

LAWYERS ARGUE THE WILCOX CASE

The Defense Goes to the Jury on the State's Evidence - Applause for Justice Cropsey

Elizabeth City, N. C., March 18.—Special.—North Carolina has rested its case against James Wilcox, charged with slaying his pretty young sweetheart, Ella Mae Cropsey, missing from last November 20 to December 27, when her body was pulled from the juniper colored water of Pasquotank River. That declaration was made at the close of this morning's session by Solicitor Ward. Before making the statement he reported the names of witnesses called whom he told to stay.

Judge Jones said since the issue was so important he would allow each side to confer until 2:30 o'clock when he would convene court again.

This morning's feature was the appearance which greeted the conclusion of Justice Cropsey's evidence. He was Nell's father. As his great feeling, controlled during all his examination about the details of the tragedy which snatched away his most beautiful daughter, began to assert itself by emotional and slightly raised tones, there was rapt attention on the part of the spectators who packed every portion of the large place of justice to its standing capacity. When he finally told about Wilcox's seeming indifference in his great trouble, his lack of sympathy, his failure to lend aid or consolation, there was a subdued rumble of approval. Judge Jones rapped sharply for order and threatened to clear the court room.

There was a dense crowd when court first opened today. The prisoner and his sisters were in their seats promptly. The Misses Cropsey did not appear until late. Then the court ordered seats vacated and they sat behind the prosecuting lawyers. Attorney Cropsey of New York sat near them and took notes. The V. Davenport said that during the search for Nell's body he saw Jim Wilcox and a young man by the name of Lowery opposite the brick yard. Witness said when the dragging party hooked something in the river he thought Wilcox turned pale.

Charles E. Parker who said he was 17 years old and boarded at the Wilcox home and slept with Jim Wilcox, was sworn. Witness said they slept in a back room up stairs, that he retired between 9 and 10 o'clock and did not know anything from then until morning, when they came and took Wilcox from the bed.

Being recalled by the defense Meades said he saw Jim's clothes hanging up in the usual place next morning, behind the door.

Harry T. Greenleaf said he had measured several distances since court adjourned last night as follows: From Norfolk and Southern dock to Barnes' bar, 1,200 feet; from bar to point near Ives, 3,170 feet. Witness said it was 2,500 feet from the Ives point to the Cropsey gate. This tends to prove unaccounted for, time.

Col. T. Parker was called. He said on the night of last November 20 he was at Frog Island. He started towards Elizabeth City. He rode about five miles to Meades' store and stopped. It was about 7 or 8 o'clock. Witness stayed at Meades' about an hour. Witness proceeded and next stopped at Meades' place. He saw Mr. Fletcher, John Cartwright and others. He stayed there an hour or more and said when he asked the time, it was about 10 o'clock. He stayed a few minutes more and then proceeded to town. Witness said he met some people, a man and a woman, both about the same height, near the Cropsey gate. He did not recognize either the man or the woman.

On cross-examination by Mr. Aydtlett, Parker said he had been knowing Jim Wilcox some years. He also met other persons that night, for the road along here is much traveled. He did not see the man's face, nor the woman's.

Charles Reid said he was a deputy sheriff. Mr. Tom Wilcox sent for him Saturday night after the disappearance. He saw Jim and went out of the house and began talking to Jim about the case and told him if he knew anything he should let it be known. Jim said "I can't tell you anything."

When they got over to Hayman's Railway they saw Mr. Cropsey. He came in the office where witness and Jim were sitting. Later all three went up to the Cropsey home. Mrs. Cropsey came and sat on the lounge by Jim and put her hand on his shoulder and asked "Nell." Jim told her he did not know that he left her crying and did not know why she was crying unless it was because he had told her he was going to quit her. He had seen her before. Mr. Cropsey remarked that he did not believe it.

Witness, Jim and others went in the Cropsey porch and Jim showed where the girl stood with her right arm against the porch railing. Wilcox said he had told Nell to go inside several times. Jim had told witness he stayed in the porch ten or fifteen minutes.

On cross-examination, witness said he went with Jim as a friend, that Jim was polite to the family. Jim had made no effort to run away. Witness said he was leaving the Cropsey home he asked Jim could he have seen Nell from the road such a bright night. He said Jim replied "I could have seen her, but if I had known all this trouble was coming I would have called her before I left."

Witness said Wilcox was indifferent about Nell's disappearance, and that he had been a part of his nature. He did not wish to do the prisoner an injustice, he said.

Justice W. H. Cropsey said he was Nell's father. He went up stairs November 20 about half past 8. He came down again at a quarter to 12. He ate a supper of prunes and two slices of bread. A few minutes later he heard the town clock strike 12. He went to bed again.

At a quarter to 1 witness went down

stairs again when his brother Henry called him to get a gun. He saw nothing. His dog seemed scared.

Then Ollie came down stairs," he continued, "and said Nellie was missing. Everybody was soon excited. I tried to quiet my wife. My brother and I went to the Wilcox house and tapped on the door. Mr. Tom Wilcox answered. I did not see Jim.

"Later Chief Dawson brought Jim up to the house. Jim said there he gave Nell's picture back. Next morning for two or three days we hunted for the picture around the yard and along the river front, but no trace was found."

Witness further along said Wilcox stated before the mayor that his mother had waked him that night and he turned over and went to sleep again, for he was a sound sleeper.

Witness said Nell was a graduate of Brooklyn high school. She read quite a number of books. Most were from the Sunday school library. Witness said Nell was of lively disposition, but was timid and afraid to go out alone at night. Nell was a good swimmer.

Judge Cropsey said that during all the trouble Jim Wilcox had offered him no consolation or assistance.

Witness said, in answer to a question from Mr. Aydtlett, that a New York detective had been stopping at his house some days. Witness said he did not employ the detective.

Witness asserted he had never asked Jim for any assistance in response to Mr. Aydtlett's question.

Asked if Wilcox had not been over to see him with Deputy Sheriff Reid and shown sympathy in the matter, Judge Cropsey replied at some length. For the first time since he had been on the stand Judge Cropsey seemed stirred with a great emotion and his voice was slightly raised as he said he did not consider Wilcox's visits with deputy sheriffs and police chiefs as trips in the nature of aid or consolation; but if he had come voluntarily with Mr. Aydtlett or some other citizen he would have regarded it differently. Here is where the applause came. Here is where Thomas Hayman, who had worked with Jim on a marine railway, was called. The witness said Wilcox told him the reason he did not help with the search for Nell Cropsey was that if he should find her the people would say he knew where the body was and that he killed her. Hayman declared Jim was strong man and could handle large pieces of timber with ease. Witness thought he knew what he was talking about, for he considered himself a pretty good man.

Nearing the End

The celebrated Wilcox trial is nearing its end. The prosecution today rested its case. The defense did not introduce any evidence, but the argument was gone into immediately. Though the state declared its intention to rest the case before luncheon they put on two witnesses after recess.

The prosecution wanted to prove that the trousers Jim Wilcox today wore in the court house were not those worn on the night of Nell's disappearance, as had been stated.

Miss Ollie Cropsey and Miss Lettie Cropsey, sisters of the dead girl, were sworn. Each testified that the pants worn today were not those he had on the night of November 20.

Lettie said she had searched all about the premises for the picture claimed to have been given Nell, but nothing of it was seen.

"We rest for the state," said Solicitor Ward.

Mr. Bond—If your honor please, that's the case for the defendant."

Then there was a consultation about the order in which the speakers should come. The instructions had previously been handed to the judge. The instructions were not argued.

Judge Jones congratulated the crowd on its exceeding good order and hoped it would continue decorous. He warned against any demonstration, and said if he found any man guilty he should be fined for contempt.

Mr. McMullen made the first speech. He began by saying he was sick with fever, that his associates had agreed he should open, that the solemnity of the occasion appalled him, that though conscious of weakness he was never more desirous of oratorical powers. Continuing, he said: "I see a decision, gentlemen, is impending not only to the defendant and to the laws of justice, but the eyes of Pasquotank county are upon you. The eyes of the whole world are upon you, they are watching you, gentlemen. I hope you will be guided by reason and not by prejudice.

"My heart goes out to the family in deepest and abiding sympathy. Every man's sympathy in this county does; we know the anguish of it."

The speaker said there was no evidence to show that Nell died by an assassin's hand; there was no evidence to connect Jim Wilcox with the crime. He said the state relied upon these things. Jim was last seen, with Nell; his conduct was against him, and doctors' testimony. He admitted the first and denied the others. He believed that Miss Cropsey loved Wilcox and Wilcox loved her. He thanked God that Nell's life was blameless. He said Wilcox's conduct was not indicative of guilt. "In the name of eternal justice I ask for a verdict of not guilty," he concluded.

Mr. Turner for the prosecution came next. He said it was an extraordinary case. A fair young girl, budding into womanhood, had been taken away; not by Almighty God, her mother bending over and attended by sisters, but taken with a murderer for a pall-bearer, the waves for a coffin, the river bottom for a grave.

Mr. Turner agreed with McMullen that the eyes of the civilized world were upon the jury. The dead body of Nell

Cropsey called for vindication. It was a disgrace to North Carolina, the home of Ransom and Jarvis, a burning shame that a woman should be knocked in the head like a dog.

During the argument Lettie Cropsey cried.

Mr. Turner said he would present twenty-two points against the suicide theory, and he defied the defense to deny them. "If we don't convince you, gentlemen of the jury, that Nell Cropsey was killed and that Jim Wilcox did it, then turn him loose. He reasoned that there was no motive for suicide, but there were both motive and opportunity for murder. He argued that Nell was clubbed in the porch, dragged to the bath house and there thrown into Pasquotank river.

The lawyer said the umbrella had been brought to the Cropsey home on the fatal night as a decoy, and that the murderer's plans had been decided upon in advance.

He spoke of the sacrifice and sympathy, the tender of money and ability to the Cropsey family by the citizens of Pasquotank county, but said Jim Wilcox had shown no sign of sorrow or assistance in finding Nell. He said God had sent up the body in so natural a state that the murderer might be punished. He concluded by telling the jury to go home and tell their wives and daughters after their duty was done that a blow for their protection had been struck.

Former Solicitor Leary followed for the defense. He began by saying that he should appeal to the jury's reason rather than their passions. He believed that the jury would find before they came out of the box that the evidence was not strong enough to convict a dog. He said Wilcox's manners were not as pleasant as some people's and his conduct had caused suspicion, but his actions had been natural and he could not be hanged unless he had done murder.

He spoke of Wilcox being a working man and a native, and said the Cropsey's were northerners but clever people. The speaker then went into a discussion of the evidence, dwelling at length upon the technical evidence given by the doctors to prove that Nell Cropsey was not drowned, and saying "are you prepared to take this man's life away upon the guesses of these doctors? I think not." The lawyer declared that the evidence pointed to the suicide theory.

Young Mr. Turner made the most pretentious speech today, speaking one and one-half hours. Mr. McMullen with twenty minutes, and Mr. Leary over an hour, talked well.

Because the defense introduced no evidence they have the opening and closing, the subsequent order being: Mr. Sawyer, Mr. Bond, Mr. Ward, Mr. Aydtlett. After the oratory is over Judge Jones' charge will consume several hours. The defendant's counsel said tonight that they introduced no evidence because most of theirs was gone in by the state's witnesses. This afternoon's crowd was the biggest yet. Wilcox has not weakened at all. The case will probably be concluded Thursday.

CHEAP BLUFF

Crumpacker on the Democratic Opposition to His Resolution

Washington, March 18.—The outcry of Democrats against my resolution," said Representative Crumpacker today, "is a bit of cheap bluff. If Mr. Hill, Mr. German and the others thought that our contemplated action would have the political effect they ascribe to it, instead of warning against it they would keep still until we were thoroughly committed.

"The outcry is only to frighten some of our timid Republicans. The Democratic leaders know that they dare not go before the country on the exposition of the facts of southern disfranchisement and representation.

"They know that on a question of representation according to the mandate of the constitution, the country, north, east, south and west, will be of one mind."

RUSSIA STANDS GUARD

United States Will Not Be Allowed to Recoup from Turkey

St. Petersburg, March 18.—Sweet today declares that Russia will not allow America to compel Turkey to pay the ransom money exacted by the brigands for the release of Miss Ellen M. Stone, the American missionary, nor will Russia tolerate any interference in her sphere of influence.

"Russia," the paper adds, "will enunciate a Monroe Doctrine for the east of Europe."

Washington, March 18.—Count Cassini, the Russian ambassador to the United States, stated this afternoon that he was in absolute ignorance in regard to the report. The statement of Sweet, he added, was undoubtedly erroneous.

"I cannot of course," said Count Cassini, "say anything official regarding the matter, but judging from what I know to be the attitude of my country I am positive that Sweet's statements are entirely erroneous. The Russian government, so far as I am aware, does not share in any such sentiment in the slightest degree."

DEPOT AND COTTON BURNED

Lincolnton Calls Upon Charlotte Firemen for Assistance

Charlotte, N. C., March 18.—Special.—A disastrous fire occurred at Lincolnton, N. C., about one o'clock this morning by which the Chester and Lenoir depot, one hundred bales of cotton and six box cars were destroyed. One theory is that the fire was started by tramps who were seen lurking around before the blaze was discovered. Charlotte was called upon for aid about four o'clock this morning and a fire brigade was soon en route making the 32 mile run in less than 50 minutes.

When the Charlotte firemen reached Lincolnton the fire had been put under control by a bucket brigade. They therefore bent all their efforts upon saving the Seaboard depot, adjoining the Chester and Lenoir. The Charlotte men and engine returned at noon today.

BREESE JURY HUNG

Eleven Men Stood for Conviction and One for Acquittal

Asheville, N. C., March 18.—Special.—The Breese case resulted in a mistrial. The jury stood eleven for conviction and one for acquittal. The jury has had the case since Saturday.

It was not decided when the case would again be called. United States Attorney Holton wants it heard at the earliest possible moment and will make an effort to have a speedy trial. A motion for a change of venue has been refused by Judge Jackson. It cannot be stated positively when the case will again be heard or who the presiding judge will be, though it is generally believed that Judge Jackson will again hear it.

The Dickerson case is set for the June term of the United States court at Charlotte.

Counsel in the case today returned home, Senator Pritchard going direct to Washington.

A Railroad Indicted

Louisville, March 18.—District Attorney Hill today made known that the Federal grand jury assisted by Attorney Marchand, of the Interstate Commerce Commission, had found an indictment against the Louisville & Nashville railroad for granting a rebate on grain from Louisville to Atlanta. Mr.

The Crumpacker Idea Making Some Headway

A Deep Laid Plot as Mr. Klutz Sees It—River and Harbor Bill Sure to Go Through

By THOMAS J. PRINCE

Washington, March 18.—Special.—Tomorrow morning the House Committee on Agriculture will consider the Appalachian Park bill, and it has been arranged that the hearings shall be public. Dr. C. F. Ambley of Asheville, the Secretary of the National Park Association, arrived today and will be one of those to address the committee. Secretary of Agriculture Wilson and Prof. Holmes of the University of North Carolina will also be heard in behalf of the park. Congressman Brownlow of Tennessee, who has been making a quiet canvass on the Republican side of the House, says he does not think the bill will meet with any opposition to speak of.

When Senator Money of Mississippi goes to Davidson College to deliver the commencement address he will speak first to the Manufacturers Club of Charlotte. He has already accepted the invitation.

Senator Simmons returned today from Harrisburg, Pa., and was accompanied by Mrs. Simmons, who has been undergoing treatment at a sanitarium. It will be gratifying news to Mrs. Simmons' many friends in North Carolina to know that she is greatly improved in health. She was much benefited by her stay in Pennsylvania. Senator Simmons has been joined by his two youngest daughters and is living with his family at the Portland Hotel in Fifthteenth street.

Senator Pritchard will return tomorrow morning and this fact will relieve a goodly number of the faithful who have been anxiously awaiting his return. A telegram from the Senator stated that he would leave North Carolina today.

In the Senate this morning Senator Simmons took occasion to make clear his position with reference to the ship subsidy bill. After stating that he was unavoidably detained from Washington, he said that the Congressional Record failed to record how he would have voted, simply stating that he was paired with Senator Clapp of Minnesota. Senator Simmons said he desired the Record to contain the fact that had he been present he would have voted against the ship subsidy bill and that had Senator Clapp been present he would have voted for it.

It is apparent that the River and Harbor bill will pass the House by a good majority, and there is poor prospect that there will be any change made in it. Members of the State delegation will offer amendments, and they hope to be able to have some of them engrafted into the bill. Just what amendments will be offered has not been finally determined. It is said that Senator Pritchard

Log Rolling for Shares of River and Harbor Pork

Hepburn Makes His Annual Contribution to the Literature on the Subject. The Other Side Heard

Washington, March 18.—The House of Representatives went into committee of the whole after the election of the new doorkeeper today and resumed consideration of the River and Harbor bill. When Mr. Hepburn of Iowa, who has fought river and harbor bills ever since he came to Congress, arose to speak there was an outburst of applause on both sides of the House.

"I arise to make my annual contribution to river and harbor literature with miscellaneous assortment of emotions," he began. "I recognize," he continued, "the utter futility of saying anything against this bill. I recognized that fact years ago when the pork in the barrel was only \$8,000,000. How manifestly impossible is it to make headway against it now that the appropriations aggregate \$80,000,000. At the same time I find in connection with the presentation of the pending bill some things to commend—a rare thing in my experience. We have at the head of the River and Harbor Committee an ideal chairman for the purposes of the bill, one who, I believe, is striving to secure public rather than private benefits, one looking for the welfare of this great nation and the promotion of its commerce, not the elevation of A. B. or C. to seats upon this floor."

Mr. Hepburn commended the committee for taking the "back track" upon wasteful expenditures in certain directions, pointing out the abandonment of further improvements of the Mississippi river as a final fulfillment of predictions made 18 years ago.

He said that Congress should set a definite limit upon the depth of water sought to be obtained in seaport harbors—thirty feet for instance—and place a limit upon naval architecture. Otherwise he declared there would be no end to the depth of water which would be demanded.

While acquitting the chairman of the committee of looking to anything but the public welfare, Mr. Hepburn said there were gentlemen upon the committee who did not hesitate to "log roll" to secure appropriations for their

Decision Not Satisfactory

Washington, March 18.—Secretary Hay today telegraphed Powell Clayton, United States Ambassador at Mexico, that this government is not satisfied with the decision of the Mexican courts in the case of Dr. E. W. Scott of San Antonio, Texas, and directed Mr. Clayton to ask for a review of the proceedings.

Another Flag Raising

Washington, March 18.—It has been arranged between the State Department and the Navy Department that the Stars and Stripes shall be raised on the Danish West Indian Islands by a detachment of United States troops as soon as the Danish military forces have been withdrawn. The troops to be detailed for the duty have not been designated but will be when the treaty ratifications have been changed.

DEAF AND DUMB ASYLUM BURNED

Jackson, Miss., March 18.—The State Institution for the Deaf and Dumb was almost destroyed by fire today at noon, leaving caught from electric wiring or a defective flue. The buildings were of brick, located in the center residence section of Jackson. They were valued at \$40,000 and insured for \$15,000.

With the greatest difficulty all the pupils were gotten out to places of safety. Citizens of the town turned out to assist the fire department. The institution was a landmark, having been a partial ante-bellum residence of the Yergers. The 150 unfortunates were taken into private residences where they will remain until sent to their homes.

A Liberal Victory

Washington, March 18.—The Navy Department today received the following cablegram dated Colon, March 18, from Commander John Rodgers, of the gunboat Marietta:

"Liberal army has gained a victory. Liberals have possession of country west of Panama. Fighting expected on Isthmus."

Loop Hole Found for Maj. Waller

Manila, March 18.—The court-martial which is trying Major Waller, of the marine corps, on the charge of putting natives to death without a trial, has sustained the plea in bar offered by Commandant Marix, Major Glenn and Attorney Sutro counsel for Major Waller, who argued that a mixed court had no jurisdiction, for the reason that after the acts alleged to have been committed by Major Waller he was regularly relieved of army duty and permitted to return to his marine duty without any accusation having been made against him. Hence he was beyond army jurisdiction. The court adjourned until tomorrow awaiting instructions from General Chaffee.

General Bell reports surrender of 100 officers and 62 riflemen.

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