

THE JURY GIVES GATTIS A VERDICT FOR \$15,000

All Issues Found Against Kilgo and Duke—No Damages Awarded Against Odell

damage for injury to character, mental suffering, etc. In conclusion he urged the jury to remember that in the eyes of the law the poor and aged are as good as the high and the mighty.

Ex-Judge Graham concluded his argument at 11:30 o'clock and after a few minutes intermission Ex-Judge R. W. Winston of counsel for the defense began the closing speech.

It being the last of seven arguments—a summing up of the whole matter—the defendants' counsel regarded the speech as a matter of great importance.

In his opening remarks Judge Winston congratulated the jury upon the near approach of the end. He said, "So near was the approach of the end that he began to fear that he would have to change his speech to a sermon and promised the jurymen that he would not be in the way of their seeing their wives and children or sweethearts Sunday morning if they would only agree readily upon a verdict."

Coming to the discussion of the case he declared it to be very extraordinary, and he proposed to show it as clearly as possible. He emphasized the array of legal talent employed in the case, especially the counsel for the plaintiff.

No one is trying to run over Gattis here, he said, and no one wants to impose upon him. Even if there was a disposition to do so he had ample counsel to protect him so far as his misconduct did not lay him liable.

Judge Winston ridiculed the idea suggested by the counsel for plaintiff that there was an arraying of the rich against the poor in the conduct of the trial or that the rich should be favored as against the poor.

He charged Major Guthrie's argument for plaintiff with having been especially pregnant with class prejudice. Said he (Guthrie) took the lion's skin of the American Tobacco Company and put it on an ass's frame.

The Gattis vs. Kilgo case was represented by Judge Winston, the attorney for the plaintiff, in the Washington Duke building at Trinity College. He called over a list of the witnesses, all of whom had been brought to Oxford by the plaintiff, designating the home of each, and exclaimed: "Not a single solitary witness has his home in the good old county of Granville named for the Earl of Granville way back in the sixteenth century. Where does old Granville come in his case? I will tell you, she comes in by freight!"

Libel suits don't flourish in Granville county in North Carolina, said Judge Winston. There was one case tried something like this once, but it went out of the court.

In impressing upon the jury some idea of the court expenses piled up in that county by the suit he referred to the twelve days through which the former trial continued and the six days already consumed by the evidence heard and the magnitude of the evidence heard and the excluded was referred to, the assertion being made that the Judge's rulings in this respect had wiped out any vestige of support which the case of the plaintiff might have had before.

The suit is a twice told tale, "a last year's bird's nest," "the last rose of summer."

"This is the reason, said Judge Winston, that we lounge while our brethren of the plaintiff's counsel eulogized a 'dead corpse with living eloquence.' All their eloquence can't galvanize it into life.

He reviewed Dr. Kilgo's record prior to his coming to North Carolina in 1894. How he came from a line of preachers, worked himself through college, entered the University, was made preaching elder of his district, called to perform the arduous task of putting Wofford College on its feet financially, performing the task with so much success that the college trustees honored him by electing him to a chair in the college. Then how he was sent to the general counsel of his church and his fame spread abroad.

Then his path and that of Gattis crossed. Gattis said, "I am glad to see you Brother Kilgo," and Kilgo said, "I am glad to see you Brother Gattis." After a while Gattis told Kilgo he wanted to be a co-partner. He told how Kilgo

went with him to South Carolina, secured the appointment for him. Then how Gattis came back, proclaimed the ovation with which South Carolina Methodists received Kilgo on the visit. Declared to various brethren that Trinity trustees had made no mistake in electing Kilgo. Extolled Kilgo everywhere.

Judge Winston then told of a change which came over Gattis' dreams. His chambered conversation with Rev. Underwood and others of the brethren, his confidential conversation with Judge Clark, pictured Gattis camping on Kilgo's trail, and yet Kilgo had done him no harm and an immense amount of good.

Gattis had an immense amount of money, he said, and he had a large number of students at the University. Dr. Kilgo thought that the state ought not to give the young men in the University \$10 each and the boys in the public schools \$1 or \$1.50. Gattis disagreed with him. But many good men regarded the question as Kilgo did—in fact the presidents of all the denominational colleges did.

Judge Winston declared that he himself disagreed with Kilgo very decidedly—he was a University man—but he did not condemn Kilgo for his position. Dr. Kilgo was taking the part of the boys in the log cabins.

In referring to the testimony presented by the plaintiff against Kilgo's character, Judge Winston said there were only two witnesses, Judge Shurt and one Ligon of South Carolina. Judge Shurt admitted that he never knew Kilgo and Bishop Duncan of South Carolina, says Rev. Ligon is one of the holiness crowd down there and is at odds with Dr. Kilgo on that score.

Judge Clark had said: "Give me a month and I will down Kilgo's character in South Carolina. Here it had been over three years and not a single witness had been presented.

He had said he would hoist a petard and blow Kilgo out of the water. They (Clark and Gattis) had come into a mountain in labor and brought forth a mouse.

Seventeen good and true witnesses had testified to Kilgo's high character according to the evidence of the plaintiff and only two against it. The Trinity trustees had tried the Clark-Kilgo case, and endorsed Kilgo to a man.

He argued that the suit was not brought against all trustees because that would have shown their hand as it is raised against Trinity College.

He read from the twenty-first chapter of Matthew as to the biblical method of settling differences between brethren in the church, showed that this was the method which Kilgo and other of the Methodist brethren had urged to reconcile the Gattis-Kilgo difficulty. He reviewed the effort as testified by Rev. Mr. Swindell, to get Gattis to allow Kilgo to make a statement to the conference admitting that he had been wrong and how finally Gattis refused because he couldn't keep a copy of the written statement which the speaker charged he wanted to flourish among the brethren, humiliate Kilgo, and ultimately to use in instituting the present suit. He charged that the reason Gattis declined to settle the trouble in the church was that he wanted the shekles which "Help the hurt which honor feels."

The testimony of Gattis and Dr. Swindell were paralleled and Gattis declared to have as it were sworn north and Swindell south.

The Kilgo-Kingsbury episode was treated forcibly, much as by previous speakers for the defense.

Gattis said Kilgo had hoo-dooed the conference and he couldn't get justice before them and they wouldn't do justice between man and man. Gattis and his counsel had said last year that the cigarette trust had the college and the Methodist Episcopal church body and soul. This could not be so. The church could not be thus rotten to the core. The conference had passed a resolution of sympathy for Dr. Kilgo.

Judge Winston drew a picture of Gattis as leaving Durham, having his appointment changed from Warren county to Granville, where tobacco was raised all for the reason that he might stir up some hatred as to tobacco trusts to prejudice the suit in his favor. He came to Granville a full unit, nine-tenths law suit and one-tenth gospel. He regarded the Granville men as bulls and wanted to flourish the red flag and yell trucks, cigarette trust and you would walk back in the jury room for a few minutes, then come back and libel damages \$20,000.

He represented Gattis as making a riding horse of Hester's church, Bullock's chapel and Granville county, and read to the jury the story from Uncle Remus of how Brer Rabbit made a riding horse of Brer Fox. He said Gattis must come to Granville with his law suit to create discord and destroy peace and happiness of the people. He came infected with this kind of soap, and knew he had it. He came to rely on hate and spleen which happily the good people of Granville didn't have. The case he argued ought to have been stopped in Goldsboro.

Judge Winston referred to the matter of the value of Gattis' business at the time the publications complained of were made and said it was a strange thing that when Gattis was asked what his business was worth he said \$10,000 and yet admitted that there was at that time only \$1,000 on the tax books representing the value of his property. It seemed to him (Judge Winston) that Gattis was one of those much complained of modern tax dodgers, and he

commended him to his friend Josephus Daniels. He charged Gattis with having slandered his own son when he said it was his boy who gave in the taxes. In fact that the plaintiff slandered everything he touched. He touched the North Carolina conference and charged those holy men that they wouldn't do justice between man and man. He touched Dr. Swindell and "swore north while Dr. Swindell swore south."

Charged that the trustees of Trinity against Gattis to a man, the North Carolina conference suspended him and he claimed the Western North Carolina conference treated him bad. Said the Supreme Court of North Carolina was against him in the recent rulings and therefore Gattis exclaimed Yes, but Kilgo has got the Court hoo-dooed; well, if he has hoo-dooed all these Methodist conference and all, he ought to go to some great city like New York and open a hoo-doo shop. He could make money by the wholesale.

I want Trinity, said the speaker, to get all the money she can—so much even that none of her students need pay any tuition if they are not able to do so. He emphasized the fact that counsel for the plaintiff challenged a jurymen when the jury was being empaneled because his brother was librarian in Trinity College. This, he said, showed that they were really moving against the institution itself.

He took Major Guthrie to task for having said that this was an age of mammon worshippers and rich men in authority. At least such was not the case in North Carolina. With the exception of possibly two this state had not had a governor in 25 years out of whom a dollar could be recovered by process of law if they didn't choose to pay it, they not having sufficient estate. The congressmen are men of ordinary means. Even our present beloved Governor Charlie Aycock had to borrow money with which to conduct his campaign.

Judge Winston reviewed the charge by the Equity Life Insurance Co. against Gattis that he was an opium eater and got a policy reinstated by fraudulent statements. He declared that all the circumstances indicated the truthfulness of the charge.

Judge Winston treated at length the part each of the defendants had taken in the acts complained of by the plaintiff in the suit, and argued to show that neither of them was subject to damages; treating the evidence or rather the lack of evidence against them at length. And in conclusion, dismissed the question of damages which he didn't believe the jury would finally have to consider.

Judge Shaw's charge to jury Judge Winston closed his argument at 3:40 o'clock. The jury then retired and Judge Shaw, reminding plaintiff's counsel of their promise to connect defendants with the circulation of the pamphlet (Continued on Second Page.)

HOUSE OFFICERS TO HAVE ANOTHER TERM Rules of the Last House Adopted for the Present Session

Washington, Nov. 30.—The caucus of the House Republicans was held this afternoon and the officers of the House for the Fifty-sixth Congress were chosen to serve during the Fifty-seventh. They are Representative Henderson of Iowa, speaker; Alexander McDowell of Pennsylvania, clerk; Henry Casson of Wisconsin, sergeant at arms; W. J. Glenn of Pennsylvania, door-keeper; J. C. McElroy postmaster; Rev. H. N. Coulter, District of Columbia, chaplain.

With slight modifications the rules were re-adopted for the coming congress. An animated discussion took place over the rules, but the opposition failed to develop any strength, being beaten by more than two to one when it polled its strongest vote. Mr. Dalzell submitted the resolutions from the Republican members of the Committee on Rules, amending the rules so as to provide for a permanent Committee on the Census to consist of thirteen members and a permanent Committee on Arts and Exhibitions to consist of nine members. The latter committee is to have charge of all matters affecting the Louisiana purchase and other exhibitions except those connected with the revenue and expenditures of the exhibitions, which will be referred to the Ways and Means and the Appropriations Committees respectively.

Representative Hepburn of Iowa, presented a set of resolutions as a substitute for Mr. Dalzell's measure for the purpose of securing more liberal recognition of members when addressing the chair, for subjecting senate amendments to house bills to the same points of order as House amendments, to have four suspension days a month instead of two, and to permit committees to bring up any bills reported by them during the morning hour. Mr. Hepburn made a fiery speech in favor of his resolutions, which was replied to by Mr. Dalzell.

Representative Shattuck of Ohio poured oil on the waters by advising the members to stand by the rules which had proven so satisfactory. Mr. Hepburn's resolutions were then put to a vote and defeated overwhelmingly. To save himself he proposed that the old rules should hold good for forty legislative days in order that the new members might see how they operated and be prepared to vote intelligently. This proposition was rejected also. The rules will remain as in the last congress except for the amendments proposed by Mr. Dalzell. In addition to the two amendments cited the resolutions adopted provided that the special orders regarding pension bills, claim bills and other private bills adopted by the last congress, shall remain in force, setting aside certain days for the consideration of these bills. The committee in charge of the disposition of the documents of the last congress will also be continued.

Ferry Boat Sunk and Fifty People Drowned San Francisco, Nov. 30.—During the heaviest fog which has occurred here for years the ferry boats San Rafael and Sausalito, plying between this city and Sausalito in Marin county, collided off Alcatraz Island at 6 o'clock this evening. The former vessel was sunk. It is believed that fully fifty people perished, mostly women and children.

ONLY ONE ABSENT SEDITION IN SERBIA The Arrival of Senator Pritchard Will Make the Delegation Complete

Washington, Nov. 30.—Special.—Every member of the North Carolina delegation in the House is in the city and every Democratic member was present at the caucus this morning. At present Mr. Klutz and the two Kitchins are at the National, Mr. Pout at the Metropolitan, Mr. Thomas at the Riggs, Mr. Bellamy at the Normandie and Mr. Small at the Yarnum. Mr. Blackburn is still at the Raleigh, while Mr. Moody is in Massachusetts avenue. Senator Simmons expects to remain at the Riggs for the winter, but some of the other members may change their present habitat.

The Democratic members spent the day renewing friendships formed in the last Congress, while Mr. Pout was introduced by his colleagues to nearly all the Democratic members. Senator Pritchard is expected to arrive by Monday, possibly Sunday night. The Citizens' National Bank of New York has been approved as reserve agent for the National Bank of Lexington. The postmaster at Charlotte will be allowed one additional letter carrier December 16.

Resigned. F. Addie, Jackson county, vice J. C. Hooper, removed; Gay H. Miller, at Gladly, Buncombe county, vice J. R. Miller, dead; James S. Watkins, at Glen Ingalls, Buncombe county, vice J. F. Gregory, resigned. New offices are established at Amber, Watauga county, and Lookout, Macon county, with postmasters respectively as follows: Squire H. Stephens and Andrew H. Gregory.

not look at a paper that night, but the following day purchased and read all the newspapers he could procure. When he reached Washington his mind was made up about the manner of death.

Mr. Ayres was about to continue his recital in a descriptive way when he was interrupted by Mr. Gould, who wanted to know something of Mrs. Bonine's manner on the occasion in question. "Her manner was calm, self-contained and non-committal," explained Mr. Ayres. "She was the nicest woman I ever saw. She displayed no emotion and expressed no sympathy."

Attorney Douglass said he had interposed no objection to the statements of Mr. Ayres, appreciating the nature of his affliction, and would not cross-examine him.

After Mr. Gould had said that the statements of Mr. Ayres were entirely proper the witness was excused.

Saying that he might want to call one witness later in regard to the slippers which Mrs. Bonine claims she wore the morning of May 15, Mr. Gould announced that the government would rest its case. The usual recess was then upon taken.

Attorney Keene made the opening explanatory address to the jury in behalf of the defense. He said at the outset that he would not dwell on the law governing the case except to say that the presumption of innocence that surrounded the defendant was not a mere formality, but should be given full weight.

Continuing, Attorney Keene read from the opening address of Assistant United States Attorney Targart the theory of the government regarding the killing. He went on to say that many of those who had been guests at the Kenmore had been before the jury as witnesses. Many more of them will appear as witnesses for the defense. The speaker declared that it was a compliment to Mrs. Bonine, to Ayres and the others to say that they had selected so reputable a place as the Kenmore as a home. Attorney Keene said that Mrs. Bonine was the recognized social leader at the hotel. She taught at least seven young men to dance. On the evenings the dances were given it was her endeavor to induce them to attend the dances.

"I regret the necessity of reviewing the conduct of one whose lips are sealed," explained Attorney Keene. The jury was informed that on one occasion Ayres made himself offensive to several of the ladies. Mrs. Bonine requested one of his friends to see to it that Ayres withdrew. He was very sensitive about this.

Mrs. Bonine was fond of medicine and had a considerable library of medical books. She waited on several persons—young men, married men and women—when they were sick. Ayres sought to consult Mrs. Bonine, as he naturally would, in view of her ability, her interest in medicine and her interest in young men. There was nothing in the relations of Mrs. Bonine and Ayres that either was unwilling to break. Ayres did not desire to leave the hotel. It was with reluctance that he finally consented to do so and take up his residence at a fraternity club house.

"The velocity of bad habits was attaining speed," declared Attorney Keene. He asserted that the 4th of March Ayres was noticeably under the influence of liquor. Mrs. Bonine reproved him as she did others. The Monday preceding his death Ayres dined with Mrs. Bonine. The party of which Ayres was a member the evening of May 14, was boisterously drunk, declared Attorney Keene.

Being 2:30 o'clock Attorney Douglass requested that the court adjourn until 10 Monday morning. Adjournment was taken. Justice Anderson again cautioning the jurors to keep their minds free from conclusions until the introduction of testimony should be ended and they have heard the charge of the court as to the law and have retired to deliberate upon a verdict.

BOERS MOVE SWIFTLY FOOT BALL AT HIGH POINT They Are Entirely Too Alert for the British

London, Nov. 30.—The correspondent of The Sun at Pretoria writes that the Boers' powers of rapid movement and concentration still foil the efforts of the British military intelligence officers attached to the various columns. The Boers come in as fast as the fastest scouts who are looking out for them, and their attack is delivered before warning can be given, even in cases where the intentions of the Boers are partly known beforehand. As an example of quick moving, he says that Louis Botha, with 800 men, covered sixty miles in twelve hours, in order to arrive at Brakenburg to help Grobler against Colonel Benson.

Army 11, Navy 5 Philadelphia, Nov. 30.—The West Point cadets defeated the Annapolis eleven this afternoon by a score of 11 to 5. A more distinguished gathering never assembled to witness a foot ball contest. The great amphitheatre was crowded to its utmost capacity and 15,000 people were refused tickets. President Roosevelt was given a rousing welcome. The crowd arose as one man and cheered. The day was an ideal one for the sport.

Cornell Students Burned Out Ithaca, N. Y., Nov. 30.—Twenty Cornell students were turned out without clothing in the bitter cold last night by a fire which broke out in a boarding house at midnight. The house was burned to the ground almost before the flames sounded. Four students escaped death by jumping from second-story windows into a snow bank.

NO BLOOD FOUND ON THE WRAPPER

Father of Ayres Tells a Pathetic Story—Attorney Keene Opens for Mrs. Bonine

Washington, Nov. 30.—The most damaging evidence yet produced against Mrs. Bonine was brought out today just before the prosecution closed its case, when Dr. E. M. Schaeffer, a noted analytical chemist and expert, was placed on the stand to testify as to the results of his examination of the blood spots on the articles found in the room occupied by James Seymour Ayres at the Kenmore Hotel.

Dr. Schaeffer had been given the wrapper worn by Mrs. Bonine during the process of ascertaining if there had been blood spots on it. He had possession of the garment for twenty days and subjected it to a number of crucial tests, he said. When asked today as to whether there were any blood spots on the garment the witness replied: "Not a spot, even the size of a pin-head." This contention he adhered to through cross-examination and re-direct, saying that if there had been even a drop of blood on the wrapper he would have found it.

This statement is regarded by the prosecution as damaging, as the defense contended that the blood on the collar and skirt of the wrapper proved beyond doubt that there had been a struggle between Ayres and the defendant, and that if Mrs. Bonine had, according to the theory of the prosecution, shot Ayres from the fire escape, there could have been no blood spots on the collar and shoulder of the garment caused by the contact of the blood on Ayres' mouth.

It was further shown by the prosecution today that there were torn places under the sleeves of the wrapper, alleged to have been effected during the struggle, and that according to Dr. Schaeffer, made after he first saw the garment, and were not there when he received it.

James Seymour Ayres, Sr., father of the murdered youth, was on the stand today. He is an aged, grey-haired man, with a closely-trimmed white beard. He told the story of his boy's love for him and how he (witness) had gone to Mrs. Bonine in his great sorrow because he believed she was the destroyer. He described the defendant as devoid of sympathy and the "nicest woman" he ever saw.

The prosecution closed its case at 12:30 after hearing Mr. Ayres, and the defense took up the case after the noon recess. The court room was crowded with women all day.

The first witness called was Lieut. Moore of the sixth police precinct. His testimony was not of sensational interest.

Dr. Edward M. Schaeffer was the next witness. He is a chemist and has the reputation of an expert in his profession. His evidence, while interesting, was not in any degree exciting.

Following Dr. Schaeffer came James Seymour Ayres, father of the deceased. There was something romantic in his testimony. "I met Mrs. Bonine the Saturday morning following the tragedy," stated Mr. Ayres. "I had an extended conversation with her. I told her about my boy who was murdered. I told her that he had lost his mother when he was three years of age; I told her how dear he was to me; I told her of his moral, mental and physical qualifications. I was particularly tender in thus addressing her, for I had in my mind the suspicion that she was the destroyer of my son's life."

"The conduct of Mrs. Bonine made an impression on my mind that I shall never forget," declared Mr. Ayres. "She is a wife and a mother, and I expected sympathy from her. She interrupted my recital once to quote something from Browning. She smiled, and I thought it was a concealed smile. I told her that my boy had suffered and gone and that I was suffering from great mental anguish of my life."

Mr. Ayres described his journey to this city upon learning of the death of his son. Just as he was starting from Michigan he was told something of the manner of the death. He did

Principal of the Graded School Resigns High Point, N. C., Nov. 30.—Special. This afternoon the schools of Guilford College and High Point played a game of football on the gridiron here. The score was 12 to 6 in favor of High Point. Guilford had the advantage in weight, but the home boys were best in tackles.

At a meeting of the school commissioners this evening the resignation of Prof. W. C. Lane, principal of the High Point graded schools, was submitted and accepted. Prof. Lane's resignation was due to the serious condition of his eyes. He pursued this course on the advice of an oculist. A resolution expressing his worth as a teacher and citizen was passed and words of sympathy were extended. The vacancy will be filled.

Mr. J. A. Tucker goes to Greensboro today to become chief clerk in the McAdoo Hotel. Mr. Tucker has had much experience in the hotel business, having been formerly with the Park and Carrolton Hotels of this city. For the past year he has been book-keeper for Mr. J. D. Boushall.