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THE BEARDED HIGHWAYMAN

WAS THE MAN BEATTIE DESCRIBES AS THE SLAYER OF HIS WIFE A SQUIRREL HUNTER

JUROR'S ACHING TOOTH

Chesterfield Courthouse, Va., Aug. 31.—Counsel Smith states the defense will rest its case upon the story of the boarded wayfarer who shot Mrs. Beattie. There was no intention he says to plead insanity. A physician and dentist were necessary to visit juror J. H. Purdie for neuralgia for an ulcerated tooth during the night. Gossip has it that the defense will have good basis on this fact to order a new trial if Henry is convicted. The prosecution it is rumored have located a witness described by Beattie as the wayfarer who was near the scene of the murder but was squirrel hunting.

David Weinstein a pawn broker testified to selling a gun to Paul and delivering it to him. He said Paul wanted it to use as a watchman on the Mayo bridge. The state tried to tangle the witness as to the exact time he sold the gun but the witness stood firm.

Jacob Weinstein succeeded his brother. His evidence conflicted. Said Paul came to the store at 2 o'clock where as Davis said it was 10 o'clock. Henry appeared well pleased with the days developments and chatted cheerily with his counsel.

C. H. Nevelett, Sept., of paper mill caused consternation by saying that he saw Paul with a gun on the day following that upon which Paul swore he gave the weapon to Henry, thus contradicting Paul's very material testimony. D. L. Teney, character witness and W. B. Bradley gave the prisoner a good name.

Proceedings Yesterday.

Chesterfield Courthouse, Va., Aug. 31.—Testimony corroborative of the story told by Henry Clay Beattie, Jr. that a bearded highwayman killed his wife with a shot gun—was introduced by the defense in the Beattie trial yesterday when W. R. Holland, who lives in the vicinity of the Midlothian Turnpike where the murder occurred, declared that he had seen a bearded man with a shot gun there about five hours before the tragedy.

It was the first move of the defense after the prosecution rested its case at noon to establish the veracity of the prisoner and besides Hollands statement concerning a man with a shot gun, Eugene Henshaw, a farmer who travels the Midlothian Turnpike daily testified that he saw a strange looking man prowling around on three different days before the murder.

It is reported tonight that the prosecution is ready, when its time for rebuttal arrives, to put on the stand the man who passed along the railroad tracks where Holland said he saw a man with a shot gun and that the new witness will say he was squirrel hunting that day.

How the Gun Got Out of the Car.

The defense summoned many witnesses. Besides the testimony regarding the bearded man, expert testimony was introduced as to the bouncing qualities of automobiles, similar to that driven by Beattie, thereby accounting for the jolting out from the car of the shot gun placed in a rear seat by Beattie after the encounter with the alleged highwayman.

The prosecution attacked this line of evidence on cross-examination. It contended that the railroad crossing where Beattie claims the gun must have been ejected from the car was a smooth one, and that the jolt, which might have resulted from crossing the tracks where the rails are exposed necessarily would have tossed the weapon forward from the crossing

instead of directly sideways parallel with the track, where the gun was found.

The idea of the prosecution has been to indicate that Beattie himself slowed down at the crossing and threw the gun to one side, on his way to the Owen home with his dead wife.

The defense sought to show that being held up by highwaymen while motoring in this vicinity was not an uncommon occurrence and put on the stand a chauffeur who related an experience with a highwayman a year ago.

The Commonwealth attorneys objected to the testimony as irrelevant. Judge Watson ruled that unless a great many instances could be pointed to showing hold-ups of a similar character to the one described by the prisoner, evidence as to a single incident of the kind would be ruled out. The defense announced that it intended to give other instances later.

Beattie's counsel attacked the declaration of Sam Talley that he heard on the night of the murder a shot and the scream of a woman on the Midlothian Turnpike. Several witnesses testified that the morning after the murder when Beattie talked with Talley and others, nothing was said about a woman screaming.

An Amusing Incident.

An amusing incident occurred when the defense put on the stand William Pemberton, a man of 45 years of age, to attack the truthfulness and character of Talley. Pemberton's own mentality was questioned by Prosecutor Wendenburg, "Are you right in your mind?" asked the prosecutor.

"What do you mean; am I crazy?" Pemberton asked. "Well, no."

Never Had Nine Chained Cats. "Didn't you have nine cats chained in your house once?" asked the prosecutor.

"No."

"Well, weren't there pictures taken of those cats?"

"Maybe."

Here the witness fidgeted and began to show signs of embarrassment. He turned on Mr. Wendenburg savagely, exclaiming: "Look here, man, are you trying to cross-examine me? You are talking out of your head—" The witness continued talking rapidly but his remarks were drowned in the laughter of the court room and even after Judge Watson had restored order the witness talked on in lightning-like speed until the court ordered him to stop. Even the prisoner joined in the laughter and was the last in the room to regain his composure.

When Eugene Henshaw a farmer of Bon Air, who traveled daily on the Midlothian Turnpike just before the murder was put on the witness stand he was asked to testify if he saw any stranger on the road on the days before or after the murder. "I met a man walking on the road whom I thought was a lunatic—"

"Don't give us your opinion—"

"I saw the man," continued the witness, "three times, the Wednesday, Friday and Monday before the"

(Continued on last page.)

THE WEATHER

Showers tonight and probably Friday with moderate south to south west winds.

Weather Yesterday Over Cotton Belt

The Charleston and Savannah reports not received on account of wire trouble.

Rains of a general character have fallen in the eastern districts and some scattered in the Houston, New Orleans and Montgomery districts.

Moderate temperatures prevail.

The following heavy rainfalls are recorded:

Lumberton, N. C. 1.90

Toccoa, Ga. 1.20

Luling, Tex. 2.00

Blackville, S. C. 2.00

Columbia, S. C. 2.00

Waynesboro, Ga. 1.60

Caeneyville, Ga. 2.00

FOOD RIOTS IN FRANCE

ASSUME THREATENING PROPORTIONS IN DEPARTMENTS OF ORD AND ARSINE

PEOPLE ARE STARVING

Paris, Aug. 31.—The food and bread riots are assuming considerable proportions in the departments of Ord and Aisene where thousands are on the verge of starvation.

Cotton Picking Machines.

Charlotte, N. C., Aug. 31.—Three Price-Campbell cotton-picking machines have arrived in Charlotte awaiting the arrival of Theodore H. Price who will be here about September 10 to make a public demonstration of picking cotton by his latest invention. The demonstration which will be under the personal supervision of Mr. Price will be given on some farm yet to be selected, but one convenient for as many as possible to witness the event. It is claimed that the new system is a practical success and several machines are now in operation in Texas under the direction of Mr. Price.

Can Hold Tobacco Stock Awhile Longer.

New York, Aug. 31.—The time for depositing stocks and bonds of the American Tobacco Company, preliminary to the reorganization ordered by the supreme court has been extended to September 15th, for stock and to September 27 for bonds. A conference of the members of the committees appointed to protect the interests of the holders of the tobacco company securities agreed upon a postponement.

Morehead Season Closes.

Morehead City, Aug. 31.—The Atlantic hotel closed its doors yesterday winding up the most successful season in the history of the State's oldest and most popular summer resort. From the opening of the hotel until its close it has been taxed to its capacity, and for the first time in many seasons it has netted its owners a profit.

Quite a number of fishing parties who wrote or wired for reservations during September—when the fishing is at its best—were turned down and many of these will find accommodations at Beaufort. It is surprising to people here that summer visitors should regard the coast season closed the 1st of August. As a matter of fact the fishing is best during August and September the temperature lower and conditions altogether pleasanter. With these facts in view it is expected next year the hotel will be kept open until the middle of September or even later. The management feels it incumbent to begin a campaign of education to convince the people that August and September are the pleasant months at the seashore.

Mr. T. Alexander Baxter had charge of the Atlantic hotel the past season. With his charming wife and the aid of Miss Clyde Willis of Georgia, a clairvoyant, every guest has been made to feel at home—in fact the guests have formed one delightful social circle to the mutual advantage of all Mr. O. S. Cunningham, the chief clerk and Mrs. Cunningham have added much to the pleasure of the guests and the efficiency of the office force and in the inimitable "Billy" Hudson and Mr. Rollins he had strong backing from both social and business standpoints while Martin Burke, the whole-souled hearty chef, put up menus that tickled the palates of the most fastidious and sustained well the reputation that preceded him from Washington.

THE FLEMING CASE

JUDGE PEEBLES BIGINS WORK ON IT FRIDAY MORNING

OTHER RALEIGH NEWS

Raleigh, N. C., Aug. 31.—State Food Chemist W. M. Allen, of the North Carolina department of agriculture, has returned from Duluth, Mich., where he attended the National Association of Food Officials in session there the past week, he being the secretary of the association. He says the Wiley-Wilson contest that has been stirring the country for some time was clearly in evidence in the association with the two factions very closely divided, so closely, in fact, that resolutions for neither Wiley nor Wilson could be gotten through the association although the friends of both introduced resolutions however, when it came to the election of officers the Wiley wing of the association elected its candidates, headed by L. P. Brown, of Tennessee as president. This is Mr. Allen's third term as secretary. The general view of the Wiley-Wilson contest taken by the association of food officials is that Wilson is contending for the protection of a few favored manufacturers of food products and Wiley is standing for the strict enforcement of the pure food laws and the protection of the consumers.

The contract for furnishing Raleigh's new \$100,000 municipal building just completed was awarded today to The Parker-Gardner Co., of Charlotte by a special committee from the Board of Aldermen subject to approval by the full board which is certain. There were twelve bidders in, and out of the state and the contract is for all the wood furnishings which are to be of fine quality, quarter-sawn oak, much of it hand carved. The contractors say there is not as handsome an equipment in any similar building in the two Carolinas. Every piece is to be especially designed and the equipment is to be in place by January 1.

Friday morning Judge R. B. Peebles, of the superior court, will be in Raleigh to give a special hearing in the noted Fleming case in which the possession of the two children of Mr. and Mrs. Percy B. Fleming and the question of alimony and the sale of the Fleming residence on Blount street will be especially considered pending proceeding for divorce that Mrs. Fleming has started on the ground of habitual drunkenness, cruelty and other causes on the part of her husband. Judge Peebles is to be asked by Mrs. Fleming's counsel to modify the recent order of Chief Justice Walter Clark in leaving the two children to the care of Dr. Arthur Fleming of Louisville because he was able and willing to care for them and without prejudice to the case of Mrs. Fleming in seeking divorce and final custody of the children. Clark intimated information that Mrs. Fleming was not able to provide for the children. She now sets out that she is able and that alimony from her husband's income that is ample will still further enable her to provide for the children and that she will give ample bond for the care of the children and for their retention within the jurisdiction of the court pending the settlement of their final disposition. It is not known whether Judge Peebles will go into all the evidence that Chief Justice Clark heard or not.

The Rhodis Manufacturing Co., of Rhodis, Caldwell county, filed today an amendment to its charter increasing the capital from \$300,000 to \$400,000. George B. Hiss, is president of the company. Out of about twenty local and

district fair associations, Charlotte, Raleigh, Asheboro and Oxford were represented here today in a conference called by Commissioner of Agriculture, W. A. Graham for the purpose of getting together in the matter of uniformity of rules for judging exhibits and awarding the premiums. The regulations that are proposed by Commissioner Graham to be applicable to all fairs in the state were read and approved, with the understanding that copies will be sent to all the other fairs that had no representatives here with a view to getting an agreement in time for uniformity to apply to the fairs that are to be held during this fall. Joseph E. Pogue, Raleigh, Edgar B. Moore, Charlotte; George R. Ross, Ashboro; and J. F. Webb, Oxford, were the representatives of fair associations here for the conference.

The second day of the State Farmer's Convention opened this morning at 8:30 o'clock with a demonstration of stock judging by J. C. McNutt of the A. & M. College; then followed an address at 10:30 o'clock by W. H. Merriman of Illinois on experience with hogs and by W. H. Caldwell at 11 o'clock on The Guernsey Cow and Her Island Home. At noon there was a talk and exchange of idea on the feeding of farm animals, led by J. C. McNutt, of the A. & M. College.

Dinner was served in the college dining hall at 12:30 and was followed by an auction sale of pure-bred Berkshire hogs by the North Carolina Berkshire Breeder's Association. Tonight at 7:30 Ernest Starnes, of Hickory, N. C., told the farmers how he raised 146 bushels of corn on an acre of ground last year. The young man's straight forward talk brought on a profitable discussion of problems in corn culture. There were also held tonight the business meetings of the State Livestock and the North Carolina Berkshire Breeder's Association. The association will conclude its sessions tomorrow.

Clyde Liner Apache Has A Very Close Call.

Charleston, S. C., Aug. 31.—Plunging towards apparent certain destruction on the beach of Hunting Island in the midst of the hurricane that swept the Carolina coast on Sunday night and Monday the Clyde liner Apache, with 125 passengers aboard was saved in the nick of time by a sudden change in the wind and came into Charleston harbor this morning badly racked by wind and sea, but not seriously damaged. For a tense five minutes the passengers of the Apache stood on the lower deck with life preservers around their bodies waiting for the vessel to strike and determined to make as stout a fight as they could for their lives.

Driven along by a wind the speed of which was estimated by Capt. William Staples of the liner at 100 miles an hour, the big steamer found herself helpless at about 1:30 o'clock on Monday afternoon. She was bound south from New York and had been blown past the mouth of the harbor to a point off Hunting Island. The gale swept her inshore and it force prove irresistible. Full speed ahead into the teeth of the storm could not drive the liner forward and when two anchors were put overboard the chains snapped like cords. Helpless in the grasp of the hurricane the ship was being literally hurled towards the Hunting Island breakers and the passengers with life preservers on, hand well might given up hope when suddenly the wind shifted and the vessel was saved.

Captain Staples told a vivid story. "From a terrible wind which threatened momentarily our destruction, we had entered as calm a sea as ever nature made. But the calm lasted only a few minutes. Twenty minutes later the wind struck us with greater force than ever and the barometer began falling. The wind was from the southeast and I believe it must have been blowing at the rate of at least 100 miles an hour. At Hunting Island we ran a close race with death. To go toward land meant destruction but the wind

WAR HANGS HEAVY

OVER EUROPE AS RESULT OF THE MORROCCAN SITUATION

COUNTRIES PREPARING

Paris, Aug. 31.—War clouds hang heavy over Europe due to the Moroccan situation. The feeling is acute between France, Belgium and Germany and preparations for war are being made by all countries.

Terrific Storm Approaching.

Washington, Aug. 31.—A terrific storm approaches the United States from Cuba. It is reported to the weather department as being worse than that which cut Charleston, S. C. from communication with the rest of the world Sunday and Monday. Warning are being sent to all seaports and revenue cutters all ordered to patrol the Atlantic Coast.

Would Oust Madero.

New York, Aug. 31.—Serious attempts it is asserted are being made here to engineer the Anti-Madero movement to oust Madero from power in Mexico.

TO-DAY'S MARKET

COTTON

New York, Aug. 31.—Jan. opened 11.42; May 11.64; Oct. 11.39; Dec. 11.47.

At 11.30, Dec. was 11.44.

New York, Aug. 31.—Aug. 11.95; Oct. 11.41; Dec. 11.47; Jan. 11.43.

New York, Aug. 31.—2 o'clock cotton, Sept. 11.45; Oct. 11.27; Dec. 11.21

Jan. 11.25.

Close of the market: Dec. 35.36.

STOCKS.

Stocks opened strong. Union Pacific was 1-8, Canadian Pacific 1-4, Southern Pacific 1-8, Lehigh Valley 3-4, Reading 1, United States Steel 5-8, Amalgamated was 3-4, higher. The curb was steady. Americans in London are firm.

PROVISIONS

Chicago, Aug. 31.—The opening in Sept. wheat was 88 7-8, Sept. corn 68 5-8.

Chicago, Aug. 31.—Sept. wheat 88 5-8, Sept. corn 64 5-8.

Chicago, Aug. 31.—2 o'clock grain Sept. wheat 89 1-4, Sept. corn 65.

was too strong and we had no option but to be blown landward. Suddenly about 2 p. m., the wind shifted from the southeast to the south, which gave us a chance to head eastward and get off into deep water."

F. J. Doherty, wireless operator of the Apache stated that the wind blew the vessel a distance of about seventy five miles. "We came near Hunting Island at 1 o'clock Monday afternoon where some of the crew sighted what may have been the Lexington of the Merchants and Miners line which went ashore at that point. The passengers on the Apache had on life preservers. They seemed to understand that death was starting them in the face but they remained calm. Just at the time when the end seemed to be at hand, the wind shifted."

Passengers of the Apache yesterday drew up resolutions expressing their thanks to Captain Staples and his officers an crew and appointed a committee to present to the Several passengers on the vessel sustained severe bruises during the storm. The damage to the Apache consists of the loss of her anchors and the soaking of every part of the ship, including all her apartments, in sea water.