## The News and Observer.

THE WEATHER TODAY: For the City. Showers.

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Volume LV. No. 125.

RALEIGH, NORTH CAROLINA, WEDNESDAY MORNING, AUGUST 3, 1904.

Price Five Cents.

#### Carolina Dailies in News North amor un culation THE CHIEF IN JAIL THE CONVENTION GEM CITY EVENTS VARDAMANGUILTY? TUNC

## KUROKI WINS IN TWO HOT BATTLES

Battered by the Blows of His Living War Engine, the Bussian Flank is Broken at Yushulikzu and Yangze Pass.

#### A THIRD BATTLE SOUTH

It is Reported at Tokio That After Three Days of Desperate Fighting the Japanese Have Captured Shantailkow, an Important Outpost of Port

(By the Associated Press.) Tokio, August 2 .- (Noon.) - Genera Kuroki has administered a severe defeat to the Russians who defended the Russian east flank at Liao Yang winning separate actions at Yushulikzu and Yangze Pass. The two places are twenty-six miles apart, but the two actions were fought at the same time The thermometer registered over 110 degrees Fahrenheit and the soldiers suffered cruelly from heat exhaustion At Yushulikzu the Russians had two divisons of infantry and some artillery, and they resisted the Japanese assaults vigorously.

Both attacks were begun at dawn Sunday, July 31. At Yushulikzu the Japanese carried the Russian right and left wings, but on account of the strength of the main Russian position they were unable to press the attack. The two armies rested Sunday night, ling each other,

Victory at Noon. At dawn on Monday the Japanese

resurced the attack and by noon they had dislodged the enemy and driven him four miles to Laoholing. At Yangze Pass the Japanese also

were successful. Their artillery opened on the enemy and the infantry moved forward from Makume on this place was made at one o'clock on Sunday and by nightfall the Japanese were in possession of a majority of the Russian -ositions, although the enemy had resisted with determina-The Japanese forces passed the night in battle formation and another assault was made on Monday at dawn. By 8 o'clock Monday morning Yangze Pass and the surrounding heights had been captured. General Kuroki explains the slowness of these actions by stating that the difficult topography battlefield made it impossible to maintain good artillery positions, and that the great heat fatigued his

The Russian force at Yangze Pass was estimated at two and one-half divisions and four batteries of artil-The enemy retreated toward Tanghoven.

General Kuroki reports the capture of some field guns, but the number is not given. The Japanese casualties are being investigated.

#### The Capture of Shantaikow.

(By the Associated Press.) of desperate fighting the Japanese have captured Shantaikow, one of the

important defenses of Port Arthur.

Shantaikow is situated on the railroad leading from Port Arthur to Kinchou and is between Ingentzi Bay and Victoria Bay, but closer to the former than to the latter. Roughly speaking Shantaikow, is about ten miles from the actual fortress of Port Arthur/It the actual fortress of Port Arthur It, a position of great natural streft, mmanding a broad plain leading to from some of the foreign countries from some of the foreign countries. Wuchialum, another strong position on hills about four miles frois, the

#### Evacuation of Yangtseuling.

(By the Associated Press.) Liao Yang, August 2 .-- After a fierce battle the eastern Russian force has evacuated Yangtseuling (six miles west of Motien Pass).

#### BISHOP FOR THE TAVERN. Potter Declares That the "Subway" Hits the Nail on The Head.

(By the Associated Press.) New York, August 2 .- Bishop Hen-Potter delivered the the princi, ry C. Potter delivered the the principal address today at the formal open-pal address today at the formal open-likely place advanced but, some there ing of "The Subway Tavern," a model do not favor the change. It is a quessaloon which was established by a tion that seems to have forced itself number of leaders in the reform movement in the city. The purpose of the promoters of the enterprise is to serve pure gliuor and food at low prices under the best possible moral conditions. Bishop Potter said he believed in the old village tavern as a meeting place where a long evening could be spent without the recognition spent without the necessity of intoxication. singing of the doxology.

#### Postmaster for Chapel Hill.

(By the Associated Press.) lowing postmaster:

The Great Yearly Meeting Opens at High Point Today.

(Special to News and Observer.) High Point, N. C., August 2.-The great Yearly Meeting of Friends be of excitement. The sentiment of the gins Wednesday. Today there was a pathy with Howard. meeting of the permanent board of there is a "getting together," so to speak, of the Friends and plans formulated and adopted for the successful carrying out of every detail of the

and workers.

10:00 a. m.—Meeting for worship and business. 2:30 p. m.-Meeting for business Bible schools, peace, etc. 8:00 p. m.—Meeting for worship.

Fifth Day, the 4th. 10:00 a. m .- Meeting for business 2:30 p. m.-Report of evangelistic and church extension 8:00 p. m .- Presentation of temper-

Sixth Day, the 5th. 10:00 a. m .- Meeting for business report of Blue Ridge Mission commit-

2:30 p. m.-Report of Foreign Mission Board. 8:00 p. m.-Christian Endeavor.

Seventh Day, the 6th. 10:00 a. m .- Report of Orphanage committee. 2:30 p. m. Report of Guilford College and other educational reports.

organization and educational address. First Day, the 7th 10:30 a. m .- Meeting for worship. Also at 2:30 and 8:00 p. m.

Second Day, the 8th. 10:00 a. m .- Meeting for business. 2:30 p. m.-Report of Committee n Suppression of Liquor Traffic. Meeting for worship also at 8:30 a.

n., each day, The North Carolina Yearly Meeting is a great organization numerically and spiritually. It is doing a great weapoons and bound them over to the weapoons and bound them over to the weapoons and bound them over to the superior court.

Before the case of yesterday had sullied reputation to the sturdy hands sullied reputation to the sturdy hands sullied reputation to the sturdy hands been tried Chief Howard was served been tried Chief Howard was served to appear before Justine and the study of the course of the cou and big hearts of the Quakers living with warrant to appear before Juswithin her borders. The North Carolina Yearly Meeting makes an escontempt of his court. This case has contempt of his court. This case has contempt of his court. This case has contempt of his court. The DEMOCRACY OF HALL Tokio, August 2.—(1 p. m.)—It is pecial effort to have the young people been in progress since yesterday and from the cradle up and as a result has has attracted attention as few cases. pecial effort to save the young people of any yearly meeting in the world They organize "Cradle Classes" and all the infants "joining" are enrolled upon the "Cradle Rock," thus instill,

> The attendance this year gives promise of being fully as large as on

the meeting this year is the disposition ent, Howard, in the beginning of the of the meeting house and grounds A case asked that the court either allow movement has been started to move the place of meeting to ansome disinterested lawyer. The justice is the meeting house and grounds A case asked that the court either allow movement has been started a jury to try it or to refer same to some disinterested lawyer. other town. There are arguments for and against it. It is argued that the property costs something like \$100 The court delivered a lengthy opintinued here about \$2,000 must be matter, intimating that the Mayor was spent in building a boarding hall and at the bottom of the whole thing. The if the property was sold for \$10,000 the respondent, believing that he had and the money put in into the Church been sinned against more than sin-Extension Fund there would be some ning. The judgment of the court was \$700 each year to put into the exten- as above stated. Howard is now in sion treasury, build meeting houses, jail. etc. But if the property is sold, where awaited with interest. will Yearly Meeting be held, is the ing will be here for one year more,

WHY SHE IS COMING HERE.

The formal opening ended by the Mysterious Woman From Europe Hears of Fine Mineral Baths in Carolina.

(Special to News and Observer.) Washington, Aug. 2.—President Roosevelt and Postmaster General Payne today decided upon the appointment, among others of the fol-New York, August 2.-A beautiful says she does not know why she came one ticket in the field. North Carolina-Chapel Hill, W. A. lina possessed the finest mineral baths in the world.

### Sent There by Justice of the Peace.

Charged With Contempt of Court. How a 1 Officer Seeking to Perform His Duty Gets into Durance Vile.

(Special to News and Observer.) Washington, N. C., Aug. 2.-Our excellent chief of police, George N. Howard, is now behind prison bars in the custody of Sheriff Hodges in pursuance of a writ issued by Justice of the Peace E. S. Simmons, committing him to jail for contempt of court. The judgment of the court was that Howard pay a fine of ten dollars and cost of the action. This Howard refused to ay upon the advice of his counse Judge G. H. Brown has been appealed to by wire for a writ of habeas corpus, His Honor now being in Chapel Hill.

Justice Simmons, in delivering his opinion, stated that the respondent Howard could not appeal from his square. ourt or his decision.

contempt proceedings aroused our community to a high pitch community seems to be largely in sym-On Sunday, July 24th, several par

ministry and oversight and a confer- ties had a fight in a house of ill fame ence of ministers and workers which is and afterwards they came down town wood Simmons, a son of the justice went with them to his father's office. After the parties had stated the purpose of their coming Norwood 'phoned carrying out of every detail of the meeting. The program of the meeting is as follows:

Fourth Day, the 3rd.

8:30 a. m.—Conference of ministers and workers. then he could take charge of the pris-

> Soon after the first occurred. Chief Howard heard of the trouble and he at once went to the residence of Mayor E. T. Stewart and had a warrant is-sued for their rarrest. With this pro-isbury for their splendid care of the cess in his pocket the chief went in Search of his prisoners. He saw them Hon. B. F. Staymate, of St. Louis, in Simmon's office. He entered the office with his warrant and told them they were his prisoners as he had a the Store of the rational contests at the World's Furthern to is a guest at the World's Furthern to is a guest at the Store of the war 38 years. ber stamp. This writ was complete on the Fair gronds du with the exception that Deputy Sheriff week, August 22 to 28. Lucas had not affixed his signature to the affidavit or been sworn. Howard sociation the State officers made their

cok his prisoners to jail. On Monday morning following Justice Simmons hat the prisoners brought before him and tried and fined them for an affray. The mayor Simmons ha. ostponed the case under his warrants until he could consult counsel as to the roper procedure in the premises. 8:00 p. m.-Meeting of old student's

The case before the mayor came up vesterday for trial and Justice Simons appeared as counsel for the de fendants, setting up a plea of a former conviction. Messrs. S. C. Bragaw, B. B. Nicholson and A. D. MacLean ap-

earing for the city.

In the progress of the case it deeleped that deadly weapons had been used. The mayor fined all parties in interest under his warrant for viola tion of a town ordinance and then issued another warrant charging them with an affray

have in recent years. The justice while it was in session and apprehended prisoners that were already in cusing in the hearts of the little ones the first lessons of "Christian Patriotism." respect to the court, that he entered the office of the justice armed with a warrant duly signed and that he was simply doing his duty as a sworn of-

Several witnesses were examined An important matter coming before Vithstanding counsel for the respond-

year for repairs and preparation for ion and in doing so paid his respects Yearly Meeting and that if it is con- to Mayor Stewart for his action in the committee rooms, on the other hand court said it had great sympathy for been sinned against more than sin The outcome of this case

#### WARREN IS AT WORK One Ticket in the Field.

(Special to News and Observer.) Warrenton, N. C., August 2 .-- A Parker-Glenn-Kitchin club was organized here yesterday. T. Polk, Esq., was elected president; H. B. Hunter, vice-president; R. G. Davis, treasurer, and J. C. Hardy, secretary.

The object of the club is to enroll every Democratic voter and see that

A sensible man is one who has the commonest kind of common sense.

# The Seventeenth Annual

Meeting at Salisbury.

#### **WORK OF THE FIREMEN**

An Address by Hon. B. F. Staywate. Opening Events of the Great Meeting. Nearly a Thousand Fire-Fighters are Pres-

Special to News and Observer.) Salisbury, N. C., Aug. 2.- The program of the Firemens Tournament for Wednesday is as follows:

9 a. m .- Street parade 11 a. m .- Engine contests-public

2 p. m.—Horse hose wagon race. 3 p. m.—Championship reel race.

4 p. m.—Inter-State reel races.

5 p. m.—Baseball. 8 p. m.—Opera house. The seventeenth annual convention and tournament of the North Carolina Firemen's Association convened in always held preparatory to the opening of the meeting. At these meetings and went to Mr. Simmons' house for the purpose of surrendering; Mr. Noring tession being held in the county court house. President J. D. McNeill of Fayetteville, called the meeting to order and Rev. W. B. Dutter, of Salisbury, offered prayer.

In eloquent and touching sentences Mayor A. H. Boyden, of Salisbury, extended a hearty welcome to nearly ne thousand firemen already in the

Following the address of Col. Boyen Whitehead Klutiz, Esq., also extended a welcome. made by Mayor O. B. Eaton, of Winston, who thanked the people of Sal-

warrant for their apprehension. This and made a forceful address on the happened while Mr. Norwood Simmons great work of the firemen. He also was preparing a warrant to which he spoke in behalf of the exposition, inaffixed his father's signature by a rub- viting all State firemen to be present on the Fair gronds during Firemen

At the afternoon session of the asannnual reports which were accepted

#### GENERAL MILES WIFE DEAD. She Was a Niece of General Sherman and of Senator Sherman.

(By the Associated Press.) Nelson A. Miles died here last night woods of heart disease. She and General camps. Miles had been visiting their son

Sherman, who is a student at the military academy. General Miles was not present at the time of his wife's death, having gone out of town yes terday. He returned today. Mrs. Miles was 62 years old. She in the public road about one mile from made a number of calls yesterday the old Arrington bridge yesterday morning about 11 o'clock. The bear morning about 11 o'clock. and apparently was in her usual health. At her bedside when death were her son-in-law, Colonel Samuel Reber, U. S. A., her son Sherman, and her nieces, Misses Fitch and Hoyt, of Washington,

. Miles was the daughter of per cen Charles Sherman and a niece gust 5.

Washington, Aug. 2.—President Roosevelt sent to Lieutenant-General Miles a telegram expressive of sympathy of himself and Mrs. Roosevel in the General's bereavement. Miles was well known to the President and Mrs. Roosevelt, who held her in cordial esteem.

#### C. C. WADE FOR THE HOUSE. The Convention in Montgomery County-A Strong Ticket.

(Special to News and Observer.) Troy, N. C., Aug. 2 .- The county convention for Montgomery county was held here yesterday. C. C. Wade, who was clerk of the court in this county thirty-two years, was nominated for the House of Representatives, R. T. Rush for sheriff, W. D. Allen for Register of Deeds, W. M. Bostic for coroner, M. A. Bennett for county surveyor. This is a strong ticket and Montgomery will go Democratic by 300 to 400 majority.

## HIS DEED OF BLOOD

#### A Parker-Gienn-Kitchin Club-Only Kills His Father-in-Law. Prison's Shadow Falls Upon Him.

(Special to News and Observer.) they go to the polls and vote in the November election. It is proposed to organize the whole county into clubs.

The prospects for Democracy are brighter in Harnett county than they proposes to give one big picnic and ing took place near Macclesfield, No. rally and invite Governor Glenn and 9 township. Joe Phillips has been ar- confident of a triumphant victory for rested and is now in custody. The the Democratic party, both in State There will be only trial will take place tomorrow at Mac- and nation on November 8th. Congressman Claude Kitchin to speak. clessield before Justice J. T. Harris izen of the county and his death is deeply deplored.

Society women who appear in evening dress are candid—at least, they don't izy to consol

### UF THE FIREMEN Death of a Prominent Bu- If So He Grossly Insulted siness Man.

the Negro Insults Men, Women

and Children of the Entire

South.

(By the Associated Press.)

necessity for the establishment of the

quiry, a copy of the Daily Clarion-

was filed with the department, con-

taining an article to which the depart-

ment's attention was called. This article was a copy of an editorial printed

in the Commonwealth under date of January 10, 1903, which paper is pub-

vile and indecent in its statements con-

cerning the mother of the President of the United States as to be unfit for

postoffice the name of any man who had used such language regarding any

the name of Timberville.
"In exercising the discretion give

been clearer as to his duty than in

Roosevelt had no knowledge of the in-

cident referred to."

The name Timberville, bestowed in

On the Diamond.

American League.

(By the Associated Press.)

Batteries: Owen and Sullivan;

At St. Louis— R. H. St. Louis....002010000-37 Philadelphia 112010004-914

Chicago ....0 0 1 1 0 1 0 2 \*—5 Washington .0 1 0 0 0 0 0 0 0—1

dell and Schreckengost.

Jacobsen and Kittredge.

Kleinow; Mullin and Drill.

Cleveland . . . 0 0 1 0 0 0 0 0 0 0 1 1 6 Boston . . . . 1 0 0 0 0 1 1 0 1 4 11 Batteries: Moore and Buelow

Batteries: Moore and Buelow; annehill and Farrel!.

Southern League,

McIntyre and Fritz;

Herman and Accorsini;

Segars and Quinn;

Memphis ... 0 0 0 0 0 0 1 0—1 5 Montgomery 0 2 0 0 1 0 0 0 \*—3 6

At Birmingham— R. F. Birmingham 0 0 0 0 0 0 0 0 0 1—1 Little Rock 0 0 0 0 0 0 0 0 0 0 0 0 0—0

Nashville ...1 1 0 0 4 2 0 0 \*—8 8 Shreveport ..0 2 0 0 0 0 0 1—3 6

Shreveport . 1 0 0 2 1 1 0 1 0 —6 11 0 Nashville . . 0 0 0 0 0 2 1 0 0 —3 10 2 Batteries: Fey and Graffius; Piatt,

South Atlantic League.

Macon .....0 0 0 0 0 0 0 2 0 1—3 6 Charleston ..0 0 0 0 0 0 0 0 0 0 0 0 6

Batteries: Dunham and Matthews; Dannehower and Zinram.

At Chicago-

At Detroit-

At Cleveland-

At Montgomery-

Batteries: M Hale and Clark.

At Nashville-

Second game.

At Macon-

Childs and Smith.

Batteries:

Batteries: Herman Hughey and Graffius

Frickle and Accorsini.

other postoffice in this State.

"It is proper to say that President

proposed postoffices.

this case.

newspaper published

Hunter Kills a Black Bear. Mr. Kirby But Roosevelt in His Attitude Toward Smith's Death Accidental. Cotton

> Takes the Place of Tobacco.

(Special to News and Observer.) Goldshoro, N. C., Aug. 2.-The leath of Mr. George Futrell, a promi- Postmaster General Payne today made nent business man of Mount Olive, has the following statement explaining the occurred at his home in that town of reasons for refusing to name a Missis fever. He had in this city a wide cir- sippi postoffice in honor of the Govercle of friends and acquaintances who nor of that State: will sincerely mourn his death.

Mr. George Rose, an employe of the Enterprise Lumber Company of this city, yesterday had his hand badly lacerated while putting some teeth into a county, in the State of Mississippi, and planing machine. The eeth caught his requesting that it be named Vardahand and it was torn terribly before he could extricate it. A doctor was "Immediately, the usual investiga-immediately summoned, who dressed tion made by the department as to the his wound, and he is now resting well, necessity for the establishment of the though it is feared that his hand will office was undertaken. Pending the inhave to be amputated.

Hon. Atlas T. Uzzell, brother of the late Mr. Kirby Uzzell, was in this city this morning and requested us to correct the report received here by telegraph that his brother had committed

Mr. R. L. Uzzell, of Bainbridge, Ga., brother of Mr. Kirby, accompanied the remains home. He says that Mr. Uzzell had been suffering a great deal of late, and on last Thursday evening, while in pain, took an overdose of morphine, which resulted in his death.

After taking the dose of medicine he walked up to the hotel in the hotel i ne walked up to the hotel in Sandersville, Ga., where he died and remarked to some friends that he was afraid he had taken an overdose of morphine the name of Timberville.

and was feeling very bad. One of the gentlemen looked up at him by law the Postmaster General Mr. Uzzeil and saw that he was in a frequently rejects names suggested for langerous condition and he was taken The response to these addresses was to his room and two doctors summoned, but he immediately became unconscious, and after working for several hours the doctors were unable to re-

vive him.

#### The Tobacco Market.

The tobacco market opened up here vesterday for the season, but there was very little of the golden weed on the narket. In fact there is very little in his section to be marketed. Out of the three warehouses here there will be only one in operation this fall. The farmers of this section have diected their attention to the cultivation

of cotton this year, and the crop will be the largest ever raised in the coun All crops are good and old farmers say that with good seasons from this time on, the harvest will be the largest raised since the first year af-West Point, N. Y., Aug. 2 .- Mrs. ter the war, when corn grew in the woods where the Yankees had their

#### Killed a Black Bear.

Mr. S. D. Broadhurst, of Indian Springs township, brought to this city this morning a black bear, commonly weighed 175 pounds and was fat and n good eating condition.

At a meeting of the directors of the Bank of Wayne, of this city, held yesterday, a semi-annual dividend of five per cent. was authorized, payable Au-A handsome sum was also

#### THE DEMOCRACY OF HARNETT. A Parker and Glenn Club Organized-D. H. McLean, President-Much Enthusiasm.

(Special to News and Observer.) Dunn, N. C., August 2.-A large and enthusiastic meeting of the Deniocrats of Harnett county yesterday organized a Parker-Glenn club. Hon. D. H. McLean, of Harnett county, was elected president of the club. He was nominated by H. L. Godwin, Esq., in a inging speech, in which he referred to Mr. McLean's past Democratic record in Harnett county and in the State. He said that under his protecting hand and safe wisdom Mr. Mc Lean had led the host of Democracy to triumphant victory in Harnett county for many years. Mr. J. P. Pittman, editor of the Guide, a strong Democratic newspaper, published here. was nominated for secretary in a speech to the point by Mr. O. P. Shell. The meeting was enthusiastic and every indication points to a vic tory for Democracy in Harnett county in November of over one thousand majority.

On motion, the club unanimousiv passed a resolution inviting Hon. G. Patterson, Congressman of this district, and Hon. Francis D. Winston, Democratic nominee for Lieutenant-Governor, to address the club and the citizens of Harnett county at Lillington on August 30th. Later on in the campaign Hon. R. B. Glenn, Demo-cratic nominee for Governor, will be invited to visit Harnett and speak to our people on the issues of the cam-paign. Also H. L. Godwin, Esq., Parker and Davis elector, for this district, will be invited to address the club. Tarboro, N. C., Aug. 2.—Mr. B. Var-sth of August with the new executive nell, of this county, was killed this af- committee to be elected next Monday

Society women who appear in even-

# One Woman.

Receivership News Purveyor in Bad Way.

#### THINK---TANK DAFFY

Washington, D. C., August 2 .-Herein is Set Forth As Nearly As Possible in Letters of One Sylable the Tuncness of the Nuncness So That Even the Blind "On the 6th day of May, 1904, a petition was filed with the department

May See. ple in this enlightened age have failed to grasp the "munchess of the tunc"-in other words how frail and delicate a thing is the public memory even when a matter has been shouted from the housetops so that all might

Ledger, a newspaper published at Jackson, Miss., dated August 25, 1903, hear. Knowing this and realizing that the average citizen, roused as he may be at the spur of the moment to take off his coat and save the State, goes quietly back the next morning to attend to the routine of his personal affairs so that he speedily forgets, it lished and edited by Governor Varda-man. The article in question was so vas sought yesterday to explain calmy and through means of patent facts he broad and glaring difference be-ween themune and the tune of Judge Purnell's latest Cuyler-Finch-McBee order. And it must be said that to the people the thing was made plain; but there seems to be need still of explanation and careful reminder in one other quarter.

Surprising as it may seem, tha quarter is none other than the Morning Post, the organ from the beginning, of McBee, Finch and Cuyler and the bright particular of the Receivership runs of the Atlantic and North Carolina Railroad. hardly to be supposed that the tunc would have been lost in that quarter, yet such would appear from its yes-

terday's editorial to be the case. Hence, an explanation—as near possible in words of one syllable Vardaman was suggested among others by the parties interested to what was tune and what is mune, in that neighborhood, one other name having been rejected because of its similarity to that already held by anand, in addition a little history which will be drawn from the source that should be considered in all conscience good authority for the purposes of this discussion-the columns of Munc

pro Tunc itself.
You said in your editorial of yes-Tunc, the following:

"An important order in the Cuyler suit concerning a receivership for the Atlantic and North Carolina Railroad is published for the first time in The Morning Post today. Besides the fact that it brings in a new party the order sets out what was stated from Batteries: Pelty and Kahoe; Wadthe bench at the time Judge Purnell made the order granting the petition for a receivership, viz: that it was not the purpose of the court to tie up the road indefinitely in the bands of a received and thereby prevent a lease or other disposition of the property to the advantage of the stockholders, but that the court would consider an order to lease as a basis for discharg-New York..0 0 0 0 0 0 0 1 0 1—2 8 4
Detroit ....0 0 0 0 1 0 0 0 0 0 —1 4 2
Batteries: Powell, McGuire and ing the receivership."

Do not jump at conclusions, Nunc,

nor take things too easily at their face value: that is a habit that has lead many a good man into egregious and serious loss. In your editorial you state that "the order sets out what was stated

from the bench at the time Judge Purnell made the order granting the petition for a receivership."
Why, then, Tunc, did you publish the news that the owners of the road were permitted to lease their proper-

If Judge Purnell made the order

ty under big headlines?

from the bench in May that be in-corporated in the order of July 27th, where does the news come in? As has been stated before with all seriousness "nunc pro tunc" means "now for then" and if the nunc order was really the tunc order, where, pray, is the news in nunc pro tune? But if you had looked more carefully into the matter, Tunc, you would have found that what you said tune will not fit in nicely with what you say nunc. The game of "follow my leader" has its limitations.

If you had turned over your files to

May 29th, Tunc, you would have found that your version of the order made on that day was as follows:
"During the hearing the court stated that it was not in the province of the court to lease the road, but simply to preserve the property and when the order was made appointing the receiver the court said in response to inquiry that stockholders can at any time they desire hold a meeting and vote on propositions for the lease of the road and when any the lease of the road and when any proposal is accepted by them it can be submitted to the court for approval and in the event IT IS SATISFAC-TORY TO THE COURT he will there-

after dismiss the receivership. Now, Nunc, which version is right, do you say? In view of the fact that the News in almost the same way, the difference in vertiage being only sufficient to show that the two reports were written by different men, both trying to be accurate, there will be left little

doubt as to what was tune and what was nunc. The order as the News and Observer had it on May 29th was as fol-

"In the meantime Mr. Thomas D. Meares, of Wilmington, is appointed receiver to take charge at once, and the restraining order is criticised. This, the judge said, will not permit the stockholders from meeting and ing, the trouble arising from a bull dog owned by Biggers. During the fight Biggers struck Brown in the stomach with his head, causing in-

## Charlotte Officer Killed In view of the fact that the News and Observer caught the same thing

by Boy Who Struck Him With Fist. (Special to News and Observer.)

Charlotte, N. C., Aug. 2.—As the result of an altercation with a 14-year old boy, Officer J. H. Brown, who has been a regular patrolman for the past six months, died this afternoon. Paul Biggers, a newsboy, had some words with Officer Brown this mornhours later. The boy is held for murder and the trial will take place tomorrow morning.

THE PROPOSITION TO THE COURT, AND IF THE COURT APPROVES IT, the receivership will be vacated."