

The Charlotte Observer.

W. F. CALDWELL, Publisher. D. A. TOMPKINS, Editor.

Every Day in the Year.

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HOW BREESE ESCAPED.

The Statesville Landmark appears to have delved deeper than any other paper into the decision of the United States Circuit Court of Appeals at Richmond in the case of W. E. Brees.

In the above entitled action it is ordered by the court that the defendant, being now arraigned, be and he is now required to enter his plea to the indictment in said cause, and he does now plead not guilty thereto.

This is signed by Judge Dick, presiding, marked "concur in," and signed by Mr. Covington, assistant district attorney. At this time Mr. Holton was district attorney but Mr. Covington, who had been assistant to District Attorney Glenn, had not yet been retired.

"The first question presented for consideration is whether or not the objection of the defendant Brees was presented in due time. The rights of the defendant in this respect are governed by the order of November 6, 1897. If it were a fact that under the practice of the Federal Courts in North Carolina in criminal cases a motion to quash can only be made for errors apparent from the record, we should be constrained to hold, as urged by counsel for the government, that the intent of that order was merely to save to the defendant the right to raise subsequent to the plea of not guilty such objections as are ordinarily raised by demurrer. But there seems to be no doubt but that a motion to quash has long been recognized in the Federal Courts in that State as a method of making objections before the record is taken, and that it is a method of making objections as proper as a plea in abatement. * * * However in view of it may have been on the part of the prosecution to consent to such an order, it seems to us beyond dispute that the defendant was solemnly and beyond recall given the right to make any objection that could be made by motion to quash, on a motion in arrest of judgment or on a motion for a new trial, in other words, the right to make objection which regularly must be made in advance of plea of not guilty was saved to the defendant until after an adverse verdict."

The Landmark thus interprets the language above quoted: "Stripped of legal phrases, which the average citizen cannot understand, the above-quoted means that Brees escaped the trial of his case on its merits because of the rights given him under the agreement quoted above. * * * Having been given this right by the government's prosecuting officers, the defendant has availed himself of it, and the most serious offense of its kind perpetrated in North Carolina goes out of the courts without a decision on its merits."

"Now the question arises, Why was Brees given this privilege? Why was the agreement entered into? Was it because District Attorney Holton did not know his business? Because he did not realize what he was getting into when the agreement was made? These are pertinent questions. If Mr. Holton did not realize what he was doing, then he was not eight years ago the able and vigorous prosecuting attorney that he is represented as being just now. * * * If the agreement was made without Mr. Holton's consent and he realized its danger, could he not have sent in new bills of indictment before the statute of limitations intervened? The agreement, as we understand it, only applied to the indictments pending at the time. In the Glenn Williams case an effort was made by the defence to shut off the prosecution on the same ground. An attorney for Williams came to Glenn and found that members of the grand jury which found the indictment had not paid their taxes. But Mr. Holton was smart enough to head that off. He sent in new bills to another grand jury, where the same point could not be raised."

This discussion certainly presents a very interesting phase of the Brees case and it is not probable that this is the last that will be heard of the matter.

The address of Governor Glenn to the people of the State upon the situation at the Hospitals for the Insane, so he has found it, came to hand too late to allow of adequate comment at this time. It is interesting and important and everybody should read it. The Observer asks this of its patrons. It is sufficient now to say that the Governor's paper constitutes a complete vindication for the management of these institutions.

CASE OF DR. RAINFORD.

The recent formal resignation of Dr. Rainford as rector of St. George's Episcopal church, in New York, as the result of a nervous breakdown which sent him abroad a year ago, had been productive of a good deal of comment by reason of the somewhat unusual circumstances involved. Dr. Rainford was a man of remarkable physical vigor and seemed capable of sustaining any burden that might be placed upon him.

"He was," says The New York Sun, "distinctively a muscular Christian, tall and stalwart, of the very best athletic type, and he cultivated his physical prowess in outdoor sports; yet he yielded under the strain of a great parish and the multiplicity of the religious and philanthropic enterprises into which he had introduced it." The Sun goes on to tell of the great work accomplished by Dr. Rainford since, in 1883, when 32 years of age, he took charge of St. George's, which from a decadent parish located in an undesirable quarter of the city, he left it a year ago with more than 7,000 members.

Through his energy, backed by the liberality of his vestry and other rich men whom he gathered about him, he built up the most extensive and most varied system of parochial activities of any Episcopal parish in New York, and St. George's became one of the greatest and most notable of Episcopal churches in this country."

Dr. Rainford, by reason of his unique ideas and occasional sensational statements from the pulpit, was for a time regarded as more or less of a crank, but that opinion seems to have been changed in recent years. He is an able man and has doubtless done a great work, and it is sad indeed to think of his being compelled to cease his activities when most men at his age are supposed to be but little, if any, past the prime of life. He was a giant physically, but overloaded himself, and with the usual result. The Richmond News Leader thinks Dr. Rainford's collapse will be cited as an excuse for idleness "by many a loafer who never has done a day of honest work. On the other hand," continues the Richmond paper, "many of us know men who drive and toil endlessly all their lives and others who seem to defy all the laws of health and yet come to their three score and ten hale and sound. We cannot know about these things. In the marvelous and mysterious mechanism of the human body there may be a weak spot inherited from some ancestor ten generations back of whom we have never heard; or from a like source we may draw vitality and power of endurance and resistance contradicting all medical knowledge and scientific conclusion." The News Leader goes on to say:

"None of us can afford to waste too much time taking care of ourselves and none of us can afford to take chances and disregard the teachings of common sense because of our apparent strength and invulnerability. Our right course is to do what we have to do with our might and strength, take reasonable precautions against exhaustion, to avoid the things we know injure us, and leave the results to Providence and our own constitution. Surely it is far better to break down, or to die, at fifty-six with a magnificent record of effort and achievement such as Dr. Rainford has made, than to drag on to eighty or ninety a dull, empty, barren, narrow, selfish or lazy life for which there is nothing to show for it but a record of idleness and inactivity. Life lived merely for the sake of living certainly is not worth living."

This is the right view to take of the matter. No man can afford to work himself to death or inactivity before his time, any more than he can afford to be put out of commission by reason of his own habits. On the other hand, he who accomplishes nothing—merely lives—though he extend the number of his years materially beyond man's allotted time, may be set down as a failure. There is a middle ground which all of us should seek to occupy.

That is a very extraordinary situation in Columbia where the dispensary investigating committee is proceeding with its examination of witnesses under guard of half a dozen uniformed policemen and three plain-clothes men. "This precaution was taken," the public is told, "in view of the threats by a director of the State dispensary that if any witness were allowed to testify against his character on the stand he would shoot him down on the spot. The committee wouldn't say who made the threats, but these threats came direct in the form of a warning from this director to members of the committee." It is added that "the incident is causing a great deal of talk throughout the city, as the identity of the director is apparent to all, although his name is not officially given." That there has been enormous graft in connection with the South Carolina dispensary system is openly alleged and generally believed in that State and the names of the grafters are talked out loud. Wonder if this threat of a director who is believed to be one of the grafters is going to intimidate the committee or any of the witnesses before it?

"The Concord Times is a fine illustration of how a paper may live and thrive and prosper, and grow, and make money right along without editorials. If a fellow can't write editorials like those in The Charlotte Observer or Washington Post, what's the use? If he can write editorials of that kind, he is smart enough to make a paper go without them, as Brother Sherrill has successfully demonstrated. If his readers were clamoring for editorials they would doubtless get them."—Gastonia Gazette.

Thus does Prof. Marshall take a fall out of The Observer. It is a case of a guilty conscience. In defending Dr. Sherrill he is inferentially defending himself for they are under the same condemnation. Both conduct elegant newspapers but neither writes enough editorial and they ought to be told about it.

THE CARNIVAL OF HEARTS.

Special Features Will Be Presented To-day in Evening With St. Valentine's Day—A Large Crowd Present Last Night.

To-day being St. Valentine's Day increases the interest in the "Carnival of Hearts" and it will present special features in keeping with the day. In one booth is real live valentines, which anyone may see for a few cents. In the next booth is a large heart composed of rings of different colors, which forms a target. Shots are taken with bow and arrow, and the fortune of the marksmen is told in verse in accord with the color where the arrow strikes. The voting for the most popular pastor continues with interest, and a contest will also take place for the most popular preacher's wife, and to the fortunate parties valuable gifts will be presented.

In the booths devoted to the sale of fancy work, aprons and handkerchiefs, in addition to the articles made by Charlotte ladies, there are a number which were sent to Rev. and Mrs. D. L. Reid from different points in Virginia and Maryland, by persons who were members of their former pastoral charges. One of these which attracted interested attention is a crocheted mat made by an invalid lady. Lunch was served to a number of people yesterday, and a large crowd was in attendance last night.

The programme consisted of music. Miss Nan Dowd was the pianist, Miss Bertha Kluppel, the violinist, and Mr. H. J. Townsend sang. During the programme to-night it is expected that the Dilworth Band will give some selections, and Mrs. T. D. Lee will sing. This service was followed by the February meeting of the board of directors of the association. The following members of the board were present: Miss Elizabeth W. Long, president; J. G. Baird, H. B. Murrill, B. D. Heath, W. C. Alexander, A. H. Washburn, W. G. Rogers, W. L. Butt, W. S. Liddell, W. S. Stewart, Lockwood Jones, Carrie C. Martin and Dr. Andrew L. Alexander.

Regular routine business was transacted and a joint meeting of the advisory board of men, and the board of directors was appointed for 12:30 p. m. Thursday, at the Association parlors, 12 North Church street. The members of the advisory board are: Messrs. John Wilkes, Geo. E. Hanna, C. W. Tillett, Henry Bek, S. S. McInch, A. T. Washburn, P. S. Franklin, J. A. Durham and P. M. Brown. The committees for the year were appointed, the chairman of which are: Devotional, Mrs. Carrie C. Martin; finance, Mrs. W. S. Liddell; social, Mrs. W. L. Butt; travelers' aid, Mrs. A. Murrill; membership, Mrs. J. G. Baird; educational, Mrs. Lockwood Jones.

THE GREATER CHARLOTTE CLUB.

A Most Enthusiastic Meeting Held Last Night—New Members Elected—Preparing for the Banquet Event.

The Greater Charlotte Club, under the leadership of its president, Mr. E. R. Preston, president, and Mr. J. M. Oldham, secretary, held a very enthusiastic meeting in the parlors of the Young Men's Christian Association last night. The attendance was large and the spirit buoyant and fine. This new and valuable addition to the organizations of the city is preparing to have a red letter day, a great occasion on the 15th of March, when Governor R. B. Glenn, of Raleigh, and Gov. D. C. Heyward, of Columbia, are to be present as guests and speakers at a banquet that will be given.

The Greater Charlotte Club is largely composed of hustling, young business men, who are the coming supports of the business of the town. As President Preston said at the recent banquet, the watchword of the club must be: "Watch Charlotte Grow!" The preparations are now complete for the March event. The following honorary members were elected: Messrs. D. A. Tompkins, W. C. Dowd, J. P. Caldwell, W. H. Harris and the mayor of the city. Ten regular members were elected.

A resolution, requesting the secretary to notify the North Carolina Representatives in Congress that the club is opposed to discontinuing the No. 9, the fast mail, was passed. The committee on roads was asked to confer with the South & Western Railroad, of Bristol, Tenn., and see if the line to the coast could not be brought by Charlotte. The Greater Charlotte Club is growing every day. The members are full of zeal and pluck.

For The Observer. DAN CUPID AT THE 'PHONE. The phone bell rang its cherry chime, Early in the night, by me, Mr. E. Miladi had finished quite, Her lovely self adorning, Answer her 'phone and tell them please, Be sure to tell them, Lizzie When people call as early as this They're sure to find me busy. Lizzie made haste to answer the 'phone, Miladi to hear the parley, That Lizzie was holding—could it be With Miladi's own dear Charley? "Guess who this is," she heard her lip In tones intensely graphic Of Miladi's own when she felt In a humor quite graphic. "How did you manage to guess so well? Her hand could coast so sweetly, That 'en Miladi at the other end Would have been fooled completely. "O pshaw! You men do say so much And are so great to promise That you can't handle me, I am A sure enough doubting Thomas."

FAITH IN WHAT HE WAS DOING.

W. F. Parker, of Robesonville, Had Faith in Keeley Cure and That Faith Was Justified by the Results. He Gives Advice to Sufferers From the Same Evil Which Had Him in His Clutches.

I will say that since taking the Keeley Cure for the drink habit, the change that has come over me is all that could be desired. I went there with the intention of getting cured just as though I had bought an article of merchandise with the intention of getting paid back for it. I simply had faith in what I was doing, as my brother had found full restoration in the above treatment, and through him and his graciousness I found the best of results, and to him I am indebted for leading a sober life, and peace to my family and a respected citizen.

Now, my unfortunate brother who should read this testimonial, I bear you this message in soberness and truth: that if you will take the same course and the results are not as you would wish them, it is your fault, not the treatment. My experience since taking the treatment in March, 1903, has been that any man who has thrown away a goodly portion of his life and awakens to find himself in full possession of himself and his faculties has a great deal to be proud of—ready to begin his life anew, and then fight the battles equal to the best of men. So now, my brother, go to now-believing that you will get amply repaid; add to your longevity and bank account as well. Success will crown your efforts if you will put them forth, and add one more enemy to the curse of whiskey that destroys men, families and business, and last, but not least, your soul.

W. F. PARKER. Robesonville, N. C., Sept. 12, 1904. If you have a friend who might be benefited, please send names to the Keeley Institute, Greensboro, N. C.

IN THE CITY POLICE COURT.

A Negro "Rough House" Results in Cases Before the Recorder—Was Proficient in Swearing—A Larceny Case.

Interest in the city police court yesterday morning centered around the case growing out of a "rough house" at the home of Alice Young, colored. The defendants were Alice Young, charged with profanity and disorderly conduct; Charles Sims, charged with profanity, and Ada Maxwell, charged with disorderly conduct. The witness testified that Alice was hard to beat when it came to "cussin'." "She sholy do cuss awful," said one witness, "with a mixture of awe and admiration." The fact is, however, that Alice and Ada had both made threats and that Sims had shown himself proficient in the use of non-Sunday school words. Recorder Shannonhouse decided that little damage had been done and let the defendants off with a fine of the costs. To prevent trouble in the future, however, he placed Alice under a bond of \$25 to keep her tongue, technically the peace. Ada was made to give a \$25 bond to behave herself.

John Ballard, the negro who had stolen an overcoat from Mr. W. J. Donnelly, a clerk at the Central Hotel, was bound over to the superior court and sent to jail to await trial. Steel Contract for Bridge Let. The contract for the steel superstructure which is to be used in the construction of a fine bridge over Sugar creek at the intersection of Forty Second street, has been let to the Virginia Bridge Company.

THE CONSTANT POET.

Catholic Standard and Times. Once more, my muse, 'tis time to be invoking.

The office of good St. Valentine. This year 'tis Phyllis' name that I am yoking In verse with mine. Last year it was a ballad to Miranda, The year before a triolet to Dot, No doubt I've seen a fickle goose-or-gander, But I am not. I hesitate to contemplate the number Of female names I've fashioned to my slumber. Whenever I rouse my weary muse from slumber About this time, I've breathed my love for Dolly, Grace or Bessie, And in other years I've run to Nell and Belle, How many times I've yearned for Bess and Dora, I cannot tell. Now, in the charms of Phyllis I am basking, And all the love I bear her must be basking. For if it's not my Mary will be asking If I've grown cold. The secret's out! The name's imaginary, I never knew a "Phyllis" in my life. All names are merely pseudonyms for "Mary." And she's my wife.

PEOPLE'S COLUMN.

The Observer will send A. D. T. Messenger, without charge, to your place of business or residence for advertisements for this column. Phone A. D. T. Messenger Service, No. 45; or Observer, No. 78. All advertisements inserted in this column at rate of ten cents per line of six words. No ad. taken for less than

WANTED.

WANTED—Experienced young lady stenographer. Remington machine; moderate commencement salary. Apply by letter to E. Dancy, General Manager Conservative Life, Charlotte, giving full particulars of experience, salary expected, etc. WANTED—By March 1st position by restaurant, pharmacist, or other year experience, sober, steady, strictly moral, capable of managing any kind of drug business; can give good reasons for wanting to give up position he is now filling. Address "Quinquina," care Charlotte Observer. WANTED—An editor to start and run a daily and weekly paper in Henderson, N. C. Must be a man of good position; within range of his capabilities, which carries with it a remuneration in keeping with work required; references. G. V. care Observer. WANTED—By a capable but inexperienced man, to lease and operate a good furnished commercial hotel in town of 2,500 to 10,000; prefer a North Carolina town. His care Observer. BRICK—Wanted a large quantity of second-hand brick, good samples and prices. Box 65 Durham, N. C. WANTED—By old established Chicago firm; two young men of good habits; sober; industrious; and able to give references; to travel and sell good suits; and rapid advancement to hustlers. Reply in own handwriting to G. B. Harshbarger, Box 26, Salisbury, N. C.

Get a Reprint Copy of the Original.

Lawson's History of North Carolina. Valuable to any Library. Formerly Sold for \$2.00, Now Sold for \$1.00. THE OBSERVER PRINTING HOUSE, CHARLOTTE, N. C.

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WANTED.

WANTED—Clean white rags for wiping purposes. Apply at Observer. WANTED—Two news agents at Savannah Division Southern, Charlotte every night. Blue suit and cash security required. Union News Co., Union Station, Columbia, S. C. WANTED—A small quantity of 3-inch maple flooring. State price and quantity. Address "Carpenter," care Observer. WANTED—A good milk cow; state capacity of cow and price. S. S., care Observer. WANTED—Second-hand 40 H. P. Boiler and 30 or 35 H. P. Engine; must be in good condition and bargain. Address J. M. Reinhardt, R. P. D. No. 1, Stanley N. C.

POSITION WANTED.

A young lady of 30 years in Providence, R. I., wishes to move South for the milder climate; is a capable bookkeeper; clerk or assistant in any general business. Address Providence, care Observer Co. ENGINE AND BOILER FOR SALE—Having decided to run my ginny and mills with electric power, I offer for sale, at a bargain, my 40 H. P. Lida Engine and Boiler, which is in first-class running order. Address John H. Griffith, R. P. D. No. 2, Charlotte, N. C.

WANTED—For U. S. Army, able-bodied, unmarried men, between ages of 21 and 35, citizens of United States, of good character and temperate habits, who can speak, read and write English. For information apply to recruiting office, 15 West Trade street, Charlotte, N. C.; 40 Patton street, Asheville, N. C.; Kendall Building, Columbia, S. C.; Bank Building, Hickory, N. C.; or Glenn Building, Spartanburg, S. C.

FOR RENT.

ROOMS—Nicely furnished house; practically new; landings; bath; only small family; close up town, and in fine neighborhood; very quiet; only two rooms to rent; can secure board close. Address C. care Observer. OFFICES IN the trust building—A few vacant rooms; heat and elevator service until 10 p. m. Apply to Southern States Trust Co. FURNISHED ROOM for rent; in good neighborhood; with all conveniences. Apply at, or address 511 North College street. FOR RENT—The entire three-story brick building, 332 1/2 W. 1st, cement basement, 20 South College street; known and used by International Harvester Company, of America. Apply at building or to W. H. Burwell.

FOR SALE.

FOR SALE—At a bargain, one 16 Syrup Tuft's Fountain, with top, refrigerator base, counter and work board; the top is enameled and gold with ornate coloring; everything in first-class condition. Rowe & Rowe, Spartanburg, S. C. FOR SALE—A complete set of harness-makers tools, including Landis machine, riveting machine and creasing machine; will be sold cheap for cash. Write at once to G. S. Forte, Wadesboro, N. C., P. O. Box 203. Reason for selling going out of business. FOR SALE—For cash; stock of jewelry, optical goods, and paraphanelia, for tinting eyes, jeweler's tools, lathe, etc.; splendid stand where stock is now located to lease if purchaser desires; inventory to cost \$2,000; good business opportunity for jeweler. Address E. W. Ewbank, Executor, Hendersonville, N. C.

FOR SALE—Two fine apple farms in the Brushy Mountains, abundance of timber on both places—land is taken quick. W. T. Rowland, Taylorville, N. C. EDISON MOVING PICTURE outfit; practically new, for sale at a sacrifice. P. H. Andrews, 207 East Trade street.

FOR SALE—No. 40's warps on slasher or loom beams; first-class yarn made from 1 1/2-inch, Miss. Cotton, Ivey Mill Co., Hickory, N. C. FOR SALE—A first class saloon and liquor business, located on the most prominent business street in the city of Richmond; fitted up with modern and up-to-date fixtures; excellent location; right man; the owner desires to move from the city; is reason for selling. Write at once to W. T. O., Box 62, Richmond, Va.

FOR SALE—Suburban property, cheap, cash or credit, 7 acres in good white residence section of rapidly growing piedmont, N. C., town of 4,000 population; only five minutes walk from center; set out in young fruit and shade trees and very fertile; with 400 feet front on established street; splendid investment for building lots on front and truck and poultry farm at rear. X. L., care Observer.

I'M LEAVING Charlotte; offer for sale my elegant, modern home, Elizabeth Heights, S. Jacobs. LOST—Pair gold rim spectacles. Reward if the finder will return them to Observer.

LOST—Small valise Sunday night about 11 o'clock on Trade street, between southern Depot and Davidson street. Finder will be rewarded for returning same to No. 8 South Davidson street.

MISCELLANEOUS.

SEVERAL THOUSAND dollars to lend at 5 per cent. on real estate. Lawyer. MOTHER JONES will lecture on "Socialism" next Friday night at court house, 3 o'clock. Admission free. YOU ARE NOT eating the best bread unless you eat Fasnacht & Pink's. \$3,000.00 TO LEND on real estate at 5 per cent. "Lawyer," care Observer. FASNACHT & PINK make the bread the people eat. Prompt delivery.

ASSAYING.

CHEMICAL ANALYSES. ORES OF EVERY DESCRIPTION. C. C. MORGAN ENGINEERING CO. 24-26 W. 5th street, Charlotte, N. C.

The Little-Long Co.

New Draperies.

New Silkline, thirty different patterns, no two alike, 1906 designs, solid colors and combinations to match any room, price the yard..... 12 1-2c

Mummy Cloth.

Fancy Figured Mummy Cloth for covering furniture, boxes, etc., price the yard..... 15c

New Art Denim.

New Bagdad Art Denim for Hall Curtains, the newest patterns shown in America, price the yard..... 25c

Plain Denim and Burlap.

These make splendid Floor Coverings, colors green, garnet, old blue, navy and red, price the yard..... 20c and 25c

New Dress Goods.

52-inch Plaid Panama makes a Swell Eton Suit, price the yard..... \$1.25

Grey Suitings.

52-inch Light Grey All-Wool Suitings, a Suit of this material trimmed with New Persian Bands in dead swell, price the yard..... 98c

36-inch Cream Mohair, something inexpensive but good style, price the yard..... 25c

36-inch Cream White English Mohair, will stand cleaning or washing, price the yard, 48c

Viyella.

The only Woolen Goods that will not shrink, price, the yard..... 75c

Silks.

36-inch White Jap Wash Silk, price the yard..... 29c

Plaid Silks.

19-inch Plaid Silk for Waists, price the yard..... 19c

27-inch Solid Color China Silk, White, Black and Evening Shades, price the yard..... 39c