PRICE FIVE CENTS

VILL VERDICT BE MURDER IN THE SECOND DEGREE?

dge Jones' Able and Impartial Charge to Jury in Jay Case BALTIMORE P. Points Strongly to Conclusion That Such Will be Finding of Jury Today-The Charge in Detail.

olicitor Brown Tells the Jury Not to Turn the Accused Loose But to Send Him Away Forever — Glenn's Summing Up-Insanity Plea May Pre-

The jury in the Jay trial announced at it would not render a verdict till

From a careful persual of Judge nes' able charge to the jury it may predicted that the verdict will be: "Murder in Second Degree."

"Don't turn him loose; send him way forever." These were the words tered by Solicitor Mark W. Brown in sing the state's case against Dr. J. who is charged with the murof his three children on the seventh ay of October, and whose case before Superior court was concluded last ight, the evidence going to the jury fter an able and impartial charge by udge Jones at 8:45 o'clock.

The solicitor, in a masterly argument the conviction of his prisoner, asked for a verdict of murder in the first egree or nothing, as he termed it, be ven. His arguments, which began at four o'clock yesterday afternoon, sted until 6:30 last evening when a ess was taken until 8 o'clock. J. Frazier Glenn, who assisted Solic-

Brown during the trial, was the irst attorney to sum up the case a session of court yesterday morning. arguments lasted about an hour. viewed the case in its various ases, reciting several parts of the and cited decisions to trengthen the state's case. flowed by Counsel H. B. Carter, one the attorneys for the defense. He most eloquent plea for an acuittal of the prisoner, based on the counds that the defense had estabhed a case of insanity beyond a rea-

nable doubt. Court re-conevened at 2:15 and then sunsel William J. Cocke made a maserly argument in behalf of his client concluded his address at four clock. Solicitor Brown then closed case for the prosecution. He made strong appeal to the jury, in which asked for a verdict of murder in

Continued on Page 5.

GRAFTERS ON

Baltimore, Md., Nov. 39,-The trial of Thomas W. McGregor and Columbus Elisworth Upton, postoffice department employes, charged with conspiracy to defraud the United States government on contracts for mail pouches, was be gun in the United States court to

Before the jury was sworn counse for the defense offered two motions, one to quash the indictments, and the other to require the government to elect upon which counts in the indictment the government intends to pro-Both motions were over-ruled by Judge Morris.

oday, and went to bed shortly after CLASH BETWEEN CHURCH AND STATE

San Juan, P. R., Nov. 30.-The Rev Feline Villahose, a Spanish priest of violation of the civil marriage law is

marrying a couple without a license and has been sentenced to pay a finof \$200 or to the alternative of sixty days in jail.

The very Rev. James Blenk, of Porto Rico has appealed to Governor Hund to pardon Father Villahose, which appeal the governor now has under consideration

In justification of his action, Father Vilinhose claims that the laws of the church are above the civil code relating to marriage and says that Blenk. This is the first approach to a serious clash between church and state since the occupation of the island by the United States, though there has been other cases in which defiance of he civil marriage law has been shown. The feeling concerning the matter is intense and the decision of Governor Hunt is eagerly awaited.

TWO WERE KILLED.

Cincinnati, Nov. 30,-Two men were killed and one fatally injured in a collision between a eastbound freight and a work train on the Norfolk & Kestern

STILL FLAYING GENERAL WOOD

"Earful" of Evidence

OF MORE OR LESS DAMAGING NATURE

Inform Court

THAT HE HAS NO "AXE TO GRIND" JUSTICE MARLAN DECREES THAT ALL OFFENDERS HAVE BEEN IN LARGE DESIRE TO SERVE HIS COUNTRY.

Washington, Nov. 30 .- Major General John R. Brooke, (retired) former govnilitary affairs which charged insub- labor on public works. ordination against General Leonard Wood, Brooke was before the commitee more than three hours, and occupied the entire time in teiling of General Wood's conduct at Santiago. Witness offered in support of his statements, peckham dissented. many documents taken from the records at the war department, and several papers from his personal collection. At the close of his testimony a memprobable General Wood will have to return from the Philippines and testify. One of the charges made by General improvements in Santiago, to submit estimates to the governor general. As evidence of this violation General Brooke called attention to the building without General Wood first having giv-

to the war department over the head of his commanding officer. The witness assured the that he cared nothing for the ignoring of his authority, but said that the proceeding had been detrimental to mili-

en notice to the department at Hayana.

General Brooke said also that General

Wood continually sent communications

tary discipline. General Brooke called to the attention had neglected to work in harmony with course has been approved by Bishop the department at Havana, and his attiago which continually made attacks on General Brooke.

General Wood was instructed to prohibit the publication of such articles property without due processes during the period of military occupasent over his head to Washington.

Major Rathbone was before the comcommittee adjourned until Thursday, who discharged such a regulation.

HE DENOUNGES EIGHT HOUR DAY **POSTAL FRAUDS** IS LEGAL LIMIT

General Brookes Unloaded an Such is Decision of the U.S. President Roosevelt's Review Supreme Court

> LAW OF STATE OF KANSAS HOLDS GOOD

Labor Victory

THERE IS NO GROUND TO DIS-PUTE POWER OF STATE TO LEGISLATE

Washington, Nov. 30.-The United States Supreme court today affirmed

Justice Harlan said that if the statute is mischevious responsibility rest with press for publication today. The menithe legislators and not with the courts Chief Justice Fuller and Justices

The Kansas law whose validity was ber of the committee said that it is house should constitute a day's work for workmen employed by, or on bethaif of the state, or by any county or of barracks at Santiago near the Morro, imprisonment are provided for violation ask for them. of the law.

The cases decided today was that of W. W. Atkins vs, The State of Kansas committee on the postoffice and post-Atkins had a contract with the corpora tion of Kansas City, Kas., for paving and he was charged with requiring a mined that, as soon as possible after workman named Reesa to inbor ten the necessary appropriations could be hours a day. He was prosecuted in the made by the congress, an investigation state courts where the decisions were and the time when it should take place. miformly against him. Atkins appealof the committee, that General Wood cd from the decision of the State Su-appropriation bill reported in January preme court to the Supreme court of the United States alleging that the titude towards the newspapers in San- statute is in violation of the first section of the 14th amendment to the constitution, in that it denied him the protection of law and deprived him of

Justice Harlan in closing said He also read a communication "Whatever may have been the motives Seckendorff tending to show improper from General Wood to the war depart- that controlled the enactment of the conduct by Beavers, general superinment, which General Brooke said was statute in question, we can imagine no possible ground to dispute the power of the state to declare that no one un- intendent of the free delivery system mittee for half an hour this evening. dertaking work for it or for one of its and by Mr. William Allen White, tend-The committee adjourned as they de- municipal agencies, shall permit or resired to have additional witnesses sum- quire an employee on such work to la- Tyner, assistant attorney general for moned and a result of a conference a bor in excess of eight hours a day, and the postoffice department. First Assist-number of subpoenas was issued. The to inflict punishment upon contractors and Postmaster General Wynne also in-

EAR!

of Bristow Report

DISCLOSES GROSS CORRUPTION IN OFFICE

Brookes is Very Careful to Court Rendering is Important Of First Assistant General and

GOVERNMENT SERVICE FOR YEARS-QUESTION OF PARTY POLICY SUB-MERGED

Washington, Nov. 29.-The report of ernor general of Cuba, today gave testi- the constitutionality of the eight-hour Pourth Assistant Postmaster General law of the State of Kansas relating to Bristow on the fraudulent practices in the postoffice department together with President Roosevelt's review and comments on the report were given to the o: andum of President Roosevelt on the showing made by Mr. Bristow follows White House.

Nov. 24, 1902. Memorandum upon the various pacalled into question in the suit was en- pers submitted from the department of acted in 1891 and provided that eight justice and the postoffice department concerning the investigation into the corrupt practices obtaining in the postoffice department, notably in the office of the first assistant postmaster general Brooke is that General Wood violated city or other municipality in the state, and in the office of the assistant attorthe older which required him in making it also prohibits contractors from re- ney general for that department. All the documents in the case are herewith quiring laborers engaged on work for forwarded to the postoffice department, the state to perform more than eight and will be held ready for submission hours labor in a day. Both fine and to the congress when it may choose to

> It appears that in December, Postmaster General Payne and Congressman E. F. Loud, chairman of the roads, held various consultations regarding the postal service, and, as a result of these interviews, it was deter Accordingly, an increase of \$5,000 in the was made for the express purpose o correction to the device continue in ques tion. The reasons for the increase in the appropriation were known only to the postmaster general, to Congressman Loud and to Congressman Bromwell

Subsequently, sometime in January information was laid before me by Mr tendent of the division of salaries and allowances, and Machn, general supering to show corruption by or under ('ontinued on page 6)

THREE NEGROES LYNCHED BY ANGRY LOUISIANA MOB

NOW IT'S GERMANY RECOGNIZES PANAMA

recognized the Republic of Panama as a sovereign and independent state Baron Von Dem Busche-Haddenhausen, first secretary of the embassy, and charge d'affaires, today addressed a note to M. Bunau Varilla, the minister from Panama, informing him that the German government having received his notification of the creation of the new republic, and his formal assurances that Panama assumed and would exe-cute all obligations contained in the treaties between Germany and Colombla, so far as they affected territory over which Panama is now sovereign his majesty, the emperor, and king, extended full recognition to the new republic and best wisnes for its prosperity and long life.

P. O. APPOINTMENTS ARE INVESTIGATED

grand jury resumed its investigation of and when Adger appeared on the street alleged bribery in connection with thought it quite natural to turn the postoffice appointments. The manner of appointment of the postmasters at Alma, in Harlan county; Arapahoe, Orleans, and Oxford, Neb., is now before the jurors. Elliott Lowe, a member of the last legislature, is one of the last witnesses called. Lowe is alleged to have been given the privi- and Thomas established the fact that lege of making the appointment at Al-ma in consideration of his voting for certain senatorial candidates.

Senator Deitrich is still at his home n Hastings and his attorney, John C. Cowin, stated today that he could not tell when the senator would appear in

DURAND AT WASHINGTON

Washington, Nov. 30 .- Sir Henry Mortimer Durand, the new British ambassador, arrived in Washington Mansfield, La., about a month. Thom-this afternoon at 4:30 p. m. He was as is said to have a bad record. The met at the station by the entire embassy staff, who escorted him direct to the embassy.

The ambassador expects to call on Secretary Hay tomorrow, when a date with a purse of nearly \$100 for the part for his presentation to the President will be arranged.

STAYED HAND OF DEATH.

Hamilton, Ohio, Nov. 30 - The Circuit ourt has granted the motion for a stay of execution of the sentence of death passed upon Alfred A. Knapp for the Louvern Journal, was arrested today murder of his wife. The execution was on the charge of causing John Foster set for December 11 and a stay has to be held in peonage. He is held been granted fo rthirty days.

in the Presence of 1,500 Spectators Alleged Murderers Were Hung Yesterday Afternoon-They Were Accused of Having Participated in Shooting of Robert Adger.

Negroes Confessed Their Guilt Before Death-They Said They "Were Trying Their Guns" and "Thought it Natural" to Shoot Adger-Had Chance to Pray.

Shreveport, La., Nov. 30 .- In the resence of a crowd of about 1,500 perons, composed of negroes and whites, Phil Davis, Walter Carter and Clint Thomas, all negroes, were lynched this afternoon about one o'clock within a short distance of Belcher, which is 30 miles from Shreveport. The men were executed for participating in the fatal shooting of Robert Adger, one of the most popular and influential business men in North Louisiana.

The negroes all conefessed their crime before being hanged. They stated that they were trying their guns thought it quite natural to turn the guns on him. No shots were fired at the lynching, the negroes all hanged to a single limb of a tree. Two negroes under arrest. Sam Lee and Peter Thomas, were released. Lee proved that he had attempted to prevent the negroes from shooting Adge he was too frightened to shoot, Phil Davis and Walter Carter were

captured yesterday evening several miles from the scene of their crime. Clint Thomas was caught later about mile and a half from Beicher. The negroes were taken before Adger and confessed their crime. They were held in concealment until shortly before one 'clock today, when they were taken

Davis is said to be an ex-convict and Walter Catler was forced to flee from as is said 'o have a bad record. The egroes of Reicher joined in search for the men and were apparently as eager to have them lynched as the whites. One negro was presented by the white, he took in the search.

The negroes were given an oppor-tunity to pray befor being hanged.

EDITOR ARRESTED

Montgobery, Ala., Nov. 30,-John C. McLendon, of Louvern, editor of the in \$500 bond for his appearance.

CITIZEN'S VOTING CONTEST CLOSES **NEXT SATURDAY EVENING**

The "calm which precedes the	1 E. P. Gilkie
storm" was again apparent in the quiet	C. A. Raysor
progress of The Citizen's contest yes-	C. A. Raysor
terday. A heavy poll is expected dur-	- Rules of
ing the next few days. As previously	
announced, no votes will be received	
after 6 p. m. Saturday next. The vote	
stands:	of Asheville or its
Dr. Sawyer 19,454	a portion of the
J. B. Wells	
R. P. Foster 9,420	
Dr. L. B. McBrayer 2,851	No attache of
Dr. Battle 2,272	allowed to enter
Harmon Miller	contest.
J. E. Rankin 1,143	No coupons wil
W. C. Frank	
Dr. M. H. Fletcher 944	scribers under the
A. Blomberg	ing the contest.
Dr. Meriwether 733	· A subscriber I
Dr. Hilliard 683	upon his subscri
Dr. A. M. Ballard 627	special coupon giv
Dr. Chas. L. Minor	votes for each de
Dr. Jordan 541	old subscriber sec
A. Whitlook	tion, both the old
Dr. J. T. Sevier 500	scriber will receiv
Dr. Millender	dollar paid by the
J. J. Yates 390	No copies of '
Chas, G. Lee 360	sold during the c
Jno. A. Nichols	regular price.
W. B. Gwyn 260	The name must
Dr. Linn 243	on each coupon,
Dr. Paul Paquin	are voted in numb
Penrose Baldwin	ty-five, they mu
Dr. Prioleau 208	bunches of 25, 50
T. A. Jones	marked.
J. H. Loughran	All coupons vote
Rev. W. M. Vines 185	before being depo
Wm. Kroger 137	box, for the conver
Hiram Lindsey	editor in tabulatin
W. C. Scarborough 124	Votes registered
O C Mill-	he commend and the

Dr. Dan Sevier.

Rules of the Contest terCoupons must be cast within one week from date printed thereon. The contestants must be residents of Asheville or its suburbs for at least

a portion of the year and be regarded as such, and must be either professional or business men.
No attache of The Citizen will be allowed to enter or participate in the

contest. No coupons will be accepted unless cut from The Citizen or issued to subscribers under the conditions govern-

ing the contest. · A subscriber paying \$1.00 or more upon his subscription will receive a special coupon giving him one hundred votes for each dollar so paid. If an old subscriber secures a new subscrip-

tion, both the old and the new subscriber will receive 100 votes for each dollar paid by the new subscriber.
No copies of The Citizen will be sold during the contest except at the

regular price. The name must be plainly written on each coupon, and where coupons are voted in numbers exceeding twenty-five, they must be counted in bunches of 25, 50 or 100 and properly

All coupons voted must be registered before being deposited in the ballot box, for the convenience of the contest editor in tabulating the vote.

Votes registered before 6 p. m., will be counted and the report made up for 115 the day. Coupons received after 6 p. 114 m., will be counted with the next day's

CITIZEN VOTING COUPON.

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This Coupon is Good for One Vote for

As the Most Popular Man in Asheville, DECEMBER 1

COLOMBIANS ANXIOUSLY AWAIT **RESULT OF GEN. REYES' VISIT** Colon, Nov. 30.-Luis DeRix, who SORRY THEY DID IT. was a member of the Colombian house

eral Reyes, as to the result of his mison to Washington. Public contributions are being made and decrees are occasionally issued, referring to warlike preparations. Colombia possesses a great number of good rifles, begin a guerilla warfare, pillaging and Osbina, General Lucas Cabellero, Geo Holguin and Jose Amgulo.

Washington, Nov. 30 .- It is learned of representatives from Panama, who made a speech in the house October 2. gots, has received several different warning Colombia to sign to the Hay- propositions from the Colombian gov-Herran canal treaty immediately or ernment since the publication of correspondence, each containing some indirect method of rectifying what the congress closed, who left Bogota for Colombians themselves now regard as the isthmus November 21, has arrived a fatal blunder of permitting the Hay-Herran treaty to expire last Septem-M. DeRiux on account of his well ber. Mr. Beaupre for his part is using known views was subjected to much his best efforts to make it clear to the annoyance while in Bogota and was Colombian officials that the treaty is several times threatened with violence, dead beyond resurrection, and that he Bogota and the entire country of cannot even conduct negotiations lookcolombia is waiting to hear from Gen- ing to the acquisition from Colombia of a right of way across the isthmus, located in an independent republic, over which Colombia has no authority.

REYES CLOTHED WITH POWER

Washington, Nov. 30.-General Reyes some artillery and a ample supply of ammunition. Colombia has not lost is clothed with powers to make reprethe idea of making an attempt to re-gain the isthmus. She still retains confer with the envoys of the Latin hopes that General Reyes will succeed American countries at Washington, in in effecting a satisfactory arrange an effort to obtain a peaceful settlement ment at Washington. Falling this the of Colombia's troubles with the people Colombians, it is believed, will un-doubtedly advance on the isthmus, sible means whereby a canal treaty sending troops in small parties of two may be catified by Colombia and the or three hundred along both coasts. United States and the actual construc-sufficiently inland to keep their movements secret and on arriving on the ance with the terms of the conevntion borders of Panama they will, it is said, He is accompanied by General Pedro

Cowardly Assassin Shot Through Window at Victims

from Hodgenville, Ky., says: Two men were killed, one mortally wounded and another seriously hurt in the Pikeview neighborhood of Hardin

Squire Osborne. Dave Osborne. Will Gardner. Wounded:

ounty last night.

The alleged murderer. Custer Gard-ner, a young farmer, was caught at Elizabethtown today after a desperate struggle, and was taken to Munford-ville and lodged in taken to Munfordheretofore borne a good reputation. ville and lodged in jail.

Louisville, Ky., Nov. 30.-A special Under cover of darkness, while the intended victims were sitting around the fireside, the assassin crept to the window of the room, and placing his Winchester near the glass fired several times. Squire Osborne fell to the floor dead, his head torn almost off. His son Dave Osborne, was shot through the heart and Will Gardner was wounded in the abdomen. John. Bennett's left arm was shattered by a ball.

