

MURDER CASE NOW WITH THE JURY

The Argument of Counsel and the Charge of the Court Completed This Morning.

(Continued from Yesterday.)

At the conclusion of examination of witness Phelps, counsel for defendant requested the court to strike out the testimony of witness Phelps upon grounds that there was nothing in it which directed any threats to the deceased. Upon the solicitor stating that he expected to connect it the court refused the request, the question to be renewed without prejudice.

Louis Latham was then introduced by the state and testified as follows: I will be 21 the 13th of October; am a native of this county. Have known the defendant since the end of June. He was on the convict force at that time. Was with him the day before and the day the deceased was killed. I saw the defendant about 3 o'clock the day of the murder. I was on the road guarding convicts. He carried on the conversation insisted to be by Phelps. Defendant said there was one woman he was going to be with, kill or killed. Don't know what woman was talking about. He wanted a pistol, I saw Johnson. I let him have it. He put it in his pocket. It had three bullets in it. That evening or that night he asked me to go in and give Alma Mitchell a letter for her from Skipper, and tell Alma that Bill Skipper said to give him the cartridges; that he couldn't come in. I did as he told me; this was about 7 o'clock. Lillian, two other women and another fellow were in the house. Lillian gave me the bullets. There were five .32s and four .28s. I put them in my pocket. In about a half hour the defendant came to the door and called for me. He came in there, and I gave him the cartridges, three in all. He loaded up the pistol and put the rest in his pocket. He had five in the pistol then. The defendant and Alma went upstairs. Harris and the deceased came in. We all went in the parlor. The rest were sitting down; I was standing up. Harris and the deceased appeared to be sober. I wasn't acquainted with him and couldn't tell. After we all went in the parlor and sat down the defendant came to the door and asked me to let's go. I asked him to come in and wait awhile. He came in and sat down. Lillian, 19 cents and told her to play a piece on the graphophone. Just as soon as the music started he asked Sam to let him see him a minute. He went out there. I never heard anything but the shooting. When the first shooting took place somebody followed. I reckon it was the man shot. Harris jumped up and ran to the door. He met the deceased right in the door and there was two more shots. He said, "Oh, Lord, he was shot in cold blood" (to this defendant objected; objection overruled and the defendant excepted). There was intervals between the first and last two shots. I can't say for certain whether Harris had him or not at the second shot, but the last one Harris had his arm around him. Harris all that time was pulling off his coat and had laid him down. Then he and Harris ran out after the doctor. I never saw Kelly. Two more shots were fired. I saw the defendant at Lillian's the night before the shooting. During the conversation between the defendant and myself the evening before the murder he referred to the deceased and said the damn scoundrel had better let his business alone. The defendant was standing in front of Mand's. I went into Mand's. When I came out I saw two fellows sitting on Lillian's porch. One of them was the defendant. I says, "What are you going here?" He says, "I am waiting for here." Don't know where deceased and Lillian was at that time. The defendant was sitting on the doorstep with a rifle in his lap. It looked like a little rifle—.32. I have seen it there at Lillian's in her room. The night that I saw the deceased I did not see any pistol or other weapon on him. His coat was taken off and hung up.

Grumble. They had been out there but a mighty short while when the shooting took place. I was not listening to see whether they were talking. The first thing I knew I heard a shot fire. I did not see the defendant at all. If I had heard the defendant make any threats about going to kill anybody I wouldn't have let him have the pistol. I never heard the defendant make any threats which indicated to me that he wanted to hurt anybody with it.

Feed Carveman Examined. I live in Washington and know both the defendant and deceased. I have heard the defendant as much as 10 or 11 times say that he was going to kill the deceased. The first time was about three and one-half weeks or a month before the killing, the last time about two days before. He was down at the market one time and the last time he was up town. I was there the early part of the night. Not there when it did happen.

(Motion to strike out the declarations of the prisoner, testified to by Phelps and Latham, renewed. Motion overruled and the prisoner excepted.)

Cross-examination—The defendant and I had always been friends and he would generally say something when we would get together, but did not say that he was going to kill the deceased every time we were together. He has never killed me; he has never had the chance.

We have had a dozen fights. He has never had me down. I ain't never had him down. Just stood right up and knocked it off.

I didn't think he was crazy. I haven't had a fight with him in two or three years. I am not mad with the defendant. Ernest Piffey Testifies. I know the defendant and knew the deceased. I had a conversation with the defendant in Union Alley, between 19 and 10 o'clock on the day of the shooting. He said there had been one murder in that house, but that was nothing to what was going to happen tonight. He said the deceased, a (here a vile expression was used), the next time he went in that house he was going to kill him. He was in front of Spencer's store and asked me to lead him a gun, two or three days before that night. He did not tell me what he was going to do with the gun; he just said he was going to raise some disturbance in a house.

Cross-examination—Nobody was present during the conversation in Union Alley between the defendant and myself. Kelly and I are good friends. We have never had a cross word in our lives. The deceased and I were good friends.

The defendant looked to me like he was sober when he was talking to me that morning. He did not ask me not to say anything about it.

I went to Charlie Harris and told him about it because I couldn't find the deceased.

The deceased was not with Harris when I found him. I did not go to any officer or policeman of the town and notify them of it.

Charlie Harris Recalled by the State. I had a conversation with Piffey on the evening that the deceased was killed. Ernest told me that Carl Kelly told him that evening that he had better look out for Carl Kelly; that Carl Kelly said if ever he caught him in that house again he was going to kill him, for he had his iron or tool with him. He either said iron or tool. We were in front of Union Grocery Company; Sam was standing over by Mr. Wynne's restaurant just as soon as Ernest told me I went right across and told Sam about it.

J. W. Bell Introduced by the State. I know Charlie Harris. I know his general character. While at Belhaven it was considered good. He worked at Belhaven about two years. I think he has been left there about one and one-half years.

W. J. Sears Introduced by the State. I live at Belhaven.

I know Charlie Harris; have known him 10 years or more. I know his general character and reputation. It is good in that section. I know nothing about what it has been here or what his conduct is nor with whom he has associated nor the character of his associates.

He was raised in Hyde county; I am not related to him.

L. P. Brooks Introduced by the State. I am foreman of the grand jury at

(Continued on Fourth Page.)

Little Girl Near Death After Foot is Cut Off.

Over the Coronation Oath of English Sovereign.

SELF-SACRIFICING WOMEN

A Dozen Persons Stand Ready For the Transfusion—They Offer to Save a Child Too Poor to Pay—Fresh Life Fluid Must Be Had to Save the Child's Life.

New York, May 14.—An advertisement in a newspaper yesterday morning asked if any one would help to save a little girl's life by giving her blood that her wasted body lacked. Before the day was over twelve responses to the appeal had come to Mrs. Jennie Blumenthal of No. 3 Jackson street, Manhattan, the child's mother.

Three of those who answered were women, and last night Mrs. Blumenthal went in her joy over the goodness of heart she had come to know to the day. She will not be able to pay a reward that such selfless generosity would merit, yet some of those who visited her yesterday seemed to care because of that.

Dora Blumenthal is the child for whom the gift of blood is asked. She is ten years old and since April 29 has been a patient in the New York Hospital in West Fifth street. A week ago her right foot was amputated because of an affection of one of its bones and she has grown weaker so steadily since that time that only blood transfusion can save her, the physicians say.

Mother Ready, But Rejected. Mrs. Blumenthal wanted to give her own blood, but the physicians were compelled to reject her. She was in despair. Every visit to the hospital showed her that Dora was growing weaker. Other complications were setting in, among them a swelling that spread all over the child's body.

Then Mrs. Blumenthal was urged to ask through an advertisement if someone would not do for Dora what the mother could not do. "Oh, the news is so good!" she said. "My little one has suffered so much. Three months she has been so; three months she has suffered so that I should die if I went through it. And now there are so many who ask to give their blood, surely I will have her so many want to know if a little thing like that will make her well again. A little thing? Oh, it is so big, so big! Twelve have asked my life today. Three of them were women. It is too good to be true!"

And the timorous phrase sounded fresh with the strength the mother gave to it.

Just "a Hurt Foot" at First. Dora Blumenthal is the second of six children. She is remarkably bright—even for the east side quarter in which she lives. She was as healthy as he was happy until one day early in February, when she came home from school complaining that her right foot hurt her.

Her mother rubbed it with alcohol and Dora thought it felt better. The next day, however, it felt still more, and a doctor gave her salicylate. Still the foot continued to hurt, and Mrs. Blumenthal took the child to Mt. Sinai hospital. There Dr. Burke found that one of the bones in the instep was diseased, and informed the mother that it would have to be scraped.

The operation for that purpose was the first of four. Dora bore them bravely, and even when the surgeons found that her foot would have to be cut off if her life was to be saved she smiled. A week ago this operation was carried out.

The strain was too much for the child. Weakened by confinement and by the successive shocks, she wasted to alarming thinness. But next the swelling set in, and it was seen that only new blood and in unusual quantities could be of any service to her.

At the hospital last night, in the absence of Superintendent Howell, the physicians would divulge nothing of the plans for the transfusion. It is probable definite plans will be taken today.

THE GEM.

The Gem will show the following pictures tonight: Decorated by the Emperor, a strong dramatic picture which arouses emotions which is sure to appeal to everyone.

Railway on the Ice Sea, a marvelously beautiful reproduction of Alpine scenery. The original negative for this picture was made from the train on the way up Mount Blanc, thus reproducing accurate and wonderfully beautiful views of the scenery in the mountains.

Joseph Sold by His Brethren. This Biblical story is known by every child. The picture follows the story closely since it is splendidly dramatic in itself to hold interest and is presented in the beauty of Oriental color.

A Mica Mine in Africa is an industrial picture showing the methods of mica mining in the Utingara mountains.

Friday, 13th, is but a few hours in the past. Take every precaution you can—of course we understand that you are not superstitious, but still—

Over the Coronation Oath of English Sovereign.

A Relief Fund Has Been Started for the Families.

HOPE IS ABANDONED

White Haven, Eng., May 13.—While maddened relatives of the 133 miners trapped in the Wellington colliery rioted today in an effort to close the pit in the hope of checking the fire which drove back rescuers, overcoming many of them, when they had reached within 50 yards of most of the victims.

A special squad of men arrived early today from Alktofta, Yorkshire, with oxygen helmets, but the flames were so fierce that they could do nothing. As the final attempt was abandoned a crowd of women storming the mine and were repulsed with difficulty.

The most pitiful of the agonized scenes among the relatives of the victims was that when one woman, dashing into the pithead, cried for her husband, two sons, and three brothers. Struggling to enter the mine, she fought off the men who tried to take her from the pithead holding her position for hours.

A relief fund for the victims' families was started today.

BIDS REJECTED

All the Propositions of the Bidders Were Rejected by the Improvement Committee Yesterday.

The Street Improvement Committee met at the city hall yesterday morning for the purpose of receiving the bids for the street paving. As all the bids submitted were too exorbitant, the committee decided to postpone the awarding of the bids until next Wednesday, May 18. It is the purpose of the Improvement Committee to pave part of Water, Second, Main and Market streets.

Y. M. C. L.

A Most Interesting Program Planned For Tomorrow Afternoon—Everybody is Cordially Invited.

The following program will be rendered at the Young Men's Christian League to-morrow afternoon at 3:30 o'clock:

- Opening hymn, "Take Time to be Holy."
Scripture reading.
Prayer.
Male quartet, Messrs. L. H. Shay, John Smith, E. Lee Stewart and E. M. Fotts, "Let Thy Lower Lights Be Burning."
Prayer.
Hymn, "Draw Me Nearer."
Address by Rev. Robt. Hope, pastor of the Christian Church.
Hymn, "The Story Must Be Told."
Prayer.
Hymn, "Onward, Christian Soldiers."
Benediction.
Everybody is cordially invited to be present. The orchestra will play as usual.
No services that takes place during the Sabbath is more enjoyable.

COMMENCEMENT.

The Daily News acknowledges the receipt of the following invitation: The Graduating Class of The Washington High School requests the honor of your presence at the Commencement Exercises on Friday the twentieth of May one thousand nine hundred and ten.

THE C. B. H.

The Grand Lodge Will Meet at Pentago Next Year.

The Grand Lodge of the Charitable Brotherhood met in tenth annual session in this city on Wednesday, May 11. Nearly one hundred representatives were present and the session was very interesting from beginning to end. Several measures tending to place the order on a higher plane were adopted.

The Charitable Brotherhood now numbers 24 lodges, distributed over nine counties in the eastern part of the State, and is accomplishing a noble work in teaching for the sick, burying the dead and relieving those in distress. The Officers who will guide the destinies of the order during the ensuing year are:

- President, W. M. Chauncey.
Vice President, Dr. B. F. Halsey.
Chaplain, Rev. Theo. Green.
Secretary, W. H. McDewitt.
Treasurer, G. Sumley.
Marshal, J. F. Latham.
The place of next meeting is Pentago, where the delegates will receive a cordial welcome.

HEINZE GETS CLEAR

The Copper King is Freed From Charges.

ARE TO CLOSE UP THE PIT

Announces That He Will Go Back to Montana and There Will Build Up His Broken Fortune—Proposes to Enter His Old Fight With Standard Oil Company.

New York, May 13.—Acquitted of charges of violating the federal banking laws amid one of the most emotional scenes ever witnessed in the United States circuit court here, F. Augustus Heinze announced today that he is going back to Montana and there with the remnant of his fortune, again build up great wealth. Undaunted by a long period of hard luck he is going to grapple once more with his old foes, and one of the most gigantic battles in the history of the West is expected. Revenge is his aim.

The former copper king let it be known that he would take up the fight where he left it of several years ago, in spite of the fact that his former struggle with the Standard Oil interest cost him millions. While the greater part of his fortune was wiped away in the panic of 1907, since that time, he declared today, his fight with the government had cost him between \$4,000,000 and \$5,000,000 in loss of credit and for legal expenses. He attributes all his troubles to the Standard Oil Company and a pretty conflict is coming.

M. E. CHURCH

A Most Interesting Program Arranged at the First Methodist Church for Sunday.

At the 11 o'clock service the Woman's Foreign Missionary Society will have charge of the meeting and the following program is to be presented. The public is cordially invited, but the women are especially urged to be present. The offering will go toward aiding the missionaries in the foreign field.

CHRISTIAN CHURCH.

There will be regular services at the Christian Church Sunday morning and evening at the usual hours. At 11 o'clock the pastor, Rev. Robert Hope, will speak from the subject, "Lordship of Jesus." At night the topic of the sermon will be "Distinguishing Principles of Our Pica." Sunday school meets at 3 o'clock. Prayer meeting Wednesday evening. All strangers in the city cordially invited.

TAU TRIBES TO ATTEND CHURCH.

Tau Tribe No. 18, I. O. E. M., will attend St. Peter's Episcopal Church Sunday evening, May 11, by invitation from the pastor, Rev. N. Harding. The chiefs are requested to assemble at the wigwam promptly at 7 o'clock, and it is earnestly hoped that every member will be present. Mr. Harding expects a large attendance.

COMMENCEMENT RECITAL.

The music pupils of Miss Lillian M. Bonner's class will give their closing recital at the school auditorium on the night of Thursday, May 19, at 8:30 o'clock. The public is cordially invited to be present.

FIVE ARE KILLED

Disastrous Explosion on German Torpedo-Boat.

A GREAT PUBLIC OUTCRY

Berlin, May 13.—Five men were killed and two injured in a disastrous explosion on board the German torpedo boat S33 near Heligoland today.

This is the seventh serious accident in the Kaiser's navy within a year. The result is a great public outcry for an inquiry into certain departments.

The torpedo boat was badly damaged and rendered useless. The details of the accident were not contained in the first dispatches to the capital, and the officials in the admiralty refused to satisfy the public's interest in the affair.

It becomes known, however, that for the heroism of the officer in command the vessel would have gone down with all hands in the North Sea. She was kept afloat till help arrived and then was taken to shore according to the dispatches reaching Berlin. An investigation has been ordered.

METHODISTS ON RECORD

AGAINST WHISKY SHIPPING.

Ashville, N. C., March 13.—The general conference of the Methodist Episcopal Church, South, today adopted a resolution deploring the present status of the law allowing interstate shipments of whiskey into "dry" territory and calling upon congress speedily to pass the pending Elder-Curtiss bill to prohibit such shipments.

NEW ADVERTISEMENTS.

- Gem Theater.
Gaiety Theater.
Bloodline.
Mother Gray Powders.
Gardai.
Doan's Kidney Pills.
Ryons.

American Lady Corsets. ARE RECOGNIZED AS THE STANDARD IN CORSETS. IT IS THE GRACEFUL LINES THEY GIVE THAT MAKES THEM MOST WANTED—A FULL LINE NOW ON HAND. James C. Clark Co. THE HIGH-ART OTHERS