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EVELYN THAW TODAY BEGAN FORMALLY HER ACTION FOR DIVORCE

Proceedings Instituted Today in the Supreme Court of N. Y. By Her Lawyer

"OH, I LOVE HER AND I CAN NOT GIVE HER UP!"

But the Die is Cast and He is Responsible For It—Estrangement Dates Back From a Jail Scene During the First Trial—Mother Thaw Endorses and Prompts the Suit. She Feels Kindly, or Grateful to Evelyn and Has Arranged for Liberal Alimony and Financial Settlement—Harry Probably in Asylum for Life—His Mother and People Opposed to His Liberation Unless He Gets Better—Evelyn Now Holds Him in Mortal Fear and Says She Fully Believes He Would Kill Her if Released From the Asylum.

(By Leased Wire to The Times.) New York, March 11.—"Oh, I love her; I love her; I cannot give her up," moaned Harry K. Thaw, when notified by his counsel at Mattoewan that Evelyn Nesbit Thaw had begun proceedings today in the supreme court in New York to have her marriage annulled on the ground that he was insane at the time of the wedding.

"I know she won't do it, if I can only have a talk with her," Thaw said. "I'll forgive everything and when I get out we will go off together and be happy again!" It took Lawyer A. Russell Peabody several hours to convince Thaw that it was true. He was told that his mother favored the suit.

"Everybody seems to be against me," he cried out, "and I guess I'll have to fight it out alone. I want you to fight this suit to the end. I was not insane when I married my wife any more than I am now and she cannot get her freedom on that ground. If I was only out of this terrible place this never would have happened."

While it is denied that any agreement has been reached as to a financial settlement, it is known that Mrs. William Thaw will see that Evelyn is well provided for.

Mrs. Mary Copley Thaw is made a co-defendant in the action. As next of kin she is technically the real defendant, as the law presumes her son to be insane and therefore legally dead. The action is entitled "Evelyn Florence Nesbit Thaw vs. Harry Kennedy Thaw and Mary Copley Thaw."

Mother Thaw Favours the Suit. It is understood that the elder Mrs. Thaw looks with favor upon her daughter-in-law's suit and that she is largely responsible for seeing that the young woman's future is well provided for.

Concident with the news of the bringing of the annulment suit comes the positive assertion from Lawyer Daniel O'Reilly that the break between the couple, far from being of recent origin, dates back to the middle of the first trial of Thaw.

"During the first trial," said Mr. O'Reilly, "something happened which caused a decided coolness between Harry and his wife. They kept up appearances but their relations have never been the same from that time on. The trouble was over a personal matter and had nothing to do with the attitude of the Thaw family toward young Mrs. Thaw."

OTHER SIDE OF THE CASE; WHAT THAW'S LAWYER SAYS

(By Leased Wire to The Times.) New York, March 11.—The papers in the suit of Evelyn Nesbit Thaw against her husband for an annulment of the marriage, were served on the young inmate of the Mattoewan Asylum for the insane today. At the same time a complaint was handed to the defendant's mother, Mary Copley Thaw, she being made a co-defendant because of the possibility that the courts of New York county will appoint her guardian of his estate.

The young woman sets forth that Harry K. Thaw was insane at the time the ceremony was performed and gives as proof the peculiar letters and strangely worded will which he sent to his then personal counsel, Henry W. Longfellow.

The cause, however, which led to the estrangement, date back from the night of the Madison Square roof tragedy when Thaw shot down and instantly killed Stanford White. The manner in which the Pittsburgh millionaire wreaked summary vengeance on the architect preyed upon the young woman and her feelings toward him were never the same afterward.

She knew at the time that his family were opposed to her but in the face of circumstances she resigned herself to him and made herself a martyr when she told the sensational story of her New York career.

Dissension then arose between the couple even during the first trial. Harry's mother and she continually quarrelled and although she felt little in her heart for her husband she acted as she did simply for appearance sake. She was, in reality, a wonderful actress in court and deep down in her own feelings not the martyr which the public made her out to be.

Once she quarrelled with the Countess of Yarmouth, the prisoner's sister and although she lent her presence in court every day it was not with the feeling of willingness generally presumed at the time.

"We will file our answer tomorrow," said Mr. Peabody. "You may rest assured the case will be fought. Thaw was sane when he married Evelyn Nesbit and his present condition of mind does not in any manner enter into the case."

(By Leased Wire to The Times.) Washington, March 11.—In a message to the senate today on the Brownsville matter, the president said: "To the senate: 'On December 12, 1906, the secretary of war by my direction issued the following order: 'Applications to re-enlist from former members of companies B, C, and E, 25th Infantry, who were discharged under the provisions of special orders, No. 256, war department, November 9, 1906, must be made in writing and be accompanied by such evidence, also in writing, as the applicant may desire to submit to show that he was neither implicated in the raid on Brownsville, Tex., on the night of August 13, 1906, nor withhold any evidence that might lead to the discovery of the perpetrators thereof.'"

"Proceedings were begun under this order; but shortly thereafter an investigation was directed by the senate the proceedings under the order were stopped. The senate committee entrusted with the work has now completed its investigation and finds that the facts upon which my order of discharge of November 9, 1906, was based, are substantiated by the evidence. The testimony secured by the committee is, therefore, now available and I desire to revive the order of December 12, 1906, and to have it carried out in whatever shape may be necessary to achieve the purpose therein set forth; any additional evidence being taken which may be of aid in the ascertainment of the truth. The time limit during which it was possible to re-instate any individual soldier in accordance with the order of December 12, 1906, is hereby extended to the date of this message."

(Continued on Second Page.)

TAWNEY SAYS HOBSON'S OFF

Says Not Ten Democrats Will Vote for His Bill

NO MORE BATTLESHIPS

Not During Present Session of Congress, Declares Chairman of Appropriations Committee, Will More Money Be Voted for Additional Warships—Says the Public Buildings Bill is Also Doomed to Defeat—At Least He Will Oppose Both.

(By Leased Wire to The Times.) Washington, March 11.—Representative Tawney, chairman of the appropriations committee, had a long talk with the president yesterday, and then declared himself unalterably opposed to the administration's big battleship increase plan. Representative Hobson declared that "sixty democrats and the majority of the republicans" would, when the time came, vote for the larger naval program.

"Hobson's interview makes me smile," said Mr. Tawney. "I'll bet there won't be ten democrats that will vote for four or more battleships. I was talking to Padgett, of the naval committee, and he said that Hobson ought to come down out of the air and touch ground occasionally. He is letting his enthusiasm for battleships run away with him."

"I am going to do my best to keep the appropriations for the whole government down to the mark of the present year, which is \$920,000,000. If they put in a naval bill calling for four battleships, that will be \$40,000,000 more, and if a public building bill goes through that will be anywhere from \$15,000,000 to \$100,000,000 more. But neither the greater naval bill nor the public building bill will go through if I can help it."

THE CONGRESS OF MOTHERS

(By MARTHA PAYNE.) Washington, D. C., March 11.—Mrs. Frederick Schoff, president of the National Congress of Mothers, took a fling at Senator Reed Smoot in her annual report to the congress this morning.

"This society did its best to have the Mormon apostle unseated," she said, "but political influences were too strong for us and we failed." Mrs. Schoff commended the society for its successful efforts in accomplishing the establishment of juvenile courts and gave a short resume of the work which had been done during the past year.

A luncheon was served this afternoon at the Shoreham and the remainder of the day will be spent in sight-seeing by delegates, who have not been summoned to committee meetings.

(By Leased Wire to The Times.) New York, March 11.—Charles W. Morse, as former vice president, and Alfred H. Curtis, as former president, of the National Bank of North America, have been indicted on twenty-nine counts each by the federal grand jury and both were arraigned today before Judge Hough in the United States circuit court.

There is one indictment against each man and of the twenty-nine counts, eleven charge conspiracy to defraud the Bank of North America and the other eighteen, in each case, charge the making of false entries in the books of the institution.

SO R'Y MEN TALK TO ARBITERS

Headed By Stone, Delegation Meets Knapp and Neill

THE QUESTION OF WAGES

Employers Present Figures and Make Argument Relating to Wage Schedules On the Southern Railway—Secret Conference With Finley and Other Officers By the Mediation Board—Different Labor Departments Heard.

(By Leased Wire to The Times.) Washington, March 11.—Headed by Grand Chief W. S. Stone, of the Brotherhood of Locomotive Engineers, delegations representing the employees of the various shops of the Southern Railway appeared before the arbitration board, composed of Labor Commissioner Neill and Chairman Knapp, of the Interstate Commerce Commission, this morning to present figures showing why the Southern should not resume its wage scale.

The mediation board yesterday heard in secret conference Mr. Finley and other Southern officials who presented figures purporting to show that a reduction was necessary. Today these claims were made known to the arbitrators who in turn protested that such a reduction was not necessary or acceptable to the employees.

J. I. Whiddon, of Macon, Ga., chairman of the engineers' delegation, called special attention of the board to the fact that engineers were now moving trains carrying double the amount of tonnage carried ten years ago, and in answer to the Southern's argument that wages had been gradually increased since January, 1902, said that a dollar paid an engineer now moves much more freight than at that time.

Southern Cuts Down Force Again. 100 Men At Spencer Out.

Spencer, N. C., March 11.—The heaviest cut in the Southern Railway shop force of the season was made tonight, when the machine shops, erecting shop, boiler shop, blacksmith and the tin and copper departments were temporarily closed by an order from Washington officers. The foreman of the machine and erecting shops were laid off, while other foremen were retained. The electric, car, roundhouse and office forces were not affected by the reduction and a holiday force will be kept in all shops for emergency work.

The cut tonight increases the number already laid off by about one hundred. All the men take the cut quietly and there is no evidence of excitement.

(By Leased Wire to The Times.) Columbia, S. C., March 11.—The Southern Railway today posted notices in its shops in this city that about fifty of its shopmen would be laid off indefinitely. Two reasons are assigned for this action, the first being that Spencer, N. C., shops have been enlarged, and the other is that the railroad has a number of new locomotives and the repair work is not as heavy as formerly.

(By Leased Wire to The Times.) Atlanta, Ga., March 11.—The Southern Railway shops at this place were closed down tonight for an indefinite period. The order closing the shops stated that only a force sufficient to meet the actual demands would be retained. The exact number thrown out of work could not be learned, but is said to exceed one hundred.

(By Leased Wire to The Times.) Selma, Ala., March 11.—Seventy-five skilled workmen at the shops of the Southern Railway in Selma were thrown out of employment today by an order received to close the shops indefinitely. The car repairing department will be continued with a decreased force.

DIAMOND THIEF WAS A BIG RAT

Missing Precious Stones Found in Rodent's Nest

THIS TALE FROM MOBILE

Family of Former Consul Viola Have Been Missing Valuables for Some Time—After Detectives Had Searched in Vain for the Criminal a Member of the Family Had An Inspiration—Taking Up the Hearthstone the Valuables Were Recovered.

(By Leased Wire to The Times.) Mobile, Ala., March 11.—The residence of Ramon Viola, former Honduran consul, is infested with thieving rodents. That this is regarded as a fact was shown last night when diamond rings and jewelry, said to be valued at more than \$400, was recovered from a rat's nest.

For some time members of the family have lost, under very mysterious circumstances, pieces of jewelry. Efforts to discover the thief or manner in which the jewelry was taken from its accustomed place were futile.

Finally it was suggested that rats might have had something to do with the disappearance of the jewelry. Why members of the family should reach such a conclusion was not volunteered, but an examination was made by taking up the masonry of the hearth and there all of the jewelry save one diamond ring was found. The jewelry was in a rat's nest, and when detectives reached the Viola residence they dispatched two young rodents and instituted search for the missing diamond ring.

Celluloid Comb Causes Child's Death.

Washington, Penna., March 11.—The explosion of a celluloid comb in the hands of Cornelius, the three-year-old son of Edward Castorline, caused the death of the child. The mother was also badly burned. The child while playing with the comb, accidentally touched it to the stove. It immediately ignited and the child's clothing caught fire.

TODAY'S WORK IN CONGRESS

(By Leased Wire to The Times.) Washington, March 11.—In the senate today the reports from the senate military affairs committee on the Brownsville case were submitted.

President Roosevelt sent a message to the senate urging extension of the time limit for reinstatement of the battalion of negro soldiers discharged on account of the Brownsville rioting.

Senator Gallinger introduced a bill to give the controller of the currency control over building and loan association in the district.

TWO CITIES MAKING EFFORTS TO SECURE THE BIG CONVENTION

Charlotte and Greensboro Are Well Reperesented in Raleigh Today.

10,000 TO WORK SOUTH & WEST'N

Additional Activity On Important New Railroad

Soon as Spring Weather Opens a Big Army of Workmen Will Be Put to Work On Constructing the Road That is of so Much Importance to Western North Carolina—Syndicate Headed by Carter and Backed by Thomas F. Ryan.

(By Leased Wire to The Times.) Bristol, Va., March 11.—It is reported that 10,000 laborers will be employed to augment the construction forces on the South and Western Railway in Kentucky, Tennessee, Virginia and North Carolina this spring, and that the syndicate headed by the George L. Carter interests and backed by Thomas F. Ryan, which is building the road, will take advantage of the cheap labor that can be secured now.

Circular letters were this week sent to all of the contractors on the road asking them to approximate the time it would take them to complete their contracts if their forces were doubled, or tripled.

Noted Woman Dead.

(By Leased Wire to The Times.) New York, March 11.—Mrs. Anna Brandreth McAlpine, wife of Gen. Edwin A. McAlpine, and known throughout the world for her philanthropic works, is dead in her apartments in the St. Regis Hotel.

She was the founder, organizer and president of the Woman's Auxiliary of the Young Men's Christian Association and was interested with Mrs. Russell Sage and Helen Gould in building homes for sailors in ports in various countries.

CAN'T CONTROL RAILWAY RATES SAYS REP. HARDY

(By Leased Wire to The Times.) Washington, March 11.—That it is impossible for the interstate commerce commission to regulate effectively the rates on interstate railroads under existing laws was the statement made today by Representative Rufus Hardy, of Texas, before the house committee on interstate and foreign commerce.

He was advocating the passage of his bill to prevent the railroads from charging less for a long haul than they do for a short haul.

"The railroads," he said, "employ the best lawyers in the country and get the best decisions from the courts." Representative Stevens, of Minnesota, asked Mr. Hardy, if under existing circumstances, there was any way of effectively controlling the rates.

"Not for a minute," said Mr. Hardy.

Charlotte and Greensboro Are Well Reperesented in Raleigh Today.

STATE COMMITTEE WILL MEET TONIGHT

Meantime Hotel Lobbies Are Animated With Representatives Desirous of Showing How Aply Their Towns Can Do the Entertaining Stunt, Charlotte Men Come in Early Today and Greensboro Men Arrived This Afternoon—Some of the Reasons Why Each Should Get Convention—Prominent Men Present.

The fight to see which city will get the democratic state convention is the topic on the streets today. A delegation of Charlotte men arrived at 10:30 today and a delegation from Greensboro came at 12:45 this afternoon. No other cities, so far as it is learned, have sent representatives here to get the convention, but other towns may make an effort. The convention, however, will either go to Charlotte or Greensboro.

The meeting tonight will be interesting. A large number of notables have already arrived and more will come in this evening. Charlotte men are boosting the ability of that city to accommodate the convention, and so is Greensboro. Short three minute speeches will be made tonight by Messrs. J. P. Caldwell, W. C. Dowd, on behalf of the press; by Mayor Franklin for the city; by Mr. Edgar B. Moore for the hotels; Mr. E. R. Preston for the Greater Charlotte Club; Mr. A. L. Smith for the Manufacturers' Club; Mr. W. M. Tye for the working men.

The following are here from Charlotte other than those to speak: Ex-Mayor M. Brown, Senator H. N. Pharr, Wade H. Harris, Editor Evening Chronicle; Col. W. B. Rodman, Solicitor Heriot Clarkson, Jno. A. McRae, Col. T. L. Kirkpatrick, C. C. Moore, ex-Mayor J. H. Weddington, J. B. Hasty, J. W. Wadsworth, Clarence Kuester, C. E. Hoper, W. M. Jordan, E. R. Preston, Henry C. Williams, Summers Alexander, W. W. Haywood, A. C. Hutchison, W. S. Alexander, E. F. Creswell, P. M. Cave, C. C. Harding, Robert Craig, T. C. Toomey, R. R. Ray, and R. K. Blair.

In regard to accommodations, Charlotte claims to have better advantages than any other town in the state, having six hotels, including the new \$300,000 Selwyn. The street car system gives access to all points of the city and suburbs, including the cotton milling districts.

Greensboro Men Arrive. The Greensboro delegation, consisting of twenty-five representatives, including Spunker Justice and the mayor, arrived this afternoon at 12:45.

A committee consisting of Mayor Brandt, A. M. Scales, E. J. Justice, and J. A. Allen Holt, was at once appointed to give a few reasons why Greensboro is the best city in the state for the convention.

Among those in the city from Greensboro are: S. Glenn Brown, C. C. McLean, E. J. Justice, L. J. Brandt, E. M. Scales, W. F. Clegg, M. W. Sternman, A. G. Corpening, R. C. Strudwick, J. N. Wilson, J. P. Saunders, E. D. Broadhurst, E. A. Brown, J. Allen Holt, A. B. Kimball, Andrew Joyner, W. B. Merrimon.

The committee of the Greensboro delegation who will present to the state executive committee Greensboro's petition for the state convention was interviewed by a reporter of The Times, and had this to say why Greensboro should be chosen as the convention city: They say that Charlotte is not dependent on a convention to show that is a great commercial city. Charlotte has few equals and no superiors. The only considerations which should operate upon the executive committee and influence its decision are those which affect the interests of the delegates, and other democratic elements.