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WHOLE NO 2895

## VERDICT 1ST DEGREE MURDER

Will McKenzie of Scotland County Convicted by Robeson Jury — Killed Peter Jones Near Laurinburg Last October—Sentenced to Be Executed October 29 — First White Man Convicted of First Degree Murder in Robeson County in 20 Years — Near Clash Between Lawyers—Other Cases—Civil Term of Court Began This Morning.

The jury in the case of Will McKenzie, who shot and killed Peter Jones, his brother-in-law, near Laurinburg, in Scotland county, last October returned a verdict of murder in the first degree Saturday morning and McKenzie was sentenced by Judge C. C. Lyon to die in the electric chair in the State prison at Raleigh October 29 next between the hours of 10 a. m. and 4 p. m.

The trial began Wednesday morning at 10 o'clock and the case was given to the jury about 9:30 o'clock Friday night. After about two hours' deliberation the jury reached a verdict about eleven-thirty o'clock Friday night but the verdict was not taken until 8 o'clock Saturday morning. The nerve of the prisoner, who had appeared cool and confident all during the trial, forsook him when the verdict was rendered and he broke down and cried.

Sentence was pronounced by Judge Lyon about 11 o'clock Saturday morning. Deathlike stillness prevailed in the half-full court room as the judge read the formal sentence. The prisoner bore up well under the ordeal, though he showed signs of being on the verge of tears as he resumed his seat.

McKenzie's father and mother, Mr. and Mrs. W. L. McKenzie of Scotland county, a brother and sister and his two small children were with him during the trial. Also present during the trial were the widow and seven children of the man who was killed, the youngest child being less than a year old, having been born since the father was killed last October. Another child of deceased was sick at home and not able to be here.

Solicitor Sinclair was assisted in the prosecution by Messrs. Russell & Weatherspoon of Laurinburg and McIntyre, Lawrence & Proctor of Lumberton, while appearing for the defendant were ex-Judge Walter H. Neal and Messrs. Cox & Dunn and E. H. Gibson of Laurinburg and McLean, Varner & McLean of Lumberton.

The jury was composed of the following men: J. W. Branch, L. E. Phillips, L. E. Townsend, Henry McNeill, R. A. Harden, John Warwick, L. K. Rogers, Haynes Johnson, Council Pittman, W. A. McNeill, A. C. McLeod, J. W. Hayes, Jr.

Notice of appeal was given.

First in 20 Years

This is said to be the first time a Robeson county jury has rendered a verdict of first degree murder against a white man in about 20 years. Henry Horn, who killed a man named Griffin in the Fairmont section some 20 years ago, was convicted of murder in the 1st degree and sentenced to be hanged but a new trial was ordered by the Supreme Court and he was acquitted at the second trial. Two white men who committed murder in this county were convicted and hanged more than half a hundred years ago, but not in this county. One was convicted and executed in Cumberland county, the other in Columbus county. One was convicted of killing a woman at a point on Lumber river about a mile and a half below town known as Abi's cove; the other was convicted of stabbing a man to death as he passed him on a branch about 4 miles east of Lumberton.

Will McKenzie will be taken to the State prison some time this week, it is thought. He is a large, well-built, powerful-looking man, and though a dozen of Scotland county citizens testified during the trial that he is a man of bad character, he has not a bad face.

It is understood that the circumstances which led to the killing grew out of the prisoner's alleged bad treatment of his wife, sister of Peter Jones, who died a short while before the killing. It was in evidence that Jones cursed McKenzie on the morning of the day of the killing, which took place on October 22d, 1912; that during the afternoon of that day McKenzie accompanied by E. H. Ingraham, drove in a buggy to new grounds about three miles from Laurinburg near the home of both deceased and prisoner, where deceased was at work, armed with a pistol and shotgun; that McKenzie got out of the buggy and told Jones that he came for repentance

on the part of Jones for what had been said that morning, that then he (Jones) had the ups on him (McKinzie) but that now he (McKinzie) had the ups on Jones; that Jones told McKenzie he (McKinzie) had come there to raise a row and he (Jones) would see that he paid for it, and that Jones started toward the road toward McKenzie; that McKenzie fired on Jones 4 or 5 times with pistol and failing to stop him with that threw down pistol and shot Jones with a shotgun loaded with buckshot; that Jones was not armed.

In Thursday's Robesonian the testimony of all the witnesses except the accused was given. McKenzie was on the stand as the paper went to press. He claimed self-defense and his version of the killing was as follows:

McKenzie's Version of Killing.

McKenzie took the stand immediately upon the opening of court Thursday afternoon at 2 o'clock. He appeared calm and self-possessed and answered questions in a clear audible tone. His testimony was in substance as follows:

Thirty years old, had been a R. F. D. carrier from Laurinburg for nearly seven years. Married a sister of the deceased Peter D. Jones about six years ago; they had four children. Two of whom were now living. His wife died Sept. 24th, 1912, and Jones was killed October 22, 1912. On the day of the homicide he was moving his household effects from his home in Laurinburg to his father's home in the country. Early that morning he went to his own home to get first load, put his overcoat on back porch, loaded the wagon and started to his father's, when they passed Peter and he asked them about that tale he had been hearing. McKenzie asked what tale and Jones said, "you are a damned lie." Saw Jones had been drinking and told Ed Ingraham, the driver, to go ahead. Jones came out in the yard and picked up a brick but did not throw it. Went on home, unloaded fodder, and went in, to dinner. Remembered that he had left overcoat with pistol in right hand pocket on the back porch of his home in Laurinburg. His father had to use the team that afternoon and he took the buggy to go back to Laurinburg and told Ed Ingraham to go with him to help pack up the things in the house to move next day. Somebody had been stealing from his house so decided to carry shotgun with so that he and Ed. could catch the thief if came back that night. Father called them after they had started and gave him a statement for some money to give to Peter Jones. When they got back to Laurinburg found that he had left house keys in overall pocket on back porch at his father's. Decided to go by Mr. Sam Jones' (father of deceased and of McKenzie's wife) and carry his little girl back home. Went by Mr. Jones', got the little girl and carried her back to his father's, got the keys to his house in Laurinburg and started there to spend the night. His father told him to go by and see if they could get some wood from Mr. Usher. Took the old road to Laurinburg and when they got to Mr. Usher's wood pile he got out to examine the wood. Saw Peter Jones sitting on another pile wood about 75 feet away. Walked towards Jones and said, "Peter, if I said anything this morning to hurt your feelings I want to apologize for it." Jones approached him with an open knife in his left hand and his right hand on his hip pocket, cursed him using an approbrious epithet and said, "If I get to you I'll kill you." That he then drew his pistol (a Savage automatic) and fired to the left of Jones once or twice to frighten him; that Jones continued to advance upon him, still cursing and threatening to kill him; he fired to the side of Jones two or three more times and Jones stopped and turned as if to go back; that he (McKenzie) threw the safety catch on his pistol and dropped (or thought he dropped it) in his coat pocket and started toward the buggy; took out his shotgun, started behind the buggy, his ankle turned and he fell on his left side, that as he looked up he saw Jones leveling pistol at him and that he, in order to save his own life, fired at and killed Jones.

Throughout a grilling cross-examination, lasting nearly an hour, McKenzie stuck to this version of the homicide and could not be shaken. Several questions of an impeaching nature were fired at him but he calmly denied all knowledge of the events asked about and made only one concession, and that was when asked how many dogs he shot while on the mail route, he replied only one, that he belonged to Mr. Link Brown, a

character witness for the prosecution. Motion to Set Aside Verdict Denied. When Judge Lyon announced that he was ready to take up the matter of pronouncing sentence upon the prisoner, Mr. A. W. McLean, of counsel for the defense, arose and asked that his honor set aside the verdict and grant a new trial. The grounds upon which a new trial were asked for were: The jury and the widow and children of the deceased had stopped at the same boarding house during the trial and while he expressly disclaimed any intention of imputing anything improper in the attitude of either the relatives of the deceased or the jury, or any attempt to influence the jury, at the same time he contended that the silent influence of the widow and her children at the same boarding house—though the jury did not sleep there, as Judge Lyon brought out by a question—could not have failed to have had its influence on the jury; that the verdict was a surprise and not warranted by the evidence; also that in his speech before the jury Solicitor Sinclair had made some remarks which were calculated to influence the jury to render a verdict not warranted by evidence, though he disclaimed any intention of criticising the solicitor.

The remarks of Solicitor Sinclair referred to by Mr. McLean were to the effect that newspapers had been severely criticising judges and solicitors for the frequent failures to convict in murder cases while as a matter of fact it is often due to the fact that juries have not the moral courage to return a verdict according to the evidence. Counsel for the defense objected at the time and Judge Lyon in his charge told the jury that it was not to be considered as having any weight in reaching a verdict.

Solicitor Sinclair replied with some show of heat to Mr. McLean's remarks. He said that he had no apology to make for anything that he had said; that Wednesday morning before the trial began Mr. McLean came to his office and offered to agree to a verdict of second-degree murder; that the case was the bloodiest that had ever been tried in this court house.

Mr. Sinclair prefaced his remark to the effect that offer had been made to agree to second-degree verdict by saying that he would not tell that but for the fact that Mr. McLean had criticised him. When Mr. Sinclair set down Mr. McLean stated that he regretted that the solicitor had made such a statement, which he said was a most unusual one for a solicitor to make, and that he expressly disclaimed at the outset any intention of criticising Mr. Sinclair.

Here the matter ended, Judge Lyon leaving the court room to write his sentence according to the form laid down in the statute providing for the execution of condemned persons by electrocution. Though the case was removed to Robeson from Scotland county, the sheriff of Robeson is directed to take the prisoner direct to the State prison.

Civil Term Begins.

A week's civil term of court convened this morning, Judge C. C. Lyon of Elizabethtown also presiding at this term. The criminal term expired by limitation Friday evening, no cases being tried after noon Saturday. Besides the murder case the following cases were disposed of Saturday:

Judgment heretofore entered in a case against Governor Bell—\$25 fine and half costs on charge of assault with deadly weapon—was stricken out and he was fined \$10 and costs. Defendant paid \$35 and was recognized with Hardy Bell, his father, to appear at the next term of court and show that he has paid balance of costs.

Judgment heretofore rendered in the case of Jesse Hayes—2 years on roads—was stricken out and he was sentenced to 2 years in the State prison. Hayes was convicted of stealing a mule belonging to Mr. L. E. Whaley of Lumberton.

Judgment heretofore rendered in the case of Warren Faison was stricken out and prayer for judgment continued on payment of costs and \$25 to Jno. Morrison.

The healing demulcent qualities of Foley's Honey and Tar Compound are not duplicated in any other medicine for coughs and colds. Any substitute offered you is an inferior article. Refuse to accept it for it can not produce the healing and soothing effect of Foley's Honey and Tar Compound. Insist upon the genuine which contains no opiates.

The man or woman who has kidney trouble is facing a serious proposition, where grave complications readily follow neglect. Foley's Kidney Pills are an honest curative medicine that once taken into your system mean restored kidney and bladder action, and a return of health and strength. For sale by all dealers.

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## FARMERS' UNION RALLY.

Large Crowd Attended Rally and Picnic at Bethesda—Good Speaking and Music and Dinner — State Secretary Crosby Speaker of the Day.

The Farmers' Union rally held at Bethesda Friday was a grand success. No clouds that hid the shining sun, nor rains that poured kept the people from going in great throngs to be present at the biggest picnic ever pulled off in Robeson. Owing to the fact that the speakers all went down from Lumberton on the train which didn't arrive till 11 a. m. it was 11:30 when the large crowd assembled in the church to listen to some good music and speaking. After the Barnesville band, which made music for the occasion, had played two or three very appropriate pieces Mr. W. P. Barker of Lumberton, county chaplain of the Farmers' Union, opened the exercises with prayer. The next thing on the program was the address of welcome delivered by Rev. S. T. Moyle, pastor of the church at Bethesda. This address alone, without the good things that followed, would have been well worth going to Bethesda to hear. He made all feel at home and welcome to all that was in the home. The responses to this address was made by Rev. Wm. Johnson of St. Paul's, whose remarks are always beautiful. He spoke the sentiment of all the visitors when he said that the way in which they had been received made them feel welcome.

Dr. H. Q. Alexander, State president of the Farmers' Union, who was expected to make an address got tied up in a storm and failed to arrive on the scene, but nevertheless he sent the educational secretary of the State Union, W. J. Crosby, who was introduced by Mr. W. K. Culbreth, county business agent.

Mr. Crosby made a powerful, encouraging, helpful and much-enjoyed long speech. He took for his subject "Conditions in the rural districts." In starting he said the three things most essential for the farmers were education, organization and co-operation, and the greatest of these is education. He showed that the schools in the rural districts are not suited to the people who live in the districts, that they are not taught for the benefit of the 95 per cent that stay on the farms, the 95 per cent that never enter college, but for the 5 per cent that do. He showed very plainly that more stress should be put on agricultural work in our country schools, that the boys and girls may learn how to make a successful living on the farm and not have to leave the farm to make money. He showed how essential it was that the farmers organize and co-operate, as they are the only people who will ever in any way bring relief to themselves; that it was no use to wait and depend upon the politician any longer, but that the thing to do was to organize and get busy themselves. He said that at this time the farmers Union had in this State alone 44,000 paid up members, which is good proof that the Union is still far from being ready to bury.

There was music by the band between the speeches, and the band did itself proud. A rising vote of thanks was extended the band for their excellent music.

After the speaking was over a great big dinner was spread, almost enough for all that did go and all that didn't. Just as the feast had begun the rain began to pour, but if anybody stopped for rain this reporter was so busy he failed to see them leaving the table. The dinner was a little wet, but all right, and we don't know of a man who got choked; so the rain might have been a blessing after all.

The afternoon was spent in court, ing by the unmarried and general discussions of various subjects by the older people.

The ball game, a double-header, which was to have been played between Baltimore and Bethesda had to be called off on account of rain.

Truly it was a good day for the people of this good section and the people of other sections who were lucky enough to be present.

Among the number who went from Lumberton were Messrs. S. S. Stephens and Grover Britt, accompanied by Messrs. Forest and Rowland Stone and Orion Martin of Mt. Elam. They made the trip in Mr. Stephens' auto.

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## NEW DRUG STORE.

McDonald Drug Store Will Open for Business Wednesday at Former Stand of Defunct Lumberton Drug Co.

Mr. John S. McDonald, who was appointed receiver for the Lumberton Drug Co. shortly after he became the manager of that company's store some months ago, has organized the McDonald Drug Co., composed of Lumberton people which company has purchased from Mr. John M. Scott of Charlotte the stock, fixtures, accounts, etc., of the defunct Lumberton Drug Co., Mr. Scott's purchase for \$2,630 at the receiver's sale having been confirmed by Judge Lyon Friday. The McDonald Drug Co. will open for business Wednesday in the former stand of the Lumberton Drug Co., Chestnut and Third streets. Mr. McDonald spent Saturday in Charlotte purchasing goods for the new company.

Mr. McDonald is an experienced druggist and will conduct an up-to-date drug business.

Mr. Geo. F. Brietz Receives Token of Esteem—Leaves For Kinston This Week.

Mr. Geo. F. Brietz, whose resignation of the superintendency of the Dresden Cotton Mills to accept a similar position in Kinston was mentioned in The Robesonian two weeks ago, was highly honored yesterday by two Sunday schools.

Yesterday morning, just before Chestnut Street Methodist Sunday school adjourned, Mr. C. V. Brown, acting for the ladies of the Wesley Philathea class, which class Mr. Brietz had taught for the past three years, presented Mr. Brietz a beautiful silver loving cup. Mr. Brown made an appropriate short speech expressing to Mr. Brietz the appreciation of the ladies of his class for his earnest, faithful work as their teacher, also the appreciation of the entire school for his Christian zeal and untiring efforts; and yesterday afternoon Mr. Brietz was presented a silver service by the East Lumberton Sunday school, a beautiful presentation speech being made by Mr. C. B. Townsend. Mr. Brietz was deeply moved by these tokens of esteem and appreciation his deep feeling being shown in his acceptance speeches.

Mr. Brietz and his family will leave Thursday for their new home at Kinston, where Mr. Brietz will be superintendent of the Kinston Cotton Mills. Rarely has a man so impressed himself upon a community as has Mr. Brietz during his three years stay in East Lumberton. He has worked untiringly and enthusiastically to build up a live Sunday school in East Lumberton and the success of his efforts has been little short of wonderful. He has also been a regular teacher in the Chestnut Street school and his efforts there have been highly appreciated not only by his class of ladies but by the entire school. He will carry with him to his new field of labor the best wishes of a host of friends in Lumberton and East Lumberton.

Mr. P. A. Gwaltney of Chesnee, S. C., will succeed Mr. Brietz as superintendent of the Dresden Mills.

Graded School Opens For Fall Term Tomorrow.

The Lumberton graded school opens for the fall term tomorrow morning at 9 o'clock. No out-of-town pupils will be admitted if the rooms are as crowded as they were last year, so they need not apply until next week. Miss Mayce B. Glasgow of Knoxville, Tenn., music teacher, Mary Henderson of Davidson, Mamie Highsmith of Fayetteville and Ethel Pipkin of Reidsville, teachers, are at the Waverly hotel, not having been able so far to secure board at private homes. Miss Ruby Johnson of Delway, another one of the teachers, will arrive this evening.

The school in East Lumberton, the Lumberton and Dresden cotton mills school, opens today. Miss Nellie Steele is principal of the school, Miss Katie Stone intermediate teacher and Miss Lillie Barker primary teacher.

K. M. Biggs Buys Part of McLeod Lot. Messrs. W. F. French and Ira Bulard, who, as has been mentioned in The Robesonian, have secured an option on the McLeod property, Chestnut and Fourth streets, at present occupied by Messrs. Deese Bros., have given Mr. K. M. Biggs an option on two fifths of the property. Mr. Biggs gave \$100 for the option and is to pay \$8,000 for property. The size of the lot Mr. Biggs gets is 43x108 feet and is the corner, 43 feet facing Chestnut and extending back 108 feet parallel with Fourth.

## BRIEF LOCAL NEWS ITEMS.

—Cotton today, 12 1/2 cents. Mr. K. M. Biggs left this morning for Wake Forest, where he will spend two or three days on business.

—Miss Rebecca Ward returned Friday evening from Ridgecrest, near Asheville, where she spent the summer. She left this morning for Chase City, Va., where she will teach school.

—Mr. R. D. Caldwell, senior member of the firm of R. D. Caldwell & Son, returned Friday evening from a business trip to Baltimore and New York. He was away about ten days buying goods for the fall season.

—Mr. O. C. Smith of route 2 from Lumberton was among the visitors in town Friday. He brought to The Robesonian office three fine sweet potatoes, this season's crop. The potatoes are unusually fine for this early in the season. Mr. Smith says his potato crop is all right.

—Rockingham special, 6th, to Charlotte Observer: Mr. and Mrs. W. B. Lee of Red Springs who are spending the summer at Ellerbe Springs, lost their 11-months-old child this week by death. The little one had been ill for several weeks. The baby was taken to Lynchburg for burial.

—Miss Annie Neill, Fuller will leave tomorrow for Greensboro, where she is a student at the Greensboro College for Women. Misses Annie Ruth Caldwell, Mildred McIntyre, Lina Gough, Mildred Williams, Marie Linkhaw and Louise Townsend will leave this week for Meredith College, Raleigh. They will probably leave Wednesday.

—Mr. and Mrs. A. H. McLeod returned Friday evening from Columbia, S. C., where they had been since their marriage a week ago. Immediately after the marriage they left for Columbia in the handsome touring car of the groom brother, Mr. Alf. H. McLeod. Mr. and Mrs. Robt. Lambert of Columbia returned with them and spent Saturday and yesterday here guests of Mr. and Mrs. McLeod.

—Mr. Scott Stone and son, Mr. Whit Stone, of Raynham were in town Friday. They brought to market four bales of this year's cotton. Two of the bales sold for 12 1/2 cents and the other two sold for 12.37 1/2 cents per pound. Mr. Stone says that he deposited Friday a check for the last of his tobacco crop and also a check for the first of his cotton crop sold. He grows both tobacco and cotton successfully.

—At the Pastime theatre this evening will be seen "The Toll Gate Raiders," Kalem, and "Trailing the Counterfeiters," Cines. Tomorrow evening a Cines 2-reel feature will be run, entitled "Rameses, King of Egypt," the story of the love of a powerful monarch for a beautiful shepherdess. Besides the feature picture "The Curio Hunters," an adventure in the South seas, Vitagraph, will be run.

—Miss Josephine Breece returned yesterday from a visit to the Northern markets, where she purchased fall and winter stock for her millinery store on Chestnut street. She spent some time in Baltimore and New York and spent a day in Washington on her way home. Miss Jean Pratt, who has been with Miss Breece for several seasons, accompanied Miss Breece on her trip North to study styles. She will arrive Wednesday. Miss Grace Redmond kept Miss Breece's store for her during her absence.

Hot Springs Has \$6,000,000 Fire—Appeal for Aid.

Hot Springs, Ark., was swept Friday by a fire which destroyed property valued at \$6,000,000 and rendered 2,500 people homeless. Saturday the following urgent appeal for outside assistance was issued:

"While we do not wish to be placed in the attitude of asking for outside assistance, the cry of suffering humanity suggests the propriety of accepting any assistance that may be offered by a generous public. Thousands of people have been rendered penniless and homeless. The destitution is acute and the need of assistance is imperative and immediate. Ordinarily we could take care of our local citizens in a disaster of this kind, but there are hundreds of citizens from other States thrown on our bounty. This makes our burden great indeed."

Dr. S. R. Thompson, who has a position in the Charlotte Sanatorium, Charlotte, arrived Saturday to spend a few days in town on a visit to home folks.