CHARLOTTE, N. C., WEDNESDAY MORNING, FEBRUARY 6, 17

District Attorney, Displaying a Wonderful Knowledge of the Technical Details of the Science of Medicine, Puts Experts on the Rack, Fighting Every Inch of Ground—The Task of Proving to the Jury Thaw Was Suffering From Hereditary Insanity When He Killed White a Stupendous One—Jerome Relentless in His Attacks on Dr. Wiley—The Expert at Times Basiled by the Ingenuity of the Prosecuting Attorney—Stumps Witness With Complex Medical Problems, Medical Problems.

New York, Feb. 5 .- The task of proving to a jury that Harry Thaw was insane—through heredity and mental stress—when he shot and killed White was taken up to-day the defense in this famous case. but when adjournment was announced in the afternoon, it was the general opinion in the court room that but little progress had been made.

Thaw's attorneys endeavored in vain t) place before the jury evidence tending, it was said, to prove a strain of insarity in the collateral branches of the defendant's family, but they were ked at every point by District Atrrney Jerome, whose objections were upheld by the rulings of Justice Fitzgerald.

The defense did, however, get before the twelve men in the box the testimony of an expert, that in his opinion Harry Thaw was "suffering from insanity," the night of the trag-Mr. Jerome undertook to break down the evidence of the allenist-Dr. C. Wiley, of Pittsburg-and for three hours put him through a crossexamination as severe as was ever heard in a New York court. The prosecutor was relentless in his attack and before he had finished Dr. Wiley protestingly declared: "I didn't come here as an expert. I came as a witness to a fact, and I have been converted into an expert without be-

ment.

Dr Wiley testified that he prelic. el his opinion as to Thaw's ranity upon his actions on the night of the ragedy as described to him in a hypothetical question propounded by defense and upon an incident which he witnessed on a Pittsburg street car during the summer of 1905. Thew, said the doctor, acted irrationally on the car, coming in suddenly rking up one of the window blinds, slamming it down and then liftig it again, the while engaging in a wordy war with the conductor.

NEVER USED A TEST. Have you ever examined this deferdant with any of the recognized tests of insanity?" asked Mr. Jerome. "No," replied the witness. "Have you ever conversed with

him ?"

"No." The district attorney then from the aliemst the opinion that Thaw's acts on the Madison Square roof garden, when he killed Stanford White, were not acts of insaulty when taken singly, but constituted evidence of insanity when considered collectively. At times Dr. Wiley seemed entirely baffled by the questions. He hesitated at each, and before he could answer Mr. Jerome had framed another query replete with impressive sounding technical terms and apparently offering a problem no less difficult than its predecessor. The witness admitted that many of the tests to which the district attorney referred, such as the Romberg test and the Argyll Robertson pupil test were unknown to him, and when he was ask ed to quote from any accepted work on insanity, declared he could not give the exact language from any

RIGID CROSS-EXAMINATION. Mr. Jerome's well of knowledge however, seemed never to run dry He carried his cross-examination through practically the entire morn ing session and for an hour after luncheon continued to ply the witness with all manner of questions. It was necessary for the bailiffs sometimes to rap down the outbreaks of laugh-

Thaw's counsel sat quiet without protest while Mr. Jerome grilled the first witness for the defense. Thaw himself seemed to take but little in terest in the cross-examination at the outset, but later began to take notes and was often in earnest conversation with those of his counsel who sat nearest him. At times Thaw could not altogether suppress the sugges tion of a grin at the keenness of some of Mr. Jerome's questions and the subtle humor they so thinly conceal ed. But before the close of the day Thaw seemed to worry. He bit his finger nails and seemed anxious for the doctor's ordeal to end. His attorneys appeared a bit puzzled a first, but evidently determined to give district attorney the widest lib

It was at the close of Mr. Jerome's cross-examination of Dr. Wiley that the attempt was made to introduce timony tending to show the strain I I timony tending to snow existed in insanity gaid to have existed in Thew family. certain branches of the Thaw family RICHMOND RELATIVE TESTIFIES. Aifred Lee Thaw, 43 years of age, a resident of Richmond, Va., next was celled to the witness stand,

"Are you related to the defendant, Harry K. Thaw?" asked Mr. Gleason. "I am." "What is the relation?"

"My father and his mother were first cousins." "When did your father die?"
"October 25, 1885." "Where was your father, or have you any means of knowing where he

was when he died?"
"I object," interrupted District At-"The question is irrelevant and im-

Justice Fitzgerald sustained Mr. Je-me's objection, MR. GLEASON ARGUES.

Mr. Gleason argued the point. He

HIS AIM TO BAR INSANITY PLEA ADVANCE AFFECTS HUNDREDS.

to Receive an Increase Aggregating Between \$250,000 and \$400,000 a Year—Men, in Conference With Officials, Urged That Owing to Increased Cost of Living, Advance in Wages Was Necessary—The Increase in Wages Dependent Upon Conditions the Men Getting Proportionate Advances.

ductors, trainmen and yardmen of negro members of the Twenty-fifth the Southern Railway are to receive Infantry were alleged to have "shot an increase in wages aggregating be- up" the town, was resumed before tween \$350,000 and \$400,000 a year, the Senate committee on military af-The advance affects hundreds of fairs to-day. A large map of the on insane asylums in joint session

ager Ackert and other officials of of the committee room during the hospital board and providing a bond the Southern Railway have been in night and was controlled a board and providing a bond the Southern Railway have been in night and was controlled a board and providing a bond the southern Railway have been in night and was controlled a board and providing a bond the southern Railway have been in night and was controlled a board and providing a bond the southern Railway have been in night and was controlled a board and providing a bond the southern Railway have been in night and was controlled and providing a bond the southern Railway have been in night and was controlled and providing a bond the southern Railway have been in night and was controlled and providing a bond the southern Railway have been in night and was controlled and the southern Railway have been in night and was controlled and the southern Railway have been in night and was controlled and the southern Railway have been in night and was controlled and the southern Railway have been in night and was controlled and the southern Railway have been in night and was controlled and the southern Railway have been in night and was controlled and the southern Railway have been in night and the southern Railway have been in the southern Railway have been recommended and the southern Railway have been recommended and the southern Railway have been re the Southern Railway have been in night and was carefully studied by necessary money is not in the treasconference with committees repre- the Senators before the business of ury to provide accommodations for senting the men, who urged that be- the day began. The witnesses, whose the insane of the State, and mental cause of the increase in living expenses during the past two years they were not able to live on the pay they were not able to live on the pay allowed to enter the committee room they then were receiving, and they at a time. The session began with amount dext year, and if the money asked for a horizontal increase in former Sergeant Harris, of Company is not in the wages.

A satisfactory adjustment finally Senator Warner. was reached to-day. No flat percentage of increase in wages is given to any class of employes, the inspection. He could not state definitecrease in every case being dependent by the time, but said that it was very early in the morning. It might have rectors; and that \$15,000 annual appropriation beginning for its support, or as a support, or as a support of the board of displacements. crease amounts, however, from 6 per dark. cent., as the minimum, to 25 per cent. as the maximum,

Through freight conductors are to e paid on a basis of \$3.18 per hundred miles; local freight conductors \$3.80 per hundred miles; local

men from the master mechanic down enter saloons by the rear doors. He and came as a surprise to the clerks who are delighted at their good fortune. A number of foremen in the shops here also received an increase

in salary recently.

The Western Union Telegraph Compoles and cross-arms carrying 36 circuits. The work is under the direction of Mr. C. F. Mekon as foreman. When completed the ser-vice of the company will be greatly improved and the lines will be less liable to trouble as there will be 47 poles to the mile instead of 30 as at present present.

Under the direction of the Superintendents of the Southern Railway, Messra C. S. Lake, of the Danville division, and G. B. Fallis, of the Spencer-Greenville division, there will be several changes effecting Spencer. It is learned that the vards here, including the shops, will come under the jurisdiction of General Manager Coapman, the Danville division terminating at the northern limits of Spencer, and the Greenville division terminating at Salisbury The change is made, it is understood in order to bring the Spencer yards the largest on the system, under the supervision of the offices at Washing-

AFTER NORTHERN PACIFIC.

enator Heyburn Wants the Road Ir vestigated by a Special Senatorial Committee—Indian Bill Takes Up Committee—Ind Entire Session.

Washington, Feb. 5.—Senator Hey-burn presented a resolution in the Senate to-day providing for a special committee of five Senators to "in-vestigate the reorganization of the Northern Pacific Railroad property," to ascertain what title and estates are owned by the corporation which was created by act of Congress of July 2, 1864, and if said Federal corporation has no title or estates in any property, then what reason there is why said charter act should not be fully repealed by Congress. The resolution provides for sending

for persons and papers, etc. It was referred to the committee on Pacific The Senate spent the entire day in

considering the Indian appropriation bill, but without concluding the disussion of Senate amendments. The measure is to be before the Senate to-morrow.

The army appropriation bill was reported to the Senate and will be taken up as soon as the Indian bill bas been disposed of. The bill carhas been disposed ries \$81,500,000.

Debating Rivers and Harbors Bill Washington, Peb. 5.-General debate on the rivers and harbors propriation bill which has been be-fore the House since last Wednes-day was terminated at 8 o'clock this day was terminated at 3 o'clock this afternoon, when the reading of the bill was begun under the five-minute rule. During the hours devoted to general debate to-day speeches were made by Messre. Keifer, of Ohlop Davidson, of Wisconsin; Humphreys, of Mississippi; Sparkman. of Alabama; Lloyd, of Missouri; Robinson, of Arkansas, and Bankhead, of Alabama. The reading of 20 pages of the bill was completed before adjournment.

Iom Watson Pays Tribute to Ro

ing the Farmers' National Union for Mississippi here to-day, Thomas E. Watson, of Georgia, paid a tribute to President Roosevelt for his disapproval of sectional intolerance. alleging that they are robbing farmers. He denounced the national banking system as iniquitous He said the railroads should be more vigorously controlled by the government to compel the payment or smaller dividends and the expenditure ment to compel the payment smaller dividends and the expandi of more money to prevent the se flee of human life.

honorably Discharged Company of Twenty-Fifth Infantry, Testifies That Firing Was Done by Win-chester Rifles and Not by Spring-field Guns—Negro Soldiera Wanted American Right of Going Where They Pleased—Senator Overman Puts Some Queries.

Washington, Feb. 5.-The shearing Washington, Feb. 5 .- All con- on the Brownsville affair, in which D, still on the stand and under a shall be made by the Treasurer to sharp fire of cross-questioning by raise the money.

Mr. Warner's

Senator Lodge then stated that the showed that the sun rose at Brownsville on August 14 at 5:27 a. m.

HAD PREVIOUS TROUBLE. Senator Warner had the witness

could not give any instances of ill treatment of others, but he wanted, he said. "the American right of said." he said, "the American right of go-

ing where he pleased." in salary recently.

The Western Union Telegraph Company has anthorized the rebuilding clips and shells sent to the Senate of its main lines north of Spencer by the President with his message, running by way of Greensboro to but it appearing that the bullets and Washington. A large force of men shells had been returned to the War were set to work to-day placing ad- Department, further questioning on taken up again.

KNOWS GUNS BY SOUND The witness believed the firing or the night of the Brownsville affray had come principally from Winchesters and six-shooters, because he said he was familiar with the sounds of vairous makes of weapons and that he heard no firing from Springfields, with which the Twenty-fifth was When questioned by Senafor Foraker he stated that it was his impression only that Springfields He had hunted game were not used. in Montana and thought he could tell the sound of a Winchester. The witness was then excused and the committee adjourned until to-

morrow at 10:30 a. m. JAPAN'S SOUND FRIENDSHIP.

the Ebulitions Anti-Japane Press of America Shake the Cordial America Powerless to Relations," Declaration of Official Statem mele Implicit Confidence President Roosevelt.

Tokio, Feb. 5,-The view taken here of the American-Japanese situation arising from the San Francisco school incident, is illustrated by the following official statement which was issued to-day: Since the talk of war was

transmitted from America we have carefully watched the development of feeling here. There has not been slightest excitement anywhere in the country." The statement concludes with these

"The talk of war is completely ignored here, and implicit confidence reposed in President Roosevel ebulition

and his government. The of the anti-Japanese press of Amer-ica, are powerless to shake Japan's cordiality towards the United States. The press up to this afternoon continues silent anent the war cry

some American papers. Not the slightest excitement was apparent here at noon to-day after this talk was transmitted here, and it was generally ignored. It is believed that and it was the anti-Japanese agitation by a portion of the American press will af-ford proof of the futility of an efto snake the profound confidence which Japan reposes in President Roosevelt and in the American peo ple generally.

THE DEAD NUMBER 31.

With One Exception All the Fatalities in the Thomas Mine Were Foreign-ers—16 Bodies Taken From the Mine.

Elkins, W. Vs., Feb. 5.—It is now definitely known that the total num-ber of men in the Thomas mine at the time of the explosion yesterday morning was 37, all of whom were foreigners.

Mine Boss Daniel Jones, an perienced miner, 60 years of age, was suffocated to death. He was one of the first rescuers to enter the mine yesterday and was brought out nearly dead by his comrades. After recovering he went in a second time last night and was brought out dead from suffocation, making the total death list 28 death list 38.

So far 16 bodies have been taken from the mine. It is extremely dangerous to enter the mine for any considerable distance because of foul gases. The drift is a mile in extent and it may take a day or two before the drift is clear enough of gas to allow the rescuers to recover the rest of the bodies. Not until then can the real cause of the explosion be known. The work of rescue is being done by the American miners. Many of the rescuers were overcome and were brought out more dead than allys.

JEROME BLOCKS DEFENSE SOUTHERN RAISES WAGES QUEER GIFT OF WITNESS BICKETT BILL IS FAVORED SHERIFF'S DEFICIT LARGE BEVERIDGE COMING SOUTH BAILEY LOSES HIS TEMPER

ne Decide to Reto Deal With Insane Decide to Report Bill Providing for Expenditure of \$500,000, Only \$250,000 to be Spent This Year—Bond to be Issue 2 if Necessary—Joint Committee on Reformatory Project Will Recommend Incorporation of Ladies' Industrial School Association With Appropriations—Decision as to Railroad Fares.

Observer Bureau. Observer Bureau, The Hollsman Building,

Raleigh, Feb. 5. The Senate and House committees Fort Brown barracks and of the to-night unanimously agreed to report For several weeks General Man- town had been placed upon the walls favorably Bickett's bill creating a Treasury a bond issue

The sub-committee appointed to questions related draft a reformatory bill has agreed largely to the time when the soldiers to recommend the incorporation of were called for the roll-call and inwith \$5,000 to be available at once for the erection of a building. Mrs. records of the naval observatory Johnston, of Alabama, made a strong appeal to the appropriation committee to-night to do this much for the boys in the State as a starter. RAILROAD FARE BILL AGREED

Wiley protestingly declared: "I didn't come here as an expert. I came as a winness to a fact, and I have been converted into an expert without being prepared for it."

JEROME'S MEDICAL KNOWLEDGE

The district attorney astonished everyone by his intimate knowledge of medicine and its technical phrase-clogy, demonstrating the care with which he had prepared himself to nieet the very defense which Thaw's conneal have entered in his benaif. Mr. Jerome searchingty inquired into Dr. Wiley's record as a physician and as an expert on insanity. He hurled volleys of technical questions at the witness, who at times at the witness, who at times at the witness, who at times at mute at any armony from the district attorney and relative to draft and the witness and the w

tion.
The Senate and House committee on

THE SENATE. In the Senate prayer was offered by Rev. Dr. Vann.

Bills were introduced as follows: Seawell: To authorize Jonesboro to sue bonds.
Thorne: To fix time for Nash courts.
Buxton: To authorize Winston township and others in Forsyth and also Point. Winston-Street to

Point.

Davis: To allow the Methodist church trustees at Morgainton to remove the remains of certain persons.

Fleming: To fix salaries of Pitt country officers.

Pleming: To fix salaries of Pitt county officers.

Drewry: To punish those who knowingly detain servants who are in the service of another.

Burieson: To regulate charges of telephone companies for long distance messages and to regulate the charges on Puliman cars; also to protect the lives of passengers on railways.

Breese: To increase the power of the Cherokee Indians to trade and make contracts; also to allow masried women whose husbands are insane to dispose of

whose husbands are insane to dis their property without knowledge their husband. Bills passed final reading:

To incorporate Mortimer. To allow the register of deeds of Le to have a deputy. nd the charter of the Washington and Vandermere Railway.

To amend the landlord and tenant act or Lincoln.
To extend the crimnal jurisdiction of mayor at Tarboro.

To establish a standard time, that of the 78th degree of longitude west of Greenwich, throughout North Carolina, this being a copy of the New York

statute.

The bill to make public drunkenness a misdemeanor was taken up and Buxton neid if it were to pass now he wanted Forsyth excepted, as the act was too universal in its operation. At his request the bill went back to the calendar so he could more fully investigate it. One of Burton's bills, preventing the sale to children of exploding cartridges and cannon cracker of large dimensions were taken up.

Webb said a substitute bill should be passed and so the bill was re-referred ely marriages solemnized by unordained in marriages solemnized by unordained it ministers came up; cortain young it ministers, sent out as missionaries having married people, some of these marriages having been performed 15 years ago. Graham offered an amendment that these marriages should be and effective from the thoughts. that these marriages should be valid and effective from the time they occurred. The amendment was adopted and the bill passed. Other bills which passed provide for completing the paving of the capitol square, and amend the respectively according to the capitol square, and amend the respectively according to the capitol square, and amend the respectively according to the capitol square, and amend the respectively according to the capitol square according to the capitol squar visal regarding roads, except toll road kept in order by the owners. The bill was taken up to impose

penalty upon railways for failure to transport freight promptly. fixing the penalty at the value of the goods.

Webb offered an amendment, striking out the penalty for failure to settle the claim in 60 days. The bill was finally referred to the committee or railways. referred to the committee on railway then adjourned.

THE HOUSE, The House met at 10:30 and Rev. Dr. McNeeley DuBose offered prayer Julian presnted a petition from Rowan for a compulsory education law. Bills were introduced as follows Douglas: To appropriate \$500 for examining partition walls of the penitentlary.

Liverman: To allow evy special tax. Bryant: To give Yancey county Laughinghouse; To provide for declaring vacant the office of town fficer from the ward from which he

Manning: To allow High Point to appropriate \$1,500 to a Carnegia library and to extend the police jurisdiction there.

Winborn: To restore to Superior Court judges their pay for holding Wood: To make 46 pounds of corn

Taylor: To allow Brunswick to subscribe to the capital stock of the Wilmington, Brunswick & Southern Railway, Preston's bill came up as a special order appropriating \$10,000 a year from the agricultural fund for immigration. He explained the bill, saying the department had such authority up to the Revisal of 1905, to expend this sum, and that the addition made to the old law in his bill is from the South Carolina law and

meal a bushel.

KNOWS MAKE OF GUN BY SOUND. JOINT COMMPTTEE APPROVES IT MAY AMOUNT TO \$35,000. TO SPEAK IN NORTH CAROLINA HE CREATES SCENE AT HEARING

Shows Shortage With County Will Probably Reach \$25,000, Which Mercantille Liabilities Will Run up to \$35,000—Sheriff Has Disappeared Since Filing Deed of Assignment—Sampson's Treasury Empty and Unable to Meet Current Demands—John Matthis, Colored, Alleged Murderer, Captured in Newbern and Juffed. Special to The Observer. Clinton, Feb. 5 .- Further investigation tion into the affairs of A. W. Aman,

Sampson county and general mer-

with the county to be larger than was at first estimated. It now looks as if he was going to make a speech in it will reach \$25,000 which, added to North Carolina soon on the subject his mercantile liabilities of \$10,000 of child labor. He proposed to beard will amount in all to about \$35,000. the lion right in his den, as it were. The assets, consisting of mercantile stock, will aggregate some \$12,000. and asked him about the proposed speech. He said he was going to North Carolina in April to deliver an since filing his deed of assignment and address on the subject of child labor, his whereabouts are unknown. His but for the life of him he could not bondsmen have appointed incoming He said he depended upon someone Sheriff D. C. McPhail tax collector and he has taken charge of the tax books He just knew that he was to speak and will collect the balance standing somewhere in the State. on them. The failure of Sheriff Aman is deplorable in many ways. There is no money in the treasury to meet the current expenses of the committee on military affairs to-day county or to pay the vouchers of the public school teachers. But provision is being made to meet these obliga-

John Matthis, a negro, who killed his father, cremated his body to conceal the crime and then fled the community to escape arrest, was to-day arrested in Newbern and placed in jail there. The sheriff of Sampson was notified by wire and will send for the criminal, who will likely be tried at the term of Superior Court which convened here yesterday with Judge Long presiding. The circumstances of this crime were particularly brutal and a conviction of murder in the first degree is probable. There was a large reward offered for the apprehension of Matthis who, at the time of the commission of the crime, eluded large posses which pursued him through Sampson and Duplin countles and finally lost his trail in a jungle in

the worst failure that has ever oc-

the latter county. FOUR FATALLY BURNED.

Fire, Which Broke Out During a Storm, Incinerates a Mother and Child, a Servant and Stableman in New York Town.

Pelham, N. Y., Feb. 5 .- During the swept through the livery stables and living apartments above Richard Vaughn and burned to death four occupants of the home. Mrs. Vaughn and her 2-year-old son were caught by the flames as the mother with the child in her arms, was groping her was through the smoke toward an A colored woman living with he Vaughns was burned in her bed. Thomas Micky, a stableman, escaped from the house only to lose his life in an effort to save the horses. Vaughn escaped. He said that he and his family, occupying rooms over the stable, were awakened by the fire and smoke and that in their efforts to escape, he became separated from his wife and child.

Georgian Indicted for Murder. Gainesville, Ga., Feb. 5 .- The grand jury of Hall county, which was order-ed reconvened in special session today by Judge Kimsey to investigate the killing of Newton Strickland by his 14-year-old brother, Harry Strick land, in the Fork district, Saturday night, to-day returned a true bill charging Harry Strickland with mur-The defendant will to-morrow der. be placed on trial before Judge Kim-

mmigrants for individuals, if the later pay the expenses of such special

iey.

mmigrants. he bill, but didn't think the farmers ought to pay the \$10,000 from their but that it should come out of the general fund. He had received a bill prepared by the State Immigration Association of Grensboro He asked leave to introduce this bill and moved that both bills be referred to the committee, that they be printed, and that further consideration of the Preston bill be deferred.

Preston said he did not object, and the bills went to the committee. INSTRUCTION AS TO EFFECT OF

NARCOTICS. Dowd's bill requiring provisions of

it, saying that in this rapid age it be- 41 out of 78 votes cast. of such poisons. McRae offered an amendment

which Dowd accepted, providing that the county boards of education shall. make the order for the enforcement ative in their particular counties. Various amendments were accepted by Dowd, adopted and the bill passed second reading, with Brunswick, New Hanover, Catawba and Martin cepted, and the bill went to

An important bill passed reading to allow railway conductors and station agents to arrest persons who are drunk on trains or at stations or indulging in profane, obscene then adjourned.

The House judiciary committee reported favorably Morton's bill requiring

The House judiciary committee reported favorably Morton's bill requiring county and State convicts to be separately housed and fed and where practicable to be weeked in separate squads. The bill requires a change of diet in the food for the prisoners, requiring vegetables, coffee and fresh meats to be given them at certain times during the week. It also reported favorably London's bill giving newspapers a dollar and a half per inch for legal notices provided the smount should not exceed ten dollars. Another bill reported favorably is an amandment to the rules of avidence in divorce cases, so as to allow a wife or husband to teattry to impotency in suits for divorce for that

Senator From Indiana Proposes to Propagate His Views on Child Labor Among North Carolinians, Whom He Regards as Prominent Offenders—Does Not Know at What Point, But Date Will be in April—Senator Overman Elicits From Negro Soldier Admission That He Was Not Maltreated—Foraker Pleased at Developments in President-Negro Situation.

BY W. A. HILDEBRAND. Observer Bureau,

the defaulting sheriff and treasurer of 1417 G Street, N. W., Washington, Feb. 5. A day or so ago Senator Albert J chant of Clinton, shows his shortage Beveridge told Senator Overman that To-day the writer met Mr. Beveridge else to keep track of his engagements.

OVERMAN EXAMINES WITNESS. While Sargeant Harris was giving his testimony on the Brownsville shooting affray before the Senate Senator Overman took the witness in hand a number of times. The witness had said that neither he nor any of the other negro soldiers like tions and it is hoped that the most the idea of staying in the South. Senpressing will soon be reached. This is ator Overman asked for the reason for this, and if he had been mistreated by any of the Southern people. curred in Sampson county of an in-Harris said no, that he had been treated all right, as he went to but few places at Brownsville and always attended to his own business. The North Carolina Senator then replied: "Yes, and if the others had attended to their own business and behaved themselves, there never

would have been any trouble." But the witness went back to his original proposition that Brownsville was no place for the colored soldiers. and said that the only reason he kept out of trouble was by keeping out of certain public places where the negroes were discriminated against. It seemed that discrimination against the negroes in the barrooms was the consideration that chiefly rankled in their minds. And this was the principal complaint against a Southern army post, Senators could not shake the witness from his declaration of yesterday, that he heard no discussion among his men of the shooting, further than to wonder what the War Department would do about it. Thus far things have gone to suit Senator Foraker, He doubtless feels that he is going to make out some sort of case against President Roosevelt before the thing is over.

And in the meanwhile Foraker is have gone in Ohio. Even Representa-tive Longworth, the President's sonin-law, is protesting against the proposal to appoint a negro as surveyor of customs at Cincinnati. The President started out to make this appointment with the idea that it would entail no end of embarrassment Mr. Foraker, who is now sitting back and saying that he will certainly not oppose the confirmation if the Presdent cares to transmit the nomination to the Senate. To-day it was stated that the President had given ear to the protests against this contemplated Cincinnati appointment and had expressed a willingness to give a good job to the negro in Cleveland. This gave Congressman Burton, the leader of the opposition to Mr. Foraker, a great jar, and he was among the first of the callers at the White House this morning. Like all the others, when the matter of negro appointments was brought close home to him. Mr. Burton began to squeal The President is now represented as not knowing which way to turn, but after all the talk he feels that he must give some negro a job some-

where in Ohio. Senator Overman has been advised that the matter of site for the public building at Concord will be settled by the Department on the 16th of the present month. This matter has been in dispute for some time. Senator Overman has been informed by the War Department that

Lieutenant Young will be allowed to remain as military commandant at the A. & M. College. It had been reported that Lieutenant Young would be sent to the Philippines. Judson Hassell Blount, of Bethe will receive cadetship at West Poin through Senator Overman.

SENATOR DRYDEN'S SUCCESSOR. New Jersey Legislature Elects Frank O. Briggs, of Trenton, the Present State Treasurer.

Trenton, N. J., Feb. 5 .- In joint the public schools for instruction as session here to-day the Legislature to nature and effect of alcoholic chose Frank O. Briggs, of Trenton, drinks and narcotics came up as a to succeed John F. Dryden in the special order and he briefly explained United States Senate. He received Senator came more and more important that Ackerman (Republican) voted for exchildren should be taught the effects Governor Griggs, and Senator Colby voted for Justice Pitney.

James E. Martine, the Democratic nominee, received 35 votes. There were two Democratic absentees. The only Republican abof the law before it becomes oper- sentee was Assemblyman Bucks, who is sick.

> Mr. Briggs was Hampshire in 1850. graduated from West Point in 1873, and in 1877 he resigned to enter the employ of the John A. Roebling Son's Co. here as an engineer. He was elected mayor of Trenton in 1899 and in 1902 Governor Voorhees appointed him State Treasurer, which position he still holds. Mr. Briggs is the chairman of the Republican committee.

Lexington, Ky., Feb. 5.--In of freight trains on the Chesapeake a & Ohio Railway near Colby Station, 10 miles from here this afternoon, Engineer Edward Harp, C. K. March-Engineer Edward Harp, C. K. March-all and R. B. Wilson, trainmen, were instantly killed. Soveral other train-men whose names have not been learned were injured. One of the engines exploded, killing the men in-stantly. The trains met in a head-on collision. The deed men all lived

ession of the Texas Legistin of the Mich is Investigatin formittee Which is Investigatin Senator Bailey—Senator Gives the Lie and Witness Mentz, of Housto Quickly Picks up the Gauntlet—Personal Encounter Narrov Personal Encounter Apolog Averted—The Senator Apologis to the Committee.

Austin, Tex., Feb. 5 .-- A dramatic scene was enacted in the Bailey investigation to-day, almost resulting in A personal encounter between Senator J. W. Balley and E. N. Mentz, of Houston.

The clash occurred shortly after the legislative committee resumed consideration of the charges against Senator Bailey. Mr. Ments was on the stand when Representative Coke, who is prosecuting the charges against Senator Balley, asked Mr. Ments if Colonel Cowart, of Dallas, had not gone to New York to see Bailey. Mr. Coke asked if Colonel Cowart's visit, though ostensibly to have his throat treated, was not really made for the purpose of attentions. tending to some business for the Kirby Lumber Company.

Senator Bailey, who had entered the room a few minutes before, arose and said that any one who said that Cowart went to New York to see him was a liar. WITNESS SHOWS FIGHT.

ator Bailey meant him and he arose in his seat and declared emphatically that he would allow no man to call him a liar. He asserted that he was not a willing witness, "But so help me God, I

The witness understood that Sen-

will allow no man to call me a liar, he shouted. Senator Bailey started for the witness, who seemed ready to meet him. Deputy Sheriff White stopped Sen-ator Bailey and trouble was averted. The Senator then spologized to the committee, declaring that he had been irritated so much during the past few weeks that he could hardly help

hard to keep from denouncing what he knew to be lies. Representative Coke retorted that Bailey had legal advisers who were

his action. He asserted that it was

able to take care of his interests. MAKES DAMAGING ADMISSIONS

State Librarian of Virginia Being Investigated by Legislative Committee on Charges of Discrimination-Bought Books of Raleigh Firm for \$10 and Sold for \$20.

Special to The Observer. Richmond, Va., Feb. 5 .- A sensational climax was reached in the investigation by the legislative school book committee late this afternoon when State Librarian John P. Kennedy, who is accused of having discriminated against local publishers in favor of Northern concerns in the matter of furnishing books schools and the traveling libraries, said, speaking of the accusation, that he had been engaged by a Northern publishing house to write a history ceived a check for \$500 in advance. that the offer had been made him by immensely tickled over the way things his wife. He acknowledged, however, after close questioning, that he had invited B. F. Johnson & Company. publishers, of New York, to make him an offer for a similar work. Asked his reason for approaching the Johnson firm under the circum-

stances, he said merely that he had changed his mind. Letters were exhibited in evidence to show that the librarian had purchased from J. C. Birdstrong & Company, of Raleigh, N. C., a book in the name of the library, for which he paid \$10, the same book being afterwards sold for \$20, the difference in the cost and selling price reverting to the property of the librarian. Kennedy was made to acknowledge that he had been in the habit of negotiating such trades for his personal profit. Kennedy's testimony will be resumed to-morrow morning. It is probable that Mrs. Kennedy will also be called upon to testify to-morrow.

TWO DIE FROM DOG BITE.

Two-Year-Old Child of Pelzer, S. and Mr. Walter Griffin, Who Tried to Rescue It, Were Bitten Three Weeks Ago-Both Are Dead.

Special to The Observer. Greenville, S. C., Feb. 5 .- About three weeks ago the little two-year-ld son of a Mr. Farmer, of Pelzer, was attacked by a mad dog. Mr. Walter Griffin, a young man who was standing nearby, seeing that the dos had the little child down, ran up and, knocking the dog off, picked up the child and was taking it to a place of safety, when the dog jumped on him (Griffin) and bit him on the

Last night the little child died at its home in Pelzer and this morning Mr. Griffin breathed his last, both of them dying from the effects of the dog bite. The dog was a fine, large dog, and belonged to Mr. Farmer, the father of the little dead child to whom it semed greatly devoted er, the father of the little dead child. when all were away from home and always protected it. Two or three days before it went mad it was noticed that it was acting rather peculiarly and it was shut up in the but somehow got out to the front yard where the child was playing and at-tacked it. The dog was killed im-mediately after it bit Mr. Griffin.

Alleged Yeggmen Under Arre Valdosta, Ga., Feb. 5.—Two white men, A. H. Perkins and Charles E. Bailey, are under arrest here charg-ed with dynamiting the safe in the postoffice at Brogton, on November 17 last, and stealing \$86 in money and \$249 in stamps. Perkins was arrested at Douglas by Deputy United States Marshal Middleton and Postoffice Inspector Smith. Bailey was arrested this morning at Fitzgerald by Potsoffice Inspector Smith.

Georgian Accused of Emb Savannah, Ga., Feb. 5.—J. P.
Holmes, a local dealer in pianos and
musical goods, was this afternoon arrested on a charge of having, as
trustee in bankruptcy of the stock of
McArthur Sons Company, embessied
\$15,000. The warrant was sworn out
by Assistant District Attorney Alexander Akerman. Holwes will be given