# he News and Observer.

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### North Carolina Dailies News and Circulation

## Objections Block Testimony for the Prisoner.

### THE WILL BROUGHT IN

Mrs. Thaw's Note Referring to White As a Blackguard Produced and

> Read to the Jury-Witness Strikes a Hard Row of

(By the Associated Press.)

New York, Feb. 11.- Auswering hypothetical question covering every detail of the testimony up to this time in the Thaw trial, including Mrs. Evelyn Nesbit Thaw's narration of her life history to the defendant, Dr. Charles G. Wagner, superintendent of the State Hospital for the Insane, at Binghamton, N. Y., declared on the witness stand late today that in his opinion Harry K. Thaw did not know that the act was wrong when he shot and killed Stanford White.

Dr. Wagner stepped aside for later cross examination by District Attorney Jerome, and as court adjourned for the day, it was announced that the defense would proceed with the testimony of other alienists tomor-

of Dr. Wagner's opinic of a hypothetical question, the man under consideration being the author of the letters which have been introduced as emanating from Harry Thaw during the period of his estrangement from Evelyn Nesbit after their return from Europe 1903, followed a day of almost tinuous legal sparring between Delphia M. Delmas, for the defense, and Mr. Jerome, for the prosecution. Mr. Jerome effectually blocked the completion, for the time being, of the pletion, for the time being, of the direct testimony of Mrs. Evelyn Thaw, by insisting that before she should go further competent testimony as to Thaw's unsoundness of mind should be placed before the jury. Mr. Delmas tried to carry forward the young wife's story, but the District Attorney was on his feet with an objection to every question asked.

The Thaw Will. Mrs. Thaw had been recalled as the third witness of the day. One of her predecessors was J. D. Lyon, vice-president of the Union National Bank of Pittsburg, who stated that he had received Harry Thaw's will from the latter's own hand some time prior to safe deposit box until late in November last, when he directed his secre-tary to forward it to John B. Gleason. lowed Mr. Lyon on the stand and said he had received the will by mail on December 11th, 1996, and that absolutely no changes had been made in the instrument during the time it had been in his possession. Mr. Jerome admitted the progress of the will from Mr. Lyon to Mr. Gleason without the necessity of bringing the former's see-retary as a witness. Mr. Delmas did not offer the will in evidence today. however, owing to the fact that it has not in its entirety been proved having been legally executed by Thaw.

The Blackguard Note, When young Mrs, Thaw was called to the stand she was dressed precisely as when she occupied the witness chair last week. As she was taking her seat Mr. Delmas turned to the Dis-trict Attorney and renewed his demand of Wednesday last that the now which was passed by Mrs. Thaw in her husband at the Cafe Martin the night of the tragedy should be produced. Mr. Jerome upon the occasion of the first demand had remained si-Today he was on his feet at once, saying he would send for the prompted by a concideration of the slip of paper. It was brought from his office, was identified by Mrs. Thaw and then read by Mr. Delmas as fol-consideration of reports of recent

"The B- was here a minute ago, but went out again." The contents of the note caused a surprise only also the exact wording. arrangements for authorizing the is-it had generally been supposed that suance of bonds for this purpose. the note read:

Mrs. Thaw testified today that "the Thaw always referred to Stanford White, whom she had seen on the balcony of the cafe.

Jerome's Objections Hold. The only essential point Mrs. Thaw was allowed to bring out in her tesdefendant never carried a pistol ex- the town and surrounding country to refused to permit consideration of the ed many other questions, embodying House Committee on Counties, Cities various stories she had discussed and Towns, which will make a report with Thaw, including the fate of a on the bill to establish Lee county. girl known to them as "the pic girl" at the hands of Stanford White, but canning company of Baltimore, is with a sustained objection.

Taking up another line of question- ed at this place. ing. Mr. Delmas said:

"Mrs. Thaw, the name of May McKenxle has been mentioned a number
of times in this case. Will you state
when you first met her?"

"I think it was in 1201."

State what you told Mr. Thaw.

mulative evidence without the essential fact being first shown.

"The defendant under this ruling is five for the acquirement of new equipment.

A mortgage is given for the acquirement of new equipment.

A mortgage of this kind is required by law to be recorded in every county through which the line of road extends.

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A mortgage of this kind is required by law to be recorded in every county through which the line of road extends in the large one it is not believed it is not believed it on the defend.

A frenzied financier says the open the variation to whiskey. Please make this cortext of the new equipment of him as a man, in that can be defeated.

A frenzied financier says the open the variation of the was my friend and an elder in the can be defeated.

A frenzied financier says the open that the was my friend and an elder in the can be defeated.

A frenzied financier says the open that the was my friend and on the contract is not believed it is

and we are trying to prove it by a series of acts before and after this oc-Justice Fitzgerald sustained the ob-

"Mrs. Thaw, did you in any conversation with your husband state to him that after your marriage May Mc-Kenzie had suid, when she told Stanord White that you were married and living happy with your husband,

Mr. Jerome's objection to this also was sustained. "Did you attend the theatre with Harry Thaw and a lady in this city in 1903?" asked Mr. Delmas of the wit-

Mr. Jerome again objected on the broad ground that some alienist should broad ground that some alienist should first show that Harry was of unsound mind at the time of the occurrences covered by the question of counsel, and that the stories told him might have affected his mind in the way could be desired to indicate. The objection was sustained.

"What effect upon Thaw did the of Stanford White have? asked Mr. Delmas. Again Mr. Jerome objected and was sustained.

Objections at Every Point. "Upon your return from Europe in 1904. on a North German Lloyd steamer, was Mr. Thaw present on the steamer?

"Yes sir."
"When on the steamer do you remember whether Mr. Thaw told you anything about a certain young girl and what happened to her at the hands of Stanford White?"

The court sustained another objection by Mr. Jerome and the witness (Continued on Page Six.)

## Richard Wilcox Dies of His Injuries.

Passcuger Him While He Was Oiling Loco-Yards at Hamlet.

(Special to News and Observer.) Hamlet, N. C., Feb. 11.-Yesterday morning at two o'clock Richard Wilcox, whose home was at Lumberton, was run over by some runaway cars and sustained injuries from which he died 12 hours later. The shifting crew had just placed

the coaches for train No. 40. The shifting engine was standing in front of the passenger station and Wilcox was standing on the front part of the engine olling the release prakes when the passenger coaches, which had been left standing some distance away, began moving and bore down upon the unfortunate young man be-

April 1, 1906, and had held it in a fore he was aware that anything was wrong. His right leg was mashed off and his left one crushed almost into pulp. He was attended by the physicians of Hamlet, but there was nothing that could be done to saye him. He had only been at work eight days. This is the second man from Lumber ton killed in the yards here this year.

Baried at Kingsuale Lumberton, N. C., Feb. 11.-The remains of Richard Wilcox were inat his home near Kingsdale today. He met death Saturday night while in the discharge of ais duty as fireman in the railroad yards at Hamlet. He was about 21 years old and was a son of Mr. Isaiah Wilcox. of this county.

FOR A NEW COURT HOUSE Initial Order Taken by Commission ers of Robeson County.

(Special to News and Observer.) Lumberton, N. C., Feb. 11.-The Board of County Commissioners was in mion today and it is a source of deight that an order was made looking to the building of a new court house. The action of the commissioners is grand furies in respect to it. The order hat was made today will be call to the attention of Robeson's Representatives in the present Legislarture to make

"LEE COUNTY" SPECIAL. -" meant "the blackgrard" as Five Hundred Citizens Coming to See

the Job Well Done (Special to News and Observer.) Sanford, N. C., Feb. 11.-The "Lee County" special will leave here tomorrow at 9:30 a. m., carrying about timony was the statement that the five hundred representative citizens of cept in New York city. She was ask. be present at the meeting of the House Committee on Counties, Cities matter stood. While the military ap-Mr. Jerome blocked every question here soliciting subscriptions for a pro- on a point of order, but Senator Over-

> Hecorded by Scabourd Air Line Railroed Company.

The mortgage is given to the Morton There are many disgruntled Senators Mr. Jerome objected, claiming that Trust Company and James L. Burke, and members, who don't like the di-

Committee Adopts Sim-Another Rooseveltian Idea Finances mons' Amendment.

Put Forward.

## HEELS REJOICING POSER FOR CORTELYOU OFFICIALS INDICTED

Project Contemplates Expenditure of \$780,000 for a Twelve Foot Chan-

Connecting Pamlico Sound With the tlantic

Ocean.

By THOMAS J. PENCE. Washington, D. C., Feb. 11.-There was much rejoicing on the part of the priation.

The importance of Senator Simmons' victory can be judged when the fact is recalled that the House only gave all the Tar Heel rivers and har- White House today? bor interests appropriations to the "The President has communicated amount of \$530,000.

passes on the River and Harbor bili. The appropriation which Senator simmons successfully advocated today will construct the third section of sistently advocated by Representative Small

While urging the importance the appropriation from this stand-Senator Simmons also emphanumerous North Carolina rivers anything in the three big sounds deep water to the ocean. The bulk of the appropriation, if granted by Congress. will be used in making a four mile cut to a depth of twelve feet Adams Creek, which connects ocean and the sound.

The Committee on Commerce had the project under consideration for

more than an hour today. Senator Overman was before the committee during the day and urged that the acceptance of his amendment appropriating \$400,000 for the improvement of the upper Cape Fear between Wilmington and Fayetteville. The appropriation calls for the construction of a lock and dam. Senator Overman spoke at length of the im-portance of this project, but he realizes that there are strong influences also was brought to the attention of

in Congress opposed tto it. The Committee on Commerc adopted Senator Simmons' amendment providing for a thirty-foot survey of Beaufort Harbor. The present project is for a twenty-foot depth. A distinct event in the social life of the capital this winter was the reception given this afternoon at the Highlands by Mrs. Simmons and Mrs. Ankeny, the wife of the Senator from Washington.

Official and social life was well the Thaw trial. represented, and practically all of the North Carolina colony here extended their compliments to the charming wife of the Senior Senator. Mrs. A. B. Andrews, of Raleigh, was among those in the receiving line, and Mrs. Gudger served. The reception was one of the most delightful affairs of the winter. Today's arrivals included Clement

Manly, of Winston, J. Wescott Roberson, of Guilford, and J. O. Ellington. of Fayetteville. The President sent to the Senate to be postmaster at Marion.

Overman Also Scores, Senator Overman also scored today in a legislative matter. Some time ago the Senator secured the passage of the bill appropriating fifteen thousand The Former Vice-President on a Visi dollars for the erection of a monument to General Nathaniel Greene, at Guilford battle ground. The speaker has measure in the House and there the propriation bill was under consideration in the Senate today Senator Over- Martin D. Hardin, in this city. man offered his bill as an amendment to that measure. It was first ruled out amendment the only danger to the Greene monument proposition is that

t may be killed in conference. There was some talk tonight to the "Did you ever tell Mr. Thaw of a visit made to May McKenzie when she was sick in a hospital and when she was sick in a hospital and when stanford White was present?"

Eighteen million dollare—is the advocates of the Senate Committee on Propositions and Grievances on the senate Committee on Propositions and Grievances on the bearing of the Ward bill. I am the final days of the session.

Eighteen million dollare—is the advocates of the Lake scheme in the Senate Committee on Propositions and Grievances on the union) last Saturday. and the hearing of the union) last Saturday. and the union is the total and the union of the union) last Saturday. The last the advocates of the union of the union of the union of the union) last Saturday. And the union of the union

If He Should Exclude Papers From the Mail He Would Not Know Where to Begin or Where to Stop-The Contract a

Big One

(Special to News and Observer.) Washington, D. C. Feb. 11.-Presi-North Carolina delegation today when pers printing the details of the Thaw Simmons had succeeded in having the recognized as one of merit, but the of indictment against the following: Senate Committee on Commerce in- feeting in Congressional circles is that corporate in the River and Harbor no action should be taken which con bill an amendment appropriating be construed as censuring the press. county, for embezzling State funds. twelve foot channel between Pamilco the full details of the testimony com- embezziing county funds. Sound and the ocean, thus giving deep plained of. Where the postoffice inwater to the numerous sound rivers in the State. That the Senate will acprinting of court news is the question former board of county commissionthe State. That the Senate will accept the amendment for this mig appropriation is not doubted, but there is reason o believe that it will be opposed in conference by the House conferees. The Snat conferees have assured Senator Simmons that they will insist on the retention of this amendment in the bill, and if they in the courts and elsewhere, as to lond.

| Diffinting of court news is the question that is puzzling Mr. Cortelyou, to whom the matter has been referred. It was stated today that an inspector or censor would be required in each city in the country with a daily paper reaction of this and that there would be daily contests, and that there would be daily contests, in the courts and elsewhere, as to bond. whether the papers had complied with certain details.

Roosevelt's Letter to Cortelyou. Washington, Feb. 11 .- The followng statement was given out at the

with Postmaster General Cortelyou It is doubtful whether the senior to know whether it is feasible to bar Senator could have accomplished this from the mails the papers that give that he is a member of the Senate Committee on Commerce, which passes on the River and Harbor bill. done. Postmaster General Cortelyou has received the letter from the President. but he declines to discuss the matter the proposed inland waterway to per- | or to indicate what, if any, action will he taken by the Department. The President's letter will be referred to Assistant Attorney General Goodwin. for the Post Office Department, for a legal opinion. It is expected that the legal division of the Post Office Department will expedite the matter,

and that if action is to be taken by the Department it will be done soon, President Roosevelt has received a number of protests from persons who think that the newspapers printing the full details of the Thaw case should be prohibited transmission through the mails. One of these was a long telegraphic protest from a newspaper. the name of which, however, was not given out at the White House. recent discussion of the question in Canada, notably in the Caradian parliament, and the statement of the payers if the shortage is not collected Postmaster General at Ottawa, who out of the bond. It will almost bankwas reported to have said that any newspaper publishing such evidence as that given in the Thaw case last Thursday would be guilty of a misdemeanor under the Canadian law, the President.

District Attorney Threatens Prosecution.

New York, Feb. 11.-United States District Attorney Stimson, of this city today served a noice upon the publishers of all the principal newspapers in this city that he intends to bring before the United States grand jury for criminal prosecuion all violations of the federal laws against the circulation of obscene matter in reporting

Mr. Stin son's notice read: "Information has been brought to me indicating that some of the newspapers of this city, under the guise of reports of the pending Thaw trial. have been sending through the United States mails lewd, lascivious and obscene matter in violation of section 3893 on the revised statutes. I beg to advise you that the mere fact that such mater purports to be an account of a judicial proceeding furnishes no excuse for a violation of the statut in question in regard to the mails, today the nomination of C. M. McCall and that I propose to bring before the federal grand jury of this district for criminal prosecution all such violations which may occur."

STEVENSON IN CHARLOTTE. to Friends,

(Special to NewsandObserver.) Charlotte, N. C., Feb. 11,-Adlai Stevenson, former vice-president of the United States under Democratic rule is visiting at the home of Rev. an interview the ex-vice-president said that conditions in the country

were never better than today. man railled his friends, and on the spoke highly of North Carolina and final vote the amendment was incor- the Piedment section. He intimated porated in the appropriation bill. Like that the work of restoring good will Senator Simmons' deep channel between the races was progressing satisfactorily at this time.

Mistake Corrected.

There are many disgruntled Senators Rateliff has nothing to do with the town of Marion." This I did not say

of Sampson

County Swamped.

True Bills Found Against Former

Present and Former Boards of County Commissioners

Sheriff and Treasurer and the

Corruption Exposed. (Special to News and Observer.) Clinton, N. C., Feb. 11.-The grand dent Roosevelt's suggestion that pa- jury, which has been investigating the financial condition of Sampson county the fact was ascertained that Senator trial be debarred from the mails is for the past week, returned true bills

One bill against A. W. Aman, former Republican sheriff of Sampson \$780,000 for the construction of a Only two New York papers printed one bill against A. W. Aman, for

ator believes they will, the State will the postoffice regulations in printing J. Faircloth and C. E. Jackson, the present board of county commissioners, for failure to require Everett Turner, the present treasurer of Sampson county, to give school fund

> The former sheriff, A. W. Aman, made en assignment January 26. 1907, and has not been seen here since. The general opinion is that he is in New York. The financial condition of this county is something terri-The shortage will be in the neighborhood of forty-five thousand dollars. There is some uncollected taxes to be taken from this amount. The net shortage will be at least twenty-five thousand dollars, if not thirty-five thousand dollars.

> The bondsmen will meet here tomorrow and pay the amount due the State, which is about five thousand dollars. It will be a question of law as to whether the school fund will be collected, as there is no bond covering this fund. The bond is a general bond, covering the entire county funds, and not a separate school fund bond, as required by law. The school shortage is fourteen thousand dollars. The Democrats charged these things against the Republican party in the last campaign, but it was bitterly denied by the politicians. The present board of commissioners have taken no steps to find out the condition, but seem very indifferent about the matter. This will come hard to the tax-

> rupt the countr. This is only another sample of Republican misrule in the State. The good, honest people who have been voting the Republican ticket are beginning to see the fruits of Republican rule, and are so expressing themselves. The tax-payers need to be delivered from the crowd that is now

handling the county finances. PREFER COUNTRY LIFE Mechanicsville People Do Not Want Their Settlement Incorporated.

(Special to News and Observer.) High Point, N. C., Feb. 11 .- A great majority of the people residing n Mechanicsville, the suburb north of High Point and comprising a populathey do not desire separation from the under a separate incorporation. Notwithstanding the fact that a charter has been applied for, it is felt that such action will amount to nothing. Today petitions are being circulated ing whiskey and landed in jail, being among Mechanicsville residents and unable to give bond, and another col many signatures are being placed against incorporation, Superintendent George H. Crowell,

of the High Point Graded Schools, is in receipt of a most flattering letter ifrom Dr. M. C. S. Noble, of the department of pedagogy in the University of North Carolina in which most commendatory terms are employed regarding the conduct of the schools here and expressive of opinion formed on a recent visit to High Point. Among other things Dr. Noble says, The couse of study is most carefully off with thirty-three members. Next planned, and the good order prevailing, the bright, cheerful and studious manner of the pupils and the enthusiastic work of the teachers all combine to give your city a public school system of which it may well be

Rally day was yesterday observed were put on yesterday. Those two new trains give Durham a total of twen-object being to discharge a debt of \$800, which has been hanging over the folk and Western, Seaboard Air Line

aid of a dog and trap, some of them being as large as grey squirrels.

While applying brake to a running car yesterday at noon, Charley Oakes, a brakeman on a Southern freight.

Dr. C. H. Detwiler, who is conducthe was my friend and an elder in the Presbyterian church but owed his election to whiskey. Please make this correction at once, and oblige,

Yours,

P. J. SINCLAIR.

High Point, N. C., Feb. 11.

Car yesterday at noon, Charley Oakes, his first sermon in Durham, a brakeman on a Southern freight train fell to the track and the car ing a series of meetings at Trinity college, preached at Main Street Methodies in the painful but not serious wounds. The attachments under the car caught and bruised his body in several places.

strance to say, 9 4

TOO MANY CLOTHES. Being Over Dressed Gets a Crook in Trouble.

(Special to News and Observer.)
High Point, N. C., Feb. 11.—The
thief who entered the home of Philip Rogers last night and stole a number of articles of clothing, a suit case razors, etc., was arrested here today, He gives his name as Frank Miller and savs he is from Germany. On his person was found two suits of clothes and two wairs of socks. He was made to undress and the goods were identified as those stolen last night. A 38-calibre pistol was lodged about his clothes, loaded to the brim. Letters and books found on him would indicate that he is from Baltimore and that he is an old crook. A photograph has been taken of the man and the officers expect to hear more about him as a result of this picture. Miller has been held for trial under the charge of carrying concealed weapons and burglary.

TRIAL FOR MURDER.

The Prisoner Says He Shot the De ceased Who Was Trying To Rob Him.

(Special to News and Observer.) Salisbury, N. C., Feb. 11.—Superior court convened today. The most important case to be tried will be that of Scott Phifer, charged with murder in and Turner. The salary of the govthe first degree, for killing Hilary Mc- ernor is fixed at \$5,000 per annum. Henry, at Cleveland, last fall, Phifer alleges that McHenry attempted to rob him in his own house when he shot and killed the latter.

Quarter Million.

Lodges of Odd Fellows to Be Insti tuted at Hillsboro and Mcbane-Freeman Jones Had Life

(Special to News and Observer.) Durham, N. C., Feb. 11.-The work of settling up the estate of the late W. Mahgum, Jr. has been completed and today the administrators, Messrs. J. S. H. W. and F. S. Mangum, made a final report and were discharged This estate amounted to more than a quarter million dollars, and it is all now settled with the exception of a State, \$4,000 and he shall re division of a portion of the real estate, which will be by order of the court and a commissioner. The com-

missioners have aiready sold and divided real estate valued at \$113,000. Then the administrators settled the personal property portion, this amounting to something over \$40,000, and the commissioner now has a little more than \$100,000 in real estate to divide among the six heirs to this fortune.

Had Narrow Escape.

Late yesterday afternoon a negro brakeman on the yard crew of the Southern had a narrow escape from having his life crushed out. He made an effort to climb the ladder on the side of a car, while in motion and missing his footing fell to the ground and was rolled between the journals of the car and the granolithic pavement at the union station, the track being some eighteen inches or two feet lower than the pavement Those who saw the negro fall were confident that he was killed, among these being the engineer. The train was stopped and the negro crawled from his perilous position before he could be given assistance. No bones were broken, but he was mashed and bruised so that his condition is more r less serious. It was reperced this taken away from the State Superior afternoon that he will recover.

Freeman Jones, colored, who hanged on Friday, had his life insured for a small amount and today the claim was forwarded to the home tion of about 1,500, have decreed that they do not desire separation from the one of the industrial class of policies present order of things, which would in the Virginia Life Insurance Commean the establishment of that place pany. The death certificate was under a separate incorporation. Not- made out this morning and forwarded

for payment. In the police court this morning one colored woman was charged with sellored woman was charged with drinking whiskey and landed at the work house because she was unable to pay the required fine. Mary Jones was charged with selling whiskey and was placed under bond of \$50. Jennie Smith was drunk on Sunday and was fined \$10 and cost.

New Odd Fellows Lodges. Tonight the Durham lodge of Odd Fellows elected a number of members for a new lodge to be instituted at Hillsboro. This new lodge will start week the lodge here will send a team tNo Hillsboro for the purpose of installing the new lodge. The week following the Durham lodge will also install a new lodge at Mebane. The new trains on the Southern were put on yesterday. Those two new that church. The disposition of the people is demonstrated to more active and energetic church work and leave, and the others are on the South-leave, and that no oysters will leave, and that no oysters will leave, and that no oysters will leave the control of the leave that the opening the leave that the leave that the opening the leave that the

Substitute ported to the Senate.

WON

Bill Granting Prohibition Passed Ftnal Reading in the Senate-Oyster Bill Passed by the House

-Editor Attacked By a

Member. The Senate Committee on Salaries and Fees yesterday reported affirmatively a substitute bill fixing the salaries of the State officers. The substitute is for the bills of Senators Webb The fees are taken away from the other State officers, and a flat salary is prescribed for them. Their salaries are fixed in the bill as follows: State Treasurer \$4,000; Secretary of



REPRESENTATIVE WOOD

Author of a Bill to Make I Pounds of Corn Ment a I Chairman of the House Co on Immigration, other compensation or fees; the At ney General \$3,500, and in ad thereto he shall be allowed his actual expenses in attending to the bu of the State, whenever it is no for him to leave the city of Rule for that purpose; the State Audi \$3,000; the Insurance Commissio \$3,500; the Superintendent of Pu Instruction, \$3,500 with no allow for traveling expenses; the chair of the Corporation Commission \$3 and the other two members of the Commission shall each receive a seary of \$3,000 in full compensation for their services as members of the poration Commission. and also members of the Board of State Tu Assessors; the Commissioner of Asculture, \$3,000. The bill requir that the Attorney General, of State, Insurance Commiss other officers therein referred to, collect the fees which may come their hands and which may be au fixed by law, and turn oven the to the State Treasurer to be de

Many of the wholly satisfied with the bill present condition, one of their tions being that the alle traveling expenses should tendent. The McDowell county proh

State fund.

bill passed its final reading in the Senate, and will go to the House to The bill of Mr. Davis, of Hyde. viding that the oyster shall also overlook and pr

interests; prohibiting the

for oysters in the waters of F



REPRESENTATIVE DAVIS.

The Ledger office, of this city was wamped with rats (but not the kind hat is generally applied to a quitter the Christian congregation has callfinal reading in the House.

There was a moment of intense terest in the House when Mr. Do

> THE SENATE. The Senate convened at 12 o'clock Lieut,-Governor Winston in the chalt and prayer was offered by Rev. J. C. (Continued on Page Three.)