

WIFE APPEARS IN COURT

MRS. BYWATERS TELLS STORY

Although Pale and Wan Wife of Murdered Man, after Being Ruled Incompetent in Invald's Chair Maintains Her Composure and Completes Direct and Cross-Examination by Noon Adjournment...

Mrs. Bywaters testified that she was 23 years old, and that she had known Bywaters since she was a little child...

After some delay over a consultation between the defense and prosecution, the invalid in her chair with its occupant, were placed on the witness stand...

When she realized her condition she spoke to Bywaters and he said that she was mistaken...

At this point the witness was questioned regarding one of her brothers seeing Bywaters coming from the direction of her room at night...

Third Visit to Washington. Mrs. Bywaters testified that Bywaters insisted on a third visit to Washington and she finally consented to go...

MAY BE AN OFFICIAL OPINION

Attorney General Will Probably Be Asked to Make Answer as to Whether South Carolina Alien Was Lawfully or Unlawfully Landed.

Washington, Feb. 27.—The failure of Secretary Strauss, of the Department of Commerce, to make direct response to the recent inquiry of the House as to whether the alien laborer who had been brought into South Carolina as the result of the efforts of Commissioner Watson, of that State, were lawfully landed, will probably result in an official opinion by the attorney general on the subject...

TO VISIT JAMESTOWN.

House Accepts Invitation of President Tucker, of Exposition Company, and Delegates are Appointed to Attend. Washington, Feb. 27.—The House today accepted the formal invitation of President Harry George Tucker of the Jamestown Exposition...

MAJ. GEN. GRANT AT CAPITAL.

In Conference With Gen. Bell Date For Going into Camp at Jamestown is Fixed. Washington, Feb. 27.—Major General Grant, D. D., commanding the Department of the East, who will have command of all the troops at the Jamestown Exposition, arrived here this morning from Jamestown...

WOMAN MURDERED IN STORE

Criminal After Looting Money Drawer and Stealing Quantity of Cigars, Makes Escape Through Settled Section. Fayetteville, R. I., Feb. 27.—Mrs. Alexander Henderson was murdered in her little candy store here to-day, by a robber, who after emptying the money drawer and stealing a quantity of cigars, made his escape through a settled section of the city, leaving a mess him a trail of blood...

PROSECUTION TO CONTINUE.

Tobacco Trust May Again Be Hauled into Court. Washington, Feb. 27.—A decision was reached at the House to-day, by the House Judiciary Committee, that the prosecution against the tobacco trust shall be continued...

IN PORTLAND, ORE., FEB. 18.

Missing Banker Registered Under Name of Sether. New York, Feb. 27.—A local detective agency engaged to trace William E. Walker, the missing bank treasurer of New Britain, Conn., announced to-day that Walker stopped at the Portland Hotel, at Portland, Ore., the night of February 18, giving the name of W. D. Sether...

PRESIDENT ASKS STATEMENTS

Executive Interested in Recent Shortage. Washington, Feb. 27.—President Roosevelt has taken up with Secretary Shaw the matter of the shortage of \$173,000, recently discovered in the Chicago sub-treasury...

Rhode Island Legislature Fails to Elect U. S. Senator.

Providence, R. I., Feb. 27.—The State Legislature failed to-day to elect a United States Senator on the 28th ballot, the record for United States Senatorship contests in Rhode Island. Thirty-two years ago General Amos E. Burnside on the 28th ballot defeated his seven opponents...

HOT SPEECH BY OVERMAN

PRESENTS IRREGULAR METHODS

For Heel Senator Says Amendment Calling For Appropriation \$200,000 For Locks and Dams on Upper Cape Fear Was Passed by Senate Only to Be Rejected by House of Engineers Who on Further Investigation Advise Less Expensive Method Than That Agreed On—Wadesboro Bank Government Depository.

BY W. A. HILDEBRAND.

Observer Bureau, 1417 G Street, N. W., Washington, Feb. 27.—The introduction of the river and harbor bill in the House, which has brought on some interesting developments, Senator Overman went on the war path. He said in open Senate: "Mr. President: I desire to protest against some of the methods which have been adopted in the report upon items which had been adopted and placed upon the bill as it passed the Senate. I introduced an amendment in the Senate for an appropriation of \$200,000 to be expended for the construction of locks and dams upon the upper Cape Fear river...

UNFAIR TO THE SENATE.

"I understand they went there and simply rode down the river. They sent to the House a written report to the effect that probably they might adopt a scheme for their improvement which would be cheaper. I protest against that way of doing business. It is unfair to the Senate, to say the least of it. That report ought to be before the other reports and printed and have the other reports read and approved. If the Secretary of War or the engineer wanted to have the matter investigated, it should have been done before this session of Congress assembled. The report should have come up here at the session. I have not been able to get a copy of the report, although I have tried time and gain to do so. I repeat that they have some sort of report before the conference committee and suggesting that the lie in the report contained in the amendment adopted by the Senate, another survey be made. I should like to get some information regarding the matter. I should like to know why these engineers have been here, and why they were not reported on before. I seem to me we have been done for some purpose in order to prevent this appropriation. It is an outrage upon the Senate. We are entitled to a report. I repeat, I want to protest against that method of doing business. It is evident that someone has been trying to defeat this appropriation by fair means, wish to say further, and to give notice that if this appropriation is defeated by these methods, at the next session of Congress when the river and harbor bill comes up for consideration and the Upper Cape Fear river is not provided for, I shall do my best to see that no bill of this kind passes."

REASONS FOR PROJECT'S FAILURE.

Some members of the North Carolina delegation to-day received letters from persons in Fayetteville who are interested in the proposed locks and dams, and they are expressing their defeat of this project are not properly understood. By way of removing this apprehension the writer sought a statement from Senator Berry, the Senate conferee on the part of the minority, who has a very great interest in these North Carolina matters as he has in the legislative project of his own or another State. Senator Berry said that the reason this appropriation was not allowed was because of the proposed locks and dams, and otherwise adopt that economical plan of improvement. The bill directs this additional investigation to be made with the view of reducing the number of the proposed locks and dams, and otherwise adopt that economical plan of improvement. The bill directs this additional investigation to be made with the view of reducing the number of the proposed locks and dams, and otherwise adopt that economical plan of improvement. The bill directs this additional investigation to be made with the view of reducing the number of the proposed locks and dams, and otherwise adopt that economical plan of improvement.

SMALL VOUCHER WORK.

Representative Burton of Washington, very much deprecates the attitude of Chairman Burton toward some of the North Carolina projects. He thinks the House should have taken some action on the bill of Mr. Smith relating to the island waterway along while the House is in session. The North Carolina member enlisted the sympathetic support of most of the House membership in his advocacy of this great scheme. Mr. Burton is a member of a congressional party that made the trip to the route of the proposed island waterway last summer, and since that time he has always been ready to supplement the efforts of Mr. Small.

Exchange to Eliminate Several Grades of Cotton.

New York, Feb. 27.—The New York Cotton Exchange to-day instructed its board of managers to draw up a resolution which will eliminate several grades of cotton from deliveries on contract. The grades proposed to be eliminated are strict to middling stained, low middling tinged and good ordinary white. The exchange will meet again to act on the resolution.

GOOD DAY FOR DEFENSE

NO EVIDENCE OF CONSPIRACY

Government Attorneys Routed by Those of Defense, Assisted by Judge Boyd—His Honor Says There is No Evidence of Conspiracy and Sustains Objections to Testimony of What Costello Told Immigrants—Says Costello is Guilty if Government's Contentions Are True—Several Witnesses Testify.

Special to The Observer.

Greensboro, Feb. 27.—Messrs. Tillet, Cassler and Bynum, representing the defendants in the case of the United States against Messrs. E. A. Smith and Sumner B. Sargent, of Charlotte, charged with violating the immigration law, outgeneraled District Attorney Holton, Assistant Attorney General Cooley and Assistant District Attorney Coble at every turn to-day. When Mr. Holton put Olive Drake, one of the English girls, on the witness stand and asked her what talk she had had with Thomas Costello before coming to this country to work, Mr. Bynum rose and made a very forceful and elaborate and convincing argument against admitting such testimony as it was plainly evident that the government was going to try to bring out. He was followed by Mr. Cassler, for the defendants, and Messrs. Cooley, Coble and Holton, for the plaintiffs, and Mr. Tillet, for the defendants, in the order named.

BLOW TO GOVERNMENT COUNSEL.

It was claimed by the government that Costello, Smith and Sargent had formed a conspiracy to import cotton mill operatives. Judge Boyd held with the attorneys for the defendants, who had declared that no evidence of an unlawful agreement had been produced and shut off the testimony of the effect that probably they might adopt a scheme for their improvement which would be cheaper. I protest against that way of doing business. It is unfair to the Senate, to say the least of it. That report ought to be before the other reports and printed and have the other reports read and approved. If the Secretary of War or the engineer wanted to have the matter investigated, it should have been done before this session of Congress assembled. The report should have come up here at the session. I have not been able to get a copy of the report, although I have tried time and gain to do so. I repeat that they have some sort of report before the conference committee and suggesting that the lie in the report contained in the amendment adopted by the Senate, another survey be made. I should like to get some information regarding the matter. I should like to know why these engineers have been here, and why they were not reported on before. I seem to me we have been done for some purpose in order to prevent this appropriation. It is an outrage upon the Senate. We are entitled to a report. I repeat, I want to protest against that method of doing business. It is evident that someone has been trying to defeat this appropriation by fair means, wish to say further, and to give notice that if this appropriation is defeated by these methods, at the next session of Congress when the river and harbor bill comes up for consideration and the Upper Cape Fear river is not provided for, I shall do my best to see that no bill of this kind passes."

BINGAMAN TO BE CALLED.

The district attorney stated also that he would call Dr. Charles F. Bingaman, of Pittsburg, the Thaw family physician, in rebuttal. Dr. Bingaman was on the stand for a short time to-day, but Mr. Delmas objected when Mr. Jerome started in to cross-examine the physician as to insanity in the Thaw family on the ground that the witness had not qualified as an expert. Mr. Jerome thereupon told Dr. Bingaman to hold himself in readiness to take the stand for the State.

Dr. Bingaman told to-day of visiting Mrs. Thaw in the home during August last, when the prisoner seemed much depressed and suffered from the delusion that a conspiracy had been formed against him, complaining that he was not allowed to put paper over the grating in his cell door because they wanted the cold air to blow in and give him lunacy. He said he would die and his case never come to trial.

DEFENSE CONCLUDES THIS WEEK.

Mr. Delmas announced to-day that the defense would conclude this case this week. The physician in the case assumed that District Attorney Jerome would conclude his cross-examination to-day. Mr. Jerome did not even finish with Dr. Evans and he will be recalled to-morrow morning. Dr. John T. Desmar, the physician to Mrs. Wm. Thaw's family will follow Dr. Evans and then will come Dr. Wagner. After these have testified, Mrs. William Thaw herself will take the stand, according to present plans. The defense may, therefore, conclude by Monday or Tuesday of next week. Mr. Jerome has moved for lunacy commission, it is expected he will do so during the taking of the rebuttal testimony next week.

MR. HUTCHINSON TALKS.

Mr. A. C. Hutchinson, being sworn, said: "I was secretary and treasurer of the Southern Manufacturers' Club, which met frequently at the Southern Manufacturers' Club. Smith and Sargent attended the meetings. They, with other members, discussed the scarcity and demoralization of getting mill help. We talked about cotton operatives. Mr. T. M. Costello said there were a lot of people in England and Ireland who would like to come to this country. He declared that the mill operatives were unemployed and that wages in the old country were low. "We agreed that we would like to have the English people over here. I was secretary of the Immigration Law. Everybody understood the law. Nothing further was said about the matter then. I think, was turned over to Messrs. Smith and Sargent, and they had Governor Glenn to appoint Mr. Costello Immigration agent. Mr. Costello and I agreed that if we sent over and hired the foreigners we would be breaking the law. We knew that Costello had gone as a representative or agent of the State."

DR. EVANS QUALIFIES.

After an exhaustive series of questions as to Dr. Evans' qualifications as an expert in insanity cases, Mr. Jerome turned to the doctor portions of the latter's testimony in another case, in which he stated that all cases of insanity could be classified into five grand divisions. Mr. Jerome took these divisions up one at a time and asked him if Thaw now or at any time suffered from that particular class. Idiotcy, imbecility and dementia were dismissed. When it came to melancholia, Dr. Evans said he was of opinion that one time Thaw suffered from an insane condition of the mind which might be classed under the grand division of melancholia.

SHORTAGE OF OPERATIVES.

"My mill has short 25 per cent. of the operatives required to run it. I worked, as a rule, about 175 persons. One-fourth of our machinery was idle. There was no unemployed help available in this country. The same conditions prevailed throughout the Charlotte mill territory. The desire was for cotton mill operatives and nothing else. "I recall that Mr. D. A. Tompkins suggested in the club that we should do as South Carolina had done and have an immigration agent appointed. This plan was adopted. Costello, who had lived in England, said that he knew a lot of people who would like to come to this country, and he would be glad to come without making any contracts, explaining that they had nothing to do and were unemployed."

EVANS IS CROSS-EXAMINED

COMMISSION IN LUNACY LIKELY.

Mr. Jerome Gives Further Indication of Purpose to Ask Report on Present Condition of Thaw's Mind—Dr. Hamilton, One of Defense Attorneys, to Be Called as Witness in Rebuttal—Thaw Family Physician, Dr. Bingaman, Called to Stand For Short Time, But Objected to by Mr. Delmas Because He Had Not Qualified as an Expert Witness—Mrs. Thaw Re-Called For a Few Questions—Committed in Long Cross-Examination—Delmas Announces That Defense Will Conclude This Week.

New York, Feb. 27.—Interest in the Thaw trial to-day entered in the maneuvers of District Attorney Jerome, who seemed to give further indication of his purpose in the near future to apply for lunacy commission in lunacy to report upon the present condition of the defendant's mind. The witness stand for the greater part of the day was occupied by Dr. Britton D. Evans, doctor of the New Jersey Hospital for the Insane at Morris Plains, N. J., an alienist for the defense who was called for cross-examination. Mr. Jerome seemed to direct his efforts at getting from Dr. Evans information as to the exact recognized forms of insanity from which the expert declared Harry Thaw was suffering at the time of the killing of White. Dr. Evans had testified that in his will Thaw displayed evidences of a melancholic state of mind. The district attorney dwelt for an hour or more upon the subject of melancholia and then asked the expert if he was not of opinion that in acute melancholia there is a recurrence of the affliction in at least one-third of all classes. Dr. Evans said there was.

Mr. Jerome said he intended calling as a witness in rebuttal Dr. Allan McLean Hamilton, the alienist who was employed by the defense, but who has not heretofore figured in the trial. Dr. Hamilton recently returned from Europe and in a published interview just after he landed, was reported to have said that he came to the conclusion that Thaw was insane at the time of the tragedy and that he is insane now.

RECOVERY WOULD BE UNUSUAL.

"You know enough about this subject to say whether or not such a recovery would be unusual." "I should say it would." "I have had cases clear up during the night due to a thorough clearing out of the organs of the bowels." "I have seen a man suffering from melancholia write long letters complaining of ill treatment and talk of suicide." "Some times." "Did the letters you read here on the stand the other day show any signs of melancholia?" "I don't remember. If you will show them to me I will see."

TRIES TO KILL HIMSELF.

Thomas Browning Takes Lunacy. Thinking Work Will Be at an End—Attempt Fails—Teachers Expecting a Good Time at Durham. Durham, Feb. 27.—The announcement was given here this afternoon that the executive committee of the North Carolina Teachers' Assembly has decided to hold the next annual meeting in this city, this meeting being June 12 to 14, inclusive. Charlotte and Morehead City asked for the meeting, but the committee, after carefully considering the invitation and canvassing the situation, decided to meet in Durham. It is probable that a special teachers' train will run from Durham to Norfolk to carry the teachers to the Jamestown Exposition. This will be a drawing card, and it is expected, the attendance of several hundred. The record of last year will be broken. Late this evening, Thomas Browning, a young man, attempted suicide by drinking a bottle of laudanum. No cause was given for the act. A physician was soon with him and his life was saved, as it was learned late to-day. Browning got the place he was working, saying he would never work any more in a factory in a few minutes. He had the contents of two ounce-bottles of laudanum into a dipper and drank the drug. He has a young wife, but no children.

Pool Selling on Horse-Races Prevented.

Little Rock, Ark., Feb. 27.—Acting Governor John I. Moore to-day signed the bill introduced by Senator Amlis and recently passed by both houses of the State Legislature which prohibits pool selling on horse races in Arkansas. Inasmuch as the bill becomes effective immediately, it may have the effect of closing the racetrack meeting now in progress at Oaklawn track, Hot Springs.

Chemist Found Dead in Room.

Pittsburg, Feb. 27.—Prof. T. M. Taylor, of the chemistry department of the Carnegie Technical School, was found dead to-day in his room at the residence of Mrs. W. H. Hartzell, of No. 229 Halket street. There was a bullet wound behind his left ear, and a new revolver was lying on the floor. Nervous breakdown, following overwork, is said to have been the cause of the suicide. He was 33 years old, single and formerly lived at Oberlin, O.

Three Killed by Passenger Train.

Baltimore, Feb. 27.—Falling to hear warnings while at work on the tracks of the Baltimore & Ohio Railroad at Camden station to-day, William Snyder, Frank Zinka and Carlo Sallidoni were struck by a passenger engine being backed to a waiting train. Snyder and Zinka were instantly killed, and Sallidoni died half an hour after being taken to a hospital.

Nominations Sent the Senate.

Washington, Feb. 27.—The President to-day sent to the Senate the following nominations: United States district judge, eastern district of Missouri, David Patterson; U. S. postmaster, North Carolina, S. M. Hamrick; Hickory; W. Jones, North Wilkesboro; C. A. Johns, Lincolnton; F. Roberts, Marshall; M. Meekins, Elizabeth City; South Carolina, S. S. Shuman, Camden.

THE ANTI-TRUST BILL UP

MANNING DEFENDS TOBACCO CO.

Heated Discussion in House Last Night Over Anti-Trust Bill—Winborne Defends It in Elaborate Speech—Grant Offers Amendment to Take in Cotton Mills and Insurance Trusts—Manning Says Bill Would Ruin Tobacco—Representative Bryant Makes Statement—Bill to Elect Insurance Commissioner by Popular Vote Goes to Committee. Observer Bureau, Raleigh, Feb. 27.

The House committee on cities and counties by a vote of eight to one reported against the new county of Glenn, from parts of Cumberland and Robeson. There were large delegations present. Senator McLaughlin, of Cumberland, was alone among the Representatives speaking for the new county, Senator McLean, Representative Bolton, McRae and McNeill opposing it.

DEBATE OVER WILKES TRESAS.

There was a long debate over Turlington's bill providing for creating the office of treasurer of Wilkes county. Congressman Hackett pressed the bill. It was stoutly opposed by W. W. Barber and Representative Bryant. Barber, who is chairman of the Democratic county executive committee, made a remarkably plain speech against the bill. He declared that C. W. Carlton, named as the treasurer, was personally a reputable young man, but was a rank Republican until the past election when, finding Blackburn's star in eclipse, he deserted him and this office was a reward for personal services rendered only one Democratic candidate. He protested against paying for political service rendered Mr. Hackett out of public funds, and declared that the bill would place an eternal stigma on the Democratic party and a millstone around its neck in Wilkes county to take money out of the pockets of taxpayers to reward a party traitor. He said if Carlton's services to the county for Congress were worth \$1,000, he would be one of 10 Democrats to contribute \$100 out of his own pocket to foot the bill. The committee, in executive session, reported the bill favorably amending it so as to go in effect until December first.

TO TAKE GOVERNMENT OF SAMPSON.

A caucus of House Democrats was called to-night on the Sampson county matter. Many Democrats are endeavoring to take the county out of Republican hands by having the Legislature elect more commissioners. The Democratic executive committee, two Democrats on the county board of elections, boards of education, superintendent of schools, number of the men of the county and three-fourths of the merchants of Clinton urge the passage of the bill. The citizens are here demanding it.

ROYSTER'S INSURANCE BILL.

The bill introduced by Chairman Royster, of the insurance committee of the House, requiring all insurance companies to deposit a certain amount in cash or securities with the insurance commissioner in this State, provided that every such company, association or order shall maintain on hand to the commissioner, a statement of its capital stock unless it be a mutual company and deposit in his hands bonds of United States or of this State for not more than \$50,000 in this State or other approved securities equal to 5 per cent. of the capital stock or not less than \$10,000 nor more than \$50,000. If a mutual company, it shall deposit not less than \$10,000 nor more than \$50,000 of the capital amount to be determined by the insurance commissioner as may seem equitable upon comparison with the deposit required by stock companies. The commissioner is authorized to make an annual assessment of one-twentieth of one per cent. upon the face value of the deposits to pay the expenses of keeping and handling these securities. The commissioner is to require every company to make good any appreciation or reduction in value of the securities. The company is to draw interest on the bonds if the company fails to pay any of its liabilities or policies in this State, the commissioner shall, upon application, sell enough of the bonds to pay the sum of the securities. The company's policyholders are to have the lien on the bonds deposited, the amounts due them for losses, equitable values, return premiums, or otherwise. All companies before doing business in this State shall be required to acquire with this act and those now doing business are allowed until July 1 to comply with it.

TORACCO TRUST NECESSARY.

Mr. Manning of Durham, after introducing a substitute, spoke on the committee bill. He said he was a defender of trusts, but in answer to the charges that he was directed at the American Tobacco Company, he called attention to the great wealth had grown from the tobacco industry. "You cannot destroy or injure the American Tobacco Company," he said. "You cannot destroy the prosperity of my city, because the