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## CHARLOTTE., N. C., SATURDAY MORNING, MARCH 31, 1906.

## PRICE FIVE CENTS.

#### NO STRIKE WHERE RAISE PERKINS CASE NEW FIELD 13 ALIVE AFTER 20 DAYS THE CASE OF ETHEL WHITE OLD BONDS WERE REFUSED "OSLER" SECTION OMITTED MARINE BAND SEGUERD HOUSE PASSES OMNIBUS BILL FEATURE OF BIG CELEBRATION MINERS RESTRICT BATTLEFIELD QUESTION OF LARCENY ARGUED FRENCH MINERS' GHASTLY TALE STILL IN COLUMBIA ASYLUM GOV. WARREN GIVES REASONS

Inion's National Convention Alm Authorizes Officials to nts With Any Operasly Auth Sign Agreements With Any Opera-tor Willing to Pay Scale of 1903 for Two Years, Reducing Number of Prospective Strikers by Probably 75,000—Action Expected to Bring Out Some 500,000 Hard and Soft Coal Miners -- Convention Cost \$105,000.

Indianapolis, March 30 .- Amelioraion of the threatened strike of bituminous coal miners on April 1 was secured to-day by the United Mine Workers of America, who, before adjourning without day, authorized national and district officers to sign wage agreements with any coal operator who would agree to pay the scale of 1908 or its equivalent for a period of two years. This is an advance of 5.55 per cent. in wages in Illinois, Indiana. Ohio and western Pennsylvania and all other district except the

cents a ton is demanded. As many operators have signified a willingness to pay the advance, the r of miners that intend to strike numh on April 1 will probably be ultimately by probable that most soft coal miners the cessation of labor will be tempocary in those districts where the increase in wages can be obtained. ARBITRATION DTCLINED.

The convention declined an offer made by the operators of Indiana, Illinois and Ohio to submit the wage differences to arbitration. Where a coal operator owns mines in different districts the scale must be signed for all the properties at the same time before any of his mines will be allowed

to run. The action of the convention probably will bring out of the mines of the country some 500,000 miners from the anthracite and the bituminous fields These will remain on strike, it is said, until settlements have been signed by districts with individual operators. The only miners, it is said, that will go to work on Monday will be 25,000 West Virginia, where a truce has been signed temporarily.

The joint State convention of the outlying districts, which will be held next week, were empowered under the action of the convention to-day to sign agreements with the operators of these State if they agree to pay the 1903 sca le.

#### SITUATION BY STATES.

The men will return to work as soon as the scale is signed. If there is a disagreement in these State conventions, any of the miners can sign the scale and resume work where individual operators pay the advanced scale. anticipated that the scale will be signed in a few days by employers of 15,000 miners. The Pittsburg Coal Company and F. L. Robbins, of western Pennsylvania, who also own mines Ohio, Illinois and West Virginia, will, it is expected, sign at once, together with the independent operators. in all the Indiana mines south of the actually draw the checks?"

Baltimore & Ohio Railroad, in a numof central Indiana mines, in one half of the Illinois mines, and in a large percentage of the mines in Ohio. The duration of the strike in Michigan, Kentucky, central Pennsylvania, Iowa and West Virginia cannot be determined until the State conventions meet next week.

Habeas Corpus Hearing Obtained by New York Life's Former Vice President Against Warrant Charg-President Against Warrant Charg-ing Larceny for Transmitting Cam-paigs Contribution, Jerome Ad-mits Tack of Precedent, but Urges Inherent Wrong—Gave Money of Democratic Policy-Holders to Aid Republicans—Not Larceny Under New York Code, Says Perkins' Counsel

the habeas corpus proceedings in the case of George W. Perkins, former vice president of the New York Tite Insurance Company, who is charged ing twenty days of entombment. The in a warrant issued by Magistrate story of the survivors discloses that Moss with the largeny of \$48,702 be-they lived for many days on putrid New York Life Insurance Company, ing corpses. The presence of numeric which he advanced to Cornelius N. ing corpses. The presence of numeric flesh would speedily have forced the flesh would speedily have forced the starving men to resort to the last starving men to resort to the last Supreme Court. Decision was reserved. Briefs will be filed Monday by contending counsel and then Justice years of age, except their leader, Hensouthwest, where an advance of 3 Greenbaum will take the matter of the legality of Mr. Perkin's arrest under advisen

for the prosecution, said:

"The question here is as to the right many thousards. It is of Mr. Perkins to pay the money of will cease work on April 1, a'though ganization for the purpose of influenceing the results of certain political matters at the polls. Shall the officers of corporation or a single officer, say, take the money of the policy holders and give it to a pilitical party?"

DEMOCRATS' MONEY TO FOES. He said such an act is inherently wrong, contrary to public policy, to public morality, and to common de "Half of the policy-holders cency. may have been Democrats, and to take their money to assist the Re-

publican party certainly goes to the establishment of felonious intent," he ald. Cohen said that President Judge John A. McCall, of the New York Life Insurance Company, had at different times directed the payment of large sums of money for the relief of the Johnstown flood sufferers and in a vellow fever epidemic in New Orleans, He said that Mr. McCall believed sincerely that when he directed the payment of this money to Mr. Perkins he was acting for the best interests of the policy-holders, and said that while

outside of his vested authority, perhaps it was not illegal; certainly not criminal. It was then explained to the court

that Mr. Perkins had advanced his funds to Mr. Bliss and had personal peen repaid months afterwards by the New York Life. Mr. Perkins, he hise believed he was doing the best thing for his company.

PLEA OF PERKINS' COUNSEL. Judge Cohen argued that none of the Code's definitions of larceny ap-Greenbaum asked, "Do you mean to died of exhaustion owing to the poor caim that a vice president of a corperation cannot be said to be an officer having control of funds within the meaning of the statute that only The miners expect to get the advance the officers so included are those who

"I think that is the meaning of olie turn rure. commented "So narrow as that?" Justice Greenbaum. Replying to a inquiry by Justic Justice Cohen maintained Greenbaum, that it would not be larceny under the Code. Justice Greenbaum later said: "A man's motive may be perfectly good, and yet he may be guilty of crime.' NO PRECEDENT, SAYS JEROME. During Mr. Jerome's reply to the arguments for Mr. Perkins, Justice Greenbaum asked: "Do you maintain that it is unlawful to contribute th funds of a company for such a pur-pose as is covered by this case?" "The money of the policy-holders -yes," replied the district attorney. and went to arrest him. As they were "But do you say that of contributions from any sort of a company?" "With any great corporation rust company I say it is immoral in the highest degree to divert its funds without the consent of every party in interest.' "Have you any authorities to submit?" asked Justice Greenbaum. Mr. Jerome replied: "We have searched diligently, but this appears to be the first instance of such an issue having arisen. It would appear that your honor will have to upon the question as to whether there was a felonious attempt, without the assistance of such authorities."

After Living on Putrid Horse Meat Amid Total Darkness and in Vi-cinity of Scores of Decaying Corpses, Party is Taken Out Long After Hope of Finding More Sur-vivors Had Been Abandoned—All Emaciated, Exhausted and Nearly Blind-Would Have Resorted to Human Flesh Soon — Touching Scencs Witnessed. Human

Lens. France, March 80,-The disas

desperate extremity if they had not been rescued. The survivors were sturdy young miners from 17 to 25 ri Nemy, who is 38 years old. All show the terrible effects of their ex-

temporary nervous lucidity during which they greeted their relatives and graphically related their sufferings. The doctors then enforced quiet upor them, fearing the results of fever and poisoning from their having eaten decaved horse flesh.

There were touching scenes as wives and mothers greeted those whom they had long given up as dead. Crowds ors and imprecating the ineffective nature of the salvage work that followed immediately after the disaster The rescue of these 13 men revived the hope in many families that others are alive and the relatives of those whose bodies have not been recovered clamorously demanded that efforts be

redoubled to bring out any possible survivors. There is a report that in addition to the 13 men who were brought up out of the mine to-day there were five others who came with them almost to the bottom of the pit, but were unable o come further on account of

the exhaustion. The total number of men missing after the catastrophe was 1,212. bodies recovered approximately numbered 500 and there are still unaccounted for approximately 700. The engineers explain that smoul-

dering fires prevent them from exploring remote passages of the mine, where it was thought that there could be no survivors. The mine owners also claim that the strike of miners reduced the number of rescuers available. Many engineers and scientists agreed that all in the mine must have

died long ago. Engineer Laur, however, dissents, asserting that the salvage work has been deplorably inefwork of the salvage companies.

SHOT TWO OFFICERS.

Drunken Negro Fires on Chief Keener and Deputy Cooper, of Lincolnton -Negro's Arm Shattered by ReSouth Carolina Authorities Say De-Michigan's Chief Executive Declined mented Woman Came to Columbia From Raleigh and Should be Cared for in Insane Hospital of This State —Effort to Locate Relatives Futile -Interesting Matters to be Con-sidered by Presbyterian General Assembly, in May-Messrs. Dozler and Terry, Partners, Reconciled. Observer Bureau,

1209 Main Street, Columbia, S. C., March 30. The General Assembly of the Presby-

terian Church of the South, which meets at Greenville in May, will be characterized by highly interesting Moss with the largeny of \$48,702 be-hey lived for many days on putrid longing to the policy-holders of the New York Life Insurance Company, which he advanced to Cornelius N. ing corners The accres of decay-which he advanced to Cornelius N. portance to the denomination, which has done so much in the line of character-building for the South gener facture sash, doors and blinds; the ally and for this State in particular An interesting appeal case, in many Crest Southern Benevolent & Realty respect strikingly similar to the Miss Co., Charlotte, will conduct a real estate and brokerage business, together Means, case which was appealed from this city a few days ago, is to come up with insurance and mercantile branchder advisement. District Attorney Jerome, arguing and blinded. Their rescue caused a who has been preaching in that State, es; the company is composed of negroes and they are of business ability; but who recently removed from the capital \$50,000; there has been sub-North. The case has attracted a deal scribed \$1,000 by E. J. Young, A. of attention and has aroused much feeling in that State. Another im-Wyche, S. H. Witherspoon, George Bulportant subject to be dealt with will be the proposed union with the North-

ern Church. The young white woman, Ethel Katherine White, who was sent here by the Raleigh police, apparently to besieged the hospitals to which the men were taken, cheering the surviv-mented condition after she had been mented condition after she had been arrested for trying to cash forged is still in the hands of. checks. the authorities at the State Hospital for the Insane, the superintendent having refused to allow the police here to send her back to North Carolina unattended. Chief Daly decided to-day. after consultation with the mayor, not to send her back to North Carolina

with an attendant but to allow her to remain in this State's care until a relative could be located or until the North Carolina authorities could he induced or forced to take her and care for her there.

The chief has been telegraphing to-The letter which Governor Warren day to various parts of the country in the hope of locating relatives, but so far he has received no replies. The young woman first applied for accommodation at a hotel, but was refused admission on account of her pecullar behavior. Then she went to a house in the red light district, where she had been a short time on the occasion of a previous visit to Columbia, but her conduct there was such as to lead the other occupants of the house to call in the police, who turned the stranger. who was well dressed and pretty, over to the authorities at the Hospital for the Insane. She is only 24 years old and is said to be a native of Summerset, Bourbon county, Ky. She told the Columbia police that she had been living in Lynchburg six years when she went to Raleigh on the 9th of this month

What difference existed between

The matter from Governor Warren overnor Glenn is as to acknowledge receipt of your letter of March 20. I have carefully noted the contents of your letter, as well as the one you wrote to Governor Higgins under date of July 3rd, 1905. herewith enclose copy of letter written to Louis M. Ogden, secretary of the committee of North Carolina bondholders, dated March 24, 1906. My leter to Mr. Ogden states my position in this matter. I have as yet received no reply from the committee, but you may rest assured that no action will be taken by this State that will cause your State embarrassment or litiga-In connection with the same matter, letter of Governor Glenn follows: the 'My Dear Governor:- Your letter enclosing one to Mr. Ogden, stating that you 'would not accept a gift of the bonds tendered by his committee, as the State of Michigan did not care to be placed in the position where it could be said that it was being used to involve another State in litigation,' was received by me this morning, and it is

Provision Classifying Department Em-ployes Over 65 Years Old and Mak-ing Reductions in Salaries After That Age Dies on Only Point of Order Permitted by Ruling Powers -Edort to Discontinue Services of Special Trade Investigating Agents Abroad Fails-Mr. Mann Declares Standard Oil Co. is Trying to De-

Washington, March 30 .- The House o-day passed the legislative, executive and judicial appropriation bill. carrying thirty millions of dollars, af-

ter considering the measure two weeks. The bill as passed carries ander Lumber Co., at Cliffside, Ruthnearly \$700,000 less than the last anerford county, with \$10,000 capital paid propriation bill for similar purposes. in and the right to increase to \$40,000; An effort to discontinue the ser incorporators, J. F. Alexander, Forest vices of special agents to investigate City; R. R. Haynes, Cliffside; T. B. trade conditions abroad, the bill car-Lovelace Henrietta: G. E. Young, rying an appropriation of \$20,000 to Lovelace, Henrietta; G. E. Young, and actual traveling pay salaries Forest City; the company will manuexpenses, failed.

During the consideration of the bill the Bureau of Standards was severely criticised by Mr. Slayden, of Texas, and Mr. Gaines, of Tennessee. They contended that for a bureau which was but five years old it had grown to appropriation for 87 officers and employes.

Mr. Slavden said it regulred two lock, J. W. Perry and W. B. Norris, Departments of the government. Charlotte: Britton Pearce, Raleigh: J. Navy Department and the Naval E. Shepard, Durham, and several oth-Observatory to tell the Bureau ers; the Dunbar Co., at Tarboro, will Standards when it was noon and that handle real estate and farming impleinformation having been given by the Departments, the Bureau of Standards was ready to standardize which amount \$25,000 has been subscribed by George Howard, G. A. Holderness, S. chronometers. The item however, carried by the

bill was allowed to stand. A point of order was sustained against the section classifying persons over years and making a horizontal reduction in salaries after that age, and it went out of the bill. The committee, having completed

the reading of the bill, proceeded to insert the several items against which points had been made previous to the passage of the rule prohibiting points

Carolina bondholders in regard to the of order. Criticism of the Standard Oil Combond matter for proposed litigation pany, for participation in politics was made by Mr. Mann, of Illinois. He recited the fact that he had made reports and had had charge of several bills in the past aimed at this company and that now the company was endeavoring to retallate by activity against him in his district.

At 6 o'clock the House adjourned. FRANCHISE GRANTED.

High Point-Greensboro Inter-Urban Trolley Syndicate Given Permission to Enter Gate City.

Special to The Observer.

with

Greensboro, March 30 .- The board of aldermen, in special session to-night, granted a franchise to the Philadelphia and Norfolk syndicate represented by E. J. Justice to enter the city with a trolley line in connection with the inter-urban line which they propose building between Greensboro and High Point. Mr. Justice deposited a cashier's check for \$1,000 to be forfelted if the line is not started in good faith and completed within 18 months. The franchise, as originally introduc-

a Drawing Card the Twentiett President Gentred Mayor McNine Requests - Frand Order Isa Against Concord Concern-Unc tainty as to Meeting Place of Den craite State Convention-Discuss as to Powers of Federal Cou Injunction Cases. BY W. A. HILDEBRAND.

Famous Musical Organization Will be

Observer Bureau, 1417 G Street N. W. Washington, March

The Star this afternoon said in its White House column: "Mayor S. S. MoNinch, of Charlotte, N. C., acc panied by Walter G. Coleman, of the Seaboard Air Line Railroad, discuss with the President to-day the celebra-tion of the Mecklenburg Declaration of Independence to be held at Charlotte on May 21, 22 and 33 next. They told the President that the celebration had

the President that the celebration been an annual affair at Charlotte for many years and that the Mecklenb Declaration antedated the declaration of the 4th of July, 1776, by severa weeks. They asked the President that giant proportions. It started with 12 official recognition of the celebration, officers and the present bill carried an which is to be made particularly notable this year, be given by the national government. The President promis

to direct the proper authorities to send to Charlotte, on the occasion of the celebration, Troop E of the Thirteenth Cavalry, one of the crack drill organizations of the army; a company of marines and the Marine Band from Washington, and two companies of in fantry from Fort McPherson, at Atlanta, Ga. In addition to the United States forces, State troops from North Carolina and other Southern States will participate in the celebration. A feature of the event will be a prize drill between Confederate veterans and members of the Grand Army of the

Republic under the tactics prevailing during the civil war." FRAUD ORDER AGAINST CON-CORD CONCERN.

> A fraud order was this afternoon is sued against the Reece F. Boger Spe-chalty Company, of Concord. It is charged that the Boger Concern advertised that it would give \$20 for pennies of the coinage of 1880 and that, when people answered the advertisement, they were told to send ten cents for a guide book. When this was answered they were told to send 50 cents for further information was sought, so the story goes, those seeking the \$20 were told they would get their money when they sent on 1,880 pennies. This case will be taken up at the next term of Charlotte Federal Court.

WHERE WILL STATE DEMOCRAT. IC CONVENTION BE HELD?

There is seemingly a large element of uncertainty as to the place of holding the approaching Democratic State convention, the matter which will chiefly occupy the attention of the State committee in a few days. If State committee in a few days. Raleigh makes a serious effort to se-cure the convention the contest beween the Capital City and Greensboro will, without a doubt, be close In fact, when two or three of the litically inclined were gathered to-gether recently, and began to figure a little, they gave the two places

R. Gamm, James H. Ruffin and W. S Howard: the Morganton Commission and Bottling Co., at Morganton, to do a commission business and prepare carbonated drinks, ciders and vinegars; paid in \$10,000 of an authorized capital stock of \$20,000. THE NORTH CAROLINA BOND IN-CIDENT. Governor Glenn is in receipt of letters from the Governor of Michigan to

ments;

himself and to the committee of North against the State of North Carolina.

sent to this committee is as follows "I beg to acknowledge receipt of your letter of March 10. My reply to your communication has been delayed as I desired to secure some information from the Governor of North Carolina before accepting the offer made by your made to me by Governor Glenn, I am convinced that our peceptance of the bonds would serve no other purpose than involving the State in protracted litigation. That course would have to be taken if anything was realized from the bonds. After carefully considering the matter, I have decided to decline your offer. My refusal to do so is based upon my belief that the State would have nothing to gain by its acceptance of a gift that simply paves the way for a law suit. The State of Michigan does not care to be placed in

a position where it can be that it is Messrs. L. B. Dozier and Frank S. Terry, both large stockholders in the being used to involve another State L. B. Dozier concern, have been ami-cably adjusted and both are good your offer is respectfully declined." friends. The trouble was all due to

Result — Correspondence on the Subject—Funeral of Late R. Doug-las Olds—New Charters Granted— Final Hearing in Morris Arson Case Set for April 4-News Notes From the Capital. feat Him. Observer Bureau, 122 South Dawson Street, Raleigh, March 29. The State charters the J. F. Alex-

Offer of Old North Carolina Bonds, Believing That Nothing Could be

Gained and Long Litigation Would

capital \$100,000, of

committee. From the report

President Mitchell said to-day he be lieved one-half of the tonnage of Illinois, Indiana, Ohio and western Pennsylvania, would sign soon. The miners expect few operators in the southwest district to sign at once. TO ARRANGE STRIKE DETAILS.

The national executive board will eet to-morrow to take up the details of managing the strike. It was empowered to decide as to what employee will be allowed to continue work at the mines to prevent the destruction of property during the suspension.

The convention cost the miners' or ganization \$105,000 for expenses of del gates. There is in the national district and local treasuries of the miners \$2,500,000, of which \$400,000 is in the na tional treasury, President Mitcheil expects to leave Sunday for New York to meet in joint conference with the anthracite operators. National Sec retary Wilson will leave at the same time to attend the central Pennsyl vania convention at Clearfield.

The vote on the resolution permitting the miners to sign was almost unani-mous, although Vice President Lewis took a vigorous position against it.

PRESIDENT IS NON-COMMITTAL.

After Cabinet Discussion Situation Statement is Withheld-May Not Decide for Some Days.

Washington, March 30 .- President sevelt is non-committal what action, if any, he will take regarding the coal strike. It is known, however, that his replies to the telegram received from Indianapolis will to the effect that he has the whole matter under consideration and may be some days yet before he

The cabinet had the coal situa tion under consideration to-day. Telegrams from Indianapolis of John Winder, on one side, and John Mitchell and Francis L. Robbins on the other, were discussed. At the conclusion of the meeting the Presi At the dent made the announcement through Becretary Loeb that there was noth-ing to say at this time. It was added that he had not as yet replied to either of the telegrams.

#### Grants Special Insurance Grand Jury

New York, March 30 .-- Justice Dow ling, in the Supreme Court to-day granted the application made yester-day by District Attorney Jerome for a special grand jury to investigate in-surance matters. Justice Dowling said he had consulted his associate justices and that they were agreed as to the advisability of granting Mr. Jecome's request. erome's request.

**Myerpool** Grand Steeplechase Run. Liverpool, March 30.—The grand na-tional steeplechase of 2,750 rovereigns, a handlcap for 5-year-olds and up-ward, about 4 miles and 850 yards, was tun to-day at Liverpool spring meeting and was won by Prince Hatz-fieldt's Ascettics Silver. Red Lad was second; Aunt May third. Twenty-three horses started.

Thousands Witness Hanging in Texas. Waxhatchie, Tex., March 30.-Al-bert Johnson, colored, was executed this alternon for the murder of J. H. Taylor, a white man, near this city last July. The execution was public and was witnessed by several thousand nearline

THREE SHOT; ONE WILL DIE.

In Drunken Melee at Gaffney Jim Blanton Shoots Rufus Ray and Hose and Bod Bright, the Latter of Whom Will Probably Die-Blanton Arrested.

Special to The Observer. Gaffney, S. C., March 30.-In a drunken row at the Globe Manufacturing Company't plant near the city at 8 o'clock to-night, Jim Blanton, a white man, 35 years old, shot Hose Bright, his son, Bod Bright, a young man, and Rofus Ray. The youngest of the three injured men, Bod Bright t may be some days yet before he is the most seriously wounded and it decides what, if anything can be is probable that he will die. The injuries of the other two men are not serious. Blanton was arrested and locked up. The particulars can not be secured to-night but from all information obtainable it seems that the tragedy was the result of a general drunken row. The principals are op-eratives at the Globe Manufacturing

## Company's plant. Police and Guards Being Strength-

St. Petersburg. March 30 .-- A. special

commission under the presidency of Premier Witte has been created to coordinate the work of troops and police in handling revolution and agrarian outbreaks. The police and rural guards are being everywhere strengthened.

# Attempt to Commit Suicide.

New York, March 30 .- Mrs. May Kay, a widow 28 years of age, who came to this city from New Orleans, three months ago, attempted to commit sui-cide tast night in her apartments at the Albama Hotel. She probably will

Collision on a Bridge. New York, March 30.—Two street cars collided to-day on the Williams-burg bridge over the East river, in-juring about a score of passengers. Miss Fannie Ferguson, of Brooklyn, was seriously hurt in the panic that followed.

## Baseball Yesterday.

At Jacksonville, Fis.: Jacksonville, 8: Boston Nationais, 5. At Augusta, Ga.: Detroit Americans, 3: Augusta, 6. At Charleston, S. C.: Brooklyn, 2: Charleston, L.

Special to The Observer. Lincolnton, March 30 .- The town was excited yesterday when the news

spread that there had been a shooting between Chief of Police Keener and Deputy William Cooper on one side, and a negro, Ira Johnson, on the other It sems that the negro had been drunk for several days and was out looking for trouble. He had a difficulty with the pastor of the negro Methodist church. Thursday morning he came

up street and rented a gun from one of the hardware stores and started out looking for the negro preacher. The officers were 'phoned for. Chief Keen-er and Dupty Cooper got in a carriage

approaching the colored Methodist church, Johnson was seen standing on a ridge about 35 steps from the road The officers got out of the carriage Just as soon as they allighted the negro raised a shotgun, taking aim at Mr. Cooper fired, one shot taking effect above the right eye. Chief Keener then fired, and the negro turned and fired at him, one shot striking above the right eye, one in the left arm and

one in the hand. Both officers then fired and the negro fell, saying he killed. An examination showed that neither of the officers were seriously hurt. The negro was struck twice, his left leg being shattered about six inch-

es above the knee. The restraining order issued by Judge Bryan at the last term of Mecklenburg court, in behalf of W. W. Motz and other citizens of the town of Lincolnton against A. G. Bagley, A. Abernethy and Summy Alexander

nembers of the water committee which was to have been heard this week, has been continued until April 11. This is to prevent the water committee from tearing up water mains in certain portions of the town a number of attorneys have been employed by both sides and the case will be bitterly fought.

10,000 TEXANS AT HANGING.

Great Crowd From Radius of 50 Miles Comes to Revel in Hidcous Austin, Tex., March 30 .- Fully 10,000 persons witnessed the public hanging of Tom Young, in Williamson county,

miles north of this city, to-day. The hanging occurred on the open prairie and spectators came from a radius of

50 miles. Young was a white man about 30 years of age and was convicted, of assaulting and murdering a 16-year-old girl whom he adopted.

Smoot Hearing This Morning.

Smoot Hearing This Morning. Special to The Observer. Greensboro, March 20.-O. L. Smoot was arraigned before United States Commissioner Wolfe this afternoon for a preliminary bearing on the charge of being an accomplice of his wife. Mrs. Alice Smoot, who is in jail await-ing trial at the next term of Fed-eral Court on the charge of passing counterfeit money. The hearing was pestponed till to-morrow morning at 10 o'clock because of government's 10 o'clock because of government's

witnesses. One of Georgia Parricides Gets Off With Three Years,

Nashville, Ga., March 20,-Bart Bryant, a weithy farmer of this coun-iy, was found guilty of involuntary manulaughter, having killed his father, Jonathan E. Bryant, was centenced

Jonathan E. Bryant, was sentenced to the penitentiary for three years by Judge R. G. Mitchell this morning. Judge Mitchell gave Bryant to un-derstand that he had got off too light and told him that if he were permitted under the law to do so he would send him up for a longer period of time.

a misunderstanding on the part of Mr Terry, who says to-day that he does not believe Mr. Dozler did him any wrong or intended to do so, that Mr.

Dozier is his best friend. Both are prominently identified with the business growth and development of the city and it is a relief to their friends to know that there is no rapture between them.

# DAVIS IN LEAD OVER BERRY.

Arkansas' Picturesque Governor 2.072 Ahead So Far as Senatorial Contest Returns Are In-Mr. Berry Not Talking.

Little Rock, Ark., March 30 .- With practically complete returns from 62 out of 75 countles, Governor Jefferson Davis has a majority of 2,972 over Senator James H. Berry, for the Dem-ocratic nomination for United States Senator. Senator Berry, at his home in Bentonville, again declined to-day to express an opinion as to the prob able result, saying that he preferred to await further returns. In many of the counties the official count will

be made to-morrow. Returns from the fourth congres-sional district indicate the nomination of W. B. Cravens, of Fort Smith, for Representative in Congress to suceed John S. Little, nominated for Governor.

CREDITORS GET 22 PER CENT.

Winding Up Affairs of D. P. Day-vault & Bro., Bankrupts, of Con-cord-Largest Failure in State. Special to The Observer.

Concord, March 30 .- The final meet ing of the attorneys, creditors, trus-tee and referee in the D. P. Dayvault & Bro. bankruptcy proceedings was here this week, Mr. L. M. Monheimer, the trustee, will be discharged in a few days. The liabilities of this firm amounted to about \$175,000, and the

assets to about \$42,000, or about 22 per cent. Twenty per cent. has already been paid the creditors and the two per cent. will be mailed them to-day and to-morrow. Messrs. Maxwell, T. D. Maners and Swink & Swink, attorneys for the trustee, were allowed altogether \$1,000 as their fees. This was the largest failure that ever

occurred in North Carolina.

Texas Legislature Opposes National Quarantine.

Austin, Tex., March 20.-The Senate and House to-day adopted a concur-rent resolution endorsing the attitude of opposition to the proposed national quarantine bill maintained by the Texas delegation in Congress. The reso-lution sets forth that the proposed bill would cast a baleful influence on the Gulf ports and that the enactment of such a law would infringe upon States rights.

Trinity-LaFayette Game Prevented by Rain.

Special to The Observer, Durham, March 30.—The game of baseball between the Trinity and La-Payette College teams was again called off this afternoon on account of rain. The Pennsylvanians left Durham tohight for Raleigh, where to-morrow hey will meet the A. & M. College they

Drowned in Effort to Save White

Vicksburg, Miss., March 30.-While duck shooting in Greasy Lake, 20 miles morth of Vicksburg, this afternoon, Alex Grant, white, and Alexander Clai-borne, colored, ware drowned. the lat-ter losing his life in an attempt to save his white companion. Mr. Grant was a wealthy cotton planter and merchant of Hardie, Issiquens county.

needless for me to say that its contents gave me great pleasure. If placed in a similar position, I would have done as you have done, and would never allow North Carolina to be used as a cats-paw to involve a sister State

needless litigation, especially when the effort was to enforce the payment of bonds which were fraudulent and worthless, and from which the State had received no benefit. Our people will greatly appreciate the honorable course you have taken. It is similar to that taken by other Governors, and entitles you and your people to the respect of the citizens of our State. Assuring you of my personal appreci-ation of the position you have taken, and trusting that the time may come when I can show to you by act as well as word how I regard your course in valled.

this matter, I am, with great respect, "R. B. GLENN,

"Governor of North Carolina." FUNERAL OF R. DOUGLAS OLDS. Beneath a profusion of flowers from all parts of the State, as well as from the city of Raleigh and the county, as on of tender regard and memexpress ory, R. Douglas Olds, the younger son of Col. F. A. Olds, was this morning laid to rest in Oakwood Cemetery There was such an attendance as must have expressed to the father of so well-beloved a child the spirit of mourning that has pervaded the entire community since the saddening news of the boy's condition first reached the

city. The burial services were conducted by Rev. Dr. Pittinger, of the Church of the Good Shepherd, assisted by Dr. of the Good Shepherd, assisted by Dr. mal services were read at the church with the soulful rendering of several hymns, and amid the sough of the wind and the beat of the rain drop the young body was borne to its last resting place in the mound-filled Oak-wood Cemetery, where lie the remains of the beloved mother gone before. The pall-bearers were chosen from among the ranks of the former associates of the fine and manly young fellow, who had left the State and gone to the West there to win place and honors

ed, contained a clause agr eeing to fur nish light and power to Greensboro and vicinity, but this clause was eliminated upon objection made by Z. V. Taylor, counsel for the Greensboro Company. The franchise Electric granted designates that the line shall enter by either West Market of West Lee streets and thence across to Walker avenue to the terminal.

CAPT. W. B. HART DEAD.

Well-Known Montgomery County Mine Owner Expires Suddenly-Native of Rhode Island. Special to The Observer.

Thomasville, March 30 .- A message has just been received here that Capt. family several years ago from Providence, R. I., and resided here in a suburb of the city. He was engaged in mining enterprises. His death is quite a shock to his family, for whom much sympathy is felt. Mrs. Hart

will accompany the remains

for burial.

MRS. ROOSEVELT ARRIVES.

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Nearly Entire Town of Fernandina at Station-Too Stormy for Mayflower

Fernandina, Fla., March 30 .- Mrs. Roosevelt and party arrived here on the train from Jacksonville this afernoon and were met at the station by nearly the entire town. The ladies of the Episcopal Guild sent Mrs. Roosevelt a magnificent tray of flow-The party immediately went ers. aboard the yatch Mayflower, which left the docks at 4 o'clock preparatory to sailing, but did not go to sea, owing to the high winds that pre-

sume much time by reason of the directness of the testimony.

NORRIS CASE FURTHER POST-PONED.

Before Justice of the Peace Seapark the case of the State vs. M. T. Norris, for the alleged burning of a house near Raleigh, was again this afternoon heard in the re-opening of the testimony of one J. J. Thomas, who con-fessed to false swearing in evidence and presented such through affidavits made last Sunday. Mr. Thomas was not, however, present and after a hearing of contentions through attorneys, the magistrate allowed the maxter to be further re-opened for a fina hearing Wednesday, April 4. In this hearing the character of the witness for the State will be attacked and there are expected also additional senational developments.

Judge Purnell to-day set April 12 for he final hearing in the matter of the Atlantic & Seaboard Co., and Guaranty Safe Deposit Co., vs. Carolina & Northern Railroad Co., as decreed and entered August 18, 1905. This will be heard in chambers by Judge Purnell as provided in the decree. President Winston, of the North Car-

olina. College of Agriculture and Me-chanic Arts, to-night announced the West there to win place and honors for homself as the more near intimate of an elder brother. Fred Olds, Jr., to whom great success has come in that section. One of the most beautiful and conspicuous formal offerings was that of the Band of Sunshiners, with which body of young philanthropists Col. Olds has been no closely Rientified. The afternoon session of Wake Coun-ty Superior Court is devoted to the hearing of the case of the State vs. Ben Williams, a negro, for the alleged murder of Alex Clarke, which took place here the 19th of February. It is not expected that the case will con-

who is in position to express expert opinion on all questions pertaining to Democratic party affairs, said that if Raleigh really wanted the conven tion, her people had better get hot on the trail of the members of the committee from New Hanover and Cumberland counties, as it may be found that these members will hold

tioned a tie vote-43 and 43, and

the balance of power. There was some surprise express when the opinion was advanced that Asheville could get a State conven

tion as well as not. While usually after everything in the convention line the mountain metropolis has never put forward any great effort in this direction. Of course the convention this year will be held either in Gre W. B. Hart dropped dead to-day at noon at the loin mine, Montgomery county. Mr. Hart came here with his could get the convention two years hence, when the candidate nor is to be nominated, if the city will go about it in the right. and get some sort of special service from Greensboro west. all wrong, said the gentleman in ques-tion, to assume that the delegates tion, to assume that the want to go from the east would not want to go to Asheville. On the contrary, he had these eastern people would be

glad of the opportunity to get the trip, if it could be made without too great expense.

FEDERAL COURT INJUNCTION POWERS.

Yesterday, while the ubiquitous rate bill was under consideration in the Senate, Mr. Clay voiced the doubt which has filled the minds of so many Senators on both sides of the chambers, regarding the legality proposal to limit, in any way, the power of the Federal Courts in the matter of issuing temporary or any other sort of injunctions. Semilor Overman rose and remarked that, on this question where so much doub existed, and so many conflicting view were entertained by lawyers of emi-nence, it was possible the court it-self might entertain some doubts, but

he did believe that, whenever a he did believe that, whenever such doubt arose, the Supreme Court of the United States would give the benefit of any such doubt to the act of Con-gress. The Supreme Court has done this, said the North Carolins Seni-tor, from a time when the memory of man runneth not to the contrary Mr. Clay assented to this, and he also took occasion to say that he did not regard as obnoxious to the constitu-tion of the United States the amand-ments which have been proposed by tion of the United Sector in proposed by ments which have been proposed by the Senators from North Carolins. It was while Senator Clay was speaking that Senator Tillman raised a lauge by saying the Supreme Court had dis-tinguished itself once by getting of both sides of the income

tion. Representative Patterson expe go to Fayetteville to be pres the opening of court Monday will resume his duties here To GEN. WOOD MUST REFUND

As a result of facts by Senator Overman, while was under investigation tary affairs committ Tuft has instruction 1, to file w to