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C. E. HOOPER, Manager

SALE OF VALUABLE MILL PROPERTY

In the matter of the Damsak Manufacturing Company, bankrupt.

By virtue of an order duly made and entered in the above entitled proceeding in bankruptcy, the undersigned Trustee in Bankruptcy of said Damsak Manufacturing Company will offer for sale, for cash, at public auction at the court house door in Winston, N. C., on Saturday, May 5, 1906, at 10 a. m., the mill site, the water power, factory building and contents lately belonging to the said Damsak Manufacturing Company, located at Roaring River, Wilkes county, North Carolina.

The lands hereby offered consist of three tracts—one of four and one-half (4 1/2) acres, one tract of one hundred and forty (140) acres, and one tract of one hundred and sixteen (116) acres, lying adjacent to the dam and factory building of the company.

The buildings on this property consist of a brick factory building, 10x17 feet, standard construction, one story high, a brick store room and an office 24x25 feet, and two completed tenant houses and six in the course of construction; also, a forty-horse-power boiler, together with supplies and machine shop tools and building material. Also the stock of goods in the company storehouse, consisting of shoes, overalls and sundries and a lot of plug tobacco in the original packages, unbroken, and also one "pewee".

All this property will be offered separately first, and then as a whole. This sale is made subject to confirmation by the Court or Referee, at a meeting of the creditors to be held at Winston, N. C., Saturday, May 12, 1906, at 10 o'clock.

F. H. CHAMBERLAIN, Trustee in Bankruptcy.

For any further information desired, address the Trustee at Greensboro, N. C., or his attorney, R. C. Strudwick, Esq., at same place.

APRIL 3, 1906.

A. D. YELTON, Lattimore, N. C.

Some Recent Shipments and Orders

- 1 yarn splitting machine to Philadelphia.
- 2 warp bundling machines for Pawtucket, R. I. (This is a machine to make 4 and 40-pound bundles for the retail trade.)
- 3 waste cleaning systems (the system comprises a waste cleaning machine for motors, sweeps and other waste with rotary, any fibre. There is another machine to extract buckles, pieces of iron, stone, pieces of leather, broken bobbins, ring travelers and other foreign matter. It extracts uncut threads also. Then comes a suction fan and collector. We build the machines and install the system.)
- 1 Sand and ball screen for cotton seed oil mill in Peru.
- 2 lard presses and one filter press to Brazil.
- 3 lard presses to Philadelphia.
- 1 set of shafting, pulleys and hangers to Waterbury, Conn.
- (This shipment was to a large company which has for a long time been using Fairmont Machine Works' stuff, of Philadelphia, and as we bought the entire Fairmont outfit, we now get the business.)
- 5 spoolers for mills in Gaston county.
- 15 reels to mills in Cabarrus county.
- 4 reels to a mill in Georgia.
- 3 reels to Lincoln county.
- Pulleys, hangers and shafting galore to lots of mills.
- Handled two big engine breakdowns, and, by working our shop night and day, saved the mills a lot of time.
- We are rewinding lots of burnt armatures for factory generators and for street car motors.
- We have lately made and shipped 200-20 harness dobbles and the purchasers are delighted with them.
- We are now making 150 90-inch looms for Monroe Cotton Mill.

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- COLORFUL COMIC SUPPLEMENT.
- ROOSEVELT BEARS
- And the greatest NEWS paper of the South.

Get the Sunday Journal. 5c a copy, \$2 a year. See our local agent or address

The Journal ATLANTA, GA.

Who Will Succeed Officer Orr?

Somebody will be elected soon to succeed Assistant Chief of Police Joseph L. Orr and the officers of the force are beginning to wonder who will get the place vacated by the death of the old veteran policeman. The election of a regular officer to this place means promotion along the line. Many people are speculating on the fortunate man.

Will Take Care of All Who Come.

Durham Herald.

Charlotte should get no more attractions if she does not want a bigger crowd than she can accommodate.

Cut this out and take it to R. H. Jordan & Co.'s drug store and get a free sample of Chamberlain's Colic, Cholera and Diarrhoea Remedy. These tablets are far superior to pills, being easier to take and more pleasant to eat. They correct disorders of the stomach, liver and bowels.

ment there. I was fearful that if I refused to permit a witness to answer a question, it might be the question of intent, at least in the case of the accused, and I felt, even at the time, the Pandora's box that the answer to the question would likely open. I believe though that you will not permit it to influence you. Bad men and bad parties, and bad feelings and hatred and malice that criminal have so eloquently depicted have, and should have, but little to do with the proper disposition of the issues now submitted to you. Bad men have been, gentlemen, since time has been with us, and I imagine as long as we are we will still find bad men. Parties have existed, and will exist, and under our Republican form of government it is essential that they should exist, and there are good men in all parties and bad men in all parties. You know that, and we all know it, and the reference to them by counsel in his discussion of the merit or parcel and no legitimate use in the proper disposition of this matter, unless it tends to show you in some measure a source of anger, or feeling that may have been engendered by untruths, and that thereby you may account for the shading or tendency or energy of their testimony. With that reference I shall drop it.

"Now we, and I say we, because under the instructions that have been propounded to the court, it has become in a measure the duty of the court, in the case of this case, to apply those facts to the law, and therefore, we, gentlemen of the jury, you as the jury, and the court, must determine from these facts and circumstances as shown by the evidence, what the truth is. Now, we saw the witnesses. We have heard all the testimony. We have considered the circumstances under which the matter originated. We have observed the conduct of the witnesses. We have seen whether they were fair, and were opening fully before you all the facts and circumstances of the case, or whether they were evasive; whether they were open and candid or secretive and contradictory; whether everything that has been said before you is absolutely true, or whether it is colored with misrepresentations and perjury.

"Now, gentlemen, before this defendant can be convicted you must find that he was a Representative-elect to the Congress of the United States, or a Representative, respectively at the time when these transactions occurred. I may say to you that about that there is no controversy. The proper fact is that the defendant admitted that. You must find then that after his election and while he was such representative, and during his continuance in office, that he did within this district unlawfully agree, first, I will say, with Ace Dinkins or his representative to receive from him compensation, to-wit: \$500 for services relating to the proceedings mentioned in the indictment pending in the Treasury Department of the United States, and that he in pursuance thereof did appear before the Commissioner of Internal Revenue and advocate the compromise asked for in that proceeding. Unless you did find that he did so do as to these matters, it is your duty, and my duty to direct you to return a verdict of not guilty. With that retaining you, I might say the same as to these other two cases, the Davis case and the Kridler case.

UP TO GOVERNMENT.

"Concerning these matters, the United States must make out its case. The defendant is protected by the presumption of innocence, and the law is thrown, and that law stands in this case for him, telling you that presumably he is innocent, and that the government has the burden to present such facts for your consideration and your judgment as show clearly to your minds, leaving it beyond all reasonable doubt, that this defendant has committed the crime charged in this indictment and charged by the representatives of the government has been proven before you. The testimony should be clear, convincing. There are instances, there are cases, where even when the testimony is uncertain or evasive, that other facts properly in the case, intimately and necessarily connected with the issue, may tend to solve and to make clear that which in the beginning was evasive or uncertain.

"The government insists that this case is of that character, and it is my duty to indicate to you whether or not in my opinion this case should be so classified.

"Now, another matter before I go to the amount of the money, we may have it all together, and see the connection that one has with the other, and the effect that one shall have when considered with the other. The defendant has offered before you not only his own testimony in connection with the special transactions described in the indictment, but also testimony as to his good character, and testimony similar to that of great importance. Good character is of great weight. It is an incentive that men have in the performance of their duties in life in the various vocations that come to them, not only to bear a high esteem and a good will, and to be entitled to the commendation of the communities in which they respectively reside, but to know and to feel that in the hour of danger or of trouble the white flower of a blameless life will stand them in need for good, and that it will stand like a shield on the mountain, and holding its radiance to all the valley below, in a case of this kind tending to explain and make clear matters that otherwise would be dark in the absence of such an explanation. The law books tell us, gentlemen, that character under such circumstances is not to be ignored, and there are many cases in our books in which it has been the point at which the case has turned.

"Now, where the witnesses are uncertain or where there is an obvious motive, or where passion is displayed, the jury should naturally, and jurors should, look at such witnesses, if not absolutely with distrust, at least, require from them an explanation that will be of a satisfactory character of the facts to which they testify.

"Now, coming to this particular case, and we should look at it just as it is. It is the government's duty to do so. You see it and I see it, and you know it, and that is not all. The government is compelled to ask you, gentlemen, to convict the defendant, to find that he committed the crime, and to find that the facts in this case, and the facts really existed under the law that the witnesses testifying swear did not exist. That is the true statement of the facts in this case, and it is before you. In other words, the two witnesses offered by the government to prove the contracts between them and the defendant insist that what took place between them and the defendant, without repeating now word for word, their testimony amounted in substance to this: That the defendant was, for money, paid him to do certain things in connection with preventing the seizure of property and defending the case in court, but that they had absolutely no connection with proceedings before the Revenue Department of the government.

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and delivered them in person to Mr. Yerkes.

If Holton did advise Blackburn to get up his affidavits in the Dinkins case, that was in line of his duty as an agent of the Internal Revenue Department. He never had any idea that Blackburn had received \$500 for his services. Hon. John W. Yerkes had no idea that Blackburn had received \$500 for what he was doing. The attack on Mr. Holton made by counsel for the defendant yesterday was unjust and uncalled for. You might as well say Mr. Yerkes was guilty of a violation of the law.

"The intention of the law under which these indictments were drawn was to close the door to members of Congress who accepted fees for their services before the Departments. I am here at the request of the Attorney General. I say this to satisfy certain persons who have asked the question. Mr. Holton did not think it proper for him to try the case.

Judge Lewis ridiculed the statement of Judge Bynum to the effect that there was nothing in the case. He declared that he did not believe more on the audience. His speech was more effective than the examination of the witnesses. He made the most of the evidence at hand. The argument was all in by 11 o'clock. Judge Goff retired to the ante room for a moment to refresh his memory on the evidence and then returned and delivered his charge.

He said: "In the light of the discussion that has just been presented, I wish for a few moments to look at the testimony as it has been offered, and after I have looked at this I will proceed with the case.

"Gentlemen of the jury, you have been sworn in the case of Blackburn, of the United States against Blackburn. In all there are eight indictments that have been submitted for your decision. Five of these indictments were returned by the grand jury at Asheville; three by the grand jury lately in session at this place. The first of these indictments, as they have been submitted, relates to what we will call the Kridler transaction—in that indictment there are three counts. The second relates to what we will call the Davis transaction, containing also three counts. The third relates to the Dinkins transaction and contains six counts. The fourth relates again to the Kridler case, and contains two counts. The fifth relates again to the Dinkins matter, and contains two counts. The sixth goes again to the Davis transaction, and contains one count. The seventh relates to the Davis matter, containing two counts of evidence and last refers again to the Dinkins matter and has one count.

"Now, in these eight indictments you have 20 counts, or the government has deemed it proper to set these alleged offenses in these different manners. The Kridler matter relates to the unlawful removing of distilled spirits upon which the tax had not been paid. Now, in the prosecution of this case, or of this indictment, the district attorney, for the government, claims that the \$50 paid by Kridler and received by Blackburn was paid and was received for services rendered, and, in fact, rendered in connection with the matters pending in the Treasury Department before the Commissioner of Internal Revenue, and the government insists that if you find that to be a fact, it would show the infraction of the statute under which the indictment had been drawn, and if it is so you will return a verdict of guilty.

"The defendant says that this money was received for other purposes, and on account of other services relating to other matters—to matters pending in the courts and not in the Department—in the courts of North Carolina, and not in the Department, or in the Internal Revenue service, either at Washington or anywhere.

"Now, the Davis transaction. This charge is, or rather the charge against Davis was, for unlawfully removing 40 cases of distilled spirits, on which the tax had been paid. This is set up in the indictment as an infraction of the statute. Now, it is claimed by the government that Davis offered, through his attorney, Shook, to pay \$500 to compromise this matter. The United States attorney says that the defendant agreed to assist before the Treasury Department, before the Commissioner of Internal Revenue, to pay for that purpose. The district attorney insists that the \$100 was paid as a fee for services to be rendered, and in fact rendered, before the Treasury Department, and again the defendant says that this money was received, not for services to be rendered before the Treasury Department, but for services to be rendered in the courts.

"What was the Dinkins transaction? About 650 gallons of corn whiskey, distilled spirits, had been seized, and in connection with the distilled spirits, it is alleged that there were infractions of certain sections of the Internal Revenue laws.

"The government insists in this transaction the \$500, known as the \$500 paid by Eddleman, the representative of Dinkins, was for the purpose of having the matter adjudged before the Department by the defendant, Blackburn, receiving at the time the money was so paid to him in fact, said sum for his service and compensation. Whereas, the defendant insists that he received the money at the time for the purpose of preventing a seizure of the property, there being a distinction drawn, at least by the witness, and by some of the counsel, as to the defendant and the seizure. You will probably remember the testimony of the witness himself, gentlemen of the jury, in which he spoke of the effort on the part of himself and on the part of Dinkins to prevent, if possible, the ultimate seizure of the property. We will allude to that hereafter.

"Now, as I have said, the Attorney for the government claims that this money was paid as a fee to Blackburn, while Blackburn says it was not received by him for that purpose, and when he ascertained that the effort to prevent the seizure had failed, that he so advised the client from whom the money had been received, and that that other and an entirely different disposition of the money was made.

THE CASE IMPARTANT.

"Now, gentlemen, the case has reached that stage when your duty and your duty commences, or rather commences for the termination. The case is an important one. The government has said that its statutes are violated. The government, receiving information of that fact, and proceeding in a regular manner by laying the matter before its grand jury, caused these bills of indictment to be returned. So far an entirely proper proceeding.

"Counsel for the defence have been here. Every opportunity has been given both the government and the defence to present fully before you their respective views concerning this unfortunate case. Counsel have been here, and the government and the defence, and you have heard their views. I regret one feature of the case, gentlemen, I regret that in the slightest degree the question of politics, or of party, has in any way invaded your jury box. You must strike it out. It should have no lodge-

erment. Can there be any mistake about that?

EDDLEMAN'S TESTIMONY.

"Now, the government insists that while the witnesses have so testified that Eddleman, for instance, I believe that is his name—that while he testified that Blackburn said, give me a check for \$500 and I will see that it can be done. Now, gentlemen, that in substance is all that that witness testified to, when his testimony was first submitted to the jury. Give me a check and I will see that it can be done. Now, afterwards, that witness is asked a question, and he is asked it by the representative of the government, after permission of the court has been obtained, and he asked, in substance, whether or not this money was not received by Blackburn, and whether he had not stated that this money had been received by Blackburn for purposes connected with the arrangement of this controversy in the Internal Revenue Department? He answered promptly and without qualification, "No, no that it was not." That he had that is so, it has not been shown that he did.

"Now, then nevertheless, the argument is made that from the facts and circumstances of the case, no other reasonable inference can be drawn from the testimony than that it was a fact the intention of Eddleman and of the accused that he should take this money and render services in consideration of it before the Department. You are asked to say, or I am asked to say, and upon me comes this burden: "Others are through; their duties have been performed, and I am now asked to say that from this testimony, gentlemen, swearing that such and such is a fact—maybe not a witness of the purest ray—not a man of the highest quality and integrity, a man testifying with the burden of an accusation over him as other men have; evidently fearing to take a step lest he should imperil his own liberty, and not only as to the Davis but the Dinkins case; evidently connected with the transaction about which the officers of the law are investigating, and about which services in need of the highest quality and integrity will be tried and convicted. The testimony, I say, is given under these circumstances.

"Now, in the Kridler case much different. Whether it be different or no as to the animos, as to the effect, or as to what he testified, it is true that witness said, I will give him this as a present, gentlemen, and he would look at what he said before and after before we can reach the truth. Immediately followed these words, or words to like effect. I thought it was about right for a witness to have rendered me heretofore and was to render me. That was the import of it.

"Now, I say this is unfortunately a case of this character, and it is of this great importance it is unfortunate that all the testimony offered by the prosecution should have this tinge at least upon it. It may be that every word the witnesses have said is absolutely true, but it is a dangerous precedent. It is dangerous for a court, upon whom the burden of the case rests, to say that any citizen of the land, be he ever so humble, the law draws no distinction, or be he ever so exalted, is to be deprived of his liberty and of his property and his good name, which is worth more than all, on account of such testimony. Unfortunate!

"Now, gentlemen, you have doubtless noticed what I am leading to. Should you return a verdict of guilty in this case I would promptly set it aside. Then if that be true, why go through the useless formality of having you consider the verdict? You may therefore write upon the verdict, "I find the facts as stated in the indictment, and hand them to the clerk." "No, the jury find the defendant not guilty."

Judge Goff's instructions were delivered to a packed house, and the women hung on his words until he declared that if the jury brought in a verdict of guilty he would have to set it aside and then there was a sudden outburst of applause.

Many people are saying that the result of the trial kills Holton and that it will help Blackburn, all admit, but the victory seems to be that of American fairness and justice. Those fair-minded persons, who sully the facts as they developed during the hearing of the testimony, had made up their verdict long before the argument of the lawyers was concluded.

Mr. E. Spencer Blackburn, the defendant, charged with violations of the law, backed by firmly evidence, was quite a different man from the Hon. E. Spencer Blackburn, the pompous young Congressman from the eighth district. The people of the State at large sympathized with him, and he is grateful for their sympathy.

H. E. C. BRYANT.

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