

THE ALIBI ROUTE IS THEIR DEFENSE

Elvira Powell and Allie Arnold Trial FOR INFANT'S MURDER

Witnesses Put On to Rebut Testimony of Rosa Johnson, the Mother, and State Goes After Elvira Powell

Alibi and Testifies to Arnold's Flight. It is by the alibi route that Elvira Powell, the negro and Allie Arnold, the alleged father of Rosa Johnson's murdered baby seek to clear themselves of the charge of murder in the trial now in progress in Wake Superior Court...

The State meets this issue with the testimony of its witnesses in contradiction of the testimony that would put Elvira Powell and Allie Arnold as the murderer of the child...

Without doubt the defense strengthened its case yesterday, and especially so when at the last moment it introduced newly discovered evidence from Dr. W. H. Horton, who on the stand testified that some four or five months before the birth of Rosa Johnson's child she and her mother sought a prescription from him that would destroy the child...

The battle about the testimony went on all day yesterday. The defendant appearing for the State, while Elvira Powell's defense was conducted by Mr. John W. Hinesdale, and that of Allie Arnold by Major G. Ryan and Mr. J. N. Holding. The evidence was all in at the adjournment of court last night at twenty minutes to five this morning.

Witnesses for the State. The first witness yesterday morning was Rosa Johnson, testifying for the State. In her testimony she said that Allie Arnold, whom she swears she backed out on the plea of being under age and his father not giving consent, was at her house between six and seven o'clock the night of the child's birth and told her that Elvira Powell would come at about 8:30, that together about nine o'clock they went into the alley way...

Her mother, Mrs. James Sanders, testified that she did not know that her daughter was to become a mother, and that the night of the birth and murder she went to bed early, her daughter being in bed, and that she knew nothing of anything that occurred during the night, or of any disturbance, or noise having taken place in the house.

DESERVES THE CUP. Dr. Richard Dillard's Contribution to Literature Deserves Recognition.

Writing of the cup presented by Mr. J. H. Patterson for the best literary production of the year, Mrs. Jenie K. Smith, writing to the Henderson Gold Leaf, says: "The author of any man who as poet and historian so well deserves this prize as Richard Dillard? Whenever his name is mentioned there is an exultant cry before us a picture of the ladies of Edenton, of Mrs. Elizabeth King's, Oct. 24, 1774, when they held 'The Original Colonial Dames Tea Party' for it is Dr. Dillard's history that has been preserved in history, and there is in the State Library at Raleigh a handsome painting (by a talented artist) of the Tea Party given by Dr. Dillard at a cost of \$200, and at the Exposition there is a miniature reproduction of Mrs. King's home when the Tea Party was held. He has new and very attractive editions of 'The Tea Party' issued this year (Burke & Gregory). This book is so important to our State for the 12 Vestrymen of St. Paul's who signed the St. Paul Declaration of Independence, June 9th, 1776, ten of them were husbands of members of the Tea Party. The booklet first brought Dr. Dillard into prominence as a historian but since then he has written many important articles published in the Magazine of American History, Home and Gar-

Feeble Heart

action often the result of coffee drinking. Note the difference after 10 days' trial of

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den, etc., etc. From Sept. 1st, 1906, to Sept. 1st, 1907, he has produced the following: "Curious Experiences with the Tombstone of a Pirate," "Plum," a Halloween Story, "Pantomimic Falls," (News and Observer), "Poetic Beauty and Literary Value of the Songs of Solomon," (Edenton Transcript and Post-ville), "The Golden Treasure of the Alchemists," "Benoni," an Opioid Story, (Charlotte Observer), "Sketches of Haves," (Housa and Garden), "Autumn Time," a Pastoral Poem, (Burke & Gregory, Norfolk). This last has been spoken of in high terms by many persons, and the illustrations are in keeping with the text. It is a creditable work and deserves special mention as showing what has been done by North Carolinians during the past year. Besides these Dr. Dillard has contributed articles to the North Carolina Booklet, and in the "Charlotte Medical Journal" published the "Reminiscences of the Early Physicians of Albemarle," etc.

FLAGLER SERIOUSLY ILL. Condition of Standard Oil Vice-President is Alarming.

New York, Sept. 27.—Henry M. Flagler, president of the Standard Oil Company, is seriously ill in the Mount Washington Hotel, Bretton Woods, N. H. His condition is such as to cause the gravest alarm to his friends. His personal physician, Dr. Kenan, and nurses are in constant attendance. Mr. Flagler's illness is attributed to the effects of an attack of the grip, which seized him while he was in St. Augustine, Fla., last April. At that time he was badly weakened from a stroke and worry, incident to the strain of raising funds for the completion of the Key West Railroad. He did not recover rapidly, and his physician advised his removal to a cooler climate. Early in the summer he was brought to his summer home in Mamaronck, Westchester county. Symptoms of a general nervous breakdown appeared, and about a month ago he was taken to the White Mountains. Every possible effort is being made to keep his mind from his business affairs, and it is considered probable that he would be able to testify in the government's suit, even if a commission were appointed to visit his bedside.

PUT IT ON ANOTHER. Richard Walton Says Marcus Lemoyne Killed Mrs. Grant.

(By the Associated Press.) Chicago, Ill., Sept. 27.—Richard Walton, the negro arrested in Springfield, Ill., for the murder of Mrs. Lillian W. Grant, informed the police today that another negro, named Marcus H. Lemoyne, was the actual slayer of Mrs. Grant. Lemoyne was arrested later in the afternoon.

NEW RESTAURANTS Twenty-seven Replace the Old "Shacks" in Fair Grounds

Among the many recent improvements at the State Fair Grounds none will be more interesting than the twenty-seven new restaurants which are being built along the main midway, taking the place of the old and unsightly "shacks" which stood on this section of the grounds for the last twenty years. Each one of these restaurants fronts upon the main midway 10 x 10 feet, with a partition and kitchen. These restaurants are being built rapidly, and all who wish one of these new restaurants should apply at once to the Secretary's office.

ROTTEN SERVICE. Southern Railway Missed Connection at Goldsboro One Third of the Time.

Trains leave Goldsboro every morning shortly after seven o'clock for Beaufort and all points east; for Richmond and Norfolk and Washington and all intermediate points; and for Wilmington and all intermediate points south of Goldsboro. The Southern runs a train from Greensboro to connect with these trains, and it is of the highest importance that its train which passes Raleigh at 4:30 should reach Goldsboro in time to make those connections. Instead of giving good service, the public is greatly inconvenienced by frequent missing of connections. Reports filed at the Corporation Commission show that the train in thirty days missed connection ten times. Can't the Commission require better service?

POPULAR THOMPSON SCHOOL. Committee to Meet Tonight to Decide on Permanent Boundaries.

The new Thompson school is becoming quite popular and nearly every pupil in that district seems pleased with the teachers and surroundings. The district lines will be practically as announced two days ago, and members of the committee will meet in Superintendent Harper's office tonight to decide on the permanent boundaries of each school.

MOVE FOR MORE TAXES. Virginia Will Probably Raise the Railroads' Assessments.

Richmond, Va., Sept. 27.—It will be no fault of Attorney General Anderson if the railroads do not have to pay a great deal more in the way of taxes than they have paid in the past. The matter is now before the Corporation Commission, the Attorney General having served notice that he would appear before the commission and ask to have the amount of assessments against the railroads in Virginia increased on roads, by the way, and trackage. In doing so Major Anderson made frequent use of figures taken from the commission in the recent case hearing, the figures being those submitted by the railroads and used to show what great expense they had to meet in order to be operated at a profit. These figures related to the value of

the property named and to the bonded debt and the outstanding securities, the whole showing that the fixed charges were enormous. The figures had to be accepted by the commission but now they are being used to show that the earnings of the road are very much greater than could be earned by any investment of funds in any other enterprise, all operating expenses and fixed charges being considered. The figures also show that the road-bed, track, and right of way are valued at about a million, when the bonded debt represents four times that, and the earnings per mile are considerably more than \$100,000 per mile.

The Attorney General argued to show that the valuation of the property was too low, especially when compared with farm lands and other property. It is the duty of the commission to fix annually the assessments against railroads, and this is now being considered. The members of the commission have been consulting with the various classes of public utilities which are in the control of the body for purposes of taxation. The move by the Attorney General was somewhat of a surprise, for it is evident that the railroads were not expecting such a step. The question is being raised as to whether the commission has the power to take a move in the matter. It is said that section 171 of the Constitution applies to the case in point. The hearing was before all members of the commission and there was about a score of railroad lawyers and officials in attendance. The hearing will probably be under consideration for several days.

RIBBON COUNTER MONEY. Bankers Propose to Distinguish Denominations by Color.

(By the Associated Press.) Atlantic City, N. J., Sept. 27.—If the Secretary of the Treasury will grant a request contained in a resolution presented today at the American Bankers' Association convention, the teller's desk of the average national bank will somewhat resemble the ribbon counter of a department store. The resolution proposes that each denomination of bank notes be made of a certain color as follows: One dollar notes slate, two brown; five green; ten blue; twenties yellow; fifties pink; one hundred white. The resolution was referred to the incoming executive council.

A feature of today's session, the final one of the convention, was an address by President M. E. Ingalls, of the Merchants National Bank of Cincinnati, Ohio. He took for his subject, "Our Present and Future Prospects." The convention adjourned after electing the following officers: President, J. D. Powers, of Louisville; Vice-President, George M. Reynolds, of Chicago. With the meeting of the executive council this afternoon, Lewis E. Pearson, of New York, was elected chairman of the council. E. E. Edwards, of Michigan, defeated James R. Branch, of New York, for secretary by a vote of 26 to 14, after a warm contest. A. Crane, of Minnesota, was re-elected treasurer.

RETAIL TRADE IMPROVES. Cool Weather Proves a Welcome Stimulus to Jobbers.

New York, Sept. 27.—Bradstreet's tomorrow will say: "Retail trade feels the stimulus of long awaited cool weather, and does also filling in order business from jobbers. On the other hand, regular house trade has decreased in volume now that the rush trade is over, and shipping of goods is slower. The grossing jobbers to a large degree, however, are still a matter of concern. Collections are still a matter of complaint at many markets. East, West and South—the latter section noting that the recent freer movement of cotton has only made for partial improvement. The quiet tone as regards new business is still the leading feature, though mills, furnaces and factories are still busy on old orders. New orders are reported by leading interests as running 25 per cent behind a year ago at this date. Business failures for the week ending September 26 number 166, as against 179 last week, 165 in the like week of 1906, 185 in 1905, 179 in 1904, and 153 in 1903."

A Big Blow Out for W. J. Bryan

(Continued from Page One) was evidence showing that knives, pistols and other weapons had recently been used by somebody. The Convocation of Charlotte, which was to have been held at Wadesboro, will be held at St. Barbara's Episcopal church in this city on the fifth and sixth of November. The change was made on account of the Wadesboro church having no reactor.

Right Sort of Sheriff. (Hereof Facts and Figures.)

Sheriff Watson and posse went over town and country last night, capturing another large blockade whiskey still. This makes eight stills the Sheriff has hauled in, or one a month, since he went into office.

LOST YESTERDAY ELGIN GOLD watch, double case, Jamestown job attached, between Carolina Co. and Woodall's stores, or between Coca-Cola Co. and 315 S. McDowell St. Return same to this office and receive reward. 9-28-27.

NOTICE TO CREDITORS.

Having duly qualified as administrator of the estate of the late J. E. Holloway, this is to notify all persons having claims against the estate of the said deceased to exhibit them to the undersigned administrator on or before the 5th day of August 1908, or the next day thereafter, in order that their recovery. All persons indebted to the said estate will please make immediate payment. This 20th day of August, 1907. H. H. CHAPPELL, Administrator of J. E. Holloway. R. N. SIMMS, Attorney for Administrator. 8-21-10-6w

GASTON PROGRESS

\$250,000 Cotton Mill Chartered for Belmont

Telephone Company in Northampton —Mt. Vernon Springs to Be Developed—Drug Company at Hertford.

The list of charters granted by the Secretary of State yesterday includes that of a \$250,000 corporation to build and operate a cotton mill at Belmont, in Gaston county, which place is between Charlotte and Gastonia. The list is as follows:

Majestic Manufacturing Company, of Belmont, to manufacture yarns, cloths and all kinds of textile fabrics from cotton, etc. The authorized capital stock is \$250,000, with \$105,000 subscribed by the following: Stowe Bros., 250 shares; A. C. Lineberger, 250; Thomas W. Springs, 300; W. B. Pruett, 150; E. T. Hall, 100.

Farmers' Mutual Telephone Company, of Garysburg, Northampton county, to build and equip telephone lines from Garysburg to Rosnoke Rapids, Pleasanton and Vincent's Cross Roads, in North Carolina, and to Emporia, Va. The authorized capital stock is \$25,000, of which \$9,000 is subscribed. The incorporators are the following: W. H. Joyner, J. H. Fitzhugh, J. E. Sutter, J. W. Crew, W. T. Carstarphan, W. W. Grant, W. E. Daniel, J. W. Grant, J. E. Moody, G. E. Ransom, J. B. Collier, G. W. Massey, John E. Carstarphan, and others.

Mount Vernon Mineral Water Company, of Mount Vernon Springs, Chatham county, for the promotion of these springs as a summer resort, and the sale of the water thereof. The authorized capital stock is \$50,000, with \$300 subscribed, by Messrs. E. H. Foust, C. A. Bray, and J. P. Sanders.

Citizen's Pharmaceutical Company, of Hertford, to conduct a general drug and chemical business. Capital stock authorized is \$25,000, with \$2,500 subscribed, by the following, shares being \$100 each: W. Norman, W. S. Blanchard, R. L. Knowles, David Cox, T. S. McCullum, each 5 shares.

TOLD WEAK STORY Hale a Witness in His Own Behalf

Repeats His Former Tale of Suicide and Defames the Name of the Girl He Is Charged With Having Murdered.

(By the Associated Press.) Bristol, Tenn., Sept. 26.—Ack Hale, who is on trial at Blountville, for the murder of Lillie Davis, the crime alleged to have been committed in East-hill cemetery in this city last March, to day took the stand in his own defense and gave substantially the same version of the tragedy as when first arrested, a few minutes after the fatal shot was fired. Hale made a sweeping denial of the charge of murder, and contradicted all the witnesses for the prosecution as to the events of the afternoon and evening on which the girl met her death. He testified that he had been intimate with his alleged victim, but officers were called in rebuttal who declared that he denied when arrested that there had been any intimacy between them. In several places during the day, Hale's story was shaken upon cross-examination or by rebuttal evidence. His positive denial of having mistreated the girl at any time or in any way during the buggy drive preceding her death, when the evidence of a number of reputable witnesses shows that he treated her cruelly several times during the afternoon, produced a bad impression and evidently weakened his case.

Hale's version of the tragedy was that the girl committed suicide. He said that when they entered the cemetery she was in an intoxicated condition and was begging him not to leave her. He said that he had to leave her, realizing it she picked up his pistol, which was lying on the ground, and sent a bullet into her breast. A number of witnesses for the defense were placed on the stand today, but the result of their testimony was not much to the advantage of the prisoner. One of them, a woman of questionable character from Knoxville, was impeached and the value told by the others were of little value to the cause of the defense after cross-examination. The state rested its case at nine o'clock this morning and when court adjourned this evening the defense had finished. It is expected that by noon tomorrow all the rebuttal testimony will have been taken and the argument will begin. The case will probably be argued during the afternoon and be given to the jury in the evening, though it is doubtful if a verdict will be rendered before Saturday.

The little town of Blountville is filled with persons attracted there by the trial. Many of the visitors are from Bristol, but most of them are from the country.

Administration Notice.

Having qualified as administrator of the estate of the late G. A. Hill, of Wake county, we hereby give notice to all persons holding claims against said estate to present them to me before the 20th day of July, 1908. All persons indebted to said G. A. Hill (deceased) are requested to make immediate settlement with the undersigned. R. F. D. No. 6. Raleigh, N. C., July 29, 1907. M. J. CHAPPEL, Administrator.

EXECUTOR'S NOTICE.

Having qualified as executor of the will of the late J. J. Chappell we hereby notify all persons indebted to the estate of said Eliza J. Chappell to come forward promptly and settle, and all persons having claims against said estate to present them at once, otherwise this notice will be plead in debar of their recovery of said claims. L. N. CHAPPEL, Executor. Address H. A. Chappell, Forestville, N. C.

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FURNITURE. Bed Lounges \$8.00 Another lot of folding Divans, \$4.50 Iron Beds \$2.50 to \$10.00 Sideboards \$9.75, \$14.50 Wardrobes \$11.00 Desks \$1.00 to \$20.00 Ostermoor \$15.00

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