THREE JURORS RELEASED END OF CHANGES IS NOT YET?

New York. Jan. 31.—Sensations were frequent in the Thaw murder trial to-day and before the two sessions of court had ended three sworn jurors had been released from further service in the case, making five in all summarily excused from the trial panel during the last three days. In c case of two of the released jurors no explanation was made in court. The third was allowed to more than the last three days. In the task over to his assistant, Francis P. Garvan, who has had immediate charge of the Thaw case ever since the public land laws by Senator Heyburn constituted to-day's proceedings in the Senate. Disclaiming any intention of assistant was allowed to was made in court. The third was allowed to we made in anticipation of the important events professing for him profound personal The third was allowed to go upon a physician's certificate that his life would be imperfilled by the close confinement of jury service. Three satisfactory talesmen were found to replace the excused jurors, so that when the rapidly shifting altuation underwent a survey at the close of the day there were again 11 men in the jury box, the same number that had been seated at the close of the day's session. Rumors were current to-night that the end of the might of the roof garden tragedy. In anticipation of the important events the day was expected to develop the members of the Tisaw samily were sarly in their seats. Mrs. William Thaw, mother of the prisoner, came with her day fine excused jurors, so that the country in the country of the prisoner, came with her day fine excused jurors, so that the country of the prisoner, came with her day her prisoner, came with her day fine prisoner, came with her day her countries of Yarmouth and Mrs. George L. Carnegie, and her son, Edward Thaw, Josiah Thaw and George Carnegie had preceded Mrs. Evelyn Thaw and her companion, May MacKenzie, who are usually among the first persons to reach the court room each day, did not arrive until 10:50 o'clock. There was a cordial exchange of greetings with the other members of the fay was expected to develop the members of the Thaw, position of the important events the day was expected to develop the members of the Tisaw family were dary in their seats. Mrs. William Thaw, mother of the prisoner, came with her day her countries of the day was expected to develop the day was expected to develop the members of the Tisaw family were dary in their seats. Mrs. William Thaw, mother of the prisoner, came with her day was expected to develop the day was expected to develop the members of the fay was expected to develop the members of the fay was expected to develop the members of the day was expected to develop the members of the countries. the jury box, the same number that had been seated at the close of yesterday's session. Rumors were current to-night that the end of the jury changes is not yet in sight and that further chapters may be added to what has already become an unprecedented record in criminal procedure in New York City.

rent to night that the end of the jury changes is not yet in sight and that further changes is not yet in sight and the recess, was in the prisoner's to end of the longest chais slopes. Mr. Harry Thaw and should another further changes in the further changes in the further changes in the further changes in the further changes in side that it is not in the panel. Mr. Harry Thaw and should another further changes in the further changes in

The first of the day's sensations came after a tardy opening of the morning session. The delay was due to a conference of the attorney swish the presiding judge. This conference had hardly got under way when the rumor went out that two jurors were to be excussed. Finally when court opened, District Attorney Jerome shoulded that it had been unanimously agreed to relieve Jurors brought got the first of the axistant District Attorney Jurors announced that it had been unanimously agreed to relieve Jurors David S. Walker and Louis Haas from further service. Mr. Walker, who is a son of John Brisben Walker, was number on the jury roll. Boths are young man and unmarried. Neither Services on the sought by Mr. Marshall.

THEATRICAL TRUST Parts. jury roll. Both are young men and unmarried. Neither could offer an explanation for the court's action in ordering their discarge.

DISTRICT ATTORNEY ANGRY. It was taken for granted that the release of these two jurors had end-ed the day's surprises, but during further reduction in the personnel against the so-called theatrical trust, of the jury were put in circulation, charging conspiracy and restraint of and these were given color when it was learned that another earnest conversation of counsel with Justice Fitzgerald was in progress. The name of the juror under consideration was again discussed about fine court building. It was also stated that he was a jutor whom Thaw and his counsel had been particularly pleased to have on the trial panel and that the lawyers for the defense would fight to the last any effort to dis-Thaw's attorneys had been none to willing to allow Messrs. it was only after a long argument by theatrical enterprises from playing the district attorney that they consented in the case of the third man. was one of some warmth, for when District Attorney Jerome appeared in them to make contracts with the court room he was visibly flush- "trust" to do the booking of ed and walked with the determined charging 33 1-3 per cent, of the net stride of a thoroughly angry man. receipts for the booking. The in-Garvan, on an important errand and trust controls more than five hundred sat down pulling viciously at his of the prominent theatres in the stubby moustache rolls the clerk country. It is charged that in these contracts between the theatres and When no announcement was made the members of the "trust" there of further discharges from the jury panel it was taken for granted that Mr. Hartridge and the others of Thaw's counsel had won the battle with the district altorney. The expensions of the country of aminations of the first talesmen. called after the conference, were carried on under circumstances that in-dicated feeling existed on both sides, and once a talesman, nearly 80 years of age, whom neither side appeared to want, came very near to taking the oath because Mr. Jerome refused to carry on the examination when develops to large proportions is in counsel for defense declined to give danger of being denominated a immediate consent to the proposed "trust," and an indictment for being to carry on the examination uror's withdrawal. Thaw's attorneys a member of a trust seems to be the also declined to examine the talesman, and all challenges for cause had been withdrawn when Mr. Jerome at the last moment interposed a peremptory challenge for the pao-

PRUPLESS CONFERENCE. Mr. Garvan returned to court aft-an absence of 40 minutes and Mr. rome called another conference. which was held this time at the udge's desk. There was gesticulation and an indication of a lively pment, but again to no avail, and

einberger, a silk merchant, would relieved from further service. This tion was a complete surprise, and identify had no connection with the

Mr. Kleinberger as No. 11. is B. Bolton, 57 years of age, a All three are married mea, hers is now but one bachelor on Y. John S. Donnes, No. 15.

MAY YIELD TO JEROME.

MRS. THAW WITH PRISONER.

Alleged That So-Called Combine Con-trols More Than 100 Theatres— Hayman and Klaw & Erlanger Say Malice and Motives Which In-spired Suit Are Tales for Another

New York, Jan. 31.-The grand jury to-day returned an indictment trade.

The indictment is against Nixon & Charles Frohman and Al Hayman, who are alleged to constitute the trust. It was handed up to Judga Foster in the Court of General Ses-

Abraham Erlanger and Marc Klaw appeared in court and were ad-mitted to ball in \$1,000 each. The indictment sets forth in tail the acts of the so-called trust valker and Haas to be replaced and and its efforts to prevent certain theatrical enterprises from playing theatres. Some of the witnesses fore the grand jury testified that certain cases the trust compelled "trust" to do the booking of plays,

> was a conspiracy in restraint of We are not surprised at this indictment, as it has been street and table talk for over a year. The malice and motives which tales for another telling and will be subject of wonderment to the uninitiated.

"Every business institution badge of success pinned on success-ful men by their unsuccessful com-petitors. It will be not long in this fair land before every successful business man will be indicted for being a member of a trust."

POCKETED BY THE SENATE

President's Action in Dismissing Negro Troops—Senator Moody Sharply Criticises the Chief Exe-

Montgomery, Aia. Jan. 11.—The House resolution commending Prod-dent Roosevelt for discharging the ne-gro soldiers for the Brownsville inci-dent was pocketed to-day by the Sen-ate when it was referred for the ate when it was referred for the third time to the committee on rules, with the understanding that it will stay there. Before its reference Senator Moody made a sharp reply criticising the President for his alleged overthrow of the constitution on many occasions. He assalled the President sharply for his "unconstitutional aid to the Panama governments in the constitution of the constitution of the panama governments in the constitution of the panama governments that washington ment," intimating that Weshington supported a revolution and declared there was grave doubt if the Presi-dent had authority to discharge sol-

diers from the army.
"We go too far in endorsing the

Passed in Indiana.
Indianapolis, Ind., Jan. 31.—The Indiana Sanate to-day passed the Bland bill, which provides for a two-cent railroad fare in Indiana with no excess charges allowed for fallers.

HE PRESIDENT'S USURPATION

Pederal Power at Expense of States—President Evidently Made Own Santo Domingo Treaty and it Has Been Practically Carried Into Effect Without Consulting Senate—Intrusion on Right of Courts Cannot be Tolerated—Lodge Makes Brief Reply.

Washington, Jan. 31.—Senator

sailing" President Rossevelt and professing for him profound personal esteem, Senator Rayner addressed the Senate at considerable length in critical review of what he termed the President's usurpation of govern-

him by the constitution,

He first alluded to the recent speech of Secretary Root, in which was described the gradual enlargement of Federal power at the expense of the States. "I regard this doc-trine," said Mr. Rayner, "thus an-nounced, adhered to and emphasized, as a most dangerous and insidious attack on the institutions of the

"We cannot tolerate such intrusion on the rights of the courts," continued Mr. Rayner. "The courts are not responsible to any President of the United States for their judgments. A judge would have been perfectly justified if he had declined to submit in silence to a rebuke of the Executive. He could well with dignified and calm deflance have proclaimed from the bench 'I am a sovereign here; you have no greater right to interfere with me than I have extra fudicially to denounce an act of yours as usurpation.' ? "INTRUSION" UPON THE STATES.

Mr. Rayner then pronounced his disapproval of the President for his for example the note of the President to Governor Guild, of Massachusetts, in which the course of the Governor was commended in refusing to interfere in the carrying out of the death sentence against Charles L. deeply regret and deplore the occur-

violation of any provision of the constitution was involved. Mr. Ravner contended that it was a practical announcement that the act of State officials was subject to the approval or displeasure of the Federal

The most wonderful exhibit of the President's power in Congress, Mr. Rayner believed to have been at the time of legislating for the sea-level canal. After describing this fight he remarked, "It shows how the dominating spirit of the President can ride the whirlwind when he has made up his mind to legislate, and how in absolute deflance of the laws of nature, he can produce a senatorial vacuum beneath the sweep of his mighty genius".

The Schley case was the next topic reviewed by Mr. Rayner. He predicted that the Schley case would yet be reopened just as a similar case had recently been in another land. "Admiral Schley shall be heard," announced. "Living or dead, his cause shall be heard. I have never known an injustice of this sort to have been done that the occasion did not arise to redress it."

"UNWRITTEN CONSTITUTION." The result of the President's cor struction of his prerogatives, Mr. Rayner said, has raised a new school of scribes who had commenced to edit a revised edition of the constitution called the "unwritten constitu-"The President is the prophet of

this new creed, the messiah of this strange halluclustion."
"But," he added, "one thing he has no right to do, and that is to use the vast public patronage at his disposal to compel obedience to his views. "Another thing he has no right to with the Speaker of the Hou with the Speaker of the House of Representatives or its committees, to accomplish the legislation that he desires, or prevent legislation. And still another thing he has no right to do is to interfere with legislation and to force Congress either to adopt his recommendations, or if it rejects them, to bring about a breach between the legislative and exacutive departments that is detrimental to the heat interests of the country that

prosperity we may derive from its

"I believe that if the Democratic party would take up as its battle cry the reserved rights of the States and the inviolate constitutional distinc-tion of the legislative, the judicial and the executive departments that we could raily around the doctrine the intelligent suffrages of our coun-trymen." trymen." LODGE REPLIES BRIEFLY.

Senator Lodge replied briefly to

Mr. Rayner, making especial reference to the Maryland Senator's allusion to himself as the possible blographer of the President, saying he had no doubt that Mr. Rayner and his associates would be pleased to meet the President's biographer. Mr. Lodge declared that nothing the President had ever said had gone so far towards advocating a revolu-tion of our present governmental system as had Mr. Bryan's declaration for the government ownership of railroads. In reply to Mr. Lodge, Senator Carmack said that while Mr. Bryan had expressed the opinion that if government regulation should fall mental functions not conferred on government ownership ought to come, the President had sald that if government regulation should fail government ownership would have to come. Hence he concluded that there was no substantial difference between the President and Mr. Bryan on the subject of government

THE CALIFORNIA CONFERENCE.

ownership.

Delegation Hopeful That This and Other Meetings Will be Solution of Japanese Difficulty Perfectly Satis-factory to People of California.

tive Hayes to-day made the following additional statement concerning dent to the lack of railroad facilities, the conference held at the White and said: House yesterday between the President and members of his Cabinet with the California delegation:

to Japan as developed at the conthe result of this conference and of fathers contemplated before the era killing him instantly. others will be a solution of the Japa-nese difficulty that will be perfectly satisfactory to the people of Callfornia." Speaking for himself, Mr. Hayes said:

crisis with Japan nor of any serious trouble of any kind with that na-It is stated at the War Department that no reports have been re-ceived from any source indicating age receipts per ton per mile on the that the Japanese in Hawaii have railroads of the country for 1904 was

"I have no fear of any diplomatic

packers' case, in the Illinois court, of Hawaii, it is dented that this apexplain, whis is hardly a fair illuswas uncalled for and an invasion of peal has any connection whatever trailed position because of the Observer. charged with the duty of defending the country.

TWENTY FEET AT NEW ORLEANS

Local Weather Bureau Issues Statement Aggravating Approaching Flood Situation—This, Even, Will be Below Record.

New Orleans, Jan. 31.—The proaching flood situation here was canal connecting Chesapeake bay occupied by J. A. Spencer. ment of the local weather bureau "intrusion" upon the States, taking that a stage of 20 feet will be reached at New Orleans, owing to rains of come a busy highway in the movethe past two days over the Mississippi valley. The gauge to-day read 18.2, with the water which has reached the top of a low section of Tucker. "I never knew a com- the levee in the down town district munication of this sort to be sent by at Canal street beginning to wash a President to the Governor of a the sand bags, which have been piled State since the foundation of the re- upon the levee. Even if 20 feet is said Mr. Rayner, "and I reached here the water will be a foot under previous records.

> Indies. Washington, Jan. 31.—The naval

yacht Mayflower left the Washington Navy Yard to-day, bound for New Orleans, where she will take on board Assistant Secretary Newberry and party for a cruise in the Gulf of Mexico and the West Indies, during which the Assistant Secretary will make an official inspection of the naval stations at Pensacola, Key West and Guantanamo, Cuba. The party will start from New Orleans the latter part of next week,

President to Speak at McKinley Me-morial Dedication.

Washington, Jan. 31.—President Received will deliver an oration at the dedication of the McKinley me-morial monument at Canton, O., the last week in September. The exact Charleston, Savannah, Jacks date has not been fixed. The President made this promise to-day to three members of the board of trust discussion of the waterways of the monument association who are contemplated and which of the monument association who called upon him and asked him to deliver the oration. They were Vice President Fairbanks, Associate Justice Day, of the Supreme Court, and Postmaster General Corisiyou.

The Rural Guard of Cuba to be In-Washington, Jan. 31.—As a result of a conference at the White House to-day between the President, Secretary Taft and General Bell, chief of staff, an order has been issued directing an increase of the rural guard of Cuba from 8,008 to 10,000 men. The purpose is to avoid increasing the number of American troops in the island as originally intended, the native guards being more acceptable to the people. creased.

Investigation of New York Cotton Ex-Washington, Jan. 31.—A sub-committee of five members of the House committee on inter-State and foreign us vote to recommend to the full committee that a favorable report be made on the Livingston resolution providing for an investigation of the New York Cotton Exchange by the Department of Commerce and Labor.

RAYNOR'S CAUSTIC REVIEW conduce to their progress and wel- INLAND WATERWAY BILL HOMICIDE IN HAILROAD CAMP. BIG GAS CO. SUIT ENDS SIMMONS PUSHES IT IN SENATE

> Introduced Into the Uppe by the North Carolina Sena House by the North Carolina Sena-tor Carries an Appropriation of \$704,000 and Provides for Connect-ing Albemarie, Pamilico and Other Sounds With Beautort Inlet—The Project in Line With Mr. Small's Efforts, Which Received No Recog-nition From the House, but Which Mr. Simisons Will Endeavor to Have Passed by the Senate—Mr. Small's Argument to the Balti-more Merchants and Manufac-turers.

Observer Bureau, 1417 G Street, N. W., Washington, Jan. 31.

BY W. A. HILDEBRAND.

Senator Simmons has introduced a bill appropriating \$704,000 for connecting the Albermarle, Pamlico and other sounds and rivers with Beaufort inlet. The engineers who made the surveys under the provisions which Senator Simmons had incor-porated under the last river and harbor bill, estimate that this con-nection by a 12-foot canal can be made by the expenditure of the mount mentioned. Of course this is a part of the much-discussed in-land waterway, advocated by Mr. Small, and which received no recognition from the House committee. Senator Simmons is entertaining a lively hope that something will done for the project when river and harbor bill reaches

Mr. Small recently discussed this bject of waterways before the board of trade of Baltimore, a body that has always manifested great interest Washington, Jan. 31.—Representa- in any topic touching coastwise traf-fic. Mr. Small first called attention "What, then, is the obvious and

means that we should again embark welked into a shanty where one of railroad construction began, and manner relieve this congestion of witness, that being a woman traffic and afford ample convenience was cooking at the camp. The as-for its movement. WATER TRANSPORTATION

CHEAPER. "It is a truism to state that transport by water is the cheapest known method of transportation. A state-ment prepared by the editor of Poor's organized secret military organizations and are drilling with the view to acquiring control of the island.

Regarding the appeal of the War Department to Congress for an appropriation to consider the deleases was eight-tenths of a mill, or sometenth only of the average rate by propriation to consider the deleases.

"This is a subject which must apthe authority of Congress, and at the company at present is \$5,300, head of which was one of your dis- will probably be increased. ment of our domestic and coastwise trade; and with the opening of this waterway I do not doubt for a moment that the enterprise and busiand progress.

BALTIMORE NEEDS WATER TRANSPORTATION. "The city of Baltimore has a large While admitting that no technical To Oruise in Gulf and the West and ought to transact even a larger volume of trade. With the pres-perous Southern States on the seaboard the great bulk of your traffic for New only a tithe of it is so moved, most take on Newberry true because the terrors of Cape true because the terrors of Cape Hatteres and Diamond Shoals on the North Carolina coast prohibit coastwise navigation by small freight steamers and barges, confining the small freight same to a few large steamships and salling vessels. If the Chesapeake bay were connected with Beaufort inlet, North Carolina on the south by a protected route through the in-land waters of North Carolina a free and safe highway would thus be provided and lines of barges and clusive freight steamers requiring little capital would at once enter into the trade between Baltimore and Charleston, Savannah, Jacksonville and other Southern ports.

"I have not time to enter into which are contemplated and which relieve our congested traffic. The at-tention of the business men of the country is being constantly directed it this remedy, and the trend of pub-tic opinion is toward larger expenditures for our interior waterways. This is the new transportation prob-

H. F. HERWIG DIES AT AGE OF 70 Reported to Have Influenced Louis-iana Delegation to Wing Winnig Votes for President Hayes in Hayes —Tilden Contest in Electorial Col-

New Orleans, Jan. 31 .- H. F. Herwig, New Orleans, Jan. 31.—H. F. Herwig, a leading political figure of the South during reconstruction days, and the man who is reputed to have influenced the Louisiana delegation so as to swing the winning votes for President Hayes during the Hayes-Tilden contest in the electoral college, died here to-day. Mr. Herwig was a former chairman of the Republican State committee and also Republican national committeeman. Mr. Herwig was 70 years of age and had been ill for a time.

Mother Killed Child and Herself, New York Cotton Exchange by the Department of Commerce and Labor.

Hardaway Déclines Oliver's Invitation to Join Him.

Columbus, Ga., Jan. 31.—B. H. Hardaway, upon his return to this city to-day, telegraphed W. J. Oliver declining the offer to associate himself with Mr. Oliver in the Panama cental centract.

Washington, Jan. 31.—The coroner's jury in the case of William G. Copiey, who was held by the police in connection with the death of his wife and infant child, which occurred from pistol shot wounds on Tuesday night, last, to-day rendered a verdict exonerating him from any blame. This leaves the official verdening with Mr. Oliver in the Panama cental centract. Washington, Jan. 31.—The coro-

Operator, Shoots Man Named Thomas in Latter's Shanty, Camp No. 6, South & Western—Both Yancey Men. Special to The Observer.

Asheville, Jan. 31 .- Information was brought here to-day by former Sheriff Reed of the killing near Camp No. 6, on the South & Western, late yesterday afternoon of a man named Thomas, a native of Yancey county. Thowas was killed by Jesse Burlison, also a native of Yancey county, but now a wealthy lumberman and saw mill operator in McDowell county. George Wharton Pepper, the received According to the information that of the Bay State Gas Company, of reached here, the killing of Thomas Delaware, against Henry H. Rogers, was premeditated. It is said that was premeditated. It is said that of New York, to recover profits of Thomas was in the employ of Burli- between \$3,000,000 and \$4,000,000 on son, and that some jealousy existed account of the sale of the several between the two men, Yesterday aft. Boston gas companies, was announced in the United States Circuit Court

Jesse Burlison owns and operates large saw mill in McDowell county, between Marion and Spruce Pine. He has been engaged in supplying cross-ties and material used in the construction of the South & Western Railroad in that section. He is said to be wealthy, and owns large tracts of timber lands in both McDowell and Mitchell counties.

KILLING IN MCDOWELL.

Jesse Burlison Makes Apparently Un-provoked Assault on Natt Thomas, Shooting Him to Death—Posse in Search of Slayer. Special to The Observer.

Marion, Jan. 31.—News has just reached Marion of what appears to be the most unprovoked settlement, killing in the history of McDowell The aim county. Jesse Burlison, who runs a to secure profits alleged to have acwise remedy? It is to avail ourselves large saw mill in North Cole town-of the streams and waterways which ship, some 20 miles from Marion, was "The California delegation is pleased with the situation with reference of with the situation with reference of with the situation with reference of the situa ference. We feel very hopeful that ternal improvements, such as our county, was and opened fire on him. our county, was and opened fire on him, Letails of the tragedy are meagre. thus in a most natural and efficient It seems that there was but one eye-

friends think him temporarily insane. Sheriff Mashburn has sent a posse into the mountain in search for the slayer, but at a late hour to-night nothing has been heard as to their Burlison and Thomas success. both natives of Mitchell county, and came of good families.

GASTON ENTERPRISES.

Gaston Metal & Roofing Company and Banner Harness Company Effect Organization.

with the relations between Japan and the United States, but was simply dictated by a desire "to put the House in order" in accordance with the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the military and naval officers as white the plans formed at least a year ago by the L. Robinson, vice president and S. peal with unusual force to the busi- S. Morris secretary and treasurer. ness men of this commercial and These, together with F. L. Smyre and manufacturing city at tine present J. A. Spencer, compose the board of A commission, acting under directors. The capital stock of General Felix charter authorizes a capital stock of Ames, has recently made a report up-on a project long considered and dis-cussed, the construction of a ship and will occupy the building now

of State. Mr. L. C. Arrowood is president, Mr. C. G. Holler general manager and Mr. J. T. Dameron secretary and treasurer. The poration begins business with a paidness acumen of the men of Balti- in capital stock of \$4,000, while more would hold a large part of the the charter gives permission of intrade thus augmented for your growth creasing to \$25,000. In addition to the manufacturing of all kinds harness, the company will deal wagons and buggies.

"CANNOT RESIST THE IMPULSE"

Toledo, O., Man, Who Pleads Guilty to Bigamy, Says Spinal Affection Which Causes Brain Pressure, Is Responsible — He is Sentenced Six Years in Penitentiary, Toledo, O., Jan. 818,--"I have

spinal affection, which causes a brain pressure, which impels me to marry women. I cannot resist the impulse so Albert Holden, alleged minister, who pleaded guilty to the charge of bigamy, told Judge Barber to-day. You are a menace to society. plied the judge, "and I will send you to the penitentiary for six years. should have been seven years, as you have pleaded guilty I will not be so severe upon you." It is said that about 13 wives and that he has two sons under indictment for bigamy Holden married every time the spirit moved him. His courtships always took place during one of his revivals, and his victims were always one of those whom he had taken into the Church.

THEIR FRIENDS SURPRISED.

Dr. R. H. Monogue and Miss Rosa Rhodes, of Asheville, Wed in the Spartan City. Special to The Observer.

Asheville, Jan. 31.—Announcement is made of the surprise marriage of Miss Rosa Rhodes, daughter of Mr. and Mrs. Henry Rhodes, formerly of St. Augustine, Fla., and now residing in Asheville, and Dr. Richard Henry Moneyers a well-known veterinary Monogue, a well-known veterinary surgeon of this city. The marriage of Miss Rhodes and Dr. Monogue oc-curred in Spartanburg, S. C., yester-day, Rev. Father Gwyn officiating. well-known veterinary Announcement of the marriage was contained in a message received by Miss Rhodes' father yesterday, stating that Dr. Monogue and Miss Rhodes were married in Spartanburg. There was no objection to the mar-riage, but Dr. Monogue and Miss Rhodes conceived the idea of giving Spartanburg to marry.

Special to The Observer Greensboro, Jan. 31.—It is said here that when Congressman Black-burn's term expires he will return to Greensboro to practice law. He is at present in Washington and has not been in the State since his memorable visit here in Docember, when he came in connection with the Glenn-Hackett-Blackburg likel affair

THE RECEIVER ACCEPTS \$1,500.00

ction Brought by G. W. Pepper ceiver For Bay State Gas Co Delaware, Against H. R. Roger New York, to Recover Profi Between \$3,000,000 and \$4,00 on Account of Sale of Boston panies — Compromise Inc. panies — Compromise Inc.
Abandonment of Claims As
Rogers and in Consideration
30,000 Shares of Stock in B
Gas Company Held by Bay
Gas Company,

Boston, Mass., Jan. 31 .- A compromise settlement of the suit of ernoon, between 4 and 5 o'clock.
Burlison, it is alleged, entered the shanty occupied by Thomas and, without further ado, drew his pistol and shot Thomas dead.

ed in the United States Circuit Court this afternoon. An agreemnt reached by both parties was submitted to Justice Putnam, who, although he had stated that so far as he was concerned "there would be no trouble." cerned "there would be no trouble," declined to give his formal assent to the settlement until an amended and satisfactory petition was presented at a hearing set for to-morrow morn-

Under the terms of the compromise agreement, which was submitted to the court to-day, Receiver Pepper accepts an offer of \$1,500,000 from Randall Morgan, treasurer of the United Gas Improvement Company, of Philadelphia, including abandonment of the claims of the Bay State Company against Mr. Rogers and in consideration also of stock in the Buffalo Gas Company now held by the Bay State Gas Company. This stock amounts to about 30,000 shares. Morgan acts for Mr. Rogers in the

The aim of Receiver Pepper was crued to Rogers, through the sale of stock in the various Boston gas companies to interests representing the New England Gas and Coke Company, while Mr. Rogers was serving as trustee of the Bay State Company. It was claimed that by virtue of this trusteeship he was enabled to make vast profits which Receiver Pepper contended rightfully belongs to the Bay State Company.

FORM BUILDING AND LOAN.

Mr. Wittkowsky Tells the King's Mountain Folks About It and They Organize an Association on the Spot-Board of Trade Created. Special to The Observer.

Gastonia, Jan. 31 .- For some time past the citizens of King's Mountain have been agitating the question of of a building and loan association. Monday night Mr. Sam Wittkowsky. of Charlotte, came over and addressed large and enthusiastic audience, which resulted in the organization of an association for King's Mountain. After an address on the subject by ballot and these directors should meet at an early date and elect officers of the association.

After the ballot was taken it was found that the following gentlemen had been elected: C. A. Dilling, F. L. Carpenter, H. F. Peterson, H. T. Fuiton, R. B. Hunter, N. F. Watterson, I. B. Goforth, J. M. Patterson, W. T. Bradford, W. A. Ridenhour, J. C. Patrick and F. L. Floyd According to agreement the directors met Tuescanal might not be used to any appreciable extent by your foreign shipping, yet it would at once besecond vice president, C. A. Dilling; secretary and treasurer, F. L. Carpenter. The committees were then appointed by the present and it is hoped that the association will be ready for business at an early date. The King's Mountain board trade was organized at a meeting in the Opera Hall Thursday night. The meeting was called to order by Mr. P. E. Baker and the following officers and board of governors were elected by ballot: President, O. G. Falls; first vice president, W. P. Fuiton; second vice president, J. M. Williams; secretary and treasurer, F. L. Carpenter. Board of governors: P. S. Baker, C. A. Dilling, H. N. Moss, R. Mauney, G. W. Kendrick and W. L. Plonk. The board of trade has 50 members and the meetings will be held the first Thursday night in each month in the K. of P. Hall.

COMMISSION TO LITTLE ROCK.

Third Case Heard at Macon, Ga., Clos ed All Involved Discrimination in Freight Rates by Railroads.

Macon, Ga., Jan. 31 .- Since Monday last the inter-State commissioners have heard three cases in Macon, the This last case was brought by merchants of Moultrie, Ga., against roads, and charged that high rates were being charged on delivery of goods from Western markets. The sessions of the commission in Macon were those og J. J. Waxlebaum against the railroads and a case centering around the movement of cotton from a compress at Union Springs, The commissioners left for Rock to-night.

Quips and Cranks Dedicated to Mr G. W. Watts. Davidson, Jan. 31.—The forthcomin volume of Quips and Cranks, the co-lege annual, is dedicated to Mr. Georg W. Watts, of Durham, who has show bimselt such a warm an friend of the institution. The work is to be done by the I Engraving Company, of Buf and the book is to be issue