DEFENSE NOW HAS CASE UTAH COAL LAND FRAUDS SCANT CHANCE TO GET POST, SEVEN MEET TRAGIC DEATH HOUSE, PASSES HUNT BILL IS RIGSBEE IN CONTEMPT? PRESIDENT IS INTERESTED MRS S. E. BIRDSONG A WITNESS GRAND JURYS PARTIAL REPORT MAYOR M'NINCH NOT HOPEFUL. CORNELL'S GREATEST DISASTER IN INTEREST OF FREE TRADE JUDGE PURNELL ISSUES WRIT HARBORS NEED IMPROVEMENT

rosecution in Murder Cass Completes Its Evidence With Surprising Rapidity — Principal Points Were to Prove Act Deliberate and That Final Shot Was Fired After Plea for Mercy—Mrs. Nora Garrett Says She Saw Shooting Both in Office and Outside and Heard Physician's Pleas—Defendant's Mother-in-Law Denies That She Told Daughter of Allegel Stories.

Haslehurst, Miss., Dec. 7.—With surprising rapidity the prosecution in

surprising rapidity the prosecution in the case of Mrs. Angle Birdsong. charged with the murder of Dr. Thosam Butler, completed its evidence to-day. A day and a half has been occupied in presenting the State's

witnesses.

Two leading points were aimed at by the prosecution. First, it was attempted to show that the defendant's act was deliberate and that she followed her already mortally wounded victim out of his office to the veranda, where she adjusted her revolver, after he had pleaded for mercy, and that with the weapon again ready, she fired three more shots at him. The second aim of the prosecution was to prove Dr. Butler's good character. good character. One of the State's witnesses, Mrs.

Nors Garrett, lived across the street from Dr. Butler's office. She testi-fied to-day that she saw the shooting both in the office and outside and that she heard the physician cry: "Angle, don't shoot me any more." A moment later Dr. Butler ex-claimed: "My God, Angle, What will become of you when you die?"
The witness said that she herself

called to Mrs. Birdsong to stop shoot-This witness said there was no truth in a report that she had informed Mrs. Birdsong of stories about the latter's character alleged to have been circulated by Dr. Butler. about the nature of the physician's ds and then rested its case.

The defense immediately called as its first witness the defendant's mother-in-law, Mrs. S. E. Birdsong. The latter testified that the defendafter the birth of her last child. the symptoms were repeated about the time of the killing. The mother-in-law said that Mrs. Garrett, who had testified for the State called upon Mrs. Birdsong a few days before the tregedy and that after this visitor's departure, Mrs. Birdsong remarked that if she found Dr. Butler had told Il stories about her, she would kill him. Witness said that Mrs. Birdsons had been out at night only once during the period the stories referred to, and then the defendant had gone for medicine at witness' request. Other witnesses told of Mrs. Birdong's attempt at suicide a few days

At this point an adjournment was

KILLS TWO AND WOUNDS OTHERS SAMUEL SPENCER'S WILL FILED.

Negro After Shooting Woman in Boarding House Fires on Police. Killing One, Fatally Wounding An-other—Finally Surrenders Himself

cons dead, two seriously wounded and two slightly injured is the result of a fight which occurred here this afternoon. Felix Holman, a negro from Arkansas shot and killed Colina Holman, a negress, in Mrs. Pratt's boarding house for negroes. Policeman P. Abercomlin with B. Coffer, William Vaught and Enoch Thompson entered the boarding house to arrest Helman. The negro had two pistols and fired upon the arresting party. The first shot passed through Thompshot struck Coffer in the pody. He to take. At her death the residence man Abercromlin's right thigh was shattered by a bullet from the negro's parts.

The colver O. Wainer, a business man, was struck in the leg by a stray bul-let, but was only slightly hurt. After emptying his pistols at the party the negro fied from the boarding house and was fired upon by policemen and citizens. He was finally driven into a warehouse and after a threat was made to burn him out of his place of refuge he surrendered to Shewift Orouch and was lodged in fail. Holman was shot in the arm.

CHANGES ON COAST LINE.

Superintendent of Terminals Spence Promoted to Superintendency of Gainsville District of Third Divis-Other Changes Effective De-

Jacksonville, Fla., Dec. 7,-Spencer has been promoted from the position of superintendent of termi-nals of the Atlantic Coast Line Railroad to be superintendent of the Gainsville district of the third division, succeeding A. L. Glass, resigned. Headquarters of the district will be transferred to Jacksonville.

H. O. McArthur, trainmaster at

Sanford, will succeed Spencer as su-perintendent of terminals. J. F. Council, superintendent of the Norfolk district, will be transferred to the Lakeland district, succeeding S. E. Middlebrook, assigned to other

These appointments all become effective December 10th.

SCHOONER A FATAL LOSS.

The Florence I. Lockwood Stranded on Williams Shoal, Off Assateague, Va.—Orew Rescued by Life Savers. Philadelphia, Dec. 7.—The Assa-tengue life saving station reported to-day that the three-masted schoon-er Florence L. Lockwood, from Norfolk to New York, with a cargo of lumber, stranded on Williams shoal, off Assateague, Va., last night, and is to-day a total loss. Captain Taylor and his crew were rescued by the life savers. The schooner went aground during a heavy gale and quickly pounded to pieces in the

heavy sea.

The schooner was built at Norwalk, Conn., in 1867 and was owned by J. H. Smith, of Boston. The vessel was 103 feet long, had a beam feet and a depth of 14 feet.

A VICTIM OF ASPHYXIATION.

John Cropper, a Retired Lawyer, and Who Was Prominent in Social and Club Life of National Capital, Dies

Washington, Dec. 7 .- Accidental Washington, Dec. 7.—Accidental asphyxiation is given as the cause of the death at his home in this city today of John Cropper, a retired lawyer, who was prominent in club and social life in the national capital. His wife, who is in New York, is the daughter of the late Robert McLane, at one time minister to France. Mr. Cropper was 56 years of age. He was a member

ndictments Returned Against Union
Pacific and Oregon Short Line Battroads, Union Pacific Coal Co., Utah
Fuel Co. and High Officials of Harriman and Gould Corporations—Assistant District Attorney Says Findings Mark Beginning of Government Probing in Utah and Wyom,
ing—Two Persons Indicted for Perjury Arrested, But Released Later
on Bonds of \$2,500.

Sait Lake City Utah Dag I—The

Salt Lake City, Utah, Dec. 7,-The Federal grand jury that is investigat-ing coal land frauds in Utah and charges that railroad corporations have discriminated against certain hippers, made a partial report to-

day. Indictments were returned against the Union Pacific Railroad Company, the Oregon Short Line Railroad Company, the Union Pacific coal Company, the Utah Fuel Company, and several high efficials repre-senting the Harriman and Gould cor-Two other indictments charging perjury before the grand jury were

also returned. The names of the per-After the grand fury had adjourn tant Attorney General Mayard, of Washington, stated that when

it reconvenes the inquisition will be to-day, he said, mark onty the beginning of the government's probing in Utah and Wyoming. The of law alleged in these indictments are only incidents of a gigantic system of fraud that probably have been

The indictment against the Harriingham, general superintendent of the 20,000 acres, which would use up lots Oregon Short Line and J. N. Moore, of good cotton land. general agent in Salt Lake of the NEGRO SOLDIERS HAVE HEAR Union Pacific, alleges discrimination against D. J. Sharp, a coal dealer, who was forced out of business after

The indictment against the representatives of the Gould interests embraces the Utah Fuel Co., H. G. Williams, general Manager; Robert Forester, Alexander M. Cowte, Elroy N. Clark, the Utah Fuel Company's attorney at Denver and George A. the company's agent at Denver. They are charged with defrauding and attempting to defraud the United States government in acquiring title to coal lands in Utah. warrants for the arrest of

The two men indicted for perjury proved to be Theodore Schultze, an Thomas A. Moore, abstractor in the county recorder's office. Both were to-night and released

persons accused in the indictments

\$2,500 bail.

All Household Goods, Choice of Tuxedo Park Estate of Property in Washington and One-Third of Resi-due of Estate Go to Wife.

Washington, Dec. 7.-The will of late Samuel Spencer, president of the Southern Railway Company, was to-day admitted to probate. The doc-ument was executed in New York city July 27, 1895. All his household furniture, pictures, paintings, plate, horses and carriages are given to the widow, Mrs. Louiga Vivian Spencer,

absolutely.

Mrs. Spencer is also given the residence and real estate in Tuxedo Park, Orange county, New York, or the res idnce and real estate in this city She s also given the use for life of the residence which she decides not so used shall rvert to the surviving

The residue of the estate is to b divided into three equal parts, one of which is to be given absolutely to Mrs. Spencer: another share is to b held by the executors in trust Mrs. Spencer during her life, and at death to revert to the children of Mr. Spencer or any descendants of deceased's children; the remaining deceased's children; part of the estate is to be divided

among the children.

The heirs of Mr. Spencer are stated to be Louisa V. Spencer, the widow, Henry B. Spencer, Verona Spencer Layng and Vivian Spencer, his chil The personal estate is given as

excess of \$10,000 and the real estate is estimated at \$75,000. The executors are the widow, two sons and on-in-law, James B. Layng, Jr.

IN COURT OF APPEALS.

Case of Oxford & Coast Line Railroad , vs. Bank of Richmond Argued in Richmond.

States Circuit Court of Appeals re-convened this morning at 10 o'clock with the following judges in attendance: Circuit Judges Goff and Pritchard and District Judge McDowell. case was argued to-day of Oxford & Coast Line Railroad Company, plaintiff in error, vs. Union Bank of Richmond, defendant in error; in error to circuit Court at kaleigh, N. The case was further argued by William L. Royal, of this city, for the defendant in error and by A. W. Graham, of Oxford, N. C., for the plain-tiff in error, and submitted.

COMPLAINS TO COMMISSION.

Powhatan Coke and Coal Company Charges N. & W. Ballroad and 60 Coal and Coke Companies of State With Discrimination in Distribution of Cars.

Washington, Dec. 7.—The Powhatan Coke and Coal Company, of West Virginia, has filed a complaint with the inter-State commerce commission against the Norfolk & Western Rail-way Company and about 60 coal and coke companies of West Virginia. The basis of the complaint is alleged discrimination against the coal and coke company in its system or method of car distribution and that the defend-ant coal and coke companies are given undue and unreasonable advan-

Slight Wreck on Georgia, Southern Florida Railway.

Macon, Ga., Dec. 7 .- Par train No. 1, on the Georgia, Southern & Florida Railway, was derailed cause unknown, 40 miles south of Macon this afternoon, one parlor car, two ocaches, two express and one two ocaches, two express and one baggage car were badly damaged. Baggagemaster E. M. Wright was the only person seriously injured, having been caught under the wreck and piles of baggage. Others were slightly burt. The road was blocked several ours, the accident occurred between stations.

Mariotte's Chief Executive, Now in Washington, Expresses Himself as Being Pretty Well Discouraged Over Outlook for the Charlotte Army Post Project—Senate Committee on Military Affairs Not Disposed to Establish More Posts, But May Discontinue Some Already Existent—Southern Railway and Others File Answer to Complaints of High Point Shippers.

BY W. A. HILDEBRAND.

Washington, Dec. 7 .- Senator Simmons and Mayor McNinch, of Charlette, spent a good part of the day looking after some matters of concern to people of Mecklenburg county. The matter that received chief attention related to the effort to secure an army post for the Charlotte section. Senator Simmons, after his visit to the White House and War Department, expressed a willingness to devote some further attention to the undertaking, but Mayor McNinch says

ne feels pretty well discouraged.
The situation was explained by Scuthe Senate committee on military af-This committe acting in cert with the War Department, is not only discouraging the establishment of any more posts, but have about concluded to abolish many of those already located in different part of the country, the idea being to cet larger number of soldiers together

Should this be done, the problem in operation in the West for many of mobilization would appear more years. were needed on short notice. man companies embraces the Union over, if camps should be established Pacific, Oregon Short Line, the Union in Mecklenburg, the county would be Pacific Coal Company, Everett Buck-

> In discusing this subject to-night, some one remarked that after the good people of Mecklenburg had donated all this valuable land for arm; purposes they might find that they had drawn a regiment or so of negro troops, and there would always be the danger that Charlotte would get all shot up some time like Brownsville, Texas. Two of the soldiers who participated in this spisode, which has attracted national attenhave been hanging around the War Department all day. They declare that the President and the Department are all wrong, and that many of the soldiers are entirely wrong. Secretary Taft has promised to give them a hearing to-morrow, when both men, who have been in service for many years, will seek reinstate ment. They say they were asleep at their army bunks when the trouble occurred; that they and many of their comrades knew nothing of the shooting; and that there had been no comrades knew conspiracy to suppress the facts. This will be meat and gread for oraker and the other critica of the administration if the soldiers now here can prove their assertions

> RAILROADS FILE ANSWER TO COMPLAINT. The Southern Railway Company together with a number of other railroads, have filed their answer with the inter-State commerce to the allegation of the furniture manufacturers of Hight Point and isewhere to the effect that the charfactory and that the freight charges the exorbitant. The Southern claims that the cars sent these manufacturers are all that they should be and that the freight charges are reasonable. The other railroad companies af-fected by the charges, chiefly Western roads, state that the shipments do not originate on their lines and, therefore, that they are not responsible for either the character of the cars or the

amount of the freight charges. FROM NEW ORLEANS TO COLON.

Louisiana Business Men Endeavoring to Get Panama Railroad Steamship Line to Establish Such a Service.

Washington, Dec. 7.—Senator Fos-ter and McEnery, Representative Broussard, Mayor Behrman, of New Orleans; J. W. Porch, chairman of the board of trade, Panama canal committee of New Orleans, and M. J. Saunders, wth a delegation repre-senting the principal business interests of Louisiana, called on Chairman Shonts, of the isthmian canal commission, to-day with the object of endeavoring to get the Panama Railroad Steamship Line to assign two boats to service between New Orleans and The matter was fully discussed, and the chairman informed the gentlemen that it would be taken under advisement.

Representative Brousard said toowned steamship line now operated change. owned steamship line now operated change. The railroad people believe by the Panams Railroad & Steamship the station will be made to conform

FALLS VICTIM OF ASSASSIN.

Prominent Attorney and Hotel Man of McCays, Miss., Shot in Back While Entering Gate of Home.

Knoxville, Tenn., Dec. 7.—A special to The Journal and Tribune examination of surrounding premises was made by officers and tracks was made by officers and tracks have made by officers and tracks have more found in a flower garden opposite the gate of the Guinn residence. A coroner's jury will investigate the tragedy Saturday afterthe observation that Rowan will not
have more than two-thirds of a crop
have more than two-thirds of a crop working for a clue.

TWELVE MINERS DIE IN SHAFT.

Charlotte's Chief Executive, Now in Washington, Expresses Himself as Being Pretty Well Discouraged Over Outlook for the Charlotte Army Post Project—Senate Committee on Williams Agains Not Discouraged to and Three Slightly Hurt-Fla Fanned by Strong Wind Trap Students on Third Floor—Many Jump to Safety, While Others Are Car-

Ithaca, N. Y., Dec. 7 .- Seven persons met a tragic death this morning in the worst disaster that ever befell Cornell University. Three of the victims were volunteer firemen of the city of Ithaca, and four were students of Cornell University. The firemen all were prominent in this city. They

were: A. S. ROBINSON, Attorney. JOHN RUMSEY, hardware mer-

ESTY LANDON, a salesman The students were: O. L. SCHMUCK, Hanover, Pa. F. W. GRELLE, South Orange, N.

W. H. NICHOLS, Chicago. J. M. M'CUTCHEON, Pittsburg. Schmuck got out of the building, back for his room-mate, Nichols, and in the attempt to rescue his comrade, he was so seriously injured that he died in the hospital. One student, C. J. Pope, a treshman of East Orange, N. J., was seri-

ously injured, and three others were

slightly injured. They are: R. R.

owers, a senior of Atlanta, Ga.; W. W. Goetz, a sophomore of Milwaukee, Wis., and H. M. Curry, Jr., a sophomore of Pittsburg. Rumsey, Landon and Robinson, the Ithaca volunteer firemen, had manaegd to train a hose on the north side of the house when the wall tottered. There was a cry of alarm, and sev eral men standing near managed to

get out of the way, but the three

named were caught under the mass of debris and killed. CHAPTER HOUSE IN RUINS. A few minutes after the flames were discovered the Chi Psi Chapter House was all ablaze, the flames fanned by a strong northwest wind, and the students were trapped in the dormitory on the third floor. Many of the boys jumped to safety while those

who hesitated were carried to the ground by the falling walls. No alarm was turned in until half an hour after the fire had been discovered and it was half an hour later before the volunteer fire department could get to work. There was a long climb from the lower part of the city to the college grounds and by the time the firemen arrived the interior of the building was almost burned out. They could do nothing but prewent the adjoining buildings from taking fire.

The money loss is mearly \$200,000. since the original cost of the building erected by Mrs. Jennie McGraw Fiske was about \$150,000 and extensive interior decorations had been made.

The cause of the fire is unknown,

though it is suspected that it start in the kitchen. Cornell University is immeasurably appalled by the terrible catastrophe and academic work is almost suspended.

Jennie McGraw Fiske, the benefactor of Cornell, whose will was contested by her husband, Prof. Willard Fiske. Mrs. Fiske died abroad, seeking help for an incurable disease, and never entered her beautiful mansion alive. Her body was taken there for the

NEW SOUTHERN DIVISION.

New Division, With S lisbury as Headquarters and Capt. P. L. Mc-Manus, of Charlotte, as Division

Special to The Observer .

Salisbury, Dec. 7 .- The morning paper will bring a bit of news to Salisbury that will surprise her citisens most pleasantly. It is the announcement that Salisbury is to have a division superintendent's of-fice here, and this joy is heightened when it is known that Capt. P. L. McManus, of Charlotte, will be allotted this place. Your correspondent receives this from unquestioned

The superintendent will charge of the Spencer-Greenville, S. C., division of the Southern and the Salisbury-Norwood line. This seems to indicate a change in the plans of Salisbury's new depot and a great likelihood that it will be changed from one to two stories. Representative Brousard said to- can yet speak with enough as-night he will introduce a bill in surance to promise this, but there is Congress to abolish the government. so doubt of the first mentioned

Company under the supervision of to the changed needs.
the isthmian canal commission. He The congestion along the Southern declared in an interview to-night renders these steps necessary and that the government has no right to they are made for purposes of faoperate a public service corporation cilitating passenger and freight work.
in competition with private enter- The placing of Captain McManus, as prises and that its ownership of the popular and delightful a man as Panama Railroad & Steamship Com- ever came to Salisbury, is cause for pany is not only a subsidy, but a dismore than ordinary congratulation. This city likes no other railroad man

quite so well.

There was a meeting this afternoon of the civic association, an
organization of ladies pleaged to the maintenance of the beautiful in na-ture. They inaugurated Arbor Day Knoxville, Tenn., Dec. 7.—A and will keep it alive by the plantspecial to The Journal and Tribune
from Ducktown, Tenn., says:

W. A. Guinn, Esq., a prominent
attorney and hotel owner living at
McCays, four miles from this pigce.
Was shot in the back last night as
he was entering the gate of his night, where they took part in a
home by unknown parties. He died dance given by the young gentlemen
this morning. There is no clue to
the identity of the assassin. An for large results, and those going
examination of surrounding premises over expect the "Lime of their
was made by officers and tracks"

Officers, aided by bloodhounds, are this year. There are \$2 gins in rorking for a clue. operation and the crop is about

Through Carelessness Big Flow of Water is Let Isto Lower Level Where Mcn are Discovered.

Laredo, Mex., Dec. 7.—News has just reached this city from Monterey, Mex., of a mine accident, which second last Tuesday at the Avino mines, and Avhich resulted in the death of 12 Liexican miners, who were at work in the shaft.

The accident was due, it is reported, to the carelessness of some one in letting a hig flow of water into the lower level, where the men were discovered.

Court Appoints Receiver for Two Insurance Companys.

Atlanta, Ga., Dec. 7.—On the petition of a California creditor of the parties of a Court Appoints Receiver for Two Insurance Companys.

Atlanta, Ga., Dec. 7.—On the petition of a California creditor of the surance Company of the Su

Repeals Portion of Inter-State Commerce Bill Relating to Convict-Made Goods, Affording to States

and Territories Right to Inhibit Shipping of Such Goods Within Confines — Committee on Appropriations Says in Report That Printing Office Shall Follow Web-ster or Other Standard Dictionary in Printing Goernment Documents -Bill for Game Preserve Passed. Washington, Dec. 7 .- During the

three hours the House was in session it passed a bill which has the enthusiastic endorsement of labor as well as manufacturers generally, repealing that portion of the Wilson inter-State commerce bill relating to convictmade goods and pointing the several States to legislate for themselves as to their competition with "free labor" made goods.

The bill was introduced by Mr. Hunt, of Missouri, himself a practical stonemason. Under the Wilson bill, which became a law in 1890, convict labor-made goods may enter into active competition with the goods manufactured by "free labor" this Federal law a State could not pass a law that would prevent the shipping into the State prison-made goods of other States. The law which was passed to-day abrogates the inter-State commerce law as at present applied to convict-made goods, thereby affording to the different States and Territories the right to inhibit the shipping of convictmade goods within the confines of any State or Territory.

Mr. Hunt asked for its passage not only in the interest of free labor, but in the interest of the manufac-He said it was an attempt to curb the criminal competition of the penitentiary with the free labor

of the country.
"It is cruel," he said, "to ask the free labor of this country to maintain its citizenship, its dignity and its self-respect, if it has to wait until the product of the State prison is sold before the employer can get a reasonable price for his honestly manu-

factured product." The vote for the bill was practically unanimous.

SIMPLIFIED SPELLING SCORED. Simplified spelling received a hard English language."

partments of the government is made in the allowance to members 450.

is made in the allowance to members 450. The State owns 30,000 of mittee of 18 delegates, headed by of the House for clerk hire, and the North Carolina railway stock. \$3.— Mr. Francis, to present the sentiments requirement that members certify they have spent this amount is omitted. Something they have spent this amount is omitted to the president that they have spent the sentiments of the convention to the President they have spent this amount is omitted. Something they have spent the sentiments of the convention to the President they have spent this amount is omitted to the president they have spent this amount is omitted to the president they have spent this amount is omitted to the president they have spent this amount is omitted to the president they have spent the sentiments of the convention to the President they have spent this amount is omitted to the president they have spent this amount is omitted to the president they have spent this amount is omitted to the president they have spent this amount is omitted to the president they have spent the sentiments of the convention to the President they have spent this amount is omitted to the president they have spent this amount is omitted to the president they have spent this amount is omitted to the president they have spent the president they have spent the sentiments of the convention to the president they have spent they have spent the president they have spent they have spent they have spent the president they have spent they

Olympic Forest Reserve in the State

of Washington The House adjourned till Monday. TRAVELING RECRUITING SHIP.

Converted Yecht, Wasp. Will Visit Various South Atlantic and Gulf Ports—Object is to Bring Into Navy Many Desirable Young Men.

Washington, Dec. 7 .- A traveling recruiting ship which at the same time will serve as an object lesson to would-be apprentices in the navy, has been designated by the bureau of navigation to visit various South Atlantic and Gulf ports. For this purpose the Department has utilized the converted yacht Wasp, until recently serving as a recruiting vessel at New-port and which is designed to take the place of recruiting parties, which it has been the custom in the past to send out. It is believed by Department that the plan will result in bringing into the navy a number of desirable young men, who otherwise could not have been induced to enter

The Wasp recently has been in Hampton Roads and is now ready for the trip down the coast.

ALL BIDS REJECTED.

North Carolina Commission of the Jamestown Exposition Declines Bids for State Building. Special to The Observer.

Greensboro, Dec. 7.-The Carolina commission of the Jamesto consider bids for the erection of the State building at the exposition

All bids were rejected. Mrs. J. Lindsay Patterson, of Winston-f lem, was elected State his torian, in charge of the State exhibit of relics and the like, with power to appoint assistants in the different

communities. A number of cities have applied for rooms in the State building. George W. Vanderbilt, of Biltmore, will be allowed to furnish one. It will contain handsome carved oak furniture, and speciments of weaving from the industrial departments of Biltmore.

RETURNED TO NORTH CAROLINA men and leave families. of William and Isaac Herrell in Mitchell County on Way Here. ty, on Way Here,

Springfield, Ill., Dec. 7 .- David Garcharged with the murder William and issac rierrell in Mitchell county, N. C., in December, 1900, was returned to North Carolina by Gov-ernor Deneen to-day. Garland is un-der arrest in Pontiac. He asserts that he shot them in an endeavor to keep the peace. He also denies that he is a fugitive from justice, saying that he has lived in Illinois six years and that there has been no previous ef-fort to arrest him, although he has visited Mitchell county.

Minister Expelled From Church for Immorality.

Shreveport, La., Dec. 7.—Rév. N. J. Roberts, of Tscomps, was to-day expelled from the Louistana Conference of the McModist Episcopal Church, South, on the charge of immorality.

Startling Development Rigsbee, of Durham, Whom Sec-ond Grand Jury Falled to Indict for Stuffing B Hot Boxes—Court Officers Claim That Rigsbee Had Important Witnesses Subpocnaed to Appear at Federal Court to Block Wheels of Durham Court— Judge Purnell Thinks Rigsbee is in Contempt of State and Federal Courts.

Observer Bureau. The Hollaman Building.

Raleigh, Dec. 7. Judge Purnell, in the Federal White House to-day, that he Court here to-day issued a rule consult with the leaders in Congres said to be worth several hundred thing definite and effective could be thousand dollars, to show cause why done in the way of increased he should not be found guilty of con- propriations for the improvement of tempt of court. District Attorney the nation's waterways. Abort Skinner and many witnesses have Bettinger, of Cincinnati, the spokes been summoned from Durham in the man for the convention, acvanced case against Moonshiner, but stated the proposition that the natural that they knew nothing about the waterways, made efficient by the aid matter. Moonshiner had not asked of the government, would not only that they be summoned. State So- supply the deficiency of transportalicitor Brooks, who was present in tion facilities, present and prescourt, was asked for a statement by pective, but would so equitably and Judge Purnell. He said that Rigs naturally regulate freight charges as bee had been indicted before the to be most conductve to continued bee had been indicted before the to be most conducive to continued grand jury of Durham, for alleged prosperity. He told the President ballot box stuffing, but the bill was that the convention suggested a thrown out, because several grand regular annual appropriation of not jurors had not paid their poli tax. A less than \$50,000,000 to replace the new grand jury was summoned for "hitherto desultory and inadequate this week, when it was found many appropriation for the improvement witnesses against Rigsbee had been of the waters and to place summoned to appear before the Fed- prosecution on a business basis, in-Brooks said that he suring their completion within a came to Raleigh to ascertain the reasonable length of time. found that Rigsbee had been getting witnesses to come to having been paid to have them summoned, and money having been paid sense of the importance of establish to them to pay their expenses to ing a far-reaching coherent plan for Raleigh. Solicitor Brooks said he be. the general improvement of the lieved it was a plot by Rigsbee to de-waterways of the country. I feel feat justice in the State court, and that the national government should of the State court. Judge Purnell lower down in the river where the says he believes Rigsbee is guilty of are fitted to be great arteries contempt of both courts. The rule communication. I have had it is made returnable next Thursday brought strikingly to my attention.

AUDITOR DIXON'S REPORT. State Auditor Dixon has nearly ways for moving the great grain completed his letter to the Governor, ways for moving the great crops of transmitting his report for the fiscal country. We need and must have year ended November 30. The bal- ther facilities for transprtation, and as ance on hand of the general fund a has been well pointed out, one of the year ago was \$282,714, the receipts effective methods of effecting reliblow to-day in the legislative bill for from all sources during the year, way rates is to provide for a proper 1908 reported to the House by the \$2,228,478. The disbursements were system of water transportation. committee on appropriations, which \$2,173,109, leaving the balance \$338,- "It would not be possible for "Hereafter in printing docu- 082. It will be remembered that the to enter into any discussion of the ments authorized by law or ordered State auditor told your correspondent details of your plan until I have by Congress or either branch thereof the Government Printing Office shall on hand would be over \$300,000. follow the rules of orthography established by Webster's or other genon hand is \$56.525, the disbursements erally accepted dictionaries of the during the year having been \$80,685, along the lines that you wention. the receipts \$125,951. and The bill carries an appropriation of State debt, 4 per cent., is \$4.131.\$31,215,525, which is \$685,842 less 450; 6 per cent., \$2,720,000. There than the estimates made for the legarchem than the estimates and the receipts of the estimates and the receipts at the legarchem than the estimates and the receipts at the legarchem than the estimates and the receipts at the legarchem than the estimates and the receipts at the legarchem than the estimates and the receipts at the legarchem than the estimates at the legarchem than the estimates at the legarchem than the l artments of the government

An increase from \$1,200 to \$1,400 The total debt is therefore \$5,873. and the The State owns 30,000

750: 5,400 shares Wilkesboro & ring citizenship upon the citizens of ferson Turnpike Company, Porto Rico, reported from the com- total investments, \$4,323,550.

> FUNERAL OF MR. STUNKEL This afternoon the funeral of Mr. Wil-chairman of the committee on resoliam A. Stunkel, the young man who was lutions, brought in the platform rekilled yesterday by a runaway horse was held, under the direction of the Elks, of which order he was a much valued mem-ber. This is the second death of an Elk

> which has occurred since the lodge was that transportation facilities are established here. MAY CONTEST TYRELL SEAT. A rumor is current among local Republicans that the seat in the lower House, from Tyrell, will be contested by the Republican candidate on the ground that the Democratic nomines, who got a majority, is a county officer and has continued in that office since election.

WORKMEN STRUCK BY TRAIN. One Killed and Another Seriously In- vide the assistance which

Over Harlem River. New York, Dec. 7 .- A theatre train porting freight. on the New York Central & Hudson "The time has now arriv River Railroad about midnight to the United States with night plowed through a gang of natural advantage must als workmen on the Harlem river bridge nize the function of the waterway in of the New York Central & Hudson the economic development of the River Railroad, instantly killing one country." of the men and fatally injuring another. The workmen were installing a signal system on the third rail system for the Central electric trains. Prominent Citizen of Wiln The man killed was John Kaiser, ad Dies of Paresis Funeral To dress unknown, and the man fatally hurt John Baumgarten, of 67 East

Successor to Samuel Spencer Assumes Actual Lutics.

Washington, Dec. 7.—William W. Resolutions Regarding Discharge inley, recently chosen as the suc-Finley, recently chosen as the successor of the late President Samuel Spencer, of the Southern Railway, assumed the active duties of his office to-day and will make his headquar-ters in this city. The policies of the late president will be carried out and no material changes in the system or the personnel of the executive branch of the road are contemplated by Mr. Finley.

Attel Wins Featherwright Knock Out Walsh.

Los Angeles, Cal., Dec. 7.—Abe Attell, of Los Angeles, knocked out Jimmy Walsh, of Boston, in the eighth round of a fight for the featherweight championship here to-night. The contest was ast, Artell having the advantage from the start. Tommy Burns was the referre.

in Case of He Delivers Most Encouraging dress to Delegates to Rivers and Harbors Congress at White House. Expressing Hope Th t Something Definite and Effective Would be

Done — Refrains From Enterin Into Discussion of Details of Pla Before He Has Spoken Wit Leaders in Congress—Platform Re port Adopted by a Rising Vote. Washington, Dec. 7. - President Roosevelt told the delegates to the National Rivers and Harbors National Rivers and Harbors Con-gress, who called on him at the W. T. Rigsbee, of Durham, and expressed the hope that a

Replying the President said:

to ing a far-reaching coherent plan for if it were not contempt of the Fed- concern itself with the proper coneral Court, it was certainly contempt trol and utilisation of the water Judge Purnell lower down in the river where they but recently how much present because of the inadequate transportation facilities of the rail-

balance spoken with some of the leaders of \$300,000. the two Houses of Congress. I shall that something definite can be done The unanimous adoption of the mencing with the present session, appointment of a

MANY ADDRESSES MADE. mittee on insular affairs of the House were defeated by objections of the Democrats.

Representative Southwick, of New York, introduced a bill to-day increasing the salaries of all civil service employes 10 per cent.

The House passed a bill creating a game preserve of nearly seven hundred thousand acres within the Companies that the Bell and Inter-State Telephone system would be merged December 1, under the name Capital City Company, but nothing has so far been done and there is not a sign of a ripple on the water. The Merchanis W. Va.; Richard N. Edmonds, of Baltimore; E. S. Conway, of Chillette and it is going to take up the matter and see what causes the delay in consolidation.

FUNERAL OF MR. STUNKEY. Among the speakers to-day were William B. Stillwell, president of the

J. N. Teal, of Portland, Oregon. port, which was adopted by a rising The report in part follows: "Present conditions the pro totally inadequate for and economical transportation of the products of the country. Within last 10 years the tonnage moved by railroads has increased 47 per cent. while during the same period railway mileage has increased only 20 per cent. Hundreds of millions of dol-Hundreds of millions cent. lars are lost annually to our farmers and other producers by the failure of the national government to profured While at Work on Bridge improved natural waterways give, increased facilitis for

"The time has now arrived when to- the United States with greater of natural advantage must also recog-

ALDERMAN JOHNSON DEAD

Dies of Paresis-Funeral To-Day. Special to The Observer.

Wilmington, Dec. 7.-Alderman Edwi wilmington, Dec. 7.—Alderman Edward will be train that struck the two men did not stop. After the accident became known all trans were held up until the foreman of the gang had called the roll of his men to ascertain if the others were safe.

TWO NEGROES KILLED.

Colored Men Named Bullard Crushed Under Improvised Shelter.

Special to The Observer.

Clinton, Dec. 7.—Two negro men named Bullard were killed at their home 10 miles west of Clinton last night, meeting death by an unusual accident. While burning a tar klin, they went to sleep under an improvised shelter made of poles and covered with straw and dirt.

The heavy shelter fell upon them while they slept and crushed out their lives. They were industrious men and leave families.

NEW PRESIDENT TAKS OFFICE.

Successor to Samuel Spencer Assumes

Wilmington, Dec. 7.—Alderman Edward wounds. The council, chairman of the water commise to council, chairman of the water counnisesolon and acknowledged leader of the council, chairman of the water counnisesolon and acknowledged leader of the council, chairman of the water counnisesolon and acknowledged leader of the council, chairman of the water counnisesolon and acknowledged leader of the council, chairman of the water counnisesolon and acknowledged leader of the municipal ownership movement in Wilmington, powership device of the municipal ownership F. Johnson, a prominent member of the

TAFT TO GIVE INFORMATION.

Washington, Dec. 7.—The tion of Senator Penrose pas-terday, calling on the Preside the facts regarding the Presidenthe facts regarding the Gachine the negro troops belonging. Twenty-fifth Infantry, was at the White House to-day once turned over by the President of the Fresident of the Fresident of the Fresident of the Secretary Taft, who will furn information desired. The Fresident of the Secretary of Washington to the Secretary of Washington the Secretary of Washington to the Secr