

#### APPEALS COURT NOW ORGANIZED

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#### COURT BEGINS WORK WITH TWO DISSENTS

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#### APPEALS COURT STARTS TO WORK

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#### GEORGIA COURT OF APPEALS.

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The Atlanta Constitution; Dec 24, 1911; pg. C8, 1

THE APPOINTMENT OF JUDGE POTTLE.

The Atlanta Constitution; Dec 24, 1911; pg. 4, 1

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The Atlanta Constitution; Dec 25, 1911; pg. 4, 1

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The Atlanta Constitution; Jan 17, 1912; pg. 1, 2

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The Atlanta Constitution; Jan 18, 1912; pg. 5, 1

COURT ROOM CLOCK BADLY OUT OF ORDER

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J R POTTLE; The Atlanta Constitution; Aug 4, 1912; pg. 2, 1

JUDGE POTTLE INDORSED BY BAR OF GREENSBORO

The Atlanta Constitution; Aug 12, 1912; pg. 4, 1

SOME REASONS WHY JUDGE POTTLE SHOULD BE RE-ELECTED AS JUDGE OF THE COURT OF APPEALS

The Atlanta Constitution; Aug 21, 1912; pg. 7, 1

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The Atlanta; Aug 24, 1912; pg. 1, 2

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The Atlanta Constitution; Aug 24, 1912; pg. 5, 1

PRICE AND POTTLE WIN AFTER THE WITHDRAWAL OF BLALOCK AND BROYLES

Fred Lewis; The Atlanta; Aug 29, 1912; pg. 1, 2

BROYLES WITHDRAWS, POTTLE NOMINATED

The Atlanta Constitution; Aug 29, 1912; pg. 2

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The Atlanta Constitution; Oct 6, 1912; pg. C14, 1

APPEALS COURT TO TRY FITE; JUDGE ROASTS COURT AGAIN

The Atlanta Constitution; Oct 8, 1912; pg. 1, 1

FITE ANNOUNCES HE WILL APPEAR

The Atlanta Constitution; Oct 9, 1912; pg. 9, 1

JUDGE FITE FOUND GUILTY; FINED \$500 OR TEN DAYS FOR CONTEMPT OF COURT

The Atlanta; Oct 13, 1912; pg. A1, 2

# E. & N. CHANGES ARE ANNOUNCED

## Passenger Agent Hollenbeck Makes City Appointments.

Mr. Hollenbeck Receives Many Congratulations on His Promotion. Much Competition Expected With Opening of New E. & N. Service Sunday.

J. G. Hollenbeck, who was yesterday appointed division passenger agent of Louisville and Nashville, with quarters at No. 4 Peachtree street, yesterday announced the appointment of a ticket agent, assistant ticket agent and chief clerk for the city offices of the new road between Atlanta and Cincinnati.

H. H. Milner has been appointed city ticket agent, and yesterday began upon his new duties and preparing for the stock for the new Atlanta railroad office, which is expected daily. Mr. Milner is well known in Atlanta as one of the younger railroad men and has a number of friends here. Although his home is in Midway, Ala., he has been in the ticket offices of the Nashville, Chattanooga and St. Louis for the past three years. Previous to his coming to Atlanta he was ticket agent at West Point for the West Point Route, and ticket agent at Selma for the Louisville and Nashville. He takes his new position with an enviable record for ability, and the kind of experience fitting him for his present work.

G. C. McIlheny, of Louisville, has been appointed assistant ticket agent. Mr. McIlheny is a man of wide experience, and has been in the Louisville ticket offices of the Louisville and Nashville for several years. His arrival is expected daily, and he comes to Atlanta with a fine record, as one who is intimately acquainted with the methods used in the home office of the Louisville and Nashville.

# APPEALS COURT NOW ORGANIZED

## Judge Hill, of Atlanta, to be Presiding Judge.

Logan Bleckley Made Clerk and J. H. Pittman Named as Sheriff Until October 1, After Which P. W. Derrick Will Serve for Four Years.

The new state court of appeals was formally organized yesterday and is ready to begin business next week.

The members of the court, Judges B. H. Hill, of Atlanta, Arthur G. Powell, of Blakely, and Richard E. Russell, of Winder, met yesterday morning at 10 o'clock in the office of Governor Terrell, who administered the oath of office in the presence of a number of capitol officials, and presented them with their commissions.

Following this, the court held two meetings, and then met in the supreme court room at 3 o'clock, where formal announcement was made of the court's organization.

An order was passed, the effect of which was to name Judge Hill, as chief or presiding judge of the new court on the ground that he is the oldest member. Usually the date of the commission determines such questions, but in this case all the commissions bear the same date, and the selection was put upon the ground stated.

Logan Bleckley, the well-known deputy clerk of the supreme court, was elected clerk of the court of appeals. His long experience and careful attention to detail will make the new court an able and an accurate official.

J. H. Pittman, an Atlanta lawyer and former member of the house of representatives from Troup county, was named as sheriff to serve until October 1, 1907.

P. W. Derrick, of Henry county, was named as sheriff of the court of appeals for a period of four years from October

# WILL MAKE FIGHT FOR SUBTREASURY

## Committees Leave for Wash- ton in Atlanta's Interest

Competition Has Narrowed Under Secretary Shaw's Presence to Georgia, Alabama, South Carolina—Atlanta's Chances of Success Regarded as Excellent.

At 12 o'clock last night three committees from Atlanta left over the Seaboard road to have a conference with Secretary Shaw, congressman Livingstone, the members of congress from the states of Georgia, South Carolina and Alabama relative to securing the new sub-treasury for Atlanta.

The committees are: From the Georgia House Association, Joseph A. Cord, R. J. Lowry and R. F. M. from the Chamber of Commerce, Wiley Pope, David Woodward and Walter G. Cooper; from the city of Atlanta, Joseph Hirsch and Walter A. Fay.

In addition to meeting with Secretary Shaw and the congressmen from the states named, it may be that the congressmen from North Carolina and Idaho will be asked to take part in the conference.

The committees left the city well supplied with maps and convincing arguments which the members think will pro-

# The Pr

McHenry is a man of wide experience, having been in the Louisville ticket office of the Louisville and Nashville for several years. His arrival is expected Friday, and he comes to Atlanta with a fine record, as one who is fully acquainted with the methods in the home office of the Louisville and Nashville.

E. E. Barry, an Atlantian, is appointed chief clerk. Mr. Barry was for some time in the office of J. C. Beam, Jr., when he was division passenger agent. When Mr. Beam was appointed assistant general passenger agent of the Southern railway with headquarters in St. Louis, he sent for Mr. Barry. While Mr. Barry states that he loved St. Louis, he also insists that there is no place like Atlanta and he returns to enter the office of Division Passenger Agent Hollenbeck.

Mr. Hollenbeck, or "Jack," as he is intimately known to a very great number of friends, was yesterday kept busy answering telegrams, shaking hands and thanking his many admirers for their sincere and enthusiastic congratulations. While his promotion was confidently expected by the citizens of the Atlanta railroad world, its official announcement yesterday was the occasion of all kinds of pleasant sentiments.

Mr. Hollenbeck is one of the best known members of the local cinder colony. He entered railroad work in the office of Superintendent J. J. Turner, of the Indianapolis and Vincennes road of the Pennsylvania lines, who is its third vice president of the Pennsylvania system. Later, Mr. Hollenbeck went with the Wabash, and then seven years ago went to the Florida East Coast road as chief clerk of the passenger department. It was about five years ago that he accepted the position of district passenger agent of the Louisville and Nashville, with headquarters in Atlanta. Upon his arrival he entered the Louisville and Nashville offices in the Brown building, on North Pryor street, then the Transportation Row of Atlanta. Since his coming to Atlanta he has made a most enviable reputation, and has secured some of the largest movements calling for special trains as well as securing quite his full share of the regular passenger traffic. That his good work has been appreciated by the Louisville and Nashville is proved by his promotion to the position of division passenger agent, a most responsible position. In that he will have in charge the opening up of Atlanta's new road to Cincinnati. The circular issued yesterday is signed by General Passenger Agent C. L. Stone and Traffic Manager C. B. Compton.

This new service, which has been anticipated by Atlantians for so long a time, will be inaugurated by a train leaving Cincinnati at 7:55 p. m., and arriving at 8 o'clock p. m. This train will run over the Louisville and Nashville, arriving here the next day, Monday, at 12:40 noon.

At first with the opening up of the road there will be but one through train each way, although it is expected that this service will soon be increased to meet the heavy messenger traffic over this road.

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P. W. Derrick, of Henry county, was named as sheriff of the court of appeals for a period of four years from October 1, 1907.

Edward C. Hill, of Atlanta, W. A. Cameron, of Sylvester, and Miss Marion Bloodworth, of Atlanta, were named as stenographers to the new court. Mr. Hill will serve Judge Hill, Mr. Cameron, Judge Powell, and Miss Bloodworth, Judge Russell. The selection of a woman as court stenographer is rather unprecedented. Miss Bloodworth is at present stenographer in the office of Walter Brown.

**To Use Great Seal of State.**

An impression seal of the new court was adopted to consist of the obverse side of the great seal of Georgia, which shows a ship at anchor at a wharf, boats being loaded and a man plowing in a field, illustrative of the industries of the state, and around which will be inscribed "Court of Appeals of the State of Georgia, 1907."

The impression seal of the supreme court is the reverse side of the great seal of the state, so that the entire great seal will be represented in the seals of the two courts.

George W. Stephens was sworn in as reporter for the court of appeals, he having been designated in the law creating the court, and at his suggestion John M. Graham, assistant reporter to the supreme court, was designated as assistant reporter to the court of appeals.

W. E. Taley, of Atlanta, was sworn in as deputy clerk of the court of appeals, and will assist both Clerk Harrison, of the supreme court, and Clerk Bleckley, of the court of appeals.

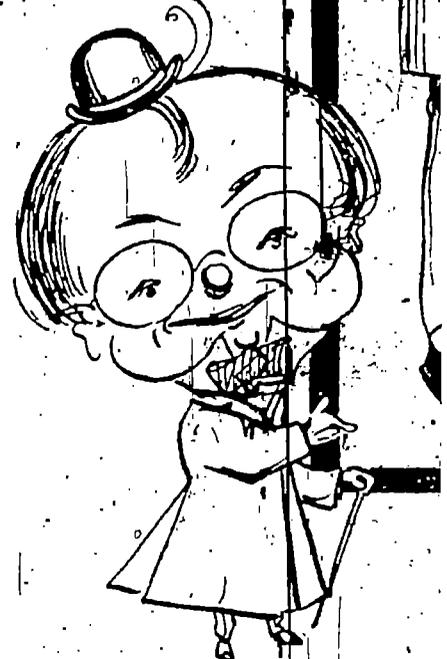
The court of appeals will meet on Monday at 1:30 o'clock p. m. for the purpose of transacting such business as it may deem advisable, and will meet again Tuesday at 1:30 p. m. to begin hearing argument in cases. The call at that time will run from case No. 1 through No. 53 of the court of appeal docket, as heretofore published, and as announced by the clerk of the supreme court at the request of the judges of the court of appeals. No further notice of this call of the docket will be given.

Stylish shoes and best of leather—all kinds and grades—at cost. Carhart Shoe Manufacturing Company, 111 Market place.

over the records for the past few years, have proved that the banana trade in this section of the south had actually doubled in the past five years. Manager Gordon also stated that the increase in Atlanta's consumption of this fruit and coconuts had been little less than startling and a big surprise to those familiar with the facts.

While reports of the new changes in the schedules which are to go into effect next

**The Pro**



With January-May, the OVERCOAT on a see-saw of incertainties that frequently seasonable winter. The hearing needed, and the arguments not only in for any weather. It wishes a real econo

# MUTT'S COLUMN

g horses neared the river General heeler said: "Now then taut your lines on the bit, ve his sides your heels and his belly ur whip. Keep your eyes open and— It was just at that second that General heeler's raw-boned iron gray made a ap into the air and with front hoofs anted straight to the front went into a second later there was a reur splash, a torrent of white spray, m—o sight, as the horse began eaing his way across the river, bullets ping the water to the front, to the rear, the right and to the left: Soldier Shropshire's horse indicated a lk. A second was not to be lost, gging his rowels into his mount's side, shing his flanks with his sword. Soler Shropshire gave a Comanche yell, d into the Tennessee his high-worn-out cen; dipped, the spray from General heeler's horse almost blinding the cavyman.

Upon the other bank, as Wheeler and ropshire sprang from saddles to shake e water from their clothing, bullets m cabins and pistols made merry listling music about them.

"General, its right warm here. Rather t down —"

"Hot hell, Shrop. my boy. S'pose we ve on."

nd into their saddles they vaulted, ll having done well his part in the anklin' Penn. battle, one of the stubn contests of the war between the ites.

han Watton F. Shropshire, Georgia, ough few better men in line when ll ray was needed. In the saddle th ore, pistol or carbine he was er ready for fun, fray or frolic.

ehing Wheeler in life private Shropre rode in haste, a haste that tested speed, the mettle and the endurance his horse. With Wheeler in the lead nanned in his saddle deep asleep it

## APPEALS COURT OPENS SESSION

### Argument in First Case Will Start on Tuesday.

Initial Case on the Docket Is That of the Gainesville Midland Railway Against Judah Jackson, From the City Court of Hall County.

The first session of the new state court of appeals will be held this morning. There are now on the docket 156 cases to be tried by the new court. One hundred and fifty-five of these cases were transferred from the supreme court under the provisions of the law creating the court. The other case which has been docketed is that of the Gainesville Midland railway v. Judah Jackson, from the city court of Hall county. The suit is one for damages, and was won in the lower court by the present defendant in error in the court of appeals. H. H. Dean is attorney for the plaintiff, and W. B. Sloane and H. H. Perry for the defendant in error.

Monday's session will be more or less perfunctory, and argument will not be taken up until Tuesday at 1:30 o'clock, when cases 1 to 53, inclusive, taking in the Brunswick, Atlanta and Middle circuits, will be heard in order.

The terms of the court of appeals after this one, which is irregular, will be held coincident with those of the supreme court, and cases will be docketed in the order they are received and called by circuits in their order, there being no return days in the new court.

The reports of the decisions of the court of appeals will be published separately from that of the supreme court.

## NAME OFFICERS TUESDAY NIGHT

The saving habit is as easy to form as the spending habit. Why not form the habit that will do you some good?

?

Trust Company of Georgia  
Equitable Building  
Capital, Surplus and Profits, \$650,000



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The price of good, rich land in the Southwest is so low that you can own a big farm there without investing much money, or mortgaging the place.

Land that is the equal of land in the older States now sells for a small fraction of the cost of land in your locality.

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on the first and third Tuesdays of each month to Texas, Oklahoma and Indian Territory via M. K. & T. Ry. Co. and see the Country yourself. Choice of routes; via Memphis or Sheveport. For particulars, write

**JNO. P. DALY,**  
DIST. PASS. AGT. M. K. & T. RY.  
EQUITABLE BLDG. ATLANTA, GA

## ANNUAL SESSION OF MARBLE MEN

# 10,000 FOR SAVANNAH

## City Promised That for Harbor Work

From Forest City Succumbing House Commission on Rivers and Harbors. Senator Clay Presented Delegation.

**John Corrigan.**  
January 7.—(Special.)—Savannah has been promised \$1,000,000 for harbor improvements. Senator Clay presented before Chairman Burdette's committee on river and harbor improvements today for the appropriation. The party was re-elected this afternoon by Mr. Burdette. A very brief hearing of the committee declared that the importance of Savannah, as the committee would recommend an appropriation of \$1,000,000 for harbor work. The plan is to make \$300,000 available in cash, with an appropriation of \$700,000 in long term contract. The money will be appropriated according to the plans and specifications of Colonel E. G. Kingman, in charge of the work. Any changes recommended by the committee will be approved. Mr. Burdette stated he would present the specific work to be undertaken. It is believed that \$300,000 will be expended in strengthening the jetties for a dredge. W. W. Williams made the statement for the delegation, called attention to \$2,000,000 of the money appropriated. Savannah had been squandered by the actions of Captain Oberlin, who simply asked the others present at the hearing of Senator Clay. Representative Charles G. Edwards, the new representative from the first district, Lawton, T. M. Norwood, and Pleasant A. Stovall.

# COURT BEGINS WORK WITH TWO DISSENTS

## Judge Russell Objects to Creating Presiding Judge on Ground of Age

## JUDGE POWELL AGAINST WOMEN STENOGRAPHERS

## Latter Puts His Opposition on the Ground of Legal Prohibition. Court of Appeals Promulgates Rules and Admits Attorneys to Practice.

The new state court of appeals started out with two dissenting opinions, filed before argument in a single case had been made. Judge R. B. Russell filed his dissent to the rule designating a presiding judge in accordance with age, and Judge Arthur G. Powell filed a dissent to the order naming a woman as one of the court stenographers, on the ground that this is a state office, and cannot be held by a woman. This did the state court of appeals begin its formal sessions at 1:30 o'clock yesterday in the supreme court room. The court met yesterday for the purpose of attending to such preliminary matters as it had to deal with in advance of beginning the regular docket, and right interesting these preliminaries were. Here is the order making provision for a presiding judge, to which Judge Russell takes exception: "The established order of precedence in presiding in this court shall be the same as obtained in the supreme court prior to the creation of the separate office of chief justice of that court, that is to say, that the president or chief judge of the court shall be the oldest judge in commission, and, as between two or more judges whose terms of service with

Judge Powell against the appointment of a woman as stenographer to the court. In the selection of stenographers, Judge Russell named Miss Marion Bloodworth, of Atlanta, this being the first instance in the state's history in which a woman has been named as stenographer in an appellate court.

Presiding Judge Hill concurred in the appointment of Miss Bloodworth, expressing doubt as to whether the position is one of "a civil officer" or merely a clerk, and giving the benefit of the doubt to the appointee. Hence she will serve in that capacity.

Judge Powell, however, took the emphatic view that the position is that of a civil officer, hence that a woman is not eligible. Here is what Judge Powell said on the subject:

"I feel it my duty to dissent from so much of the above order as provides for the appointment of Miss Bloodworth as one of the stenographers of this court. This dissent is based solely, however, upon the following reasons:

"By express provision of law, civil code section 1810, females are declared ineligible to hold any office or perform any civic functions, unless specially authorized by law. By civil code section 5507, the stenographers of the supreme court are declared to be civil officers. The constitutional amendment creating this court provides that in all respects, except as otherwise provided in the constitution, the laws relative to the supreme court shall apply to the court of appeals. To my mind, it therefore necessarily follows that females are ineligible to hold the office of stenographer in the court of appeals. If I could find any escape from what seems to me an irresistible legal conclusion, I would take great pleasure in joining with my brethren in the selection of this most excellent young lady."

Miss Bloodworth, however, was selected by the votes of Judges Hill and Russell, and she will hold the position.

### Admissions to Practice.

Practically the only work done by the court of appeals at its session yesterday was the adoption of the court rules, which differ materially in many respects from those of the supreme court, on account of varying conditions, and to admit a number of attorneys to practice in the new court.

The following attorneys were admitted to practice in the court of appeals: George W. Stevens, John M. Graham, John S. Candler, Clifford L. Anderson, R. R. Arnold, Samuel N. Evins, Eugene R. Black, John M. Sutton, Henry A. Alexander, Henry C. Peoples, Robert C. Alston, Charles T. Hopkins, Harold Hirschel, John L. Tye, Sanders McDaniel, and Philip H. Alston, Walter

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gation, called attention to \$2,000,000 of the money ap-... had been squan-... of Captain Ober-... and... apply asked the... at the hear-... Representative... Edwards, the new... representative from the first... Lawton, T. M. Norwood, ... Pleasant A. Stovall, ... and Colonel E. G. King-

### SPREAD BY ENGINE.

antly Killed and En-... fatally Injured. ... January 7.—Southern... 43, southbound, on... Texas Central railroad, ... south of here, today, ... Fireman Garlinghouse... injuring Engineer Walter... died an hour later. ... Tex.

## NEW BILL DISCUSSED

### City will Investigate Observance in Atlanta.

to the grand jury yester-... Judge Pendleton dwelt at... the Boykin-Wright anti... and as a result an in-... follow, as directed, to... her of not the new law is... in Atlanta. ... charged that the new... should not prevent it... any more so than... and stated that it was... the grand jury to return... anyone disregarding it. ... avened the criminal... court yesterday, dis-... all of them mis-... as larceny from... in the person, ma-... the like. ... the late J. M. High was... form by Judge Wil-... the entire estate going... the deceased. The estate... worth about \$400,000.

is a safe practice into the stomach any-

and right interesting these preliminaries were

Here is the order making provision for a presiding judge, to which Judge Russell takes exception:

"The established order of precedence in presiding in this court shall be the same as obtained in the supreme court prior to the creation of the separate office of chief justice of that court, that is to say, that the president or chief judge of the court shall be the oldest judge in commission, and, as between two or more judges whose terms of service with this court begin on the same date, the oldest man shall for the purpose of this rule, be regarded as the oldest in commission. In the absence of the chief judge, the next oldest shall preside."

Under this order, since the commissions of all three of the judges bear the same date, Judge B. H. Hill, being the oldest in years, becomes the chief, or presiding judge.

### Judge Russell's Dissent.

Judge Russell's exceptions to the foregoing order are interesting. They were read as follows, and placed upon the minutes of the court, no further action being taken:

"My opposition to the adoption of the above rule is twofold. In the first place, the court cannot exercise legislative functions and create an office not contemplated in the act constituting the court of appeals. The act in section 3 says specifically that the officers shall be a clerk and a sheriff. The court is delegated no further power on that subject.

"The legislature had the power to create such an office as the presiding judge, or it may do so in the future. It did not exercise that creative power which is exclusively its own, and not a prerogative of this court.

"To my mind, the legislative intent that all the justices should be equal is clear. But if it be said that the necessity for a presiding judge is so urgent, that authority to create one must be presumed as among the implied powers of this court, then, in my opinion, it is the duty of this court to follow the manner pointed out by the legislature in determining the choice of terms for two, four and six years respectively—namely, by lot.

"This was the legislative suggestion as to the determination of the only distinction it contemplated. It is so suggestive of harmony and fairness as to be worthy of imitation. I deny that any decision or statute of Georgia affords a precedent for the construction that 'oldest in years' means oldest in commission, or vice versa.

"The rule proposed is therefore purely arbitrary—one in which the proposed presiding judge, though unnamed, is fully identified. Being arbitrary and personal, this rule must be considered and operated upon grounds of public policy instead of by the rules of law.

"And should I participate at all (in what, for the reasons above stated, I deem myself by law unauthorized) in the creation of this new office, I am constrained to say without the least disparagement of the eminent qualifications of either of my distinguished brethren) that I have never... and cannot give

from those of the supreme court, account of varying conditions, and admit a number of attorneys to practice in the new court.

The following attorneys were admitted to practice in the court of appeals:

George W. Stevens, John M. Graham, John S. Candler, Clifford L. Anderson, R. R. Arnold, Samuel N. Evins, Eugene R. Black, John M. Slaton, Henry A. Alexander, Henry C. Peoples, Robert C. Alston, Charles T. Hopkins, Harold Hirsch, John L. Tye, Sanders McDaniel, L. C. Hopkins, Philip H. Alston, Walter McElreath, Morris Brandon, Walter R. Brown, W. D. Thomson, John S. Gleaton, James W. Austin, Spencer R. Atkinson, T. A. Hammond, Alex. W. Smith, James E. Warren, W. E. Talley and Z. D. Harrison, of Atlanta; Sam S. Bennett, Camilla; Eugene Cox, Camilla; H. H. Perry, Gainesville; H. H. Dean, Gainesville; E. A. Hawkins, Americus; H. B. Spooner, Bainbridge; W. M. Harrell, Bainbridge; W. D. Sheffield, Bainbridge; Albert H. Russell, Bainbridge.

### Judge Hill's Remarks.

After the foregoing business was finished, Judge Benjamin H. Hill made the following remarks:

"I ask the indulgence of the members of the bar for a few minutes. The constitutional amendment creating the court of appeals provides that it shall consist of three judges. No distinction whatever is made between the judges, and no provision is made for the selection of a presiding or chief judge. This matter if left entirely by necessary inference to the decision of the three judges themselves. Of course it is absolutely necessary that some one of the three judges should be selected to act as presiding judge in order that the business of the court can be properly conducted, and a majority of the court adopted a special order on the subject, following the precedent established by the three judges in the organization of the supreme court.

"It is not claimed that there was any statute or decision on the subject, but the method adopted by the three judges established the precedent referred to. This honor, therefore, falls upon me, solely because of my venerable age. I assure my young and distinguished colleagues that I would gladly exchange the honors of seniority for the strength and pleasures of adolescence. But as this cannot be done, I accept the honor of the position as one of the compensations of age, and trust I shall be able to discharge its duties in such manner as to win the respect of my associates, and the learned members of the bar who will practice in this court.

"The establishment of the court of appeals was for the purpose of furnishing double relief. Relief to the overburdened judges of the supreme court, and to the people who on account of this condition were threatened with a denial of justice. Our resolute English ancestors, the barons at Runnymede, wrung from a reluctant king the declaration that he would neither deny nor delay justice or right to any subject. This guaranty is justly regarded as one of the most precious rights secured by the Great Charter. What the king was forced to yield to the humbles of his subjects, the people of Georgia have voluntarily



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# U TRUNKS

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 compartments.  
 and convenient.

\$12.50 to \$24.00

ountree & Bro.

and Bag Co.

RIVER, Manager  
 Whitehall St.

to the determina- on of the only dis-  
 tinction it contemplated. It is so sug-  
 e of harmony and fairness as to  
 worthy of imitation. I deny that  
 any decision or statute of Georgia af-  
 fords a precedent for the construction  
 that 'oldest in years' means oldest in  
 commission, or vice versa.

"The rule proposed is therefore purely  
 arbitrary—one in which the proposed pre-  
 siding judge, though unnamed, is fully  
 identified. Being arbitrary and personal  
 this rule must be considered and oper-  
 ated upon grounds of public policy in-  
 stead of by the rules of law.

"And should I participate at all (in  
 what for the reasons above stated, I  
 deem myself by law unauthorized) in  
 the creation of this new office, I am  
 constrained to say without the least dis-  
 paragement of the eminent qualifications  
 of either of my distinguished brethren  
 that I have never yet, and cannot give  
 my consent to any doctrine which gauges  
 the peculiar fitness of any individual  
 for office holding by his age or youth,  
 other than the present statutory re-  
 quirements.

"The achievements and services of  
 our young men are, perhaps, the pre-  
 eminent glories of American history.

"Long life sometimes brings wisdom,  
 but not always knowledge."

Judge Russell's dissent was simply or-  
 dered recorded on the minutes.

### The History of It.

The reasoning by which the rule in  
 question was brought about is said to  
 have been as follows:

Prior to 1866, when the office of chief  
 justice of the supreme court was first  
 created, and soon after the organization  
 of the supreme court under the act  
 creating it, the legislature passed an act  
 providing, among other things, with re-  
 gard to the three judges of that court,  
 that

"They, or two of them, may hold said  
 court, and the oldest judge in commis-  
 sion is the chief justice, or president  
 thereof, but without any greater powers  
 than his associates."

This act as amended so as to make it  
 applicable only in case that the chief  
 justice is absent, still appears in the  
 state code, section 5503.

All the laws relating to the supreme  
 court are made part of the law creating  
 the court of appeals.

By actual construction from the date  
 of the organization of the supreme court,  
 that court has always held that the ex-  
 pression "oldest judge in commission" as  
 between two judges of the same date of  
 commission, meant the older man in  
 years.

In the first supreme court, Justice  
 Lumpkin, who was born in 1800, was  
 thus given precedence over Justice War-  
 ner, who was born in 1803, and upon the  
 death of Justice Lumpkin, Justice War-  
 ner became chief justice in precedence  
 over Justice Nesbitt, born in 1804, al-  
 though all these commissions bore the  
 same date.

### As to Woman Stenographer.

The other dissent filed in the court of  
 appeals at its first meeting was that of

cannot be done. I accept the honor of  
 the position as one of the compensations  
 of age. I trust I shall be able to dis-  
 charge my duties in such manner as to  
 win the respect of my associates, and  
 the learned members of the bar who  
 will practice in this court.

"The establishment of the court of  
 appeals was for the purpose of furnish-  
 ing double relief. Relief to the over-  
 burdened judges of the supreme court,  
 and to the people who on account of  
 this condition were threatened with a  
 denial of justice. Our resolute English  
 ancestors, the barons at Runnymede,  
 wrung from a reluctant king the declara-  
 tion that he would 'neither deny nor de-  
 lay justice or right to any subject.' This  
 guaranty is justly regarded as one of  
 the most precious rights secured by the  
 Great Charter. What the king was forced  
 to yield to the humblest of his subjects,  
 the people of Georgia have voluntarily  
 given to every citizen. In this great  
 state it has always been the right of  
 every man, however humble, or insignif-  
 icant his case, to be fully and fairly  
 heard by a court of last resort. This  
 court will labor to fulfill the reasonable  
 expectations of the people in creating it.  
 It cannot hope to do so, Gentlemen of  
 the Bar, without your earnest sympathy  
 and active support. Courts must rely for  
 a proper construction of the law, and  
 for any measure of success, upon the  
 learned and conscientious members of the  
 bar. Lawyers are severe critics, but are  
 rarely unjust in their judgment. They  
 fully understand the labors, duties and  
 responsibilities of the judicial office, and  
 when they accord to the judges learning,  
 integrity and courage, their opinion will  
 be accepted by the general public as the  
 true estimate of the judge's character,  
 and so the court will thus obtain public  
 confidence and respect. In the beginning  
 of our judicial career, we earnestly in-  
 volve your active and considerate help,  
 and we promise in return consecrated  
 service, recognizing only one master—the  
 law. With strict fidelity, without fear  
 and without favor, with clean hands,  
 and with a pure purpose, we will strive  
 to serve all the people in an impartial,  
 and patient execution of the high trust  
 committed to us. To administer jus-  
 tice without respect to persons, and to  
 do equal rights to the poor and the rich.  
 Reverently we repeat the words of our  
 sheriff on opening the court, 'God bless  
 the people of Georgia and the court of  
 appeals.'"

### Gavel With a History:

Sheriff Pittman, in opening the first  
 term of the new court of appeals, used  
 a gavel which has an interesting history.  
 Chief Judge Hill gave him the gavel,  
 which was used by his father, Senator  
 Hill, at Macon in 1867, in organizing  
 the democratic party, that nominated  
 John B. Gordon for governor against R.  
 B. Bulloch, and which inaugurated the  
 great fight against the reconstruction  
 measures of congress.

Try a can of Williams'  
 Syrup. It is pure.

Eise  
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 with  
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 payin  
 fault  
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 Baltin

# NEGROES UNFIT FOR SOLDIERS

## Represents Representative Slayden in the House.

### Exposes the Numerous Outrages of Which Negro Troops Have Been Guilty—Negro Prejudice Against Whites—Back of the Brownsville Affair.

Washington, January 8.—An echo of the late assault by negro soldiers of the 24th Infantry was heard today in the House. Representative Slayden, in a speech lasting an hour and with considerable interest, told the story of that August night in Brownsville, Texas, when the colored troops, as they were called, "shot up" the town of Brownsville, Texas.

Slayden devoted much time to a analysis of the conditions of white and negro races and said that race prejudice was at the bottom of the assault. "The history of the negro troops in the United States," said Mr. Slayden, "has many chapters that tell of the lack of discipline, of riotous and vicious conduct, of murder and pillage."

**Negroes Unfit for Soldiers.**  
 In declaring the negro race to be unfit for military service, the Texas congressman said he had in view only the physical courage of the negroes. "This is the only quality," he said, "that belongs to the negro, and if there is any difference between savage and civilized man in respect to the superiority of the white man, it is the savage, who is undeterred by his adventures by thought of the consequences."

Slayden reviewed the history of the 24th Infantry and said it has "a

# APPEALS COURT STARTS TO WORK

## Three Cases Are Considered at the First Session.

The court of appeals got down to business in earnest yesterday, and a number of cases were signed.

Max Isaac, of Brunswick, who was admitted to practice yesterday, had the distinction of signing the first case in the new court. The case was that of Hunter, plaintiff in error v. J. J. Lissner. The case was brought up from the Glynn county superior court. Mr. Isaac represented Mr. Lissner.

In the forenoon many attorneys were admitted to practice. They follow:

- C. D. Hill, J. D. Kilpatrick, John E. McClelland, Hubert L. Culberson, George L. Bell, Arthur Heyman, C. L. Pettigrew, W. T. Colquitt, C. D. Maddox, Owen Johnson, Ben T. Conyers, J. S. Slicer, Eb T. Williams, Winfield R. Jones, Charles G. Williams, Lawson Rucker, H. N. Randolph, Frank E. Rodenstein, Frank M. Hughey, Alexander M. Stephens, Walker C. Hendrix, Edgar Latham, James K. Hines, James L. Mayson, Hudson Moore, John A. Boykin, Harvey Hill, J. B. Ridley, J. F. Gollightly, S. D. Johnson, all of Atlanta; James Bishop, Jr., Eastman; J. C. Boone, Gainesville; Max Isaac, Brunswick; W. W. Larsen, J. Alex Smith, Swainsboro; W. W. Bennett, Baxley, and John C. Hart, Union Point, Ga.

Following in the action of the supreme court and the court of appeals:

### Supreme Court of Georgia.

Argument of the case of Volberg v. Gate City Terminal Company et al. was resumed and concluded. The court adjourned the present open session. Decisions are expected next week.

Monday's session follows:  
 Atlantic and Birmingham Railway Company v. mayor and council of Cordele, from Crisp. Argued.  
 H. W. T. Gaines et al. v. W. N. Dyer et al. from Hall. Argued.  
 Gertrude Volberg v. Gate City Terminal Company et al. from Fulton. Argument

# JAMES REDDICK WINS HAND

## Old Hickory Event Worth to the Winner.

### Goldie Was a Close Second, at 20 to 1, and Bud, at 30 to 1, Surprised the Talent by Defeating the Favorites.

New Orleans, La., January 8.—Hickory handicap, worth about \$1000, was won at City Park today by Reddick, with Goldie a close second. Today being a state holiday in Louisiana, the battle of New Orleans, with the name of the race is associated with the name of the race is associated with the name of the race. Only four started in the event.

It was announced tonight that the great event, the American Turf Association, will come here to Louisiana. Louis A. Cella over the proposition of the Western Jockey Club and the American Turf Association.

Weather clear; track slow.

**FIRST RACE**—Five and one-half furlongs: John Peters, 111 (J. St. Louis), won; Luzarion, 103 (Gangel), second; Donna, 102 (Englander), third. Time, 1:09. Bert Oshery, Major Carpenter, Green Granada, Babe B., Monte Carlo, Gold Bearer and Gay Adelaide.

**SECOND RACE**—Six furlongs: Bert, 106 (Austin), 13 to 5, won; Proof, 110 (Nicol), 9 to 2; second; R. 94 (A. Martin), 12 to 1. Time, 1:15 3-5. Rickey, Westepadour, King Pepper, Bazill Breeze, Holloway and Sflon also started.

**THIRD RACE**—Seven furlongs: Brunnell, 100 (G. Swain), 5 to 2, won; Glamor, 110 (Mountain), 5 to 2, second; Tudor, 103 (Englander), 8 to 1, third. Time, 1:28 1-5. Expect to See Lally, Morales and Sea. W.

...ing anew and with consider-  
 ...story of that August night  
 ...when the colored troops, as  
 ...not up" the town of Browns-  
 ...his state.  
 ...Slyden devoted much time to a  
 ...of the conditions of white  
 ...es and said that race preju-  
 ...the bottom of the assault.  
 ...history of the negro troops in  
 ...States," said Mr. Slyden.  
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 ...conduct, of murder and

**Negroes Unfit for Soldiers.**  
 ...aring the negro race to be unfit  
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 ...said he had in view only the  
 ...ances of their service. He did  
 ...their physical courage. "This  
 ...he said, "that belongs to  
 ...men, and if there is any dif-  
 ...between savage and civilized man  
 ...respect, the superiority possibly  
 ...the savage, who is undeterred  
 ...ventures by thought of the  
 ...reviewed the history of the  
 ...infantry and said it has "a  
 ...vicious record," and going  
 ...back, he said that while sta-  
 ...at Mead, S. D.; in the sum-  
 ...a corporal of that regiment  
 ...citizen and the people of the  
 ...lynched the murderer.  
 ...rages by Negro Troops.

...e weeks after the lynching  
 ...twenty negro soldiers raided  
 ...up" the town of Sturgis, which  
 ...mile and a half from the post.  
 ...ing to Mr. Slyden's narrative,  
 ...naga, Nev., was the next scene  
 ...outbreak by this regiment,  
 ...the outbreak from Nوبرارا,  
 ...a "wanton and cold-blooded  
 ...was committed.  
 ...stances of lawlessness by ne-  
 ...were also detailed. Speaking  
 ...rooksville shooting, Mr. Slyden

...he absurd that at this late  
 ...ould be asking who did the  
 ...I fall to see how there is room  
 ...doubt. If the soldiers had  
 ...the, and the circumstances the  
 ...the same mass of clear strong  
 ...against them had been submit-  
 ...f the president had dismissed  
 ...the service in the same man-  
 ...not only would have been no  
 ...was the murderers, but  
 ...the president would have  
 ...s unanimously approved. But,  
 ...ites are not a valuable po-  
 ...handed in bulk, which ex-  
 ...things."

W. C. Colquitt, D. Maddox, Owen  
 Johnson, Ben T. Conyers, J. S. Siler, Eb  
 T. Williams, Winford R. Jones, Charles  
 G. Williams, Lawson Rucker, H. N. Ran-  
 dolph, Frank B. Rodenleben, Frank M.  
 Hughey, Alexander M. Stephens, Walker  
 C. Hendrix, Edgar Latham, James K.  
 Hines, James L. Mayson, Hudson Moore,  
 John A. Boykin, Harvey Hill, J. B. Rid-  
 ley, J. F. Gollightly, S. D. Johnson, all  
 of Atlanta; James Bishop, Jr., Eastman;  
 J. C. Boone, Gainesville, Max Isaac,  
 Brunswick; W. W. Jansen, J. Alex  
 Smith, Swainsboro; W. W. Bennett, Bax-  
 ley, and John C. Hart, Union Point, Ga.  
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 Gertrude Volberg v. Gate City Terminal  
 Company et al; from Fulton. Argument  
 opened.  
 Court adjourned to Tuesday morning at  
 9 o'clock.

**Court of Appeals of Georgia.**

R. E. Hunter v. J. J. Lissner, from  
 Glynn. Argued.  
 Mrs. R. B. Davis v. H. Kirkland, from  
 Coffee. Argued.  
 John Currie v. A. S. Deaver et al., and  
 vice versa, from Glynn. Argued.  
 Savannah, Florida and Western Rail-  
 way Company v. N. L. Solder, from  
 Clinch. Submitted.  
 Bettle Worth v. T. H. Daniel, from  
 Coffee. Submitted.  
 Jacob Herschman v. State Banking  
 Company of New York, from Appling.  
 Argued.  
 Evans & Pennington v. J. W. Nail et  
 al., from Appling. Argued.  
 Stricklin & Co. v. E. H. Crawley, from  
 Ware. Submitted.  
 Southern Railway Company v. A. Schlit-  
 tler, from Appling. Argued.  
 Atlantic and Birmingham Railway  
 Company v. L. C. Spikes, from Coffee.  
 Submitted.  
 S. V. Brooks v. B. T. Boyd, from Ful-  
 ton. Argued.  
 B. Maxwell v. R. W. McClendon, from  
 Fulton. Withdrawn.  
 W. B. Hays v. City of Atlanta, from  
 Milton. Argued.  
 J. M. Reeves v. E. L. Douglas, from  
 Fulton. Argued.  
 DeLoach Mill Manufacturing Company  
 v. Tutwiler Coal Coke and Iron Com-  
 pany, from Fulton. Argued.  
 Adjourned to Wednesday afternoon at  
 1:30 o'clock.

the battle of New Orleans, and  
 the name of the race is associa-  
 crowd was present. Only four  
 started in the evening.

It was announced  
 dent Winn, of the American  
 ciation, will come here to  
 Louis A. Cella over the  
 gamation of the Western  
 and the American Turf

Weather clear; track  
**FIRST RACE**—Five  
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 1, won; Luzarion, 103 (Engel-  
 second; Donha, 102 (Engel-  
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 lerey, Major Carpenter, Green  
 Granada, Babe B., Mont Carlo,  
 Gold Bearer and Gay

**SECOND RACE**—Six  
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 berta, 106 (Austin), 13 to  
 Proof, 110 (Nicol), 9 to  
 Time, 1:15 3-5. Rickey, este  
 padour, King Pepper, Bazi  
 Breeze, Holloway and Specials

**THIRD RACE**—Seven  
 furlongs  
 Brammell, 100 (G. Swain), 5  
 Glamor, 110 (Mountain), 10  
 Tudor, 103 (Englander), 5 to  
 Time, 1:28 1-5. Expecto, See  
 lence, Lally, Morales and Sea  
 ran.

**FOURTH RACE**—Mile and  
 Old Hickory handicap: James  
 105 (Mountain), 9 to 5, won  
 (D. Austin), 10 to 10, second  
 Four, 113 (H. Larsen), 13  
 Time, 2:08 4-5. Gild ran

**FIFTH RACE**—Mile and  
 ing: Padre, 106 (Mountain)  
 Elita M., 93 (G. Swain), 10  
 Gay Minister, 97 (W. C.  
 Time, 2:38 3-5. Safe  
 lights Favorite, Longbrigh  
 and Hickory Corners also ran

**SIXTH RACE**—Five and  
 furlongs, selling: Retient, 1  
 to 1, won; Polly Prim, 105  
 2, second; Tichimingo, 1  
 to 1, third. Time, 1:08  
 Paul Clifford, Rustling S  
 Deuxtemps, Pretty Doreen  
 Sweet Favor, Ensley and  
 blunder also ran.

**SEVENTH RACE**—One  
 mile  
 Society Bud, 98 (Englander)  
 won; Gold Coin, 102 (Mont  
 second; St. Noel, 100; Angel  
 third. Time, 1:42 4-5. La Ga  
 drone, Gladiator, Happy  
 Brown, Langford James, Pride  
 stock, Trepan, Gauzea,  
 Plantagenet also ran.

**City Park Entries for**

First Race—Selling, 5 furlongs  
 Star, Bogfruit, 95; Glona M  
 Duchess of Montibello, La  
 Adela R., Enfin, Dnemoch  
 Wee Kitty, Masker, Miran  
 Mc. Sulu, 100.

Second Race—Steeplechase,  
 Pitkin, 125; Parnassus, 130;  
 133; Kepler, Aules, 135  
 Resartus, 136; Lulu Young  
 Creolin, 153; Orthodox, 140  
 147; Cannonball, 148.

Third Race—Three furl  
 Mary, Osmonda, Violet I  
 Wolf, Poem, Princess Sue,

Years ago in the clothing

Native shipping and export  
 4.50@6.50; dressed beef and  
 steers \$4.15@5.65; steers under  
 one \$3.75@4.60; stockers and  
 \$2.00@4.75; natives and heifers  
 50; canners \$1.75@2.55; bulls  
 25; calves \$2.60@3.00; Texas and  
 3.50@5.50; cows and heifers  
 50  
 Receipts 2,700; market steady.  
 Lights \$6.10@8.55; packers \$6.20  
 butchers and best heavy \$6.45  
 on sale.

### Groceries.

ected by Oglesby Grocery Co.)  
 a, Ga., January 17.—Coffee: Ar-  
 per 100 pounds, \$16.50; green,  
 1@13c; No. 7 Rio 10½c. Sugar,  
 granulated \$5.10; New York  
 75. Salt, 100-pound sacks, 48c;  
 ulk \$2.25; ice cream, 200-pound  
 3c. Cheese, Alderney full cream  
 Soda, Arm and Hammer brand,  
 se. Crackers, soda, 6¼c; lemon  
 7¼c. No. 3 Elberta peaches  
 se. Oysters, full weight, \$1.75  
 ght weight \$1.10. White fish,  
 1 keg, \$3.00; white fish, 100-  
 keg, \$4.50; macaroni 6¼@7c  
 Van Camp's cream, small, case  
 Sardines, mustard, \$3.25 case.  
 Giant, \$3.25 case; Red Seal,  
 ase. Peanuts, Virginia hand-  
 ½c; North Carolina hand-picked  
 ½ best Charleston, new crop, 7c;  
 Charleston, new crop, 6c; fair  
 on, new crop, 5c. Rope, 4-ply  
 13¼ Soap, Ivory \$4.00 case;  
 4 se; Lenox \$3.10; Octagon  
 is. Red Wrapper, \$1.60 case;  
 iter \$1.50 case. Snuff, 1-pound  
 ccaboy 48c; 10c Jars Maccaboy  
 Chêroots, Old Virginia, \$12.00;  
 y \$14.00. Axle grease, Diamond  
 ise; Mica \$3.25 case. **Baking**  
 1-pound Royal \$4.85 case; ½  
 Royal \$5.00 case; Good Luck  
 ise. Beans, navy, \$2.00; Roast  
 30 case; corned beef \$1.30 case;  
 beef \$1.15 case. Salmon, pink  
 se. Sardines, ¼ oil \$3.00 case;  
 3.25 case. Tomatoes, 2-pound  
 se; 3-pound \$2.25 case. Corn,  
 New York, case \$1.60; No. 2  
 \$2.10. Milk, Eagle brand,  
 ise; Winner brand \$4.45 case;  
 and \$3.80 case. Grits, 92-pound  
 .65.

### Country Produce.

ected by McCullough Bros.)  
 a, January 17.—Eggs, No. 1, 20c;  
 eggs 16@17c. Country smoked  
 1@12c; hams 13@14c. Butter,  
 table, 27¼@30c; cooking butter  
 ; good demand. Dressed poul-  
 s 15@16c pound; broilers 17@  
 ns. 13@13½c per pound; cocks  
 pound; turkeys 13@15c per  
 a demand. Live poultry, hens  
 o 5 to size; fries, owing to  
 12. Geese 50c. Turkeys 14  
 r pound. Ducks 25@35c. Quail  
 each. Rabbits 10@12½c each.  
 ork, January 17.—Butter firm;  
 eamery 29c; official prices un-  
 Cheese, firm; unchanged. Eggs,  
 changed.  
 n January 17.—On the produce

Smith et al. v. Marshall, from Talbot  
 superior court. Jesse J. Bull, for plaintiff  
 in error. Persons & McGehee, contra.

Murray v. Tarver, from Dougherty su-  
 perior court. L. W. Nelson and E. M.  
 Davis, for plaintiff in error. I. J. Hof-  
 mayer, contra.

### Court of Appeals of Georgia.

Judgments rendered Thursday afternoon.  
**AFFIRMED.**

Georgia Railway and Electric Co. v.  
 Cole, from city court of Atlanta, before  
 Judge Reid. Rosser & Brandon, Walter  
 T. Colquitt and Ben J. Conyers, for  
 plaintiff in error. Reuben R. Arnold and  
 Harvey Hill, contra.

Bell Bros. v. Aiken, from city court of  
 Atlanta, Judge Reid. Moore & Pomeroy,  
 for plaintiff in error. Etheridge, Boykin  
 & Etheridge, contra.

Cohen v. Goodrum Tobacco Co., from  
 Fulton superior court. Judge Pendleton.  
 F. M. Hughes and Morris Macks, for  
 plaintiff in error. Walter C. Hendrix,  
 contra.

### REVERSED.

Hays v. City of Atlanta, from city court  
 of Atlanta, before Judge Reid. Etheridge,  
 Boykin & Etheridge and Slaton & Phil-  
 lips, for plaintiff in error. James L. May-  
 son and William P. Hill, contra.

### DISMISSED.

Ox-Breeches Manufacturing Co. v.  
 Bird, from city court of Reidsville. E. C.  
 Collins, for plaintiff in error. H. C. Beas-  
 ley, contra.

### CASES ARGUED OR SUBMITTED.

50. J. E. Linder v. J. F. Renfro, from  
 Johnson.

51. A. Leffler & Co. v. J. E. Dick-  
 son, from Tattall.

52. A. B. Small Co. v. J. B. Claxton,  
 from Johnson.

53. S. B. Meadows & Son v. J. S. Alex-  
 ander, administrator, from Tattall.

### San Francisco Coal "Trust."

San Francisco, January 17.—Assistant  
 United States Attorney A. P. Black is  
 preparing a report for Attorney General  
 Bonaparte on the local coal trust. In-  
 formation has reached the United States  
 attorney's office that there is an agree-  
 ment between coal companies which is,  
 in effect, a violation of the Sherman  
 anti-trust law.

### The Treasury Statement.

Washington, D. C., January 17.—To-  
 day's statement of the treasury balances  
 in the general fund exclusive of the gold  
 reserve shows: Available cash balance,  
 \$241,014,651; gold coin and bullion, \$104,-  
 738,335. gold certificates, \$48,463,000.

### Cotton Seed Oil and Meal.

New York, January 17.—Cotton seed  
 oil was firm on covering. Prime crude  
 f. o. b. mills 35c; nominal. Prime sum-  
 mer yellow 45 1-2c nominal; prime white  
 51c nominal; prime winter yellow 51c  
 nominal.

Memphis, Tenn., January 17.—Cotton  
 seed oil: Prime crude 33c; choice meal  
 \$24.00@24.50; choice cake \$22.00.

### Liverpool Grain Market.

Liverpool, January 17.—Close: Wheat  
 spot firm; No. 2 red western winter 6s.  
 Futures steady; March 6s 3 3-4d; May  
 6s 3 1-8d; July 6s.

## President H. M. At Returns from Cuba Brunswick.

President H. M. Atkinson wa  
 at his desk after his return fro  
 to Cuba on the Brunswick, the  
 senger steamship of the B  
 Steamship Company, which m  
 maiden trip to Havana from N  
 and Brunswick and return. J  
 Atkinson stated that he had enj  
 trip very much indeed, and th  
 weather had been one of the man  
 in the making of a pleasant vo  
 President Atkinson also stated  
 had authorized the chartering of  
 freight steamship to ply betwee  
 wick and Havana direct. This r  
 will probably e placed in comm  
 mediately. The occasion of this  
 is to take care of the heavy  
 traffic which has developed betw  
 Georgia port and the capital  
 Cuba from the very opening of  
 service.

Every day finds the business  
 the south and her island neighbor  
 ing rapidly, and it is to take car  
 rapid growth that the new ship  
 chartered and placed in comm  
 Brunswick which now plies  
 tween the Georgia port and Cu  
 will, of course, be in addition  
 New York, Brunswick and Hav  
 carries only passengers from Go  
 Brunswick and oth freight and  
 gers from Brunswick to Havan

While President Atkinson was  
 to talk about the trip except to s  
 everything had passed off suc  
 and that he was very much plea  
 both the service and the probab  
 a future growth of this comme  
 Cuba, others in the party mak  
 first trip showed no hesitancy  
 that the entire proposition was  
 beyond their highest expectati  
 that the inauguration of this nev  
 was certain to mean great thing  
 south, and especially to Atlan  
 Georgia.

As far as possible this steam  
 makes a port of Atlanta in tha  
 be connected directly with B  
 with the opening of the Atlan  
 mingham and Atlantic with the  
 tion of this, the "bee line" into  
 this coming summer. More than  
 rangements have been perfected  
 through passenger service will  
 established by way of the We

# RUSSIA EQUALS UNITED STATES

In Matter of Women and Child Wage Earners, Says

Prof. Devine.

New York, January 22.—The United States government was declared on a par with the Russian government in failing to legislate for the protection of women and child wage-earners at a mass meeting held last night in Carnegie hall under the auspices of various charitable labor and sociological bodies. One of the speakers said that in comparison with Great Britain, the United States now stood in the development of its child labor laws where Great Britain stood in 1844. Another charge was that instead of advancing in such legislation, the country has been steadily retrograding for the past seven years.

A resolution was adopted by the meeting calling upon congress to appropriate \$300,000 to defray the expense of a thorough investigation of all women and child labor in the United States. The meeting was presided over by H. T. Devine, of Columbia university. He criticized President Roosevelt for declaring in one of his messages to congress that it is practically impossible for the federal government to legislate so as to improve the conditions complained of.

# CASTORIA

For Infants and Children.

The Kind You Have Always Bought

Bears the

Signature of *Dr. J. C. Watson*

HAND PRINTERS ARE TO GO. So Says Public Printer Sellings in an Order.

Mrs. Sanderson, the police matron, stated that she visited the house on the morning the body was found, and that the blood on the bed could have come there from other sources than Dodgen's wound. This she offered as opinion, having served twenty-five years as a trained nurse, she said.

The evidence was in at 3 o'clock, and Mr. Hill opened the argument for the state, Mr. Branch following him, then Mr. Moore's speech, and solicitor Hill's conclusion.

## GEORGIA COURT OF APPEALS.

Judgments Rendered.

APPRIMED.

Maddox et al. v. Central of Georgia Railway Company, from city court of Atlanta, before Judge Reid, C. D. Maddox for plaintiff in error, Lamar Rucker, contra.

Cuesta v. Goldsmith, from city court of Atlanta, Judge Reid, John L. Hopkins & Sons, for plaintiff in error, Westmoreland Bros., Goodwin & Hallman, contra.

Vitalia Compress and Power Company v. Mathews, from Toombs superior court, Judge Rawlings, W. M. Lewis, for plaintiff in error, Jones & Sparks, Hines & Jordan, contra.

REVERSED.

Evans & Pennington v. Nail et al., from city court of Baxley, Judge Thomas, W. W. Bennett, for plaintiffs in error, V. E. Padgett, contra.

Lander v. Renfro, from Johnson superior court, Judge Rawlings, E. L. Stephens, for plaintiff in error, No. 20,000, contra.

Letter & Co. v. Dickerson, from city court of Reidsville, Judge Morgan, H. C. Beasley, for plaintiffs in error, No. 20,000, contra.

## Vanderbilt To Send Glee Club.

Macon, Ga., January 22.—(Special.)—At chapel exercises of Mercer university this morning the students were called together for the consideration of a proposition made by the Vanderbilt Glee Club. This aggregation of young men proposes to come to Macon under the auspices of Mercer university, and the amount derived from the retail above expenses will be given to Mercer. All arrangements, such as advertising and securing a hall, will be made by Mercer. This famous club proposes to come to Macon on February 8. If the proposition is met by Mercer, Major Bridges Smith has been consulted and the students of Mercer have been assured that either the Grand opera house or the city hall can be had on the date mentioned. This club consists of

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## DEATH OF FRANK GORDON.

Son of Late General John B. Gordon  
Dies in Washington, D. C.,  
of Pneumonia.

Frank Gordon, son of the late General John B. Gordon, died at Washington, D. C. yesterday of pneumonia. He had a large circle of friends in Atlanta and Washington, to whom his death will cause the deepest regret.

Mr. Gordon was born on January 25, 1858. He is survived by his wife and son. His mother, Mrs. John B. Gordon, left for Washington last evening to attend the funeral, which will take place in that city.

Mr. Gordon's near relatives were two sisters, Mrs. Burton Smith, of Atlanta, and Mrs. O. B. Brown, of New Hampshire, and a brother, Major Hugh Gordon, of Florida.

## GEORGIA COURT OF APPEALS.

### Judgments Rendered.

Brooks v. Boyd, from city court of Atlanta, before Judge Reid. H. W. Jones and Clyde Brooks, for plaintiff in error. J. F. Golightly and E. V. Carter, contra.

Walker et al. v. Jones, from city court of Atlanta, Judge Reid. W. S. Thomson, Chandlers, Thomson & Hirsch, for plaintiffs in error. Rosser & Brandon and I. S. Hopkins, contra.

Groover v. Her, from city court of Statesboro, Judge Brannen. Deal & Lannier, for plaintiff in error. No appearance contra.

### Discharged Negro Troops Arrested.

Valentine, Neb., January 23.—Two of the negro soldiers of the Twenty-fifth infantry, which were discharged from the army by President Roosevelt in the Brownsville affair, are under arrest here for introducing whisky into the Rosebud Indian reservation and for selling it to the Indians. The negroes give their names as Long and Williams. Both were stationed here before the Twenty-fifth was sent south.

there have just been added to the school fund some items not heretofore counted on, including \$16,639.71 from the sale of products raised on the state farm near Milledgeville, and \$8,680.62 received as the result of compromises with those now occupying land lots which were set apart by the legislature nearly ninety years ago for school purposes. There was also a slight increase in the show tax, while the net receipts from the inspection of fertilizers and oils showed a decrease on account of appropriations made direct from that fund.

The estimated school fund for the year 1906 was \$1,711,844, though there was collected for this fund \$1,735,000. It is probable also that the school fund receipts this year will show an increase over the estimate.

None of these estimates include in the receipts from convict hire, which amount to about \$225,000 a year, available for school purposes. With this amount included the state school fund will run over \$2,000,000 this year for the first time in the history of the state.

### Captain Dixon's Resignation.

Adjutant General S. W. Harris yesterday accepted the resignation of W. T. Dixon as captain of the Chatham Artillery of Savannah, the property in possession of the battery having been accepted for by First Lieutenant W. B. Stillwell. Captain Dixon's bondsmen are still liable until a final accounting is made. Captain Dixon left Savannah some time ago for the purpose of perfecting himself in music, hence his resignation.

The battery has informally chosen R. J. Davant, of Savannah, as its new captain, and he will be formally elected at an election to be held next Monday by order of the adjutant general. It is generally understood now that the new modern four gun light battery which has been given to the state by the war department, and which is now being completed at the Rock island arsenal, will go to the Chatham island as soon as it is turned over to the state.

### County School Commissioners.

As the result of the resignations of County School Commissioner A. J.

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CE, President.

that he be allowed the use of a supplementary book in the bookkeeping department.

The finance committee was given charge of the matter of the stone wall and steps for the Ira street school.

The committee, composed of Dr. Stevens, chairman; Mr. Burns and Mr. Mitchell, appointed to attend to lot purchases, asked for further time, which was granted and this body will report at a special meeting of the board to be held Monday afternoon at 3 o'clock in the Boys' High school building.

## TO ENTERTAIN THE LADIES.

**T. P. A. Will Entertain Lady Friends at Reception at Piedmont Hotel Saturday Night.**

For the first time in its history, ladies will attend the regular monthly meeting of Post B. T. P. A., at the convention hall of the Piedmont hotel Saturday night.

At 8 o'clock that evening the wives, sweethearts and lady friends of the members of Post B will gather to celebrate the announcement by the Southeastern tariff Association of interchangeable mileage on southern roads, a fight for which has been conducted by the T. P. A. for many years.

Governor-elect Hoke Smith will deliver a short address in keeping with the purpose of the meeting, refreshments will be served and an evening of enjoyment is promised those who attend.

## RESPITE FOR ANDREW BELL.

**Was to Have Been Hanged at Dublin Today, but Is Given Another Chance.**

Andrew Bell, colored, who was to have been hanged today for the murder of a negro, was yesterday granted a respite by Governor Terrell until March 1.

The respite was granted as the result of a strong petition from citizens and officers, who urged that Bell be given another chance to make a showing before the prison commission with a view to securing a commutation to life imprisonment.

terian church will occur the annual meeting of the Presbyterian Union of Atlanta. This organization is composed of officers and laymen from all the Presbyterian churches in the immediate vicinity of the city.

The ladies of the Inman Park Presbyterian church will serve a light lunch to those who are present at 7 p. m. Every officer of the Presbyterian churches in Atlanta is earnestly urged to be present. Rev. A. L. Phillips, of Richmond, Va., will take up the work of the better organization of movement amongst the male adult members of the Presbyterian churches to promote the work of the Presbyterian church.

## GEORGIA COURT OF APPEALS.

**Judgments Rendered.**

**AFFIRMED.**

Crankshaw v. Schweizer Manufacturing Company, from city court of Atlanta, before Judge Calhoun, Payne, Jones & Jones, for plaintiff in error. Rosser & Brandon, contra.

**REVERSED.**

Askew v. Southern Railway Company, from city court of Atlanta, Judge Reid, W. C. Wright and J. P. Golightly, for plaintiff in error, Dorsey, Brewster & Howell, contra.

Small Company v. Claxton from Johnson superior court, Judge Faircloth, A. L. Hatcher, for plaintiff in error, Daley & Bussey, contra.

**Want Put Under Civil Service.**

Savannah, Ga., January 24.—(Special.) Mayor George W. Tiedeman announced today that it is his purpose, if possible, to have all of the city positions put under civil service rules and the tenure of office made dependent upon the service performed. Promotions, too, should be made in the same manner.

The mayor strongly opposes the old plan of having politics rule the filling of the city positions.

**Sheriff Shipp Contempt Case.**

Washington, January 24.—The department of justice will file a motion with the supreme court tomorrow in the Sheriff Shipp contempt case from Chattanooga, Tenn., asking that the testimony so far as the government witnesses are concerned, be taken in this city.

of representatives last summer after a hot contest against several prominent adversaries, and that he will come to the next legislature prepared to make and sustain a record, goes without saying, to all who know him.

### Wanted Change in the Land.

At the meeting of the trustees of the new agricultural school for the fifth congressional district, held Wednesday at Monroe, the board declined to accept the tract of land tendered for the school in its present shape, and asked that certain changes be made so as to put it in more desirable shape for the school: It was promised that the required changes would be made within five days, the time set by the board, and in the event this is not done, another tract to the south of Monroe will be accepted.

The board appointed a committee of three, consisting of C. M. Candler, of Decatur; G. F. Hunnicutt, of East Point, and A. D. Hainmök, of Conyers, to whom will be referred all applications for positions as teachers, instructors and the like, and all applicants should communicate with them. This committee will make a report to the board at its next meeting.

The matter of letting the contract for the erection of the necessary school buildings was deferred until a decision is reached with regard to the tract of land to be accepted for the school. This will be decided within the next week.

### New Militia Officers.

Commissions were issued yesterday from the office of Adjutant General S. W. Harris to the following newly elected militia officers, all of Tennille, Ga.: H. L. Bible, captain, company D, Second infantry, known as the Washington Rifles; A. J. Dunham, as first lieutenant, same company; J. A. Davis, as first lieutenant and battalion adjutant, Second regiment infantry.

## BOARD OF EDUCATION MET.

### Many Routine Matters Were Disposed of at the Regular Monthly Meeting Yesterday.

After the discussion of the congestion in various city schools yesterday afternoon the board of education took up a number of routine matters, one of which

tions, hereafter held in Atlanta; the candidate elected shall be required to receive a majority of the votes cast, and in case no candidate receives such majority, another election shall be held between the two highest candidates on the list; and be it further

"Resolved, That the ordinance committee and the city attorney be instructed to look into the matter, and report to this body the best method of accomplishing this end."

## IN THE COURTS

L DW LITTLE, a 14-year-old negro boy, was sentenced yesterday by Judge Roan, in the criminal division of the superior court, to three years imprisonment in the penitentiary for involuntary manslaughter in the commission of an unlawful act. On January 13 Little shot and killed Joe Lumpkin, another negro boy, for refusing to give him a piece of pie.

Ola Wilson, a negro woman, was sentenced to life imprisonment in the penitentiary yesterday by Judge Roan for having drowned her young child on December 24.

J. A. Biley was on yesterday appointed receiver for the Southern Queen Manufacturing company by Judge Pendleton, in the superior court, upon the petition of Mrs. W. H. Wiggs, who alleges that the company is insolvent, owes her \$8,250.49, has but \$2,500 of assets and is conducting business at a monthly loss. The case is made returnable on January 26. Mrs. Wiggs is the only creditor of the company, and the suit, which is a friendly one, brought for the purpose of winding up the affairs of the company, was filed by her attorneys, Dorsey, Brewster & Howell.

Upon the petition of Mrs. Laura E. Guthrie, Ordinary Wilkinson on yesterday appointed Courtland S. Whinn temporary administrator of the estate of Mrs. Guthrie's deceased sister, Mrs. Octavia Kruger.

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up the question of investigating the physical condition of the Georgia railroad, complaint about which has been made by Bowdre Phinzy, of Augusta. This matter will come before the commission merely in an informal way, but it is expected that some decision will be reached as to the course of procedure. There is little doubt that the commission will make a complete investigation of Mr. Phinzy's charges, and will take such action in the premises as it is authorized to do under the law. In the event that there should be found necessity for it. Mr. Phinzy, it will be remembered, charged that the Georgia railroad had been allowed to run down in its physical condition until it is unsafe for travel.

### Governor Visits Sparta.

Governor Terrell was in Sparta, Hancock county, yesterday, where he went to attend the meeting of the board of trustees for the new agricultural college in the tenth congressional district. It was understood that the contract for the erection of the necessary college building in that district would be let by the trustees there at this meeting.

### Court of Appeals of Georgia.

#### JUDGMENTS RENDERED.

King v. Seaboard Air-Line Railway, and vice versa, from city court of Atlanta, before Judge Reid. Reversed on main bill, of exceptions; affirmed on cross-bill. W. R. Hammond, Andrews & Skeen, for plaintiff, Brown & Randolph, for defendant.

Hagan-Dodd Co. v. Rigbers, from city court of Atlanta, Judge Reid. Reversed. James E. Warren, for plaintiff. J. W. Moore and George Gordon, for defendant.

Durden v. Mutual Fertilizer Co., and Davis v. Joiner, from Emanuel superior court, Judge Rawlings. Affirmed. Saffold & Lamm, Z. D. Harrison, for plaintiff in each. Smith & Kirkland, contra.

visions and effect of labor law. Grand jury have special authority must see that law is enacts only by Ordinary county. Can prove the children have been free in this state since Jan

When seen yesterday tive of The Constitution ed to attach but little Senator Beveridge's sta his opinion, being made show that state regula was ineffective, thus a ster up the national subject, which he is a ing a province peculiar individual states.

Said Mr. Bell, in sp fectiveness of the chi Georgia, which bears contradiction of the in made by Senator Beve child labor conditions.

"Senator Beveridge's child labor law of Geor ter" clearly evidences is not familiar with its is a means of enforce the senator could hav he had carefully per it. A special sect delegates the grand various counties with thority to examine an ord kept by the vario their locality, and to fringement or violatio prescribed. The gran county, therefore, have control, not only as but anyone in the co of a violation of the a authorities and see in they are punished, for improving the

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**GOSSIP AT THE CAPITOL**

**A**N interesting point was decided by the state court of appeals yesterday in the case of Joe Hammock vs. the State, from the city court of Macon. In the decision rendered by Judge Arthur G. Powell, the decision of Judge Robert Hodges, of the city court of Macon, was reversed, which practically means the acquittal of the defendant.

It seems that a deputy sheriff, whose name is not given in the decision, suspected Hammock of carrying concealed weapons, arrested him, searched and found a pistol on his person. There was no other charge or complaint against Hammock, yet he was convicted and sentenced for carrying concealed weapons.

The state court of appeals in reversing the decision, holds that this was a case of illegal arrest and search against which the citizens of the state are protected by the state constitution. In other words, in the case of the arrest of a man for carrying concealed weapons a warrant charging the crime must first be served, for it is against the constitutional rights of the citizen to summarily search him on suspicion and then use the evidence found to incriminate him. The constitution, it is held, protects the citizens of the state against unlawful search and seizure, and any evidence found under such circumstances cannot be used against him.

Notwithstanding this interesting decision, there still remains to be decided that question of search and seizure, which is common to police courts. A man may be arrested for a plain drunk, and when the police search him at the police station, a pistol may be found upon his person. Can he then be prosecuted for carrying concealed weapons, and this evidence be used against him? This is an interesting question, which the court of appeals or the supreme court may soon be called upon to decide.

**Corporations Hard to Get At.**

Secretary of State Philip Cook has tried every possible method of securing information regarding the existence of corporations within the state which have not registered with him under the law

**JAPAN SHOCKED BY TALK OF WAR**

**So Says Baron Kaneke Discussing School Question**

**SAN FRANCISCO STANDS P**

**Convention Declares That to Yield on School Question Would Be Tantamount to United States Taking a Position of Vassalage to Japan.**

San Francisco, February 4.—At a convention of the Japanese and Korean Exclusion League resolutions adopted by the executive board of the league, mandating that the United States and state of California, maintain the right to exclude Japanese from public schools, and by white children, were unanimously adopted after much spirited discussion by men prominent in the movement to exclude Asiatics from this country. The resolution declared that the yielding of the United States to Japan on the school question was tantamount to taking vassalage. President Roosevelt was severely criticized.

**War Unthinkable, Says Kaneke**

Tokio, February 4.—Baron Kaneke, formerly special envoy to the United States, says war is unthinkable. "The Japanese understand America better than the Americans understand

# Chamberl

## NEW RULE MADE BY HIGH COURT

Decisions Handed Down in  
the Appellate Court  
Yesterday.

The supreme court has issued the following order:

"It is ordered that the regular call of the civil docket of the October term, 1906, begin on Tuesday, February 19, 1907, and continue from day to day until 1 o'clock p. m. on Saturday, March 2, 1907.

"It is further ordered that counsel in all cases not called prior to February 27, 1907, be and they are hereby required to file their motions, briefs and accompanying written arguments (if any) in the clerk's office on or before that day. Costs, where due, must be paid by counsel for plaintiffs in error at the time of filing their briefs. If not so paid, the clerk is hereby prohibited from receiving the briefs. All briefs, as well as all separate written arguments, whether for plaintiffs or for defendants in error, shall, when filed, be accompanied by evidence that counsel for the opposite party has

been served with copies thereof, either personally or by mail, at least five days before the date above mentioned. Service may be shown by a written statement to that effect by counsel, or by the affidavit of the party who made the service or mailed the brief or written arguments, or by written acknowledgement of service. Counsel may, if they see proper, on February 27, file briefs, answering the points made in the briefs of opposite counsel with which they have been served.

"On Saturday, March 2, 1907, all civil cases then remaining on the docket will be called, and as each is so called, motions to dismiss, to continue, to make parties, to perfect records and all other motions of a preliminary nature will be noted, and no such motion will be then or hereafter considered which was not filed within the time limited by the foregoing provisions of this order, if the grounds thereof existed and might, by reasonable diligence, have been known. Cases in which no briefs have been filed for plaintiffs in error within the time limited, will be dismissed for the want of prosecution, unless a sufficient reason to the contrary be shown; and no briefs will be received in behalf of defendants in error which were not filed within the time so limited, without special leave of the court upon good cause shown.

"Opportunity will be given during the March term, 1907, for oral reargument of such cases as are not heard orally during the present term.

SUPREME COURT OF GEORGIA.

John C. Hart, attorney general, v. At-

The Cough

Your doctor will tell you that fresh air and good food are the real cures

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SUPREME COURT OF GEORGIA.  
John C. Hart, attorney general, v. At-

The Cough of Your doctor will tell you that fresh air and good food are the real cures

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Concealed Weapon Law.

Georgia's court of appeals has just rendered an interesting decision anent the carrying of concealed weapons.

In effect, the case was this: A man standing at a bar taking a drink was arrested by a deputy sheriff without a warrant and upon no specific charges, except, perhaps, the suspicion that he was carrying a concealed weapon. A search developed the correctness of the suspicion and the man was convicted and sentenced solely upon the deputy sheriff's testimony, he having secured from the defend-ant, by force, the evidence to make out his case.

In reversing the decision of the lower court, the state court of appeals declares this to have been a case of unlawful seizure and search, against which the persons and homes of citi-zens are protected by the constitution of the state. It was held that the officer of the law had no authority to forcibly arrest the man, search him and then use the incriminating evi-dence found by such search to con-vict him of a crime. To have made such an arrest, the officer should first have had a warrant sworn to and founded upon probable cause; other-wise the seizure and search were in violation of the individual's constitu-tional rights.

There can be no doubt about the correctness of the decision of the court of appeals, despite the fact that it means a sort of protection to the "pistol-toter." The citizen must, of course, be protected in his constitu-tional rights, even if this sometimes interferes with the detection of mis-

"JUST FROM GEO

In Darkest Days.

I.

When across the country  
 Many a blizzard blows,  
 Sing a song of sunshine—  
 Dream about a rose!

II.

Dark skies bending over—  
 Not a gleam of light,  
 Fancy you're in clover—  
 World a-rollin' right!

III.

Joy enough in livin'  
 In the ways we go,  
 Life a sweet thanksgivin'  
 When we will it so!

Brother Dickey's Sayin

De sinner has one consolat-  
 coal is out er his reach in dis-  
 all be free to him hereafter.

Dar's sunshine enough in dis-  
 keep us all singin'; de only tr-  
 some er us can't sing.

De mere fact dat we ain't  
 wid dis world is plain proof  
 a better world above us.

Winter in Georgia

I.

Winter in Georgia—the fro-  
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 But the cider is sweet an' th-  
 are red;  
 The big fires leap bright  
 up the chimneys at night,  
 An' we dance till the dro-  
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interferes with the detection of mis-  
demeanors.

It therefore behooves the officer of  
the law to be more diligent in the  
detection of crime through legitimate  
methods. It is agreed generally that  
the "pistol-toter" is a menace to the  
community and ought to be sup-  
pressed. Where there is ground for  
suspicion, therefore, it is the duty of  
the officer to watch for some overt  
act that will disclose guilt, without  
forcing the evidence from the man  
who may wear a demeanor of peace  
and good order.

The decision of the court of appeals  
in this case suggests a further inter-  
esting inquiry. A man is arrested for  
violating a city ordinance. At the  
police station he is searched and a  
pistol is found on his person. The  
arrest is legal and so far as appears,  
so is the search. But in such a case  
as this can the incriminating evidence  
be used for the conviction of the man  
of an offense with which he was not  
charged, an offense for which he is  
amenable to an entirely different  
court?

This is a question on which the  
Georgia appellate courts have not  
passed, and while we are inclined to  
think there can be no question as to  
the right of search and the discovery  
of evidence in the case of a legal ar-  
rest, the point is one which may  
sometime demand consideration.

Perhaps the real remedy lies, in so  
far as the "pistol-toter" is concerned,  
in a more severe penalty. A few  
chaingang sentences without alterna-  
tive fines might have a very salutary  
effect.

are red;  
The big fires leap bright  
up the chimneys at night,  
An' we dance till the dr  
stars go to bed!

II.

Winter in Georgia—the green  
hill,  
But the cane juice is sweet  
from the mill;  
And your future—it lies  
In your sweetheart's bright  
And the squirrel is spry  
hick'ry nuts spill!

His Definitions.

"Faith," said Brother Wil  
de faculty what kin turn de  
saw mill into de hallalulia  
gels."

"An' what is hope?"  
"Hope is de faculty what  
lookin' fer something you ne  
\* \* \* \* \*

Sing Along the W

I.

Trouble—don't you mind it  
Any time o' day;  
Just don't seem to mind it  
Sing along the way!  
Tell it you're a-goin'  
Where the good times st

II.

Once there was a feller  
Moaned the livelong night  
Cryin': "Trouble's comin'  
With the mornin' light,  
An' Satan's goin' to git me  
An' there ain't no hope i

III.

The neighbors come to him  
An' said: "For goodness  
It's pitiful to hear him,  
An' he's keepin' us awak  
An' he's makin' all the tro  
The world has got to m

IV.

honor and dignity of the courts. At the time ever comes when distrust of the courts becomes general, then the anarchist will be at our doors and our civilization will be in deadly peril.

"This is clearly a case of criminal contempt under the law. Instead of being mitigated by the official position of the respondent, that has greatly aggravated his offense. It is not necessary for the case to be actually pending in the court, when the court itself is scandalized by utterances intended to lower the esteem of the people for the court and to bring it into contempt and ridicule."

**An Inherent Right.**

Judge Adams then, referred to the Bradley case reported in the 111th Georgia, to the Missouri case of the State versus Shepard, and the Virginia case of Burdett versus the Commonwealth. The right of a court to punish for contempt was an inherent right, he insisted. If it did not have this right, it would cease to be a court, and this view had been accepted from time immemorial. This right could not be limited except as to the extent of the punishment to be imposed.

The duty of every good citizen was to uphold the courts, said Judge Adams, and when he failed to do so he failed in his duty as a citizen, and if he is a judge, his offense becomes all the more grave and its result more potently threatening. There is no law which permits the judge of an inferior court to impugn the honor, integrity and good faith of a reviewing court. Judge Flite's article, he said, was highly injurious, high contemptuous and highly inflammatory.

**As One Who Loves Georgia.**

"I speak not only as a lawyer, but as a Georgian who loves his state. It has become fashionable nowadays to criticize the courts. It is an evil that ought to be stopped. Surely a man who occupies a judicial position himself ought to set his face against everything of the kind and by precept and example combat everything that points that way."

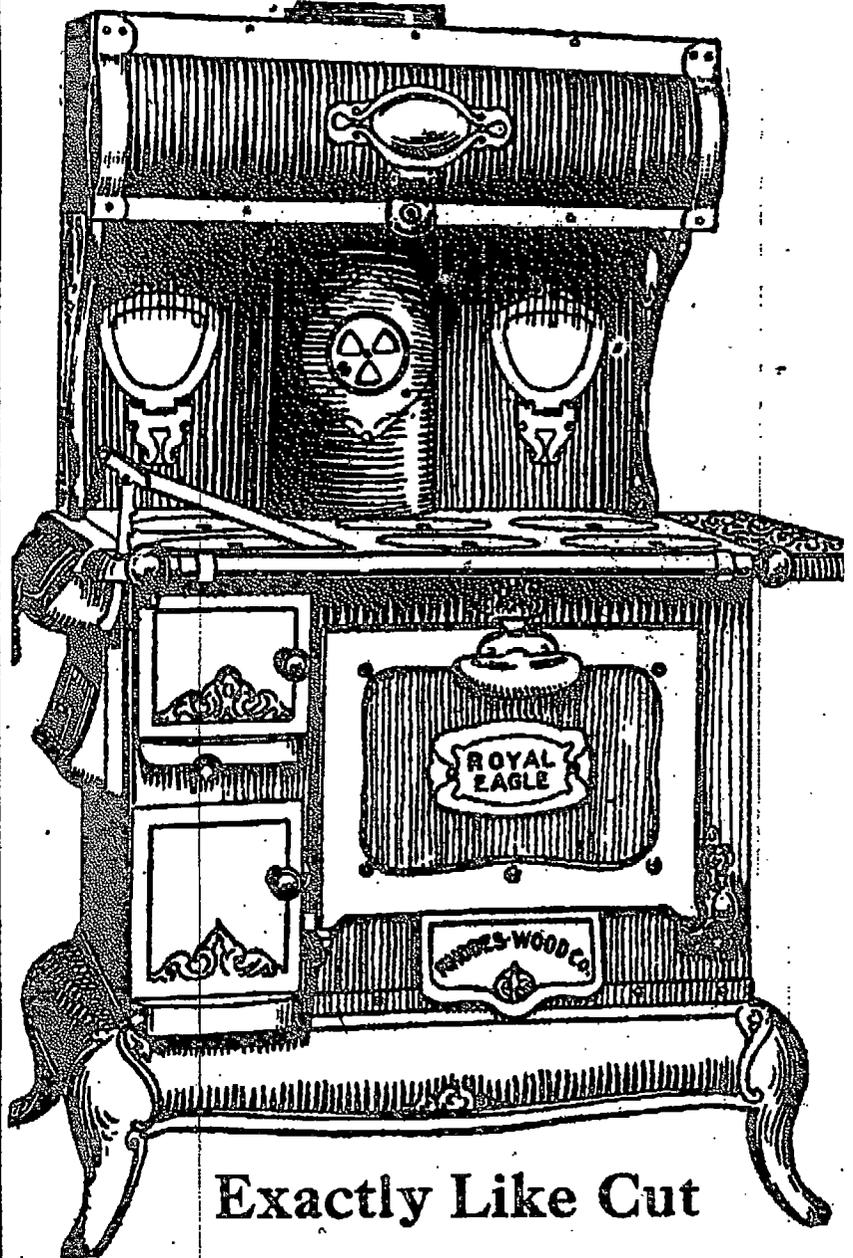
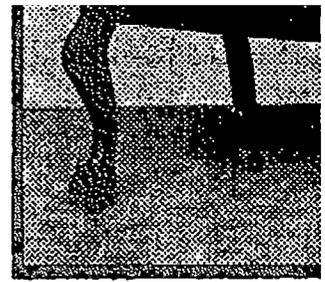
He then turned his attention to Judge Flite's suggestion that the court of appeals' decision might provoke lynchings, and said the article was calculated to arouse race prejudice and to inflame the people to take the law into their own hands. No reader of the article would reach any other conclusion, he said, but that the judge would at least look with complacency upon such an outbreak.

In closing, Judge Adams remarked

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**Orient  
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be suitable for a suit of twice the price. This is a suit to grace any home anywhere, and we are proud to be able to offer it to you. Only 12 suits in the lot. Come Monday if you want to be sure.



**Exactly Like Cut**

The "New Eagle" is the best Steel Range we've ever had at the price. Handsome, reliable, durable, 4-hole size. \$1.00 a week at.... **\$35**



**New Eagle**

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the supreme court, saying there was  
no such question involved.  
Holding that it had full jurisdiction  
to cite Judge Fite to answer the charge  
of contempt. He insisted that the let-  
ter of Judge Fite threatened the judges  
with a judicial recall unless their de-  
cision was reversed.  
He declared that the assertions were  
gross and inflammatory libels; that if  
the court did not punish such asper-  
sions it would forfeit the respect of the  
public. To say that the judge did not  
intend to render a proper decision was

a contemptuous utterance, as was the  
statement that the court of appeals  
frequently reversed the supreme court.  
**Quotes a Fite Case.**  
In his decision he said the case came  
within the rule laid down by Judge  
Fite himself in the case of T. S. Shope,  
a Dalton newspaper editor, whom  
Judge Fite punished for contempt be-  
cause of the publication of a facetious  
and contemptuous article. In con-  
clusion he quoted as follows:  
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they should do unto you; keep the com-

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Retail Store, in the heart of Atlanta's Business District—No. 16 Au-  
burn—18x60 in size. Brand new. Will rent cheap. Apply at once.  
**Provident Loan Society**  
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**EUGENE V. DEBS**  
PRESIDENTIAL CANDIDATE OF THE SOCIALIST PARTY, WILL  
SPEAK AT THE AUDITORIUM TUESDAY, OCT. 15TH, at 8:00 P. M.  
Admission 10 cents.

**WIKY YOU!** For the magnific  
Our entire sales  
breaking crowds  
But they are all  
Monday Mornin

BER 13, 1912.

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elision he said the case came rule laid down by Judge if in the case of T. S. Shope, newspaper editor, whom punished for contempt be- publication of a facetious mptuous article. In con- quoted as follows: o others as ye would that do unto you; keep the com-

mandments; speak no disrespect of magistrates; obey the law; tell the truth; be honest with yourself as well as with your fellow man; bear no malice, but judge all men with charity, especially judges, who have many onorous duties to perform."

Judge Russell and Judge Pottle also made brief but earnest statements, and the sentence of the court was then pronounced. Judge Fite was given un-

til October 28 to pay the fine or appe and announce himself ready to fill it alternative sentence—ten days in ja

There are no postal savings banks Spain, and, while such an institution contemplated by the postal reform l. of 1909, no steps have been taken the government toward the fulfillme of this part of the law.

INT

si District—No. 16 Au- Apply at once.

Society

DEBS

DIALIST PARTY, WILL CT. 15TH, at 8:00 P. M.

# Ex-Gov. Jas. K. Vardaman

Delivers His Famous Lecture

## “THE IMPENDING CRISIS”

A THEME vitally interesting to every Southerner and a PROBLEM on which the eyes of the nation are focused.

Baptist Tabernacle, Oct. 17th

Under the auspices of and a SPECIAL added attraction of the Alkahest Lyceum System.

8:30 P. M.

Admission 35c

Tickets on sale at Tamlin Bros. and Crutchank cigar stores, beginning Tues- day morning

J!

For the magnificent business you favored us with last week. Our entire sales force worked overtime to handle the record breaking crowds that filled our store from top to bottom. But they are all happy and ready to greet you with a smile Monday Morning.

\$65.00

Parlor Suit

# IN HOT CARD JUDGE FITE SCORES COURT OF APPEALS

MER

Cartersville, Ga., January 17.—(Special.)—Placing the court of appeals of Georgia in the light of an impediment to the consummation of justice, and in effect declaring that court responsible for placing the life of an accused negro in jeopardy by reversing a case upon a flimsy technicality, Judge A. W. Fite, of the Cherokee circuit, gave out a red-hot interview today in answer to a "lecture" given him by Justice Hill, of the court of appeals.

### Judge Fite's Statement.

Judge Fite's attention being called to the decision of the court of appeals in the case of Jere McCullough against the state, assault on rape, in Gordon superior court, published in this morning's Constitution, said:

"Yes, I have read that portion of the decision published in The Constitution, and also the flaming headlines thereto. I am not surprised at the decision, and especially at the sensational remarks of Judge Hill, all of which are uncalled for, and have scarcely any foundation in fact.

"The facts are these: Hamilton Fowler, a young married white man, and his wife and two young children, aged about 1 and 3 years, were living on the little farm about a mile and a half or two miles from Plainville, Gordon county. The negro Jere McCullough was a cropper on Fowler's farm. On the evening of the alleged crime Mr. Fowler left his home and went to Plainville just before sundown to attend to some business; the negro knew that he had gone to Plainville and would not return until after dark, and left the field soon after Mr. Fowler left home and got to the house about sundown. Mrs. Fowler was then at the barn milking, and as soon as she got through milking she went into the crib to give some milk to some young kittens. While she was doing this the negro came up so quietly behind her that she did not know he was near or in the barn; the testimony of Mrs. Fowler being as follows: 'I didn't know he was about me; he grabbed me with both hands, one hand on my shoulder and the other on my back, and saying all the time he wasn't going to hurt me; he was then between me and the door and at my back. I jerked loose from him and drew back my fist and said, "If you don't get out of here I will knock you out," and he kinder stepped back, and I jumped out of the crib just as quick as I could and run to the house as hard as I

did pronounce sentence by saying, "Twenty years in the penitentiary," and then, at defendant's counsel's request, the jury was polled and I resumed the trial of the case which was then on trial, as stated. I have done the same thing time and again since I have been on the bench, and this is the first time my motive has ever been impugned, either by court or counsel, and it is the first time in the history of jurisprudence that any case has ever been reversed for such a frivolous matter. If the court of appeals lay down this as a rule it will have many opportunities to reverse this court; for I will not delay the business of the courts to hear long harangues of defendants and their counsel as to why sentence should not be pronounced, nor shall I delay the business of the court to ask counsel whether or not they want to poll the jury."

### "Court Encourages Crime."

"I had occasion to say recently (with all respect and sympathy for the court of appeals) that it has done more to encourage crime in Georgia than any innocent agency I know of, and this decision in the McCullough case, in connection with the comment of Judge Hill, but adds emphasis to what I have heretofore said.

"The court says it is a case of assault and battery. Well, it may be so, but in my opinion it will be late in the afternoon before a jury of the vicinage, who know the parties and the witnesses, will ever render a verdict that would reflect upon the virtue of a good white woman, which would necessarily mean that she had been guilty of some word or deed which led the negro to believe that she would yield willingly to his lustful desires.

"In that case I charge the jury, among other things, as follows: 'I charge you that if you find from the evidence that this defendant took hold of Mrs. Fowler, intending at the time then and there to have carnal knowledge of her forcibly and against her edge of her forcibly and against her will, he would be guilty of the offense of assault with intent to rape, although he may have immediately desisted from fear or from any other cause, but if you find he intentionally took hold of her not intending to have carnal knowledge of her forcibly and against her will, then he would not be guilty of the offense of assault with intent to rape, but would be guilty of the offense of assault and battery.

"If you find that he did not take

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ler, a young married white man, and his wife and two young children, aged about 1 and 3 years, were living on the little farm about a mile and a half or two miles from Plainville, Gordon county. The negro Jere McCullough was a cropper on Fowler's farm. On the evening of the alleged crime Mr. Fowler left his home and went to Plainville just before sundown to attend to some business; the negro knew that he had gone to Plainville and would not return until after dark, and left the field soon after Mr. Fowler left home and got to the house about sundown. Mrs. Fowler was then at the barn milking, and as soon as she got through milking she went into the crib to give some milk to some young kittens. While she was doing this the negro came up so quietly behind her that she did not know he was near or in the barn; the testimony of Mrs. Fowler being as follows: 'I didn't know he was about me; he grabbed me with both hands, one hand on my shoulder and the other on my back, and saying all the time he wasn't going to hurt me; he was then between me and the door and at my back. I jerked loose from him and drew back my fist and said, "If you don't get out of here I will knock you out," and he kinder stepped back, and I jumped out of the crib just as quick as I could and run to the house as hard as I could, and picked up my babies and went to Mrs. Baker's as hard as I could go.'

**"Fair and Impartial Trial."**

"There was great excitement in the community at the time, and threats of lynching, but with the promise of a speedy trial, the law was allowed to take its course, until the court of appeals interfered. I gave the negro a fair and impartial trial."

"When the jury returned with the verdict I was in the midst of another trial. The solicitor general and the negro's counsel both being in court, I directed the solicitor general to receive and read the verdict, which he did. I had no thought or intimation that counsel desired to poll the jury, nor any purpose to prevent him from so doing, and the insinuation of Judge Hill to that effect is purely gratuitous. It is true that I did not ask counsel if there was any reason why sentence should not be pronounced, or ask the defendant if he had anything to say, for each had already been heard at length in the trial of the case. When the verdict was read I

and this decision in the McCullough case, in connection with the comment of Judge Hill, but adds emphasis to what I have heretofore said.

"The court says it is a case of assault and battery. Well, it may be so, but in my opinion it will be late in the afternoon before a jury of the vicinage, who know the parties and the witnesses, will ever render a verdict that would reflect upon the virtue of a good white woman, which would necessarily mean that she had been guilty of some word or deed which led the negro to believe that she would yield willingly to his lustful desires.

"In that case I charge the jury, among other things, as follows: 'I charge you that if you find from the evidence that this defendant took hold of Mrs. Fowler, intending at the time then and there to have carnal knowledge of her forcibly and against her will, he would be guilty of the offense of assault with intent to rape, although he may have immediately desisted from fear or from any other cause, but if you find he intentionally took hold of her not intending to have carnal knowledge of her forcibly and against her will, then he would not be guilty of the offense of assault with intent to rape, but would be guilty of the offense of assault and battery.'

"If you find that he did not take hold of her at all, but touched her accidentally, he would not be guilty of any offense."

"If this is not the law the court of appeals should say so. The facts were left to the jury, and they had passed upon them, and the court of appeals had no right to interfere, our supreme court having time and again laid down the doctrine that the jury of the vicinage were the best judges of the facts."

"By way of apology Judge Hill says: 'The court states it does not mean to animadvert upon the action of Judge Fite, and sympathizes with him in his feelings regarding the crime in question.' If the court had been content to decide the law as it is written and kept out of the jury box the apology would not have been necessary. It is true that I have tried to live an upright, virtuous, Christian life and have strong feelings against the crime of rape, but I do not need the sympathy of the court of appeals. I sincerely hope that I may be able to secure for the negro as fair and an impartial trial as he has already had, but I will not guarantee it."

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**ERUPTION IN CUBA CAUSED BY EXISTING RACE PREJUDICE**

The present crisis in the political affairs of Cuba means that if the United States ever finds it again necessary to enter that country it will never re- tain the direction of the affairs of

United States government will destroy this faction in Cuban politics, because it undoubtedly will not, its effect mainly being to withhold the members of the veterans' organization from extreme measures which would endanger

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# JUDGE POWELL SOON TO LEAVE APPEALS BENCH

Will Resign Court Position In  
Order to Resume the  
Practice of Law.

## REPORTED JUDGE RUSSELL WILL QUIT AT EARLY DATE

Defeated Candidate for Gov-  
ernor Quoted as Saying That  
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With Judge Powell.

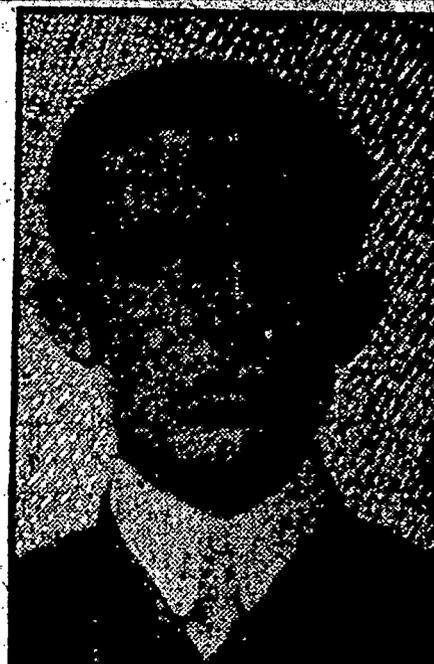
Judge Arthur G. Powell, of the state court of appeals, has determined to resign from the bench and will resume the practice of law.

Concurrent with this announcement it was reported yesterday that Judge Richard B. Russell, one of the three members of that court, would also resign at an early date.

While no statement was obtained from Judge Russell, one of his close personal and political friends stated that Judge Russell had told him he intended to resign some time soon, but that he "wasn't going to be driven to it," and would "take him own good time."

Judge Powell's decision to resign was recently made, although he has had it under consideration for several months, and at one time planned to quit the bench last October. His resignation will probably be handed to

WILL LEAVE BENCH



JUSTICE ARTHUR G. POWELL

## CITY HALL FORCE COSTS \$214,054

This Is About One-Tenth of  
Total Running Expenses.

### Recent Meeting of the Salaries Committee Gives Rise to the Question as to Whether a Campaign of Retrenchment Will Be Begun.

\$214,054.

That is the total amount paid for the services of city hall employees.

Since the salary committee of council has been making investigations in regard to the salaries of city employees there have been some inquiries about what the work done at the city hall costs the city. The total, as stated above, is \$214,054.

While this amount includes the salaries of the superintendent of public schools, the fire chief and the police

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... was recently made, although he has had it under consideration for several months, and at one time planned to quit the bench last October. His resignation will probably be handed to Governor Brown.

#### Uncertain of the Date.

When asked Thursday as to his resignation Judge Powell said:

"It is true that I have made up my mind to quit the court of appeals. Just when I will resign I cannot say at this time. I feel that I should stay on until the March term begins, and at which time we hope to have all the business wound up that is now pending before the court of appeals. You may state positively, however, that I will tender my resignation as judge of the court of appeals some time between March and July. I shall not serve later than July and may resign earlier.

"I have had my resignation under consideration for some time. As a matter of fact, I had thought of resigning last October, but I postponed it because of the large amount of work then before the court, and I felt that I should not abandon it at that time."

#### Reported Hart May Succeed.

When it became known that Judge Powell would leave the court of appeals it was currently reported that his resignation would be handed to Governor Slaton during his incumbency—that is, before Governor Brown is inaugurated on January 25—and that Governor Slaton would appoint Judge John C. Hart, formerly attorney general, to take place.

When asked if he could verify this rumor, Judge Powell said:

"If I thought such a worthy successor would be named in my place I believe I would resign tonight. I do not know who will be appointed."

#### Judge Powell's Record.

Judge Powell has been on the court of appeals since it was established in 1908, having been elected then for a term of four years. In 1910 he was re-elected for a period of six years, his new term beginning January 1, 1911, so that his successor will have about five more years to serve.

When asked for a reason for his resignation Judge Powell said:

"It is only a question of making more money. The court of appeals pays \$4,000 per year. I can make more than that practicing law and I want to establish my practice again before I get too old."

Judge Powell has it in mind to form a partnership with a well-known law firm in Atlanta. However, these plans have not been completed and it may be that he will go back to his home in Blakely and there resume the practice which he left off in 1908 to take a seat on the bench of the court of appeals.

#### Would Resume Law Practice.

During the campaign he made recently for governor and in which he was defeated, Judge Russell was quoted as saying that if he was not elected governor he would quit the bench. The report current Thursday

above, is \$214,054.

While this amount includes the salaries of the superintendent of public schools, the fire chief and the police chief, it does not include the salaries of other officials in these departments.

Whether the salary committee thinks Atlanta is paying too high for its official help is not known as the committee so far has held all discussions behind closed doors. A report will be made by the committee to council next Monday and speculation is rife as to what that report will contain. While some city officials look for an increase in salaries, there are many others who are somewhat fearful of the pruning knife.

As city hall salaries are now in the limelight the following list of officials and salaries will probably be read with much interest:

#### Salaries of City Officials For Year 1911.

Mayor, \$3,000; mayor's secretary, \$2,000; mayor's stenographer, \$1,050; mayor's messenger, \$360; city clerk, \$3,000; city clerk's first deputy, \$1,800; city clerk's second deputy, \$1,500; city clerk's clerk, \$1,200; city clerk's two bookkeepers, \$2,400.

City attorney, \$3,000; city attorney's assistant, \$2,400; city attorney's investigator, \$1,620.

Comptroller, \$3,000; comptroller's chief clerk, \$1,800; comptroller's bookkeeper, \$1,650; comptroller's bookkeeper, \$1,400; comptroller's bookkeeper, \$1,400; comptroller's audit and requisition clerk, \$1,400; comptroller's warrant clerk, \$1,400.

Auditor, \$2,400; treasurer, \$1,000; treasurer's assistant, \$300.

Tax collector, \$3,000; tax collector's two assistants, \$3,000; tax collector's one assistant, \$1,200.

License inspector, \$1,500; license inspector's assistant, \$1,100.

Chairman bond commission, \$2,000; three tax assessors, \$9,000; chief clerk tax assessors, \$1,620; five clerks, tax assessor, \$6,600; tax investigator, \$1,620.

Marshal, \$2,400; deputy marshal, \$1,500; public weigher, \$600; inspector of weights and measures, \$1,200; custodian city hall, \$1,500; elevator man, city hall, \$354.

Chief of police, \$3,000; assistant chief of police, \$1,800; captains of police (3), \$3,960.

Chief fire department, \$3,600; first assistant chief, \$1,800; second assistant chief, \$1,650; third assistant chief, \$1,500.

Recorder, \$3,600; recorder's clerk, \$1,500.

Building inspector, \$2,700; assistant building inspectors (3), \$3,600; one assistant allowed for horse, \$300.

Custodian Auditorium-Armory, \$1,200; regimental armorer, \$800; engineer Auditorium-Armory, \$500.

Matron contagious disease hospital, \$800; health officer, \$3,000; health officer's clerk, \$1,500; bacteriologist and chemist, \$2,700; milk inspector, \$1,200; two dairy inspectors, \$2,400; plumbing inspector, \$1,800; plumbing inspector, first assistant, \$1,400; plumbing inspector, second assistant, \$1,020; market inspector, \$1,200; market inspector assistant, \$1,060; fumigating inspector, \$1,200; fumigating inspector assistant, \$840; slaughter house inspectors (2), \$2,000; two city physicians, \$3,600; superintendent Battle Hill sanitarium, \$1,500; head nurse Battle Hill sanitarium, \$900; superintendent detention hospital, \$1,200; ambulance driver detention hospital, \$520; hostler and stableman detention hospital, \$520; superintendent Grady hospital,

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Governor Slaton during his incumbency—that is, before Governor Brown is inaugurated on January 25—and that Governor Slaton would appoint Judge John C. Hart, formerly attorney general, to the place.

When asked if he could verify this rumor, Judge Powell said:

"If I thought such a worthy successor would be named in my place I believe I would resign tonight. I do not know who will be appointed."

#### Judge Powell's Record.

Judge Powell has been on the court of appeals since it was established in 1906, having been elected then for a term of four years. In 1910 he was re-elected for a period of six years, his new term beginning January 1, 1911, so that his successor will have about five more years to serve.

When asked for a reason for his resignation Judge Powell said:

"It is only a question of making more money. The court of appeals pays \$4,000 per year. I can make more than that practicing law and I want to establish my practice again before I get too old."

Judge Powell has it in mind to form a partnership with a well-known law firm in Atlanta. However, these plans have not been completed and it may be that he will go back to his home in Blakely and there resume the practice which he left off in 1906 to take a seat on the bench of the court of appeals.

#### Would Resume Law Practice.

During the campaign he made recently for governor and in which he was defeated, Judge Russell was quoted as saying that if he was not elected governor he would quit the bench. The report current Thursday seems to bear out that statement.

Should Judge Russell resign, it was stated, he would immediately resume the practice of law, probably at his home town of Winder.

While he was making his race for governor Judge Russell, it is stated, was repeatedly called on by his friends to resign from the bench of the court of appeals. Since he has been defeated and his local option platform went down in defeat with him, Dr. Len G. Broughton, of the Baptist Tabernacle, last Sunday night demanded his resignation on the ground that "the man who had mocked the state prohibition law and declared it could not be enforced should not presume to sit in judgment on that law as a judge of one of the highest courts of the state."

#### Aldrich to Report and Quit.

Washington, December 14.—Former Senator Aldrich, chairman of the national monetary commission, had a half hour conference with President Taft at the white house tonight. The president expects to make suggestions for what he considers necessary financial reforms in a message to congress after the holidays, and it was understood that Senator Aldrich talked over with him such legislation. The senator promised to have the report of the commission ready January 1, the date set by congress. "I'll not be sorry when it's done," he said. "Then I'll retire from public life forever."

\$1,500; comptroller's audit and requisition clerk, \$1,400; comptroller's warrant clerk, \$1,400.

Auditor, \$2,400; treasurer, \$1,000; treasurer's assistant, \$300.

Tax collector, \$3,000; tax collector's two assistants, \$3,000; tax collector's one assistant, \$1,200.

License inspector, \$1,500; license inspector's assistant, \$1,100.

Chairman bond commission, \$2,000; three tax assessors, \$9,000; chief clerk tax assessors, \$1,620; five clerks, tax assessor, \$6,600; tax investigator, \$1,620.

Marshal, \$2,400; deputy marshal, \$1,500; public weigher, \$600; inspector of weights and measures, \$1,200; custodian city hall, \$1,500; elevator man, city hall, \$384.

Chief of police, \$3,000; assistant chief of police, \$1,800; captains of police (3), \$3,960.

Chief fire department, \$3,600; first assistant chief, \$1,800; second assistant chief, \$1,650; third assistant chief, \$1,500.

Recorder, \$3,600; recorder's clerk, \$1,500.

Building inspector, \$2,700; assistant building inspectors (3), \$3,600; one assistant allowed for horse, \$300.

Custodian Auditorium-Armory, \$1,200; regimental armorer, \$800; engineer Auditorium-Armory, \$500.

Matron contagious disease hospital, \$800; health officer, \$3,000; health officer, \$1,500; bacteriologist and chemist, \$2,700; milk inspector, \$1,200; two dairy inspectors, \$2,400; plumbing inspector, \$1,800; plumbing inspector, first assistant, \$1,400; plumbing inspector, second assistant, \$1,020; market inspector, \$1,200; market inspector assistant, \$1,060; fumigating inspector, \$1,200; fumigating inspector assistant, \$840; slaughter house inspectors (2), \$2,000; two city physicians, \$3,600; superintendent Battle Hill sanitarium, \$1,500; head nurse Battle Hill sanitarium, \$900; superintendent detention hospital, \$1,200; ambulance driver detention hospital, \$520; hostler and stableman detention hospital, \$520; superintendent Grady hospital, \$2,400; chief sanitary department, \$3,000.

Continued on Last Page.

## HE KNOCKS GRAND ST. AND WOULD HELP D

Washington, December 14.—Investigation of charges of oppression, negligence and indifference to the welfare and comfort of inmates of the National Soldiers' home in Los Angeles county, California, was urged and millionaires who make benefactions conditioned on the heralding of their names were arraigned in the senate today in a speech by Mr. Works, of California.

Mr. Works, in dwelling on the debt owed to the civil war veterans, said he favored extending to the remnant of "the gallant confederate army" the same care and protection accorded to union soldiers. He commented upon the treatment of civil war veterans when they became old, friendless and diseased, by comparison with prevailing "garish and often vulgar display of wealth and wild and unreasoning extravagance."

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## POTTLE NAMED APPEALS JUDGE

Judge Powell's Resignation  
Takes Effect Midnight, Jan. 15.

New Member of High Court Is  
Well-Known South Georgia  
Lawyer—Judge Powell De-  
clares Small Salaries Paid  
Judges Are "Shameful."

Judge Arthur G. Powell, of the state court of appeals, yesterday afternoon tendered his resignation to Governor Slaton and Attorney J. R. Pottle, of Blakely, one of the best-known lawyers in south Georgia, was appointed to the place. Mr. Pottle has announced his acceptance of the appointment.

Judge Powell's resignation takes effect at midnight on January 15, 1912, so that the new judge will take his seat on the day following, January 16.

### Announcement No Surprise.

It was announced in The Constitution several days ago that Judge Powell had determined to resign from the bench, so that the announcement of his resignation does not come as a surprise, although it was generally expected that he would continue in the office until later on in the year. He has been a member of the court of appeals for five years. Upon his resignation it is understood that Judge Powell will form a partnership with Attorney John D. Little, of this city, and will resume the practice of law.

Attorney Pottle, who has been appointed to succeed Judge Powell, is a young lawyer, being only 37 years old, but is a man of wide experience and is eminently qualified in every particular to discharge the duties of the

### NEW APPEALS JUDGE



Photo by Leaney.

### JUDGE J. R. POTTLE.

Who has been appointed to the court of appeals to succeed Judge Arthur Powell.

## COUNCIL RAISES FOUR SALARIES

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Attorney Pottle, who has been appointed to succeed Judge Powell, is a young lawyer, being only 37 years old, but is a man of wide experience and is eminently qualified in every particular to discharge the duties of the office to which he has been appointed. He is a son of Judge E. H. Pottle, for many years judge of the northern circuit, and is a brother of Joe Pottle, of Milledgeville, at present solicitor general of the Ocmulgee circuit.

#### Slaton Praises Pottle.

In announcing the appointment Governor Slaton said:

"Since Judge Powell notified me several days ago of his intention to resign immediately I have been much concerned over the selection of his successor.

"After canvassing the state very thoroughly I finally decided on Mr. Pottle, who was willing to accept.

"Mr. Pottle is a young man, but he is peculiarly fitted by training, experience and temperament for a place on the second highest court in the state. Members of the bench and bar who have been associated with him were unanimous in endorsing him as the most capable of the available men. The work of the court is tremendous and a judge must not only be able, but quick and untiring.

"I felt that the appointment should go to south Georgia, but in canvassing the situation did not confine myself to that section alone. The place was tendered Judge John C. Hart, former attorney general, who declined it; also to Judge S. H. Sibley, who declined.

"I am glad Mr. Pottle has agreed to accept it. I am sure he will prove an exceptionally capable judge.

"If I had appointed a superior court judge a vacancy would have been created requiring another appointment by me. For obvious reasons I desired to avoid this."

#### Powell Regrets Resignation.

Discussing his resignation, Judge Powell said:

"For many reasons I hate to leave the work in which I have been engaged during the last five years. The

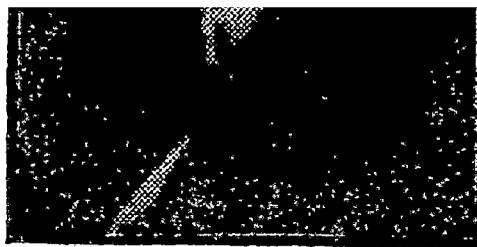


Photo by Lenney.

#### JUDGE J. R. POTTLE.

Who has been appointed to the court of appeals to succeed Judge Arthur Powell.

## COUNCIL RAISES FOUR SALARIES

### Agreement Is Reached By the Conference Committee.

#### Officers and Beginners in Fire and Police Departments May Get More Money, Council Asking 1912 Finance Com- mittee to Provide Increases.

There was a revision of the proposed salary raise of certain city officials at a call meeting of the general council yesterday afternoon.

The city clerk reported that the aldermanic board had failed to concur in the action of council last Monday when council voted to make the following increases:

Mayor, from \$3,000 to \$4,000; city attorney, from \$3,000 to \$3,600; assistant city attorney, from \$2,400 to \$2,700; comptroller, from \$3,000 to \$3,300; city marshal, from \$2,400 to \$2,500; chief of police, from \$3,000 to \$3,300; prison physician, from \$1,200 to \$1,800; city warden, from \$1,620 to \$1,800.

#### Conference Committee.

A resolution was adopted for a conference committee from the aldermanic board and the council to see if an agreement could not be reached. The mayor pro tem. appointed the following committee: Aldermen Ragsdale, Maddox and Spratling and Councilmen Chambers, Hatcher and Wardlaw. The committee, after being out about an hour, reported that it had agreed to recommend the following increases in salaries: Mayor, from \$3,000 to \$4,000; city attorney, from \$3,000 to \$3,300; city warden, from \$1,200 to \$1,800; prison physician, from \$1,200 to \$1,800.

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#### Powell Regrets Resignation.

Discussing his resignation, Judge Powell said:

"For many reasons I hate to leave the work in which I have been engaged during the last five years. The associations have been so pleasant; the work itself, while arduous, has so many attractive phases; the attitude of the people, and especially of the bar, has been so very kind—they have been so willing to praise me for any small merit I have shown, so willing to overlook my mistakes and shortcomings; that, as I find myself about to sever the tie that binds me to the bench, I feel a twinge very much akin to pain.

"When I was elected to this position, I entered upon the work with the intention that, if my services proved satisfactory, I would devote at least ten of the best years of my life to the bench; and, if the reasons for my leaving the work at the end of only half that time were less urgent than they are, I would be very willing to carry out my original plans.

"But the reasons are urgent. Justice to my family demands that I find more lucrative employment. I have, after five years of fair trial, found that the salary of the office is too small to enable one, not having outside sources of income, to shelter, feed, clothe and educate a growing family, keep up life insurance, church and charitable obligations and all those other things that are expected of one in that position which a judge should and does occupy. A spell of illness in my family this last summer put me up against the problem of going into debt or getting off the bench, and I chose the latter.

#### Small Salary Shameful.

"My resignation puts me in a position where I can now say without impropriety that the smallness of the salaries paid to judges in Georgia—so much smaller than other states pay, on the average—is not only shameful, but is a most serious menace to the best interests of the state itself. The state ought not only to be ashamed, but ought to be afraid to pay its judges, whether of superior, appellate or supreme court—salaries in so much smaller amount than lawyers of ability can earn in representing private interests.

"I will remain in Atlanta, and will practice law. I have arranged to enter into partnership with the gentlemen at present composing the firm of Payne, Little & Jones. And, though I have regrets at leaving the bench, I do not approach the new work without anticipations of pleasure, for there is nothing I so much enjoy as the practice of the law."

## ADVERTISING TALKS.

WRITTEN BY

WILLIAM C. FREEMAN.

physician, from \$1,200 to \$1,800; city warden, from \$1,620 to \$1,800.

#### Conference Committee.

A resolution was adopted for a conference committee from the aldermanic board and the council to see if an agreement could not be reached. The mayor pro tem. appointed the following committee: Aldermen Ragsdale, Maddox and Spratling and Councilmen Chambers, Hatcher and Wardlaw. The committee, after being out about an hour, reported that it had agreed to recommend the following increases in salaries: Mayor, from \$3,000 to \$4,000; city attorney, from \$3,000 to \$3,300; city warden, from \$1,200 to \$1,800; prison physician, from \$1,200 to \$1,800.

Councilman Evins moved to amend the report of the committee by increasing the city attorney's salary from \$3,000 to \$3,600 and the assistant city attorney from \$2,400 to \$2,700. The amendment was lost.

The report of the conference committee was adopted by council.

#### Police and Firemen Gain.

The conference committee also offered a resolution recommending the finance committee of 1912 to increase the salaries of captains of police from \$110 to \$125, the salaries of lieutenants and engineers of the fire department and sergeants and detectives of the force from \$95 to \$110. The resolution also requested that beginners in the police and fire departments be paid \$65 a month instead of \$60, the changes to take effect February 1, 1912. The resolution was adopted.

When council adjourned there was a called meeting of the aldermanic board, at which the action of council in raising salaries was concurred in.

## EXPORTS SHOW BIG INCREASE

### Over Last Year, and Exceed Imports by Several Mil- lion Dollars.

Washington, December 22.—The exports of the United States to the countries of the rest of the world during the eleven months of the current year ending with November exceeded the imports by somewhat more than \$475,000,000. The value of the exports was \$1,867,614,510, while the imports were worth \$1,392,552,228, according to statistics issued today by the department of commerce and labor.

During the corresponding period last year the exports exceeded the imports in value by about \$211,000,000. The imports for the eleven-month period of the current year show a falling off of about \$33,000,000 from those of last year, while the export trade increased by about \$30,000,000.

The imports for November, 1911, amounted to \$126,146,492—a falling off of about \$3,000,000 from those of November, 1910.

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marvelous inducements. Its year-round climate is equable, with extremes so few as to be negligible. In many parts of the state there is, indeed, grazing of live-stock the year round, with none of the bleak and forbidding conditions obtaining in Canada and the extreme northwestern portions of this country.

"From Blue Grass to Orange" is a phrase used by a well-informed Georgian to describe what this state has to offer the home-seeker. He might have added, of course, the advantages of the highest type of civilization, opportunities in manufacturing, general business, educational facilities and a warm welcome from the natives.

The chief need is for the railroads to co-operate more intelligently with the commercial bodies of the state in persistent public-ity work. And they are already opening up, in a manner that is eloquent of promise for the forthcoming year, which should be a year of wonderful opportunity in the south's history.

### THE APPOINTMENT OF JUDGE POTTLE.

In designating J. R. Pottle to fill the vacancy on the bench of the Court of Appeals created by the resignation of Judge Arthur G. Powell, Governor Slaton has made an excellent appointment. The new appointee is a lawyer of eminent ability and comes to his well recognized judicial talent by direct inheritance, for his father, the late Judge Pottle, served for years as one of the state's most eminent judges. The son will worthily wear the mantle of his father's judicial ability. Although a young man, he has built up a reputation as one of the ablest lawyers of southwest Georgia.

In a statement accompanying his resignation Judge Powell expresses himself in a manner that should challenge the attention of all thoughtful Georgians. He is reluctant to retire from the bench. But the small compensation for his services thereon, compels him to take this course in justice to his family and himself. As he declares, "Georgia should be not only ashamed, but afraid," to pay her judges salaries so much smaller than those they can earn as lawyers. This warning, coming from one of the cleanest, ablest and sanest jurists to sit on the bench of either of Georgia's highest courts for many years, should not be lost. An underpaid judiciary is one of the gravest menaces to which a state can be subjected.

Regretting, as we do, to see so capable an official as Judge Powell retire from the service of the state, The Constitution congratulates the state that his successor is to be a man of such fine and proved ability.

### A MOST PRACTICAL PHILANTHROPY.

Officials and friends of the Georgia State Sanitarium for the Insane, at Milledgeville, have set on foot a most practical and highly commendable philanthropy—a movement to organize a band and orchestra to lighten the tedium of the unfortunate inmates, and to aid at the dances given at regular intervals at the institution.

It is universally recognized that music is, in itself, a definite treatment in certain forms of mental disease. From this side, and in the way of giving pleasure also to those less violently afflicted, the project is one that should appeal to humane Georgians wherever situated.

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# FROM GEORGIA

*Christmas Day in Georgia*



Christmas Day in Georgia: Times are mighty new,  
The same old Christmas feelin' is a-comin' over you!

Cabin-lights you used to know  
Twinkl'n' 'cross the frost and snow,  
An' the music that you loved  
In the long ago.

Christmas Day in Georgia: Hearts a-beatin' light;  
By the mistletoe—the dancin', day an' night.

All the old, sweet stories told;  
Love is with us as of old;  
Eyes of sunshine—  
Hearts of gold!

### A Christmas Primer.

Resolution is a whole week off. (Nothing like postponing

of Joy for once in a lifetime, even if you come rolling

with sunshine in the New Year to enable us to see one step  
as well as could be expected.

### The Holiday Voices.



# PRAISE GOVERNOR JACKSON FOR APPOINTMENT CROSS

## Selection of Pottle as Powell's Largest Bug in South in Barnesville

That the selection of J. R. Pottle to fill the chair on the court of appeals made vacant by the recent resignation of Judge Powell is well deserved and pleasing to the people of Georgia was demonstrated Friday and Saturday by the large number of telegrams from all over the state received by Governor John M. Slaton commending his appointment.

Mr. Pottle is one of the best known young lawyers in the state and is popular with every one. Many of the telegrams received are from north Georgia though south Georgia, where Mr. Pottle lives, is enthusiastic.

Following are a few of the telegrams received by Governor Slaton: Savannah, Ga., December 24, 1911. Hon. John M. Slaton, Governor:

The appointment of Judge Pottle is excellent. He will enforce the law as he finds it without concern as to notions, pseudo progressives and reformers.

(Ex-Judge Supreme Court.)

Blakely, Ga., December 24, 1911. Governor John M. Slaton, Atlanta, Ga.

We congratulate you upon the wise appointment of Hon. J. R. Pottle on court of appeals. We also congratulate the state upon securing services of such an able man.

J. T. Freeman, Clerk Superior Court Early County; L. M. Rambo, Judge City Court; W. G. Park, Solicitor; T. J. Howell, Sheriff; G. D. Oliver, Ordinary; B. R. Collins, County School Commissioner.

Arlington, Ga., December 24, 1911. Hon. John M. Slaton, Governor, Atlanta, Ga.

I congratulate you on the appointment of Hon. J. R. Pottle on the court of appeals vice A. G. Powell, resigned. You have given the state a servant of whom she will be proud.

J. S. COWART,  
(Ex-Senator).

Arlington, Ga., December 23, 1911. Governor John M. Slaton, Atlanta, Ga.

South Georgia's loss is state's gain in your appointment of Hon. J. R. Pottle on the court of appeals; vice Hon. A. G. Powell, resigned. I congratulate you on the wisdom of this appointment.

L. R. THOMPSON.

Valdosta, Ga., December 24, 1911. Governor John M. Slaton, Atlanta, Ga.

I congratulate you on selection of Pottle as Judge Powell's successor.

E. K. WILCOX.

Barnesville, Ga. (Special.)—Jackson G. Smith, one of the most prominent of Barnesville and died at his home in Barnesville during his illness. His death had been long expected.

Mr. Smith was born in Barnesville in 1833. In Barnesville and in the Barnesville made a wonderful success having given portions. The Barnesville is now considered territory south of the

Mr. Smith accented and had always part in the affairs of the section. He was a member of the Baptist church and always held the office of

He is survived by children, Hon. W. G. Smith, of this city; Gresham, of Griffin. The funeral services were held from the Baptist church.

## 10,000 TREATED DURING

Twenty Per Cent 1910 at Home

Over ten thousand were treated at the Georgia State Hospital in 1911, an increase of 20 per cent over 1910, a record for the institution. W. B. Winn, which has been the superintendent.

Of the 10,536 patients treated, 3,114 were colored and 7,422 were white. In the free-out department a remarkable growth and great good was done for poor people who were treated for treatment of mental diseases. In this department 1,000 patients were treated, an increase of 20 per cent over 1910.

GIVE MORE POWER

long and careful deliberation, and say that they feel they were justified in so doing. The affair completely upset the two congregations, while the demonstrations of the "Holy Roller" band unnerved many women and several men. It was decidedly the most unusual happening in the annals of the facon churches and has caused a genuine sensation.

## ATLANTA'S OLDEST SAVINGS BANK

### Wishes You a Merry Xmas.

The Georgia Savings Bank & Trust Company exhausted two large orders for \$2.50 gold pieces to be given for Christmas presents and many people, both old and young, will be the recipient of these on Christmas day. These bright, shining 1911 gold pieces made a hit with many, but one old darkey got one and passed it back with the remark that it looked like confederate money to him.

We will gladly open an account with you and credit you with face value for these coins.

Wishing everybody a merry Christmas and prosperous New Year.

GEORGE H. BROWN,  
President.  
JOHN W. GRANT,  
Vice President.  
JOSEPH E. BOSTON,  
Secretary and Treasurer.

## They Look Good Red-Man

COLLARS.

All Styles.

HARL & WILSON.

## Headaches

### Impair Mental Faculties

and should not be allowed to become chronic. Whether caused by heat or cold, stomach disorders or nervousness

## Hicks' CAPUDINE

is the best remedy to take. It's liquid—effects immediate—pleasant to take. 10c, 25c and 50c at drug stores.



Photo by Francis E. Price, Staff Photographer.

Christmas tree at the Old Woman's Home.

Those who contributed toward making Christmas happy for the old ladies at the Home for Old Women would have been more than happy and contented if they could have seen the joy and eagerness of the old ladies yesterday afternoon.

When the big, beautiful tree that had been sent out as a gift was lighted, the old ladies clasped their hands and drew their breaths sharply in for the very pleasure of looking at it. It was prettier than "anything that they had ever seen or dreamed of," said the happy little women. It was glittering with tinsel and lights and was loaded down with gifts.

There were bags of fruit, boxes of candy, stockings, feet warmers, breakfast shawls, neckpieces, everything that could be devised to give them pleasure.

Many gifts were sent out for ladies personally, as well as tree, and the matron, Mrs. Susell one a silver napkin ring.

The big Colonial house was rated with cheery Christmas and holiday greens and reds, everything had been arranged, the little presentation of gift the tree might progress without.

After the distribution of presents there was singing, in which ladies joined gladly, the quavering voices rising high above fuller ones.

Mrs. S. J. Partell and Miss and several others spent the afternoon with the old ladies, and other callers, too. Three turkeys, the Christmas dinner, a fine and other good things to eat were sent out for the Christmas which will be held at 1 o'clock.

## POTTLE CONGRATULATED.

### Friends in Milledgeville Rejoice Over His Appointment.

Milledgeville, Ga., December 24.—(Special.)—Many congratulatory telegrams have gone to Governor Slaton approving the appointment of J. R. Pottle, of Blakely, to the court of appeals. And many telegrams have gone to Bob Pottle from Milledgeville, for he was well known here and was very popular. As a young man he was a student at the Middle Georgia Military and Agricultural College, and has been a frequent visitor to Milledgeville since those days, visiting his brother, Colonel Joseph E. Pottle, who is solicitor general of the Ocmulgee circuit, and one of the brightest and most popular men of middle Georgia.

Christmas Holiday Rates  
Via W. & A. R. R. and N. C.  
& St. L. Ry. Tickets on sale  
December 20, 21, 22, 23, 24,  
25, 30, 31 and January 1,  
1912. Good to return Jan-  
uary 8, 1912. G. E. HAR-  
MAN, Gen'l Pass. Agent.

## OFFICERS ARE NAMED BY PYTHAGORAS LODGE

At the regular annual convention of Pythagoras Lodge No. & A. M., held in their hall at Decatur, Ga., the following were selected to serve for the year: W. H. Butler, W. M.; J. C. ton, S. W.; V. O. Kimsey, J. W. Rowland, secretary; B. F. B. treasurer; W. W. Freeborn, E. W. Johnson, J. D.; H. G. White T. S. Johnson, J. B.; D. C. The tyler.

The newly elected officers were installed by Past Master C. M. dler, assisted by Past Master Mason, after which the brethren assembled in their commodious hall doing full justice to the occasion.

## WELL FINISHED

When the films are brought to finishing. A full line of Kodak plates. Jno. L. Moore & Sons, 41 Broad street.

CLOTHES AT COST  
TOM WEAVER, TAILOR  
14 LUCKIE STREET

Pottle congratulated  
Atlanta Constitution  
Dec. 25, 1911  
pg 10

to S. B. Marks, ion, and to N. tary-treasurer. ice as fast as pay up. The nely worked of the associa- s and annual 1. 112 Trin-

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le, Inc. hants St.

was successful in weeding out the original destitutes and imposters.

This system was worked by telephone. When a suspicious washerwoman or negress came for assistance, she was compelled to give the name of her employer or employers. The latter would immediately be communicated with, and the reputation of the applicant ascertained. If it was good, aid would be given. If not, the alleged destitute would be strongly reprimanded.

### COURT ROOM CLOCK BADLY OUT OF ORDER

The court room clock at the police station is to be adjudged in contempt this afternoon promptly at 3 o'clock, unless it mends its ways and tells the true time.

"Tell them to take it out tomorrow, if they can't fix it," said Judge Broyles yesterday afternoon, as he entered and took his chair in some heat, despite the cold weather. It was the sixth time that he had been ten minutes late—according to the clock.

For more than a week the ordinarily trusty timekeeper, installed by the Western Union Telegraph Company, and supposed to be regulated once every day from Washington, has been out of whack. Apparently trying to imitate Atlanta, it has always been ahead, and as a result the judge has always been behind.

At 2:30 o'clock sharp the buzz in the court room would be stilled, and everybody would turn an expectant glance toward the doorway. When the recorder failed to show up, the buzz would gradually grow until 3:40, when on the second Judge Broyles pushes open the swinging doom and enters. But he was always late, in the minds of the audience, the prisoners and the lawyers.

Yesterday the clock was served with a subpoena by the judge in person, and he heard his doom (he because the clock is ahead and not behind), pronounced in no uncertain terms. Three o'clock today—and if he shows 3:10, out he goes.

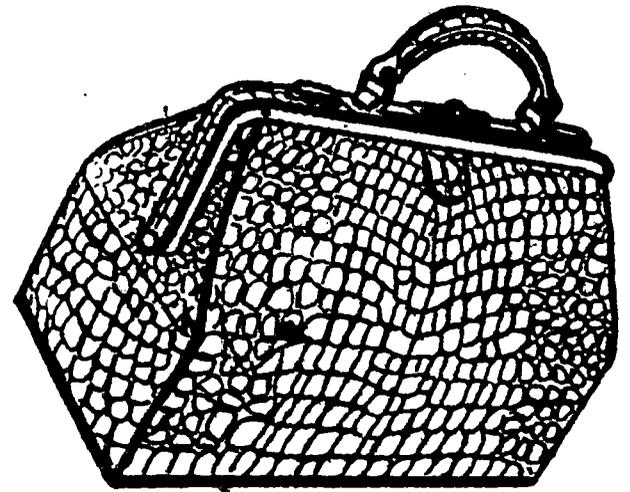
the offices of the government.

"The effect of this ultimatum from the United States, coming as it does only a short time before the national election in Cuba," continued Mr. Haralson, "will undoubtedly result in the success of the Gomez, or Spanish, faction and its continuance in office.

### Americans Standing Hands Off.

"The Americans in Cuba are standing absolutely hands off in this fight. The only thing they want is peace and protection of property, and so instead of actively supporting either of the parties on the island, their sympathies are more in the direction of having the United States extend a guardian hand over the island, should this step be necessary to keep things quiet and insure a confidence in the future, which will enable the business interests to keep up the remarkable strides that they have made within the past few years.

"Inasmuch as President Taft's letter will mean the quieting to a very large extent of the activities of the 'National Guard of Veterans,' the Americans in Cuba will be sure to rejoice over it. It is not to be understood, of course, that this step of the



# ROUNTREE'S

# STENOGRAPHER DAYS STUDY AT THE SOUTHERN BUSINESS COLLEGE

the 23d  
Briscoe &  
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Southern on  
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A. C. BRISCOE,  
President Southern Shorthand and  
Business University.

On yesterday when Miss Dennis left school it was the last day of the 23d year of Messrs. Briscoe and Arnold's business connection, a peculiar coincidence.

This case is only mentioned to show what is possible to accomplish at this famous school, because the average time required at this and all good schools to learn shorthand is from three to six months.

While Mr. Briscoe and Mr. Arnold have been associated for 23 years, they purchased Moore's Business College, of 24 years standing, therefore the Southern is 47 years old, and these men are known as Georgia's pioneer shorthand experts.

The largest summer attendance in the history of the school is now enrolled—over fifty have entered during July.

Enter now. Join the crowd whose success is assured. Ask the business men about the Southern and you'll attend that school.

A. C. Briscoe, Pres.; L. W. Arnold, Vice Pres.; Thos. L. Bryan, Lecturer, 10 1/2 W. Mitchell Street, Atlanta, Ga. Send for catalogue.

shorthand and

# JUDGE BROYLES TO OPPOSE POTTLE

## Atlanta's Well-Known Recorder Seeks Seat on Appeals Bench.

Four Twelve Years He Has  
Been Judge of Atlanta's  
Municipal Court and Has  
Made State-Wide Reputation  
in This Position.

Judge Nash R. Broyles, Atlanta's well-known recorder, has announced for the office of judge of the court of appeals, and he will make the race to fill the position now held by Judge J. R. Pottle, who is filling



Photo by Wesley Hirschburg.  
JUDGE NASH BROYLES,  
Who announces candidacy for court of  
appeals.

# Aug Begin

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August, in the

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The mere me  
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enough to speak for

Any Suit

Any Stray

Any Panama

Any Shirt

Any Cravat

Any Cravat

**A. Griffin's** Gate City  
Dental Rooms  
Men's Drug Store, 24 1/2 Whitehall Street.

Set of Teeth \$5

COMPLETED DAY ORDERED

22k Gold Crowns, \$3

Special Bridge Work, \$4



the unexpired term of Judge Arthur

**G. Griffin's** Gate City  
Dental Rooms  
Allen's Drug Store, 24 1/2 Whitehall Street.



Set of Teeth \$5  
COMPLETED DAY ORDERED  
22k Gold Crowns, \$3  
Special Bridge Work, \$4  
All Dental Work Lowest Prices

Hours—8 to 7. Lady Attendant.

**S  
BLEASE  
COUNTY BAILIFF  
FREED OF CHARGE**

Said He Ellison Not Held Responsible  
Expenses for Shooting Escaping  
Prisoner to Death.  
Inquiry.

(Special.)—Columbus, Ga., July 31.—(Special.)—  
of Charleston, County Bailiff Charles A. Ellison was  
e's release of this morning arrested on a warrant  
relations ex- sworn out by Mrs. Annie Young,  
as given out charging him with murder, but was  
ble what he discharged late this afternoon as a re-  
and the gov- sult of his preliminary trial before  
Judge McCrory.

Last week while the officer was car-  
rying Warner Young, a young man,  
from the Muscogee jail to the county  
convict camp, to which he had been  
sentenced in superior court to a term  
of six months. Young sprang out of  
the buggy and made a dash for the  
nearby woods. Ellison says that he  
called to him to halt and fired twice  
with his pistol, not to wound him, but  
simply to make him stop. The second  
shot was fired at random in the bushes,  
he says, and struck Young, killing him.

The warrant against the officer was  
sworn out by the dead man's mother.

**REBUILDING SALE.**  
\$50.00 Suits . . . . . \$35.00  
45.00 Suits . . . . . 30.00  
35.00 Suits . . . . . 25.00

**CARROLL, THE TAILOR,**  
172 Peachtree.

**Ice Plant at Harlem.**  
Marlem, Ga., July 31.—(Special.)—  
The ice plant of the Harlem Oil com-  
pany is now in operation and as the  
ice is made from spring water, should  
be of the finest.

your judgment upon it." He went down  
into his coat pocket and pulled out a  
letter and, handing it to me, said:  
"Read that."

"It was none other than the now fa-  
mous letter signed 'T. B.' alleged to  
have been written by Felder to 'Hub'  
Evans, in which it was proposed that  
'Hub' Evans and Felder organize some  
gigantic scheme in connection with the  
old dispensary.

"As I read this letter I recalled a  
scene at Wright's hotel the night be-  
fore his inauguration. It was the first  
real insight I had ever had into Blease  
and the atmosphere in which he lived  
and I think I can say that without



Photo by Wesley Hirschburg.  
**JUDGE NASH BROYLES.**  
Who announces candidacy for court of  
appeals.

the unexpired term of Judge Arthur  
Powell.

In making his announcement Judge  
Broyles records the fact that he has  
been a member of the bar for twenty-  
two years, and for the past twelve  
years has been the judge of the mu-  
nicipal court of Atlanta. He states  
that he has decided to announce as a  
candidate for judge of the court of  
appeals in response to many requests  
throughout the state.

**Against Technicalities.**  
One striking feature of Judge  
Broyles' announcement is that he will,  
if elected, decline to reverse any ver-  
dict or judgment of a lower court on  
a technical point, unless the law in  
expressed terms commanded him to  
do so.

If Judge Broyles is elected judge of  
the court of appeals, the office of re-  
corder of Atlanta would, of course, be  
vacant, and there would be something  
doing in the way of an election to fill  
the vacancy. The announcement of  
Judge Broyles is therefore double-  
barreled—one barrel for the state and  
the other for the city politicians.

**Was Reared in Atlanta.**  
Judge Broyles was reared in Atlanta,  
and is a son of the late Judge E. H.  
Broyles, one of the pioneers of the  
city.

He was elected for several  
terms by the city council, and when  
the law changed, making the recorder  
elective by the people there were four  
or five candidates against him, but he  
won out ahead of them all.

He is personally popular and has a  
large number of friends in Atlanta  
and throughout the state who have al-  
ready volunteered to give him their  
earnest and hearty support.

Judge Broyles' announcement fol-  
lows:

**Judge Broyles' Announcement.**

To the People of Georgia: In re-  
sponse to many requests throughout  
the state, I announce as a candidate  
in the primary of August 21 for judge  
of the court of appeals, and complying  
with the rule of the state executive  
committee, which requires all candi-  
dates to run for one particular place,  
I designate Judge Powell's unexpired  
term as the position to which I aspire.  
This position is now held by Judge  
Pottle, who was appointed to fill the  
vacancy caused by Judge Powell's  
resignation until the voters of the  
state could elect his successor.

I have been a lawyer for twenty-two  
years and for the last twelve years

**Low Summer  
EXCURSION RATES**

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**Clou**  
The Shop

have been recorder and judge of the  
municipal or police court of Atlanta.  
I have lived in Georgia all my life and  
am deeply interested in her growth  
and progress. I am especially con-  
cerned about judicial reforms in our  
state and have some decided and pro-  
gressive ideas on this subject. First  
and foremost, I believe in the enforce-  
ment of all of our laws. If it's a bad  
law, repeal it, but as long as it re-  
mains a law, enforce it. In Georgia  
the law should be supreme! But at  
present this is far from being the  
case. In the matter of murders, rob-  
beries, whisky selling, pistol "toting"  
and other crimes Georgia's record is  
not one to bring the flush or pride to  
our cheeks, but rather the flush of  
shame. One reason for this deplora-  
ble state of affairs is that the people  
have, to a great extent, lost faith in  
the law. They see murderers, whisky  
peddlers and other criminals, after  
being convicted in the city and su-  
perior courts of the state, appeal their  
cases to the higher courts, and then  
often, on technical points made by

hanged, making the recorder y the people there were four ndidates against him, but he head of them all. personally popular and has a nber of friends in Atlanta ghout the state who have al- ured to give him their id party support. Broyles' announcement fol-

**Broyles' Announcement.**

People of Georgia: In re- many requests throughout I announce as a candidate mary of August 21 for judge rt of appeals, and complying rule of the state executive s, which requires all candi- run for one particular piace, te Judge Powell's unexpired he position to which I aspire. tion is now held by Judge ho was apointed to fill the caused by Judge Powell's n until the voters of the id elect his successor. been a lawyer for twenty-two 1 for the last twelve years

**Low Summer**

**TRIPSION RATES**

- CINNATI - \$19.50**
- ISVILLE - \$18.00**
- CAGO - - \$30.00**
- XVILLE - \$7.90**

**Is on Sale Daily, Good tober 31st, Returning**

**icket Office, 4 Peachtree**



**The Shop of Quality**

have been recorder and judge of the municipal or police court of Atlanta. I have lived in Georgia all my life and am deeply interested in her growth and progress. I am especially concerned about judicial reforms in our state and have some decided and progressive ideas on this subject. First and foremost, I believe in the enforcement of all of our laws. If it's a bad law, repeal it, but as long as it remains a law, enforce it. In Georgia the law should be supreme! But at present this is far from being the case. In the matter of murders, robberies, whisky selling, pistol "toting" and other crimes Georgia's record is not one to bring the flush or pride to our cheeks, but rather the flush of shame. One reason for this deplorable state of affairs is that the people have, to a great extent, lost faith in the law. They see murderers, whisky peddlers and other criminals, after being convicted in the city and superior courts of the state, appeal their cases to the higher courts, and then often, on technical points made by shrewd lawyers, they see them given new trials, and frequently on the second trials the state's witnesses, being dead or scattered, they see them turned loose without any punishment whatever. This has two very bad results—firstly, it encourages other criminals to commit crimes, and secondly, it provokes mob laws and all the terrible consequences that follow.

England and other countries have done away with these absurd legal technicalities, whose only object is to help the guilty man escape justice. Why can't Georgia also discard them?

**As to Reversing Verdicts.**

If I should be honored by the people of Georgia with a seat on the court of appeals I would decline to reverse any verdict or judgment of a lower court on a technical point, unless the law in express terms commanded me to do so, and in that event I would make a note of it and call it to the attention of the legislature and ask that this particular technicality be abolished, so that in the future at least there would be no such miscar-

riage of justice. In other words, if the record of a case sent up from the lower court showed that substantial justice had been given in that court I would decline to grant a new trial on technicalities.

I have an honorable ambition to serve the people of my native state as judge of the court of appeals, and

I re I b and wit M con hav the aid

**JACOBS' LIVER SALT**  
**BETTER THAN CALOMEL**

A pleasant and effective cathartic salt for  
 Biliousness, Headache, Indigestion, Constipation, Rheumatism and Gout

CONTAINING  
 SODIUM PHOSPHATE, LITHIUM PHOSPHATE, SODIUM SULPHATE

A uric acid solvent, and rational treatment for Rheumatism, Gout and Hepatic Complaints

Guaranteed by Jacobs' Pharmacy under Pure Food and Drug Act, June 30, 1906

PREPARED BY  
*Jacobs' Pharmacy*  
 ATLANTA, GA

**Main Store and I**  
 23 Whitehall Street  
 102 Whitehall Street  
 70 W. Mitchell Street

Quality

61 Peachtree Street

justice. In other words, if  
d of a case sent up from the  
urt showed that substantial  
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cline to grant a new trial on  
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an honorable ambition to  
e people of my native state  
of the court of appeals, and

I respectfully refer them to the record  
I have made for upholding the law  
and for giving justice to all alike,  
without fear, favor or affection.

My present duties keep me closely  
confined to the courtroom and I will  
have no time to engage in a canvass of  
the state. So I will have to rely for  
aid in my candidacy upon the volun-

tary efforts of my friends and of  
those citizens throughout Georgia who,  
knowing me by reputation only, have  
faith in my character and ability.

Very respectfully,  
NASH R. BROYLES.

Edward Paulton and Charles Bradley have  
written an Irish drama, "The Rose of Kildare,"  
in which Fiske O'Hara will star.

**JACOBS' LIVER SALT**  
FRANCOIS  
pleasant and effectual effervescent Salt for  
Bleedings, Headache, Indigestion,  
inflammation, Rheumatism and Gout  
CONTAINS  
LITHIUM PHOSPHATE, LITHIUM  
SODIUM PHOSPHATE, SODIUM SULPHATE  
uric acid solvent, and rational  
remedy for Rheumatism, Gout  
and Hepatic Complaints  
Manufactured by Jacobs' Pharmacy under  
Pure Food and Drug Act, June 30, 1906  
PREPARED BY  
*Jacobs' Pharmacy*  
ATLANTA, GA

# Free Trial Package

## Jacobs' Liver Salt

Given Away Every Day  
This Week at All Our Stores

It makes a Pleasant, Bubbling, Natural  
Mineral Water that tones the liver and  
corrects acid stomach. For constipa-  
tion, sick headache, sour stomach, gas,  
biliousness, indigestion, rheumatism,  
nothing else is so quick and mild. Take  
it before breakfast. In an hour you will  
feel splendid.

1/2-lb. Jar 25c

### Made in Atlanta

Main Store and Laboratory, 6 and 8 Marietta St.

13 Whitehall Street  
12 Whitehall Street  
10 W. Mitchell Street

544 Peachtree Street  
423 Marietta Street

245 Houston Street  
266 Peters Street  
152 Decatur Street

# ALEXANDER IS IN GOVERNOR'S RACE

**Paid \$200 Fee Just Before the Closing Hour.**

Representative Hooper Alexander, of DeKalb, taking Governor Brown's veto of the Tippins prohibition bill as the reason for his action, yesterday announced that he was a candidate for governor.

No definite word came from Mr. Alexander until 11:30 o'clock Thursday morning, about which hour Charles D. McKinney, of Decatur, a friend of Mr. Alexander's, walked into the office of Treasurer C. M. Hitch, of the state executive committee, counted out \$200 in bills and asked that Mr. Alexander's name be entered as a candidate for governor.

About the same hour, Mr. Alexander strolled down to the newspaper reporters' desk in the house of representatives, and remarked:

"Well, boys, I've made that announcement."

Asked if he prepared any written announcement of his candidacy, Mr. Alexander replied that he had not, but would furnish a statement of his atti-

# ENTRIES CLOSE FOR PRIMARY

**State Ticket for Primary of August 21st Is Complete.**

Entries for the state primary of August 21 closed yesterday at noon.

Under the ruling of the state executive committee, all candidates were required to have paid their fee at that time; otherwise their names would be let off the ticket.

That means the state ticket for the coming primary is now complete, and the voter has three weeks in which to study the list and decide what he wishes to do.

Some of the present statehouse officers have no opposition, while others have pretty stiff fights on hand.

They will devote the time between now and the primary to busy campaigning.

### Here Is the List.

For Governor—Hooper Alexander, of DeKalb; John M. Slaton, of Fulton, president of the state senate; Joe Hill Hall, of Bibb.

For United States Senator—A. O. Bacon, of Bibb, present senator; H. H. Perry, of Hall.

For Secretary of State—Phillip Cook, of Lee.

For Comptroller General—William A. Wright, of Fulton.

For Attorney General—Thomas S. Felder, of Bibb; W. R. Jones, of Meriwether.

For State Treasurer—W. J. Speer, of Fulton.

For State School Superintendent—E. H. Beck, of Brooks; M. L. Brittain, of Fulton.

For Pension Commissioner—W. H. Lanier, of Chatham; John W. Lindsay, of Wilkinson.

For Prison Commissioner—A. N. Grovenstein, of Effingham; Dr. S. W. Johnson, of Hazlehurst; T. E. Patterson, of Spalding.

# Plats A

For the property 14, 16 and 18 between Whitehall and Pryor.

The Spruell property, on Roswell head.

We sell these next Tuesday door.

# Forrest & Co.

## FOR RENT—PEACHTR

We have in the "Elysee," 800 Peach No. 9, on the third floor. Has 6 rooms has splendid janitor service, plenty of heat and plenty of heat in the winter. They can make an attractive price on it between

**JOHN J. W.**

Phones 618.

REAL ESTATE, RENT.

**We Have for Sale a \$5,000.00**

**WEYMAN**

Established 1890

## ELEGANT BRICK HO

We are just completing an eight-room 50x190, on Virginia avenue; has all imp tile veranda and slate roof. Exclusive st

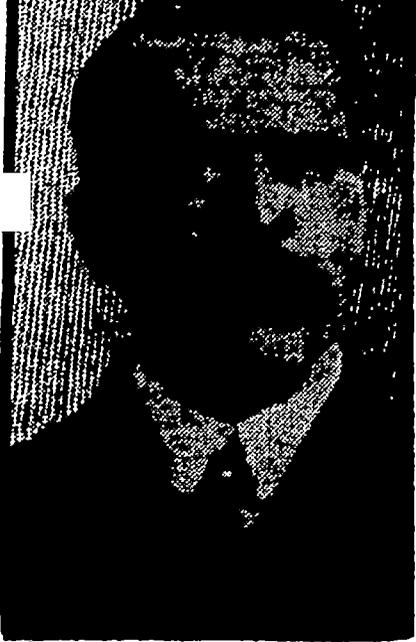
**W. E. W**

415-416 EMPIRE BUILDING.

## THE COOLED GE

We have been instructed by the city for 99 years. It occupies the corner of Streets. Fronts 110 feet on Peters property of the Southern Railroad, a three-story brick mill-constructed rear. It's within a stone's throw of stations





**HON. HOOPER ALEXANDER.**  
Who has announced his candidacy for governor.

tude within the next few days.

Mr. Alexander told friends that, while prohibition would be an issue in the campaign, it would not be the only issue.

**Had Chance to Put It Through.**

Mr. Alexander had an opportunity to put the Tippins prohibition bill through, if he had so desired, but rejected it.

What he could have done this is generally agreed by a number of members of the house who were anxious to add the referendum amendment to the bill, knowing that in such event only would it stand a chance.

If Mr. Alexander had accepted the referendum amendment, it would have been adopted by the house, and later by the senate, it is stated, that body having passed the bill without change.

With the referendum amendment there is practically no question that Governor Brown would have approved the bill and let it go to the people the decision as to whether or not they desired it as a law; but, in that event, Mr. Alexander would not have had the opportunity he now has to run for governor.

**Enough Tippins Oratory.**

Even the house of representatives indicated Thursday that it had had enough of Tippins bill oratory.

The rules committee made a report limiting debate on the governor's veto message Friday to one hour, equally divided between both sides.

Mr. Alexander opposed this feature of the report, and moved to table it. The house refused to vote with him, declining to table the measure by a vote of 102 to 50.

Alexander afterwards stated to us that this was the first time the house had "sat upon him" during the fight incident to the Tippins bill.

**Needed to Make Sacrifice.**

Discussing his possible candidacy before he made his announcement, Mr. Alexander said he had received a large number of letters from friends urging

Fulton.

For State School Superintendent—E. H. Beck, of Brooks; M. L. Brittain, of Fulton.

For Pension Commissioner—W. H. Lanier, of Chatham; John W. Lindsay, of Wilkinson.

For Prison Commissioner—A. N. Grovenstein, of Effingham; Dr. S. W. Johnson, of Hazlehurst; T. E. Patterson, of Spalding.

For Commissioner of Agriculture—A. O. Blalock, of Fayette; J. J. Brown, of Elbert; J. D. Price, of Oconee.

For Commissioner of Commerce and Labor—H. M. Stanley, of Laurens.

For Associate Justice Supreme Court for Full Term Beginning January 1, 1913—Samuel C. Atkinson, of Glynn; Joseph Henry Lumpkin, of Fulton. (Two to be elected.)

For Associate Supreme Court for Unexpired Term Ending January 1, 1915—Hiram Warner Hill, of Meriwether.

For Judge Court of Appeals, Full Term—Benjamin H. Hill.

For Judge Court of Appeals, Unexpired Term of Judge Arthur G. Powell—Nash R. Broyles, of Fulton; J. R. Pottle, of Early.

For Railroad Commissioner, Office Now Held by Joseph F. Gray—Joseph F. Gray, of Chatham; John H. McGehee, of Talbot; Charles Jack Shipp, of Dooly; John H. James, of Fulton.

For Railroad Commissioner, Position Now Held by George Hillyer—W. Trox Bankston, of Troup; George Hillyer, of Fulton; S. G. McLendon, of Fulton.

For Railroad Commissioner, Unexpired Term of H. W. Hill, Now Held by Paul B. Trammell—J. J. Flynt, of Spalding; Paul B. Trammell, of Whitfield.

**The Incumbents.**

In most of the statehouse offices incumbents are candidates for re-election. The only instances in which the incumbents are not candidates are in the offices of governor and commissioner of agriculture.

The incumbents are as follows: United States Senator A. O. Bacon; Secretary of State Phil Cook; Comptroller General W. A. Wright; Attorney General T. S. Felder; State Treasurer W. J. Speer; State School Superintendent M. L. Brittain; Pension Commissioner John W. Lindsay; Prison Commissioner T. E. Patterson; Justice Supreme Court Samuel C. Atkinson, Joseph Henry Lumpkin, H. Warner Hill; Judges Court of Appeals Benjamin H. Hill, J. R. Pottle; Railroad Commissioners Joseph F. Gray, George Hillyer and Paul B. Trammell.

**DELEGATES TO THE NATIONAL PROGRESSIVE CONVENTION,**

**CHICAGO, ILL., AUGUST 5.**

Will leave Atlanta via the Nashville, Chattanooga and St. Louis railway Saturday, 4:50 p. m., August 3d, headed by Mr. C. W. McClure, W. J. Tilson, R. A. Dewar and other prominent members of the Progressive Party.

The Nashville, Chattanooga and St. Louis railway will sell round trip tickets from Atlanta to Chicago and return for \$25.80. Tickets on sale July 31st, August 1st, 2d and 3d, good returning until August 22.

**Jackson City Court.**

Jackson, Ga., August 1.—(Special.) After a session lasting three days, during which an unusual amount of

**THE COOLEIDGE**

We have been instructed by the court for 99 years. It occupies the corner Streets. Fronts 110 feet on Peters & property of the Southern Railroad, a three-story brick mill-constructed rear. It's within a stone's throw of stations.

**ROFF SIMS &**

201-3 Fourth National Bank Building

Here's something  
**Increase**  
is a matter of efficient use of printed matter in the business game. The men who know well to have a printed experience will be building of their production of printed matter will us help you. W  
**Foot &**  
6 No  
Printers - Sta

**EUCLID AVENUE**

This large, elevated, shaded lot lies on 500 feet east of Moreland. From it one colonial residence and well-kept park of frontage of about 400 feet, and is most artistic place, 401 Euclid avenue, adjoining this lot been cut for both. All improvements are of no better value in the Druid Hills section.  
**EUGENE RAGLAND, 207 MORELAND**

If you want the best in  
**MILL WORK**  
don't  
**WE MAKE IT UP**  
**WOODWARD LUMBER CO**

**Yellow Pine Lumber**  
AT WHOLESALE

nition. In over five thousand cases treated by these foreign physicians, less than 5 per cent were failures.

(I would be pleased to send a copy of the above statement, "The Truth About '606,'" to anyone interested.)

Some months later, the American Medical Association, in annual meeting, devoted one session to a discussion of Salvarsan, or "606," and the reports of experiences there made were wonderful. Salvarsan had captured the American physicians, as it had the foreigner.

(I would be glad to send the account of that meeting to anyone interested.)

Now, although it has been nearly a year—more than nine months—since I published these statements, they have not been questioned or disputed, and they stand out as established facts; and, in my experience with over two hundred and fifty operations, nothing but effective and good results have crowned my efforts in a very large percentage of cases. One fact I have discovered is that the contra-indications of "606" are even fewer than were, at first, expected. In other words, fewer conditions exist which disallow its use than were anticipated. In the hands of a skilled physician "606" is not dangerous. My daily experience with the remedy authorizes me to say this, and my history of cases shows that every claim I have made for it is backed by undisputed facts.

In conclusion, I wish to make it plain that "606" is all I claim for it when in competent hands. Long and careful study and experience is required to get the best results, while proper equipment is indispensable, and when I state that I have completely renewed my equipment for this work since I began using "606," I hope it will stress the importance of this fact.

Are you a sufferer from anyone of those troubles that blight manhood and mar the pleasures of living? I would be glad to have you call and consult me about your case. I will be fair and truthful and help you back to health again. Write for my booklet on Diseases of Men, and special literature on "606." My office hours are 9 to 1, 2 to 7. Sundays, 10 to 12.

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## JUDGE POTTLE MAKES FORMAL ANNOUNCEMENT OF CANDIDACY

---

Judge J. R. Pottle, of the state court of appeals, yesterday issued formal announcement of his candidacy for election to the position he now holds on that bench.

Judge Pottle was appointed to the bench of the court of appeals by Governor John M. Slaton during his term following the resignation of Governor Hoke Smith, to fill the vacancy caused by the resignation of Judge Arthur G. Powell.

Judge Pottle was formerly one of the supreme court secretaries, a position which he filled acceptably for years, until he resigned to resume the practice of law in Blakely. While

connected with the court he gained wide experience in appellate court matters.

His announcement follows:

"To the Democratic Voters of Georgia—I am a candidate in the approaching primary for the unexpired term of Hon. A. G. Powell as judge of the court of appeals, which position I have held since January 15, 1912, by appointment of Governor Slaton. I have endeavored faithfully and impartially to discharge the duties of the office agreeably to the laws and constitution of this state. If you think from my record on the bench and the estimate of impartial critics as to my fitness for the office that my appointment should be ratified, I will appreciate your support.

"J. R. POTTLE."

expurgatorius, for the  
the role of philosopher.  
oasts and the like indi-  
g, from the stand-  
dietetic ship turned

## DICES.

om all thinking citizens  
the house of commons  
ons, the house has been  
interval, it has indulged  
ere touched the danger

ave neglected to study  
ng the attention of the  
beral party, under the  
avid Lloyd-George, has  
year or two. It is not  
ssumed to be the staid-  
democracy, not to say  
ol Its system of tax-  
v...d. It is doing, and  
than any other nation.  
e momentous question  
ch the country is con-

e to a focus during the  
ion has been kept in a  
le from strife and tur-  
ver beneficent the pro-  
rs firmly entrenched in  
opportunity to catch a  
rapid process of read-  
ess affairs.

## E.

ldy" of the republican  
vanced age. With the  
sential services to the  
ne to all, he is for-  
d upon to witness the  
nursed and from which  
was moribund, it is the

Time he tunes his fiddle!

*Frank L. Stanton*

## JUDGE POTTLE INDORSED BY BAR OF GREENSBORO

Greensboro, Ga., August 11.—(Spe-  
cial.)—The following resolution has  
been signed by every member of the  
Greensboro bar:

"We note with regret that Hon. J. R.  
Pottle is being opposed for re-election  
to his present position as judge of the  
court of appeals after he has held the  
position for only the short term of  
six months. Considering the most ex-  
cellent record which he has made dur-  
ing his term of service upon this bench,  
we have no hesitancy in saying that  
it will be great misfortune to the peo-  
ple of this state if he is not re-elected.  
His high personal character, his un-  
usual ability as a lawyer and as a  
judge, his record for fair and fearless  
impartiality are all reflected in the  
opinions which he has written during  
his short term upon the bench. He  
should be given an opportunity to per-  
fect his career and to fulfill the prom-  
ise which his work bespeaks of becom-  
ing one of Georgia's greatest judges.  
We sincerely hope that the people of  
this state will give him the indorse-  
ment of a hearty election.

"(Signed) Miles W. Lewis, Noel P.  
Park, Joseph G. Faust, James Davison,  
Joseph P. Brown, J. M. Morrow, T. G.  
Morrow, F. B. Shipp, H. G. Lewis, Ph.  
Robinson, George A. Merritt, Samuel  
H. Sibley, members of bar of Greens-  
boro, Ga., Ocmulgee circuit."

## JAPANESE ARE GLAD KNOX WILL VISIT THEM

Tokio, August 11.—The announce-  
ment of plans for the coming of Sec-  
retary of State Knox, from Washing-  
ton, to attend the funeral of Emperor  
Mutsuhite, on September 12, is received  
by all the leading Japanese news-  
papers with expressions of sincere ap-  
preciation. Articles in today's journals

jected into the brain of a  
bit. Within seven to eig  
rabbit is practically dead  
phobia. It is then chlor  
its spinal chord is remove  
chord that is used in  
treatment, the patient be  
injection twenty-one doses  
each day for twenty-one  
the treatment is complet

There is always danger  
of an animal, and few, if  
take chances on the resul  
teur treatment as prep  
Georgia state board of h  
solutely free to those des  
they may either come to  
have it administered at  
laboratory, or it will be  
application to their fam  
for administration at hom

## CRISP AND HOUST IN FIGHT ON HO

Crisp and Houston cour  
latest to act in conjunct  
state board of health in  
eradicate the hookworm  
splendid progress is being  
this line by Dr. A. G. For  
of the field work.

Both of these count  
their boards of commis  
contributed \$150 to be e  
der Dr. Fort's direction;  
rule in such cases, he  
some part of the money  
back to the counties.

In Worth county wher  
has been in progress rece  
aminations were made and  
of people found to be in  
hookworm and treated  
ease was 762. In 76 case  
treatment was administ  
only 2 cases was it four  
to treat a third time.

## SEABOARD TAX RE PLACED AT \$1

The Seaboard Air Line R  
pany, having declined ve  
assent to an increase in its  
has been assessed for taxa  
property in Georgia by  
General W. A. Wright at  
\$13,140,908.

The Seaboard returned  
for taxation this year at

nouncement from the judges stand. She received the mare after winning her and accomplished many difficult

**J. J. Brown is a practical, progressive farmer. Vote for him for Commissioner of Agriculture.**

## Some Reasons Why Judge Pottle Should Be Re-Elected as Judge of the Court of Appeals.



**JUDGE J. R. POTTLE.**

(1)—Because of his conceded learning, impartiality, uprightness and experience as a judge.

residence, Lakewood Heights, Tuesday morning at 6 o'clock. The funeral will be held from the residence this afternoon, at 3 o'clock, with interment in Greenwood.

### **Mrs. A. M. Tables.**

The funeral of Mrs. A. M. Tables, who died Monday, will be held this morning, at 9 o'clock, from Pool chapel, and interment will be in W View.

### **Eustace Seddon.**

The funeral of Eustace Seddon, 71 years old, who died at a private sanitarium Monday night, will be held this morning at 10 o'clock from Patterson chapel, and interment will be in Hollywood. He is survived by his parents, Mr. and Mrs. A. E. Seddon, of Paris, France, and a sister, Mrs. Stober, New York.

### **Mrs. M. J. McLaurin.**

Mrs. M. J. McLaurin, 71 years old, Laurinsburg, N. C., died at a private sanitarium Tuesday afternoon. She was survived by her husband and seven sons. The body was removed to Barclay & Brandon's, and last night was sent to Laurinsburg, where funeral and interment will take place Thursday.

### **Miss A. L. Salisbury, Comer.**

Eufaula, Ala., August 20.—Special. After a critical illness of typhoid fever, Miss Annie Lee Salisbury, daughter of Mr. and Mrs. L. R. Salisbury, of Comer, died Sunday night. She was 18 years of age and very popular with the people of Comer. She is survived by her parents and one sister. The funeral services were held Monday.

### **Mrs. J. A. Harbin, Athens.**

Athens, Ga., August 20.—(Special.) Mrs. J. A. Harbin, who had been ill for several months, died here yesterday and was today buried in Ocoroc cemetery, the funeral being conducted from Emanuel church by Rev. T. R. Beatty, rector. She is survived by her husband and several children, Mr. Ruby Harbin, Miss May Harbin and Mr. Clifford, Audley, Frederick and T. R. Harbin. She was a most estimable Christian lady.

### **Mrs. Nannie L. Harvey.**

Mrs. Nannie L. Harvey, 60 years old, died at the residence of her sister, Mrs. Addison Maupin, 320 West Peachtree street, Tuesday. She lived in Monticello, Bedford county, Virginia, and had been in the city only a short while on a visit to relatives. The body will be sent to her home this afternoon for funeral and interment. Besides Mrs. Maupin she is survived by two brothers, F. Toler Jones and R. C. Jones, Virginia.

# ATLANTA CO

ATLANTA, GA., SATURDAY MORNING, AUGUST 24

**'HARD'  
REFUSED  
BUTION**

**ELEON  
G AFTER  
D CHICAGO**

**Atlanta Contractor  
on His Way  
Law, Mich.**

**C... FOR HIM  
T OF BROTHER**

## JUDGE BROYLES DEFEATS POTTLE IN APPEALS RACE

Contest Proves One of the  
Closest in the History  
of the State.

**BROYLES 186, POTTLE 178;  
TWO COUNTIES ARE MISSING**

Victory of the Atlanta Man  
Made Certain as Soon as the  
Belated Returns Were Re-  
ceived From Union and Lin-  
coln Counties—Charlton and  
Towns to Be Heard From.

## PLAYMATES R



# CH FOR HIM T OF BROTHER

s suddenly and mys-  
had dropped off the  
son, of 744 Piedmont  
known contractor and  
at in Atlanta either  
Michigan woods or  
ore tragic fate. He  
6 for Saginaw, Mich.,  
fishing trip, arriv-  
wo days later, from  
isappeared August 9,  
en heard of since.  
atives in Atlanta are  
whereabouts and  
disappearance. Mean-  
police and the state  
in are scouring the  
ort to locate him.  
d been in ill health  
r some time prior to  
m Atlanta, and had  
g ) as a means of  
ysical condition. Ac-  
atement of relatives,  
not despondent, and  
assigned for a wilful

**From Chicago.**  
Mr. DeLeon, upon his  
o, visited friends in  
b. from whose home  
August 9. He had  
able money. He was

on Page Two.

# HARRIS CHAIRMAN

iding Officer at  
to Convention

## Delayed Returns were Re- ceived From Union and Lin- coln Counties—Charlton and Towns to Be Heard From.

With two counties having a con-  
vention strength of four votes still to  
be heard from, Judge Nash R. Broyles,  
of Atlanta, has, according to the offi-  
cial consolidated votes from 144 coun-  
ties, a majority of eight convention  
votes over Judge Pottle in their race  
for the court of appeals.

Until the receipt at a late hour Fri-  
day night of the results in Lincoln  
and Union counties the outcome of  
this race was considerably in doubt,  
although Judge Broyles was slightly  
in the lead. The four counties still to  
be heard from would have, however,  
changed this lead in favor of Pottle  
had the south Georgia candidate re-  
ceived them all. With the receipt of  
the information that both Lincoln and  
Union counties had given Judge  
Broyles handsome majorities, how-  
ever, his election was assured, the  
total vote of the other two counties,  
Charlton and Towns, being insuffi-  
cient to overcome the majority of the  
Atlanta man.

### May Win by Single County.

In case these two counties do go  
into the Pottle column, it will mean  
that Judge Broyles will have won by  
the slight margin of a single county.  
Had he lost a single county that he  
carried the result would have been a  
convention vote of 184 for each candi-  
date.

It is probable, however, that Judge  
Broyles will carry Towns county,

Continued on Page Two.

## HARAHAN TO HEAD SEABOARD ROAD

Selected by Executive Commit-  
tee—Maddox Is Named  
as Director.

New York, August 23.—William J.  
Harahan, vice president of the Erie  
railroad, has been selected by the ex-  
ecutive committee of the Seaboard Air  
Line railway as the man the commit-



Photo by FRANCIS

Little Miss Marie Lewis DeGive wa  
caught by the "picture man" at her  
birthday party Tuesday, just as he

# COOSA DAM MEANS MORE FERTILIZER

To Use Power for Manufactur

of Air Nitrate

## JUDGE BROYLES DEFEATS POTTLE

Continued From Page One.

which is in the extreme northern part of the state, without telegraphic or telephonic connection, and that Judge Pottle will carry Charlton county, a large part of which is covered by the Okefenokee swamp, on the border of the Florida state line. This would give Judge Broyles a convention vote of 188, with 180 votes for his opponent.

Of the 144 counties heard from Judge Pottle has carried 73 and Judge Broyles 71, the latter's larger convention strength being accounted for in the fact that he carried four out of the six 6-vote counties of the state.

### Broyles Thanks Friends.

"I am very grateful to the people of Georgia for placing me on the court of appeals," said Judge Broyles Friday. "To my friends who so warmly supported me all over the state I owe a debt of gratitude that I can never repay. To those who voted against me I have nothing but the kindest feelings. As I said in my announcement when I entered the race, I am a Georgian who knows no sections in his state, and I shall while upon the bench consecrate my energies and whatever ability I may possess to the service of the whole state of Georgia."

### The Commissioners' Race.

There were only slight changes in the race for commissioner of agriculture, as the result of the returns received on Friday.

The contest will go to the convention, to be decided there, as no candidate has sufficient votes to elect him. With only two counties missing, the convention vote is as follows:

J. J. Brown, 142; J. D. Price, 122; A. O. Blalock, 100.

**Typewriters rented 3 mos.  
\$5. Am. Writing Machine Co.**

## MOISE DE LEON LOST ON TRIP

Continued From Page One.

## ROSENTHAL CASE GETS UNDER WAY

### Inspectors to Give Information About Gotham's Underworld.

### High Officials Will Be Asked to Explain Reason for Their Unusually High Bank Accounts—No Trace of "Left Louie."

New York, August 23.—The first step toward laying a foundation for the "John Doe" proceedings by which it is planned to have police graft in the city was taken today, when seven police inspectors were summoned to the office of Assistant District Attorney DeFord. They were under summons authorized by Justice Goff, to bring with them all data pertaining to gambling and other illegal resorts in the respective districts. This data include addresses of raided resorts, names of their reputed owners and records of all arrests and convictions in the several districts during the last three years, including the recent period during which Police Lieutenant Charles Becker, the accused instigator of the murder of Herman Rosenthal, charged by his self-confessed accomplices with having profited from black mail.

This material will be used by Mr. DeFord, who has been given charge of the inquiry, as a groundwork for the investigation, for the summoning of witnesses and the cross-examination of the inspectors themselves, all of whom, it is expected, will be summoned before Justice Goff. Former heads of the police department, under

any ever got any thing that was... And he would deny denials even when that I had in my position the bureau of co-secretary of the... showed that company had been the largest possible

Mr. Archbold does in regard to his... I have no doubt that the truth about the... and who, living, he... as he now ac-

### From Bliss.

He spoke to me about... a contribution... he never before or... said anything to me... towards corpora... say that he knew I... and justly towards... that I should never... any other way... anyone else ever... t any shape or... at I should take or... any action in con... corporation because... tion whatsoever.

never said one word... contribution from the... pany and never said... about proceeding or... gainst the Standard... I saw Mr. Archbold... while the department... ntemplating proceed... m (always at Mr... t, of course), listen... o say and heard him... statements over and... I was entirely con... were false and di... by general to proceed... become evident that... nothing to tell me... any warrant for di... ney general not to

at time neither Mr... one else ever hinted... ndard Oil people had... at there was any ex... human being that I... r to the Standard Oil

be remembered... th... ampaign of 1904... rp run in with the... ple and had shown... ey could expect from... en we were passing... orporations act. I... e Standard Oil people... e passage of the act;





**STATING  
MARIETTA**

**PRICE AND POTTLE WIN  
AFTER THE WITHDRAWAL  
OF BLALOCK AND BROYLES**

**MARIETTA OPENS  
HOMES TO HEROES  
OF THE SIXTIES**

Over 2,000 Men Who Fol-  
lowed Confederate Leaders  
Attend Reunion.

**GRAY VETERANS VISIT  
KENNESAW BATTLEFIELD**

Excellent Provision Made for  
the Comfort of All the Vis-  
itors, and Even Greater  
Crowd Can Be Cared for  
With Ease—Parade Will Be  
the Feature Event of Today.

Marietta, Ga., August 28.—(Special.)  
Marietta is tonight the host of more  
than 4,000 people, over one-half of  
whom are veterans of the armies of  
Lee, Jackson, Longstreet and other con-  
federate leaders.

J. J. Brown Defeated for Com-  
missioner of Agriculture on  
Second Ballot by 214 to 141.

CONVENTION UNANIMOUSLY  
NOMINATES JOHN M. SLATON

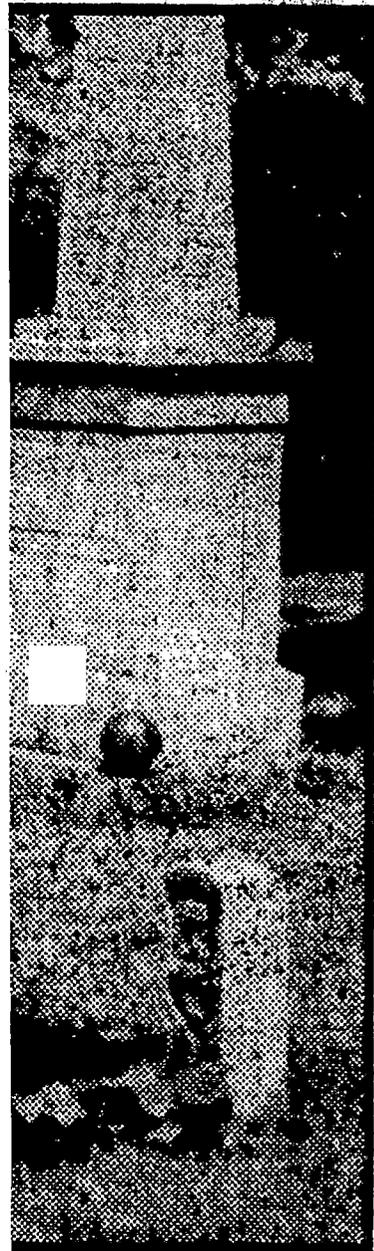
W. J. Harris Elected Chair-  
man of New State Executive  
Committee, While A. Hardy  
Ulm Becomes Its Secretary.  
Blue Ridge Contest Re-  
ferred to New Committee.

By Fred Lewis.

Macon, Ga., August 28.—(Special.)—  
The nomination of James D. Price, of  
Oconee county, for commissioner of  
agriculture over J. J. Brown, after A.  
O. Blalock, the third candidate, had  
withdrawn, and the nomination of  
Judge John Pottle for judge of the  
court of appeals, after Judge Nash  
Broyles, his opponent, had retired from  
the race, were easily the features of  
the state democratic convention, which  
came to a close here this afternoon.

Price won from Brown on the sec-  
ond ballot, by 214 votes to 141, after  
Blalock had caused an uproar in the  
hall by a sensational speech charging  
Brown with being dominated by the  
"fertilizer trust."

Recorder Broyles became the hero of



ler, paying tribute to one  
l cemetery. Major Julian  
known over Georgia.

**READY,  
MUST PAY**

to the allroads it comes

# N MUST PAY

nd to the allroads, it comes  
n politics. "There is nearly  
l money left over, after  
pense have been met, and  
rated, and returned to the  
said J. O. Cochran last

will close on September 7, at  
Assessments should be paid  
Chran, secretary, or to Paul  
asurer.

the cost of office-seeking:

.....	\$150.00
r .....	150.00
ouncil .....	150.00
lor .....	150.00
ey .....	150.00
onstruction .....	200.00
nspector .....	150.00
al .....	150.00
n .....	50.00
ician .....	50.00
urer .....	100.00
men (each) .....	50.00
lmen (each) .....	40.00

# LL MONOPOLY WILSON AIMS

ative Trust Legislation  
d by the Governor.

N. J., August 28.—Trust  
constructive rather than  
and immigration were  
bjects to which Governor  
Wilson gave his attention  
e talked about trusts with  
Brandels, of Boston, and ex-  
mself on immigration before  
ion of Italians from Essex  
ew Jersey.  
ndels had luncheon with the  
nd was with him nearly two  
r. Brandels declared as he  
executive's cottage that he  
give in politics and that  
Wilson was his idea of a  
e.  
cussed social and industrial  
said Mr. Brandels, "and  
the Sherman anti-trust law,  
up the LaFollette-Lenroot

Marietta, Ga., August 28.—(Special.)  
Marietta is tonight the host of more  
than 4,000 people, over one-half of  
whom are veterans of the armies of  
Lee, Jackson, Longstreet and other con-  
federate leaders.

Never before has this historic little  
city entertained so large a crowd as  
thronged the public buildings, the pri-  
vate homes, the parks and the public  
square, and never before have Geor-  
gia heroes of the confederacy been  
more cordially welcome or more roy-  
ally entertained than they were here  
today.

Marietta was well prepared for the  
large number of veterans and visitors  
who are here attending the fourteenth  
annual reunion of the Georgia division,  
U. C. V. The veterans were officially  
welcomed to Marietta by Governor  
Joseph M. Brown, a citizen of the town  
himself, and a son of Joseph E. Brown,  
Georgia's war governor. From the  
moment that the first business ses-  
sion of the reunion opened this morn-  
ing until a late hour tonight, there  
was something for every minute of  
the time, and the veterans had an ex-  
tremely busy day.

### Large Crowd Well Handled.

About 4,000 out-of-town people spent  
the night here, and it is estimated that  
nearly twice that number were pres-  
ent during the day when the business  
sessions were held, together with a  
number of the entertainment features.

Practically every farmer and family  
in Cobb county was represented dur-  
ing the day. They drove in early and  
stayed late, hitching their horses and  
teams near the public square and tak-  
ing luncheon picnic fashion in the city  
park or patronizing some of the  
numerous rough-and-ready lunchstands  
which dotted the main streets.

Atlanta was also represented. All  
day long the interurban cars, with  
trailers, carried great crowds to and  
from the Gate City to the capital of  
Cobb. Between 1,000 and 1,500 Atlan-  
tans were present, it was stated.

The crowds were excellently han-  
dled, both by the transportation lines  
and the Marietta police. Not a single  
accident was reported during the day,  
and there was practically no disorder  
of any kind.

### Plenty of Room Provided.

Marietta prepared as if they expect-  
ed to house at least 5,000 people, and  
when the last of the visitors had been  
registered and assigned to a home, it  
was found that there were still many  
more homes available, and, in addition  
to large halls which had been provided  
with cots, were not occupied at all.  
The arrangements for feeding the big  
crowd was equally as satisfying, and  
the visitors will vote Marietta an ideal  
host on their departure.  
Decorations were a surprising

ond ballot, by 214 votes to 141, after  
Blalock had caused an uproar in the  
hall by a sensational speech charging  
Brown with being dominated by the  
"fertilizer trust."

Recorder Broyles became the hero of  
the day, when he withdrew from the  
court of appeals race in favor of Judge  
Pottle. In a statement addressed to  
the convention, he said that, while the  
race, under the county unit plan, had  
resulted in a tie, he did not care to  
enter a prolonged contest, and, in the  
interest of harmony, would ask his  
friends to cast a unanimous vote for  
Judge Pottle, who had received the  
largest popular vote. Judge Pottle  
was then nominated.

### Slaton Named Unanimously.

John M. Slaton was unanimously  
nominated for governor, and was given  
a remarkable ovation as he was  
escorted to the platform and made his  
speech of acceptance. The motion that  
Mr. Slaton's nomination be made unani-  
mous was offered by Hon. W. W.  
Lambdin, of Ware, after he had placed  
the name of Hooper Alexander before  
the convention, and was seconded by  
Hon. DuPont Guerry, of Bibb, who had  
previously put forward Joe Hill Hall.

The contest for the judgeship of the  
Blue Ridge circuit between H. L. Pat-  
terson and Judge N. A. Morris, based  
on allegations of fraud in Gilmer coun-  
ty, was referred to the new state ex-  
ecutive committee with power to act.  
Hon. W. J. Harris, elected chairman of  
the committee, announced that this  
contest would be acted upon at a meet-  
ing of the committee in Atlanta next  
Wednesday.

A. Hardy Ulm, executive secretary to  
Governor Brown and campaign man-  
ager for Hon. John M. Slaton, was  
elected permanent secretary, his nom-  
ination being made by John W. Moore,  
of Fulton.

John M. Slaton's unanimous nomina-  
tion for governor was reserved for the  
last, the piece de resistance of today's  
state democratic convention, which  
completed its labors and adjourned at  
3:30 p. m.

It was brought about within a few  
brief moments after the convention  
had finished its other work, and the  
incident in its every detail stamped the  
convention as a veritable democratic  
love feast.

Mrs. Slaton, accompanied by friends,

**Weather Prophecy.**  
GENERALLY FAIR.

Georgia—Generally fair Thursday  
and Friday.

of Elbert. There of each nomina- Blalock, a dele- well as a candi- r and in a sensa- he charged that was seeking to n, ounced his as his friends ce.

address. There- ment's indulgence." said Mr. Blas- say I speak from s yesterday aft- ement to the ef- an entire delega- y had been sent rtilizer manufac- to call attention

**THEATER**  
**ember 6-7**  
**nly Company**

**MUSICAL PLAY**  
**AN**  
**SS**  
**NEW YORK**  
**12**

**Monday**

**YTH**  
**45, A D 9:15**  
**LE POPULAR**  
**KEITH**  
**KIND**  
**DIETY FAD"**  
**AR PICES**

aton will pre- memorial ser- General Booth alist, militant t, brother of all ptist Taberna- l, Sunday, Sep- be public in in-

transferred one to Price; McDuffie went over to Price, and there was cheering, because of the fact that it is Mr. Watson's county and he supported Brown; McIntosh changed to Brown; Montgomery changed to Brown; Muscogee transferred four to Price; Paulding went over to Price; Stewart went to Price; Tallaferro went to Price, and Tattall gave him one vote; Turner went to Price; White went to Price, and Wilkes gave him two of her votes.

There was wild cheering of the Price men in the convention when the result was announced.

Jim Price, who was on the convention floor, was surrounded by friends tendering congratulations. It was a difficult job to get the convention in order to proceed with the Blue Ridge judgeship contest.

**BROYLES WITHDRAWS;  
 POTTLE NOMINATED**

The surprise of the state convention today was the withdrawal of Judge Nash R. Broyles, of Atlanta, from the contest for the court of appeals judgeship, followed by the unanimous nomination of Judge J. R. Pottle, of Blakely.

This was the first of the contests to be reached, and when Hon. Walter G. Park, of Early, in a brief laudatory speech, nominated Judge Pottle to succeed himself on the court of appeals bench, everyone began to look around to see who would place Judge Broyles in nomination.

Instead of a nominating speech, however, Albert Howell, of Fulton, arose and said in effect:

"I am commissioned to read a statement to this convention from Judge Nash R. Broyles, of Atlanta, which affords a splendid example of unselfish democracy."

That was the first intimation the convention had of what was coming, and it was insisted that Mr. Howell take the stage. This he did, and read the following statement from Judge Broyles:

**Judge Broyles' Letter.**

"To the Democratic Convention of Georgia: While I have an equal number of votes in this convention for judge of the court of appeals with Hon. J. R. Pottle, it appears from the official returns that he has a slight majority of the popular vote of the state, and, although under the rules of the recent primary the race was run on the county unit plan, and this convention has no right to change the result expressed at the ballot box, still believing in the right of the people to rule, and in

tions close. "I move the speeches close, too," put in another delegate. It was hot, powerful hot, and the convention was not in a humor for oratory. Charlton Battle, of Columbus, settled the matter by a motion that all further nominations of officers of the convention be nominated without laudatory remarks. It was carried overwhelmingly.

**Credentials Committee.**

The committee on credentials was appointed as follows:

H. H. Elders, of Tattall; William W. Fleming, of Early; John B. Hutcheson, of Turner; C. L. Davis, of Meriwether; Claude C. Smith, of Campbell; A. J. Donnelly, of Crawford; W. C. Henson, of Bartow; C. O. Stephens, of Oglethorpe; Fermor Barrett, of Stephens; E. A. Tigner, of Baldwin; W. R. Frier, of Coffee; W. H. Proctor, of Emanuel.

Following is the committee appointed on rules and order of business:

Albert Howell, of Fulton, chairman; A. A. Lawrence, of Chatham; I. J. Hofmayer, of Dougherty; G. E. Maddox, of Floyd, and A. S. Hardy, of Hall.

**Order of Business.**

The order of business for the convention, submitted by Chairman Howell of the rules committee and adopted, was fixed as follows:

Permanent organization; appointment of platform committee and reference to it of all resolutions; introduction of resolutions; election of the new state executive committee; declaration of all primary nominees except governor and those offices over which there were contests; nomination for judge of the court of appeals; nomination for commissioner of agriculture; other contests; report of platform committee; nomination of governor; notification of nominee; speech of nominee, adjournment.

**Harris Made Chairman.**

When R. G. Dickerson, of Clinch, briefly nominated Senator W. J. Harris, of Polk, for permanent chairman, there were ringing cheers as Mr. Harris took the gavel. The convention warmly applauded his mention of Oscar Underwood, John M. Slaton and Woodrow Wilson. Chairman Harris was well received and immediately proceeded to show his purpose to make a capable presiding officer.

A. H. Ulm, of Fulton, who ably conducted the Slaton campaign, was elected permanent secretary of the convention, upon nomination of John D. Moore, of Fulton. Mr. Ulm briefly thanked the convention for the honor.

**Committee on Resolutions.**

The committee on resolutions or Platform was appointed by Chairman Harris as follows:

W. H. Davis of Burke, E. L. Rainey of Terrell, W. E. Steed of Taylor, H. A. Hall of Coweta, J. R. Smith of DeKalb, Charles R. Pendleton of Bibb, E. S.

Rifle R: 28.—Serge chusetts, match, and Ohio, finis match an tors in t match for the Seag were indiv

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Broyus Wethowls

Aug 29, 1912

pg 2

Alaska constitution

# TO JUDGE LOGAN E. BLECKLEY JURIST, POET AND PH

Honorary Escort of City's Fore-  
most Men followed His Body

to the Grave.

INTERMENT TOOK PLACE  
IN OAKLAND CEMETERY

Body Rested in State in the Rotunda  
of the State Capitol Yesterday.  
The Funeral Services Were  
Held in the Supreme  
Court Room.

All that was mortal of Judge Logan E. Bleckley, eminent jurist, patriotic citizen, profound scholar, humanitarian and dreamer of beautiful dreams, is at rest beneath the red soil of peaceful Oakland cemetery.

The services in the supreme court chamber, where Judge Bleckley had handed down so many learned decisions, were marked with that degree of simplicity which best befitted the last chapter in the life of a man who ever frowned on ostentation and display.

The bier, banked with rare flowers and flanked on either side with elaborate floral designs, rested in front of the judicial bench where Judge Bleckley had so often sat. Immediately behind the casket were grouped the widow, children, grandchildren and other relatives of the honored dead. To the rear of these

## JUDGE LOGAN HONORED

THE Atlanta Bar Association met in Judge Pendleton's courtroom yesterday morning at 9 o'clock, and appointed a committee to stand guard during the day in the rotunda of the capitol at the bier of Judge Logan E. Bleckley, and a motion was passed for the association to reassemble at the capitol to attend the funeral. A committee was appointed to prepare a memorial on the life and works of Judge Bleckley, to be presented at some future meeting of the organization.

The meeting was called to order by Vice President Clifford L. Anderson, who made a very fitting speech upon the death of the late justice. After the completion of the short talk, Captain W. D. Ellis moved that there should be appointed a committee consisting of twelve members, to stand guard at the bier during the day. This was carried by unanimous consent of the members, and Vice President Anderson appointed the following attorneys: A. J. Orme, Victor Smith, E. F. Childress, Winfield Jones, Hugh M. Dorsey, Harry A. Alexander, Leonard Haas, George C. Spence, Lamar Rucker, Alexander T. Meyer, R. B. Blackburn, Hamilton Douglas. Then Morris Brandon made a motion that the association should procure a suitable floral offering, but Alex Myer interrupted, saying this had already been ar

deep insight, his broad sympathy with and his catholic attitude toward man. For when all is said, he was a man among men, and no man need higher praise.

Services in Court Room.

At 3:15 o'clock the pallbearers, com-

**IMAGE**  
**ECKLEY,**  
**PHILOSOPHER**

---

**ECKLEY**  
**LOCAL BAR**

A committee of twenty-five was elected on motion of E. F. Childress, special escort, and upon motion of W. H. Hulsey, it was unanimously decided that the entire bar association should attend in a body.

Members met at 3 o'clock in the room of the superior court, and from that place to the capitol.

Present at the meeting in the room were as follows: Vice President, William T. Newman, Judge John Middleton, Judge Howard B. Van Dyke, Judge Rufus T. Dorsey, Judge W. H. Calhoun, Judge Robert L. S. Judge Walter T. Colquitt, Mordecai Van Astor Batchelor, Captain D. Ellis, Burton Smith, Z. L. H. M. Patty, Lamar Rucker, G. Walker, Harry A. Alexander, A. Meyer, E. T. Williams, M. Jackson, R. R. Shropshire, Conyers, E. F. Childress, Alexander Smith, W. S. Thomsno, P. F. R. B. Blackburn, Thomas L. Hooper, Alexander, Hugh M. Charles D. Hill, Lawton Nally, T. Simpson, Colonel W. H. Hulsey, Hopkins, Alexander C. King, Orme, Hamilton Douglas, Victor Winfield P. Jones, R. L. D. McGeorge, George C. Spence, Morris John A. Hunds, J. R. Gollight, Randolph, Leonard Haas and J.

Rankin, Calhoun, Ga.; U. V. Whipple, Cordele, Ga.; D. L. Henderson, Vienna, Ga.; R. W. Freeman, Newnan, Ga.; S. W. Harris, Carrollton, Ga.; Alvin D. Freeman, Newnan, Ga.; H. W. Hill, Greenville, Ga.; F. M. Longley, LaGrange, Ga.; Albert H. Russell, Bathbridge, Ga.; John D. Pope, Albany, Ga.; W. N. Spence, Camilla, Ga.; Paul E. Seabrook, Pineora, Ga.; Joseph R. Lamar, Augusta, Ga.; J. C. C. Black, Augusta, Ga.; W. H. Fleming, Augusta, Ga.; Henry C. Hammond, Augusta, Ga.; A. S. Clay, Marietta, Ga.; George F. Gober, Marietta, Ga.; William Phillip, Marietta, Ga.; C. L. Bass, Blue Ridge, Ga.; Joseph W. Bennet, Waycross, Ga.; T. A. Parker, Baxley, Ga.; Leon A. Wilson, Waycross, Ga.; H. G. Lewis, Siloam; J. E. Pottle, Milledgeville; J. B. Park, Greensboro; Samuel H. Sibley, Union Point; F. C. Foster, Madison; T. G. Lawson, Eatonton; J. H. Martin, Hawkinsville; W. L. Grice, Hawkinsville; D. M. Roberts, Eastman; W. C. Worrill, Cuthbert; C. L. Glessner, Cuthbert; W. D. Kiddoo, Cuthbert; J. R. Pottle, Blakely; M. J. Yoemans, Dawson; Moses Wright, Rome; John W. Maddox, Rome; Joel Branham, Rome; R. T. Fouche, Rome; R. T. Rawlins, Sandersville; R. L. Gamble, Louisville; J. H. Polhill, Louisville; J. W. Overstreet, Sylvania; John J. Kimsey, Cleveland; W. A. Charters, Dahlonga; W. P. Price, Dahlonga; H. H. Perry, Gainesville; H. H. Dean, Gainesville; S. C. Dunlap, Gainesville; W. S. Paris, Clayton; Robert McMillan, Clarke'sville; J. B. Jones, Toccoa; Horace M. Holden, Crawfordsville; A. G. McCurry, Hartwell; E. P. Davis, Warrenton; J. H. Skelton, Hartwell; S. H. Hardeman, Washington; F. H. Colley, Washington; N. L. Hutchins, Lawrenceville, Ga.; W. L. Pike, Jefferson, Ga.; John L. Hopkins, B. F. Abbott, Howard Van Epps, John T. Pendleton, H. M. Reid, A. E. Calhoun, Spencer R. Atkinson, W. T. Newman, Don A. Pardee, Hoke Smith, Clifford L. Anderson, F. C. duBignon, R. T. Dorsey, W. T. Westmoreland, Atlanta; W. D. Ellis, Atlanta, Ga.; C. D. Hill, Atlanta, Ga.; W. R. Hammond, Atlanta, Ga.; George Hillier, Atlanta, Ga.; W. H. Hulsey, Atlanta, Ga.; R. G. Mitchell, Thomasville, Ga.; W. H. Griffin, Valdosta, Ga.; J. G. McCall, Quitman, Ga.; W. M.

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Vapo Creso  
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All other Furs are reduced in the same proportion as quoted on Minks.

M. Rich & Bros. Co.

M. Rich & Bro

## THEATERS

### At the Grand.

Wholesome college spirit pervades the new play, "Cupid at Vassar," which will have an engagement of two nights and a matinee, tonight at the Grand. Two of the scenes show the interior of a home in the city districts, and there is a striking contrast between these scenes and the lively scenes in the second act.

Orange Gear, a charming little actress who is not unknown in Atlanta, will appear as the Vassar senior. She is active and lively and well constituted to play the character of a school girl. Possessed of a pleasing voice and a charming presence, Miss Gear is sure to make a lasting impression in the role of Kate Newton. A matinee will be given Saturday afternoon.

### "The Walls of Jericho."

Bert Kelcey and Effie Shannon, whose fruitful stage copartnership has been in vogue since beyond the usual period of such casual relations, and whose associated efforts have always been a source of keen pleasure to lovers of true dramatic art, bring here next Monday and Tuesday to the Grand their splendid production of "The Walls of Jericho," by Alfred Sutro, an eminently successful writer of dramas.

### "Prince of Pilsen."

Absolutely new in every detail—company, costumes and scenery—"The Prince of Pilsen," the lightest and best of all the Pixley output of comic operas, will play an engagement of two performances New Year's at the Grand.

### "Madam Butterfly."

This city will soon have an opportunity to witness a well-discussed musical and scenic

## ATLANTANS TO TAKE PART IN SOUTH GEORGIA HUNT

Judges Powell, Hill and Russell of Court of Appeals and Others to Go Hunting and Fishing.

Bainbridge, Ga., December 26.—(Special.)—A camping party consisting of Judges A. G. Powell, Benjamin H. Hill and R. B. Russell, of the court of appeals; Logan Bleckley, clerk of the court of appeals; Judge Robert L. Shipp, of Moultrie; Henry Culberson, city treasurer of Atlanta; Bob Pottle, of Blakely, and others, will start out from this city next Saturday, December 28, under the personal supervision of Colonel T. C. Hawes, of Bainbridge, for a point on Spring creek, where they will spend a week, fishing and hunting.

A pack of twenty hounds will be carried along and also horses for each member of the party and it is expected that there will be several exciting fox hunts during the week. Besides the shooting the party will also fish with nets.

After spending a week at camp the party will return to Bainbridge and most of them will go down to Panacea Springs on the gulf and there shoot duck for another week.

## CHILDREN REMEMBERED.

Elks at Elberton Play Santa Claus to Factory Children.

Elberton, Ga., December 26.—(Special.)

WE SERVE THE



Made with *Stacy*

At our Soda are served to **BROW** Reliable Druggists.

# DEATH TO

Pioneer Citizen for Man Express

J. M. Born, a Atlanta, died yesterday 106 Woodward was born in L years ago.

For many years connected with the

And you get them

**3<sup>1</sup>/<sub>3</sub>%**

**Discount**

going to dispose of  
it of clothes in our  
I want our counters  
the 10th of August.  
itects will take pos-  
o remodel the store  
late.

a Cash Sale.

**ig Bros.**

**t Clothes for Men"**

**Whitehall St.**

**EATERS.**

**Lynne" Next Week.**

marks the closing of the Faw-  
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Wheatley will have the roles  
lla, afterwards Madame Vine,  
t is predicted as a success.  
ion comes back into the cast  
d husband of Lady Isabella,  
best in this role. DeWitt Jen-

The accident came at a particularly  
unfortunate time, as the mother of Shel-  
ton Sanford is prostrated over the death

resting easy, but grave doubts were  
retained for the recovery of She-  
Sanford.

## HOUSE COMMITTEE FAVORS BETTER PAY FOR JUSTICE

Without a dissenting vote, the gen-  
eral judiciary committee of the house  
yesterday afternoon reported favorably  
the companion bills of Mr. Wise, of  
Fayette, increasing the salaries of the  
justices of the supreme and appellate  
courts from \$4,000 to \$5,000 per an-  
num.

In the case of the three judges of  
the court of appeals, Judges Hill, Rus-  
sell and Powell, this raise is expected  
to become operative immediately upon  
the passage of the bill into law, or on  
the 1st of January, 1908, at the latest.

In the case of the supreme court  
justices, none of these is to enjoy the  
benefit of the raise until an election  
takes place and the associate justice  
is returned or his successor is elected  
and qualified.

The committee was addressed, brief-  
ly, upon the necessity for the raise by  
Mr. Justice Cobb, of the supreme court,  
and Chief Justice Hill, of the court of  
appeals.

Justice Cobb occupies, or will soon  
occupy, the peculiar position of seeing  
the salaries twice raised since he has  
been on the bench, and in neither in-  
stance does he enjoy any benefit accru-

ing from the raise. All of the just-  
with the exception of him, now en-  
a salary of \$4,000 per annum, w-  
he still draws the \$3,000, which  
the salary when he was elected.

There is a provision in the law w-  
declares that no justice can have  
salary raised during the term of o-  
to which he was elected. On acco-  
of deaths, resignations and elect-  
each of the other justices has eit-  
been appointed or elevated, with  
single exception of him. If his re-  
nation takes effect before this r-  
becomes a law and his successor  
appointed, his successor will not  
the salary of \$5,000 a year, but  
draw \$1,000 more than Justice C-  
or \$4,000 per annum. But if it is  
acted into a law and the appoint-  
comes later, he will be the first  
draw the new salary of \$5,000  
annum.

There is constitutional provision  
the salaries of judges of the court  
appeals and theirs can be raised  
once.

The house will in all probabi-  
pass the bill, and it is believed t-  
the senate will do likewise and  
bill soon become a law.

## SANS ICE AND COLD DRINKS MUNROE, LA., SUFFER

Monroe, La., July 26.—After a day  
of terrible heat and dust, with the tem-  
perature near 105 all the afternoon,  
Monroe tonight is without ice and with-  
out cold drinks. The local artificial ice  
plant cannot supply the demand, and  
plants in nearby cities have cut off their  
supply. Many soda fountains have been  
shut all day, and saloons quit selling  
any drinks cold. A train load of ice is  
en route from New Orleans, due early  
tomorrow, and it is the only relief in  
sight.

The few ice wagons which ran today  
were each the source of small mobs,

which emptied the wagons almost on  
spot of attack.

Stories that these wagons were l-  
up at the pistol point, which were t-  
graphed out of here this afternoon, v-  
untrue. The people have paid for  
ice used, and have offered fancy pr-  
to secure it. Enough ice to cool a g-  
of water is worth the usual price c-  
50-pound chunk.

The officials of the ice company  
clare they will not raise the price,  
that ice received from New Orleans  
be sold at bare cost. The comp-  
hopes to have an adequate supply of  
by tomorrow night.

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101% @	101% @
80	80%
67%	68
66%	66% @
65%	66
48%	48%
49%	49% @
51%	52
15.07%	15.10
15.12%	15.20
16.77%	16.92%
	10.12%
	10.15
	9.92%
9.80	9.70
9.65	9.75
8.55	8.90

Shipment. 1,000 14,000  
1,000 23,000

Ridge ave. and big frontage on Pryor street; worth \$20,000; must sell, for only \$12,000.

## A. J. WEST & CO., CENTURY BUILDING

# SUPREME COURT HAS BIG DOCKET

Total Shows 383 Cases; 234 for October, and 149 From March.

Tuesday was return day in the supreme court. While the docket shows a slight decrease in the total number of cases, it also shows that the business before the court is exceedingly heavy. The October docket shows 234 cases, which 149 remain undecided since the March term, a total of 383 cases.

The cases by circuits follow:

**CORDELE CIRCUIT**—1. Hansen v. Owens et al. 2. Fletcher v. Bluthenthal & Bickert. 3. Greer et al. v. Andrew. 4. Andrew v. Greer et al. 5. Royal v. Mayor, etc., of Cordele. 6. City of Fitzgerald et al. v. McDonald. 7. Fletcher v. McMillan.

**ALBANY CIRCUIT**—1. Gillis v. Bowman (distress warrant). 2. Gillis v. Bowman (complaint). 3. Gillis v. Bowman (trover). 4. Gillis v. Bowman (foreclosure of lien). 5. Clements v. Ledden. 6. Atlantic Coast Line Railway Company v. Cohen & Co. (transferred to court of appeals). 7. Briggs Hardware Company v. Sofkee Naval Stores Company et al. (transferred to court of appeals). 8. Miller v. Luckey. 9. Central of Georgia Railway Company v. City of Albany et al. 10. City of Albany v. Central of Georgia Railway Company et al. 11. McClarty v. Penn Mutual Life Insurance Company. 12. Manry et al. v. Twitty.

**SOUTHERN CIRCUIT**—1. Dixon, administrator, v. Minnesota Lumber Company. 2. Merchants and Farmers Bank v. McMullen. 3. Williams v. Giddens et al. 4. Glausier, Watson & Co. v. Boston Naval Stores Company. 5. Compton et al. v. Fender. 6. City of Valdosta v. Southern Paving and Construction Company. 7. Boston Naval Stores Company v. Glausier, Watson & Co. 8. Lewis v. Lewis. 9. Tifton Grocery Company et al. v. Dowell et al. 10. Burns v. Verpen. 11. Hutchinson v. City of Valdosta. 12. Aiken v. Aikin.

**OCONEE CIRCUIT**—1. Phillips et al. v. Bond. 2. Adams, administrator, v. Phillips. 3. Swift Fertilizer Works v. Peacock. 4. Whigham v. Fountain. 5. Purser et al. v. Thompson, survivor.

**BRUNSWICK CIRCUIT**—1. Waters v. Hughes. 2. Lee, administrator, v. Kennedy et al. 3. Mayor, etc., of St. Marys v. Sweet.

**ATLANTA CIRCUIT**—1. Millwood v. Lawrence. 2. Booth et al. v. State of Georgia et al. 3. Atlanta Terra Cotta Company v. Georgia Electric Company. 4. State

of Madison v. Shaw. 2. Scandrott v. Evans. 3. Murphey v. Harris. 4. Joyner v. Smith. 5. Harris, executor, v. Woodard, administrator. 6. Central of Georgia Railway Company v. Ray. 7. Hearn v. Huff (transfer to court of appeals). 8. Lee v. McCarty et al. 9. Lee v. Pearson et al.

**NORTHERN CIRCUIT**—1. White, tax collector, v. Hixon. 2. Allison v. Georgia Railroad and Banking Company. 3. Athens Mutual Insurance Company v. Evans. 4. Lazenby v. Lazenby. 5. Glover v. Newsome et al. 6. Fitzpatrick v. McGregor, receiver. 7. McGregor, receiver, v. Fitzpatrick. 8. Mayor, etc., of Washington v. Potomac Engineering and Contracting Company. 9. Glover v. Newsome. 10. Courson v. Pearson.

**WESTERN CIRCUIT**—1. Beaty v. Sears & Bennett. 2. Rowe v. Spencer. 3. Braselton v. Patrick, administrator, et al. 4. Allen v. Terrell. 5. Elliott v. Hodgson & Jackson. 6. Bradfield v. Brand. 7. Howard v. Howard et al., executors. 8. Town of Maysville et al. v. Smith et al. 9. Harrison et al. v. Bell et al., trustees. 10. Brown v. Brown. 11. Waldrep v. Town of Canon et al.

**NORTHEASTERN CIRCUIT**—1. Jones v. Williams. 2. Stubbs v. Hill et al. 3. Southern Railway Company et al. v. Brock, by next friend et al. 4. Parramore v. Alexander.

**BLUE RIDGE CIRCUIT**—1. Morris v. Summerhour. 2. McClaren, administrator, v. Williams, executrix, et al. 3. Moss v. Dunavant.

**CHEROKEE CIRCUIT**—1. Delay v. Felton. 2. Louisville and Nashville Railway Company v. Willbanks. 3. Louisville and Nashville Railway Company v. Newman. 4. Plammons v. Keith. 5. Gillespie et al. v. Powell. 6. Stark v. Cummings, administrator. 7. Cummings, executor, v. Wheeler, executor. 8. Cureton v. Cureton. 9. Wikle, trustee, v. Jones et al. 10. Bradford v. Louisville and Nashville Railway Company. 11. Western and Atlantic Railway Company v. Cotter.

**ROME CIRCUIT**—Chattanooga Southern Railway Company v. Thompson. 2. Thompson v. Chattanooga Southern Railway Company. 3. Advance Lumber Company et al. v. Moreland. 4. Farver v. Deppen. 5. Southern Railway Company v. Solomon. 6. Smith v. Southern Railway Company. 7. Smith v. Southern Railway Company. 8. Burney Tailoring Company v. Cuzzort. 9. Walker v. City of Rome (transfer to court of appeals). 10. Morris, by next friend, v. Rounsaville et al. 11. Morris, administrator, v. Dougherty et al. 12. Graves & Co. v. Horton. 13. National Broadway Bank et al. v. Denny, executor. 14. Barton v. Southern Railway Company. 15. Southern Railway Company v. Barton.

**TALLAPOOSA CIRCUIT**—1. Rorie v. Rorie. 2. Berry et al. v. Parker et al. 3. Bowman v. Owens et al. 4. Long v. Putnam Oil and Fertilizer Works. 5. Southern Railway Company v. Scott. 6. Southern Railway Company v. Skinner. 7. Etna Steel and Iron Company et al. v. Hamilton et al. 8. Smith v. Smith.

**COWETA CIRCUIT**—1. Burpee v. Holmes. 2. Atlanta, Birmingham and Atlantic Railroad Company et al. v. Smith. 3. Atlanta and West Point Railroad Company v. Haralson. 4. City

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preventing stockings and shoes, yesterday the list was increased by the subscription of \$5,000,000, which led to make Post exceedingly happy. He declared, "Now, I'll go to New York and show them that I control the wealth and they cannot but comply with my request to see Miss Gould. When she sees me I know she will be with me at once." Yesterday Post called at the home of Price Fox, a barber, and demanded payment of a \$10,000 stock subscription, saying that he intended to go to New York at once. His arrest was made.

**DR. GEORGE BROWN**

**COURT GRIND BEGINS MONDAY**

**HACKETT GIVES SILVER**

**INSTANT RELIEF FROM CATARRH.**

Order for a Trial Sample of This Great Remedy, and Convince Yourself of Its Merit.

When we say that Eclipse Catarrh Cure gives instant relief from that disagreeable, offensive disease from which many suffer, we are ready to prove our assertion to your entire satisfaction. No matter how long you have been afflicted, no matter how badly stopped your head may be, the sample which we will send you will give immediate relief, clear up the clogged air passages, throw off the offensive accumulations, and soothe and heal the deliriously irritated membrane. Eclipse Catarrh Cure is a vegetable preparation of wonderful curative power, promptly reaches the remotest passages, where the disease is lodged, and effects a permanent cure in the worst cases.

M. C. Black, Anderson, S. C., Writes:

I write to tell you that I am a thousand times obliged to you for the trial package of Eclipse Catarrh Cure which you sent me a short time ago. The remedy has done me more good than any other medicine I ever used and I am going to recommend it to all my friends who suffer with catarrh. It is worth its weight in gold to any one who suffers with this disease. I feel that I can never say enough in praise of your remedy and will always be your friend for the good it has done me.

**Send for Week's Treatment.**

If you are anxious for every sufferer to try this great remedy and will send for only five cents in stamps a liberal trial treatment and a pipe to all who send us their name and address. We have hundreds of letters from grateful patients whom we have cured. We will send you also our booklet containing these testimonials and full information about the disease. Do not delay, write today. Address Eclipse Catarrh Cure and Manufacturing Company, Atlanta, Ga.

**Killed One, Robbed Another.**

New Orleans, October 3.—In daylight today a highwayman shot and killed one man and robbed another. The killing occurred at Westwego, a suburb, early this morning. The police have not yet identified

**Supreme Court and Court of Appeals Begin Fall Terms.**

The October term of the superior court of Georgia opens Monday morning at 10 o'clock.

This day will also mark the opening of the October term of the court of appeals. The appellate court finished the business of the March term on yesterday.

The first case to be taken up by the supreme court is that of S. M. Hutchinson v. The City of Valdosta. It grows out of a refusal of an injunction from Lowndes county. On October 19 the court will hear all criminal cases now on file and such civil cases brought by fast bills of exceptions as have been advanced.

The first call of the civil docket for the October term will begin Monday, November 2.

**Docket of Court of Appeals.**

The following cases have been placed upon the calendar for argument beginning at 2:30 p. m., on Monday, October 5:

- 1263. Branch v. State. 1264. Jackson (Lewis) v. State. 1269. Crige v. State. 1272. Southern Express Co. v. State. 1273. Jenkins, alias Jinks, v. State. 1274. Roberson v. State. 1279. Griffin v. State. 1280. Holcombe v. State. 1281. Westfall v. State. 1282. Wright v. Mayor, etc., of Macon. 1283. Hanberry v. State. 1291. Coggins v. City of Griffin. 1292. Hall v. State. 1294. Springfield v. State. 1295. Daniel v. State (concealed weapon). 1296. Daniel v. State (disturbing worship). 1297. Haas v. State. 1298. Peak v. State. 1299. Veasy v. State. 1301. Gamble v. State. 1302. Coleman v. State. 1303. Bashinski v. State. 1306. Thompson (P.) v. State. 1315. Hood v. State. 1317. Bell v. State. 1318. Edwards v. State. 1319. Thompson (Jessie) v. State. 1320. Sanders v. State. 1326. Tilton v. State. 1327. Johnson v. State. 1332. Tooke (Charlie) v. City of Oglethorpe. 1333. Tooke (Eph) v. City of Oglethorpe. 1334. Burch v. City of Ocala. 1335. Callaway v. Mims. 1340. Holmes v. State. 1341. Grow v. State. 1349. Simpson v. State. 1350. Orr v. State. 1351. Bailey v. State. 1355. Bashinski v. Mayor, etc., of Macon. 1359. Bryant v. State. 1362. Callaway v. Taster. 1365. Jackson (C. K.) v.

**Georgia Military Boys Give "Class Star" Token of Esteem**

All sorts of things have taken the scenes of a theater that are known to an audience, and the pleasantest little scene ever without the knowledge of an audience, when Colonel J. C. and the entire student body of Georgia Military academy, behind the curtains and prepared man Hackett with a handsomely mounted fountain pen, in token of appreciation for his kindness and interest shown to the boys wanted.

It all happened a few minutes before the first act of the "Colonel Woodward" and the whole of students turned out in a grand audience as usual. Colonel Hackett, and requested him to see the boys to see the staging act, which represents a cat's paw.

The request was granted, and, forming his staff abreast, marched them back into the realm of the scene shifters, stage behind a closed curtain.

Mr. Hackett was expected to the young cadets, but was suddenly interrupted by Woodward who, in a very brief speech, presented him with a statement that in behalf of the boys he wanted him to accept the sign of their deep appreciation and lecture of Mr. Hackett's academy Friday afternoon.

Mr. Hackett was entirely and his little speech of appreciation was entirely dramatic effect.

The cadets were given the "right-about-face," and were sent out into the auditorium, a mock play with the boys were ignorant of the real

der v. Mayor, etc., of Savannah good v. State. 1380. Kimberly Starling v. State. 1382. Clarke Thornton et al. v. State. 1 (John) v. State. 1393. Land

# American National Bank

ATLANTA, GEORGIA

## PROHIBITION DEFINED BY COURT OF APPEALS

Some fine points in the state prohibition law were covered and some nice lines of distinction drawn, in the decisions just handed down by the court of appeals upon cases involving the sale of liquor in Georgia since January 1, 1906, the date on which the state prohibition law went into effect.

The lines of divergence in the jurisdiction of recorder's or municipal courts were also more plainly outlined. The keeping of liquors on hand for the purpose of sale is a municipal offense, punishable in the recorder's court. The sale of liquor at any time, at any place, or in any quantity, is a state offense and must be tried in the state courts.

The state law recognizes the right of a man to receive and store liquor for his own use and consumption. If, however, liquor is kept for the purpose of operating a blind tiger, it is a municipal offense. If any is sold, it is an offense against the state law.

The distinction called forth an interesting explanation from the court in deciding the case of Ike Bashinsky v. the City of Macon, Mims v. Callaway, Scarborough v. Callaway, Scarborough, as friend, v. Callaway and Lester v. Callaway, all of Macon, and about twenty-four cases came from Savannah; also one from Griffin.

In the case of Jenkins, brought up from the city court of LaGrange, the question was raised as to whether the keeping of liquor in a room, separated only by a partition from the regular merchandising room and easily accessible to it, amounted to the keeping of liquor "at one's place of business." The court held that it was a violation of the law, and decision of the lower court in this case was affirmed.

It was the opinion of the court, as rendered by Judge Powell, that the legislature had in mind the intention of forbidding the keeping of liquor at or near one's place of business. The court held that the prohibition extended to "the immediate room or place in which the business in question is conducted; also any near-by room or place used by the proprietor in connection with the

business or in such a relation to the actual place of business as to indicate that the near-by room, compartment, etc., is a convenient place which the proprietor would probably use for keeping therein such liquors as he might desire to furnish others for the 'purpose of inducing trade,' or keeping therein such liquors intended for unlawful sale under cover of the business carried on in the main place."

### Ordered Bashinsky Resentenced.

The same reasoning was used in the case against Bashinsky, who was convicted in the city court of Macon of having kept liquor in a rear room downstairs and in a bed room in the building in which he conducted a restaurant. In the municipal case pending against Bashinsky for keeping a blind tiger, the decision of the lower court was affirmed, but with direction that he be resentenced. Judge A. L. Miller, presiding in the absence of the recorder, had sentenced Bashinsky to pay a fine of \$500 for this infraction of a municipal ordinance, also to work ninety days on the streets and to remain sixty days in the city police barracks.

The court held that under the charter of Macon, as amended in 1907, there was authority for imposing any one of these sentences, but not all three; that they were to be alternative and not cumulative. On this account the court ordered that while the conviction should stand, the defendant should be resentenced.

### Power of Cities to Curb Tigers.

In the case of Callaway v. Mims it was held that cities have the power to make and enforce ordinances against the keeping of blind tigers, or the keeping on hand of intoxicating liquors for the purpose of sale.

In Macon the judge of the city court was ordering prisoners discharged on habeas corpus proceedings, on the ground that the city had not right to pass such ordinances, as they were in conflict with the state prohibition law. The judge of the superior court was at the same time holding such convictions in the recorder's court to be legal.

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**Triumph of the Automobile.**  
Correspondent of The Cordele  
tes:

at ramble I was met by one  
t vigorous things—coming  
ad like a runaway buggy.  
for a time what it could  
d no horse pulling it, and  
s going to mount the trees  
at awful thing the road!  
d out what it was. It was  
nd, Dr. A. J. Wheelchel, in  
le he has just purchased!"

.....  
**Learned Janitor.**  
City, exchange tells of a  
hall janitor who posted the  
notice to Smokers:"

is a habit sometimes ob-  
the smoker himself, and  
to those who are compelled  
s indulgence. General  
ia by his own son to be  
te —smoker, which finally  
neummate the terminus of

.....  
**Tough Proposition.**

of The Lamar Democrat  
the world "does" the editor:  
ees man, for example, buys  
dr of socks, that don't an-  
ly's demand for socks but  
one can drop in and say,  
e your socks awhile, Bill.  
an't say, 'when you get  
h those socks, papa, hand  
o me.' One of his neigh-  
op over and say, 'I thought  
r to see if you were through  
ocks.' But with a news-  
different. One copy very  
rs regularly for not less  
people. Tough proposi-  
nning a newspaper."

.....  
**Spring Gardening.**  
Gillian is not great on  
ning. He says:

every normal man wants  
get out and dig for a  
a while, I said. The while  
who is wise and has  
o will go at it when  
him, and will continue  
dig until the desire leaves  
ell will not come on again  
ring, my dear sir, and it's  
till next spring."

Right here—at home!

F. L. S.

## Judiciary System of Georgia.

(From The Millen News.)

Considerable comment is being in-  
dulged in now regarding the future of  
the court of appeals. No particular dis-  
satisfaction is alleged against it, but  
there seems to be a well-grounded doubt  
whether or not it brings the best results  
in our judiciary system. An increasing  
complaint is that there are too many  
and too varied courts in Georgia. And  
there are good grounds for it.

At present almost every county has  
a court peculiar to itself. The manner  
of pleading and practice vary in almost  
every city court in the state, and so  
many city courts, with their totally dif-  
ferent provisions and powers, make a  
court of appeals necessary.

A plan that seems to avoid so much  
confusion and to greatly lessen the work  
of the higher courts would be to abol-  
ish all city or county courts and hold  
quarterly sessions of superior court in  
every county in the state, except such  
counties as would require sessions more  
often. Unless our present plan of semi-  
annual terms of superior courts, city  
and county courts are absolutely neces-  
sary. More sessions would make shoter  
sessions. The cost saved in the lower  
courts would more than pay the extra  
expenses of the superior courts. There  
would be then a uniformity of practice  
all over the state. There would be no  
different acts and special laws. There  
would be no courts here with restricted  
powers and limitations to confuse the  
public.

A plan could be devised by which,  
when a person was arrested upon a war-  
rant charging a misdemeanor and de-  
sired to enter a plea of guilty, such  
could be done before the ordinary and  
he would sentence them. Give him ab-  
solutely no other power except to accept  
pleas of guilt and fix fines and impose  
penalties in such cases.

The general law of the state could be  
well amended so as to allow judgments  
to be rendered upon all suits upon  
open accounts and written instru-  
ments where no plea was filed  
after thirty days' service. The clerk of  
the superior courts should be author-  
ized to issue judgments and fi fas in all  
such cases after personal service by a  
legally qualified and bonded official  
upon his sworn return.

The above plan would tend to increase  
the importance of justice courts, and  
while it would necessarily increase the  
number of judicial districts, it would  
render the practice and understanding  
of the law much easier to the vast ma-  
jority of our people.

Reports of undue political activi  
the part of federal officeholders  
pearing in the press of the co  
were gathered together through th  
of an efficient clipping bureau,  
were examined and the persons  
tioned in them were written to wh  
quests for full information, correct  
denial. The replies were carefull  
spected and the most important of  
cases were followed up by an inve  
tion by an assistant secretary of  
league, on the spot. Final drafts  
conclusions were submitted to all  
holders and political readers who  
unfavorably involved.

Charges of coercion of officehold  
the president to secure the nominat  
a particular candidate have been h  
ed into, but evidence to sustain  
charges is wholly lacking. Pres  
Roosevelt's appointment lists for a  
siderable period were, with his pe  
sion, examined. From those lis  
would appear that presidential ap  
ments prior to the convention were  
in the usual manner on the recon  
dation of senators, congressmen  
others claiming the patronage of th  
fices involved.

### Step by Roosevelt.

President Roosevelt took a de  
step in advance toward checking  
evils resulting from the activit  
officeholders in politics by his ord  
June 3, 1907, amending the civil  
vice rules by forbidding employe  
the competitive service from ta  
part in political management o  
political campaigns. This order  
enforced in the last campaign.

The official roll of delegates to  
republican national convention at  
icago was compared with the  
government blue book. It was f  
that of the delegates to the Chi  
convention federal officeholders co  
tuted one in ten and of the delega  
from the southern states nearly  
in three, and of some southern s  
more than half.

These officeholders were poli  
that is, outside of the jurisdic  
the civil service act, and in most  
their appointment was subject to  
firmation by the United States sen

The office holders in the south  
lically control the republican  
organization in their respective  
and frequently resort to unfair m  
in order to retain their power.

Their support is a tremendous  
ical asset to any candidate fo non  
tion. As the southern democratic  
have as many votes in the repub  
national convention as the repub  
states of equal population, under  
many circumstances the southern  
gates would control the balanc  
power in the national convention.

These organizations controlled b  
fecholders are mainly interests

the tariff bill pending be-  
rich commission.

**Asked for an Opinion.**  
charges were made  
country, B. F. Taylor,  
the bureau of pub-  
interstate Cottonseed  
ociation, sought from Dr.  
ment on the subject of  
ness of cottonseed oil.  
Dr. Wiley says:  
as been done in this bu-  
ry) on that question, but  
of the Maine agricultural  
ation gives the digesti-  
in (a) very high-grade  
eal, 100 per cent.; (b)  
ottonseed meal, 97 per  
edium-grade cottonseed  
r cent.; (d) low-grade  
eal, 90.1 per cent.

28 of the Pennsylvania  
xperiment station the di-  
fat in cottonseed meal  
per cent., while in the  
agricultural experiment  
for 1897 the digestibility  
onseed meal is given as  
The Arkansas agricultur-  
station bulletin 78 re-  
with mice and  
ch the mice were fed  
flour, water and oil, all  
r, and the same mixture,  
bran in a raw condition,  
lines pigs. The follow-  
were obtained regarding  
ty of the oil:

	Per cent of digestibility.	
	Mice.	Guinea pigs.
red ..	96.8	.....
es C. ....	.....	88.8
es C. ....	.....	73.9
eg. C. ....	.....	73.7
oil: .....	96.2	.....
.....	.....	90.5
.....	97.7	.....
.....	.....	85.8
.....	.....	88.5
oil. ....	97	.....

t. Unter Nahr. Gen-  
cottonseed oil in  
e results showed no dis-  
tever of their well-being.  
the oil was quickly ab-  
wford, of the bureau of

say, one of the business men of this  
community who spent several months  
on a visit recently to his old home in  
Ireland, owns a fine vehicle of this

the rather quaint ve  
more popular in Macon  
expensive touring car.  
friends of Mr. Cassidy  
taken the Irish ride.

## 'TIS LEGAL TO SHOOT MAD DOG ON SUNDAY

### Court of Appeals of Georgia Decides the Animal Is a "Public Enemy."

That a mad dog is a "public enemy,"  
has been definitely decided by the state  
court of appeals.

And as it is lawful to make war on  
a public enemy at any time, it is also  
the conclusion of the court that it is per-  
fectly legal and proper to shoot or other-  
wise execute a mad dog on the Sab-  
bath.

Clarence Manning, of Jasper county,  
shot a mad dog on Sunday and was pros-  
ecuted and convicted for unlawful shoot-  
ing on the Sabbath. The court of ap-  
peals reverses the judgment, and de-  
clares Manning was justified in his act.

The court's decision as written by  
Judge R. B. Russell, once known as  
"Plain Dick" Russell—but that was when  
he was on the stump as a candidate for  
governor—is as follows:

"A mad dog is a public enemy, and to  
shoot at a mad dog is not the wilful  
and wanton firing of a weapon, within  
the terms of the act of 1898, which for-  
bids the shooting of firearms on Sun-  
day.

"It is the duty of the court, upon the  
trial of one charged with a violation of  
this statute, to instruct the jury as to the  
meaning of the words 'wilful and wan-  
ton,' as used in the statute; and it is  
error to restrict the defense of the ac-  
cused to cases of actual self-defense or  
defense of property.

"It is for the jury to determine wheth-  
er shooting at a mad dog on Sunday is a  
wilful and wanton shooting within the  
meaning of the statute, although they  
might believe that the mad dog was flee-  
ing at the time he was shot at, and that  
neither the defendant's person nor his  
property was in danger."

Clarence may, therefore, continue to  
shoot mad dogs on Sunday, if they cross  
his path, without further molestation  
from the criminal courts.

Governor Comer at Schools.  
Montgomery, Ala., May 22.—(Spe-

## PRISON COMMISSION MEETS SECOND

### Date of the Regular Changed Owing to of General E

Owing to the fact  
Clement A. Evans, a m  
prison commission, who  
er-in-chief of the Unite  
Veterans, will be in atte  
general reunion in Mei  
the week beginning Mo  
the prison commission ha  
date of its regular mor  
from the first to the seco  
June.

The commission's next  
the consideration of the  
and other matters, will  
held on Monday, June  
through the week. The  
ever, is not a heavy one.

The prison commissi  
nothing to say with ref  
recent action of Govern  
pardoning prisoners after  
adverse recommendation.  
ing power is vested in  
and the commission can  
mend. It is presumed,  
make thorough investig  
make recommendation  
with the facts presented.

Until Governor Smith c  
fice, executive clemency  
granted, so far as is kno  
commission's adverse rec  
It is not to be underst  
that other governors did  
take different views of ce

In such instances it wa  
to consult with the comm  
the result of these con  
ommendations were occ  
tered or modified.

There are no such ce  
these now and when the  
cides that clemency shou  
in a case reported advers  
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as he, of course, has the

Important Trials (C  
Montgomery, Ala., M  
cial.)—Before Judge Tho



This bank will assist any man of business capacity to build up a profitable business in Atlanta. There are many ways in which a good bank like the American National Bank can help you. This help will be extended in such a way that you will be able to get better results from your own efforts.

We have character, the organization, the experience, the legal safeguards and the financial responsibility to give the soundest and most efficient service to the business community. As a depositor here, you have the full benefit of this equipment to help you in any legitimate way in the building up of your business.

## AMERICAN NATIONAL BANK

### GOVERNOR WON'T ISSUE PROCLAMATION ON PEACH

#### Growers Must Take Chances if They Pick Fruit on the Sabbath Day.

Whether owners of peach orchards shall pick their fruit and prepare it for shipment on Sunday in order to prevent its loss by rotting as the result of excessive rains, must rest with each individual grower.

Governor Brown declined yesterday, after consulting with Attorney General John C. Hart, to issue a proclamation authorizing work in the orchards on the Sabbath, on the ground that the governor has no authority to suspend the operations of a criminal law.

The matter was brought up by the receipt of the following telegram by

## APPELLATE JUDGES GET NO HIGHER PAY

### House Votes Down Bill to Increase Their Salaries.

The bill to increase the salaries of the judges of the court of appeals from \$4,000 to \$6,000 per annum occupied the time of the house during most of the morning yesterday. In the end, the house decided not to approve the increase, but adopted an amendment by Mr. Johnson, of Bartow, which leaves the salary at the present figures.

The proposed increase aroused vigorous opposition, and a spirited fight ensued between the advocates and opponents of the measure. The latter contended that the judges of the supreme court and court of appeals should be liberally paid, since they held most responsible positions, and were today paid less than the judges in almost any other state in the union; that inferior judges in the state were receiving more than the highest judges, and that in view of the present high cost of living a judge could not maintain his family and educate his children in a manner becoming his station, at the salary the state now paid.

The opponents admitted that judges were in a responsible position and should be adequately compensated, but insisted that Georgia was not now able to pay out any more money in salaries to her judiciary.

To the bill reported by the general judiciary committee, Mr. Alexander, of DeKalb, offered an amendment to increase the salaries of the appellate court judges to \$4,500, to apply when their present terms were completed. Mr. Johnson, of Bartow, offered an amendment making the salaries \$4,000, the same as they are now receiving. This was carried by a vote of 87 to 78.

#### How Members Voted.

On this roll call the members voted as follows:

Ayes—Adams, Allen, Alley, Armistead, Bagley, Beacham, Brinson of DeKalb, Brinson of Emanuel, Brown of Henry, Calbeck, Cannon, Carter, Chandler, Cooke, Cordell, Couch, Cowan, Culberson, Daniel, Drawdy, Edmondson, Edwards, Elder, Ellison, English,

## DECLARES VICTIMS SHOULD BE BLAMED

### "Fools to Try to Keep From Getting Away," He Says.

New York, July 9.—Frank Schallias John Smith, the wounded Bur who admits that he killed Miss Staber in her bedroom early yesterday morning when he was caught robbing the Staber house at Flatbush, gave district attorney today his version of the moral to be drawn from the murder.

"Mr. Staber and his son are the to blame for this killing," he said. "They were fools to try to stop men as us when all we wanted to make a getaway. If we had left alone there would not have been a shooting."

"If Mr. Staber will take a gun I gladly stand up in front of him and let him shoot till I drop dead. Tell how much I regret this affair."

Schmidt's pal, Carlo Giro, alias Miller, who was silent at first, made full confession today, in which he tried to lay all the blame on his mate.

## ALABAMA BAR MEETS

### Emmet O'Neal, of Florence, Elected President.

Birmingham, Ala., July 9.—The annual convention of the Alabama bar association came to a close this afternoon, Mobile being selected as next meeting place. Emmet O'Neal of Florence, was elected president; Alexander Troy, of Montgomery, secretary and the following, vice president: John London, Birmingham; W. Lackey, Dadeville; E. W. Faith, Mobile; Daniel Partridge, Selma; McLane, Pell City. S. D. Weakley, of Birmingham, heads the central council. R. F. Ligon, of Montgomery, the executive committee.

### For Signal Corps Work.

Montgomery, Ala., July 9.—(Special.)—Desiring to perfect himself in signal corps work, Major J. H. Peterson, of the Alabama signal corps, part of the national guard, has come to Atlanta for a couple of days to learn from the government troops the best methods to carry out his duties. Adjutant General Bibb Graves has decided to bring this arm of the service

counselled them against taking the law into their own hands, they dispersed. The prisoners were then rushed to Shreveport for safe-keeping.

### Charges Are Established.

Paris, July 9.—Although the result of the government investigation into the charges made by the Russian revolutionist, Bourtzoff, against General Harting, chief of the Russian political police abroad, with headquarters at Paris, has not been officially announced, it is said the charges have been practically established. Bourtzoff accuses General Harting of being Michael Landeson, alias Petrowsky, who was sentenced in 1890 by the correctional court of the Seine to five years' imprisonment as the organizer of the dynamite plot against Emperor Alexander III. Neither the Russian government nor the Russian embassy in Paris has come to the defense of General Harting, who during his police career has been stationed at various countries under different names.

General surprise is expressed here that the Russian government should ask that the legion of honor should be bestowed upon him.

### Two Trains Collide.

Sheepshead Bay, L. I., July 9.—A Long Island railroad train and a Brooklyn Rapid Transit railroad train collided at Sheepshead Bay race track today. The accident occurred where the Brooklyn Rapid Transit crosses the Long Island's track. Five persons were hurt, but none seriously.

## China in "Open Stock"

Every housewife knows the advantage of purchasing China of open stock pattern. It permits her to supplement her supply whenever she likes. Broken or missing pieces are easily replaced and extra pieces added.

We have choice English and French China in open stock—beautiful patterns and qualities. No more expensive than much of the commonplace ware that is offered by other houses.

**Maier & Berkele**

dividuals and societies. Among the societies who have interested themselves in behalf of the measure are the State Federation of Women's Clubs, the State Federation of Labor, the Women's Christian Temperance Union, the Farmers' Union branches in many counties, the Daughters of the American Revolution, United Daughters of the Confederacy and others.

### Argument on Increase.

When the bill to increase the salaries of the court of appeals judges from \$4,000 to \$6,000, favorably reported by the general judiciary committee, was taken up, Mr. Porter, of Floyd, introduced an amendment to make the salary \$5,000.

An argument against any increase was made by Mr. Middlebrooks, of Newton. Mr. Garlington, of Richmond, spoke for it. He said:

"It is a disgrace that the judges of our court of appeals receive but \$4,000, when some superior court judges and even city court judges in this state are receiving \$5,000 a year."

Mr. Wright, of Floyd, spoke of the higher salaries paid in other states to the judiciary. He said judges in Alabama, Florida, Mississippi and Louisiana received \$6,000 a year; that New Jersey paid nine appellate court judges \$10,000 a year each, and that the state's judicial decisions were recognized as among the best in the country.

### Wohlwender Questions Alexander.

Mr. Alexander, of DeKalb, took the position that the legislature could not constitutionally increase the salaries of the supreme or appellate court judges during the terms for which they were elected, regardless of the wording of the constitutional amendment creating the court of appeals. He said no member of the house should be put in a position to offend or curry favor with judges on the bench before whom they would have to appear in the course of practice. That there was any element of cajolery in the pending bill was vigorously denied by Mr. Persons, of Monroe. Mr. Alexander protested against the "persuasive and argumentative preamble of the bill." He said any judge in Georgia who is receiving \$6,000 a year salary is illegally receiving it.

Mr. Wohlwender at this point asked Mr. Alexander some personal questions about his own salary from the state, and the following breezy colloquy ensued:

Mr. Wohlwender, of Muscogee: "Is it not true that you have been appointed to represent the state as special counsel in the Western and Atlantic railroad legislation?"

Mr. Alexander: "It is."

Mr. Wohlwender: "Would you mind

to amend the law prohibiting drunkenness on public highways. He have it extended to include and prohibit drunkenness at any fair ground, park or at any other of public gathering or assembly.

Messrs. Barksdale and Booké Wilkes, introduced a bill to create new judicial circuit to be known as Ogeechee circuit, to be composed of the counties of Hancock, Glascock, Warren, Wilkes and Lincoln.

The following new bills were introduced:

By Mr. Huie of Clayton—To amend the near beer tax in the common fund.

By Mr. Bell of Cherokee—To amend the act creating the board of and revenues of Cherokee county.

To establish the city court of Columbus.

By Messrs. Evans and Ellis of Edgefield—To regulate the salaries of stenographers taking evidence in cities having population between 23,000 and 39,000.

By Messrs. Kirby and Couch of Oglethorpe—To pay a pension to Mrs. Rigby.

By Mr. Hendrix of Tift—To pay a pension to J. B. McNeal.

By Mr. Gastly of Habershan—To submit the question of local taxation to the voters of Demorest.

By Mr. McElreath of Fulton—To provide a new charter for East Point.

By Messrs. Hardman and Hold Jackson—To pay W. L. Willis \$100.

By Mr. Henderson of Irwin—To provide for payment of costs in criminal cases where convictions are made.

By Mr. Bagley of Lee—To make no bar to appointment as a coroner.

By Mr. Ault of Polk—To prohibit drunkenness on public highway.

By Messrs. Brinson and Park Decatur—To provide that no public school shall be trustee of any school district.

By Messrs. Adams and Carter of Wilkes—To create board of roads and bridges for Hall county.

By Mr. Rentz of Houston—To incorporate the town of Grovania.

By Messrs. Brown, McElreath, Alexander of Fulton, and Mr. Sherman of Jefferson—To pay heirs of Sherman J. Sims for right-of-way taken by the Northeastern railroad.

By Messrs. Barksdale and Booké Wilkes—To create a new judicial circuit.

By Mr. Holtzclaw of Houston—To authorize the commissioner of agriculture to pay the traveling expenses of the chief drug inspector.

By Mr. Alexander of DeKalb—To appropriate \$431.

By Messrs. Persons of Monroe, son of Baldwin, Turner of Jones, Brown of Fulton—To appropriate \$500 for the erection of a building for the state sanitarium for the treatment of tuberculosis.

By Mr. Hardman of Jackson—To amend the office of state road commissioner.

Island Sound liners, among the largest inland water passenger ships in the world, converted for the day into excursion steamers. They were as crowded as on the day of the first naval parade, and all the way up the river they passed between long files of sight-seers ashore.

## PINCHOT FIGHTS FOR WATER SITES

Washington, October 1.—Unequivocally asserting that a monopoly now is in process of formation whose object is to obtain possession of the water power sites of the country, Gifford Pinchot, chief of the bureau of forestry, who returned today from an extended inspection in the west, declared that remedial legislation must be enacted at the coming session of congress if this natural resource is to be preserved to the people.

The problem of how best to prevent the nation's water power sites from being gobbled up by such combinations, Mr. Pinchot predicted, will be one of the biggest issues which the next session of congress will have to thresh out, and Mr. Pinchot declared that prompt congressional action is necessary to throttle the trust. In the proper solution of this question, the future happiness of a great many people rests, he said.

### Disposition of Coal Lands.

Looming up as another big problem which will confront congress will be the question of the disposition of vast areas of coal lands in the west, but principally in Alaska. It is important that congress should take prompt action in this important matter, Mr. Pinchot said, for the protection of the country's fuel supply and also to prevent a monopoly in that product.

After declaring that "there is a water power trust certainly in the process of formation," Mr. Pinchot added:

"In my judgment, the tendency to consolidation which is now running through all industrial enterprises will necessarily in the end lead to the consolidation of the water power interests exactly as it has to consolidation of steel and oil interests.

### Must Be Legislation.

There has got to be legislation on water power business. President Taft has indicated his intention of asking congress for legislation governing, as I understand it, the disposal of water power sites on the public domain; so that the whole water power question will naturally be taken up before congress. The question is, are we going

## APPEALS COURT GIVEN REVERSAL

### Lawful to Solicit Orders for Liquor by Mail.

#### So Says the Supreme Court, in Case of Rose v. The State From City Court of Atlanta. Opposite Was Held in Bartow County Case.

The decision of the court of appeals in the case of Rose vs. The State, from Bartow superior court, to the effect that it is a violation of section 428 of the penal code of Georgia to solicit orders for liquors through the United States mails, was yesterday reversed by the state supreme court in a similar case of Rose vs. The State, carried up from the city court of Atlanta, criminal division.

The supreme court states in concluding its decision that it is compelled to reach a different conclusion from that reached by the court of appeals in Rose vs. The State, 4th Georgia appeals, 588, but that it is compelled to hold that the accusation in the case in question set out no offense against the laws of the state, and that the demurrer should have been sustained.

This case was annealed from the city court of Atlanta to the state court of appeals, and the latter court certified to the supreme court certain questions of a constitutional nature and otherwise, as to which it asked instructions. The supreme court did not deal with the constitutional questions at all, but held from the law in the case that it is no crime against the law of Georgia for a person in Chattanooga, or other city outside the state, to send circulars through the mails soliciting orders for intoxicating liquors.

Under this view of the case it is perfectly lawful for any liquor firm in another state to solicit orders in Georgia through the United States mails.

It is understood that the Rose Company has gone out of the liquor business, but it is said that if this decision had gone against them an appeal would have been made to the supreme court of the United States.

## WOMEN PAID ONLY O.

The biggest hen party ever in the history of Atlanta gathered day afternoon at the Orpheum, the wonder-working powers of Eva Fay.

Every seat in the house was taken. The pit had been sold out before the fateful day arrived. The balconies like hot cakes, and the peanuts graced with such a galaxy of beauties will never again be seen there. Mrs. Fay comes once more.

It was the Dutch treat sort of crowd, however. Nothing but a reminder of the old rhyme, new words, "Women, women where, and but one man in sight

### The Lone-Lonely Man.

Think of the feelings of the man, alone with so much beauty and wit and talent. That lonesome fender of the male sex was Pr. Maitland. He was indeed a brave but he felt, strangely enough, that who stood alone in a banquet hall asserted, whence all men but he fled."

Where were the other men? Well, it is low. Mrs. Fay has made so real, true, warm friends among the chivalry of the south that she has a chance to judge the beauty and So she persuaded Hugh Cardoza, to declare a women's only matinee, a inline stag day, and so no tickets sold to the naughty men, who dearly have loved to hear those personal, private questions, which by hundreds to the thaumaturgic when the time came for the half of Mrs. Fay's act, every usher pushed out of the front door, was barred and locked after. And Mrs. Fay took a careful note of the scenes, and every scene and stray actor from other acts given his conge in hurry-up or

It was only right, you see, that man should be barred, for it was the nature of a confessional which to follow, with Mrs. Fay giving kind of advice which makes lives pier.

Mrs. Fay wasted no time when chance came for a heart-to-heart conversation with her unusual audience. Question after question she asked with a directness and often a sweetness that not only embarrassed startled as well. That's one of the advantages of Mrs. Fay's very shrillness works to her advantage. In that she forces a knowledge of a name from a woman who had absolutely not to recognize it.

# SUPREME COURT NOT ARROGATIVE

## Claims No Authority Over Appellate Court.

### Effort to Have Court Assert Its Power to Mandamus the Lower Court Results in Declina- tion—Action of Great Im- portance.

The supreme court of Georgia, in a rather unusual decision handed down on Friday, declined to say whether or not it had the power to mandamus the court of appeals. It is an interesting point, since, if the supreme court does assume to mandamus the appellate court, and require it to submit every case involving a constitutional question, whenever a litigant desires, it will be a means of securing delays almost at will.

The case in question was that of George R. Youmans, of Waycross, indicted on November 23, 1907, on the charge of having allowed a bank to become fraudulently insolvent.

Youmans filed a demurrer to the indictment, the main point being that the section of the code under which he was indicted practically enforced imprisonment for debt, which was unconstitutional and void. He claimed that a distinct constitutional question was involved. The court of appeals decided the case several days ago, holding that the indictment was good, and that it was not necessary to certify the constitutional question to the supreme

# INDIRECT SLAP AT ROOSEVELT

## Speech Made by Repre- sentative Mann.

### He Declares a "Certain Distin- guished Official" Is Responsi- ble for Much of the Denun- ciation of Officials of the Ex- ecutive Department.

Washington, December 17.—Denunciation of officials of the executive department of the government who criticize congress without just cause, in speech by Representative Mann, of Illinois, and another of similar tenor by Representative Fitzgerald, of New York, in which the latter said "a certain distinguished official" was responsible therefor because of the bad example he had set for his subordinates, enlivened an otherwise dull session of the house today. It was understood generally that Mr. Fitzgerald had former President Roosevelt in mind.

The reading of the District of Columbia appropriation bill was concluded, but was not put upon its passage and will again occupy the attention of the body on Monday.

Some saving was effected here and there by reducing appropriations for increases of salaries for District officers or by eliminating altogether paragraphs making provisions for the creation of new offices. Representative Macon, of Arkansas, again assumed the role of the "watchdog of the

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The defendant then filed an application for a mandamus in the supreme court asking that the court of appeals be required to certify the constitutional question involved to the supreme court. This the court declined to do, for the primary reason that Youmans had not shown that he requested the court of appeals to certify the question. The court further stated that it would not say whether or not it had the power to issue a mandamus to the court of appeals. Judge Atkinson dissented from the opinion of the court.

A notable array of legal talent was brought together by this case. Representing Youmans were Congressman William G. Brantley, of Brunswick; L. A. Wilson, of Waycross; W. W. Lambdin, of Waycross; Crawley & Crawley, of Waycross; Toomer and Reynolds, of Jacksonville, Fla., and F. W. Dodd, of Douglas. For the state appeared Solicitor General J. H. Thomas and A. D. Gale.

### OPERA GLASSES

bought of us never have to be exchanged. We sell the best makes only, not all expensive mountings, but the best lenses. See us before buying, you can save money. Walter Ballard Optical Co., 75 Peachtree St.

### ONLY ROUTINE WORK FOR PEACH GROWERS

Monthly Bulletin Will Be Issued by the Georgia Exchange.

... example he had set for his subordinates, enlivened an otherwise dull session of the house today. It was understood generally that Mr. Fitzgerald had former President Roosevelt in mind.

The reading of the District of Columbia appropriation bill was concluded, but was not put upon its passage and will again occupy the attention of the body on Monday.

Some saving was effected here and there by reducing appropriations and increases of salaries for District officers or by eliminating altogether paragraphs making provisions for the creation of new offices. Representative Macon, of Arkansas, again assumed the role of the "watchdog of the treasury," and made points of order against several sections of the bill, wholly without success.

Representative Gardiner, of Michigan, in support of the bill, occupied the floor during the greater part of the day, explaining paragraphs to which objection had been made.

Rather unexpectedly the house agreed to insert in the bill an amendment appropriating \$17,000 for playgrounds for children of the district.

Near the close of the day Representative Mann made an attack upon Mr. Tweedale, auditor of the district, criticizing congress in public speech. He said that if that official had made the statements attributed to him, he ought to be discharged, and added that the officials of the executive department were much too free with the abuse of the legislative body.

The house adjourned at 3:53 p. m. until Monday.

The senate was not in session today.

## ORDERS ISSUED BY COMMISSION

The railroad commission issued several orders yesterday which will be of widespread interest. Some of these orders have already been forecasted in our rulings of the commission, but have never before been officially promulgated as general orders.

One of the most important is the

chairman of the United States... arrive in Birmingham... at 1:30 o'clock... hour in the city... special to New

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### TODAY: PROPHECY

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Intelligent citizenship prove themselves a constructive element and a valuable civic and economic asset in the south.

**Relations Between Races.**

The relations between the white people and the negro people are not to be fixed by resolution or social arbitrament from without. It is a human problem, and human problems demand the tedious processes of progress. There are fundamental lines of cleavage, and there are fundamental lines of identity. By these lines, looking to the application of solvents rather than to the ideal solutions and attending more to the common-sense adjustment of points of contact to the mutual ad-

given to fellowships which were ordained to be beautiful and true, and he proclaims their possible rectification in Christ.

"This distinguished speaker who comes to address this vast audience in the central city of the south is no stranger here. Words spoken in this city by him fourteen years ago caught the ear of the south and the nation, and indicated the ascending pathway of his leadership of his race. The fourteen years of testing presents him to you tonight as absolutely worthy of your plaudits, your confidence and your love. I introduce to you Booker T. Washington."

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**JONES WILL RUN FOR COURT OF APPEALS**

**Candidate to Succeed Powell, if Latter Runs for Congress.**

Cordele, Ga., January 12.—(Special.) Hon. J. Gordon Jones, of this city, will be an applicant before Governor Joseph M. Brown to succeed Judge Arthur G. Powell on the court of appeals bench of Georgia, should Judge Powell resign to enter the race for congress in the second district to succeed the late Congressman Griggs.

Col. Jones is well known throughout this section of Georgia as a lawyer of marked ability. It is understood that the friends of Mr. Jones in a number of South Georgia communities have requested him to become a candidate since his inclinations have become generally known, should Judge Powell tender his resignation.

**Underwood Typewriters for rent, 119 Peachtree St.**

**PROMOTIONS MADE BY SOUTHERN RAILWAY**

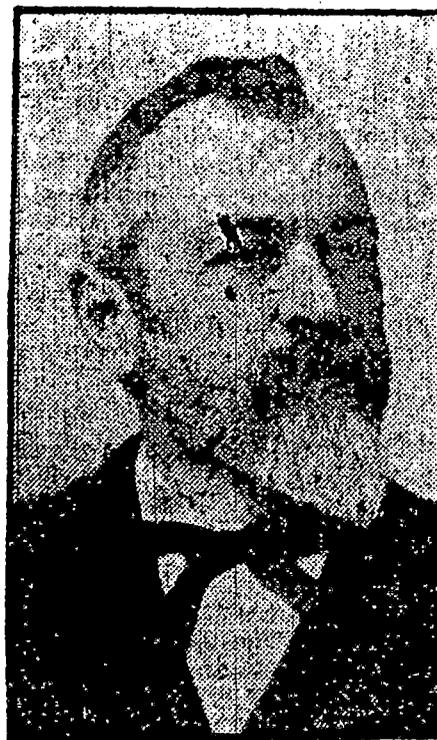
**N. N. Boyden, of Atlanta, Made Master Mechanic Knoxville Shops.**

Knoxville, Tenn., January 12.—(Special.)—Announcement is made here that John F. Sheehan, resigned as master mechanic of the coster shops of the Southern Railway in this city, will be succeeded by N. B. Boyden, now master mechanic of the Southern shops in Atlanta. G. A. Kans, now master mechanic at Birmingham, will go to At-

**COLONEL JOHN C. REED DIES IN MONTGOMERY**

**Was a Well-Known Attorney. Was High in Kuklux Klan Councils.**

Colonel John C. Reed, for years a well-known practicing attorney in Atlanta, a native of Oglethorpe county, died yesterday at the residence of his son, Prentiss Reed, in Montgomery,



**COLONEL JOHN C. REED.** One of the founders of Kuklux Klan, who died in Montgomery.

Ala., where he has been making his home for the past two years.

Colonel Reed was at the bar in Greensboro when the war between the states began. He entered as a private and came out with a commission. After the war he located at Lexington and in 1860 moved to Atlanta, where he formed a partnership with Albert Cox. A graduate of Princeton, he proved a hard student and a deep thinker. He had much to do with the formation of the kuklux and a few

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# DRIBBLE THOUSANDS, WESTERN SEND MILLIONS ON PUBLICITY

...tures of this kind. Had the broad vision of his ability to stimulate his road to do the things that have been there are some railroad south who themselves... of the opportunity of their lines, or of the... to be done. Some of the leading officials southern road said that not interested in attention of the manufacturing country to their territory were no particular advantages along his he said this seemingly in, though there are a along his road that great industrial centers of them are already manufacturing points.

**Broader Vision.**  
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they do not yet grasp the opportunity and their responsibility. When Mr. Harriman bought the Central of Georgia he said to the people of Georgia that under certain legislative conditions he would undertake to show them what a real railroad is. Harriman died all too early for the good of the south, for if he had made of the Central of Georgia a real railroad, such as he made of the Union Pacific, and utilized the opportunity to set the pace for railroad development on the same broad lines that he set it on the Pacific coast, then he would have given to all other railroad owners a vision of the south's possibilities and of the opportunity for duplicating in this section what has been done on the Pacific coast.

Possibly the figures presented here for the first time, showing the average amount expended per mile of road of a large number of roads, typical of the whole railroad system of the country, will do something to arouse the south, the railroad officials of the south, and especially the financial interests that dominate these roads. The recent interstate commerce commission decision against an advance in railroad rates does not in the slightest change the situation nor lessen the responsibility of southern railroads to advertise broadly through the great daily papers, the farm papers and the magazines of the whole north and west just as the Pacific coast roads have been doing and are now doing.

## IMPORTANT NEW LAW BOOK BY JUDGE ARTHUR POWELL

There has just issued from the press a new law book, by Judge Arthur G. Powell, of the court of appeals.

It bears as its main title, "Actions for Land," and carries as a sub-title, "Ejectment and Statutory Substitutes." Besides presenting an elucidation of the practice in suits for land, both under what is known as the old John Doe form and under code procedure, it devotes considerable space to the topics of possession and of possessory titles.

While the book will be especially valuable to the lawyers of this state, as a majority of the citations are to the Georgia reports, still it will have a much wider scope of usefulness for many decisions from other states and from England are also cited; and then, as the preface states, it is doubtful that there can be found in the decisions of any other state in the union so many valuable discussions, exemplifications, and applications of the great common-law principles underlying

ing the law o land titles as are to be found in the Georgia reports.

From a merely mechanical point of view the book also deserves notice. The printing and binding were done entirely in Atlanta; and it is as excellent a piece of law book work as has issued from any press. The print is clear and distinct, the paper is light, with a white wave finish, giving the book throughout a very attractive appearance.

It contains over 750 pages, including a very full index.

The supreme court and the court of appeals have already cited it in several recent cases; and members of the bar who have had occasion to examine it state that it will be an extremely valuable addition to legal literature.

Announcement of the publication of a book by Judge Powell is a matter of extreme interest to law students throughout Georgia.

He has won an enviable reputation as an authority over jurisprudence, and several of his theses are indispensable part of the equipment of the well-appointed legal library.

## LIEUT. S. S. YEANDLE SPOKE AT THE SAVANNAH BANQUET

In the account given by The Savannah Morning News of the brilliant banquet with which the Sons of the Revolution concluded their patriotic celebration, Lieutenant Stephen Yeandle, of Atlanta, was given more than "honorable mention"

a home station from cruising along the shores of our brethren across the sea, to speak of our comrades in the naval profession who sail the seas under the flags of England and France. Wherever I have fallen in with them the question has come up in my mind

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red.—Clarence Peavy,  
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 nce man, collared the  
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 farie Kerr, of Canton,  
 a handsome touring  
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Vehicles.—Automobiles  
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 N. Morris, who lives  
 and struck the front  
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 a motor oil delivery

The Constitution displayed that fea-  
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 overwhelming percentage, of the bet-  
 ter elements of the old charter. If the  
 opponents of the new charter jumped  
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 ried with it any inference that was not  
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"A budget is made up by the entire  
 administrative board based upon the  
 reasonable estimate of the revenue of  
 the city. The board shall apportion  
 and allot to each department a cer-  
 tain amount. No department can spend  
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 spend more, than is allotted to that  
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## JUDGE FITE ELUCIDATES HIS ATTACK ON RUSSELL

As was anticipated, Judge Augustus  
 W. Fite, of the Cherokee circuit, has  
 elucidated his recent critical comment  
 upon the course of Judge Richard B.  
 Russell, of the state court of appeals  
 bench, and candidate for governor.

Judge Fite, who said Judge Russell  
 "should resign from the court or get  
 off the stump," and to whom Judge  
 Russell retorted that he had evidently  
 changed his views since he ran for  
 congress and remained on the bench at  
 the same time, now declares that he  
 meant no such thing—that is, he did  
 not mean what seems to have been  
 understood by Judge Russell and his  
 friends.

In other words, Judge Fite thinks it  
 is all right for a judge to remain on  
 the bench and still run for governor,  
 congress or any other political job he  
 may fancy. Judge Fite qualifies this  
 in his comeback at Judge Russell,  
 however, with the statement, "provided  
 he does not neglect his official duties."

Judge Fite contends that he ran for  
 congress without neglecting his offi-  
 cial duties on the bench; whether or  
 not Judge Russell is neglecting his  
 official duties in his race for governor,  
 Judge Fite does not know, but, if he is,  
 he thinks he should give up one or the  
 other.

### What Judge Fite Did Mean.

What Judge Fite really did mean in  
 his criticism of Judge Russell's course,  
 as he states in a reply to the latter,

was that Judge Russell had no right  
 to make prohibition an issue, condemn  
 the prohibition law, declare that it can-  
 not be enforced, and still remain on  
 the bench.

Judge Fite contends that if such is  
 the view which Judge Russell takes  
 of the prohibition law, then he should  
 either resign his position on the bench  
 or get off the stump.

Here is the way Judge Fite states it,  
 having presented which, it is Judge  
 Russell's next move:

"Judge Russell seems to have misun-  
 derstood my interview. I did not criti-  
 cise him for running for governor with-  
 out resigning the judgeship, for I have  
 always contended that an official, even a  
 judge, has the right to run for an-  
 other office without resigning, if he  
 can do so without neglecting his offi-  
 cial duties; but if he cannot, then he  
 should either resign or not run.

"I don't know whether Judge Russell  
 is neglecting his official duties or not,  
 and, therefore, have not criticised him  
 for running without resigning.

"The fact is, I thought very well of  
 his candidacy until he made the  
 liquor question an issue in the cam-  
 paign, and began criticising and con-  
 demning our prohibition laws, which  
 he, as judge, is sworn to uphold and  
 enforce; I criticised him for doing  
 this without resigning the judgeship,  
 and, therefore, repeat:

"He should either resign from the  
 court or get off the stump.

"My criticism of the court of appeals  
 referred mainly to cases reversed on  
 the facts, in most of which Judge  
 Powell dissented."

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## GEORGIA SAVINGS BANK HOLDS ANNUAL MEETING

George M. Brown Elected  
 President, John Grant  
 Vice President.

At the annual meeting of the stock-  
 holders of the Georgia Savings Bank  
 held yesterday, all officers and direc-  
 tors were re-elected for another term,  
 the usual annual dividend of 4 per cent  
 was declared, and \$10,000 was added to

## ERIC HARBEN'S BURIAL TO BE HELD AT DALTON

On Account of Mrs. Harben's  
 Illness, Parents Can't At-  
 tend the Funeral.

Dalton, Ga., September 14.—(Special.)  
 The remains of little Eric Harben will  
 be buried here. The body was shipped  
 from New York Wednesday night at  
 9 o'clock and is expected to reach  
 here Friday morning.  
 Immediately upon arrival, the re-

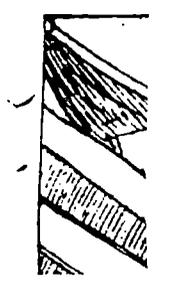


Photo by Francis E. Price, Staff Photographer.

Unusual views of Lake Abana. The boys are enjoying the ice, but the geese seem rather doubtful about it. In the bottom picture is shown the fountain of ice.

Beneath her skates the curved steel bars  
Seemed like two naked scimitars,  
That gleamed about the sandals in  
The sword-dance of the Bedouin.  
And all around her flying feet  
The ice-mist flew unceasingly:  
As free she was and full as fleet  
As sea-gulls skimming o'er the sea  
It was the sea in different guise.  
Like Mercury she wore her wings,  
And deep within her fearless eyes  
There lived the soul of flying things.

—ORTH HARPER STEIN.

On the frozen bosom of Lake Abana at Grant park, many skaters were skimming and gliding all of yesterday and will probably be able to enjoy the same pleasure today. For the first time in several years the lake was frozen to a sufficient thickness to bear the weight of the skaters, and Atlanta, one of the cities that boast of basking in the Sunny South, was enjoying the wintry pastime and recreation of the northern climate.

It is a prevailing belief that Atlanta

is shy on sleighs and skates, but just let a snow storm or a blizzard sweep down this way from the northwest and in a few hours there will be heard the jingling of sleigh bells on the streets or will be seen the "curved steel bars" and "soul of flying things" of which the late Orth Harper Stein speaks so beautifully in his poetic gem.

No sooner was it known that Lake Abana was firmly frozen over than out came the skates from closets and trunks and boxes where they had been stored away for several years, or purchases were made of new ones from hardware stores, and from early yesterday morning until late in the afternoon "around their flying feet the ice mist flew unceasingly."

It was great sport, and being one rarely ever enjoyed in Atlanta, it was made all the more pleasurable as one of the joys long delayed.

The lake will probably be still frozen hard enough to permit of skating today.

## JUDGE FITE IS LECTURED AND DECISION REVERSED

In handing down its decision in the case of Jerry McCullough v. the state the court of appeals took occasion to read a little lecture to Judge A. W. Fite of the Cherokee circuit for having failed to allow the defendant the right which the law gives all defendants to poll the jury if he so desires.

McCullough, a negro, who, as the evidence showed, had placed his hand upon a white woman, had been convicted of attempted criminal assault. The court of appeals, in an opinion written by Judge B. H. Hill, says the evidence in the case clearly made out a case of assault and battery, but leaves doubt as to the felonious intent charged.

### Had Right to Poll Jury.

Under these circumstances the court says the defendant should by all means have been allowed the custo-

mary right of polling the jury; but the record shows that "immediately" the verdict of guilty was announced in court, Judge Fite remarked from the bench, "Twenty years in the penitentiary." This was the extreme limit of the law and showed what the presiding judge thought of the case; therefore, concludes the court, it would have been out of the question to take a fair poll of the jury, after sentence had been passed.

In reversing the lower court and ordering a new trial for the defendant in Gordon superior court, the appellate court's decision says:

### Manner Was Unusual.

"The manner in which the sentence was imposed was unusual. It was a striking variation from that orderly judicial procedure which has generally characterized the conduct of judges in imposing sentences of such gravity. In a practice of thirty-five years,

Continued on Last Page.

By President Taft

## ENFORCEMENT OF LAWS IS DEMANDED BY TAFT

### If Cuba Allows Her Military Force to Dictate, President Taft Says United States Will Intervene to Preserve Republican Government on Island. Cubans Wildly Excited by Taft's Message.

Washington, January 16.—The state department has served notice on President Gomez that the United States will intervene in Cuba if further attempts are made by the veteran organization to nullify the law prohibiting interference of the military in political affairs in Cuba.

The attitude of the United States is shown in the following note presented today to the Cuban government:

"The situation in Cuba as now reported causes grave concern to the government of the United States.

"That the laws intended to safeguard free republican government shall be enforced and not defied is obviously essential to the maintenance of the law, order and stability indispensable to the status of the republic of Cuba, in the continued well-being of which the United States has always evinced a constant and vital interest.

"The president of the United States therefore looks to the president and government of Cuba to prevent the threatened situation which would compel the government of the United States, much against its desires, to consider what measures it must take in pursuance of the obligations of its relations to Cuba."

### No Comment by Cuban Minister.

The notification of the American government was served upon President Gomez through American Minister Beaupre at Havana. Senor Martin-Rivero, Cuban minister to the United States, was unapprised of the action except through the press and declined to comment upon it. He attended the diplomatic dinner at the white house tonight, where he met Secretary of State Knox as well as President Taft, but before leaving the legation he said he did not expect to discuss the matter, even informally, with either.

It was on reports of American Minister Beaupre that today's note was based. Minister Beaupre reported today from Havana that in defiance of a decree issued by President Gomez forbidding officers of the army and rural guard to participate in politics,

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# IS BREAD FOR YOU, 4 MEN KILLED; BUT NO BUTTER 100 INJURED

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ant game fish in  
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## FITE IS LECTURED, DECISION KILLED

Continued From Page One.

twelve years of which were as prosecuting attorney, the writer never knew the presiding judge to impose a sentence of such severity in a case of such grave character without first asking counsel and the accused if there was any reason why sentence should not be then imposed; and he has never known the presiding judge in the slightest degree to interfere or prevent the full exercise of the right of the accused to poll the jury after the verdict had been published, or by word or deed to impair the possible value in the exercise of such right. This very unusual conduct of the judge must therefore have made a very strong impression upon the minds of each one of the jurors, for it is altogether probable that they had never before seen it occur in court, a place where justice is judicially administered."

The court states it does not mean to animadvert upon the action of Judge Fite, and sympathizes with him in his feelings regarding the crime in question. But where there is so much doubt in a case as to guilt of the felony charged, particularly should the trial court afford full opportunity for the exercise of every right the law affords the defendant, says the appellate court, in effect.

## ATLANTA HAS A "LITTLE JEFF"

Continued From Page One.

no one to beat me up. I need a Mutt. "Of course I could steal money from my own right-hand pocket and put it in my left, and I think I could contrive to give myself a black eye every now and then or dump myself into an ash can, as daily befalls the first Jeff, but I be hanged if I know how I can be jealous of myself. My kingdom for a Mutt!"

Mr. Cothran is a choir singer of Atlanta and has also done time in comic opera. Should he find a Mutt he believes he has several fortunes made in vaudeville.

"It's no use looking like that little boob," he says, "unless some hard 'iron men' are drifting to your pocket book as a result."

## MAN AND GIRL IN PACT FOR MURDER AND SUICIDE

Pittsburg, Pa., January 16.—Virgin-

## 4 MEN KILLED: 100 INJURED

Continued From Page One.

the wreckage when the combination coach in which they rode telescoped upon the shattered engines.

The Chesapeake and Ohio train, running on the Louisville and Nashville tracks, as do all Chesapeake and Ohio trains from Lexington to Louisville, was "dead-heading" back to Lexington. Several hours previously the same train, starting out, had collided with a cut of freight cars in East Louisville and had to put back for repairs. Louisville and Nashville officials tonight express their belief that the wreck was due to misunderstood orders.

### Hundred Passengers Injured.

It was conservatively estimated that between 75 and 100 persons were injured in some manner in the wreck, but no passenger was dangerously hurt. Tracks of the Louisville and Nashville were blocked for several hours and the injured were brought here on electric cars. An interurban line parallels the railroad tracks at the wreck scene.

It was not until 11 o'clock tonight when the last of the passengers had been brought here. Most of them live in Kentucky, as the wrecked train was a local. That some of the passengers were not killed in the crash or when the engines exploded is considered miraculous by those on the train. The train was making good time and when the engines hit the passengers were thrown in a heap in the ends of the cars.

## TENNESSEE DEMOCRATS FRAME UP COMPROMISE

Nashville, Tenn., January 16.—The Vertrees committee tonight proposed to the rival committee that a democratic primary be held on April 27, in charge of a primary board consisting of three members named by Chairman Vertrees, of the Vertrees committee, and three named by Chairman O. C. Barton, of the Barton committee.

No action has been taken on the proposition as yet by the Barton committee. Both committees will be in session tomorrow and it is certain that the Barton committee will accept the proposition as it is practically the plan Colonel Barton formulated.

The proposed plan is to have a primary for white democrats only for the selection of candidates for senator, governor, comptroller treasurer, sec-

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Will there be a third candidate to enter the lists against Aldine Chambers and James H. Woodward—a candidate, who openly declares himself in hearty sympathy with Chief Beavers in closing up questionable houses—or will either Mr. Chambers or Mr. Woodward or both unequivocally commend the action of the chief and thus forestall this possibility?

Such was the pertinent question injected into the mayoralty campaign Monday.

**Injected at Ministers' Meeting.**

It was given rise at the meeting of the Evangelical Ministers' association at the First Baptist church Monday morning, when about 100 well-known ministers and laymen met to discuss various matters appertaining to the Men and Religion Forward Movement and the local political question.

"I do not see how any Christian could possibly vote for either Mr. Woodward or Mr. Chambers unless one or the other takes a firm stand on this matter," said Marion Jackson. "The election of October 15 is really a primary and not an election."

The significance of Mr. Jackson's remark was instantly apparent. It is known that the Men and Religion Forward Movement as a body has pledged itself to the support of Chief Beavers and they will fight to protect him to the last ditch. They will not be satisfied with any evasion of the issue—for or against Beavers. It is also stated that the executive committee has at its command \$10,000, half of which was pledged by one man, which is available for campaign purposes.

**Men and Religion Indorsed.**

At Monday's meeting of the evangelical ministers the general position taken by the Men and Religion Forward Movement was heartily indorsed.

The executive committee of the Men and Religion Forward Movement—Marion Jackson, John J. Eagan and J. P. Jackson—conferred with a number of prominent business men and clergymen shortly after the meeting, and it is understood that the matter of putting out a candidate against the democratic nominee was taken up. It was said afterwards that the committee took the view of a number of Atlanta clergymen that Woodward was out of the question as far as they are concerned, and that Chambers should be repudiated unless he pledges his support to Chief Beavers in his crusade against licensed vice.

The committee was asked if it would make reply to the published statement of Aldine Chambers to the effect that he would not let any person or persons with no responsibility attempt to dictate the moral or industrial welfare of the city, or to the charges of fanaticism hurled at Jackson and Eagan.

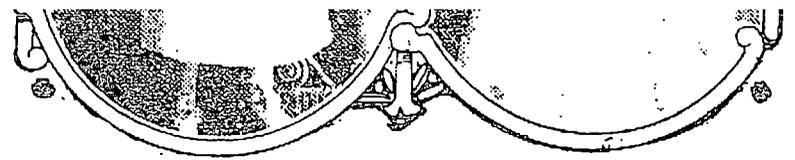
**Issues Answer Today.**

"The committee will issue a bulletin on Tuesday," replied Chairman Jackson, "and there will be one every day until the election. We will simply state the truth, and let Christian men vote as they choose."

The possibility of putting out a candidate against the nominee in the mayoralty contest would not be discussed by the members of the Men and Religion Forward Movement or the ministers allied with it. It was just a remark dropped by Chairman Jackson during the meeting that let the cat out of the bag, and when an effort was made to get at the bottom of the move-

Continued on Page Two.

**PROBE ORDERED  
AT SANITARIUM**



CHARLINE FARRIS and MRS. W. S. SPARROW,  
Who was injured trying to drag child to safety.

**APPEALS COURT TO TRY FITE;  
JUDGE ROASTS COURT AGAIN**

**Cherokee Circuit Judge Must  
Answer Charges of  
Contempt.**

Judge Augustus W. Fite, of the Cherokee superior court, has been cited to appear before the bar of the court of appeals on Saturday next and answer to the charge of contempt of court because of a communication from him which appeared in last Saturday's Constitution.

The action is the result of ill feeling existing between Judge Fite and individual members of the court, covering several years, which has been aggravated by repeated reversals of Judge Fite's decision in the higher court, and particularly by two reversals in the McCullough case brought up from Gordon county.

**Language Called Contemptuous.**

Judge Fite in writing to The Constitution severely condemned the court for its action in this case and used language which the court believes is contemptuous, unbecoming and deserving of punishment at their hands.

In that article Judge Fite said he believed the court was responsible for the recent outbreak of lawlessness at Plainville, saying the riot came about as the result of the court's reversals of his decisions. He said its action in the McCullough case was based on "a pitiable misconception and misconstruction of the record."

Further intimating that the reversal sat lightly upon him he said, "they are as apt to reverse themselves as they are to reverse the supreme court, which they frequently do with great complacency." Continuing, he said it is "no wonder our people are losing faith in some of our reviewing courts."

**Judge Will Be Cited.**

Immediately upon the publication of this letter in The Constitution the court of appeals met and informally discussed what action should be taken to punish Judge Fite for this public contempt. Monday afternoon it was decided to cite him to appear and answer to the rule. P. W. Derrick, sheriff of the court, was given the subpoena for Judge Fite and left in the afternoon to serve it.

The punishment is ten days imprisonment or a fine of \$500, either or both, in the discretion of the court.

There has long been some feeling between Judge Fite and members of the court of appeals. This feeling has not been improved by the treatment accorded several of Judge Fite's decisions. The McCullough case, from Gordon county, has been before the court twice and twice the lower court has been reversed. The decision of the court of appeals this last time was rendered by Judge Pottle.

**Recall Decision or Be Abolished, Says Fite in  
Card.**

Declaring that the court of appeals has rendered a most dangerous decision in reversing him in the McCullough rape case, Judge A. W. Fite, of the Cherokee circuit, has called upon the court to reverse itself.

"The court of appeals should at once reconsider and recall this decision," he says in a letter to The Constitution, "and if they refuse to do so, the legislature should give the people a chance to abolish the court, which they would certainly do."

He charges that a paragraph of the decision is not "the law for the white man, and should not be for the negro."

**Recall Decision, Urges Fite.**

His letter follows:

Editor Constitution: In my communication, published in The Constitution of the 5th instant, on the second reversal of the McCullough assault to rape case from Gordon county, by the court of appeals, I did not criticize the decision except for its inconsistency and misconception and misconstruction of the record; but I now want to call attention to another and more serious phase of the decision. The court of appeals say (Part 3d head-note): "Ordinarily, sayings and conduct of the prisoner in his own favor several hours after he is alleged to have committed the crime are not admissible on his trial."

"Based upon the social conditions and characteristics of the negro race, an inference may arise that a negro man, conscious of a guilty attempt to commit a rape upon a white woman would not quietly spend the night and a portion of the next day in a house on the farm of the husband of the woman, in close proximity to her neighbors and friends, without exhibiting some symptom of fear or excitement. Proof that he did these things and that he openly acted in a manner to indicate no consciousness of guilt, is admissible upon his trial for assault with intent to rape, to be considered by the jury in connection with other facts and circumstances in the case upon the question of felonious intent."

**Not Law for White Man.**

As heretofore stated, I did allow the defendant to prove these things, except as to "some symptoms of fear or excitement," and playing with a pet squirrel up a tree in his back yard, there being no objection upon the part of the state thereto.

The first paragraph of the above quotation is the law for both the white man and the negro, but the second paragraph thereof is not the law for the white man, and should not be for the negro. It would encourage rapes upon white women by negroes by allowing them an additional defense in such cases. It is the most dangerous decision ever rendered by any court, at any time, anywhere, under any circumstances. The

Continued on Last Page.

**ZIMMER LEAVES  
NEW KIMBALL**

**YOUNG GIRL USED  
TO SNARE CLERK**

WOMAN SERIO  
TRYING TO I

Mrs. W. S. Sparrow  
Her Home in  
dition—Acci-  
by Scores of  
ers on the Ca  
Park.

As a 3-year-old child was aware of any peril. Central avenue east street, directly in car, her companion, row, leaped to reach. With the motor atop within such a car bore down upon Sparrow bundled though but was bowled up the trolley before safety.

The babe in her arms under the wheels and beyond recognition was crumpled in trucks, but the car came to prevent it over her.

**Pleasure See**

The car, bound on Central avenue, was sure seekers on the most of whom were children. A hundred feet above the body of the child, beneath the wheels, another row to safety. She but recovered a few minutes later.

Life was instant when the tiny form under the skull was crushed and mangled. A sheet was thrown over the body to hide it from the dead child's mother. From her home, two blocks from the scene of the accident, the body of Greenberg & Bond was removed.

The trolley's victim, Mr. and Mrs. G. at 208 South avenue, was taken to the scene of Mrs. Farris was present and her condition reported to a physician through

**Heroine Hit**

Mrs. Sparrow, 7 South avenue, directly across from the Fairly injured. He was badly fractured, and bruised about the face. She was removed to the hospital where her condition reported.

The accident occurred noon shortly after Sparrow and her husband by their 5-year-old child and Charline Farris, a stroll to Grant park away.

The party turned from South avenue Central avenue car corner of Grant. Lillian several yards ahead was reached, Lillian tracks, and Charline low.

**Motorman C**

The motorman in the gong. His car

Weather  
FAL

## LAWS" NOT FED IN CITY

Commission Doesn't Be-  
lievers So Numer-  
ous in Atlanta.

George Johnson last  
week had a warm discussion  
of the police commis-  
sion Chief Beavers to fol-  
lowing of the tenderloin  
in other city and state

Members of the commis-  
sion Chairman Mason, voted  
on. Mr. Mason ex-  
pressed as favoring the repeal  
of laws. He asked that  
a record.

Johnson resulted over  
Chief Beavers' re-  
peal of the houses. Com-  
missioner Smith declared that  
the report necessary,  
and commending the

### All the Laws.

Johnson declared that  
the state and city books  
should be repealed. "It's  
difficult to enforce them," he

was answered by Com-  
missioner, who said that the  
laws "are better ig-  
nored, excepting in the  
case of prostitution.

Johnson introduced a sub-  
ject that Chief Beavers  
His motion was adopt-

Johnson informed by almost  
all that the enforcement  
of city and state laws  
closing of restaurants  
closing down of power  
and railway systems and  
of soda water fountains.

### Many Members.

Johnson the commission  
made a suggestion by  
he composed detail a squad  
men and detectives to  
"rapidly increasing  
gangs and youthful mem-  
bers of clubs" who con-  
tinue principal streets of  
the vicinity of soda

## POLICE COMMISSIONERS WITNESS BLOODY FIGHT

Mayor Courtland S. Winn and sev-  
eral members of the police commission  
were accidental witnesses to a brief  
but furious gang fight in a Decatur  
street saloon early last night, with  
such effective weapons as beer glasses,  
billiard balls, billiard cues and bottles.

The mayor and police commissioners  
were gathering at police headquarters  
for the regular meeting of the commis-  
sion. About 8 o'clock an excited for-  
eigner ran to the granite steps of the  
station house and shouted very wildly.

A score of police reserves lounging  
about the steps couldn't understand the  
foreigner, but surmised something was  
happening and sprinted behind him as  
he ran up the street toward Piedmont  
avenue.

Following the speeding squad of re-  
serves, the mayor and quite a number  
of the commissioners strolled to the  
Gilded Palace saloon, a few doors up  
the street.

A brief moment after their arrival  
the war within abated, the last beer  
bottles crashed to the floor and there  
was a sound of scurrying feet toward  
the entrance as the frightened gang-  
sters fled.

Sam Venable and Kee McIntyre, two  
valiant warriors, were so badly hurt  
that escape from the police was im-  
possible. Three other participants in  
the battle managed to get away.

## GOV. CARROLL, OF IOWA, NOW TOURING GEORGIA

While on a tour of the country  
studying prison conditions and systems  
of penology, Governor B. T. Carroll, of  
Iowa, accompanied by Judge G. S.  
Robinson, of the supreme court, and  
Dr. M. Bannister, of Iowa, visited At-  
lanta yesterday.

They called on Governor Brown at  
the capitol and their call was return-  
ed later in the day. The party was  
particularly interested in the working  
of Georgia's new convict system of  
road work.

"We have heard a great deal of  
Georgia's fine roads," said Governor  
Carroll, "and we wish to see them and  
investigate the system by which the  
work is done.

"We shall not visit the prison farm,  
perhaps, as we wish to visit as many  
road camps as we can. We desire to  
be able when we return to Iowa to

## FITE ANNOUNCES HE WILL APPEAR

Must Justify References to  
Appeals Court or Be  
Punished.

Unless he justifies his contemptuous  
references to the court of appeals when  
healed before that body on Saturday,  
Judge A. W. Fite, of the Cherokee  
circuit, will be punished for contempt.

Following his first article in The  
Constitution, in which he took the  
court of appeals severely to task for  
a decision rendered by Judge Pottle  
in the McCullough case involving an  
attempted assault upon a white wom-  
an, Judge Fite sent The Constitution  
another article which was published  
Tuesday, saying the court had lost  
its head, and that its decision over-  
ruling him was one of the most dan-  
gerous ever handed down anywhere.

There was some discussion Tuesday  
that Attorney General Felder might  
appear as prosecutor of Judge Fite  
before the court of appeals, but it  
may be stated on excellent authority  
that this course will not be followed.  
It was agreed that serious complica-  
tions might result from such a prece-  
dent of having the state's law officer  
prosecute one state judge before an-  
other state court.

Sheriff P. W. Derrick returned Tues-  
day from Cartersville, after serving  
Judge Fite with the order of the court  
to appear Saturday and make answer  
why he should not be punished for  
contempt. He said Judge Fite an-  
nounced he would appear.

The order was signed by Chief Judge  
Benjamin Hill, Judge R. B. Russell  
and Judge J. R. Pottle. It declares  
that the language of Judge Fite's ar-  
ticle "has a tendency to impede, em-  
barrass and obstruct this court in the  
due administration of justice therein,  
and contains a false and defamatory  
reflection upon the judicial integrity  
of this court."

Should Judge Fite be held guilty of  
contempt he would be punished by a  
fine not to exceed \$500, or imprison-  
ment not to exceed ten days, or both  
penalties.

## GIRL HASTENS WEDDING TO NUDE LED BRANCE

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# STRIKE ON GEORGIA

**JUDGE FITE FOUND GUILTY;  
FINED \$500 OR TEN DAYS  
FOR CONTEMPT OF COURT**

Second Case on Record in  
America or England Where  
Similar Action Has  
Been Taken.

**JUDGE REFUSES TO SAY  
WHETHER HE WILL PAY UP  
OR WILL SERVE IN JAIL**

**Imposing Array of Counsel  
Marked Trial of Case—Ma-  
jesty of Courts Defended  
by Judge Adams in Brilliant  
Speech—Fite Denies Inten-  
tion to Reflect Upon Integ-  
rity of Appeals Court.**

Judge Augustus W. Fite, of Cartersville, for sixteen years judge of the Cherokee circuit, was yesterday declared to be in contempt of the court of appeals of Georgia because of having published a contemptuous, defamatory and libelous article and was sentenced to pay a fine of \$500 or serve ten days in jail.

This is the second case on record in England or America where an inferior court judge has been haled before the bar of a superior court and punished for contempt. The only other case on record was that of Judge Breen, of Ne-

**MUST PAY \$500  
OR GO TO JAIL**



JUDGE A. W. FITE.

**COL. T. C. MILNER**

**DEF. SUDDENLY V**

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court judge has been haled before the bar of a superior court and punished for contempt. The only other case on record was that of Judge Breen, of Nevada, which came up in 1908.

At the conclusion of the hearing Judge Fite declined to make any statement, on the advice of his counsel, and declined to say whether he would pay the fine or choose the alternative ten-day jail sentence. He was given until October 28 to comply with the order of the court.

#### Solicitor General Dies.

Almost simultaneously with the pronouncement of the sentence, Colonel T. C. Milner, of Cartersville, who was in Atlanta in the interest of Judge Fite, dropped dead of heart failure at the Candler building.

A feature of the hearing was the brilliant argument of Judge Samuel B. Adams, of Savannah, urging the importance of instilling into the public mind respect for law and the courts of justice. This speech will endure as one of the most noted forensic utterances in the history of Georgia. Judge Russell, from the bench, expressed the wish that every citizen of Georgia might read it and ponder it carefully. The speech was delivered with admirable composure, but it electrified all in the courtroom.

#### Strong Array of Counsel.

An interesting feature of this sensational case was the array of counsel. Everyone of them was entitled to the prefix "Judge" before his name. By request Judge Samuel B. Adams, of Savannah, and Judge Andrew J. Cobb, former justices of the supreme court of Georgia, aided the court. Judge Fite had the following counsel: Judge Samuel P. Maddox, formerly judge of the Cherokee circuit, the position now filled by Judge Fite; Judge Thomas W. Milner, who also held this position; Judge George F. Gober, formerly judge of the Blue Ridge circuit; Judge J. M. Neal, formerly judge of the city court of Cartersville, and Judge J. H. Wickle, United States commissioner.

Before the decision of the court of appeals was rendered each of the three judges, Judge Ben Hill, Judge J. R. Russell and Judge J. R. Pottle, made separate statements. They insisted that the published communication of Judge Fite was not only contemptuous, but libelous and designed to scandalize the court. In effect, said Judge Pottle, it said to the court, "Recall your decision in this case or the people will recall you."

#### Courtroom Crowded.

This unusual case attracted wide attention and there were a number of judges and lawyers in the courtroom. Scheduled to begin at 10 o'clock, the court was kept waiting for forty minutes by Judge Fite's failure to appear. Upon the statement of counsel, that he

## COL. T. C. MILNER DIES SUDDENLY

### End Comes While Prominent Lawyer Was Waiting for Physician.

Colonel T. C. Milner, solicitor general of the Cherokee circuit, who was in Atlanta in the interest of Judge A. W. Fite in the charge of contempt against him brought by the court of appeals, dropped dead in an office on the tenth floor of the Candler building Saturday afternoon at 5 o'clock. Heart failure was the cause of his death.

Colonel Milner came to Atlanta Saturday morning for the celebrated contempt case which was set for a hearing at the time.

#### Postponed Engagement.

His duties in court prevented his keeping an engagement which he had made with his physician, Dr. Stewart R. Roberts, and which he postponed until the afternoon. Colonel Milner went to the office of Dr. Roberts at 5 o'clock and found that he had been detained on professional business, but was expected in soon. He sat down to wait.

A few minutes later he asked to use the telephone and went from the reception room into the private office. Here he called up Dr. John Wallace, his nephew, and told him he was waiting for Dr. Roberts, as he had not been able to keep his engagement in the morning. This conversation concluded he hung up the receiver and started a search for another number in the book. Before he could find it he was stricken and fell to the floor lifeless.

#### Young Ladies Hear Him Fall.

Two young ladies, including Miss Robertson, the stenographer, heard him fall. Besides themselves there was no one else present, as Dr. Frank K. Boland and Dr. Crenshaw were also cut on professional duties. The young ladies summoned aid, but it was too late, as death had been almost instantaneous.

Colonel Milner was 62 years old and one of the best known lawyers in the state. His home is in Cartersville, where his wife and two sons, James Milner and Arthur Milner, also live. Besides these he is survived by one daughter, Mrs. Arthur Combs, of Atlanta.

The body was removed to the chapel of H. M. Patterson & Son to await completion of funeral arrangements.

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#### Courtroom Crowded.

This unusual case attracted wide attention and there were a number of judges and lawyers in the courtroom. Scheduled to begin at 10 o'clock, the court was kept waiting for forty minutes by Judge Fite's failure to appear. Upon the statement of counsel, that he had taken the morning train and was delayed, the court took a recess until 30 minutes after 11 o'clock.

After the reading of the original communication from Judge Fite which appeared in The Constitution of October 5, his answer was read. In this answer he denied that he had meant to reflect upon the honest purpose or integrity of the court. He sought to explain what he meant by charging the court with "pitiable misconception of the record," with having "reversed the supreme court with great complacency," and with "responsibility for recent lawlessness at Plainville;" and, further, with believing that a twenty years' sentence was too heavy for a negro charged with an attempted assault on the humble wife of a farmer, and, finally, with having said, "No wonder our people are losing faith in some of our reviewing courts."

Judge Cobb then sought to introduce as evidence a later communication from Judge Fite published in The Constitution of October 8. A request for further time to consider this new communication was made by Mr. Miller, but was overruled.

#### Miller Made Opening Argument.

Judge Miller made the opening argument for the respondent, and said that, while the power of courts to deal with cases of contempt was only limited as to the extent of the punishment to be inflicted, courts were as much subject to criticism as any citizen.

Emphasizing the point that the alleged offense occurred outside of the

the telephone and went from the reception room into the private office. Here he called up Dr. John Wallace, his nephew, and told him he was waiting for Dr. Roberts, as he had not been able to keep his engagement in the morning. This conversation concluded he hung up the receiver and started a search for another number in the book. Before he could find it he was stricken and fell to the floor lifeless.

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The body was removed to the chapel of H. M. Patterson & Son to await completion of funeral arrangements.

The body will probably be taken to Cartersville today for funeral and interment.

Coroner Paul Donehoo empaneled a jury following the death of Colonel Milner and a verdict of death from organic heart trouble was returned.

#### Death Shocks Cartersville.

Cartersville, Ga., October 12.—(Special.)—T. C. Milner, solicitor general of Cherokee circuit for two terms, was a member of one of the oldest and most honored families of Georgia. He was a son of Major James Milner, a famous local preacher and citizen of Bartow county.

He was born at Euharlee, this county, in September, 1850. After marriage he went to live in Gordon county, which he represented in the legislature and served two terms with distinction. He defeated Colonel Sam P. Maddox for solicitor of this circuit in an exciting race, and by a majority that proved his popularity. He was recently re-elected without opposition.

Although he was not in robust health, his death was unexpected. Mrs. Milner was prostrated by the news, and is very ill. He was a member of the Presbyterian church and a conservative citizen.

He is survived by his wife, two sons, W. A. and James Milner, of Cartersville, and Mrs. Arthur Combs, of Atlanta. Mrs. Combs was with her mother when news of death came. He has three brothers and three sisters, all living. H. W. Milner, commissioner of Cartersville, is his brother. No funeral arrangements will be announced until arrival of body.

his hand, the long feet back ally rese wife. He rather th once, he smiled.

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## JUDGE FITE FOUND GUILTY

Continued from Page One.

presence of the court, and after the case had been tried, he asked if the court should reach forth its hand and drag before it people accused of criticizing its actions. If the court should go outside in this way, he asked, where would it stop. In the end, he said, such arbitrary actions would break down the power of a free people in a free government, and finally break down the power of the courts.

Judge Adams made the opening argument in behalf of the court. He was formerly a member of the supreme court, and has been a lawyer and judge for forty years, and was formerly president of the Georgia Bar association.

### Earnest Defense of Courts.

Calm, dignified and earnest, his exhortation of Judge Fite was one of the most artistic and impressive speeches in defense of the courts of the state heard in a Georgia courtroom in years. It awakened profound admiration. The comments of auditors was that the warning uttered by Judge Adams would have a fine effect in this day of general and unbridled criticism of courts and judges.

"If the time ever comes," he said, in the course of a splendid peroration, "when the distrust of courts becomes general, then the anarchist will be at our doors, and our civilization will be in deadly peril."

Admitting the constitutional guarantee of free speech and freedom of the press to be binding, he said that even this right had its limitation, but that there was a right way in which judges and courts might be criticized.

"A judge who is reversed may even go into the newspapers and criticize a legal decision in a respectful way. We may question the good taste of it; we may question the propriety of it; but we do not deny the right to do it. Most men would say the dignified course would be to abide by the decision of the tribunal which, under the fundamental law of the state, had the right to reverse him, whatever their reason for so doing."

Judge Adams said it was a case which did not affect the judges personally, but did affect the administration of the laws and, therefore, of vital importance to every citizen. He said in his forty years' service at the bar he had never been called upon to perform a service so important as he considered that upon which he was engaged. Speaking as a Georgian who loved his state and was willing to make sacrifices for her, he said the case under discussion was one of vital importance to the peace and welfare of the commonwealth.

"We sympathize with the liberty of speech and of the press. That is important, and even vitally important. But our fundamental law puts limitation upon both. There is something more important still, and that is the honor and dignity of the courts. If the time ever comes when distrust of

upon the reluctance of the court to take notice of the contemptuous utterances, and said that while they might have personally preferred to let the matter go over, they owed a duty to the court which would not permit of such a course.

### Judge Gober Speaks.

At the afternoon session Judge George F. Gober made a short statement in defense of the respondent. He insisted that Judge Fite had the right to present in the newspapers the facts in the case as he knew them, just as the decision of the appeals court had been presented in the newspapers.

As further proving that Judge Fite was acting within his rights, he said the defendant in the case which provoked the contempt charges was still in the custody of the trial judge, who was not civilly liable for what he did as judge. The case was not one of criminal contempt, but only of constructive contempt, he insisted.

Unpopular decisions were often criticized, as in the case of the Standard Oil decisions by the supreme court of the United States, he said. Often similar criticism had come before the attention of the supreme court of Georgia, but no lawyer or judge was ever disbarred.

Judge Cobb, in replying, maintained that the attack of Judge Fite was a libel upon the individual members of

the court of appeals and upon the due and orderly of the law.

Judges of the court might to overlook the personal a could not overlook the attack court of which they were members.

### Fruitful Source of Law

A fruitful cause of lawns said, was the breaking do minds of the people at lar for the laws and for the to administer the laws.

He dwelt at length upon to race prejudice in connec the attempt to break dow respect. The high position spondent intensified his offer in conclusion.

Mr. Neal concluded the ar behalf of Judge Fite, and latter, in his answer, told w meant by his communicatio not intended to insult the charging bad faith, corrupti of judicial integrity.

### Judge Hill Renders Dec

Judge Hill, in announcin cision of the court, said the given careful consideratio question of its authority to rule, and decided that it h authority. It further refused the alleged constitutional q

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\$65.00

Parlor Suit

\$48.50

This is a cut—an exact cut—of the most value in a Parlor Suit it's ever been our luck to find. Splendidly made, artistically fashioned, sturdy, massive, finely polished and finished with an attention to detail that would be suitable for a suit of twice





The pallbearers will be G. P. Sponeler, J. B. Ramey, B. F. Brown, W. E. Nimmmons, C. D. Crane, W. T. Luckie, S. J. Pate and W. M. Pogue.

# GEN. CABELL UNDER ARREST

Dallas, Tex., February 19.—General W. L. Cabell, commander of the trans-Mississippi department, United Confederate Veterans, was today placed under a bond for \$5,000 in connection with the Honduras lottery matter. The case will come before the federal commissioner March 2 for hearing.

## Mrs. Robinson, Conyers, Ga.

Conyers, Ga., February 19.—(Special.)—Mrs. Sarah Smith Robinson of this place died yesterday morning after a month's illness, in the 80th year of her age. The deceased was the widow of the lamented James Robinson, who died at his home near Rocky Plains in Newton county, long years ago. Mrs. Robinson was a devoted Presbyterian and was noted for her punctuality in attending divine service.

Masonic honors on Wednesday, at 1 o'clock, at Ellijay, Ga.

## Mrs. J. H. Fannin, LaGrange, Ga.

LaGrange, Ga., February 19.—(Special.) The death of Mrs. James H. Fannin, which occurred early Monday morning, was a source of great grief to her many friends in LaGrange and throughout the county.

Mrs. Fannin was the wife of Colonel James H. Fannin, who belongs to one of the oldest and best-known families in the state. Colonel Fannin is well known as a gallant confederate soldier. She leaves her husband, Colonel J. H. Fannin, and the following children: Mrs. Holt, of Montgomery, Ala.; Mr. James Fannin, of San Francisco, Cal.; Mrs. T. S. Whitfield and Mrs. Wilber Coney, of Savannah, and Miss Julia Fannin, of LaGrange. The funeral took place from the residence at 10 o'clock Tuesday morning.

## J. L. Hindman, Douglasville, Ga.

Douglasville, Ga., February 19.—(Special.)—J. L. Hindman, a prominent citizen and Mason, was buried at Ephesus church, in this county, on the 18th instant, by the Douglasville Masonic lodge. Mr. Hindman was a son of the late W. W. Hindman, the first ordinary of Douglas county. He leaves a widow and seven children.

## JUDGE LOSES COAT AND HAT.

Some citizen in Georgia, or elsewhere, is in possession of the overcoat and hat of Judge Richard B. Russell, of the court of appeals, and this popular dignitary is anxious for the return of his wearing apparel. "Plain" Dick Russell, as the Great Comander of Georgia is known to his thousands of friends, will appreciate the forthcoming of his coat and hat at an early date.

Judge Russell's coat and hat disappeared, really through mistake, by an exchange. The other fellow left his coat and hat in Durand's depot restaurant about four nights ago, and went away with those of the judge. It came about in this manner. Judge Russell, while waiting for his train to Lawrenceville, took the opportunity to eat his supper. His back was turned to the rack where hung the articles of wear. The person who got the clothing took the wrong ones. Said Judge Russell last night: "I am able to wear the hat, but the coat is too small. I would like very much to get my things back."

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**THE NEW COCKTAIL**  
A cup of boiling water, a small portion of Liebig Company's Extract of Beef, a dash of salt and pepper, then quaff a delicious beef broth that is appetizing and invigorating. Good for the chilly, wet days, and all days. Keep a jar in your room. Try it when you're tired. Every jar of the genuine

**LIEBIG COMPANY'S Extract of Beef**

bears this exact signature in blue:





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# JUDGE LOGAN BLECKLEY HONORED BY LOCAL BAR

**T**HE Atlanta Bar Association met in Judge Pendleton's courtroom yesterday morning at 9 o'clock, and appointed a committee to stand guard during the day in the rotunda of the capitol at the bier of Judge Logan E. Bleckley, and a motion was passed for the association to reassemble at the capitol to attend the funeral. A committee was appointed to prepare a memorial on the life and works of Judge Bleckley, to be presented at some future meeting of the organization.

The meeting was called to order by Vice President Clifford L. Anderson, who made a very fitting speech upon the death of the late justice. After the completion of the short talk, Captain W. D. Ellis moved that there should be appointed a committee consisting of twelve members, to stand guard at the bier during the day. This was carried by unanimous consent of the members, and Vice President Anderson appointed the following attorneys: A. J. Orme, Victor Smith, E. F. Childress, Winfield Jones, Hugh M. Dorsey, Harry A. Alexander, Leonard Haas, George C. Spence, Lamar Rucker, Alexander T. Meyer, R. B. Blackburn, Hamilton Douglas. Then Morris Brandon made a motion that the association should procure a suitable floral offering, but Alex Myer interrupted, saying this had already been ar-

anged. A committee of twenty-five was appointed, on motion of E. F. Childress, as a special escort, and upon motion of Colonel W. H. Hulsey, it was unanimously voted that the entire bar association should attend in a body.

The members met at 3 o'clock in the courtroom of the superior court, and went from that place to the capitol.

Those present at the meeting in the morning were as follows: Vice President Anderson and Secretary William P. Hill, William T. Newman, Judge John T. Pendleton, Judges Howard B. Van Epps, Judge Rufus T. Dorsey, Judge W. Lowndes Calhoun, Judge Robert L. Rodgers, Judge Walter T. Colquitt, Morris Brandon, Van Astor Batchelor, Captain W. D. Ellis, Burton Smith, Z. D. Harrison, H. M. Patty, Lamar Rucker, John G. Walker, Harry A. Alexander, Alexander A. Meyer, E. T. Williams, Marlon M. Jackson, R. R. Shropshire, Ben J. Conyers, E. F. Childress, Alexander W. Smith, W. S. Thomsno, P. P. Brewster, R. B. Blackburn, Thomas L. Bishop, Hooper Alexander, Hugh M. Dorsey, Charles D. Hill, Lawton Nally, C. P. Thompson, Colonel W. H. Hulsey, Linton C. Hopkins, Alexander C. King, A. J. Orme, Hamilton Douglas, Victor Smith, Winfield P. Jones, R. L. D. McAllister, George C. Spence, Morris Macks, John A. Hunds, J. R. Golighly, Hollins Randolph, Leonard Haas and J. L. M. Kerr.

deep insight, his broad sympathy with and his catholic attitude toward man. For when all is said, he was a man among men, and no man need higher praise.

### Services in Court Room.

At 3:15 o'clock the pallbearers, composed of Luther Z. Rosser, Charles T. Hopkins, Robert C. Alston, John M. Slaton, H. C. Peoples, T. A. Tammond, John D. Little and Reuben Arnold, removed the casket to the supreme court chamber, where the services began shortly after 4 o'clock.

After the reading of the Psalm of Life by Dr. J. L. Lee, Mrs. Sheridan sang

around him. The counties of Rabun and Habersham were not what they would have been had he not lived in them.

Judge Bleckley, he said, often deplored his lack of faith. This was not a lack of faith, but due to the severe mental condition he imposed on belief. He had faith, but he held it up seeking for more light—he could not see his way clear to any faith until he had taken time to clear up mental difficulties.

His grasp of fundamental righteousness was so strong that he would have gone to the stake rather than violate a principle. His sense of duty to coun-

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e Bleckley was of all things a is man and belonged to that which concerned itself more vng so as to conform to the the sources of living than any church.

an like Judge Bleckley must wake up in a better, brighter Dr. Lee then read a poem on written by Judge Bleckley, appears elsewhere.

services were concluded with the nging "Abide With Me."

**Services at Cemetery.**  
wing the services at the capi- funeral cortege was formed and w march to the cemetery began. oop of mounted police preced- t ral car, which was follow- a ges containing members of nally, the pallbearers, the guard or and the honorary escort and honorary escort was composed following:

iel B. Adams, George T. Cann,

Anderson, F. C. Aubignon, R. I. Dorsey, W. T. Westmoreland, Atlanta; W. D. Ellis, Atlanta, Ga.; C. D. Hill, Atlanta, Ga.; W. R. Hammond, Atlanta, Ga.; George Hillier, Atlanta, Ga.; W. H. Hulsey, Atlanta, Ga.; R. G. Mitchell, Thomasville, Ga.; W. H. Griffin, Valdosta, Ga.; J. G. McColl, Quitman, Ga.; W. M. Hammond, Thomasville, Ga.; J. H. Mer- rill, Thomasville, Ga.; Z. A. Littlejohn, Americus, Ga.; Allen Fort, Americus; Eugene A. Hawkins, Americus; R. L. Greer, Montezuma; L. S. Roan, Fairburn; John S. Candler, Decatur, Hooper Alex- ander, Decatur; Price Edwards, Buch- anan; W. H. Bunn, Cedartown; J. A. Blance, Cedartown; Charles H. Brand, Athens; A. S. Erwin, Athens; E. K. Lumpkin, Athens; Howell Cobb, Athens; Sylvanus Morris, Athens; W. E. Simmons, Lawrenceville; H. D. McDaniel, Monroe; H. P. Bell, Cumming; Joseph H. Terrell, Atlanta; Philip Cook, Atlanta; John C. Hart, Atlanta; William A. Wright, At- lanta; R. E. Park, Atlanta; T. G. Hud- son, Atlanta; Thomas Eason, Atlanta; C. J. Welborn, Atlanta; W. S. Yates, Atlanta; O. B. Stevens, Atlanta; Warner Hill, Atlanta; Joseph M. Brown, Atlanta; J. W. Lindsay, Atlanta.

The justices of the supreme court: Wil- liam H. Fish, Andrew J. Cobb, Beverly D. Evans, Joseph H. Lumpkin, Marcus W. Beck and Samuel C. Atkinson.

The judges of the court of appeals: B. H. Hill, Richard B. Russell and Arthur G. Powell, and the officers of both courts, Z. D. Harrison, W. E. Talley, James W. Vaughn, J. H. Pittman, George W. Ste- vens and John M. Graham.

The services at the grave were brief, and consisted of the reading of the sol- emn funeral service and a short prayer.

**Tribute to Judge Bleckley.**  
Sylvester, Ga., March 7.—(Special.)— City court of Sylvester adjourned today out of respect to the death of Judge Bleckley after passing appropriate reso- luti introduced by Judge Julian Wil- liamson and seconded by several mem- bers of the bar.

**\$50,000 FIRE AT DELHI, LA.**  
**Five Buildings Burned, and Three Dynamited to Save Town.**  
Delhi, La., March 7.—Fiv of the prin- cipal buildings of Delhi were burned to the ground, and three others were com- pletely demolished, with dynamite during

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on was brought here today by J. A. Vinzant, of Jacksonville, well resisted it on the ground that he had been in the habit of passing on the same Boston firm and that all his drafts had honored up to this time. Governorrell said he could not entertain defense as that, as it would have passed on by the court, and Blackwell turned over to the agent. Blackwell's wife was at the hearing. Vinzant claims several other warrants for well on the same charge.

Following the action of the government granting the requisition Blackwell through his attorneys, Humphreys, instituted habeas proceedings in the superior before Judge Pendleton.

**Offices to Be Separated.**

authoritatively announced that B. Hoyle, who did valiant work as campaign headquarters of Governor Hoke Smith while the campaign was on, will be appointed his secretary immediately following inauguration.

Hoyle will be simply private secretary to Governor Smith, and will have the additional title and duties of military secretary, as has heretofore been the custom with private secretaries to the governor.

Smith has stated to friends that it is not determined as yet whether he will have any military secretary at all. If he does it is his purpose to have the two offices, or positions, separate instead of combining them in the governor's secretary as has heretofore been the custom.

**Will Johnson's Appeal.**

When capital cases will come before the supreme court for review on March 18, and in each of these Atlanta cases General John C. Hart will appear for the state. Among them is the case of Will Johnson, the negro who was convicted in Fulton superior court for an assault upon Mrs. Georgia Johnson and sentenced to be hanged. Johnson is relying for a new trial on evidence to the effect that he was drunk all day on the day the crime was committed. The crime is said to have been committed between 6 and 7

Columbus, Ga., March 7.—(Special.)—Columbus has spoken for six of the eight Scottish immigrants who sailed from Scotland recently and are expected to arrive in Savannah in a few days. Chairman J. A. Betjeman, of the Georgia Immigration Association, wired F. B. Gordon, of Columbus, director in the association, of the fact that this group of immigrants was en route to America and asked if inducements would be offered for them to locate in Columbus. Mr. Gordon notified local business men of the situation and application has already been made for six of the group. The application is for the employment of the following: A machinist, a baker, a cooper and three clerks, who are bookkeepers and accountants.

**Logan E. Bleckley.**

Great was his ken of questions, gnarled and bent;  
Great was his knowledge of the hearts of men:  
Childhood and age, the shrewd, the innocent—  
Were in him mingled in one glorious blend.

The seer's deep learning, and the poet's fire,  
The stoic's calmness, and the patriot's zeal,  
The soldier's drum-call, and the lover's lyre—  
Each lured his heart to list to their appeal.

The winds which mourn above his mountain home,  
The waves which sob along the far-flung shore,  
The rains which beat upon the mighty dome  
Neath which his genius shone in days of yore—

These tell their tales, with deep-drawn sob and tear:  
But more than these—the heart of Georgia weeps  
Above the flower-strewn, love-draped bier  
Where fame-crowned Logan Bleckley sleeps.

O. G. COX.

Atlanta, Ga., March 7.

**Nashville Fears Water Famine.**

Nashville, Tenn., March 7.—There is danger of a water famine...

Tammond, John D. Little and Reuben Arnold, removed the casket to the supreme court chamber, where the services began shortly after 4 o'clock.

After the reading of the Psalm of Life by Dr. J. L. Lee, Mrs. Sheridan sang most beautifully a solo, "A Little While." Her deeply sympathetic contralto voice was never more effective, and when she had concluded there were tears in the eyes of many.

Judge Cobb delivered an eloquent prayer, in which he returned thanks for so shining an example of all that a man should be. Judge Bleckley's conduct under all circumstances had been of an ideal type—the very embodiment of honesty and purity. His nobility of character had left a lasting impression on the profession he had graced and ennobled. His life would be a lasting example to all magistrates who followed him, and was such as to impress people of all classes and conditions. Sympathy and tenderness was invoked for the sorrow of the widow and children and relatives.

At the conclusion of Judge Cobb's prayer "Lead, Kindly Light" was sung by the quartet composed of Mrs. Charles A. Shelton, Mrs. Arthur Creviston, P. D. Amour and H. C. Hubbard.

**Dr. Lee's Tribute.**

Dr. J. W. Lee prefaced his tribute to the dead by telling of two interviews he had had with Judge Bleckley, the last one a few months ago when they were on the train together. The subject of this latter interview had been the nature and meaning of religion. In this brief talk Judge Bleckley, in his deep thirst for knowledge, had proved himself essential "a citizen of all eternity." Every man, said the speaker, unconsciously reveals to those with him he associates the whereabouts of his mental abode. It is impossible to keep from making known where our hearts are. Judge Bleckley was a great man, walking with men as other men, but the continent of unseen principles was of greater interest to him than all things of earth.

He was a man who kept his personally sweet and attractive by constant association with unseen realities. His mind was ever in the higher altitudes, and in coming down to earth he left something of the quality of his spirit

his way clear to any faith until he had taken time to clear up mental difficulties.

His grasp of fundamental righteousness was so strong that he would have gone to the stake rather than violate a principle. His sense of duty to country and kind was powerful, and the life he lived could not have been more beautiful had he lived the life of a saint.

Dr. Lee said he never could agree with Judge Bleckley concerning the question of faith. He thought he really possessed more than most men.

He had simply never formed for himself such a working conception of God as he demanded.

Judge Bleckley was of all things a religious man and belonged to that church which concerned itself more with living so as to conform to the laws of the sources of living than any other church.

A man like Judge Bleckley must surely wake up in a better, brighter world. Dr. Lee then read a poem on "faith" written by Judge Bleckley, which appears elsewhere.

The services were concluded with the choir singing "Abide With Me."

**Services at Cemetery.**

Following the services at the capitol the funeral cortege was formed and the slow march to the cemetery began. A platoon of mounted police preceded the funeral car, which was followed by carriages containing members of the family, the pallbearers, the guard of honor and the honorary escort and friends.

The honorary escort was composed of the following:

- Samuel B. Adams, George T. Cann, Walter Charlton, George W. Owens, H. C. Cunningham, Joseph A. Cronk, Peter Melgrim, Savannah; E. J. Reagan, McDonough; T. B. Cabaniss, Forsyth; Emory Speer, W. H. Felton, A. O. Bacon, A. L. Miller, Gerry Cabaniss, Orville A. Park, John I. Hall, Joseph H. Hall, N. E. Harris, Macon; Charles L. Bartlett, Macon; H. A. Matthews, Perry; William A. Little, Columbus, Ga.; H. R. Goetchins, Columbus, Ga.; Samuel B. Goetchius, Columbus, Ga.; C. E. Battle, Columbus, Ga.; A. P. Pearsons, Talbotton, Ga.; J. B. Burnside, Hamilton, Ga.; L. F. Garrard, Columbus, Ga.; John W. Aiken, Cartersville, Ga.; A. W. Flite, Cartersville, Ga.; I. E. Shumate, Dalton, Ga.; R. J. McCamy, Dalton, Ga.; W. R.

H. Atl Ha lan son C. Atl. Hill J. T. lian D. W. T. H. Pov Z: l Vau vent Tl and emn Sy City out Blec luti liam bers \$50 Fivo De cipa: the plete a fir mite from desti and Tele aged S Man Bl Dy: muct stom thing

loved Judge Bleckley and had drunk deep draughts of wisdom from his inexhaustible fount of legal lore. On the bench were seated Governor Terrell, Dr. J. W. Lee and members of the supreme and appellate court.

The dignity of death its mystery, its majesty—was felt by all. The mute form of the dead man, here for the last time in the courts of men with whom he had come in daily contact, eloquently bespoke a lost lesson—the lesson of the mutability of man and the evanescence of all things wrought by the hand of man. There was the frail, inept frame of a man in the courts of men. It spoke not, it heard not, it saw not; for the soul of the man was with the highest of all high courts and the verdict had been: "Well done thou good and faithful servant."

The words of men who sought to do honor to the dead were but shadowy reflections of the thoughts which surged in their brains. Only the tears of loved ones were eloquent.

#### Corridors Were Silent.

All day long the wide corridors and the shadowed niches of the state capitol were silent save for the muffled echoes of softened footsteps as they reverently approached the bier to gaze for the last time on the pallid brow of Georgia's illustrious son. The ship of state had paused for a time to pay tribute to her vanished Captain who had crossed the bar.

On either side of the casket, heavily embanked with odorous flowers, stood members of the guard of honor appointed by the Atlanta Bar Association. They were A. J. Orme, Victor Smith, E. F. Childress, Winfield Jones, H. M. Dorsey, H. A. Alexander, Leonard Haas, George Spence, Lamar Rucker, A. A. Meyer, R. B. Blackburn and Hamilton Douglas.

All during the morning hours thousands viewed the peaceful face of the departed. Old age with its white hair and frail, tattering form touched elbows with youth just entering upon life's threshold. There was a oneness in grief, in reverence. In the corridors above, or in the secluded corners of the building old men who will soon join their comrade, spoke of him in whispered words. The fund of anecdotes, each tinged with some deft touch of human interest, seemed inexhaustible. Each served to illumine Judge Bleckley's chief characteristic—his

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