

MARKED BY ELOQUENCE

THE PHOENIX AT HUNTERSVILLE

Three Thousand People at Great Annual Picnic and Tournament—Senator Overman, the Orator of the Day, Makes Speech Brimful of Patriotism—Mr. D. A. Tompkins Speaks on the Advantages of the Phoenix—Marine—St. Other Speakers Complete a List That Takes Up Several Hours—Everybody Has Great Time.

Huntersville, Aug. 21.—Huntersville has had big picnics before, but it is doubtful if ever heard more cheering in the spirit of the time than it did to-day. There were exactly eight speeches delivered here to-day between the hours of 11 a. m. and 6 p. m., and if the 5,000 picnickers who were here didn't go home knowing more than they did early this morning it wasn't the fault of the eight speakers.

The two first speakers were United States Senator Lee S. Overman, junior Senator from North Carolina, and Mr. Hugh L. Gaston, of Charlotte. Senator Overman didn't attempt to confine himself to any particular subject; as he said himself, "I've been scattering all over the face of the globe, and I'm making a speech suitable to the occasion, comprising largely of patriotic remarks, interlarded with a few jokes. However, he put plenty of vigor into what he said, as his ruddy, perspiring face which was as red as a collared boy's witness. He spoke an hour and a half.

MR. TOMPKINS PRACTICAL. Mr. Tompkins' speech was entirely practical. It lasted only twenty minutes, but in this space of time he gave utterance to plenty of good, sound sense. It was a subject which directly interested the farmers and cotton planters who were present and they showed they were interested by giving him undivided attention. He came out strong for a substantial merchant marine, and showed the farmers just what the question means to them here in Mecklenburg county, no matter how vague and far-off it may seem. He showed them an efficient merchant marine would mean a saving of 10 cents for his cotton instead of 10 cents.

It was a big day at Huntersville all around, and hot and dusty, as all big days seem to be. There hasn't been a "season" in this section for some time and the dust rolled over everything in clouds. The manifold attractions all had their quota of patrons; everybody ate heartily, Senator Overman himself confessing that he ate away five adult pieces of strictly hand-made pie; the knights jousted in the tournament and covered themselves with glory and dust; and as a climax to the day the "Cavalry" team happened to a painful accident on the road somewhere and several hundred people were trundled back into Charlotte last night three hours late, tired and unhappy.

CHARLOTTE TEAM WINS. Right here let it be mentioned, that Charlotte's "Cavalry" team won the game here to-day, defeating Huntersville by a score of 10 to 7. This ought to silence critics for a while.

"It is to be regretted that in the tournament held in the afternoon 'Ivanhoe,' enshrined in many a young boy's heart, came off second best, being worsted by the 'Nineteenth Century,' with 'Cowan's Ford' in close pursuit and 'Oakdale' following immediately behind. These were the 'non de plumes' respectively of Mrs. H. Y. Galloway, W. A. Nesbit, James Blythe and Ernest Wilson, in the order mentioned.

Following the two principal speakers came Mr. Hugh L. Gaston, of Gaston county, who delivered an fraternal address on the spirit of fraternity. He was introduced by Prof. Edwin Lindo Brigman, who had the misfortune, after introducing the speaker with a speech of high commendation, to turn and find his man not present.

The charge to the knights was gracefully delivered by Mr. F. Marion Redd; of the Huntersville knights, no compared to the Huntersville knights to the heroes of Tennessee and Scott SENATOR OVERMAN.

Senator Overman was introduced by Col. W. C. Maxwell. The Senator paid a tribute to the gathering before him and to the county from which they came. He spoke of the usual gatherings of the kind, and they made firmer the ties that bound citizens of a community together. He looked back into the history of North Carolina and pointed out the splendor of her record in the past, and the conflict with other States and with the Federal government. From the State the Senator passed to the achievements of the South with the handicaps placed upon it by the war and the reconstruction of the conflict.

"The country as a whole falls to realize what a great part the South is now playing in America's commerce," he said. "We annually send out \$700,000,000 worth of goods and bring back \$600,000,000 worth. This shows that if it were not for the great crop of the South which is so much in demand, the balance of trade would be in favor of foreign countries."

He rejoiced that all feeling of sectionalism has passed and that the United States to-day present a firm unity and closely bound front to the world. In short, the Senator took up the happy old motto and smote on all the chords with might. Passing thence to more detailed subjects, the Senator spent a few moments on the matter of railroads.

RAILROADS UNFAIR. "The railroads have not all dealt fairly with the people in the past," he said. "The people have had their great complaints against them, these being stock watering, discrimination and rebate giving. It is the second of these which our people have most cause to complain of. It is wrong for a railroad to build up one community and hinder another, and the railroads must learn that a stop will have to be put to such practices. The railroads must be controlled, but that doesn't mean we want government ownership. Government ownership is a stride toward socialism. It takes away what you have and gives it to the government. It destroys personal incentive and ambition. It gives the individual nothing to work and hope for."

The Senator then took up and explained the need for the creation of the Appalachian Park. He told of his efforts to build up one community and hinder another, and how the railroads must learn that a stop will have to be put to such practices. The railroads must be controlled, but that doesn't mean we want government ownership. Government ownership is a stride toward socialism. It takes away what you have and gives it to the government. It destroys personal incentive and ambition. It gives the individual nothing to work and hope for."

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OUSTED MAYOR KILLS HIMSELF

Paul C. Barth, of Louisville, Ends Life in Private Office of Utica Lime Company, of Which He Was General Manager—He Welcomed President Roosevelt to Louisville Two Years Ago.

Louisville, Ky., Aug. 21.—Paul C. Barth, for a year and a half Mayor of Louisville, and ousted recently by the decision of the Court of Appeals, shot and killed himself to-day. Mr. Barth ended his life in his private office at the headquarters of the Utica Lime Company, of which he was general manager. The shot was heard by his business associates who rushed into the room to find Mr. Barth unconscious on the floor, with a bullet hole in his head. He never recovered consciousness and died about 1 o'clock. Mr. Barth was a man of means and was widely known as a friend of the President for several years. It was Mr. Barth who welcomed to Louisville President Roosevelt when on his southwestern tour two years ago. The cause of the suicide is unknown. Mr. Barth was appointed by Governor Beckham. Nothing was found that reflected any discredit on Mr. Barth personally, but the methods of conducting some of the city institutions have been under fire both in official reports and in the press. Mr. Barth was very sensitive to criticism and his friends at times remarked that the condition of affairs seemed to gail him. However, he gave no evidence that he was in any danger to break down, physically or mentally, and since the ouster, had been conducting his business affairs as usual.

MORE RACE TROUBLE FEARED

Fifteen Additional Militiamen Dispatched to Onancock and Tazewell

Norfolk, Va., Aug. 21.—Under telegraphic order received early to-day from Colonel Nottingham, commanding a detachment of 15 additional militiamen from the Seventy-first Virginia Regiment, was dispatched to Onancock and Tazewell, on the eastern shore of Virginia, to join the troops already on the scene of the race troubles there.

An assembling of increasing crowds at the negro agricultural fair in progress at Tazewell this week was assigned by persons arriving from the eastern shore to-day as the cause of the call for the additional troops.

The status of the negro editor, Uzel, who is being held by military authorities at Onancock, and after asking protection was brought to the Norfolk jail yesterday, is peculiar. He is in jail under a commitment of Colonel Nottingham by authority of the Governor which says he must be held until ordered released by one or the other of these officials. Commonwealth's Attorney Tilton said to-day that Uzel is in jail charged with no crime, but he is being held because at his own request for safe keeping and could leave the jail at his pleasure.

At the jail it was said Uzel does not want to leave and is glad to be there for the present. Uzel's attorney says there is no move in the case for the time being.

DEAF MUTE SCHOOL

Among to-day's visitors was President E. McK. Goodwin, of the State School for Deaf mutes at Morganton. He says everything is in perfect shape for the beginning of next session, September 4th. During the last session there were 232 pupils but the next term will begin with 250. There is now a compulsory law which goes into effect September 1st and under its provisions every parent or guardian of every deaf mute child must send it for five years to this school, at some point between the ages of 8 and 15 years. Mr. Goodwin says there are at least 150 children in the State who have never been in a school and some of them are beyond age. The new law will be enforced and will be very valuable indeed.

PRISONER AND PARTY AT HOME

Mayflower Arrives at Oyster Bay From Provincetown, Mass., and Proceeds to Heavy Fog During Entire Trip—Trip is Heavily Cheered by Jackies.

Oyster Bay, N. Y., Aug. 21.—The naval yacht Mayflower with President Roosevelt and party on board, dropped anchor in Oyster Bay at 5 o'clock this afternoon. It required five hours longer to make the return from Provincetown, Mass., than was anticipated owing to the heavy fog which prevailed during the entire trip. Oyster Bay was reached during a heavy shower. The torpedo boat Worden and Hopkins escorted the Mayflower on the return voyage.

The Mayflower made no stops on the trip from Provincetown, but proceeded at a low rate of speed on account of the fog. The small launch at the north entrance to Long Island Sound were avoided by setting the course south of Block Island and then up through Block Island Sound.

When the Mayflower came to anchor in Oyster Bay the heavy rain which had been falling for some time suddenly stopped and the President left the ship immediately, the customary salute of 21 guns being fired as the launch left the side, when, 20 minutes later, the President left the launch at the dock he was given a hearty cheer by the jackies on the launch.

OHIO DEMOCRATS WORKING

They Hope to Land the State in the Next Presidential Election—Believe That Secretary Taft Warned His Managers of Democratic "Danger" While in Columbus.

Columbus, Ohio, Aug. 21.—Though for obvious reasons nothing was given out about it, it is believed that Secretary Taft, while in this city, discussed with his managers the "danger" of Ohio going Democratic because of the bitterness which has been aroused in the Republican ranks by the Taft-Foraker controversy. That Republican success in the State is endangered by the fight has become well recognized and this phase of the situation will no doubt be borne in mind by those who will look after the interests of Mr. Taft during the three months he will be in the East.

Among Republicans who place party success above the success of any individual, the state of affairs in Ohio is anything but pleasing, and while they are not in a mood of encouraging, they insist that the warring elements should get together at any cost. In the meantime the Democrats are active and party leaders appear confident of being able to deliver Ohio to the Democrats in the next presidential election.

Georgia Railroad Commission Suspended by Governor Smith.

Atlanta, Ga., Aug. 21.—Governor Hoke Smith to-day issued an order to suspend the Georgia Railroad Commission from office. Railroad Commissioner Joseph M. Brown and appointing in his place S. G. McLehoad. The order gives no reason for the suspension, but simply the fact that the Governor has the authority to suspend a commissioner who fails to meet the demands of the office.

TRAINMEN ARE ARRESTED

CHARGED WITH MANSLAUGHTER

Dispatchers Ketchum and Parvin, Conductor Oakley and Engineer Rippey Must Answer for Auburn Wreck, in Which Criminal Negligence is Alleged—The Accused Men Give Bond for Trial at the September Term of Wake Superior Court—Harrison Appeal Docketed in the Supreme Court—News Notes of the State Capital.

Observer Bureau, Raleigh, Aug. 21.—The famous suit in equity brought on March 1st last by George W. Glover, son of Mrs. Mary Baker G. Eddy, and others, as "next friends," against Calvin S. Frye and others, to secure an accounting of the property of the aged founder and head of the Christian Science Church, came to an abrupt end to-day. Immediately after the opening of court in the continued hearing regarding Mrs. Eddy's competency before Judge Edgar Aldrich and his co-masters, William E. Chandler, senior counsel for the next friends, announced that counsel for the next friends had filed with the clerk of the court a motion for the dismissal of the suit. He said that there were many reasons for this action, but the principal one was "the unprofitableness of any immediate result of a decision in favor of the next friends, as now framed, compared with the burdens and disadvantages to be endured by us, both before and after such a decision."

In announcing the dismissal of the suit, Mr. Chandler said: "ALMOST WHOLLY ALTRUISTIC." "The suit has been almost wholly altruistic in its nature and not a single dollar of the large fortune whose existence is disclosed or which might be enlarged in consequence of this suit, can become at this time the property of the next friends. There is a strong sentiment in the character of the next friends to prove the facts and vindicate the reasons upon which the suit has been based— which, however, is now hereby dismissed."

Mr. Streeter, counsel for Mrs. Eddy, in her behalf, at once proceeded with the hearing and determining her competency to manage her business affairs.

Mr. Streeter reviewed the institution and progress of the accounting suit, which he characterized as primarily an assault by a great news-woman's death and a great religious religion which its founder had designed to promote after her death by the use of a large part of her fortune.

"Not one word of testimony has been introduced," said Mr. Streeter, "to show that one dollar of her estate has been paid to any person. The charge of her incompetency has completely collapsed. It is now stated in the press that the next friends will abandon this suit for the purpose of awaiting Mrs. Eddy's death and then dividing her will. Mrs. Eddy has a legal right to a finding of her competency upon the case as it now stands or upon such further evidence as she may introduce."

Mr. Streeter demanded from the masters a finding to that effect. Judge Aldrich said the issue submitted to him was purely a property question. He continued: "The next friends having withdrawn from this hearing and announced that they will withdraw the suit from the Superior Court, there is nothing left for us to hear and we don't think we should be justified in going forward with an expert hearing."

HIGHER COURT MUST SAY. "We shall make a report to Judge Chamberlain containing all the evidence and the happenings of to-day. In case we are in error in respect to the effect of next friends' withdrawal, Judge Chamberlain can direct us to return to the hearing."

"Without such order we do not think we should be justified in going forward with this hearing."

Mr. Streeter noted an exception to this ruling.

EXPLOSION IN POWDER MILL. One Man is Killed and Another Badly Burned.

Racine, Wis., Aug. 21.—In an explosion in the coning mill of the Lafin Powder mill, at Pleasant Prairie, Racine, Wis., this morning, Norman Phillips, of West Virginia, 39 years old, was killed, and Walter Harlan and John Nolan fatally burned. The cause of the explosion is not known. The damage to the buildings is estimated at \$100,000.

TO VOTE ON BONDS. In September the people here are to vote on the issue of \$100,000 of bonds for a new city hall and auditorium building and for another market. It is understood the site of the proposed market is the west of the present one, with an entrance from three streets. The site was held by an option, the figure being \$10,000. There are really two sites this held being a block apart. The question of the site will be at least a person is that of the auditorium. The one proposed by the aldermen at this election is to be on the site of the present market and city hall and it is said it will accommodate 2,250 people. The Raleigh Auditorium Company, which recently sold to Charlotte persons the Academy of Music and adjoining lands for about \$36,000, has \$10,000 in funds available for an auditorium.

GOVERNOR GLENN RETURNS. Governor Glenn came back to North Carolina to-day from New York City and spoke at Wallace, Duplin county, to-morrow he will arrive here. He goes to Wadesboro this week. He will have a large number of engagements to speak. He has been compelled to decline to accept a great many invitations to speak here in and out of the State.

A charter is granted the Yadkin Valley Fair Association at Salisbury, capital stock \$25,000. M. L. Jackson and others being the stockholders.

NEW HIGH SCHOOL TEACHERS. To-day the State Superintendent of Public Instruction announced the names of those who have been issued certificates as teachers in the new rural high schools. These have qualified for the position as principals of such schools. One of the particular requirements for the latter position is the knowledge of Latin and Greek. The list follows: C. B. Alexander, Matthews;

EDDY SUIT IS WITHDRAWN

NEXT FRIENDS ASK DISMISSAL

Many Reasons Advanced For Action. Principal One Being Unprofitableness of Immediate Result of Decision in Favor of Next Friends Upon Exact Issue As Now Framed—Counsel For Mrs. Eddy Presents Motion to Have Hearing Proceed to Determine Competency of Defendant—Court Declares He Would Not Be Justified in Going Forward With Hearing Without Order From Judge Chamberlain.

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RAILROADS FOUND GUILTY

SOUTH CAROLINA CORPORATION COMMISSIONERS SEVERELY CONDEMN THE ATLANTIC COAST LINE AND THE C. N. & L. FOR KEEPING THREE-SCORE PASSENGERS UP ALL NIGHT IN COLUMBIA UNION STATION—THE LAW IN THE CASE CITED BY SUPREME COURT DECISIONS—FIGHT ON IN LAURENS FOR SUPREMACY IN THE CONTROL OF A COTTON MILL—REVIVAL OF THE BITTER STRIFE OF TWO YEARS AGO.

Observer Bureau, Columbia, S. C., Aug. 21.—The railroad commission to-day formulated and reduced to writing its findings and conclusions in the matter of the Coast Line and C. N. & L. roads violating the law on the night of August 6th and morning of August 7th, when 59 passengers were kept up all night at the union station here by the C. N. & L. road constantly posting up its train as only 20 minutes late with the result that the Coast Line's train which connects with the C. N. & L.'s train from the upcountry was annulled.

The report of the commission, which is made to the coming Legislature, discovers after several hours' testimony-taking that both roads violated the law, for which the report severely condemns them. The commission is to have a consultation with the Attorney General with a view to taking steps against the two roads in the courts. The roads throughout the State have been violating this law ever since it was enacted, and the outcome of this case will be watched with interest by the traveling public. The statute provides a penalty of \$1,000 on any road violating a rule of the commission. It remains to be seen whether the commission will push the fight for recovery of its determination to see that the roads observe the law generally in good faith.

LAW ON THE CASE. Section 2170 provides: "Whenever any passenger train on any railroad in this State shall be more than one-half of one hour behind its schedule time it shall be the duty of such railroad company to keep posted along its line, when a telegraph operator is on duty at such stations, the time such train is behind its schedule, and shall change such schedule time in the event of such delay, stating therein the time which such train is behind and the hour it is expected to arrive. Provided, That such bulletin shall be required to be posted at any station where the delay of such train is to arrive at the station at which such bulletin is required to be kept."

"Any railroad company which shall refuse or neglect to comply with the provisions of this section shall forfeit and pay the sum of \$20 for each and every such refusal or neglect, and such sum to be sued for by the persons aggrieved. The latter are anxious that body with consent of such railroad company to keep posted along its line, when a telegraph operator is on duty at such stations, the time such train is behind its schedule, and shall change such schedule time in the event of such delay, stating therein the time which such train is behind and the hour it is expected to arrive. Provided, That such bulletin shall be required to be posted at any station where the delay of such train is to arrive at the station at which such bulletin is required to be kept."

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