

A Lesser is Not Liable

Continued from page 1

tary of the fair, and Capt. T. S. Franklin, mayor of the city.

Mr. Orr testified: "I am manager of the Mecklenburg fair, and it was my duty to look after the racing, and to see that the tracks were in good condition, and to superintend any other matter connected with the fair.

"I do not know anything about any gambling at the fair. I made a request of the mayor to send a committee to the grounds to investigate the shows and the games so that I would know what to allow to run, and what to cut out. This committee reported to me that all the shows were clean, and, in consequence of this report, I allowed them to run.

"Mayor Franklin came to the grounds on Wednesday, and told me that the solicitor had said that some of the shows had to be closed. The shows which the mayor stated could run were the target shooting, the game with the tin plates and the games at which one got a piece of jewelry every time."

Mr. Orr said that he was not connected with the police department during fair week; that he had been elected chief for four months, and that during the fair he was on his vacation. He said that he had seen the "Theater" show, the Igorrotes and the "Jolly Widows from Coney Island," and that he saw nothing objectionable in those shows.

Cross-Examination.

On cross-examination, Mr. Orr said that he knew what gambling was, and that if he had seen any, he would have stopped it without having been instructed by the inspection committee. He said he had not seen the statement in the papers that the fair was to be run wide open. The witness said he saw games only in passing. He said that the committee had arranged with him to place a limit of 25 cents on all games where jewelry was given in return, and that all others were broken up; but it was very hard to keep them from springing up at another place. He said he could not stop a show unless there was complaint from some one. Witness said that Policeman McCall reported one game to him, and this was broken up at once.

The solicitor asked Mr. Orr in regard to his having the pickpockets heads re-diced. The witness said he telephoned the police department in regard to this, in behalf of the manager of the show, and he told them that he had nothing whatever to do with the matter in an official capacity.

The witness said Mayor Franklin had phoned him Saturday night before the fair that he had heard that the fair was to be run wide open, and that was the reason he asked the mayor to appoint a committee of investigation.

Secretary Creswell.

Mr. C. M. Creswell said that he was the secretary of the Fair Association, and that his duties were, for the most part, in the office and that he sold the space for the shows; that these were sold by the front foot, the costs of space being fixed according to location.

The witness said that he heard of only one complaint as losing money, and he got this man's money back and stopped the game. The witness said he saw "Thelma" and the "Gay Widows from Coney Island" and that he did not consider these indecent. He said he did not encourage indecent shows or gambling games.

Mr. Creswell was shown a circular letter, which had been sent out by the association to showmen and others, in which were the words: "We have every assurance that all games that are reasonable will be permitted this year," and, asked if at the time this letter was sent that he did not know that Mr. Shannonhouse, who had held this sort of thing down, was not recorder.

The witness said that he knew that Mr. Shannonhouse was no longer the recorder. On redirect examination, Mr. Guthrie asked the witness if he did not know that Recorder Smith was a high-toned capable man. (This question was objected to on the part of the state, but was allowed, to show that witness had not been actuated in by reason of his knowledge of recorder.)

The witness said he did not expect any favors from Chief Orr, and he did not think Recorder Smith would wink at the open conduct of the fair, any more than the former recorder.

Mayor Franklin and Col. A. L. Smith, of the police committee of the board of public safety were the next witnesses.

Col. Smith testified as to going to the Igorrote show, an dsaid he had seen the same show at the St. Louis Exposition, and he knew what it was like, and he had carried his wife to see it. He said that the dress of the Igorrotes was prescribed by the United States government, and that he did not consider it indecent.

Mayor on the Stand.
Mayor Franklin said that he had telephoned Mr. W. S. Orr on Saturday before the fair that Mr. Clarkson had said that he understood the fair was to be run wide open, and that he must not allow this. I went to the fair, and visited several of the shows, and investigated the games. The mayor said that he went in the "Merry Widow Show," and that he saw the manager, and told him that a part of the show must be cut out, and the spider must cut out the cigar talk in the front. He said that he sent several persons in this show later, and that this objectionable part had been stopped as he had ordered.

Mr. Franklin said that it was hard for him to see anything wrong going on, as the shows and keepers of the tables would get wind of his coming, and when he would get there would be nothing doing.
Mayor Franklin when cross examined by Mr. Clarkson, said: "I can hear very well, Heriot, you need not holler at me."
The mayor said that he had ordered seven or eight games broken up on Thursday.

ed seven or eight games broken up on Thursday.

Mr. W. J. Chambers, treasurer of the fair, testified as to the attendance during the week. He said that the attendance for the whole week was about 30,000.

Mr. and Mrs. Harvey Bryan have moved to the house on North Tryon street formerly occupied by Dr. Barron.

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