VOL. XIV. NO. 222.

ASHEVILLE, N. C., MONDAY AFTERNOON, OCTOBER 25, 1909.

3c PER COPY

THE CENSUS GIVES.

IN A REPORT ISSUED TODAY,

COTTON GINNED

Report Shows 5,525,591 Ginned up to October 18-Justifles Increased Price.

DEPARTMENT COUNTS ROUND AS HALF BALES

These Reports, Always Awaited With Interest by the Trade, Give Figures for Former

Years.

ર્કોર ન્ક્રિક ક્ષેત્ર ક્ષેત્ર ક્ષેત્ર ક્ષિક્સિક ફિલ્મોલ્ફોલ્ફોલ્ફોલ્ફોલ્ફોલ ક્ષેત્ર ક્ષેત્ર કર્ફેર કર્ફેર કર્ફે

New York, Oct. 25 .- There wes great excitement in the cotton exchange market, prices making new high records, owing to big gains in Liverpool, the bullish crop estimate by a prominent English expert, the scare of shorts, and general buying December cotton sold at 14.11 and May at 14.25, about fifteen to twenty points higher than Saturday. There was enormous realizing, particular as the census report showed rather more cotton ginned to October 18 than recent private figures, and prices lost several points of

Business continued very active during the middle of the day, with Southern bulls as aggressive buyers, on the report of further damage to the crop from frost over Sunday night. Early reactions were received late in the forewhile bull leaders were predicting a further advance. meeting with little opposition aside from continued realiz-

Washington, Oct. 25,-The census bureau today issued a report showing that 5.525.591 bales, coounting round as half bales, had been ginned from the growth of 1909, to October 18th, as compared with 6,296,166 for 1908; 4,420,258 for 1907.

This, is a measure, bears out the prophecy made Saturday, by speculators, of a short crop, and seems to warrant the increased price for the staple, which Saturday went to 14 cents

Comparative Figures.

The reports show the following comparisons of cotton ginned up to October 18, 1909, with that of same pe

riod of 1908;	
State. 1909.	1908.
Alabama 513,545	694,10
Arkansas 327,645	347,46
Fiorida 34,903	34,02
Georgia1,112,700	1,119,22
Louisiana 114.073	27,99
Мізківніррі 393,414	621,39
North Carolina 252,245	276,22
Oklahoma 329,705	132,55
South Carolina 622,570	660,67
Tennessee 110,190	131.07
Texas	2,047,75

All other states. . 19,799 23,63 In this report \$7,854 round bale were included, as compared with 118, 720 for 1908. The number of Sea Island bales included was 36,330, as compared with 32,013 for 1908.

The bureau announced that individual returns of ginners had allowed re port of cotton ginned to September 25 so that the corrected number of bale ginned to that date was 2,568,150.

SMITH SAYS HE DID NOT SAY

The One Time Manager of Atlanta Ball Team Says He Did not Say Things Attributed to Him.

in a letter to President Kavanaugh, of the Southern league, repudiates the report, published in Cincinnati, crediting him with explaining his dismissal, after winning two pennants for Atlanta, "Because he would not draw fine finishes for big gate receipts."

Smith has been cited to appear before the Southern directors November 8, to answer the complaint filed by Atlanta club officials.

BODY OF MARYLAND MAN IS FOUND BY A NEGRO

Laurel, Md., Oct. 25.—A gruesome find was made by a negro near here when he came upon the body of Charles A. Fox. jr., formerly postmas-tre at Beltsville, Md. Fox disappeared last June, when he wandered from his flome while delirious with fever. It is thought he succumbed to the disease, there being no suspicion of murder or suicide.

Killing of Mayor Newberry of Newport was resumed today. The defense had 22 witnesses present to prove that Sanders did not do the killing.

The prosecution put on the stand one Harrington, who declared he heard a shot, followed the vanishing figure of a man who held a gun, and disease, there being no suspicion of murder or suicide. Laurel, Md., Oct. 25 .- A gruesome

FROM THE CAPITAL

Complete Satisfaction Is Felt by all Those Concerned With the State Fair Held Last Week.

The Gazette-News Bureau, Chamber of Commerce Rooms, Hollemon Building, Raleigh, Oct. 25.

There never was as great satisfaction with a fair here as with the one state poultry farm occupies 14 acres the house. many years; first when it was the ex- was first noticed about six years ago. periment farm of the A. & M. college, under the auspices of the state department of agriculture. It is found that there is much unused space in the grounds, which only needs improvement to make it all available. A large area is required for the teams of the country visitors, who come to the fair by thousands now. The vehicles and stock from the country tell the story of prosperity as plainly as do the people themselves, for this is the farmers' year.

The "Colored Fair."

This week the thirty-first annual colored fair will be held, and the executive committee has made an address to the negroes of the state urging them to join in the effort to dignify labor and elevate the laborer. The address says the white people of the state has been always generous with their sympathy and their money. This year orators will be Horne of Clayton and Secretary Joseph E. Pogue of the North Carolina Agriculture society. Among the negroes there has been formed a state farmes' co-operative and educational union, and this is to hold its first annual session at the fair grounds next Thursday.' H. R. Goodson is its chairman and John P. Arrington its secretary.

The A. & M. College.

During the past few days work has tone forward much more rapidly on the new dormitory at the A. & M. college. The authorities are very anxlous to get this done, so as to relieve to all matters before it. He was marhe over-crowding of the other dormitories. It is to hold 164 cadets. Next like others of the justices, he accepted year another dormitory will have to be built. The fact that over 100 applicants have been turned away for his seat as a justice. this term shows how great is the need for more room.

Chief Marshall Hector McGeachy of Fayetteville, who looked after his duty so well during the state fair, and who led the grand ball at the Capital club, was presented with a watch by the assistant marshals, some 40 of whom

MRS. SHORT TO

Woman Shot by Her Husband in Washington Is Slowly Improving---His Body Unclaimed.

Washington, Oct. 25 .- Slowly recov ering from wounds inflicted yesterday by her husband, whose body still lies unclaimed at a district morgue, Mrs. Evelyn Louise Short will be operated upon today for the removal of two tice Rufus W. Peckham, the Supreme bullets, which lodged in her back. court of the United States today ad-At the hospital this morning she was

reported improving. She was shot yesterday morning a the Union Station, because she refused to leave the stage and resume her unhappy life with William H. Short, of New York, an ex-convict whom she married in her teens. Short then shot

Little Rock, Ark., Oct. 25.—W. A. SWEARS SANDERS

Prosecution's Witness Positive, but Defense Has 22 to Swear Just

the Opposite.

Beaufort, N. C., Oct. 25 .- The trial of S. J. Sanders, charged with the killing of Mayor Newberry of Newport

THE DEATH OF

His Summer Home, Coolmore-His Official Career.

Albany, N. Y., Oct. 25 .- Rufus W. Peckham, associate justice of the United States Supreme court, died at 8:15 o'clock last night at Coolmore, his summore home at Altamont, Albany county. Death was due to a complication of diseases, heart trouble, Bright's disease and hardening of the arteries contributing. Justice Peckham had been in ill health for some time, but his condition was not considered serious until recently. Following adjournment of the May term of the United States Supreme court he came on from Washington with Mrs. held last week. It was a success in Peckham to spend the summer at Alevery way, and this success means a tamont, expecting to return for the great deal for Raleigh and for the beginning of the October term. A few In all probability, at the first that his physicians said he was likely meeting of the executive committee, to die at any time or might linger for the question of erecting new buildings several months. Up to a few days ago and of utilizing all the space within Justice Peckham exhibited considerathe grounds will be taken up. The ble strength and was able to be about The circulatory disturbof the grounds, having done this ance which contributed to his death

> His Death a Shock. Washington, Oct. 25 .- The nouncement of the death of Justice Peckham, while expected, came as a shock to his associates on the bench

and in political circles and everywhere expressions of regret were heard. Justice Peckham was a democrat and before taking a seat on the bench gave considerable attention to politics in New York. He was born in Albany, N. Y., November 8, 1838, and had been on the bench, state and federal, for twenty-six years. He came from the court of appeals of his native state, a position which his father be-

fore him had occupied. Mr. Peckham's first office was that of district attorney for Albany county. He was elected to the position in 1868. He afterwards became in succession corporation counsel for the city of Albany, member of the Supreme court of the state and associate justice of the State Court of Appeals. He was the last of President Cleveland's democratic appointees to the Federal Supreme court. Chief Justice Fuller and White being the other He took his seat in January, 1896.

Geve Time to Official Duties. His chief distinction was that of giv ing his time exclusively to the duties

of the court. He accepted no outside appointments and undertook no work not connected with the high tribunal of which he was a member. He was in constant attendance on the court and gave the most careful attention ried, but went fittle into society. Unno invitations to public functions, and made no public addresses after taking nors, United States senators, represen-

Cases involving the rights of corperations received especial consideration at Ju-tice Peckham's hands, and he was the author of some of the Half a dozen of the largest steammost noteworthy opinions of

recent date along this line. Several of Mr. Peckham's corpora tion decisions dealt with the Sherman anti-trust law as applied to railroads. These included the joint traffic and which he held the law to be applicaof Attorney-General Young of Minnesota in which it was held that the Federal courts could interfere with th execution by the state courts of an unconstitutional state law.

Judge Peckham's bearing was distinguished and his manner affable. His and mustache were snow white and his hair longer than hair is usually worn. His features were clean Altogether his bearing and appearance were those of high breeding, and he would have attracted at tention in any assemblage. He was an agreeable and entertaining conversationalist and highly popular with his

associates. Court Adjourned Washington, Oct. 25 .- Out of respect to the memory of the late Jus

journed until next Monday.

AFTER YACHT CUF

Arrived from Eulope Today and Will Issue Another Challenge at

Early Date.

New York, Oct. 25 .- "I have come over this time redhot for another to fall in October. In fact, almost ev-challenge to the New York Yacht ery October is marked with a light club, and will do my best to arrange matters with the club so that I can have another chance to lift America's So spoke Sir Thomas Lipton,

on his arrival from Europe today. Minister Hurt in Runaway Accident.

was resumed today. The defense had 22 witnesses present to prove that Sanders did not do the killing.

The prosecution put on the stand one Harrington, who declared heard a shot, followed the vanishing heard a shot, followed the vanishing of a runaway Saturday evening. The figure of a man who held a gun, and figure of a man who held a gun, and figure of a man who held a gun, and his low broken.

Roanoke, Va., Oct. 25.—Rev. A. L. heavy trails. Roanoke, Va., Oct. 25 .- Rev. A. and his leg broken.

PRESIDENT TAFT EVIDENCE TAKEN JUSTICE PECKHAM IN ST. LOUIS TODAY IN THE FAIN CASE

Distinguished Jurist Died Last Night at The Program Arranged for the Day Will Commissioner McCall Has Reserved Occupy Every Moment of the

President's Time.

Schedule of the River Trip. Depart from St. Louis at 5 p. m., Monday, on the steamboat Oleander, accompanied by the Governors of 25 states and numerous members of

First speech at Cape Girardeau, Mo., at 6 a. m., Tuesday. Speaks at Cairo, Ill., Tues-

noon and at Hickman. Ky., Tuesday afternoon Spends four hours in Memphis Wednesday and speaks at Helena, Ark, at 7 p. m.

Arrives at Vicksburg at m. Thursday, and remains there until 11 p. m. Arrives at Natchez at a. and remains there three

hours Stops at Baten Rouge Friday evening and reaches New Orleans Saturday morning. Addresses Deep Waterways convention Saturday after-

St. Louis, Mo., Oct. 25 .- After a 24nour run from Dallas, President Taft and party reached St. Louis early this Wagner, Sunday, October 10, that it morning and were given a rousing re- was delivered to Mr. Wagner to see it lecture was much enjoyed by all presthe president again on his way to the the one who delivers mail on South-Sunny South to attend the Lakes-to- side avenue; that he next saw the the Gulf Deep Waterways convention letter Monday earning about \$130 at New Orleans.

No Pork Barrel.

President Taft said his approval of the bond issue for the waterway improvements did not mean the opening of a pork barrel to send back any particular member of congress, but to secure sufficient money to carry out quickly such projects as may be approved after careful investigation.

The program arranged for the day's visit in the Mound City was well calculated to occupy every moment of the president's time. Immediately upon the arrival of his special train, which was met enroute by the local his reception committee, the president it. delivered an address in the Coliseum he was willing to a tine or suspension, to an audience of 15,000 persons. Then but did not want it to get to the newscame a luncheon at the Jefferson hotel as the guest of the Rusiness Men's dence, and upon one corner was writleague. From the hotel the president Louis to attend the dedication of a not properly addressed. Mr. Fain, said years this sinking fund is unneces-Government building there and to witness, explained to him that the meet Governor Deneen and other letter was in the wrong package prominent men of Illinois.

Witness said that he usually marked

in St. Louis brought scores of govertatives in congress and other public men who have accepted the president' sinvitation to accompany him on the trip down the Mississippi river. boats that ply the "Father of Waters" have been chartered for the accommodation of the official party. boat has been set aside exclusively for the use of the state executives, of whom there will be at least 25, tolaunches of all descriptions.

OF THE SEASON

The Snow Came, the Winds Blew, and Asheville Drew a Big Frost

Today.

Yesterday morning was chilly, real ter broken open, chilly, and it felt as if a blast from the very arctic regions had suddenly descended upon Asheville. Follow ing a pleasant morning Saturday, were rumblings of thunder about midday, followed at night with a chilling wind which banked the snow clouds in the north. Early Sunday morning a light begun to sift down from the skies. The snow, however, did not amount to much, and about noon the sun came out for a while. Toagain, but later cleared off, and this morning marked the heaviest frost of

the effect that the snow was sometains yesterday were white. This, however, is not the first snow

Lang Knocks Out Squires.

Melbourne, Oct. 25 .- "Bill" Lang.

THE WEATHER.

Decision in the Letter Carrier Case Untill November 2nd.

The hearing of the case against N. W. Fain, the Asheville letter carrier, charged with tampering with the mails, in violation of the United States The Meeting Was Well Attended, and a statutes, was begun this morning before United States Commissioner R. S. McCall. All the evidence was taken, but decision was reserved until the commissioner can confer with District Attorney Holton regarding a construc statute, a question raised by Frank Carter, attorney for Mr. Fain. This question was whether if Miss Hipps had given Mr. Fain permission to open her mails, and deliver the mail association held its regular monthly to her-which delivery should be meeting Saturday in the court house made by another carrier-that permission could be extended to placing the there being nearly 70 teachers' presletter back in the mall to be delivered by the proper carrier. The government was not represented by an at- county superintendent of education Commissioner McCall will and the exercises were very enjoyable

render his decision November 2. Postoffice Inspector D. M. Harsh- of the Flat Rock graded school, gave berger was the first witness for the an interesting talk on "Why should government, and testified to receiving physiology, as a science, be taught in the letter addressed to Miss Eva our public schools." Hipps, 296 Southside avenue, Ashe- in the course of his address gave : ville, the letter being postmarked at brief outline as to the way he thought official envelope This outside envel- children. ope was directed to Mr. Harshberger. He said the envelope was opened in and its teachings, which readily con Another 24 hours will find was placed on Carrier No 10's desk that it was received from Carrier

Henry. He then told of the conversation with Mr. Fain, which was held about 16 o'clock Monday, in which they held out to Mr. Fain no inducement to make a "confession;" that Mr Fain denied having seen the letter addressed to Miss Hipps; that after he had told Fain that it was no use to deny it, that he knew he had seen it. Fain at first denied it, but after being reminded that he knew that he (Fain) did get it, and it was no use to lie about it; Fain admitted getting the letter by migtake, and later admitted getting it out of Carrier Henry's mail. but that it was opened when he got it. Mr. Harshberger told further of was entertained at breakfast by the Mr. Fain coming to him, and asking if Commercial club, At 11 o'clock he the matter would not be dropped, that ter the syllable "Nix,"; which in posthurried across the river to East St. office usage means that the letter was is contended that after a lapse of ten-

Witness said that he usually marked Mr. Wagner Testifies

Assistant Postmaster J. L. Wagne told about receiving the letter from Mr. Harshberger, and of turning it over to Clerk Brown in the postoffic about 11 o'clock Sunday night; that he was present when the conversation between Mr. Harshberger and Mr Fain took place, and verified what Mr Harshberger had testified. He further testifled that Mr. Fain stated to thes two that during the summer Miss Hipps had given him (Fain) orders to the trans-Missouri cases, in both of gether with members of their staffs. bring her mail to her house; that Miss The river caravan will be piloted by a Hipps and Fain had had a difficulty ble. He also prepared and delivered flotilla of United States torpedo boats about a letter, which he had kept for the opinion of the court in the case and in the wake of the official craft a while, and later read it in her prewill follow a swarm of steamboats and ence to her: that Pain had at time written notes, and placed them on Carrier Henry's desk to deliver any mail for Miss Hipps to him; that Fair admitter getting the letter in question from Carrier Henry's desk.

Roy Brown on Stand.

Roy P. Brown, a night clerk at th costoffice, testified to receiving the letter from Mr. Wagner, of keeping it n a record book until between 5 and 6 o'clock Monday morning, when he placed it in Carrier No. 16's mail: that Clerks Featherstone and Hayes were present in the office, that Carrier Fain was the first to come in. The ashes will be removed this eventhat he first noticed Carrier 10's mail taken out of distributing cases; that they have been resting since the funhe saw Mr. Fain at a desk other than eral services here, and taken to Richhis own, that later he looked on Carrier Henry's desk and found the let-

Mr. Henry Saw Letter.

Carrier E. L. Henry testified to first seeing the letter about 8:10 a. m. when he was working up his mail; that the letter was unsealed, but he did not unseal it. The government rested after the introduction of Mr. Henry's testimony, and the defense introduced its only witness, Miss Eva Hipps.

Had Miss Hipp's Permission Miss Hipps testified to having been

married to a Mr. Poore, that she had a divorce and had resumed her maid en name; that she had known Mr Reports from Waynesville are to Pain all her life, that she had worked in his taxidermist shop, that about what heavier there, and the moun- year ago, and especially during las summer, while his wife was away, he Surgeon General Wyman Gives the Subtook dinner and supper at her house Regarding the letter which Mr. Fain had mentioned to the government officials, she stated that Mr. Fain had brought the letter to her, that she read it, objected to his reading it. that he snatched it from her and read it, that she became angry and remainthe Australian puglist, knocked out ed so for several hours. This was in "Pellagra," especially in the south, "Hill" Squires of Australia in the September, and while she was "mad," has led Surgeon General Wyman, of twentieth round. They fought for the she instructed Carrier Henry to delivheavyweight championship of Aus- er her mail, and not let Mr. Fain have tal service, to give the subject promiit; that later she repented and tele- nence in the weekly health reports of phoned Fain to get her mail. She services.

testified that "Nix" was a name between them, and that she would have from pellagra for July, and one death known by that that Mr. Fain had for August. Two cases are reported opened the letter; and that he had from Camden, S. C., for the week her permission to read her mail. The efided October 9. Up to September

Continued on Page Four.

JURY IS SELECTED

TEACHERS MET IN

HENDERSONVILLE

Number of Interesting Talks

Were Made.

The Henderson County Teacher

hall. The meeting was well attended

An interesting program

Professor David H. Klein, principal

markable incidents as to physiology

The second number on the program

was a paper read by Mrs. John Red-

den, entitled "Practical Teaching."

Mrs. R. M. Ivins, wife of Professor

lvins of the city graded schools, gave

the patrons be brought in closer

touch with the schools,"

trip down the Mississippl river.

MRS. HAYES' ASHES

WILL BE REMOVED

day, and Funeral Will Be Held

There Friday.

Colorado Springs, Col., Oct. 25.

Extreme simplicity win mark the de-

parture of the ashes of Mrs. Margaret

daughter of the Confederacy, for their

final resting place at Richmond, Va.

ing from Evergreen cemetery, where

mond Thursday and will consist of

Mrs. J. Addison Hayes, Dr. and Mrs.

Gerald B. Webb and Miss Lucy Hayes,

and they will be joined at Richmond

by Jefferson Hayes Davis of New

Arrangements for funeral services

at Richmond have been left with the

committee of arrangements there. The

Ject Prominence in Reports of His

Department at Washington.

Washington, Oct. 25,-The wide-

spread interest in the progress of "Pellagra," especially in the south,

exercises will be held Friday.

PELLAGRA DISCUSSED

The party will reach Rich-

Howell Jefferson Davis Hayes,

mend.

school teachers.

was well posted on the subject.

He also cited a few re

Professor Klein

prepared by W.

been

Schools,"

The Gazette-News Bureau,

Hotel Gates,

Hendersonville, Oct. 25.

IN THE SUPERIOR COURT TODAY,

IN WATKINS CASE

Court Room Crowded When First Step Was Taken in the

Trial of the Black Mountain Constable.

THE CHARGE IS MURDER IN THE SECOND DEGREE

Mr. Collins, Wno Was With John Hill Bunting When He Was Kill-

ed, in the Court Room.

With no apparent intent or purpose to delay or continue; with a court coom filled with interested spectators, witnesses and court officials; promptly and with no more formality than the jurors drawn to serve at the special term of Superior court, the trial of F. C. Watkins for the killing of Hendersonville and enclosed in an this study should be taught to the John Hill Bunting of Wilmington at the Gladstone hotel, Black Mountain, on the night of August 6, and the the presence of Assistant Postmaster veyed to his hearers the fact that he serious wounding of Paul Cameron The Collins of Hillsbore, was begun. The state, represented by Solicitor Mark W. Brown, Judge Thomas A. Jones. Hon . Thomas Settle and R. R. Wil-Bams, charges Mr. Watkins with murder in the second degree. fense, in the hands of Hon. Locke a short talk on "Music in Public Craig, Judge J. D. Marphy, J. Schools." G. F. Cork, principal of il. Martin, Garland A. Thompson the Mt. Page school enlightened his and Allen T Morrison, will mainhearers on the subject of "How may tain that Mr. Watkins, at the time of the shooting town constable of Black Mountain, acted in self-defense and The meeting was one of the best in the discharge of his duty,

Case to Be Hard Fought

ver held of its kind, in this county, and as a result the regular monthly Today was the beginning of a trial meeting will no doubt continue the that bids fair to be hard-fought; in great work started among the county teresting if not sensational; and a trial that at the least means much for A petition is being circulated and the man accused and indicted on the signed by prominent men of this county asking the county board of Warking when court converted. Watkins, when court convened, occu commisioners to act upon the propopied a seat between and a little in the sition recently put before them in rear of counsel; calm, cool and interreference to the discontinuing of a ested, yet not nervous. Just a few sinking fund, which is created every steps away, and a bit nearer the jury year towards paying the bonded inbox, was scated Capt. Bunting, Next debtedness of this county for the to Capt. Bunting, Asheville & Spartanburg railroad, It mourning, sat Miss Bunting, -the devoted sister-of John Hifl Bunting. sary, acording to law. There are set next Miss Bunting. In front of various opinions among the citizens as Capt. Bunting and Miss Bunting were to the virtue of this proposition and Mr. Settle, Mr. Williams and Judge Jones, alding the solicitor in the con debating from the legal talents of duct of the case. Inside the bar railing were many members of the Ashe Gov. M. F. Ansel of South Carolina ville bar; many friends of Mr. Watkins; passed through this city Saturday friends of Mr. Collins and the late vening enroute for St. Louis, where Mr. Bunting, and others. Outside the he joins President Taft's party in a railing the auditorium of the court room was filled with interested spec-

A Recess Taken.

The selection of a jury to try the ssues-to pass upon the guilt or innocence of the man at the bar of hosice-was concluded shortly before toon, and upon the suggestion of 80licitor Brown a recess was taken by Judge Adams until 2:30 o'clock this

afternoon. During the selection of a jury the prosecution injected into the hearing Party Will Arrive in Richmond Thurs- a new matter-an intimation that men summoned as jurors had, since their summoning, been talked to by friends of the accused. This came out more pointedly during the questioning of D. A. Dillingham and Z. B. Dilling ham, than at any other time. Z. B. Dillingham, when challenged by Judge Jones for the private prosecution, was asked if he had not been talked to about the case; if former Sheriff J. H. Reed had not been to his house and talked to him.

Mr. Dillingham replied that Mr. Reed had talked to him about the sheriff's race; that Mr. Reed had told the summoned juror that he would be a candidate; had referred to the summoning of Mr. Dillingham as a juror, and asked Mr. Dillingham when he came to town to come and spend the night with him (Reed). Judge Jones said that he would ask the court under the circumstances to excuse the Juror.

The court said that it could see no grounds on which to excuse the juror; the juror was excused by the state and a peremptory challenge noted.

Again the intimation came from the state that jurors had been talked to, when D. A. Dillingham was questioned. Judge Jones asked the juror -the summoned juror-if he heard people talk about the case. The juror said that he had heard several; that among them was Capt. Brittain of the convict force; that Capt. Brittain was not talking to Dillingham, but in his presence; that Capt. Brittain said if Watkins was given a fair trial he would be acquitted. Mr. Dillingham said that at the time he was

just "passing along where the con-victs were working and stopped." He was asked by Judge Jones if he had not been employed as a guard. Mr. Dillingham said he was employed thout two years ago; that he quit in July. Later in reply to a question, he said that he had been re-employed about a week ago. He said that he "just took Elliott's place as guard."

Mr. Dillingham said that Capt. Brit tain knew that he (Dillingham) had been summoned as a juror, or that he

The Juror Is Exer