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THAW TRIAL RESUMED

JUROR BOLTON RETURNS AND FAMOUS CASE BEGINS AGAIN.

DELMAS STILL IN CHARGE

Dr. Evans Again Called As First Witness—Says Thaw Claimed That He Did Not Want to Kill White.

By Associated Press.
New York, Feb. 18.—The Thaw trial was resumed this morning. Juror Bolton appeared early, declaring he felt perfectly able to go ahead with the trial.

During the adjournment there had been rumors of a conflict among the defendant's counsel, but at the opening of court today all six of the attorneys were at his counsel table as usual.

Late last night it was stated that through the intercession of Mrs. William Thaw, mother of Harry Thaw, the dissonance between the counsel, which yesterday threatened the disruption of the forces of the defense, had ceased, and this morning Delmas, the California lawyer, would continue as the principal counsel in the examination of witnesses and when the defense is all in will make the closing plea for the defense. It was added that Mr. Delmas' law partner, Henry T. McPike, would not figure actively in the future court proceedings.

Dr. Britton D. Evans, who was on the stand when the case adjourned last Thursday, was recalled today as the first witness. Delmas took up the direct examination, thus resuming his position as leading counsel. Evans was asked to relate the conversation had with Thaw during the first three visits to defendant in the Tombs. Evans said he had taken notes but these had been lost, and he would have to depend upon his memory. Jerome objected to this, but Justice Fitzgerald overruled the objections. Evans said that Thaw told him he had not wanted to kill White but had sought to bring him to trial and to justice, and would rather have thus humiliated him. "But this was an act of providence," the prisoner said. Evans said Thaw told him that White had hired the Monk-Eastman gang to kick him to death.

Dr. Evans continuing, said Thaw declared: "Lew Laford, a lawyer, and the firm of Black, Olcott, Gruber & Bonyng are in a conspiracy with Jerome to close this matter up and railroad me off to the asylum. They don't want me to come to trial, where I will be vindicated and where I can tell the court and jury all there is in this matter." Evans said Thaw declared that White had drugged persons and ruined a great number of young women who had not been inclined to crime.

Evans then told of a visit he and Dr. Chas. G. Wagner had made to Thaw. Thaw had looked at them with a peculiar stare. "He referred constantly to this man this creature, this dead man, this beast, the blackguard, and said the man had sought to take the virtue of every pure minded woman who came within the sphere of his observation. He said he had gone to see Comstock, Jerome and a private detective agency. He said Jerome had told him he had better let the matter drop as there was nothing to it. Detectives told him they would take the matter up, but they had not submitted a report as to Comstock he said. He discovered Delany Nichol, an attorney was acting as leg for both to White and Comstock. He regarded this as another link in conspiracy against him."

Dr. Wagner was then recalled. Wagner gave practically the same testimony as Evans. He said Thaw referred to White's den of vice, and said: "The beast had three ways of ruining young girls and seducing

them with drugs and physical violence."

He believed, he said, that Thaw was of unsound mind at the time he killed White and for several months subsequently. Wagner said Thaw told him it was his (Thaw's) province to protect young girls and lead them in moral paths.

When a recess was taken it was said Jerome would no longer oppose the introduction of Thaw's will in evidence. The defendant today seemed in the best of spirits. At the afternoon session Evans resumed the stand.

Final Arguments in Oil Ouster.

Ardmoreite Special.
St. Louis, Mo., Feb. 18.—After a stubbornly contested legal battle which has lasted nearly two years, final arguments will be made tomorrow before Special Commissioner Anthony in the ouster suit of the state of Missouri to revoke the licenses of the Standard and Republic Oil companies and to revoke the charter of the Waters-Pierce Oil company. Attorney General Hadley will represent the state in the arguments, and Judge Henry Priest and John D. Johnson of this city, Frank Hagerman of Kansas City and A. D. Eddy of Chicago will appear for the defendants. The evidence in the case covers over 5,000 typewritten pages and is separated into three large volumes. After the final arguments the case will be presented to the Missouri supreme court for its decision. Attorney General Hadley expresses himself as confident of victory and considers it certain that the court will issue an order putting the defendants out of business in this state.

The suit to ouster the oil companies was inaugurated on March 29, 1905, the charges set forth in the petition alleging that the defendants had formed a combination in restraint of trade and had violated the state anti-trust law. Hearings have been held in New York, Texas and other parts of the country and much evidence has been adduced tending to prove the allegations of the state.

SPECIAL WIRES OUT.

Interstate Commerce Commission After Packing House People.

Omaha, Neb., Feb. 17.—The interstate commerce commission is to investigate the relations between the Western Union and Postal Telegraph companies on one side and the packing houses, grain firms and other business houses throughout the country, who have heretofore had special telegraphic wires and special operators furnished them. This morning all wires of this description were discontinued and only post wires running from these offices into the main offices were left. The operators manning the wires from the packing house end are now employed by the packing houses and not by the telegraph companies. The interstate commerce commission is said to have taken the position that furnishing these large customers of the telegraph companies with facilities denied the smaller customers and is a discrimination and an investigation is demanded. In the packing houses of South Omaha this morning every through wire which is not actually leased to the packing houses was put out of commission and the packing houses were forced to have their telegrams relayed at the main offices. Similar action has been taken at all business houses which have been furnished through wires for their business. E. A. Cudahy of the Cudahy Packing company said:

"The only effect of the new order is that we will be compelled to lease our wires instead of simply sending telegrams at commercial rates over wires furnished by the telegraph companies. All the packers will probably lease new wires today and have full use of them."

The operators will be packing house employees instead of telegraph company employees.

For Contempt of Court.

By Associated Press.
Tulsa, I. T., Feb. 18.—H. B. Talley, a lawyer and prominent politician, who during a trial threw a chair at the opposing counsel, was today sentenced by Judge Lawrence to twenty days in jail and fined one hundred dollars for contempt of court. He will be taken to jail at Muskogee this afternoon.

ACT OF A DAREDEVIL

COWBOY PERFORMER MAKES A SUNDAY DIVE TO DEATH.

LARGE CROWD WITNESSED

Oscar Smith of Carver Show Makes Fatal Plunge at San Antonio. —Performed His Daring Feat Many Times.

San Antonio, Feb. 18.—Two thousand people saw Oscar Smith dive into eternity yesterday. It was the tragic finale of the Carver show at Electric Park. The accident occurred at 4 o'clock.

Smith walked up the steep incline to its summit and there awaited the coming of Little Powder Face, the mare he rode many times. It took him but a moment to mount. He waved his last farewell and a minute or two thereafter the animal stepped from the platform. In the twinkling of an eye horse and rider were buried in the dark waters of the pool.

Little Powder face swam from the pool; Smith remained beneath fourteen feet of water.

There was a momentary wait. Then it was realized that something had befallen the rider. Immediate steps were taken to drag Smith to the surface. Lula Ingram, "the girl in red," who was also to make the diving leap, stood near by watching the men attempting to bring Smith's body to the surface.

It was twenty-five minutes before the body was recovered, notwithstanding the fact that a number of persons dived into the pool. The body was brought up by Cal Wilson, a Cherokee, who remained under the water so long that many thought he had met a similar fate to that which befell Smith.

Every effort was made to resuscitate Smith, physicians and others working over his body for an hour. There was but little water found in the dead boy's stomach, which led the physicians to believe that his death occurred immediately after striking the water.

There was a large discoloration around the left eye, which led the physicians to believe that the animal threw up his head on striking the water and struck Smith in the face. The blow probably rendered him unconscious or his death might have occurred immediately.

It was said last night by an attaché of the show that Smith was subject to heart disease and had complained before going on with his act. However, he insisted upon adding his share to the performance.

Smith was a native of Greenwood Springs, Colo. It is said that he was one of the cowboys who assisted in the entertainment of President Roosevelt while the chief of state was on his famous bear hunt in Colorado. To Smith was given the honor of shooting a bear, which he wished the president to shoot, but the latter refused to do so.

Young Smith was an orphan and survived only by an aunt residing in Glenwood Springs. He was in the eighteenth year.

In all probability Smith's body will be sent to Glenwood Springs for burial. He joined the Carver show at St. Joseph, Mo., last August. He ridden the bucking cow and dived horse many times and never met with an accident.

Smith's associates and fellow performers in the show were deeply affected by his tragic ending.

DeArmond for Leader.

Washington, Feb. 17.—It was today that those who are opposed to the leadership of Mr. Williams persuaded Judge DeArmond of court to be a candidate for the House of Representatives. Those who organized the effort in behalf of Champ Clark are promoters of the present movement. Judge DeArmond during the session has introduced a number of bills of a very radical kind.

ing the president the right to remove federal judges may be cited as an example of their trend. The general nature of Judge DeArmond's measures is somewhat akin to the Hearst amendments on reform which circumstance has prompted some to suspect that Judge DeArmond's candidacy has the Hearst faction in the house as its chief promoters.

OWEN IN WASHINGTON.

Asks for an Additional Appropriation for Convention.

Washington, D. C., Feb. 18.—Colonel Robert L. Owen today laid before congress a certified copy of the expenses incurred by the constitutional convention to date. Col. Owen has been authorized to ask for an additional appropriation of \$135,000 with which to complete the work of the convention. He has received assurances of assistance from several Republican leaders and it is quite likely that the money will be forthcoming.

Republicans Watching Oklahoma.

St. Louis Mo., Feb. 18.—A special to Republic from Washington says:

While there is no likelihood of the passage of the bill introduced by Representative Murphy of the Sixteenth Missouri District, providing for the repeal of the statehood enabling act, it was learned today that some of the leaders of the house are taking notice of the constitutional convention now in session at Guthrie, Okla.

It was stated positively that telegrams were sent yesterday to prominent business men in Oklahoma, requesting their presence in Washington. They are asked to bring reliable information about the workings of the constitutional convention. It was not possible to learn the names to whom the telegrams have been sent.

So far as known no action has been taken on the request of the constitutional convention for a further appropriation to wind up its affairs. It is expected that the initiative will be taken in the senate. Representative Murphy has announced that he will secure the adoption of an amendment to any such proposition containing several limitations.

Cracksmen's Good Haul.

Hamilton, Ala., Feb. 17.—Some time during the night safebreakers cracked the door to the vault in the county treasurer's office of Marion county and secured over \$10,000 making their escape down the Butahatchie river. Bloodhounds were sent here from Birmingham and are leading an armed posse on the hunt. The town was awakened by the explosion and the robbery was not discovered until this morning. A reward of \$500 has been offered.

DeArmond's Military Idea.

Chicago, Ill., Feb. 18.—Dr. F. Hirsch, a prominent Jewish physician, Chicago, addressing a meeting of the American Federation of Labor, said that he was a member of the military reserve and that he was a member of the military reserve and that he was a member of the military reserve.

ST. AGNES CONVENT

WAS PARTIALLY DESTROYED BY FIRE YESTERDAY AFTERNOON.

FIREMAN INJURED BY FALL

From Roof of the Building—Department Though Handicapped Did Good Work—Loss Estimated at \$4,000.

Fire Sunday evening damaged the St. Agnes Academy, a Catholic school for girls, in this city, to the extent of about \$4,000. The fire originated in a row of closets, on the third floor of the building and when discovered was eating its way through the roof. As there was no one on the third floor at the time the alarm was not turned in until one of the gables had been entirely burned away by the flames. When the department reached the scene they were handicapped by the absence of sufficient hose, and were unable to string but one line. The nearest fire plug was some nine hundred feet from the building and there was only about 1200 feet of hose on the wagon. The boys fought the flames for twenty minutes with the one line of hose, but made little headway against the flames which burned into the building. After a delay of some twenty minutes an additional line of hose was strung and with two streams playing on the building the fire in the front part of the building was checked. The absence of ladders however made the task a difficult one and the firemen were at a disadvantage in fighting the flames from the rear.

Several daring climbs were made by firemen who stood the heat of the flames, standing directly underneath the burning gables, until a rope was thrown and the hose pulled to the roof. As soon as the fireman gained this advantage the burning building was entered with one hose from the front and one from the rear. Assistance was rendered the paid firemen by volunteers who while the flames were being fought a string of helpers were busy carrying furniture from the building.

After fighting for about an hour the flames were extinguished and the building was left a shell.

men, fell from the roof of the burning convent building yesterday afternoon while fighting the fire and was painfully injured. Besides being bruised on considerably his left hip was sprained and it is feared he will be laid up for some days. Mr. Robertson was attempting to crawl over the roof of the building and take the hose when his feet slipped and he was thrown head foremost to the ground.

His injuries are not serious. The fire department was handicapped yesterday in fighting the flames in a manner which it was impossible to overcome. At a recent fire two scaling ladders belonging to the company were burned up and the department is short of ladders. They were unable to scale the walls with the limited number of ladders they have.

They were also handicapped by the packing in the water plug to which the hose were attached, blowing out, thereby diminishing the force of the streams. Considerable criticism was in force by bystanders about the seeming ineffectiveness of the efforts of the department. Handicapped as they were, however, this criticism is unjust, and the boys deserve credit for a long fight of three hours.

A HEINOUS CRIME.

Both Parties Lodged in Jail After a Chase—Victim a Child 13 Years Old—Two Youths Aged 15 and 17 Brought In.

Will and Tom Ingram, aged 15 and 17 years, respectively, were placed in the federal jail in this city this afternoon on one of the most heinous charges which has ever blotted the records of a local federal court. They are charged with committing criminal assault upon a young girl just turned thirteen years of age. The crime is said to have been committed three miles west of Elk Sunday afternoon. The girl who is said to have been the victim is Edna Payne. It is claimed the two young men met and assaulted her on the open road in the day time.

News of the crime soon spread over the Elk settlement and a party of hunters were quickly organized and a search for the criminals began. They were found and officers at this place notified. The marshal's office this morning sent Deputy Jim Havens to the scene of the crime. Mr. Havens brought the prisoners about half way to Elk, where they were taken to the jail and guarded.

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