

VICTORY FOR MILL MEN?

INDICATIONS POINT THAT WAY

The Government seems not to have recovered from the knockout blow given Wednesday by the ruling of Judge Boyd... The Government's position is not so strong as it was at the beginning of the case.

The greatest surprise of the day was that the story of Samuel Powers, the man in whose name the suit is brought, contained nothing of a damaging nature to the defendants.

CABLEGRAMS AS EVIDENCE.

The first work of the day was the introduction of certain cablegrams that passed between Smith and Costello. These messages were from Bolton, England, and to Charlotte and vice versa.

Mr. JOHNSON'S TESTIMONY.

The second witness was Mr. Johnson, manager of the Highland Park Cotton Mills, of Charlotte. He declared that he was a member of the Textile Club, Messrs. Smith and Sargent were also members.

Mr. TILLET cross-examined the witness. To him Mr. Johnson said: "I am an extensive cotton manufacturer, being connected with five different mills."

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ALL EYES ON LEGISLATURE

FAIR OF RADICAL LEGISLATION.

People of the State Awaiting the Legislature have it in for Corporations and May do Something Damaging to Legitimate Business Interests Before the Session is Over—Greenboro Man Thinks the Legislature More Like a Democratic Convention Than Anything Else—One Sanguine Raleigh Visitor—The Justice of the Peace and of Man in the Assembly—A Demand for Fair Laws—The Body Seems to be a Little Unsteady, Special to the Observer.

Raleigh, Feb. 28.—The citizens of North Carolina are watching the Legislature now in session here. They are trying to guess what that august body will do before the pay limit expires Saturday night week.

It is interesting to note that many people would like to see the legislators pack their bags and depart for their homes to-morrow. It is a fact that many fear that the Legislature will do rash things before it adjourns.

The business men of the State are looking to Raleigh with fear and trembling. They believe that there are men who would cripple legitimate enterprises in leading cities of the State.

The impression has gone abroad that the Representatives of the people, now assembled here, have gone wild on the subject of corporations.

I came here late this afternoon and have seen and talked with many legislators and lobbyists. I find a variety of opinions.

Some on-lookers declare that the radicals are in the saddle and will either ride to glory or to the devil. Others claim that certain smart, cunning fellows would make political capital out of the Legislature.

A few believe that too many greenhorns have gotten together and are running things in a muddle without leaders.

The situation is interesting to say the least. The people, those dear creatures who suffer so much at the hands of blatant demagogues, are being urged to many things here that they do not care a tinker's dam about.

The party lash is being used here, whether with effect or not time will tell, by self-constituted leaders.

The same old gang that has influenced the Legislature in the past is trying to control this one. It remains to be seen which element the conservative or radical will win.

Up to this time the Legislature has not passed any radical measures. Many of the proposed measures have been proposed and the men of the State who have remained at home and looked on from afar off, have gotten their opinions of the Legislature more from what has been said here than from anything else.

The radicals have presented bills, but the conservatives have trimmed them into presentable shape.

LIKE A CONVENTION.

What do you think of the Legislature? I asked a Greensboro man yesterday.

"I just returned from Raleigh, and I can't tell. The Legislature is more like a Democratic convention than anything else. Some fine political games are being played here."

The man may be right. I have not seen enough to have an opinion. Mr. E. J. Justice is the most talked-of man in Raleigh.

That brilliant, fiery, ambitious son of western North Carolina is being closely observed by friends and foes. No one doubts his ability, his cunning, his energy, but many fear him. He is young, virile and bold.

He cares but little for the limelight, but the friendship, admiration and approval of the voters of the land deeply concerned him. Ambition spurs him on. It is an open secret that he wants to be the attorney general of North Carolina.

I have even heard it intimated that Mr. Robert Gilmer, now attorney general, might resign his position in favor of Justice.

That is a rumor. It is declared by some who think they know that Mr. Justice has the backing of such men as Judge Clark, Josephus Daniels, W. W. Holden and Governor Glenn.

It is a well known fact that Mr. Justice is a power here. On the one hand he is being praised for his daring, his shrewdness, while on the other he is criticized for his "radicalism."

ONE OPTIMIST.

"I do not believe that the Legislature is doing anything of the kind," said a Raleigh visitor to-night.

"I am here in the interest of better railroad freight rates and facilities. It is not the passenger fare that troubles me, but the freight discounts that are being given."

"I am afraid that the Legislature is not going to do anything." The Legislature has but little time left on its hands. The per diem discontinues 10 days from now.

Most Legislators go home when the money stops. For Raleigh is an expensive place to live with all going out and nothing coming in.

If all of the bills that had been introduced during this term of the Legislature had passed North Carolina would have been set back 10 years.

It is always interesting to watch the crowds here. Of recent years business men have spent much time setting up with North Carolina Legislators. They have been helped to elect Representatives to Raleigh every two years come here to stay with the House and the Senate. They injure their business interests. This year is no exception. The very enterprises that are making the State grow and flourish are in constant fear.

THAW ISSUES STATEMENT

DISTRICT ATTORNEY CRITICISED

Defendant Declares Some of Jerome's Unprofessional Remarks in Court Indicate Clearly That the Natural and Real Goodness of Mrs. Thaw is Above His Comprehension—All of Her Testimony Was Absolute Truth—Wonderful, Thaw Declares, That She Prevailed in Cross-Examination Against Prosecution, Backed by Black Legs—Evans on Stand All Day and May be All of To-Day, Making Indefinitely the Time When Defense Will Rest.

New York, Feb. 28.—Harry K. Thaw, who has been on the stand since his trial in the Supreme Court to-day by giving out to newspaper men a brief statement in which he accused District Attorney Jerome of having made unprofessional remarks in court, asserted that his wife's testimony was absolute truth and in conclusion declared that Mrs. Thaw's natural and "real goodness" was above the comprehension of the prosecuting officer.

It was just before the adjournment was taken for the day and after many hours of expert testimony as to what was the meaning of extracts from eight letters written by the defendant with their relation to the sanity or insanity of the writer, that Thaw gave out his statement in court. The circumstances attending the delivery of the statement to the newspaper men were about as interesting as the statement itself, which reads:

"This is Mr. Thaw's second statement since August 10.

"With chances millions to one against her after the catastrophe in 1901, it is wonderful that Mrs. K. Thaw prevailed in the cross-examination against the prosecution, backed by black legs.

"Her testimony was absolute truth. Our evidence was of conversations. The cross-examination has proved the exact facts under oath.

"Mr. Jerome and his informants in certain lines falsified, concluded by more usual methods, which is to his credit.

"However, from some of his questions and some of his unprofessional remarks in court, it appeared clearly that the natural and real goodness of the witness is above his comprehension."

REPORTER READ EXTRACTS.

That began the preparation of this statement yesterday afternoon. One of the newspaper tables adjoins the table occupied by his counsel and a reporter sitting near the defendant read over the latter's shoulder the papers appearing yesterday and the extracts from his statement printed in display type. Thaw was much chagrined. To-day in court he took the reporter to task. He said he had not intended making the statement public until the end of the trial.

He further asserted that many mistakes appeared in the portion of the statement that was published and added that he might make a correction later.

Last night in his cell in the Tombs Thaw completed his statement and to-day after he had spoken to the reporter, who had looked over his shoulder, he handed the original draft to another reporter, whom he has known for many years, and in whom he had confidence. He also handed the newspaper man a brown envelope.

"See the stamp up in this envelope," said Thaw, "and write your name across the flap. I am going to have some typewritten copies made, and when they are completed I want you to compare them. It is the original and if they are all right they will be given out."

COPIES APPEAR IN COURT.

Daniel O'Reilly, one of Thaw's lawyers, said later that he also had a copy of Thaw's statement, but did not give it out until the defendant directed him to do so.

Later this afternoon the typewritten copies suddenly appeared in court. Attention was first attracted to them by Thaw handing a carbon copy to his newspaper friend and asking him to compare it with the original.

Four or five other copies lay on the counsel table in front of the defendant. One of the reporters reached over, picked up the copies, and hastily left the court room. He was quickly followed by other reporters and soon the statement was being flashed into newspaper offices throughout the country.

The copies and the original were exact, and Thaw then said he was content to have the statement reissued as a correction to the garbled statement which appeared this morning.

Clifford Hartridge, of Thaw's counsel, and Mr. Delmas declared later they had no knowledge of the statement having been prepared or given out.

Dr. Britton D. Evans, the alienist, was in the witness chair all yesterday in the witness cross-examination at the hands of District Attorney Jerome. The prosecutor said before adjournment that he would probably keep Dr. Evans on the stand throughout to-morrow.

This means that the cross-examination of Dr. Wagner, another alienist, will not be reached until next week and makes indefinite the time when the defense will rest.

A DAY TO EIGHT LETTERS.

Dr. Evans and Mr. Jerome spent the entire day in going over the eight letters written by Thaw and culling out of them excerpts on which Dr. Evans based his expressed belief that they were written by a person of unsound mind.

"Do you mean an insane person?" asked Mr. Jerome.

"Yes," replied the witness, "but not in the sense that the person might always remain insane."

This was the essence of the day's work. Mr. Jerome seemed as interested as the expert in searching out the phrases in the letters which might be construed as the writings of an insane man and for the first time the jurors were permitted thoroughly to examine photographic copies of the letter. As the witness and the prosecutor pored tediously over the documents, the jurors were enabled to follow them closely.

The district attorney apparently wanted the letters to be thoroughly scrutinized and understood by the jury.

Dr. Evans went into a long explanation of the reasons for his theory that the letter showed mental instability. A letter written with a lead pencil by Thaw to Evelyn Nesbit, he said, showed lack of a sense of the proprieties, a loss of the aesthetic sense and various other things which the doctor believed

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FOREST SURVEY A WINNER

A HARD FIGHT IN CONFERENCE

Chairman Wadsworth, of the House Agricultural Committee, Flings on the Conferees After Signing Favorable Report, But Finally Agrees—Senator Simmons Makes a Winning Fight for His Amendment Which Carries an Appropriation for a Survey of Proposed Forest Reserves—A Washington Story to the Effect That the President Aided in the Pension for Mrs. Jackson Deeded—Senator Silver Declares That He Was Whang-Doodled Out of the Canal Contract.

Observer Bureau, 1417 G Street, N. W., Washington, Feb. 28.

The House and Senate conferees in charge of the agricultural bill to-day passed favorably upon the Simmons amendment, carrying an appropriation of \$2,000,000 for a survey of the proposed forest reserve, but this was not done until after a wrangle of two hours' duration.

The fact that this trouble arose among the conferees occasioned surprise among friends of the measure, who thought that the bill had always passed the House and Senate several days ago.

When the conferees got together to-day Chairman Wadsworth, of the House committee on agriculture, expressed opposition to the amendment, saying he was identified with the Simmons amendment, but had always opposed such legislation.

Senator Simmons, who was the conferee from the Senate on the part of the minority, said that this announcement would doubtless be received with astonishment, as the gentleman from New York had always opposed such legislation.

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STROTHERS ON THE STAND

TELL FULL STORY OF TRAGEDY

Mrs. Viola Allen First Witness of Day, Being Called to Verify Some Points Brought Out Previous Day—Bywaters, After Marriage Ceremony Had Been Performed, Attempted to Escape When Brothers Tried to Force Him to Remain With Mrs. Bywaters—Belief Prevailed From Doing So, He Jumped Through a Window and Both Opened Fire, Satisfied That He Was Deserving Their Sister.

Culpepper, Va., Feb. 28.—To avenge the wrong done his sister, Philip Strother, one of the defendants on trial for the murder of his brother-in-law, William Bywaters, to-day admitted on the witness stand that while he had not anticipated trouble, he "shot to kill" when Bywaters attempted to desert his bride on an hour. The knowledge of his sister's betrayal, James A. Strother, the other defendant, testified, caused him to "become like a crazy man," and when Bywaters attempted to leave the house he determined to bring her betrayer to "a reckoning."

Four witnesses, two brothers, a sister and a male of Mrs. Bywaters, testified at to-day's session. In its cross-examination the prosecution was unable to shake Mrs. Gaines' testimony for the defense.

Mrs. Gaines, sister of Mrs. Viola Bywaters, was the first witness called by the defense testimony. She was recalled to the stand to verify certain points in her testimony given yesterday.

James A. Strother, one of the two brothers charged with the murder of William F. Bywaters, was next called. He was permitted to tell the story of his sister's wrongs with only occasional questioning by his chief counsel, John L. Jeffries.

"How did you regard Bywaters?" he was asked.

"He had always enjoyed our full confidence," he replied. "We knew that Viola loved him and regarded them as practically engaged."

His story continued with a statement concerning the demand he made on Bywaters to marry Viola, and Bywaters' ready assent.

"I thought that that everything would end all right, but after the ceremony Bywaters became indifferent to Viola and insolent to Mrs. Gaines. He seemed to think that he had obligations to her."

BYWATERS GREW ABUSIVE.

Witness said that Bywaters grew abusive when a female was made to remain with Viola on the night of the tragedy.

"Did you insist on his remaining with your sister?" asked Attorney Jeffries.

"I certainly did," answered the witness, "and he really did not seem to care. He was desparately ill and that it was Bywaters' place, as her husband, to be with her."

"What did he reply?"

"He said, 'Jim Strother, I'm not afraid of you.'"

At this juncture, the witness stated, Mrs. Gaines said to Bywaters, "Will Bywaters, you are the lowest dog alive."

Edward L. Gaines, the witness said, followed his wife's reference to Bywaters' conduct, saying, "Bywaters, you have violated every obligation of an Odd Fellow and a man of honor."

This so enraged Bywaters, the witness stated, that he tried to draw a knife on Gaines.

"Bywaters," he continued, "then went up to Viola's room, leaving Mrs. Gaines in the dining room."

"I asked him what he intended to do. I told him that I intended to watch him to see that he didn't get away. He sprang from Viola's side, tearing himself from her arms and making a dash for the rear door."

The next thing I heard was a shot. Philip fired at Bywaters as he ran down the stairs."

BOTH BROTHERS FIRED.

Bywaters returned to the bed room, the witness stated, followed by Mr. Gaines, who, he added, prevented Bywaters' escape by the stairs.

Bywaters ran across the room and out the window. "Both Philip and I then saw fire on Bywaters."

"Did you fire on him while he was in the room?" asked his counsel.

"We did not fire on him until he had gotten out of the window."

A pathetic interlude in the testimony came when the defendant, after completing his story of the tragedy, told of his mother's admonition to him on her death bed, to "always protect our girls, Jim."

Commonwealth Attorney Keith then took the witness in hand for cross-examination.

"When Bywaters re-entered your sister's room after his attempt to escape by the stairs, were you between him and the window?" he asked.

"If you were in front of him, why didn't you stop him?"

"I wasn't exactly in front of Bywaters," replied the defendant. "As he was coming out of the window, I was standing near the wall."

"Why didn't you prevent Bywaters from reaching the window?" asked Mr. Keith.

"I didn't have time to think," replied the defendant. "No man on earth standing where I was, could have stopped him."

THE DISPENSARY AUDITOR

PLUM GOES TO A GAFFNEY MAN

Governor Ansel Names Prof. W. B. West Superintendent of the Gaffney Graded Schools to Wind up the Affairs of South Carolina's Great Moral Institution—Commission to Care For and Improve the State Capitol Grounds Announced by the Governor—Spartanburg to Have Hanging To-day Unless the Governor Interferes.

Observer Bureau, 1209 Main Street, Columbia, S. C., Feb. 28.

The much-sought position of dispensary auditor falls to Prof. W. B. West, superintendent of the Gaffney graded schools.

There have been a large number of applications for this position filed with Governor Ansel and numerous recommendations have accompanied the applications, and the Governor has highly thought of by his fellow citizens, a man who is in every way competent and worthy.

The position is not given to any politician or to any one who has had any connection with politics or the dispensary, although there were more than one of that sort who applied. Mr. West has the very highest recommendations and is personally known to the Governor. He is a native of Princeton, near the Greenville and Laurens lines, and entered Furman University in the fall of 1890.

He took a good stand in college and was highly thought of by his fellow students and professors. He left college before graduation and went into the school room. For several years he taught at Belton, where he did excellent work and built up a fine system of schools. He spent several years in the mercantile business with his father-in-law, Mr. Z. T. McKinney, one of the best cotton mill men in the South, and this gave him a practical business training which will come in well in his present new work.

He was afterward principal of the graded school at Blackaby, and then at New Decatur, Alabama, and has for the last few years been superintendent of the schools at Gaffney. Mr. West is a young man full of energy and of fine character. The position to which he has been appointed is one of the most important in the State, and is highly important to the success of the new plan of handling whiskey. It is also the most desirable position under the new law, paying \$3,000 per year and expenses, the term being four years.

CAPITAL COMMISSION.

The commission to care for and improve the State capitol grounds, announced by Governor Ansel to-day, consists of the following:

Capt. William Ashmead Courtney, former mayor of Charleston, former president of the Newry Cotton Mills, and now living in Columbia, having retired from business.

Mr. Edward Ehrhart, the prominent merchant and capitalist of Columbia, and vice president of the National Loan and Exchange Bank, of Columbia.

Mr. Ambrose E. Gonzalez, president of The State Company and largely interested in other Columbia enterprises.

This is regarded as an excellent commission, as each of the gentlemen named is an authority on subjects of landscape gardening and is a business man to whom the expenditure of the \$15,000 appropriation can well be entrusted.

The commission will meet in February and no action has since been taken. The commission shall receive no compensation for their services and therefore the Governor felt that he was obliged to appoint residents of the city of Columbia, as it would not be proper to expect outsiders to pay the traveling expense and lodging expenses while engaged on the work of the commission.

HANGING AT SPARTANBURG.

John Shelton, colored, is under sentence to be hanged at Spartanburg to-morrow. An effort is being made to induce Governor Ansel to grant a reprieve, but no action has since been taken.

The case was to have been heard before the board of pardons in January, but the attorney for Shelton failed to perfect the case and asked for a reprieve which on request of the board was granted by Governor Heyward until March 1st.

The attorney again failed to appear before the board at its more recent meeting in February and no action has since been taken. The attorney, Mr. C. H. Sims, to-night mailed certain papers in the case, but these have not reached the Governor unless there is something unusually convincing in the papers when he reads them to-morrow morning it is not likely that the Governor will interfere. Shelton was convicted of murder for killing his father-in-law, Alf Biggs, in November, 1905.

Governor Appoints Senator Bacon.

Atlanta, Ga., Feb. 28.—Governor Terry to-day appointed Senator O. Bacon United States Senator for the 4th and 5th districts of Georgia to begin March 4th and the meeting of the Legislature next June, when he will be elected for another full term.

Declines to Name Committee to Study Race Question.

Baton Rouge, La., Feb. 28.—Governor Blanchard to-day announced that he has declined to appoint a committee of three from Louisiana to study the race question. The suggestion was made by Rev. John E. Whitem, of Atlanta.