

SALISBURY EVENING SUN

VOL. XVIII—NO. 112

SALISBURY, N. C., FRIDAY EVENING, MAY 12, 1905

TWO CENTS

EXAMINATION OF WITNESSES

In Grubb Case Begun Today—Very Interesting Testimony Brought Out—Great Array of Legal Talent

The jury having been selected yesterday, this morning the court met promptly at 10 o'clock, and soon all the lawyers whose names have been previously mentioned in this paper were in their places, and ready to proceed with the testimony in this now celebrated case. The jurors are said to be twelve of Rowan county's best citizens, who will sit together hear the evidence and give a verdict accordingly. The lawyers on both sides represent the best legal talent of the State and no higher praise can be offered.

They are contesting every inch of ground, not the slightest and most insignificant circumstance is overlooked.

The wife of the prisoner who is also the sister of the deceased, has a seat in the bar, some distance from her husband. Also the widow and daughter of the dead man are seated in the rear of the State's counsel.

There seems to be no disposition upon the part of the counsel on either side to put the friends and relatives of these two families in any position to create either sympathy or prejudice on the part of the jury. Only two witnesses were examined when the court took a recess till three o'clock this afternoon.

The examinations were conducted by Messrs. Justice and Clement for the State and the cross examination was conducted by Mr. C. B. Watson, of Winston.

The first witness introduced by the State was J. M. Bennett, who was pastor of Piney Baptist church, at the home when the homicide was committed. He testified as follows:

Rev. J. M. Bennett was first called for the State.

"I live at Churchland, about 150 yards from Piney Church. I have lived there about 14 or 15 years and have been familiar with the place that long."

Other questions as to the school house and the church were then asked, these questions bring the lawyer's strategic points, but of small interest to the reader. The minute detail description of the church and the road running by it was given by Mr. Bennett, after which the examination proceeded. When asked if he were present the day of the homicide, he continued: "It was the third Sabbath in October and I was sitting in my seat on the west side. The first I heard of the trouble was the shots. I heard somebody say Davis is shot! I hastened to him and saw him lying on the ground, with his face down; I tried to talk to him, but he was too far gone. Someone said, 'let's move him out of the blood' which was then gathering about his mouth and nose. We moved him about two lengths of a man from the blood. His face was down and turned towards the school house. This was about 17 feet from where he was shot. As the man died, his sack coat was up over his shoulder. I saw a pistol in his pocket. It fell out so far that the handle touched the nose upon the question. Mr. Watson ground, but I don't know whether it fell finally out; someone took it away but I don't know who. I saw the defendant a short while and his manner was that of violence. The only thing I heard him say was, 'bring my double team.' He held his pistol in his hand. The deceased hitched his team, which was to a surry, at his usual place. The two-horse surry was nearer the church than the buggy at the time the shooting took place I had just finished the prayer and Brother Myers was reading the scripture lesson. I suppose there was 700 people in there."

Mr. Justice then turned the witness over to Mr. Watson on cross examination, the witness was long pressed for statements as to distances, but could obtain few guesses and they were rather off, though bearing

TRUSTEES TO MANAGE B. L. DUKE'S AFFAIRS.

It is Learned That They Were Appointed For Mr. Duke's Protection

Durham, N. C., May 11.—Trustees have been appointed to handle the business affairs of Brodie L. Duke for twelve months from this time, the trustees being invested with limited powers so far as buying and selling property is concerned. The trustees appointed are Mr. R. B. Boone and Mr. Naol Edwards, both of this city and they have taken charge of the affairs of Mr. Duke.

It is understood that Mr. Edwards will have charge of the clerical work and that he and Mr. Boone will direct the general management of the affairs of Mr. Duke.

This is the outcome of the settlement of the litigation in New York. The announcement of the appointment of trustees to take charge of the property and affairs of Mr. Duke shows the basis of the agreement that was reached.

It is learned that the appointment of these trustees was made by Mr. Duke for his own protection. The trustees will hold control of his property for the year, and at the end of that time Mr. Duke can either continue or discontinue the powers of the trustees. The trustees have entire control of all his property, but in the case of purchases or sales, he will have to be consulted by the trustees and his name to the papers will be necessary. For the services rendered as trustees, both Mr. Boone and Mr. Edwards will receive \$100 per month.

In making this new arrangement it is learned that Mr. W. G. Branham who has been private secretary to Mr. Duke, will lose his position. He is now going over the books, making out profit sheets and getting ready to turn over the entire business.

Regarding the published report that Mrs. Alice Webb-Duke is coming to Durham and will go into the manufacture of tobacco, nothing can be learned at this end of the line. It is thought by some of those who are in position to know, that he stry is without very much foundation.

to showing the impossibility of Davis having been shot as the witness declared. He testified that he could see both of the men at the time of the second and third shots, but saw no weapon in the hands of Davis whose hands were by his side. Mr. Watson then tried to force the witness to say he was in front of Davis, but he denied that he said it. Along here there was the irrepressible conflict of counsel, the witness having illustrated the positions and Mr. Justice objected to Mr. Watson's examination.

"I object to the gentleman's conduct," said Mr. Justice.

"My conduct would never satisfy my friend," retorted Mr. Watson.

"If the gentleman will conduct himself properly, I'll be satisfied," replied Mr. Justice.

Then bowing low Mr. Watson replied, "I accept the gentleman as the corrector of my morals."

Mr. Justice dug back and the court rapped for order. Nothing else of note came out.

Mr. T. W. Hartley, of Davidson, was next examined. He saw both men as they hitched, having heard Mr. Grubb say that hitching ground was scarce. After answering all questions put Mr. Causler, the court went into the evidence. He said he saw neither man when the first shot was fired. Mr. Hartley's horse was struck by a bullet which went through the horse and lodged in the hide. He testified further that there was an interval of a second between the first and the second and third shots. Davis had his arms shrunk by his side. Taking a cane, Mr. Hartley then pointed out the place where he, Davis and Grubb hitched. He also testified that after the shooting Mr. Grubb told the crowd not to put its hands on him.

When the witness was turned over for cross examination some interesting things were brought out; he was asked if Charley Darr, a man who had shot at Grubb, was not the man who first tracked Grubb and the witness answered "yes." He was again asked if he did not hear Grubb say "he has tried twice to blow up his somebody to kill me." He said that he had. Mr. Watson rode his witness with spurs asking various questions as to rows that he had, bringing out that he and his father

(Continued on Page Four.)

GEN. GLENN TO GREENSBORO

Goes There for a Week of Rest On Advice of His Physi- cian

WAKE COUNTY COURT

Special Term Ordered by Gen. Glenn to Hear Noted Gattis- Kilgo Damage Suit

Special to the Sun.

Governor Glenn is anxious for an army of the sixty-five delegates as can possibly do so shall attend the Southern Industrial Parliament at Washington, May 23 to 26. And he is informed that the ladies of Washington are planning for some unique entertainment for the delegates.

During a severe thunder storm that passed over the city last evening, lightning struck the State fair buildings at the fair grounds and displaced three thousand shingles. The heavy downpour of rain was all that saved the buildings from destruction by fire.

Secretary J. E. Pogue of the State Fair, went before the Grand Lodge of Odd Fellows here yesterday and extended an invitation for the orphans at the Orphan's Home, Goldsboro, to attend the State fair in October, as the guests of the management. The invitation was accepted by a rising vote of the members of the Grand Lodge.

The Trinity College Glee club entertained here last night, being greeted by a very large audience who were greatly pleased with the program as rendered by the students, of whom there are twenty in the club.

Grand Master Plato Collins, North Carolina Grand Lodge, Kinston, president of Lodge of Odd Fellows, delivered an address on Odd Fellows here last night that was greatly enjoyed by the visiting and local lodgesmen. He declared his intention of making the coming year the most significant for progress in the history of this popular order. The erection of the \$6,000 building for the Odd Fellows Home for the Aged and Infirm is to be the of the specialties of the work for the year.

Governor Glenn makes an order for a special term of Wake County Court to convene June 12th, for the special purpose of trying the noted damage suit of T. J. Gattis vs. Dr. John C. Kilgo and B. N. Duke as trustees of Trinity College. It is to be held by Judge Fred Moore.

Insurance Commissioner Jas. R. Joyner, is moving the State department of insurance from the third floor of the capitol building to the building at the corner of Fayetteville and Morgan streets, opposite the capitol, recently leased by the State for that purpose. He expects to be settled in his new, handsome and well-appointed quarters.

The commencement of Shaw University, colored people was held today, the annual address being made by Rev. J. C. Masee, pastor of Tabernacle Baptist church. The graduates are six with degree of A. B.; two B. S.; one B. The. 18 normal department; four missionary training department; two blacksmithing; two bricklaying and plastering; one drawing and designing; one machine work; six in woodworking; fourteen in woodworking department; four in cooking. Honorary degree, doctor of divinity on Rev. Jas H. Lee, Washington, D. C., and Rev. W. A. Patillo, Oxford.

In Wake Superior Court this morning Sam Yarborough, who has been in jail without bail for the killing of Chas. Faison, colored, some weeks ago near Raleigh, was released on bail, there being no doubt as to the guilt even in manslaughter. The negro was killed with a baseball bat, in self defense, it is claimed.

The Secretary of State authorizes the dissolution of the Carolina Spoke & Bending Co., Greensboro, by mutual consent of the stockholders, J. Elwood Cox and J. N. Witt being among them.

The Guilford Plaster Co., of Greensboro, is chartered with \$6,000 capital and \$20,000 authorized; the stockholders being J. H. White, and others. The company will deal in building supplies. Another charter is to the Wales Lumber Co., of Asheville, capital \$10,000. E. A. Wales, principal incorporator.

Rev. R. S. Stephenson, Superintendent of Raleigh Associated Charities has gone to New York to make a special study of the Associated Charities work in the metropolis.

Gen. Jas. D. Glenn left today under advice from his physician for Greensboro, to spend a week quietly before resuming his work as private secretary to Governor Glenn.

LOCAL BRIEFS

Senator C. A. Webb, of Asheville, was in the city last night.

Z. I. Waiser, Esq., of Lexington, is spending the day in town.

Senator S. E. Williams, of Lexington, is spending the day in town.

Senaror A. F. Mason, of Gaston, was in the city for a while this morning.

Miss Rose Rodgers left last night for Petersburg, Va., on a short visit to relatives.

Miss Sherrill, of Statesville, one of the State's best court stenographers, is taking testimony in the Grubb trial.

Rev. J. M. Ayers is spending a few days in Spencer, at the home of Rev. Mr. Haymore. He will occupy the pulpit in the Baptist church Sunday and Sunday night.

CROPS DAMAGED BY HAIL

Goldsboro, May 12.—Special. The hail and wind storm which struck this section yesterday afternoon did considerable damage to all kinds of young crops. In a great many instances the farmers will have to plow up their cotton crops and plant over again.

The damage was not as great here as it was south of here. In the section around Dudley the ground was covered an inch and a half deep in hail. What of the green pea crop that had not been shipped was ruined around Goldsboro. Dr. M. E. Robinson had 500 baskets picked this morning, and found out when it was too late that the peas were so badly damaged that it would not pay to ship them. All kinds of crops are badly damaged in the section through which the hailstorm passed.

THE BODY OF W. A. LITTLE WASHED UP BY WAVES

Wilmington, N. C., May 12.—Special.—While walking along the beach half a mile from his new hotel at 5 o'clock this morning, W. J. Moore was attracted by a white object in the water twenty feet from the beach, and on close examination the object proved to be the feet of a human body. He had discovered the remains of W. A. Little, who was drowned Sunday afternoon. Seeing a party of fishermen nearby with boats Mr. Moore called upon them for aid. The body was in an almost perfect state of preservation.

SPECIAL APPOINTMENT AT CHRIST'S E. L. CHURCH SPENCER

The session having closed at the Theological Seminary at Charleston, the pastor elect of Christ's E. L. church, is at home in North Carolina and will be in Spencer to conduct services on Sunday, May 14. He has with him his friend, L. B. Spracher, of Virginia, who graduated with him on the 10th instant, who will preach for the congregation both morning and night of next Sunday. It is to be hoped a good congregation will be present to hear him.

PROGRAM OF MT. PLEASANT INSTITUTE

May 19, 7:30 p. m.
Exercises by the Preparatory Department.

May 21, 11 a. m.
Annual Sermon, Rev. J. E. Shenk.

May 22, 10 a. m.
Literary Address, Prof. A. G. Voigt, D.D.

May 22, 8 p. m.
Commencement Drama.

May 23, 10:30 a. m.
Contest for Declaimer's Medal.

May 23, 3:30 p. m.
Contest in Debate

Query: Resolved, that labor is justified in forming unions.

May 23, 9:30 p. m.
Reception.

MARSHALS
Ludwig Society.... Gerhardt Society
C. L. Litaker, Chf..... C. E. Barger
Mason Goldman..... R. I. Long
O. A. Barringer..... M. L. Kester

CRUISERS SIGHTED

New York, May 11.—A correspondent for The Evening Star at Hong Kong wires that several volunteer cruisers of the Baltic fleet were sighted on May 7, by a British torpedo stowship, Hockla, near Vanlong Bay, Indo-China. The commander of the Hockla states that the cruisers were clean and appeared in excellent condition.

Tokio.—A sailing vessel, Veitkumary, reports sighting two Russian vessels evidently part of the Vladivostok squadron twenty miles northwest of Fukara May 9. The vessel steaming towards the south probably the same as those sighted near Aomori Tuesday and supposed to be Russia and Cromhole.

NEW CORPORATION CHARTERED --BLOCKADERS CAPTURED.

(Special to the Sun.)

Raleigh, N. C., May 12.—The Burnsville Telephone Co., has been chartered. Exchange at Burnsville, Yancey county, J. S. Gibbs principal incorporator. Capital stock \$20,000.

Revenue raiders destroyed still at Hannah's Creek, county last night, capturing tons whiskey, destroying five gallons beer, owner escaped.

SPENCER NEWS

Spencer, N. C., May 12.—Spencer is to have a wholesale grocery establishment and the same will be opened within a few days. The enterprise which is the first of the kind to be located in Spencer, will be operated by Mr. W. G. Boshamer, of Concord, who has decided to open here as soon as his stock of goods can be shipped. Mr. Boshamer has for a number of years been manager of the Concord Wholesale Grocery Company and has had considerable experience in his line. The new establishment meets a long felt want in this place. A full line of up-to-date groceries will be carried in stock. Mr. Boshamer proposes to supply the trade in a number of towns in this section.

The Spencer pharmacy heretofore owned and conducted by Mr. T. J. Maupin, of this place, has been transferred to Mr. H. H. Cotke, also of Spencer, who purchased the entire stock of goods, fixtures and good will of the concern a few days ago. The style of the new firm is the H. H. Cooke Pharmacy and the manager proposes to enlarge the line, extend the business of the firm.

There has been a new light thrown on the bill extending the corporate limits of Spencer, the same having passed the legislature without the knowledge of the representatives from Rowan. The bond election advertised for next Tuesday will in all probability be postponed in order to give voters residing within the bounds of the new territory an opportunity to register. A committee from the board of aldermen went to Raleigh today to investigate the status of affairs and if possible to ascertain how the measure got into and passed the general assembly. The fact of the extension was discovered in a peculiar manner. Parties living near the old corporate limits had been summoned to work the public road outside the town limits and objected on the ground that they were living in Spencer. A copy of the new charter had just been received from Raleigh and it developed that the new law had gone into effect. The road streman together with others, it is learned, also resigned and refused to do duty on the public highway.

CRUSHED TO DEATH BY A LOG

The Sad Death of Mr. W. H. Boyd, of Warrenton

Warrenton, N. C., May 12.—Mr. W. H. Boyd, of this place while loading a car of logs at Scotts, N. C., was accidentally killed. A log eighteen inches in diameter, got loose and rolling over the car caught him and crushed his head, killing him instantly. Mr. Boyd's friends are numbered by the score. He is well known all over the state, as he dealt largely in the lumber business many years. He leaves a wife and two children, several will take place tomorrow morning at old Trinity church. The interment will be at the old family burying ground on the estate of his mother.

THE SPENCER COLLECTION