

# THE CONCORD TIMES.

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## KING OF ENGLAND DEAD

### ILLNESS OF ONLY ONE WEEK DEVELOPS FATAL PNEUMONIA

Had Come Peacefully—News Was Not a Surprise—Prince of Wales Automatically Succeeds to Throne, and George V Now Reigns.

London Dispatch, 7th. King Edward VII, who returned to England from a vacation ten days ago in the best of health, died at 11:45 o'clock last night in the presence of his family after an illness of less than a week, which was serious hardly more than three days.

The Prince of Wales succeeded to the throne immediately, according to the laws of the kingdom, without official ceremony. His first official act was to despatch to the Lord Mayor the announcement of his father's death, in pursuance of custom. His title is George V.

His Majesty, the King, breathed his last at 11:45 tonight in the presence of Her Majesty Queen Alexandra, the Prince and Princess of Wales, the Princess Royal, the Duchess of Devonshire, the Duchess of Argyll. The intelligence that the end of King Edward's reign had come was not a surprise at the last. The people had been expecting to hear it at any moment since the evening's bulletin was posted at Buckingham palace and flashed throughout the kingdom. The capital received it without excitement, but sadly for the King with his own people was unquestionably one of the most popular rulers in the world, they regarded him as one of the strongest forces making for the stability of the peace of the Empire. Pneumonia, following bronchitis, is believed to have been the cause of death, but the doctors thus far have refused to make a statement. Some of the King's friends are convinced that worry over the critical political situation which confronted him, with sleepless nights, aggravated it if it did not cause the fatal illness.

One of the last utterances attributed to King Edward was: "Well, it is all over; but I think I have done my duty."

He seemed then to have reached full realization that his end was fast approaching.

### Concord's Public Building.

A Washington special to the Charlotte Observer dated Friday gives the following information in regard to our proposed public building: Representative Cowles when asked the status of the Concord public building said: "I called at the Treasury department some time ago and was advised that the bids made were all under the amount of money available and the department has asked the four bidders, James Seay & Co., Petersburg, Va.; Richard & Son, Hampton, Va.; Richardson & Burgess, Washington, D. C.; and D. J. Phipps & Co., Newport News, Va., to bid on alterations in addition to what they have already considered. Supervising architect Taylor will know within ten days who will secure the contract. The amount available is \$60,000 for the building; the site cost \$10,000."

### Glass Eye Explodes.

Mr. Jake Isenhour, a machinist employed at the Spencer shops met with peculiar accident Thursday afternoon. He has an artificial eye and had been suffering some in that side of the face and was in Salisbury to see Dr. Brawley, the eye specialist, and as he ascended the stairway leading to the doctor's office the artificial eye burst with a loud report. Fortunately no injury was inflicted and Mr. Isenhour was given attention for his previous trouble and another eye will be inserted in the right socket, the one afflicted.

### Delegate to General Synod.

Mr. B. L. Umberger returned Friday night from Albemarle, where he attended the sessions of the North Carolina Lutheran Synod. Mr. Umberger was elected as one of the nine delegates to the General Synod of the church, which meets in Richmond in September. Rev. V. Y. Booser, president of the Synod, was taken suddenly ill Thursday, and the session was presided over by Vice President Shenk, from that time until the Synod adjourned.

### Lee Wright Will be Candidate for Judge.

Announcement was made in Salisbury Friday night by R. Lee Wright, a prominent member of the Salisbury bar, that he will be a candidate for the Superior court judgeship to succeed Judge B. F. Long, of Statesville, in the Tenth judicial district. The term of the latter will expire with the present year, and the nomination will be sought with a determination to win by Mr. Wright.

Miss Jessie Ward, of Asheboro, is visiting her brother, Mr. W. B. Ward

## SUPREME COURT DECISIONS.

### Handed Down Last Wednesday in the Cabarrus Cases.

News and Observer.

State vs. Dry and Blake, Cabarrus County. Remanded. Clark, C. J.

1. Indictment for murder. During selection of jury, defendant Blake requested the Court to allow him to step into adjoining room to speak to coroner. The Court, not knowing him to be one of the defendants, assented. Later, during the taking of evidence, the court discovered that he was one of the defendants. The defendant's counsel stated that they would assign error because of the absence of the defendant Blake during the selection of the jury. Court ordered a mistrial. No objection by defendants. Defendants thereupon moved for a discharge. Motion denied and appeal taken. Held, Refusal of a motion to discharge is not a final judgment, but an interlocutory order and no appeal lies. A certiorari, however, will issue and as the Attorney-General consents to prevent delay, the record will be treated as an application for and return to an order of certiorari.

2. In criminal prosecutions the defendant has the right to be present. In misdemeanors this right may be waived by defendant through his counsel with the consent of the court. In felonies other than capital it can be only waived by defendant himself. In capital trials it cannot be waived.

3. Courts have the right to order mistrials in other than capital cases in their discretion and in capital cases the court may order a mistrial when it is necessary to attain the ends of justice. In this case the court deeming it necessary to attain the end of justice, ordered a mistrial, as prisoner's counsel stated that they would contend that proceedings were absolutely void because of the temporary absence of defendant. Having ordered a mistrial upon this statement without objection, the motion for discharge of prisoner was properly overruled.

Cause is remanded that prisoner may be duly placed on trial.

### Heilig v. Railroad, Cabarrus County. New Trial. Manning, J.

1. Suit for damages for personal injuries. Upon conclusion of plaintiff's evidence, motion for non-suit granted. Evidence disclosed that plaintiff was employe of railroad and sent to Salisbury from Spencer to do certain work and in returning boarded an engine of defendant returning to Spencer; that this has been the custom of employes for nine years; that engine when reaching Spencer, ran upon a side track and plaintiff, who was standing on steps of engine, was knocked off by post on side of track; that engine was of new type and wider than ordinary engine; that post had been knocked so that it was very close to track. Held, that upon motion of non-suit the evidence is taken as true, and that upon the evidence the motion of non-suit was improperly granted. Plaintiff was directed to go to Salisbury, do certain work and return, and returning in the customary way of employes the defendant owed him safe transportation.

### Forney v. Telegraph Co. Cabarrus County. No error. Walker, J.

1. Suit for damages for mental anguish caused by negligence in the delivery of a telegram. Defendant contended that sufficient notice of claim had not been filed within sixty days after message filed for transmission. Held, that message having been filed on December 6th, 1907, and a letter notifying defendant of negligence in delivery of the telegram having been mailed on December 9th, 1907, quoting telegram and stating amount of damages, and letter being acknowledged on December 13th, 1909, the claim was filed in sixty days and the letter contains sufficient notice to defendant of the claim for damages.

2. Stipulation that claim for damages must be filed in sixty days is valid. The sixty days is counted from the time the delayed message is delivered or from time plaintiff receives notice of it.

### Painfully Hurt.

Mr. Lee Daucy, a young white man of this city, was painfully injured Thursday afternoon about 5 o'clock while removing brick from the front of the Morris building, where a number of carpenters are at work building a new front. Mr. Daucy was standing on a scaffold about ten feet high, removing brick from overhead when a large number of brick fell on the scaffold breaking it. He received a hard fall to the pavement below, striking an iron beam. His little finger was broken and he received several bad bruises on his back and arms. His injuries are very painful but are not considered as dangerous.

See the advertisement of Jno. K. Patterson & Co., insurance agents, who represent several of the strongest companies in the world.

## MR. JNO. C. SMITH DEAD.

### Former Concord Man Died Friday Afternoon at 5:15 O'clock at Asheville.

Mr. Jno. C. Smith died Friday afternoon at 5:15 o'clock after an illness of several years of consumption. Mr. Smith's death had been expected hourly for several days, and his friends here and elsewhere were prepared for the announcement. His death occurred at Asheville, where he had lived for about two years.

Mr. Smith was 36 years of age, and came to Concord 14 years ago, with his mother. He ran a restaurant for several years, and later became a grocery merchant. By his courteous treatment and friendly manner he soon won many friends and enjoyed a splendid trade. About two years ago his health failed, and he moved to Asheville hoping to be benefited. There was never any pronounced improvement, however, and for two years he made a brave fight for his life.

Mr. Smith was the only son of Mrs. T. N. Holden, and on November 27, 1900 was married to Miss Carrie Mehaffy, daughter of Mrs. J. W. Mehaffy. Both his mother and wife survive him. No children were born to Mr. and Mrs. Smith.

Mr. Smith was an honest and upright man, and was above a mean or little thing. He had a strong character and opinions of his own. Nothing could swerve him from his conception of duty. He was a consistent member of Central Methodist church during his residence in Concord. He had friends by the score, because he made himself friendly and treated everybody right.

### A SICK ONE'S COMPLAINT.

#### Concord Whistles Disturb the Sick, Says this Writer.

Mr. Editor:—I could never understand why it is necessary for so many mill whistles to blow so long about 4:30 o'clock each morning. It seems to me that there could be some arrangement made among the mills to have one mill do the blowing of whistle, is blowing is necessary at all, to awake the employes, instead of all blowing at once.

The present custom is for all to blow loud and long. This not only awakes and disturbs the sick, but the well ones also. Concord is getting too metropolitan to force the sick and well ones to endure the whistle nuisance any longer. If the managers of the mills do not of their own notion make less noise in the morning, the city authorities should pass an ordinance to prevent it, or regulate it.

### Death of an Aged Lady.

Mrs. Sarah Catherine Bost died last Wednesday at her home in No. 8 township. Mrs. Bost was one of the oldest ladies in the county, her age being 87 years, 11 months and 26 days. She was the widow of Joseph Bost, and was the mother of seven children, five of whom are living. She leaves also 34 grandchildren and 19 great-grandchildren.

Mrs. Bost was catechised at the old Red church (now St. John's) and later joined Cold Springs Methodist church. She was a most excellent woman, and leaves the heritage of a good name to her children and posterity.

The funeral service was conducted at St. John's Thursday afternoon by Rev. N. R. Richardson, of Mt. Pleasant, in the presence of many people, and the burial took place there.

### Halley's Comet.

Several people report that they got good views of the famous comet this morning about 4 o'clock. The Washington Herald says: "The comet is not visible to the naked eye at this time, save under most favorable atmospheric conditions. Venus, it appears, is now often mistaken for the comet by sight-seers who rise early in the hope of catching a glimpse of the stranger in the sky. Unless the tail is apparent, it is not the comet."

The Naval Observatory authorities say that Washington has as yet had few, if any, opportunities to see the visitor. Good observations are reported from sea.

The Bishops of the General Conference of the Methodist Church now in session at Asheville, oppose letting women have seat in the law-making body of the church. Just suppose the women should quit taking the humble seats in the churches? How long before they would all be closed?—News and Observer.

Charlotte Chronicle: "Monday next has been appointed as cleaning-up day in Concord. The city has offered \$75 in cash as prizes and this has been supplemented by an equal amount by the merchants making \$150 in all. The scheme is a good one and Concord will find that the money was well spent."—increase since 1900 of 1,126,401.

## A REMARKABLE RECORD IN SCHOOL.

### Mr. William M. Sherrill Goes Through Entire Graded School Course Here Without Missing a Day or Even Being Tardy.

The Charlotte Observer of Sunday contains a cut of Mr. William M. Sherrill, of Concord, accompanied by the following statement of facts concerning the record he has made at school:

"The subject of this sketch, Mr. William Montgomery Sherrill, the 16-year-old son of Mr. J. B. Sherrill, editor of The Concord Times and Secretary of The North Carolina Press Association, has made the remarkable record of completing the entire graded school course of ten years of the Concord graded school without ever having missed a day or even having been tardy a single time. He will graduate at the graded school Tuesday, May 10, and expects to enter Trinity College next fall. He is a grandson of ex-Judge W. J. Montgomery, of Concord, and of the late Rev. M. V. Sherrill, of the Western North Carolina Conference.

"Another remarkable fact is that this is the third member of Mr. Sherrill's family who has made the same record. The first one was Miss Mary Lilly Sherrill, now Mrs. D. B. Privett, of Mebane, and the second one was Miss Anna Douglass Sherrill, of Concord, both of whom graduated at the graded school there without having missed a day or having been tardy a single time. It is probable that there is not another family in the United States that has made such a record.

"Besides establishing such a remarkable record for attendance and being punctual, young Sherrill has made a splendid scholarship record and will graduate near the head of his class.

"Mr. Sherrill also takes an active part in all athletics of his school and has been a member of both the baseball and football teams. He is a strong, robust young man, a fast runner and very active, and will no doubt develop into a good athlete during his college course.

"On account of his remarkable record in every department of the school work, his friends predict that his career at Trinity will be one of honor and distinction."

It is but fair to state that the first named, Miss Mary Lilly Sherrill, attended the graded school only the last five years of the course, but after she started to the school she never missed a day and was never tardy.

### Unpaid Poll Taxes in this County.

There are two hundred and ninety-seven citizens in this county who have not paid their poll tax and will not be allowed to vote in the election this fall. The following is a list of the townships and the number of voters who have not paid their poll tax:

Township No. 1—13.
Township No. 2—30.
Township No. 3—5.
Township No. 4—75.
Township No. 5—6.
Township No. 6—5.
Township No. 7—5.
Township No. 8—8.
Township No. 9—12.
Township No. 10—19.
Township No. 11—35.
Ward 1—47.
Ward 2—44.
Ward 3—5.
Ward 4—18.

### Memorial Day Exercises.

The committee on arrangement for the Memorial Day exercises request all the children to meet at the court house tomorrow promptly at 12 o'clock during the recess of court. The following program has been arranged:

Decorations of the monument by the children.  
Song—The Veterans Choir.  
Address—Rev. Dr. J. M. Grier.  
Song—By the Children.  
Presentation of Crosses of Honor by Mrs. W. J. Montgomery on behalf of the Daughters of the Confederacy.  
Song—The Veterans Choir.  
Song—By the children.

### Bitten by a Mad Dog.

Zeb Gray, the six-year-old son of Mr. B. S. Gray, who lives on Young street, was bitten by a mad dog last Sunday. The head of the dog was sent on the first train to the Pasteur department of the State Board of Agriculture, and advice was received Monday that the dog had rabies. The little boy was taken to Raleigh Monday night for treatment.

Thursday about 1 o'clock, a m. a drunken man got on the front porch at Mr. R. A. Brower's and thought he was at his home. He made several attempts to open the door, and finally said: "Jennie, ain't you never going to let me in?" Mr. Brower telephoned to the police station for an officer, who took the offender and locked him up.

Tickets went on sale for Paul Gilmore in the "Mummy and the Humming Bird," at Gibson Drug Store this morning.

## COMMENCEMENT EXERCISES BEGIN.

### Annual Sermon Yesterday by Rev. Plato Durham—Annual Address Tonight by Rev. T. A. Smoot.

There were no services at the different churches of the city yesterday morning, the members of the different congregations gathering at the Central graded school to attend the opening of the commencement of the institution.

The services were opened with the long meter doxology by the choir and audience, with Mr. R. P. Belfson presiding at the piano, followed by a prayer by Rev. S. N. Watson, pastor of the First Baptist church. Next was a song, "How Firm a Foundation." The scripture lesson was read by Rev. S. N. Kuhns, pastor of the St. James Lutheran church, which was followed by a prayer by Rev. Dr. J. M. Grier, after which the congregation sang, "The Son of God Goes Forth to War." Prof. J. D. Lentz introduced to the audience, Rev. P. T. Durham, pastor of Central Methodist church, who delivered the annual sermon to the graduating class, taking as his text the 20th verse of the 11th chapter of Matthew.

At the close of Mr. Durham's excellent discourse the congregation was led in prayer by Rev. W. L. Hutebins, after which the benediction was pronounced by Rev. Dr. Grier.

Superintendent J. D. Lentz announced that the exercises would begin promptly at 8 o'clock tonight, when Rev. T. A. Smoot, of Wilmington, will deliver the annual literary address. The graduating exercises will take place tomorrow night at 7:30 o'clock.

The following is the program of the exercises Monday evening:

Prayer.  
Presentations of certificates—Dr. J. E. Smoot, chairman of school board.

Annual Address—Rev. Thomas A. Smoot, of Wilmington, N. C.  
Rev. T. A. Smoot, of Wilmington, will arrive Monday morning and deliver the literary address Monday night. Mr. Smoot has been elected a delegate to the Laymen's Conference, which meets in Edinburg, Scotland, in June. He is a delegate from Grace Street church, Wilmington. He will also visit other places of interest while abroad. He is one of the foremost young ministers in the State, and those who hear him Monday night will be fortunate.

A suggestion has been made that on account of the hundreds of people that will gather in the big auditorium to attend the exercises that all the ladies leave their big hats at home or else remove them.

## PERSONAL MENTION.

### Some of the People Here and Else-Where Who Come and Go.

Mrs. Jno. C. Smith will leave Wednesday for Asheville.

Mr. E. C. Barnhardt spent yesterday afternoon in Charlotte.

Mr. Victor Smith, of Birmingham, Ala., spent yesterday in the city.

Miss Pearl Boger, of Elizabeth College, is visiting her father, Mr. M. Boger.

Messrs. T. D. Maness, W. A. Foil and C. E. Boger spent yesterday afternoon in Salisbury.

Mrs. T. A. Holden will leave tomorrow for Richfield, Stanly county, to spend a day before returning to Asheville.

Mrs. J. B. Douglass, of Winston-Salem, is visiting her parents, Mr. and Mrs. J. W. Cannon.

Mr. Theodore Smith spent Sunday and Monday in Concord. Mr. Smith is now special designer for the big printing firm of J. P. Bell & Co., of Lynchburg, and is now on a trip for his firm.

Rev. and Mrs. S. N. Watson will leave tonight for Baltimore to spend this week and part of next. Mr. Watson will attend the Southern Baptist Convention which meets in Baltimore Wednesday evening.

Mrs. D. B. Coltrane and Miss Lily Howe will spend tomorrow at Gastonia with Mrs. Garrison. Mrs. Coltrane will then go to Asheville to attend General Conference, and Miss Howe will go to her home in Kentucky.

Much regret is expressed that Paul Gilmore will be here on the same night that the graduating exercises take place at the Central school, as many people want to go to both. It is hoped that an arrangement can be made for the commencement exercises to begin a little earlier and for the performance at the opera house not to begin until 9 o'clock.

The Ivey Shoe Co., "The Home of Good Shoes," have a new ad in this paper.

H. B. Wilkinson & Co. call your especial attention in a new ad today to their rug department.

## THE SUPERIOR COURT.

### Judge Pell Holds His First Term and Makes Fine Impression.

The May term of Cabarrus Superior court convened this morning with Judge George P. Pell, of Winston-Salem, presiding. This is Judge Pell's first court since he was appointed to succeed Judge Jones, who recently resigned. There was much interest here on the part of our citizens for this reason, and the court house was crowded to hear Judge Pell's charge to the grand jury.

His charge to the grand jury was clear and forceful and made a splendid impression upon the large crowd of Cabarrus citizens present.

He let the grand jurors understand that their position was one of dignity, or responsibility, and of hard work, if their duties were properly performed. He spoke of the history of the county, and how its sons had distinguished themselves in the cause of liberty, recalled the daring deeds of the "Black Boys of Cabarrus" and remarked "being sons of such sires surely you will keep the oath you have just taken inviolate and do all in your power to promote peace and good order of society in this great country."

"So many citizens whom people understand are good citizens try to evade jury duty. Just think of it, trying to evade serving their State for a week when there are standing around here men who have faced death on the battlefields for four long years for their State and country."

Judge Pell reviewed the jurisdiction of the various courts and paid his respects to the magistrates who wrongly take jurisdiction and who allow men accused to submit and pay a fine without the presence of a State's witness. He then went off into a treatise of the criminal law, taking up such crimes as are important and those of most frequent occurrence.

Judge Pell stated to them that he would not argue to the jury as to whether a law was a good law or not, and it was not the business of the grand jury to decide whether or not certain laws were good laws or whether certain laws were bad laws, that the laws were on the statute books and were passed by the sovereign people of North Carolina and it was the duty of the grand jury to endeavor to find out if these laws had been violated and to bring indictment against those who had violated them.

Judge Pell instructed the grand jury to visit the jail, chain gang, and the county home, and called their attention to the necessity for such institutions in every county. He also called to the attention of the grand jury the importance of keeping these institutions clean and sanitary. He instructed them to visit these institutions and inspect the bed clothing of these places and to see that none of the inmates were forced to sleep on blankets or any other dirty linen that contain germs that would impair their health.

Judge Pell presides over the court in a quiet, dignified manner, and has made a splendid impression on the people of our county.

The grand jury is composed of the following citizens: Jno. L. Ervin, Jas. L. Laffer, J. H. Rinehardt, M. M. Sims, J. C. P. Cochran, Chas. T. Barriker, R. L. Walthall, W. R. Archibald, W. A. G. Barringer, J. H. Barriker, C. B. Dry, J. M. Shoe, E. M. Dry, G. E. McKinley, G. H. Borer, W. O. Cochran, E. G. Lipe and L. E. Dorton. Petit Jury: G. E. Kizer, B. A. Moore, H. A. Greaber, G. W. Dwy, J. B. Gourley, S. C. Klutz, D. M. Eudy, C. M. Mauldin, R. L. Smith, C. E. Mauldin, C. W. Earnhardt and Artis Cain. Jno. L. Ervin is foreman.

Several defendants who are under bond for good conduct made their appearance and proved to the court that they were living according to the laws of the land and after each one had been examined those whose time was out were dismissed and all the others were excused until next court.

R. A. Hubbard, of Kannapolis, plead guilty to an assault on W. A. Duckworth and was fined \$25 and cost.

### Another Public High School.

A meeting of the citizens of No. 4 township was held at the Winecoff school house Friday night and it was decided to establish a high school in connection with this school to begin with the session next fall. There will be three teachers, one in the high school and two in the lower grades. The high school will run seven months and the other lower grades six. There are ten pupils in the school now who will enter the high school when it starts. This will make the second high school in this county, the other being at Rocky River.

Mr. Jacob E. Carter, of Hillsboro, spent several days here last week with his family, and left Friday for Hillsboro. His daughter, Miss Grace, accompanied him. Mrs. Carter and the other children will leave next Tuesday to join them, and the family will hereafter make Hillsboro their home.