.