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FLEMING CASE STARTS AGAIN

Judge Peebles Hearing the Matter At Chambers In Smithfield Court House

SMALL CROWD PRESENT

No Large Audience to Hear Narrations of Discord in Family Life of Raleigh Couple—Dr. A. H. Fleming is Not in Case and No Evidence as to Him Will be Competent—Husband Must Prove That Wife Was False to Nuptial Vows—Many Affidavits and Depositions Introduced by Both Sides—Another Hearing Tonight.

(By Staff Correspondence.) Smithfield, N. C., Sept. 14.—After three hours of hearing testimony and arguments in the case of Mrs. Nelle Claire Fleming against her husband, Percy B. Fleming, for the custody of her two children and alimony pending the result of her action for divorce, Judge R. B. Peebles last night at 11 o'clock adjourned the matter until tonight at 8 o'clock. An important point in the ruling of Judge Peebles was that no evidence would be permitted against Dr. A. H. Fleming, who was awarded temporary custody of the children by Chief Justice Walter Clark, since Dr. Fleming was not the issue, the question being as to Mrs. Fleming's moral fitness to take charge of the children. Mrs. Fleming, the plaintiff, scored a point when Judge Peebles declared that the defendant, Percy B. Fleming, would have to show that Mrs. Fleming was guilty of the conduct charged. When Judge Peebles inquired as to the husband's incompetency, his counsel did not show a desire to admit this and may later endeavor to show that he is a fit person to care for the children.

Today the principals are not about the little court house. Percy B. Fleming and one of his attorneys, Ben T. Holding, are in Raleigh, but will return tonight. The others connected in this drama are enjoying the pleasant sunshine.

The Hearing Begins. In the quietude of the small court house in Smithfield last night the case was begun. There was no crowd overtaking the small building, only a few being present—those interested one way or other in the already famous case. There in the small room, by the light of old-time oil lamps, the attorneys wrangled over the contested affair.

Judge Peebles asked if it was true that Percy B. Fleming had admitted that he is an unfit person to take care of the children. Attorney Douglass answered that this was true, but at present he alleges that he is able to take care of the children. His honor then asked that the affidavits be read.

The charges were read by Herbert E. Norris, the answers by sections being read by Attorney Clyde Douglass. (Continued on Page Three.)

PEACE PLANS ARE NOT TAKING VERY WELL

Nashville, Sept. 14.—While envoys of Champ Clark and Governors Wilson and Harmon are quietly working on the presidential hustlings of Tennessee the "regular" wing of the democratic party has not responded to the peace offers of the "independents." Political prophets interpret this as a polite means by the regulars to show disapproval of the peace plans and forecasts divided representation from Tennessee of the democratic presidential convention next year. It was announced here that basis of the proposed pact contemplated a direct primary early next year for white democrats under the supervision of a committee on which the independents and regulars should have equal representation. Voters in this proposed primary should ballot on candidates for the presidency, national convention delegates, and electors, state officers and state committeemen.

Sometimes parents can refrain from telling all the smart things the children do; grandparents, never.

SCOUT CARS ON WAY

Glidden Tour Pathfinders Pass Through Greensboro

(Special to The Times.) Greensboro, Sept. 14.—The two scout cars containing the pathfinders for the Glidden tour passed through here yesterday en route from New York to Jacksonville. The party was met at Guilford Battle Ground, where a number of photographs were taken, by several automobiles from this city. The party of Greensboro automobiles escorted the visitors through the city and went with them to Jamestown and High Point. At Jamestown a number of automobiles from High Point joined the scout party and escorted them into the furniture city, where they were entertained at the Manufacturers' club. Short talks were made by J. J. Farris, president of the club; Mayor Fred N. Tate, Mr. H. B. Varner, of Lexington, and Mr. A. Westgard, who is in charge of the pathfinding party.

Mr. Westgard is the man who was chairman of the committee on award of the prizes for good roads last year. Guilford county receiving the prize of \$1,000 for the best roads between Roanoke and Atlanta. He was also agreeably surprised to find that the county had considerably improved the roads since last fall, and that the county's roads are now perfect.

The Glidden tourists will leave New York October 14th, and will go to Jacksonville, Fla. A beautiful loving silver cup will be presented to the winner of the prize. About 150 automobiles are expected to make the trip, which will probably be the greatest number of entrants that has ever participated in such a tour.

Mr. J. Maxwell Gordon, the political writer of the Brooklyn Daily Eagle, expresses the opinion that the Democrats will nominate and elect Governor Woodrow Wilson as the next president of the United States. Mr. Gordon was in the city yesterday and left for Raleigh to await the return of Governor Kitchin from the conference of governors at Spring Lake, N. J. He is on a tour of the south feeling the political pulse and writing for his paper.

MEETS DEATH UNDER WAGON

Mr. J. B. Parrish, of Harnett County, Dies From Injuries Received When Wheels Pass Over Body

AUTOMOBILE RESPONSIBLE

Mr. C. P. Massengill, Who Was Also Thrown Out, Says an Automobile Frightened Mules and Caused the Runaway—Officer Wyatt Thinks Otherwise—Mr. Parrish Was Terribly Injured About Body and Many Ribs Were Broken.

Mr. J. B. Parrish, a farmer who lives six miles from Angler, Harnett county, died at Rex Hospital at 2:25 o'clock this afternoon as the result of injuries at 11 o'clock today when a two-horse wagon passed over his body. Mr. C. P. Massengill, who was also thrown from the wagon, was painfully, though not fatally, injured, and will recover.

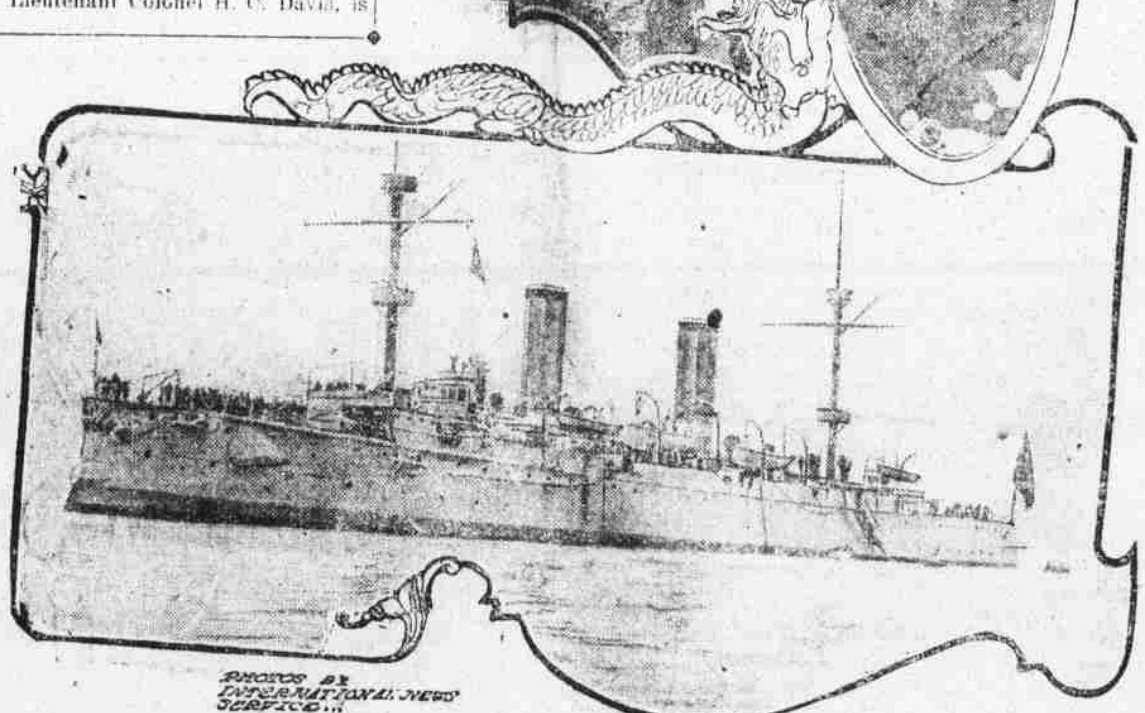
The accident occurred near the corner of Wilmington and Smithfield streets and was caused, according to Mr. Massengill, by a passing automobile which frightened the mules drawing a two-horse wagon, causing them to run away and fling the occupants of the vehicle to the ground. The men were returning home with a load of furniture, but the wagon and contents were not damaged in the least.

Mr. Parrish suffered many broken ribs on both sides; his right chest was pushed in as the result of the heavy wheels passing over his body; his left eye was closed and he had a fractured skull. (Continued on Page Eight.)

TRYING CAPT. LANDERS

Interesting Court-Martial Case At Wilmington

(Special to The Times.) Wilmington, Sept. 14.—The court martial to hear the charges preferred against Captain H. L. Landers by Mr. W. A. Moore, a civilian of Southport, convened at 10:30 o'clock yesterday in the grand jury room in the post office building. It was first planned to have the session in the United States court room. As this apartment is being renovated, the change was made to the other location. The only witness on the stand at the morning session was Mr. A. W. Moore, who preferred the charges against Captain Landers. It will be remembered that the charges were brought following the alleged imprisonment of Mr. Moore at the order of Captain Landers, as the former sold watermelons at the fort at a higher price than he agreed to do. Lieutenant Colonel H. C. Davis, is



The Chinese battleship Hai Chi, photographed in New York harbor, her masts and a portrait of Rear Admiral Ching Ph Kwong. The Hai Chi is the first warship from the Flowery Kingdom that has ever visited this country.

president of the court, Samuel T. Ansell is acting judge advocate general. The interests of Captain Landers before the court are being looked after by Major Surratt. The names of the nine officers composing the court have already been announced.

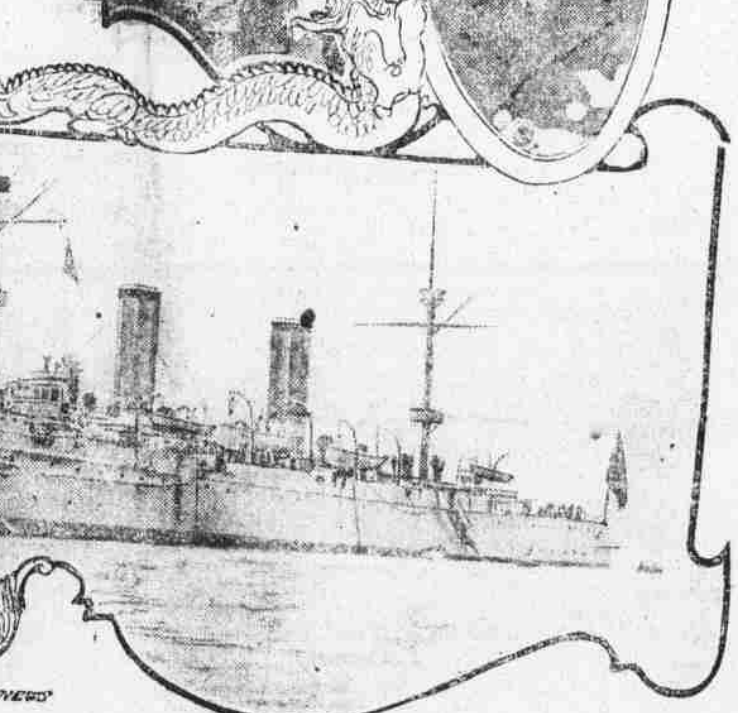
There were a number of spectators at the hearing. As the room in which the investigation is being held is rather small, few if any of the spectators were able to hear the proceedings. Mr. Moore was the first witness on the stand. He told of the circumstances which led to his alleged imprisonment at Captain Landers' order. Mr. Moore told of interviewing Captain Landers and of (Continued on Page Two.)

REVENUE OFFICERS LEVY ON THE MULES

(Special to The Times.) Asheville, Sept. 14.—Deputy Marshal Roland and Deputy Collector Freeman of the revenue department, returned last night from Polk county and tell of a rather novel and exciting experience they had as the result of levying on some mules for unpaid whiskey taxes. A number of friends of the owner of the mules tried to take them away from the officers.

The taxes were due on whiskey that should have been paid while the whiskey was in the warehouse, two or three years ago. After the officers had secured the mules, the crowd gathered and followed them for some distance, coming up with the officers when they stopped for supper. There was a woman in the party and the men put her forward in an effort to cause trouble with the officers, but with some difficulty they kept out of it, and at the same time kept the men away from the mules. They brought them to Tryon and they are now advertised for sale. The levy was made at Melvin Hill, near the South Carolina line.

The First Chinese Man-of-War to Visit this Country



The Chinese battleship Hai Chi, photographed in New York harbor, her masts and a portrait of Rear Admiral Ching Ph Kwong. The Hai Chi is the first warship from the Flowery Kingdom that has ever visited this country.

SPLENDID PROGRAM FOR FINE AUDITORIUM

The following excellent program, covering four nights, has been arranged for the opening during fair week of the handsome auditorium. Tuesday night, October 17.—The formal opening exercises in the great auditorium. Presentation of the building by Col. Chas. E. Johnson, chairman of the Municipal Building Commission. Acceptance by Mayor James I. Johnson. Presentation of the handsome oil painting of Sir Walter Raleigh, given to the city by Chief Justice Walter Clark. The presentation speech by Clarence Poe. The acceptance to be made by a speaker yet to be named. Music during the exercises.

Wednesday night, October 18.—A delightful concert to be given by state and local talent. The Raleigh Choral Society to take part.

Thursday night, October 19.—A band concert by Victor and his band. An admission fee will be charged.

Friday night, October 20.—A grand ball. This will be a great event as the music will be by Victor's famous band. The number of dancers will be limited and admission to the dancing floor will be by paid tickets. There will be a charge for admission to the various galleries.

NOISY WORSHIP UNDER BAN.

Mayor Holladay of Suffolk Warns Religious Sects to Be Quiet. Suffolk, Va., Sept. 14.—Because of numerous complaints arising from night disturbances made by "Holy Jumpers," "Sanctified Bands," and others while in a frenzy of religious enthusiasm, Mayor Holladay today issued a special proclamation warning the worshippers that future violation of the law would be punished with fines or imprisonment. According to Mayor Holladay, recent revivals held by certain religious

sects have made sleep impossible for persons living in several streets. The mayor says the meetings frequently do not adjourn until daylight.

Rear Admiral Harris Retires.

Washington, D. C., Sept. 14.—By operation of law Rear Admiral Uriah R. Harris, Governor of the Naval Home at Philadelphia, was placed on the retired list today on account of age. He is succeeded at Philadelphia by Rear Admiral Reynolds, Rear Admiral Harris is a native of Indiana and was appointed to the naval academy from that state in 1865. He reached the grade of a rear admiral on January 7, 1909.

BUILDING TRADES STRIKE HAS ENDED

Chicago, Sept. 14.—The agreement last night between rival factions in the building trades will end the strike lasting a year and a half. The strike cost the building industries millions of dollars, resulted in three murders, one kidnapping or assassination and injuries to hundreds of men. Plumbers and steamfitters were chiefly involved.

New York Wants the Fight.

Milwaukee, Sept. 14.—Following the calling off of the Wolgast-McFarland fight, scheduled for tomorrow night, an effort will be made to stage the bout in New York. Thirty thousand dollars worth of tickets were sold, the money will be refunded to the purchasers.

Illinois Central Troubles.

Chicago, Sept. 14.—Conferences looking to the settlement of labor troubles on the Illinois Central have ended temporarily. President McCree states he is convinced the new vote of strikers will overwhelmingly favor a strike.

HOW GOVERNORS STAND

Sentiment of a Few On Presidential Timber

Newspaper Poll of Thirteen Republican Shows Them About Equally Divided Between Taft and La Follette—Democrats Expressing No Preference.

Spring Lake, N. J., Sept. 14.—A newspaper poll of thirteen Republican governors shows they are about equally divided in preference for the presidential nomination. Ten of Pennsylvania, Glasscock, of West Virginia, Wilson, of Kentucky; Hay of Washington, and Porter, of Rhode Island are for Taft; and McGovern, of Wisconsin, Cary, of Wyoming; Vessey, of South Dakota; Stobbs, of Kansas, and Aldrich, of Nebraska are for La Follette. Bass, of New Hampshire and Hadley, of Missouri, were non-committal.

FREE FROM SUFFRAGETTE.

Householder Declares Wife Spent His Money in Politics.

Kansas City, Mo., Sept. 14.—Because his wife was a suffragette and was active in politics in Denver when he lived in that city, Thomas P. Zimmerman received a divorce from her today.

He charged that Mrs. Zimmerman neglected her home, and spent in politics money that he earned as a stonecutter.

BEST DRESSED WOMAN.

Dr. Mary Walker Gets the Prize—Had on "Pants."

Syracuse, N. Y., Sept. 14.—Dr. Mary Walker, attired in masculine costume, was awarded the annual prize as being the best dressed woman on the state fair grounds, by the fair officials.

Ives Candidate for Senate.

Tucson, Ariz., Sept. 14.—Eugene S. Ives, a Democrat of Tucson, has formally announced his candidacy for the United States senate. Ives favors re-inserting the judiciary recall provision in the constitution.

DUKE TALKS ABOUT PLANS

Does Not Think Anything Definite Will Be Accomplished At Today's Meeting

THE COMPANY'S PLANS

Federal Judge, Attorney General Wickersham and the American Tobacco Company Officials Considering Plans for Carrying Out the Mandate of the Supreme Court—James B. Duke Says He Does Not Think Anything Will Be Accomplished at Today's Meeting.

New York, Sept. 14.—Preliminary to the conference of federal judges, Attorney General Wickersham and the American Tobacco Company officials who are considering plans for reorganization of the company in consonance with the supreme court mandate, James B. Duke, the company's president said that he did not think anything definite will be accomplished at today's meeting. He thought many more meetings will be necessary before a definite conclusion is reached.

The company's counsel say their only plan for re-organization was submitted by the tobacco company to government. Counsel did not think a definite conclusion will be reached under six months.

Rear Admiral Rose Retires.

Washington, Sept. 14.—Rear Admiral Rose, governor of the naval home at Philadelphia, has retired, at the age limit. He entered service from Indiana.

POLICE HAVE FAILED SO FAR

Have No Clues As to Who Killed the Hendersonville Girl Last Week

CAUSE OF BUNGLING WORK

Say Facts Were Not Made Known in the Beginning in the Hope that the Murderers Would be Thrown Off Their Guard and be Caught—Chief of Police Admits He Has No Clue—Coroner Makes Statement, But It is Not Yet Known if all the Facts Have Been Given Out—New Inquest Tomorrow.

Asheville, N. C., Sept. 14.—Late developments in the case of Myrtle Hawkins, of Hendersonville, whose body was found in Osceola Lake were made by statements of Coroner Kirk, who at last broke silence. The statement virtually confirmed the statements of most newspaper men that the young girl died as a result of a criminal operation. So far as known a full public statement of the facts disclosed to the coroner and Dr. Drifts, by the autopsy have not been made.

The bungling work indicated was not done by the physicians. The gravity of the affair is increased by the theory held by the authorities that the girl, though probably doomed to die, might have lived several days after the operation and her death was precipitated by chloroform administered before the operation.

The reason given for withholding the explanation was the absence of clues, the authorities hoping to lure the murderer into a false sense of security. Public pressure would no longer admit silence. It appears, however, the authorities are still at a loss as to the identification of the murderer. Chief of Police Garren stated today: "I can't find out who killed the girl." There are rumors of important evidence, but there is doubt if real detectives have been on the case.

A new inquest will be held tomorrow. Solicitor Johnson assisting the investigation.

Young Man Being Watched.

Hendersonville, N. C., Sept. 14.—A young man of this vicinity is under surveillance in connection with the death of Miss Myrtle Hawkins, whose body was found in Lake Osceola Sunday. The youth, it is said, was seen with Miss Hawkins a short time before she disappeared Thursday. The coroner's announcement that an illegal operation caused Miss Hawkins' death has stirred up bitter feeling. The authorities have taken extra precaution to safeguard the suspect.

Evidence Withheld.

The inquest held Sunday was a public affair only until Dr. W. R. Kirk, coroner of Henderson county, assisted by Dr. A. B. Draft, com-

(Continued on Page Five.)

MAINE WILL TAKE THE OFFICIAL COUNT

Portland, Maine, Sept. 14.—Returns received at the secretary of state's office up to noon with only six towns missing and these six supplied by returns received in Portland showed: For repeal of prohibition 60,517; against repeal 60,383. Majority for repeal 134. If the figures received in Portland from Limestone, Matineus Isle and Topsheld, which have been shown to be reversed, as compared with those received in Augusta are allowed, they show victory against repeal of 335. The official recount probably will be necessary to determine the result of balloting.

May Fight in San Francisco.

Milwaukee, Sept. 14.—Promoter Nelson, of San Francisco, has made offer to stage the Wolgast-McFarland fight in San Francisco, following the authorities decision not to permit the fight here. Levison agrees to give the principals seventy per cent of the gross receipts. They guarantee a forty thousand dollar house provided the fight is extended to twenty rounds.