

PELL'S CASES UP ON APPEAL

Three Homicide Cases from the Thirteenth District, All of Which Were Tried Before This Former Judge.

GOVERNOR KITCHIN SPEAKS AT WAYNESVILLE ON FRIDAY

Wake Negro Arrested for Murder—Raleigh's New Officials Take Office Tomorrow—State News Notes.

Gazette-News Bureau, Yarbrough House, Raleigh, May 2.

When the appeals from the Thirteenth district are called today in the Supreme court, three state cases of interest are to be heard. All are appeals from Judge Pell, now an ex-judge.

The case of state against Charles Rowe is from Mitchell county. Charles Rowe and his brother, Wesley Rowe, were indicted for the murder of Filmore Ross. Charles Rowe was convicted of manslaughter and sentenced to the penitentiary for several years, while his brother was cleared. The Rowe brothers were repairing some fence when Ross and his son came up, a difficulty ensued and the fatal shooting took place.

The first exception set up by the appellants is an interesting one as set forth in their brief. They contend that the court upon learning that all the lawyers for the defense intended to address the jury, the court became wroth and remarked that he "would not be able to get home before he would be compelled to open court in an adjoining county; that counsel could go ahead and speak as long as they wanted to," and adjourned court. On the following day, and immediately after one of the counsel for the defendants had closed his argument before the jury, the sheriff informed the court that one of the defendants wished to retire. Whereupon the court said, "Yes, let him retire. You can give the jury water, and gentlemen of the jury, if you wish to retire to your room, you may do so for a few minutes. We have no hand to play between speeches." This was said and is obliged to have been understood by the jury as being in contempt of the number of speeches made and to be made by counsel for the defendant.

The brief in the case was filed by W. L. Lambert, C. E. Greene, M. L. Wilson, Black & Ragland and Huggins & Watson.

On the trial the defendants entered a plea of self-defense. The Supreme court's ruling will doubtless be an interesting one.

Cases from Watauga County. The case of state against Baldwin from Watauga county is again before the Supreme court. Baldwin was previously convicted of murder in the first degree but was granted a new trial and was on the second trial convicted of manslaughter. He was charged with killing a police officer named Miller, of Blowing Rock. The evidence tended to show that Baldwin was suspected of concealing liquor and that the officer had notified him to leave town and a few days later when Miller went to arrest Baldwin the defendant shot him.

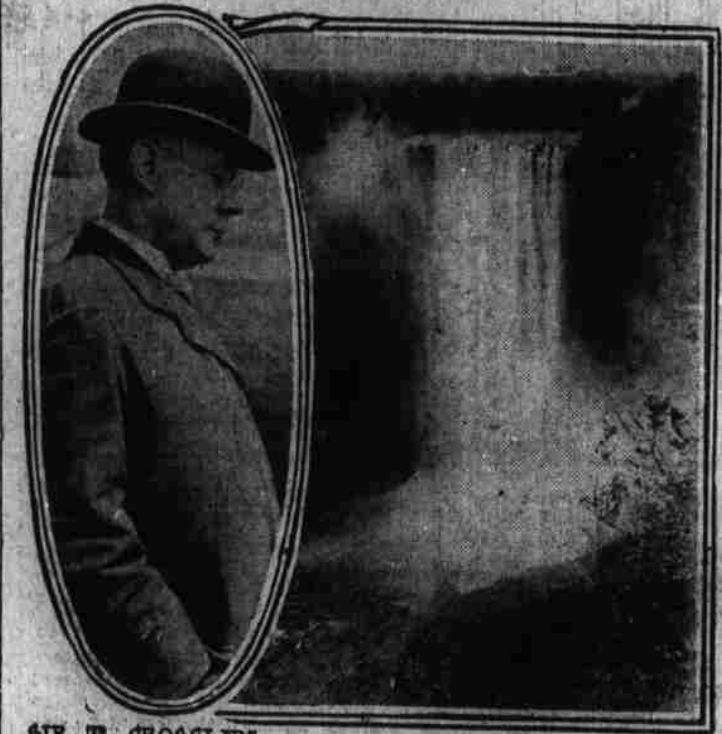
The other murder case is that of state against Daniel Yates of Watauga county who is convicted of killing Jack McQuire November 15, 1909. He was sentenced to serve seven years for manslaughter. In his brief, Attorney General Bleckett puts his contentions eloquently:

"The fight was in all essential features a duel. These men of the mountains live close to nature. They are dominated by that elemental passion for the soil that has made the Saxon the lord of the earth. They met on land that each believed to be his own and untutored and unweakened by the processes of civilization they harkened back to the rude code of their ancestors that knew no appeal to Caesar. Each fiercely resented the presence of the other and while hate and enmity carried out his declared intention to shoot."

Governor to Be Here. Governor Kitchin will leave Thursday morning for a western trip and expects to spend Thursday night and probably Friday night in Asheville. He is going west primarily to make a commencement address at the closing of the Waynesville graded school Friday.

The city election has passed off practically without incident, the nominations in the recent primary being affirmed. The following are the officers chosen: Mayor, James I. Johnson; aldermen, Joseph G. Brown, W. A. Cooper, J. Sherwood Upchurch, George Harden, Alexander Webb, C. A. Johnson, E. D. Peebles and J. C. Ellington; city tax collector, John C. Jones; city clerk, H. C. Glenn; water commissioners, J. C. Glenn, W. A. Cooper and J. C. Ellington.

Is One of the Few White Men Who Has Seen Kaieteur Falls



SIR T. CROSSLEY KAIETEUR, K. C., BRITISH GUIANA.

Sir T. Crossley Rayner, K. C., attorney general of British Guiana, has arrived in New York on his first visit to the United States. He is one of the few white men who have ever seen the Kaieteur fall, one of the most beautiful in the world, which is far inland in British Guiana. After a trip to Washington he will go to Niagara falls before departing for England to attend the coronation ceremonies.

INFORMER TELLS STORY VERBALLY

Abbatemaggio as He Repeats His Confession.

Viterbo, Italy, May 2.—Genarra Abbatemaggio, upon whose revelations the state built against the Camorra, was called to the witness stand today, to confirm verbally the written confession made for the carabinieri after he was tricked into damaging admissions by a police spy. The informer repeated his story coolly and eloquently. He was assailed with curses of the other prisoners in the great steel cage.

When he concluded Enrico Alfano alleged head of the Camorra shouted: "Abbatemaggio deserves 30 years in prison."

Tells of Camorra Organization. The informer said the Camorra existed in well organized form both outside and inside Italy's prisons. Abbatemaggio's testimony was constantly interrupted by protests from the prisoners, accompanied by ugly epithets.

George B. McClellan, former mayor of New York, occupied a seat in the space set apart for lawyers, where the prisoners stared at him. Abbatemaggio's story of the murder of Genarra Cuocola, and wife is already known. He claimed to have been one of the chosen to commit the actual crime and to have escaped the assignment by feigning illness.

CHAMBERLAIN OF NEW YORK IS INDICTED FOR BRIBERY

True Bill Against Hyde Found by Grand Jury Investigating Affairs of Carnegie Trust Co.

New York, May 2.—Charles H. Hyde, chamberlain of the city of New York, was prepared this morning to appear before the criminal branch of the Supreme court for arraignment on an indictment charging bribery.

Three Boys Killed by Fast Freight.

Greenburg, Pa., May 2.—Three boys, Isaac Cook, Charley Reikley, and Oscar Vanderhall, were killed by a fast Pennsylvania train at Devita Bend today. To avoid a west bound freight they stepped in front of the fast train.

GREAT MERGER OF MILLS IS PLANNED

One Million Spindles May Be Affected—\$25,000,000 Capitalization—\$10,000,000 in Bonds.

Charlotte, N. C., May 2.—Cotton yarn spinners representing nearly 400,000 spindles held two meetings here yesterday behind closed doors to consider the proposed merger of Southern mills. The proposition offered by the promoters contemplates a merger of one million spindles on which bonds will be issued to the amount of ten million dollars, of which five million will be devoted to the cash purchase of the properties and the balance reserved for working capital. It is reported that a tentative proposition has been made of \$25,000,000 for the bonds. The mills entering the merger are to have their property assessed by Lockwood Green and Company of Boston and J. E. Sirrine of Greenville, S. C., and of the assessed value 20 per cent. is to be paid in cash, in addition to the quick assets of the mill and 40 per cent. in preferred stock and 40 per cent. in common stock in the corporation merger. The promoters will retain 20 per cent. preferred and common for their work. In addition to the issue of bonds there will be \$12,500,000 of preferred and \$12,500,000 of common stock issued amounting to 350 a spindle. Committees were appointed to lay the proposition before the southern mills and report at another conference. Frank L. Underwood and Leonard Paulson of New York, two of the most interested promoters, were present at the meeting.

THE NAVAL STORES CASE WILL NOT BE ADVANCED

It Will Be Three Years Before the Case Is Reached by The U. S. Supreme Court.

Washington, May 2.—The plea of officials of the American Naval Stores company for an early review of the trial in the lower federal courts, where they were convicted of violating the Sherman anti-trust law, in connection with the so-called turpentine "trust," was denied yesterday by the Supreme court of the United States. The court recently agreed to review the trial, but so many cases are ahead of the appeal that it will be probably three years before it will be reached. The officials about a week ago presented a petition that their case be advanced, giving several reasons therefor. The first was "the long delay that has ensued since the indictment of your petitioners under charges seriously reflecting upon them and excluded to do them serious personal and financial harm."

COST OF TRIAL WILL BE GREAT

Probably \$2,000,000 Will Be Spent in Prosecution and Defense of Men Accused of Dynamiting.

STRIKE IN ALL INDUSTRIES PROPOSED BY W. D. HAYWOOD

As Protest Against "Capitalist Conspiracy," to Begin the Day Set for Trial of John J. McNamara.

New York Herald Syndicate.

LOS ANGELES, May 2.—That the trial of the men charged with complicity in the destruction with dynamite of the Los Angeles Times will cost approximately \$2,000,000, was the statement by attaches at the district attorney's office. Each side, it was pointed out, stands ready to spend unlimited sums in the prosecution and defense of the two McNamara and McNaughtal. The court costs will run up in the thousands of dollars expended in bringing witnesses and evidence here and in other necessary expenses.

Already detectives hired by the unions have been set to work to watch the detectives of the Burns agency and of the city. It is understood that this will be continued until the trial begins and longer if found expedient.

Haywood Proposes a General Strike

New York Herald Syndicate. St. Louis, Mo., May 2.—A general strike, which shall include every worker in every industry in the United States who can be induced to join was proposed by William H. Haywood, formerly treasurer of the Western Federation of Miners, at a socialist meeting in the headquarters of the Central Trades and Labor union, to be launched as a protest by the workers against what the socialists call the "capitalist conspiracy" against John J. McNamara, accused of complicity in the destruction of the Los Angeles Times plant with dynamite.

The suggestion met with an enthusiastic response and following Haywood's address the meeting immediately resolved to elect organizers to carry the strike propaganda to the workers of St. Louis. The day set for McNamara's trial is to be the day of the strike.

Will Take Charge of the Defense Fund.

New York Herald Syndicate. Indianapolis, Ind., May 2.—Samuel Gompers, president of the American Federation of Labor, on arriving here immediately went into secret conference with 40 labor leaders of national and state organizations. After the conference Mr. Gompers said the McNamara case was discussed and that the executive council of the American Federation of Labor would take charge of a defense fund which would be raised by contribution from the various labor organizations of the country.

BANGOR'S LOSS BY FIRE LESS THAN FIRST THOUGHT

It Will Be Between \$2,500,000 and \$3,000,000, With About \$1,500,000 Covered by Insurance.

Bangor, Me., May 2.—Between two and a half and three million dollars will cover the financial loss of the fire which destroyed approximately 285 residences and about 100 business structures in this city Sunday night and early yesterday. Insurance agencies involved estimate that they will lose 60 per cent. or about a million and a half dollars.

That the "Queen City of the East" will rise undisturbed from her ashes without the necessity of asking for outside help was the sentiment expressed by Mayor Charles W. Mullien and representative citizens. Most of those who lost property are well to do and only 75 families were reported destitute.

Search was made of the ruins for possible victims but only two were accounted for as dead. Only a few were injured and none seriously.

State troops patrolled the streets last night, under orders to shoot in case of palpable looting. Despite the cold rain of the early morning there has been little suffering. Last night the city was in darkness, the electric service being well disrupted by the burning of the branch power station; electric cars had not run since Sunday afternoon and the local telephone service is prostrated.

HERE'S A PICTURE OF DON THE FAMOUS TALKING DOG



DON, THE TALKING DOG.

This photograph of Don, the dog who can talk, and his master's daughter, Florence Ebers, is from the London Sketch. Don can say "Don," "haben" (have) "ruhe" (quiet) and "hunger" (hunger). Also in his vocabulary are four other words, and "Haberland," which is the name of the fiancée of Florence Ebers. It is stated that the dog has been examined by scientific men who have found that he really can articulate. Don's gift was discovered by accident. He was begging at table one day when his master, Herr Hermann Ebers, the royal gamekeeper, asked "What will you have?" Don amazed his master and the family by distinctly exclaiming "have!" He then was taken in hand and taught the words he now is able to pronounce.

A FREE LIST BILL VOTE THURSDAY?

This is Underwood's Hope—Much Activity in Senate End of Capitol; Committee Work.

Washington, May 2.—Although when the senate adjourned yesterday it was not to meet again until Thursday, the senate end of the capitol was a place of activity today. Half a dozen committees thrashed out accumulated business, principal among them being the finance committee, which has begun consideration of the Canadian reciprocity measure, already passed by the house.

The house, in the effort to expedite the passage of the free list bill, met yesterday and again today at 11 o'clock. Chairman Underwood of the ways and means committee asserted that he hoped to get a vote on the measure Thursday. There is a disposition to question his ability to force action by that time.

Speaks Against Free List. Under democratic tariff laws, losses exceeding eight hundred million dollars were sustained by live stock interests of the United States, declared Representative Mondell, when the house resumed consideration of the free list bill. He vigorously opposed the measure as offering an opportunity for a repetition of such losses.

Reciprocity to Be Reported After May 13. The senate finance committee has decided to devote the time between now and Saturday, May 13, to hearings on the Canadian reciprocity bill. Immediately afterward it is expected the bill will be reported to the senate.

LEGISLATIVE BRIBERY INVESTIGATION IS BEGUN

Franklin County, O., Grand Jury Takes up Cases Involving About 40 Members of Legislature.

Columbus, O., May 2.—The Franklin county grand jury met today to consider bribery charges involving about 40 members of the Ohio legislature. On Governor Harmon's advice the matter was taken before the grand jury instead of the legislative committee, to prevent the accused members escaping punishment through an immunity plea.

Scores of witnesses have been summoned. The jury may make a partial report tomorrow. Officials of state organizations interested in legislation before the assembly were summoned to tell what they know of efforts to hold them by members. They include many large corporations.

TWO TRAINMEN ARE KILLED ON THE CHESAPEAKE & OHIO. Passenger Derailed Near Hinton, W. Va.—Engineer and Fireman Victims—Cause Unknown. Cincinnati, O., May 2.—Chesapeake & Ohio Passenger Train No. 2 was derailed near Hinton, W. Va., today and Engineer, Fireman and Trainman were killed.

MISSIONARIES REPORTED SAFE

Advices Indicate That Foreigners in Canton Have Escaped Harm—Little News from the West River District.

GOVERNMENT IN CONTROL IT APPEARS, AT CANTON

Eye Witness of the Fighting of Friday Gives an Account of the Scenes Taking Place in Crowded Streets.

HONG KONG, May 2.—Advices from Canton, where the revolutionary movement originated, indicate that foreigners, including many American missionaries, escaped harm. Sunday evening, the revolutionists attempted to cross to Shamien to capture the police station. Loyal troops repulsed them. Bandits led by a brigand chief, Luk, burned four government residences at Patahsu, when they attacked and looted the town. Reports from West river district are meager. The rebels have destroyed telegraphic communication at many points. The government seems to be in control at Canton.

Wants Gunboats to Protect Missionaries. Washington, May 2.—Reporting to the state department activities of the Chinese revolutionists in outlying districts of Canton, Consul General Bernholz recommends that American gunboats enter West river to protect missionaries in Kwang-Tung province. The gunboat Wilmington already is at Canton.

The Fighting of Friday Described. New York Herald Syndicate cable. Hong Kong, May 1.—Colonel C. A. Brown of the Indian army, the sole surviving European witness of Friday's fighting, favors the Herald syndicate with an exclusive account of the events at Canton. He was a member of a tourist party, including Prince Joseph and Prince Ferdinand Lobkowitz, Emily Lawrence and several Americans. The party numbered 20 together.

They were informed on their arrival on Friday morning at 6 o'clock that the city gates were closed and they would not be permitted to land until the steamship was searched. Eventually Colonel Brown went ashore alone, engaged a guide and proceeded in a sedan chair to the City of the Dead, the large cemetery in the suburbs. He heard firing and climbed a dismantled fort four hundred yards east of the famous five storied pagoda, whence he was able to look over a portion of the city, including the Viceroy's yamen, the military college and the Tartar quarter. At noon the gun on the bastion opposite was not fired. The guide remarked that this was unusual.

A terrific noise in the city below, shouting and beating of gongs and a fusillade resembling firecrackers caused Colonel Brown to decide to await developments. He ascended still further. Suddenly he saw flames burst out to a height of 20 feet, accompanied by dense smoke.

"My guide," said Colonel Brown, "informed me the fire was in Sechow street, where many shops of wealthy merchants are situated. The tumult increased and the surrounding country became alive with small squads of cavalry and infantry racing from all directions toward the city. They did not molest me. My guide and the chair coolies showed fear mingled with unmistakable hatred and refused to make inquiries on my behalf, fearing that the soldiers would kill them."

"Presently the house tops and the city walls were crowded with soldiers and struggling men and women. The Manchou soldiery alone occupied the house tops in the Tartar section and kept up a desultory fire in the direction of the conflagration, but whether at rioters or looters it was impossible to see, owing to the narrowness and the crowded state of the streets."

"The range was short, and hundreds of rounds were fired while I was watching, a little more than an hour. About 100 houses were destroyed. Hand to hand fighting took place in the congested streets. The shrieks of the wounded were heard above the noise of roofs falling in and the general pandemonium."

"In consequence of the nervousness of my entourage I was compelled to leave and proceeded to the shamshu, passing through the eastern suburbs. I was surprised at the great crowd pursuing their customary vocations, not heeding or not knowing the cause on the other side of the city walls."

AVIATOR FALLS 100 FEET

Land. Body of the German Army Is Probably Finally Formed and His Appointment Is Announced.

Munich, Germany, May 2.—Lieut. Bay of the German army, who was reported to have been killed in a recent air raid, was found to have survived and his appointment as adjutant general is announced.