for Defense Will be ne of Allens for Defense Will be Cross-Examined by Jerome and Followed on Stand by Drs. Wagner, Deemar and Bingaman in Rapid Order—Efforts of Prosecution to Draw From Abraham Hummel Certain Facts Relating to Affidavit Mrs. Thaw is Alleged to Have Made in His Office That Thaw Had Beaten Her While Abroad in 1903, Unsuccessful, Defmas Blocking Practically Every Onestion Put. ly Every Question Put.

New York, Feb. 26.-Mrs. Evelyn Neabit Thaw's long ordeal upon the witness stand at the trial of her hus-White, came to an end to-day. Mr. The re-direct examination and recross-examination this afternoon were . The fire started from the furnace prior to adjournment, it was sunced that the defendant's wife had finally been excused.

To-morrow morning the district at-

from Abraham Hummel certain facts relating to the affidavit which Mrs. Thaw is said to have made in Hummel's law office. In this affidavit it is declared there was an allegation that Thaw had beaten the girl while abroad in 1903 when she told him there was no truth in the story about her relations with Stanford White.

DELMAS BLOCKS TESTIMONY. Mr. Delmas, for the defense, blockd practically every question put to rules of evidence governing Mrs. Thaw's testimony the introduction of The district attorney is not allowed to controvert her testimony in any way, but may test her credibility. Mr. Jerome said in open court that he realized that even if he could show Stanford White was in Europe the night Mrs. Thaw declared she was assaulted by him, he would not be allowed to introduce such testimony. It was reported that Mr. Jerome has much testimony to offer in rebuttal. but as it is nearly all of a collateral character he will not be allowed to character he will not be allowed to

character he will not be allowed to place it before the jury.

Mrs. Thaw to-day was given the opportunity to clear up the odds and ends of her story. Mr. Jerome introduced in evidence her school girl diary, and read certain extracts from the court poom, reflecting, as they did, the young woman's views of life during that period.

with pneumonia with which he had been afflicted for a week.

Mr. Monroe took to his bed a week ago to-day. The case was mild and promised to give little trouble. Sheriff Monroe was but the remnant of the magnificent physique he carried as officer in chief of this county. He then weighed 260 to 280 and was physically, a giant. Almost the shadow of his former self, he continued active life as much as possible and two weeks ago went hunting, loving the chase expectably. during that period

LETTER OF CREDIT NOT USED. Mrs. Thaw denied again that she had ever used a penny of the letter of credit Stanford White gave to her under seal before she went to Europe with Thaw and her mother. She denied that she had ever been mentioned in any way in connection with the James A. Garlan divorce case. She said Stanford White paid all her brother's school expenses, and identified receipts and checks signed by her mother showing that the latter drew more than \$3,000 from Stanford White's funds during the year from May, 1902, to May, 1903. Evelyn was at school during most of this time.

friends. They were simply acquaintances when both were playing at the

When Abe Hummel was sworn and took his seat in the witness chair to- Donnell Manufacturing Company, of day the big court stenographer seated in front of the stand all but hid the little witness from general The top of his bald head could occasionally be seen nodding to and

SHOWN PAGE OF AFFIDAVIT.

copy of the last page of the famous freshed his memory so that he could state positively that the date on which Evelyn Nesbit Thaw called at his office was October 27, 1903. "Did Miss Nesbit have a conversation with you in your office?" asked

Mr. Jerome. "Yes," said Hummel.

"Did you dictate to a stenographer while she was present?" Witness said, he did dictate a state-

ment in the presence of Miss Nesbit. "On the next day," asked Mr. Jegive you a paper?"

A document was shown the witness sustained by the court, it being held and Rowan. that the question was an attempt to controvert collateral facts brought out on cross-examination.

Mr. Jerome asked Hummel several other questions, whether he gave the to Evelyn Nesbit, what became of it and when she next went to his office, but objections to all of them

tion, the court ruled with him and

Mr. Snydecker was excused. Mr. Delmas having successfully blocked for the time being all testi-mony regarding the alleged affidavit. Mr. Jerome asked that Mrs. Evelyn Thaw be recalled. When she taken the stand Mr. Jerome handed her a paper and asked if from first to last it was in her handwriting. Mrs. Thaw spent some time in an examination of the paper, smiling occa-

It soon developed that the paper was a diary. Mrs. Thaw said the paper she had gamined was all in her handwrit-

it not a diary which you kept Mrs. Thaw said she kept the diary while at school in Perapton, N. J., in 1902. Mr. Jerome then read a few

DR EVANS TO-DAY'S WITNESS. A PROTESTANT SCHOOL BURNED. SEMMONS AMENDMENT A STRIDE

When Fire Was Discovered Teachers at Once Began Work of Getting the 200 Children Out of the Building, but Children From Kindergarten Department on Second Floor on Reaching Landing Refused to go Through Dense Smoke and 16, With the Principal, Were Smothered—Many Rescued by Firemen With Extension Ladders, the Building Not Being Provided With Fire Escapes.

Montreal, Que., Feb. 26,-Principal Maxwell and 16 children perished in a fire which broke out this afternoon in the Hochelaga School of the band for the killing of Stanford Protestant school commission. The school was located in a brick two-Jerome finished his cross-examination, story building in the east end of the which had lasted through nearly five city, and was attended by about 200 from the inland districts have watchcourt days, at the morning session, children, whose parents are mechanics ed the developments with great interliving in the neighborhood.

notified and the work of getting the children out of the building began. torney will begin his cross-examina-tion of Dr. Britton D. Evans, one of cated on the second floor, and it was tion of Dr. Britton D. Evans, one of the allenists for the defense. He will follow this up by cross-examining Dr. Chas. G. Wagner, and Drs. Deemar and Bingamah will be called in rapid order. The trial at last seems to be entering upon its final stages.

cated on the second floor, and it was the difference of the second floor, and it was the much-discussed inflation with the following the landing, found the lower hall full of smoke. Into this lower hall full of smoke. Into this pointed because of the failure to secure a twelve-foot channel, instead of one of ten feet depth as the channel The completion of Mrs. Thaw's examination followed the unsuccessful effort of the prosecution to draw the firemen arrived an extension lad-

making its way upwards and smoke was growing so dense that this great inland waterway project even the experienced firemen could will receive the sanction and approval not stand it. Capt. Arson endeavored to get Miss Maxwell to go down the ladder, but she refused, and evading.

The elation of some over the attempt to detain her, rushed back into the back part of the build-Hummel. The witness got no farther back into the back part of the build-than to say he knew Mrs. Thaw; that ing in search of others of the little she came to his office October 27, ones. When the firemen were final-1903, and that he dictated to a ste-nographer while she was there. Jus-tice Fitzgerald held that under the beside her...

All those who perished died from collateral facts was not permissible, asphyxiation. The building was unprovided with fire escapes,

EX-SHERIFF MONROE DEAD.

Prominent and Honored Citizen of Rowan Dies of Pneumonia—Was 56 Years Old and Held Office 10 Years. Special to The Observer.

and two weeks ago went hunting, loving the chase especially. A deep oold follower in nother country excursion, though it was plain that he lost ground constantly. Sheriff Monroe was born in Franklin township 56 years ago. He grew to manhood through poverty and small school advantages. For his remarkable bravery as a deputy officer, he became so popular that he was elected sheriff in the fall of 1890, when the Farmers' Alliance became a political power. He held office ten years and in 1800 was retired. During his incumbency he became identified with the business spirit of tired. During his incumbency he became identified with the business spirit of Sallsbury and died with property of fine value.

He leaves a wife, three sons and three daughters, and three brothers. He belonged to the Methodist church and from that place will be buried to-morrow Masonic honors.

Just before Harry Thaw was taken out of the court room he handed the reporters the following note:

"Mrs. Thaw and Lady Ashburton, formerly Frances Belmont, were not friends. They were simply acquaint—

"Masonic honors.

In Salisbury, Sheriff Monroe was as popular an officer as the county ever had. He was brave without unnecessary daring, and firm with his prisoners without austerity. An ideal public servant and a splendid citizen died to-day in James Monroe.

WILL OPEN BRANCH HOUSE.

St. Louis, to Set Up House at Salisbury. Special to The Observer.

Salisbury, Feb. 26.-The Donnell Manufacturing Company, of St. Louis, whose specialty is the manufacture of extracts druggists' specials, gro-He was shown the photographic cers' sundries, bluings, baking powders, oils and the like, will early in affidavit, which Mr. Hummel said re- March open a branch house here, un der the direction of Mr. Wade Barrier, of Concord, secretary-treasurer of the H. L. Parks Department Store Company, in Concord. Mr. Barrier will come here and open a warehouse from which he will disseminate the wares of his company. He will handie the goods in carloads and the distributing point here will be a large

The institution has a claim upon Salisbury and will be a good addition rome, "did Jacobson or Snydecker to her life, but Salisbury is especially happy that she can reclaim one of the most admirable young men who ever cast a brief residence here. Mr. and he was asked if it was not a car- Barrier was formerly teller in the bon copy of the paper referred to. First National Bank and won a pop-Mr. Delmas at once objected and was ularity that extended to all Salisbury

A SHOOTING IN IREDELL.

ceives Ballet in Side-Probably Accidental, but May be Fatal. Special to The Observer.

were sustained.

Mr. Hummel was thereupon excused.

Abraham SNYDECKER CALLED.

Abraham Snydecker, who was a clerk in Hummel's office, next was called. He said he knew Evelyn Nesbit.

"Did you, on October 28, 1903, see ner sign a paper?" asked Mr. Jene Mr. Delmas objected to the question, the court ruled with him and Mr. Snydecker was excused. The young man was brought to Long's Sanatorium in Statesville, Feb. 28.—What may prove a fast accidental shooting occurred in the hand in the hand in the hand in the barn of Mr. Jno. I. Douglas near Eupeptic Springs, and the young man who did the shooting occurred in the barn of Mr. Jno. I. Douglas near Eupeptic Springs, and the young man who did the shooting occurred in the barn of Mr. Jno. I. Douglas near Eupeptic Springs, and the young man who did the shooting occurred in the barn of Mr. Jno. I. Douglas near Eupeptic Springs, and the young man who did the shooting occurred in the barn of Mr. Jno. I. Douglas near Eupeptic Springs, and the young man who did the shooting occurred in the barn of Mr. Jno. I. Douglas near Eupeptic Springs, and the young man who did the shooting occurred in the barn of Mr. Jno. I. Douglas near Eupeptic Springs, and the young man who did the shooting occurred in the barn of Mr. Jno. I. Douglas near Eupeptic Springs, and the young man who did the shooting occurred in the hands of Markus Williams was discharged, sending a ball late the bedy of his comrade. Mark Woodward. The shooting occurred in the hands of Markus Williams was discharged, sending a ball late the bedy of his comrade. Mark Woodward. The shooting occurred in the hands of Markus Williams was discharged, sending a ball late the bedy of his comrade. Markus Williams was discharged, sending a ball late the bedy of his comrade. Markus Williams was discharged, sending a ball late the bedy of his comrade. Markus Williams was discharged, sending a ball late the bedy of his comrade. Markus Williams was discharged, sending a ball late the bedy of his comrade. Markus Williams was discharged, s Statesville, was notified. The young man was notified. The young man was brought to Long's Sanatorium in Statesville this morning and the physicians tried to locate the ball, which had entered just below the ribs on the right side, taking a downward course.

Young Woodward is about 18 years of age and is a son of Mr. John Woodward. Williams is possibly as young as 16 years.

> Lieut. Hamilton Not Insane When Acts Were Committed. Washington, Feb. 26 .- The dent has approved the sentence of the court-martial which tried First Lieutenant John S. Hamilton, Twelfth Infantry, on charges of embesziement, desertion and disobedience, which

years.

North Carolina Members of Congress Congratulating Themselves on Success of Simmons Amendment Looking to Winning for State Success of Part of the Waterway Project—Cape Fear Enterprise Not Finally Defeated by Burton—Simmons Trying to Get Larger Appropriation for Kinston Building.

BY W. A. HILDEBRAND.

Observer Bureau, 1417 G Street, N. W.,

Washington, Feb. 26, River and harbor matters are just now receiving a great deal of attention from the members of the North Carolina delegation. Even members est, and have whenever possible pushed along a cause which means so of the briefest character, and just and was first noticed by workmen the State. Of course there is much employed nearby. The teachers were elation over the action of the conference committee in accepting the Simmons amendment, which insures the construction of a good proportion of

> who desire to promote the coastwise der was placed in position and a traffic, but he is nevertheless pleased large number of children were res-Assisting in the work was Miss that a long stride has been taken in Maxwell. The fire by this time was the right direction and that it is only the a matter of time until the whole of of the government, Mr. Burton to the

The elation of some over this victory has been tempered with the feat that it is all over with the upper Cape Fear project, owing to the extreme hostility of Chairman Burton, whose opposition prevented any favorable action on the part of conferees of the House and the Senate after Senator Overman had secured the adoption of the amendment by the Senate committee. Such is not the case. This project, which calls for the construction of locks and dams on the upper waters of the Cape Fear, can be carried through under pressure, and this pressure will be resorted to at the proper time. The delegation must take one big thing at a time and next winter both the North Carolina Senators will pull together for this appropriation, and demand it on the ground that it is the one big improvement which the State is seeking.

THE KINSTON BUILDING. Senator Simmons called at the Treasury Department to-day and discussed with the supervising architect the subject of the proposed public building at Kinston. Senator Simbuilding at Kinston. mons requested the Department officials not to proceed with the plans now under advisement. Only \$30,000 has been appropriated for the construction of this building, and this amount the Senator regards as utterly insufficient. The matter will be held in abeyance until the next session, when an effort will be made to secure the passage of a bill carrying twice the amount mentioned. ator Simmons also discussed with the Department officials the matter of the clock for the public building at Newbern, a matter which Mr. Thomas had already taken up with the Department. A very handsome clock was purchased for the Newbern building, but it is not illuminated nor does it strike. The Department promises to give this clock matter its most careful consideration

Congressman-elect Godwin, who to succeed Representative Patterson, arrived here to-day to "learn the arrived here to-day to ropes." This is Mr. Godwin's first isit to Washington. Chairman Adams to-day made the

following recommendations: Jones, for postmaster at Wilkesboro; W. Robbins, at Rocky Mount; Chas. A. Jonas, at Lincolnton; S . Hamrick, at Hickory; Dr. Roberts, at Marshall, and J. E. Lance, at Hot Springs.

HACKETT STRIKES BRYANT.

lively Affray on Floor of House Bryant Reflected on Hackett's Veracity-Affray Renewed. Observer Bureau

The Hollaman Building

Raleigh, Feb. 26. This afternoon while the House viding for a bridge across the Yadkin river in Wilkes county, which his presentation of the facts. Hackett asked Bryant if he meant to call disclaiming such an imputation, Hackett proceeded to pummel him, striking him several blows, the two members of the committee.

Later, as Dr. Bryant went around towards where Hackett standing, Hackett made another assault, but his blow was a glancing one. Bryant claimed he was only going after his hat, which had been knocked off in the first assault. There was much excitement in the hall of the House, but neither the congressman or legislator were arrest-

A TYPHOID FEVER EPIDEMIC.

Battleship Connecticut, with 35 Cases Aboard, to Sail From Guantanamo at Once for North—Patients go to Naval Hospital, Brooklyn. Washington, Feb. 26 .- The Secre tary of the Navy to-day received a

dispatch from Rear Admiral Evans. commanding the Atlantic fleet, stating that the battleship Connecticut would sail immediately from Guantanamo for the North with a typhoid fever epidemic aboard, there being desertion and disobedience, which found him guilty and sentenced him to a term of 18 months in the Fort Leavenworth penitentiary. The judge advocate general, after careful consideration, reached the conclusion that Lieut. Hamilton was not insane when the acts were committed, and the President took a similar view.

hief Engineer of Commission Writes
President That He Wishes to be
Entirely Relieved From Work as
Soon as He Can be Replaced by
Competent Man and That Man Become Familiar With Work—Resignation is Accepted and Major Geo.
W. Goethals, of Engineer Corps,
Chosen as His Successor—Commission Asked to Take Formal Action
Necessary to Reject Oliver and
MacArthur Bids.
Washington, Feb. 26.—The Presi-

Washington, Feb. 26.-The President has received a letter from Mr. the Panama canal commission, in Samuel B. Powers and 20 other allens he can be replaced by a competent person and that person can become familiar with the work. The President has accepted Mr. Stevens' resignation. In order to secure continuity in engineering control and man-agement in the future the President has asked the canal commission to assign to the office of chief engineer Major George W. Goethals, of the

engineer corps. By his order addressed to the isthmian canal commission to-day, President Roosevelt, as far as lay in his power under existing law, transferred to the engineer branch of the army the responsibility for the further construction of the Panama canal. He also, in the same order which took the form of a letter addressed to the chairman of the commission, Mr. Shonts, himself about to retire from all connection with the enterprise, formally recorded the abandonment, for the present at least, of the project of having the canal work done by contract on the percentage

THE PRESIDENT'S LETTER. The President in his letter to the commission says:

"It is not my purpose by request-ing this appointment to disturb in any way the present organization on the isthmus, which is very satisfac-tory, nor to interfere with the admirable work now being done by the present assistant chief engineer, Mr Ripley, and the various heads of departments.

"The work of construction is going on well and will continue to do The organization already created is increasing the excavation each month, and can be relied upon under competent leadership to make further and constant progress pending a period within which a new form of contract can be devised by Major Goethals and his associates, if it is deemed advisable to do the work by contract. "The services of the same high

class contractors whose bids we are now rejecting or others of similar standing, may then be invoked in the interest of economy and speed." The President requests the commission to take formal action necessary to reject the Oliver and Mac-Arthur bids, in accordance with the power reserved to it in its invita-

CANNOT BENEFIT In his letter to the chairman of the canal commission instructing that body to reject the bids for the struction of the canal, the President states that the purpose of the contract was to secure in the building of the canal the services of the best, most experienced and most skilled contractors in the country at the least risk to them and at the least expense to the government. This purpose failed, he stated, as the contractors whose personal services in the work are what the commissioners sought have made arrangements to divide the profits under the percentage bid with bankers and others to whom the contractors have had to look for the needed capital. So that the contractors who are actually to do the work have arranged to accept a comparatively small proportion of the profits accruing under the contract. Ne contract can ultimately operate to the benefit of the government, the President stated, in which the contractors energy, skill experience and personal supervision of the work are

not adequately paid for. The President further stated that Mr. Stevens, the chief engineer, advised against accepting either the Mc-Arthur or Oliver bids. One of the chief reasons for adopting the con-tract was that in its main features it was formulated by Mr. who was expected to supervise the work as chief engineer. His resignation, the President says, takes away the special reason mentioned for proceeding under the present form of

contract AN ENTIRE REORGANIZATION. The intention of the President is committee on cities and towns were that there shall be an entire reornearing a discussion on a bill pro- ganization of the commission with three army officers of the engineer corps its leading members who are have charge of the engineering Congressman-elect R. N. Hackett, of features of the canal. The chairman the eighth district, wdas pressing and and engineer in chief of the commis-Representative bryant, of Wilkes, slon will be Major George W. Goewas opposing, the latter stated that thats and his associates will be Ma-Mr. Hackett had been inaccurate in liam L. Sibert, to rank in the order named. These three officers are all comparatively young, ambitious and him a liar. The latter not directly energetic members of the corps. The reorganization is to become effective immediately upon the confirmation and retirement of the old commission. Senator Jos. C. S. Blackburn, of Kenclinching, and being separated by tucky, who retires from the United States Senate on the 4th of March, is to be made a member of the reorganized commission. The nominations of the present commissioners now pending before the Senate include Mesers. Shonts, Stevens, Haines, Endicott, Herrod, Georgas and Jackson Smith. Their confirmation is desired in order to remove all doubt as to the legality of certain acts they have performed in connection with the mak ing of contracts. The retirement of Messrs. Shonts and Stevens will leave but two vacancies so that there will be two more retirements necessary to make way for the three army officers and Senator Blackburn. TO PROCEED CONTINUOUSLY.

As he told his callers to-day work on the canal shall proceed con unnously and thoroughly and tem-porary "dislocations," which may come as a result of the resignations of higher officials will not be allowed to interfere with progress. The President is unaware of the reasons which have been influential in prompting Mr. Steven's resignation.
It is understood, however, that Mr. Stevens is leaving the government service to accept a position in connection with a great engineering enterprise

in this country at an annual salary more than double that he now re-ceives from the government.

GOETHALS TO SUCCEED STEVENS BATTLE OPENS IN GREENSBORO TO CONTINUE THROUGH DAY, MAKES FLAT RATE 2% CENTS.

Civil Suit Against E. A. Smith and Sumner Sargent, of Charlotte, Be-gins in Federal Court—Plaintiff Asks \$21,000 Damages for Alleged Violation of Allen Laws in Inducing Immigration Improperly—Regular Jury Accepted Almost to a Man-One Negro on It-Argument as to Issues Special to The Observer.

Greensboro, Feb. 26 .- The case in the civil suit of the United States against Messrs, E. A. Smith and Sum-John F. Stevens, chief engineer of ner B. Sargent, of Charlotte, in which which he asks to be entirely relieved are asking for \$21,000 in penalties from work on the canal as soon as for an alleged violation of the immigration laws, began here before Judge James E. Boyd this morning. jury was selected and complaint and answer were read and several witnesses examined. At the pace set today the trial promises to continue for

ten days or two weeks. There is one negro on the jury. His name is Alvus Gilmer, a darky of the old school, with a broad face, large lips, wide mouth and pleasant countenance. While Mr. Holton read his complaint Alvus took four naps. The warm room got the best of him. His eyes and his corpulent body reposed. The frequent slumbers of Uncle Alvus did not come as a result of a lack of interest in the proceedings of the court, for everyone who observed him could see that he labored strenuously to keep awake. The drowsiness that falls on the country boy in a church during a long sermon had fallen upon the fellow.

THE BUXOM BRITONS. While many were watching Uncle

Alvus others gazed upon the English girls, who had filed into the court room early in the day and had taken eats on the first three rows of the right end of the court room. The Britons are in fine feather. They do not look down-trodden and povertystricken, but gay, well-dressed, wellfed and happy. Since coming to North Carolina the English lasses have waxed fat and slick. Having nothing to do but eat, sleep and call on Uncle Sam to pay their bills and being in a delightful climate among generous people, seems to agree with the foreigners. This has been a great day for the girls. They have not had such a merry time since the night of their first dance in Davidson Hall, in Charlotte.

Before court convened this morning they talked and giggled among themselves. If they ever suffered for anything they do not show it now.

ABLE COUNSEL.

This case promises to be very interesting. The array of legal talent indicates that. On the side of the government are: Messrs. A. E. Holton, of Winston-Salem; A. L. Coble, of Statesville, and Alfred W. Cooley, of Washington, D. C.; and on that of the defendants Messrs, C. W. Tillett and T. E. Cansler, of Charlotte, and P. Bynum, Jr., of Greensboro These lawyers are guard every point. There were number of spirited tilts to-day. Messrs Tillett, Cansler and Bynum were on their feet frequently to protest with objections. Mr. Holton was quite as alert for the plaintiff. Mr. Cooley was a silent worker to-day. seat without having declared himself. Among the mill men who here to attend the trial are Messrs. H. H. Boyd, E. C. Dwelle, D. Tompkins, E. A. Smith, W. E. Bradley, Sumner B. Sargent, H. C. Clark, W. Kidd, C. M. Patterson, Fred H. White, J. B. Meacham, John R. Barron, W. W. Moore, M. G. Stone, Andrew E. Moore, C. E. Dobbins and R. L. Holt.

At 10:30 o'clock court was called to order. Judge Boyd entered, wearing a long black robe and everybody rose and stood until he was seated. After some preliminary matters were arranging the selecting of a jury began. The plaintiff accepted regular jury as it stood, but the defendants excused two men and others were called to take their places. Alyus Gilmer is the only colored person on the jury. He is said to be a good citizen.

THE ALLEGATION STATED. In his complaint Mr. Holton said this is a United States civil suit to recover \$21,000 in penalties from E. Smith, Sumner B. Sargent and E.

Dwelle. The plaintiff charges that the defendants brought Samuel B. Powers and discussed, informally, the question and 20 others aliens from England to Ellis Island, New York, prepaying their way to have them work in the heart of the legislature to pass a bill to give Winston a dispensary. There was opposition to this and it was argued by the legislature to pass the legislature to pass a bill to give winston a dispensary. There was opposition to this and it was argued by the legislature to pass a bill to give winston a dispensary. There was opposition to this and it was argued by the legislature to pass a bill to give winston a dispensary. Powers was promised from \$12 to \$15 a week for himself, at the same ort of work that he was doing in England and that his wife would be given twice as much as she was then getting.

It was explained here by ttorneys for the defendants that T. Costello, who solicited these people in England, was the immigration agent of North Carolina.

MR TILLETT SUBMITS ISSUES. Mr. Costello is not here to answer for himself. He has not been seen in the State for some time. In dis cussing the issues in the case, Mr. Tillett said that the elements should be separated for the issues. He declared that there should be more than 21 causes. Having explained his position on this point, Mr. Tillett read the following issues which he thought the case should be presented on. "1. Did the defendants Smith and Sargent procure the importation of

Samuel Powers, the aften mentioned in the first cause of action, by reason of the offers, solicitations and promises made by the said Smith and Sargent to and with the said alien, prior to the time of his importation as aleged in the complaint? "2. Did the defendants Smith and

Sargent at the time of the said importation of the said alien know that the offers promised and solicitations mentioned in the complaint had been made to and with the said alien? "? Was the said alien imported by the defendants Smith and Sargent to do skilled labor? "4. Could labor of the kind which

the said alien was imported to do have been found in this country unemployed at the time of the impor-"5. Is the plaintiff entitled to recover of the defendants Smith and Sargent the penalty of \$1,000 on account of the unlawful importation of the

said alien. Samuel Powers?" Judge Boyd took issue with Tillett. He did not see the necessity (Continued on Page Seven.)

Many Speeches Made on Bill, Mr. Grosvenor, of Ohio, Appearing as Principal Champion—Conference Reports on Fortifications Appropria-

tion and Omnibus Revenue Cutter Bills Adopted by House—Senate Provisions Regarding New Fortifica-tions Retained as Inserted With Reductions as to Amounts—Provision for Deep Waterway in North Carolina, From Pamlico Sound to Beaufort Inlet, Changed for 10 Instead of 12-Poot Channel, Cost Being Limited to \$550,000. Washington, Feb. 26.-General de-

bate on the so-called ship subsidy bill in the House under an agreement, continued through to-morrow, with a night session from 8 to 11 o'clock, when the were made on the bill, Mr. Grosvenor, of Ohlo, appearing as its principal to the corporation commission champion.

The conference reports on the foromnibus revenue cutter bill were All the Senate provisious adopted. regarding fotifications at Fort Moul-trie, S. C.; Forts Pickens and McRee, Mr. Manning obj Fla.; the defenses of Pensacola, Fla., and Mobile, Ala., and Fort St. Philip, and pass it failing to go the neces-La., were retained as inserted by the sary two-thirds vote. It is under-Senate, but with reductions as to the stood that the objection preventing as amounts of the appropriations. The conference reports on the army

appropriation bill and the river and harbor bill were presented. The Senate provision for a deep water survey at Savannah, Ga., was not ac- freight experts, to move a reconsidcepted.

amendment providing for a deep ett amendment, it is alleged, would waterway in North Carolina, from Pamilico sound to Beaufort inlet; as HEARING ON ANSON PROHIBIstead of 12 feet, the cost being limited to \$550,000. Among the amendments yielded by

the Senate was one making an addi-Among the items retained was one appropriating \$371,500 for St. Johns tive Lockhart and many other promiconferees were appointed on the ineffectual effort had been made to

amendments relating to the pay of rural letter carriers and railway mail An order was adopted authorizing he consideration in the House as in the committee of the whole of private

bills reported from certain commit-Two veto messages of House bills were received from the President. one of them negativing the Klowa pasture townsite bill and the other a bill for the relief of a civilian who

SUNDRY CIVIL BILL PASSED.

served in the civil war

Also Goes Through Senate-A Number of Conference Reports Adopted. Washington, Feb. 26.—The Senate to-day passed the sundry civil appropriation bill, carrying \$114,000,000 also passed the Aldrich currency bill by a vote of 43 to 144. The currency bill authorizes the issuance of fen-Mr. Coble rose once, but resumed his dollar gold certificates, to the end that the ten-dollar greenbacks may be broken up into one, two and fivedollar bills, for which there is a great posit for customs receipts in naceipts are now deposited. It raises from \$3,000,000 to \$9,000,000 the that may be retired in any one month.

the following appropriation bills: Naval, army, fortifications and District of Columbia. The conference report on the bill allowing the government the right of appeal in criminal cases was agreed to, as was also that on a bill opening for settlement 1,000,000 acres of the Rosebud Indian reservation in South Dakota.

DISPENSARY FOR WINSTON?

Proposition Excites Much Discussion -People Believe Representatives Will Allow Them a Vote-Temperance Advocates Said to Oppose. Special to The Observer. Winston-Salem, Feb. 28.—The proposi-tion to establish a dispensary in this city to take the place of the 11 saleons

causing much discussion, pro and con.

one or more citizens present that the temperance element would not stand for such a proposition. Dr. D. Clay Lilly and Mr. E. E. Gray, spoke and one of the speakers suggested that a meeting of the Anti-Saloon League might be called to take a hand in the fight Dr. J. P. Taylor was the speaker for the advocates of the dispensary. The meeting adjourned without any action "We just talked out and left." The sentiment of the community appears to be as stated yesterday that the Representatives in the Legislature will not put a dispensary upon the people without giving the voters an opportunity to say whether they want it. whether they want it. A prominent citizen remarked this morning: "Let this fight continue and we temperance forces will vote this town dry." One of the leading citizens has expressed himself in favor of a dispensary providing the town would establish and operate a town would establish and operate a distillery and make nothing but the "pure stuff." He helds that to try to run-a dispensary and buy "supplies from Tim. Dick and Harry," would produce graft, besides the goods now purchased are detrimental to both the health and character of men. This citizen quotes physicians as saying that they cannot set any good whiskey for medicinal purchased. get any good whiskey for medicinal pur

Mrs. Malinda Call, willow of Mr. Ell.
Call, died Sunday at her home, near
Smith Grove, Davie county. She was
nearly 100 years old, and was the first
woman married in Davie after the coun-

ty was created in 1846. COMMISSION DENIES PETITION.

John Bullard to Pay Death Penalty for Daughter's Murder Friday, less Consumption Claims Him Before That Time.

Atlanta, Ga., Feb. 26 .--- A petition was presented to the prison commission to-day and denied by that body, for the commutation of the death sentence for John Bullard, who is to be hanged at Marietta, Ga., next Friday for the murder of his daughter last September. The Supreme Court has denied a new trial for Bullard, and a board of physicians has declared him sane.

It was declared in the petition that only the interference of the commission could save Bullard from the viding for the expenditure of \$50, scaffold, unless consumption, from which he is said to be dying, shall building, and that it was proposed in the control of the control

MRS. THAW LEAVES STAND 17 DIE FROM ASPHYXIATION STATE WILL FINALLY WIN CANAL ENGINEER RESIGNS CASE OF THE MILL MEN UP DEBATE ON SHIP SUBSIDY A RATE BILL BY GRAHAM

Senator Graham Introduces in Bill Making Flat Rate of 2½ Cents
Bill Making Flat Rate of 2½ Cents
Per Mile on All Railroads in the
State—House Committee Discusses
Freight Rates—Special Order in
Senate Thursday—Bill to Regulate
Sale of Goods in Bulk Passes Sen-

ate—Governor Sends Message ing Better Accommodations Branches of Administration. Observer Bureau, The Hollaman Building, Raleigh, Feb. 26.

There was but little discussion of the freight rate bill, the special order to-night. Manning, was begun to-day in the House, and chairman of the committee, made a brief but comprehensive review of its sections, answering many questions throughout the day. The rule limit-ing the general debate to five hours lass, Dowd and Bickett advocated was by unanimous consent amended various amendments to the bill, one so that general debate shall run by Douglass, providing that no penalty shall be recovered for delayed shipment to an amount exceeding three times the value of the goods, being debate will terminate. Many speeches adopted. The Bickett amendment to Section 3, which was adopted, gives authority to excuse from the penalties for failure to furnish cars, taose tifications appropriation bill and the roads of less than 100 miles in length, operated independent of other sys-

tems. The bill as amended passed Mr. Manning objected to the third reading a motion to suspend the rules final reading to-night was made by the chairman and others who had the construction and preparation of the bill in charge with the assistance of the corporation commission and eration of the vote by which the There was a change in the Senate amendments were adopted. The Bickmake the whole act unconstitutional.

TION. There was a prolonged hearing by the joint Senate and House committees on liquor traffic this afternoon, tional appropriation of \$70,000 for Redwine's bill for prohibition in Anlasting into the night, over Senator son county. There were large delegations from both sides, Representanent citizens protesting conferees were appointed on legislating the salous allowing out of Wadesboro without allowing recede and concur in certain Senate leave it to a vote of the people of the whole county.

The committee reported favorably the bill providing for prohibition by legislative act.

The House committee on health reported unanimously in favor of Dr. Gordon's bill establishing a State hospital for treatment of tuberculosis. The Greater Charlotte bill passed its final reading, and the House ad-journed at 10 o'clock.

THE HOUSE.

The House met at 10:30, Rev. R. T. Vann offering prayer. The bill providing for the creation of Lee county was favorably reported by the com-Measure Carries an Appropriation of mittee, London filing the minority \$114.000,000—Aldrich Currency Bill report. The bill was, on motion of McNeill, made a special order Thursday and debate upon it was limited to half an hour by each side. The salaries and fees committee reported unfavorably the bill fixing salaries for the officers of Wake county.

the committee being unanimously opposed to this measure. The committee on education ported through Jackson the bill providing for the support of the State demand. It also authorizes the de- Normal and Industrial College, at Greensboro, and this bill, together tional banks as internal revenue re- with that for the maintenance of the Agricultural and Mechanical College, \$9,000,000 the at Raleigh, was referred to the comamount of national bank circulation mittee on appropriations; the Normal and Industrial bill carries the follow-Conference reports were adopted on ing appropriations: For annual maintenance \$65,000; to complete student building \$10,000, for a new dormitory \$50,000, and for a science building

Bills were introduced as follows: Rodwell: To amend the Warren ounty road law. Bickett: To improve live stock in

he State. Parks: To change the boundary beween Ashe and Wilkes. Blanchard: To regulate pay of

urors in Perquimans, Bickett: To allow Franklin county vote on an issue of road bonds. Price, of Rockingham: To provide for payment of witnesses and jurors summoned as special ventremen

Watts: To establish a school district out of parts of Iredell and Alexander. Grier: To protect game in Mecklenburg. Gilliam: To allow Windsor to con-

vey certain property to graded schools Wood: To allow Randleman to issue bonds and to amend its charter. Owens: To authorize the bondsmen of A. W. Aman, the defaulting and bsconding sheriff of Sampson county,

o collect his taxes. Gallert: To give Rutherford the oad law McRae: To allow Rowland to issue

onds. Preston: to allow Charlotte to issue onds and provide for their payment, Hollowell: To authorize Wayne to evy a special tax.

Wood: To allow Randolph to vot on an issue of bonds for good roads and to allow Ashebro to issue school bonds. Owen: To allow Sumpson county to

offer a reward for the defaulting sheriff. Gaston: To amend the Revisal regarding the tax on real estata dealers. Parker: To validate probates by the derk of Jones court.

Bolton: Regarding the liability of common carriers to employes, A resolution was offered by McRae amending the rules by providing that on the first day of the session of the House members shall draw for

seats. ENLARGEMENT OF CAPITOL A message was received from Governor Glenn regarding the rental of buildings at heavy expense for the storage of books and records and for ine by the insurance department. stating that in renting these buildings the council of State had stretched its authority to the utmost. He mended either the enlargement of the Capitol or a hall of history to cover the present needs. The message was referred to the committee on public buildings and grounds. Morte this committee, said that at a session of the Senate and House mittees on this subject, it had