SUPREME COURT DECISIONS
STATE vs. WORLEY, Appellant. From Lengt. Affirmed.
O Exceptions to the admission of evidence tending to prove premediation with the strengther at the record show himself to Mrs. Hockefeller.
O Enceptions to the admission of evidence tending to prove premediation with the state degree.
O In an indictment for murder, decristicate degree.
O In an indictment for murder, decristicate degree.
O A killing with one of the defendants was inadmissible, where the land.
O A killing with a deady weapon implication was inadmissible weapon implication with a deady weapon implication with a deady weapon implication.

there was no conviction of murder in the first degree. (B) In an indictment for murder, dec-invations of deceased in relation to a prior difficulty with one of the defen-dants was inadmissible, where the lan-suage contained no threat. (B) A killing with a deadly weapon im-ples malice, and, when admitted or prov-ed, the prisoner is guilty of murder in the second degree, and the burden rests upon him to prove the facts upon which he relies for mitigation or excuse, to the satisfaction of the jury. (B) An omission to charge on a given point is not an error, unless there is a prayer to instruct thereon. (B) Where the defendants were acquit-ted of murder in the first degree, an ex-tation to the charge of the court relat-to that feature of the case is without merit.

Merit. (6) In an indictment for murder, a charge that "if the defendant aided and abstited his co-defendant (his brother) in an assault on the deceased, then he would be guilty of murder in the second degree, manshaughter, or excusable homi-cide, according as his brether was guilty or excusable. But to convict defendent the jury must be satisfied beyond a rea-somble doubt that he aided and abetted his brother. If his purpose was to ex-tricate his brother, he would not be guilty of any offense," was correct.

STATE vs. JARRELL, Appellant. From Warren. No error. (1) In an indictment for murder against two defendants, the statement by one of the defendants to the deceased and his companion, "We will whip you in a minute," made at the time of the at-tack and while the two defendants were together and both were running down the road toward the deceased and his com-panion with the evident purpose and road toward the deceased and his com-panion with the evident purpose and common design of making an attack on them, was competent as a part of the res gestae and as evidence of the com-mon purpose on the part of both to at-tack denceased and his companion. (i) Where two persons ald and abet each other in the commission of a crime, both being present, both are principals and equally guilty. (i) A principal in the second degree is not an accessory, but a co-principal.

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(4) The rule that an accessory cannot.
(4) The rule that an accessory cannot, be tried and convicted before the principal has no application as between principal in first and second degrees.
(5) In an indictment for murder where the evidence that a principal cannot for murder where the evidence that a prove that does the evidence that the evidence the evidence that the evidence the evidence the evidence the evidence that the evidence the evidence the evidence the evidence that the evidence the evide

(6) In an indictment for murder where the evidence tends to prove that de-fendant jumped out of the buggy simul-taneously with his companion and ran with him towards the deceased, that he either heard or made the remark. "We will whip you in a minute," and that though he must have seen his companion draw his knife, made no effort to stop the murderous assault, but on the con-trary threatened deceased companion and said. "If you get off your horse, I will eat you up," held the evidence was suf-ficient to go to the jury that defendant was present for the purpose of aiding and abetting his companion and is conse-quently a co-principal.

STATE vs. PINER, Appellant. ' From

STATE vs. PINER, Appellant. From Pender. Affirmed.
(1) The Legislature may pass laws prohibiting the sale of liquor within any cesignated locality.
(2) Act 1901 Ch. 350, making it unlawful to sell in Pender county any spirituous, vinous, mail or fermented liquors, or any liquors of any name or kind which is intoxicating, is not affected by Code Sec. 3110, which provides that certain wines may be sold in bottles not to be drunk on the premises, nor is it repealed by the Watts law (Acts 1903 Ch. 233) as its proviao withdraws all local acts from its operation.
(3) In an indictment for unlawfully selling liquor, the law implies the unlawful intent from the doing of the act, which is prohibited, and it is no defense that the defendant did not in fact intend to violate the law.
(4) In an indictment under the Act

that the defendant did not in fact interest to violate the law. (4) In an indictment under the Act 1961 Ch. 350, which prohibits the sale in Pender county of vinous or fermented liquors, it is not necessary for the jury to find that the wine sold was intoxicatmarkable strength for one of his age. Mr. Rockefeller has a good musical ear, though it may not be generally known. He hummed a tune

ing. (b) Wine is an intoxicating liquor. (c) An act of a public local nature need not be specially averred in the indict-ment, as the court will take judicial no-lin good time and turned the judicial sector of the sector of the special sector of the sector of t

my country places." He had luncheon with his wife in her cabin, and with a keen appetite he enjoyed boullion, scrambied eggs, ham, lamb stew and Camembert cheese. The sea being slightly rough, he remained in his cabin after luncheon and dined with his wife. Toward dusk he went on deck and

took a long walk, frequently meet-ing the passengers on every hand, exclaiming cheerily, "Good evening, ladies," or "Good evening, gentle-men." A hearty breakfast was served to

Mr. Rockefeller in the dining room Sunday morning. He joked with Miss Helen Gould and her party, who were seated near him. Repeatedly Mr. Rockefe'ler's mirth doubled him up on the taole so that the tip of his nose nearly touched the cloth. After breakfast Mr. Rockefeller

walked the deck with his secretary, Charles O. Hyde. At the rail sepa rating the first from the second cabin the millionaire stopped to talk to a Hungarian woman, a Jewess, whose little son was with her. Mr. Rockefeller questioned her about herself. She told him she had married an American. He asked his fellow-voyager if there are as many churches and Sunday schools in Hungary as in America. It may have been the memory of his dyspepsia that induced him to

inquire sympathetically. "Do not you Hungarians find that the use of so much paplaka is harm-ful to the stomach?" It was the woman's turn to laugh

But Mr. Rockefeller's enjoyment was keen as hers, when her little boy. as if to prove he is at once saving and generous, gave a bright new penny to the Croesus of oil saying: "This is my luck penny. You can

have it." Everyone looking on joined in the laughter as Mr. Rockefeller took the penny and, bowing to the youngster said:

"We shall have to exchange cards." Then he wished mother and son good fortune and bade them goodbye.

At the Captain's dinner the man tient's whose responsibilities are so crushing tested day by day. was almost boyish in his levity. He put on a tissue-paper cap, taken from

a bon-bon at desert. It was shaped like a helmet, but it did not give above the normal. This condition of the blood with fluctuations may Mr. Rockefeller a martial appearance. Several persons said that with the cap on he "looked like a Pope." be maintained until the disease is expelled. Or a Cardinal," some suggested. At the dinner Mr. Rockefeller wore "Or a

The most notable successes attained the American colors in his coat lapel have been in cases of lupus, the bacillus of which is identified with surrounding the Hamburg-American that of tuberculosis. The pacillus in lupus attacks the skin, while that Liner's button. After dinner he passed an hour in consumption attacks the lungs. promenading the deck with one of the singers at the concert Arthur

Herschmann, a New York engineer. The salmon hatching of the Alaska Packer's Association at Loring. Alaska, has beaten all previous records. During the past year it turned out 67,543,000 sock-eye salmon fry and 1,573,000 cohoes. He did not impress any one as being weak in any sense. On the contrary, his gesticulations suggested great nervous force-playing shuffle-board, he struck quickly and with re-

CHARLOTTE COTTON MARKET. These prices represent the prices paid ood middling June 9 bood Strict middling

CHARLOTTE PRODUCE MARKET.

in good time and turned to Miss Johnstone, asking her to play it for him. He will return to America in July without visiting England /. .. i. 9 to 10



BIRMINGHAM, ALA. General Confer-ence M. E. Church, South, Birming-ham, Ala., May ird-June 1st. Rates to be announced later. banks.

C.

ing

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call on your nearest agent or ad-JAS. KER, JR., C. P. A. dress. Charlotte, N. C. C. H. GATTIS Traveling Passenger Agent, Raleigh, N. C.



ENGINEER AND CONTRACTOR.

CHARLOTTE DAILY OBSERVER, JUNE 11, 1906.

(7) Under Code Sec. 1183, useless matter in an indictment may be rejected as not affecting the substance of the charge. STATE vs. ATKINSON, Appellant. From

t. Appeal dismissed. In an indictment for assault with

the in an indictment for assault with a deadly weapon an instruction that if the State "had satisfied the jury beyond a feasonable doubt that the defendant pointed a pistol at the prosecutor, wheth-er, loaded or not, this would be an as-sault," and to find the defendant guilty was correct under the provisions of Rev. Sec. 2522.

Was correct under the provisions of fev.
See, 362.
(3) An instruction that if the jury were satisfied beyond a reasonable doubt that the defendant had a platol in his coat pocket and "with platol and hand on the inside of his pocket, he pointed the platol at the prosecutor, this would be an assault." Is not error.
(3) Under Rev. Sec. 378, the affidavit to appeal in criminal cases, without giving bond, is fatally defective where it good faith" and such an appeal must be dismissed as a matter of right.

ROCKEFELLER EN VOVAGE.

Familiar Glimpses of Standard Oil

Man at Sea. Plymouth (Eng.) Correspondent of The New York World.

"John R. Rockefeller is a fine ex-

emplar of American modesty and of American democracy. He is a strik-ing contrast to the money-foolish served as vice chairman and was act-Americans who travel abroad without a sense of the proper expendiwas ill. There was also a trong disture of money."

position on the part of Senator Black-This was the unanimous opinion of burn's colleagues thus to honor the the passengers who landed here on Kentucky Senator in view of his early Wednesday from the Hamburg- retirement from the Senate. American liner Deutschland. They said Mr. Rockefeller was the most democratic man on the ship, and that Senator Balley, of Texas, who has had the foremost past in the floor leadership of the Democrats while no one seemed to enjoy the smooth six-days voyage more that he did. Senator Gorman was ill, cordially ac-

On Thursday, last, the first day out Mr. Rockeller and all of his party except his wife took luncheon in the dining room. He was in high spirits, chatted and laughed almost continuously, but found time to eat a hearty meal

He took a private supply of milk on the steamer, and this and Poland his political chances in Kentucky. Mr. water were his only drinks during the leagues, but he did not give them a voyage.

His nerves seemed to be in fine That he will be a candidate in the Sixtieth Congress, of which Mr. Blackcondition, save that his thumb twitched when he held a fork or spoon-a slight nervous derangement that might be expected in a man 67 years old. burn will enter the contest for the Democratic nomination for Governor

After luncheon his two men servants wrapped him in a shawl and he sat on deck a while,

During the afternoon he played shuffleboard with his two servants, and, tithough he had never before played the game, he played it re-parkably well and displayed amazr energy at it. Mr. Rockefeller dined in the saloon

and his party was one of the gayest, conversation provoking him to the laughter many times.

He breakfasted in the dining room Friday and was one of the first to sit down. Laughing heartily, he con-stantly joked with his party. He actually sang to his physician, Dr. Hamilton Biggar, Sr., of Cleveland. imitating a bugle sounding a call to breakfast.

When Miss Helen Gould entered the dining room. Mr. Rockefeller arose hurried to her, shook her hand heartily and conducted her to the table.

the table. He was always extremely gallant to the ladies, and arose to his feet every time any woman of his party approached, or sat down, or got up. For broakfast he had oatmeal, built for luncheon he enjoyed bouillon, fricassed chicken and asparagus. Mr. Rockefeller, who certainly thought himself as safe as he would and to show him how a life belt should be adjusted. The obliging neward attired himself in the whole life-saving outfit. Mr. Rockefeller

(Corrected daily by J. W. Zimmerman Company.) No Opposition From Balley or His Friends.

Washington Dispatch, 9th.

quiesced in the proposition to show

confidence in Senator Blackburn by electing him the minority leader.

Neither Mr. Bailey nor his friends in

the Senate cared to make a fight, as

they realised that a resusal to pro-

mote Mr. Blackburn from the vice

chairmanship - might - tend to - injure

Balley has enemies among hts col-

chance to-day to try to down him.

It is understood that Senator Black-

in an effort to regain his prestige as

to-day's action of the Democratic cau-cus is expected to help him.

caucus, Senator Bacon nominated

Mr. Blackburn and he received the

A number of important vacancies in the leading committees of the Sen-

ate were occasioned by the death of

Senator Gorman. The steering com-

The best of feeling prevailed in the

of every Democratic Senator

no reason to doubt.

vote

present.

BLACKBURN CHOSEN TO LEAD.

The Democratic Senators met to Base day and unanimously elected Senator Rye Joseph C. S. Blackburn, of Kentucky, Corn Cotton Seed
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 60

 Oats-Feed
 50

 Oat Seed
 50

 PECIAL
 10
 next March, chairman of the Democratic caucus, to succeed the late Senator Arthur P. Gorman. This honor carries with it the floor leadership.

SPECIAL LOW RATES VIA SOUTH-Several speeches were made and resolutions of confidence in Senator Blackburn were adopted. A resolution proposed by Senator Bacon, of Georgia, expressing the sense of profound sorrow of the Democratic Senators over the loss of Senator Gor-

man, was adopted also. Senator Blackburn made a speech expressing his gratitude to the caucus. Mr. Overman, of North Carolina, was selected as a member of the steering committee, to succeed Senator Gor-man, and the caucus instructed the steering committee to name Senator Culberson, of Texas, as a member of the committee on inter-oceanic ca-

nals, to succeed Senator Gorman. The selection of Senator Blackburn as chairman of the Democratic cau-cus is regarded as logical, as he has ing chairman while Senator Gorman

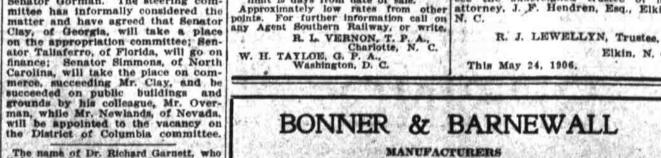
As-Charlotte to Hot Springs, Va., and return, account of Annual Convention Southern Hardware Jobbers' Associa-tion and American Hardware Manu-factures' Association. Tickets on sale June 9th. 10th and 11th with final limit June 19th. Tickets may be extended to July 4th by personally depositing tickets with Agent at Hot Springs and paying fee of 50 cents.

and paying fee of 50 cents. \$15.30—Charlotte to Nashville, Tenn., and return, account of Peabody Summer-School and Vanderblit Biblical Insti-tute. Tickets on sale June 10th, 11th, 12th, 18th, 19th, 20th, July 5th, 6th and 7th, with final limit fifteen days from date of sales. Tickets may be ex-tended to Sept. 30th by personally de-positing ticket with Joseph Richard-son, Special Agent at Nashville, and paying fee of 50 cents.

2.90-Charlotte to Raleigh, N. C., and re-turn, account of North Carolina Teachers' Assembly. This rate includes membership fee. Tickets on sale

turn, account of North Treachers' Assembly. This rate includes membership fee. Tickets on sale June 11th to 14th, inclusive, with final limit June 18th. Tickets may be extended until July 7th by depositing ticket with Special Agent at Raleigh and paying fee of 50 cents.
318.75-Charlotte to Louisville, Ky., and return, account of Homecoming Week for Kentuckians. Tickets on sale June 10th, 11th and 12th, with final limit Juny 22rd by depositing ticket with Special Agent at Louisville and paying fee of 50 cents.
36.90-Charlotte to Ralei h, N. C., and return, account of North Carolina Bumm mer School. Tickets on sale June 16th, 18th, 18th, 19th, 25th, 26th and July 2nd, with final limit July 7th.
38.85-Charlotte to Knoxville, Tenn., actor for sub file sold as a whole. All sales subject to confirmation by the court, July 10, 1906, at 12 o'clock. burn will not be a member, there is a leader in Blue Grass politics, and

July 2nd, with final finit July 7th. 18.85-Charlotte to Knoxville, Tenn., ac-count of Summer School. Tickets on sale June 17th, 18th. 19th, 2ird, 24th, joth. July 7th, 18th and 15th, with final limit 15 days from date of sale. Approximately low rates from other points. For further information call on any Agent Southern Railway, or write, B. L. VERNON T. P. A. B. J. LEWELLXN. Trustee



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