

THIS DAY IN HISTORY

1711.—The fleet of transports containing 5,000 troops from England and Flanders, designed for the reduction of Canada, arrived at the port of Boston, under Sir Hovenden Walker, after a passage of one month's duration.
1792.—First Legislature of Kentucky met.
1793.—Route between Pennsylvania and the Genesee country, in New York, explored.
1794.—The President authorized by Congress the embargoing of vessels in any of the ports of the United States, and to revoke the same whenever he deemed it necessary for the interests of the country.
1776.—A large British fleet, under Admiral Sir Peter Parker, arrives off Charleston, S. C. this day. Clinton, who hurried from New York on the approach of Lee, makes a landing the same day on Long Island, near Sullivan's Island, S. C., and Lee, also by forced marches, reaches Charleston the same day; the citizens had erected a palmetto-wood fort on Sullivan's Island, which was mounted with 26 guns and manned by 500 troops, under Col. Mifflin. The British make an attack by land and water on the fort, June 28th; Clinton is prevented landing, and the fort delivers such a fire upon the fleet that after a ten hours struggle, the vessels withdraw; the royal Governor of South Carolina was mortally, and Admiral Parker seriously, wounded; British loss in killed, wounded, 225; Americans, two killed and 22 wounded.
1805.—The American prisoners at Tripoli liberated.
1811.—Missouri organized into a territorial government.
1816.—Treaty between the United States and Great Britain concerning the boundary between the United States and the British possessions in the Northwest.
1829.—Steam frigate Fulton blown up at Brooklyn navy yard, and 26 persons killed.
1845.—War declared against the United States by Mexico on account of the proposed annexation of Mexico.
1862.—Confederates abandoned their works at Fort Wright, on the Mississippi.
1864.—President Lincoln revokes the orders of Gen. Burnside concerning The New York World and The Chicago Times.
1872.—New tariff bill of reduced duties, to be from August 1, passed House of Representatives.
1888.—New York State substitutes electrocution for hanging as a capital punishment.
1892.—Resignation of James G. Blaine as Secretary of State; succeeded on June 23rd by John W. Foster.
1902.—Sir Michael Herbert appointed British ambassador to the late Lord Pauncefote.

SUPREME COURT DECISIONS

STEWART vs. RAILROAD, Appellant. From W. Va. Affirmed.
(1) The court properly excluded expert testimony as to the construction, application and effect of the rules prescribed by the defendant for the management of engineers in the operation of trains, as there was nothing in the rules requiring or justifying resort to expert evidence in regard to the meaning of the language.
(2) There was no error in excluding a question asked of the witness, No. 29 (plaintiff's intestate's engine) was running solely by telegraphic orders, as it was the duty of the plaintiff to declare the law in regard to plaintiff's rules and orders.
(3) Where testimony objected to was competent to show the movement of trains on the day of the collision, if defendant desired to have the jury restricted in their consideration of it to some particular phase of the case, a request to that effect should have been made.
(4) The testimony of the witness, No. 29, as to the movement of trains, as to the management, running and equipment of trains, as to the duty of the train crew generally, also as to what was proper train crew for light engines and without a conductor, was not competent to show a presumption of negligence arising out of proof of a collision on the day of the collision.
(5) While railroad companies may make reasonable rules for the government of their employees, and it is the duty of the employee to obey such rules and their failure to do so is evidence of contributory negligence, yet the ultimate standard of duty is fixed by the law and not the rules, and the rules do not absolve the company from all duty to care for the safety of their employees.
(6) When the defendant's train dispatcher sent plaintiff's intestate out on an extra, with no conductor, to move a road on which he was running, and all but one of which were running "off time," and that one so running until it reached Southern station, it was his duty, measured by the standard of a prudent man, to keep a lookout for his safety, keep him advised of the movement of approaching trains.
(7) There was no error in modifying defendant's special instruction "That if the jury should be satisfied from the evidence that the system of moving trains on the defendant's road at the time this injury was reasonably safe and sound in general use on railroads in the United States, then the defendant has not been guilty of negligence in this respect, and the jury will answer in favor of the defendant." "Unless the jury shall further find that the block system was a safer system and was in general use on railroads of the United States of like condition as the defendant's at the time of the collision, and that the defendant's company was not negligent in its failure to use such telegraph stations along its line as were necessary for the running of its trains, with regard to the safety of its employees and passengers and if you find that the defendant's telegraph stations were sufficient for its purpose, then the defendant has not been guilty of negligence in this respect, and the jury will answer in favor of the defendant." "If the jury found that the rules of the defendant company permitted the running of an engine and tender without a conductor, and that the running of such an engine on such a road was a trip was on this one, was reasonably safe, etc."
(8) Where one witness testified that the block system tended to give one train exclusive use of track between certain points. Another that it induced to safety and economy in the running of trains, etc., and the same witness testified as to the extent of the use of the system, the court correctly refused to charge the jury "That upon all of the evidence in this case it was not negligence to fail to use the block system, and properly submitted the question to the jury."
(9) There was no error in modifying defendant's special instruction, "If the jury found the system of signals, and rules for the operation of its trains in use by defendant were the same in general use at the time of the collision, then the defendant is not negligent in failing to adopt another system, etc.," by adding "unless they shall find that such system is safer or more approved, and in general use in the United States by railroads of like condition as the defendant's."
(10) An instruction that "If plaintiff's intestate was the witness or by the exercise of ordinary care could have seen him waving his hat, and he failed to stop his engine and if such violation was the proximate cause of the injury the jury would answer the second issue 'yes,' is correct.

Pr. Acts 1905, which creates a graded school district within the precincts of only two white and two colored districts as established by the county board of education and which includes portions of the territory of the new district is not invalid because no new registration was ordered for the entire electorate of the new district where the act directs that the election be held under the laws governing elections for cities and towns, which are contained in Ch. 136, Sec. 100.
(2) Ch. 204, Pr. Acts 1905, creating a graded school district and authorizing its trustees to levy a tax and issue bonds, when the same is approved by a majority of the qualified voters is a valid exercise of legislative authority.
(3) The Legislature can create a special school district within the precincts of a city, incorporate in controlling authority, confer upon them certain governmental powers, and when accepted and sanctioned by a vote of the qualified electors within the prescribed territory, as required by our constitution, article 10, may constitute a special school district with power to levy a tax and issue bonds in furtherance of the corporate purposes of such district.
(4) School districts are public corporations included in the term municipal corporations as used in article 7, section 7, that "No county, city, town or other municipal corporation, shall contract any debt, or incur any liability in credit, etc., nor shall any tax be levied by a vote of the qualified voters. And the principal of any debt so authorized and required by section 7 of this article.
(5) Sec. 12 of Ch. 204, Pr. Acts 1905, which provides that the trustees shall dispose of the school fund to be used under the act as to them may seem just, does not confer an arbitrary discretion, but the same must be used as directed and required by the constitution, and in the light of the decision of Lowery vs. School Trustees, 140 N. C. 32.

BANQUETED AN EX-CONVICT.

Oklahoma Town's Reception to Man Whom It Believed Innocent.
Maud Correspondence Kansas City Journal.
Monte Ballard, a citizen of Maud, Mo., tendered a reception and banquet to the leading business and professional men of the town when he returned home during the past week from the Federal penitentiary at Fort Leavenworth, where he was sentenced in 1892 to serve ten years for participating in the burning to death of two young Seminoles Indians who had criminally assaulted a white woman. The honor of giving the banquet was one of the most remarkable occurrences ever recorded in the history of the Southwest. The leading citizens, headed by a brass band, escorted him to the jail to meet and cheer him up town. Ballard served his sentence, counting time off for good behavior. As soon as it was learned in Maud that Ballard was returning home preparations to give him a monster ovation were commenced. Money was liberally donated by the townspeople with which to provide a banquet, a programme and a band. The banquet was held at the hotel and soon ample provisions were on hand for a genuine thanksgiving feast. The banquet was served and the speeches made at the public school building. By 5 o'clock in the evening the building was crowded to its utmost capacity. Some of the spectators came from miles distant to join in the jubilee and participate in the general merriment. The band played the "Home, Sweet Home" and "America" in his honor. Speeches reciting the scenes following the assault on the white child and the opening of the Indians were made by the Rev. Hodges, the Methodist minister; Messrs. Riddle, Bolinger and other prominent citizens. Ballard has always maintained his innocence, and his statements that his wife based her unceasing work in his behalf. She has made three trips to Washington. She has a petition, signed by every man of prominence in Pottawatomie county, who knew anything whatever about the case, but her efforts were fruitless. At the time of the conviction of Ballard and his companions, Horace Speed was United States Attorney for Oklahoma and he was commanded by the Department of Justice to search the entire country for the men who had burned the Indians. He was accompanied by Bill Fossett, then a deputy United States marshal, and known then as now as the most fearless officer in the Territory. Fossett's reputation as a fearless officer had much to do with protecting both his life and Speed's while they were hunting the evidence which the Department commanded them to secure.

GETTING IN FIGHTING TRIM.

With Election of Ex-Judge Adams as Chairman, Protocols of Peace Have Been Signed in Republican Party of State and Harmony Will Prevail at State Convention.
To the Editor of The Observer:
Your paper has considerable circulation among a certain class of Republicans, who value it for the truthful character of its news columns and the fair tone of its editorial work, when treating of the conditions which obtain in the lines of its opponent. It is a pleasure to the editor to give on the public an absolutely fair presentation of the factional troubles heretofore existing in the ranks of the Republicans, it is only just that it should not be done in any other way. It is getting itself in fighting trim, and that with the resignation of Mr. Rollins and the election of Judge Adams to the chairmanship of the protocols of peace which have been signed and the State convention will furnish no tragic or comic incidents for the news mongers. The new chairman, in recent interviews given the press, has shown unmistakably his complete and unwholly different from that attributed to him by Madame Rumor and no one acquainted with the man can suppose for a moment that he will play no more a role in any orchestra. His choice will be approved in July by a large majority of the party, who know him, as I know him, to be wholly free of subserviency to dictation and without ambition to be other than chairman of the whole party. Blackburn will receive every help to gain re-election, the tenth district candidate will give Mr. Gudgeon or Mr. Crawford each beyond precedent of recent years, and your neighbor, Jake Newell, may yet be a Congressman if he will practice running. Certainly, the new chairman will do his part towards furthering Mr. Webb's present majority. The old racket of Holton vs. Blackburn is a closed incident, Mr. Editor, and the Parker warriors will need their tomahawks as of old against the foe. Let no Democrat be deceived.
ULTRA MONTANE.

The Celebration.

Fairbrother's Everything.
No matter about the authenticity of the original declaration of independence, whether that immortal document was first read at Charlotte or elsewhere, there is no doubt that the people of Mecklenburg county, North Carolina, believe that the great proposition of pledging their lives and liberties against the monarchism of a King had its birth there. And the way they celebrated May twentieth was enough to leave no room for doubt that the Declaration was first read in force there would put one out that would be in force.

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TO ENDOW CHAIR OF ENGLISH.

Alumnae Association of the Greensboro Female College Pleads Itself to Raise \$10,000—A Plea to the "Old Girls."
The Observer is requested to print the following:
To the "Old Girls": If you had only known what a welcome awaited you, more of you would have been there to enjoy the opening ceremonies in the splendid new building. The best of the old G. F. C. is still there, but much more besides. The outlines of the building are the same, with the chemical and physical laboratory are here as of old and both are finished in native pine, like the other parts of the building. Would you believe it?—The white marble, the hall and the lighting, and the heating and the plumbing are in accord with the strictest modern regulations. But let all this go. My purpose is not to describe the building. As you well know, our part on the programme came on Tuesday afternoon at the business meeting of the alumnae association. Besides the regular routine of business, there were several interesting features of the occasion. The reunion of the class of 1903 gave us a larger endeavor. It was an inspiration to have with us Mrs. Sallie Thomas, class of '86, of Thomasville. She is now seventy-two, and one of the two surviving members of the class. Her spirit is young and her loyalty unquestioned. All hearts were saddened by the absence of our beloved president, Mrs. Lucy A. Cunningham, who was detained by sickness at Warrenton. The corresponding secretary was instructed to wire our sympathy and give notice of her re-election. There was a single in every nerve, for some one announced the check of \$50 sent by Mr. R. B. Boyd, of Warrenton, in the name of his wife, Mrs. Limp Burwell Boyd. "We think much of the words of husbands, and the daughters of G. F. C. and would like others of that type. Encouraged by the record of the past and inspired by the fine outlook of the present, the alumnae association, by a unanimous vote, pledged itself to raise \$10,000 to endow the chair of English, to be known as the alumnae chair of English. More than 100 members of the class, at this meeting. Our object in this is two-fold; to honor ourselves, and to help secure the \$10,000 endowment, of which \$5,000 has been pledged, on condition that the whole amount be raised. Of course the whole amount will be raised, and we, the old students, want a part in this great work. Now, our purpose is to secure a contribution from every former student and keep a record of this subscription list among the files of the alumnae association. We hope that a complete list of all former students will be found in these archives. Here is the plan to accomplish this: Through a committee composed of the present alumnae association, various parts of the State and beyond. Each member of the committee will be expected to work her territory and report to the chairman of the soliciting committee. Further details of this plan will be made known later. Let us urge every old student to be come acquainted with this movement and be ready to contribute when an opportunity is offered.
EPIE SMITH PLYLER,
Chairman of Soliciting Committee,
Chapel Hill, June 2, 1906.

CLEVELAND AND PARKER WRITE

The Value of Tariff Reform, Says the Ex-President, Was Never More Easily Made Apparent Than Now.
New York Dispatch, 2nd.
A dinner was given by the tariff reform committee of the Reform Club tonight at the Hotel Anson to inaugurate a movement to return to Congress at the election members pledged to tariff reform legislation. Henry B. Stapler, chairman of the reform committee, presided and the speakers included ex-Governor William L. Douglas, of Massachusetts; Representative John Shap Williams and J. T. Rainey. Letters of regret were read from former President Grover Cleveland, Alton B. Parker and Henry Watterson. Judge Parker's letter was as follows:
"IN the feverish discussion during the past two years about the ethics of business there has naturally been a recurrence to the causes which have promoted these conditions, and, as must be admitted, the fountains of the great deep of morals have not been broken up without a reason. The moral question has been considered the clearer it has become that a protective tariff has been a fruitful nourishing mother of all our serious evils. Its malign influence has made possible the corruption of an electorate with money furnished by grateful, but always alarmed, beneficiaries. Knowledge of the fact that the great patient public could thus be humbugged part of the time, led to the conclusion, not wholly unwarranted by experience, that perhaps it could be done all the time. If the government, looking for one dollar to meet its needs, can use its power to reward its favorites with three dollars, why should a railway, a public service company or great combination neglect its chances in its own special field? The law enables these to put their hands into the pockets of the masses of the people for their own benefit, why should their favorite or responsible officials refuse to take advantage of what they can get? The law enables them to take their heaven born privileges. So the vicious circle will continue to widen until the cause is removed. When this is done our people may take up their arms, and under the leadership of some prospect of removing them gradually from our life. "Every good citizen, every lover of his country, every man who can see how private greed by what it feeds on should welcome and applaud the new crusade upon which you and your club are just entering.
"ALTON B. PARKER."
Mr. Cleveland said in his letter: "I am convinced that the value to our people of wholesome tariff reform was never more easily made apparent than now, and that there was never a more opportune time for its earnest advocacy. Those who are deluded in the cause should not allow themselves to suppose that it has been overwhelmed by other topics which just now seem to have taken possession of popular consideration. "These will prove to be but temporary and evanescent when the truth is brought home to our countrymen, that they are daily and hourly the victims of an unjust and nearly all other economic abuses which steal thithly over and unrelentingly betray the interests and welfare of the many for the benefit of the selfishness and pampered few. "It is not possible that our people can continue to mislead to their peril, nor that they will continue to condone the wrongs which are the product of an unjust and unfair tariff, or fail to discover and punish the criminal parent.
" GROVER CLEVELAND."
Mr. Watterson said in his letter: "Heartily good wishes for the club and God speed the day of our redemption from a protective system which underlies all sorts of conditions of dishonest money making and has done more than all other agencies to corrupt the morals of the people and our politics."

Sale of Valuable Chair Factory

By virtue of an order of the United States Court made in the matter of the Elkin Chair Company, Bankrupt, I shall on Saturday, June 30th, 1906, at 11 o'clock a. m. on the premises in Elkin, N. C., offer for sale to the highest bidder for cash, the entire properties of said company, including making chairs, including the Elkin boiler and engine, also all material and chairs in process of manufacture. The property will be sold as a whole. All sales subject to confirmation by the court, July 6, 1906, at 12 o'clock. For further information, write or see the undersigned trustee or his attorney, J. F. Hendren, Esq., Elkin, N. C.
R. J. LEWELLEN, Trustee,
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