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THAW'S LIFE THREATENED BY WHITE WITH FOUL WORDS AND THAW HIMSELF INFORMED OF IT.

Such Was the Testimony of Benjamin Boman Today's First Witness

BELMAS HAS ASSUMED CONTROL OF THE CASE

Boman in His Testimony Told of White's Questioning Him Concerning the Whereabouts of Evelyn Thaw, of White's Rage When Informed She Had Gone Home, of His Drawing a Pistol From His Pocket and Threatening to Kill Evelyn's Husband—The Prisoner's Wife and Mother Still Barred From the Court Room.

(By the Associated Press.)
New York, Feb. 6.—Interest in the opening of the Thaw case today centered in the maneuvers of counsel for the defense, who at the end of yesterday's proceedings had an earnest consultation among themselves as to the future conduct of the case.

It was evidently decided to put the matter squarely up to the defendant, and before the court session began today all of the six lawyers who have represented Thaw since the beginning of his trial went into the prisoners pen to discuss the matter with him. They were still in the pen when Justice Fitzgerald took the bench, when they fled into the court room along with the defendant. All the lawyers took their accustomed places at the counsel table.

Mother and Wife Alone Absent.

The Countess of Yarmouth appeared in court this morning for the first time in several days. She looked a trifle pale. Along with the countess came George Lander, Carnegie and wife, another sister of the defendant, Mr. Edward and Josiah Thaw also were members of the family circle today, the only absentees being Mrs. William Thaw, the mother and Mrs. Evelyn Nesbit Thaw, the wife of the defendant, both of whom are barred by the rule excluding witnesses.

When the court session began District Attorney Jerome stated that upon adjournment yesterday the point was pending as to the admission of certain testimony by a witness who was about to state a conversation held with Thaw in January, 1904.

Delmas Takes Charge.

The court had sustained the objection to the questioning imposed by the district attorney but had invited the citation of authorities. Mr. Jerome was reading from a case which he declared applied, when Attorney Delphin M. Delmas arose and suggested that a witness be placed upon the stand before the continuing of the proceedings.

It then became known that Mr. Delmas was to assume active charge of the defense, whose case was handled yesterday by Mr. Gleason. It was said Mr. Delmas had delivered an ultimatum that he would withdraw from the case unless given a free hand in conducting the fight for Thaw's life. The results of yesterday's proceedings were anything but satisfactory to all concerned in the case.

District Attorney Jerome replied to Mr. Delmas that the matter of allowing the witness Boman to state a conversation with the defendant was pending yesterday and should be finally decided before bringing in further evidence.

Mr. Delmas thereupon said he would withdraw the questions asked the witness which caused the objection to be entered. This was agreed to.

Mr. Jerome said he would withdraw his objection to the introduction of evidence tending to show insanity in collateral branches of the Thaw family provided certain questions asked the witnesses offered yesterday were withdrawn.

"We withdraw the questions," said Mr. Delmas, "and will go over the matter again."

Mr. Delmas then directed that Benjamin Boman, whose testimony had been excluded yesterday, be recalled.

Boman said that in 1903 he was

a door-keeper at the roof garden theatre.

"Did you ever hear Stanford White make threats against the life of any person?"

"Yes."

Mr. Jerome objected to this, saying he was not assured the defense was to be one of self-defense.

Mr. Delmas declared that every defense the law allowed was to be taken advantage of.

Mr. Jerome withdrew his objections.

"A few nights after Christmas," the witness resumed, "Stanford White came up to me after the show and wanted to know if Miss Nesbit had gone home. I told him she had. He replied: 'You are a d—llar.' I told him to go back on the stage and see for himself.

"When he returned, and as he passed me he pulled a pistol from his pocket and muttered: 'I'll find and kill that — before day-light.'"

The witness stated the vile name he said White had applied to the man whose life he had threatened in a loud voice.

"Did you communicate this threat to anyone?" asked Mr. Delmas.

"Yes; I told a detective sergeant."

"I object to that," said Mr. Jerome.

"Did you communicate the threat to this defendant?" asked Mr. Delmas.

Thaw Told of Threat.

"Yes, I met him on Fifth avenue and told him I wanted to speak with him regarding Miss Nesbit. I then told him of the incident at the theatre and of White's threat."

"What was Mr. White's condition when he made the threat?"

"He was black in the face with anger."

District Attorney Jerome asked that the answer be stricken out as improper, and the court so ordered.

"What was Mr. White's manner?" asked Mr. Delmas.

"He was very angry."

"You may take the witness," remarked Thaw's counsel to the district attorney, and the cross-examination was begun.

At the conclusion of Boman's direct examination Justice Fitzgerald said:

"If there are any persons in the court room whose sense of propriety would be offended by the testimony of this witness the court will give them an opportunity to withdraw."

"We must ask the court to bear with us in bringing on this testimony," explained Mr. Delmas, "but it is essential."

Thaw's sisters leave the room.

"It is perfectly right and proper," Justice Fitzgerald quickly assured the lawyer. "There are ladies here, however, and I think they should be given the opportunity to withdraw if they so desire."

The Countess of Yarmouth and Mrs. George L. Carnegie quickly left the court room.

Mrs. Evelyn Nesbit Thaw and May MacKenzie arrived at the court house some time after the morning session had begun.

District Attorney Jerome took the witness and for the better apt of an hour questioned him closely as to his employment and places of residence for the last five years, attempting to secure numbers and other details.

Thaw's sisters evidently became reassured during the long and rather tedious cross-examination, for after George Carnegie had gone to them and explained the character of the testimony they returned to their places in the second row of chairs back of the prisoner.

Harry Thaw, who had shown alert interest during the testimony as to the threats said to have been made against him by Stanford White, gave evidence of becoming fatigued and yawned several times. The defendant today seemed paler than usual.

A FEDERAL INQUIRY TO BE HELD AT CHICAGO.

(By the Associated Press.)
Chicago, Feb. 6.—The Tribune today says:

Federal investigation of the American School Furniture Company reorganized nearly a year ago as the American Seating Company, is to be undertaken by the grand jury now in session in Chicago.

Fully one hundred witnesses have been summoned from all parts of the United States, and it is understood the campaign will be waged along the lines followed by the government in the Standard Oil and beef trust cases.

TO EXTEND THE CITY LIMITS

The special committee from the board of aldermen, appointed some time since, to consider the proposed changes to the charter of the city of Raleigh and make a report to the board of aldermen in regard to the same, met last night and went over the situation fully. This committee has met on several occasions, but last night was the first time that anything definite has been decided upon.

The principal matter under consideration is the extension of the city limits. The limits of Raleigh have not been extended in a number of years, and there are many who are strongly in favor of such a movement. Those who reside just outside of the present limits, many of whom have bought property and built homes in recent years, are opposed to the matter on the ground that it would be unfair to throw out the boundaries of the town and include them.

The committee will recommend an extension of one-fourth of a mile north, east and west.

Another proposed change is the consolidation of the office of clerk of the board of audit and finance and city clerk.

TWO MEMBERS FIGHT TODAY

This morning just before the house of representatives of the general assembly was called to order, there was an altercation between Dr. C. G. Bryant of Roaring River, representative from Wilkes county, and Mr. Frank W. Hanes of Yadkinville, representative from Yedkin county.

Both members are republicans, and it is understood that the difficulty was not due to politics, but to some difference of a personal nature between the two men.

The affair took place in the rotunda of the capitol building, in the gallery just outside the entrance to the hall of the house. Only one blow was struck, Dr. Bryant landing on Mr. Hanes' jaw. Friends at once separated the combatants.

No damage was done, and the difference between the two members was amicably settled in a few minutes.

A SCHOONER ON DIAMOND SHOALS

(By the Associated Press.)
Norfolk, Va., Feb. 6.—A dispatch received this morning over the United States seacoast telegraph wires from Cape Hatteras states that an unknown three-masted schooner was driven ashore on Diamond Shoals during the night and that crews in surf boats from the Hatteras and Creeds Hill life saving stations have gone to investigate. The dispatch says the stranded vessel appears to be filled with water but says nothing concerning life aboard the schooner. A report as to the identity of the vessel is expected upon the return of the life savers from the scene of the wreck.

KIRKMAN TO APPLY FOR WRIT OF HABEAS CORPUS.

(By the Associated Press.)
Leavenworth, Kas., Feb. 6.—Former Captain George W. Kirkman, prisoner in the United States penitentiary here, whose career in the army was marked by several sensational incidents culminating in the suicide of the wife of a lieutenant at Omaha, which resulted in Kirkman's imprisonment, will make application for a writ of habeas corpus before Judge Pollock in the civil court at Topeka today. He will claim that according to the military law under which he was sentenced he was wrongfully held.

NO TWO CENT RAILWAY RATE

Senate Overwhelming For a 2 1-2 Cent Minimum

SENATE CHAM'N SAYS SO

Two Committees Will Never Agree on a Joint Bill—Major Graham Introduces Measure to Make Rate 2 1/2 Cents and Second-Class Fare 2 Cents on Certain Lines—Small Roads Are Exempt.

"No, sir," said the senator from Orange when the senate reporter for The Evening Times asked the chairman of the senate committee on railroads the direct question.

"No, sir," said the chairman of the house committee on public service corporations will not draft a railroad passenger rate bill jointly.

"And what is more, the senate and the house committees will not agree on a bill covering this matter. It will be impossible.

"Most of the members of the house committee want a two-cent rate, while the senate committee, and indeed the senate as a body, is overwhelmingly opposed to a rate lower than two-and-a-half cents, a figure on which our committee seems to be agreed," added Major Graham, "so far as the large systems are concerned."

"It will be some days before I will be ready to report the bill which my committee has delegated me to draw, and it is not likely to come before the senate for a week or two."

(The action of the joint committee will be found reported in another column of this issue of The Evening Times.)

Today's session of the state senate which marked the beginning of the fifth week's work of that body, began at 11 o'clock and was opened with prayer by Rev. G. B. Starling.

The Journal of Tuesday stood approved on the certification of the committee on the journal.

The standing committees reported back a number of bills which made up the usual work of the day, and which, as usual, so far this session, was again cleared when adjournment was taken.

New Laws Ratified.

The president of the senate signed the following bills, reported as having been properly enrolled, and they are duly ratified:

H. B. 619, S. B. 408—Authorizing the register of deeds to appoint a deputy in Lenoir county.

H. B. 123, S. B. 362—Incorporating the town of Mortimer.

New Corpse to the Senate Morgue.

H. B. 171, S. B. 450—To amend chapter 72, acts 1903, and to limit the time for the completion of the Carolina and Tennessee Railroad, was reported unfavorably by the committee on corporations, introduced by Mr. Burnett in the house and passed by the house January 30th.

New Bills Introduced.

By Mr. Reid—To amend chapter 185, private laws of 1905, changing name of Leaksville-Spray Academy to "Institute." Calendar by request.

By Mr. Kluttz—To amend section 3847 and 3849 of the revision, relative to punishment for interfering with transmission lines. Corporation Committee.

By Mr. Buxton—Authorizing trustees of graded school of Kernersville, Forsyth county, to apply part of certain funds to the erection of a school building. Committee on Education.

A large number of bills passed second reading and were returned to the calendar for final reading on separate day as the law provides—the bills carrying appropriations with them.

S. B. 602—To pay Mrs. M. S. Calvert for stenographic work. Sent to house.

S. B. 613—Authorizing change of name of Leaksville-Spray Academy to "Institute." Sent to house.

S. B. 610—Authorizing trustees of Kernersville to apply certain funds to erection of a school building. Sent to house.

H. B. 452, S. B. 435—To increase pay of jurors in Montgomery county. Enrolled for ratification.

S. B. 319—To amend chapter 83, acts 1901, private laws, relating to charter of Weldon. Sent to house.

S. B. 633—Authorizing Greensboro Market Street Church to re-entrain remains of dead. Sent to house.

H. B. 602, S. B. 583—For the relief of commissioners of McDowell county. Enrolled for ratification.

S. B. 537—Amending charter of the town of Carthage. Sent to house.

H. B. 421, S. B. 403—For the improvement of Walker Memorial Hospital at Wilmington. Enrolled for ratification.

H. B. 509, S. B. 510—Changing the dividing line between Lee and Whiteville townships in Columbus county. Enrolled for ratification.

S. B. 425—Abolishing office of public works at Tarboro. Sent to house.

S. B. 535—To appoint tax collectors in school districts of Catawba county. Sent to house.

H. B. 432, S. B. 339—Amending chapter 2, section 24, acts 1905, relative to boundary line in Catawba county. Enrolled for ratification.

H. B. 287, S. B. 485—Amending section 2798 of the revision, relating to increase of pay of jurors in Jones county. Enrolled for ratification.

H. B. 541, S. B. 577—Amending charter of Manhattan Railway, Flume and Transportation Company. Enrolled for ratification.

H. B. 429, S. B. 402—Authorizing Y. M. C. A. of Wilmington to issue bonds. Enrolled for ratification.

S. B. 13—Incorporating Whitestone Lodge, No. 515, A. F. and A. M. Sent to house.

S. B. 492—Amending charter of Forsyth Banking and Trust Company. Sent to house.

H. B. 539, S. B. 597—Amending chapter 57, acts 1903. Enrolled for ratification.

H. B. 497, S. B. 408—Amending section 61 of the revision. Enrolled for ratification.

H. B. 150, S. B. 223—Regulating pay of jurors in Cherokee county. Enrolled for ratification.

H. B. 512, S. B. 410—To make general election law apply to Harnett county. Enrolled for ratification.

H. B. 505, S. B. 469—Amending section 1311, increasing number of commissioners of Wilson county. Enrolled for ratification.

New Passenger Rate Bill.

Chairman Graham at noon today introduced the following bill, which was referred to the committee on railroads: "A bill to be entitled an act to establish rates for passenger traffic in the state of North Carolina.

"The general assembly of North Carolina do enact:

Section 1. That the passenger rates fixed by the corporation commission be reduced for first class fares from three and one-quarter cents to two and one-half cents per mile, and second class fares from two and three-quarter cents per mile to two cents.

2. That all railroads carrying passengers in North Carolina shall issue interchangeable mileage tickets for 500, 1,000, 1,500 and 2,000 miles, to be used by the purchaser thereof in transportation of any person or persons he may choose to travel on said ticket, but the cost of said tickets shall not be above two and one-fourth cents per mile.

3. That the foregoing sections shall not apply to those railroads where, from the passenger travel in North Carolina there is a net earning of \$1,500 per mile, and if not so much, then the first class fare may be three cents per mile, and the second class fare two and a half cents, but only for those trains which in operation do not pay a net earning of \$1,500 per mile.

4. That all railroads which do not exceed twenty-five miles in length shall not be affected by this act, but may charge the rates now in use.

5. That the railroad companies affected by this act shall put the passenger traffic rates herein prescribed into operation on July the first, 1907.

6. This act shall take effect from and after its ratification.

SLIPPED ON THE ICE AND BROKE TWO RIBS.

(Special to Raleigh Times.)

Franklin, N. C., Feb. 6.—Isaac H. Kearney, one of our most progressive citizens, was seriously hurt yesterday by a fall. He was crossing a pile of timber at his saw mill at this place when he slipped on the ice, striking the sharp corner of another piece of timber. He has two ribs broken and is otherwise shaken up.

HOT AIR FILLED HOUSE TODAY

Bickett Bill For Insane to Appropriation

LITTLE ACCOMPLISHED

Mr. Douglass' Bill as to Primaries and Conventions Made Special Order for Next Tuesday Week—Bill Passed Giving Prisoners Credit for Time in Jail Pending Appeals.

Speaker Justice called the house to order this morning at 10:30 o'clock for the twenty-fourth day session. Prayer was offered by Rev. Dr. A. H. Moment, pastor of the First Presbyterian Church, Raleigh.

Petitions were sent forward as follows:

From Winston-Salem board of trade, relative to railroad passenger and freight rates. Cox.

From aldermen of High Point, against incorporation of Mechanicsville. Gordon.

From citizens of Stanly county, against polygamy. Eddins.

Bills Introduced.

To improve efficiency of justices of peace. Jacobson.

Amend Revisal, relative to stud horses running at large in Hatteras township, Dare county. Pugh.

Amend Revisal, 3733, relative to drunkenness. Gordon.

Appoint justices of peace for Martin county. Whitley.

Facilitate transfers of real property. Vann.

Provide for election of board of education and superintendent of public instruction for Union county. Price.

Appoint justices of peace for Cleveland. Mull.

Extend corporate limits of Wadesboro. Lockhart.

Repeat parts of act of 1903, relative to sawdust in Yancey county, adding Mitchell. Byrd.

Amend McDowell road law. Crawford.

Amend charter of Clinton. Owen.

Incorporate town of Ronda in Wilkes. Bryant.

Appoint C. F. Campbell justice of peace in Nantabala township, Swain county. Gibbs.

Incorporate Ransauer graded school district in Randolph county. Foushee.

For relief of three widows of Pasquotank, placing them on pension roll. Ehringhaus.

For the Insane.

The committee's substitute for Mr. Bickett's bill, which is materially the same as the original measure, was taken up this morning. The bill, which was printed in The Evening Times in the early days of the session, provides for the care of mental defectives in North Carolina. It calls for the appointment of a commission by the governor with power to purchase lands and erect buildings for the care of epileptics and idiots, and also for such additions to the present hospital grounds and buildings as may be deemed advisable, the funds for such purchase and building to be raised by a bond issue of \$500,000.

The bill came from the joint committee on insane asylums with a unanimously favorable report, and was in fact the only bill on the subject considered by the committee. There was some little discussion as to whether the bill should go to the committee on appropriations before being passed on by the house.

Finally Mr. Morton moved that the rule requiring reference to the appropriations committee be suspended. Mr. Winborne opposed this, and Mr. Parsons favored it.

The motion was lost for the lack of the necessary two-thirds, and so the bill under the rule went to the committee on appropriations.

A Little Fun.

There was a good bit of fun in the house over Mr. Avery's bill making it unlawful for any one to use profane or indecent or objectionable language or be drunk on the public highways or lands of another.

NEW BILL FOR THE RAILROADS

Substitute Measure Wipes Out Second Class Car

THE RATES ARE RADED

Charges Are to be Fixed According to the Earning Capacity of Each Company, Two Cents Being the Lowest Rate on Richer Property. Some of the Provisions.

Here is another bill prepared today by Mr. Manning to fix passenger rates in North Carolina: A bill to be entitled "An act prescribing the charges railroad companies may make for transporting passengers."

The General Assembly of North Carolina do enact:

Section 1. That no railroad company doing business as a common carrier of passengers in the state of North Carolina shall charge, demand or receive for transporting any passenger and his or her baggage, not exceeding in weight two hundred pounds, in excess of the following charges:

(a) All railroads whose gross passenger earnings per mile of road operated, owned, controlled or leased by them, as reported to the North Carolina Corporation Commission for the year nineteen hundred and six, are in excess of one thousand five hundred and fifty dollars per mile of road so operated by said companies, two cents per mile:

(b) All railroads whose gross passenger earnings per mile of road operated, owned, controlled or leased by them, as reported to the North Carolina Corporation Commission for the year nineteen hundred and six, are less than one thousand five hundred and fifty dollars per mile of road operated by said companies, but in excess of one thousand dollars per mile of road operated by said companies, two and one-half cents per mile.

(c) All railroads whose gross passenger earnings per mile of road operated, owned, controlled or leased by them, as reported to the North Carolina Corporation Commission for the year nineteen hundred and six, are less than one thousand dollars per mile of road so operated by said companies, a rate not exceeding three cents per mile, to be fixed and determined by the North Carolina Corporation Commission upon hearing and investigation duly made by it.

Sec. 2. In the case of any railroad company doing business as a common carrier of passengers in the state of North Carolina is owned, controlled or operated by lease or other agreement by any other railroad doing business in said state, the rate for the carrying of passengers as prescribed in section one of this act shall be determined for said railroad by the average gross passenger receipts per mile of all roads operated by said railroad company, whether the same be owned or leased lines, as reported to the North Carolina Corporation Commission for the year nineteen hundred and six.

Sec. 3. That all passenger accommodations on railroad trains operated from one point in the state of North Carolina to any other point shall be first-class, and there shall be provided in every railroad train separate passenger coaches for white persons and colored persons: Provided, that on roads the business of which will not justify the hauling of separate passenger coaches for the two races, the North Carolina Corporation Commission may allow such railroads to place partitions in cars to provide for the separation of the races: Provided further, that in every first-class passenger coach there shall be at least one apartment used as a smoking apartment.

Sec. 4. That mileage books of one thousand miles in each book shall be kept on sale at all railroad ticket offices in North Carolina, and when such books are purchased they shall be good in the hands of any person or persons named on all railroads on which the fare is the same as or less than the fare on the road of the company selling such mileage book; and when the mileage is detached from said books by any other railroad company than the one which sold it, the said mileage shall be redeemable on demand by the railroad company which sold it.

Sec. 5. That section 1105 of the Revision of 1905 of North Carolina be amended by striking out the word "and" (Continued on Second Page.)