

# The Semi-Weekly Messenger.

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## TRIAL TO CONTINUE

### Juror Bolton Will Take His Place in Thaw Panel.

## BOTH SIDES ARE RELIEVED

### Trial an Expensive One to State and Defendant.

Defendants Counsel Much Gratified at Their Success so Far—Difficult to Forecast When Defense Will Rest Its Case—Jerome Anxious That Trial Shall End Either by Verdict or Commission in Lunacy—Likely to Develop in Battle Between Experts.

New York, February 16.—The trial of Harry K. Thaw will be resumed before Justice Fitzgerald on Monday morning.

Funeral services were held today for the wife of Juror Joseph B. Bolton and it was said afterward that the juror had expressed his readiness to again take his place in the Thaw panel and continue the trial. Mr. Bolton feels it a conscientious duty for him to hear the Thaw case to the end. If Mr. Bolton had dropped out it would have meant the loss of many thousands of dollars to the state and to the Thaw family. A mistrial would have been declared and four weeks of the court's time would have been wasted.

Aside from the routine expense of juror and witness fees the Thaw trial is costing the state a sum almost equal to that which is being spent by the defendant's family in the attempt to prove the young man was insane when he shot Stanford White on June 25 last. District Attorney Jerome has employed for the state three of the most eminent alienists of the country and their fees alone will make the case rival in cost the famous Molineux hearings which consisted of a battle of experts almost from first to last.

Thaw was much relieved today when told that the Bolton family physician had informed District Attorney Jerome that the juror would be able to resume. The prisoner had been apprehensive since the first intimation of Mrs. Bolton's serious illness was received that there might be a mistrial.

Both he and his attorneys are anxious that nothing shall prevent the case running its course. Thaw's counsel believe their case to be in excellent shape. Mr. Jerome also is anxious that the proceedings be disposed of, by the verdict of the present jury or by decision on a commission in lunacy. He has expressed his willingness at any time to join with the defense in asking for the appointment of a commission to determine Thaw's present state of mind. The defense, however, will continue in its effort to show that while Thaw was explosively insane at the time he killed Stanford White and that while the effects of the brain storm were still apparent in him for three months following the homicide, his improvement has been so great and progressive since the first of October last that he is today of perfectly sound mind and even temperament.

Many of the Thaw jurors when under examination as talesmen, were asked if they would give the defendant the benefit of the same reasonable doubt, as to his sanity or insanity as they would on the question of guilt or innocence. In every case the jurors who are now serving declared they would. Charles Wagner and Dr. Evans, the two alienists who have offered evidence as to Thaw's state of mind at the time of the homicide have yet to be cross-examined by Mr. Jerome.

If, after the cross examination of Dr. Evans and Dr. Wagner, the reasonable doubt as to Thaw's soundness of mind on June 25 last still exists, the defense will try to show that Thaw at the present time is sane and is entitled to absolute freedom. This is believed by many to be the most difficult part of the task still confronting the defendant's attorneys. Dr. Graeme M. Hammond, who has been constantly beside the prisoner since the trial began, is expected to testify as to Thaw's present mental condition. He is one of the most prominent alienists in the employ of the defense, but he is not known to have visited Thaw prior to October last. He was not with Dr. Evans and Dr. Wagner during their several visits and it is believed his opinion is to testify as to Thaw's con-

petency today. There also may be additional testimony along this line.

While the defense apparently seems to be nearing its close there is so much actual work yet to be done that it is difficult to forecast just when Thaw's attorneys will rest and when Mr. Jerome will begin the introduction of rebuttal testimony about which has been so much mystery and secrecy. Dr. Evans was on the stand and about to relate certain conversations he had with Thaw in the Tombs during his first three visits when court adjourned Thursday. It is presumed that Dr. Evans will resume Monday morning. He must necessarily do so, it is said, to maintain the continuity of the proceedings. It was intimated today, however, that Dr. Evans may be immediately withdrawn Monday to allow Mrs. Evelyn Nesbit Thaw to conclude her evidence.

The defense has the right to recall Mrs. Thaw any time it desires to place before the jury sufficient testimony as to Thaw's insanity to permit introduction of further revelations made to him by his wife and his statements to her in return. However, there is a strong probability that Dr. Evans may be permitted to continue his testimony Monday. It is then a question whether or not Mr. Jerome will elect to cross examine the witnesses immediately or reserve the privilege until later.

When court adjourned last Thursday afternoon Justice Fitzgerald released the jurors from custody "until Monday morning." Having once been released it is not likely that the jurors will again be held in close confinement.

## TO LIMIT HOURS OF LABOR

House Committee Decides to Make Favorable Report on the Esch Bill.

Washington, February 16.—The house committee on interstate and foreign commerce decided today to make a favorable report on the Esch bill which provides that railways shall not require employees connected with the movement of trains to work more than 16 consecutive hours. The bill provides that after an employee has worked 16 hours he shall have at least 10 consecutive hours of duty. As it will be reported by the committee the bill will also provide that operators and dispatchers are not to work more than 9 consecutive hours in stations which are operated both day and night, and are not to work more than 13 hours in towers or stations operated only in the day time.

## FIRE IN ALEXANDRIA

Block of Houses Destroyed—Eight Firemen Injured—One Death From Excitement and Exposure.

Alexandria, Va., February 16.—One death from excitement and exposure, six firemen overcome by smoke, one badly burned about the face, and another injured by a falling beam and damage amounting to \$10,000 were the result of a fire, which early today, destroyed Wedderburn Row a block of houses on Albert street.

The fire was caused by the overturning of a lighted lamp. Mrs. Sarah E. Skillman, an aged woman, was ill in bed with pneumonia. When the flames extended to her home she was carried to the side walk, but died on the way to a hospital.

George Walker was burned about the face and John Travis a volunteer fireman was struck by a falling beam. An explosion in the saloon owned by P. T. Everett in one of the burned buildings, while the fire was in progress knocked down several firemen and spectators.

## VERDICT WAS GUILTY.

Dr. Feist Convicted of the Murder of Mrs. Rosa Mangrum

Nashville, Tenn., February 16.—Dr. J. Herman Feist, charged with the murder of Mrs. Rosa Mangrum was today found guilty of murder in the first degree.

The verdict carries with it the death penalty. Mrs. Mangrum who had been under the care of Dr. Feist, disappeared on December 19, 1905, and her body was found in the Ohio river at Cairo, Ills., on January 5, 1906. A few days before the disappearance of Mrs. Mangrum she drew \$1,400 from bank and announced that she was going to Chicago. The evidence against Dr. Feist was circumstantial, a feature being that he deposited in a bank \$500 a few days after the disappearance of Mrs. Mangrum.

## Horses Shipped to England.

Newport, R. I., February 16.—Twenty-seven thorough-bred horses from the stables of Alfred G. Vanderbilt at Oakland farm, Portsmouth were shipped to New York today where they will be transported to England on the steamer Minnetonka. The horses, of which are ribbon winners, will be driven by Mr. Vanderbilt at the international horse show, which is to be held in London next spring.

Mr. Charles G. Hall has returned from a trip to Savannah.

## FROM CHICAGO TO SAVANNAH

### Proposition to Establish a State Owned Railroad.

#### WOULD REDUCE FREIGHT RATES

Plan Suggested by Governor Smith, of Georgia—Might be Made Through Trunk Line Between the Two Cities. Would Benefit Trade Relations With the South.

Chicago, February 16.—A proposition to establish a state owned railroad from Chicago to Savannah, Ga., was suggested to Corporation Counsel Lewis by Governor Hoke Smith of Georgia in a letter received yesterday. Governor Smith declared that such a line would reduce freight rates and would have a great influence on trade relations with the south. The letter says:

"I am much interested in the railroad rates from the Lakes to Georgia. Our state owns a railroad from Atlanta to Chattanooga and there is a strong sentiment in favor of extending it to Savannah. If Cincinnati could reclaim control of the line built by its citizens from Cincinnati to Chicago, and Cincinnati and Chicago would join a movement for the construction of a line from Chicago to Cincinnati there might be made a through trunk line from Chicago to Savannah, operated solely for the purpose of paying expenses and interest on actual cost of construction without the burdens of watered stocks and bonds.

"Such a line would prove beneficial not only to the great cities through which it passed, but also a broad territory adjacent to the line. It would reduce freight rates more than 25 per cent. It would have a most marked influence on our trade relations."

## RATE DISCRIMINATION

Claims for Excess Transportation Charges Aggregating Over a Million Dollars to be Filed With Interstate Commerce Commission

Augusta, Ga., February 16.—Claims for excess transportation charges aggregating over a million dollars will be filed with the interstate commerce commission at Washington Monday by R. J. Southall, of Augusta, who represents five big trading companies of New York as follows:

China and Japan Trading company, limited; American Trading company; A. Norden and company; Karmer and company, and Fearon Daniel and company. The defendant companies are the Georgia railroad, Central of Georgia Railway company, Southern Railway company, Atlantic Coast Line, Atlanta and West Point; Western and Atlantic; Western Railway of Alabama, Charleston and Western Carolina, Columbia, Newberry and Laurens, Chesapeake and Ohio, Illinois Central, Louisville and Nashville; Nashville, Chattanooga and St. Louis railway, Seaboard Air Line, Mobile and Ohio, Texas and Pacific, Missouri, Kansas and Texas, Atchison, Topeka and Santa Fe, Southern Pacific, Great Northern Northern Pacific, Union Pacific, Oregon Railroad and Navigation company, Oregon Short Line, Canadian Pacific, Great Northern Steamship company, and Occidental and Oriental Steamship company.

The main purpose of the claim is a fight against rate discrimination in the matter of cotton goods shipped from the points in the south. The petition shows that from points in southern states to Chinese and Japanese ports the rate is \$1.25 per hundred, while from New England cotton manufacturing centers, it is 85 cents per hundred. The plaintiffs hope to have these rates equalized, as well as to recover money already paid. Cotton manufacturers here say that if favorable, the decision will mean millions of dollars to the south. They now have three-fourths of the oriental trade in cotton goods, and this is one of a series of moves on the part of manufacturers to bring about uniform conditions.

The ports mentioned in the petition through which it is alleged the rates are excessive, are San Francisco, Seattle, Portland, and Van Couver, to Tokio, Shanghai, and common oriental ports.

## Dr. Primrose Dead.

Rev. John W. Primrose, D. D., died in Greenville, Miss., on the 13th inst. in the 69th year of his age. Dr. Primrose left one sister, who is the mother of Dr. R. J. Noble of Selma.

Dr. Primrose was a well known Presbyterian minister. At one time he was past of St. Andrew's church in this city, having resigned his charge here several years ago, his successor, Dr. McClure, being the present pastor of St. Andrew's.

The deceased had a large circle of friends here, who will regret to hear of his passing away.

## COMMISSION IS ATTACKED

### Remitted Fine and Paid Lawyers Out of Treasury.

#### RESOLUTION OF INQUIRY PASSED

Passenger Rate Bill Made Special Order for Tuesday Night—Fish Bill Came up and After the Usual Wrangle Was Passed—Insurance Bill Laid on Table.

(Special to The Messenger.)  
Raleigh, N. C., February 16.—The senate met at 10 o'clock and began the speaking without prayer for the first time this session, no minister being on hand and Senator Brown, of Yadkin, being absent. On motion of Bellamy 500 copies of the pilotage bill introduced by him were ordered printed.

Bills were introduced as follows: By Webb, to amend certain sections of the revision regarding hospitals for the insane. By Torne, to allow Rocky Mount to issue street bonds, also to establish the Rocky Mount road district in Nash and Edgecombe and provide for working the roads there.

The boiler makers of the state sent in a petition asking for boiler inspections. The senate took up the bill amending section 1183 of the revision by enlarging the power of stockholders in corporations in the election of directors. Hicks offered an amendment which was adopted and the bill passed. Buxton's bill to amend the law regarding telephone lines by providing that section 3,845 of the revision shall not prohibit private persons from disconnecting wires attached to buildings or trees on their premises without their consent, was taken up. The section as it now stands imposes a heavy penalty upon persons thus disconnecting wires, whether consent was given or not. It was claimed that as a result of the section much damage had been done to property in all parts of the state. The bill was then referred.

Bills passed prohibiting public drinking of whiskey on trains, this not to apply to dining, smoking, or private cars or in smoking rooms, the penalty being not less than \$10 or over \$50 and imprisonment not over 30 days.

Bill passed to prevent delay in settling statements of cases on appeals of the supreme court. A number of acts were ratified, the total number up to date being 289.

Bills passed to allow Lenoir to vote on bonds. To allow Brunswick to take stock in Wilmington, Brunswick and Southern railway. To allow Rockingham to issue waterworks and sewerage bonds. To establish the Wadesboro graded school district. To give Sampson the road law. To pay county commissioners \$3 a day instead of \$2. To allow the governor to employ counsel to appear before the interstate commerce commission at Washington, a sum to be expended not to exceed \$4,000.

The bill to restore the practice of dentistry to its former position as a branch of the profession of medicine and surgery also passed. It limits practice to diseases of the teeth, and adjacent parts, associated with disease of the teeth and gives the right to prescribe drugs, or perform such surgical operation as may be necessary to the proper treatment of the teeth and further provides that if any person, once convicted of practicing dentistry contrary to the revision, and is guilty of a second offense, he shall be guilty of a misdemeanor punishable by a fine or imprisonment.

Bills passed amending the law regarding days of grace, and to discourage disorderly and bawdy houses by making the reputation of such place evidence of their character. An amendment by Buxton, changing the title of the bill to one "to change the rule of evidence in certain cases." Long spoke in advocacy of this bill. The senate then adjourned until 11 o'clock Monday.

## THE HOUSE.

The house met at 10:30 o'clock, and as there was no minister present, began work without prayer.

Bills were introduced as follows: By Hanks, to require fire escapes, for the protection of human life. By Whitley, to allow Martin to elect county commissioners at the next regular election. By McNeill, to next regular election. By Owens, to regulate fishing in Sampson county and to prohibit putting sawdust in its streams. By Whitley, to regulate fishing for shad and herring. By Morton, to allow New Hanover county commissioners to pay magistrates fees when prisoners are sent to the public roads. By Weaver, to strengthen the law against cruelty to animals. By Taylor to provide a court for trial of civil cases exclusively for Brunswick. By London, to make husband and wife tenants in common. Laughinghouse, speaking in his resolution inquiring whether any penalties

## 16 KILLED IN WRECK

### Accident on N. Y. C. and H. R. Railroad.

## FIFTY PERSONS INJURED

### Cause of Disaster Has Not Yet Been Ascertained.

Train Drawn by Two Electric Motors. Fire Started in Wreckage, but was Quickly Extinguished—Doctors, Firemen and Police Hurry to Scene of Disaster—Greater Number of Those Killed Were Women—Many Were Mangled Beyond Recognition.

New York, February 16.—Sixteen passengers were killed outright four others had died of their injuries at midnight and at least fifty more were more or less seriously injured following the wreck of the White Plains and Brewster express on the Harlem division of the New York Central and Hudson river railroad near Woodlawn road in the Bronx, a borough of Greater New York tonight. A sheet of electric flame that signalled the disaster enveloped the rear car and for a moment threatened to roast victims pinned in the debris. The flames did not, however, spread and the horror of a holocaust was averted. As the cars fell they smashed the third rail, breaking the current and ending the danger from this source.

The train, No. 25, left the Grand Central station at 6:13 p. m. drawn by two heavy electric motors loaded with a motley crowd and commuters on their way home from business in this city. It was made up of one combination smoking and baggage car and five passenger coaches. After stopping at 125th street, the train was scheduled to run express to White Plains. At Woodlawn the four tracks run through a rocky cut and take a sharp curve. When the train reached the curve it was, according to the passengers, running at very high speed, estimated by some at 60 miles an hour. Both motors and the smoking car swung safely around the curve, but the cars following left the rails and plunging over on their sides with a terrific crash, tore up the tracks and after sliding a hundred yards collapsed in one mass.

Of those instantly killed the greater number were women. Many were mangled beyond recognition. Ambulances and surgeons from every hospital in Bronx borough and from Bellevue in Manhattan responded to hurried calls as did two fire engine companies and the police reserves from many stations. Many of the injured were quickly extricated from the wreckage while others were so pinned they could not be taken out for some time.

Fire started in the overturned cars but the flames were quickly extinguished and the firemen lent their aid to the injured. Special trains carried many of the injured to White Plains and Mount Vernon while others were brought to hospitals in this city.

At 10:30 p. m. the police estimated the dead at between 20 and 35. The cause of the wreck was not officially determined tonight.

Miles Bronson, superintendent of the Harlem division, who was in charge of the clearing of the wreckage and who personally superintended the removing of the derailed cars, said that he was unable to determine the cause of the wreck. The tracks, he said, were badly torn up and there had not been time to investigate.

Leonard B. Green, of White Plains, who occupied a seat in the smoker, directly behind the second motor told the story of the trains approach to the Woodlawn road curve. It was traveling at a terrific speed, according to Mr. Green. "I remarked on the speed" said Mr. Green, "when we hit that curve. Instinctively we stopped playing a game of cards and looked back. Suddenly the car lurched and in a moment we seemed to have broken loose from the rest of the train. We could see the other cars turning over."

Disembodied bodies were strewn along for a distance of 100 yards. One woman was impaled on a huge splinter from a railroad tie. Although the scene of the wreck was in the heart of a thickly populated section it was some time before nearby residents reached the scene. For a time only one physician could be secured.

Of course the railroads want all they can get but this is no reason why they should be given as little as possible.—Durham Herald.