

CARPENTER CASE NOW IN THE HANDS OF THE 12 JURORS

Mr. Watson Closed the Case for the Defense at 11:35 O'clock, Judge F. I. Osborne, of Charlotte, Closed the Argument for the State at 3:30.

Mr. E. T. Cansler Made an Eloquent and Powerful Speech for the State Yesterday Afternoon. Closing of a Memorial Trial.

Special to The News. Dallas, May 31.—The trial of Earl Carpenter for the killing of A. M. Kale is nearing its close.

Hon. C. B. Watson closed the case for the defense this morning at 11:30 o'clock. Judge F. I. Osborne, of Charlotte, made the closing argument for the State. Judge Osborne began shortly before 12 o'clock, and was speaking when court took a recess at 1 o'clock.

At the reopening of court this afternoon at 2 o'clock, Judge Osborne again addressed the jury. His argument follows closely the line as marked out by Mr. E. T. Cansler, in his speech yesterday afternoon.

Judge Osborne closed shortly after 2 o'clock, and Judge Justice commenced his charge to the jury.

The jury will certainly get the case by 1:30 o'clock.

Mr. Cansler's Able Speech. Court resumed its setting at 2:30 yesterday afternoon.

Mr. E. T. Cansler, in one of the most powerful arguments ever heard in Gas county, certainly the most powerful delivered yesterday, addressed the court for the prosecution. He said in substance:

"I beg your pardon, I would like to call your attention to the ruling of the Supreme Court in the case of state vs. Brittain 89 N. C. 481—where a prisoner makes an assault upon and is re-assaulted so fiercely that the prisoner cannot retreat without danger of his life, and the prisoner killed—held that the killing cannot be justified upon the ground of self-defense. The first assailant does the first wrong and brings upon himself the necessity of slaying, and is therefore not entitled to a favorable construction of the law.

"If a man may fight in defense of his wife, yet the act of the son must receive the same construction as the act of the father would have received.

"Therefore if Earl Carpenter fought for his father and his father cannot plead self-defense, then Earl cannot.

"If North Carolina it has been held by the Supreme Court that evidence that the deceased could not have proved self-defense is incompetent. Kale is not a criminal. Kale has gone before another and higher tribunal, before which tribunal he must plead his cause on that final day, and it is not for us to decide what the decision of that tribunal is.

"There is no evidence that Kale was a trespasser. The corporation owned the houses, leased them to its hands. The tenants had the right of ingress and of egress. They also had the right to receive guests in their homes. And they alone, had the right to order a guest to leave.

"The Supreme Court has gone so far as to hold that a landlord who goes upon the property he has leased, after he has forbidden to do so by the tenant, is a trespasser. Kale was violating no statute when he came to see the hands for in order that the statute be violated there must be a contract between master and servant when either master or servant may terminate the relation at will, there is not enough evidence of a contract to support the state.

"Counsel for the defense has stated that there is a conflict between the law of the State of North Carolina and the Code of law given by God to Moses in regard to murder. I contend that the law of Moses coincides with the statute of 1902.

"I read part of the 35th chapter of Numbers. And if he smite him with an instrument of war so that he die he is a murderer. The murderer shall surely be put to death.

"Or if he smite him with throwing a stone and he die, he is a murderer and shall surely be put to death.

"Or if he smite him with a hand of iron or wood so that he die he is a murderer and a murderer shall surely be put to death.

"The avenger of blood himself shall slay the murderer, when he meeteth the murderer, he shall slay him.

"Or in enmity smite him that he die, he that smote him shall surely be put to death; for he is a murderer the avenger of blood shall slay the murderer when he meet him.

"Mr. Mason has said that when the Lord our Saviour came upon earth that His coming repealed the law of Moses. I refer him to the words of our Lord in the Sermon on the Mount where he said: 'For verily I say unto you, I will

heaven and earth pass one jot or one tittle shall in no wise pass from the law. Think not I am come to destroy the law of the prophet. I am not come to destroy but to fulfill.

"Gentlemen of the jury: There is no office more solemn and more important than yours, you are the mouthpieces of God Almighty. As a rule the life giving God passes upon the issue of life and death of a human creature. But at times, society demands in some instances you, a jury of twelve men, to pass upon the issue of life and death of a fellow man. Therefore, yours is an important office and your task is no light one, and if you can after this trial say 'yes, Earl Carpenter killed Kale, but when he killed him, he, Earl Carpenter's life was in danger, or that he was in great bodily harm, or that his father's life was in danger, or he was likely to suffer great bodily harm; then you have done your duty. You have done all that the law and society demands from you.

"One thing seems strange to me, that every material fact sworn to by the State witnesses has been contradicted by some employe, some minion of O. D. Carpenter.

"But let us look to the reasonableness of Earl's tale. Why did he go with Campbell? He said that he went with him to show him the way. That's not the reason. The reason is this: He went with Campbell to put Mac Kale off. He says that neither Kale nor himself were at all angry. Yet other witnesses testify that they were cursing. He said that there were no curses words. In fact that it was a Sunday school picnic. Why did he go to see Kale? Why did Campbell go to talk with Howard, the paralytic in the buggy? Because he was armed and Campbell was not.

"He says he went and stood on the bank with his arms a kimbo. Seems to have been a habit of his to stand with his arms a kimbo when he had his pistol in his pocket so that he could get a kimbo in his pocket and get it out. Why, the defense asks if wanted to kill Kale. Didn't he kill him before he went for his father, when he and Kale passed behind Mrs. Hargroves house? Why? Because Kale was watching him and if there had been any killing done then Mac Kale would have done it. That's why he decided to wait till he got reinforcements. He says that is Earl's story. He did not get mad when Kale told him that he could bluff him. My Lord, this boy must have had the best temper that has ever been heard of. Here he left Campbell to keep Kale till he went for help. When those angels of Peace, Messengers of God will come back and left again there was a dead man lying in the road. A human soul had flown into the presence of Almighty God.

"Now why did Earl come back with his father? He came to show his daddy the way. He came to show his father, the owner of the mill, who knew every foot of ground, the way. No sir, he came to kill Kale. He came back to do what Mr. Williams and old man Tenge said they heard him say he would do. As they came up the road they say they saw Kale putting on his gloves. Why did they not let him go? Because they didn't want him to go. Carpenter wanted to lick Kale and Earl wanted to kill him.

"Did you hear their version of the conversation? Compare it with Campbell's. If you believe Carpenter's tale you believe in ghosts. Carpenter used language in this conversation with Kale tending to bring on a fight. If he did the Carpenters were equally guilty with Kale of an affray, but the right of self-defense is abandoned when one goes into an affray unless the party who puts in the plea runs to the road, and if a killing occurs from an affray, the slayer is guilty of man-slaughter at least.

"Now after Kale knocked O. D. Carpenter down, why did he turn his attention toward Earl? Because that young man had drawn his pistol.

"Now how, please tell me, if Kale was shot in the plea runs in the road, and his left arm drawn across his chest? Never. Therefore, Mrs. Grady, Mr. Campbell, Mr. O. D. Carpenter, Mr. Earl Carpenter were lying when they say that Kale shot first.

"The law is a merciful one, it presumes that a man is innocent and the State must prove that the man is guilty beyond a reasonable doubt. It gives him the defendant, 23 challenges, it gives the State 4. Your duty is to well and truly try the case and to decide upon the evidence, whether or not the prisoner be guilty. You are not a tribunal of mercy, but a tribunal of justice, and there is but one kind of justice, the justice that is meted out to rich and to the poor alike."

Mr. Cansler closed at 4:53. The judge gave the court a recess of five minutes at the end of which time Hon. E. Y. Webb addressed the jury in a short, able argument for the defense. Mr. Webb spoke a little more than an hour. After his finish, His Honor adjourned court until 9 o'clock this morning.

EIGHT ENTOMBED IN COLO. TUNNEL

Cave in at the Gunnison Reclamation Tunnel Thought to Have Carried Down Eight Out of 20 Workmen Who Were Working at That Point.

By Associated Press. Montrose, Col., May 31.—It is feared that at least eight of the twenty men buried by the cave-in at the Gunnison reclamation tunnel yesterday are dead as these men were at work at the point where the ground fell in. Several hundred men are working in three-mile shifts in an effort to reach the entombed men.

Later—The twenty-one workers imprisoned in the tunnel were rescued alive and uninjured.

THE BUREAUCRACY MUST FALL, SAYS RUSSIAN PRESS

Leading Papers of the Empire Bitter in Their Denunciation of the War Party and Place all the Blame for Defeat on Those Around the Throne.

Total Japanese Losses to Date are Three Torpedo Boats Sunk, Three Officers Killed and About 200 Men Killed and Disabled, Rojstvensky at Hospital.

Special to The News. St. Petersburg, May 31.—The catastrophe which has overtaken the Russian fleet has given a tremendous impetus to the demand upon Emperor Nicholas for immediate convocation of the National Assembly. With one single exception the press pours out indignation and wrath upon the bureaucracy, which is held responsible for all the misfortunes of war. Only two papers, however, declare that peace should be concluded. The Russ, now the widest read paper in Russia, says: "Those guilty of Russia's disgrace should be overwhelmed with shame."

"The death of half a million men," the Russ continues, "and the loss of millions of money, is the price of rejection of the progress and western civilization. Sebastopol struck the shackles from the serfs, and Port Arthur, Mukden and Tsu Island should free Russia from the slavery of the bureaucracy."

The Slovo, another popular paper, is even more bitter. It says: "Enough. Blindfolded for two hundred years, the Russian people have been marching to the brink of destruction, but the bandages are now torn from the eyes of a hundred and thirty million Russians, and they will neither be led nor driven over the precipice. Let the people speak. The bureaucracy has had its say, and has crowned its work of national shame and humiliation. Let it now listen to what those who have suffered in silence and who have supported it in luxury have to say. From this moment a convocation of the people has become as necessary as the air we breathe. If the bureaucracy this time stands between the Emperor and the nation let it beware."

"The Japanese are not fighting the Russian people, but Russian bureaucracy, which has rejected with enmity the voice of the nation for a host of sycophants and time-serving courtiers. Our only consolation in this bitter hour is the consciousness that it is not the people, but the government, which has suffered defeat. Enough."

The Novoe Vremya, while milder, defends the Russian nation against the charge of rotteness, and insists that there is plenty of patriotism, as evinced by the fact that more young officers volunteered to go with Rojstvensky than were needed. Nevertheless it joins in the cry for the immediate summoning of the people.

The Listok says: "The war has taught the lesson that education, good government and freedom are always victorious over ignorance, misrule and despotism."

ROJSTVENSKY AT HOSPITAL.

Suffering With Fracture of the Skull—Togo Authorized to Allow Negotiations to Sued Report to His Emperor—Surrendered Officers Paroled.

By Associated Press. Washington, May 31.—The Japanese legation received the following from Tokio: "It is officially announced that the damages sustained by our fleet were very slight and none of our battle-ships, cruisers, destroyers and other ships were lost, except three torpedo boats."

Under imperial command, Togo was authorized to permit Negotiations to submit to the Czar reports on the battle and the list of Russians killed, wounded and prisoners. The admiral was also authorized to release on parole the surrendered officers of the Nikolai I, Oriol, Apaxin and Senyavin.

"Rojstvensky was taken to the Sasebo naval hospital. No other admiral was captured from the Biedovy, the last report to this respect being due to a clerical error."

Commander Isam Takeshita, naval attaché of Japan to the United States, communicated the above information to the President.

Nearly Annihilated Says the Victor. Tokio, May 31.—Admiral Togo was wired Admiral Yamaoto, Minister of the Navy, as follows: "The main force of the Russian second and third fleets is nearly annihilated. Please feel assured of it."

Togo Landed. Tokio, May 31.—Admiral Yamamoto, Minister of the Navy, sent the following telegram to Admiral Togo: "The enemy's second and third squadrons, successfully overcoming the difficulties attending their voyage eastward, showed themselves no mean power, but your squadron intercepting them in advance of their destination put them to confusion, and destroyed and captured nearly all their units."

"Your victory does not end here. You captured the enemy's commander-in-chief. It is most gratifying for our national cause that you achieved such a victory.

"We send sincere congratulations and take occasion to praise the virtue of the Emperor; to thank you and those under you for the onerous service extending over many months, and to express sympathy for the killed and wounded."

Total Japanese Losses. Washington, May 31.—The State Department has received the following cablegram from Tokio: "Rojstvensky's skull was fractured, requiring an operation which was serious but not dangerous."

"The total Japanese losses to date are three torpedo boats sunk, three officers killed and about two hundred men killed and disabled."

Cruiser Grombol Sunk. St. Petersburg, May 31.—The Admiralty denies the report telegraphed to the London Daily Express, that the cruiser Grombol, of the Vladivostok squadron, had been sunk with nearly 800 men. A message was received from Captain Broussikoff, her commander, last night, which, it was believed, was sent by wireless telegraph to Vladivostok. Vice Admiral Skrydloff, reported to be on board the Grombol, is in St. Petersburg. The Grombol sailed out of Vladivostok Saturday as soon as Rojstvensky was reported to have arrived in the Straits of Korea, but the Admiralty declines to say whether the Grombol was engaged.

The Admiralty had no further news to communicate. A report of the battle, however, has been received from the captain of the Russian transport Korea, now at Wosung, and it is also understood that the Emperor has received a communication from Japan, possibly from Nobogatoff or Rojstvensky.

Council Favors Peace. St. Petersburg, May 31.—This afternoon the Emperor has summoned Admiral Alexieff and all ministers to an extraordinary council. The Associated Press is informed that all the ministers except the minister of war and marine are unanimously in favor of peace.

Expect a Demonstration. St. Petersburg, May 31.—In view of a possible demonstration three regiments have been hurriedly brought to St. Petersburg.

BOTTLE ADRIFT HELD MYSTERY

Note in Tightly Corked Bottle Saying That Sailing Vessel was Sunk by Steamer. Marine Registers Fail to Throw Light On It.

By Associated Press. Norfolk, May 31.—The following message received over the government seacoast telegraph wires has been posted at the Norfolk Weather Bureau: "A bottle containing the following note was found on the beach at Dam Neck on the North Carolina coast, by Captain Woodhouse of the life-saving service: 'On board the schooner Phantom, struck by outgoing steamer Bedoon. All hands at the top, vessel slowly sinking, now at water's edge. Have put off in small boat. (Signed) 'J. C. A. JONES.'"

"The names of the vessels mentioned in the note do not appear in any of the records or marine register. No wreckage can be seen anywhere."

Big Sale From News Ad.

Last week Mr. John P. Hunter of Derita spent 20 cents advertising potato slips in The News and Times Democrat. The following day he received an order for 20,500, all he had, from a man who saw his ad in The News.

News Ads Will Sell Anything

NORTH CAROLINA MAY SOON SEARCH FOR IMMIGRANTS

State Board of Education Has Set Next Monday for Consideration of the Matter. Will be Addressed by Gov. Glenn and Senator Simmons.

Forty Young Men Receive Diplomas at the A. & M. College, in the Varied Industrial Branches, \$100,000 Charlotte Concern Chartered.

Special to The News. Raleigh, May 31.—Diplomas were presented this morning to 40 graduates of the A. & M. College. Notable among the graduates are W. F. Kirkpatrick and W. W. Watts, of Mecklenburg; S. M. Vele, of Salisbury; Walter G. Finch, L. R. Hunt, of Lexington; L. F. Abernathy, of Hickory; Robert J. Avery, of Morganton; R. W. Scott, Melville.

Charter issued for Greensboro Fire Insurance Co., capital \$100,000 subscribed, \$45,000 authorized. The incorporators are J. W. Fry, D. C. Woodell and others.

Another charter was to the Pipe Bending Machine Co., of Charlotte, capital \$100,000, by J. W. Conway, H. S. Hall and W. H. Smead.

10 Years For White Man. Elitha Garland, a well known white man, has just been committed to the State Prison to serve a ten year sentence for shooting a negro boy in the depot at Marion. Garland was in the depot waiting for a train. It was cold and the fire had died out in the station stove. A negro boy came in and Garland ordered him to put wood in the stove. He declined, saying he was not working at the depot. The order was repeated and the boy still refused and Garland drew a revolver and shot him so that he died in a very short time. The case came up to the Supreme Court and the conviction and sentence were affirmed a few weeks ago.

Memorial Services. Appropriate memorial services were held in the National cemetery here at 6 o'clock last evening. Rev. Jasper C. Masse, pastor of the Tabernacle Baptist church, being the orator of the occasion. His theme was the courage, the faith, the patriotism and self-sacrifice that characterizes the true American soldier. There are over 1,000 Union soldiers buried in the National Cemetery and each one was decorated with a miniature flag.

Question of Immigration. The State Board of Agriculture, now holding their annual session here, has postponed next Monday for the consideration of the question of immigration for North Carolina and will be addressed on that date by Governor Glenn and Senator Simmons. The department will probably inaugurate some special work very soon looking to the attraction of immigration to North Carolina.

Milk Commission. The Raleigh Academy of Medicine in session last night adopted a resolution, which the aldermen to appoint a milk commission to have supervision of the milk supply of the city.

ACREAGE DECREASE 18.43 PER CT. The Southern Cotton Growers' Association Make Their Report—Condition of Cotton Crops Very Serious.

By Associated Press. New Orleans, May 31.—The Southern Cotton Association has issued the cotton acreage report, which says: "The estimated acreage for 1904, as indicated by the report of the United States Government amounted to 31,730,000 acres."

"The decrease in the acreage for 1905, as shown by our tabulated statement, which was compiled from 17,754 individual reports from farmers, bankers, merchants and others throughout the cotton belt, fixes the acreage this year at 25,980,951 acres, a decrease of 18.43 per cent and 16.05 per cent in fertilizers."

"The condition of the crop as reported from Louisiana, Texas, Arkansas and the territories and portions of Mississippi, are unprecedentedly bad, much of the acreage reported in those States being yet unplanted and large tracts either under water or badly damaged by heavy rains."

"In the Eastern portion of the belt, the fields are grassy, cotton is still unchopped and labor scarce throughout the entire belt."

"The present demand for cotton is unprecedented and with a firm and determined stand, higher prices for the staple will be secured in the future."

REFUSED WRIT OF ERROR. Chief Justice Declares No Federal Question Involved in Case of Mrs. Rogers, Condemned to Die For Murder of Her Husband.

By Associated Press. Montpelier, Vermont, May 31.—Chief Justice Rowell of the State Supreme Court refused to grant a writ of error in the case of Mrs. Mary M. Rogers, condemned to death for the murder of her husband. Governor Bell announced that he would grant the woman another reprieve for a short time in order that her attorneys might have an opportunity to bring the matter before one of the justices of the United States Supreme Court. Justice Rowell declared that there was no Federal question involved.

SEC. MORTON'S RETIREMENT.

After Conference With the President, He Decides to Leave Cabinet July 1st. By Associated Press. Washington, May 31.—After a conference with the President, Secretary Morton announced that he expected to retire from the Cabinet July 1.

CICERO WINS DERBY STAKES. Great English Race For Three Year Olds Won By Lord Rosebery's Colt. By Associated Press. London, May 31.—Lord Rosebery's Cicero won the Derby Stakes of 6,500 sovereigns for the entire colts and fillies foaled in 1902, about a mile and a half. M. Blancs Jardy, second, Chevalier Ginstrellis Signorino, third. Time, 3:11.

\$200,000 FIRE LOSS. Whole of Business Portion of Minnesota Town Swept By Flames. By Associated Press. Warroad, Minn., May 31.—The business portion of Warroad was destroyed by fire today. The loss is \$200,000.

The court house today was nearly deserted. Sheriff Wallace Register of Deeds McDonald, Superintendent of Education Cochran, Tax Collector Cochran and Deputy Clerk Moore, all went to Davidson commencement.

DAVIDSON SENDS OUT 17 YOUNG MEN

Graduating Exercises, Awards of Diplomas, Medals and Degrees Features of the Morning. Carnegie Offers \$20,000 for Library, College to Raise Like Sum.

Special to The News. Davidson, May 31.—Those participating in Davidson commencement exercises of this year have been peculiarly fortunate in hearing some notable addresses. And no speech has been received with warmer appreciation than that of Dr. Charles Kent, of the University of Virginia, who delivered the annual oration before the literary societies yesterday morning.

At a few minutes past twelve the audience assembled at Smead Hall, where, following an opening prayer by Rev. Dr. Moore, President Smith introduced the orator of the occasion. The introduction consisted of a short address, wherein it was pointed out how fitting it was that Virginia should furnish the speaker of the day, inasmuch as several members of the Davidson faculty were educated at Virginia's university, and there has been a disposition on the part of the Old Dominion to draw largely on the Tar Heels for men to fill important positions in her institutions of learning. Drs. Alderman, Barringer, Thornton and Hodgins were cited as illustrations. Virginia is indebted to us, and that she is sensible of that indebtedness is shown by her sending one of her well known sons to honor the present occasion.

The subject of Dr. Kent's speech was "Educational Idealism." The theme is old and familiar, but under the speaker's mastery treatment it took on new life and interest.

At 8:30 p. m., the junior oratorical contest was begun. In this contest six members of the Junior class—those selected by the faculty as the best speakers, three from each literary society—competed for a medal. The junior orator's medal is the most coveted of the college prizes. The speakers and their subjects were: For the Eu: B. R. Lacy, Raleigh, "North Carolina and Her Motto." L. McNeil, Columbia, S. C., "The Crisis to be Averted." T. Sterns, Asheville, "Arbitration."

For the Phi: J. Ervin, Morganton, "American Statesmanship." S. H. Hay, Liberty Hill, S. C., "The Man of Action." Y. W. Faison, Charlotte, "The Chinaman as a Solution of the Labor Problem."

This morning the judges announced that they had decided to award the Junior medal to R. B. Lacy, Jr., of Raleigh.

The Senior Oratorical medal was awarded to S. C. Williams, of Mooresville. He was also the valedictorian of his class and won the debaters' medal and the medal on Bible.

The Board of Trustees authorized the announcement that Mr. Andrew Carnegie offers to donate \$20,000 for a library building for the college provided the institution raise a like amount as an endowment. The trustees directed that the work of raising the \$20,000 be commenced at once and it is hoped that the college will soon have the new library.

Seventeen young men graduated in the degree of B. A. and one received the M. A. degree.

The college conferred the following honorary degrees: Doctor of Divinity, Rev. J. M. Walls, Ph. D. of Wilmington; President S. E. Chandler, of Brownwood, Tex.; Rev. C. C. Carson, of Valdosta, Ga.; Rev. P. R. Law, of Lumber Bridge; Prof. D. H. Hill, of Raleigh.

Doctor of Laws, Rev. W. M. McPheeters, of Columbia, S. C. The diplomas and awards of degrees were delivered by Dr. H. L. Smith. The oratorical and literary prizes were delivered by Dr. W. W. Moore, of Richmond.

The benediction was pronounced by Rev. J. Ruple, of Salisbury.

SEVERE CRITICS OF J. D. ROCKEFELLER ARE DENOUNCED

Dr. MacArthur, Pastor of Calvary Baptist Church, New York City, Protests Against the Condemnation of Churches by These Cowardly and Unjust Attacks.

Declares That Rockefeller Knows That He Cannot Buy the Approval of Baptists by His Millions and That Were He Guilty He Would be Expelled.

By Associated Press. New York, May 31.—The recent criticisms of John D. Rockefeller, growing out of his gift of \$100,000 to the American Board of Commissioners for foreign missions, are declared in an article by Rev. Dr. Robert Stuart MacArthur, pastor of Calvary Baptist church, this city, to be published tomorrow in the Examiner, a Baptist publication, to be coarse, cruel and perhaps criminal to have maligning the entire Baptist denomination. He "protests against the condemnation of our churches by these cowardly and unjust attacks" and declares that no one knows better than Rockefeller that he cannot buy the approval of Baptists by his millions; that Baptists would advocate his expulsion from the church if it were proved that he had acquired his money dishonestly or by means morally or socially destructive. He adds that he has investigated certain business transactions which have been fiercely denounced by Mr. Rockefeller's critics and has found them in accordance with the highest standards of commercial morality. Rockefeller, he asserts, is worthy of confidence, admiration and affection and appeals for fairness of judgment for him.

Dr. MacArthur declares that the criticisms of Rockefeller appeal to the passions of the unthinking multitude and that this is assassination of character. He "repels indignantly" the charge that the Baptist denomination has solicited money from a man whose wealth has been dishonestly acquired; points out that Dr. Wm. J. Tucker, president of Dartmouth College, should not be branded as a criminal because Dartmouth College owned stock in the Northern Securities Company, which company the courts found to be in criminal conspiracy; says that the supposition that Rockefeller is worth a billion dollars is grossly false, and that in the last two or three years his benevolent gifts were at least twice as much as the increase in his estate; asserts that he has made a gift of high value to humanity in revolutionizing the business methods and affirms that while some men have been crowded to the movements of the Standard Oil Company, every competitor was urged to join it on fair and equal terms.

NEGRO DEPUTY SHOT. A Detective For Southern Railway Shot From Ambush While on His Way to Swear Out a Warrant.

By Associated Press. Mobile, May 31.—Calvin Childs, a negro deputy sheriff, doing detective work for the Southern Railway, was shot from ambush and killed. He was on the way to Mobile to swear out a warrant for Robert Crenshaw, colored, who, when Childs was passing the Plateau station, fired on the deputy from an ambush at the side of the road. An unknown man with Childs then shot and killed Crenshaw.

Morton and Ryan. By Associated Press. Washington, May 31.—Secretary Morton will be associated with Thomas F. Ryan in the construction of the proposed comprehensive subway system of New York. He will assume the general management of the system.

Jury Takes the Case. Special to The News. Dallas, May 31.—The jury took the case at 4:05 o'clock. Judge Justice instructed the jury to return a verdict of not guilty as to S. S. Campbell.

MAYOR WEAVER WINS AT LAST

Papers in Injunction Proceedings Against Two Appointees Named by Him, Have Been Withdrawn, Thus Ending the Legal Fight Against Him.

By Associated Press. Philadelphia, May 31.—Counsel for David Smith, former director of public safety, and Peter E. Costello, former director of public works, who were deposed by Mayor Weaver, withdrew the papers in the injunction proceedings brought against Sheldon Potter and A. Lincoln Ackar, their successors. This formally ended the legal fight against the appointees of Weaver.