

The Caucasian

AND RALEIGH ENTERPRISE.
Raleigh, N. C., September 7, 1911.

Local Matters.

Mr. Arthur Bernard, of this city, left Tuesday for Wake Forest to resume his studies in that institution. Wake Forest College opened yesterday with a registration of 331 boys for the first day.

Mrs. P. H. McClenighan, a trained nurse of this city, has gone to Chapel Hill to take charge of the University Hospital.

The Swift Creek Council of the Order gave a delightful picnic barbecue at Swift Creek Church last Friday.

All banking houses and public offices closed Monday, observing Labor Day. Many of the business houses were closed in the afternoon.

Governor Kitchin granted pardons on September 5th to Preston G. Cobb, of Gaston County, convicted at the February term of court, 1911, and Nathan Brodie, of Vance County, convicted at the September term, 1908.

J. Kemp Doughton has resigned as State Bank Examiner, and Former Assistant Brown has been appointed Examiner. There are now twenty-one applications for the vacant position of assistant; each applicant is connected with a banking institution.

The Annual Fiddlers' Convention drew at least five hundred people to the Pullen Auditorium at the A. & M. College Monday afternoon at 3:30 o'clock. The diploma and prize for the champion fiddler of the State went to Mr. Nat Warren, while Mr. S. H. Stephenson came out with second honors.

Walter Saunders, one of the colored elevator boys at the Hotel Raleigh, this city, was exhibiting a pistol to one of his chums Sunday morning and showed him how it was a safety pistol. Walter is now in St. Agnes Hospital, colored, for repairs. The ball entered his leg.

Later, Walter Saunders died yesterday at St. Agnes Hospital. He was a native of Clayton.

The Guilford County authorities have obtained from Governor Kitchin requisition for Sam Andrews, who was sentenced in Guilford for criminal relations and broke away from the convict camp before he had completed his sentence. The officers have located him in Virginia and obtained the requisition for his return to North Carolina.

J. M. Smith, a Telephone Lineman, Drops to His Death.

Mr. J. M. Smith, of Raleigh, a lineman for the Capital City Telephone Company, fell twenty feet from a pole near the Governor's Mansion Monday and received injuries causing his death an hour later. In some way Mr. Smith lost his hold on the pole and fell headforemost on the brick pavement from where he was picked up a few minutes afterwards and rushed to Rex Hospital. His skull was crushed and he lived only an hour after the accident. He leaves a wife and several children.

Judge J. Crawford Biggs Resigns—Candidates Galore.

Judge J. Crawford Biggs, of Durham, has resigned from the bench and will devote his time to his local practice and will also be one of the instructors in law at Trinity College. Judge Biggs resigned for the fact that all the courts assigned to him for the next year are in the western portion of the State and would keep him away from home. A. Wayland Cooke, of Greensboro; Jacob A. Long, of Graham; H. A. Foushee, of Durham, and Maj. A. W. Graham, were candidates for the job even before Judge Biggs' resignation had reached the Governor. Governor Kitchin has not yet made the appointment.

Fleming Case Will be Heard at Smithfield.

The matter of alimony and the custody of her children pending the hearing of the suit for divorce from bed and board, of Mrs. Nelle Claire Fleming against her husband, Percy B. Fleming, was not heard Friday, but the hearing was continued to Wednesday, September 13th, when Judge R. B. Peebles will hear it in chambers during the term of court at Smithfield.

The delay was granted by Judge Peebles upon statements to the court that Mr. W. C. Douglass, leading counsel for Mr. Fleming, was sick in bed.

Hospital Authorities Said Duke Was Not Insane.

Mr. W. L. Duke, of Wilmington, N. C., was brought to the Asylum in Raleigh Friday by a deputy sheriff in Wilmington. Duke declared he was not insane. Physicians at the Asylum examined Mr. Duke as to his mental condition and stated that he was not insane. The man was given his freedom and he returned to Wilmington Friday night. Duke was brought to Raleigh at the request of his wife and his son-in-law. Duke is drawing a pension of \$20 a month from the Atlantic Coast Line.

TO CONTEST MRS. TUCKER'S WILL.

Daughters of Mrs. Florence P. Tucker Will Try to Break Her Will—About One Million Dollars is Involved.

Daughters of the late Mrs. Florence P. Tucker have instituted suit to set aside her will, claiming that it is not in accordance with the will left by her husband, Major R. S. Tucker.

In Major Tucker's will his entire property was bequeathed to his wife, and it is said that in it were terms which would not permit of the division of property as made in Mrs. Tucker's will.

Under Mrs. Tucker's will the entire property was bequeathed in part to her children during their life time, but none of the property was to go to any of the children in perpetuity if such children were without an heir. The purpose sought in the suit, it is understood, is for an equal division among all the children.

The management of the Tucker estate, by the will of Mrs. Tucker, was left in the hands of Judge T. B. Womack and Mr. Carey K. Dufrey as trustees, and on Judge Womack's death Mr. Dufrey was left as the surviving trustee of this million dollar estate.

The contention, so it is understood, upon which the three daughters, Mrs. Ashby L. Baker, Mrs. Ed. H. Fellowes and Mrs. W. H. Williamson, will ask to have the will set aside is that it was the purpose of their father not to tie up the estate in a trust, but that each should have an equal portion in fee simple without stipulations. In addition to the three heirs named above, the others are Mrs. James Boylan, Mrs. John H. Winder and the children of the late William R. Tucker.

Dr. McCullers Has Failed to Make Connection With Wake's Treasury.

At the regular monthly meeting of the Board of County Commissioners Monday, Mr. D. T. Johnson, Chairman of the Board of Commission, submitted to the Board of all of the correspondence he had with Dr. W. S. Rankin, Secretary of the Board of Health with reference to the quarantine officer of Wake County.

On August 23rd Mr. Johnson wrote the State Board of Health that he, as Chairman of the Board of County Commissioners of Wake County, had appointed Dr. R. S. Stevens, of Raleigh, quarantine officer for said Wake County, Dr. McCullers, who was elected to that position by the County Board of Health at its meeting in May, having declined the appointment of Superintendent of Health.

In reply thereto, Dr. Rankin wrote on August 25th, that the position of quarantine officer of Wake County had been filled, and is now being filled, by Dr. J. J. L. McCullers by his appointment, and that there is no vacancy for the position at present.

The action of Dr. Rankin in appointing Dr. McCullers as health officer and quarantine officer is not recognized by the Board of County Commissioners, the contention of the Board of County Commissioners being that Dr. Rankin had no authority to appoint to either position under the law. Dr. McCullers asked Judge Peebles some days ago for an order of injunction and mandamus requiring the County Commissioners to recognize him as County Physician. This was refused, and Dr. McCullers has appealed to the Supreme Court. The matter is now in the courts.

Later Developments—County Official May be Fined for Contempt.

Since the above item was written Dr. Rankin has again appointed Dr. McCullers County Physician. There was a called meeting of the County Board of Health Tuesday. Those present being Mayor James I. Johnson, of Raleigh; Dr. G. M. Bell, of Wakefield; Dr. Henry McKee Tucker, of Raleigh; County Superintendent of Schools Z. V. Judd. The chairman of the Board of County Health Johnson, of Raleigh, who is also chairman of the Board of County Commissioners, and who had been notified of the meeting, was not present, as he was presiding at the meeting of the Board of County Commissioners. On the vote in the matter, and as to regulations adopted, Prof. Z. V. Judd's vote was the only one cast in opposition.

In the election of Dr. McCullers his compensation was fixed on fees. The law provides that all expenditures shall be approved by the County Commissioners.

County Officials May be Fined.

The County Commissioners heretofore declined to recognize Dr. McCullers as the County Superintendent of Health, and have so instructed the various county institutions, but a resolution was passed by the County Board of Health ordering that the County Commissioners, the jailer and other officials be notified of the election and a penalty of \$25 was imposed for interference with the County Superintendent of Health in the discharge of his duties.

Democrats Have Row Over Who Shall Make Out Tax List.

Some weeks ago the Register of Deeds stated that under the new law it was not his duty to tabulate and compute the tax list as heretofore, but that this duty now devolved upon the County Auditor, Mr. Holding. The County Commissioners instructed the Register of Deeds to do this work under advice of the county

attorney, but he refused to do it, holding that it was not his duty. County Auditor Holding wrote a letter to the County Commissioners enclosing the opinion of Messrs. Bickett and White, to the effect that the law made it the duty of the Register of Deeds.

Whether there will be any further row over the matter cannot be stated with any certainty, as Democratic rows in Wake are getting to be the order of the day. The tax books must be ready by the first of next month.

Railroads Protest Against the Tax Assessment.

Representatives of the Southern, the Seaboard Air Line and the Atlantic Coast Line Railroad Companies appeared before the Corporation Commission Monday and filed exceptions to the assessments the Commission has made for taxes against the properties of the three companies, the complaint being that the railroads are discriminated against. The assessment against the Southern Railroad Company is \$46,641,696.00; against the Atlantic Coast Line, \$32,995,567.00, and against the Seaboard Air Line, \$17,590. James H. Pou represented all three railroad companies along with Assistant General Counsel Elliott, for the Atlantic Coast Line, Col. A. B. Andrews and H. W. Miller for the Southern. There will be a further hearing as to the Seaboard Air Line Saturday.

Escaped Prisoner Got Religion and Came Back to Serve Sentence.

The authorities at the penitentiary experienced something out of the ordinary Friday morning when Richard Tinsley, colored, an escaped convict, walked up to the prison gate and asked admittance, stating he desired to finish serving his sentence.

Tinsley was sent to the State's Prison from Vance County on October 5, 1903, to serve a sentence of one year for larceny and receiving, and Tinsley escaped from the State farm on the first of December of the same year. Since his escape his life has been a varied one, but finally he joined the church, and since that time he determined to come back and serve out his sentence.

Wiley Austin Captured in Norfolk—Now in Wake Jail.

Wiley Austin, the negro who killed Garfield Williams, also colored, on Mr. T. C. Council's place, in Holly Springs Township, last January, is now in the Wake County jail and will be tried at the next term of court.

Mr. J. J. Pleasants, of Swift Creek Township, learned last Wednesday that Austin was in Norfolk, and went to that city and had the negro arrested. The negro was brought to Raleigh Monday by a Norfolk official and turned over to the authorities of this county. The State had offered a reward of \$100 for the capture of the murderer and the Norfolk official claimed one-half the reward as he helped to make the arrest, and the Governor divided the reward between Mr. Pleasants and the Norfolk officer.

W. J. Murphy Not the Man Wanted.

W. J. Murphy, a Seaboard engineer, was arrested in Raleigh Friday on a warrant sworn out in a town in Georgia, charging Murphy with participating in a "badger" game in which one person was fleeced out of \$90. Governor Kitchin honored the requisition, but Murphy refused to return and instituted habeas corpus proceedings and had a hearing before Judge Hoke in Raleigh. Murphy proved that he was not in Georgia at the time the alleged crime was committed, and was therefore released.

ATTACKS SCHOOL PRINCIPAL.

A severe attack on school principal, Chas. B. Allen, of Sylvania, Ga., is thus told by him. "For more than three years," he writes, "I suffered indescribable torture from rheumatism, liver and stomach trouble and diseased kidneys. All remedies failed till I used Electric Bitters, but four bottles of this wonderful remedy cured me completely." Such results are common. Thousand bless them for curing stomach trouble, female complaints, kidney disorders, biliousness, and for new health and vigor. Try them. Only 50 cents at all druggists.

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