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THE RALEIGH EVENING TIMES.

VOLUME 30. RALEIGH, N. C., SATURDAY, FEBRUARY 1, 1908. PRICE 5 CENTS.

THAW NOT GUILTY ON ACCOUNT OF INSANITY IS THE VERDICT TODAY

TO MATTEAWAN INSANE ASYLUM

Dowling, Littleton and Jerome are Conferring on Future Course to be Pursued. Thaw Yet in Custody

HOW HARRY & EVELYN TOOK THE SUSPENSE

Thaw Had Been Expecting Another Disagreement Since the First Hour the Jury Was Out—Evelyn Tried to Cheer Him Up and She Believed All Day He Would Regain His Liberty in a Short Time—What Thaw Says in a Statement Made Early This Morning—Developments of the Day in the Notorious Case.

Taken to Insane Asylum.

(By Leased Wire to The Times.)

New York, Feb. 1—4 p. m. Harry Thaw will be taken to the Matteawan asylum on train leaving the Grand Central station here at 4:39 p. m., this afternoon.

Harry Thaw left the Tombs at 4 o'clock. His wife accompanied him to the Grand Central station.

(By Leased Wire to The Times.)

New York, Feb. 1—The jury in the case of Harry Thaw this afternoon returned a verdict of not guilty on the ground of insanity. When the verdict was rendered pandemonium broke loose in the court-room. Lawyer Littleton asked Justice Dowling to release the prisoner immediately. The justice refused his request and a messenger was dispatched for District Attorney Jerome, who had gone to his office.

Thaw Still in Custody.

Upon Jerome's arrival the request for Thaw's discharge was renewed. After a few minutes of reflection Justice Dowling said:

"The jury having found a verdict of acquittal on the ground of insanity at the time of the shooting, the court feels it incumbent upon itself to look to the testimony given during the trial for the degree of unsoundness. The only finding in the case was described by the defendant's experts as anemic progressive insanity. That testimony has been based on prior outbreaks on the part of this defendant.

"The nurse who cared for him in London, the physician from Monte Carlo, Dr. Wells and Dr. Brown testified to these outbursts.

"It appeared from the evidence that a recurrence is reasonably certain to take place at any time, so that it is impossible to estimate when another outbreak will occur, it is conceded.

"No one has testified in this case that the defendant can be cured.

"That in an aggravated degree of mania-depressive insanity assault and murder may be committed is also agreed upon. In the depressive form of the disease there is danger of the person affected committing suicide. The court is satisfied that to allow the defendant to be at large at this time would be dangerous to public safety. The court therefore orders as follows:

Ordered to Insane Asylum.

"The defendant having been acquitted on the ground of insanity and the court deeming his discharge at this time a danger, it is ordered that Harry K. Thaw be taken forthwith to the Matteawan state Hospital for the insane and the court orders the sheriff of this county to conduct him there immediately."

Lawyer Littleton entered a formal objection to the court's order.

"I except from your honor's order and ask that the word 'forthwith' be stricken from it. I would like to have a reasonable delay in order to consult with my client," said the lawyer.

"I will give you a reasonable time," said Justice Dowling.

Will Fight Commitment to Insane Asylum or Not.

New York, Feb. 1—Counsel for Thaw will decide at 3 o'clock whether or not to fight Thaw's commitment to Matteawan. His counsel has drawn up a writ of habeas corpus to present to Judge Newburg in case they decide at once.

The Scene in Court.

The first sign of the verdict came after the men had been deliberating twenty-five hours. Foreman Chas. F. Gremmells called Captain Lynch to the jury room and told him that the men were ready to report. Justice Dowling immediately opened court.

Mrs. Evelyn Nesbit Thaw, accompanied by Josiah Thaw and Dr. Jelliffe, entered the room. The three sat in their accustomed place. Clerk Penny called Thaw to the bar.

The prisoner was led from the pen by two deputy sheriffs. He came through the door looking directly at his wife. With her hands clasped as if in prayer Mrs. Thaw leaned forward in her seat smiling at her husband.

He took his seat at the counsel table and returned her greetings until he was called to attention by Clerk Penny's call.

"The defendant will rise and look upon the jury."

Thaw rose stiffly in his seat. With his arms behind his back he turned and looked at the twelve men.

"Gentlemen of the jury, how say you, have you agreed upon a verdict?"

"We have," answered Foreman Gremmells.

"How say you, is the defendant guilty or not guilty?"

There was a brief moment before

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ITS ALL OVER INCLUDING THE SHOUTING ALSO

Senate Makes Quick Work of Amended Senate Railway Rate Bill

HOLT PROBE DEFEATED; GOV. CONGRATULATES ALL

The Anti-Merger Measure Goes Through As the Grand Finale of Corporation Legislation—No Lack of Confidence in Corporation Commission—Resolution "Recognizing" the Railroad Employes and Their Organizations—The Last Day in the Senate Without An Unpleasant Incident—Part to Meet No More—Adjournment at 2:30 O'Clock.

We part to meet no more.

So could the departing senators who wrung each others' hands in valedictory at 2:30 o'clock this afternoon have said to each other, for when the next senate assembles, in less than one year hence, it will be composed with few exceptions of new men.

There are only seven members of the present senate who served in the snate of 1905. This ratio holds good generally—about six-sevenths of the senators retiring every two years.

There was not an unpleasant incident to mar the day's proceedings in the senate today, and every one was aglow with good-will and good cheer.

No "Tainted Money" for Legislative Expenses.

One of the last things the senate did was to adopt (and pass by the vote of 18 to 8) the Grant (Rep.) resolution, which came over from the house, specifying that no part of the $17,500 railroad money" (about which so much has been said) shall not be used in defraying any part of the cost of assembling this legislature in extra session.

The usual eleventh-hour little resolution, providing extra pay for pages and other employes of the senate and house, after being defeated, was reconsidered and passed—after it had been ascertained that the house employes had already received the extra pay.

Mr. Blair's bill, to put a stopper on drummers who sell or solicit the sale of liquors in prohibition territory, was another important matter that was attended to in the closing hours of the senate today. Enrolled.

Governor Glenn Gratified.

The governor, judging by his congratulatory and laudatory message to the legislature, is well pleased with the result of the last twenty-four hours of legislation.

He has good reason to be, as all senators concurred in thinking today; for the new law virtually incorporates every thing his agreement with the railroads called for, which the constitution and supreme court of the United states would allow to be incorporated therein.

Without an exception, all the legislators appeared to be pleased at being able to go home today, instead of having to wait over in Raleigh till Monday.

The railway passenger rate bill was ordered enrolled for ratification by the president of the senate at 10.30 o'clock this morning and the bill reported by the senate committee on railroads (with an amendment denying any power in the settlement of rates to the corporation commission, after eliminating the Buxton amendment adopted by the senate before the bill went to the house providing to the contrary) is now the law—a flat 2½ cent rate with no mileage book provisions. [The bill has been printed in full in this paper, and within two hours after it was reported to the senate by the committee, one week ago.]

The last day's session of the extraordinary legislature of 1908 was opened in the senate today with prayer by Senator Brown, of Yad-

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TORNADO LEAVES DEATH IN ITS PATH

Great Loss of Life in Copiah Lincoln Co.

NINE PERSONS KILLED

Outright, With Probably Twenty Fatalities in All—Destruction of Property Great—Several Persons Have Died Near Wesson, Copiah County—Physicians Sent For—Large Number of Persons Injured.

(By Leased Wire to The Times.)

Jackson, Miss., Feb. 1.—A tornado swept through parts of Copiah and Lincoln counties, causing the loss of probably twenty lives, injuring many persons and destroying much property.

Six persons are said to have been killed outright and four to have died of their injuries near Wesson, Copiah county. Messengers arrived at Hazelhurst, Copiah county, in quest of physicians. They reported the loss of several lives and the injury of a number of persons.

The dead and injured so far as known:

Mrs. Ben Martin and her four small children.

David Martin.

G. M. MADDOX and wife.

It is believed a large number of negroes are dead.

The cyclone moved in the direction of Monticello, twelve miles southwest of Hazelhurst and cut a path half a mile wide.

Fatally injured:

Benjamin Martin, Mr. and Mrs. G. M. Maddox, and a negro.

Seriously injured: William Allen and Miss Allen.

The dead and injured may not all be accounted for.

Surrounding towns not in the direct path of the storm suffered damage during the few minutes of the tornado's duration. At Georgetown buildings were blown down and at Hazelhurst two saw mills were destroyed.

Darkness settled down so thickly after the tornado that only an incomplete estimate of the destruction was obtainable.

Hazelhurst, Miss., Feb. 1.—Swollen streams as result of the tornado and rainstorm yesterday makes it difficult to get particulars of the damage wrought but indications are that more than a score of persons were killed and twice as many injured.

LIGHT BREAKS FOR HARRY K. THAW; FREE MAN SOON

(By Leased Wire to The Times.)

New York, Feb. 1.—Harry Thaw will be at liberty before many months.

This statement was made by Dan O'Reilly after counsel had decided to consent to his immediate commitment to Matteawan.

This significant statement, coming as it does from Thaw's personal counsel, is a substantial evidence of the course Thaw's lawyers intende to pursue.

The attorneys for Harry Thaw, while they believed that they could have fought successfully the order of Justice Dowling committing Thaw to Matteawan Asylum, thought that it was best for the prisoner at this time to obey the mandate of the court.

When the decision of Mr. Littleton, Peabody and O'Reilly was made known to Harry Thaw and that he would finally have to go to Matteawan, he became greatly excited and exclaimed time and time again:

"Why didn't you do as I told you."

It took quite some time to quiet him. In the room at the time this scene was being enacted Evelyn sat in the room in a corner by herself. Harry Thaw seemed to be so taken up with what his lawyers were saying that he paid no attention to his little wife, who cut a pathetic figure.

Thaw, glancing around the room, jumped over to his wife and said:

"Dearie, I won't permit it. I don't want to go to that place."

Evelyn, who had taken off her hat and placed it upon a table, threw her arms around her husband's neck and started to cry softly.

The two sat down together, apart from the lawyers, and finally Evenlyn managed to quiet Harry.

LEGISLATURE PASSES BILL AND ADJOURNS

RIPLEY DENIES MR. ROOSEVELT'S OIL RATE CHARGE

(By Leased Wire to The Times.)

Santabarn, Cal., Feb. 1.—E. P. Ripley, president of the Atchison, Topeka & Sante Fe Railroad, absolutely denies the charges contained in the letter made public in President Roosevelt's message to congress yesterday. President Ripley in a signed statement says:

"The statement that I was a party to a secret rate on oil in California is absolutely false. On the contrary, I emphatically declined to grant it. In this case, as in other cases, the government has information furnished by a discharged employe, making no attempt to verify the charges or ask for an explanation, but proceeds to make the charges public in exparte public documents.

"The California case referred to has nothing to do with interstate commerce or with the national government. Since the passage of the Hepburn bill, in fact since the passage of the Elkins bill, this company has in no case intentionally violated the provisions of the law. My orders to all officers have been that the law should be strictly observed; and, if there has been any infraction, they have been technical and unintentional.

"I am not one of those who have attacked the actions of the administration. I have simply defended myself and my corporation from unjust attacks, as I believe will be amply shown in the final adjudication of the courts to which we have appealed."

VAST SUM OF VANDERBILT MONEY GOES TO HUNGARY

(By Cable to The Times.)

Buda Pest, Feb. 1.—A credit of 5,000,000 has been received from New York by the Hungarian Discount and Exchange Bank for the account of the Count and Countess Szechenyi. The marriage contract, signed before the wedding on January 27, in New York, provided that the individual fortunes of Count Szechenyi and his bride would be shared mutually and that upon the death of either husband or wife, the estate of the deceased would go to the survivor.

It is understood that the $5,000,000 came out of the bride's fortune and was forwarded to Buda Pest to provide ample funds for the young couple on their arrival here, which is expected to occur within the next fortnight.

BROOKLYN BANK FAILS TO OPEN

New York, Feb. 1.—The Home Bank of Brooklyn, which was hit by a run yesterday, failed to open its doors this morning. It was said that the suspension of the Mechanics & Traders Bank, in which institution the Brooklyn concern had a large sum of money on deposit, was responsible for the closing. William C. Damron, president of the Home Bank, is a director of the Manhattan institution.

Superintendent Clark Williams ordered the closing after a meeting of the board of directors last night and a state bank examiner was put in charge.

Although no official statement was issued, President Damron said that the institution was perfectly solvent and would resume business shortly. The deposits amount to over $700,000 and the capital stock is placed at $100,000.

CANDIDATE TAFT WILL NOT TALK

Washington, Feb. 1—Asked of he would make any statement on President Roosevelt's message to congress, Secretary Taft said he might be quoted as saying:

"Secretary Taft declined to comment on the president's message."

Terry Mustain Knocks Out Gardner.

San Diego, Cal., Feb. 1.—The fight between George Gardner and Terry Mustain, before the Bay City Athletic Club, came to a sudden end in the eighth round when Gardner was knocked out.

Senate Measure Goes Through Minus Corporation Feature

COMPROMISE OF GOV. GLENN IS ADOPTED

House Last Night Vindicated Wisdom of Chief Executive and Able Counsel Who Advised Settlement and Senate Today Agreed to the Measure—Greatest Fight on the Floor Ever Witnessed in Raleigh, Speaker Justice and His Forces Dying Hard—General Assembly Adjourned Sine Die This Afternoon at 2:30 After Completing All Work—Message From Governor and Other Matters.

The general assembly of North Carolina, in extraordinary session, has come to a close, the house today passing the senate's resolution for adjournment sine die at 2:30 this afternoon. A recess was taken at 12 o'clock, after all business had been disposed of, until 12:30, when the members again met for the final hand-clasps and singing.

The house did practically nothing of importance today, having passed the senate bill published in another column, last night. A few local bills, a message from the governor, a resolution directing the treasurer to reject any of the $17,500 for defraying expenses of the extra session and a number of other matters, was the order of the day.

Rev. P. G. Elsom, pastor of Fayetteville Street Baptist church, led in prayer at the opening of the house today.

Bills Passed Today.

To amend the charter of Weldon, Halifax county.

To incorporate town of Westray, Nash county.

To increase number of directors of Davis-Wiley Bank of Salisbury.

Test Farm Sale Lost.

To authorize the sale of the Transylvania test farm. Mr. Galloway opposed this bill, stating that the people of the county had contributed $600 for the farm and thought his people should be notified of any intention of removal. He asked that the bill be tabled. It was tabled.

Relative to competent witnesses. This does not apply to any cause of action in the past or now pending. There was a fight against it, the bill being characterized as the same thing that the house refused to pass a few days ago. The ayes and noes were called for and the bill was tabled, 46 to 38.

A resolution by Mr. Morton, asking the governor not to accept the $17,500, was tabled, 61 to 15.

Mr. McNeill offered a resolution thanking the governor for his patriotic efforts to have the rate litigation settled.

A New Justice of the Peace.

To appoint Wm. F. Butterworth a justice of the peace of Halifax county.

The Governor's Message.

A message was read from the governor applauding the action of the general assembly in passing the rate law and in appropriating money to prosecute freight discriminations. He expressed himself as pleased with the work of the legislature. The message follows:

To the Honorable the General Assembly of North Carolina:

Gentlemen—I have nothing further to transmit to your honorable body. Your work is done, and well done, and you deserve and will receive the plaudits of a grateful people. In settling the rate question on a basis just to the state and equitable to the railroads, you have restored harmony, protected all business interests, and demonstrated the fact that the sovereign can compel obedience from its creatures that disobey its laws, and also extend its hand in helpfulness when the subject, acknowledging its allegiance, asks for needed assistance. The state has ratified the agreement made with the railroads and I feel assured that the railroads will in good faith carry out their contract made with me, thus showing by their acts, the verity of their words when they profess a desire for kindly relations between all classes and conditions.

You likewise acted wisely in appropriating funds needed for liti-

(Continued on Third Page.)