

SUPREME BENCH

Taft's Choice Was Once Turned Down by Theodore Roosevelt

A "TRUST" JUDGE

He Was Called "Private Car Lurton," and the Sobriquet Sticks. Something About the Prospective Bulwark of Our Liberties in These United States.

"I came here to see what kind of a reputation his neighbors give to Judge Horace H. Lurton, who has been picked by President Taft to succeed Justice Peckham on the United States supreme court," said Gilson Gardner, in Nashville, Tenn., a few days ago.

"The railroads and the corporations of Tennessee will be satisfied with Judge Lurton's appointment," said the first man I asked. "He has served them here in Tennessee so long and faithfully, and they will be glad to see him promoted to the larger field."

"I asked what evidence there was of friendliness between Judge Lurton and the railroads. The familiar designation, 'Private Car Lurton,' the lawyer answered. 'I suppose you've heard what everybody knows about Judge Lurton's habitual use of private cars furnished by the railroads. Up to the passage of the Hepburn law, Judge Lurton scarcely moved without the private car.'

"True enough, everywhere I went I found tales of Lurton's private cars. Not for business merely did he use them, but he gave private car parties. Once he took a party of young friends, men and women through the West, including a visit to the Yellowstone. On such occasions the railroads furnished not only the cars, but the chef, the provisions and all the little extras that go to make a junket of this sort complete."

"It should be understood that the expenses of these cars were born by railroads which were actual or potential litigants in his court. A one time, I am informed, there was a receivership which brought the management of a railway into Judge Lurton's court, and the judge stymie by indicated to the receiver his desire to have a private car. The receiver naturally obeyed."

"Neither Judge Lurton nor his friends ever have denied his frequent habitual use of private cars. Nor have they tried to justify it. He was talking to a grizzled corporate lawyer who was most friendly to the judge."

"I don't think that story should be brought up at this time," said the lawyer. "Judge Lurton has reformed and seen the error of his ways. Why not forget the past?"

"He went on to say that this private car affair had already lost the judge a promotion to the supreme court."

"It was President Roosevelt's purpose to appoint Judge Lurton to succeed Justice Brown," the lawyer said. "Judge Taft who was then secretary of war, was pressing Lurton's name. But Roosevelt got the story of Judge Lurton's use of private cars, and he dropped that name from his list."

"President Taft and Judge Lurton were on the bench together. A one time the court was made up of Taft, Lurton and Day, the latter being Mr. Justice Day, of the United States supreme court. The district included Michigan, Ohio, Kentucky and Tennessee. Judge Lurton owed his appointment to President Cleveland."

"A leading member of the Nashville bar and himself a corporate lawyer John J. Vertrees. What he had to say of Judge Lurton takes on added significance from the fact that he is personally and professionally the judge's friend."

"In these days," said Mr. Vertrees, "judges and lawyers are to be classified under two heads: those who place the emphasis on property rights, and those who place the emphasis on personal rights. The former class belongs Judge Lurton."

The attorney went on to argue that this position is the correct one and that stability of property should be made paramount. I talked with lawyers in Cincinnati and Memphis and found nothing to contradict the impression as to Lurton's corporate and railway leanings.

"If Judge Lurton has ever decided a motion or a case in a wasteful way to the Louisville and Nashville railroad," said a Memphis attorney. "I have never heard of the case," and he added: "This may mean that the L. & N. road is always right; but if that is what it means it is singular to say the least."

"Judge Lurton's pro-railroad and pro-corporation record covers a period of about 30 years. It began when the firm was Lurton & Smith and he was local attorney for the L. & N. It is made up on many learned decisions, well written and fully buttressed by hoary precedent, and all tending to the weakening of personal and the strengthening of property rights. They have contributed to the defeat of personal injury claims against railroads and to the breaking down of federal anti-State regulation of corporations."

"And to this end Judge Lurton has worked with ability. He is a scholarly man of industrious habits and no small vices."

"He can write an unsound opinion," said one lawyer, "and make it sound like music on the water."

CHANGE OF POLICY

SOUTHERN NEGRO OFFICE-HOLDERS SLATED TO GO.

President Taft to Appoint Negroes to Office in the North, Instead of in the South.

"That President Taft is going to appoint Northern negroes to office rather than Southern ones is the information which has been pretty thoroughly discussed among the politicians of Washington and elsewhere since Booker Washington was there last week," says the Washington correspondent of The News and Courier.

As the result of this policy it is expected that the negroes in the South who are holding important offices will, as their terms expire, be displaced for the most part by whites, and in turn recognition will be given to colored men in the North. The list of colored men holding important offices in the South under the federal government includes the following:

Robert Smalls, collector of customs at Beaufort, S. C.; Henry A. Tucker, collector of internal revenue at Atlanta, Ga.; Joseph Lee, collector of internal revenue at Jacksonville, Fla.; Nathan H. Alexander, register of the land office at Montgomery, Ala.; Thomas V. McAllister, receiver of public moneys at Jackson, Miss.; Walter L. Cohen, register of the land office at New Orleans; Alexander B. Kennedy, receiver of public moneys at New Orleans; John E. Bush, receiver of public moneys at Little Rock.

The course the President will take in the matter of appointing colored men is likely to be illustrated in the election of a successor to W. T. Vernon, register of the treasury. Looker T. Washington and other colored leaders have given their support to J. C. Naples, of Nashville or the place, but it appears that the President will probably select a colored man from the North.

Washington was in Washington a few days ago, and it is said that he retorted when he learned that neither Vernon nor Ralph Tyler, the latter an auditor for the navy department, were to be ousted. Neither of these pull with Washington.

SIXTY KILLED LAST YEAR.

Railroads Submit Report to Railroad Commission.

Sixty-seven people were killed and 58 injured on the railroads of the late during the past fiscal year, according to the annual report of the twenty-five companies received by the railroad commission. It is shown in the last annual report of the commission that 57 were killed and 1,877 injured. It will be seen that the number killed on the railroads has been increased by ten, while the number of injured was by several hundred. The fiscal year ended on June 30. The commission is now compiling the statistical part of its annual report.

Sailors Lost.

Hope of finding the five "Jackies" of the gunboat Marietta off Port Linton, who were driven to sea in a helpless whaleboat on Friday night as been abandoned.

Lurton was eloquently silent. That a remembered by lawyers as the one who overruled the United States supreme court. The facts were these: One Kelly had sued a railroad for damages to compensate personal injuries resulting from the failure of the road to furnish safety appliances required by the so-called ouper law. Judge Lurton protected the railroad by reading into the law the necessity for due diligence, meantime the same sort of case went from Arkansas to the United States supreme court and the latter knocked out the "due diligence" defense. Kelly applied to Lurton for rehearing. "Denied," ruled the court. "No opinion," that was all. Then the supreme court has intervened and taken the Kelly case from Lurton's court.

"Judge Lurton, as a member of the United States circuit court of appeals, found technical grounds for declaring the employers' liability act unconstitutional. In the application of J. K. Keen for an injunction against voting certain railway stocks, Judge Lurton found the Sherman anti-trust law not to be binding upon him or his railroads, much to the satisfaction of E. H. Harriman, whose consolidation program was thus made easy."

"As far back as the early '70s Judge Lurton was known as a partisan of the corporations as against the people, defending the claims of turnpike and early railway companies to the subsidies voted them by the State before the war."

"It is recalled that when he was a member of the chancellors court he read a paper before the Bar association arguing the entire sufficiency of the courts to curb trusts monopolies, and deprecating legislation of this character."

"Another paper was read a few years ago is devoted to an elaborate defense of corporations generally."

"Judge Lurton was born in Clarksville, Ky., but was brought, as a boy, to Tennessee. He graduated from the Lebanon School of Law, the oldest institution of its sort in Tennessee. After about four years as judge of the chancellors court he was elected to the State supreme court bench, where he served two years. He was appointed to the federal court in 1893. His residence is in Nashville. He has two children, both grown, and living away from home."

A FISHY YARN

Claim That They Manufactured Cook's Observations

COCK AND BULL STORY

Two Men Give the New York Times Statements That They Were Bribed by the Explorer to Help Him Fix Up Data to Fool the Public.

The New York Times prints the remarkable narrative of two men made under oath, declaring that they were employed by Dr. Frederick A. Cook to fabricate astronomical observations for submission to the University of Copenhagen, which is about to pass upon Dr. Cook's assertion that he discovered the North Pole on April 21, 1908. These men are George H. Dunkle, an insurance broker, of 81 Nassau street, New York, and Capt. August Wede, a sea captain, of 437 Third street, Brooklyn.

For their labors they were to have received jointly from Dr. Cook \$4,000 with an additional bonus of \$500 to Capt. Loese upon the acceptance of the records by the University of Copenhagen. They say that Dr. Cook had paid them only \$200 when he disappeared on the eve of the dispatch of his "records" to Copenhagen two weeks ago and his failure to pay them remaining due them they freshly acknowledge to be their motive for coming forward with the story.

Accompanying these narratives will appear copies of the affidavits of Capt. Loese and Dunkle affirming their accuracy, facsimile of Dr. Cook's instructions to Capt. Loese in Cook's handwriting, in possession of the Times and the affidavits of Capt. Loese swearing to the accuracy of the same. The translation of this memoranda by Dr. Cook is as follows:

"Svartveag, start March 17-18; strong wind—haze."
"March 30—Observations latitude and longitude; daily observations to April 23."

The Times also prints the following list under the heading, "What Capt. Loese Says He Supplied to Dr. Cook."
1. Twenty-four altitudes for latitude sights.
2. One chart covering route from Svartveag to the Pole, with all of Dr. Cook's assumed positions marked upon it.
3. Complete observations for time and chronometer rate, as they might have been taken by stars at Anorakt and Svartveag, probably 30 in all.
4. Diagram for compass error and correction at different points.
5. Calculations for longitude, about 20 in all.
6. Sixteen observations as they could have been taken at the North Pole, in two sets, eight with depression of Pole considered and eight with depression ignored.
7. Bowditch's complete national tables.
8. Anfinson's tables for correction of altitudes of heavenly bodies.
9. American nautical almanac for several years.
10. Lloyd's calendar of 1908.
11. Three admiralty charts, covering Smith sound and the polar regions. Nos. 949, 274 and 375.
12. One Bliss almanac of 1908.
13. One Negus almanac, 1907.

The Times has followed the steps described by these two men and has verified their goings and comings, their purchases of books and charts and the fact of their intimate relations with Dr. Cook. Whether the "observations" calculated by Capt. Loese and supplied as he alleges, to Dr. Cook, were adopted by the latter and made a part of his report to the University of Copenhagen, it is, of course, impossible to say, without a comparison of Capt. Loese's narrative with that report. The Times has communicated to the University of Copenhagen the main facts of Capt. Loese's story and Mr. Dunkle's and offered to supply to the university the corroborative documents it has received from these two men. One of these purports to be Dr. Cook's memorandum directing the preparation of observations from Svartveag all the way to the pole.

In the narrative of Capt. Loese he frankly expresses his scorn of Dr. Cook's claims, laughs at his ignorance of the simplest essentials for accurate observations in the Arctic regions and describes at length how, working backward from the pole, he calculated observations that would fit in with Cook's narrative and coached him on the necessary modifications of the latter. As, for example, that he must be sure to record that he rose before 4:15 o'clock on a certain morning, because it was at that hour that a certain star, mentioned in one of Loese's calculations, would be visible. Mr. Dunkle describes the deception of the enterprise; how from newspapers they gathered that Dr. Cook was in deep water and inferred that he would be glad to pay for help; how Dunkle got John R. Bradley, Cook's backer, to introduce him; how the subject was led up to delicately and the bargain finally struck and carried out, and how, at last, Dr. Cook disappeared, after accepting their work and paying only \$250 for it.

Both Capt. Loese and Mr. Dunkle tell of a visit to the shop of John Giles & Co., at 128 Front street, a few days after the captain's talk with the explorer at the Waldorf and of purchasing for Dr. Cook various nautical and astronomical works, besides three charts of Smith sound and the polar regions. Robert Flight, who sold the books and

charts, told a reporter of The Times that he recalled the visit and that the purchases were made as described. The charts sold, Mr. Flight said, were numbered 280, 274 and 275, and recalled having asked him when the charts were bought if the captain intended going to the North Pole.

"And from what I have known of the captain's experience as a navigator and his acquaintance with everything pertaining to observations," said Mr. Flight, "I would bet that if any one could find his way to the pole, Capt. Loese is that man."

Capt. Loese, in his statement, says he stayed at the Gramatan hotel from November 16 to November 19, working out observations for Dr. Cook, and that he and the doctor had frequent conferences. Mr. Dunkle went with him on November 16, leaving the next day. He and the captain had connecting rooms, Nos. 128 and 128. Mr. Dunkle registered for them. The hotel register shows the arrival on November 16 of George H. Dunkle and "Andrew H. Lewis," the fictitious name agreed upon for Capt. Loese. They were assigned to rooms 128 and 128.

Capt. Loese says he remained secluded in his room during his stay at the hotel so as to run no chance of having the doctor found out. All the time he worked hard on polar calculations, giving them to Dr. Cook as they were completed.

On the last day of his stay at the hotel, Capt. Loese says he gave Dr. Cook the final set of observations he had made for him and the doctor thanked him profusely, declaring that he now felt confident that his "records" would be accepted at Copenhagen.

Capt. Loese was born at Bergen, Norway, on March 17, 1869, and in his younger days worked as an assistant to his father, who has long been connected with the coast survey of Norway. Capt. Loese studied at the Navigation college of Bergen and was graduated in 1891 with highest honors. He has been in command of many sea going vessels.

Lewis Nixon, the ship builder, who coaches for Capt. Loese's competence as a navigator, put the captain in command of the torpedo boat Gregory, built for the Russian government, when it was taken from the ship yards in these waters across the ocean. Mr. Nixon declares that Capt. Loese is, in his estimate, one of the "most competent, efficient and accurate of navigators."

BACK TO EUROPE.

The Usual Christmas Rush to the Old Countries.

A dispatch from St. John, N. B., says the existing state of prosperity throughout Canada is reflected in the unprecedented rush of passengers to Europe to spend the Christmas holidays. Never before have the steamship bookings been so heavy at this time of the year. The Allard liner Victorian, which sailed a few days ago, carried her full complement of passengers, and the same is true of the C. P. R. steamship Lake Manitoba, which will depart for the other side soon.

The majority of those going for the holidays will remain until spring. Many of them are persons well to do, who are in the habit of going to Europe every year or so. Countless others, however, are of the working classes and have put by enough savings the past year to enable them to enjoy a holiday in the old country and to take back substantial presents to the folks at home. Under present conditions they do not hesitate to give up their employment for three or four months, feeling confident that they will have no difficulty in getting work upon their return in the spring.

STOPS TRAIN TO BATHE.

Singer Disregarded Schedule on Harriman Railroad.

A dispatch from El Paso, Tex., says Fritz Scheff stopped one of Mrs. E. H. Harriman's passenger trains in the heart of the Arizona desert while she took a bath. The train was running fast and rocking a good deal, so that when Miss Scheff attempted to take her morning ablution the water insisted on hitting the ceiling of her private car. This was too much. The conductor was notified and stopped his train on the first siding, which happened to be Stein's Pass. He telegraphed to the dispatcher that he would have to have new running orders, as Miss Scheff insisted on remaining there until her bath was finished. The order was complied with, as Miss Scheff was paying for the train.

FATAL SHOOTING SCRAPE.

A Lawyer Shoots Down Town Marshal of Byron, Ga.

At Byron, Ga., on Wednesday C. E. Bateman, town marshal, was fatally injured by A. T. Harper, a lawyer, in a duel with pistols on the principal street of the town. Bateman charged that Harper had destroyed the happiness of his home and attacked the latter with a heavy walking cane. Harper pulled his pistol and fired five shots, two of which took effect. Bateman drew his pistol as he fell and fired upon Harper, but Harper was not injured. Bateman was rushed to a Mason hospital, where the statement was given out that his injuries were fatal.

Historic Tree Felled.

The historic Washington oak tree at Bloomfield, N. J., under which Gen. Washington and his staff held a council of war on their way to Morristown, has been felled and is being cut up into fire wood. The local authorities found it impossible to save the tree after it had been repeatedly subfelled.

Women Carry Pistols.

Women of Aurora, Ill., who have to be on the streets after dark with out escorts, are carrying small revolvers tucked in muffles as a means of protection against the notorious "Jack the Flasher," who made vicious attacks on five women recently.

AWFUL CRIME

Negro Slays Two Women and Fatally Wounds Third.

AXE THE WEAPON USED

Mrs. Eliza Gribble and Mrs. Carrie Ohlander, Who Was Criminally Assailed Before Being Killed and Mrs. Maggie Hunter, Victims of Terrible Tragedy in Savannah.

Victims of a revolting crime, Mrs. Eliza Gribble, aged 70 years, and her daughter, Mrs. Carrie Ohlander, were found dead in their home, No. 401 Perry street, West, in Savannah, Ga., Friday, while a third woman, Mrs. Maggie Hunter, aged 32, found just inside the front door of the house is at the Savannah hospital dying.

Physicians state that Mrs. Ohlander was the victim of a criminal assault just before she was killed. One hundred and fifty negro men, caught in the meshes of the police dragnet through Yamacraw, the negro section of the city, are prisoners in the police station, the theory of the police being that a negro man, having planned an assault upon Mrs. Ohlander, was compelled to commit the other crimes in order to escape.

Other arrests will be made until every negro in the city who in any way resembles the description of the negro who during three days has been frequently about the premises of the house of the murders is a prisoner.

The police believe that this negro using an axe taken from the woodshed in the rear of the Gribble home beat Mrs. Gribble to death, struck Mrs. Ohlander and after assaulting Mrs. Ohlander in the wide, long hall way, where the bodies were found, finished his terrible work by seating in her skull with the weapon.

Mrs. Gribble evidently was attacked from behind, as she sat in an easy chair reading. On the floor, beside her body, were found the newspaper she was reading and her spectacles. One, or possibly two, blows were dealt her. Her grey hair, blood matted, shows the imprint of the blunt axe.

Then the murder stealthily approached Mrs. Gribble, killed her. It is believed that Mrs. Ohlander was attacked as she left her room to enter the hall way, was assaulted and killed. Mrs. Hunter's skull was crushed in and her death is a matter of but a few hours.

The motley horde of prisoners are quiet and frightened in the police station and jail. It is believed that if the negro suspected of the crime caught he can be quickly identified.

Bloodhounds have been at work in an effort to take the trail from the woodshed where the axe was found by the murderer, but a house of murders is almost within the heart of the city and the murders were probably committed several hours before the discovery of the bodies, the dogs will be of little use.

Mayor Tiedeman, of Savannah, has offered a reward of \$1,000 for the capture with evidence to convict the slayer of Mrs. Gribble and Mrs. Ohlander, and the assailant of Mrs. Maggie Hunter, who was not identified for hours after the discovery of the murders.

It is now almost certainly known that a negro, the negro who was a first suspected is the guilty man. Persons have been found who state that this negro was seen entering the Gribble house with the fatal axe in his hand, and was seen closing the shutters to the windows of the house, and to leave the premises, all at the hour when it is believed the murders were committed.

This negro's description has been printed on handbills and scattered broadcast over the city and county with the reward offered, and all nearby towns have been notified are on the lookout. Police officers in automobiles have covered all the roads for miles surrounding the city while posers on foot have scoured the places where automobiles could not go. The house-to-house search of negro homes continues. It seems hardly possible that the negro could remain at large.

BOY STRANGLER TO DEATH.

Spartanburg Lad Accidentally Hang Himself in Bath Room.

William Pendleton, aged 9 years a son of the Rev. W. H. K. Pendleton, rector of the Church of the Advent, was found dead in the bath room at his home a few mornings ago in Spartanburg, S. C. He evidently had been dead for some time. The boy went into the bath room to brush his hair, mounted a chair which tilted and his shirt waist collar caught on a hook on the door and he was strangled to death before assistance could reach him. He was found by the Japanese servant who found him hanging with his back to the wall, and his feet about two inches above the floor. Mr. and Mrs. Pendleton were in the city at the time doing their Christmas shopping and had purchased presents for the lad.

Woman Burglar.

Declaring the loss of her position to be on the streets after dark with out escorts, a woman carrying small revolvers tucked in muffles as a means of protection against the notorious "Jack the Flasher," who made vicious attacks on five women recently.

GAS TANK EXPLODES

DEALING DEATH AND DESTRUCTION TO MANY PEOPLE.

Large Number of Workmen, Blown High in the Air, Disappear in Columns of Flame.

A dispatch from Hamburg, Germany, says the explosion of two gas tanks in the so-called "Klein's Gasbrook," on the Elbe front Wednesday afternoon was followed by an extensive fire and the loss of many lives. The explosion was due to a leak in a new gasometer. The escaping gas entered the retort house, where it came in contact with the fire, causing a terrific explosion. A large number of workmen were engaged in rebuilding and enlarging the plant. Twenty-five of the men were employed near the gasometer. They disappeared in a mass of flames which shot up to a great height.

Firemen with apparatus appeared quickly on the scene but they were unable to approach in large force, owing to the isolated situation of the establishment. Up to a late hour 10 men are reported dead and 17 missing. It is almost certain that all of these are dead. Forty men were dangerously injured, of whom several can not recover.

The fire gained rapid headway and threatened the old gasometer containing 50,000 cubic metres. So intense was the heat and so dangerous their position, the firemen were compelled to withdraw to a safe distance. A terrific explosion soon occurred and the tower became a mass of flames, which leaped hundreds of feet in the air, sending fragments of glowing coke far and wide over the city and harbor.

After strenuous efforts, the fire was got under control and the rescue work was carried on vigorously. There is little hope of finding the bodies of the missing if they have been killed, as they undoubtedly have been incinerated.

The new gasometer which exploded was the largest in the world, having a capacity of 200,000 cubic metres. The city appropriated 14,000,000 marks (\$3,500,000) for its construction.

FOOLKILLER NEEDED.

He Should Gather In These Two Fellows or Quit.

One of the most unique pairs of globe trotters that have yet come under public notice will soon be seen in America, having engaged passage on a ship sailing for New York from England next week. The two Italians and they are traveling around the world in a barrel.

Their names are Vincello Eugenio Zanadi Attillus, and for a wage of \$7,000 they are endeavoring to circle the globe in a barrel three and a half feet in diameter. They take turns, one man rolling the barrel while the other sits inside. The conditions are that they must get their food and clothing by selling postcards in the towns through which they pass. They began their journey in Vienna last June. The time they occupied in the attempt is 1 1/2 years.

DOUBLY MARRIED.

Couple Claiming to be Man and Wife Wedded Again.

Gaffney had a novelty in the marriage line recently. Miss Annie Kirksey, of Gastonia, N. C., alighted from the train at Gaffney Sunday morning and announced that she had just been made man and wife; but shortly after their arrival the chief of police received a message from the parents of the young lady to the effect that the couple were not married and to arrest them. He had informed the officers that they could be married again after securing the services of Mr. H. M. Robbins, notary public, were soiled up tight and fast.

Refused to be Hazed.

When several telegraph messengers gathered around Ralph Heald, a new recruit to the Atlanta Terminal station late Wednesday morning to "initiate" him he turned on them with an open knife. Ralph Buice, aged 15, was stabbed young Henderson through the left lung, probably fatally. Henderson is held in the city jail pending the result of Buice's injuries.

Fatal Snow Storm.

Blinding clouds of snow, accompanied by lower temperature and 15 miles an hour wind, swept over Chicago and the surrounding territory Wednesday, bringing death to three persons. One of the victims, a laborer, was found dead from cold exposure. The other two were railroad switchmen, who, blinded by snow, were run over by engines.

Fatally Burned.

The little daughter of Mr. and Mrs. Brover Godfrey, who live about ten miles from Gaffney, was fatally burned on Wednesday. The mother was at the barn milking, leaving the little two-year-old girl and her brother, who was 3, in the house. The clothing of the girl caught fire and was burned entirely off before the mother could reach her.

Woman Burglar.

Declaring the loss of her position to be on the streets after dark with out escorts, a woman carrying small revolvers tucked in muffles as a means of protection against the notorious "Jack the Flasher," who made vicious attacks on five women recently.

BRUTAL MURDER

An Aged Georgia Citizen Beaten to Death by Thug

NEAR HIS STORE DOOR

Just Before Dying, Not Being Able to Speak, the Murdered Man Wrote on a Strip of Paper That a Negro by the Name of Jule Doggett Hit Him.

The Augusta Chronicle says the murder of Mr. Zachary Kendrick, who lived about twenty-one miles from Augusta, last Wednesday night, was one of the most brutal that ever took place in that section of the county. He was seventy-eight years of age. Without having a known enemy this old gentleman, a veteran of many battles in the Civil War, lived a quiet life with his family, operating a country store in addition to his farm.

His store was about 150 yards from his residence and was on the roadside, while his residence was off from the road. As is common among merchants in the country, where the trade is not large enough to employ some one in the store all the time, a discarded plow was hung up by a wire near the store and the beating on the plow with another iron instrument, notified the proprietor that a customer awaited.

While at supper Wednesday night Mr. Kendrick heard beating on the plow and when he finished the meal went, store key in hand, to ascertain what was wanted. As the aged man was in the act of entering his place of business he was struck with a piece of wood, a terrible blow on the head, causing him to sink to the floor of his store piazza. His assassin with some sharp instrument, beat him on the face and head, cutting a large gash between his eyes, one on his upper lip, and other places on his head.

Mr. Kendrick was rendered unconscious and probably would have died in the position in which he was left by his murderer, but a neighbor, Mr. Ellis Lewis, hearing the noise made by the plow, finished his supper and usually strolled to the Kendrick store to buy a piece of tobacco.

As he approached the place he noted that there was an ominous silence about the store. In the Kendrick residence, which, as stated, is only a short distance from the store, a light was shining brightly. Down the road near the store the best retreating form of a human being was seen by Mr. Lewis. The murderer had seen some one approaching and was getting away from the scene as fast as possible. His evident intention of robbing the aged man had failed.

Mr. Lewis walked on to the store and as he climbed the steps he saw a key in the lock turned, a bloody stick near and the body of Mr. Kendrick lying on the floor unconscious in a pool of blood.

Horrified at first, but realizing the awful condition of affairs and the necessity of immediate action, Mr. Lewis allowed the feeling from his own hisy unmolessted for the time and in a tender manner as possible he lifted the prostrate, blood-drenched and almost lifeless form of his neighbor and friend and took it to his home where his family was waiting for him entirely unaware of a tragedy which had been enacted only a few yards from their own doorstep.

The neighborhood was aroused. Willing friends volunteered their services. One went five miles to Appaling for Dr. J. L. Weeks, the family physician, while many other willing hands did all in their power to resuscitate the then dying man.

The news of the terrible affair spread almost by magic. Neighbors hurried to the Kendrick home. About two hours after sustaining the injury Mr. Kendrick became conscious. His terrible wound prohibited his telling of the ordeal through which he had passed. He could only look with a mute appeal upon those who were gathered about his bedside, into the tearful eyes of his only daughter and the anxious and enraged faces of his neighbors, who were very solicitous regarding his condition yet who were bent on the extraction of the beast who had dealt the cruel blows upon his hoary head.

Finally midnight came and as the sufferer lay upon his bed and felt that the end was drawing near he could not speak, although Dr. Weeks was administering as best a physician's skill could to the wants of the dying man. Raising himself in the bed, Mr. Kendrick wrote, or rather scribbled on a piece of paper "Jule Doggett hit me." He sank back exhausted. Within two minutes his heart had ceased to beat.

Mr. Sam Hardy, one of the neighbors, went to the home of Daggett's father and there arrested Julius Daggett. The elder Daggett professed much surprise at Mr. Kendrick being killed, but the alleged murderer is maintaining a sullen silence.

Lynchers Foiled.

A mob of several hundred citizens went to Dublin, Ga., Wednesday evening determined to lynch Hansom Newcome, a negro, who was placed in the county jail last week, charged with criminal assault upon a white woman. The sheriff, however, had anticipated the mob and Saturday night removed Newcome to the jail of an adjoining county.