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LONG STRUGGLE THUS FAR HAS PROVED VAIN

No Verdict in Case Reached Up to Four O'clock This Afternoon

ONE OF THE JURORS IS ABOUT TO COLLAPSE

The Court Building Hemmed in by Clamorous Crowds Who are With Difficulty Controlled by Special Details of Police—At Ten-Thirty This Morning It Was Believed That the Members Would Report That they Were Unable to Agree and Ask for Their Discharge—But at 4 O'clock This Afternoon Nothing of the Sort Had Occurred.

LAW ON DISCHARGING JURY.

After the jury have retired to consider their verdict, they can be discharged before they shall have agreed thereon only in the following cases:

Upon the occurrence of some injury or casualty affecting the defendant, the jury or some one of them, or the court, rendering it inexpedient to keep them longer; or

When, after the lapse of such time as shall seem reasonable to the court, they shall declare themselves unable to agree upon a verdict.

When, with the leave of the court, the public prosecutor and the counsel for the defendant consent to such discharge.

Criminal and Penal Code.

(By Leased Wire to The Times.)

New York, April 12.—When the Thaw jury went into court at 10:30 o'clock today, it was understood that they would report to Justice Fitzgerald that they were unable to agree upon a verdict and ask to be discharged.

At 12:30, however, they left the building to partake of lunch, and will not resume their deliberations until two o'clock this afternoon.

At 4:30 the jury had been out 41 hours. This is the longest time ever taken up by any jury in deliberating on a capital case in New York courts.

The twelve jurors engaged in a most exciting argument in the ante-room of their private dining room at the Broadway Central Hotel waiting for breakfast.

To persons in windows across the street, it might have been easy to name the two jurors who are said to be arrayed against the ten others. One of these, who is now quite weak physically, was seated in a big rocking chair and over him there were frequently four or five other jurors in excited debate.

The one in the chair made no oral reply, but shook his head negatively many times as though he would not be convinced.

Ten feet from him was the other obstinate juror and about him there were several other jurors gesticulating vigorously and apparently using vehement language.

The ten jurors would sit back and forth between the two and from across the street it was apparent that there was much heat in the arguments used. Nearly 11.

On the way back to the criminal court building, it became known that juror Harry C. Bready was quite ill. He was so weak that Captain Lynch, of the guard and another juror had to support him on either side. He appeared very ill, his face being white and drawn and besides the mental worry over the efforts to reach a verdict he was apparently suffering much physically distress.

Should Mr. Bready become so ill that he would have to be separated from the other jurors it would complicate the Thaw trial more seriously than anything done yet.

Eleven for Compromise. When the great crowd gathered in and around the criminal court building today awaiting the opening of court, to learn if Harry Thaw's fate had been decided there were reports that the jury stood 11 to 1 against Thaw.

The eleven it was stated, stood for a compromise verdict, the conviction of Thaw of a lesser degree of crime than murder in the first degree, while the one man still held out for acquittal. The prosecution it was stated today had given up all hope of convicting Thaw of murder in the first degree and it was thought the verdict compromised upon was manslaughter in the second degree. The maximum penalty for this is fifteen years imprisonment.

Information as to how the jury stood when the first ballot was taken showed that six were for murder in the first degree, four for acquittal and two undecided. Then came the report that the jury stood ten to two. It was the general impression then that the ten stood for a compromise verdict, as it was not probable that the man who had first voted for acquittal would go over to a first degree verdict. Then came the report today that the jury stood eleven to one, indicating that the ten had won over one of the other two to the compromise.

Watching the Twelve.

When the jurors had returned to court, to have a part of the testimony read to them they were watched closely by every person in the court room and the slightest move noted in the hope that some clue might be afforded as to how they stood.

During the reading of testimony of several witnesses, notes with pencil were taken by Foreman Deming B. Smith and juror C. Bready and William F. Steele.

During an intermission of a few minutes in the reading, it was observed that several times other members of the jury leaned over to Bready and Steele and whispered something to them as if calling attention to some points in the testimony. When it became known today that after having been locked up a second night, the jury was still unable to agree, it was asserted there undoubtedly was a bitter fight on among the jurors as to Thaw's guilt. The outcome it was believed, would depend on the respective endurance of the warring factions.

Harry Thaw Appears Quite Calm. Harry Thaw, the man most vitally concerned in the deliberations of the jury in the case that interests the country, retained his composure today better than any of the members of his family and showed less concern than his lawyers. After the jury had been locked up for the second night, Thaw issued this statement:

"I am neither excited nor worried. The delay in the jury's verdict only makes me more confident that my case has been laid before conservative men who will thoroughly examine the evidence and render a true verdict. I feel that this verdict will be acquittal. If it is not acquittal, I am confident that the decision will not be adverse. It is a great satisfaction that all my family continue well. I regret that so many officials and others have so much extra work."

The Strain on His Wife. The strain today seems to have told more on Evelyn Nesbit Thaw than on any of the Thaw family, although all looked worn from anxiety. Young Mrs. Thaw, however, did not give up hope that her husband would be freed.

"These are tedious hours of waiting," said she, "but the rumors from the jury make me certain that Harry will never be found guilty."

"He never can be found guilty, because he was justified. I know from the delay in the rendering of the verdict by the jury that many of the jurors if not most of them believe with me that Harry should go free. I am his wife and I will be with him either in the days of freedom that ought to come, or in the renewal of his fight."

Up to their return from breakfast today, the jury has given the court no intimation that a verdict was possible. They have not asked to be discharged. On the contrary, no jury in many years has demonstrated such intense interest in a case as has this one.

Justice Fitzgerald was of the opinion before court opened that the members of the jury believed they would come to a unanimous verdict by further investigation and study.

A Night of Trial. That the jurors had spent another night of torture was evident by their appearance today when they left the jury room in which they had been huddled to walk to the Broadway Central Hotel for breakfast. Leaving the building a little after 7 o'clock they looked tired and care-worn. Apparently many of them had been sitting all night arguing the merits of the case and endeavoring to reach a conclusion.

But on their return to the hotel they did not appear to be angry. Instead, they were quite pleasant, but their appearance indicated that they realized the weight of their responsibility and that they were not shirking it, but were trying to do their full duty although that might mean much suffering for themselves.

Thaw Had a "Grouch." When Harry Thaw was awakened in his cell at 4:45 o'clock this morning he did not appear to be as bright and cheerful as yesterday. His keepers said he had what they called a "grouch." With only a bath robe about him, he walked along the corridor to the bath room and relished his early plunges in cold water. The room was cold, and Thaw, as he jumped from the tub, said to a guard: "Now I feel better. That's a great stuff in the morning."

When he sat down to his breakfast of weak coffee and rolls, he had all the morning papers before him, and he hurriedly, nervously glanced over the first pages of each. He reads the headlines of all of them and then se-

lects two or three from the number to read fully.

He was busy with the papers when his first lawyer called. Then he started again to do up the bundle of papers and documents and little trinkets he wants to take from the cell with him. In a written statement he said he did not wish to return to the Tombs from the court if he is discharged. For that reason he takes with him to court each time the jury comes in, the little parcel containing his belongings.

He called for a barber and was shaved in his cell before going to court. He raised the suit of clothes he has been wearing out to a "trustee" to be brushed up, and when he was dressed he looked as if he expected to be walking up the shady side of Broadway in the parade this afternoon.

Hemmed in by Crowds. The crowd that was at the building commenced to gather over before the jury started to breakfast. When the jury returned, the crowd completely surrounded the structure, the sidewalks were all blocked and passage was almost impossible. Orders from headquarters were issued that there was to be no repetition of yesterday's rioting, which Evelyn Nesbit Thaw was roughly handled.

Because of these orders, special officers were assigned to escort the women of the Thaw family between the building and their carriages, and two officers were instructed to see that young Mrs. Thaw had a free passage to and from her lunch today.

Small merchants were quick to see the profit in a long waiting and big crowd, such as this, and many pushcarts appeared with fruit, candies, sandwiches, hot Walmers and even ice cream. Nor did pickpockets overlook the golden opportunity, and many in the crowd early represented themselves as victims of pickpockets.

Never in the history of a criminal trial have such great crowds flocked about the trial room as today, when crowds of curious chanced the streets and congested traffic in all directions.

This crowd today was even greater than that of yesterday, for it was expected that a verdict would be announced most surely.

The police reserves from several stations and many detectives from headquarters were assigned to handle the crowds, and they found it a most difficult task.

Edward and Josiah Thaw, Mrs. George L. Carnegie, the Countess of Yarmouth and Mrs. Edward Thaw arrived long before the opening of court and took their usual seats in the court room.

At 10:30 the Thaw jury had been out forty-one and a quarter hours and from all appearances the end was nowhere in sight. At that hour the court room had filled and the crowd outside vainly clamoring to get in was growing every moment.

All sorts of rumors were afloat as to what the verdict would be, but not one of them was based upon anything more satisfactory than a bare guess. Never has there been a trial in this country in which the jury room was hedged about with such an impervious secrecy.

Waiting for the Jury. District Attorney Jerome took his seat inside the rail at 10:30. He was shortly after joined by Lawyers Gleason and O'Reilly and the three spent the time waiting for the arrival of the jury telling stories. The members of the Thaw family remained in the pen cheering the prisoner.

To prevent any repetition of the events of last evening when the unruly element in the crowd had surrounded the building, out to pieces the fires of the Thaw automobile in which Mrs. Evelyn Thaw and the other women members of the party arrived, Sergeant Keller assigned several policemen to guard the machine.

As time wore on the crowd about the criminal courts building increased to such large proportions that the squad of policemen stationed around it had to be increased to eighty.

The largest jam was in Frankland street, where the Bridge of Sighs is located. Here there were at least 1,000 persons staring at the little span which connects the criminal courts building with the Tombs.

Of course they would not see Harry Thaw when he crossed the bridge, but they seemed to find much satisfaction in gazing upward.

Usually Crowds. When the automobile bearing the relatives of the millionaire prisoner arrived at the entrance, the police had all they could do to hold the mob in check.

Blindfolded parallel lines between the curb and the doorway and through the pathway thus formed the women passed unobscured into the court building.

The scene in the corridor outside the trial room was one of utmost tension. Here newspaper men reported.

(Continued on Page Seven.)



An Washington society is wondering how the exclusion of Perry Belmont from the fashionable Chevy Chase Club will affect the Belmonts' social standing there. It is reported that Mr. Belmont will start a rival club and build a clubhouse. This picture is from a recent photograph of Mrs. Perry Belmont.

ALL TRAINS DELAYED "EXPOSITION SPECIAL"

Seaboard Track Blocked by Wreck at Colon

Ten Cars Were Derailed and the Accident Occurred in a Deep Cut, Making it Difficult to Clear Track. Train Due at 1:34 A. M. Got Here This Afternoon.

A rather serious wreck—not as far as fatalities were concerned, but by reason of the time that the track was blocked and the damage done—occurred on the Seaboard Air Line at an early hour this morning near Colon, a small station between Raleigh and Sanford. The wreck occurred shortly after midnight and the track was blocked for about eleven hours. Passenger train No. 34, due to arrive in Raleigh at 1:34 in the morning did not reach here until 1 o'clock this afternoon. No. 32, which is due at 1:55 in the morning was running ahead of No. 34, which was late, and passed Colon before the freight, that met with the accident. All of the early morning southbound trains were delayed at Colon by the accident.

Eight or ten cars were wrecked, but it is said that no one was injured. The wreck occurred in a deep cut and this was why the track was blocked so long, the work of clearing away the debris being accomplished with much difficulty. Had the accident occurred on a level stretch of track the debris could have been cleared away easily. The engine remained on the track.

The Sugar Market. (By Leased Wire to The Times.) New York, April 12.—Refined and local raw sugar markets steady and unchanged. London beets firm. April and May 2 3/4 d.

"EXPOSITION SPECIAL"

Southern to Operate Fast Train Via. Raleigh

Probably Leave Atlanta Early in the Morning and Reach Here in the Evening—Route Shorter Than by Danville—Will Be One of Fastest and Nicest Trains on Road.

The Southern Railway, it is said, will put on a new train from Atlanta to Norfolk via Greensboro and Raleigh, and travel from the south to the Jamestown Exposition which is handled by the Southern will come by this train, it being much shorter than to go by Danville. No schedule has been announced, but it is very probable that the train will leave Atlanta early in the morning and reach Raleigh in the evening. With the new train may come a number of changes in the schedule, both on the main line and also on the line between Greensboro and Raleigh.

It is said that the new train will be one of the fastest and best equipped on the Southern, as a strong effort will be made by that road to get a large part of the travel from the south. Practically the same territory is covered by the Southern and Seaboard, and the competition will be between these roads. At the present time there is a very poor service on the Southern between Raleigh and Norfolk. The strong competition between the Southern and Seaboard will naturally make them give a superior service, for neither road can afford to operate poor trains. There is no doubt but that the exposition will draw enormous crowds from North Carolina.

YOU LIE! I SAID, HE STRUCK ME

Blow in the Face While Arms Were Pinioned

A DUEL IS IMMINENT

An Affair of Honor Between Judge Twiggs of Savannah and Mayor John Moore of Claxton—An Exciting Encounter at a Hotel as Related by the Judge.

(By Leased Wire to The Times.) Savannah, Ga., April 12.—An affair of honor between Judge H. D. Twiggs, of Savannah, and Mayor John T. Moore, of Claxton, at Reidsville, is attracting great interest here, and it is rumored that a duel may be the outcome.

Judge Twiggs this morning gave out an account of the difficulty, the details of which have been made public.

"We were all at the hotel after court was over," said Judge Twiggs, "and in discussing the case which had been on trial that day, I said to Congressman Edwards: 'Charley, you are going to lose that case,' whereupon Moore, who is associated with Edwards, said: 'By God, you are prejudiced.'"

"I stated several times that I was not prejudiced, and he continued to repeat that I was, whereupon I arose from my chair and told him not to repeat the statement. He did and I said, 'Then you lie.' He struck me. I struck back and was about to deliver the second blow when my arms were pinioned behind me. While I was thus held, he struck me in the face twice."

Judge Twiggs declined to say what the status of the case is, and while it is rumored that a duel is imminent, a gentleman close to the judge stated today that he thought the matter would be adjusted.

A SON OF COCKRELL STRANDS IN LONDON

(By Leased Wire to The Times.) Washington, D. C., April 12.—Ephraim Cockrell, third son of ex-Senator Cockrell, of Missouri, now interstate commerce commissioner, is reported to be stranded in London, after having received help first from the American embassy in London and later from the United States consul general in Paris.

Cockrell, who is twenty-five years old, and stands more than six feet two in his stockings, eloped to Mexico with a handsome Missouri girl, whom he married a couple of years ago.

Cockrell became a promoter and went to New York but suddenly left there. His wife, it was said, returned to St. Louis. Cockrell had represented that he had made \$5,000 in Wall street and his friends were inclined to believe him. He spent money as if the story were true.

Ex-Senator Cockrell arrived in Washington Wednesday night from Florida, where he has been in search of health. Allan V. Cockrell, second son of the senator, speaking for his father, said the family had not heard from Ephraim for some time, but had learned that he was in London.

TO --- WITH IT, SAYS OUR ADMIRAL SCHLEY

(By Leased Wire to The Times.) Washington, April 12.—Admiral Winfield Scott Schley is again being boomed for vice president. The admiral said today:

"My mind is too angular in its militarism from my whole life's training to permit me to undertake civil duties. I would soon be the worst despised man in the United States should I be put in civil office. No man trained to the trade of sailor or soldier is fit to hold office in a government like ours. Every one who has tried it has proved a failure. So to --- with it, says me for vice-president or anything else!"

And so saying, the admiral strode on his way, shaking his head and twirling his cane with vigor and rapidity.

THE SOCIETY OF ETERNAL YOUTH

To Banish Spectre of Disease and Death

LIVE LIFE OF HEALTH

A Pledge to be Signed Declaring That There is Nothing but Custom and Habit of Thought That Causes People to be Sick, Grow Old and Die.

(By Leased Wire to The Times.) Des Moines, Ia., April 12.—The first "Society of Eternal Youth" is the name of an organization founded here, which has for its object the prolongation of life, and which proposes to fire every member who becomes sick. That the association is in earnest is evidenced by the fact that 100 men already have enrolled in the scheme, the preamble of which reads as follows:

"The special object and business of this society shall be to renew and perpetuate the mental, moral and physical youth and strength of all its members; to build up and continue in the highest degree the mental vigor of each individual member and imperatively requiring from each and every member that he live the life of health, thereby contributing his share in banishing the spectre of disease and death from the face of the earth."

"Any member who is reported sick from any disease, and who remains sick and is confined to his bed for a continuous period of three days or more, shall be fined in a sum not less than \$1 nor more than \$10 for the first offense. For the second offense under this article any member shall be suspended from membership, and for the third offense of any member in violation of this article, expulsion from the society shall be the penalty."

All members upon joining must sign a pledge that he or she will continually assert that there is nothing but custom and habit of thought that causes people to be sick, grow old or die.

TRIBUNE OFFICE IS BURNED OUT

(By Leased Wire to The Times.) Rome, Ga., April 12.—A fire which started in the press room of the Rome Morning Tribune at 10 o'clock this morning, destroyed the entire plant with a loss of \$50,000.

The paper was edited by J. Lindsay Johnson. It was founded sixty years ago as a weekly and a daily had been issued for twenty-five years. Col. John Temple Graves was formerly editor of the Tribune.

MAY SUE THE CITY. ASK MAYOR'S VETO

(Special to The Evening Times.) Norfolk, Va., April 12.—Under threats of a suit against the city for \$40,000 by private interests who claimed their property would be damaged, Mayor Riddick was today appealed to veto the council ordinance making street concessions for the new union station here for the Tidewater, Norfolk & Western and Norfolk & Western railroads. The mayor reserved decision.

THEY HAVE THE MAN WHO SLEW THURMAN

(Special to The Evening Times.) Norfolk, Va., April 12.—The arrival today of a picture of the man under arrest in Vancouver, British Columbia, under the name of F. C. Gould, proved beyond a doubt that the prisoner is Ed C. Thurman of East Liverpool, Ohio, wanted here for the murder of his room-mate, Walter P. Dolan, the victim in the Norfolk trunk murder case. Police Chief Boush will request the authorities at Vancouver to bring the prisoner to Norfolk, starting east with him at once.

Governor R. B. Glenn SPEAKS AT FOLKTON TODAY.

Governor Glenn went to Folkton, Anson county, yesterday afternoon and will deliver an address today at the commencement of the school at that place. He expects to return to Raleigh tomorrow morning.