

The Carolina Watchman

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Wm. H. STEWART, ED. AND PROP.

Coroner's Jury Finds Three Guilty

Gross Negligence Charge Against Flagman Wilson, Engineer Tankersly and Fireman.

Charging three railroad men with negligence in connection with the wreck, the jury of Coroner T. W. Summersett investigating the death of H. O. Severs and O. E. Hall of Charlotte, who were killed when Southern train No. 82 struck the rear Pullman of the football special on the local viaduct Wednesday night, late Saturday afternoon returned the following verdict:

That C. E. Hall and H. O. Severs came to their death by being killed in a wreck on the Southern Railway in the Salisbury yard on November 24, 1915, on second No. 82.

"First, that Clyde Wilson, a flagman, was grossly negligent in failure to display the proper signals to protect his train second No. 82, again as in No. 88.

"Second, that A. Tankersly, engineer on train No. 88, was negligent in disregarding signals at block and not bringing his train under control as per rules of the railway company.

"Third, that Arthur Kelly, fireman, was guilty of contributory negligence in failing to observe and notify the engineer of the displayed signals on rear of train second No. 82."

With an attendance of prominent railway officials and a large crowd of interested spectators, the coroner began the investigation Saturday morning at 11 o'clock. Among the railroad men present were Supt. H. L. Hungerford and A. D. Shelton of the Charlotte and Danville divisions, Supt. of Terminals R. L. Avery, Electrical Engineer W. J. Est, G. E. Ellis, signal engineer, O. C. Cash and J. S. Hawley, inspectors of the Interstate Commerce Commission, who participated in the railway investigation at Spencer, were also present.

Coroner Summersett's jury consisted of W. S. Blackmer, real estate dealer; H. A. Rouser, automobile dealer; J. H. Ramsey, ex-postmaster; O. M. Heiderlite, coal dealer who for many years was a track official for the Southern Railway; Frank R. Brown, a business man and W. F. Suidner, cashier of the Wachovia Bank & Trust Company.

The inquest was held in the Superior Court room of the county court house. Solicitor Hayden Clement, who represented the State, explained at the outset that this was a voluntary inquest and that any one could refuse to answer any question asked or refuse to testify at all.

The first witness was E. R. Reotor, train dispatcher of the Charlotte division, who testified as to the time trains moved between Charlotte and Salisbury the night of the wreck.

O. O. Ottenburg, signal and electrical maintainer of the Charlotte division, testified that he made weekly and daily inspections of block signals; that on the day of the wreck the signal post under discussion was all right and the signal arms in correct position when he arrived just after the wreck. There are two signal arms on this particular post and they were set: the red above and the green below, indicating obstructed track and the main line switch open leading to the passenger station; the engineer seeing this should proceed cautiously as under obstructed block. The signal was 608 feet from the wreck.

W. L. King, trainmaster of the Charlotte division, corroborated Ottenburg as to what the signals meant in this particular instance. "The rules require the engineer to be able to stop within his vision King read rules governing this point. Second No. 82 was on a straight track just north of a curve of three and one-half degrees. Going around that curve engineers could stop while making 5 or 10 miles an hour. A flagman is required to go back at all irregular stops one-half mile from the first torpedo and still fur-

ther for second torpedoes. In this case the flagman was required to go back.

He said that Clyde Wilson, flagman on second No. 82 had been examined twice in five years as to rules, the last time between the 10th and 20th of this month. A flagman must go back regardless of electric signals.

Engineer "Bud" Smith, who runs Nos. 29 and 80, said that he could come around that curve at eight or ten miles an hour and stop. A flagman should go back without waiting for instructions.

Conductor Tucker of No. 88 said the crash came at 9:36. He heard the station block when two short blasts answering signals followed immediately by the collision.

Superintendent of Terminals Avery in whose jurisdiction the accident happened, said first No. 82 was at the station, second No. 82 had stopped south of the station at 9:30 and had been there six or seven minutes. The wreck was 592 feet from the signal block. By being under control at this point was meant that an engine should be going at six or seven miles, depending on the weight of the train.

Two boys, Murray Linker and Clarence Peeler, standing on a nearby bridge saw the crash and also saw they said, a flagman near the rear of second No. 82.

Conductor Laird of second No. 82 said his train stopped at 9:29 or 9:30 just south of the cross-over switch and had been standing there six or seven minutes. His flagman was 800 or 400 feet from the rear of the train when the crash came, the conductor was standing just opposite his rear car. He had gone to the rear and found that the flagman had not gone back, he testified and told him to go and the latter had started when No. 88 came in view at a rate of speed which Laird estimates at 25 or 30 miles and had slowed down to 18 when it hit the special.

He testified to the death of Messrs. Hall and Severs as a result of the collision. His train was fully equipped, he stated, with torpedoes and lanterns, and the flagman could have gone to a safe position on the straight track, if he had gone at once and not waited till the conductor sent him.

In Conductor Laird's opinion, had the flagman gone back and given regular signals, or had the engineer of No. 88 proceeded with his train under control, either would have prevented the wreck.

S. C. James, engineer of the special, said the top signal showed red and the lower green, when he passed. He had his train under control and stopped on a signal from the passenger station before entering the cross-over switch.

"I did not signal the flagman back as was my duty, I knew I was to meet 85, and that train's headlight, I believe for signals, knowing I was to come on in a few moments. As I reached for the whistle-cord to blow out the flagman I got the signal to come on ahead and just then the crash came at the rear," Engineer James testified. He also said that No. 88 was due at the station at 9:40 and the wreck occurred at 9:37, showing that it was dead on time.

Flagman Clyde Wilson said he had been flagging since 1907. When his train stopped he was on the front end of the sleeper and looked out to see why the stop was made. He had been in the day coaches on order from the conductor to help with passengers. He had passed to the rear and got to the ground when Conductor Laird came back and told him to go flag. He said 88 was not dead yet, but just then saw rays from its headlight. He was then trying to open his signal case, but jumped down with a lantern and ran towards 88. He did not consider this an unusual stop, but one when orders from local switchmen were awaited. No. 88 was running 30 or 35 miles an hour

when it passed him. Rules required that he should have been on the rear, but the conductor's orders to help passengers put him in the day coaches. As flagman he never waits for an engineer to blow him out and was not expecting such signal at this time. Engineer Tankersly of No. 88 stated that he left Charlotte at 8:32, passed Ona Grove at 9:24, one minute late. As soon as he could get light after the crash he saw it was 9:38. There is a down grade for two miles and his rate of speed before seeing the signal light was 40 miles an hour, this was reduced to 15 when passing the signals and to eight or ten when he saw the rear of the special train, at out 50 feet ahead.

"I could not stop in length of vision at that time," he said, "but had ample time to stop at the cross-over where I expected to get the signal. I saw the flagman at the same time I saw the rear of the special."

Asked what caused the wreck Tankersly replied that in his judgment it was due to "improper flagging." A fuse on the rear of the train would have been sufficient. This was the first time he ever caught a train without a flag on.

The signals at this block at ways show the same, red above green giving him right-of-way to the passenger station track and there was nothing to indicate that there was a train on the track. He had never seen a train in that place. The green signal gave him the right to the passenger track. If only red had been showing, he would have stopped. He did not know until this wreck that the red and green gave him only qualified rights. If cross-over switch had not been shown, both lights would have shown red, no train on the track the lights would have been the same as they were.

Arthur Kelly, negro fireman on 88 said the train was running six or eight miles an hour when the crash came. He and the engineer saw the train ahead at the same time.

Virgil Perry, a negro, standing on the double-track about 20 yards from the rear of the special, said the flagman was between him and the special when the collision took place.

H. A. Parker, commercial agent of the Southern Railway, was on the rear platform. He saw the flagman standing on the ground and heard the conductor order him to go back. He could not see the headlight or reflection of No. 88. He thought 88 was running at 15 miles an hour when it hit the special.

Superintendent Avery, recalled said that this was an unusual stop and his bulletin referred to by Flagman Wilson controlled only the cross-over switch.

The jury took the case and retired at 1:01 p. m.

Monday morning Solicitor Hayden Clement had bills of indictment drawn for Engineer A. Tankersly and his Negro fireman, Arthur Kelly, and Clyde H. Wilson, flagman on the special. They were charged with manslaughter and the grand jury which brought in true bills as charged.

War Upon Pain
Pain is a visitor to every home and usually it comes quite unexpected. But you are prepared for every emergency if you keep a small bottle of Sloan's Liniment handy. It is the greatest pain killer ever discovered. Simply laid on the skin—no rubbing required—it drives the pain away. It is really wonderful.

M. W. H. Souter, Berkeley, Cal., writes: "Last Saturday, after tramping around the Panama Exposition with wet feet, I came home with my neck so stiff that I couldn't turn. I applied Sloan's Liniment freely and went to bed. To my surprise, next morning the stiffness had almost disappeared, four hours after the second application I was as good as new."

March, 1915. At Druggists, 25c.

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State News Items

News Concentrated for Those who Want to Know About Home Affairs.

The Dixie Glove Manufacturing Company of Connelly Springs has started its machinery for the first time. This company was formed by the consolidation of the Havana Glove Company with gentlemen of local capital and is under the management of P. C. Havens and J. U. Lebetter. A new building has been built on half way ground between Connelly Springs, and Rutherford College. Work gloves will be manufactured.

Word comes from Lookout that the new Southern power development will commence, warning the Catawba river into electric "juice" Sunday, one of the generators being ready for the generation and transmission of power. The work is being rapidly pushed and in a short time all the generators will be at work. Claud Bumgardner of Newton, who has been working at the Catawba station in South Carolina, has been transferred to Look out.

There was some little excitement occasioned Sunday morning in a Rocky Mount cafe and the subsequent incidents attendant when Miss Katharine Weller, a leading woman in the tabloid musical comedy company, traveling under the name of D. Wolf's Fun Makers, emerged from the cafe tending with a profusely bleeding scalp wound and screams for "p-lice." Miss Weller reported having been struck on the head with a plate by Esworth Matthews, the business manager of the company, the plate having been shattered and giving her a scalp wound. The woman was hastened to a physician and stitches were necessary to close the cut. According to the information Matthews struck Miss Weller following a disagreement between Mrs. Matthews and Miss Weller on the point of who was the real star of the show. The two women exchanged heated remarks and were clobbered when Matthews brought the plate into play. The three were placed under bond and the trial was held later.

Leaving her home in the early morning hours before dawn, Mrs. Carolina Williams of Tarboro, wife of Henry Williams of that place, prematurely took her own life by drowning herself in Hyatt's spring on Stony Creek, Saturday morning. The deceased was 63 years old and has been known to suffer fits of melancholia, while recently she has declared that she would take her life, giving as her reason that her advanced years rendered her incapable of work, and since she was out of a position at this time, and winter approaching she sought death to a life of suffering and privation.

Dave and Hays Matthews, father and son, and Adolph West, all of the Canada section of Jackson county, are held in jail at Brevard on the charge of distilling, having been arrested on evidence furnished by D. deputy Collector Galloway, who was shot shortly after raiding the still at which he recognized these men and one other. The other man has not yet been apprehended. Shortly before being shot from ambush on Thanksgiving day Mr. Galloway raided a still at which four men were working. He formerly lived in that section and recognized the men, and when he was brought back to Asheville, informed other officers regarding their identity. No other charge save that of illicit distilling has been lodged against the three men.

Saturday was Ireland corn show day in Statesville, and the success of the show was beyond the expectations of the promoters. The Merchants' and Farmers' Bank conducted a show which was open to all corn growers of the county and the Ireland Hardware Company, conducted a show for the Ireland Boys' Corn Club. A total of 93 entries completed for prizes in the bank show, an exhibi-

tion of ten entries requiring an entry, and the entries in the corn club show numbered a score more. The bank was liberally filled with corn, much corn being displayed for educational and advertising purposes in addition to the competitive exhibits. Department men who visit all such events declare the show to be big—at they have seen, excepting the Asheville corn show last winter. The greatest benefit expected from the show was the stimulation of interest in growing better corn and more of it.

Governor Craig said Tuesday that while in New York, Saturday he called at the studio of Mr. Bryn Mawr, and inspected a plaster cast for the bronze statue of Governor Vance, which the State is to set up in the Hall of Fame at the National Capitol and was very much pleased to find the work nearing completion and entirely satisfactory. The artist assured the governor that the bronze statue will be cast within a very short time and be ready for installation at Washington about the middle of January.

Coughs and Colds are Dangerous
Few of us realize the danger of Coughs and Colds. We consider them common and harmless ailments. However statistics tell us ever third person dies of a lung ailment. Dangerous Bronchial and Lung diseases follow a neglected cold. As your body struggles against cold germs, no better aid can be had than Dr. King's New Discovery. Its merit has been tested by old and young. In use over 45 years. Get a bottle today. Avoid the risk of serious lung ailments. Druggists.

Arch Helms Acquitted.
Albemarle, Nov. 27.—After deliberating for several hours the jury in the case against Arch Helms, charged with the murder of Henry Shoe, at sunset this afternoon fled into court and rendered a verdict of not guilty. Judge Carter at once ordered the prisoner into the custody of the sheriff until he gives a bond in the sum of \$2,000 to appear and answer to the charge of manufacturing and selling intoxicating liquors contrary to law.

Helms was exceedingly nervous while awaiting the foreman's statement as to the verdict and went immediately and shook hands with each juror and thanked him for the verdict which meant life to him. The case has been one well conducted and had consumed the greatest portion of the week.

Why You Should Use Chamberlain's Cough Remedy.
Because it has an established reputation won by its good work. Because it is most esteemed by those who have used it for many years, as occasion required, and are best acquainted with its good qualities. Because it loosens and relieves a cold and aids nature in restoring the system to a healthy condition. Because it does not contain opium or any other narcotic. Because it is within the reach of all. It only costs a quarter. Obtainable everywhere.

Increase Planned in State-Freight Rates.
Washington, Nov. 28.—It is reported that the railroads plan an increase in freight rates in North Carolina and other South Atlantic States to comply with fourth section. The tariff has not been fixed but the matter is under consideration. The shippers of the south will resist any such proposition.

Owes her Good Health to Chamberlain's Tablets.
"I owe my good health to Chamberlain's Tablets," writes Mrs. R. G. Neff, Crookston, Ohio. "Two years ago I was an invalid due to stomach trouble. I took three bottles of these tablets and have since been in the best of health." Obtainable everywhere.

Fine Frostproof Cabbage Plants by parcel post. Jersey Wakefield, (Bar. Weston Wakefield and Subpostoffice, 1,000 for \$1.00 postpaid. 100 for 15c postpaid. R. O. PARKS, Utah, B-10-t.

Government Rests in Watson Trial

Cont-nt With Showing That Watson was Responsible for Mailing Magazine.

Augusta, Ga., Nov. 27.—The Government late today rested its case in the trial in Federal court of Thomas E. Watson, of Thompson, Ga., charged with sending obscene matters through the mails and that Watson had signed the circulation statements of the three publications mentioned in the indictment.

Prof. R. L. Pullman, holding the chair of Latin at Mercer University, Macon, Ga., translated into English certain parts of the alleged obscene matter which had been published in Latin. The government appeared to rest its case solely on an effort to prove that the articles containing alleged obscene matter went through the mails, and that Watson was responsible for their having been mailed. The jury, the prosecution had, should determine whether the language was obscene. After examining John W. Barnes, former Thomson postmaster, and J. Q. West, present Thomson postmaster, two post-office inspectors and Professor Pullman, the government read to the jury and introduced as evidence the articles mentioned in the indictment as containing obscene language. Watson entered a formal exception to the entry of the articles, contending that the entire magazine should be entered and no parts of it. He previously had been overruled in an attempt to force the prosecution to enter the complete magazines. The case will be resumed Monday.

Marvin Brown, editor of "The Menace," a magazine published at Aurora, Mo., and whom it was reported soon will be placed on trial on similar charges, attended the trial today accompanied by counsel.

Watson won a point this afternoon when Judge Lambdin ruled that he might try to show that his writings other than those mentioned in the indictment, were of "high class nature." Objection by the government had consumed almost the entire forenoon session. The witness, J. M. Barnes former postmaster, on cross examination, said he considered Watson's literature of the highest class.

Arguing for the introduction of testimony to show the defendant's lofty motives in publishing the alleged obscene matter, Don Clark of Savannah, member of Watson's counsel, declared that to judge any matter by evil words contained in it, as he said the prosecution sought to do in this case, would exclude the Bible itself from the mails.

District Attorney Donelson contended that the question of motives was irrelevant, and that the thing to be decided was whether Watson had mailed or caused to be mailed the matter mentioned in the indictment and whether that matter tended to corrupt public morals and therefore was obscene.

Bear This in Mind.
"I consider Chamberlain's Cough Remedy by far the best medicine in the market for colds and croup," says Mrs. Albert Blosser, Lima, Ohio. Many others are of the same opinion. Obtainable everywhere.

Caught by Belt is Badly Hurt
W. D. Bluster, who was hurt at the Ludwick cotton gin on the Lincolnton road near the city, several days ago, is reported by the hospital people as being a badly injured man. It is impossible to tell as yet what the outcome will be. He was hurt internally but the physicians are hoping that these injuries are not too extensive. He was caught in the belting at the gin and carried around on two complete revolutions, losing practically all of his clothing. It was thought that his back was broken, but this is probably incorrect.

ALL WRONG
The Mistake is Made by Many Salisbury Citizens.
Look for the cause of backache. To be cured you must know the cause. If it's weak kidneys you must set the kidneys working right. A Salisbury resident tells you how. Mrs. M. A. Winecoff, 331 E. Kerr St., Salisbury says: "I didn't know what it was to have a welly day and I was in constant misery. My back ached so that I could hardly drag myself around. In the morning I could hardly get out of bed. My kidneys were in bad shape and the kidney secretions were unnatural. My nerves were all unstrung. I had backaches and often felt as though I would lose my reason. I tried many medicines, but nothing seemed to do me any good until I took Doan's Kidney Pills, procured at the People's Drug Co. They relieved me from the first and I continued using them until my back didn't ache and my kidneys ceased me no trouble. I now feel like a different person." Price 60c, at all dealers. Don't simply set for a kidney remedy—get Doan's Kidney Pills—the same that Mrs. Winecoff had. Foster-Milburn Co., Prop., Buffalo, N. Y.

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Servia About Subjugated

With the Allies "Going to Help" the Little Kingdom is About Destroyed.

Nov. 28.—The Teuton armies have driven almost all the Serbs to Montenegro and northern Albania leaving in their control only a portion of the southwest and southern sections of their kingdom, which with the aid of the British and French they are holding against the Bulgarians.

"With the flight of the scanty remains of the Serbian army into the Albanian mountains" says the latest official German communication "our operations against this army are brought to a close, our object of effecting communications with Bulgaria (and the Turkish Empire) having been accomplished."

Avide from Serbia, the Austro-Italian theater is furnishing the most violent fighting of any of the war zones. Here along the entire front the Italians are on the offensive against the Austrians. Shells are raining on the Gorizia sector while the Italian infantry have fiercely attacked at Olavina, on the Podgora Heights and the Doberdo Plateau. They penetrated the Austrian positions but according to Vienna, later were driven out.

Artillery bombardments and sapping operations have prevailed everywhere on the French line except near Berry-au-Bac, where a strong German reconnaissance was dispersed by the French fire and north of "the Labyrinth" where the Germans succeeded in occupying an excavation caused by the explosion of a mine. French aeroplanes have bombarded German aircraft hangars at Habsheim, east of Muehlhausen and French and German aviators have had thrilling fights in which four German machines were brought down.

On the Russian front, except for a small engagement in the Riga district there has been no fighting while on the Gallipoli Peninsula only artillery actions and mining operations have been in progress of late.

Canada has commandeered all the best grades of wheat now in store at the head of the Lakes and eastward for the use of Great Britain and her allies. The step was taken to obviate the necessity of going into the open market and possibly facing the payment of high prices. It is announced that a fair price will be paid for the wheat commandeered.

The Rumanian King at the opening of parliament at Bucharest declared that the situation imposed upon Rumania the duty of uniting the efforts of the people for the defense of their country and expressed the conviction that the parliament would continue to supply the needs of the army.

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