

# Near Raleigh

We are offering a dandy farm for sale, only three miles out on the Wake Forest road. 72 acres, two dwellings, barns and plenty of fine wood. Produces finest crops.

PRICE, \$4,300.

# Neuse River Farm

Near the Neuse depot we have a farm of 172 acres. \$2,000 worth of fine timber on the land. Best farming land in this section.

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## Wake County Farms and Raleigh Homes.

### REALTY LOAN AND TRUST CO.,

313 Fayetteville Street.

J. J. Rogers, Sec'y.

C. A. Richardson, Mgr.

### Legal Contest For Children.

(Continued From Page One.)

children. He left his wife in possession of the house, and is waiting the statutory time to apply for divorce.

#### Mr. Fleming's Answer.

The following is the gist of the answer of Mr. Percy B. Fleming as respondent:

When he was married he was worth about \$10,000; was happy for eighteen months. His wife insisted on dressing gaudy and keeping three servants. This made him insolvent. When child was ill at Beaufort lady who kept boarding house notified him by letter she could not keep wife on account of conduct. He charged her with being too intimately guilty with men in Raleigh, riding with them in buggies and automobiles. She was cursed and attacked respondent.

Father of the petitioner is largely indebted to respondent for borrowed money and is the moving spirit in the motion for writ of habeas corpus. Then the respondent gave reasons why removal was made of children to Lenoir. The children are happy. Dr. Fleming is able to take care of them.

In his bill of particulars the respondent claims that in the late spring or summer of 1910 she was too intimate with M. W. Tyree and can prove by one Robert Dawkins that petitioner went up Tyree's back entrance one night. That in 1909, John Winder, Jr., and petitioner were driven into woods near Caraleigh. She was at the residence of Chas. W. Briggs with said Tyree.

In early summer of 1910 she carried on correspondence with one John Winder, Jr. He told her of such rumors. He expects to prove familiarity with one Chadwick and Thomas at Beaufort. M. W. Tyree went into house drunk and was cared for by petitioner.

#### Mrs. Fleming's Answer.

In answer, Mrs. Fleming denies all allegations, charges marring of home life by intemperance, indignities and brutalities of her husband. Dr. A. H. Fleming is not a fit person to have the custody of the children. P. B. Fleming is able to provide means for support of all.

So far from regretting exposure her husband has originated unjustifiable and inexcusable slanders, causing her pain. He did not complain of extravagance. He made purchases himself, and still possesses property.

In the summer of 1908 went to Beaufort. Her conduct was not such that objection was made. Left because of discourtesy. He did not read letter to her. Denies that her conduct drove him to drink. It is utterly untrue that petitioner has left home or been guilty of intimacy with other men. On only two occasions has she attacked him—in 1908, when he tried to take suckling infant from her arms, and in 1911, when he ordered Robert Dawkins to

eject her from his room after he had left her.

Her father is indebted to respondent in the sum of \$275, with interest. She does not intend to take children to Washington, and the little children do not want to go back to Lenoir.

Denies any intimacy with M. W. Tyree and John Winder, Jr. All other allegations are absolutely false. Petitioner charges that Robert Dawkins is a negro, who has been convicted of felony in Wake county and sentenced to eight months. P. B. Fleming paid the fine and the said negro has been under his dominion and control. She says the respondent did not reprobate with her about extravagance or conduct. Said Tyree did go to her house but remained at the invitation of her husband.

#### No Divorce Suit.

Judge Clark remarked that this was no divorce case; the question to be decided being the moral right of the custody of the children. Arguing the matter, Col. Hinsdale said the respondent admits his moral inability to care for the children and does not want them himself. If there is any reason why the mother should not have them, the respondent must show it, the burden of proof being on the husband.

#### Some Sparring.

Mr. W. C. Douglass did not think the court had jurisdiction in this case, since the contest was not between husband and wife but between petitioner and Dr. Arthur Fleming, who has the children. Common law awards the husband custody of the children.

After some argument, Judge Clark ruled that no evidence should be introduced against the husband and the evidence should all go to show that Mrs. Fleming is, as charged, not the right person to take care of her children.

#### Witnesses Examined.

Helen Wright, colored, of Lenoir, the first witness, lived in Raleigh three months with Mr. Percy Fleming on Blount street. Acted as nurse. Said she saw Mr. Tyree at the house once. She thought it was Mr. Fleming up stairs one afternoon. Mrs. Fleming slammed door in nurse's face and urged her not to mention anything to Mr. Fleming. Went out driving with Mr. Tyree that afternoon. Helen said she carried two notes to Mr. John Winder, on corner of Polk street, in yellow house, cross street from Murphey school.

On cross-examination said she cooks for Chief High, at Lenoir, where she used to work. Went to work for Mrs. Fleming in March, 1910, as nurse and housegirl. Said the man came there some time after dinner. First saw man after dinner. There were three bedrooms up stairs—room occupied by Mr. and Mrs. Fleming, by a licensed nurse and by company when they were there. Saw Mrs. Fleming drive off in buggy and

saw man get in buggy. This was after dinner. Could not describe man, though he had white, full-face hair, was neither light nor black; was rather large; and the man who went off driving looked like him. Witness said she certainly did tell Mr. Fleming of what she had seen.

Judge Clark asked the witness to stand and determine if she could recognize the man.

Helen rose, surveyed the room and her eyes rested on a man leaning over the table in front of the judge's bench. "That's him," she said. The man did not change expression, while every eye was turned on him.

On redirect examination, Helen said Mr. Sid Holding read paper to her.

Mr. G. L. H. White, engaged in ice cream business. General reputation of Mrs. Fleming is bad. Said he did not know her personally, had never visited personally. Named several men who said Mrs. Fleming caused Percy to drink on account of her conduct. He had heard Maj. J. B. Hill and Geo. B. Fleming mention matter.

Robert Dawkins, colored, was the third witness. Said he was tried and convicted. Eight months. No fine. No costs. Lawyer Simms knew him and got him off; then went to work again on Edwards & Broughton building. Has been with Mr. and Mrs. Fleming as cook and utility man ever since. Said he knew Mr. Tyree; is "a picture man." Said Mrs. Fleming called him one night in August, 1910; it was raining. He drove her by Tyree's place and came back. She got out and went up in alley. Was called about 12 o'clock, and carried her home. Mr. Percy Fleming was out of town at this time; thought he had gone north to buy stuff to go into plumbing business.

Drove Mrs. Fleming out by Caraleigh Mills. Mr. John Winder was out there—at the phosphate works—and she got in his buggy and drove off. He then told about carrying Mrs. Fleming from Mr. Charlie Briggs' house. She had some words with Mr. Tyree, but did not go with him.

Robert Dawkins said the sheriff read a warrant to him at Gaffney, S. C. He left here because Mrs. Fleming told him it would be best for him to leave. She cursed "little slang words to herself" sometimes. Said Mrs. Fleming grabbed husband and hit him after the accident to his hand. Mr. Fleming ordered witness out of room.

On cross-examination the witness was asked about his whereabouts. Was in Lenoir about two weeks ago. Was raised in Gaffney, S. C.; he then told of his trouble when he was accused of stealing shoes, and sentenced to eight months. Mr. Fleming paid him out. Said he had drunk with Mr. Fleming, but had not trocked with him. He then told about driving Mrs. Fleming to Tyree's place.

#### Other Witnesses.

Mrs. E. B. Roberts testified that in March of this year she kept the Fleming children at the home for Mrs. Fleming, who went to Washington; that the children were poorly clad; that she bought them clothes and charged the bill to Mr. Fleming and that she did not hear from Mrs. Fleming the whole time she was away—which was ten days. Mr. Fleming was in Greensboro, and wrote to her and the children.

Messrs. Sam Bogasse, Jr., and Lewis Taylor told of seeing Mrs. Fleming and Tyree go into the entrance near Tyree's studio. They did not know whether the couple went up stairs.

Messrs. Steadman Thompson, June Turner, Geo. B. Fleming—a third cousin of respondent—W. F. McDowell and Mr. Frank King testified that the street talk about Mrs. Fleming was not complimentary to her. At 1:30 a recess was taken for dinner.

### RECTOR DUNS FLOCK.

#### Clergyman Resigns Because Money Owed to Him is Spent for a Picnic.

Philadelphia, August, 17.—Because the majority of the members of the congregation of St. Stephen's Protestant Episcopal church at Clifton Heights is said to have preferred spending money raised by subscription for an immense picnic rather than devote it to the payment of the salary due the rector, and other outstanding debts, a rupture has resulted between the Rev. Garwin Quinn, the clergyman, and the parishioners. It culminated in the former's resignation and threatens to plunge the church in further debt when an effort is made to fill his position. In straight terms he criticises the alleged lack of sense of financial obligations felt by the members of the church.

The rector read his resignation at a recent service, explaining that, as he was about to leave it would be fitting on the part of the congregation to make some effort to pay his salary due since last March. As his annual remuneration was only \$1,000, there was not a great sum to raise. Mr. Quinn suggested that committees be formed to solicit the necessary funds.

**A Want Ad. in The Raleigh Daily Times Will Work Wonders for Your Business.**

Superstitious actors are always anxious to see the ghost walk.



Mrs. Sylvia Green Wilks, daughter of Betty Green and wife of Matthew Astor Wilks, who has taken the side of Colonel Astor and Miss Madeline Force in answering the denunciation of the Rev. George Chalmers Richmond, of Philadelphia. The general criticism directed against Mr. Astor, said Mrs. Wilks, "because of his marriage to Miss Force, is merely the opinion of that class of persons who hate men of wealth and can see no good in anything they do." The Greens have long been friends of Colonel Astor. Mrs. Wilks, who was seen at her country home at Riddlefield, Conn., continuing on the subject, said: "Mr. Astor does not care what the general public, who know nothing of his intimate life, think of him. If he did, he would ask his friends to thrust themselves before the world and speak up in his defense. Mother and I have known Mr. Astor for years and we know what manner of man he is."

### McCabe May Be One Fired.

(Continued From Page One.)

missioner of Wisconsin, had some difficulty in getting a copy of it and had to appeal to a member of congress for assistance." Wiley added that the decision of the three secretaries which took the place of the withdrawn decision of the agricultural department still remains in force.

#### Mr. Daughton On Case.

Washington, Aug. 17.—That a crash will soon occur within the department of agriculture by President Taft's order and that Dr. Harvey W. Wiley and his friends will not suffer from the shake up, is the prevailing expectation here today following Dr. Wiley's sensational testimony before the house committee on expenditures in the agricultural department.

George McCabe, solicitor of the department, it is now believed, will be summarily required to relinquish his position by President Taft.

Representative Robert L. Doughton, of North Carolina is a member of the house committee, which is hearing the Wiley charges. He said today that the testimony of Dr. Wiley was the most remarkable he had ever heard. Mr. Doughton seems to think that there is ample room for a change, and a radical one at that, to be made in the agricultural department.

These things have been brought out at the hearings: That the main charge preferred by the personnel board of the agricultural department against Dr. Wiley was based on a letter which he never received.

That the letter, never mailed by its author, and never received by Dr. Wiley, was garbled in a very important particular so that a case might be made out against Dr. Wiley.

The letter which was put into the official record of the committee hearings is a letter written by Dr. H. H. Rusby, the celebrated New York pharmacognocist, to Dr. Wiley, but never posted by Dr. Rusby. The letter went on to say that Rusby had agreed on terms for his expert services to the department which would be satisfactory "if approved by the department." When the personnel board set about investigating Wiley, it called on Rusby for all of his papers, letters, etc., bearing on the situation, and the unsigned and unsealed letter by mistake was sent along with others of the personnel committee. Later, when the personnel committee drew up its report recommending that Wiley be permitted to resign, and sent the report to President Taft and Attorney General Wickersham, its recommendation was based largely upon the letter which featured in yesterday's proceedings, but the words "if approved by the department" had been stricken out. The phrase proves all important in its bearing on the legality of the arrangement between Wiley and Rusby.

Mrs. Godwin, wife of Representative Hannibal L. Godwin in Washington. She was accompanied by her son Hugh Archibald Godwin.

Other visitors who arrived today are Mrs. George W. Lawrence of Fayetteville; W. E. Brock, of Wadesboro, secretary of the state executive committee, and A. W. McLean, a prominent lawyer of Lumberton.

Thomas J. Pence, Washington correspondent for several newspapers, including the Louisville Times

### ENRICHED IN HIS OLD AGE.

#### Copper Mine in Which He Invested A Decade Ago Is Bought for Millions by Syndicate.

Paola, Kan., August 17.—From hotel clerk to millionaire, and in the evening of his life, is the experience of F. E. Hite, day clerk of the Commercial Hotel here, and it is all the result of a little investment in a Mexican copper mine 29 years ago.

At that time Mr. Hite was one of a company of promoters of Mexican copper mines near Ameca, Mexico. Upon his return from St. Louis where the sale has just been made Mr. Hite announced that their holdings were sold for \$20,000,000 to a Mexican syndicate. Mr. Hite figures that his share is \$1,100,000.

Mr. Hite is seventy-one years old, but would easily pass for a man of fifty. He came to Paola more than a year ago in reply to an advertisement asking for a position in a quiet place where he could rest for a year. It is said his wife is in Washington, and a son lives in Kansas City, Mo., but other than that, little is known of Mr. Hite's family connections, as he made few acquaintances in Paola.

### SEES HIMSELF AND FAINTS.

#### First View in Looking Glass After Lapse of Forty Years Sends Him To a Barber Shop.

Pittsburg, August, 17.—For the first time since 1870, Jacob Steinman, a hermit living back of Reserve township, saw himself a few days ago in a mirror. He immediately fainted, and when he awoke he had to go to a barber shop where he was shorn of his beard, which was three feet long.

For the first time since he was a young man, Steinman came to town and visited his cousin, Mrs. Sarah McCune, in Perryville avenue. It was there by accident that he glanced into the mirror.

"Great Scott!" he exclaimed, and toppled over. When revived he remarked: "What a great change has come over me since I saw myself in a fishing pond just forty years ago." Then he seized his hat and ran to the nearest barber shop where he was shorn of his beard, which was three feet long.

### MIRROR REVEALS INTRUDER.

#### Chester Man Shoots. By Aid of Reflection at Fleeing Burglar.

Chester, Pa., Aug. 17.—When the form of a strange man was reflected in a mirror in his bedroom Frederick Lynch, of the western section of the city, raised his revolver and fired twice at the intruder. Both shots missed the man, who darted through the window, ran across the porch roof and dropped to the ground, getting away in safety.

Lynch was awakened about 1 o'clock this morning by his wife, who informed him that she heard footsteps. Lynch laid in wait for the intruder, whom he saw enter the room through the reflection in the mirror. The revolver shots aroused the neighborhood and for half an hour several men of the locality made a search for the intruder.

More people, men and women, are suffering from kidney and bladder trouble than ever before, and each year more of them turn for quick relief and permanent benefit to Foley's Kidney Remedy, which has proven itself to be one of the most effective remedies for kidney and bladder ailments, that medical science has devised.—King-Crowell Drug Company.

### Excursion to Niagara Falls Thursday, August 24th.

The best excursion of the season will be operated by the Chesapeake Steamship Company on their elegant new steamer "The City of Baltimore." Round trip rate Norfolk to Niagara Falls and return \$14.65.

Tickets Good Fifteen Days. Steamer leaves Norfolk at the foot of Jackson street 6:15 p. m. connecting with special train via Baltimore & Ohio Railroad and Lehigh Valley arriving Niagara Falls 11:00 p. m.

This will be a delightful trip to Baltimore by water, thence through the most beautiful scenery to Niagara Falls. The Chesapeake Line will also operate an excursion to Niagara Falls and return August 29 via Pennsylvania Railroad.

For further information call or write W. H. FARNELL, T. P. A., Norfolk, Va.

About the time the stars come out a man begins to realize the importance of making hay while the sun shines.

## KEEP THE KIDNEYS WELL

Health is Worth Saving, and Some Raleigh People Know How to Save It.

Many Raleigh people take their lives in their hands by neglecting the kidneys when they know these organs need help. Sick kidneys are responsible for a vast amount of suffering and ill health, but there is no need to suffer nor to remain in danger when all diseases and aches and pains due to weak kidneys can be quickly corrected by the use of Doan's Kidney Pills. Here is a Raleigh citizen's recommendation.

Mrs. M. J. Brown, 548 E. Hargett St., Raleigh, N. C., says:

"I have no reason to change my high opinion of Doan's Kidney Pills, which I publicly expressed some years ago. The secretions from my kidneys were in bad shape and I had other symptoms of kidney and bladder trouble. I consulted doctors and used several remedies, but I found no relief until I got a supply of Doan's Kidney Pills from the Bobbitt-Wynne Drug Company. They improved my condition in every way and restored my kidneys to a normal condition."

For sale by all dealers. Price 50 cents. Foster-Milburn Co., Buffalo, New York, sole agents for the United States. Remember the name—Doan's—and take no other.

## We are Open Sunday

It will be our pleasure to serve you with our unusual prompt service. Phone us and see how quick we get your "wants" to you.

TUCKER BUILDING PHARMACY. Phone 134.

## Nunnally's Candies.

### WEEK END RATES.

Raleigh, N. C., to Portsmouth, Norfolk, Va., via Seaboard Air Line Railway.

\$4.75 round trip \$4.75. Tickets on sale for trains Nos. 32 and 38, Saturday, June 17th, 24th, July 1st and July 8th, and for train No. 32 Sunday, June 18th, 25th, July 2nd and 9th.

Tickets good returning on any train up to and including train No. 93 Monday following date of sale. Phone Seaboard ticket office. Either phone 117. H. S. Leard.

### NOTICE OF ADMINISTRATION.

Having this day qualified as administratrix of the estate of Cleo Denton, deceased, this is to notify all persons having claims against said estate to present the same to the undersigned for payment on or before the 6th day of July, 1912, or this notice will be plead in bar of recovery. All persons indebted to said estate will please make immediate settlement.

M. K. DENTON, Adm. Cleo Denton, Deceased. A. Jones & Son, attorneys, oaw-6w

### NOTICE OF ADMINISTRATION

Having this day qualified as administrator upon the estate of Nancy Christmas, deceased, this is to notify all persons having claims against said estate to present them to the undersigned on or before the 25th day of July, 1911, or this notice will be plead in bar of their recovery.

A. F. CHRISTMAS, Administrator of Nancy Christmas, deceased. Armistead Jones & Son, Atty. oaw-6w.

## NOTICE

Mr. John A. Park has severed his connection with the Carolina Garage and Machine Company as General Manager and has sold his interest in the company. Mr. Park retires from the company, leaving it with best wishes for its success.

Mr. E. C. Hillyer, president of the company, assumes the direct management. JOHN A. PARK, Carolina Garage and Machine Co., E. C. HILLYER, President. Raleigh, N. C., Aug. 10, 1911.

**WIDE AWAKE PEOPLE IN THE SLEEP BUSINESS.**

All kinds of old Mattresses made over. Feather Beds made into Mattresses. Feather Beds and Pillows washed and medicated. First class work guaranteed. Work called for and delivered the same day.

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Our Agent Will Gladly Call, Show You Samples, and Made over.

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