

WILL GO TO JURY BEFORE NIGHT

Ending Up This Afternoon in Stephens' Case

All Evidence in the Murder Case in the Superior Court Closed This Morning by 11 O'clock—All Speeches Made, But That of Solicitor Before Two This Afternoon—Verdict Expected Tonight—Other Higher Court Matters.

All of the evidence in the Joe Stephens case was in this morning by 11 o'clock and R. F. Brooks, Esq., who is assisting the Solicitor, began the opening speech for the prosecution. The case will be given to the jury late this afternoon, and the opinion seems to be even stronger than it was yesterday that the prisoner will be acquitted; maybe convicted of manslaughter. Stephens was corroborated as to what took place at the actual time of the tragedy by John Webber, who was, as far as has been shown, the only eye witness to the occurrence. When court adjourned a few minutes before 2 o'clock all attorneys had spoken except the Solicitor.

Perhaps the most important evidence brought out by the State in rebuttal was the fact that on the very morning of the tragedy Shields had sworn out a peace warrant against Stephens and it was in the hands of an officer to be served when the shooting took place.

John Webber, colored, was the first witness called to the stand this morning. He told of seeing Stephens at Sixth and Campbell streets on the morning of July 9th, 1909, and talked with him several minutes relative to the collection of twenty-five cents due Stephens for work done. Said that after the conversation Stephens walked towards the door of Millan's store and he saw a man standing in the door with his coat off; they began talking, when he noticed Stephens step back a step or two and the man followed him. Witness testified that something on the street attracted his attention and when he again looked towards the two men Shields had Stephens' head under his arm and his fist drawn back but did not see him strike; that the pistol fired and Shields turned loose and went back in the store. Stephens stepped towards the store with something in his hand but could not tell for certain whether it was a pistol or not and appeared to be saying something to some one in the store. During the tussle Stephens' back was against a post. Witness was of the opinion that Shields weighed 180 or 190 pounds. Webber said the only public office he ever held was once a member of the Wilmington Board of Audit and Finance.

S. D. Bryant said he knew the character of Shields for violence and that it was bad.

Judge Peebles asked witness if he ever knew the deceased to shoot, cut, strike with a stick or have a fight with any person and he said he knew of no instance of this kind. He merely knew Shields could not get along with the men with whom he worked and quarreled a great deal.

Son Loftin, colored, said that three days before the shooting Shields was at his house to collect dues and when asked why he came so soon in the morning replied that he wanted to get there before Stephens. Later he told Stephens about this and that Shields said he was going to beat hell out of him. Later Stephens and Shields met there about the collection of money and Stephens told Shields that he was larger than he was and could whip him but he had a man down town who could do his fighting, to which Shields replied that he could go but he would get him.

Hugh Foy, colored, told of an occurrence several days before the tragedy of a somewhat similar nature. Shields was at his house collecting when he saw Stephens across the street and witness said deceased made the statement that if Stephens came over there he would give him hell. He afterwards told Stephens about what Shields said.

J. D. Brantley, a carpenter, testified that Shields formerly worked for him and gave him a bad reputation for violence. Said he had to discharge him on account of the complaints made by other workmen who could not get along with him. When questioned on cross examination said he knew of no instance where Shields had shot, cut or had a fight with any one.

With this evidence the State rested. The Solicitor then identified a copy of the evidence taken at the former trial by Mr. Meares Harriss, who took

ANOTHER MINE HORROR TODAY

Scores of Men May Die Underground

Fire Breaks Out in Pennsylvania Mine and Many Are Entombed—Desperate Efforts Being Made to Rescue the Men—Frantic Scenes Around the Mouth of the Mine.

Scranton, Pa., April 7.—Fifty to seventy men employed in the Pan-coast Mine of the Scranton Coal Co., at Throop, are entombed in the inner workings, with all chances of escape, it is believed, cut off. A fire is raging along the entire vein, owing to the engine house having been set ablaze. The mine is equipped with two openings. The location of the burning engine room is such as to cut off the escape by those routes.

The fire is in the workings, 750 feet below the surface. Officials, scores of workmen, volunteer firemen and the Throop fire department are working to get to the men supposed to be in one part of the mine. The fire it is reported, started in the engine room at the head of the slope from an unknown cause. Three hundred men were in the mines when the alarm was given. Because of great excitement it is impossible to learn how many escaped. At 1:30 o'clock this afternoon it was learned it was impossible to reach the men for some time owing to smoke and the great distance they are below the surface. News of the fire spread rapidly. Hundreds flocked to the mouth of the shaft. Women were frantic and tore their hair and clothing in despair. An emergency car was sent to Throop with a crew. They carried oxygen helmets and other equipment to fight the fire. It is said a majority of the men in the mine are foreign laborers.

"Hospital Day at the Grand." It

the evidence of the former trial and is also reporting this one. He then placed in evidence the testimony of W. A. Russ at the former trial for the purpose of corroborating him.

Deputy Sheriff Harvey Cox was then placed upon the stand. He said he knew the deceased for some time before the 9th of July, 1909, and visited him frequently during a spell of sickness shortly before Shields' death. That he was sick for about a month and had only been out two or three weeks when the trouble occurred. He knew his character and it was good.

"Judge" Bornemann was placed on the stand and told of the issuance of a peace warrant the some morning that Shields was killed upon the application of the deceased, who made affidavit that he feared bodily harm from Stephens. This warrant, he said, was placed in the hands of Constable Savage but had not been served when Shields was shot. Witness said he placed the warrant on the desk in his office and went in the back room with Stephens to wash his face and when he returned the peace warrant was gone. He was of opinion that it was stolen.

The State endeavored to bring out a conversation Shields had with Mayor MacRae on the same morning of the tragedy but it was ruled out.

Messrs. J. Nigzel, W. R. Doshier and Joe Yates testified to the good character of Shields. Mr. Doshier on cross examination said that Shields formerly worked for him and he had known him to carry a cast iron bath tub across a room alone and that it weighed about 360 pounds.

With the permission of the Solicitor, the defense was allowed to place in certain evidence by a witness who had smallpox relative to threats made by Shields and which information the witness imparted to Stephens.

This closed the evidence and Mr. Brooks began his speech to the jury.

William J. Bellamy, John D. Bellamy and Herbert McClammy, Esq., addressed the jury in the order named and all these speeches were concluded before 2 o'clock, and in a murder case in New Hanover were record breakers as to brevity, and Solicitor Shaw will speak this afternoon. It is not believed that the judge's charge will be very long, so there is a very strong probability of a verdict this evening.

Yesterday Afternoon. As stated in yesterday's Dispatch, Stephens went upon the stand immediately after court convened in the afternoon in his own behalf.

Stephens said he was 27 years of age and had resided in Wilmington practically all of his life; that he knew Shields only by reputation and had only seen him three times before the morning of July 9th. That on the night of July 8th he met Shields and

Fiftieth Anniversary of Fort Sumter's Fall And the Shot That Was Heard "Round the World."



April 11 marks the fiftieth anniversary of the fall of Fort Sumter. This was the occasion of the firing of the first gun of the civil war, the "shot heard round the world." It was also the first and only bloodless battle of the war. Short of rations, Major Anderson and his little band "died game," and their gallant defense of the fort excited cheers even from the Confederates. Only when the fort was in flames and the men in danger of suffocation did they surrender. The outcome might better be termed "an honorable evacuation," since it was General Beauregard's terms, the same as offered prior to the commencement of hostilities, that were accepted.

POLITICIAN TO JAIL

Defeated Candidate for Congressional Nomination Sentenced to Prison in Milwaukee—Convicted of Forgery.

Milwaukee, Wis., April 7.—William A. Stuart, the defeated candidate for the Democratic nomination for Congress in the Fifth Wisconsin district last fall, was today found guilty of "uttering a false document," and sentenced to eighteen months in the House of Correction. He fainted, falling at the feet of his wife, as he was being led from the court room. Stuart was arrested in Cincinnati two months ago. He was charged with procuring \$300 from Ell Secor by forging the signature of the secretary of a mining company.

Two men at the corner of Seventh and Hanover streets and that Shields went into two places and relined them when his (Stephens') men had already lined the places; that is, Shields' men covered the pink lime with white lime, it being pink lime used by him (witness.) The witness said he asked Shields if he did not think it wrong to do that way, and asked him not to do so any more. Two firms, he said, were engaged in the scavenger business, Furlong & Company and Edge & Company, and he worked for Furlong & Company. Said he merely asked Shields not to relime the places and that Shields resented it in a forcible manner and said he had a list of those places, to which witness stated that he replied that he also had a list, and Shields said one was a duplicate list.

Later in the night met Shields at corner of Sixth and Campbell streets and Shields said he (Stephens) was infringing on him and spoke about the duplicate list; that Shields had a stick in his hand and made at him as though to strike him with the stick. Witness said he told him it was wrong to take the work from the scavengers as it was bad as robbery. The stick Shields had was about five feet in length and about 1 1/2 by 3/4 in size. The witness said he merely stepped up in front of Shields in order to prevent him from striking him as he was holding the stick in front of him in a striking attitude. (Here the witness demonstrated the manner in which the stick was held.) Went in that position for several yards and then Shields turned and said: "Stephens, we want have any more trouble about this. You collect for the pink and I will collect for the white." He said he then left, thinking the matter was ended.

Stephens next told of the conversation. (Continued on Sixth Page.)

BRYAN SEES TAFT

Not Personally Opposed to Martin, But Wouldn't Vote for Him if He Was a Senator—Wote Discuss Presidential Situation.

Washington, April 7.—William Jennings Bryan explained at the White House today that he was not opposed to the selection of Senator Thomas Martin, of Virginia, as minority leader of the Senate, but that he personally would not vote for Martin if he were a member of the Senate. "If I were a Senator," said Bryan, "Martin would not be my first choice for minority leader." Bryan spent almost an hour with President Taft. Before leaving he met practically every member of the President's cabinet. He refused to say what subject he discussed with the President. "Its safe to say we talked about the weather and that there were no differences of opinion on that subject," said the Nebraskan. Bryan would not discuss the availability of prominent Democrats for the presidential nomination in 1912.

WASHINGTON TEAM TO LOSE ITS BEST PITCHER

Washington, April 8.—Walter Johnson, premier pitcher of the American Baseball League will not play with Washington this season. The news came from Atlanta last night that he would not sign up under the Washington team's terms of \$6,500, but was holding out for \$7,500. Manager McAleer finally told him to quit. Johnson in addition to demanding an increase to \$7,500 this year, served notice that next year he would insist upon a 3-year contract at \$9,000 a year, the same salary received by Ty Cobb, season by establishing a new strike-out record.

Unless you Register tomorrow—Saturday—you will be sorry, for you had better prepare for war in time of peace, so arm yourself to fight the battle by registering Saturday—last day.

Assistant Circulation Manager. Mr. LaFayette King has been added to The Dispatch's force, accepting the position of Assistant Circulation Manager. He will be associated with Mr. L. Larkins, who has charge of this department. Mr. King is a clever, affable gentleman, and is well known to hundreds of folks in Wilmington. "Hospital Day at the Grand." It.

FAINTS IN COURT

Strain Too Much for Priest On Trial As Member of the Camorra—Again Court Had to Suspend.

Viterbo, Italy, April 7.—Again the trial of the Camorrist was interrupted today when Ciro Vitozzi, the accused priest, weakened by a self imposed fast, fainted. He was under interrogation and worked himself into a state of mental and physical exhaustion, until he tumbled over against the steel bars of the prisoners' cage. Lawyers and others rushed to his assistance. In the confusion President Bianchi declared the sitting suspended. The proceedings opened with the recall of Vitozzi. The prisoner described attempts made to make him appear guilty of complicity in murdering Gelnerio Cuccolo and the latter's wife. While in prison he said he was confronted with a man who offered him \$20 to denounce certain persons as guilty of the Cuccolo assassinations, adding that if it was necessary he would send the priest to America as Ericone had been sent. The prisoner told of alleged abuse of him by examining judges during his preliminary examinations, and while he was in prison. Judge Dettilla, he said, had insulted him, calling him a "Camorrist pig." "This," said Vitozzi, "was cowardly, savage and inhuman." Giovanni Rapi was not present when the trial was resumed this morning. His physician certified he was suffering from sore throat, as the result of having "cried too much during his interrogation."

Everybody's going to the Grand Hospital Day today. It.

Nine busy milliners make fresh hats show on Gaylord's tables each day. It.

"Hospital Day at the Grand." It.

BIG NEW MILL CHARTERED IN SOUTH CAROLINA

Greenville, S. C., April 8.—Capitalized at two hundred thousand dollars the Clayton Linn Mills has made application to the Secretary of State for a charter. The concern will manufacture towels, curtains, and tapestries from Russian linen waste.

Gaylord's hats please the eye, satisfies the pocket and makes more beautiful the ladies who wear them. It.

MARTIN WILL BE THE LEADER

Democratic Caucus Will Select Va. Senator

This Is Conceded By the Progressive Democrats of the Senate, But They Are Opposed to Martin—Assert They Want a Younger and More Aggressive Man.

Washington, April 7.—A caucus of the Democratic Senators will be held this afternoon for the purpose of selecting the caucus chairman, which position carries with it the minority floor leadership. The prediction is that it will continue for many hours. There appears a sharp split over the eligibility of Senator Martin, of Virginia, for the leadership. The opposition to the Virginia, whose election had been conceded prior to the recent visit to Washington of William Jennings Bryan, comes from the progressive delegation, led by Senator Stone, of Missouri. At noon about a dozen Democrats, warm admirers of Bryan, met in Senator Owen's office. They canvassed the situation and, it is understood, it was agreed to place some one in nomination against Martin, probably Stone, or Culberson, of Texas, the latter having resigned the leadership a year ago on account of ill health. Practically all the Democrats who attended the meeting have declared they have no personal objection to Martin and they regard him as their friend, but they want for the caucus chairman a younger man, whose progressiveness has been established. Martin's friends are urging that he is not reactionary and that the fight against him is unfair.

At 1:05 o'clock this afternoon the second conference of Democratic Progressive Senators adjourned. It was announced that the election this afternoon of Senator Martin as the minority leader was conceded. Senator Newlands, it is said, will be nominated in the caucus against Martin. Neither Culberson, nor Stone would consent to the presentation of their names as candidates.

Stocks Today.

New York, April 7.—The only feature of the stock market at the opening was a rise in Canadian Pacific of over a point following a gain of a similar amount in London. The rest of the list was virtually unchanged from yesterday's closing figures. Speculative interest in the stock market demanded steadily until there were prolonged intervals, when the ticker did not even register a sale. None of the favorite stocks varied more than one fourth from initial prices.

Stock prices receded slightly in the mid-afternoon. The usual market leaders held at about yesterday's close.

PRISON COMMISSION SAYS PARDON EX-POLICE CHIEF

Atlanta, Ga., April 7.—The Georgia Prison Commission has recommended to Governor Brown that he grant an unconditional pardon to Thomas Edgar Stripling, the former police chief of Danville, Va., who killed a man in this State fourteen years ago and escaped.

At Gaylord's you find new flowers, new hats, and new faces to wear them each day. It.

ANNUAL INSPECTION TONIGHT

Wilmington Light Infantry Will Give Splendid Account of Itself. The annual inspection of the Wilmington Light Infantry as has before been noted in The Dispatch, will take place tonight. The inspection will be made by Capt. R. V. D. Corbett, United States Coast Artillery Service, to which the Light Infantry belongs, and by Lieut.-Col. Henry Harper, of the North Carolina Naval Reserves. Of course, the Light Infantry will score its usual high mark.

REFRESHING ANNOUNCEMENT

Some Cooling News Given by the Independent Ice Company. In The Dispatch this afternoon the Independent Ice Company makes an interesting announcement. It calls attention to the fact that its product is fine and pure and its service the equal of the best. It has made big preparations to well take care of the trade this summer, its corps being large, expert and obliging. It solicits patronage.

TAKING THEM TO SAFETY

Work of Transferring Passengers at Sea

Giant North German Lloyd Liner Is Still Fast in the Sand, With Over Thousand Passengers Aboard—Net-Work of Tugs and Revenue Cutters Surround Her to Protect Life—No Fear Felt for Passengers and Crew.

Lone Hill Life Saving Station, Long Island, April 7.—Trans-shipment of passengers from the Prinzess Irene began this afternoon, when a surf boat bearing fifteen women left the Irene lee side, headed away for the relief ship Prinz Friedrich Wilhelm.

Lone Hill Life Saving Station, Long Island, April 7.—The giant North German Lloyd liner, Prinzess Irene, was still lying helpless in gripping Sand Keys off here today, with 1720 passengers aboard awaiting transfer to Prinz Friedrich Wilhelm, sent to her assistance from the New York. The Irene rolls slightly in the swelling sea and is deeper in the sand than when she struck shoal in the fog yesterday. A breeches buoy connects the steamship with shore, where three life saving crews stand by life saving boats. Near the Irene, swathing about in the sea, are the revenue cutters Seneca and Mohawk, with a little fleet of tugs awaiting to aid in the trans-shipment of passengers. There was a smart northwester blowing this morning, which stirred up a lumpy sea and the life saving crews thought that unless the wind and water moderated it would be dangerous to transfer the passengers. There is absolutely no fear for the safety of the passengers, who, in fact, show no apprehension over their enforced stay on the shoals. Some of the ocean voyagers played bridge whilst in the cabin while others attended a hand concert last night. Captain Goddard, of the Lone Hill station, spent all night aboard the Irene and came ashore this morning in the station's surf boat. Goddard says there is not the slightest sign of a panic, or excitement among the passengers. Preparations to take off passengers went forward expeditiously all the morning. The Irene looked like an immense spider in a web of tow lines radiating from her stem and stern to the bobbing fleet of revenue cutters and tugs. Near noon, as the tide began to flood strongly the Irene's big propellers began churning the sea, while the tugs strained laboriously to free the steamship from the shoals. The sands, however, ever held the big ship fast. Captain Baker, of the Point of Woods Life Saving station, says that a northeast wind will knock the sea down and flatten out the ground swell. Baker does not think the ship will spring a leak, while embedded in the sand.

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"A Thwarted Vengeance." Something new, don't miss it—Grand Theatre today.

ASSOCIATED PRESS MEETING

Representatives in Session This Morning in Asheville. Asheville, N. C., April 7.—Representatives of the Associated Press and newspapers on the Washington-Atlanta circuit and Washington-Richmond circuit met this morning in a called circuit meeting at 11 o'clock at the Battery Park Hotel. Representing the Associated Press are Paul Cowles, superintendent of the Southern division, John P. Gavit, chief of staff of the Washington Bureau, and Thomas F. Edmunds, of the Washington office. Matters affecting the service on the two circuits are being considered.

ROUGH HOUSE LAST NIGHT

More Shooting in East Wilmington and Woman Seriously Wounded. Last night in East Wilmington two sisters, Rebecca and Flossie Brown, got into a row, and a rough house followed. As the result, Flossie was shot about the right shoulder, and is now in the hospital, while Rebecca, who did the shooting, is in jail awaiting trial in Justice Harris' court. She will be tried as soon as her sister is able to leave the hospital. The woman was arrested by Deputy Sheriff A. L. Kelly, who lives about a mile from the scene of the shooting. The people of East Wilmington have been much annoyed and in some instances terrified by the general disorder that has occurred in that vicinity here of late.

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