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## NORRIS DEFENSE GOES TO JURY WITHOUT PUTTING ON ANY WITNESSES

Lawyers Get Fierce Over the Photograph of the Burned Dwelling

## STATE RESTS WITHOUT PUTTING THOMAS ON

Lively Arguments by Lawyers Every Minute Almost—Progress Very Slow—Photograph of House Used by Defense to Determine Location of Kitchen—Judge Announces He Will Hold a Night Session Tonight

After a few minutes' conference of the attorneys for the defense, Mr. Holding announced that the defense would introduce no testimony, preferring to go before the jury with the case as it was.

The defense has the opening and closing of the argument.

Judge Webb has announced that there will be a session of court to-night.

Judge T. B. Womack addressed the jury first for the defendant.

J. D. Melver, sheriff and member of house of Chatham county, was called first by Mr. Spruill. He lived about five miles from the old Norris house.

When Mr. Holding produced the picture of the Norris house there was a short squabble, and it was some time in the confusion before Judge Webb could find out what it was.

When it was finally shown to the judge he would not allow it to be shown to the witness, saying there was nothing on it to show when the picture was taken, or the condition the house was in.

Mr. Holding said it was not offered to show aged condition of the house.

Witness said in standing in front of the gate one could not see the kitchen or any part of it.

On a direct Mr. Melver said his time was railroad, time, 10 or 15 minutes faster than sun time. At the justice's trial he had not been asked anything about T. O. Marks and A. Ansley, which was in Pittsboro. Why had he written to Mr. Primrose?

He started to say what information he had received, and there was a sharp argument of counsel. Finally Judge Webb allowed witness to state that he got information and wrote the letter on the basis of that. In consequence of what he heard about the fire he wrote the letter.

"What was the nature and character of the letter to Mr. Primrose?" asked Mr. Spruill. Defense objected because one was in Pittsboro. Why had he written to Mr. Primrose?

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Dr. R. T. Spence.

Dr. R. T. Spence of Harnett gave Mr. Melver a good character.

Cross-examined by Mr. Holding, Dr. Spence said the rental value of the 51 acres would not be much because it would be hard to get a tenant, and most of the neighbors had land enough. He did not know the value of the land with the house. To put a suitable tenant house of 6 rooms and a kitchen on the place would cost \$1,000 or \$1,500.

Dr. R. T. Spence said he had known Mrs. Emily Womack up to the time she went to Durham eight or nine years ago, and she bore a good reputation up to that time.

Mr. Holding cross-examined Mr. Melver and showed him the map of the section prepared by the prosecution. It represented Buckhorn creek emptying in to Hay river, whereas it did empty in to Cape Fear. Various other errors in the map were pointed out.

Mr. Holding brought out that the firm of Marks & Ansley was composed of T. O. Marks and T. A. Ansley. T. O. Marks was the younger man. Why, then, had he said he told Mr. Norris the old man was in Pittsboro? Witness replied that the old man, Joe Marks, ran the mill. Had he, at the magistrate's trial, said anything about mentioning that the younger Marks was at the mill? He said not remember. Shown a copy of his testimony at the magistrate's trial, witness said he did not think he did. Had he said anything about the younger Marks to Mr. Young or Mr. Scott? He had told them J. A. Marks and Ansley were at Pittsboro on the jury.

Witness did not know condition of Mrs. Womack's mind in recent years. Had never heard her sanity questioned until this thing came up. Had he ever heard she refused to sleep on a bed, and when her son gave her one she threw it out in the road? No, he had never heard that. Had he not heard from her friends and kinsmen since the trial was started that her mind was affected? Objection sustained. Mr. Melver denied that he takes a

very active part in the prosecution. Had never been to Raleigh to see Commissioner Young since he was subpoenaed. Had J. J. Thomas testified before the grand jury?

Objection. And Solicitor Jones said Mr. Holding knew it was not competent. Mr. Holding said he would not accept any such remark as that; let the other gentleman stay within the bounds of reason and he would.

The question whether Mr. Thomas was in court to testify was ruled out, and defendant excepted.

Witness admitted that he had written to W. S. Primrose here about the matter. Did not know Mr. Primrose was adjutant of the Home company. Had noticed Mr. Primrose had adjusted some losses in Raleigh. He denied positively that he had written this letter after a conference with Mr. Thomas or Mr. Scott on street, but had talked with W. A. Lawrence, G. F. Drake, T. H. Buchanan, J. H. Buchanan, W. H. Cross and other neighbors before he had written the letter.

Were the Buchanans related to Thomas? Ruled out.

Mr. Holding pressed Mr. Melver to say why he went around to the homes of his friends telling about this thing. The witness first said he was working at timber, and then admitted later that he was not working at timber then, but had been before that and since. Did not remember why he had visited his friends. Mr. Holding said it was not for timber, and Mr. Melver said not and he was not working on that either. Mr. Holding rejoined that it looked very much like he was working on the fire.

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## ARGUED THAW INJUNCTION

Writ Against Jerome Heard This Morning

## MEETING IN JAIL CELL

Thaw's Wife and Lawyer Hartridge Hold Another Conference With the Prisoner—Awaiting Decision Of Judge McLean In The Injunction Case Against District Attorney.

(By the Associated Press.)  
New York, July 19.—Clifford W. Hartridge, counsel for Harry K. Thaw, and the prisoner's wife, Evelyn Nesbit-Thaw, held a conference with Harry K. Thaw in the Tombs prison today.

The application of John D. Gleason of Thaw's counsel for an absolute writ prohibiting District Attorney Jerome from examining witnesses under subpoena in the Thaw case, came up for argument before Justice McLean today. Counsel for both sides declared they were ready to proceed.

Argument on the writ of prohibition was heard promptly. At its conclusion Justice McLean reserved his decision.

In his argument in support of the writ John D. Gleason, based his application on the grounds that the grand jury has no inquisitorial powers, and that under the state constitution that Thaw has the right to be present whenever the testimony of any witness is sought to be taken against him and to examine the witness.

W. M. K. Oleott, the lawyer who was dismissed by Thaw and ordered by the court to show cause why he should not surrender the papers in the Thaw case to Thaw's new counsel, Clifford W. Hartridge, said today that the papers will be surrendered to Mr. Hartridge this afternoon.

Thaw's wife, after visiting him in the Tombs today drove to the office of her husband's personal counsel, Clifford W. Hartridge, for whom she dictated a long statement giving a history of her life since she has been in New York. Mrs. Thaw gave such a statement to W. M. K. Oleott, formerly of Thaw's counsel, shortly after Thaw was arrested.

## HERALD MEN SURRENDER

(By the Associated Press.)  
New York, July 19.—T. H. Hamilton, editor in chief; P. W. Schaefer, general manager; John T. Burke, night editor; George Minor, Sunday editor, and M. M. Gilliam, advertising manager, of the New York Herald, for whom warrants had been issued at the request of the federal authorities charging them with violating the postal laws in having deposited in the mails copies of their publication containing "Personals" alleged to be obscene, surrendered themselves today to the United States marshal. They waived a preliminary examination before a United States commissioner and were paroled in custody of their counsel to answer on October 10 any charges the grand jury may find against them.

Ancient Order Hibernians.

(By the Associated Press.)  
Saratoga, N. Y., July 19.—The national convention of the ancient order of Hibernians in executive session today resumed the consideration of the reports of numerous committees. The ladies auxiliary was also engaged in similar work.

## THIS LAWYER ALSO FOUND A LOOPHOLE

(By the Associated Press.)  
New York, July 19.—Burton W. Gibson, the lawyer who was committed to the Tombs prison in default of \$25,000 bail, to await the action of the grand jury in connection with the murder of Mrs. Alice D. Kinnam, appeared before Justice Blanchard today on a writ of habeas corpus and was discharged from custody.

The district attorney's office made no opposition to the argument of Gibson's counsel that Gibson's commitment was illegal.

## DEATH FOR GEN. STOESEL

The Port Arthur Commission Recommends It

## GALLEYS FOR GEN. FOCK

Expulsion From the Army in the Case of General Reuss and a Reprimand for Admiral Alexeev—Commission Concludes Its Findings In Port Arthur Surrender.

(By the Associated Press.)  
St. Petersburg, July 19.—The commission appointed to investigate the surrender of Port Arthur has finished its labors and recommends that Lieutenant General Stoessel, the former commander of the Russian forces at Port Arthur, be dismissed from the army and shot.

That Lieutenant General Fock, who commanded the fourth east Siberian division at Port Arthur, be dismissed from the army and undergo a year's hard labor.

That General Reuss, chief of staff of General Stoessel, be dismissed and banished.

That Admiral Alexeev, former victor in the far east, Lieutenant General Suifnoff, commander of the Port Arthur fortress, and General Vernander be reprimanded.

The formal trial of these officials will take place shortly.

## SHOT CHIEF OF POLICE

Wounded By Negro Whom He Attempted to Arrest

Officer May Be Fatally Injured—Elias Eborn Attempts the Life of Chief Louis Snell at Belhaven—Negro Escapes.

(Special to the Evening Times.)  
Washington, N. C., July 19.—Louis Snell, chief of police of Belhaven, was shot down in cold blood yesterday by Elias Eborn (colored). Snell went to the house of Eborn at 7 o'clock to serve a warrant. He found Eborn at home and stated his object.

He then attempted to arrest him, but Eborn got away and secured a shot gun and fired on Snell, the lead entering his side and arm, wounding him seriously if not fatally.

After the shooting Eborn escaped to parts unknown. A posse of men are scouring the country for the negro.

He is of ginger-colored color; weight 170 pounds; height, six feet, knife-scared face and neck.

Latest report from Belhaven today is that Snell is resting well and there are now strong hopes of his ultimate recovery, unless blood poisoning sets in.

## BRAZIL WELCOMES SECRETARY ROOT

(By the Associated Press.)  
Washington, July 19.—Official dispatches received today by the charge of the Brazilian embassy states that Secretary Root was enthusiastically received at Para, Brazil, by the authorities and by the people.

Answering the telegram of Baron Rio Branco, sent to Secretary Root upon his touching Brazilian soil, the secretary said:

"I thank you for your kind message of greeting received at the moment of first setting my foot on the soil of Brazil. I take it as a happy omen of the good results which will inevitably flow from more perfect understanding and friendship between our two countries and these I hope we may live long to promote."

The cruiser Charleston, in which Secretary Root is traveling, after calling at Pernambuco and Bahia, will arrive at Rio de Janeiro on the morning of the 26th inst.

Boston Widow Leaper Dead.

Boston Mass., July 19.—Mrs. J. Samuel Plaza, wife of a New York business man who jumped from a window on the sixth floor of Hotel Touraine last night, died today from the effects of her injuries.

## PLUNGE RUSSIA INTO CIVIL WAR

Measure Adopted Today May Have that Result

## THE CZAR HESITATES

When the Question of Dissolving Parliament Is Presented To Him, Proclamation to the Nation On the Agrarian Question May Precipitate Trouble—War Inevitable.

(By the Associated Press.)  
St. Petersburg, July 19.—The belief that the adoption by the lower house of parliament today of a proclamation to the nation, on the agrarian question, will precipitate the long brewing conflict and plunge the country into civil war is profound.

All hope of reconciliation between parliament and the government is vanishing and the government is evidently preparing to take up the case of late when it is formally thrown down.

At the council held at Peterhof last night the committee came out strongly in favor of dissolving parliament, but according to the best information the emperor hesitated and at the moment of adjournment refused to agree to a dissolution, though his final decision was postponed.

Nevertheless the more moderate faction of the constitutional democrats comprehending that the government can hardly avoid the issue shrink from making the appeal to the country, which may involve a civil war.

They seriously believe that the adoption of a dissolution of parliament, realizing that making the appeal would be equivalent to a declaration of civil war, count upon the active intervention of Austria and Germany, which according to the official Russia have agreed in principle on sending troops across the border, to aid in the suppression of an agrarian uprising should the Russian government formally request it. The Russian announcement created a tremendous sensation, it stated that the execution of the principle of confiscation of property in Russia would constitute a danger to them.

Children Buried to Death.

(By the Associated Press.)  
Port Wayne, Ga., July 19.—Miss Annie Winbush, aged sixteen, and Robert Winbush, six years old, children of Mr. and Mrs. R. W. Winbush, of Savannah, Ga., were buried to death last night at the home of their grandfather, W. G. Jordan.

## LETTERS IN HARTJE CASE

(By the Associated Press.)  
Pittsburg, July 19.—The spectators at the twelfth day of the trial of the divorce case of Augustus Hartje against his wife, Mary, Scott Hartje were disappointed when Miss Helen Scott, sister of the respondent was not again called to the witness stand when court opened. She was being cross-examined by counsel for Hartje on the most interesting part of her testimony when an adjournment was taken yesterday, and it was expected that the cross-examination would be continued.

It is said that the two letters introduced by Mr. Hartje's counsel yesterday in the effort to show that Mrs. Hartje and "Tom" Madine, the coachman correspondent in the case, has been corresponding with Miss Scott in the past, will be introduced in evidence when the plaintiff begins his rebuttal. All attempts to learn the character of these letters were a failure. Hartje's counsel declaring that the public must wait until they are presented in court. It is understood that Hartje's experts have been at work on the letters several days. No important testimony developed today.

## PEASANTS' MARCH OF RUIN GOES ON

(By the Associated Press.)  
Moscow, July 19.—A landlord fleeing from Bobrov, in the province of Voronezh, where a peasant uprising has taken place, has arrived here and gives a frightful picture of the devastation. He described the losses in the province as colossal. The troops are powerless to cope with the peasants, who are marching in large bands, destroying practically everything. Not more than one-tenth of the estates are spared.

Upon approaching a village an advance detachment of the peasants enters, announces that it is being pur-

sued by 6,000 troops with machine guns and asks for support. The villagers thereupon join the rioters and the procession moves on.

The movement started by the refusal of the landlords of the northern part of Mohrva district to agree to an advance of wages to the farm women. The ripening crops are not being harvested.

## RUSSIAN MONEY ORDER INQUIRY.

(By the Associated Press.)  
Norfolk, Va., July 19.—Two weeks ago I. Abramson of Norfolk, complained to the United States Postoffice Department that three money orders, purchased at Lynchburg by Jake Gershon for transportation to a relative in Russia, had been refused payment in the latter country, and Mr. Abramson asked an investigation of the matter.

He has received a reply from the department stating that the matter will be taken up with the Russian postoffice department with an urgent request for further investigations. It is claimed by the Russian department that payment has been made. In replying to the complaint, the United States Postoffice Department says:

"It should be pointed out, however, that payment of a money order issued in this country on Russia is not effected upon the order delivered by the issuing postmaster to the remitter but on another order of different form issued by the Russian exchange office at Warsaw. The return of the original money order form of the United States issue is, therefore, not satisfactory evidence that the amount was not paid to the intended beneficiary."

WOMEN MOBBED FREE ICE WAGON.

(By the Associated Press.)  
New York, July 19.—Five hundred men, women and children took part in a riot in the eastside today during which they made a raid on a wagon load of ice intended for free distribution among them, and took every pound in the wagon. The crowd was composed of persons holding in rickets issued by dispensaries and hospitals entitling them to the ice without cost. The distribution was to have been made at Cherry and Jefferson streets, but the wagon was late in arriving. When it appeared and the ice men began to chop the blocks into small pieces, one of the impatient ones snatched a piece and ran. Instantly there was a free fight for the remainder, in which the women fought steadily against men for a five pound piece of ice. The police reserves were called, but when they arrived on the scene the ice and the crowd had disappeared.

STRIKE OF POORLY PAID COPYISTS.

(By the Associated Press.)  
Albany, N. Y., July 19.—A strike of a considerable proportion of the male copyists employed by the addressing company which is copying the lists of the insurance companies policyholders for the international policyholders association committee occurred today.

The trouble appears to have arisen over the fact that the copyists hired in Albany were paid one dollar per thousand names, while a number of men were sent from New York under an engagement to be paid but 85 cents. Several of the latter men said they could not on the average make even a dollar a day. A uniform rate of one dollar was finally conceded by the company and a number of strikers went back to work. The rest held out for a better rate, or for a day's pay basis.

DUBLIN EXPO. COMMISSIONERS.

(By the Associated Press.)  
New York, July 19.—Rev. Father Patrick Lally of Galway and Colonel M. C. Hackett of Dublin, Ireland, arrived here today from Europe on the steamer Tontine. They have come to America to obtain objects of historical interest for the international exhibition to be held at Dublin in 1907. They will visit all of the larger cities to secure relics in the possession of families of Irish descent.

JOHNSON DOESN'T WANT NATIONAL CHAIRMANSHIP.

Columbus, O., July 19.—Mayor Tom L. Johnson, of Cleveland, declares he is not after the position of chairman of the national democratic committee.

"I am not a candidate for the position of chairman of the democratic national committee," said Mr. Johnson today.

"I have no idea of trying to oust Tom Taggart. People do not seem to realize how well I like my present position. I am mayor of Cleveland and I'm going to run again once or twice. I'm going to run for mayor up there until they defeat me or elect me unanimously."

Thousands are Leaving the Country. No One Dares to Return to Shelter As the Disturbances Are Repeated Hourly—Food Scarce and Distress Imminent.

(By the Associated Press.)  
Albuquerque, N. M., July 19.—Refugees in large numbers are arriving here from Socorro, N. M., where great damage has been wrought by a succession of daily earthquakes since July 2. In that time not an hour has passed without one or more quakes.

The centre of the disturbance is a some 20 miles long by about 10 miles wide running from the Ladrone mountains southeast through Socorro, San Antonio and San Marcel. This side of the belt the shocks have been hardly felt. Each one is preceded by a loud rumbling, like heavy thunder, which can be heard approaching from the northwest before it reaches Socorro.

Senator Isaac of Socorro, until recently district attorney, is here with his family. He says that people are leaving on every train, and those who cannot ride on the railroad are leaving by wagon. About 2,000 people are camping out in tents and no one dares to go in doors. Practically every residence and business block in the town has been irreparably damaged. There has been much distress among the people who are camping in the open, as heavy rains have fallen in the last two days.

Most of the people are going to El Paso, although many are coming to Albuquerque and Santa Fe.

The shocks generally occur as short, sharp jolts, the ground seeming to slip violently. It is believed the adjustment of rock strata in the rugged Ladrone and Magdalena mountains is the cause of the continued shocks.

Provisions are growing scarce and real distress is feared.

"The noise and the quakes are frightful," said Mr. Leeson, a refugee from Socorro.

"I have experienced quakes at Los Angeles and San Francisco, but never anything so sickening as those prolonged rockings and jerking of the earth at Socorro. Water placed in a bowl will show continuous vibrations between the great shocks, showing that the earth is never still. Not a house in town is safe to enter and chimneys and walls topple with each recurrent tremor."

## FLEEING FROM EARTHQUAKES

Succession of Daily Quakes in New Mexico

## CAMPING OUT IN TENTS

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STORE DYNAMITED BY COAL MINERS

(By the Associated Press.)  
Scranton, Pa., July 19.—Hollister and Bowman's store at Avera was badly damaged by dynamite today. The entire front was torn out and Angus Howell and family, who occupied rooms over the store, were hurled from their beds, as was also George Hinchcliffe, who lived on the opposite side of the street, where the force of the explosion tore off doors and blew out the windows in three buildings.

Hollister and Bowman recently operated the Avera Colliery, and there was considerable feeling among the miners because the sliding scale advance was not added to their recent pay. It is thought that the dynamite outrage was the outcome of this dissatisfaction.

## TREATY BETWEEN U. S. AND SPAIN

(By the Associated Press.)  
Madrid, July 19.—American Minister Collier has left Madrid for San Sebastian, where he will sign with Foreign Minister Gullon the new commercial treaty between the United States and Spain. The document is considered most advantageous to both sides, overcoming a number of the increases in the Spanish tariff which became operative July 11 and giving Spain reciprocal advantages.

The treaty is expected to be the basis for a similar understanding between the United States and other powers.