SUBSCRIPTION PRICE: \$8.00 PER YEAR.

mant Plan in O

Roard.

CHARLOTTE, N. C., TUESDAY MORNING, JULY 9, 1907.

PRICE FIVE CENTS.

iserner.

TRIAL.

obtaining \$25 under false pretences

from Thomas Sloan, the druggist. Hicks gave Mr: Sloan a check on the

ter's Wife - Both Men Draw Weap-

ons, Husband Firing the First Shot,

Knoxville, Tenn., July 8. - Ed.

Which Proves Fatal.

SCHMITZ GETS FIVE YEARS NEW MOVE OF THE GOVERNMENT WILL BE SENTENCED AUG. 3 HUGH CHATHAM CHAIRMAN A PARDON GIVEN GOSNELL of Justice Adopts Impo

ys of Parent Corp

GREAT CROWD CHEERS VERDICT

urt Frequencies ntly In--- Co: niß. in Er of Sentence, Schmitz Declarg he is in Court to Receive Senliated by Leo-Not to be Hum re For Newspapers to Repeat in rint-Attorney Threatened With sum in Jail if He Persist-Applica-Term in Jati if He Persist—Applica-tion For Ball Pending Appeal to be Beard To-Day—Four Extortion Cases Continued for one Weck. Mayor Eu-

sene E. Schmitz, convicted of extortion by will be filed in New York within in the investigation held on Saturday was to-day sentenced to five years in a few days, will ask the court, if in the penitentiary. Its judgment the interests and the the penistentiary.

The sentence followed the recent facts as disclosed demand such acconviction of Schmits for extorting then, that receivers be business and ad-\$1.175 from French restaurant keepers of San Francisco.

As the last words fell from the would require the receiver taking judge's lips, the great crowd that had charge of a corporation to administer its business with a view to the gradthroughout the dramatio scenes ual disintegration of such monopoly, sent up a thunderous cheer. "Good for that is to say, such receiver in adminyou," shouted a man in the back of istering such business would from ther com. His ejaculation was schoed time to time be expected to sell and dispose of the different property units and re-echoed by one after another composing such monopoly in such a of the spectators. way as to preserve all the essential rights of the stockholders and at the

Judge Dunne, in pronouncing sentence on Schmitz, said: "It can be same time ultimately give to the general public the benefit of competition said that the verdict of the jury in this case had a deeper significance porations or business, than ordinarily attaches to the finding of guilt. It is a message to all the never before been adopted in the prospeoplei a the city of San Francisco that law and order are supreme, that likely that the same plan will be folno man, however exalted his station or how strong and powerful the political, social and financial influences each would justify such action. which surround him, is above the law. Eugene E. Schmitz, you have hereto-fore occupied the highest office which the city of San Francisco can confer on one of its citizens. You were elevat-ed to that position because of the condence and trust reposed in you by the mass of the -

INTERRUPTS THE COURT

"I am here," interrupted Schmitz, in a voice, though quiet and controlled, that carried to the far corners of the room, "to receive sentence at your hands, and not to be humiliated by a lecture which the newspapers can repeat in print."

Judge Dunne paid no attention to the interruption. "You were mevated to that high position, I say, because of confidence and trust reposed in you

Attorney Metzon Interposed: "We mentioned the name of only one whisare here to take sentence; not to be key house, the Big Springs Distillery. lectured. We-----

"Mr. Metson," said Judge Dunne warmily, "if you interrupt these proceedings again, I will send you to jail. You would be in far better business if arrest was the result of activity on the wilfully and improperty attempted to pensary investigating committee, and no violation of its provisions by either of Governor Ansel. tamper with a juror in this case."

Used in Other Similar Cases. cline to Submit Further Evidence and Judge Landis Fixes Date for Sentencing of Indiana Company— Attorney Rosenthal Makes Formal ashington, July 8 .- It is und stood that the Department of Justice has adopted a new and highly impor-tant plan in connection with its pro-ceedings against the so-called tobacco

Statement for Company, Charging That Court Has No Right to Go Outside of Record in Considering Penalty to be Meted Out—Court List-ens Attentively to Reading of State-ment, Then Abruptly Calls Next. Case trust. After asking the court to issue subpoenas to defendants requiring Chicago, July 8 .- The attorneys for

the Standard Oll Company to-day deby Judge Landis in the United States District Court. Judge Landis then announced stat sentence will be passed on the Standard Oll Company of Inminister it in marmony with law. diana, which was convicted of using Such a course, it is said, if adopted illegal railroad rates on August 3d

the company: "Have you anything to offer in this case prior to the entering of a final

order?' "We have a formal statement to make," said Attorney Rosenthal. Rr. Rosenthal read it, substantially

as follows: 'In answer to the court as to whether the defendant desires to offer any evidence tending to show that the debetween separate and independent corfendant or the Standard Oil Company of New Jersey violated the inter-It is understood that this plan has State commerce law before, and appearing now for the purpose of anecution of trusts, but it is more than swering this inquiry, and desying the jurisdiction of the court in the lowed in dealing with the so-called premises and contending that this en-

powder trust and such other trusts if tire nijuriy is beyond the legal power the peculiar facts in connection with of the court, the defendant still insisting that the record in this case shows atht it is innocent of the ofdefendant desires to say: SUGGESTIONS IN THE RECORD.

"There are in the record no suggestions that this defendant ever before was charged with violation of the inter-State commerce law.

"For the defendant now to assert its innocence of matters that it is not charged with, or attempt to show that it has been innocent of wrong doing in connection with matters outside of the record of the case would present a situation unheard of in Anglo-Saxon jurisprudence." The statement claimed at some length that the court has no right to

considering the penalty to be meted

"If the occasion shall ever arise in

Resignation an of the State Des Executive Committee Accepted With Reinctance—Two Resolutions Offered to Create the Office of Vice Chairman Fall Through After Much Discussion—The Position Ac-Much Discussion—The Position Ac-cepted by Mr. Chatham on Con-dition That Some One Else be Elected at Next Convention. Observer Bureau,

The Hollaman Building, Raleigh, July 8.

To-night's session of the Democratic State committee lasted three to order. Wilson G. Lamb was made president pro tem and A. J. Field secretary. Hugh Chatham, of Surry, was elected to fill the vacancy caused years ago. by the death of J. R. Lewellyn, and

Judge Landis at the opening of R. T. Claywell to fill the vacancy in court to-day said to the attorneys for the ninth, due to the death of R. J. Brevard. The resignation of Senator

in a speech of marked force, in which he paid a remarkable tribute to the retiring chairman, saying he was a leader of leaders and a man

of men; that he originated the constitutional amendment which is North Carolina's Magna Charta; that his tender of resignation was no play to galleries, but he needed time, to study. Charles Abernethy moved a reso-

lution accepting the resignation and tendering thanks to Mr. Simmons. C. O. McMichael said the time was inopportune to act now and he offered an amendment that the resignation take effect at the end of the fenses charged in the indictment, the next State convention. Pearsall offered a resolution oreating the office of vice chairman, but withdrew this. Then J. E. Blair offered a similar

resolution only to have it rejected by the chairman, who ruled that the party plan made no place for such an official. There was prolonged discussion of these matters, it being stated that there were a number of candidates for Governor in the field and that hence it was with Chairman Simmons to retire so no one could accuse him of partiality towards any one of these. His reply was that in all his splendid campaigns he had never shown the slightest partiality. McMichael's amendment that Mr. Simmons' resignation take effect at the conclusion of the next convention was

lost, ayes 19, noes 44; and Abernethy's resolution accepting the resignation The section in question forbids any an appropriate proceeding where this was adopted, only one vote being heard firm or agent convicted of ever doing defendant can without any waiver of in opposition. E. F. Aydlett moved business in the State again. Solomons its legal rights subject itself to the that the chairman be elected to hold question of its having heretofore via- only until next convention. Blair nomlated the inter-State commerce law inated T. B. Balley for chairman. Aydyou were here begging for a day in spart of Senator Christensen and At- it will certainly appear that since lett nominated Hugh Chatham to the Standard Oil Company of New ton paid notable tributes as a sterling Jersey or the Standard Oil Company Democrat always ready to ald his par-

Daniels said, midst great applause,

that he thought it best for the party

In place of the late late dead recent-W. Perrin, who dropped dead recent-by from over-excitement while strend-THE OIL INVESTIGATION ENDS HIS ELECTION IS UNANIMOUS SEVERAL OTHERS GRANTED ALSO. The Board of Pardons Submits Its Re- ing a baseball game. port to Governor Ansel and. It is Adopted—Southern Rallway Appoints a New Autorney for Savannah Division—One of Columbia's Muni-cipal Issues Will Be the Cutting of In a decision filed to-day the Su preme Court grants a new trial to J. F. Hicks, a young white man who was convicted at Greenville recently for an Elm Trec-More Time Granted

cert

town to-day.

the Railroads in the Matter of Assessments-Magistrato Keller Suspended for Drunkenness. Observer Bureau, 1209 Main Street,

Columbia, S. C., July 8. necessary deposit before banking Adopting the recommendation of the hours next day, but took sick and ardon board Governor Ansel to-day sould not do so. The new trial is hours. Chairman Simmons called it granted a full pardon to Poinsett Gosgrated on the ground that it was not nell, who together with Sol Norton, proved that Hicks intended to commit was serving a life sentence from a fraud, intent being the essence of Crime particularly in a case of this Greenville county for the murder of aature. Nin Gosnell, Norton died several

The pardon board was convinced from the statements made by Gosnell's attorney, ex-State Senstor A. H. Dean, and from affidavits submitted with the petition, including statements from Simmons as chairman was laid be- the wife and daughter of the dead fore the committee by F. S. Spruill man, that the men who did do the killing were acquitted.

Nin Goanell was killed in a pictur-sque pitched battle in a corn field on the side of a mountain in the famous moonshine Dark Corner section of Greenville county, about sundown. He BARBER KILLED BY SALOONIST. had carried his shot gun to the field tand had challenged all comers to ar- Former Found in Company With Latrest him, there being a warrant out for his arrest. The petition recites in

graphic language the story of the pitched battle between a posse of four deputies and Nin Gosnell, who was Macklin, aged 25, was shot and almost ighting single-handed and alone.

instantly killed this afternoon by Ed-The report of the work last week ward McNew, while the former was of the pardon board was made to in the company of the latter's wife. Governor Ansel to-day by Secretary W. The tragedy occurred on what is A. Clark. The Governor had had alknown as Tutterell's bluff, south of eady examined the papers, at once the Tennessee river. McNew had for adopted the recommendations throughsome time suspicioned that his wife out. was on teo intimate terms with Mack-

OTHER PARDONS GRANTED.

knife eating a meat

ers for murder, were continued.

its report to the Governor:

all of his fellow, doctors

A TREE IN POLITICS.

keeps up, about a dozen others wil

consult with him.

In addition to Poinsett Gosnell a by a friend that she had left their full pardon was granted to James home on Fouche street with Macklin Smothers, given six years from Rich- and that the pair had crossed the land county for stealing a bicycle, river bridge together. McNew in-five years of which he has already formed his wife's brother and another served. He is in the last stages of friend and the three proceeded to consumption, probably on account of where the couple had gone. Macklin contact with other tuberculosis pa- and Mrs. McNew were seated on the tients at the penitentiary. Other full ground enjoying a lunch when the such laws, we turn the consideration pardons went to Mollie Wessinger, irate husband and his friends appeargiven ten years from Lexington for ed. Macklin and McNew saw each arson; and to Mack Workman, given other about the same time and each three years from Laurens for man- pulled his pistol at about the same slaughter committed in the spring of instant. McNew fired first, however, 1901. In the case of Ed Ros, a Rich- and the bullet struck Macklin's right land county larceny convict, a condi- forearm and entered below the right

tional pardon was granted. nipple. Two more shots fired by Mc-A noted case on which the board New took effect and death ensued alacted, was that of R. F. and J. H. most instantly. McNew, following Richey, brothers, given a term in the the tragedy, recrossed the bridge and penttentiary for stabbing Sheriff went at once to the court house, Green, of Anderson, in the stomach where he surrendered to the sheriff. whom he and Paul Means and Dough- when he went to arrest them at a pic- Deputies were sent to the scene and nic. When the sheriff came toward the body of the dead man removedhim, R. F. Richey had out his pocket Macklin was a barber by trade, while 1888, the commission held

R. E. Hill was to-day appointed master in equity for Abbevills county, a place of the late ismented Mr. L. EQUAL SERVICE DEMANDED

SEPARATE CARS NOT UNLAWFUL

e of Negroes Against the Chattanooga & St. Louis Railroad Decided by Inter-State Commerce Commission — Colored Passengers in Some Particulars Unduly and Unjustly Discriminated Aga ilar Accommodations Shall Be vided For Negro Passengers P Similar Fares—Failure to Do is Discrimination and Subjects senger to Unreasonable Pre and Disadvantage.

People's Bank where he had no funds. He claims to have told Mr. Sloan af-terward that he intended making the Washington, July 8 .- The inter-State commerce commission in cision to-day in the case of Georgia Edwards against the Nashville, Chattanooga & fit. Louis Railroad, hald that where a railroad provides train accommodations for a first-class passenger of the white race it is com-Practically every man, woman and manded by the law that like accomchild in the town was aroused from modations shall be provided for neslumber about 3 o'clock this morning groes who have purchased first-class by an impromptu concert rendered by tickets. It holds that in this case it large number of engine whistles is manifest the railroad "has unduly and bells at the Sydney park freight and unjustly discriminated in -some yards of the Seaboard. On the South particulars against colored passengers side of the park three small cottages and orders that where the railroad caught fire, and the blaze for a time provides a washbowl and towels in the was quite demonstrative, but the concoaches for white passengers and a was likely due more to mischief separate smoking apartment. similar on the part of engineers than to accommodations shall be provided for alarm. The thing is the talk of the passengers paying similar négro fares."

The complainant, who had purchased a first-class ticket from Chattanooga, Tenn., to Dalton, Ga., was removed from a car for white persons one for negroes and complained that she was discriminated against because of her color and not afforded equal facilities. Commissioner Lane, who rendered the commission's decis-

fon to-day, held: THE DIFFERENCE IN COST.

"The expense of the small smoking apartment in the latter (the car for the whites), accounts for nearly all the difference in cost between the two cars.'

He holds that the broad question of lin. This afternoon he was informed the right under the thirteenth and fourteenth amendments of the constitution to segregate white and colored passengers has been upheld by the Supreme Court of the United States. The opinion then continues: "Accepting these decisions as conclusive upon the constitutionality of of the reasonableness of such a rule when imposed by the carriers; and this we find to have been passed upon by this commission within a few months of its organization in the case of Council ys. Western & Atlantic Railroad Company, which was decided December 3rd, 1887, and which held this separation may be carried out on railroad trains without disadvantage to either race and with increased comfort to both.

SEPARATION NOT UNLAWFUL

"Again in Heard vs. Georgia Rallroad Company, decided February 15, separation of white and colored pas-Mrs. McNew is a young woman 25 sengers paying the same fare is not years of age. She states that she and unlawful, if cars and accommodations Macklin had been on the bluff about equal in all respects are furnished to both and the same cars and protec-They had just opened a lunch which tion of passengers is observed. "While, therefore, the reasonablehusband appeared and the tragedy ness of such regulation as to inter-State passenger traffic is established. it by no means follows that carriers JAPANESE AMBASSADOR SILENT. may discriminate between white and colored passengers in the accommodalife imprisonment of the death sen- Declines to Discuss Reports Indicating tions which they furnish to each. Indefinite Suspension of Negotiations The principle that must govern is for Renewal of Present Treaty- that carriers must serve equally well Embassy Officials Discredit Report- all passengers, whether white or coled Utterances of Admiral Sakomoto, ored, paying the same fare. Failure Washington, July 8 .--- Viscount Ac- to do this is discrimination and subcounty and sentenced to death, the kd, the Japanese ambassador, to-day jects the passenger to 'undue and andeclined to discuss the reports indicat- reasonable prejudice and disadvant-

DISPENSARY ACT VIOLATED. H. L. Solomons, of Chester, S. C., Arrested for Personally Soliciting Or-ders From Members of Disponsary Observer Bureau, 1209 Main Street, Columbia, S. C., July 8.

H. L. Solomons, of Chester, was acested here this afternoon by Deputy Sheriff White, of Beaufort, on a warrant signed by Chairman Elliott, of the Beaufort county dispensary board, charging Solomons with vio-lating Section 46 of the Carey-Cothran Dispensary Act in personally solicitgo outside the record of the case in ing members of the board for orders. Mr. Elliott says Solomons told him he cons represented the whiskey trust but out,

The statement then concludes:

court to answer the charge that you torney General Lyon, of the old dis- the passage of the law there has been

was carried to Beaufort for trial. The

Turning to Schmitz, Judge Dunne resumed: "You were elected to this position because of the confidence and great trust reposed in you by the mass of the people. You have by your wilful oriminal act, so a jury of your fellow citizens has declared, broken that confidence and betrayed that trust."

Here Schmitz again protested against the "lecture." Judge Dunne took no notice.

PENALITY INSUFFICIENT.

"Therefore," the judge continued, "it may be said that the penalty which the law permits in this case is insufficlent to meet the demands of justice. It may be suggested, however, that by your conviction you will lose the respect and esteem of all good citizens and men; that you will suffer the humiliation of knowing that yoour career of hypooricy, duplicity and dishonor

"I stand here as an Ameri an citiyon to demand my rights," interposed Schmits, "I'm not asking any leniency at the hands of this court. I am prepared to receive sentance. I usk first your honor do your duty and pronounce it immediately and that I be not subjected to humiliation and degrading remarks which the papers er- copying and will print. I say, if your honor has any self-respect, you whit proceed with the sent ove."

"It is not unusual," was Judge Dunne's reply, "for courts to be brought into contact with such brazen of effrontry as yours in the present instance. It is the duty of the court in such cases to view the conduct of a convicted felon with patience and teleration, not to say pity. - By your conviction you will lose the recitizens. You will suffer the humiliation of knowing. I say that your career of hypocrisy, duplicity and dishonor has been exposed, and that you stand before those who believed in and honored you, morally naked, shamed and disgraced.

WAS RAILROADED THROUGH. "I deny that" cried Schmitz. "The people of San Francisco know how I was railroaded through."

Judge Dunne resumed:

"Morally naked, shamed and disgraced. It is in the knowledge of these of imprisonment in a State penitenthat the full measure of your punishment may be found. "It is the judgment of this court.

that you be confined in the State penitentitary at San Quentin, for a term of five years."

or Schmitz has not yet been tried. Immediately after the passing of sentence, Attorney Fairall asked that Blood hounds have been sent to the Schmitz be admitted to ball, bending scene with the hope of capturing the an appeal. This application will be heard ofrmally to-morrow. Bills of exceptions were then filed and Judge Dunne granted a certificate of probable cause, enabling Schmitz to carry to the District Court of Appeals his motion for a new trial.

Move to Build Cotton Warehouses.

New Orleans, July 8 .- The move ment of the National Farmers' Union provement, while others the reverse. to build this year between 250 and Some days must elapse before any to build this year between 250 and Some days must elapse be 300 cotton warehouses in Texas, Louis- marked change takes place." iana, Arkansas and Indian Territory was brought unofficially to the attention of the New Orleans cotton extion of the New Orleans cotton ex-change to-day by E. S. Peters, of Cal-vert, Tex. Representing this scheme of the union for storing the cotton crop, Mr. Peters is en route to New York to raise funds. Mother and Son Killed Beneath Mother and Son Killed Beneath

Mother and Son Killed Beneath Wheels of Train.

Galveston, Tex., July 8 .- Mrs. Louis Herbert and little son, of Beaun were killed by a train here late to-day They jumped from an auto ing to escape the cars, caught baneath the wheels. was not injured

MAGDALENA BAY NOT FOR SALE. Statement of Negotiations Between

Mexico and the United States to Effect sale-Unfounded by the Mexican Ambassador.

Washington, July & -The Mexican am-beseador, through Mr. Landa, secretary in charge of the office at Washington, to-day said:

to-day said: "There is not one word of truth in the statement published by the press about negotiations between Mexico and the United States for the sale of Magdalena bay and lower California. The subject has never been mentioned by the State Department to the Mexican ambassador and besides there is not one inch of Mexican territory that could be purchasceedings. ed at any price under any considera

tion." The State Department officials strongin deprecate what they describe as the periodic revival of these stories about the acquisition of Mexican territory, be-cause their publication is invariably fol-lowed by an outpurst of irritation and suspicion in Mexico that requires the best offers of American dialognees in Attacks Fellow Laborers

st efforts of American diplomacy to It is said that Magdalena bay is total-

unsuitable for a naval or coaling sta-

INDIOTMENTS FOR FRAUD.

Grand Jury Takes Action Against Edward S. Lewis, President of Peo-ple's United States Bank, St. Louis. self.

St. Louis, July & Seven indictments have been returned by the Federal grand jury against Edward G. Lewis, president of the People's United States Bank. of the People's United States Bank, charging frand. The indictments were returned Saturday but the fact was not returned Baturday but the fact was not made public until to-day. In one indict-mant, Lewis and Francis V. Putnam, cashier of the bank, are charged with using the mails in furtherance of a scheme to defraud the bank's stockhold-ers. Another indictment is against Lewis, Frank J. Cabot and William M. Miller, charging conspiricy to defraud the government on postage receipts on mailing of the publication issued by Lewis. tacked Sullivan, with whom h him into unconsciousness he turned upon Reilly, whom he struck with the blade of the hatchet, fracturing the skull. Smith was wounded in attempting to separate Reilly and Albin, The

Lewis. The other indictments stand against Lewis alone, charging him with a scheme to defraud through the People's United States Bank. All the defendants gave bend to-day.

FIRE SWEEPS SMALL TOWN.

Incendiaries Believed to Have Been at Work at Holly Hill, S. C .- Blood

Hounds Sent to Scene. Columbia, S. C., July S .- Fire, believed things rather than in any mere isrm to have been of incendiary origin, wiped out the business portion of Holly Hill, a small town in Barkeley county about 1 o'clock this morning, causing a loss of about \$40,000 with insurance of , about

that you be confined in the State pen-itentitary at San Quentin, for a term of five years." Judge Dunne continued for one week the four estortion cases on which May-the four estortion cases on which May-R. H. Gross, hots, telephone exchange, A. F. Carter Bank of Holly Hill and the county dis-

guilty party.

Bishop Capers Remains the Same. Columbia, S. C., July 8.-The State received the following telegram this afternoon regarding the condition of Bishop Capers:

"Bishop Capers' condition continues the same. Some symptoms show im-

Labor Leader Dies of Wound Inflicted by Labor Agent.

Charles College at Grand Coteau, La.,

ty with heart and brain, energy and of Indiana." means, and partial to none of the Through the reading of the statewith gubernatorial aspirants. ment Judge Landis listened Manning and McMichael having saif

much interest and when it was concluded, said abruptly: FINAL ORDER AUGUST 3D.

"The final order in this case will be entered Saturday, August 8d" He called the next case. of to elect sim and hearthly seconded his J. D. Archbold, vice president the Standard Oil Company of New

nomination. (Applause) Jersey; H. E. Felton, president of the Union Tank Line; C. M. Pratt, secre-Manning nominated E. L. Travis, tary of the Standard Oil Company, unanimous election amidst much apand F. O. Barstow, the assistant treasurer, were in court during the proplause. He was declared duly elect-

ed and was introduced by Acting Chairman Lamb. He spoke briefly, saying he accept-WORKMAN CRAZED BY THE HEAT

Wall viso that he be not named for chair- ment. This was, as expressed by the gotiations for a renewal of the presttacks Fellow Laborers on Wall viso that he be not named for chair-Street Building With Hatchet, Fat-ally Injuring One and Seriously he would show no partiality for any Wounding Two Others-Narrowly of the candidates for Governor. A wounding Two Others-Narrowly of the candidates for Governor. A Stewart would show no partiality for any out of a fronte in the fact that the himicide states and the fact that the himicide states and the fact that the himicide states in treaty between Japan and the United States, if the government re-united States in the government re-stances and the fact that the himicide states are used in the states in the states in Dr. Julian Thomas and Two Women

Escapes Death at Hands of Orowd. resolution offered by W. A. Stewart grew out of a frolic in which many of the compact permitting the exclusion New York, July 8.-Armed with a was adopted by rising vote a commit- the parties concerned were engaged, of Japanese coolie labor. "That is a hatchet and crazed by the heat, a tee of five to draft resolutions setting the board agrees with the presiding matter about which you must ask the workman on a Wall Street building, forth the splendid and distinguished judge and feels that the majesty of ran amuck among his fellows to-day, service of Chairman Simmons. Chair- the law would be fully upheld and the "I cannot discuss any feature of it for fattally injuring one and dangerously man Chatham appointed as this com- ends of justice better attained by imwounding two others. He was then at- mittee W. A. Stewart, Josephus Dan- posing a sentence of life imprisonment tacked by the crowd which had gath-tacked by the crowd which had ered and narrowly escaped death him-Another resolution was respectfully recommend the same." adopted creating a committee of five,

The workman's name is Milton Alcomposed of A. D. Watts, Edmund given a fine of \$100 and a term of one bin, a plasterer. His victims are Mich-Jones, E. L. Travis, Josephus Danael Reilly, who will probably die, Patrick Sullivan and Edward Smith. ael Reilly, who will iels and R. A. Doughton to prepare ernor refused and present at the next meeting reso-All were at work on the new building lutions concerning the deaths of board. of the Trust Company of America. Al-Lewellyn and Brevard. bin without, cause or warning, at-

had worked for years. After he had beat STABBED HIM IN THE STOMACH. of the Savannah division

Southern in place A Former North Carolina Indian Kendall, who has held the place for Maiden Slapped by the Man She several years. The appointment of Dr. Lived With, Uses a Knife With Per- Kendall was a general surprise, for haps Fatal Effect.

cries of the injured men by this time Special to The Observer.

cries of the injured men by this time attracted all the other workmen and a crowd from the street, who united in a desperate attack on the grazy man. The hatchet was wrenched from Albin's hand and he was so badly beaten with it that the police, after rescuing him, had to send him to a from the street. Who united the street was wrenched from Albin's hand and he was so badly beaten with it that the police, after rescuing him, had to send him to a from the street. Who was and he was so badly beaten with it that the police albin said he ed torether. Frequently, the says he rescuing him, had to send him to a hospital. To the police Albin said he must have been made insane by the excessive heat. NOT POSITIVELY IDENTIFIED. Mrs. Scott Not Able to Say With All Certainty That the Negro Held at

THE RECEIVERS INTERESTING.

Stockholders of Exchange Bank of Macon Meet July 18 to Ratify Ac-

Macon, Ga., -July 3 .- The receivers appointed by the court actively began an investigation into the condition of the Exchange Bank , this

morning. The directors held a meet-ing and issued a call for a stock hold-ers' meeting July 18 to ratify the action of the directors in asking for a

McNew is a saloonist. Then

J. H. Richey interferred. The sentences of both are commuted to the present time, and R. F. Richey is rethat they thought it upwise to elect quired to pay a fine of \$50. one hour when the tragedy occurred. Chatham because he was president of Colleton county and Charles Zizzett

the North Carolina Railway, Josephus from Bamberg county, both life term-Macklin brought with him when the followed.

LIFE TERM COMMUTED. In recommending commutation to

who declined and Chatham was on tence of Isaac Thompson, an Aiken motion of M. L. Shipman given a county murder case, the board say in "In the case of Isaac Thompson who was convicted of murder in Alken board would recommend that the sened the position but with special pro- tence be commuted to life imprison- ing an indefinite suspension of the ne- age."

publication."

In the case of Solomon Williams, gressive party in Japan, outlining the year for forgery at Sumter, the Govto extend clemency without referring the petition to the deal of interest by the officials of the crashed into a trolley pole in the Dr. Julius H. Taylor, of this city, make any comment on the subject. has been appointed division surgeon

Ambassador Aoki's attention was of the of Dr. Frank D. the battleships of Admiral Evans fleet were to be sent to the Pacific to which Kendall was a general surprise, for the replied: "You don't hear any word although he is a surgeon of ability the United States there is plenty of tal. Miss Rogers was injured interand larg practice, both the State and county medical societies have talk about it."

turned against him and practically At the Japanese embassy the offirefuse to cials discredited the reported utterances of Admiral Sakomoto, Mr. Masanao Hanfhara, the second secretary. expressed his strong belief that the The cutting of a large elm tree at the place of a Mr. Harris on Senate admiral has not given voice to any such utterances as those printed or street, the aforesaid cutting being officially sanctioned, promises to be an anything like them, and that if he issue in the next municipal campaign. The cutting of the tree has started a

been badly misquoted. perfervid controversy in the newspa-pers between Mayor Gibbes, Mr. Har-Admiral Brownson, chief of the Buris, and Chairman Keenan, of the street committee; and if the thing komoto, who is reported in a Japanese be drawn into the fight. Parts of the anti-governmental paper to have questioned the patriotism of American naval crews and the ability of the American nevel officers, has been misquoted. Said Admiral Brownson: "While spurred on by a spirit of unrest or homesickness, saitors have sometimes deft the American navy they have always done so in time of peace. There east of Main street for the purpose is no record of a blue jacket deserving

Railroad Blocks the Way.

New Orleans, July 8 .--- Municipal railroad building on the water front road board of assessors to hear fur-ther protest from the railroads against the Southern Pacific Railroad, which the assessment for taxation against to-day purposely derailed several them, the board took no action, givfreigh cars where the city was about ing the railroads until August 1 to to cross the company's gracks. Supfurther evidence of physical valerintendent Cushing, of the Southern Whether the board will recede Pacific, said that they had done what from its position of assessing the roads at market value instead of on appeared to them right, their purpose being to prevent city employee a 60 per cent, basis, as other proper-ty has been assessed, cannot be said. "The board is simply standing pat on that proposition," said Chairman Jones of the bord to-day. "We want

Companions in Serious Condition-One of Latter Has Leg Amputated and the Aeronaut May Have to Undergo Similar Operation.

New York, July 8 .- Dr. Julian P. through the personal representative of suffering from a compound fracture Count Okuma, the leader of the pro- of the leg and internal injuries received in an automobile accident last night Japanese government's attitude on when the machine, carrying the aero-Japanese embassy, but they would not Bronx. Physicians said to-day that make any comment on the subject. Dr. Thomas might have to suffer the amputation of his leg. Miss Florence called to the published statement that Haas, an actress, who with Miss Gen Rogers, was with Dr. Thomas when the accident occurred, was so seriously injured that physicians ampututed. of this in Japan, but in Europe and in her left leg to-day at Fordham Hospi-

nally, but probably will recover. Dr. Thomas and his friends traveling at a high rate of speed down Jerome avenue last night. Near the entrance of Woodlawn cometery the roud makes a sharp turn, which the aeronaut evidently did not see in the darkness. The machine crashed into a heavy trolley pole and Dr. Thomas spoke about the matter at all, he has and his two companions were flung out of the machine as if from a cata

puit. The automobile was redu reau of Navigation of the Navy De-partment, said to-day that he was sat-partment, and to-day that he was sat-ture of the right leg and to have sufscrup iron by the impact. Dr. The fered internal injuries. His body was covered with bruises. Miss Holas and Miss Rogers both were uncons when found lying in the roadway. The physicians found that Miss Hens would have to undergo the amp her left leg to save her life.

Two women were killed at the m place last year in an automobile a dent.

Elks Arriving at Philadelphia

Philadelphia, July 8.-The first of the host of Elks who will be here for the annual convention and reunion which begins in this city week, arrived to-day. Col. John P. Sullivan, of New Orleans, grand esquire, who will be grand marshal of the great parade to be held July 18, was the first of the officers to reach the city. His headquarters are at the Bellovue Stratford Hotal and he will be house all weak magning out he will be busy all week mapping of the details of the parade. He will a sign the participant lodges to the position in line and will also appoint two acore of aides.

And the spectral of the spectral

awaiting the outcome of Kinney's in-juries. Her father was a full-blooded Chero-kee named Tuscumium. He acquired the added name of "Nickie" from white persons in North Carolina for whom he acted as interpreter. Her mother, Mrs. Lark, she says, was a French woman, reared in England, who came to North Carolina as an immigrant. Mrs. Lark's maiden name was Lillie Tuscumium and she stitended school at Carlisie. Penn. When she was about 17 her parents gave her \$2,500, she said, and she started out for herself. She came to St. Louis about 18 years ago and latar married. About four years ago she separated from Lark. She never sought a divorce nor did Lark, according to her story. trunk of the tree have been brought up to the city hall for public inspec-tion to show that it was decayed in the heart and would shortly have died anyway; but this does not convince. The strange part about the whole proceeding is that several months ago several good trees were chopped down on Plain street a block of allowing a house to be moved in time of war." through the streets, and nothing has been said about that. RAILROADS GIVEN MORE TIME. At the second meeting of the rail-

tion of Directors.

file 1106.

This afternoon a deed of sale exe

was destroyed by fire to-day, despite the efforts of the able bodied men in

assist in tiding over the recent sun. I wants to wrest control from him.

Certainty That the Negro Held at Wilson Is Her Assailant-Should She Say He is He Would Probably Be Lynched Immediately,

Special to The Observer. Wilson, July 8 .- Yesterday morning

negro who gives his name as Walter Smith was caught breaking into the home of Kinchen Owens, of this city, and brought here last night and juil-

ed. Several people who saw him be-lieved that he was Will Nixon who committed rape on Mrs. Lot Scott about two weeks ago at her home six miles from here. This report spread and lynching was feared. Sheriff Shanpe had Governor Glenn to order

out the Wilson Light Infantry to protect the jafl. This morning Mrs. Scott, who is 73 years old, was brought here to identify her assailant. This she was unable to do. There is proof,

however, that he was seen at her home the day of the crime.

New Orleans, La., July 8 .- The Ht

College Destroyed by Fire.

