

SECOND PLEA OF ABATEMENT IN WILLIAMS CASE

This Time Attorneys for the Defense Object to Juror W. A. Love, of Union County, Because He Has Only Partially Paid Taxes for 1904.

Judge Boyd Overruled Motion and Then a Continuance was Asked for. The Argument on Continuance in Progress at This Afternoon's Session.

At the reconvening of the Federal Court this morning at 11 o'clock the cases against N. Glenn Williams, the Old Nick Williams Company and D. E. Kennedy were called.

Judge Moore of Asheville presented the second plea of abatement, claiming that the bill, which is the one found by the Charlotte grand jury, should be quashed, because one of the jurors, Mr. W. A. Love, of Union County, had only paid a portion of his taxes, and was, therefore, ineligible to serve on the jury.

After more than an hour's argument, in which the court took part, Judge Boyd overruled the motion and ordered that the hearing of evidence proceed.

Just as the counsel for the defense began to call their witnesses the hour for adjournment having arrived, the court took a recess until 2:30.

At the appointed hour the counsel for the defense were on hand, but District Attorney Holton was not. The hour of 3 o'clock arrived and still court had not convened.

At 3:45 Judge Moore addresses the court and asked that the case against the defendants be continued on account of the absence of several very important witnesses.

Judge Boyd stated that if the defense wished any witnesses in North Carolina or the United States the power of the court would be used to bring such witnesses in to court.

At 4 o'clock the argument for continuance was still in progress. The general impression is that the case will be heard here and at this sitting of the court.

Another Plea of Abatement. The plea of abatement as read by Judge Moore, of Asheville, follows: United States vs. Old Nick Williams Company, N. Glenn Williams and D. E. Kennedy. Plea in Abatement.

The defendants, Old Nick Williams Co., N. Glenn Williams and D. E. Kennedy, in the above entitled action, in their own proper persons, cometh now to court here and, having heard the indictment returned herein against them, read, say, and each for himself, says:

That this court ought not to take cognizance of the matters and things charged in said indictment, because, trusting that they are not guilty of said charges, or any of them, nevertheless they say that the grand jury which returned said bill of indictment into court as a true bill, was not composed of persons authorized by law to act as such grand jurors, for that one W. A. Love was drawn, sworn and charged as one of said grand jurors, and constituted a member of the body of said grand jury, and, as such, took an active part in the deliberations of said grand jury upon said bill of indictment, and concurred with his fellow grand jurors in finding the same to be a true bill; and that the said W. A. Love, at the time he was drawn, sworn and charged as such grand juror, as aforesaid, and at the time he, the said W. A. Love, constituted a member of the body of said grand jury, as aforesaid, and at the time when the said W. A. Love took an active part in the deliberations of said grand jury upon said bill of indictment, and concurred with his fellow grand jurors in finding the same to be a true bill, he was not a citizen of the State of North Carolina, in the County of Union, in the Western District of North Carolina, and, during all of the time he was an owner of property subject to taxation in the State of North Carolina, for both State and County purposes, and was liable to the State of North Carolina and said County for the State and County taxes upon said property, for each and every year of the period he owned said property, as aforesaid, including the year preceding that in which it is alleged that said bill of indictment was returned into open court, and for the year preceding that in which the State and County taxes of the State of North Carolina and the County of Union had, at the time it is alleged that said bill of indictment was returned into open court, as aforesaid, been last appraised and assessed; that the said W. A. Love, at the time he acted as such grand juror, and as such acted upon said bill of indictment, as aforesaid, had not paid his State and County taxes upon said property for the year in which he acted as such grand juror, as aforesaid, or for the year preceding that in which the State and County taxes of the State of North Carolina and County of Union, had been last appraised and assessed, or for the year preceding the first Monday of June, A. D., 1905, the day on which the Commissioners of said County did, as required by law, select the names of persons to act and serve as jurors in the courts of the State of North Carolina, and this they, the said defendants, Old Nick Williams Company, N. Glenn Williams and D. E. Kennedy, are ready to verify.

Wherefore, they pray judgement of said indictment and that the same may be quashed and abated.

Five Jurors in Contempt. Judge James E. Boyd of the federal court has entered a rule against the five jurors who, it is said, divulged certain secrets in the Williams case. The order and rule follows: In the District Court of the United States, of the Western District of North Carolina--At Charlotte. The United States vs. Old Nick Williams Company, Glenn Williams and D. E. Kennedy--Order.

In this case, the indictment having been returned as a true bill by the jury at April Term, 1905, of this Court at Statesville, which said Grand Jury as appears of record, was duly sworn and charged as required by law; and it now being made known to the Court that J. L. Sherrill, C. F. Atwell, W. A. Caudle, A. M. Cruse, A. L. Kennedy, who were members of the said grand jury, and who were duly sworn by taking oath required by law as such grand jurors, and who were present, and acting as such grand jurors, and as members of the said grand jury at April Term, 1905, of the District Court of the United States for the Western District of North Carolina, at Statesville, as aforesaid, participated in the investigation of the charges set forth in the indictment, and together with the other members of said grand jury, heard the evidence of the witnesses sent upon the same, and considered and passed upon the evidence and the matters charged in said indictment, which was returned, in open Court, as a true bill, and properly endorsed by the foreman, have, since the said term, and in violation of their oaths and obligations resting upon them, and each of them as members of the grand jury, disclosed, divulged and voluntarily made known to the defendants in the above case, and to the attorneys of the said defendants, or to some of them, and have voluntarily, and upon their own volition, made public their own counsel and that of their fellows, concerning the proceedings and occurrences before the grand jury in the investigation, consideration and action upon the said indictment; and did wilfully disregard the obligation and injunction of secrecy which was resting upon them, and which they were sworn to observe and keep. It is therefore ordered that a rule be entered against the said J. L. Sherrill, C. F. Atwell, W. A. Caudle, A. M. Cruse and A. L. Kennedy, grand jurors as aforesaid, and that the same be issued, commanding and requiring the said J. L. Sherrill, C. F. Atwell, W. A. Caudle, A. M. Cruse, and A. L. Kennedy, grand jurors as aforesaid, to appear before this Court, now sitting in Charlotte, on the 22d day of June, 1905, and then and there show cause, each of them, if any he have, why he should not be attached for contempt of Court.

The Clerk will enter this order and certify a copy under seal for service upon each one of said grand jurors; and that the delivery of such copy to the grand jurors shall be sufficient service of this rule. This the 19th day of June, 1905. A true copy; Teste: H. C. COWLES, Clerk. JAS. E. BOYD, U. S. Judge.

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LIGHTNING MELTS ICE. Armor & Co.'s Plant at Pewaukee, Wis., Damaged to Extent of \$225,000.

Pewaukee, Wis., June 19.—Armor & Co.'s ice houses were struck by lightning last night and destroyed, melting lightning set all of the houses on fire superintendent, the barns and the boarding house of 50 rooms were also destroyed. The loss is \$225,000.

Each of the great ice houses was protected by a water tank, but the lightning set all of the houses on fire at once and the water tanks were useless.

MUCH SUFFERING FROM HEAT WAVE. Weather in New York, Pittsburgh and other Northern Cities, Breaks all Records for June, Many Prostrations and Several Deaths.

By Associated Press. Pittsburgh, June 19.—At noon the thermometer registered 89 and is still rising. Street thermometers are six to eight degrees higher. Last night was the hottest June night on record. One death and several prostrations are reported.

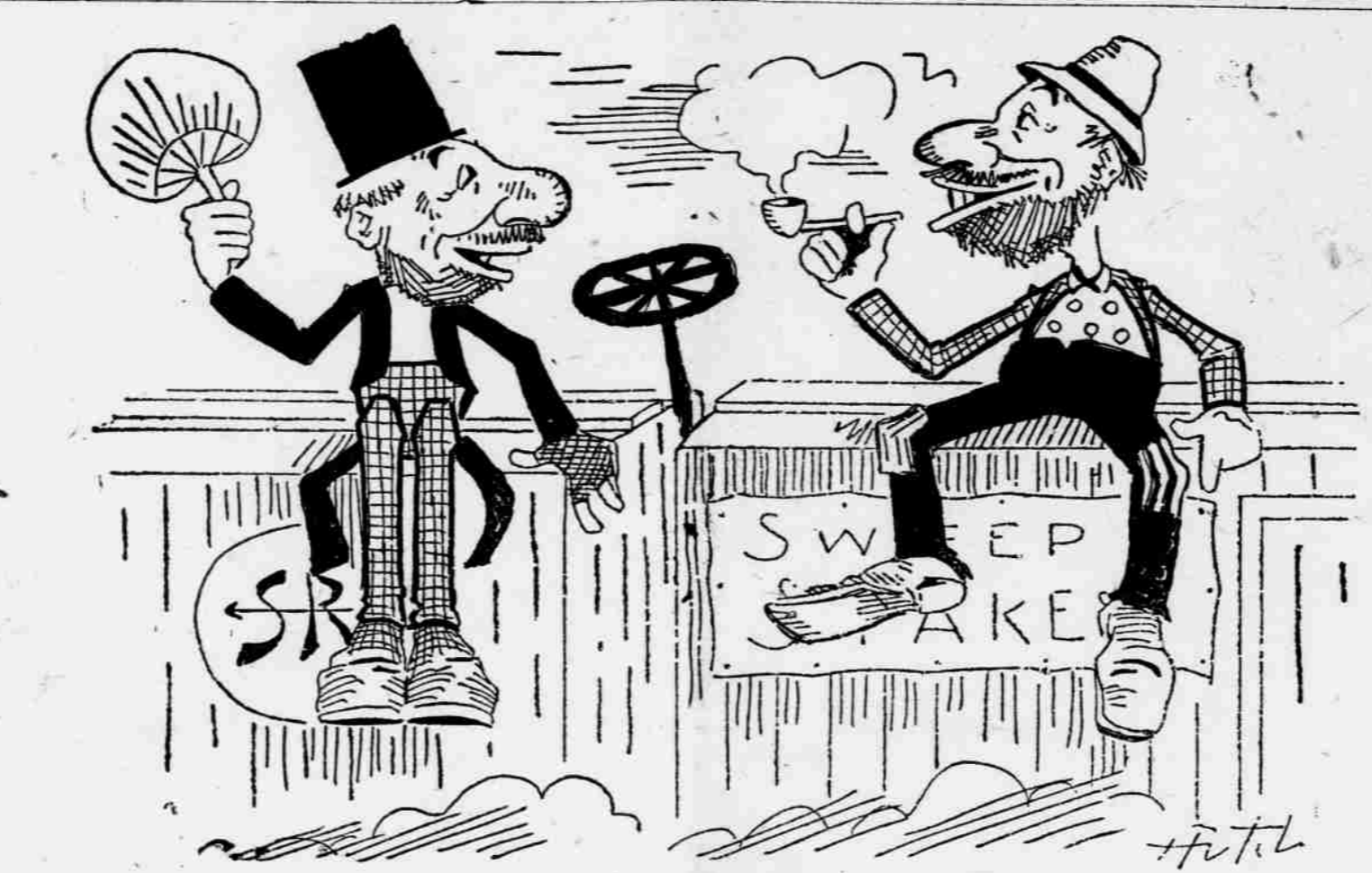
Six Deaths in Pittsburgh. Pittsburgh, June 19.—The continuous high temperature was the cause yesterday of six deaths and three prostrations. For the first time in its history the W. DeWees wood mill of the American Sheet Steel Company, was closed yesterday on account of excessive heat. The shutdown will last a week.

Hot Sunday in New York. New York, June 19.—One death, that of Miss Josie Bernard, who lived on the upper East Side, and a number of prostrations, besides much suffering from the excessive heat in New York and the vicinity yesterday. At 4 o'clock yesterday afternoon the thermometer registered 89 on the roof of the weather bureau building. In the streets it was several degrees higher. It was the hottest June 18 in twenty-five years.

Prominent Attorney Suicides. Grand Rapids, Mich., June 19.—William M. Graham, a prominent and wealthy attorney, shot himself. He has been suffering from insomnia and a nervous breakdown and is believed to have been temporarily insane. Graham had extensive business interests in the South and West.

Commission Firm Fails. Chicago, June 19.—Fife, Mason & Co., a grain commission firm prominent on the Board of Trade, went into the hands of a receiver today.

Fife, Mason & Co. are involved \$70,000 or \$80,000. The firm recently favored the bear side in corn.



APROPOS OF THE BLOCK SYSTEM. Piedmont Pete--Say, Willie, arn't you glad de Southern has adopted de block system? His Pard--Lord, yes. We tourists have dat feeling of safety now dat we wouldn't otherwise have.

BOILER EXPLOSION CAUSES 2 DEATHS

Four Others are in a Serious Condition and Twenty Have Sustained Slight Wounds from the Shower of Shattered Steel and Steam.

By Associated Press. New York, June 19.—Two deaths have already resulted from a shower of shattered steel and the clouds of steam which followed a boiler explosion near the banks of the Hudson river, on upper West Side yesterday. The victims are Joseph Morgan, a colored freeman, and Frank Marone, who was swimming in the river when the shower of debris fell over the water.

Four others are in a serious condition, and twenty are at their homes. Two men are under arrest, pending investigation.

By the wrecking of the plant the work of completing the boring for the tunnel through the solid rock from One Hundred and Forty-eighth street to Fort George may be delayed. One of the beams from the power house, driven high in the air, came down lengthwise, pinning three boys under it. The roof of the power house was torn into pieces which flew in a shower over the house of the West End Yacht club. The dome of the big boiler was driven high in the air and landed 300 feet away. On the verandas of the club house were more than 1,000 people when the crash came. The club members carried the injured into the club house, where they were attended to until the arrival of the ambulances.

TWO BURNED TO DEATH.

Deck Hands Meet Tragic End in Burning of Steamer. Collingwood, Ontario, June 19.—The Steamer City of Collingwood, valued at \$80,000, was burned today and two deckhands were burned to death. Several of the crew had to jump overboard into the bay, where they were rescued by the firemen.

The flames spread to the freight sheds of the Grand Trunk Railway and the contents of the docks were lost.

TANK OF NAPHTHA HIT BY LIGHTNING

Over 30,000 Barrels of the Stuff Destroyed by Fire, With a Loss of About \$200,000. Thousands of Men Called Out to Protect Property.

By Associated Press. Lima, Ohio, June 19.—A tank containing 33,600 barrels of naphtha, valued at \$5 a barrel, was struck by lightning today and the fire whistle of the Standard Oil Company's refinery brought 1,000 men to protect other property. Less than 1,000 barrels of oil could be pumped from the tank before it became too hot to handle, and the loss is figured at nearly \$200,000.

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CHINESE BOYCOTT AMERICAN GOODS GATHERS FORCE

Two Important Meetings Held in the Interest of the Anti-American Propaganda, Resulting in the Adoption of Resolution of Significance.

Representatives of Commercial Guilds in Seventeen Provinces Have Signed an Agreement Under Bond Not to Buy American Manufactured Articles.

By Associated Press. Tientsin, June 19.—Two important meetings were held yesterday in the Native City in connection with the anti-American propaganda. The meetings were attended by six hundred students representing 26 colleges. Ten resolutions were passed, of which the more important were the following:

To boycott American goods; to stimulate Chinese manufacturers; to circulate anti-American literature and record the resolutions. The other bodies representing two hundred members from the commercial guilds of seventeen provinces have signed an agreement under the mutual bond to forfeit fifty thousand Taels, if any member is reported purchasing American goods.

JAPS ARE ADVANCING.

Russians Are Flanked Out of Their Former Positions After a Hard Fight.

By Associated Press. Lidiapudsey, Manchuria, June 19.—The Japanese are advancing from the center and westward and are driving in the Russian screens south of Pailun. Further west they turned the Russian extreme right at Liayang Chung Peng Saturday night, flanking the Russians out of their position after a night of long fight.

General Mitchenka's cavalry subsequently retrieved some of the lost ground. During Mitchenko's operations, Prince Frederick Leopold, of Prussia, representing Emperor William of the Russian army, received his baptism of fire.

According to information received at headquarters, the Japanese are moving northwest from Korea in three columns, which include fifty thousand infantry and corresponding forces of cavalry and field and mountain artillery. These columns are heading for Chutsami, Knesan and Kenschan, to complete the line of Oyamas army stretching from the Mongolian frontier to the sea of Japan.

BREAK IN STRIKERS' RANKS.

Many Employees Apply Individually for Former Positions. Chicago, June 19.—A pronounced break in the ranks of the strikers has occurred. For the first time since the strike began there were numerous instances where the striking teamsters applied individually for former positions without waiting for the strike to be formally declared off. This was especially true at the lumber yards.

AMERICAN SCHOONER WINS.

In the Yacht Race the American Schooner Atlantic Makes the Run First. By Associated Press. Island of Heligoland, June 19.—The American schooner-yacht, Atlantic, won the race for the auxiliary yachts from Dover to Heligoland in 41 hours, 26 minutes and 24 seconds. The annual race from Dover to Heligoland was won by the German schooner-yacht, Susanne. The German yawl, Therese, was second and the American-built schooner-yacht, Navahoe, third.

KILLED BY TRAIN AT SALISBURY

Thomas Carr, a Well Known Citizen of Rowan County, Struck and Mangled by a Southern Fruit Train. Horse He was Driving Also Killed.

Special to The News. Salisbury, June 19.—Mr. Thomas Carr, a well-known citizen of Rowan county, was instantly killed here Saturday night by being struck by a north-bound peach train on the Southern railway. The accident occurred at a street crossing in the southern section of the city, and death came with only a moment's notice.

Mr. Carr, it is thought, was on his way home and attempted to cross ahead of the train, which was approaching at a rate of about thirty miles an hour. Engineer W. A. Kizzard, of Spencer, one of the safest men on the road, was at the throttle and did not observe Mr. Carr nor the team he was driving in time to even slow up his train. Mr. Carr, the horse and vehicle were literally torn into atoms by the terrific blow of the iron steed. Fragments of the dead bodies were scattered in all directions and lodged high upon the locomotive.

No blame attaches to the train crew in connection with the unfortunate affair.

CAPT RUFUS ROBERTS DEAD.

Aged and Respected Citizen of Shelby Breaths His Last. Brave Confederate Soldier. Shelby, June 19.—Capt. Rufus Roberts died Sunday night at the home of his son, Mr. J. Frank Roberts, after a lingering illness of several months with a complication of diseases. Captain Roberts was a brave Confederate soldier and made a fine record. Deceased was 78 years old, was a conscientious member of the Methodist church at Patterson Springs, was twice married and his last wife and two children are left to mourn his death.

The funeral will be conducted by his pastor, Rev. B. A. Yorke, assisted by Rev. George D. Harman, at Patterson Springs, Tuesday morning at 10:00 o'clock.

Sons of Veterans' Encampment.

Watertown, N. J., June 19.—The twenty-second annual encampment of the Sons of Veterans and the fourteenth annual encampment of the auxiliary of the Sons of Veterans opened a three-days session in this city today. One hundred camps were represented by the 150 delegates present. The day was devoted to preliminary routine business.



The Originator of the North Carolina Cabbage Snake Story.

MID-AUGUST THE TIME.

Date of Peace Conference in Washington Has Been Finally Decided Upon. By Associated Press.

Washington, June 19.—Russia and Japan have tentatively decided to appoint their plenipotentiaries to represent them in the Washington conference. M. Nelidoff, it is understood, has already accepted the chairmanship of the Russian commission and is being consulted about the selection of his associates, but Washington has not heard yet whether Marquis Ito's health will permit him to come as the ranking Japanese plenipotentiary. The belief here is that Field Marshal Yamagata will be designated in Ito's place, should the marquis be unable to accept. It is expected that the conference will convene here about the middle of August.

Pending the official announcement of the plenipotentiaries little progress toward the arrangement of an armistice is being attempted on either side. Japan will not take the initiative in requesting an armistice. It is improbable, however, that she would insist on Russia's making the request. It is generally expected that when the missions have been announced, the President will suggest to the belligerents the advisability of a limited truce, and that this suggestion will be accepted. Instructions will then go to Linevitch and Oyama to sign an armistice. The whole question of an armistice has been informally discussed at the White House, and the belief in diplomatic circles is that there will not be a hitch on this score. Japan prefers that the armistice shall be signed in the field by the Russian and Japanese commanders and there are indications that this will find approval in St. Petersburg.

ALL BEHIND THE BARS.

Father and Three Children Have Been Placed in Jail.

Oakley Henderson, the small negro boy who evaded the police Friday night when his father, brother, and sister were arrested in Codytown, charged with pillaging houses, was apprehended this morning by Chief Irwin. The arrest was made on West Fourth street, and at the time the youngster had in his possession a clock which he confessed stealing from a residence in Dilworth, and four chickens. The chickens were identified by Louis Perry.

NORMAL SCHOOLS FOR NEGRO RACE

State Board of Education Hears Arguments Favoring a Consolidation of the Four Schools. Many New Charters Granted by the State.

Special to The News. Raleigh, June 19.—The State Board of Education devoted today to hearing delegations from the four State normal schools for negroes on the question of further consolidation of the schools. Four years ago they were reduced from six to four and now the board has announced its intention to still further consolidate the schools now maintained by the State are at Fayetteville, Clibbe City, Winston-Salem and Franklinton. The consolidation is with a view to improvement of the equipment and the efficiency. Arguments were heard today with a view to decide which of the institutions would be continued to the best advantage. The board reserved its decision.

A number of charters were issued today, among which were: White Star Co., of Winston-Salem, \$20,000 capital. Authorized \$4,000 subscribed, by E. L. Anderson, C. M. Thomas, and others. Greensboro Table and Mantle Co. to increase its capital to \$100,000, \$25,000 preferred. The Albermarle Light and Water Co. was chartered, \$5,000 paid in, by J. S. Eferd and others. The Elerbe Springs Co. of Rockingham, Richmond county, capital \$25,000; T. C. Leak incorporator to develop the Elerbe Springs property. Craggy Mountain Extract Co., of Asheville, \$125,000 capital; all kinds of wood extracts and dyes, J. S. Coleman, principal incorporator. Newton Livery Co. of Newton, \$3,000 capital; by J. C. Smith and others.

War in the Far East Has Caused Artillery Manufacturers to Be Overrun. By Associated Press. Berlin, June 19.—War in the Far East is causing such a demand for ammunition that German artillery manufacturers are overrun with orders. Krupp's Essen works have orders for delivery of three hundred guns monthly for nearly two years. The company must begin soon to construct its ninth artillery foundry.

RECAPTURED BY RUSSIANS.

Two Towns Fall Back Into the Hands of the Czar's Troops. By Associated Press. Headquarter Russian Army, Godzyanani, Manchuria, June 19.—Russian cavalry has retaken the town of Liao Yang Wopeng. The Japanese occupied the village of Sumiencheng June 16, but in the afternoon the Russians recaptured it.

AT VANDERBILT UNIVERSITY.

Two Chief Addresses of Commencement to Be Delivered by Justice Brewer and Governor Folk. By Associated Press. Nashville, June 19.—Commencement exercises began at Vanderbilt University today. The commencement address will be delivered tomorrow night by Justice Brewer of the United States Supreme Court. Governor Folk of Missouri, will deliver the alumni address tonight. A public reception will be held at the Maxwell House in honor of Justice Brewer and Governor Folk.

LIGHTNING STRIKES WAGON.

One Man Killed, Three Paralyzed and Two Others Injured. By Associated Press. Kalamazoo, Mich., June 19.—Lightning struck a wagon in which employees of a circus were sleeping at Augusta, killing Advance Agent Currier, of Flint, Mich., and injuring five others. Three of them, John C. Eigrig, Andrew Kenisei and Roy Weatherby, are paralyzed.