PRICE FIVE CENTS.

Action of a Called Moot-That Pulpit of First (ii) Be Declared Va-That the Late Pastor, Rev. uncan, Has No Right to Constitution of Highest Court Point Raised—Commit-Make Further Inprefer Charges. rrespondent.

Preshyterian

who he have gainin regard to Mr. he Presbytery as esumed the greater

the debate less bitterness and n with the rlends of Mr. Dun nimself their main what of vigor interfero es of this congreire upon souhis conneil elders have abided by and officers of a the only representathe brunt of the was not so insistent al remarks or alluding Ross and Mc

them to have turned he Presbytery into the llowed in regard to eminently amiable in his tempreanat to emotionalism and mighty as an and deliberate he would be in lents on psycholed the fight, but he moderator of the Presbytery when ere dissolved some to some exh meelf against his methods estion to the Dr. R. G. th and Elders T. M. Ranson. special session

Meffatt, who in his manner session at 9 special committee nended the acn refense of the mmittee, declaring an investigation. He mestion of dissolvdistinct from any e brought against or construe that do its duty by relations and n to some other the evidence re his committee. ssion to inform the aracter of the evihad startled him. fore become accts in the case. He conclusion that might do in of the an a letter of dis-

pastoral rela-

hreshed to the botmission that exthings except evidence had de-McConnell followractically the same

been making since aroused. of the broken

IN DENCAN CASE who had gone were in authority. who had gone were in authority. TILLMAN EXPLAINS TALK INCOME TAX IS DISCUSSED RY STANDS TO ITSELF back into the fold even if the pastor

MR. DUNCAN'S ATTITUDE. Mr. Duncan, in his first speech, dwelt at length upon the injustice done him by Dr. Moffatt in making insinuations against him and practically preferring charges, according to his view, rather than in confining himself to the work for which his committee was appointed, namely, to inquire as to why the order of the Presbytery dissolving the relations had not been obeyed. He then, by natural stages of sequence, came to the disof his attitude and contended that his appeal was in order, and that in consequence of this fact, he had a right to remain and preach to the people until the Synod had set-

tled the matter. The hour for hearing trial sermons for two students of theology had arrived when this stage in the proceedings had been reached and further debate was postponed until the after-

noon session. After the Presbytery had re-conventhe moderator announced that the report of the committee would again be taken up and on motion it was agreed to vote on the report by sections. The first recommendation was to the effect that the Presbytery rule that the appeal of Mr. Duncan to the highest court of the Church was not in order. A technical discussion of the of the Church followed, being engaged in by some of the most tal ented scclesiastical debaters of the denomination. The moderator, Mr. J. E. McDonald, of Winnsboro, S. C., one of the most prominent lawyers of the State, and Hon. A. G. Brice, a mem-ber of the late Legislature of South Carolina, were among those who entered into the discussion. INTERPRETATION OF LAW.

provided for all cases being carried plained that he would not make the to the higher court where it appeared speech he intended. to any one that injustice had been done. Others interpreted the law of College, went up to say a word to the the Church to provide for appeals to President for Judge Timberlake to-Synod only in judicial cases where day, but, if the reports that are in either sentence or censure has been circulation here to-day are true, his of Texas, asserted that property did passed or some action taken by the visit will avail nothing. (The Presi-Presbylery affecting the moral stand- dent has intimated for the first time ing of a man. These also held that the that either Harry Skinner or Judge book of government gave to a Presby- H. G. Connor would get the position. tery exclusive jurisdiction in matters pertaining to pastorates, that it had are on Connor. The visit of Duncan, original power to depose a minister if which is to be made soon, may change ests of the Church would thus be he cannot. subserved, leaving all questions of integrity aside. This interpretation prevailed and was that argued Mesers. McDonald, Brice and Drs. lina, referred to Senator Simmons' White and Moffatt. This first section, therefore, of the report of the committee was adopted, with the understanding that Mr. Duncan retained the right to earry the matter to the Synod in the shape of a complaint.

of the report recommended an affirmation of the study of the tariff question, says that ity far beyond the necessities of his Presbytery's action in Rock Hill, S. the present duty, \$2 per thousand, on in February, when the pastoral re-C. in February, when the pastoral relations were dissolved, this being to \$4,000,000, and that in view of the tects him in the exercise of his talents refute the statement made by warm expense of running the government, and in the accumulation of his wealth. followers of Mr. Duncan that snap and the fact that each industry should judgment had been taken. Messrs. contribute its share, the gre Ross and McConnell both spoke of lumber could not do less. against this part of the report and so who believe in a tariff for revenue e tide which appeardid Rev. J. M. White, who holds a only ought not to be satisfied with so pastorate in Alexander county, on the small amount from so large a busioutskirts. Dr. Oliver Johnson, a mem- ness, EFRONT. ber of the the special committee, and president of others talked briefly in defense of the ans, in congratulating the line West S. C. was report and it was finally carried, the Carolinian said: the engagement, lead- following-named voting as pointed

Minister voting yea: Revs. R. R. White, J. S. Moffatt, J. Knox. Oliver Johnson, James Boyce, A. S. Rogers, J. L. Oates, J. W. Simpson. R. C. Davidson, R. M. Stevenson, R. A. Lummus, J. A. Smith, R. L. Patrick, C. S. Young, R. E. Hough, W. H. Stevenson and C. Y. Love.

Elders voting yea: Messrs. Wallace, Bryce, Carson, Faulkner, Smith. McDonald, Barron, Stroud. Whitesides, Alexander, Neal, Carson, Grist, Williams, Ranson, Huey, Kirkpstrick. Patton, Query, Craig and

Ministers voting no: Reve. J. C. Galloway, John A. White, J. M. White, H. Pressly. J. M. Bigham. Lindsay, William Duncan, W. A. Kennedy W. Y. Love and E. F. Griffith. Elders voting no: Messre, Steele

Morrison, Maloney, Johnson, Beard. Harris, McConnell, Norman, Henry, Utley, Falls and Pave THE PROPOSED INVESTIGATION.

When this part of the proceedings tariff bill." instrumental, in had been disposed of, a resolution drafted by Dr. Moffatt was read by the clerk authorizing the appointment of a committee to investigate the new evidence which had been collected with a view to preferring charges against Mr. Duncan. The moderator appointed on this committee Revs. J. S. Moffatt, chairman, and C. S. Young reveneue only and that you demandand Elder W. D. Grist, editor of The ed, with great correctness, that the ght submitted its Yorkville Enquirer. The Presbytery benefits incidental to revenue voted unanimously in favor of this ation should be equally enjoyed and resolution. The committee on calls the burden be equally borne by all and dismissions provided in its re- sections of the country. commendations that the superintenddence had been ent of missions declare the pulpit of tured materials and raw materials the First church vacant upon the first opportunity.

Students Henry E. Pressly and E. Grier Carson were licensed by the Presbytery during the afternoon, the committee examining their sermons being composed of Drs. R. G. Miller, G. R. White and J. C. Galloway. The most important feature of the

night session was an address by Mr. Laymen's Missionary Movement, who made a powerful appeal in behalf of

Presbytery soon came to a realization of the fact that it had made no mistake in departing from its custom of having as moderator a minister by naming Elder J. E. McDonald, of Winnsboro, S. C., who is one of the brainlest men in the Church. He was could not vote even-tempered throughout and by his eshed to the bot-attracted the admiration of visitors. fair and impartial administration The Presbytery adjourned to-night

asked that these after having attended to a large into theroughly. He amount of business, the greater part of which was routine JULIAN 8. MILLER.

> Prominent Woman Suicides. Norfolk, Va., May 4 .- Mrs. Sarah Nash, aged 60 years, a member of one of the most prominent families here, presumably despondent over ill health, shot herself through the head

Friends, by Authority of Mr. Tillman, Assure the ar Heel Squator That South Carolinian Had No Thought of Him When Delivering His Hog-and-Trough Speech-De clares That His Remarks Were Directed at the Protected Interests-Mr. Simmons Accepts the Explanation and the Expected Trouble Blows Over-President Poteat, of

Interest of Judge Timberlake. Observer Bureau, Congress Hall Hotel,

Wake Forest, Sees Mr. Taft in the

Washington, May 4. Last Friday, in the absence of Senator Simmons from the Senate, Senator Tillman, after alluding to the North Carolinian's speech on lumber, made some observations about the trough not being large enough for all the snouts. Some newspaper correspondents and others who heard him thought that he meant to apply these remarks to Senator Simmons, as well as to Sepator Fletcher, of Florida. There was no session of the Senate on Saturday, and the records containing Tillman's remarks did not appear until to-day. Yesterday, Sen-ator Simmons came to the Sepate prepared to answer the South Carolina Senator, but wished first to see what he said, this he was unable to do as the stenographer's notes were in the hands of the printer, but his colleagues, who were present when the speech was made, assured him that the objectionable observation was not applied to him. He stated his purpose case and remarks referred to him, the South Carolina man had authorterests. The Record of to-day containing the words of Mr. Tillman, The friends of Mr. Duncan made Senator Simmons declares shows the point that the book of government that this statement is correct and ex-

President Poteat, of Wake Forest This seems to be reliable and the odds should appear that the best inter- this slate, but the indications are that

SIMMONS' LUMBER SPEECH.

Senator Tillman, of South Carospeech on the lumber schedule as a Republican speech, but no one has said that it was not masterful and convincing, and the majority of the Senators from the South believe that it is Democratic, not Republican. te its share, the great field

Senator S. D. McEnery, of Louisi

"I was so unfortunate as not to hear all of the speech you delivered in the Senate on Wednesday The favorable comment on it in the papers and by members of the Senate were more than justified, I find, by a careful reading of the speech in The Congressional Record.

"I can assure you that I am de lighted with it, as it is an exhaustive argument on the lumber schedule, in which the people of Louisiana are much interested. The whole matter was treated in such a manner as to leave litle, if anything, to be said. "I had intended to speak on the lumber schedule, but I see little that can be accomplished as you have covered the whole field, and in my opinion your argument and statement of facts are unanswerable. It has made a good impression on the Senate, The lumber producing States, as well as North Carolina, I am sure preciate your great effort, and are

grateful to you for it. "I congratulate you most sincerely for making one of the best speeches that has been made on the pending

A VALUABLE CONTRIBUTION. Senator Money, of Mississippi, this: "I think it was one of the clearest strongest and most logical speeches

made during this debate. "I am glad you laid down with such definite distinctness that the Democratic doctrine was a tariff for

"I agree with you that manufac are both subject to taxation in jus-Your speech is tice and reason. very valuable contribution to the literature on the tariff question.

Although some This is high praise. may disagree with Mr. Simmons, on his position, there is none but what will give him credit for making a very excellent speech, after

thorough preparation. J. H. Ross, synodical secretary of the
Laymen's Missionary Movement, who who have requested them.

MICA PEOPLE ACTIVE. Mr. W. Vance Brown, of Asheville, is here trying to have the Senate increase the duties on mica. In talk ing with me to-day of the situation he said: "The States of North and South Carolina, Alabama, Georgia and Virginia are very much interested in the tariff on mica. inal Payne bill reduced the duty fully 50 per cent. by leaving five-sixths the As the principal comspecific duty. etition comes from India, where the aborer is paid from 5 to 15 cents per means committee that an ad valorem duty would close the domestic mines. and the bill was amended to give 5 cents per pound specific on raw material and 19 cents on the finished article, besides 20 per cent ad valurem. The Dingley bill was 6 and 12 cents, as well as 20 per cent, ad

10 per cent. aze of the Presbyin the face of it that
was getting along blood. Physicians say her recovery of that now proposed.

The States of South Dakota and equal terms with the Indian the duty

valorem, so the reduction is still about

WAS NOT HITTING AT SIMMONS BAILE YDEFENDS AMENDMENTS.

Senator Borah Concludes Speech, by Declaring the Tax to Be Unconsti-tional, and is Followed by Senator Root, Who is Interrupted by Senator Bailey, of Texas-Bailey Says That Wealth Ought to Bear Tax: That a Tax on an Occupation Could Not Be Defended In Any Form in the World of Conscience or of Common Sense-Root Submits Statistics on Taxation of Property.

Washington, May 4.—Continuing his speech on the income tax amendment to the pending tariff bill to-day. Senator Borah, of Idaho, again re ferred to the legal status of the Pollock case in which the Supreme Court of the United States decided that the tax was not constitutional, combating the idea that the constitution's framers did not know what were taxes. He believed that they had in mind a definite idea of the nature of such taxes which did not apply to such a tax as was proposed on incomes.

ciple of the income tax applies to the inheritance tax, which is either a tax on real estate or on the right to tax real estate. If one was unconstitutional, the other was equally so. Senator Root, of New Pork, follows ed Mr. Borah. He submitted some

Mr. Borah contended that the prin-

statistics to show the extent to which the wealth of the country is now taxed by States, countles and municipali-

"It is not a fact," said Mr. Root, "that in this republic property does not bear a very great proportion of and mutual friends assured him that figures to show that the ad valorem taxes levied upon that property are ized them to say that the references at the rate of about three-quarters of was not to him but the protected in- one per cent., which, he said, would be equivalent to an income tax of 15 per cent, throughout the country. He tate does not yield a net income of more than three and a half to four per cent., so that he regarded this tax as very considerable.

While challenging Mr. Root to find anything in his remarks to the effect that the property of the United States did not pay a tax, Mr. Bailey not even approximately contribute according to its value to the support of the Federal government. He declared that a tax on an occupation could not be defended in any forum in the world or conscience or of common sense. It was his firm conviction, he said, that wealth ought to bear the tax. "It is a monstrous injustice." he insisted, "for a man, after being compelled to wear a suit of clothes. to tax him for buying it. I think it is not right that obedience to God's law, a law which made us hungry, should compel us to appease our ap petities and yet be charged for the things, which keeps body and soul together.

Mr. Balley argued, however, that in Mr. D. A. Tompkins, of Charjotte. addition to the men of wealth, the who has devoted much time to the man, who exhibits an earning capachome, ought to be compelled to pay a

County Commissioners Order Special School Tax Election-Kannapolis Firm Fined on Charge of Retailing -Mr. John Kenerly Touched For

Observer Bureau 421 Main Street, Salisbury, May 4.

The county commissioners have or lered a special school tax election or a district in Gold Hill township to be held June 5. If the special tax should carry a tax of 25 cents on the hundred of property and 75 cents on poll-will be levied.

The firm of Kluttz, McDaniel & Co. who for a time enjoyed the distincion of having at their drug store in East Spencer the only place in the county where whiskey could be legalsold, have decided to discontinue he sale of whiskey and their license money has been returned by the county commissioner.

Judge Jones to-day put a fine of \$180 on each of two men who conduct a store at Kannapolis and who were charged with selling whiskey. and required them to report at each court for 18 months and show that didate. they have sold no more whiskey. The mill owners of Kannapolis employed counsel to help prosecute the case. Dr. I. H. Roust has resigned as county superintendent of health and Dr. M. L. Smoot has been elected his

uccessor. Last night while returning from Mr. John Kenerly Oklahoma touched for \$250 which was taken from his purse, the thief returning empty purse to Mr. Kenerly's set. The theft occured between pocket.

POWERS STILL IN JAIL.

Atlanta and Salisbury.

Railroad Construction Boss Convicted of Peonage Unable to Arrange Bond on Appeal and Remains Confined at Statesville-Much Sympathy For Him. Special to The Observer.

Statesville, May 4.- John B. Powera, of Buncombe county, formerly a walking boss for the McCabe Company, railroad construction contrac-tors, who was convicted of peonage at the recent term of Federal Court here and appealed his case, is still confined in Iredell county fail. Mr. Fowers had expected to arrange the \$10bond required several days ago, but there was a misunderstanding among the friends in Buncombe who are to sign the bond and the matter has been delayed. Judge Boyd will in Asheville this week and if he will allow the bond to be given there it will be arranged at once. If the bondsmen are forced to come to Statesville to sign the papers the matter cannot be arranged for several days. The bondsmen would have signed the bond before the clerk of Federal Court at Asheville the first of last week, but Judge Boyd refused to allow them to arrange the matter in Asheville. Mr. Powers father was here this week to see him. His wife, who spent some days with

him, has returned home. There is considerable sympathy for Powers in Statesville. New Hampshire are producers of

eific duty partially restored. "The domestic mines are not entirely satisfied with the protection given them, but they feel that it is all that can be done with so much clamor for a reduction of the tariff." The mica people have never lagday in their fight. They are

leaving no stone unturned.

done a great deal in getting the spe-

EVERY CANDIDATE ELECTED.

Mr. T. W. Hawkins, Nominee of Democratic Primary For Mayor, Receives 1,456 Votes, a Majority of 997 Over His Opponent, Mr. E. C. Miller-Mr. Miller Carried the Fifth Ward, 184 to 98-A Republican, Aged 106 Years, Votes North Charlotte-The Election is the End of a Quiet Campaign-Republicans Did Not Make the Showing That the Democrats Feared. Democracy still reigneth in Char-

lotte, North Carolina. If anybody had cherished any lingering doubt, which nobody did, it would have been removed when the voters of the city last night elected Mr. T. W. Hawkins, the Democratic nominee, to the mayoralty of the municipality by a majority of 997 over his Republican opponent, Mr. E. C. Miller. Mr. Hawkins received 1,456 ballots. Mr. Miller received 459. Every Democratic candidate for alderman and school commissioner was elected. Mr. Hawkins carried every ward by decisive precinct he received 98 votes to Mr. Miller's 134. This showing was not altogether a surprise, as North Charlotte is regarded as a Republican strenuous efforts, even voting a cen- cratic voters. Where there was

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The vote by wards for aldermen and school commissioners is as fol-WARD 1. Aldermen-Democrats: W. I. Hen-

..1,456

derson, 295; J. A. Fore, 297; W. H. Hall, 293; J. B. McLaughlin, 295. Republicans: C. D. Purser, 64; R. W. Smith, 76. School commissioners-Democrats:

W. H. Beik, 300; W. A. Neal, 278; J. H. Ross, 276. Republicans: J. T. Mullis, 67; J. T. Hasty, 72. WARD 2. Aldermen-Democrats:

Stewart, 173; T. C. Toomey, 184; W. A. Watson, 177. Republican: Adam School commissioners-Democrats: T. T. Smith, 173; W. L. Nicholson, 165. Republican: C. S. Rentz, 16. WARD 8.

Aldermen-Democrats: Thomas Garibaldi, 216; Z. T. Smith, 210; A. M. Guillet, 216. Republican: J. J. Montague, 26. School commissioners-Democrats:

E. F. Creswell, 206; J. Hirshinger, Republican: W. J. Helwig, 37. WARD 4

Aldermen-Democrats: llams, 262; Col. W. W. Phifer, 272; J. C. Hunter, 273. Republicans; D. A. Barkley, 17; C. M. Ray, 16. School commissioners-Democrats: W. F. Harding, 272; S. F. Tomlinson, 267. Republican: A. P. Lynch,

WARD 5. Alderman-Democrat: Lewis Anderson, 133. Republican: O. L. Dunn, commissioner-Democrat: School B. F. Cate, 120. Republican: B. Z.

Furr, 114. Alderman-Democrat: D. A. John-

on, 115. Republican: F. A. Bridges, A. Smith, 106. Republican: H. W.

Sherrill, 88. WARD 7. Alderman-Democrat: E. L. Mason, 43. Republican: E. N. Overcash. School F. R. Cates, 43. Republican: no can-

WARD 8. Aldermen-Democrats: E. R. Smith 16 Paul C. Whitlock, 118. Republican: W. H. Coltharpe, 12. School commissioners—Democrats: Rev. F. M. Osborne, 120; J. L. Sexton, 120. Republican: No candidate,

WARD 9. Alderman-Democrat: Dr. Republican: No Montgomery, 98. candidate. School commissioner-Democrat: J. L. Phillips, 101. Republican: No candidate.

WARD 10. Alderman-Democrat: Dave Kister, 50. Republican: Sam N. Ran-

kin. 19. School R. O. Robinson, 50. Republican: J. A. Prim. 19.

WARD 11. Alderman-Democrat: L. W. Wingate, 51. Republican: T. G. Stenhouse, 8. School commissioner-Democrat: W. J. Gray, 56; no Republican candidate

FIRST FIGHT IN A DECADE It was the first time since the colored man was virtually disfranchised by the adoption of the constitutional amendment in 1900 that the Republican party had put a municipal ticket in the local field. Both sides claimed to be well satisfied last night with the result of the campaign. That the vote was light is evidenced by the fact that of a total registered vote of something more than 4,100, only 1 .-\$15 were cast for mayor on both sides, or less than naif. The Reboth publican vote cast is about one per cent, of the total registration, Republicans had hoped to carry the 11th ward, which they lost for mayor by only 6 votes, although the Democandidates for alderman and school commissioner won easily. There was a sharp fight also in Ward Belmont, where the Democrats polled a majority of 35 for mayor.

The Republicans did not make the mica and their representatives have showing that some Democrats feared, numerous predictions of a much lower majority than that polled being 117 more votes in the election than he did in the recent primary, in which he got 1,339. That a very large numwho voted in the primary remained away from the polls is shown by the fact that only 1,456 Democratic votes were cast for mayor where- than twenty places.

DEMOCRATS WIN EASILY as in the primary 2,108 were counted. Indifference and confidence in the result form presumably the explanation for this lethergy. It is not apparent that there was any disaffection in Democratic ranks because of the de-

feat of Mr. McCall in the primary. In a number of wards, as shown in the results above, no ticket at all was put out by the Republicans and in others endorsement was given to certain ones of the Democrats. Ward 2 for instance endorsement was given to Mr. T. C. Toomey and Mr. W. A. Watson for aldermen and to Mr. Smith for school commissioner in Ward 3 the Republicans endorsed Messrs. Guillett and Garibaldi for aldermen and Mr. E. F. Creswell for school commissioner, besides supporting one man for each place from their own party. This affected the

IT WAS A QUIET AFFAIR. The Democratic primary practically ended the election in Charlotte. Soon thereafter, the Republican council-lors gathered themselves together and decided to enter the field and see what they could do in the way of muddying the waters; to try their strength and see if they could black the board. They had nothing to lose, they figured, and if they could land majorites except the fifth. In that feather in the cap of the party. Their campaign was extremely quiet. Only few speakings were held and these toward the closing days of the fight. Their effort was more to register and bring out the whole Republican stronghold and the G. O. P's made strength than it was to win Demotenarian, Mr. H. P. Permenter, aged chance of using chagrin to good advantage, however, the opportunity was not passed up.

It was a clean battle throughout, devoid of unseemly personality and passion. To the man not closely identified with either party his interest in the outcome was one born purely of curiosity.

The platforms of the parties play-d little part. The Republicans adopted a document which declared for the sale of soft drinks, cigars and fruit on Sunday, and also stood for economy and against the issue of The Democrats were not on record either for or against the Sunday proposition, evidently deeming it a matter not of enough moment to discuss in advance and one to be settled when it came up. The Democrats, too, were against the issue of bonds and had nominated their candidate as one who could give the city a busi-ness-like administration. Thus the uestion was largely one of personalities as is usually the case on local

No such interest was shown vesterday at the polling places as had characterized the same places at the pri-mary a few days previous. A few scores came up last night to learn the result and several million called the local newspaper offices for information. There were the only evidences of concern.

TO EXHIBIT WILKES RELICS.

Cocked Hat, Jeweled Sword, Epaulettes, Medals and Other Valuable Historical Relics of the Late Rear Admiral Wilkes to Be Exhibited at the Alaska-Yukon-Pacific Exposi-Epecial to The Observer.

Wilkes, of 814 Connecticut avenue Washington, D. known at Charlotte and High Shoals, N. C., has loaned the Washington State Historical Society. whose headquarters are in Tacoma ome valuable historical relics, to be displayed by the society at the Alaska-Yukon-Pacific Exposition at Seat The late Rear Admiral Wilkes of the United States navy, visited Puget sound in 184; and unfurled the first United States flag at Lake Sequalitchew, near aid qually, where a monument was recently erected by the historical so-

The articles are to be returned to Miss Wilkes at the close of the exposition. The list is as follows: One cocked hat worn by Captain Wilkes during the expedition (in mahogany case).

One pair of epaulettes used by Cap tain Wilkes, then Rear Admiral Wilkes, during the civil war. One jeweled sword, presented to him by the City of Boston, 1862. One service sword with belt, used when in command of exploring expedition, 1838 to 1842. One gold medal presented by the

Royal Geographical Society of Lon-One paper cutter made from piece of the ship Relief. Two small shaving glasses made by ship's carpenter.

Two stars and eight buttons, One flag 10x7 feet. W. H. Gilstrap, who is secretary of the Washington State Historical Society, tells me that his parents came to Washington from Newbern U. N. H.

DROWNED IN HUDSON RIVER. Son of Mr. W. I. Newton, of Roxboro,

Loses His Life While Out on Pleasure Trip-Popular and Much Loved in His Native Town. Special to The Observer. Roxbero, May 4 -- A message re-

ceived by Mr. W. I. Newton to-day conveyed the shocking news that his son, Earl, was drowned yesterday evening in the Hudson river at New The only particulars learned were that he was out with a party when the craft capsized. He went down near the shore after making a heroic struggle and long swim to save making plants, an oil mill, and a himself. Another message this evening stated that the body had not been ecovered.

Mr. Newton was an expert accountant and had held a position in the of the town since the last Federal New York office of the American To- census. bacco Company for several years. He that the population has more than was about 25 years old, the only boy and the pride of a large family. The parents and sisters are crushed with To Form Atlantic Torpedo Flotilla. grief and the whole town grieves with them, as he was a most likeable and clever fellow.

Davis Out on Bond. Special to The Observer.

Monroe, May 4 .- Thomas L. Davis,

who has been confined in the county jail awaiting the result of the injuries he inflicted on C. J. Gamble, whom he shot at Waxhaw three weeks ago yesterday, has been reeased on a bond of \$1,500 to appear before the recorder on May 31 for be formed, the others the preliminary hearing. Mr. Gamble available for duty or be placed in is in the hospital at Chester, S. C., reserve. and the physicians have reported to his counsel that he will very probably recover. It was thought at first that he could not possibly recover, as he was shot through the abdomen and

DEFENSE TO ASK VERDICT

NAVAL STORES TRUST CASES.

Events of Importance in the Trial Come in Quick Succession—Prone-cution Rests and Announces That a Case Had Not Been Made Out Against One of the Defendants and Asked That a Verdict of Not Guilty Be Returned in His Case, as to the Other Defendants He Thought a Case Had Been Made Out—De-fense Will Make Motion To-Day— W. F. Coachman on the Stand. Savannah, Ga., May 4 .- Preceding

the announcement that the prosecu-tion rested its case in chief at the close of to-day's session of the socalled naval stores "trust" cases events of importance in the trial came in quick succession. The prosecution through Assistant District Attorney Akerman announced that a case had not been made out against Charles J. DeLoach, secretary of the American Naval Stores Company, and asked that a verdict of not guilty be returned in his case. The examination of W. F. Coach-

man, of Jacksonville, Fla., president of the Consolidated Naval Stores Company, proved of unusual interest apart from the fact that the morning session ended abruptly because it was announced that he had become suddenly ill, and that at the afternoon session he was assisted as he walked to the witness stand,

As to the other defendants after announcing the close of the opening battle, Attorney Akerman stated he believed a case had been made out. Judge Sheppard declared a recess unil to-morrow when it is expected that the defense will ask for the direction of a verdict as to all the defendants. Mr. Coachman's direct examination was confined to a conversation he had in New York with Treasurer Boardman, of the American Naval Stores Company, a defendant; a conference with Mr. Moller in Jacksonville and his objection to a contract, which obtains between the Consolidated and the American companies, a contract the American assumed, it was stated, when it succeeded the S. P. Shotter and the Patterson and Downing

Mr. Coachman denied turning over to Senator Taliaferro, of Florida, some letters, which the defense contends were taken from the third story of the building at 519 Magazine street, New Orleans, without their owner's consent. He stated, however, that he was aware these letters got into the hands of Senator Taliaferro and were used by him in Congress. The letters in question were referred to by Special Agent J. F. Martin as 'orphans," and it was stated that, while he was in search of evidence against the defendants, these letters were taken from a room in the New Orleans building referred to. It was claimed they were written 19 years

Mr. Coachman told of a conference he said he had with Mr. Boardman in New York early in 1908. He discussed with him, he said, a clause referring to storage charges in the contract between the two companies, the Consolidated and American. He stated he told Mr. Boardman he did not think his company would continue to pay storage charges for renever went near man stated he was not willing for any change in his company's methods. and that he refused to adopt a commission plan for storage charges.

Then the witness switched to his he said, he again objected to the charges. He said he asked Mr. Moller if the Consolidated would be boy cotted if the charges were not paid and that Mr. Moller replied that the Consolidated was expected to pay Mr. Coachman could not remember any visit J. O. Lafontissea who recently was found Washington, may have made to him in September, 1908.

TROOPS ESCORT NEGRO.

Feeling Against Slaver of Turpentine Operator is Strong-Will Be Tried To-Day.

Savannah, Ga., May 4.—The Geor-a Hussars. 32 strong. commanded ia Hussars, 32 strong, by Captin McIntyre, left here to-day, on a cross country march for Clyde, Bryan county, having in charge Brunswick McRae, a negro, who is to be tried to-morrow in the Bryan county Superior Court for the murder of Zenas Warnell, a turpentine operator, several months ago.

The cavalry is under the orders of Judge Paul E. Seabrook, of the Atlantic circuit, who asked the Governor for the use of the troops because of the feeling against the negro Bryan county. The trip to Clyde will be completed to-morrow.

McRae was once sentenced to be hanged but was given a new trial There is much feeling against him in Bryan.

Monroe Ice Plant Stars Up. Special to The Observer

Monroe, May 4 .- The Monroe Ice and Fuel Company commenced delivering ice yesterday, having two delivery wagons in commission. The ice-making plant will not be in complete running order, however, until the 15th of the present month. The building and machinery of this plant cost the company \$20,000, and equipment is thoroughly up to date. Three cotton mills, a wood-working factory, a buggy factory, two brickroller flour mill, in addition to the above, are now furnishing employment to large numbers of people here. and serve to explain the great growth The next census will show doubled since 1900.

Washington, May 4 .- Orders were given at the Navy Department to-day putting into commission the twelve torpedo boats now at Charleston, S. The intention of the department is to form an Atlantic torpedo flotilla, to be in charge of Lieutenant Commander Frederic N. Freeman. will accompany the fleet on its summer manoeuvres. The five boats making up the third flotilla now at Pensacola will proceed to Charleston and from the combined strength a flotilla made up of twelve boats will remaining

Williams' Appointment Confirmed. Washington, May 4 .- The Senate to-day confirmed the nomination of James Thomas Williams, Jr., of South his intestines were perforated in more Carolina, to be civil service commis-