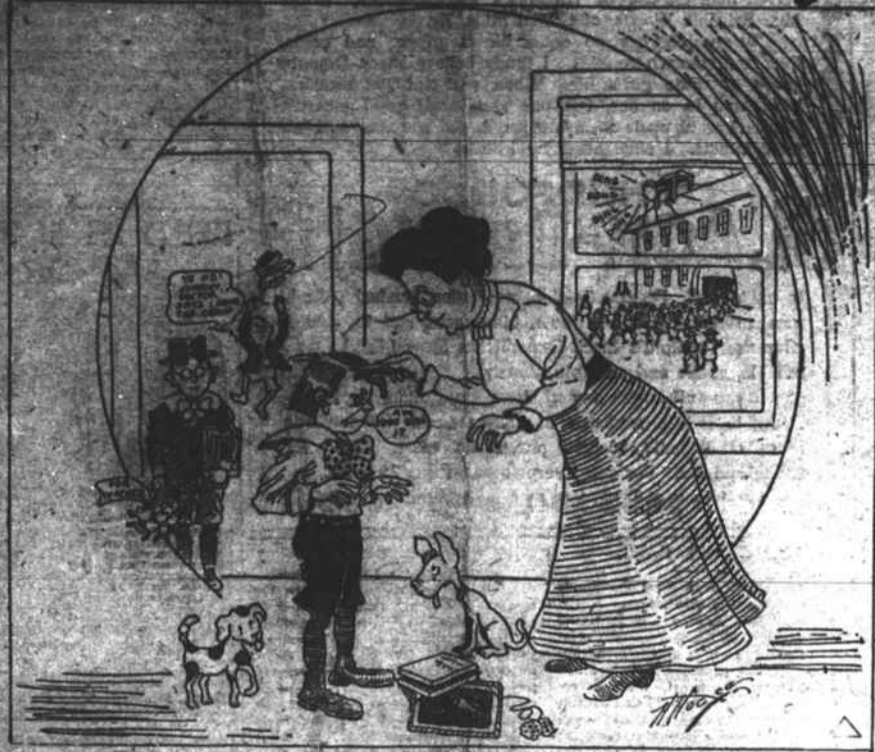


THE MELANCHOLY DAYS ARE COME.



—Hager in Spokane Spokesman-Review.

SWANNER CLEARED AS TO ONE CHARGE GUILTY IN OTHER

Row between W. M. Swanner and Policeman Howard and Roberts. Tried by Recorder and Jury yesterday. Courtroom packed with spectators. Defendant Appeals.

At four o'clock yesterday the cases against Wm. Swanner for obstructing the sidewalk and resisting an officer were taken up by Recorder Windley and the two cases were consolidated. H. C. Carter Jr., represented the State and A. D. MacLean represented the defendant.

A panel of 12 men had been summoned from which to select a jury of six, and the following, S. L. Willard, G. N. Nelson, J. T. Campbell, J. H. Respers, J. H. Crisp and W. H. Civils were sworn and empaneled to try the issues.

Geo. N. Howard, chief of police was the first witness examined for the State. His testimony in effect was that Swanner had four barrels and a basket of onions on the sidewalk and that he passed and called Swanner's attention to blocking the sidewalk, the obstruction extending five feet from the edge of building; Swanner and myself had some words, I took hold of him and told him to consider himself under arrest. He jerked away and went in his store and said I'll get you. As he went in I caught him by the sleeve and pulled it out. I pulled my pistol and went in the store. Roberts went into the back end; soon as I saw Mrs. Swanner I backed out of the store; I did not see Swanner have any pistol. After I backed out Swanner was trying to push Roberts out and picked up a box and said he would strike Roberts.

On cross examination he testified that the sidewalk was about eight feet wide in front of Swanner's place; that no one else in town was using more than two feet of the sidewalk. There were no witnesses to what occurred other than Roberts, Swanner, his wife, a boy and myself. I did not go nearer than four feet of Mrs. Swanner and did not shake my pistol at her. I have not notified any other person during past week or past month that they were using more than two feet of the sidewalk. I think Roberts told me to come and get him when I went in the second time. The State then rested its case and witnesses for the defendant were sworn in.

J. C. Chauncey testified that the sidewalk in front of Swanner's was at least 10 feet wide; that he was in front of Swanner's place just before he was arrested; there was not more than two feet of the sidewalk from the edge of the building occupied by barrels, etc., and that the sidewalks are used every day some as Swanner was using them. It used to be Howard's custom to let them use it without protest.

At this stage of the trial there was quite a tilt between the attorneys and the court about the admission of certain evidence; the court had previously ruled that the defendant could not show what the custom was as to using sidewalks for display purposes, and then permitted Chief Howard to testify as to what his custom was. Defendant's counsel contended that they should be given the same rights as were accorded the State. The court ruled and re-ruled on the proposition several times but finally stuck to the proposition that the defendant could not show the general custom. Counsel for defendant then remarked that he did not think it required evidence to prove the sun was shining when it actually was shining, whereupon counsel for State immediately replied that it did require evidence to prove the sun was shining when it actually was raining.

R. L. Woolard testified, I saw Mr. Swanner in front of his store apparently attending to his own business. Mr. Howard made a lunge at him, Swanner jerked loose and went into his store. I heard Mrs. Swanner screaming; both Roberts and Howard went in; Howard had his gun drawn. I heard Roberts say, come on in lets get him; and Howard said, bring him out. I did not hear what Swanner and Howard were saying in front of Swanner's place.

Mrs. Swanner then testified that she was at her husband's store and the disturbance took place about 5 o'clock. My husband was getting ready to put his goods in the store; I was in the store behind the counter when chief came in with his pistol in his hand; My husband was behind me, chief had his pistol pointed at me and said, I will shoot you, he repeated it three times. I began to scream and he backed out. Roberts drew his club and my husband picked up a box and said if you hit me with

that thing I will hit you or knock your brains out. They carried my husband away in the rain without any coat or hat and with the sleeves torn from his shirt. I did not hear the conversation between Mr. Howard and my husband; when Mr. Howard came in store the second time he said consider yourself under arrest.

O. E. Staplefoot was put on stand and his testimony was about same as that of R. L. Woolard. The defendant then took the stand in his own behalf and testified that the policemen had passed his place a few feet and turned back to him and said you are blocking the sidewalk. I replied, you got by all right, didn't you? Chief said yes, but that is not the thing of it. I told him if he wanted them moved any faster than I was moving them to do it himself; he said I would move them faster; I replied that I would show him and he lunged at me, caught or struck my left sleeve and tore it open; turned around to go in store, he caught the other sleeve and tore it out. He had not attempted to put me under arrest until he came in the store the second time. I did not resist them then and went with them. I was mad with the officers and they were mad with me; we had not spoken since they went to my place and took some whiskey without any right to do so. I have a suit against them now.

There was a number of other witnesses examined whose testimony was all in effect that the sidewalk was not blocked as the police charged and that Swanner did not resist arrest.

The evidence was not concluded until late last night. The jury returned a verdict of not guilty in resisting an officer and guilty of obstructing the sidewalk, whereupon the defendant was fined \$5.00 and costs. He gave notice of appeal and bond was fixed at \$50.

Thus ended the trial of a case which has caused much comment since its occurrence.

STILL IN PROGRESS. The case of J. T. Nicholson vs. Giles Cutler is still claiming the attention of the Superior Court. The case has been in progress since Tuesday.

A CZAR IN AN ATTIC. Room in the Winter Palace Where Emperor Nicholas I. Died. The Winter palace of the czar surpasses any other palace in Europe. It is on the banks of the Neva and owes its existence to the Empress Catherine II, that most extraordinary woman, extraordinary in ability and in vice, the surprise of all her contemporaries, and the wonder of all who have studied her character. The building is four stories high, of a light brown color and highly ornamental in architecture. It is a wilderness of halls, stairways and apartments. The Nicholas hall and the St. George's hall will never be forgotten by those who have seen them.

One of the most interesting rooms is that where Nicholas I. died. It is in the upper story of the southeast corner of the building and is approached by four doors and finally by a narrow passage. It is a small room, only about eighteen feet long and twelve feet wide, with two small windows, and is the place where the emperor spent most of his time when not officially employed. It is the room in which he died, some say by poison administered by himself in a fit of melancholy induced by the outcome of the Crimean war.

The room remains just as he left it. Near the center is a plain iron bedstead. Some chairs and a few cheap pictures adorn the room, and a dilapidated, down at the heel pair of slippers occupies the furnishings of the attic room in the palace.

HENRY CABOT LODGE. U. S. Senator Operated on For Gastric Ulcer.



SURGEONS OPERATE ON SENATOR LODGE Gastric Ulcer Removed and Patient Improves.

Nahant, Mass., Sept. 30. — Senator Henry Cabot Lodge was operated upon last Thursday for a gastric ulcer upon his right side.

For twenty-four hours thereafter his condition was serious. It is now said the patient's condition was entirely satisfactory.

Senator Lodge returned to his home from Washington several days ago, but the fact of his illness did not become known until Monday.

For some time the senator has suffered from a foreign growth, but he was reluctant to submit to surgery and yielded only upon the insistence of his family, his physicians and a few intimate friends. It was the wish of the senator and his family that the matter be kept as private as possible.

Surgeons said that the operation had been performed with apparent success, but that the condition of the senator on the following day caused concern. After that he showed improvement. Senator Lodge is sixty-four years old.

DELVES INTO LIVING COST President at Head of Wide Investigation of Soaring Food Prices. Washington, Sept. 30.—The Wilson administration is engaged in the preliminary work of arranging for a nationwide investigation of the causes of the high cost of living and remedies for the problem.

The work has been going on for several weeks. So far as it has progressed the inquiry has convinced administration officials that the urban and rural population will unite in an effort to bring about an adjustment of agricultural and marketing methods.

The problem, as the administration is considering it, it embraced in these two divisions: First—How to provide the average farmer with the ready means to increase the production of his land. Second—How to life for all the people, and particularly the masses in the great centers of population, the burden of the steadily increasing cost of food.

In the opinion of President Wilson, Secretary of Agriculture Houston and the leaders in congress these two questions for the most serious problem confronting the nation.

Colored Fugitive Kills Constable. McLean, S. C., Sept. 30.—J. M. King, a magistrate's constable, was shot and killed and Sheriff D. P. Douglas and Deputy Abbott were wounded by James Davis, colored, who subsequently perished in the burning ruins of his house near Middendorf, this county. A posse in searching for Davis' wife, who assisted him in his fight against the officers, but who escaped before his house was set on fire.

WEATHER EVERYWHERE. Observations of United States weather bureaus taken at 8 p. m. yesterday follow:

The Weather. Probably showers today; unsteady tomorrow; variable winds.

CIVIC CLUB GIVES \$100 TO LIBRARY

The Civic Club of this city has donated the sum of One Hundred dollars to the public library towards the building fund. It is the purpose of the library association to begin the erection of a suitable library building as soon as sufficient funds are in hands for this purpose. The meeting of the Civic Club Tuesday afternoon was a very enthusiastic one. Several new members were enrolled. The president, Mrs. H. W. Carter, made a very interesting report of the work of the club during the late storm. From now on the club will meet the second Tuesday in each month.

NAVAL BOYS ARE MOVING ARE MOVING ARMORY

The Sixth Division North Carolina Naval Militia, is today moving its armory, which has been located in the Blount building since its organization, to the second floor of the Morton building. The militia will occupy these quarters until their permanent armory hall is completed on Water street. Mr. G. A. Phillips build the armory for the militia utilizing the second floor of his warehouse to be located on the site of the late canning factory.

The Woman's Foreign Missionary Society of the First Methodist Church, will meet with Miss Annie Bridgman tomorrow afternoon at 4 o'clock.

Leaves for New York Mrs. H. W. Carter left this morning for New York where she goes to make an extended visit to relatives and friends.

UNIQUE SIGN.

Pedestrians visiting the corner of Market and Water Street today were amused at a unique sign. A box used in shipping bananas with a large piece of cloth attached to a pole ornaments the corner. Beneath the box is a hole in the pavement and the adroitly seeing doubtless the danger of the hole took the precaution to cover it up and at the same time announce his goods. It has been much admired.

In the City Today. Mr. Frank Latham of Pantego, is here attending court. He is one of Beaufort county's leading farmers.

Repairing Residence. Mrs. I. G. Berry is having the residence recently occupied by Mr. L. Y. Shaw and family, corner of Respass and Second street, repaired.

THERE WILL ON MONDAY October 6th, be a Lady Demonstrator at J. K. Hoyt's store, who will show the working of Koh-i-noor Dress Fasteners, which have become so popular.

Cotton Market. Lint cotton, 13 and 5 F. Seed cotton, 44.85.

GEORGE P. WILSON. Connecticut U. S. Senator Who Annals First Marriage Contract.

Political Bargaining Not Included in Impeachment. Attorney N. V. ...

HOUSE GETS REPORT ON TARIFF MEASURE

Washington. The Democratic tariff revision, begun early last April, and constantly before congress since that time, approached its final stages when the entire conference committee of the senate and house met to adopt the final report through which the bill is expected to be introduced into law with the president's signature by the end of this week.

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Majority Leader Underwood presented the report as soon as the house met. He explained that members might wish to debate its acceptance and obtained an agreement by which the house met at 11 o'clock this morning instead of noon.

As the bill emerged from conference it contains practically all of the reductions of duty that President Wilson had insisted upon and made sweeping reductions on nearly all articles of general use.

Before the end of the week the bill will have superseded the Payne-Allen tariff act of Aug. 5, 1909. This will be the first Democratic revenue only tariff since the Wilson act of Aug. 27, 1894, which lasted three years, giving place to the protective principle tariff of 1891, which was an unbroken record of protective tariffs back to the Walker act of 1846, a Democratic measure.

BRYAN TO SPEAK AT FAIRS

Secretary of State Goes to Fredericksburg, Va., Today. Washington, Sept. 30.—Engagements to speak at county fairs will occupy some of Mr. Bryan's time in the next two days, according to announcements made at the state department.

This morning the secretary of state went to Fredericksburg, Va., where he will fulfill two engagements. One of them is to dedicate a new schoolhouse, the other is to deliver a speech at the fair grounds.

Tomorrow the secretary of state will go to Fairfax, Va., where he will figure in the program of the opening day of the fair to be held there.

MANUEL AND BRIDE AT ODDS

Princess Victoria Returns to Her Father in Berlin. Berlin, Sept. 30.—The report of a disagreement between former King Manuel and his bride, Princess Victoria, was strengthened by messages saying that the princess, who has been mysteriously ill, is being removed to her father's castle at Sigmaringen, while Manuel will soon return to London for the winter.

Dead in Bed With Fractured Skull. Potomac, Pa., Sept. 30.—Another murder probably was added to the long list of Schuylkill county homicides this year, when George Robony, forty-eight years old, was found dead in the boarding house of Andrew Junior, at New Philadelphia. His skull had been fractured with a blunt instrument.

POPE'S HEALTH IMPROVES

Pontiff Declares He Feels Stronger and Resolves Pilgrimage. Rome, Sept. 30.—Pope Pius' health is improved and he said he felt much stronger.

He was able to receive a group of Brazilian pilgrims and also give his benediction to several girls who had just taken their first communion.

Boy Friend to Was Dying Mother. South Bethlehem, Pa., Sept. 30.—Julius H. W. Scott, of the Northampton county court, listening to the appeal of a mother on her daughter for a chance to see her son, Timothy McHenry, who is an inmate of the Holy Trinity at Philadelphia, signed a change papers which allowed the father to be taken to the home of the mother.

Rich Man Takes Life at Atlantic City. Atlantic City, N. J., Sept. 30.—James H. Vailley, of Warwick, Orange county, N. Y., blew out his brains in his apartment in a hotel here when his wife and daughter returned from their breakfast they found him dead, his revolver still clamped to his hand. Mr. Vailley was wealthy.

Tennessee Bans Gallows. Nashville, Tenn., Sept. 30.—Governor Cooper has signed the bill substituting the electric chair for the gallows in Tennessee.