WIFE APPEARS IN COURT MRS. BYWATERS TELLS STORY

dered Man, after Being Rolled Into Cours in Invalid's Chair Maintains Her Composure and Completes Direct and Cross-Examination by Noon Adjournment—Describes Restless Desire of Bywaters to Leave Her Within Short Time After Marriage Ceremony and Then of Brother's Opening Fire Upon Him—Story Supplemented by Testimony of Mrs. G. L. Gaines and George French Strother.

Culpepper, Va., Feb. 27 .- Mrs. William Bywaters, whose husband was killed by her brothers, James and Philip Strother, on the night of December 15 last, a few moments after his marriage to their sister, was the principal witness in their trial today. She was placed on the stand by counsel for the defense and, although pale and wan and being compelled to come into court in an invalid's chair, she maintained her composure and when court adjourned for luncheon, had completed her direct and cross-examination. Beginning with her early association with the dead man and with her love for him she told the jury of her betrayal under premise of marriage, of her pleadings with Bywaters to make reparation, of Bywaters' insistence upon a criminal operation, of her refusal at first and then her agreement and visits to Washington in company with Bywaters where two operations were performed. She described how, when her condition became known to her brothers and she broke down and confessed, they demanded of her betrayer that he immediately marry her. In answer to a question she said that she did not think Bywaters at first intended to marry her. She described the restless desire of Bywaters to leave her within a short time after the ceremony and then of her brother's opening fire upon him. She was unable to give minute details of the shooting as she was too overcome by the excitement of the moment.

Mrs. Bywaters' story was supplemented by the testimony of Mrs. George L. Gaines and George French Strother, sister and brother of the defendants. To-morrow James and Philip Strother, the principals in the killing of Bywaters, will be called to the witness stand.

MRS. BYWATERS A WITNESS. Pale and wan, her face showing

traces of illness and suffering, Mrs. Bywaters was wheeled into the court brothers, James and Philip Strother, seated in the inclosure, surrounded by their three attorneys, she smiled pathetically at them, and they in turn gave back a smile of encouragement.

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, Mrs. Bywaters began her testimony.

"My child," began Attorney Lee, "you have been called to tell story of the sad and regrettable affair which resulted in the death of your husband, William F. Bywaters, and your relations with him preceding

After some hesitancy, Mrs. Bywaters, under the deferential questioning of Attorney Lee, slowly related her story.

Mrs. Bywaters testified that was 23 years old, and that she had known Bywaters since she was a litknown Bywaters since she was a little child. At that time, she said, he treated her as a brether would. He became more affectionate after father's death in 1904, and the witness replying to a question, said that her improper relations with Bywaters herange.

Mrs. Henderson conducted a small store in Brooks street, and made her home in rooms above it. A boy discovered the body on the floor with the face and shoulders covered with blood. A bloody axe lay nearby, but all inquiries in the neighborhood failed to disclose any one who had seen any suspicious character about the place during the afbegan about four months before her mother's death, which was about 14 months after her father had died.

TO WASHINGTON ALONE. When she realized her condition she spoke to Bywaters and he said that she was mistaken. Later Bywaters suggested a criminal opera-She said she had no idea what such an operation meant and she did not know anything else-to do. Finally she consented, and early in October she went to Washington. Bywaters did not accompany her, but went on a later train the same day. It was then too late to see a doctor, so they went to a hotel where they passed the night and the next day went to Dr. Leon's office and she was operated upon. The operation, she testified, was not successful and two weeks later they returned to Washington and went to see another physician, a Dr. Walters. This one said he could not do anything for her, and advised Bywaters and herself to get married.

At this point the witness questioned regarding one of her brothers seeing Bywaters coming from the direction of her room at night. She said that when ques-

ment admitting the wrong he had one, speaking highly of the Strother amily, and telling of the excuse they could make for his conduct the night her brother had seen him across the hall from her room, Bywaters also said in the letter that he had suffered more than he ever before had suffered and said the trouble was almost killing him.

THIRD VISIT TO WASHINGTON. Mrs. Bywaters testified that Byinsisted on a third visit to Washington and she sinally consented to go. He went to Washington on nday to attend the races and she went there the following Wednesday. The train was late and they did not see the doctor until the next day. That was Thanksgiving Day and the loctor refused to work on a holiday. ally performed an operation with instruments. The witness said that, although she was sufering ex-oruciating pain, she had to walk from the hotel to the street car, no enr-

(Continued on Page Four.)

MAX BE AN OFFICIAL OPINION

Washington, Feb. 27.,-The failure of Secretary Stricus, of the Department of Commerce, to make direct response to the repent inquiry of the House as to whether the alien laborers who had been brought into South Carolina as the result of the efforts of Commissioner Watson, of that State, were lawfully landed, will prob-State, were lawfully landed, will probably result in an official opinion by the attorney general on the subject. When the Secretary's reply was received it was found that he had simply forwarded a copy of a decision by his predecessor holding that Mr. Watson had not violated the contract labor law, but Representative Gardner, author of the resolution of inquiry, took prompt exception to this response, contending that it was not complete in that it falled to treat the question as connected with the immigrants them solves. The committee on immigraselves. The committee on immigra-tion then presented a request to the President that the matter be referred to the Attorney General. This request has been granted and it is understood that the matter will be promptly taken up by the Department of Justice. It is said that expected the promptly taken to be a said that expected the promptly taken up by the Department of Justice. It is said that expected the promptly taken to be a said that expected the promptly taken to be a said that expected the promptly taken to be a said that expected the said that expected the said that the said that expected the said that expected the said that the sai tensive preparations for the importation of laborers into several States have been made as a result of the ruling of the Department of Commerce in the South Carolina case and it is asserted that many of these imported laborers while ostensibly imported to work on Southern farms, are in reality destined for the North.

## TO VISIT JAMESTOWN.

House Accepts Invitation of President Tucker, of Exposition Company, and Delegates are Appointed to Attend. Washington, Feb. 27.-The House to-day accepted the formal invitation of President Harry St. George Tucker of the Jamestown Exposition, to attend the formal opening of the tercentennial of the settlement of James-town on April 26th, 1907, and adopted a resolution offered by Mr. Maynard, of Virginia, that 10 Senators and 15 depresentatives of the 59th Congress be appointed to attend the same.

An invitation to the Vice President and the Senate to attend the opening on April 26 next, of Jamestown ter-centennial was received from President Tucker, of the exposition company. It was read to the Senate, but no action was taken.

MAJ. GEN. GRANT AT CAPITAL

In Conference With Gen. Bell Date For Going Into Camp at James-town is Fixed.

Washington, Feb. 27.-Major General Frederick D. Grant, commanding the Department of the East, who will have command of all the troops at the Jamestown Exposition, arrived here this morning from Jamestown, Bywaters was wheeled into the court where he inspected the site of the pristion. It is an outrage upon the by her sister, Mrs. Edward L. Gaines. Proposed military camp. He had a Senate. We are entitled to see that conference with General Bell, chief of report. I repeat, I want to protest staff, as a result of which orders against that method of doing business, will be issued for the fol- it is evident that someone has been lowing named troops camp at the try, now stationed at Fort Sneling, priation is defeated by these methods, at the next session of Congress when

> tioned at Washington barracks WOMAN MURDERED IN STORE

Criminal After Looting Money Drawer and Stealing Quantity of Cigars, Makes Escape Through Settled Section

Pawtucket, R. I., Feb. 27.-Mrs. Alexander Henderson was murdered in her little candy store here to-day, by a rob-ber, who after emptying the money drawer and stealing a quantity of cigars, made his escape through a settled section of the city, leaving a bens him a trail of blood

Mrs. Henderson" conducted a

PROSECUTION TO CONTINUE.

Tobacco Trust May Again Be Hauled Washington, Feb. 27.—A decision was reached at a conference at the White House to-day that the prosecution gurated some time ago in New against the tobacco trust shall be against the tobacco trust shall be continued. Announcement to this effect was made at the conclusion of the conference which was participated in by Attorney General Bonaparte and Henry W. Taft, of New York, a brother of the Secretary of War, who until recently was in charge of the prosecution of these cases, and Henry L. Stimson, United States attorney for the southern district of New York. Messrs. Taft and Stimson left for New York immediately after the conference. Mr. Taft's place in the conduct of the prosecution has been taken by Mr. McReynolds.

IN PORTLAND, ORE., FEB. 18.

Name of Sether. New York, Feb. 27 .- A local tective agency engaged to trace Wil-liam F. 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.

Secretary for the statement as to the shortage and the facts. The President also asked the ecretary for a statement of the shortage recently discovered in the St. Louis sub-Treasury, which amounts to \$63,000.

Rhode Island Legislature Fails to Elect U. S. Scintor, 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 Amrose E. Burnside on the 28th ballot defeated his seven opponents. The balloting to-day gave Colonel Coddard 41 votes; Colonel Colt, 37; Senator Wetmore 20 and ex-Governor Utter 1.

HOT SPEECH BY OVERMAN GOOD DAY FOR DEFENSE EVANS IS CROSS-EXAMINED ESENTS IRREGULAR METHODS NO EVIDENCE OF CONSPIRACY

Calling For Appropriation \$3200.06 for Locks and Dams on Upper Cap Fear Was Passed by Senate Only be Faced by Report of Enginee Who on Superficial Investigation Advise Less Expensive Method Than That Agreed On—Wadeshor Bank Government Depository.

BY W. A. HILDEBRAND.

Observer Bureau 1417 G. Street, N. W., Washington, Feb. 27. Senator Overman went on the war path. He said in open Sen-ate: "Mr. President: I desire to protest against some of the methods which have been adopted in regard to the report upon items which had been adopted and placed upon the bill as passed the Senate. I introduced been purchased. Now we have here the printed reports as sent by the engineers, but with the amendment is adopted by the Senate and it goes before the committee of conference, we are met with the written supplemental report or some sort of report. How it got here I do not know. Somebody has sent certain engineers down there since Congress has been in session, as I have been informed.

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 this improvement which would be cheaper. I protest against that way of doing business. It unfair to the Senate, to say the least of it. That report ought to be before the Senate here and printed as stroyed Messrs. Holton, Coble the other reports upon this subject Cooley, for it demoralised them. have. 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. And the report should have come up here as other reports have come. 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 suggesting that in lieu of the proposition contained in the amendment adopted by the Senate, another survey be made. I should like to get some attorney made a great mistake to-information regarding the matter. I day when he put Messrs. Smith and should like to know why these en- Sargent in a class with common liars gineers were sent there and by whose and rascals. He may rally and authority and why this matter was come into court with his forces well not reported on before. I seems to formed in the morning, but he will pose in order to prevent this appro-We are entitled to see that fol- It is evident that someone has been go trying to defeat this appropriation by Jamestown unfair means. I wish to say further, The Twenty-third Infan- and to give notice that if this appro-Cavalry, at Fort Oglethorpe, near the river and harbor bill comes up Atlanta, Ga; one battery of field articlery, at Fort Meyer, Va., and a Fear river is not provided for, I tillery, at Fort Meyer, Va., and a Fear river is not provided for, I company of the hospital corps, sta-shall do all in my power to see that no bill of this kind passes."

REASONS FOR PROJECT'S FAIL-URE. Some members of the North Carolina delegation to-day received letters from persons in Fayetteville who are interested, and from these messages it called. He identified the handwrifis apparent that the causes of the de-defeat of this project are not prop-Mr. Edwin Erwin, seiling agent erly understood. By way of removing this apprehension the writer sought a letter that Mr. Smith had sent to statement from Senator Berry, Senate conferee on the part of the minority, who has manifested as much interest in these North Carolina matters as he has in the legislative project of his own or another State. mator Berry said that the reason this appropriation was not allowed was because of the fact that the board of ngineers had made an adverse report, holding that before any appropriation is made for the work above Wilmingon an additional investigation should be made with the view of reducing the number of the proposed docks and dams, and otherwise adopt that economical plan of improvement. Tae bill directs this additional investiga-tion, he said, but the House conferes would not under any circumstances go further than this, although both the North Carolina Senators had done all in their power to secure the

adoption of the amendment. Nor, continued Senator Berry, was ne project dependent upon the other. If there had been no inland way scheme the nouse conferees woul not have agreed to accept the Cape Fear amendment and the Sen-ale conferees could not, in the face of the adverse report from the engineers, do otherwise than accede to the views of Chairman Burton, of the House committee. The contention of Chairman Burton is now as heretofore, that there is not half enough commerce on the Upper Cape Fear to warrant such an expenditure as that contemplated.

SMALL DID GOOD WORK.
Representative Jones, of Washington, very much deprecates the hostile attitude of Chairman Burton toward some of the North Carolina projects. He thinks the House should tioned about it she entered a denial of their relations.

A letter was identified by the witness from Bywaters, addressed to "My Dear Own Viola," and signed "Yours Forever, Billy." The letter, was witness explained, was written in the north of the House member of a congression-Executive Interested in Recent SubTreasury Shortage.

Washington, Feb. 27.—President
Roosevelt has taken up with Secretary Shaw the matter of the shortage of \$173,000, recently discovered in the legislate of the shortage of \$173,000, recently discovered in the legislate of the shortage of \$173,000, recently discovered in the legislate of the shortage of \$173,000, recently discovered in the legislate of the shortage of \$173,000, recently discovered in the legislate of the shortage of \$173,000, recently discovered in the legislate of the shortage of \$173,000, recently discovered in the legislate of the shortage of \$173,000, recently discovered in the legislate of the shortage of \$173,000, recently discovered in the legislate of the shortage of \$173,000, recently discovered in the legislate of the shortage of \$173,000, recently discovered in the legislate of the proposed in and waterhas always been ready to supplement the efforts of Mr. Small. been made a government depository, and \$50,000 will be placed on de-posit there. Senator Overman has se-cured the adoption of an amendment increasing the appropriation for im-provements on the Ashaville public building from \$50,000 to \$65,000, and

Exchange to Eliminate Several Grade of Coston. New York, Feb. 27.-The York Cotton Exchange to-day structed its board of managers draw up a resolution which Thited Rhode draw up a resolution which will generate eliminate several grades of cotton from deliveries on contract. The grades proposed to be eliminated are colonel at it to middling stained, low middling tinged and good ordinary white. The exchange will meet again to act on the resolution.

Those of Defense, Assisted by Judgo Boyd—His Honor Says There is No Evidence of Conspiracy and Sus-tains Objections to Testimony of What Costello Told Immigrants— Says Governor is Guilty if Gov-ernment's Contentions Are True— Several Witnesses Testify. Special to The Observer.

Greensboro, Feb. 17 .- Messra, Tillett, Cansler and Bynum, representing the defendants in the case of the The introduction of the river and barbor bill in the Senate to-day Smith and Summer B. Sargent, of Charlotte the rest with righting the rest of the river and the river an Smith and Sumner B. Sargent, of Charlotte, charged with violating the immigration law, outgeneralled Dis-trict Atterney Holton, Assistant At-torney 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 an amendment in the Senate for an talk she had had with Thomas Cos-appropriation of \$200,000 to be exappropriation of \$200,000 to be expended in the construction of locks and dams upon the upper sape Fear river. That question has been before Congress for several years. The scheme is feasible and it has been estimated for by the engineers, the amount estimated being \$1,300,000. I understand that the land necessary for one of the locks and dams has been purchased. Now we have here ton, for the plaintiffs, and Mr. Til-lett, for the defendants, in the order named.

BLOW TO GOVERNMENT COUN-

It was claimed by the government that Costello, Smith and Sargent had formed a conspiracy to import cot-ton 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 Drake girl. In declaring himself "Judge Boyd said: "Governor Glenn, who signed Costello's commission, is as guilty of conspiracy as Smith and Sargent are if the contentions of the government are true."
This was the blow that almost dethe decision fell from the lips of Judge Boyd, the friends of the de-fendants heaved a sigh of relief. The decisive battle of the war seems to have been won. Mr. Holton is a very resourceful man, but he lacks the elements of a great fighter, for he has not the power or the cleverness to discriminate between a habitual law-breaking moonshiner and a highly esteemed, well-ordered, in-

dustrious cotton manufacturer. The smart, shrewd, courageous district attorney made a great mistake tohe put Mr. A. C. Hutchinson on the stand before the witness had left the chair. Common laymen saw that he had hurt the government and helped the defendants. Court convened a few minutes after 10 morning. The English girls, in their best clothes, occupied three seats on the right hand side of the main hall I of the court house. They are still happy. Miss Oliva Drake, the heroine of the party, who had been before the court as a witness and given her testimony, wore a petual smile on her face.

Mr. R. W. Smith, postmaster of Charlotte, was the first witness

for Mr. Smith's mills, identified a him to send \$2,500 to Thos. M. Costello, at Bolton, Eng. The letter, which was put in evidence, plained that Costello was abroad doing some purchasing for the

Smith mills. MR. HUTCHINSON TALKS

Mr. A. C. Hutchinson, being sworn, id: "I was secretary and treasurer of the Continental Mills last year belonged to the Charlotte Textile 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 cotton mill help. We talked about getting operatives. Mr. T. M. Costello said there were plenty 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. We sent for our attorney, Mr. T. C. Guthrie, and went over the immigration law. Everybody understood the law. Nothing further was said about the matter then. It, I think, was turned over to Messrs, Smith and Sargent, and they had Governor Glenn to appoint Mr. Costello immigration agent of North Camilina. It was generally known and 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."

Mr. Tillett cross-examined witness. "The Textile Club was for the purpose of seeing if labor conditions could not be improved said Mr. Hutchinson. "There was shortage of help and what we had was demoralised. The club Was nothing more than an association of the cotton mills of Charlotte and ricinity. The mills, not the officers,

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. Tempkins auggested in the club that we should do as South Carolina had done and have an immigration agent ap-

pointed. This plan was adopted. Costello, who had lived in England; said that he knew the laws and could go over and get operatives without violating them. He said that thousands would be glad to come without would be glad to come without any contracts.

COMMISSION IN LUNACY LIKELY.

ir. Jerome Gives Further Indica of Purpose to Ask Report on Present Condition of Thaw's Mind—Dr. Hamilton, One of Defense Alientsts, 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. Thay as an Expert Witness—Mrs. Thaw Re-Called For a Few Questions Omitted in Long Cross-Examina-tion—Delmas Announces That De-Will Conclude This Week.

New York, Feb. 27.-Interest in the Thaw trial to-day entered in the manouevres of District Attorney Jerome, who seemed to give further in-dication of his purpose in the near future to apply to the court for a commission in lunky to report upon the present condition of the defendant's mind. The witness stand for the greater part of the day was oc-cupied by Dr. Britton D. Evans, director of the New Jersey Hospital for the Insane at Morris Plains, N. J., an allenist for the defense who was up for cross-examination. Mr. (Jerome seemed to diret 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 "brain storm" which resulted in 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 it was not true that in scute melancholia there is a recurrence of the affliction in at least onethird of all classes. Dr. Evans said there was.

Mr. Jerome said he intended calling as a witness in rebuttal Dr. Allan MacLane Hamilton, the alenist 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.

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 Thaw in the Tombs during August last, when the prisoner seemme we have been done for some pur- never recover from the little speech ed much depressed and suffered from It is an outrage upon the but mean. Mr. Helton made another been formed against him, complaindoor because "they" wanted the cold air to blow in and give him pneumonia, so he would die and his case never come to trial.

By recalling Mrs. Evelyn Nesbit Thaw to the stand for a few questions which he had omitted on his long cross-examination, Mr. Jerome early o-day indicated that he would call Howard Nesbit, her brother, to contradict her in a matter of credibility. He asked Mrs. Thaw if she had not told her brother that Thaw had treat ed her cruelly while abroad because she refused to tell lies about Stanford White and say he had drugged and mistreated her. He also wanted to know if the brother had not bought her a pistol with which she might defend herself against Thaw. The defendant's wife denied absolutely that there was any truth in any of these statements and she said she never had owned or carried a pistol in her life.

DEFENSE CONCLUDES THIS WEEK the assumption that District Attorney Jerome would conclude his cross-examinations of Drs. Evans and Wagner to-day. Mr. Jerome did not even finish with Dr. Evans and he will be recalled to-morrow morning. Dr. John T. Deemar, the physician Mrs. Wm. Thew'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. If Mr. Jerome moves for a lunacy commission, it is expected he will do so during the taking of the rebuttal estimony next week, It was expected that Dr. Evans and Mr. Jerome would have a lively duel

during the cross-examination of Dr. Evans, but there were only one or two clashes in which the honors appeared to be about evenly divided. The interest dragged at times and Mr. Jerome hardly raised his voice above the low plane he so frequently assumes.

After Mrs. Thaw and Dr. Bingaman had testified briefly to-day Dr. Britton D. Evans was called for cross-examination. Dr. Evans is one of the principal witnesses for the defense and the district nesses for the defense and the district attorney set out to make his examination a most thorough one. Mr. Delmas was constantly on his feet with objections which Justice Fitzgerald in nearly every instance sustained. The hudge further warned the district attorney that he was taking too wide a latitude. DR. EVANS QUALIFIES.

After an exhaustive series of questions as to Dr. Evans' qualifications as an expert in insanity cases, Mr. Jerome read to the doctor portions of the latter's testimony in another case, in which he stated that all cases of insanity could be clarged under five grand divisions. SHORTAGE OF OPERATIVES.

"My mill was short 25 per cent. of he operatives required to run it. I corked, as a rule, about 175 persons. Inc. There was no unemployed help vallable in this country. The same proditions prevailed throughout the harlotte mill territory. The desire as for cotton mill operatives and whing else.

"I recall that Mr. D. A. Translate. quate."
The question is, do you consider Thaw "No," replied Dr. Evans "In your opinion, was "In your opinion, was mented?" "No," said Dr. Evans. "At what time dis Thav "At what the instance of the say it was reinanchoita," replied Dr. Evans, "but I said it was in a meisacholic state of mind. It was a depressed state, but not a distinct or fixed form of meiancholis." "At what time was he so suffering." "I should say about the time of his marriage and the making of his will."

ane at the time of his marriage.
"He was not mentally sound "I believe that at the time of the shooting and a little before depressed or melancholic cor

NO POSITIVE STATEMENT. Mr. Jerome tried to the 'the doctor down to a positive statement that he could, by his examinations, and excluding everything else, state whether or not Thaw was suffering from melancholia on April 14, 1906, the day of his marriage. This, the doctor would not state positively. This, the doctors
sively, "But by taking into consideration the
will and coulcil as well, can you state
whether he was insane at the time of
his marriage?"

his marriage?"
"Yes, as I have said, I think he was
of unsound mind. I could not classify
it, for it might change from one form
to another. to another.

Attorney Jerome handed the witness a copy of the Thaw will and asked him to point out the mental depression in it.

"You can't point out depression on a piece of paper," said Dr. Evans.

He then read paragraph \$ of the will, in which Thaw provided a fund of \$50,000 for the prosecution of any persons who might be suspected in connection with his taking off.

"This," explained by Evans, "showed a perturbation of mind, an agitation and apprehensiveness. If this does not constitute a melancholic state, then I am mistaken in my construction of the phrase."

"You are here with the permission of your directors, I suppose," broke in Mr.

Jerome suddenly.

"Yes, one is here in this room, the chairman of the medical committee."

"You have the permission in writing?"

"Why—well, in the first place I don't think it's any of your business."

Mr. Jerome did not continue on the subject subject.
"How long did this defendant suffer from this melancholia?" asked the district attorney.

"That is something I could not say."
"How long does this state usually last
in a person afflicted with simple or delant lusionary insanity? "It varies greatly. Sometimes only RECOVERY WOULD BE UNUSUAL.

"Do you know enough about this subject to say whether or not such a recovery would be unusual?"
"I should say it would."
"Did you ever hear of such a case?"
"I have had cases clear up during the night due to a thorough clearing out of the organs of the body."
"I should say it true persons suffering from the control of the the control

"Isn't it true persons suffering from melancholia write long letters com-paining of ill treatment and talk coninually times."

"Did the letters you read here on the stand the other day show any signs of stand the other day show any signs of melancholia?"

"I don't remember. If you will show them to me I will see."

"Did you ever read these letters or copies of them before you read them on the stand."

Dr. Evans said he had not. Dr. Evans promised to read the letters and all other documents in evidence in Thaw's writing this evening and be ready for a continuation of his cross-examination tomorrow morning.

a statement. His action attracted atten-tion of his lawyers who apparently wished to dissuade the defendant from formal statement public.

This is the second statement Mr. haw has made since August 19th. with chances a pullion to one against her, it is wonderful that Mrs. Thaw's testimony prevailed against the district attorney and his black legs."

During the recess to-day Mr. O'Reilly pleaded with District Attorney Jerome district for permission for Evelyn Nesbit Thaw to remain in the court room now that her testimony is concluded. "I guess we had better keep her out," said Mr. Jerome.

TRIES TO KILL HIMSELF.

Thomas Browning Takes Laudanum ing a Good Time at Durham. Special to The Observer.

Durham, Feb. 27.-The announcement was given out 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 11 to 14, inclusive. Charlotte and Morehead City asked for the meeting, but the committee, after carefully considering the invitations and canvassing the situation, de-Mr. Delmas announced to-day that cided to meet in Durham. It is probable pany, association or order shall make the defense would conclude its case that a special teachers' train will run this week. This, however was upon 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, a young man, attempted suleid drinking two hottles of laudanum, cause is given for the act. A physied, as it was learned late to-night that ed, as it was learned late to-night that he was getting along very well. Browning quit the place he was working, saying he would never work any more in this life. In a few minutes he emptted 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 Amis 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 race meeting now in progress at Oaklawn track, Hot Springs.

Chemist Found Dead in Room. Pittsburg, Feb. 27.—Prof. T. M. Faylor, 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 bullet wound behind his left ear, and a new revolver was lying on the floor. Nervous break down, following over-work, is said to have been the cause the bills introduced, the substitute of the suicide. He was 33 years old, ing practically the bill of Sen ingle and formerly lived at Oberlin,

Three Killed by Passenger Train. Baltimore, Feb. 27.-Failing hear warnings while at work on the tracks of the Baltimore & Ohio Railroad at Camden station to-day liame 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 an hour after being taken to a hos-

Nominations Sent the Senate. Washington, Feb. 17.—The Presi-ent to-day sent to the Senate the dent to-day sent to the United States district judge, eastern district of Missouri, David Patterson Dyer; postmasters:
North Carolina, S. M. Hambrick,
Hickory; W. Jones, North Wilkesboro; C. A. Johns, Lincolnton; F.
Roberts, Marshall; L. M. Meekins,
Elizabeth City; South Carolina, C. J.
Shannon, Camden.

THE ANTI-TRUST BILL UP MANNING DEFENDS TOBACCO CO

Over Anti-Trust Bill— Defends it in Elabo Grant Offers Amends to Take in Cotton Mills and In ance Trusts—Mauning Says Would Ruin Towns—Repress tive Bryant Makes Statement-to Elect Insurance Commission Popular Vote Goes to Cor Observer Bureau, The Hollaman Building,

Raleigh, Feb. 27. The House committee on cities and ounties by a vote o feight to one reorted 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, Representatives Bolton, McRae and McNeill opposing it.

The House judiciary committee reported favorably Koonce's bill providing for the election of the insurance commissioner by the vote of the peo

DEBATE OVER WILKES TREAS URER. There was a long debate over Tur-

ington's bill providing for creating the office of treasurer of Wilkes county. Congressman Hackett pressed the oill. It was stoutly opposed by W. W. Barber and Representative Bryant. Mr. 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. He declared it would sternal stigma to the Democratic party and a milistone around its neck in Wilkes county to take money out of the pockets of taxpayers to reward party traitor. He said if Carlton's services to the candidate for Congress were worth \$1,000, he would be one of 10 Democrats to contribute \$100

ing this Supreme Court doctrine a morrow morning.

During the cross-examination of Dr. Evans, Thaw began to write rapidly, and told the reporters that he was preparing a statement. His action attracted attention of his lawyers who apparently and F. H. Busbee, representing the and F. H. Busbee, representing the telegraph companies. The House commaking a formal statement public. telegraph companies. The House com-However, the following, written upon a scrap of paper finally reached the press favorably the bill amending the charter of Greensboro in accordance with the request of a mass meeting held poro last night. The bill w amended by the mutual agreement of the committee sent here for the pur-

TO TAKE GOVERNMENT 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 naving the Legislature elect more commissioners. The Democratic executive committee Thinking Work Will Be at an End two Democrats on the county board of elections, boards of education superintendent of schools, number of the men of the county and fourths of the merchants of Clinton urge the passage of the bill and 32 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, provides that every insurance comunder oath to the commissioner, a statement of its capital stock unless it be a mutual company and deposit with him bonds of United States or of this State or of cities or of countles in this State or other approved securi-ties 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 \$2,000 nor more than \$50.000 the exact amount to be determined by the insurance commissioner as may equitable upon comparison with the deposit required by stock companies. The commissioner is authorized to make an annual assessment of onetwentieth of one per cent. upon the face value of the deposits to pay expenses of keeping and handling these securities. The commissioner is to require every company to good any depreciation or reduction in value o fthe 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 o fthe bonds to pay the sum and expenses of the same. The policyholders are to have the lies on the bonds deposited, the amounts them for losses, equitable values, return premiums, or otherwise. All companies before doing business in this State shall be compelled to re-quire with this act and those now doing business are allowed until July l to comply with it. The anti-trust law was the special

order in the House to-night. Winborne made an elaborate argument supporting the bill, expli that it was a substitute reported Reid. Grant, of Davie, offered amendment, calculated, he said, reach the insurance and cotton a trusts. He declared the commit bill was aimed at the Standard Gi and tobacco trusts and so written to excuse the cotton mill com he insurance fire and life mor He wanted no trust law, or else with teeth so long they could out the whole business.

TOBACCO TRUST NECESSARY Mr. Manning of Durham, after triducing a substitute, spoke on tommittee bill. He said he was committee bill. He said he defender of trusts, but in and the charge that the bill was at the American Tobacco Composited attention to the great and development of the offy tham. He asserted that most great wealth had grown from bacco industry. You cannot or injure the American Tobacco pany. You can run it out of