DR. M'CULLERS WON HIS POINT

The County Commissioners Yesterday Decided in His Favor

AT LAST ADJUSTED

Has Caused Great Deal of Trouble and Feeling and Came Near Causing a Suit Against the County—The Matter Argued Yesterday Before the Board and After All Facts Were Brought Out it Decided for Him—The Amount Involved About a Thousand Dollars.

Dr. J. J. L. McCullers yesterday won out in the ancient controversy as to his remuneration, while Superintendent of Health of the county and the matter which he threatened to reach such proportions as to necessitate a mandamus and a suit against the county has been settled.

The action of the County Commissioners came as no surprise though they had held out four of them against payment until they thoroughly digested the decision of the Supreme Court recently and looked into the claim. They never stubbornly declined to pay the salary. They went to the meeting yesterday standing where they had always stood and after hearing the argument made by their attorney, Mr. R. C. Beckwith, and Messrs. R. W. Winston and Bart M. Gatling, representing Dr. McCullers, they took the view that the county ought to pay the account and ordered it done.

The trouble had been along two lines. They thought that as the county had been served at a salary of $600, the fee system was somewhat extravagant. The clash was as to the right of the Board of Health vested in Dr. W. S. Rankin to appoint a man and fix his salary. Yesterday there was another question raised, that as to the taking of the oath of office to Dr. McCullers. These were thoroughly debated.

When Attorney Beckwith read the recent decision of the Supreme Court, in which it was specifically set out that the Board of County Commissioners would have to determine whether there had been done everything in accordance with the statute it looked like the court had left enough in the hands of the County Commissioners to do what they pleased with the complainant doctor. Mr. Beckwith read the decision and gesticulated almost triumphantly as he illustrated the points of the county. He read some law that showed that a man could not be held to be an officer until he had qualified by taking the oath. He contended that Dr. McCullers had been a trifle subsequent about taking that oath, and that he had actually gone two months without it. That let him out on two months pay. Mr. Beckwith smiled as he cited this and so did Mr. Gatling, for both had the Supreme Court talking their way and the board looked bewildered.

But the advantage of the McCullers contention was that his statute had provided that he was the legally constituted health officer until he was ousted and Mr. Beckwith had failed to provide for that ousting.

When the case opened yesterday morning, just about noon, Mr. Beckwith put Dr. McCullers on the stand and had an itemized account before him. He asked many questions as to items and asked when he qualified. Dr. McCullers said that he had been appointed July 17 of 1911 and that he thought he had qualified before Squire Upchurch September 5. Prof. Z. V. Judd was made a witness and corroborated these circumstances. When Mr. Beckwith asked whether he had done any practice outside his duties as health officer, Dr. McCullers said, "Yes, I did some today."

At various times during the controversy there was a sign of an eruption, but each time it failed to erupt. Everybody was so polite and considerate that there wasn't room for getting mad. Commissioner Franklin objected to Dr. McCullers saying, "You and Mr. Johnson shut me out." Mr. Franklin said he hadn't shut anybody out. Dr. McCullers showed that he did not use the term offensively. He was merely employing terms for brevity.

As Mr. Beckwith asked about certain items and propounded the query as to whether they had actually been performed, Dr. McCullers said that they were prohibited by Messrs. Johnson and Franklin. Attorney Bart Gatling let it be known that in accordance with the Supreme Court's decision, they were claiming remuneration for services that belonged to the office, but were not actually performed. That was law about which it was impossible to get up a controversy and there is mighty little trouble experienced in that sort of business.

Mr. Gatling said in explanation of this course that if the board had suspended payment of fees while the matter was pending, to be paid when the court had handed down its opinion, that there would have been no trouble, but that the board had not taken this precaution, had knocked his client out and left him without other remedy.

Judge Winston Speaks.

Judge R. W. Winston appearing for Dr. McCullers, opened the argument, and said that as the board is a law abiding body, it would obey the Supreme Court and pay the bill without controversy; that there was nothing else to do. He said that his firm disliked litigation against the county, and that he should hate to see it come to that. He said that the bills of Dr. McCullers were very much less than they might have been; that he charged thirty-three and a third per cent less than he might have charged. He quoted the famous saying of Pinckney: "Millions for defense, but not one cent for tribute."

Mr. Beckwith Replies.

Attorney Beckwith replying turned the point. He said that he took it that in the preservation of its rights the county always amenable through its representative officers, to those electing them, would be willing to spend hundreds for defense, but not a cent for tribute. That was what he was opposing, tribute.

He said that the board was ready to recognize Dr. McCullers as the health officer but it was not ready to pay him $2,500 when he had been paid $600. He referred to Dr. Rankin as an outlander, a man not answerable to the people for any act that he did and that the board did not have to take his orders in local affairs. "These officers of the county are the constitutional custodians of the people," he said. "You don't have to answer to Dr. Rankin, but the county will hold you to a strict accountability. We would be just to the Doctor, but always looking to the public interest."

The attorney then went into the question as to whether Dr. McCullers was actually superintendent until September 5. Mr. Gatling asked Mr. Beckwith as he read to leave out nothing. "Read it all," he said to the lawyer. Mr. Beckwith replied: "I am making the argument now, you can follow me." He read a decision showing how good Dr. Calvin Wiley had been knocked out of hard-earned fees [illegible] "This man, Dr. McCullers, was never superintendent of health prior to September 5."

[illegible] all that we will have to do as county commissioners will be to meet here once a month, add up a column of figures, see simply that it is correct and order it paid. I dare say that the court never had in mind the things that the plaintiff's counsel says it had.

Mr. Gatling Closes.

Mr. Gatling, representing Dr. McCullers closed the argument. He admitted that he had experienced great trouble in keeping still. He declared that Mr. Beckwith had made so many statements that were not in accordance with the exact facts that holding oneself in was hard. "There is an adage," he said, "that an attorney who has lost a case is disqualified from advising in that same case again. Mr. Beckwith has lost before the court upon his two contentions and he is not able to get over that."

Mr. Gatling then showed how the superintendent had been allowed to hold without objection and that he did not have to qualify. He declared that Mr. Beckwith had twice advised the board in the face of the law and continued. "You are now to choose between the Supreme Court's decision and Mr. Beckwith's opinion."

Mr. Beckwith again arose to reply and Mr. Gatling told him that the plaintiff was allowed to close. Mr. Beckwith spoke a few words and stopped.

The commissioners passed a few questions and adjourned for dinner. Commissioner Brewer popped a couple at Mr. Beckwith, and tried to bind that lawyer to a statement that the board had been advised that the health boards are unconstitutional. Mr. Beckwith could not admit it.

McCullers Wins.

The commissioners returned and upon motion of Commissioner Chambler the account of Dr. McCullers was ordered paid. Again Mr. Beckwith advised against it but the board took the ground that it was the safe and the fair thing to do.

Thus the old controversy is settled and there is nothing else now in the way of an equitable settlement. The amount is slightly in excess of $1,000 and a portion of this is for money already paid. Had the board done it first what it did yesterday, the double pay would have been saved and there would have been none of the ill feeling.

BEAUTIFUL WEDDING

Miss Mattie Lumsden Became Bride of Rev. Thurman G. Vickers Yesterday at Noon.

One of the prettiest weddings of the season was performed yesterday at noon at the home of the bride's mother on Hillsboro street when Miss Mattie Lumsden became the bride of Rev. Thurman G. Vickers, of Burgaw.

The home was a veritable scene of loveliness decorated in ferns, palms and smilax the soft glow of candles having much effect in the beauty of the place. A beautiful altar in the parlor was tastefully bedecked on each side with palms and ferns intermingled with tall white Easter lilies, while in the centre of the altar was a bowl of white hyacinths. Before this altar the wedding vows were pronounced by Rev. H. M. North, pastor of Edenton Street Methodist Church, the impressive ring ceremony being used.

Just before the ceremony Mrs. Horace Dowell sang "Oh, Fair, Oh, Sweet and Holy," with Miss Ebie Roberts presiding at the piano.

Promptly at the appointed hour to the strains of Lohengrin's wedding march, Rev. H. M. North took his place before the altar. He was followed by little Miss Nell Gwinn Bernard, cousin of the bride, who bore in the heart of a large white calla lily the wedding ring. She was dressed in a dainty white lingerie dress and little bonnet to match. Next came Mrs. Franklin D. Norton, of Norfolk, Va., the dame of honor, who was handsomely gowned in a dress of white Rajah silk trimmed in Irish lace with big black hat, and carried as her bouquet an armful of Easter lilies. Immediately following her the bride entered the room on the arm of her uncle, Mr. J. J. Bernard, who gave her away.

The bride was a picture of loveliness and was charmingly attired in a dark blue traveling suit with hat to match. She carried a bouquet of bride's roses sprinkled with lilies of the valley.

The bride was met at the altar by the groom, who entered the room from a side door, attended by his brother, Dr. G. C. Vickers, of Roxboro, and the words that made them man and wife were pronounced by the officiating minister. During the ceremony Nevin's love song was softly played by Miss Ebie Roberts.

After the ceremony to the tones of Mendelssohn's wedding march the bride and groom retired to the gift room, where heartiest congratulations and best wishes were extended them by many friends. In the gift room there were seen numerous presents received by both from friends in this city and elsewhere. Among the many beautiful gifts was a set of silver forks given by the teachers of Wiley School.

The bride is the attractive and accomplished daughter of Mrs. C. F. Lumsden and one of the most popular young ladies in the city. She has made many friends by her beautiful traits of character. For many years she has been teaching in the public schools.

Mr. Vickers is one of the most prominent of the young ministers of the North Carolina Conference, having attended and graduated from Trinity College. He is pastor of the Methodist church at Burgaw.

Rev. and Mrs. Vickers left on the 12:30 Southern train for their future home at Burgaw. They were accompanied to the station by a large number of friends who wished them much success in life.

Among the guests here for the wedding from out of the city were: Dr. G. C. Vickers, of Roxboro; Mrs. Franklin D. Norton, of Norfolk; Mr. and Mrs. J. I. Thomasson, of Wilson; Mr. and Mrs. Maurice F. Beasley, of Durham.

Caught One of the Auto Bandits.

Paris, April 3.—Carouy, one of the automobile bandits who killed a chauffeur at Villeneuve-St. Georges, held up a bank at Chantilly, killing two of the employes, and stole $8,000, was arrested at Douere, some miles out of Paris today. He was known to police headquarters, where he attempted to kill himself.

AMHERST LOSES AT CHAPEL HILL

Carolina Wins Game by Score of 11 to 10, in Free-for-All Swatting Exhibition of Base Ball.

(Special to News and Observer.)

Chapel Hill, April 3. In a free-for-all see-saw swatting bout Carolina defeated Amherst here today 11 to 10. "Red" Swink with a triple and a home run, the latter with three men on, was the hero of the hour. However he surpassed but little Swasey, of Amherst, who, in the ninth, sent the ball over the left field fence. Fitts, for Amherst, got four singles out of five times at the bat and Bailey, of Carolina, got three of four trips to the plate. The game see-sawed for nine innings with the advantage first with one side, then with the other. Amherst assumed the lead in the first, when a long single by Fitts scored Kimball, who got one by Irby's rank error. Hits by Page, Bailey and Edwards gave Carolina two in the second. Amherst tied in her half of the third on a pass to Whiteman, Irby's second error and Partenheimer's hit. Carolina in her half scored one on Swink's triple and Leak's double. In the fourth Amherst put three over by mixing four hits with an error. In her half Carolina secured one on singles by Bailey, Hanes and Edwards. The score stood thus 5 to 4 until the eighth, when one fine single, a walk and Swink's drive for four bases, put seven runs across making the score 11 to 8 in favor of Carolina. Lee relieved Woods. Kimball was hit. Fitts singled, Burt hit to Edwards who failed to catch Kimball at the plate too long to get Burt. With the bases full and none out Partenheimer singled in left. Burt was caught at third, but Kimball and Fitts scored. Williamson fanned. Swasey lifted the ball over left field fence, scoring Partenheimer and himself. Strahan flew out to right. Score, Carolina 11, Amherst 10.

Amherst.	AB	R	H	PO	A	E
Kimball, l f	4	2	1	0	0	0
Fitts, 2b	5	2	4	2	2	0
Burt, 1b	5	0	1	5	1	1
Partenheimer, 3b	5	1	2	4	3	0
Williamson, ss	5	1	1	2	0	1
Swasey, c f	5	1	1	1	0	0
Strahan, r	5	1	2	2	3	0
Vernon, r f	3	1	1	0	0	0
Whiteman, p	4	1	0	1	2	0
Tilton, p	0	0	0	0	0	0
Totals	39	10	13	23	11	2

University.	AB	R	H	PO	A	E
Hanes, r f	4	1	2	3	0	0
Edwards, 2b	4	0	3	1	5	1
Irby, ss	4	1	1	0	1	2
Swink, c	5	2	2	11	0	0
Winston, l f	5	0	2	0	2	0
Leak, 1b	4	1	2	9	0	0
Page, c f	3	1	1	2	0	0
Bailey, 3b	4	2	3	1	2	0
Woods, p	2	2	0	0	1	0
Whitaker*	1	1	1	0	0	0
Lee, p	0	0	0	0	0	0
Totals	36	11	17	27	12	3

*Batted for Edwards, out in 4th, hit by batted ball.

Score by innings:		R	H	E
Amherst	101 200 014	10	13	2
Carolina	021 100 07*	11	17	3

Summary. Batteries: Whiteman, Tilton and Strahan; Woods, Lee and Swink. Two base hit: Leak. Three base hit—Swink. Home runs: Swink, Swasey. Stolen bases: Whitaker. Double play: Partenheimer to Fitts. Base on balls: Off Woods, 1; Whiteman, 1. Left on bases: Carolina, 5; Amherst, 6. Hit by pitched ball: Kimball. Hits: Off Woods, 10 in 8 innings; Lee, 3 in 1 inning; Whiteman, 3 in 7 1-2 innings; Tilton, 2 in 1-2 inning. Wild pitch—Whiteman. Time of game, 2:05. Umpire—Reddy Rowe of Trinity.

BASEBALL EVENTS.

(By the Associated Press.)

At Macon, Ga.—
Mercer 12, Gordon Institute 3.

At Columbia—
University of South Carolina 11, Penn. State 7.

At Chapel Hill, N. C.—
University of North Carolina 11, Amherst 10.

At Winston-Salem, N. C.—
Winston-Salem 0, New York Nationals 6.

At Petersburg, Va.—
New York Americans (second team) 3, Petersburg (Virginia League) 0.

At Richmond, Va.—
Boston Nationals 5; Richmond (Virginia League) 2.

At Spartanburg—
Toronto (International League) 12, Spartanburg (Carolina) 6.

At Lexington, Va.—
Virginia Military Institute, 9, St. Johns of Annapolis, 6.

Chattanooga, Tenn., April 3.—The Chattanooga Southern League team and the Detroit regulars played a 10-inning tie game here today, 4 and 4. Mullin and Pernoll pitched for the American League team with More and Hollenbeck twirling for the locals.

Washington, April 3.—The New York Nationals defeated the Washington Americans for the second time here today, 6 to 5. The Washington team went to pieces in the ninth inning and New York scored four runs and the game.

Athletics Defeat Creoles.

New Orleans, April 3.—The Philadelphia second team defeated the New Orleans Southern League team by a 4 to 3 score here today.

Manager Charley Frank, of the New Orleans club, today announced that Hyder Barr, 1911 field champion, who was sold to the Cleveland club, had been returned to New Orleans.

INSPECTED HOSPITAL AT GOLDSBORO

State Board of Public Charities Met Here Yesterday; Paid a Visit to State Hospital at Goldsboro.

The State Board of Public Charities met here yesterday with a full attendance, the members of the board being William A. Blair, chairman, Winston-Salem; A. C. McAllister, Asheboro; Mr. McCauley, Mt. Gilead; C. J. Hunter and Joseph G. Brown, Raleigh. Mr. McCauley is a new member and met yesterday with the board for the first time.

After transacting routine work, the board in a body went to Goldsboro, where the State Hospital and county jail at that place were inspected. The sanitary and clean condition of the hospital was complimented in good terms; the county jail was also complimented for its sanitary condition.

FURNITURE RATES HEARING FIXED

Interstate Commerce Commission Will Be in High Point April Ninth.

[illegible] that the Interstate Commerce Commission is to hold a meeting on April 9th in High Point for the purpose of hearing matters in the adjustment of westbound freight rates on furniture. It says:

"We are informed by the chairman of the Traffic and Transportation Committee, Mr. Fred N. Tate, that all arrangements have been perfected for the hearing before the Interstate Commerce Commission, which will begin here in the rooms of the Manufacturers' Club on Tuesday morning, April 9th.

"Unless something unusual should occur in the meantime, the entire membership of the Corporation Commission expect to attend this hearing and are going to aid in every way possible to bring about an equitable adjustment of this matter, and it is understood that representatives from a number of the commercial organizations of the State will be present at this hearing for the purpose of aiding in every way possible to start a movement which must eventually result in the readjustment of all interstate freight rates as they affect North Carolina territory.

"There will be a large number of the furniture manufacturers of the State at the hearing, all of whom are deeply interested in this particular matter, and it is believed that the evidence to be produced at this hearing will result in a readjustment of the discriminations which are now practiced by the various railroads against the State of North Carolina.

"All State papers are requested to copy the above and to urge the commercial organizations of their respective towns to awake to the importance of backing up the efforts being made at this time by the furniture manufacturers of our State."

BIG EDUCATIONAL MEETING STARTS

(Continued from page one.)

small as to be comparatively negligible to create numerous other sources of revenue that could be applied to the several sorts of service. And so public opinion has been created, educators have been inspired, legislation has been more intelligent, local tax has been increased, careful study has been stimulated, plans of development have been put into operation and the whole spirit of the movement has been kept in constant, progressive and intelligent activity." Its greatest result, he said, is to be found in the coordination and close association of several distinct boards, each charged with different and special responsibilities, but all, with one exception, concerned exclusively with the educational welfare of the Southern people.

In discussing the work of associated educational enterprises in the South, President Ogden referred briefly to what has been done by the late Dr. Seaman A. Knapp of the Department of Agriculture, in the interest of the farmers of the South, and said "few men in this generation of American citizens were his equals as a source of blessing to the country and as a splendid illustration of devoted social service."

Concluding, he said: "We are here in the interest of our common country and our common humanity, by the command of the little child. The humbler and more needy the child, the more absolute is the command. We are here in obedience to the spirit of holy service that marks the noblest religious expression of the expanding period."

WELCOMING ADDRESS.

Governor Hooper's Speech Was Delivered by Col. G. C. Taylor, the Governor Being Ill.

(By the Associated Press.)

Nashville, Tenn., April 3.—Governor R. W. Hooper, who delivered the address of welcome in behalf of Tennessee, to the conference for Education in the South at the opening session here tonight, gave cordial greeting to the conference and commended it to the hospitality of the Volunteer State, and the city of Nashville. "I understand," he said, after introductory remarks, "that the object of this conference is to prevent waste, not primarily the waste of water, land, timber and coal, but the waste of brain and muscle, time and life of Southern boys and girls. These are the most precious assets among all the resources of the richest and best country on earth. Neither disloyal or unpatriotic for me to say that this, of all our resources, has been most neglected.

"The unused power of the streams that leap down our mountains and hills to the sea is not hopelessly lost, for the sun and wind will bring the water back to where it yet may turn the wheels of industry. Not so with the wasted energies of men. The boy who is compelled to pass through life with undeveloped brain, untrained hand and uncultured soul is but the shrunken image of what he might have been. His personal deprivation is deplorable and the loss to society is great."

In conclusion Governor Hooper spoke in the highest terms of the aims of the conference and bade it Godspeed in its work.

TO STARVE OUT THE VIRGINIA OUTLAWS

(Continued from Page One.)

roll county, and to aid in every way the officers of the State in effecting the arrest of these men.

"The people of Virginia are assured that no effort will be spared to arrest those charged with the crime at Hillsville, to give them a fair and impartial trial and to execute whatever judgments may be rendered by the court.

"(Signed)
"WILLIAM HODGES MANN,
"Governor."

Repels Attack of Death.

"Five years ago two doctors told me I had only two years to live," This startling statement was made by Stillman Green, Malachite, Col. "They told me I would die with consumption. It was up to me then to try the best lung medicine and I began to use Dr. King's New Discovery. It was well I did, for today I am working and believe I owe my life to this great throat and lung cure that has cheated the grave of another victim." It's folly to suffer with coughs, colds or other throat and lung troubles now. Take the cure that's safest. Price 50 cents and $1.00. Trial bottle free at all druggists.

FULL RETURNS FROM WISCONSIN

Will Not Be Available for Several Days. Meanwhile Other in Estimate, La Follette's Majority About 55,000

(By the Associated Press.)

Milwaukee, Wis., April 3.—Complete returns from [illegible] Wisconsin presidential preference primary, it became known tonight, will not be available until the official canvass is made. Efforts began early to check on missing precincts by long distance telephone and telegraph, proved unavailing.

Although it is not [illegible] the missing precincts will [illegible] results on the Republican [illegible] fight between Speaker Clark and Woodrow Wilson on the Democratic ticket has been complicated.

It was generally conceded today that U. S. Senator La Follette had defeated President Taft on the Republican ticket by approximately 900 votes but the Wilson and Clark managers refused to agree upon the approximate result on the Democratic ticket. Each side tonight continues to claim the balance of delegates.

Democratic Delegation Divided. Wilson Sure of Ten Delegates.

Milwaukee, Wis., April 3.—Late returns tonight summarize the situation as follows: Wilson certain of four delegates at large and six districts. Clark gets two districts, a third is in doubt and two other districts will probably be scenes of conflict, for while Clark delegates were elected, the preferential vote was for Wilson and the Wilson men insist Clark delegates voted for Wilson because the primary majority was against their personal preference.

SUFFERING AND CALAMITIES BY THE BIG FLOODS

(Continued from page one.)

stretches of water with here and there a skiff or frail raft moving about with residents endeavoring to rescue their submerged belongings. Every hour the water is making further encroachment.

Lack of labor is hampering the work of combating the river. Where the water is mounting to the levee crests farmers are awed and can give little aid, while the forces gathered in the cities are far below the requirements.

Tomorrow the government engineers will concentrate their efforts at the St. Francis levee, and the embankment will be strengthened. Along the White river front the full effect of the great volume of water will not be felt for several days. South of Memphis the levees are reported strong.

Dispatches from along streams tributary to the Mississippi report rivers and creeks the highest in history and the lowlands cast stretches of water.

Grounds Under Water.

Nashville, Tenn., April 3.—Water between seven and eight feet deep in the local Southern League baseball park caused the calling off of the exhibition game scheduled here today between Nashville and the Boston Nationals.

WHOLE TOWN MOVES UP.

Citizens of Hickman, Ky., Seek Refuge On Hills. Much Suffering.

Hickman, Ky., April 3.—Tonight Hickman has moved to the residence section on the hills, has given over her business and factory districts to the flood, and is caring for refugees on the surrounding lowlands. In every home from a dozen to a score had found refuge.

"Spare" rooms are filled, attics and cellars have been converted into living quarters and even the cattle barns have been turned out of the barns so that some unfortunate mes have a sleeping place.

Refugees came to Hickman today by the boat loads in wagons and on foot. As quickly as they came some provision was made for their care. From the Missouri shore, where the levee broke yesterday, men and women with their children are being rescued from housetops and tree branches.

Some are pulled from the water, but so far no loss of life has been reported. Tonight boats continued to cross the river, each time returning with a human cargo. From behind the levees on the Kentucky side farmers and their families have come in droves, the women and children remaining, but the men returning to watch their lands and dwellings.

Sharing The Last Loaf.

The supply of foodstuffs in Hickman is running low, but the loaf is being shared with the hope that by tomorrow relief will come from the outside. Since Monday no trains have entered the city. Today a passenger train came into within eight miles with mail and express matter which was hauled by wagon the rest of the journey. Passengers came in the same method.

Railroad officials promise a resumption of traffic tomorrow.

Today the city's only bakery went out of commission. Four thousand loaves of bread were brought here today.

50,000 Sand Bags Piled On Levees.

Up to a late hour tonight the government levee west of Hickman is holding, although the water is lapping the top and the embankment is sloughing. Fifty thousand sand bags have been piled on the levee. This exhausted the supply, but another consignment will arrive tomorrow and those directing the work say the levee will stand and the inundation of farming lands will be avoided.

Business Section Entirely Under Water.

The business district of Hickman is practically entirely under water and merchants have carted their stocks to the hills, where improvised stores have been set up. Factrict district, where the levee broke Monday night, is submerged, only the peaks of the cottages formerly occupied by the workers showing above the water while the belongings of the victims are floating away into the river.

Bloodhounds Hunt Jailbreakers.

(By the Associated Press.)

Petersburg, Va., April 3.—Bloodhounds have been placed upon the trail of two of three negroes who broke out of the Dinwiddie county jail early today. The other negro, Will Hill, charged with murdering an 11-year-old white girl near McKenney last week, was recaptured by Sheriff Galusha today. Capture of the others tomorrow is expected.

ROOSEVELT SAYS PRESIDENT TAFT NOT PROGRESSIVE

Louisville Declares That the Official Acts of Mr. Taft Show Him to Be a "Reactionary"

(By the Associated Press.)

Louisville, Ky., April 3.—President Taft's status as that he is a progressive was disputed by Colonel Roosevelt in a speech here tonight. The former President said Mr. Taft in [illegible] had shown himself [illegible] reactionary. In support of this contention Colonel Roosevelt [illegible] the record of the present administration in certain particulars and concluded sharply:

Record Breaking Day of Speeches.

The colonel's speech came at the end of the first day of his week of [illegible] through West Virginia, Kentucky, Illinois and Pennsylvania. He broke his record for speeches for the present campaign, delivering [illegible] speeches. All but two were given at [illegible] stations from his car. Everywhere he found large crowds and a [illegible] reception.

The speech tonight was delivered in [illegible].

In his second speech at Philadelphia Colonel Roosevelt said "President Taft stated that he was a progressive and this raises the question as to what a progressive is.

"He claimed gave his definition of a progressive on the basis of which he undertook an analysis of the attitude of the administration toward a number of questions.

"He took up the railroad rate bill, enforcement of the pure food law, the conservation question and other subjects which have engaged the attention of the administration.

"Four years ago Colonel Roosevelt said Mr. Taft was supported by the progressives and opposed by the representatives of special privileges."

Speaking of the courts the colonel asserted that when the President supported those courts which declare that the people have no power to do social justice, that he "shows himself a reactionary."

Fifteen Rear-Platform Talks in One Day.

In West Virginia Colonel Roosevelt spoke at Romney, Hinton, Thurmond, Montgomery, St. Albans, Charleston and Huntington, crossing the line into Kentucky. His first stop was at Ashland. On the way to Louisville he made short speeches at Olive Hill, Morehead, Mount Sterling, Winchester, Lexington, Frankfort and Shelbyville.

His speeches were in the main upon good citizenship and the right of the people to rule.

Future Engagements of The Colonel.

Leaving Louisville late tonight Colonel Roosevelt is due at Cincinnati at 7:25 a. m. tomorrow. He will remain there for only a few minutes. His secretary was at work today upon the itinerary for the remainder of the trip, the extension of the journey into Illinois and Pennsylvania having been decided upon so hastily that it was impossible to map out the detailed program in advance.

TAX LISTERS NAMED

The Board of County Commissioners Selected Them Yesterday for all Townships of County

The Board of County Commissioners before adjourning yesterday named the tax listers for the various townships of Wake.

When the township of Commissioner W. C. Brewer was reached, the board went ahead with the appointments and that gentleman interposed an objection along the line of having been refused the right to name these. He said that in his entire experience of ten years on the board, he had never before been denied that privilege.

Mr. Brewer had voted with the board in its other appointments and was not aware of the change, if it was a change in the method of selecting the listers. He mentioned to the board the fact that twice the board had been led into lawsuits.

There was no expressed feeling at the three meetings of the board however, that is to say, there were no outbursts. It so happened that several matters bordering on to the political were up but nobody said anything that hurt badly. The following gentlemen were named for the tax listing positions:

Barton's Creek, J. D. E. Allen; Buckhorn, W. B. Eagles; Cary, Delma Morgan; Cedar Fork, J. A. Sorrell; Holly Springs, E. V. Hurt; House Creek, E. H. Ray; Leesville, L. F. Lynn; Little River, R. H. Richardson; Marks Creek, E. H. Riggs; Middle Creek, J. H. Smith; Neuse, J. D. Harp; New Light, W. J. Simpson; Panther Branch, G. P. Partin, Jr.; St. Mary's, R. Judson Buffalo; Swift Creek, T. A. Stephens; White Oak, C. F. Williams; Wake Forest, J. T. Shearon. Mr. Brewer voting for J. A. Wiggins, Raleigh, L. R. Wyatt and M. E. Haynes.

TO CONTESTANTS.

News and Observer contestants who desire information on any point relating to the contest will confer a favor on the Contest Department by calling 'phone number 1149. If there is anything about the Subscription Ballot, good for 10,000 extra votes, that is not clear to contestants, they are requested to call the Contest Department of **The News and Observer**, 'Phone one, one, four, nine.

JURORS CHOSEN

Those Who Will Try the Civil Cases Here at the Special May Term; Other Cases Tried Earlier

[illegible] the civil docket here [illegible]

This is a special term of court and was ordered by Governor Kitchin more than a month ago. It follows a term of three weeks which will begin here soon. There are now more than 1,000 cases on the civil docket and something is being done to clear it of this great amount of litigation, some of it petty and trifling.

The five weeks coming so close together will pretty nearly relieve the docket of its important cases. Many will be settled outside the courts and it is believed that in the future the congestion may be avoided. The jurors who will appear both weeks are given below.

First Week. J. G. Ashe, E. S. Dewar, J. W. Vass, W. J. Norwood, C. A. Russel, J. O. King, Louis H. Harris, Raleigh; J. A. Bishop, C. J. Lassiter, House Creek; D. C. Pierce, Eddie Thompson, Swift Creek; W. R. Hobby, T. C. Parish, Panther Branch; W. S. Afnold, Wake Forest; C. E. Allen, Sim Adams, St. Mary's; C. E. Bauguss, M. J. Sears, White Oak; C. M. Stell, Cary; T. O. Johnson, A. N. Johnson, J. W. Sauls, Middle Creek; Joe S. Richardson, Holly Springs.

Second Week. C. E. Partin, H. E. Upchurch, W. F. Marshall, Raleigh; Ed Saunders, Panther Branch; K. P. Alford, E. C. Marshall, H. H. Marshall, Wake Forest; B. F. Waller, Barton's Creek; B. F. Sears, Cedar Fork; W. A. Rhodes, W. E. Scarboro, Mark's Creek; J. E. Thompson, White Oak; T. C. Blake, House Creek; J. H. Bailey, New Light; J. H. Morgan, Cary.

FAMOUS AERONAUT RODGERS KILLED IN 200-FEET FALL

(Continued from page one.)

Ernest Scott and James Goodwin, tie guards, were the first to reach him. They said Rodgers' head was hanging over one wing of the machine, the heavy engine was on his back and his feet were drawn up, nearly doubling over his shoulders. Blood was flowing from his mouth.

Rodgers was lifted from the wreck and hurried to the bath house hospital. He died on the way.

Examination showed that Rodgers' neck, jawbone and back had been broken. A telegram was sent to the aviator's widow, who lives in Pasadena, Cal., and a cablegram to his mother, Mrs. H. S. Schweitzer, who is now in London. The body was prepared for burial and sent to Pasadena tonight.

Death of Rev. G. W. Abrams.

(Special to News and Observer.)

Rocky Mount, April 3.—At his home at Willoford's, a trifle over a mile from this city, Rev. George W. Abrams, one of the most beloved Primitive Baptist ministers in North Carolina, passed away this morning, after suffering with pneumonia for about six days.

For Mr. Abrams was a good man, an earnest Christian worker, much good work in this section being the fruits of his efforts, and the esteem in which he was held by his fellow men and congregation is best attested by the profound sorrow with which the sad news was received throughout this section where he has made friends by the hundreds by his numerous visits here, and especially since his permanent removal to his present home near the city, where he has been living for the past four months.

He died at the age of 50 and is survived by a loving wife and six children, all living here. The remains will be laid to rest at one o'clock tomorrow afternoon in Pineview Cemetery.

SMITH BILL PASSED.

Concerning Additional Cotton Statistics.

(By the Associated Press.)

Washington, April 3.—The Senate committee on agriculture today ordered favorably reported a bill introduced by Senator Smith, of South Carolina, which would require the Director of the Census, in connection with the ginner's report of cotton production, to publish the domestic and foreign consumption of cotton of American production, the surplus held by cotton manufacturers of the United States and the exports. The House bill, directing the Secretary of Agriculture to report in July instead of June each year the acreage planted to cotton was ordered favorably reported by the Senate committee on agriculture today.

INSTRUCTED FOR TEDDY.

Eighth Missouri Indictment Elects Roosevelt Delegates.

(By the Associated Press.)

Jefferson City, Mo., April 3.—The Eighth District Republican Convention here this afternoon elected F. A. White, of Morgan county, and G. A. Brownfield, of Cooper county, delegates to the National Convention and instructed them for Theodore Roosevelt. Roosevelt had 64 of the 78 delegates, but, under an agreement, the delegation was to have been divided.

Delegates refused to keep the agreement of party leaders and elected Roosevelt men.

THREE THOUSAND BANKS.

Money Trust Inquiry Will Investigate Their Affairs.

(By the Associated Press.)

Washington, April 3.—National and State banks to the number of three thousand or more will be interrogated by the House "Money Trust" Investigating Committee. This action was decided upon today. The banks will be asked to furnish lists of their directors, information concerning deposits, trusts and stockholders and numerous other details of their business.

It is the purpose of the committee to determine the extent of the control of banks over industrial corporations, trust companies and like concerns.

Supreme Court Reports.
Vol. 156 now ready.
We can now fill up your broken sets. Write us.
Mordecai's Select Cases on Remedies.
Connor's Constitution of North Carolina.
Complete line of Office Supplies.
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