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#### JAMES STROTHER GOES ON STAND AND TELLS OF SISTER'S WEDDING AND THE SHOOTING

Says Bywaters Was Killed When he Refused to Remain With His Bride

#### DEAD MAN TRUSTED BY STROTHER FAMILY

Murder Trial at Culpeper Continued Relates the Incidents in the Home and the Killing-Says That Bywaters Was Insolent and Refused ous Interest in the Case-The Evidence Today.

(By the Associated Press.)

Culpeper, Va., Feb. 28.-The expected story of the defense from the lips of the defendants in the trial of James and Philip Strother, charged with the said, referring to his conversation murder of William Bywaters, their brother-in-law, at the Strother home near here last December, was the center of all interest in today's developments

While the testimony of Mrs. William Bywaters, the young "bride of an hour," in defense of whose honor the fatal shots were fired by her brothers as her husband was seeking to escape from the house, created wirespread interest, that of the two defendantsone of them James Strother, a member of the West Virginia legislature,-was also confidently looked forward to as one of dramatic interest.

The Morning Program. The defense planned yesterday to bring the two brothers to the witness atand today as early as possible and this was the program when Judge Harrison convened this morning's secsion. Their testimony, while expected to conform in its important and matertol features to that already presented to the jury by their two sisters and George French Strother, the lumber, man, who before the tragedy came from his home in Welch, W. Va., to consult with his brothers regarding his sister's conduct and condition, was eagerly anticipated in the hope it would throw a clear light on certain pertinent

The exact position of the principals in the tragedy when the shots were fired and other points bearing on what happened immediately preceding the killing, when, as they declared, Bywaters was attempting to desert his bride were expected to be clear as the result of their testimony.

The Shooting Scene. Mrs. Bywaters, who lay ill in bed when the shooting occurred, in her pathetic story on the stand yesterday, said her recollection of some of the events connected with the tragedy was hazy. Mrs. Gaines, her sister, testified that she saw Philip fire the first shot at Bywaters, which statement Philip Strother has corroborated, Mrs. Bywaters has already sworn in court that her betrayal was under promise of marriage, that she plead with Bywaters to make honorable reparation and she has told the story of their trips to Washington for the criminal operation which she dreaded, his indifferent treatment of her, the forced marriage, his the shooting that followed. Her sister and brother, French Strother, have con-tended on the stand that there was no thought of shooting until their brotherin-law attempted to desert his wife The brothers charged with the shooting were expected to supplement all this testimoy with a clear, complete story.

Save for the clearing of the cour! room for the testimony of Mrs. Bywaters, the pale, wan figure about whose wrongs the story of the trial woven, the seating capacity of the ilding has been taxed to its utmost The spectators not only are from among Culpeper's citizens, but from the neigh towns. All of them have listened with rapt attention and eagerness as the details of the tragedy have been brought out in the recitals on the witness stand. prominence of the parties, the social standing of Bywaters, the position of the Struthers' family, and their hosts of friends on both sides throughout

Great Crowds at Trial.

this section of the state, and the cir-cumstances of the tragedy have made it one of the most notable cases before the courts of the state in many years. Early today those anxious for admision into the little court room at the opening hour, 9:30 o'clock, were, astir when Judge Harrison convened the

When court opened Mrs. Nellie Gaines, the sister of Mrs. Bywaters, was re-called for a brief cross-ax She was on the stand

but a short time when James A.

called as a witness.

Story of Sister's Wrong. He was permitted to tell the story of his sister's wrongs with only occasional, questioning by his chief counsel, John L. Jeffries.

Although at times visibly affected by the strain under which he has labored since the night of December 15 last when Bywaters was killed he related the relations between the dead man and his sister in a straightforward manner.

He gave his residence as Welch. W. W., stating that his presence in Culpeper on the night of the tragedy was due to information sent him by Mrs. Gaines, his sister, concerning Today and One of the Defendants ber suspicions as to Viola's condi-

"How did you regard Bywaters? he was asked.

"He always enjoyed our full conto Comfort His Wife-Tremend- fidence," he replied. "We knew that Viola loved him and regarded them as practically engaged."

His story continued with a statement concerning the demand he made on Bywaters to marry Viola. "You are responsible for her condition and you must marry her," he

with Bywaters after Viola's condition

became known to the family. "I know I am." he stated Bywaters said, "and I want to marry her."

Arranged the Wedding. "We then arranged with Rev. Dr Ware to come to marry them, and thought then that everything would end all right. After the ceremony Bywaters' whole manner changed He became indifferent to Viola and insolent to Mrs. Gaines.

"He seemed to think that his obligation to Viola was over when he married her."

Referring to the quarrel between Bywaters and the members of the Strother family present the defendant said that Bywaters grew abusive when a demand was made that he remain with Viola on the night of the tragedy.

"Did you insist on his remaining with your sister?" asked Attorney Jeffries.

"I certainly did," answered the "I realized that Viola was witness. desperately ill and that it was Bywaters' place, as her husband, to be

"What did he reply?" "He said, 'Jim Strother, I'm not

afraid of you." Bywaters Showed Fight.

At this juncture, the witness stated Mrs. Gaines declared to Bywaters, "Will Bywaters you are the lowest dog alive." Edward L. Gaines, the witness said. followed his wife's reference to Bywaters' conduct, declaring, "Bywaters, you have violated every abligation of Old-Fellow and a man of honor." This so enraged Bywaters, the witness stated, that he (Bywaters) attempted to attack Mr. Gaines.

Bywaters tried to draw a knife on Games. He cursed him in the vilest The witness re language he knew." peated the words which he said Bywaters used.

"Bywaters," he continued, "then went whether they hit him or not." up to Viola's room, leaving Gaines in the dining room."

"Did Bywaters still insist on leaving Viola?" Attorney Jeffries asked. "He did." the witness replied. insisted that he must go to Culpeper that night."

The Actual Shooting. This point in the testimony led the witness up to the actual shooting.

"I asked what he intended to do. told him that we intended to watch bring out more clearly. him to see that he did not get away.

"Did be answer?" "No, he sprang from Viola's side, tearing himself from her arms made a dash for the door." "What happened then?" he was ask-

"The next thing I heard was a shot criminal operation were examined. Philip fired at Bywaters as he ran down

The testimony which followed concerned Bywaters' supposed attempt to escape by the window of the bedroom, which ended in his death on the roof

Bywaters returned to the bedroom the witness stated, followed by Mr. Gaines, who, he added, prevented Bywaters escape by the stairs. Shot As He Ran.

"Did he remain long in your sister's He did not pause an instant,

but dashed across the room and through the window. Both Philip and I then

e room?" asked his counsel.
"My recollection is that we fired just dld not fire on him until he had gotten

Strother, one of the defendants, was which treated of the attitude of the Strother family towards Bywaters af-

ter the shooting.

A pathetic interlude in the testimony came when the defendant after completing his story of the tragedy, told her death bed to "always protect our

girls, Jim." Strother paused in his story overcome with emotion and his counsel were vis

As the members of the Strother family seated within the enclosure heard their brother's reference to the dead mother's, memory, they, too, were overcome. Philip's head sank low on his greast and Mrs. Gaines sobbed audibly.

When able to continue, James Strother told of the deep affection entertained toward Viola by the

"Viola was our baby," he said, and it was our duty to protect her.' Attorney Jeffries then asked:

'Mr. Strother, what were your feel ings when you became convinced that Bywaters had ruined your sister?"

"Every passion and emotion in my ody was aroused," he declared. became like a crazy man. I could E. Mangum, who asked for \$25,000 think of nothing else and was determined to bring the man responsible for her condition to a reckoning."

That will do," Attorney Jeffries through with the witness."

The Cross-Examination. Commonwealth Attorney Keith, be

the defendant to explain certain & Son and Mr. A. B. Andrews, Jr., points in his previous testimony re- were attorneys for the defendant comlating to the position of the two men, James and Philip Strother, when they opened fire on Bywaters. When Bywaters re-entered your

escape by the stairs, were you between him and the window?" he was asked. "If you were in front of him. why didn't you stop him?"

was standing over near the wall."

from reaching the window?" asked person acting in such capacity, came Mr. Keith. "It seems as though you along platform with a truck loaded three men-yourself, your brother with mail, the same having been Philip, and Mr. Gaines-were physi- pushed along at a rapid rate, and cally able to stop this one man from when near plaintiff, turned said truck

plied the defendant. "No man on but could not prevent truck from earth, standing where I was, could striking him about the waist, inflict have stopped him."

matic pistol?" continued Mr. Keith. that the injuries sustained were of "How many shots did you fire while such a nature as to permanently disroom

Fired Two Shots. "Two shots from an automatic 32

caliber revolver," answered the wit-"Did you note the effect of these shots?" asked Mr. Keith. "And

struck him?" "I fired as Bywaters got through the window," replied the witness, "though it was too dark to know

"How many shots did your brother Philip fire at this fleeing man?" que-

ried Mr. Keith. "I don't know," replied the witness, "though I remember that he by the conductor while on the car of continued to fire after I had run down defendant company. Mr. Robert N. stairs, intending to head Bywatern Simms was attorney for plaintiff, and

The balance of the cross-examina- Pou for the defendant company. "What happened when you went to tion concerned certain minor points your sisters room he asked?" he was of the scene in the body seems in the commowealth attorney wished to

This afternoon the physicians who treated Mrs. Bywaters following the

#### CHARLOTTE MAN'S FIRST VISIT TO CITY OF RALEIGH.

five years, and always an active worst of it. business man, has never been to At the time of going to press a the window. Both Philip and I then opened fire on Bywaters."

"Did you fire on him while he was in the general assembly. He has travithe room?" asked his counsel.

"But the window. Both Philip and I then opened fire on Bywaters."

"Did you fire on him while he was in the general assembly. He has travithe room?" asked his counsel.

"The two cases against the Southern of the counsel. Panama, to Cuba; in fact, has nearly gone the world over, and he cheer- trains in accordance with an order of fully says Raleigh is all right and a the corporation commission were conrecess of twenty minutes, the most interesting spot of the earth, solidated and a judgment rendered

#### THE SOUTHERN THE CONFEREES **HIT** FOR \$7,500 BILL FOR 2 1-4

Most Important Case Tried at Report of the Compromise DUESTION OF This Term of Court by the Committee

#### WILL PROBABLY APPEAL LEE COUNTY WON TODAY

gum and Was for \$25,000-Damage Suit Against the Ruleigh Electrie Company Today - Judgment Against Southern in Penalty Case.

civil court to pass without one or of Wake superior court has proved Southern Rallway vesterday afternoon, it having been for \$7,500, trackage, and no second class. "I The case was our brought by Charles years ago. The verdice was returned estarday afternoon. The attorneys then announced. "The defense is in the case were; Col. J. C. L. Harris,

It was alleged in the complaint sister's room, after his attempt to plaintiff was in Raleigh and desired to go to Danville, Va., on a train of chasing ticket, plaintiff was permit-"I wasn't exactly in front of Byted to pass through the gate on to
waters," replied the detendant. "As the platform dead by persons waiting have said, everything was in con- for trains; that while walking along usion, and, as far as I can remember, said platform for the purpose of freaching car he was to get on, an "Why didn't you prevent Bywaters employe of defendant company, or loose. The plaintiff alleged that he "I didn't have time to think," re-backed up against one of the cars, ing permanent internal injuries and "You say that you used an auto- also injuring his hip. It was alleged

able plaintill from earning a living For the above alleged negligence on the part of defendant company, plaintiff asked for \$25,000 damages and the costs.

The case was given to the jury yes terday afternoon, and after being out where was Bywaters when they a short time, rendered a verdict allowing plaintiff \$7,500 damages. It is very probable that the railroad

company will appeal. Suit Against Electric Company, A case was tried this afternoon in which W. E. Narron asked \$1,000 damages for having been assaulted by a conductor of the Raleigh Electric Company and for having been cursed

Mr. R. T. Gray and Mr. James H. It was alleged in the complaint tha the plaintiff was a passenger on a car of the defendant company on April 22, 1906, and had paid his fare, when the conductor of said car, without Shortly after 1 o'clock the witness provocation on the part of said plainwas excused, and Judge Harrison an- tiff, cursed and abused plaintiff, and after leaving the car, followed him, applying vile names, and, further-

more, struck him in the face. By reason of above allegations the plaintiff asked to be awarded damages to the amount of \$1,000, and

the costs. It was contended by attorneys for the defendant company that the state-Mr. Robert H. Jordan, one of ment of Narron was not in accord-Charlotte's most valued citizens and ance with the facts as they actually the leading druggist of his city, is existed; that he was to blame and in Raleigh today, having come here cursed the conductor in such a manin the interest of the proposed ex- ner that he got off his car, took off tension of the city limits of Char- his badge and said if Narron wanted lotte. Mr. Jordan, although a citi- a fight he could get it, whereupon a ten of North Carolina for twenty- difficulty ensued and plaintiff got the

Railway for penalties for not posting against said company for \$560

Amended by Committee-Amend ment by Mr. Harris Lost-House Votes Down Bill for Bridge in Wilkes County-Lee County Bill Order for Tomorrow.

This was a day of much dispatch in nore damage suits of some descrip- the house. Of course, first in importion being tried, and the present term tanes was the report of the railroad no exception to the rule. The largest stitute bill fixing the maximum of verdict rendered thus far was against passenger charges at 2 % cents for all roads having more than sixty miles

Lee county won the first round of is second fight. The house passed on second reading the bill to submit to be included the question of establishing a new county out of portions of Moore and Chatham.

The Raleigh charter bill, calling Mr. Charles U. Harris, and Mr. D. H. for a vote of the people on the ques-Custer of Danville, Va., the home of tion whether the city limits shall be Dr. Evans was given copies of Thaw's ginning his cross-examination, asked the plaintiff. Messrs. F. H. Busbee extended one-quarter of a mile or more, and making several other important changes in the charter of the Capital City, was passed on its readings, after an amendment by Representative Harris to let the people vote that on the night of July 4, 1903, on the question of extension per se had been lost.

The bill for the levy of a special tax in Wilkes for the building of a the Southern Railway; that after pur- bridge in the northern part of the county was voted down at the earnest solicitation of the two republican rep rementatives from that county, Mr. Cowles and Dr. Bryant. This was the Congressman-elect Hackett and Dr

Speaker Justice called the house to order at 9.30 this morning. There was no public prayer, no minister being present.

Bills Introduced. Joint resolution to put statue of Nathaniel Macon in statuary hall at

Washington. Rodwell. Amend act of 1993 concerning election of teachers in graded schools of Fayetteville. Bolton. Regulate compensation of sheriff

of Halifax. Kitchin. Amend Revisal relative to courts of Davidson. Hankins. Appoint A. M. Lovelace and N. P.

Harrelson justices of peace for Cleveland, Mull. For government of town of Beau-

fort in Carteret. Davis. Amend Devisal relative to public schools. Eddins. Authorize Orange county to sub

mit to votes question of road bonds. Pritchard. Improve roads of Alexander

Watts. Amend Revisal relative to Alex ander. Watts.

Drainage of portions of Indian Creek in Lincoln county, Keever by request.

Prohibit liquor within three miles of Bethel M. E. Church in Union county. Price.

Incorporate Ladies' Civic Society Fayetteville. McNelll.

Amend Revisal relative to fees for xamination of state banks. Blount. Elect county board of education and county superintendent of instruction in Cherokee. Burnett by request.

Vest certain lands in state board of education. Koonce. Repeal section of Revisal to tax titles. Koonce.

Require non-resident hunters obtain license from clerk of court before hunting in Randolph. Wood. Prevent spread of contagious and infectious diseases. Edgerton.

Prohibit sale of liquor in certain Amend charter of Randolph and Buchan. Appropriate \$1,000 to colored or-

hans of Sanford. Buchan. Incorporate town of Cerro Gordo in Columbus county. McRacken. Change township line between Winston, Middle Fork and Old Fork ahead." in Forsyth. Carter.

Amend Revisal relative to certain request.

Relieve Mrs. Wycoff, administra-(Continued on Page 2.)

## HOT SPEECHES IN THE SENATE AGAINST BILL TO INCREASE SALARIES

# THAW'S SANITY

Once and Sane Now

Cross-Examination by Mr. Jerom Develops Nothing of a Startling Nature-Shows That Letters of the Prisoner Indicated That He Was Crazy at the Time He Killed

(By the Associated Press.) New York, Oct. 28 .- Dr. B. D. Evans was the first witness in the trial of Harry Thaw today.

Dr. Evans was called when court re-convened, and his cross-examination was resumed by Mr. Jerome. When court adjourned last evening letters which are in evidence, as well as the will and codicil that he might be prepared for cross-examination on his theory that these documents contain evidences of an unsound

in an endeavor to have Dr. Evans say he had "carefully read the documents" he would only go as far as saying he had done the best he could. Mr. Jerome told him to go

ahead and read them again, and the witness proceeded to do to.

Dr. Evans finally stated that several of the letters bore no addresses on the state senate this morning the state senate senate the state senate the state senate the state senate the state senate sen bill that caused the difficulty between eral of the letters bore no addresses and were therefore of little use in his attempt to discover whether the

writer was of sound mind. "Do any of those letters show that the writer was insane?" asked the

district attorney. "Some of them, in my opinion, show signs of mental instability." "By mental instability do you

mean insanity?" "Not insanity in the sense that he ould remain permanently insane." planation of the reason for his the- out of the whole cloth" the utterance billity. A letter written with a lead pencil by Thaw to Evelyn Nesof the proprieties, a loss of the clared that he did not say what the aesthetic sense and various other News and Observer alleged things which the doctor believed say. showed the writer was of unsound mind, in view of the environment of wealth and luxury in which he had

Dr. Evans said he assumed the whose hand the writer was suing. "Would the fact," asked Mr. Je

rome, "that the writer had been traveling through Europe with the young woman as man and wife, though not married, have any effect upon your opinion?"

"No," replied Dr. Evans, "for man under those circumstances may love the woman just as much as though she were bound to him by holler ties."

"Does that letter, taken alone and entirely separated from everything morning. else in the case, show a pathological condition on the part of the writer,' asked Mr. Jerome.

It took nearly a half hour and

many questions to secure the wishes of the formal answer. Dr. Evans finally said that if the letter had been handed to him without his circumstances, he would not be able to form any opinion regarding the pathological condition of the writer. Dr. Evans was asked to describe the term, "pathology of the mind," and spoke for fifteen minutes, de school districts in Moore. Buchan, claring that generally speaking it endar. Later in the account Cumberland Railroad Company, brain. Dr. Evans was explaining the trust bill be made the spe effect of "mental medicine" when District Attorney Jerome inter-

rupied. "I will be short," said the expert "If we can get anything short," said the district attorney, "go

Dr. Evans went on at some length and when he had finished Mr. Jerome fees of justices of peace. Mial by asked the stenographer to read the previous question. In a loud voice the stenographer read:

(Continued on Page 4.

Special Order Fixing Pay o State Officials Under Discussion

## Suit Was Brought by Charles E. Man- Raleigh Charter Bill Passed as Dr. Evans Thought Him Crazy THE NEWS A DESERVER AGAIN DENOUNCED

Senator Buxton of Forsyth Characterized Its Alleged Report of Remarks By Him in Executive Meeting as False and Untrue Out of this Whole Cloth-Senators Bear Out What the Senator Stated-Big Lot of New Bills and Many Measures Go Through the Legislative Hopper-Message From the Governor. Day's Proceedings of State Senate in Detail.

At 1:20 o'clock today in the state senate the discussion of the bill fixing the salaries of state officials was interrupted in order that Chairman Daniel of the conference committee on the railway rate bills could submit the

report of that committee.

The report of the conferces was the ead. It recited the efforts made by the senate committeemen to secure wo rates-for two and one-half cent maximum and refusal to agree to s two cent rate, and then stated that in order to reach an agreement the or mitteemen of the two houses had agreed on a substitute bill providing for a flat rate of two and one-quarter cents a mile on all roads of sixty miles or more in length, with the arcond-class coach eliminated. The bill was then were and a market. was then wead and a motion was m

another senator arose to a question of personal privilege to correct mi ents in the Raleigh morning paper, This time it was Senator Buxton of

Forsyth, who arose and said he held in his hand a newspaper—"the News and Observer, so I expect you all know what is coming. He then read from the alleged account of the proceedings of the exec-

on the judiciary, held last evening, and which were not allowed to be given out to the public. Dr. Evans went into a long ex- He denounced as "untrue and false ory that the letters showed mental attributed to him at that meeting and called upon the senate to corroborate Daniel, Graham, Reid and others, bore bit, he said, showed lack of a sense out what Senator Buxton said, and de

Senator Graham today, out of the regular order, introduced a bill to amend section 28, article II of the constitution of North Carolina, submitting to the voters of the state the propo sition to increase the pay of m letter was addressed to the girl for of the general assembly to \$500 each for regular biennial terms, and each in case of extra sessions being called, the presiding officers to receive \$10 per day for their services in either case. The bill also provides for miles age at the rate of ten cents per mile each way. The bill stipulates that the proposed amendment shall be mitted to the people at the next gen-

> Senator Brown of Yadkin opened the day's session of the state senate with prayer, when the lieutenant governor called that body to order at 9:30 this Journal of Wednesday stood approve

ed on the certification of the cor Trust Bill Reported and Made

Special Order. The several trust bills were at those reported back by the commitknowing who wrote it or any of their Reid anti-trust bill as a substitute, with the recommendation that substitute do pass. The Reid bill is now in the hands of the printers; but the original bill, as amended, and as it left the committee, was also report ed by Senator Graham this m and the bill took its place on the was a diseased condition of the Reld asked that his amended anti-

> was so ordered. Senator Buxton stated that thought the time had come when sions, and called attention to the eral important bills that are yet ceive the attention of the senat which will necessarily consume time.

for next Tuesday at 11 o'clock, and

Odell stated that no Mr. night sessions were held by t senate and he hoped it would