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## EVERLYN THAW RESUMES HER STORY OF WRONG THAT LED TO A WORLD THRILLING TRAGEDY

### The Note Written at the Cafe Martin Was Read in the Court

### THE BLACKGUARD WAS HERE A MOMENT SINCE

### So Wrote Evelyn of White to Her Husband a Short While Before Thaw Shot the Man Down in the Roof Garden—Identification of Scaled Package Supposed to Contain Thaw's Will—His Wife Leaves the Stand Temporarily That More Evidence May Be Submitted by the Defense to Show Irresponsibility on the Part of Thaw.

(By the Associated Press.)  
New York, Feb. 11.—After an interesting but not sensational morning session of less than two hours' duration, it was agreed by counsel engaged in the trial of Harry K. Thaw today that Mrs. Evelyn Nesbit Thaw, the wife of the defendant, should definitely step aside for the time being to permit of the introduction of competent testimony tending to show the alleged unound condition of the prisoner's mind.

This action was taken after repeated objections by District Attorney Jerome to further questioning of the witness as to conversations between her and Thaw concerning Stanford White had been sustained by the court and Justice Fitzgerald had intimated that counsel should follow the spirit of his rulings as laid down in specific instances.

Mr. Jerome objected on the broad ground that the testimony of Mrs. Thaw had gone far enough without a better foundation of insanity on the part of the defendant being laid. Mr. Delmas then asked that an early luncheon recess be taken in order that he might prepare for the introduction of the evidence desired by the district attorney and the court. His request was granted at 12:20 p. m., the recess to continue until 2 o'clock.

New York, Feb. 11.—The opening of the fourth week of the Thaw trial today brought a new order of things in the court room, and all women other than the half dozen active newspaper writers who have followed the case since the beginning, were barred by order of Justice Fitzgerald.

During the two days of last week, when Evelyn Nesbit Thaw, was on the witness stand New York women crowded the court room, having in some manner solved the problem of getting past the bailiff at the door. This morning the women stormed the portals again, but in vain. In the belief that young Mrs. Thaw was again to be the central figure in the famous trial, the women were anxious to hear the final details of the life narrative of the prisoner's wife.

They were affixed in all the gay plumage that gave the court room last week the appearance of some gala matinee performance.

Their indignation knew no bounds when the court officers repulsed them with the statement that the court's order excluded every one except such as were working newspaper reports. Many of those who had occupied front seats during last week were loath to believe that the order could possibly include them, and they remained about the corridors for a long time in the hope that there might be some relaxation of the rules. They were doomed to disappointment, however, and at last reluctantly left the building.

As a result of the order barring all women, there were several rows of vacant seats in the court room when Justice Fitzgerald took his place on the bench and Harry Thaw was called. The prisoner walked to his place at the counsel table, without a single friendly nod to greet him. No member of his family was in court.

That the defense would proceed with the struggle to have Harry Thaw's will accepted in evidence, as testimony to his unoundness of mind, was indicated by Mr. Delmas, who asked that J. D. Lyon be called as the first witness of the day. Lyon called to identify will.

that he had lived in Pittsburg all his life, and had been engaged in the banking business for more than a quarter of a century. He is now connected with the Union National Bank.

"You are acquainted with the defendant, Harry K. Thaw?" asked Mr. Delmas.

Here District Attorney Jerome objected. He protested against the defense proceeding with a new witness while the examination of Mrs. Evelyn Thaw remains uncompleted. He said he thought the defense should offer some explanation of its purpose in interrupting the testimony of Mrs. Thaw to introduce Mr. Lyon as a witness.

Mr. Delmas stated that when court had adjourned last Friday the will of the defendant was under discussion and had been ruled out because of the insufficiency of the proof of the document. It was now proposed, he said, to proceed with the further identification of the will.

Mr. Delmas stated that he considered that enough evidence had been introduced in the shape of the testimony of an expert, and of laymen who were witnesses to the occurrence, to establish a prima facie case of unoundness of mind. All he was attempting to do, he said, was to interrupt Mrs. Thaw's testimony for the purpose of better satisfying the district attorney of the defendant's unoundness of mind at the time of the shooting. He thought that in doing this he was complying with the district attorney's wishes.

Mr. Delmas asked that Mr. Lyon, who had been called from his business in Pittsburg to testify at this time, be allowed merely to identify an envelope and package (the will) it contained. Then he declared, if the district attorney objected further, he would defer for the time being the offer of the will in evidence.

Justice Fitzgerald stated that all statements of Mrs. Thaw are on the record practically by consent, but now the judgment of the court was invoked. The objection to the introduction of the documents on Friday was a technical one but it was sound. There was a witness on the stand when court adjourned whose testimony has not been finished.

"It seems to me," said the court, "that either that witness should be finished with, or consent should be given to proceed with this witness."

Mr. Jerome, after a short whispered conference with Mr. Delmas withdrew his objection and Mr. Lyon was permitted to give his testimony.

"How long have you known Harry K. Thaw?" asked Mr. Delmas.

"Ever since he was a boy," replied Mr. Lyon.

A Package Identified.  
"I hand you an envelope and ask you if you ever saw it before?" Mr. Delmas handed the witness a large envelope of heavy brown paper.

"I have seen this before," said the witness; "it was once in my possession."

"When did it come into your possession?"

"Can you as vice president of the bank produce those letters?" "Yes, I suppose so."

"Why, yes, if you want them." Mr. Jerome then stated that he could not continue the cross-examination without the letters and asked the court to order that the letters be produced.

Mr. Delmas objected. "What's the matter?" asked Mr. Jerome, "don't you want those letters produced?"

"I haven't the slightest objection to the introduction of any letter this defendant ever wrote," was the reply. He objected, however, to the letters being turned over to the district attorney.

It finally was agreed the letters should be sent to the clerk of the court.

Testimony of Gleason.  
Mr. Lyon was excused and Mr. Delmas next called to the stand John B. Gleason of counsel for the defense.

Mr. Gleason had had possession of most of the defendant's papers since the roof garden tragedy.

Mr. Gleason said the envelope containing the will had been in his possession since December 11, 1906, when he received it by mail from Pittsburg. Absolutely no change was made in the document from that time to this except the marks for identification put on the papers in court.

Mr. Jerome only asked one or two questions on cross examination, bringing out nothing new.

Mr. Jerome conceded the progress of the will direct from Mr. Lyon to Mr. Gleason, saying he would not require the defense to produce Mr. Lyon's secretary as witness to that end. The offer of the will in evidence was deferred.

Mrs. Thaw Recalled.  
Mr. Delmas then asked that Mrs. Evelyn Nesbit Thaw be recalled.

"It has been testified by this witness," said Mr. Delmas, "when the young wife of the defendant had taken her place in the big witness chair, that she wrote a note to her husband in the Cafe Martin the night of the occurrence on Madison Square Garden. This note we understand to be in the possession of the learned district attorney. We now ask the learned district attorney to produce that paper."

Mr. Jerome arose: "We have a piece of paper," he said, "I don't know that it is this note, but I will send for it."

The acquiescence of the district attorney was decidedly a change of attitude from last week, when he sat silent when Mr. Delmas had demanded that the note be produced.

During the wait for the messenger dispatched for the paper Mrs. Thaw underwent the closest scrutiny by those in the court room. She was attended precisely as on every other day of the trial. She was pale but entirely composed and seemed to have been refreshed by her rest over Saturday and Sunday.

Note Passed at Cafe Martin.  
When the note had been received and identified by Mrs. Thaw Mr. Jerome offered no objection to its being received in evidence. The note proved no surprise, the wording being only slightly different from what had been generally reported.

Mr. Delmas read it as follows: "The ..... was here a minute ago but went out a-ain."

Mrs. Thaw said the "b....." meant the "blackguard" and referred to Stanford White.

In bringing out the latter facts Mr. Delmas asked: "In conversation between yourself and your husband, who was the person designated 'b.....'?"

"Stanford White."

"You have testified that you called him 'blackguard.' I take it this 'b.....' is an abbreviation of that word?"

"Yes, sir."

## CAN YOU BAR OUT THESE PAPERS?

### Ones Publishing Full Details in Thaw Case

## SO ASKS ROOSEVELT

### If It Is Feasible, He Tells Postmaster-General Cortelyou, He Wishes It Done—The President Adds That He Does Not Know Whether It Is Feasible or Not.

(By the Associated Press.)  
Washington, Feb. 11.—The following statement was given out at the white house today:

"The president has communicated with Postmaster-General Cortelyou to know whether it is feasible to bar from the mails the papers that give the full disgusting particulars of the Thaw case. He does not know whether it is feasible, but if it is he wishes it done."

Postmaster-General Cortelyou has received the letter from President Roosevelt, but he declined to discuss the matter or to indicate what if any action will be taken by the department.

The president's letter will be referred to Assistant Attorney General Goodwin for the postoffice department for a legal opinion. It is expected that the legal division of the postoffice department will expedite the matter, and that if action is to be taken by the department it will be done soon.

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

## TURKISH ADMIRAL'S DEATH CAUSES COMMENT.

(By the Associated Press.)  
Constantinople, Feb. 11.—The mysterious sudden death of Admiral Hauri Pasha is occasioning much comment. He had just been appointed by imperial irade, chairman of the commission which is to examine the battleship Assar-I-Tewfik (built in France launched in 1909) after her modernization and re-armament at the Germania works, Kiel. Three days later an official visited Hauri Pasha and said the admiral was desired to cancel the irade. The admiral however refused to comply and four hours later he was found dead. At the time of his death Hauri Pasha was about 60 years old and apparently had been enjoying the best of health.

## M'CALL NAMED FOR MARION POST-OFFICE.

(By the Associated Press.)  
Washington, Feb. 11.—The president sent to the senate today the nomination of C. M. McCall to be postmaster at Marion, N. C.

## FAIRCHILD BACK TO FACE INDICTMENT

(By the Associated Press.)  
New York, Feb. 11.—Charles A. Fairchild, former secretary of the treasury, who, with George W. Perkins, was indicted last month in connection with the affairs of the New York Life Insurance Company, arrived here from Europe today. Mr. Fairchild was abroad when the indictment was found against him. He said that his return at this time was due solely to the fact that the serious charges had been made against him. No attempt was made to arrest Mr. Fairchild when he landed. He said he would have nothing to say about the insurance indictment until he ascertained what District Attorney Jerome is going to do in the case.

## EARTHQUAKE SHOCK FELT IN VIRGINIA

(By the Associated Press.)  
Richmond, Va., Feb. 11.—This morning a distinct earthquake shock was felt in the region of the James River division of the Chesapeake & Ohio road between Rock Castle and Columbia, about 65 miles west of Richmond. No damage was done.

## SAYS CITIZENS ATTACKED THEM

### Negro Ex-Sergeant Testifies and Creates a Stir

## THE FIRING WOKE HIM

### He Added That It Came From Brownsville and Bullets Flew Over His Head as He Ran to Barracks. Cross Examination He Couldn't Locate Direction of First Shots.

(By the Associated Press.)  
Washington, Feb. 11.—The "shooting up" of the town of Brownsville, Texas, was in the form of an attack upon the garrison at Fort Brown, according to the testimony given today by Mingo Sanders, former first sergeant of Company B of the 25th infantry before the senate committee on military affairs.

Sanders' story created something of a stir in the committee as he said that while running from his quarters to Company B barracks after being awakened by the firing on the night of August 13, the shooting was going on and it came from the town and was toward the hospital of the military reservation. He said bullets were whizzing over his head. This is the first direct testimony given by any of the discharged negro soldiers that the firing came from the town. His story of the incidents of the night of August 13 was not interesting until he told of his experience in trying to get to the barracks after being awakened by the shooting. He said he started on a run to B quarters and just after leaving his house, the firing was renewed. It came from the town he said, and bullets were flying thick and fast over his head. As he reached B quarters he said he saw that men assembled were excited and shouting to each other.

Tells How Rocks Were Broken.  
"I heard some 'niggers' fall in," he said, "then some one shouted to get the guns and another person answered that they could not get the guns as the keys could not be found. I was a lieutenant driver. I knew his voice, said, 'Break those rocks open!'"

There has been a great deal of testimony given concerning the broken rocks of C company, but no person had testified positively before as to the manner in which they were broken. The testimony of Sanders indicated that the rocks were broken in good condition before the shooting and were broken open by the command of one of the company officers.

The calling of the roll and finding all of B company present or accounted for, the issuance of ammunition, and other events of that night and the inspection the following morning were recited by Sanders on the stand.

On cross examination Sanders said that he could not tell the location of the first firing. He said that he had been under fire a number of times, and he was familiar with the reports of the various makes of arms. On that night it was "mixed firing" he said. He thought it came from six shooters, Winchester and Mausers.

## BARELY ESCAPE FROM A BURNING BUILDING

(Special to the Evening Times.)  
Wilmington, N. C., Feb. 11.—Scarcely clad and almost overcome by a dense stinging smoke, the family of A. W. Anderson, general superintendent of the first division of the Atlantic Coast Line Railroad escaped from their burning residence early Sunday morning. The fire originated in a pile of shavings on the rear porch. The flames spread rapidly, gutting the house before the firemen could reach the scene.

## Death of Mrs. R. W. Price.

(Special to the Evening Times.)  
Wilmington, N. C., Feb. 11.—Mrs. R. W. Price, wife of City Councilman Price, died suddenly last night, of organic heart disease.

## ON THE TWO-CENT LEVEL ALREADY

(By the Associated Press.)  
Richmond, Va., Feb. 11.—In the two cent rate hearing before the corporation commission today the traffic manager of the R. F. P. Railroad testified that the rates were already only about 2 cents on the average.

## AN OYSTER BILL PASSED HOUSE

### Stops Dredging in Pamlico Waters for 2 Years

## SERVICE FOR CRUISER

### Mr. Harris of Wake Introduces Bill to Provide for Presentation to North Carolina—Mr. Manning Would Allow Traveling Expenses to Governor and Increase Judges' Allowance.

The most important measure that passed the house today was an oyster bill whose principal provisions are prohibiting dredging for two years in the waters of Pamlico sound and adjacent waters and preventing the carrying of seed oysters out of the state.

Among the new bills introduced was one by Representative Manning of Durham to allow the governor traveling expenses, another by the same member to increase the allowance for traveling expenses of the judges of both the supreme and superior courts, and one by Representative Harris of Wake for the appropriation of \$5,000 for a silver service for the cruiser North Carolina and the establishment of a commission to consist of the president of the senate and one senator and the speaker of the house and two representatives to carry out the provisions of the bill, the commission to meet in Raleigh and organize on April 1.

Mr. Douglass of Wake this morning arose to a question of personal privilege and read from the Lincoln County News, in which it was written that his soft-drink bill was introduced for the purpose of driving out of the field competitors of his drink, Cel-ko; that it was a piece of graft like that the manufacturer of Moxie had worked in the New York legislature.

Mr. Douglass, in regretting that he had no course but a civil suit, denounced the editor of that paper a contemptible cur.

Mr. Keener of Lincoln county put in a good word for the editor, and said he had no idea that the thing was anything but the result of a misconception on the part of the editor of what he himself had told him about the bill. He had told him that the charge had been made on the floor of the house, but that Mr. Douglass had shown that the proposed bill would cut out the alleged objectionable drugs from his own drink as well as the others.

The House was called to order this morning at 10:30 by Representative Doughton of Alleghany, Speaker Justice being in Greensboro. The invocation was by Rev. Dr. R. F. Bumpas, pastor of the Edenton Street Methodist Church, Raleigh.

Messrs. Peele, Midyette and Bryant were named as the journal committee for this week.

The following petitions were sent up:

From citizens of Jackson county, for the relief of public school district No. 2 in Webster township, Jackson county. Candler.

Relative to hunting deer and for appointment of justices of peace in Deaufort. Hooker.

From citizens of Burke, for extension of Morganton chicken law. Avery.

From citizens of Bladen, for prohibition of wine and cider within three miles of Hickory Grove Baptist Church. McLean.

From citizens of Buncombe county, for a reformatory. Gaston.

From J. O. U. A. M. of Wilmington, for mild compulsory education law and for reformatory. Morton.

From Cliffside Council, J. O. U. A. M., of Cliffside, Rutherford, for compulsory education law. Gallert.

Bills Introduced.  
Prohibit sale of wine and cider within three miles of Hickory Grove Baptist Church in Bladen. McLean.

Authorize Winton, Hertford county, to vote on dispensary or prohibition. Winborne.

Appoint board of education for Hertford. Winborne.

Enable town of Laurinburg to fund outstanding indebtedness and levy taxes. Peele.

## SENATE BEGINS ANOTHER WEEK

### Routine Work Crowded the Calendar Today

## FREIGHT DELIVERY BILL

### Senator Graham Introduces Bill for Establishment—Mr. Drewry Wants Senate Walls Cleaned—Telegraph and Telephone Bills on Thursday. Against Insurance Rebates.

The proceedings of the state senate today were devoid of particular interest, no bills of great importance being introduced or passed.

The new bank incorporated today at Durham is a negro institution and has an initial capital stock of \$10,000.

An effort was made by Senator Turner to abolish the \$20 fee allowed solicitors for each term of court, but his bill failed by a vote of more than two to one.

Mr. Hicks introduced two bills affecting the institution for the deaf and dumb—requiring that all deaf and dumb children admitted shall be bona fide residents of the state; and making the attendance at school compulsory on the part of such children for a given time.

Mr. Greer sent up a bill to prohibit rebates, etc., by insurance companies, and Mr. Pharr introduced a bill relating to applicants for licenses to practice medicine, both of which are measures of some importance.

## Senate Proceedings in Detail.

Being Monday it was noon today when the state senate was called to order by the lieutenant governor. The opening prayer was made by Rev. Dr. Massey of the Tabernacle Baptist Church of Raleigh.

Journal of Saturday stood approved on the certification of the committee on the journal and the standing committees reported a number of bills that took their place on the calendar for the day.

Chairman Graham gave notice that the committee on railroads will not take up any bills affecting telegraph or telephone companies before next Thursday.

Leave of absence was granted to Senator Mason of Gaston.

New Bills Introduced.  
By Mr. Drewry: Directing the council of state to have the walls of the capitol building cleaned. Committee on Propositions and Grievances.

By Mr. Webb: Amending chapter 266, acts 1905, relating to primary elections in Buncombe county. Calendar.

By Mr. Carter: To promote the cause of education in Stokes and Surry counties. Education.

By Mr. Brown: Amending section 3042 of the revision, relative to tobacco warehouse charges. Propositions and Grievances.

By Mr. Howard: Authorizing town of Tarboro to issue bonds for street improvements and for a election on the question first. Counties, Cities and Towns.

By Mr. Reiser: To amend chapter 504, acts 1899, relative to a school in Columbus county. Calendar.

By Mr. Breese: To protect grouse and pheasants in Transylvania county. Game Laws.

By Mr. Hicks: Appropriating funds for the maintenance of the state institutions for the deaf, dumb and blind. Deaf and Dumb Committee.

By Mr. Hicks: To limit the admission of white children to North Carolina deaf and dumb institution to residents of the state. Deaf and Dumb Committee.

By Mr. Breese: To repeal section 3480 of the revision, relating to posting lands. Revisal Committee.

By Mr. Hicks: To compel deaf and dumb children to attend school. Deaf and Dumb Committee.

By Mr. Webb: Making appropriations for the maintenance of the three hospitals for the insane. Committee on Appropriations.

By Mr. Long: Authorizing Fredell county to use surplus court house funds for other purposes. Calendar.

By Mr. Greer: To prevent fraud and relates, etc., by life insurance companies. Insurance Committee.

By Mr. Breese: Amending chapter 89, private laws 1905, relating to the incorporation of Tuckasee Railroad Company. Committee on Corporations.

By Mr. Graham: To incorporate the Mechanics and Farmers Bank of Durham. (Senator Graham tells The Evening Times that the incorporators of this state bank are all negroes and that it has an initial capital of \$20,000.)

By Mr. Pharr: To amend section 5758 of the revision, relating to intoxication of railway employes. Committee on Railroads.

By Mr. Pharr: To amend section 4408 of the revision, relating to applicants to practice medicine. Public Health Committee.

By Mr. Etheridge: Establishing a graded school at Vandemere, Pamlico county. Committee on Education.

By Mr. Dickey: To incorporate (Continued on Page 2.)