XX I--NO. 6051.

CHAIR TE, N. C., FRIDAY EVENING, JUNE 16, 1905.

PRICE: 3 CENTS.

NE!

TOL

the Plea of Abatefiled by District

Grand Jury, but Out of Fair-Another Bill Sent.

we have and D. E. K ennedy, charging zens died last night. as defendants with defrauding the in the making of whiskey,

The matter came up in the Federal morning when District Atton submitted his answer in abatement filed yester-Williams' con nsel.

E. T. Cansler addressed court of North Carolina and that of ual training school. upholding the position

nclusion of the arguments is counsel for the defense, District e, addressed the court in the position taken by the Both arguments were

store and very impressive. I lee Boyd stated that he doubted the her he had the right to go behind e indings of the grand jury or to ininto the insufficiency or weight of e vidence. But, in all fairness to the remaints, he would quash the bill of

Is mediately after the judgment of s court was rendered, another bill as drawn by the District Atorney and trand jury is now at work hearing

The Government's Answer. is answer to the plea in abatement uled by the attorneys for Mr. N. mey Holton offered the following one-half that sum.

and Court of the United States, At Charlotte. Unlied States vs. The Old Nick Wilims Company, N. G. Williams and

R. B. Sams being duly sworn says the he had read the plea in abatement filed in the above entitled case by Genn Williams, D. E. Kennedy and

The Old Nick Williams Co. I at he, R. B. Sams, when sworn for the grand jury at Statesville and took with him the

fories made by affiant, and that he my thave said to the grand jury and could did that the evidence he would was contained in these records and avestories, and proceeded to exhibit I at the material facts testified to by he attiant before the grand jury are

response to questions from the grand might have stated that he had lead that D. E. Kennedy had been hat he had sworn in his direct testimy that he had seen D. E. Kennedy Work in the rectifying establishment Lowenstein & Co., of Statesville, as

That he did not testify that the deand N. G. Williams had fled the multip, but might have made the that he was reported to have censboro the week before for a all that he did not state that he suits against him involving nor that he could not pay his but the only reference to suits that could have been referred 10 was a claim filed against the distilourt at Greensboro; nor did country to avoid prosecution; was something wrong. The questhe bers of the grand jury if the fact har he had left the court did not show that there was something wrong, to

a he might have said that it might T at affiant stated from his knowledge of the financial condition of the said D. E. Kennedy, he did not believe that he was able to buy out and run

such a distillery, and this might have been drawn out by the interrogatories of the members of the grand jury.

A. E. HOLTON.

A. E. HOLTON. been drawn out by the interrogatories of the members of the grand jury:

A. E. HOLTON, U. S. Attorney.

Subscribed and sworn to before me this 16th day of June, 1905 H. C. COWLES,

Clerk U. S. Courts. YOUNG MAN A SUICIDE.

Brilliant Young Scholar Kills Himself In Morganton. Special to The News.

Morganton, June 16.-W. H. Verner of Columbia, S. C., shot and killed ho ton at the Morn- himself here last night in a fit of melancholia, aged twenty-eight years. He Session of the Federal had been in a sanitarium in Philadelphia for some time for treatment for nervous troubles that had been brought on by overstudy and hard work at Oxford where he was a student last year. He held the first Judge Boyd Not Sure of His Right Rhodes scholarship from South Carolina to that institution. A few days to Go Behind the Return of the ago he left there and went to Charlotte to consult his counsin, Dr. E. R. Russell, who advised him to come here for treatment. The brilliant young ness to Defendant Quashed Bill, scholar shot himself in a short time after reaching the city. He gradu-

ated from South Carolina college about seven years ago. Thomas Walton of this city, one of Williams Company, N. Glenn the oldest and most honored citi-

BOOKER AT WHITE HOUSE.

in the Felderal Court this Called on President in Regard to His Visit to Tuskagee.

By Associated Press. Washington called on the president to State Senator McNichol, Former Direc- battleships Borodino and Navarin. The talk about his visit to Tuskegee in tor of Public Works Castello, and John October. The president expects to W. Hill, whose resignation as Chief prophetic words of Captain Bukhvastanswer had, been submit- pass the greater part of October 23 of the Filtration Bureau was accept- off, of the Alexander III, at a dinner at Tuskegee and arrangements are alled yesterday by Mayor Weaver immediate of his officers before their departure for ready in making for a demonstration lately after the revelations at the the Far East are now recalled. He by the students of the institute in his Caven hearing and one or two of the honor. The president will review the men employed as inspectors on varpar of these very able a ttorneys con- procession and pay a visit to the in- ious positions of the filtration work. in some respects the arrest of former die and not surrender." the grand jury that returned the sor Washington tonight delivers an Chief Hill would prove as surprising address at the graduating exercises of as the arrest of Durham himself, for Russian turning movement forced the and a number of case's were cited the colored high school, colored nor- it was only a few weeks ago that the Japanese to retire from Iulantizi on

Thery Wins.

By Associated Press.

Paris.-Later.-Thery finished first, covering five hundred and fifty kilometres in 7 hours and 42 minutes. The Sizaz was second and Caillois third. No fatalities occurred.

Leaves Four Million for Charities.

four million dollars to be distributed Thery, the winner of the cup last year for various charitable purposes,

Destructive Fire.

By Associated Press. Fort Francis, Ont., June 16-The business section of Fort Francis, with the exception of three buildings, has been destroyed by fire. The loss is \$200,000, williams yesterday, District At- with insurance amounting to about

Western District of North Carolina. fined to his bed in Dilworth for several

days on account of sickness.

cover the world.

ASSOCIATED PRESS.

Washington, June 13.-(3 p. m.)

form of an informal statement is-

"When the two governments

were unable to agree upon either

Cheefoo or Paris, the President

suggested The Hague, but both

governments have now requested

that Washington be chosen as the

place of meeting, and the President

accordingly formally notified both

"It has been suggested at the

White House that after the meet-

ing and organizing, the plenipoten-

triaries, if it should be found un-

comfortably hot in Washington.

resort in the North, where they

may continue their sittings until

such time as the weather in Wash-

ington shall be more comfortable."

what THE NEWS gives them.

News Readers.

might adjourn to some summer

governments that Washington was

statement follows:

so selected.

IN OTHER ARRESTS

in the Hearing of the Case of Caven, Who is Indicted for Being Unlawfully Interested in Philadelphia Contracts.

sult, Among Which is That of Chief Hill, of the Filtration Bureau and Other High Officials.

By Associated Press.

Philadelphia, June 16.-Additional arrests are expected as the result of requiem mass will be celebrated at disclosures made at the hearing in the case of Select Councilman Caven, who is under bail on charges of being souls of the officers and members of the unlawfully interested in the city con- crew of the battleship Alexander III.

Persistent rumors are in circulation that among the arrests considered, if not already decided, include State of Japan. There is only one survivor

mal school, and the Armstrong man-mayor had the council increase his sal- June 11, after the burning of their

CONTEST ON FOR AUTO CUP Winner Last Year Leads Again For the Prize.

By Associated Press. Paris, June 16 .- Twenty-four conwas the first to start and he was felkilometres in an hour with Wagner making the next best time.

Large Manufacturer Dead.

By Associated Press. ibald Willcox, the principal proprietor of the Liverpool Courier and largely -Mr. Leonard Cathey has been con- interested in the tobacco trade as a manufacturer in Liverpool and London, is dead. He was born in 1842.

THE OTHER MELLOW.

Washington, June 15 .- The Rus-

further advices as ito the place of

was disappointed over the seeming-

ly unnecessary delay on the part

of the two belligerents in arriving

at a definite conclusion regarding

this point, he has not doubted the

sincerity of Russia or Japan in

entering upon peace negotiations.

The suggestion has been made that

Japan would not be averse to de-

laying the game of peace until

Oyama shall have had an opportun-

ity of inflicting a crushing defeat

upon Linevitch, but this theory is

denied here.

The Associated Press service is expensive, but it

The people want today's news today, and that is

is the best in the world, and so none too good for

How the News Leads

Readers of THE NEWS are having practical

proof almost dally of the great superiority of the As-

sociated Press Reports. These reports are noted

for their accuracy and for their promptness and they

Here is a specimen of the way the Associated

Press "beats" the other fellows. These items are

-Official announcement has been sian ambassador and the Japanese

made that Washington has been selected as the location of the peace conference.

minister continue of make alternate visits to the White House. Takahira called of the President

The announcement came in the at 10:45 o'clock the morning with

sued by Secretary Loeb by the di- meeting of the peace plenipoten-

rection of the President. The tiaries. Although the President

taken from yesterday evening's papers.

GENERAL REQUIEM FOR ENTIRE CREW OF DOOMED SHIP

Startling Disclosures are Made Prophetic Words of Captain of Battleship Alexander III, Whose Crew West Down to a Man in the Battle of Sea of Japan are Recalled.

mportant Arrests Will Likely Re- Report of General Linevitch Indicates That the Japanese Have Been Repulsed in Several Land Battles by the Russian Turning Movement.

> By Associated Press. St. Petersburg, June 16.-A general the Naval Chapel for the repose of the which, the Admiralty announces, went down to a man in the battle of the Sea

"Of one thing I am sure, we will all

General Linevitch reports that the engineer is recognized all over the the Tsin river to the village of Vanluogow, pushing back the Japanese advance posts. On the same day the chenzi, retired slightly northward.

Two Pienipotentiaries Named. authoritatively that M. Melidoff, the Vienna, June 16.—Baron Nathaniel Auto Cup started at six o'clock this St. Petersburg government and that minutes. Dispatches from along the ber of plenipotentiaries to be nomi- this trial, there was no ground upon As a Woman Lay in Bed with Her the engine reached a point near the course show that Thery made eighty nated by each government has not which the case could stand for continbeen determined, but it is expected that the number will not exceed three each It is not unlikely that the names of the plenipoatentiaries and the time Liverpool, June 16 .- Sir John Arch- agreed upon for the assembling of conference will be determined by the first of next week.

Japan's Reply to Roosevelt.

ing is the text of the Japanese reply to the president's identical note to Japan and Russia on the subject of

"The imperial government has given to the suggestion of the president of the United States, embodied in the note handed to the minister for Foreign Affairs by the United States minister on the 9th, very serious consideration to which, because of its source and its import, it is justly entitled. Desiring in the interest of the world as well as in the interest of Japan, the re-establishment of peace with Russia on those terms and conditions that will fully guarantee its stability, the imperial government will, in response to the suggestions of the president, appoint plenipotentiaaries of Japan to meet the plenipotentiaries of Russia at such a time and place as may be found to be mutually agreeable and convenient for the purpose of negotiating and concluding the terms of peace directly and exclusively between the two belligerent

NEGROES LEAVE FOR GALLOWS

Three Murderers Accompanied Place of Hanging by Guards.

By Associated Press. Birmingham, June 16.—Harvey Smith, John Collier and Will Jackson the three negro murderers sentenced to hang at Decatur today, left here on a special train this forenoon under an escort of troop "D," Alabama National Guard, Sheriff Wiggins, of Morgan county, and a squad of deputies.

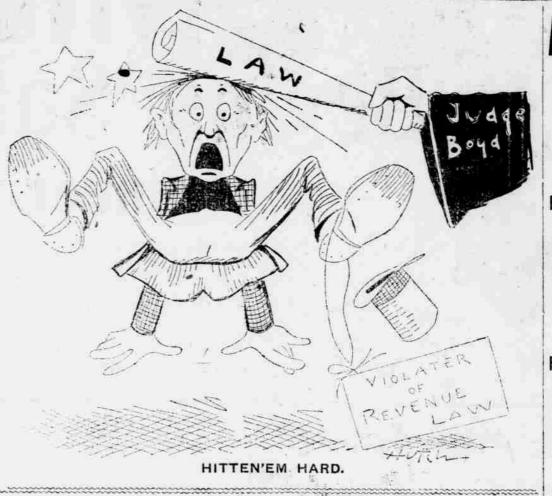
OFFICIALS INDICTED.

Indictments Against Five Packing Firms Presented to the Federal Grand Jury.

By Associated Press. Chicago, June 16 .- The proposed indictments against the officials of at least five packing firms were said to have been presented to the members of the federal grand jury by District son, colored, has been acquitted of the by the jury.

NOTED VETERAN DEAD.

Lee's Rangers.



GATTIS-KILGO CASE NON-SUITED TODAY

Introduced was Insufficient to would do so. Case. Powerful Plea of Ay- After Cutting Their Throats With a cock.

Special to The News.

ary fom twelve to seventeen thous- supplies. Another Russian force on made this afternoon after the hearing baby. The woman has been in ill train came to a standstill. Some beand a year while his ability as an June 12, advanced from the valley of of an exhaustive argument by ex-Gov- health. ernor Aycock for and Col. T. M. Argo against the motion which was lodged Russian cavalry occupying Nanshant- yesterday at the conclusion of evidence for the plaintiff, on the ground that the plaintiff had not made out a case of Washington, June 16.-It is learned malice in the publication complained of. In announcing this ruling, Judge Russian ambassador to Paris, will be Moore simply stated that as averse as on which would be 210 years, Ormus coaches. None of the passengers James Gordon Bennett International one of the plenipotentiaries of the he might be to taking the case from the pleaded guilty to embezzlement and der of the crew were not in the slightjury, he was satisfied that under the was sentenced to seven years imprison- est hurt . DeRothschild, who died June 13, left morning over the Auvergne Course. Marquis Ito will probably be the ruling of the Supreme Court in the ment. principal representative of Japan. So last appeal and in the light of the evlowed by others at intervals of four fas as can be ascertained here a num- idence introduced by the plaintiff of

> It is understood that the plaintiff will appeal to the Supreme Court. Ex-Govadvocating a non-suit is pronounced ever heard in the Wake court house.

ARMY OFFICER SENTENCED.

Washington, June 16 .- The follow- Officer Connected With Suicide of An- And Fatally Injures the Third at a other Army Officer's Wife at Omaha Gets Three Years in Pen.

> Washington, June 16.-The President trials of Captain George W. Kirkman, of the Twenty-fifth Infantry, sentencing him to dismissal from the army and a confinement in the penitentiary at Fort Leavenworth for seven years. Kirkman is connected with the sensational case, resulting in the suicide of the wife of another army officer at

CONDITION OF GOMEZ WORSE

Gangrene Resulting From Abscess Retards Action of the Heart.

By Associated Press Gomez has steadily grown worse. It resulting from the abscess on his System. hand, for which he underwent an operation at Santiago early in May, is retarding the action of the heart and other organs with the result that the general's death may be expected at

FAMOUS TRIAL ENDS IN ACQUITTAL

The Negro Greason Who Was Convicted for Murder of John Edwards, is at Last Acquitted. Death Warrants Had Been Issued Ten Times.

By Associated Press. Reading, Pa., June 16.-Samuel Grea

Attorney Morrison for consideration. murder of John Edwards. Mrs. Kate exonerated him. Edwards was murdered nearly four years ago, and Grea- nerve." son was arrested several months later. By Associated Press.

Newport News, June 16.—Ex-Senaof the most remarkable murder trials abandoned and ne burst into the burst into the state. It was horribly crushed.

When asked if he had anything to the tender. It was horribly crushed.

Figure Cauble's Father. ator Thomas J. Christian is dead, Greason's child, is under a sentence say, he replied: tain of the cavalry company known cution within a short time. It was may God have mercy on my soul." a most daring man in the Confederate cavalry corps during the war.

| Could be used as a witness at the the straps and noose were being after attend the funeral which will take fixed to his body.

REPORT NOT YET SUBMITTED.

Superintendent of the State Insurance He Will Do So.

By Associated Fress. New York, June 16.—Superintendnot yet submitted his report in the morning. Washington, June 16.—Booker Insurance Commissioner Durham, of each of the complements of the Judge Moore Said the Evidence Equitable matter to Governor Higgins. He declined to say when he

Butcher Knife, She Kills Herself. By Associated Press. Klass killed her four small children spoon, he thought, jumped before the

Raleigh, June 16 .- A non-suit has and committed suicide. She used a train turned over. Captain Gormley, been ordered in the case of Gattis vs. large butcher knife cutting each of the conductor in charge of No. 40, her childrens' throats. Her eldest states that several persons saw a man Kilgo, order to this effect having been child was six and the youngest a making for the woods just as the

BANKER GETS SEVEN YEARS.

Maximum Sentence for his Crime took place Would Have Been 210 Years. By Associated Press

Toledo, Ohio, June 16.-Facing three almost completely over. Federal indictment, containing twen-

KILLS WIFE

band.

TRAIN KILLS TWO

Crossing on the Lake Shore Road.

By Associated Press. Bryan, Ohio, June 16.—Mr. and Mrs. a mail train on the Lake Shore road at a crossing near here.

Resigns After 23 Years' Service. By Associated Press. Louisville, June 16.—Wm. J. Dickin-

Last Session's Credit Men.

By Associated Press. Memphis, June 16 .- The last day's Havana, June 16.-Since midnight; session of the National Convention of the condition of General Maximo Credit Men was opened by an address by Wm. A. Pendergrast, of New York, is now apparently that the gangrene on "An Enduring National Bankruptcy hours of the morning. The dying

> Three New Cases of Fever. Washington, June 16.—Governor Ma-

goon reports three new cases of yellow fever and one death on the Isthmus.

PAYS PENALTY

Young Man is Hanged This Morning for the Murder of His Girl Wife. Burst Into Tears as He Statement.

By Associated Press. aged 21 years, was hanged today for cident an hour later. At 9:45 o'clock the murder of his girl wife last Jan-this morning the track was clear and The report was current that the indict- Edwards, wife of the murdered man, uary. He strangled her with a piece all trains were moving as usual. No. have practically been vetoed whose testimony convicted Greason of ribbon. Botts' mother wanted to 39, this morning was delayed about an over three years ago, today completely attend the execution, but he said: hour and No. 35 last night was de-

When Botts mounted the scaffold were delayed because of the accident. Was Captain of Company Known as His death warrant was issued ten and faced the crowd the air of bravtimes and the case developed into one ado which he had maintained was of the most remarkable murder trials abandoned and he burst into tears. found this afternoon buried beneath

"For all the sins I have committed

A SPIKE CAUSES WRECK OF NO. 40

Passenger Train No. 40 Derailed Near Kings Mountain Last Night. Engineer Cauble Dead and His Negro Fireman is Missing.

Family of Engineer Cauble Provided With a Special Train Out of Greenville. They Reached His Bedside Too Late to See Him Alive.

Passenger train No. 40 due in Charlote last night at 10:10 o'clock, was derailed at a point one mile north of Department Declines to Say When King's Mountain last night at about 9 o'clock.

Engineer Charles L. Cauble of Greenent Hendricks of the State Insurance ville, was so badly scalded that death Department, said today that he had came to his relief at 5:20 o'clock this

Up to the noon hour today nothing could be learned as to the negro fireman, Robert Witherspoon. It is gen-Justify a Continuance in the MOTHER KILLS FOUR CHILDREN erally supposed that his body is somewhere under the wreckage, but search so far, has not disclosed the remains. Shortly before Engineer Cauble died. he made a statement to some one Kieler, Wis., June 16 .- Mrs. Paul standing beside his bed that Witherlieve that Witherspoon was hit on the that possibly he might have wandered to the woods near where the accident

The engine, tender, baggage car and express car, left the track and turned

The other cars comprising the train ty-one counts, the maximum sentence were derailed, including two Pullman M. Burns, the Montpelier, Ohio, banker, aboard were injured and the remain-

The accident to No. 40 occurred just after the train left King's Moputain. At the time Engineer Cauble was running about thirty miles an hour. As Baby in Arms She is Shot by Hus- switch leading to the Lula Cotton Mill, the "iron horse" wavered, creened to By Associated Press.
St. Paul, Ind., June 16.—Wm. Board- with it the baggage and express cars. one side and tumbled over, carrying ernor Aycock's argument this morning man, a quarryman, killed his wife with As soon as possible Conductor a revolver as she lay in bed with a Gormley and other members of the one of the most powerful and eloquent baby in her arms, then killed himself, crew went forward to render help if The tragedy is attributed to jealousy, necessary. Above the sound of escaping steam, the cries of Engineer Cauble could be heard. Brave man that he was, his agony was so excruciating he could nt help crying aloud for assistance. When found the engineer was lying in a pool of boiling hot water and the red hot steam, A. T. Brown, of Edgerton, were killed, fresh from the boiler, was being forced has approved of the findings in the two and Mrs. Rathburn fatally injured by against his back and chest. He was extricated as soon as possible and was taken to King's Mountain for treatment. Soon after arriving there Mr. Cauble expressed the wish to see his wife and two daughters. This was communicated to Superintendent P. L. son, third vice-president of the Louis- McManus and in a short while a speville and Nashville Railroad, has re- cial train was made up in Greenville signed after a service of 23 years to and Mrs. Cauble and her two daughengage in private business in the ters, Dr. Earle, her family physician, and her brother-in-law, Conductor Milton Clapp, were aboard en route to King's Mountain. But before his loved ones reached his bedside, the heart

> It was a sad scene in that little room in King's Mountain during the early engineer lay on his bed praying that God spare his life even for a few hours, that he might see his wife and little ones, who were then hastening to his bedside as fast as steam and skill could carry them

> of the brave engineer ceased to beat,

and his great sufferings were over.

But, just as the sun rose the heart ceased to beat and all was over, as far as this world is concerned. An hour later the special train bearing the family of the dead engineer rolled into the station at King's Mountain and the race against death was lost.

There seems to be little doubt but that No. 40 was wrecked. Engineer Cauble in his dying breath said that he was running 30 miles an hour and he felt the pony trucks of his engine jump and in a second his train went over. Railroad people are firmly of the opinion that a spike placed by some miscreant did the terrible work. For there was only a slight curve where Mounted the Scaffold. Made the engine left the track, the other portion of the train being on a straight stretch of track. Soon after the trouble occurred to No. 40, a wrecking train was ordered to leave Spencer. Peoria, Ill., June 16.—Otis Botts, This train arrived in Charlotte at midnight and reached the scene of the ac-"Don't do it, you'll make me lose my toured, going around by Columbia and up to Spartanburg. No other trains

> Fireman's Body Found. The body of Bob Witherspoon was

Engineer Cauble's Father. Engineer Cauble was a son of Mr. aged 69 years. He served with dis-of death and it is expected that the tinction in the late war and was cap-governor will fix the date for the exe-governor will fix the date for the exe-|Graham street. The aged father left as Lee's Rangers, and was known as postponed several months ago so she He was barely able to stand when Charlotte this morning for Greenville

Olvent; that he did not say that material furnished in the erecthereof, which had been before at the recent term of the that N. Glenn Williams had he say that this showed that might have been asked of some