and examined first by Captain Bullitt.

Witness said he had resided in Scott county for thirty-seven years.

"I show you a copy of the Scott county ballot," said Captain Bullitt. "Did you furnish it to Mr. Noel?"

"Yes, sir."

"Was this ballot used in the election of 1900?"

"Yes, sir."

"Do you know how it originated and where it was prepared?"

"I do not."

"Do you know W. D. Smith?"

"Yes, sir."

"Do you know if he and Judge Rhea are warm political friends?"

"I think so."

"Did you ever hear Mr. Smith say where the ballot was prepared?"

"I object," interposed Mr. Irvine. "Mr. Smith is here, and can testify on that point."

Quite a wrangle followed between counsel, and Captain Bullitt said objections came with poor grace from the lawyers on the other side when they said they wanted light.

"Half of the testimony was cut out yesterday," he continued, "and now it is proposed to put on further limitations."

Irvine Replies.

Mr. Irvine replied sharply, and said that Captain Bullitt was making a stump speech.

The question was not allowed and Captain Bullitt noted an exception to the ruling of the committee.

"I suppose there is an appellate court," he said, in so doing.

"The joint Assembly is the appellate court," said Senator Noel.

"Judge Richmond, please state if it is generally believed by Democrats and Republicans in the Ninth District that Judge Rhea encouraged the use of this ballot?"

"I object," again said Mr. Irvine, and the question was excluded.

"Did voters find any difficulty in preparing the ballot?" asked Captain Bullitt, and again objection was interposed by Mr. Irvine, followed by sharp words, in which both lawyers showed spirit, if not feeling.

The question was finally allowed, and Judge Richmond's answer was that he could speak only for himself.

"I have a tolerably fair education," he said. "I was never more astonished than when such a ballot was offered me. I worked faithfully over it for more than two and a half minutes, when one of the judges said, 'Time's up.' I said, 'Time down; I am going to vote this ballot if it takes me half the day.' It took me eight minutes to prepare it, and then I was not sure it was correctly marked."

"Were you in Gate City at the November election in 1902 between Slemp and Rhea?"

"Yes, sir."

Forgeries Alleged.

Here witness declared that the poll books were understood to have been forged and altered so as to show that Rhea had carried the county.

"Was W. S. Hamilton, of Bristol, there?" was asked.

"I understand so."

"Was he a friend of Judge Rhea?"

"That was my understanding."

"Who was clerk?"

"W. G. Stevenson."

"Who was deputy clerk?"

"C. M. Minnie."

"What relation is W. D. Smith to Minnie?"

"Brother-in-law."

"Where is Minnie now?"

"I understand he is in Johnson City, Tenn."

"Do you remember when the Bristol census was taken to ascertain whether there were enough inhabitants for the establishment of a Corporation Court?"

"Yes, sir."

"What was the general talk with reference to this census?"

Judge Richmond thought there was a good deal of commotion over the matter in Bristol.

"For whose benefit was it understood the court was to be created?"

Objection was made and Captain Bullitt said he understood that Judge Rhea had the census taken and the court created for his benefit, and that he wanted to prove this by witnesses.

Question Ruled Out.

The question was ruled out and an exception was noted. The committee also refused to allow Judge Richmond to say whether or not it was understood in Bristol that the taking of the census was fraudulent.

Captain Bullitt tried to examine Judge Richmond on the Jordan matter, this being the basis for the charge of bribery filed by Mr. Noel, but as he could not speak of his own knowledge, he was not allowed to answer.

"How did you vote in 1900, Judge Richmond?" asked Mr. Irvine.

"I didn't vote for either Rhea or Slemp."

"You voted for Palmer and Buckner in 1896, did you not?"

"I did, sir, and for McKinley in 1900. I always vote the Democratic ticket when they give me a good man, but not when the candidate is not good."

"Did you vote for Wysor?" asked Captain Bullitt.

"Yes, sir."

"And for Bruce?"

"Yes, sir."

Judge Richmond testified that he was a Gold Democrat, and had been a Palmer and Buckner elector in 1896.

Mr. Eggleston Testifies.

Secretary of the Commonwealth D. Q. Eggleston was sworn, and produced the abstracts of the returns in the Rhea-Slemp election of 1902.

Counsel agreed to the admission of these papers into the record except as to Buchanan county, and testimony was had on this point.

It developed that two returns had been made from this county. The first was: Rhea, 446; Slemp, 321. The second, Rhea, 446; Slemp, 421. The Secretary said the second return was finally accepted by the Board of State Canvassers.

Mr. Noel said he would be able to show that a man went to Buchanan from another county and was closeted with the Board of Canvassers, and that one of the returns was forged and altered so as to diminish Slemp's vote by 100.

Clerk H. Stewart Jones, of the Supreme Court, was sworn and produced the record in the mandamus proceedings before his court in the Rhea-Slemp contest, and this was admitted by agreement. One paper brought by Mr. Jones was passed by, in order to allow Mr. Irvine to examine it. This was that containing the depositions in the Scott county case in the same election.

As to Census Taking.

M. F. Powers, who took the United States census in 1890, was sworn, and declared that the work was carefully done and showed a population of 292.

"Was this before or after the other census for the court?" asked Captain Bullitt.

"It was after."

"While taking the census, did any one make suggestions to you?"

"Yes, sir."

"Who?"

"Judge Rhea talked with me, and advised that I go to the opera house and get the people when they came out. He said that was the way Rader and Hamilton did when they took the other one."

"Did you adopt the suggestion?"

"No, sir; I went to every house in the town."

Asked to state how Bristol is situated, witness said half of it was in Tennessee and that people from both States attended the opera house.

"Do you remember the Jordan case?" he was asked.

"Yes, sir."

"What was the result of the trial?"

"Jordan was given twelve years by the jury and released by the court."

"Where did he go?"

"To North Carolina."

"When?"

"That evening."

"Has he ever been heard of in Bristol since?"

"No, sir."

"What is your present occupation?" asked Mr. Irvine.

"I am a gauger."

"Under Mr. Summers?"

"Yes, sir."

Witness said he voted for Judge Rhea twice and had since voted for Slemp.

A Hostile Witness.

W. D. Smith, of Scott, was called by the prosecution, but was a fine witness for Judge Rhea.

"Were you chairman of the Democratic Congressional Committee for the Ninth District in 1900?" asked Mr. Noel.

"Yes, sir."

"State if you know whether this is a copy of the official ballot used in Scott county that year," further inquired Mr. Noel, handing witness a paper.

"It resembles it very much," was the reply.

"Did you have anything to do with its preparation?"

"I did not. I never saw it until the day of the election."

"Did you not admit before the State Board of Education when you were being fought for superintendent of schools by Judge Richmond that a copy of the ballot was taken by you to Bristol in order to get advice as to its legality?"

"I certainly did not."

"Did you not state then that the ballot was gone over and prepared in Judge Rhea's office in Bristol?"

"I never made any such statement."

"Can you tell why it was that similar ballots were used in Pulaski, Dickenson and Russell?"

"I did not know of it."

"Who did get up that ballot, Mr. Smith?" asked Captain Bullitt.

"I don't know, sir. I am as ignorant on that subject as you are."

"Did you state in the Walker-Rhea contest that you thought it a fair ballot?"

"I don't know that I did."

Took But Little Part.

Cross-examined by Mr. Irvine, witness said he was sick before and after the election, and though he was able to vote, he took little part in the campaign.

"Please, sir," continued Mr. Irvine, in questioning the witness. "If you have any reason to believe that Judge Rhea was connected with the preparation of the ballot used in Scott county?"

"None whatever, sir."

Mr. Smith testified that he was superintendent of schools of Scott county and had held that position for twenty-one years.

J. H. Ashworth, of Bristol, though put on by the prosecution, was considered a hostile witness.

"Did you confer with Judge Rhea on the night of the November election in 1902?" Mr. Noel asked.

"Judge Rhea and some of his friends were at the courthouse receiving returns."

"Was W. S. Hamilton there?"

"I presume he was."

"Was J. A. Stone there?"

"I expect so."

"Where were you on the following day?"

"I don't remember."

"On what day did you go to Russell?"

"It was either the next or the second day after the election."

Result of Conference.

"At whose request did you go?"

"Democrats in Bristol had a conference, and having information that the Republicans might take some advantage of the closeness of the election, decided to send men to some of the counties to see that this was not done."

"Who did you go to Russell to see?"

"I went to the hotel at Lebanon, and I think I saw Mr. B. J. Wysor, M. C. Clark and probably Captain J. C. Gent and others."

"Did you have any conference with the canvassing board?"

"No, sir. I never consulted with the board and never saw a poll book in the county."

Witness positively denied that he was locked up in the clerk's office with the board, and that while so locked up, R. Walter Dickenson (Republican) broke down the door.

Examined by Mr. Irvine, witness said Judge Rhea had made no suggestion to him as to Russell county.

"Did Judge Rhea ever make any improper suggestions to you concerning the election?" witness was asked.

"He did not. I don't believe he would have done so, and if he had I should not have entertained them."

Here the committee took a recess until 8 o'clock.

C. H. Cowden, of Scott, was the first witness at the night session, and he was examined by Senator Noel.

"Were you in Gate City on the night before the votes were counted in the Rhea-Slemp case in 1902?"

"Yes, sir."

"Was any one pointed out to you as W. S. Hamilton, of Bristol?"

"Yes, sir."

"That is all I have to ask, Mr. Cowden."

W. L. Dennis, former clerk of Buchanan, testified that a man named Tom Lockett, of Russell, came to Buchanan and was with the canvassing board while the vote was being canvassed after the Slemp-Rhea election.

"After the vote was canvassed and certified I left the clerk's office," he said, "and my impression is that I left Mr. Lockett in the room."

"I mailed one certificate to the Secretary of the Commonwealth, and filed one in the office. I understand that there was a difference of 100 votes between these two papers."

Witness said on cross-examination by Mr. Irvine that he had also left McCoy, his deputy clerk, and Joseph Hibbetts, both Republicans, in the office, as well as Lockett. Witness declared he was a Democrat, but denied that he had had anything to do with the changing of the returns.

Mr. Noel announced that he had no more witnesses on the ground, except Judge Richmond, who would be recalled, but who was sick in his hotel. He said he had some more witnesses on the way, and they are expected to-day.

Rules were issued for R. Walter Dickenson and Henry A. Routh, of Russell, and W. G. Stevenson, of Scott, who are wanted as witnesses for the prosecution.

Mr. Noel read the petition to the Supreme Court for a mandamus to compel the canvassing board to amend and correct the returns in the Slemp-Rhea election in order to get it into the record, it being indicated that counsel would agree as to the facts contained therein. These papers were all made public at the time the proceedings were had in the Supreme Court, which resulted in the correction of the returns.

For Judge Rhea.

Mr. Irvine stated that his side would go on with witnesses, though he should prefer that the prosecution should close first.

Accordingly W. S. Cox, of Gate City, was put on. He testified that W. M. Brown, a printer, in Gate City, had told him that he made the Scott county ballot in 1902, and that it was an exact copy of one he had made for Senator Quay in Pennsylvania formerly.

"So this should be called the Quay ballot instead of the Scott county ballot?" said Captain Bullitt.

"Don't you know Quay was looked upon as the biggest political rascal in the country?"

"No, sir."

"Who told Brown to print these tickets?"

"I don't know."

"Did you hear anything about it?"

"No, sir."

"What did Brown tell you as to why he printed the ballot that way?"

"He said General Walker came there to make a speech and got drunk. The paper had an article on the subject, and that the general later said some hard things about Brown and he wanted to get even."

Former Partner.

Hon. H. G. Peters, formerly of Henry, but since 1890 a member of the Bristol bar, was next sworn. He was Judge Rhea's law partner from 1890 to 1897.

Witness had been counsel in the Jordon case, but did not appear at the trial on account of illness.

Mr. Irvine asked him to give a history of the Jordon case, and to this counsel for the prosecution objected, because witness had testified he was not present at the trial.

The question was withdrawn for the present, and witness stated he had known Judge Rhea for twenty-two years.

"I know him as intimately as one men can know another, and I have the utmost confidence in his integrity as citizen and officer. The general reputation of Judge Rhea in Bristol is the very highest in every respect."

"Did you ever hear anything to the effect that the decision of Judge Rhea in the Jordon case had been improperly procured?" asked Mr. Irvine.

The question was objected to on the ground that a similar one had been ruled out when asked by the prosecution, and it was withdrawn.

"Were you in Bristol when the census for the Corporation Court was taken?" the witness was asked.

"Yes, sir; but I was not there when the court was established. I was here in the Legislature, and voted on the proposition."

"Did Judge Rhea quit the bench voluntarily?"

"He did, sir, and was requested by the bar to remain in the office with the exception of one member, who was a candidate for the place."

Judge Price Testifies.

Hon. John W. Price, of Bristol, judge of the Corporation Court, testified for Judge Rhea.

"I think I am acquainted," he said, "with Judge Rhea's reputation for truth and integrity in Bristol, and it is high."

"Were you in Bristol in 1902?"

"Yes, sir."

"State what you know of any conference of Judge Rhea's friends concerning the sending of men out in the counties to look after the interests of the Democratic ticket."

"I don't recall having been in any particular conference, but I went to Pulaski, as Judge Rhea's instance.

"He had just been through two hot campaigns for Congress, and we anticipated a close fight and possibly a contest. I went to Pulaski and found nothing wrong, and so reported to Judge Rhea. He had instructed me if it was necessary to employ Hon. Joseph C. Wysor to look after his interests, which was not done, because I saw nothing to indicate any irregularities."

"Did Judge Rhea ever make any improper suggestions to you concerning that election?"

"No, sir; I never heard of his making improper suggestions to any one."

Messrs. Bullitt and Noel cross-examined the witness and had him read from a newspaper clipping, containing an interview with Judge Rhea on November 9, 1902, still claiming the election over Slemp.

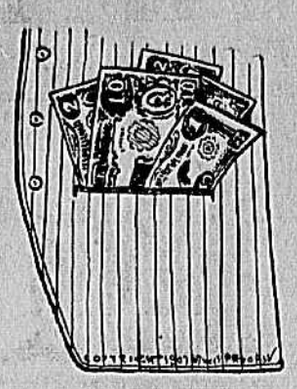
Captain Bullitt was trying to show that Judge Rhea did not repudiate the frauds in the election until after the mandamus proceedings were served in the Supreme Court.

Mr. Noel read the proceedings of a mass-meeting of Democrats in Scott, adopted November 10, 1902, denouncing the alleged alterations of returns in four precincts in Scott.

Judge Price read at Mr. Irvine's instance a card from Judge Rhea, issued November 10, 1902, saying that if the certificate of election were awarded him he would not accept it in view of allegations of fraud.

The committee rose at 10:10 P. M. to meet at 8 o'clock to-night, when Judge Rhea will probably be the first witness.

"Berry's for Clothes"



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Garments up to $38.00, at $22.75.

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Don't make a "molly-coddle" out of a healthy boy.

Don't keep him in because the sun is not out. Get him a good overcoat and let him learn to face the storms of life.

Here's the clothing for all kinds of weather.

O'coats and Reefers that were $5 and $6, at only $3.50.

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Girls' Reefers are in the sale, too!

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For others it will do for you. This is the reasonable promise for Hood's Sarsaparilla to all victims of the grip. It rids the blood of the grip poison, creates an appetite, aids digestion and builds up the whole system.

"**After the Grip** I was all rundown, and felt so tired I could hardly get about the house. I tried Hood's Sarsaparilla, and before I had taken one bottle the tired, weak feeling left me, my appetite came back, and I could do my house work."—Mrs. Lucy Rogers, Parkersville, N. Y.

"**Four Weeks of Grip** was my sad experience. I was very weak and unable to work. Being urged to take Hood's Sarsaparilla, I did so, and in ten days I could work, sleep well, had a good appetite and gained in health and strength."—H. C. Hunter, Cuba, Ohio.

THE WEATHER

Forecast: Virginia—Fair Friday; not quite so cold; Saturday in north, rain or snow in south portions; fresh northeast winds.

North Carolina—Increasing cloudiness and warmer Friday; Saturday rain, warmer in east portion; fresh, possibly brisk east winds.

CONDITIONS YESTERDAY.

Richmond's weather was clear and cold. Range of the thermometer:

9 A. M.	17	6 P. M.	26
12 M.	23	9 P. M.	24
3 P. M.	28	12 midnight	22

Average.....23 1-3

Highest temperature yesterday	29
Lowest temperature yesterday	17
Mean temperature yesterday	23
Normal temperature yesterday	38
Departure from normal temperature	15

CONDITIONS IN IMPORTANT CITIES.

(At 8 P. M., Eastern Time.)

Place.	Ther.	H.T.	Weather.
Asheville	32	48	Cloudy
Augusta	44	48	Cloudy
Atlanta	32	48	Cloudy
Charlotte	34	38	Clear
Chicago	22	26	Clear
Cincinnati	26	36	Clear
Detroit	14	18	Clear
Galveston	58	58	Rain
Hatteras	28	34	Clear
Jacksonville	52	56	Cloudy
Kansas City	30	37	Rain
Memphis	38	40	Clear
New Orleans	54	56	Rain
Oklahoma City	44	48	Clear
Pittsburg	18	24	Clear
Raleigh	30	34	Cloudy
Savannah	36	46	Cloudy
Norfolk	26	28	Clear
Tampa	64	66	Cloudy
Washington	20	24	Clear
Yellowstone	12	18	Snow

MINIATURE ALMANAC.

January 31, 1908.

		HIGH TIDE.	
Sun rises	7:16	Morning	2:51
Sun sets	5:31	Evening	3:13
Moon rises	4:49		

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$1.00 and 50c bottles at

OWENS & MINOR DRUG COMPANY

WIFE DESCRIBES CHANGE IN BURKE

(Continued from First Page.)

friends. The witness told of Burke's excited and erratic actions over the break of water-pipe put in by Mr. Mills, who is in the plumbing business. Continuing, Mr. Mills said he thought Burke decidedly irrational for the past year or two, but would not say that Burke impressed him as insane. The prisoner seemed entirely rational in the conduct of business at the post-office.

Forgot His Lines.

Mr. H. G. Sharpley, of the American Locomotive Works, a member of the Elks, said that at lodge meetings Burke, who was a past exalted ruler, forgot his lines, and witness had to take his place. Burke's conversation was flighty, but witness thought his condition due to the immediate effects of drinking whiskey.

Clifford Smith had noticed the change in Burke's character. He said Burke seemed to be trying to drop his friends. At first his impression was that Burke was merely "full," but after thinking it over witness concluded that he was "daffy."

"He was 'rumdum' most of the time," said the witness. "I did not think him a proper subject for a lunatic asylum. He was merely drunken or besotted."

W. S. McCoy, keeper of a cigar and soda water place at Eighth and Broad Streets, testified that on one occasion Mr. Burke came into his store and was served with a dose of capudine, a teaspoonful in a glass of soda. Ten minutes later he came back and took a second dose. Shortly afterward he returned for a third dose, which the witness refused to sell. Miss Burke called that afternoon and delivered a message from Mrs. Burke, asking him not to sell her husband capudine, and thanking him for refusing to do so once. This was six months before the arrest. McCoy said capudine was coal tar preparation, which acts similar to morphine or codine. He did not think Burke mentally or morally responsible, but regarded him as a lunatic at the time.

What He Thought of Peters.

C. R. Blankenship, barkeeper for James Anthony, at Seventh and Broad Streets, prior to March, 1907, said that Burke, on his way to market, came to his place almost every morning—certainly four times a week. He was there when the saloon opened, and usually took three "mountain toddies." The witness had seen the defendant when he was not competent to attend to business, and had refused to sell him liquor.

R. Lee Peters, President of the City Council, one of Burke's bondsmen, declared he had noticed and spoken of a change in his disposition, chiefly because he quarreled with his friends without excuse. He would not speak to witness on the street, although they had been close friends. When asked about it Burke said he was very particular about whom he spoke to. Sometimes he told the witness that he thought he (Peters) was the most honest man in the City Council, and at other times said: "You are the biggest crook there." Burke had selected his pallbearers and told witness that he was the only one with hair on his head, and he hoped to live long enough to have them all bald-headed. Mr. Peters thought Burke irrational, apart from his condition of intoxication. He attributed his condition to the immediate effect of whiskey, however.

Colonel John Murphy testified to the defendant's reputation for honesty and integrity.

John Donati and his cousin, Humbert Donati, keepers of a saloon at Eighteenth and Franklin Streets, testified, one after the other, that since he was transferred to Station B Burke came to their place nearly every morning and took one or more drinks. They had also seen him drunk at Barley's saloon, on Twenty-fifth Street, on the day of his arrest. They had never hesitated to sell him liquor, and thought him competent to look out for himself. They had seen him flighty or bewildered, but never "loaded."

Judge David C. Richardson testified to the integrity and excellent character of the defendant. Judge Lewis asked if the witness had ever discussed Burke's character with any one. Judge Richardson replied that he had not, that he had never discussed Judge Lewis's character with any one, but would be willing to testify to it.

Mr. Henry W. Rountree, Captain Charles F. Taylor, Mr. C. C. Walker and Mayor McCarthy testified to the excellent character and reputation of the defendant previous to his arrest. Mr. Archie Burke, brother of the defendant, referred to Burke's physical condition. He told of the change in his temperament and disposition since his eldest daughter ran away and was married three and a half years ago, against the wishes of the entire family. The witness also spoke of the speech made by Burke in a session of the Elks' Lodge last August, when his language and expressions were insulting to his most intimate friends. He had remonstrated with his brother about drinking so much. On cross-examination he said he had never in the past eighteen months proposed to confine his brother in an insane asylum. He had mentioned to several after the lodge meeting that he thought he should be confined, but lack of means had kept him from putting his brother where he could not harm himself. Furthermore, the witness had stated to Assistant Postmaster Allan that his brother was not a fit man for superintendent of Station B, after the erratic speech at the lodge. He would not say that Burke was a lunatic or mentally unsound, but that there was something wrong with him.

Mrs. Burke on Stand.

With a courtroom cleared of all except those actively connected with the case, and in a voice scarcely audible, Miss Ethel Burke, the twenty-year-old daughter of the defendant, told of the illness of her brother, who was taken suddenly with tuberculosis and sent West, and who is now in Denver.

Judge Lewis objected that sickness in the family was a misfortune, not an excuse for crime. The testimony was admitted, to show that Burke's morbid condition was due to the illness of his oldest son. Miss Burke told of finding empty pint bottles in her father's room every morning for the past six months or more, sometimes under his pillow or near his bed. She also found capudine bottles occasionally, and had sold as many as fifty whiskey bottles at once to a junk dealer.

Mrs. Frank P. Burke, wife of the defendant, then took the stand. During her testimony she was frequently reduced to tears, and the scene in the courtroom was tense and excited, the jurors paying the closest attention to her words. Throughout her long cross-examination Burke sat quietly, almost moodily, staring in front of him, his mouth moving a little, but showing no other sign of nervousness or emotion.

His appearance in the courtroom has been stolid and quiet in the extreme, although he has been uniformly courteous to all about him. Mrs. Burke said her husband had been a changed man since her daughter's marriage, and her son's forced departure from home. She told of the marriage of this daughter, who three and one-half years ago, ran away with a New York man who had been divorced. She said that she and Mr. Burke are Roman Catholics, and that their church did not recognize such a marriage.

"The church holds," said Mrs. Burke, "that these two people are not married, and the fact has worried my husband continually."

Continuing, she said Mr. Burke had not touched a drop of whiskey in the four years preceding his daughter's runaway. He began drinking then, and the habit had increased rapidly. His physical condition caused much of his trouble, testified the witness, who said that owing to this trouble he had difficulty in sleeping and had taken whiskey and capudine to make him sleep. She did not think Mr. Burke had been mentally or physically fit for his duties for some time, and had begged him to resign. He once went to the post-office to resign and the postmaster was out of the city.

Curious Acts.

Then Mrs. Burke told of several irresponsible acts, such as bringing home a basket of chips and a basket of cracked ice when there was an abundance of ice and wood in the house. She said a number of erratic events in a period of six months before his arrest kept her always apologizing to his friends and begging them not to take offense. She had no doubt her husband was mentally irresponsible.

On cross-examination Mrs. Burke said her husband went regularly to business and occupied a responsible position, and enjoyed the confidence of his superiors while in office. He repeatedly refused to take the vacation or furlough allowed by the Post-office Department, and there had never been any complaint on account of his absence from duty. He attended to his private business, and it never occurred to his wife that he was not competent to go to market, although he bought erratically. For the past six months Mrs. Burke had all the bills to pay and had contributed very largely to the support of the family.

She rented furnished rooms and had got very little benefit from her husband's salary in the last six months. Mrs. Burke took from her husband's room a number of bottles of capudine, and begged him to stop drinking it. He never ate any breakfast at home.

Dr. Hodges on Stand.

An elaborate hypothetical question, involving the whole testimony introduced by the defense, was prepared and corrected by the court and attorneys for the government. The jury was sent from the room during the argument.

Dr. J. Allison Hodges, a practicing physician of Richmond, head of the Hygeia Hospital, professor of mental and nervous diseases in the University College of Medicine, and specialist, was introduced and sworn as an expert witness for the defense. In the hypothetical question, which was read by counsel, Mr. H. M. Smith, of the defense, the condition of Burke as shown by the witness for defense, was described, and the question asked: "Would you say that such a man so described was mentally and morally responsible for such an act or not?"

Dr. Hodges asked several questions as to the meaning of various clauses, and responded: "I would say that such a man certainly was not morally responsible, and the chances are that he was not mentally responsible, although I could not be positive about that."

Effects of Alcohol.

Examined by Mr. Smith, Dr. Hodges was asked what was the maximum amount of whiskey which a man might safely drink in a day and keep it up daily. Dr. Hodges said that the effect of whiskey was different on different constitutions and temperaments, but that on an average without detriment to the physical or mental health an individual could not take more than five to six ounces of absolute alcohol a day without detriment. A usual amount within safe limit is three ounces for an average man.

In ardent spirits or whiskey the amount would be double that of pure alcohol. An individual could not take over from six to ten ounces of whiskey a day without detriment if long continued. If a man drank two or three times that amount for a year or two, the witness testified that it would bring on acute delirium or alcoholic mania. The effect, he stated, varied in different constitutions.

"The effects of alcohol, long continued, are shown physically and mentally. The effect on the mental health is probably expended in a deterioration of the moral nature, rather than in any other change. The use of alcohol on the mental and moral being brings about a failure of energy, a limitation of judgment, a weakening of memory and a deterioration in the moral condition. It often exerts its main force on the moral temperament, by which the victim loses will power, application, self-respect, interest in family and in self, and becomes, in a certain sense, a vagabond. Such a man becomes unreliable and untruthful, is without ambition for himself and those dependent on him. These symptoms, however, do not always appear. On the physical nature it shows itself in a hardening of the brain tissue and in its effect on the kidneys and heart.

Desire to Make Trouble.

"The effect is different on different temperaments," said the physician. "I have seen these results in certain individuals. The common result, however, is either acute delirium or mania."

Dr. Hodges said that from 10 to 20 per cent. of insanity cases are directly traced to alcohol. He declared he had never met Burke or his family, nor had he ever examined the defendant. Dr. Hodges was cross-examined at length by Judge Lewis, who cited a case in the Virginia court records of a man who drank a half a gallon of apple brandy daily for years. Judge Lewis asked if one of the incidents usual in mental impairment from alcohol was a disposition to steal. Dr. Hodges thought not. The predominant tendency, he said, is to make trouble. In the asylums alcoholic patients are the most difficult to get on with.

"It is the exception, not the rule, that the concomitant is the disposition to steal," he declared. "My experience is that, having been robbed of will power, they might do anything to get a stimulant or a drug. We know that of morphine cases."

Continuing, Dr. Hodges said that in such a case as had been described the testimony of a person's business associates, who daily worked with him, should have great weight. He thought the defendant showed great intelligence on the morning of his arrest by waiving preliminary examination and refusing to discuss the charges against him.

He did not consider this the act of an unsound mind.

"The chances are that his mind was obliged to be diseased; I cannot say positively that it was diseased," he declared. "I think such a man could do and say things that by themselves would be considered normal. It is the chain of things a man does by which you can best judge, and not one single act. These individuals are lacking in judgment as a rule, but not wholly lacking."

"Would the performance of his daily duties with intelligence and efficiency, and the fact that he was considered sane by those with whom he worked, including his superior officers, weigh in your opinion of his mental condition?"

"Yes. It would depend on whether the performance of those duties was done systematically and with judgment. Such individuals usually lack system and judgment in the administration of affairs."

Acts Seemingly Sane.

The witness said that seemingly sane acts were not inconsistent with insanity itself. The court asked whether the symptoms of a deranged mind from the use of stimulants was similar to the symptoms of melancholia. Dr. Hodges answered:

"To some extent, yes. The alcoholic symptoms usually run to mania, though there are some persons who seem to have their moral natures warped, and go on to paresis or imbecility. I do not believe in alcoholic paresis. There is a pseudo-alcoholic paresis which greatly resembles it. A melancholic never kills any one else but himself. An alcoholic patient has the same tendency to self-destruction. The disease is incurable mentally, and results in death from heart or kidney diseases, or by suicide."

The defense rested its case, and this morning the government will introduce witnesses in an attempt to establish the sanity of the prisoner.

NEWS GATHERED FROM SOUTHSIDE

Fight to Be Made on Manufacturers Exempt from Taxation Who Favored High License.

TONEY TO CHAMPION CAUSE

Almshouse and Poor Committee Asks for Appropriation for Ambulance—News Briefs.

Manchester Bureau, Times-Dispatch,
No. 1102 Hull Street.

Judging from the current reports the result of the passage of the high liquor license Tuesday night will bring about a most important question, which will mean a municipal fight. On one side will be arrayed the anti-saloon forces and on the other the liquor people and some not affiliated with either faction.

The Board of Aldermen at its meeting Tuesday night heard a petition from persons which urged that the ordinance increasing the license be passed, and on this petition were signed the names of the Union, Trunk and Bag Company, the Cameron Stove Works and other manufacturing plants. These concerns were granted the five-year exemption from taxation, which privilege has been extended various establishments coming to the city.

In speaking of the matter Mr. D. L. Toney, a member of the City Assembly says:

"I shall do all in my power to see that the Union Trunk and Bag Company, the Cameron Stove Works and other manufacturing concerns which signed the petition to the board for the $500 liquor license, pay taxes. I worked to have these concerns come to the city. They came, and were given five-year exemptions from taxation, yet on top of this they make this thrust at a class of people who are paying taxes. I am willing that the liquor people should pay their just quota of taxes, but it indeed was uncalled for for these concerns to take any action whatever, they being neither tax-payers nor voters in the city of Manchester. I shall fight this to a finish, and, if possible, I shall put the thing through so that these concerns shall pay taxes to the city."

Unconstitutional.

It is a fact that when the Council established the precedent of granting persons or concerns the five-year exemption the ordinances covering this point were passed against the advice of the city attorney, who held that it was unconstitutional, since the city charter did not provide for any such proceeding. Unless the charter is so amended no city has the privilege of exempting any person or persons from taxation, it is claimed.

Little Miss Eggleston Dead.

Lizzie E. Eggleston, the eleven-year-old daughter of Mr. and Mrs. George M. Eggleston, died yesterday at the residence of her parents in Swansboro. She was the eldest daughter, and is survived by her parents and several sisters.

The funeral will take place from West End M. E. Church, of which she was a member, Saturday morning at 10:30 o'clock. The interment will be at Providence, in Chesterfield county.

Ask for Ambulance.

The regular meeting of the Almshouse and Poor Committee was held last night. A resolution was passed asking the Finance Committee to recommend the appropriation of $125 for the purchase of an ambulance to be used to convey prisoners to the institution. The committee transacted other routine business and adjourned.

Personals and Briefs.

Councilman A. A. Adkins is confined to his home with a severe attack of the grip.

The Olympia Club last night held an important business meeting.

The damage case of Charles H. Scott against the Richmond and Petersburg Electric Company, set for trial in the Corporation Court yesterday, was postponed until February 20th.

Mr. E. R. Brown is in Victoria on a business trip.

Liberty Council, Jr. O. U. A. M., of Swansboro, will celebrate its twentieth anniversary on the evening of February 11th.

Charles Butler and his daughter have returned to their home in Old Point Comfort after a visit to Miss Mamie Bingham.

Governor Sent His Proxy.

[From Our Regular Correspondent.]

WASHINGTON, D. C., January 30.—Governor Swanson could not attend the hearing on the Appalachian forest bill before the Committee on Agriculture to-day, so he sent his proxy to Governor Hoke Smith, of Georgia.

The Pills That Cure WEAK WOMEN

"My limbs ached and I had a terrible pain in my right side. My weight fell from 145 pounds to 99 pounds. I had no appetite, my kidneys were affected, and I had headaches, backaches and fainting spells. As my doctor did not help me, I tried Dr. Williams' Pink Pills and now I am cured and in the best of health. Dr. Williams' Pink Pills built up my whole system and I gained 30 pounds in weight."—*Mrs. Jacob H. Denny, 257 North Division St., Buffalo, N. Y.*

A booklet of valuable information, entitled "Plain Talks to Women," will be sent free to any woman. It is particularly interesting to mothers of growing girls who become pale, thin and listless as they approach womanhood.

Dr. Williams' PINK PILLS

50c. per box; 6 boxes, $2.50, at all druggists or from Dr. Williams Medicine Co., Schenectady, N. Y.

February Weather

Data compiled from the Weather Bureau records here shows the conditions that have prevailed during the month of February for ten years, but must not be construed as a forecast of the weather conditions for the coming month:

Temperature—Mean or normal temperature, 40 degrees; the warmest month was that of 1903, with an average of 43 degrees; the coldest month was that of 1905, with an average of 31 degrees; the highest temperature was 72 degrees on February 28, 1903; the lowest temperature was 3 degrees on February 10, 1899; the earliest date on which first "killing" frost occurred in autumn, October 12th; average date on which first "killing" frost occurred in autumn, November 3d; average date on which last "killing" frost occurred in spring, April 2d; the latest date on which last "killing" frost occurred in spring, April 20th.

Precipitation (rain or melted snow)—Average for the month, 3.23 inches; average number of days with .01 of an inch or more, 10; the greatest monthly precipitation was 8.02 inches in 1903; the least monthly precipitation was 0.55 inches in 1901; the greatest amount of precipitation recorded in any 24 consecutive hours was 2.37 inches on February 16, 1903; the greatest amount of snowfall recorded in any 24 consecutive hours (record extending to winter of 1884-85 only) was 7.5 inches on February 12, 1899.

Relative Humidity—Average 8 A. M., 77.

Clouds and Weather—Average number of clear days, 12; partly cloudy days, 7; cloudy days, 9.

Wind—The prevailing winds are from the north; the average hourly velocity of the wind is 6.9 miles; the highest velocity of the wind was 38 miles from the north on February 27, 1906.

CASTORIA

Bears the Signature of Chas. H. Fletcher. The Kind You Have Always Bought

Working Men Comforted With a Savings Account

Ceaseless toil is of little value, unless the result from a financial standpoint is shown in latter years.

Saving something weekly will eventually eliminate the necessity of continual toil. Accounts received from $1.00 and upwards, bearing 3 per cent. interest, compounded semi-annually from date of deposit.

Planters National Bank

SAVINGS DEPARTMENT.

Capital $300,000.00
Surplus and profits..$1,075,000.00