

THE COMET.

Twenty-Eighth Year.

JOHNSON CITY, TENNESSEE, THURSDAY, APRIL 13, 1911.

Whole Number 1397

JURY IN THE DULANEY CASE IS COMPLETED

TIL ROUPE IS ARRESTED

FOR CONTEMPT OF COURT

It is Expected that the Trial Will be Completed Today— Few Witnesses

After the slow, tedious and wrangling afternoon session of court on Monday at Jonesboro, finally resulting in the selecting of three jurors in the trial of Foy W. Dulaney, the counsel for the state yesterday morning secured the discharge of the three jurors chosen, and the selection of a new jury was commenced. At the opening of court Mr. Burrow for the state, read an affidavit of Mr. Hensley, acting attorney-general, claiming and charging that the men summoned for jury duty had been spoken to and tempered with by one Til Rupe and asking that an order issue causing said Rupe to appear and show why he should not be punished for contempt of court. Such an order was issued by the court, the arrest of Rupe was directed, but Rupe had hastily departed and had not been found when court adjourned. A bond of five hundred dollars fixed. Mr. Burrow then read another affidavit of the acting attorney-general, asking the dismissal of the three jurors chosen, on the ground that they were among the list of names which were nearly all from the Boone's Creek district, near the home of Til Rupe; and charging specifically that Juror Jackson was habitually under the influence of intoxicating liquors that Juror Martin was a brother-in-law of Deputy Sheriff Hale, who, it was charged, is an intimate friend and supporter of Dulaney, and that the name of Juror Maupin was called and given to counsel as G. T. Maupin, when as a matter of fact the man selected was G. P. Maupin. On this affidavit, the court dismissed the jurors and ordered that the names of all the remaining men summoned be put together, and drawn from the box. The balance of the day was taken up in obtaining a jury, which was completed at 4:30 p. m. Each man was subjected to a searching examination by counsel for both the state and the defendant, and of the peremptory challenges allowed, the defendant used the entire eight allowed, and the state used three out of their allowed four. The jury as chosen consists of E. E. Allen, C. H. Booth, E. J. Million, Bruce Chase, Lafayette Isley, R. E. Phillips, Cain Hammett, W. F. Reed, J. E. Greenway, A. J. Milhorn, J. D. Keefauver and Lode Barnes.

After the jury was completed, counsel for defendant announced that they had a matter to present to the court while the jury withdrew, and before the jury was sworn. The court overruled a request to delay the swearing in of the jury until this morning, to allow counsel time in which to confer and reduce their motion to writing. Counsel for defendant then orally presented a general challenge to the array, which was overruled by the court on the ground that it came too late, and should have been made to each individual juror as chosen. The motion will be presented this morning in writing, and made a part of the record.

D. K. Teatum, wife and daughter returned yesterday from Fla., after a stay of several weeks.

AN INTERESTING PROGRAM

Is Carried Out and Large Crowd Attend All Services, Twelve Thousand Dollars Raised

The dedication services of the Christian church on East Main street were held Sunday morning, being conducted by Gen. Z. T. Sweeney, of Columbus, Ind. Simple and impressive introductory service was conducted before Dr. Sweeney's sermon, an attractive part of which was a solo well rendered by Mrs. A. C. Akin. We are going to digress from our report here, at the risk of mingling an editorial comment with a news item, and say that Mrs. Akin sang without having music or words before her. We have often wondered how a person professing to be a musician could be so foolish as to attempt to sing a solo expressively without learning it and singing from memory. We had much rather hear a preacher read his sermon from manuscript than to listen to a soloist reading the music while singing.

Dr. Sweeney's sermon was a masterpiece of logic, eloquence, wit and pathos. His text was taken from the 13th chapter of Corinthians, and his subject "Love." Prefatory, Dr. Sweeney divided the laws of the Universe into two classes, the natural and the supernatural. To the supernatural is ascribed the creative power, to the natural the propagation and perpetuation of that which is created by the supernatural. Miracles, he said, may be considered as being governed by supernatural laws, but they did not transgress the natural; the two worked in concert. The foundation of the church of the Christian belief he ascribes to the supernatural creative power of God, by the miraculous gifts of tongue, and the gifts of the Holy Spirit, of power and of knowledge. The church as thus founded is to be propagated and perpetuated and extended by the natural powers of man, through the exercise of faith, hope and Christian love. Dr. Sweeney believes that the church and its power and influence are spreading rapidly and that the gospel of Christ will soon be predominant in every country on the globe. He said that he expected to live to see the time when not a single saloon was in existence on the American continent. His remarks on temperance were strong and convincing.

The treatment of the subject of the sermon, leading through a description of a boundless Faith that never wavers even in times of bitterest adversity, an ever present Hope that begins in the cradle and ends with eternity, to the all-pervading Love that thinks no evil, that is not self-serving, and that forms the charter of man nearer the image of God, was a sound, oratorical sermon such as is not often heard.

After the sermon, subscriptions were taken to secure \$10,000 to pay off the indebtedness of the church, and nearly \$2,000 over this sum was raised. The additional amount will be used to pay off the balance due on the parsonage.

Communion service was held in the afternoon, which was also a kind of fellowship meeting of the various ministers of the town, Revs. Dobbs, Vaught, Tarwater and Osborne made addresses. At night Dr. Sweeney again preached a splendid sermon, one of the most interesting and eloquent ever heard in Johnson City. Tonight at 7:30 o'clock a reception will be held at the church, when the public will be invited to inspect the new building.

H. H. Dyer returned to-day from a business visit to Greeneville.

MANY STORIES ARE TOLD

One Lad's Back Covered With Dried Blood From Bruises Made by Buggy Whip

Indignation is aroused to a big pitch in Greeneville and vicinity over the reports as to the alleged mismanagement and misconduct of Mrs. E. E. Wiley in the Greeneville orphanage. Since Mrs. Wiley has been in charge of the institution for a number of years without any serious complaints having heretofore been made, and has taken great interest in the work of the Methodist church, the reports were all the more shocking; so much so, in fact, that at first they were considered idle rumors. After an investigation a few days ago, however, a warrant was sworn out for her arrest, and she has since been under bond. Misappropriation of funds is alleged, in what amount it is impossible to ascertain. Among the current rumors as to mistreatment of inmates of the orphanage is the story of her having punished a boy (reported to be subject to epileptic fits) by placing him in a barrel, and either intentionally or through forgetfulness, allowing him to remain there for more than a day. When taken out he was in a very serious condition. On another occasion Mrs. Wiley caused the arrest of three of the boys for some small offence (taking jam from the store rooms.) It is said that it was necessary for her to call on three or four officials before one could be found to make the arrest. After the lads were taken into custody it was found that one appeared to be in a weakened condition, but at first could not be induced to tell what the matter was. After considerable coaxing, however, he allowed his shirt to be removed, after the use of warm water on his back, and it was found that his back was cut and bruised in a fearful manner. He finally stated that Mrs. Wiley had beaten him with the handle of buggy whip. It is common talk that such treatment of the children, and not supplying sufficient food and clothing, has been going on for some time. It is also said that some charitable persons being interested in one of the inmates, had been supplying the institution with clothing and other articles for his use, but that such donations never reached the boy for whom they were intended. Rumors that the inmates' ears were pulled out of place, arms sprained and bodies lacerated by heavy blows are freely circulated.

The investigation is not yet completed, and until then it is not known whether these reports will be confirmed, or whether other matters will be brought to light. The institution has been the recipient of many large donations for a number of years, not only from the church under whose direction it is operated, but from other institutions and organizations and from citizens. The Methodist church officials will take up the matter soon, probably Sunday, and it will be thoroughly investigated and necessary charges made. It is probable, however, that the orphanage will be closed for a time at least.

A Good Beginning.
Everything in later life depends upon how we begin it. You can not be successful in life if you haven't good health. To insure good health in later life it is necessary to start right. Many of the life's serious ills are caused by constipation, indigestion and liver trouble. The best way to cure them in old or young is by the use of Dr. Caldwell's Syrup Pepsin.

It is absolutely guaranteed to do what is claimed, and if you want to try it before buying, send your address for a free sample bottle to Pepsin Syrup Co., 115 Caldwell Bldg., Monticello, Ill. It is sold by all druggists at 50c and \$1 a bottle.

Capt. Kyle M. King spent yesterday in Bristol on business.

85 BODIES BROUGHT TO LIGHT

BANNER MINE EXPLOSION

IN ALABAMA RECENTLY

No Official Statement as to the Cause of the Explosion in the Banner Mine

Banner, Ala., April 11.—Removal of bodies from the coal mine near here where 128 men were killed last Saturday was resumed at 3 o'clock this morning after a temporary shut down to repair the air fans. Thirty-seven were taken out during the night, making eighty-five recovered so far.

Dr. J. A. Holmes, chief of the bureau of mines at Washington, was in the workings all night. He and his party made a thorough inspection and aided in the rescue work.

The bodies of the convict victims are being sent to their respective home counties where they will be buried at public expense if unclaimed by relatives. That of John Kilpatrick, white, was among the last to be brought out. The men recovering the dead report that, with the exception of a few covered by the fall of rock and slate, all the corpses will have been taken out by night. The falls of rock are being cleared and broken brattices are being repaired rapidly and from now it is expected that there will be no delay in the work.

There were two funerals today near here. They were for Lee Jones, white, and Dave King, colored. Both were free miners.

No official statement as to the cause of the explosion will be made by Chief State Mine Inspector Hillhouse until the tunnels are cleared and an inspection made by his department has been made. The estimate of 128 dead is maintained.



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SOLD BY ALL DRUGGISTS EVERYWHERE

MANY CONFERENCES HELD

Speaker Leach and Representative Swan Can't Deliver to The Regulars

Nashville, April 11.—The "regulars" were two men shy in the house this morning when the legislature met, and for this reason indications are that the election law amendment, by which it is sought to increase the election board members from three to seven, will not be reached today. Much field work was done yesterday afternoon and last night, but all for naught. This morning found Mr. Terrell, of Hamilton, at his wonted place. But while two men had been gained the presence of two others had been lost and the "regulars," aided by Speaker Leach and Representative Swan, were powerless to get through the proposed compromise law.

Meanwhile other people were busy. Newell Sanders, chairman of the state republican executive committee, and members Harry A. True, of Memphis, and A. M. McNeilly, of Humboldt, of the state republican committee, reached the city this morning and held an early conference with Senator Luke Lea and Congressman Sam R. Sells. They counted noses and they compared notes. They decided that they were safe. But their opponents in the republican ranks were busy also.

Judge G. M. Henderson, of Rutledge, is here. He came this morning. He held a long conference this morning with State Treasurer Taylor, and later Representative Farmer, of Grainger county. Judge Henderson's home county, was brought into the meeting. What took place is not known or ever will be known until Farmer votes.

The fusionists claim him, as do the regulars. It is said of Farmer that he is holding the office of county superintendent of Grainger county schools and also that of legislator and that his position is rather delicate, now that Judge Henderson, who is a power in Grainger county, has taken a hand against Messrs. Sanders and Sells. Congressman Sells is watching every move of Judge Henderson, because it is common talk in the First district that the next opponent of Sells will be Judge Henderson or Gen. J. E. Cox. A phase of the old Brown-Evans fight is creeping into the contest. Both sides are claiming Farmer, and the fusionists with decided confidence. The latter will not deny the report that Mr. Brown, of Campbell, has signed up with "regulars," and some say that he has also signed up with the fusionists and that he will vote with them.

Mr. Sanders says he will go home tonight. He attended a meeting of the directors of the N. C. & St. L. railroad this morning after the conference.

Jesse M. Littleton is here and is moving prominently in the anti Sanders circle.

The election bill must be settled this week, all say, but just when it comes is a question. Messrs. Lea and Sells declare that they must hurry to Washington, but they still remain.

MANY NEW NAMES ADDED

Philadelphia Pitcher Ready and Anxious to Sign and Population of Business Wants in

Since our last report, we have received wireless announcing the fact that Scurry, outfielder, Lauter, pitcher, Schwart, outfielder, and Cotter, shortstop, have signed contracts to play ball with the Johnson City team. And in addition: There is a catcher in Chicago that we can get if we need him; a pitcher in Philadelphia that will come if necessary; an outfielder from somewhere up in Virginia who is aching to get down here in fast company, if we find we have any use for any more, and another pitcher in Brunswick, Ohio, (whom we may get, if we feel like it), who used to play in the Reserve League, and out of fourteen games pitched, won eighteen—or maybe it was the other way, I don't remember now. Burnsville, N. C., wants to play on our team too. I don't know what the population of Burnsville is, but if there are any more people there besides those who have asked for contracts to play ball here, it must be a whaling big town. So many contracts have been sent over there to show them just what is necessary to become one of the elite, that a new supply has been ordered from the printer. Some of the husky lads want to know if they are to bring shoes and shirts and uniforms, and some want to know if the players have to furnish their own bats and gloves and balls. One fellow wanted to know if he could sell peanuts while his side was on the bench.

The Milligan College team, composed of Scurry, Simmons, Dave Taylor and a few other minor players, played a game with Washington college the other day, and at the end of the fifth inning, when the game was called, the score stood 1 to 0 in favor of Scurry, Simmons and Taylor. The reason it wasn't several to nothing, was because Sam Alexander was on the Washington College side.

Transportation was sent yesterday to Burlington, who has completed his training of college teams in Florida, and he may be here the middle of the week. Garner is expected Monday or Tuesday. Get ready to holler.

Never Out of Work.
The busiest little things ever made are Dr. King's New Life Pills. Every pill is a sugar-coated globe of health that changes weakness into strength, languor into energy, brain-fog into mental power, curing constipation, headache, chills, dyspepsia, malaria. Only 25c at H. C. Miller's.

STONE SLIDE IN NATURAL TUNNEL

Bristol, April 11.—Many coal trains from the Southwest Virginia mines were blocked through by a stone slide in the natural tunnel on the Virginia & Southwestern railway in Scott county, Virginia. It is estimated 150 tons of stone fell upon the track from about midway of the great natural arch which spans the railway under the mountain for a distance of nearly a thousand feet—it is nearly 300 feet on a perpendicular line from the track to the natural arch. There is no accounting for such a collapse in an arch which nature, to all appearances, had made absolutely secure. Since practically the whole mountain is a solid mass of stone, men and dynamite were hurried to the scene and the track was cleared early yesterday.

DANGER IN DELAY.

Kidney Diseases Are Too Dangerous for Johnson City People to Neglect.

The great danger of kidney troubles is that they get a firm hold before the sufferer recognizes them. Health is gradually undermined. Backache, headache, nervousness, lameness, soreness, lumbago, urinary troubles, diabetes and Bright's disease follow in merciless succession. Don't neglect your kidneys. Cure the kidneys with the safe and reliable remedy, Doan's Kidney Pills, which has cured people right here in Johnson City.

Mrs. Sarah Foran, 405 W. Poplar St., Johnson City, Tenn., says: "My back ached constantly and there were pains through my loins and kidney. I also had trouble from the kidney secretions. When I heard how effective Doan's Kidney Pills were in such cases, I got a supply from the White-house Drug Co. and began their use. They soon made me feel better and I continued taking them until I was well."

For sale by all dealers. Price 50 cents. Foster-Milburn Co., Buffalo, New York, sole agents for the United States. Remember the name—Doan's—and take no other.

THE SIXTH ANNUAL SESSION

EDUCATIONAL ASSOCIATION

KNOXVILLE ON THURSDAY

Johnson City Will Be Represented By T. E. Utterback, W. J. Barton and Others

The sixth annual session of the East Tennessee Educational association will be held in Knoxville on Thursday, Friday and Saturday of this week. Prof. Brooks and a number of the teachers from Johnson City will attend the meeting. Johnson City is represented on the staff of officers by T. E. Utterback, first vice-president and W. J. Barton, chairman of executive committee. The sessions will be held in the Fifth avenue high school building. On Friday morning the association will be addressed by Prof. Gilbreath, of this city, on the East Tennessee Normal school; also by Hon. J. A. Patten, of Chattanooga, on compulsory attendance. On Saturday addresses will be given by Miss Jessie Field, superintendent of schools, Page county, Iowa, and by Dr. J. N. Hurty, secretary of the state board of health, Indianapolis, Indiana. Sectional programs are arranged for Friday and Saturday. The object of the association is to improve the educational conditions of East Tennessee, and their motto "The closer adaptation of the work of the public schools to present needs and demands of life in East Tennessee."

A Hopeful Message to Scalp Sufferers and Men Whose Hair is Thinning.

Dandruff now—bald later. The same is true of scalp diseases. In fact, baldness is a scalp disease. The trouble with the greasy salves and lotions, the so-called dandruff and scalp cures you have tried so far is that they don't do anything but temporarily relieve the itching and make the dandruff so it doesn't fall until it's dried out again. Nothing can cure, really cure, such troubles but a real scalp medicine that will kill the germs causing dandruff and scalp disease. Learning from leading fellow-druggists throughout America that they had found a whirlwind cure for dandruff, eczema and all diseases of the skin and scalp, the City Drug Co., on proving to the laboratories compounding the treatment, that it is the most prominent drug store in this city, secured the agency for the remedy. This remedy is Zemo, the clean, liquid preparation that kills the germ of disease and Zemo Soap to wash the scalp or skin clear and clean of the dandruff or scale and by its antiseptic qualities soothe and heal. Sold and guaranteed by druggists everywhere and in Johnson City by the City Drug Company.

FOR DIRECT ELECTIONS OF SENATORS BY PEOPLE

Washington, April 11.—Three resolutions providing for the direct election of senators by the people have been introduced in the house since the opening last Tuesday of the Sixty-second congress. The third of these was introduced by Representative Beall, of Texas. Representatives Suizer, of New York, and Cooper, of Washington, were the authors of the first two.

OLD SOLDIER

KILLED BY TRAIN.

Greeneville, April 11.—The body of James F. Swecker was found at a point about four miles west of Greeneville yesterday. The discovery was made by the crew of a passing freight train. It was evident that he had been walking on the railroad track and had been struck by a passing train in the night. Swecker was an old man, near 70 years of age, and was an ex-Confederate soldier and pensioner.