Charlotte Daily Observer.

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DEATH OF DR. P. L. MURPHY

LONG AND USEFUL CAREER ENDS

Superintendent of the State Hospital at Morganton Succumbs to a Wasting Illness of More Than a Year's Duration—Board of Directors Adjourns For an Hour in Respect to His Memory—Funeral Will Take Place This Afternoon—The Deceased Survived by a Widow and Four Children—Was 59 Years Old and Had Nearly Completed His Twenty-Fourth Year at the Head of Institution—Sketch of a Useful, Noble Life.

Special to The Observer.

Morganton, Sept. 11.—His wife and four children at his bedside, Dr. P. L. Murphy died after a wasting sickness at 11:30 o'clock to-day. On the 23d of October he would have been 59 years of age and had he lived until January next would have completed his twenty-fourth year as superintendent of the State Hospital here, having been its first and only superintendent. The board of directors, which was in session at the time, adjourned for an hour and the State flag on the centre building of the hospital is half-masted. The grief throughout the institution and in Morganton is general. The funeral will take place at 4 o'clock to-morrow (Thursday) afternoon and, in accordance with Dr. Murphy's wishes, the interment will be on the front grounds of the hospital.

SKETCH OF A USEFUL LIFE.

The news of the death of Dr. Murphy did not come as a surprise to his many friends here and elsewhere in the State, for ever since last winter, when he returned from Baltimore, where he went for treatment, his real condition was known to hosts of his acquaintances throughout the State. It was just a question of vitality and time. The fearful disease that had fallen upon him could not be stayed or even checked. Up to a month ago Dr. Murphy was able to be up and about the floor, on which he lived, at the hospital, but he was very weak and grew more so from day to day. Four or five days ago he became so ill that he could not leave the bed and this was the beginning of the end. Before the summons came a number of the most intimate friends of the family from various sections of the State gathered at Morganton to be at the bedside when dissolution came. Mr. J. P. Caldwell, of this city, left here last night and arrived in time to say farewell to the distinguished alienist. A number of Morganton people were with the family at the end.

DR. MURPHY'S ANCESTORS.

Dr. Patrick Livingston Murphy was born in Sampson county on the 23d of October, 1848. He came of a strong, sturdy Scotch stock, his great grandfather being Patrick Murphy, of Arran, Scotland, and his grandmother, on his father's side, Mary Bailey, a daughter of David Bailey, whose wife was Mary Williamson, whose father came to this country from Scotland. Dr. Murphy was a son of Patrick Murphy and his wife, who was Elizabeth A. Faison, of Sampson county. His father was a man of fine sense, more than ordinary business ability, and great force of character. He was a large slave owner and accumulated much property. The Faisons were upright and thrifty, and a proud and independent people.

BOYHOOD DAYS SPENT IN SAMPSON.

The childhood and boyhood days of Dr. Murphy were spent in Sampson county, near the town of Clinton, where he attended the village schools. When not in school he was on the farm, doing all sorts of work. He was not a robust child, but the labor that he did in the fields and around the sawmill made him strong. During the last two years of the civil war he attended the famous Bingham School, first at The Oaks and then at Mebane. The cadets of that institution, among them Dr. Murphy, served one day in the war; when General Stoneman, toward the close of the war, made his raid from Greensboro to Salisbury they were ordered out to meet him. At the close of that great fraternal conflict Dr. Murphy and a number of schoolmates walked from Mebane to their various homes, getting food and shelter wherever they could find it.

After the war Dr. Murphy went to Hillsboro, where he entered the school of Colonel Tew, and completed his preparatory work. He went from there to Charlottesville, where he attended the University of Virginia, but did not graduate. In 1871 he graduated in medicine from the University of Maryland. Having secured his degree Dr. Murphy returned to North Carolina and began the practice of his profession in his native county. From Clinton he went to Wilmington, where he lived and practiced for several years.

In October, 1878, Dr. Murphy was married to Miss Bettie Waddell Bumgardner, of Augusta county, Virginia, and shortly after was elected assistant physician to the Western State Hospital of Virginia, at Staunton, where he remained until 1882. It was during his short service at this institution that he began to make his reputation as an alienist and physician.

RETURNS TO NORTH CAROLINA.

Dr. Murphy was called back to North Carolina to take charge of the State Hospital at Morganton. That was twenty-four years ago. The hospital at Morganton was founded through the superb efforts of Hon. Joseph C. Mills and Col. S. McD. Tate, of Burke, who succeeded in getting an appropriation of $75,000 in the act of incorporation. The main building and south wing of that building were finished in 1882 and the board of directors met and elected Dr. Murphy as the superintendent.

This was the beginning of the great hospital at Morganton. Dr. Murphy gave his life to it and at the close of his career he leaves a monument that is finer than gold and more enduring than brass.

The hospital had accommodations for 150 patients, but in 1895 the number cared for there had increased to 700 and to-day there are more than 1,000. The splendid buildings, the beautiful, well-kept grounds and the fine farm at the Morganton hospital make it one of the greatest institutions of the kind in the world. In every quarter of the 800 acres of land, every nook and corner of the buildings, and every detail of the hospital's affairs the fine sense of Dr. Murphy is manifest. He was a master of little details and the plant over which he presided for two and a half decades bears his imprint.

THE MAN AS HE LIVED.

In addition to being an eminent alienist and a learned physician Dr. Murphy was a man of rare good sense. He had what is called common sense, the rarest sense of all. He loved his fellow man and was big-hearted, courageous and strong. He stood for the best in life. His days and nights were devoted to his work, his patients, his family and his friends. Every unfortunate at Morganton knew and loved him. As he went about the wards he had a kind word for every one in hearing distance, and he jollied and teased all, much to their delight. He knew the employes of the place and they told him of their trials and troubles and he was a friend to all. He kept track of every horse, and cow, and hog and other live things that belonged to the hospital. The dogs about the place were fond of him. When the plowman went forth to break the land he knew the kind of point he was going to use. Nothing escaped his watchful eye or was beneath his notice. His ideas were original and he was always ready to back his judgment by a trial of any new method that he believed would help his patients. He was a leader.

Dr. Murphy gave his life to his work. His labors as superintendent of the State Hospital shortened his days. He slaved for the institution, which he developed.

HE WAS KIND AND CONSIDERATE

As husband and father Dr. Murphy was kind and gentle. He was devoted to his wife and children and proud of his kith and kin. At the close of the day he liked to have his loved ones about him for a quiet chat on the lawn or in the library. He liked to listen while others talked, but was always ready to say friendly words. Those close to Dr. Murphy can understand why he made such a brilliant success out of the State Hospital, for they knew him to be capable, willing, industrious, painstaking and thoroughly interested in his labors. Making the grounds as perfect as man could was just as much a part of his work as was looking into the history of a patient of the institution. He turned his hand to everything, but he made those directly responsible feel that it was all their work and not his. His assistants imbibed enthusiasm from him and took their work seriously. Dr. Murphy knew his patients and their connections. He never forgot a man or woman who had been there. He kept in touch with those who were released and went home.

DR. MURPHY'S FAMILY.

Dr. Murphy is survived by his widow, Mrs. Bettie Bumgardner Murphy; a daughter of Miss Malinda McCorkle Murphy, and three sons, Messrs. William Alexander, James Bumgardner and Robert Livingston Murphy, all of whom are grown, and one sister, Mrs. Charles Williams, of Wallace, Duplin county, and numbers of relatives in Sampson and Duplin counties. He was one of ten children, but all save himself and Mrs. Williams died before he became ill.

THE LAST ILLNESS.

More than a year ago Dr. Murphy broke down. He had been complaining of not feeling well for some time, when on the 26th of last September, he went to Baltimore to consult a specialist. After an examination an operation seemed a necessity, but on making the incision the physicians decided that it was no use for they could not help the patient. Dr. Murphy was brought home, where he lingered until yesterday. He was hopeful for a time, but within the last few weeks he realized his condition and talked about it in a sensible way. He felt that the end was near and told his relatives and friends so. Being unable to digest anything he literally starved to death. His body wasted until he was a mere shadow of his former self.

In his boyhood days Dr. Murphy liked mechanics and learned to do almost anything with tools and during the last months of his existence his knowledge of the carpenter's trade came as a boon for he passed the time making small things with his kit of tools. Not until a week ago did he lay aside his little saw and hammer.

In the death of Dr. Murphy the State has lost one of its most valuable citizens, one of its most noble characters and one of its most likeable men. At the age of 58, when he should have been in his prime, he died an old man, worn out. But he will never be forgotten for the State Hospital at Morganton will stand as long as North Carolina lives. Within the short space of 24 years Dr. Murphy converted a barren mountain-side into a magnificent institution, famed far and near for the originality, the force and the character of its superintendent.

THREE NEW BUILDINGS.

Directors of State Hospital in Session at Morganton Ask For Appropriation of More Than $100,000—Resolutions Regarding Dr. Murphy's Death—A Successor to Be Elected October 3d.

Special to The Observer.

Morganton, Sept. 11.—The board of directors of the State Hospital met today. Those present were: J. P. Caldwell, president; Messrs. C. H. Armfield, A. A. Shuford, J. W. McMinn, J. G. Hall, A. E. Tate, J. P. Sawyer and I. I. Davis. It was directed that a charter be taken out for the training school for nurses before the Secretary of State. The hospital commission was asked for an appropriation for three buildings; for men to accommodate a total of 100 patients on the colony plan; for a building on the grounds for 100 men, and a building for 100 women. The need of the institution for these enlargements is very great as at the meeting of the executive committee yesterday many applications for admission, especially in behalf of males, were rejected. The sums asked for these three buildings will aggregate perhaps $110,000.

The report of the acting superintendent, Dr. John McCampbell, showed excellent conditions in all respects and that the death rate for this quarter was unusually low.

During the progress of the meeting the death of Dr. P. L. Murphy, the superintendent, was announced. Messrs. Sawyer and Armfield were appointed a committee to prepare resolutions expressive of the sentiment of the board concerning this deplorable event, and on motion a recess of one hour was taken.

Upon re-assembling of the board the committee presented the following paper which was unanimously adopted, ordered spread on the minutes and to be published: "While the directors knew of the condition of Dr. Murphy and of his long and hopeless fight with death, still the shock is too great for us at this hour to realize the loss North Carolina has sustained so far as of the man and his work.

"Resolved, That by the death of Dr. Murphy this hospital has lost the man to whose ability, fidelity and work its pre-eminent position is chiefly due; that the insane of the State have lost their best friend; that the State has lost a son whose abilities and achievements have shed luster upon her name; that his family has lost the best of husbands and fathers.

"Resolved, That death cannot take away the results of this man's life. These are continual and the blessings of God to future generations.

"His memory lives though the man may die,
That lingers bright and loving;
Just like a star last from the sky,
Whose ray survives its ruin."

It was resolved upon motion that the board of directors in a body attend the funeral exercises to-morrow. After consideration of the subject it was resolved upon motion that the board meet in special session October 3d for the purpose of electing a superintendent. In view of the circumstances of the occasion and there being no business demanding urgent attention, the board adjourned until the date last mentioned.

HAWAIIAN TRIP A SUCCESS

SEC. STRAUS BACK AT CAPITAL

Head of Department of Commerce and Labor Much Pleased With Workings of Department Outside—Notable Welcome Accorded Him at Honolulu Added to By Presence of Representative and Mrs. Nicholas Longworth—Secretary Delivers Several Notable Addresses Promising Islanders Relief From Existing Grievances—Greatest Shortcoming Is Insufficient Communication With Mainland—Much Good Expected to Result From Trip.

Washington, Sept. 11.—Secretary Oscar L. Straus, of the Department of Commerce and labor, to-night returned to Washington after an extended visit to various cities along the Pacific coast and to Honolulu, where he went to gather information bearing on the work of his department.

The visit of Secretary Straus to the Pacific coast, including the Hawaiian Islands, has been a most enjoyable one, and is likely to lead to practical results. A firm believer in the idea that the vast interests entrusted to his safekeeping could not be entirely administrated from his desk in Washington, the Secretary determined to make a personal inspection of the workings of the Department away from the capital, and to become personally acquainted with the various officials having supervision. He accordingly planned a trip along the Canadian border to Vancouver, and thence south through Seattle and Portland to San Francisco, with Honolulu as the ultimate destination. He returned to Washington to-day, and talked freely about his experiences especially those in the Hawaiian Islands. When he arrived at Honolulu the islanders were out in force to greet him and his party. They were taken to the hotel in automobiles, the route being lined on both sides by the people, who were enthusiastic in their demonstration. The presence of Representative and Mrs. Nicholas Longworth added to the warmth of the demonstration. At the hotel delegations from the board of trade, merchants' exchange, Chinese, Japanese and other societies greeted the Secretary, extended invitations to dinners and made requests for speeches.

SEVERAL NOTABLE ADDRESSES.

Secretary Straus made several notable addresses while at Honolulu—one at a banquet given in his honor by Mr. Hatch, and at a dinner given by the Honolulu chamber of commerce, the policy of the government in relation to the islands was touched upon. On the latter occasion one of the largest and most representative bodies of business men ever gathered in Honolulu assembled to present the commercial needs of the islands. L. A. Thurston, speaking in behalf of the merchants and planters, described certain commercial disadvantages resulting from annexation, laying particular stress upon the necessity for a modification of the coastwise shipping laws applying to the islands, which penalize the carrying of passengers and freight between the territory and the mainland of the United States in other than American bottoms. Owing to the infrequency with which vessels of that description stop at Honolulu, Mr. Thurston declared that large quantities of fruit rot upon the wharves while awaiting shipment, and that the same lack of transportation facilities acts as a peculiar hardship upon residents of the territory who were often obliged, as a result of illness or pressing financial matters, to leave for the United States on a vessel of foreign registry and thereby incur the fine of $200 which our navigation laws impose.

EDEN OF THE PACIFIC.

Replying to this address Secretary Straus assured the islanders that he would endeavor to have existing grievances remedied, and concluded his address by saying:

"I have knowledge and experience of the fact that one of the greatest shortcomings in the way of the progress of the islands is that there is not sufficient communication between them and the mainland. This you must have, and you ought to have, and speaking individually and officially, I promise you that I shall do everything within my power to assist in getting the shipping facilities that you need. I have seen much of the world. I am familiar with those places which are the favored lands for tourists, and my eight days' stay here has convinced me that there is no land on the fact of the earth, considering climate and population, and considering beauty and attractiveness of scenery and charms of hospitality, which offers so much to the tourist, either in health or pleasure, as this Eden of the Pacific."

These declarations were enthusiastically applauded, and upon concluding the Secretary was generously cheered.

BARES VIEWS TO REPORTERS.

On another occasion the Secretary was waited upon by a delegation of Japanese editors, representing the four Japanese newspapers of Honolulu, who called to ascertain his views regarding Japanese matters in the territory and as to his policy with reference to Japanese immigration, particularly if he believed that the preponderance of Japanese in Hawaii was inimical to the future welfare of the islands. In reply the Secretary said:

"An ideal condition for the future welfare of these islands would be that there should not bee too great a preponderance of any one race, but that an equilibrium be maintained. I would impress upon you, and upon each of the several races here, to have a care not to exploit these islands and their resources for the benefit of the country from which they came, but to act in the spirit of the government under which they live; of loyalty to the interests of the islands which afford such happy and ideal homes for them and for their children."

These remarks, which were reported in all of the newspapers—American, Japanese and Chinese—met with an enthusiastic reception.

One of the most interesting dinners tendered to the Secretary was given by W. R. Castle, an old schoolmate, who graduated from Columbia University with Mr. Straus in the law class of '73. The guests included the leading educators of the islands, who entertainingly described the public school system of Hawaii and the progress made by its foremost institutions.

TENDERED PUBLIC RECEPTION.

In the red-draped throne room of the Palace, long closed to social affairs, the Governor and Mrs. Carter tendered a public reception to Secretary and Mrs. Straus and Representative and Mrs. Longworth. The grounds were brightly illuminated by myriads of vari-colored incandescent lights, under which, to the music of the Royal Hawaiian Band, thousands of citizens congregated while the reception was in progress.

Unfortunately the limited time at his disposal prevented the Secretary from visiting the various islands of the Hawaiian group, but his party were afforded opportunity of seeing all that there is in Oahu, the island upon which Honolulu is situated.

When the Secretary left Honolulu a large crowd was assembled on the dock to witness the departure. Secretary Straus stood on the deck of the steamer, decked with wreaths of flowers, the last token of friendship bestowed by the warm-hearted islanders, who cheered vociferously as the steamer moved from the harbor. The last sound that reached the steamer from the shore was "Aloha Nui," the Hawaiian farewell greeting and expression of regard and esteem.

"OHIO STATE DAY."

Celebration One of the Greatest Features in the Exposition's History—Former Attorney General Harmon Orator of the Day.

Norfolk, Va., Sept. 11.—The celebration to-day of "Ohio State Day" at the Jamestown Exposition was one of the greatest features in the Exposition's entire history. There were hundreds of visitors from the Buckeye State, including Governor Harris, with Judson Harmon, of Cincinnati, former Attorney General of the United States, orator of the day.

The formal exercises were held in the auditorium. Addresses of welcome were delivered by Governor Swanson for the State of Virginia, and Lieutenant-Governor Ellyson, of Virginia, on behalf of the Exposition, representing Director General Barr, a native of Ohio, who was unavoidably out of the city, and President Tucker, who was sick. Governor Harris responded. Braxton W. Campbell, president of the Ohio Jamestown commission, presided. Governor Higgins, of Rhode Island, and the entire Rhode Island delegation, which participated in that State's celebration yesterday, were present. Music was furnished by the Mexican Military National Band, which rendered American and other airs.

One of the principal musical features was an original ode by Miss Anne Pratt Worthington, great-granddaughter of Governor Thomas Worthington, the first United States Senator from Ohio, whose home, "Adena," has been reproduced as Ohio's State building at the Exposition.

Following the exercises at the auditorium the Ohio party tendered an official dinner at the Swiss village.

This afternoon's feature was a military parade.

The Ohio building was opened from 1 to 4 p. m. for a public reception. The official State reception by Governor and Mrs. Harris took place from 8 to 10 p. m.

FIFTH DISTRICT POLITICS.

Live Piece of Gossip From Old Surry—The County Put in Fifth District So As to Send a Man From It to Congress—Will Come Out as Dark Horse at Convention.

Special to The Observer.

Morganton, Sept. 11.—A gentleman whose home was formerly in the fifth district was here a few days ago and let go a live piece of political gossip regarding the moves of the politicians down that way. As is known, Surry county was u pto the meeting of the last Legislature in the eighth district, but was transfered to the fifth in order, it was stated, to make the eighth surely Democratic. This man states that the real motive behind the transfer was to get a Surry man in that district and send him to Congress next year. The recent election of Mr. Chatham to the State chairmanship and the bringing out of Professor Holt to divide Guilford county with Mr. Brooks, is all a part of the game that is being worked on the political chess board of the fift hdistrict and at the "physiological" moment the Surry man will be sprung on the convention and the delegates will try to be stampeded fo rhim. Such a thing happened at Winston-Salem some six years ago when Mr. E. B. Jones was nominated for judge, who was not eve na candidate before the convention, and it is believed that the trick can be turned again.

Mr. Fre dHoffman, who has been ill fo rthe past month, was able to be down street yesterday and will leave in a few days for the University, where he is a senior this year.

Col. Ribert I. Flemming Dead.

Washington, Sept. 11.—Col. Robert I. Flemming, one of Washington's widely known citizens, died to-day at his suburban home, "Oak View," Cleveland Park, of Bright's disease. He was 65 years old, a native of Virginia, and served during the civil war as a member of the Richmond Fayette Artillery and an officer in Lee's army. Soon after the war he came to Washington. He bought "Oak View" after its occupancy as a summer residence by President Governor Cleveland. Colonel Flemming is survived by a wife and a daughter, Madame Corea, wife of the minister from Nicaragua, and a son, Robert V. Flemming.

CONDUCTOR'S TRAGIC END

NECK BROKEN BY CAR WHEELS

Close on the Death of Capt. J. W. Joyner, of Mooresville, Comes a Terrible Tale of His Marital Relations—Though Having a Wife, He Was Engaged, It is Said, to a Young Lady Living Near Charlotte and Was to Elope to the West With Her—Had Attempted to Cut Mrs. Joyner's Throat—Wrote Her He Would Live With Her no More—In Spite of His Unfaithfulness Wife is Overcome With Grief Over Husband's Tragic Death.

Special to The Observer.

Winston-Salem, Sept. 11.—Conductor J. W. Joyner, of local freight No. 169, was instantly killed in an accident on the yards at Mooresville this afternoon at 4 o'clock. The crew of the train was engaged doing some shifting at the time of the accident and Captain Joyner was clinging to the side of a car when he was struck by a telegraph pole. He was knocked loose and fell under his train and his life was crushed out. The body was shipped to Charlotte where it will be prepared for burial by J. M. Harry & Co. The wife of the deceased left here this afternoon for Charlotte accompanied by Captain White.

Many persons who were intimately acquainted with Mr. and Mrs. J. W. Joyner and were cognizant of the recent troubles that have arisen between them express the belief that the sudden death of Mr. Joyner was a kind act of Providence. They go even farther than that and say it is really a blessing in disguise to the widow. It has been known for two weeks to intimate friends of the couple that their married life was not as happy as it should have been or as it appeared upon the surface.

About ten days ago Mrs. Joyner was to meet her husband at Mooresville and spend the night with him there. She was to leave Winston-Salem on the train leaving here at 2:15 o'clock but instead left on the 5 o'clock train. When she arrived at Mooresville she found that her husband was not there, having gone down to Charlotte on the first train after finding out that his wife was not on the train. He thought that she had decided not to come. While in Mooresville, so it is stated, Mrs. Joyner learned that Mr. Joyner had been going to see a young lady in Charlotte quite frequently; in fact, spending almost every other night in Charlotte. She learned the name of the young lady and left on the next train for Charlotte to investigate.

She learned from the lips of the young lady that she was engaged to be married to Mr. Joyner on the 10th of September, having promised to forsake father, mother and home for him. The father and brother of the wronged young woman were highly indignant and it was all that they could do to refrain from dealing with the man who had only a few days before been the idol of their daughter and sister. They took the most sensible course, however, and forbade Mr. Joyner's ever making another shadow in their doorway and wrote him several sharp letters.

TOLD OF COURTSHIP.

The young lady, whose name is Miss Bright McCord, daughter of Mr. P. M. McCord, who lives just outside of Charlotte on the Mooresville division of the Southern, told Mrs. Joyner all about her courtship and intended marriage to Mr. Joyner, so it is stated. She said that she and Mr. Joyner were to be married on the 10th of September and go West. Mr. Joyner was to quit the southern and take asimilar position with a Western railroad. The parents of the young lady had given their consent to the marriage, it is said, but it is not known whether Mr. Joyner intended to carry out the obligations or was just trying the affections of the young lady. He had stated to a number of friends here that he expected to railroad in the West after September.

ATTEMPTED TO CUT THROAT.

Mrs. Joyner returned to Winston-Salem. As soon as she saw her husband she told him of her knowledge of his scheme. She consulted a local lawyer as to what was the best course to pursue, but she preferred not to bring suit as it would bring her too much in the limelight, and being a woman of refinement and culture, she had a natural distaste to publicity such as would be attendant upon a suit. Just what took place between the two when the subject was mentioned is not known, of course; but it was learned last night from authoritative sources that Mrs. Joyner made the statement that her husband attempted to cut her throat with a razor Sunday morning a week ago for going to Charlotte and making an investigation of the report. Miss McCord wrote to Mrs. Joyner on the 30th of August as did also the father and brother of the young woman. She declared, it is learned, that her love had turned to hate and she had nothing but utter contempt for the man she had promised to wed. She asserted her innocence of any knowledge of Mr. Joyner's wife when she received the attention of the conductor. A joint letter was received at the same time from Messrs. P. M. McCord and W. M. McCord, father and brother respectively, of the young woman.

LETTER FROM HUSBAND.

Tuesday night Mrs. Joyner spent in Mooresville, while Mr. Joyner spent the night here. She went down to have her teeth worked on. It is stated he told her if she was going to Mooresville he preferred that she go when he was not there. Mrs. Joyner returned to the city yesterday afternoon and Mr. Joyner left yesterday morning on his regular run to Mooresville. When Mrs. Joyner arrived here she found a letter written by Mr. Joyner, in which he stated that he would never live with her again; but that he would continue to support her. She was telling of the letter to a friend when a railroad man came up and informed her of the sudden and very unexpected death of her husband. She was overwhelmed with grief notwithstanding all the trouble that he had made for her.

Mrs. Joyner afterwards stated that when she gave the conductor her ticket from Mooresville to Winston-Salem she felt as if that would be the last ticket she would ever use with Mr. Joyner's name signed to it. She had a feeling of some great calamity, she knew not what. When Mrs. Joyner left this evening she did not know where the funeral of Mr. Joyner would be conducted. She would await instructions from his people.

There was a rumor late in the afternoon, after the details of the family troubles had been made public, to the effect that Mr. Joyner committed suicide, but this theory is not accepted by railroad men who knew him.

The funeral of Mr. Joyner will be preached at Elmwood Cemetery this afternoon at 6:15 o'clock by Rev. H. H. Hulten, after which the interment will be in this cemetery.

A TRUSTED MAN SHORT.

Chief Clerk to State Tax Collector of First Louisiana District a Defaulter in a Large Sum—The Clerk is Missing.

New Orleans, Sept. 11.—A defalcation in State tax collections which the police to-night announced amounted to at least $107,000 and might reach $200,000 was discovered to-day on the books of Charles E. Letten, chief clerk to John Fitzpatrick, State tax collector of the first district in New Orleans. Mr. Fitzpatrick, who was formerly mayor of New Orleans, has announced that he will make good whatever the shortage may be.

Letten, who is 55 years old, for 19 years had been one of the most trusted men in the department. Up to to-night the police had not been able to get a trace of what was done with the missing money. Mr. Fitzpatrick after examining the books said the shortage appeared to have begun four years ago and to have been hidden by using delinquent taxes and the current year taxes to cover up the deficit of the previous year. Four days ago Mr. Fitzpatrick called for the final statement of the 1906 taxes earlier than his chief clerk had prepared to make it. Letten worked with Mr. Fitzpatrick two days helping prepare this statement and yesterday suddenly left the office under plea that he must see a doctor. Mr. Fitzpatrick found that Letten had not gone to the doctor and immediately opened the chief clerk's desk, the revelation following. The police have not yet secured any clues to the missing man's whereabouts.

NEW TURN TO RATE QUESTION.

State of Georgia Will Attack Validity of Fourteenth Amendment and Hold That Defendants Have Nothing to Do With Enforcement of Reduced Rates.

Atlanta, Ga., Sept. 11.—The State of Georgia will attack the validity of the fourteenth amendment to the constitution of the United States in the pending railroad rate litigation that has been instituted in both the State and Federal courts. The State will also make the point that the defendants in the suits have nothing to do with the enforcement of the reduced passenger rates. The two issues will be raised through demurrers now being prepared.

The Central of Georgia Railroad's suit to prevent the enforcement of the new rates is set for hearing September 16th before Judge Newman or some other United States judge and that of the Atlanta & West Point has been set for the same date in the Fulton county Superior Court.

Although questioned by many the validity of the fourteenth amendment has never been attacked in court. In the pending rate litigation the railroads seek protection of the Federal government under the fourteenth amendment, alleging that the order of the Georgia railroad commission is confiscatory because it denies them equal rights under the law.

ASK THAT RECEIVER BE NAMED.

Two Petitions Filed Against North Georgia Electric Company—First is Refused and Second Will Be Heard at Monroe.

Atlanta, Ga., Sept. 11.—Two petitions seeking to put the North Georgia Electric Company in the hands of a receiver were filed in the United States Court to-day. The first, an application for the appointment of a receiver, alleging the company to be insolvent, was made by John A. Nesbit, of Xenia, O., and was denied by Judge Shelby, who held that the reparation was simply the payment of a note and should be determined in a court of law. The other suit was a petition for involuntary bankruptcy and will be heard by Referee Walker, of Monroe, Ga.

The allegation is made that the defendant company owes more than a million dollars and that it has practically ceased all efforts to develop its water-power.

The North Georgia Electric Company has just completed a 50,000-horse-power plant at Gainesville, Ga., and a steel tower power line to Atlanta.

It is stated that there are outstanding $650,000 of bonds.

WALKING BOSS KILLED.

A Man Employed on Pigeon River Railway Shoots Boss Who Remonstrated With Him For Loafing.

Special to The Observer.

Asheville, Sept. 11.—A message received here to-day from Canton tells of the killing, at Yandle Bros.' camp No. 2 on the construction of the Pigeon River Railway, from Canton to Sunburst, of a walking boss nicknamed "Blackie." The message stated that the boss was killed by George Shelton, an employe of the works. It is alleged that the boss was riding along in his carriage and met Shelton; that he asked Shelton why he wasn't at work; that words followed when Shelton drew his pistol and shot the boss five times, killing him instantly. It is said that the dead body lay in the road for several hours before it was removed.

FREIGHT TRAIN DERAILED.

Rail Turns Over and About Twenty Cars Leave the Track—No One Hurt.

Special to The Observer.

Burlington, Sept. 11.—Several cars of an extra westbound freight train, pulled by engine No. 723, were derailed this evening about 5:30 o'clock one-half mile this side of Haw River. The wreck was caused by a rail turning over. Very little damage was done. The engine did not leave the track this time just how many cars are off over nor otherwise suffered injury. No one was hurt, and it is thought that the cars will be lifted to the track in a few hours and traffic will be interrupted but little. It is not known at this time just how many cars are off the track but it is reported that there are as many as twenty. No. 139, passenger train going west will doubtless be delayed for a short while.

ROAD'S TESTIMONY ALL IN

MUCH INTEREST IN NEW MOVE.

Examination of Southern Railway's Books Begins Next Wednesday—Hard Battle Expected as to What State Attorneys Will Be Permitted to See—Standing Master Will Most Likely Determine Important Question—Governor Glenn, En Route to Atlantic City, Expresses Confidence in Outcome of Case, Declaring Railroad Has Lost Its Own Case.

Observer Bureau,
1417 G Street, N. W.,
Washington, Sept. 11.

The Southern Railway having completed its testimony before Standing Master Montgomery in the rate hearing, the next move is the examination of the company's books by counsel for the State. This will begin next Wednesday at the Southern's office in Washington. This examination promises to be the most interesting of the hearing and it is expected that some very hard battles will be fought over what things the lawers for the State are going to be permitted to see. Judge Montgomery says that only those things which are pertinent to the case can be examined. Mr. Justice, of State's counsel, wants to know who is to decide what is pertinent and he asked Judge Montgomery, but as Mr. Justice now puts it, he has not yet received a satisfactory answer.

It can be reasonably assumed, however, that the standing master will be the one who will determine this important question.

WHAT THE STATE ASKED.

The State's counsel asked for permission to take the Southern's books and with an expert accountant look over them, but the standing master refused to permit this and orders that the complainant produce before him at the office of the comptroller of the road all books, papers, documents, etc., pertinent to and bearing upon the issues raised in this proceeding, to be opened and inspected under the supervision of the standing master.

The State's counsel expect to find on these books several things which have been the object of great curiosity, among them being the money expended to influence legislation, if any, including the fees of attorneys, both real ones and quasi ones. The State's counsel claim that there have been a number of lawyers in the State who have been drawing large salaries, but whose duties have been performed only during the sessions of the Legislature.

GOVERNOR GLENN CONFIDENT.

All the attorneys in the case are leaving to-night and in the morning for their homes to return next Wednesday.

Governor Glenn arrived in Washington this morning on his way to Atlantic City, where he goes for a rest. He is tired, he says. While here he had an informal conference with the attorneys for the State, during which they told the Governor the status of the situation.

"From reports to hand at this time," said the Governor after the conference, "I have every reason to be satisfied with the showing the State has made and have no fears whatever as to the outcome so far as we are concerned. We are going to win most assuredly. The 2 1-4-cent rate is right and it will be so proven. As I see it," continued the Governor, "the railroad company has lost its own case. The showing the company itself has made so far demonstrates that they can well afford to put the 2 1-3-cent rate into effect. When our witnesses go upon the stand we shall prove conclusively that the volume of the business is increasing in the State of North Carolina with wonderful regularity and the 'hard luck' tales, such as the railway company is now telling, will be utterly disproven. At the proper time our experts will go upon the stand and show in just what way the railroad company is handling the traffic and demonstrate that the new rate law is not a hardship."

The Governor says he is completely broken down and must go to Atlantic City. He says the Governor of North Carolina probably has more to do than the Governor of any other State. This is why he is broken down.

CHILD BADLY BURNED.

Carbolic Acid Scars Baby's Face and Hands For Life—Three More Robbers Arrested in Mountain City.

Special to The Observer.

Asheville, Sept. 11.—A distressing accident befell a 4-year-old child of Patrolman and Mrs. H. P. Jones, of Asheville, late yesterday afternoon. The child was playing in the street when it picked up a bottle half filled with carbolic acid that had been carelessly thrown away. The acid was spilled on the child's hands and face. It screamed with agony and ran to its mother who, realizing the danger of the child rubbing its eyes, caught the little one's hands and held them until a physician arrived. It was found that the child was seriously burned and that it will be scarred for life. The hurts, however, will not have a fatal termination.

The police have arrested three men who, they are persuaded, are connected with the many robberies hereabouts. They have confessed to several of the house-breakings. Each of the men has been held in $1,000 bond. The police are satisfied that they will shortly have under arrest others who, it is believed, are guilty of complicity in the robberies. Since the police got active the robberies have diminished.

HANGED HIMSELF IN BARN.

A Law Suit Too Much For Rand Bodenhamer, Who Puts Out His Own Light in the Night Time.

Special to The Observer.

High Point, Sept. 11.—Some time last night at Abbott's Creek, nine miles from this place, Rand Bodenhamer, a white man 35 years of age, got out of bed, went to a barn on the lot and hanged himself from one of the joists. He retired last night as usual and was not missed until this morning, when his son found him cold in death. The reason given for his rash act is that he was involved in a law suit about a horse. He leaves a wife and five children. The funeral services occur to-morrow, attended by Wallburg Junior Order of Which the deceased was a member.

Stuart Lecture is Next Tuesday Night.

Special to The Observer.

High Point, Sept. 11.—In giving out a news item to the press, Rev. L. A. Falls, pastor of South Main Street M. E. church, stated that Evangelist George Stuart would be here Tuesday night, which the reader inferred was last night. It should have been the night of September 17th, one week later, when the evangelist will appear here in the graded school auditorium.