

DEFENSE NOW HAS CASE

MRS. S. E. BIRDSONG A WITNESS

Prosecution in Murder Case Completes Its Evidence With Surprising Rapidity - Principal Witness Now to Prove Accused Deliberate and That Final Shot Was Fired After Plea for Mercy - Mrs. Birdsong Testifies She Saw Shooting Both in Office and Outside and Heard Physician's Pleas - Defendant's Mother-in-Law Denies That She Told Daughter of Alleged Story.

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 morally wounded husband out of the office into the street, where she adjusted her revolver, after he had pleaded for mercy, and that with the weapon ready, she fired the fatal shot at him. The second aim of the prosecution was to prove Dr. Butler's good character.

One of the State's witnesses, Mrs. Nora Garrett, lived across the street from Dr. Butler's office. She testified to-day that she saw the shooting both in the office and outside and that she heard the physician cry: "Angie! shoot! shoot!"

The witness testified that she herself called to Mrs. Birdsong to stop shooting. This witness said there was no truth in a report that she had informed Mrs. Birdsong of the street scene after the shooting. She testified that the latter's character alleged to have been circulated by Dr. Butler. The prosecution went into details about the nature of the physician's wounds 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 defendant after the birth of her last child, had shown signs of insanity, and that the symptoms were repeated about the time of the killing. The mother-in-law said that Mrs. Birdsong had testified for the State called upon Mrs. Birdsong a few days before the tragedy and that after this visitor's departure, Mrs. Birdsong remarked that it is the fault of Dr. Butler who told ill stories about her, she would kill him.

Witness said that Mrs. Birdsong had been out at night only once during the period when she was in the city, and then the defendant had gone for medicine at witness's request. Other witnesses told Mrs. Birdsong's attempt at suicide a few days before the murder.

At this point an adjournment was taken until to-morrow.

KILLS TWO AND WOUNDS OTHERS

Negro After Shooting Woman in Boarding House Fires on Police, Killing One, Fatally Wounding Another - Finally Surrenders Himself to Sheriff.

Greenville, Miss., Dec. 7.—Two persons dead, two seriously wounded and two slightly injured in the result of a fight which occurred here this afternoon. Police Officer Thompson, who was on duty at the time, shot and killed a negro from Arkansas shot and killed Collins Holman, a negro, in Mrs. Pratt's boarding house for negroes. Policeman P. A. Abernethy, with E. Coffey, William Vaughn and E. Thompson, entered the boarding house to arrest Holman. The negro had two pistols and fired upon the arresting party. The first shot passed through Thompson's breast, which he decided to take. At her death the residence so used shall revert to the surviving children of Mr. Spencer in equal parts.

The residue of the estate is to be divided into three equal parts, one of which is to be given absolutely to Mrs. Spencer; another share is to be given to the children of the late Mr. Spencer during her life, and at her death to revert to the children of Mr. Spencer or any descendants of deceased children, the remaining share of the estate is to be divided among the children.

UTAH COAL LAND FRAUDS

GRAND JURY'S PARTIAL REPORT

Indictments Returned Against Union Pacific and Oregon Short Line Railroads, Union Pacific Coal Co., Utah Fuel Co. and High Officials - Harriman and Gould Corporations - Assistant District Attorney Says Findings Mark Beginning of Government Probing in Utah and Wyoming - Two Persons Indicted for Conspiracy to Obtain Coal Lands - Indictment Later on Bonds of \$2,500.

Salt Lake City, Utah, Dec. 7.—The Federal grand jury that is investigating coal land frauds in Utah and charges that railroad corporations discriminate against certain shippers, made a partial report today. Indictments were returned against the Union Pacific Railroad Company, the Oregon Short Line Railroad Company, the Utah Fuel Company, and several high officials representing the Harriman and Gould corporations.

Two other indictments charging perjury before the grand jury were also returned. The names of the persons accused in these indictments are withheld. After the grand jury had adjourned, Assistant Attorney General Maynard, Washington, stated that when it resumes the inquiry will be resumed. The indictments returned to-day, he said, mark only the beginning of the government's probing in Utah and Wyoming. The violations of the anti-trust laws, he said, are only incidents of a gigantic system of fraud that probably have been in operation in the West for many years.

The indictment against the Harriman companies, embraces the Union Pacific, Oregon Short Line, the Union Pacific Coal Company, Everett Buckingham, general superintendent of the Oregon Short Line and J. N. Moore, general agent in Salt Lake of the Union Pacific, alleged discrimination against D. J. Sharp, a coal dealer, who was forced out of business after he had cut prices.

The indictment against the representatives of the coal interests that they have 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 episode, which has attracted national attention, arrived here this morning, and have been hanging around the War Department all day. The Department and the Department are all wrong, and that many of the soldiers are entirely wrong. Secretary Taft is promising to give them a hearing to-morrow, when both men, who have been in service for many years, will seek reinstatement. They say they were asleep at their army bunk when the incident occurred; that they and many of their comrades knew nothing of the shooting; and that there had been no conspiracy to suppress the facts. This will be met by other representatives of the coal interests, who are the administration if the soldiers now here can prove their assertions.

RAILROADS FILE ANSWER TO SOUTHERN COMPLAINT

The Southern Railway Company, together with number of other railroads, have filed their answer with the Interstate Commerce Commission to the allegation of the furniture manufacturers that the company and elsewhere to the effect that the manufacturer of the cars furnished is unsatisfactory and that the freight charges are exorbitant. The Southern claims that the furniture manufacturers are not to be held responsible for the charges, chiefly Western roads, state that the Southern never originates 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 Foster and McNery, Representative Broussard, Mayor Behrman, of New Orleans; J. W. Porch, chairman of the board of directors of the Panama Railroad, and a committee of New Orleans, and Senator Saunders, with a delegation representing Louisiana, called on Chairman Shontz, of the Interstate Commerce 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 Colon. The matter was discussed in detail, and the chairman informed the gentlemen that it would be taken under advisement.

IN COURT OF APPEALS

Case of Oxford & Coast Line Railroad vs. Bank of Richmond Argued in Richmond, Va., Dec. 7.—The United States Circuit Court of Appeals convened this morning at 10 o'clock with the following judges in attendance: Circuit Judges Goff and Pritchard and District Judge McDowell. The 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 the circuit court at Raleigh, N. C. 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 plaintiff in error, and submitted.

COMPLAINS TO COMMISSION

Powhatan Coke and Coal Company Charges N. & W. Railroad and 60 Coal and Coke Companies of 60 With Discrimination in Distribution of Cars. Washington, Dec. 7.—The Powhatan Coke and Coal Company, of West Virginia, has filed a complaint with the Interstate Commerce Commission in which it charges that the N. & W. Railroad 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 of method of car distribution and that the defendant coal and coke companies are given undue and unreasonable advantages in this regard.

SCANT CHANCE TO GET POST

MAYOR McNICH NOT HOPEFUL

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

Washington, Dec. 7.—Senator Simmons and Mayor McNinch, of Charlotte, 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 he feels pretty well discouraged.

The situation was explained by Senator Overman, who is a member of the Senate committee on military affairs. This committee acting in concert with the War Department, is not only discouraging the establishment of any more posts, but have about completely killed many of those already located in different parts of the country, the idea being to set larger number of soldiers together in a few large camps.

Should this be done, the problem of mobilization would appear more simple in the event that soldiers were needed on short notice. Moreover, if certain well established in Mecklenburg, the county would be compelled to donate something like 20,000 acres, which would use up lots of good cotton land.

NEGRO SOLDIERS HAVE HEARING TO-DAY

In discussing this subject to-night, some one remarked that after the good people of Mecklenburg had donated all this valuable land for army 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 episode, which has attracted national attention, arrived here this morning, and have been hanging around the War Department all day. The Department and the Department are all wrong, and that many of the soldiers are entirely wrong.

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NEW SOUTHERN DIVISION

Southern Railway Will Establish New Division, With S. L. Healy as Headquarter and Capt. P. L. McMann, of Charlotte, as Division Superintendent. Salisbury, Dec. 7.—The morning paper will bring a bit of news to Salisbury that will surprise her citizens most pleasantly. It is the announcement that the Salisbury branch of the Southern Railway, which 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, and the vessel serving as a recruiting vessel at Newport and which is designed to take the place of recruiting parties, which it has been ordered to visit the New York River Railroad about midnight to-night plowed through a gang of workmen on the Harlem river bridge of the New York Central & Hudson River Railroad, which was in the hands of the men and fatally injuring another. The workmen were installing a signal system on the third rail system for the Central electric trolley. The man killed was a member of the team which was in charge of the work and was fatally injured.

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COURT APPOINTS RECEIVER FOR TWO INSURANCE COMPANIES

Atlanta, Ga., Dec. 7.—On the petition of a California creditor of the Atlanta-Birmingham Insurance Company, Judge Pendleton, in the Superior Court here to-day appointed A. J. Orme receiver of that company and of the Prudential Fire Insurance Company of West Virginia, with authority to have in charge the \$200,000 of insurance by the Atlanta-Birmingham Company in the Prudential. It is asked that this be kept a secret until such time as the benefit of creditors.

SEVEN MEET TRAGIC DEATH

CORNELL'S GREATEST DISASTER

Four Students and Three Firemen Die in Flames Which Destroy Chi Pai Chapter House, Erected by Jennie McCraw Fiske at Cost of \$150,000 - One Student Seriously Injured and Three Slightly Hurt - Flames Fanned by Strong Wind Trap Students on Third Floor - Many Jump to Safety, While Others Are Carried Down by Wind. 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 merchant; ESTY LONDON, a salesman; O. L. SCHMUCK, Hanover, Pa.; F. W. GRELLE, South Orange, N. J.; W. H. NICHOLS, Chicago; J. M. MCUTCHEON, Pittsburg. Schmuck got out of the building, but went 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 freshman of East Orange, N. J., was seriously injured, and three others were slightly injured.

It was about 11:30, when the fire broke out in the Chi Pai Chapter House, which was a two-story building, and was used as a hall for the fire department. There was a cry of alarm, and several men standing near managed to get out of the way, but the three who remained under the mass of debris and killed. CHAPTER HOUSE IN RUINS. A few minutes after the flames were discovered the Chi Pai 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 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 by 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 buried out. They could do nothing but prevent the adjoining buildings from taking fire.

The money loss is nearly \$200,000, since the original cost of the building erected by Jennie McCraw 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 started in the dormitory. Cornell University is immeasurably appalled by the terrible catastrophe and academic work is almost suspended.

The burned building was built by Jennie McCraw Fiske, the benefactor of Cornell 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 buried out. They could do nothing but prevent the adjoining buildings from taking fire.

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IS RIGSBEE IN CONTEMPT? PRESIDENT IS INTERESTED

Repeals Portion of Inter-State Commerce Bill Relating to Convicted Goods, Allowing to States and Territories Right to Inhibit Shipping of Such Goods Within Confines - Committee on Appropriations Says in Report That Printing Office Shall Follow Webster or Other Standard Dictionary in Printing Government 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 convicted 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, convicted labor-made goods may enter into active competition with the goods manufactured by "free labor" and under 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 convicted-made goods, thereby affording to the several States and Territories the right to inhibit the shipping of convicted-made 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 manufacturers. He said it was an attempt to curb the criminal competition of the penitentiary with the free labor of the country.

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 manufactured product."

The vote for the bill was practically unanimous. SIMPLIFIED SPELLING SCORED. Simplified spelling received a hard blow to-day in the legislative bill for 1907 reported to the House by the committee on appropriations, which says: "Hereafter in printing documents authorized by law or ordered by the Government Printing Office shall follow the rules of orthography established by Webster's executive order, generally accepted dictionaries of the English language."

The bill carries an appropriation of \$31,215,525, which is \$685,842 less than the estimates made for the legislative printing and executive departments of the government. An increase from \$1,290 to \$1,400 is made in the allowance to members of the House for clerk hire, and the requirement that members certify how they have spent this amount is omitted.

Efforts to take up the bill concerning citizenship upon the citizens of Porto Rico, reported from the committee 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 servants, which was referred to the House. The House passed a bill creating a game preserve of nearly seven hundred thousand acres within the Olympic Forest Reserve in the State of Washington.

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HARBORS NEED IMPROVEMENT

HE DELIVERS MOST ENLIGHTENING ADDRESS TO DELEGATES TO RIVERS AND HARBORS CONGRESS AT WHITE HOUSE, EXPRESSING HOPE THAT SOMETHING DEFINITE AND EFFECTIVE WOULD BE DONE - REFRAINS FROM ENTERING INTO DISCUSSION OF DETAILS OF PLAN BEFORE HE HAS SPOKEN WITH JUDGE FURNELL CONCERNING PORT ADOPTED BY A RESOLUTION

Washington, Dec. 7.—President Roosevelt told the delegates to the National Rivers and Harbors Congress, who called on him at the White House to-day, that he would consult with to-day, that he would express the hope that in Congress something definite and effective could be done in the way of increased appropriations for the improvement of the nation's waterways. Albert Bettinger, of Cincinnati, the spokesman for the convention, advanced the proposition that the natural waterways, made efficient by the aid of the government would not only supply the deficiency of transportation facilities, present and prospective, but would so equitably and naturally regulate freight charges as to be most conducive to continued prosperity. He told the President that the convention suggested a regular annual appropriation of not less than \$50,000,000 to replace the "one-time" appropriation of an inadequate appropriation for the improvement of the waters and to place their prosecution on a business basis, insuring their completion within a reasonable length of time.

THE PRESIDENT'S REPLY

Replying to the President's statement, Bettinger said that the growing sense of the importance of establishing a far-reaching coherent plan for the general improvement of the waterways of the country, I feel that the national Congress should concern itself with the proper control and utilization of the water lower down in the river where they are fitted to be great arteries of commerce. I feel that the national Congress should bring strikingly to my attention, and recently how much we suffer at present because of the inadequate transportation facilities of the railways for moving the great crops of the country. We need and must have further facilities for transportation, and has been well pointed out, one of the effective methods of effecting railroad reform is to provide for a proper system of water transportation.

"It would not be possible for me to enter into any discussion of the details of your plan, until I have had a conference with the leaders of the two Houses of Congress. I shall consult with them at once and trust that something definite can be done along the lines that you mention."

The annual report of the committee on Rivers and Harbors, which was made available to the public, included the following statement: "The committee on Rivers and Harbors, which was organized by the President in 1905, has the honor to present to the President and to Congress, included the business of the committee, and a list of the many addresses made."

Among the speakers to-day were William B. Stillwell, president of the board of trade of Savannah; Frank D. Lane, president of the National Board of Trade, Philadelphia; Rev. John A. M. Johnston, of Huntington, W. Va.; Richard N. Edmonds, of Baltimore; E. S. Conway, of Chicago; M. T. Bryan, of Nashville; and P. J. Van Losen, of San Francisco.

Mr. Neal, of Portland, Oregon, chairman of the committee on resolutions, brought in the platform report, which was adopted by a rising vote. The report in part follows: "President Roosevelt has demonstrated that transportation facilities are totally inadequate for the prompt and economical transportation of the products of the country. Within the last 10 years the annual movement of railroads has increased 43 per cent, while during the same period railway mileage has increased only 20 per cent. Hundreds of millions of dollars are lost annually to the farmers and other producers by the failure of the national government