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SANE, SAYS THE BOARD OF LUNACY OF THAW

Opinion of the Commission Given Without a Dissenting Voice

THAW'S MOTHER HEARS AS A WOMAN IN A DREAM

His Wife's Face Lights Up With the Joy of Victory—Jerome Claims That the Decision is Not Binding, But He Plays a Losing Game—The Court is Adjourned to Ten O'Clock Monday Morning.

(By Leased Wire to The Times.)
New York, April 4.—Mrs. Wm. Thaw, who after a week's absence returned to the Tomb to see her son, returned to the court room in the criminal court building. From that hour she sat alone in the court room until 2 o'clock, when she was joined by Lady Farnmouth and Mrs. Evelyn Nesbit Thaw, her daughter-in-law. It was a pitiful sight. The aged mother of the prisoner waiting in the big court all alone for the decision that would declare her son sane or send him to an asylum.

During those two tedious hours she was absolutely without company and no one dared disturb the anxious mother.

Before the Thaw session opened in the afternoon the special session of the April grand jury for the purpose of investigating insurance matters was called and ordered the proceedings held in the criminal court room. These proceedings delayed the decision in the Thaw case for some time.

Justice Fitzgerald began an address to District Attorney Jerome and Mr. Hartbridge in a low tone of voice. He handed two copies of the commission's report to the lawyers. Daniel O'Reilly, after looking at the report, announced that it declared Thaw sane unanimously.

Lawyer Delmas immediately went over and congratulated the women relatives of the defendant, who beamed with delight.

"Without knowing what the report may be," began Jerome, "I would request that you hear me on the question as to whether or not this report should be spread upon the minutes."

Up to this time Thaw had not been brought into the court room and the jury were kept in the ante-room. Hartbridge nodded assent to the women in the Thaw family.

Mrs. Evelyn Thaw acknowledged this practical message of victory with a smile. Her mother-in-law, if she understood the meaning of the nod, gave absolutely no sign of recognition.

"Of course your honor will confirm this report before it becomes binding," said Jerome. "Before it is confirmed I wish to argue against it. Of course, if I am finally overruled, I will proceed with the trial."

The report covered two pages and was confined to a simple declaration that Thaw was competent to confer with his lawyers. It made no mention of any existing unsoundness of mind. The papers were signed by the three commissioners. The report said that Thaw was well able to assist his attorneys in the preparation of his case and the only reference to his mental condition occurred where the members of the lunacy board referred to his acts during the trial of the case.

"Your honor will see that this case is of the greatest importance," continued Jerome. "Perhaps since the Reblunder case there has never occurred a case which attracted such attention from a legal point as well as a public one. I maintain that your honor appointed Dr. Putzel, a man of the highest intelligence to a judicial office.

His act was at variance with the statute that provides for such appointments. The law says that they must hear evidence presented by the district attorney of the county and the lawyers of the defense and that they must report to the court their opinion. They are simply referees and their office is to report on a question of fact."

"Do you claim the finding is not binding?" asked Justice Fitzgerald. "No," answered Jerome.

Justice Fitzgerald said:

"This inquiry was for the purpose of settling one point, could the defendant confer with his counsel. The court must guard the constitutional rights of this defendant, and I will not give to the district attorney the proceedings of the private examination. It was recorded by a stenographer, but I feel that I cannot give it to the prosecution."

The jury was then discharged until Monday, and court was adjourned until 10:30, that day.



This picture is from a photograph, copyrighted by Carl Weidner, of Miss Anita Stewart, daughter of Mrs. James Henry Smith, who probably will be the richest heiress in the world. She was a great favorite with her stepfather, who died recently in Tokio, and friends of the family are confident that the bulk of his great wealth, some \$75,000,000, will ultimately descend to this young woman.

SEVERAL DEAD IN HOTEL FIRE

(By Leased Wire to The Times.)
San Francisco, Cal., April 4.—Ten and probably fifteen Italians were burned to death and eighteen others injured in a fierce fire that destroyed the Geneva Hotel, an Italian boarding house in the Potrero district this morning.

In automobiles, wagons and street cars, the suffering victims of the flames were rushed to the Potrero Hospital where aid was given them. Some of the burned were terribly hurt, and the death list may reach twenty-five.

OCEAN LINER ON FIRE AT NORFOLK

(Special to The Evening Times.)
Norfolk, Va., April 4.—The Old Dominion steamship Jamestown, one of the largest ocean liners running between Norfolk and New York, is on fire at her docks here. Three engines and several river tugs are pumping water into her. She was tied up here last night by reason of the longshoremen's and freight handlers' strike for increased pay.

THE GREAT STRIKE MAY NEVER OCCUR

(By Leased Wire to The Times.)
Chicago, April 4.—Indications are that the threatened strike upon the forty-three railroads operating west of Chicago by trainmen and conductors will not occur.

The labor interests held a long session in the morning after which it was declared a compromise agreement had been reached. None of the men in the conference would admit this, but it was asserted by many that there is less danger of an outbreak now than at any other time since negotiations were started.

Both the railroads and the men have retreated from their former positions, permitting of a compromise agreement.

SENT TO JAIL FOR INSULTING GIRL

(By Leased Wire to The Times.)
Norfolk, Va., April 4.—O. L. Rothschild, a young man, formerly employed at the Norfolk & Western Railway as a stenographer, was yesterday sentenced to twenty days in jail and a fine of \$100 by Judge Hancock in the corporation court on the charge of insulting Miss Ida Wynn, a girl 17 years old.

GIRL SUES HIM FOR BROKEN CONTRACT

(By Leased Wire to The Times.)
Richmond, Va., April 4.—The case of Mrs. Nellie R. Hinde, a stenographer of Philadelphia, against Henry Warden, a millionaire of Fredericksburg, for breach of contract, was partially heard in the United States district court yesterday. Miss Hinde is suing for \$15,000, alleging that she was discharged without provision after having been persuaded to give up a lucrative business in Philadelphia to accept a life-time job with Warden at a handsome salary.

A letter of Warden's is submitted in evidence in which he promises the position for life, and states that he has made a contract with her in favor of Miss Hinde for \$5,000 as compensation for the business which she left in Philadelphia.

LIGHT VOTE IN CITY PRIMARY

Looks Like Thomas Badger No Kisses, No Caresses, Never a Fond Word For Police Justice

JOHNSON FAR IN LEAD

A Very Light Vote Has Been Cast and Not Little Interest Shown in the Result—Names of Candidates Who Appeared to Be Leading for Aldermen.

Very, very quiet has been election day in Raleigh so far, but the polls do not close until sunset and things may live up some before the day is over. The Australian ballot is used here, making it more difficult to tell the way the election is going, but there is always some politician around the polls who can come somewhere near the result. In the third ward, first division, the contest has been rather warm, but up to this afternoon there had been no disorder. A rather light vote has been cast.

Meyer Johnson is said to be leading Mr. M. S. Clark by an enormous majority and there is not the slightest doubt about his continuing far in the lead. Traditions point to the nomination of Mr. Badger for police justice, it being stated this afternoon that he would, in all probability, get a very substantial majority. In the contest for police commissioners the result is in doubt. But little attention has been paid to these offices, but some are predicting that it will take a second primary to settle the nomination as to the six-year term. All of the candidates appear to be running close. For the four-year term Mr. Graham Haywood will probably win out. He was very confident of his nomination this afternoon. There is no opposition to Mr. James A. Briggs, candidate for the two-year term of police commissioner. Mr. W. W. Wilson, the present city clerk has no opposition, nor has Tax Collector Jones.

Indications this afternoon pointed to the nomination of the following candidates for aldermen, both sides in some wards claiming a majority:

First Ward, First Division—Leo D. Hearst.
First Ward, Second Division—T. E. Moore.
Second Ward, First Division—Horace R. Dowell.
Second Ward, Second Division—E. Hugh Lee.
Third Ward, First Division—George M. Hardin.
Third Ward, Second Division—W. M. Nowell.
Fourth Ward, First Division—Jesse R. Williams and J. M. Norwood claiming a majority. Vote evidently close.
Fourth Ward, Second Division—J. Sherwood Upchurch and Edward Vann are both claiming a majority and vote appears to be very close.

Nothing definite, of course, can be told in regard to the actual result until tonight, but from the best information obtainable this afternoon the candidates appeared to be running as indicated above.

ONLY TWO VOTES AGAINST BELMONT

(By Leased Wire to The Times.)
Washington, D. C., April 4.—That the eligibility of Mrs. Perry Belmont for membership in the Chevy Chase Club was never passed upon at all by the club's board of governors; that twelve of the board of governors voted for the admission of Perry Belmont and only two against, and that a second attempt will be made to secure membership in the club for Mr. Belmont, are the real facts of the published report that Mr. and Mrs. Belmont had been blackballed by the club.

Mr. Belmont, who is one of the best known clubmen in this country and in the world, left Washington this morning for New York, but his friends declare that the action of two of the club's board of governors in refusing to admit him to the club will have no effect upon his residence here and that he will continue to make Washington his home.

By Mr. Belmont's friends two reasons are given for the refusal of A. S. Worthington and Gen. Wallace Randolph to admit Mr. Belmont. One is that the white house is opposed to the social position of the Belmonts, and the other is enmity of various members.

LOVE FAMISHED, SEEKS DIVORCE

No Kisses, No Caresses, Never a Fond Word

SO DECLARES THE WIFE

The Husband in a Cross Petition Alleges That This Woman Who is Hungry for Love is Too Friendly With a Boarder in Their Home Named Fred.

St. Louis, Mo., April 4.—She hungared for love and kisses for all the eight years of her married life, never receiving a pleasant word from her husband, never being kissed by him, never being caressed.

Mrs. Anna Heifer gives this to Judge Shields as her reason for asking for a divorce.

"One time I went up to him and tried to kiss him," said Mrs. Heifer. "He pushed me away and asked if I was going crazy. He told me on another occasion to park my rug and get out, for he was sorry he had ever seen me."

Mrs. Heifer testified that her husband drank a gallon of beer every evening. He particularly liked to have convivial friends in the evening, and wanted her to help entertain them, but she would not drink beer with them.

"One time we had no coal," she said, "and my little sister brought some in a basket from my mother's. I complained to my husband and he said: 'Move over to the tracks and pick your own coal.'"

"He ordered me out of the house, and when I returned home a little later he was whistling 'Good-bye, My Love, Good-bye.'"

"Then he said he would throw me out if I remained another day."

Heifer filed an answer. His cross-petition alleges that Mrs. Heifer was too friendly with their boarder, Fred J. Zoebel.

BULLETS HISS, SINK IN FLESH

Three Whites are Against Four Negroes

FOUR MEN ARE WOUNDED

A Passing Street Car is Perforated in Many Places, and How the Motorman and Passengers Escape is a Mystery—One of the Negroes Shot May Die.

(By Leased Wire to The Times.)
Lynchburg, Va., April 4.—A pistol battle last night between four negroes and three white men resulted in two whites and two negroes being shot, one of the latter being mortally wounded. An approaching street car was riddled. How Motorman Bruffery, in charge of the car, and the passengers escaped injury is a mystery.

The wounded are: A. L. Weir, shot in hip and left leg; S. C. Crawford, shot in left hip; John Haskins, colored, shot through the abdomen; unknown negro, shot through the wrist.

The white men claim they were jostled off the sidewalk by the negroes and a quarrel ensued, the negroes beginning the firing. Weir and Crawford say they did no shooting and that the negroes were shot by their companions. All the participants mentioned were arrested, but they were sent to the city hospital.

ATTEL AND ROBSON FOUGHT TO A DRAW

(By Leased Wire to The Times.)
Philadelphia, Pa., April 4.—Greek met Greek last night when Abe Attel and Spike Robson crossed mitts for their initial six-round go.

Attel met a master of cleverness when he faced the spry, untried Robson, and although he tried every trick and punch he knew, he could do no more than black the left eye of the foreigner.

Giving the fight as the man up a tree would, the best that could be said was a draw.

THEO WILL GIVE BLOW FOR BLOW

Every Effort Now to Humiliate Harriman

SUCH THE PREDICTION

It is Said That He Will Immediately Put on Foot Another Investigation of Mergers of Various Harriman Lines—National Publicity Bill Organization to Meet.

(By Leased Wire to The Times.)
New York, April 4.—President Roosevelt will immediately proceed to hit back at E. H. Harriman by putting on foot another investigation of the mergers and combinations of the various Harriman railway lines.

This is the prediction made by the men who know both in New York and Washington.

They say that Roosevelt is a good hater, and that he will not rest until he has exhausted every means for the humiliation and punishment of the man who says the president solicited him for a political fund of \$200,000 during the campaign of 1904.

The president's retaliatory plan may go so far as an appeal to the federal courts of New York state for an order compelling Mr. Harriman to answer a score of questions which he refused to answer, "by advice of counsel," when he was under examination by the interstate commerce commission a few weeks ago, is the opinion of the railroad attorneys.

One of the first decisive developments of the Harriman-Roosevelt controversy came when a meeting of the national publicity bill organization was called by Secretary Perry Belmont.

The meeting was made pertinent by the exposures of enormous contributions related by Mr. Harriman in his letter to his friend, Sidney Webster, and backed up in his public statement aimed against Roosevelt. Its purpose will be the further advocacy of a law compelling the publication of campaign contributions and expenses by the national and congressional committees of both parties.

THE PRESIDENT WELCOMES HARRIMAN AS AN ENEMY

Washington, April 4.—"From now on, it will be a fight in the open between the president and his enemies. The time for beating about the bush has ended, and all the world will be able to see the prettiest scrap that has been pulled off for many years."

This was the comment today of a high administration official who stands very close to the president. Continuing he said:

"The president cordially welcomed the opportunity of placing Harriman in the list of his enemies. Instead of saying in his speech hereafter that he despises demagogues of all kinds, he will come boldly out and declare that he hates men like Harriman. He has placed him on the same level with Debs, Moyer and Haywood. The very fact that Mr. Harriman's future opposition to him will have to be in the full light of day is very gratifying to the president. He feels that the enmity of such a man is to be courted. Certainly so long as Harriman stands for what he does, he (the president) does not want his friends. The people at large will choose between them and will make no mistake."

That the president likes a red-hot rough-and-tumble fight, every one knows, and he is not at all backward in admitting the soft impeachment of himself. In his interview with the Washington newspaper correspondents yesterday he stated an incident that took place while he was assistant secretary of the navy. The question of veracity was raised and a man, who has since figured quite extensively as a politician and House lieutenant. After two or three letters had passed each way the other man thought to settle the argument by writing Secretary Roosevelt:

"I will regret to lose the good opinion I have always had of you."

Mr. Roosevelt replied very briefly to this:

"I cannot imagine any circumstance that would be a matter of more supreme indifference to me than the loss of your opinion, good or bad."

VICIOUS BLOWS DREW A BULLET

Gosner Killed in a Quarrel Over a Girl

WINEBARGER SHOT HIM

Several North Carolinians Will Go to Marlboro to Testify in Behalf of Winebarger—The Trial Will Open Next Monday or Tuesday—The Story of the Tragedy.

(By Leased Wire to The Times.)
Washington, D. C., April 4.—A number of North Carolinians employed in government departments here will go to Marlboro, Md., next Monday or Tuesday to testify in behalf of William Winebarger, who shot and killed Frederick Gosner in a quarrel over a girl near Fort Washington last January. Several prominent men from North Carolina are in Washington consulting with Winebarger's attorneys. The entire party will leave Washington together and hopes to bring Winebarger back.

Attorney William R. Lovell, of Boone, N. C., has been in Washington several days discussing the case with Attorney Robert Wells, of the firm of Wells, Hoover & Wells, associated with the defense. Attorney Wells will also defend Mrs. Anna M. Bradley, charged with slaying Senator Brown, of Utah, last December.

The witnesses from North Carolina will tell of Winebarger's quiet, retiring way to disprove any contention that he was combative.

William Wagner, who was reared on a farm a short distance from the Winebarger homestead, will be one of the principal witnesses. All the officers give Winebarger the best name. Although only twenty-one years old, he proved to be one of the most efficient and best drilled men in the Fourth artillery and the officers were proud of him. Several officers will testify as to his reputation for peace and good order prior to the fatal shooting of Gosner.

The Girl in the Case.

Winebarger and Gosner were members of the same company. Winebarger became infatuated with a pretty girl who lived about two miles from the garrison. He introduced Gosner to the girl and a few nights later he found the two together in a country hotel.

Gosner is said to have threatened Winebarger because the latter complained to the proprietor about the noise in the room above the saloon. As a result of the complaint Gosner and the girl, as well as the other soldiers who were on the second floor, were made to leave the room.

"So you complained, did you?" Gosner is said to have asked sneeringly of Winebarger.

Winebarger replied in the affirmative and asked Gosner to leave the girl alone, or at least keep her out of the saloon.

"What would you do if I walloped you on the snoot?" asked Gosner.

"I'd probably fall," said Winebarger, "but don't do anything like that. I don't want any trouble."

According to witnesses Gosner dealt Winebarger a vicious blow on the nose and sent him to the floor. Several other blows were struck on Winebarger's face. When he arose his face and nose were bleeding profusely. As he started toward the door Gosner is said to have rushed at him.

Winebarger drew his revolver and shot Gosner in the stomach. Gosner died in a few moments. Winebarger ran out of the saloon and tramped through the woods for two days before returning to the fort and surrendering himself. Immediately after being taken to the office of the commanding officer's room he insisted that he should only when he believed his life to be in danger.

DEATH OF REVEREND DR. PAUL WHITEHEAD

(By Leased Wire to The Times.)
Richmond, Va., April 4.—The Rev. Dr. Paul Whitehead, for nearly fifty years secretary of the Virginia Methodist Episcopal Conference, died at St. Luke's Hospital yesterday morning after an illness of six weeks, during the last two of which it was known that he could not survive.

The body was taken to Charlottesville yesterday afternoon, where it is in state in the chapel of the University of Virginia until 3 o'clock this afternoon, at which hour the funeral took place.

Sentenced to Eight Years.
(By Leased Wire to The Times.)
Lynchburg, Va., April 4.—William Johnson, colored, was sentenced to eight years in the penitentiary for complicity in the murder of Powell Woody, of Roanoke, here last summer.