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CHARLOTTE, N. C., FRIDAY, MARCH 8, 1907.

PRICE FIVE CENTS.

DECLINE TO BREAK FAITH A VERDICT OF NOT GUILTY A VICTORY FOR MILL MEN THE THAW DEFENSERESTS BUXTON ROASTS DANIELS FOREIGNERS HERELEGALLY WARM WORDS IN SENATE THE COMMETTEE IS NO WISER STROTHER BROTHERS RELEASED GOVERNMENT ABANDONS FIGHT MR. JEROME MUCH SURPRISED. INTERESTING SCENE IN SENATE MIGHT HAVE BEEN BARRED HOUSE CHEERS PRISON REPORT

a, Who Wrote the r. R. W. Simpson, Who Wrote the Now Famous Editorial in The Rai-eigh Times, Declines to An-swer Any of the Questions Put to Him by the Legislative Investiof His Committee as to the Source of His Information-Mr. Bryant, City Editor of The Observer, Testi-fies That Information Upon Which His Story Was Based Was Common Talk Around Raleigh-Intended no Reflection Upon the Members of the

Committee-Investigation Will be Resumed To-Day. Observer Bureau, The Hollaman Building,

Raleigh, March 7. ing many legislators and several put the case in their hands. Then ladies, were present this afternoon at the county court house when, at 4 Legislature began, Chairman Williams, of Duplin, presiding. The mat- of his counsel, and occasionally ofter in hand was the report in The fered words (of consolation to Raleigh Times that the legislative wife, who sat at his side. rate bill put the 2 1-4 cent rate on court room taking the delay as an under to hit the Aberdeen & Asheboro Harrison, himself keyed to a high der to hit the Aberdeen & Asheboro pitch, paced restlessly up and down Railway, owned by Henry A. Page, on the narrow space behind his bench, account of a grudge against Page by while the counsel for both sides gath-Editor Josephus Daniels, of The News ered to discuss the meaning of what and Observer. Locke Craig appeared seemed to them a delay. for the committee, and James H. Pou and F. H. Busbee for ex-Editor R. W. Simpson, of The Times.

All the six members of the conference committee gave sworn testimony, saying there was no truth in the article, and that Daniels had nothing to do with the committee's action. One of these, Stevens, of Union, said Representative Peel had told him Times would be proven.

"IT WOULD NOT DO."

committee, in his evidence said when Judge Harrison quickly silenced. The he told Editor Daniels he favored a 2 1-2 cent flat rate ne was told this there was applause.

R. W. Simpson's evidence was eagerly awaited. He admitted writing an editorial, but refused to answer as to the source of his mformation, and then read a statement respectfully declining under any circumstances to answer any questions, first because this information was received under the confidence which obtains among honorable newspapers, and secondly because he was advised by counsel that the committee in effect charged that the article was libelous and its publication, if this charge be sus- Virginia that no man tried for de- displayed the true spirit in the course

Judge Harrison Thanks Jury for Ver-dict, Saying He Thought It Would Meet With the Approval of the People and That It Was an Estab-lished Procedent in Virginia That No Man Tried for Defending the Sanctity of His Home Should be Found Guilty-Announcement of Verdict the Signal for an Outburst of Approval of Approval.

Uharlotte

Culpepper, Va., March 7 .- After being out one hour and a half the jury in the case of James and Philip Strother, on trial for the murder of William F. Bywaters, returned a verdict of not guilty at 11:10 a. m.

The jurors retired to the jury room Fully two hundred persons, includ- immediately after Judge Harrison had began the most trying test of the orwas most apparent on the face of in slience, listening to the comments

all roads over sixty miles long in or- favorable sign to the accused. Judge brought to a close a case that has at-

A BREATHLESS SILENCE.

At precisely 11:10 o'clock the jurymen, preceded by Sheriff Bowersett, filed into the court room, and took their accustomed seats. A breathless silence fell over the room, as the spectators awaited the announcement of the verdict. "Gentlemen of the jury," asked of the defendants and asked that supposition is, however, that adjourn-Deputy Clerk Gilkerson, "have you court be convened for this purpose. agreed upon your verdict?" "We have," replied Foreman Price, handing the verdict to the court offi-Page was coming here and that the cer. "We find the defendants, James opened. Assistant Attorney General truth of the charge made in The and Philip Strother, not guilty," was the message read aloud by Clerk Gilkerson.

> The announcement was the signal effect of the verdict, however, was instantaneous. James Strother reached for the hand of Mr. Moore, one of surrounded by the friends who have stood by the brothers since the opening of the trial. Mrs. James Strother, over-

her husband's arms, sobbing and exclaiming her thanks. When the effects of the critical mo-

ment passed, Judge Harrison addressed the jury as follows: JUDGE COMMENDS JURY.

"Gentlemen of the jury. I thank you for a verdict which I think will of the laborers and to bring the suits be approved by the public. It is an if they thought the circumstances have been reached by the defense. established precedent in the State of

home

his

Counsel for the United States Throws Up the Sponge in the Prosecution of the Charlotte Mill Men Charged With a Violation of the Statutes Forbidding Importation of Allen Labor, and Asks the Court to Instruct the Jury to Bring in a Ver-dict of Not Guilty-A Nol Pros in Each of the Pending Cases-Judge Boyd Compliments the Government's Attorneys on Their Move and Mr. Tillett Expresses the Appreciation of the Defendants and Their Counsel in the Premises-The End of Interesting Litigation, and a Re-

sult of Far-Reaching Importance to This Section. pecial to The Observer. Greensboro, March 7 .-- Never has there been a more impressive scene deal for the defendants. The strain in Judge Boyd's court than was enact-

ed at 6 o'clock this evening when o'clock, the investigation by the special Philip Strother, the younger defend- counsel for the government in the committee of the lower house of the ant, while James apparently was con- penalty suits against the Charlotte fident of a favorable verdict. He sat mill men, Edward A. Smith and Sumner B. Sargent, asked the court to instruct the jury to bring in a verdict torneys would call one or two alienhis in the defendants' favor in the case on trial, and to make entries of a As the minutes sped by the situation nonsult in the other cases and a nol planned, but what will be done is a conference committee on the railway became more strained, many in the pros in the case for conspiracy. Thus suddenly and unexpectedly was

tracted the attention of the cotton manufacturers in every section of the United States, after nearly two weeks has been spent in the trial. ACKNOWLEDGES DEFEAT.

After the day had been spent in examining a number of witnesses, several for the defendants and a few for the government, court adjourned at 4:30 o'clock this afternoon. At 6 o'clock counsel for the government informed the judge that after a conference held this afternoon they had agreed to submit to a verdict in favor The jury, defendants and defendants' counsel were accordingly summoned and a few minutes later the court was Cooley, whose frank and candid man-

rer has won for him the friendship of everyone who has met him since coming to Greensboro, spoke for the gov-Senator Webb, of the conference for an outburst of approval, which ernment. In a few words he told the court that the counsel had held a conference and decided that the course they were taking was the proper thing to do. He expressed the opinion that would not do. At this statement his counsel, and Philip was quickly the government was not entitled to ecover and asked that his honor in struct the jury to find in the defendants' favor. Mr. Cooley's recome by emotion, rell forward into marks were very timely and expressive of the feelings he entertained. JUDGE BOYD COMPLIMENTARY.

Judge Boyd spoke briefly. He said hat he thought that the government had taken the proper course in the matter. It was their duty as public warranted such action, but that they

Had Been Expected That on Reopening of Trial To-Day the Defense Would Call One or Two Altenists to the Stand—Question Now as to What Will be Done Much Discussed—District Attorney Will Take Up Rebuttal on Convening of Court, but it is Generally Rumored that Adjournment Will Follow to Give the Prosecuting Attorney Time to Measure His Plans. New York, March 7 .- There was

another quick turn of the cards in the trial of Harry K. Thaw late to-day when the defense announced that it had concluded to rest its case.

It was nearly 6 o'clock when Delphin M. Delmas, chief of the Thaw counsel, called District Attorney Jerome on the telephone and made the announcement.

The district attorney was perhaps the most surprised man in New York for ft had been understood that when Justice Fitzgerald resumed the bench Friday morning at 10:30 the Thaw at-

Court will assemble to-morrow as question much discussed to-night. Mr. Delmas will make the simple announcement: "The defense rests."

ists.

It will then be the duty of the District Attorney to take up the rebuttal, but it was generally rumored to-night that after a brief session adjournment will be asked and granted until Monday, that Mr. Jerome might measure his plans.

RESULT OF CONFERENCE. The sudden decision of the defense came after a conference of Thaw's lawyers in Mr. Delmas' office late this afternoon.

Mr. Jerome's move in the morning is awaited with interest. The general ment will be taken. It was understood to-night that the defense will attempt to conclude its cross-examination speedily, dealing very briefly with the alienists. How Mr. Jerome will take on rebuttal is another question of importance. The case may close with this rebuttal, although the defense has a chance for sur-rebuttal.

On good authority it was said that Delmas would sum up for Thaw. This, too, has been a question under discussion.

It was an evening of activity in the district attorney's office. Assistant District Attorney Nott was called in for the first time since the opening of the trial and with his chief and Assistant District Attorney Garvan, examined witnesses and went over the law authorities until a late hour.

A MOST FITTING CLIMAX.

The close of the defense was with the testimony of Mrs. William Thaw, mother of the defendant, and it was officers to investigate the immigration said at to-day's conference. It was decided that no better climax could

Several of Thaw's attorneys visited him in the Tombs to-day and he was

Senator From Forsyth Makes a Bold Forceful Speech, in Which He Dences the Editor of The News and Observer and Refuses to Accept Him as Dictator of the Democratic Party-The Political Pot in the State Rapidly Approaching the Boiling Point-Some of the Combinations and Situations That Are Presenting Themselves-Mr. Craig as a Gubernatorial Possibility-Other Aspirants on the Lists.

Special to The Observer. Raleigh, March 7 .- These are history-making days in Raleigh. The aw-makers, the lobbyists and the

politicians are at work. Mr. J. C. Buxton, the Senator from

he Buxton declaration of independence.

In speaking on the Reid substitute for the Senate anti-trust bill, the Senator from Forsyth adverted to the legislation in which Mr. Josephus Daniels is trying to exercise the position of sole interpreter of the party platform, as he had done in the case

of the rate bill. He declared that vote for the bill or no longer be counted Democrats.

DANIELS NOT INTERPRETER. Mr. Buxton contended that Mr.

Daniels to demand the passage of a understood, was in great demand. bill that left out the great trusts of the country, especially the one whose franchise he held, enjoyed and guarded to the detriment of others. "I refer to The Associated Press," declared Mr. Buxton.

In the beginning of his remarks the Senator from Forsyth said: "The object of this bill is to put me

n a hole, but I want to say that it will take a big hole to hold me. "I may be a candidate for Congress in my district, but I do not ant to ride into power over tenantless factories and destroyed tobacco markets. But if I go it will be be-

suse it is a wish of the splendid citizens who represent the great and populous district in which I live." SENATORS CHEER BUXTON. The Senators gave Mr. Buxton their undivided attention. Many of them cheered and urged him on. Something interesting in the way of a political fight is pending. The great mocratic party is go r to

Department of Justice Issues Statement Concerning Opinion Attorney General Submitted of President as to Whether Certain Immigrants Landed in South Caroolina Last Fall Are Legally in This Country-Opinion Agrees With That of Solicitor Earle, of Department of Commerce and Labor, on Same Case-Under Recent Act, However, They Might Have Been Excluded.

Observer.

Washington, March 7 .--- A statement was issued by the Department of Justice to-day concerning an opinion

submitted to President Roosevelt by Attorney General Bonaparte as to decides to allow Miss Mattle Perry whether certain immigrants who were \$2,000 annually for her Elbanan Orlanded in South Carolina last fall are phanage and Training School at Forsyth, made a bold, forceful and legally in this country. The opinion, Marion.

sensational speech in the Senate this in effect, is that the immigrants were morning. When I arrived here this entitled to admission to the United afternoon everybody was discussing States and that they are in this country legally. The opinion agrees with

Commerce and Labor. The Attorney General holds further, however, that under the provisions of the recently enacted immigration act, fact that this is another piece of the immigrants in question could have der to-night. been excluded.

The statement says:

"It appears from statements furnished by the Department of Comof the State created the office of immigration commissioner and made an penses, for the express purpose of encouraging immigrants to come into tation.

that State. It also appears that certain private parties made up a fund Daniels is not the sole interpreter of sioner E. J. Watson and with these possible congressional candidates in the Democratic platform. It is the resources he went abroad and by ad- the fifth district, but he was not a duty of the Legislature to carry out vertisements and otherwise collected member of what is termed the "fifth the party platform. In closing this a considerable number of laborers or district combine." If he ever sought part of his speech, Mr. Buxton said artisans who were willing to migrate this position it would not be because that it came with bad grace for Mr. to South Carolina, where labor, it is of anything he did for or against the

AGENT PAID PASSAGE.

"He paid the passage of these people by an agreement which was afterward canceled, that they should repay him out of their own wages from employment he might procure for them. Under the terms of the agreement signed by the immigrants and Commissioner Watson, the latter promised to find employment for the former, but the immigrants them-

selves were free to reject any particular offer of employment that might be made to them. "The Attorney General holds in effect that the original provisions of

the alien contract labor law of 1885 were not repealed by the immigration law of 1903, and that after 1903, whenever passage money had been paid of any alien laborer who came to this country, under a previous conract to perform labor here such allen aborer was not entitled to admission nto the United States.

"2nd. This did not operate, however, to include laborers in question to the

Wild Demonstration Greets the An-nouncement That the State Penten-tlary Has Now Available \$300,000 in Cash to Turn Over to the State-Senator Buxton Flays The News and Observer and Its Editor and There is a Colloguy—A Number of Impor-tant Bills Pass Both Senate and House—Talk of Adjournment Monday is Cut Short by the Speake Details of the Proceedings of Day and Night Sessions.

Observer Bureau. The Hollaman Building Raleigh, March 7

The committee on appropriations

The passage by the Senate of the immigration bill was by the decisive vote of 29 to 15.

An unfavorable report is made by that rendered on the same case by the committee on Lockhart's House Solicitor Earle, of the Department of bill introduced Tuesday to require all insurance companies to invest their full legal reserves on North Carolina policies. It was the special or-

> THE SENATE'S NEXT SESSION. In the Senate, Fleming, of Pitt,

speaking to personal privilege de-nounced The News and Observer bemerce and Labor that the Legislature cause he said it was its purpose to asperse his Democracy and make him appear ridiculous. That he never ex-Mr. Daniels demanded that Senators appropriation of \$2,000 for its ex- pected it to give him a fair report, because it knew he was above its dic-

Senator Buxton, took occasion during the discussion of the anti-trust amounting to about \$30,000, which bill to say he and the Senator from was placed in the hands of Commis- Rockingham had been mentioned as tobacco industry or any tobacco trust.

He said in couclusion he had always believed himself as good a Democrat as any in North Carolina and when the editor of The News and Observer attempted to read him out of Democratic party he said: "I say to him he cannot do it with his 12,000 subscribers behind him on which he brags." Buxton went on to say that when one man sets himself up as judge of every other man's Democracy and party fealty it is time to call a halt; that The News and Observer attempted to read out all Senators who voted for two and one-half cent rail-

way rate bill. There was a difference of only one-quarter of a cent between the Senate and House and yet Joe Daniels, editor of The News and Observer, essays to read a majority of the Senators out of the Democratio "Who gave him authority to at position." said Buxton, "In party take that position," said Buxton, my opinion that man will disrupt the Democratic party if the party lies down and allows him to pursue such a course, without protest." He said in conclusion: "I know the one who sits in judgment on everything that appears in his paper will put me down as 'Bolter' in to-morrow's paper be-cause I opposed section 'A' of the of the Reid bill." Buxton referred to the disappearance of Holt bill and the appearance of House bill as a substitute without ever having been introduced in the Senate and said "it looks like somebody is interfering with business in the Senate Holt said Buxton, could call up the Holt bill if he desired to, which Bux-ton replied: "I will not stand for the child of any one when the father himself will not stand for it." He asked what had become of Aycock's "wandering boy hill." "You are very much mistaken if you think I had to consult great high cockalorum ers in question had been otherwise ex- Mr. Justice," said Buxton, "He is not cluded from admission the fact that a great high cockalorum by any their passage was paid by the com- means, but I was not talking about missioner of the State of South Caro- Mr. Justice." Buxton went on to say lina would not have changed the re- the bill seems to be aimed especially down. The glove has been dropped sult, since, in the first place, the com- at the American Tobacco Company, missioner apparently did not act in and he had offered his amendment so an official capacity for the State but the Senate may see what the bill under permission of the State to act means and call it by name. Buxton as the representative of citizens who said he would vote for Aycock's bill if the latter would put the Associated contributed money to aiu in bringing over the immigrants; and in the Press trust in it. He had never had second place, if he had acted as State any connection with American Tobaccommissioner and paid the money co Company, had never been its counfrom the State treasury, the result sel, but had reason to entertain feelapparently would have been the same, ing against the Amercan Tobacco as the only exceptions made in the Company, because of certain political contract labor act in favor of States results in which it yas said to have is the exception with reference to ad- had a hand. Buxton read a printed vertisements by the States published statement, stating that every dealer in in foreign countries stating the in- tobacco in North Carolina protested ducements they offer for immigrants, against the passage of the bill and and in the other provisions of the stating it would ruin the tobacco contract labor laws prohibiting all markets of North Carolina, while the persons from prepaying the passage tobacco markets of Virginia and other money or otherwise assisting aliens States would be greatly helped by it

tained, might subject him to criminal prosecution. He therefore declined to give testimony against himself, or to enswer any question which might be used against him in a criminal prosecution, or tend in any way to incriminate him or disclose any source or circumstance from which any possible connection of himself with the publication might be obtained. There was applause when Simpson read this. He was plied with questions, but resolutely declined to answer any.

MR. BRYANT'S TESTIMONY.

H. E. C. Bryant, city editor of The Charlotte Observer, who wrote an article of the same tenor. was the next witness.

Mr. Bryant, being sworn, said

"I get my information from various persons at the Yarborough House, at the rafiroad station and on the train between Raleigh and Greensboro. The Times had appeared long before I wrote my special and the story was common talk."

"Did you intend to charge the conference committee with being influenced by Mr. Daniels?"

"I did not." "What made you say that Mr. Danlels disliked Mr. Page? "Because of various talk that I had

beard.' "Did anyone tell you that Mr. Dan-

fels had dictated the 60-mile limit in the rate bill to the committee?" vannah to Philadelphia. "No."

"Is there anything else you would like to say?"

NO REFLECTION ON COMMITTEE. "Yes, I want to say that I did not intend to reflect on any member of the conference committee. I know all of the members except Judge Winborne and do not believe that any one them would knowingly wrong an individual or a company. My guage is plain. I was repeating the charges against Mr. Daniels. I was careful to say that 'it is said' here. I stated nothing on my own author-

Mr. Craig read Mr. Bryant's story and said that he differed with him about the reflection. Mr. Bryant told him to read the preceding paragraphs and then pass on the sentence under consideration. Mr. Bryant made it very plain that he did not intend to cast any reflection on the conference committee, but that he was writing a alitical story in which he told of dr. Daniels' activity in the present Legislature. The investigation will be resumed

to-morrow in the Attorney General's

Petition That Liberty Bell be Brought to Jamestown.

Philadelphia, March 7.---Mayor Weaver transmitted to councils to-day petitions from the Jamestown Exposition Company and the school children of Virginia, requesting the authorities. of Philadelphia to send the Liberty Bell to the Jamestown Exposition. Mayor Weaver suggested to councils that inasmuch as his term is about to expire action on the petitions be deferred to await the judgment of his successor, Congressman John E. Reyburn, who will assume the office of mayor on April 1st.

Italian Consul Enters Protest

New Orleans, March 7 .--- The right of local authorities to use the jails for detaining immigrants under sentence of deportation is protested against to-day in a letter from the talian consul, threatening action by his government if necessary to prevent such an occurrence. Several foreigners were kept in jall under these

should be found guilty. the case and expressed his approval After further words of approval from the bench, the jurymen left the been brought to an end. The judge court room, with the intention of goinstructed that the following be ening directly to their homes in Shenantered as the verdict of the jury: "The doah county. jury finds for the defendants and for

fending the sanctity of

road has acquired

trolled by the railroad.

ing between Baltimore,

Railroad, Mayor Fitzgerald said:

steamship system.'

the matter.

Company.

Beyond making the

neighborhood of \$2,000,000.

Hartford Railroad.

bill providing for the norma

across the track.

Transportation Company, who was in this city to-day, denied that the

chants' & Miners' Transportation Company has not been sold," he said,

"and what is more it is not for sale.

ed in Wreck.

a verdict say that the plaintiff is not BUYS LINE OF STEAMSHIPS.

New York, New Haven & Hartford complaint." Railroad Acquires Control of Mer-District Attorney Holton then anchants' and Miners' Transportation Co.

nounced that he would take a nol pros in the other case, in which Edward Boston, Mass, March 7 .- The New York, New Haven & Hartford Rail-A. Smith, Sumner B. Sargent, E. C. of the Dwelle and Thomas M. Costello are control Merchants' and Miners' Transporta- the defendants, the government suing daughter, the Countess of Yarmouth, tion Company, which operates lines for \$50,000 as penalties for the alof steamers between Atlantic coast leged violations of the immigration points from Boston to Savannah, Ga., law in importing alien labor. Re alaccording to a statement made to- so took a nol pros in the case against day by Mayor John F. Fitzgerald, of the four men, charging them with Boston. Mayor Fitzgerald said that conspiracy to violate the immigration this information came out at the conlaws. Judge Boyd mstructed that the between proper entries be made. ference held here yesterday

the mayor and Charles S. Mullen, MR. TILLETT APPRECIATIVE. president of the New Haven road, concerning he transaction pending Mr. Tillett, of the counsel for the between the New Haven road and defendants, then arose and on behalf Charles W. Morse, of New York, for of counsel and defendants expressed the purchase of the Sound lines contheir appreciation of the step of the government's counsel. He said that The Merchants' and Miners' Comhe and his associates had believed pany has a fleet of 18 steamers ply- from the first that when the govern-Newport ment officials were apprised of the News, Norfolk and Providence. Anfacts in the case that the suits would other line runs to Boston while a be withdrawn. He spoke briefly, but third runs from Baltimore and Sawhat he said rang with tones of sincerity and appreciation. No man in-When told that President Whitney. terested in the case has worked of the Merchants & Miners Trans

harder than he. portation Company, had denied the Before the court adjourned Judge report that the control of the system Boyd asked the jurors for their opinhad passed into the hands of the ion in the case. There was a concert New York, New Haven & Hartford of answers, each and all declaring "I believe it is right." Then looking "I have information that the New directly at the only negro on the jury York, New Haven & Hartford Com-Uncle Alvis Gilmer, who has slept pany has secured control of the and watched with half-closed eyes statement the progress of the trial, Judge Boyd Mayor Fitzgerald declined to discuss said "Gilmer, what do you think of it?" Uncle Alvis started, opened his eyes, and said: "I-I think it's right."

Baltimore, March 7 .- As a result This called for some expression from of the reported purchase of the Mer- the few who were in the court room. chants & Miners Transportation Com-APPLAUSE IN COURT ROOM pany by the New York, New Haven

Mrs. Smith, who sat at her hus-& Hartford Railroad Company, which band's side, started the hand-clapping purchase is emphatically denied by and for a few minutes there was vigthe officials of the steamship company, it developed to-day that on the con- orous applause, white Judge Boyd trary the Merchants & Miners Comlooked on with approval. When court pany is a purchaser, the property ac- adjourned a few minutes later the atquired being the Boston & Philadel- torneys and defendants shook hands phia Steamship Company, sometimes with the jurors and it was a hearty handshaking. Uncle Alvis was not

forgotten in the love feast. Nothing in the regular proceedings directors of the Merchants & Miners of the court to-day gave a hint of The deal is said to have the action of the government's counclosed to-day and the consideration sel this afternoon. The work was proceeded with in the regular way. Several witnesses were examined and it was decided to conclude the testi-New York, March 7 .- President mony to-morrow morning, when the Whitney of the Merchants' & Miners'

argument of counsel would have been There were only two commenced. this city to-day, denied that the steamship company has been purmore witnesses and these were for the defendants. chased by the New York, New Haven FOURTEEN WITNESSES HEARD.

At the morning session fourteen of the scarcity of labor throughout the country and said that common mill help was especially scarce. Those

Five Negroes Killed and Three Injurwho testified were: R. L. Holt, cotton mill man, of Burlington; G. Moultrie, Ga., March 7 .--- Five negro W. employes were killed in a wreck on a Robertson, mill man, Danville, Va.; W. H. Coffin, travering salesman, of log road near Sunset Mills to-day. Whitinsville, Mass.; Louis W. Parker, from immigrating to America. Pow-Three others were seriously injured. The train, consisting of flat cars, was owner of large mill interests in Columbia and other points in South Carbacking out when it struck a tree olina; Thomas Parker, Greenville, S. C., prominent mill owner; J. E. Shea, witness also said she had the attacks To Elect Senator By Popular Vote, cotton mill owner, of Clifton, S. C .: S. J. Smitherman, president Smither-Jefferson City, Mo., March 7 .- The man Mills, at Troy; W. H. Ragan, ation of president Oakdale Mills, High' Point;

they took this afternoon. He comnotified of their decision, and concur plimented the attorneys' appearing in red. The question of a lunacy commisof the manner in which the case had sion looms prominent still. Mr. Je-

rome may ask for the appointment of such a commission at any time and this may halt proceedings. Thaw's lawyers and the defendant

himself, it is said, have more fear entitled to recover upon any of the of a suspension of the trial in favor cause of the action alleged in the of a commission than a verdict by the present jury. The defense is prepared to fight such an appointment, how- extremists were constantly prodding ever. Mrs. Harry Thaw visited her Senator Simmons, who has a suc husband early to-day and remained cessfully led the party to victory for a long while. She seemed bright and cheerful. Mrs. William Thay and her and Mrs. Carnegie, also visited Thaw that Simmons saw the hands during the afternoon.

RUN OVER BY A WAGON

Cousin of Harry K. Thaw Victim of Simmons must fight or be beaten a Serious Accident at Hot Springs, Ark.

Hot Springs, Ark., March. 7 .- Mrs. the challenge R. H. Thaw, of Sistersville, Va., second cousin of Harry Kendall Thaw was run over last night on Central avenue, by a wagon driven by a man named Snyder. Mrs. Thaw was taken sional district, will play a grear part to a hospital and is in an extremely in the coming contest. Mr. W. W. serious condition.

After this occurrence there was great excitement among the people of the House, wants to be attorn y who witnessed it. They believed that general. If Mr. Kitchin should sucthe accident could have been avoided by the driver, and his attempt to escape incensed them more. There was much talk of a lynching.

HE PADDED THE PAY ROLLS.

N. T. Maxwell, Accountant of the Southern Railway, Arrested at Spencer and Lodged in Jail-Denied Crime at First, But Later Broke Down and Confessed. Special to The Observer.

Spencer, March 7 .--- N. T. Maxwell, an accountant in the employ of the Southern Rallway Company, at Charlotte, was lodged in Rowan jail today under the charge of grand larceny, having padded the pay rolls at Spencer, where he was formerly employed as foreman of the coal chute.

It was in the capacity of foreman that he reported a number of bogus Chief Detective J. W. Conly, and ashave been working on the case for a week.

Maxwell stoutly denied his guilt at first and walked the detectives over the town trying to find the supposed Finally he broke down workmen. and confessed his guilt and gave the officers a list of the bogus names corresponding to the list held by the detectives.

Maxwell, who formerly stood well here went to jail in default of a bond of \$1,000. He has a family. The arrest caused a sensation and it is expected that others will follow The amount involved is about \$1,000

H. Boyd, recalled; S. B. Sargent, recalled; A. M. Gillette, for the governwitnesses testified. All of them told ment, recalled. Only two witnesses were introduced this afternoon.

One was Samuel Powers, one of the alien witnesses for the government, who testified that Polly Fielding, one of the aliens, was subject to fits. Epileptics are excluded by the statute ers said that the Fielding woman had fits before leaving England, and that Mr. Costello was told of this. The after coming to Charlotte. The defendants introduced Eugene Holt, who testified as to the scarcity of labor in eigners were kept in jail under these circumstances a few months ago. The expected arrival on Saturday next of 600 Italian immigrants prompted the ponsul's communication. In La Contraction of the Legislature. In the second of the se

against the radical element. A hold, placed upon the act of 1885 by the aggressive fight for Democratic princourts it was an essential condition to ciples against Populistic heirlooms violation of that law to perform labor, and these laborers do not apmust be made. A division in Demopear to have been under any such cratic ranks is the only hope for enforceable contract North Carolina.

"3rd. That although the passage A contest between Democratic of these laborers may have been paid forces before the county primaries n pursuance of an offer or solicitation and various conventions is inevitable of employment, and in violation of the and to be desired. I saw signs of a provision of the act of 1903, this rent at the last convention. Certain would not render the aliens themselves liable to exclusion, as this act did not contain any provision excluding from admission whose passage money the last ten years. Several ar.tlhad been paid in violation of its pro-Simmons blades were unsheathed at visions.

Greensbore last summer, and I think RESULT APPARENTLY SAME. "4th. That if, however, the laborwould write his doorn upon the wall; If he did not, he is not as clever as is friends give him the credit of being. It has come to this: Mr. and he will pick it up and accept

State.

last Monday, the immigrants in ques-

CLEVELAND AT GEORGETOWN.

8 C

President

ion could have been excluded."

gress can be built.

Georgetown,

Former

leveland.

North.

shooting.

weather

pertenced a

lasted several

thunder

Were

Point, Santee River.

E.

party will be while here.

Admiral Lamberton

THE COMBINATION.

A certain combination of men, most of whom live in the fifth congres-Kitchin is an avowed candidate for Governor. Mr. E. J. Justice, Speaker ceed he would want to oust Mr. Simmons from the Senate six years hence. It is said by many that Mr. Kitchin has had enough at the hands of the Democratic sarty. He has been to Congress 10 years.

CRAIG FOR GOVERNOR

Mr. Locke Craig, of Asheville, may announce his candidacy for Governor within the next few days. It reported to-day that he declared his intention to run, but this was denied. Mr Craig is able, brilliant, highly educated, refined and eloquent. He has been strong with the people all the time. If there is anything in party debts Mr. Craig should have a big bill against the Democrats of North Carolina. He has made campaign speeches in almost every county in the State and has been one of the employes and drew their pay checks most attractive orators in recent cam-himself. The arrest was made by paign. For his services, he has had nothing. In the campaigns of 1896 and sistant C. A. Moye, of Gastonia, who 1900, he was a loyal Bryan man. In 1904 he was for Parker. In fact he has ever been loyal to his party. He stands for the best in western North Carolina politics. In his zeal to serve his party well Mr. Craig made some speeches that hurt him in the campaigns of 1896 and 1900. Most 01 those things have been forgotten. He is the one prominent man of the vigorous campaign of 1898 who has not been rewarded in some appropriate way for his services.

SAME POSSIBILITIES

Mr. Fred A. Woodard, of Wilson, s urged to enter the lists. He would be a very formidable opponent, as he is conservative and able. It has been said that ex-Governor Avcock favored Mr. Woodard. The name of John D. Bellamy, of Wilmington, is frequent ly mentioned. Mr. Ashley Horne, Mr. Phomas W. Mason and General Julian S. Carr are spoken of as possibilities. "Where does Governor Glann stand?" is being asked. Mr Glenn would like to succeed Senator Overman at Washington. If he falls on the Kitchin side of the fence, the way to the Capitol might be open to him. Senator Overman is here. Most of his friends think that he would be against the fifth congressional district crowd. Many other men are to be considered. Mr. Ed Travis, of Halifax, would be Attorney General. He can't have the place by the fifth district route. Mr. E. F. Aydistt, of Pasquo-tank, wants to be Governor. In fact

coming within the inhibitions of the and would grow accordingly. statutes there is no exception made in In the Senate Buxton finished his favor of any individual because he argument against the Reid antimay be acting as the agent of the trust bill being followed by Aycock and Graham for, and Howard against "The Attorney General holds, in it.

The Senate adjourned pending deeffect, however, that under the provisions of the new immigration act bate at 11 o'clock. which was approved by the President

NIGHT SESSION OF HOUSE.

At the opening of the night session of the House, Gordon, of Guil-New Orleans' first immigration sta- ford, introduced a bill instructing the tion was formally opened to-day, an directors of the State penitentiary old Southern Pacific depot having to turn over to the State Treasurer been equipped for this purpose The at once, for use of the State, \$175,station contains quarters for 60 men 000. The bill was immediately passand 30 women. It will be used until ed, Manning asking that the vote on the \$75,000 station authorized by Conevery member arose to his feet, the roars of ages being succeeded shouts of applause. There was not a speech made, and nothing but the Ex-President Left Immediately After title of the bill indicated its purp Arrival of Train For Shooting Pre- Dr. Gordon, who is chairman of the serves of Gen, Alexander at Fords committee on appropriations, and a leading member of the finance mittee, says the penitentiary board has \$300,000 cash now available for

March 7. Grover C. Benedict and State uses. It sold \$100,000 worth in of cotton yesterday. arrived

leorgetown this morning from the Almost the entire session was de-The government launch voted to discussing Lockhart's bill re-Water Lily" was in readiness at the quiring foreign insurance companies railroad wharf and the party left for to invest their legal reserve funds he shooting preserves of General E. in North Carolina. Lockhart, P. Alexander, Ford's Point, Santee ice and Royster advocated the MIL river, whose guests the distinguished Manning spoke for an amendment limiting operation of law to future Mr. Clevebusiness by striking out the word "Heretofore." This amendment was land looked to be in good health and spirits and he anticipated good sport. The weather is propitious for duck adopted. Morton advocated an amendment excluding fire insurance companies. This was adopted. Just-THUNDER FOLLOWS SNOWSTORM, ice said this practically kfiled bill and on motion of Harris, Roanoke Experiences an Unprecedent-Wake, it was tabled by a viva voice vote.

ed Weather Phenomenon. There was considerable discussion in Roanoke, Va., March 7 .--- Following the House of the joint resolutions to fall of from 1 to 4 inches of snow in this section to-day and with freezing adjourn sine die at noon next Monday, Speaker Justice securing its withto night, Roanoke exthat drawal by the statement that m thunderstorm hours. The peasi important bills have not been and posed of.

loud long and the flashes of lightening most vivid. The like has not been witnessed here before. While grand and beautiful the storm carried con-sternation to many persons. The rainfall was accompanied by hall.

ONE AN EPILEPTIC.

called the Winsor Line. The announcement was made by Michael Jenkins, chairman of the board of is understood to have been in the

"The Mer-