

THE RALEIGH EVENING TIMES.

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PRICE 5c.

WILL PUNISH MR. PAGE BECAUSE HE OFFENDED THE PARTY'S BOSS HERE

Daniels Does That and Still Protects Two Power- ful Railroads

WOODPILE NIGGER COMES OUT AT LAST

Through Effort of Daniels New Bill Will Force Aberdeen & Asheboro to Reduce Rate, but Provides for No Reduction on Norfolk & Western and Louisville & Nashville Lines—Page's Road Only Five Miles Over Limit—Fine Italian Hand Gets in Its Work Because Page Was Guilty of Disrespect Toward the King—Likely That Some Warm Talk Will Follow.

The bill reported by the conference committee fixing railroad rates in North Carolina contains a large black nigger in the woodpile. Likewise, it aims to punish a man who had spoken disrespectfully of the king.

It is provided in the measure that all roads shall charge two and one-quarter cents except those which have less than sixty miles and new properties now being constructed.

Naturally, it will strike Mr. Henry Page's railroad, the Aberdeen & Asheboro, which is 65 miles in length. But it will not reduce the rate on the Louisville & Nashville, which has a spur line running into North Carolina, or the rate on the Norfolk & Western. The meat in the cocoon is that Mr. Page's road must suffer while the legislature is preparing to protect the Norfolk & Western and the Louisville & Nashville, both of which are rich and powerful corporations.

It is a fact not apt to be denied that this sixty-mile provision was put into the bill through the influence of Josephus Daniels, for the direct purpose of injuring the Page railroad. It also happens—a fact with which the public is not familiar at present—that Mr. Page recently offended Daniels by certain statements before the committee and otherwise. The "otherwise" part is more interesting than the first.

Many on the inside have talked today about this affair and they understand the ways and the wherefores. They cannot understand, however, why the legislature should protect the Louisville & Nashville and the Norfolk & Western and then discriminate against a local property out of which the people derive more benefits.

TWO KILLED; FORTY HURT

(By the Associated Press.)
Los Angeles, Cal., March 1.—In the wreck of a corporation train on the Salt Lake Railroad near Lethers, Nev., one man was killed and two were fatally injured and died later, and about forty were seriously hurt. The men are Greek laborers.

An engine pushing two freight cars on which carried construction crew, failed to slow down as it approached a string of cars loaded with construction material at a washout. A box car on the end shot upward and descended on the foremost flat car, injuring nearly every man aboard, together with many on the second car. Nearly all of the injured are Greeks. Many of the wounded are said to be dangerously hurt and eight capital operations must be performed when a special train carrying forty of the wounded to Los Angeles for treatment, reaches its destination after a run of 430 miles.

A BUSY DAY WITH JUSTICE SEPAK.

W. H. Hobby, a white man, who lives in this city, has been indicted in three cases for securing money under false pretense. It is charged that he gave a mortgage on a mule and also other property which he did not own. The warrants were sworn out before Justice of the Peace Separk and Hobby was placed under a \$200 bond for his appearance tomorrow afternoon.

N. I. Hodges, Jr., a white man, was bound over to the superior court today by Mr. Separk upon the charge of disposing of mortgaged property. His bond was placed at \$100, which he gave. He paid the amount named in the mortgage, but that did not relieve him from being indicted in a criminal action.

Another vagrant was sent to the county roads today by Mr. Separk, the charge being that of vagrancy. Several of Raleigh's worthless negroes, and one of two white men, are now serving the county by aiding in the building of better roads.

William McKnight and William Simms, both colored, were bound over to the superior court today for failure to list their poll tax. In default of bond they were committed to jail.

HAS BEEN PROMOTED TO GENERAL AGENT.

Mr. C. S. Allen, who has been promoted from freight agent here to general agent, at Raleigh a much better position, has been with the Seaboard Air Line for 47 years and it is said he is the oldest employe in the service of the Seaboard. He has served his road faithfully, working day and far in the night whenever necessary, and that was often. He gave the business the same attention as if he was sole owner of the road, and his large number of friends will be glad to learn he is to be retained by the Seaboard in a more important capacity than local agent. A man with Capt. Allen's popularity is worth a good deal to any railroad, merely to have it known he is connected with it as an official.

ONLY TWO OFFENDERS IN THE POLICE COURT TODAY.

Two offenders faced Police Justice Badger this morning, but neither was charged with a serious offense. Claude Evans was charged with engaging in an assault and was fined \$12.90, and Richard Freeman, a country boy, got a little too full of dispensary whiskey and became boisterous on the streets. He escaped by paying \$2.50.

Y. M. C. A. BUILDING DESTROYED BY FIRE.

Utica, N. Y., March 1.—The Young Men's Christian Association building in this city was completely destroyed by fire this morning. The loss will be upwards of \$150,000. A clothing store, music store and plumbing establishment located on the ground floor were also burned. Other buildings were threatened and the telephone service in this city is interrupted.

WHITTLESEY IS NEW MANAGER

(By the Associated Press.)
Norfolk, Va., March 1.—Official announcement was made at the general offices of the Seaboard Air Line Railway here this afternoon that W. A. Garrett, who in New York on Wednesday was elected president of the Seaboard, will not continue as general manager of that system, but will be succeeded in this office by T. F. Whittlesey, late general manager of the Mobile, Jackson & Kansas City Railway, at Mobile. Mr. Whittlesey, who will be in full charge of operations of the Seaboard, arrived in Norfolk today and assumed charge, his appointment being effective from this date. His headquarters will be in this city. Mr. Whittlesey will be fifty-one years of age on the 19th of the present month. He is a native of Richmond, Ky., and entered railroad life in 1876. Since that time he has served in high positions in the operating departments of the Lake Shore & Michigan Southern Railway at various points in the middle west; the Toledo & Ohio Railway, and was in charge of the construction of the Toledo Railway and Terminal Company until he became general manager of the Mobile, Jackson & Kansas City system.

PROHIBITION IN ANSON COUNTY

Redwine Bill Had Narrow Escape in Senate

REFORM SCHOOL BILL CAN'T BEAR REDUCTION

It Provided for No Appropriation and Finally Passed Unanimously, Amid Cheers of Ladies—General Election Day Made a Legal Holiday— The Hopper Kept Busy in the State Senate Today.

The state senate will hold its first night session of the year this evening, beginning at 8 o'clock.

As the conference committee's railroad passenger rate bill will be the special order, the night session will be an interesting one.

In the senate today, after a warm debate, the Redwine bill legislating prohibition for Anson county, including the town of Wakeboro, was passed and sent to the house. On the third reading it had a narrow escape, as the Graham amendment providing for a vote on the question was defeated by the close vote of 22 to 20.

There was an interesting discussion of the reformatory question in the senate this afternoon, that having been the special order taken up at noon, which revealed a diversity of opinion on the advisability of passing the particular bill pending, as more fully indicated in the account of the proceedings in detail below.

The state senate began business at 9:30 o'clock this morning with the lieutenant governor presiding and Senator Brown offered prayer.

A number of senate roll call bills were put through their final reading, the first thing and sent to the house. These will be found reported with others under the usual head in the regular report of the proceedings in detail.

The various standing committees reported back a goodly number of the big lot of bills in their hands.

The senate committee on finance reported unfavorably the bill introduced early in the session by Senator Aycock, to tax policies of life insurance at their cash surrender value, and it was consigned to the legislative dead house, there being no minority report.

The committee on railroads killed Mr. Sewell's bill (S. B. 24) with an unfavorable report, relating to time limits for transportation of freight, etc. A few other bills of less importance went the same way—the reason given in some cases being that the same matters are covered in other bills already reported.

New Bills Introduced.

By Mr. Mauney: To increase special tax in Kings Mountain school district.

By Mr. Ormond: To incorporate the town of Pollockville. Calendar.

By Mr. Thorne: To amend section 2838 of the revised Code.

By Mr. Klutz: Giving South Rowan Milling Company permit to raise dam. Calendar.

By Mr. Klutz: Extending provisions of act of 1887 to lowlands of Rowan county. Calendar.

By Mr. Wilson: To increase fees of officers serving claim and delivery papers. Calendar.

By Mr. Etheridge: To amend the revised Code relative to the oyster industry. Shell Fish Committee.

By Mr. Thorne: Changing dividing lines between townships in Nash county. Calendar.

By Mr. Reeves: For the relief of certain physicians. Calendar.

By Mr. Hicks: To provide for erection of monument to Confederate dead of Granville county. Calendar.

By Mr. Brees: To validate certain registrations. Calendar.

By Mr. Aycock: Providing for working of roads of Wayne county. Calendar.

By Mr. Daniel: To repeal charter of the town of Essex, Halifax county. Calendar.

By Mr. Wood: Amending road law of McDowell county. Calendar.

By Mr. Howard: Authorize Tarboro school board to issue bonds.

By Mr. Etheridge: To amend section 2440 of the revised Code relative to fishing in Pamlico and Albemarle Sounds. Fish and Fisheries.

By Mr. Aycock: To incorporate the town of Pateotown, Wayne county. Calendar.

By Mr. Holt: To provide for pure and adequate supply of water in public schools and colleges of the state. Educational Committee.

By Mr. Burton: To amend section 647 of the revised Code, relative to purchase of land at tax sales prior to 1889. Calendar.

By Mr. Aycock: Relating to compulsory education in Goldsboro township. (Put on its immediate passage and sent to the house.)

By Mr. Buxton: Relating to East Bend school district. Committee on Education.

By Mr. McLaughlin: Authorizing (Continued on Page 2.)

RAILROADS TO FIGHT 2 CENTS

Western Roads Will Take New Laws Into Court

FIREMEN'S RELIEF FUND

Attorneys for Important Lines Hold Conference in Chicago and Pre- pare Plan—Say That Traffic Will Operate at Loss—Will Seek Re- straining Order.

(By the Associated Press.)

Chicago, March 1.—The western railroads have determined to fight in the courts all state laws making two cents a mile the maximum passenger rate. Attorneys of several of the largest roads hold a conference today with a view to having all roads pursue the same policy as to litigation over the two-cent a mile rate.

The plan now generally favored is to ask the courts to restrain the enforcement of the law on the ground that a rate of two cents a mile would cause the railroads a heavy loss and in many cases would require them to run trains at less than the actual operating expenses, regardless of the fixed charges, taxes and other obligations of the railroads of which they claim the passenger traffic should assume a share.

OLIVER LIKELY TO ENTER SUIT

Dont Fancy Way the Govern- ment Treated Him

TO ISSUE STATEMENT

Contractor Who Failed to Secure Panama Canal Work After Promise Receives Check Put Up as Evi- dence of Good Faith—Waiting to Consult Lawyer.

(By the Associated Press.)

Washington, March 1.—William J. Oliver, Jr., of Knoxville, Tenn., today called at the offices of the Isthmian canal commission and received from Mr. Rogers, the commission's counsel, the certified check for \$200,000 which was submitted at the time Mr. Oliver presented his bid for constructing the Panama Canal on a percentage basis.

Mr. Oliver left the building without making any complaint or lodging any protest against the action of the president in rejecting the proposals for constructing the canal.

Mr. Oliver stated that pending the arrival in Washington of his counsel Judge Morgan J. O'Brien of New York, who is now on his way here, he would withhold from publication the statement that he intended to give out. He also intimated it was possible that he would find some way of bringing legal action against the government to recompense him for the loss he has sustained in connection with the preparations of his bids.

CONGRESS PUTS THEM IN ARMY

(By the Associated Press.)
Washington, March 1.—The appointment of B. O. Mahaffay of Texas, John A. Cleveland of Alabama, and Traugott F. Keller of New York as second lieutenants in the army is provided for in a bill passed by the house late last night. They were dismissed from the military academy for insubordination in 1901, but, according to the committee report accompanying the bill, their subsequent career has been especially praiseworthy and their parents urged that the young men be set right by congress.

HOUSE PASSES THE 2-1-4 RATE

The Vote on Conference Bill Was 95 to 4

PHYSICIAN IS CALLED

Dr. Clark Believes That Defendants Were Temporarily Insane When They Shot Bywaters After Latter's Refusal to Do Honorable Part To- ward Their Sister.

(By the Associated Press.)

Culpeper, Va., March 1.—Commonwealth Attorney J. A. Keith today began the presentation of his evidence in rebuttal in his attempt to shatter the plea of jurisdiction advanced by the defense for James A. and Philip Strother, on trial here for the murder of William F. Bywaters, their brother-in-law. The rebuttal began immediately after the defense called to the stand Dr. Chelf, one of the physicians who attended Mrs. Viola Bywaters at "Rotherwood."

Prior to the adjournment yesterday afternoon Judge Harrison stated that he was desirous of expediting the trial, and with the understanding the counsel for the defense agreed to complete their case without delay.

The commonwealth attorney has advised the court that the state expected to complete its rebuttal in one day.

Although the names of the witnesses for the rebuttal have not been announced, according to Captain Micajah Wood, associated in the prosecution, they will be called mainly to show that when Bywaters married Viola Strother he made full reparation for the wrong he is alleged by the defense to have done her, and that the shooting was therefore not justified.

The First Witness.

Dr. Charles H. Clark of St. Elizabeth's Insane Hospital in Washington took the stand in the trial of James and Philip Strother today, charged with killing their brother-in-law, Will F. Bywaters, on the 15th of last December.

Dr. Clark testified he had fourteen years experience in the practice of medicine chiefly confining his practice to cases of mental disorders.

Mr. Moore of the defense, submitted a lengthy hypothetical question reciting all the facts of the pending case as claimed by the defense and concluding by asking witness how he would characterize the act of homicide committed under such circumstances.

Before witness could reply Mr. Keith of counsel for the prosecution objected upon the ground that the question did not recite all the facts, especially that the defendants were armed and had all along intended to do, under certain conditions, that which they did do.

The jury was withdrawn in order that the court might hear argument upon the admissibility of the question. It was evident that the effort of the defense to establish emotional insanity as a plea, did not surprise the prosecution.

Argument by Lawyers.

As Attorney E. Walton Moore concluded the presentation of his array of legal precedents to establish the admissibility of Dr. Clark's expert testimony, Micajah Wood, for the prosecution, began a vigorous argument against the introduction of the testimony. He argued that inasmuch as the physician was not acquainted with the facts in the case being tried or the testimony already introduced he was not competent to testify. The two Strother brothers had had ample time to contemplate their deed on the night of the shooting, he declared, and the fact that they had done so deliberately showed conclusively that they suffered no emotional insanity.

"If these men are to be freed because their act was conceived in a frenzy of excitement as they have said it will serve to let loose all the lawless elements in this community," he declared.

"This case does not permit an expert testimony as it relates to emotional insanity," added Attorney Wood. "There are no more competent persons to decide the question of the mental condition of these men than the twelve honest citizens who are trying them. To go farther than that, I will say that any unbiased man in this court room is better able to judge of the logic of this plea of emotional insanity than is this expert witness."

Attorney Moore, for the defense, then quoted a reference to the case of General Daniel E. Sickles, tried in Washington many years ago for the murder of Barten Key, which he declared established all the precedent necessary in the Strother case.

At the conclusion of the argument, Justice Harrison ruled that Dr. Clark's testimony was admissible, the hypothetical questions to be modified.

"The Unwritten Law."

In the course of the afternoon Judge Harrison, who is presiding, said: "Some reference has been made to the 'unwritten law.' I want to say most emphatically that so far as any court (Continued on Page Eight.)

STILL ON THE MURDER CASE

Witness for Strothers Test- My-Again Today

DR. EVANS IS RECALLED

Expert Testifies That Mental Con- dition of Shyer When He Wrote Them Was Unbalanced—Sharp Tilt Between Jerome and Delmas. Technical Points Discussed.

(By the Associated Press.)

New York, March 1.—District Attorney Jerome's intention of applying for a commission of lunacy to examine Harry K. Thaw seemed to be definitely established today during the continuance of his cross-examination of Dr. B. D. Evans, the principal medical expert for the defense. Dr. Evans stated that he believed Thaw to have been suffering from adolescent insanity in 1903 and at the time of his marriage, April 4, 1905, and that when he killed Stanford White, June 25, 1906, he was the victim of an acute and recurrent attack of the same mental malady.

In addition to the "explosions," he said there were indications of mental instability at other times.

Mr. Jerome, during his examination, constantly referred to the subject of paranoia, but was unable to secure from the witness any admission that would tend to show Thaw a paranoiac. But from this line of questioning it seems probable that the prosecution will attempt to show that instead of being afflicted with the insanity of adolescence, Thaw is actually a paranoiac.

New York, March 1.—When the Thaw trial opened this morning District Attorney Jerome announced that there had been a second packet of letters from J. D. Lyon, the Pittsburg banker, who until November last had custody of Thaw's will. The letters received today were written to Mr. Lyon by Thaw while in the Tombs, and all bear dates subsequent to June 25 last. Mr. Lyon first sent on only letters written prior to the Roof Garden tragedy.

Mr. Jerome was very anxious to have the later letters, and they were sent on by consent of Thaw's attorneys. The letters are held subject to the court's orders.

Dr. Britton D. Evans was recalled as soon as the letters from Pittsburg had been examined by counsel, and Mr. Jerome continued his cross-examination of the alienist.

"Taking all the letters you have read in the light of all you know about this case, what is your opinion as to the mental condition of this defendant at the time he wrote these letters?" was Mr. Jerome's first question.

Mr. Delmas promptly objected on the ground that he assumed that the witness has knowledge that was not in evidence.

Mr. Jerome withdrew the question and asked the witness if he had any knowledge of facts that have not been testified to.

An argument was the result, Mr. Jerome claiming that the only point in the case was whether or not the defendant was insane when the homicide was committed. He was anxious, he said, to bring out all the facts.

Dr. Evans was not allowed to answer and said that so far as he could recall he had told all of importance that he could remember of what he had heard and seen on the first three visits to Thaw in the Tombs.

"Taking everything that you have testified to into consideration, what, in your opinion, was the mental condition of the defendant when he wrote these letters?" asked Mr. Jerome.

"He was in a state of mental instability."

"Do you mean he was insane?"

"Not necessarily. He was in a state of mental unsteadiness."

Mr. Jerome handed the witness a copy of the letter Thaw wrote to Anthony Comstock, complaining that "dens of vice" were maintained by Stanford and "other scoundrels" for the ruin of young girls.

After Dr. Evans had examined the paper some twenty minutes, Mr. Jerome asked him if anything in the letter suggested the mental state of the writer.

"It shows," said the expert, "that his mind seemed to be running upon young women and their supposed wrongs." (Continued on Page 8.)

THAW LETTER SENT TO COURT

Question of Prisoner's Sanity Now Uppermost

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