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OLD GLORY WAVES OVER SANTIAGO.

Over Twenty Thousand Spanish Soldiers Lay Down Their Arms.

BUT SPANIARDS BURN THEIR LIGHTHOUSES.

Some Censure Toral for His Action in Signing Surrender—Thrilling Sunday Scenes at Santiago.

By Telegraph to The Times-Visitor.

Washington, July 18.—The War Department posted the following bulletin at 1:6 p. m. Sunday:

"Santiago, de Cuba, July 17.

Adjutant General United States Army, Washington: I have the honor to announce that the American flag has been this instant, 13 o'clock, hoisted over the house of the civil governor in Santiago. An immense concourse of people was present. A squadron of cavalry and a regiment of infantry presented arms and the band played national airs. A light battery fired a salute of 21 guns. Perfect order is being maintained by the municipal government. The distress is very great, but little sickness in town. Scarcely any yellow fever. A small gun-boat and about 200 seamen left by Cervera have surrendered. The obstructions are being removed from the mouth of the harbor.

"Upon coming into the city I discovered a perfect entanglement of defences. Fighting as the Spaniards did the first day it would have cost 5,000 lives to have taken it. Battalions of Spanish troops have been depositing arms since daylight in the armory, over which I have guards. General Toral formerly surrendered the plaza and all stores at 9 a. m.

(Signed) "W. R. SHAFTER,
"Major General."

SPANIARDS LAY DOWN THEIR ARMS.

Santiago, July 17, Noon.—Amid impressive ceremonies, the Spanish troops laid down their arms between the lines of the Spanish and American forces, at 9 o'clock this morning. General Shafter and a division and a brigade commander and their staff were escorted by a troop of cavalry, and General Toral and his staff by 100 picked men.

Trumpeters on both sides saluted with flourishes. General Shafter returned to General Toral the latter's sword, after it had been handed to the American commander. Our troops lined up at the trenches, and were eye-witnesses to the ceremony. General Toral rode through the city, taking formal possession. The city had been sacked before they arrived, by the Spaniards.

At the palace elaborate ceremonies took place. Exactly at noon the American flag was raised over the palace and was saluted by 21 guns by Capron's battery. At the same time all the regimental bands in our line played "The Star Spangled Banner," after which President McKinley's congratulatory telegram was read to each regiment. The Thirteenth and Ninth regiments of infantry will remain in the city to enforce order and exercise municipal authority. The Spanish forces are to encamp outside of our lines.

THE AGREEMENT.

On Board Dispatch Boat, Off Juraguа, Saturday, July 16, 7 p. m. via Port Antonio, Sunday, July 17.—What will be done with General Shafter's force is not yet fully decided. The physicians declare that the army, owing to the hardships of the fever, will not be fit for active duty for some time to come, and General Miles is believed to be seriously considering the proposition to leave only immune regiments to hold the conquered province and return the body of the corps to the United States, sending other immunes from there to re-enforce the Santiago detachment, if necessary. Many of the troops are eager to participate in the Porto Rico campaign which it is rumored about headquarters will immediately follow, but this is strongly opposed by the surgeons.

New cases of yellow fever continue to appear daily, and fully 600 are now under treatment, but the disease is of a very mild form and the physicians say it is now well in hand. Only five deaths have occurred up to tonight, the low mortality being remarkable and most encouraging to Dr. Guiteras and the other fever experts, who had grave fears when the disease first appeared that the death rate would be very heavy. General Miles, in an inter-view today with a correspondent of the Associated Press, said he believed the danger from the pest was over and that the men do not seem to fear it in the least owing to the mildness of most of the cases.

The formal sanction by the Madrid government of the terms of capitulation today unravelled the tangled skein of demands and counter-demands between the opposing commanders which threatened yesterday to end the negotiations and compel a return to arms. After numerous conferences had resulted in the agreement, already sanctioned by General Blanco, General Toral decided that the approval of the Madrid government was necessary before hee ould leave the city. General Shafter maintained that no such approval was necessary, that when General Toral agreed to surrender the province of Santiago and General Blanco sanctioned it, the agreement of surrender became an accomplished fact. He insisted that General Toral had either surrendered Thursday or acted in bad faith, but documentary evidence bore out the fact that General Toral mentioned that he only capitulated subject to his government's approval, and the six commissioners by whom the articles were signed at 2:10 o'clock yesterday afternoon so ruled. The whole matter was cleared up this morning, however, when General Toral received the necessary sanction from Madrid.

The agreement consists of nine articles. The first declares that all hostilities shall cease pending the agreement of final capitulation.

Second—That the capitulation includes all the Spanish forces and the surrender of all war material within the prescribed limits.

Third—The transportation of the troops to Spain at the earliest possible moment, each force to be embarked at the nearest port.

Fourth—That the Spanish officers shall retain their side arms and the enlisted men their personal property.

Fifth—That after the final capitulation, the Spanish forces shall assist in the removal of all obstructions to navigation in Santiago harbor.

Sixth—That after the final capitulation the commanding officers shall furnish a complete inventory of all arms and munitions of war and a report of the soldiers in the district.

Seventh—That the Spanish general shall be permitted to take the military archives and records with him.

Eighth—That all guerillas and Spanish irregulars shall be permitted to remain in Cuba if they so elect, giving a parole that they will not again take up arms against the United States unless properly released from parole.

Ninth—That the Spanish forces shall be permitted to march out with all the honors of war, depositing their arms to be disposed of by the United States in the future, the American commissioners to recommend to their government that the arms of the soldiers be returned to those "who so bravely defended them."

The articles were signed yesterday afternoon after a four hours' session of the commissioners, who agreed that the terms of capitulation should await the sanction of the Madrid government. General Toral, the white-haired commander of the Spanish forces, was present throughout the session and appeared to be heart-broken. He spoke bitterly of the fate which compelled him to sue for peace, but had no word to say against the gallant men, who had conquered his army. He declared that he had little chance to win. "I would not desire to see my worst enemy play with the cards I held," he said to one of the commissioners. "Every one of my generals was killed or wounded. I have not a single colonel left and am surrounded by a powerful enemy. We have counted 67 ships off this port, and, beside," he continued, waving his hands toward the city, "I have secret trouble there."

Speaking of the battle of the 24th of June in which the Rough Riders and a part of General Young's command participated, General Toral said that less than 2,000 Spanish troops were engaged, his loss being 265. He would not say how many Spaniards were killed at El Caney and before Santiago. "Heavy, heavy," he said dejectedly.

In response to an inquiry, he said that transportation would be required for between 22,000 and 25,000 men, there being that much of a force in the capitulated district. He informed the officers that Santiago harbor had been again mined since Admiral Cervera left.

BRAVE HOBSON AGAIN.

By Cable to the Times-Visitor.

Santiago Harbor, July 18.—Almost immediately after the Spanish flag was hauled down on Morro Castle yesterday the steam launchs commanded by Lieutenants Hobson and Palmer entered the harbor penetrating to the firing stations of the submarine mines. The mines were all exploded under the supervision of the Vixen. It was observed that two of the mines had been exploded at the entrance, but it is thought that this is probably connected with the sinking of the Merimac.

TROUBLES IN TURKEY.

Tangiers, July 18.—The Sultan is concentrating his forces in the vicinity of Ceuta and Melila to guard the frontier and preserve peace.

SPANISH FLAG CAPTURED.

Washington, July 18.—The Spaish flag captured at Juaaguasita Cuba by Company B, Twenty-second Regular Infantry has been received at the Adjutant General's office.

TAR HEEL'S SUCCESS

Sergeant Paul C. Hutton Receives Good Promotion

IS CONTRACT SURGEON

Has Received his Appointment as Surgeon in the U. S. Army With the Rank of Lieutenant—Discharge From the First Regiment Yesterday.

The news reached Raleigh today that Sergeant Paul C. Hutton, of the First Regiment has been appointed Contract Surgeon in the United States Army at a salary of $1,200 per year, with the rank of Lieutenant, and and has received orders to report for duty at Tampa, Fla., as soon as his discharge from his regiment, which has been applied for can be received.

Sergeant Hutton left Raleigh last Wednesday night for Washington in response to advises from friends at the national capital and it was known to a few friends that his name had been strongly recommended to the war department.

Sergeant Hutton, though a licensed physician, and one of the younger men whose outlook was unusually bright, enlisted in the ranks of Captain Bain's company from Goldsboro, which was among the first to arrive at Camp Ervan Gaines, now more than two months ago. He was soon given a sergeancy, and when the regiment received orders at Jacksonville instructing Colonel Armfield to send recruiting parties to this State Sergeant Hutton was detailed with the party on duty here under Lieutenant T. B. Christian. The duties assigned to Sergeant Hutton made him medical examiner, and of the many men sent from this district only one man has been turned down at Jacksonville, and this was on account of age and not to mistake on the part of Dr. Hutton.

His good record as a member of the First Regiment and his efficient work in the capacity of examining surgeon were strong points in his favor, and his promotion is due to his own hard work rather than to influence and political pull.

Dr. Hutton is a young man of possibly twenty-five years, and obtained his diploma at a medical college in Washington. He is well known in Raleigh, having made many friends while his regiment was in camp in this city and since his arrival here with the recruiting party.

The work of recruiting the First Regiment goes steadily on. The recruiting parties at other points in the State are doing good work, but Lieutenant Christian's men lead as for numbers sent to Jacksonville. The regiment now lacks about one hundred to complete its organization under the recent order increasing the maximum strength of each company to 106 men.

The regiment will possibly be completed by the end of this week, and it is intimated in Washington that Col. Armfield's men will be among those sent to Porto Rico within the next two weeks.

PORTO RICO EXPEDITION.

By Telegraph to the Times-Visitor.

Washington, July 18.—General Brooke was in conference with Secretary Alger and Adjutant Corbin this morning regarding the Porto Rico expedition. General Miles cables from Santiago that he has four batteries aboard transports ready to sail for Porto Rico. Fifth, Eleventh and Nineteenth Infantry and light batteries C and M, of the Seventh Artillery; also eight heavy batteries with mortars have been ordered to prepare for the expedition. The preparations are being pushed with all possible haste. It is the intention of General Brooke and Adjutant Corbin to start the campaign before the end of the week.

"THE CITY OF CHARLOTTE."

It is at Atlantic City and is Much Admired.

The North Carolina car, "The City of Charlotte," is where a great many North Carolina people would like to be—at Atlantic City. In noting its arrival there The Atlantic City Daily Union says:

"The North Carolina exposition car, 'The City of Charlotte,' arrived in this city a few days ago, and is now on exhibition at tahe Reading depot. It is actually a State fair in miniature, in which are displayed the wonderful products of the farms, orchards and vineyards, the forests, mines and factories of the productive State of North Carolina. This car differs from many of the other traveling State exhibits inasmuch as a greater variety of great resources. In the car are products can be shown from this State specimens of mens of fruits,itc ge il,nQ CoX⅝⅞¾ fruits, grains, tobacco, wines, woods, beans and other vegetables, minerals, cotton ,rice, game and a thousand and one things that are curiosities to many people of this State.

"Every schoolboy or girl should see the interior of this car, for such an opportunity may not be presented to them again. The exhibit is instructive, and one they will never forget. Mr. Moore, who has charge of the car, talks interestingly of his exhibit and of the rapid development of his State. He is a citizen of Charlotte, which, he says, has doubled in population in the past six years, and is now a great manufacturing centre. The car will be in city a few weeks."

MILES AT JURAGUA.

Off Santiago, July 1.—General Miles remained at Juragua during the completion of the agreement yesterday and a copy of the articles was sent him by General Shafter this morning. "That is splendid," he said, "we get everything that we came after." General Miles went to Guantanamo today, and it is reported that he will remain there until the Washington government definitely decides about the Porto Rico campaign. A large number of troop ships are lying off here, and it is generally believed that a large part of General Shafter's army will be moved soon.

THE SOLDIERS LEAVE

Six Companies Off on Specials for the South.

OTHER SIX TO LEAVE

Such a Report Current in Raleigh Today but Could not be Confirmed at the Camp—Two Companies Reported Ordered to Governor's Island.

The six companies of the Second Regiment ordered to the South left Raleigh Sunday morning at 7 o'clock.

The Seaboard Air Line and Southern Railway divided the command, each carrying three companies.

The Seaboard special left a few minutes in advance of the southern and carried the following companies:

Company M, Captain Joseph W. Cooper, of Murphy, to Fort McPherson, Atlanta, Ga.

Company E, Captain S. J. Cobb, of Lumber Bridge, to Fort McPherson, Atlanta, Ga.

Company A, Captain R. B. House, of Fayetteville, to Tybee Island, near Savannah, Ga.

Major Wilder, the commander of this division, and Adjutant R. L. Gray, accompanied the companies over the Seaboard.

The Southern's special left shortly after the Seaboard with the following companies on board:

Company I, Captain C. W. Andreys, of Tarboro, to Fort Francis, St. Augustine, Fla.

Company C, Captain Edmund Jones, of Lenoir, to Fort Francis, St. Augustine, Fla.

Company D, Captain R. P. Grier, of Greensboro, to Landsend Point, Royal, S. C.

Major Cooke, the commanding officer of this division, and Adjutant Bradley Wooten accompanied the companies over the Southern.

The companies have all arrived at their destinations without accident or delay, according to reports received by the railway officials.

A report was current today to the effect that the six remaining companies would leave here tomorrow. The report said that Companies E and H were to be sent to Governor's Island, Companies B and K to Portsmouth, N. H., and Companies C and E to Fortress Monroe. Inquiry at the camp obtained no confirmation of the report.

CLASSMATE OF DEWEY.

A Raleigh Youth at College—With the Famous Admiral.

This week [illegible] Raleigh a [illegible] boys in some way [illegible] that the whole country is looking to Manila. In the list of the graduates of Annapolis Academy from the College at Newport, Vermont, appears the name of Emery Burns, of Raleigh, N. C. By many, remembered as Dewey's classmate and mother's nephew, Emery Burns was the son of Mr. [illegible] Burns, who came to Raleigh from Massachusetts in the thirties to work on the State capitol. He built the first country building [illegible] Messrs. Allen and Crane. Mr. Burns had all the iron work [illegible] in the capitol modelled in his foundry. After the capitol was finished Mr. Burns continued his foundry business in Raleigh. For several years Mr. Fleming Bates was in partnership with Mr. Burns, the firm being Burns & Co.

Mr. Burns sent his son Emery [illegible] to the college at Norwich, Vermont, [illegible] he came [illegible]. There Emery Burns [illegible] Dewey and they graduated from the college in the same class in 1857. Emery Burns then returned to Raleigh. When the war broke out Mr. Burns remained in the South, but moved to Charlotte county. Mr. Emery Burns went to New York and worked in the navy yard there. At the time of his death, at an early age, he was in the employ of the government in the navy yard at North Carolina. One son survives him.

Emery Burns' mother, Mrs. L. P. Lillstone, and his sister, Mrs. J. V. Cole, are still living in Raleigh. His mother has passed her eighty-fourth year. She lives with her daughter, Mrs. John W. Cole, on North Person street.

PLENTY OF WINE.

By Telegraph to The Times-Visitor.

Santiago, via Playa del Este, July 17.—The city was formally surrendered at 9 o'clock this morning. Generals Shafter, Wheeler, Lawton, Ludlow, Ames and Kent, with eighty officers of lower rank escorted by the squadron of cavalry, a regiment and infantry met the Governor, mayor, chief of police and Archbishop of Santiago in the public square fronting the Cathedral at that hour when the formalities of turning over the city to the Americans took place. The Cubans were not officially represented. The American flag was raised over the civil government building at noon. A light battery fired a salute of twenty-one guns amid great enthusiasm. The Red Cross steamship "State of Texas," carrying supplies, with Clara Barton aboard, entered the harbor immediately after the Spanish gunboat Alvarez, which was surrendered to the Americans, steamed out of the harbor flying the American flag. Two smaller vessels also surrendered. The Cuban flag waved over Socapa Castle a few minutes, but was quickly lowered for the American colors. Morro Castle batteries in that vicinity were wrecked as a result of the bombardments by the fleet. The American and Spanish troops are hobnobbing on the billsides surrounding the city. General Shafter and the commanding officers were given a dinner in the forenoon by the Spanish. There was plenty of wine, but notable scarcity of eatables. Great destitution in the city. It is reported that during the ceremonies Shafter ordered the arrest of Sylvester Scovil, the World correspondent.

TO SEND THEM HOME.

By Telegraph to The Times-Visitor.

Washington, July 18.—The expense of sending the Spanish prisoners back to Spain will cost over a million. The food will cost over four thousand per day and the trip will probably occupy fifteen days.

CARROLLTON OPEN.

Raleigh's New Hotel Serves First Dinner Today.

READY AT SIX O'CLOCK.

Mr. O. J. Carroll's Handsome New Hotel Throughly Equipped With New Furniture, is Ready for the Public—This Evening's Dinner.

This afternoon Raleigh's new hotel, "The Carrollton," will be open for the reception and at six o'clock the first dinner will be served.

"The Carrollton has been rapidly pushed to completion, and has the appearance of one of the happiest homes in the State. It adorns Fayetteville street at the Carbarrus street junction, and is conveniently situated for all visitors to the city, whether bent on business or pleasure.

The office is one of the prettiest in the country. It is not immense, but contains all the necessary hotel equipment. It is handsomely papered and the ceiling is of natural wood finish.

The dining room is situated on the southern side of the first floor where a delightful breeze is always to be found.

The hotel is almost completely surrounded by verandas and the rooms are all nearly furnished with brand new furniture.

The announcement that "The Carrollton" is open for business was made by the proprietor, Mr. O. J. Carroll, this afternoon, and the owner gives a glowing and deservedly complimentary description of the new hotel. It new from cellar to garret.

The opening this afternoon will be in grand style but "TheCarrollton" promises even better yet to come. Within two days everything will be running smoothly and the house will be popular with every one.

The public may be assured of a warm welcome at any hour. In the day time Mr. John Tucker will be in charge and at night Mr. Willis Hervey will welcome the guests. The steward, Colonel Luck, has pleasant surprises in store for the guests of the hotel, and the northern baker, Mr. Stoudt, will supply the best of breads.

The dinner this evening will be served in the southern dining room, where only pleasant things meet the eye of the guests. Polite servants will be at the call of guests, and all that is asked at present is a trial, which Mr. Carroll promises will convince the public of the good qualities of Raleigh's new gem in the hotel line.

CERVERA AT CHURCH.

Crowds Flock to Annapolis to See the Spanish Admiral.

Annapolis, July 17.—Maryland's ancient capital was crowded today with curiosity-seekers, who came from Baltimore, Washington and elsewhere, by rail and by water, in the hope of getting a peep at Admiral Cervera and the men who fought and lost in the great naval fight off Santiago. Those who reached here early in the morning were rewarded for their trouble, as nearly all the prisoners, including the officers, attended divine services at St. Mary's Roman Catholic church, where they offered up thanks for their delivrance from the fate that overtook so many of their comrades. The church, which is the only one of the Roman Catholic denomination in the city, is one of the landmarks of Annapolis, and numbers in its membership some of the most prominent people of the city. It is conducted by the Redemptorist fathers, is a handsome structure, and is thought to possess one of the handsomest interiors of any religious edifice in the State. The morning's services were conducted by Brother John, one of the most prominent of the Order of Redemptorists, in the presence of a congregation which taxed the capacity of the edifice. Probably no service held within its walls for many years possessed so great an interest or made a more profound impression upon those who attended it.

At the close of the services, the officers returned to the Naval Academy and spent the balance of the day in strolling about the grounds or lounging on the broad piazzas which surround most of the buildings in which the prisoners are quartered. They are rapidly becoming accustomed to their surroundings and seem cheerful and contented. Ample provision has been made for their comfort, their food is plentiful and of the best quality, and comforts will be provided for those who will accept.

Captain Eulate, of the Vizcaya, is the only one of the officers who has thus far refused to sign the parole pledge. His reasons for it are that Admiral Cervera was only required to give a verbal promise and that his (Eulate's) rank entitles him to the same privilege. The authorities here have no doubt that the matter will be amicably arranged, and that the scruples of the gallant officer will be overcome.

Admiral Cervera has positively declined to grant any newspaper interviews. He has written a note, stating that while he appreciates the honor of being asked his views, still he must decline to give them. To Mr. De Barrill, a Spanish-American citizen, he said today that he could not meet the gentlemen of the press in their representative capacity. What has been done is history, he said, and now he was under some rules of restraint and could not speak. He expressed himself as appreciative of the courtesies shown him.

Some of the Spanish officers thought they could mail their letters without censorship, and a number were dropped into the city boxes today. They were returned to the Academy authorities for inspection.

A STRONG COMBINATION.

New York, July 18.—It is rumored that W. W. Astor and Mrs. Ogden Goelet, representing two of the largest American fortunes, are to wed.

DUFFIELD SICK.

Washington, July 18.—Duffield is reported stricken with yellow fever and now at the Sibroey hospital.

LOCAL NEWS ITEMS

Dusty Travelers From Dusty Trains

SHORT STATEMENTS

Those Who are in the Public Eye—Movement of People who Have or Have Not Gone to the War—News in Little Space.

Mrs. C. C. Baker and children have returned from a visit to Norfolk, Va.

Rev. and Mrs. I. McK. Pittenger and Miss Pittenger left this morning for Tarboro.

Remember that the excursion to Littleton will leave the Union station promptly at 7 tomorrow morning.

Mrs. Chas. Johnson returned this afternoon from a pleasure trip to Wrightsville Beach.

Mr. Jas. A. Sanders representing the New York Biscuit Company, left this morning for Baltimore and New York.

Miss Eunice Worth is sick with fever at the home of her father, State Treasurer W. H. Worth. Her condition today was unchanged.

The regular Seaboard Air Line north-bound train due to arrive at 11:20 a. m. will reach here at 6 o'clock this afternoon.

If you are going to Littleton on the excursion tomorrow be at the Union station at 7. The train will stop at Johnson street at 7:10.

Private James Daggett, of Wilmington, who is well and popularly known in Raleigh, is confined to the hospital at Camp Dan Russell.

Miss Mae O'Brien, of Charleston, S. C., who has been visiting Misses Ell and Sarah Kirby, left this morning for her home.

Mr. M. M. Smith had another very serious attack last Saturday morning, and was taken home. He has been suffering very much ,but today is reported as being some better.

Mr. J. W. Bailey leaves tomorrow for the Thomasville Orphanage to attend a meeting of the directors of that institution. During the past year there were 180 pupils cared for at that orphanage.

Col. John S. Cunningham, President of the North Carolina Agricultural Society, is in the city making some preliminary arrangements for the great State Fair this fall.

Jas. H. Smith, of Macon, Ga., an old Raleigh printer, and brother of Mr. R. W. Smith, is spending some time in the city visiting relatives and friends.

The trolly party which was postponed from last Tuesday evening will be given tonight if the weather permits. Those holding tickets will find the Venus at their disposal at 8:45 o'clock, and others wishing to spend a pleasant evening can find no more satisfactory way than joining the happy throng tonight.

The Seaboard north-bound train today was several hours late. This was caused by the derailing of the gravel train a few miles from Manly. The morning train arrived at Manly on time and had to await the removal of the derailed train. A special was made up here and took quite a large crowd north.

In the Mayor's Court this morning John Hobby and William George, colored, were arraigned for an affray in Bailey's bar. George was discharged, and Hobby fined $2.25. Stokes Crump was up once more. This makes over two hundred times that Stokes has appeared in Mayor's Court. He was fined $3.25 for letting his fist fall on the jaw of Mr. S. E. Manning.

Don't fail to attend the basket picnic given by the Engineers at Littleton, July 19th, and remember that all who go will have full access to all the mineral waters they want and also a privilege of participating in the dance on the pavilion at the springs. If you think it's too much trouble to prepare a basket for the occasion just go right along. The man in the refreshment car will make ample arangements for you and yours.

OFF FOR LITTLETON.

The excursion to Littleton, under the auspices of the Brotherhood of Locomotive Engineers, will leave the Union station at 7 o'clock in the morning. This will be one of the most delightful outings of the season, and will be enjoyed by all. Everything possible will be done for the comfort and pleasure of the picnickers.

BURNING THE LIGHTHOUSES.

By Telegraph to the Times-Visitor.

Key West, July 18.—The Spanish lighthouse keepers at Cape Maysi and Cape Lucrecrea have burned the lighthouses in protest of the act of Capitulation signed by General Toral. The Spanish garison at Guantanamo have sunked all the cannons and exploded the magazines. The gunboat Machias arrived this morning and reports having seen Cape Maysi lighthouse and two others in flames, also reports that the harbor of Neuvitas, which contains the Spanish gunboat, steamer Humberto Rodriguez, is blockaded by the Badger. The Rough Riders from La Quasimas arrived this morning on the steamer Solace.

JUDGE EWART'S RESIGNATION.

The long looked for resignation of Judge Henry G. Ewart as Judge of Criminal Court was received at the Governor's office today. The resignation was expected when Judge Ewart first received his appointment, but he awaited the adjournment of Congress and re-appointment by the President before sending in the document. Judge Ewart no longer fears being turned down by the Senate.