CHARLOTTE, N. C., THURSDAY MORNING, JULY 18, 1907.

BUSY DAY FOR DEFENSE ALL PLEAS ARE OVERRULED ARGUMENT BEGINS FRIDAY KARL HAU CASE IN COURT KOREANCABINET RESOLVED NO BEVISION AT PRESENT FINLEY ANSWERS CRITICS

mes Swears That He Was at fome on the Night of the ding — His Story CorroboratSeveral Witnesses — W. T., Brother-in-Law of Jones, His Witness — Some Testimony That Sounded Fishy—Judge es Declares With Great Ems That the Article Published e Wadesboro Messenger and Igencer Was High Contempt urt — Witnesses For Defense ert - Witnesses For Defense e To-Day. Special to The Observer.

Monroe, July 17 .- The first witness the crowd coming back from Wadesboro and went out to his gate and

here were about 50 in the mob.

mony was that Kendall and Bogan the actual trial. What move the counhad declared on several occasions that they did not recognize anybody in the is not disclosed. way from Wadesboro, after the lynch-

REGISTER OF DEEDS

THE PAPER. C. C. Moore, register of deeds in nson county at the time of the lynching, said that he saw Sheriff Bogan the next morning about 8 o'clock. He asked the sheriff if he had recognized any one and he said he recognized Will Dunn, young Lawson and T. V. Hardison's sons, Later in the day Bogan came to witness and asked him so now." On cross-examination, witsigned an article which was got up and published in The Wadesboro Mes senger and Intelligencer, setting forth misdeeds of the man who was lynched. He signed this paper about three or four weeks after the lynch-

The court: "Did you-sign that paper in your official capacity as register of deeds?"

"Well, I was register then."
"Do you think it was any less a violation of law to lynch a bad man the matter of the proceeding against Witness said that he did not approve of lynching.

On re-direct examination said his motive in signing the paper was to let the public know what character of man had been lynched.

HIGH CONTEMPT OF COURT. Shortly before court adjourned for the day, Judge Peebles ordered the jury to retire and then stated with great emphasis and feeling that the publication of the article just mentioned was high contempt of court and that, if he had been in Judge Shaw's place at the previous trial, he would have punished every one of

the signers. James A. Hardison heard Sheriff Bo gan say the next morning that he could not recognize any of the mob. On cross-examination, he said he had contributed to pay expenses of de-fense but could not remember the

R. A. Templeton stated that Sheriff gan asked him about the difference n size of Zeke and Battle Lewis. This was June 15th, 1906. Cross-examined he said that the date mentioned was after the sheriff had already testiled at the hearing and the Lewises

been bound over.

John A. Niven said that he asked Sheriff Bogan if he recognized any of the crowd and he replied, "How could I, when everything was black as hell?" Niven, one of the defendants, and he of his would receive careful considtestified that his son and Jim Swink eration, but that in his opinion the were at his house the night of the act of the Legislature fixing the rates lynching, and they did not go out till was self-operative and there was no o'clock in the morning. He said wink was instructing him in Masonry at that time and often spent the night

of viciators; that the corporation com-mission and others restrained by the Thomas Watkins, the next witness told about Will Meeks, one of the boys who turned State's evidence, him in ugh he had never seen the boy ore, and telling him that he did ot know anything about the lynchnor anybody in the mob.

cross-examination witness said that Meeks told him he was living the Kendalls and officers had told them if they came up and testi-fied to the facts they would get out of He said Meeks came right up to the street and told him this, he had never seen the boy be-Watkins'

last, but most of them simply testified as to character.

defense as well as the defendant him-(Continued On Page Four.)

in Every Way Possible to Get a De-lay in Proceedings but They Go on —Agent Green Refuses to Plend Guilty or Not Guilty and the Court Directs That the Latter be Entered Against Him—Judge Pritchard Hur-rying to the Scene to Take a Hand in the Matter and His Arrival is Awaited With Much Interest. in Every Way Po

Observer Bureau, The Hollaman Bullding, . Raleigh, July 17-

called for the defense this morning tending through the day and until late Haywood, secretary and treasurer of the was T. R. Tomlinson, the officer who in the evening in the sensational con- Western Federation of Miners, co took Kendall to the preliminary hear- flict between the State and the Federal ing. Tomlinson said that when they courts involving punishment for viowere driving to Wadesboro Kendall lation of the State railroad rate law, counsel to-morrow will rest his case with told him he was at home on the night the defendants, the Southern Railway the jury sofer as evidence isconcerned. Possibly some witnesses will be called in Sur-rebuttal but Haywood's counsel an-Green, were directed to make a plea nounce that the case may close without could not recognize any one. Witness said the character of Jones, the defense the defendants and an order was entered that hearing fendant, was good.

T. C. Political ment is expected, and the last stage of the defense the defendants went is expected, and the last stage of ination that lasted several hours.

Hau was unable, or unwilling, to and an order was entered that hearing of evidence as to guilt begin to-more. saw about 75 men driving by but as to guilt. In the language of coun-further evidence. Friday morning arguendant, was good.

of evidence as to guilt begin to-mor-non Judge Wood stated that in his
T. C. Robinson testified that Sheriff row morning at 10 o'clock. It is un-opinion evidence introduced by the de-T. C. Robinson testified that Sheriff Bogan one night about a week after the event while they and others were sitting in front of the drug store, had asked who that was when young Kendali drove up and went into the store. Will Dunn, one of the defendants, replied: "Why, that's your friend, young Kendali."

C. J. Gathings got up about 2 o'clock that night, he said, and think; the first property of the constitutionality of the testing of the constitutionality. The Next Week is a some work what that will be remains to be seen but it is believed that it will be most probably to take in some way the custody of the prisoner on the ground that the whole matter is at issue in his court and that the proceeding in the State court at this stage of the constitutionality. The Next Week is the state of the mine owners by showing the defense to prove a conspiracy on the person of the mine owners by showing the deportation of union miners from the Cripple Creek region of Colorado during the strikes of 1903 and 1904 was not material to the issue involved and should not be submitted to the jury. On the other that Steve Adams was concerned in the ground that the whole matter is at issue in his court and that the proceeding in the State court at this stage of the constitutionality.

seen him. He said several of the de-fendants were kin to him. He thought recording of "Not Guilty" as the ans-Six witnesses followed Gathings: J.
Dunlap, Robert Jones, H. E. Allen,
E. Covington, W. H. Liles and W.
Moss, the consensus of whose testi-

mob, and that Kendall had stated he The first plea made by the defense defendants had not been given suffi-cient time to prepare their case; that the arrest was made yesterday, and Judge Avery, of counsel for the pris-oner, had only just arrived here from Morganton and other counsel had was that the d his house that night, on their defendants had not been given sufficient time to prepare their case; that SIGNED Judge Avery, of counsel for the priscome into the case with no opportunity to confer or prepare for the proper conduct of the defense; further, that in the defense it would be the purpose to show the act unconstitutional as confiscatory of the property and the can came to witness and asked him penalty clause, also a violation of the f he would have thought that Tom constitution. Witnesses from a dis-Hardison would have anything to do tance would have to be brought here work, with a lynching. Witness replied, "I and such time would be necessary newould not think so, and I don't think cessitating continuance for the term.

Two pleas raising the question of ness said he was related to several of the jurisdiction of the court and inthe defendants. He said that he had cluding the proceedings in the injunction litigation at Asheville before Judge Pritchard, of the United States Circuit Court for the testing of the constitutionality of the rate act, and restraining the corporation commission and other State officers, were read.

MOTION TO CONTINUE OVERRUL ED.

Judge Long overruled the motion for continuance on the ground that the defendants had been in progress for several days, involved issues of great importance to the public and speedy trial was imperative. He overruled the pleas as to jurisdiction after an elaborate argument in support of the pleas by General Counsel A. P. Thom, of the Southern. In his argument Mr. Thom reviewed the whole history of the rate legislation in North Carolina, the injunction proceedings before Judge Pritchard and the arrangement in accordance with North Carolina's practice for refunding the extra one cent a mile by means of coupons in the event the reduced rate is sustained. He contended in a most eloquent speech, that this was the proper course, guaranteeing the rights of every one and calculated to secure the most speedy possible settlement of the issues. The district court now having jurisdiction, this Superior Court could not proceed with crim-inal prosecution for penalties when a concurrent equity court had in procontinuance o fthe very acts under proper safeguards that the criminal court was taking steps to punish. Judge Long in over-ruling the plea that jurisdiction of the whole matter was with the United States Court stated that he had the highest regard for Judge Pritchard personally The witness is a brother of Frank and officially, and that any judgment reason why the State court should n

> this was not applicable to the opera-Judge Long asked if there were further pleadings by the defense in special appearance and the request came that recess be taken until to-morrow to determine if there were, counsel having had no time thus far to properly canvass the whole situa-tion. This was refused. The defense tion. This was recused. The defense intimated that there might be a plea that the police justice court in Ralleigh was the proper tribunal to try the charge, being a misdemeanor. Judge Long said he would consider this plea later if the prisoner would enter his plea now as to guilt. R was ng drawn-out dis this issue that counsel for the defense declared the defendants "stood mute

proceed with the enforcement of the la wo fithe State by the Sunishment

Federal Court really had nothing to

do with putting in operation the new act. Mr. Thom cited Section 1113 of

the Code, but the judge held that

ow Witnesses May be Called in Sur-Rebuttal, but Counsel Announces That Case May Close Without Fur-ther Evidence—Court ther Evidence—Court Announces
That Portion of Evidence Introduced on Both Sides Has no Material Effect on Case and Should
Not be Submitted to Jury—Three
Two-Hour Sessions to be Held
Daily During Arguments—Number
of Witnesses Summoned Will Not

Boise, Idaho, July 17 .- The State of Idaho rests content with the evidence it After a series of legal contests ex- has introduced to prove that William D. to kill and therefore murdered Frank sur-rebuttal, but Haywood's counsel an-

young Kendall."

C. J. Gathings got up about 2 o'clock that night, he said, and thinking from the shooting he heard that there was a fire down near the jail went there and saw two men near the alley leading from the street to the back of the jail and one of the back of the jail and one of the back of the jail and one of the men called out, "Boys hold your nerve; don't shoot so much." He saw nobody on forseback He heard Kendall's testimony that he was there on horseback. Witness only remained there an instant and went and seed on the square, shout 25 feet away, nearly an hour. The crowd passed within 16 feet of him when they carried Johnson away. He did not recognize any of them.

On cross-examination witness admitted that the night was so dark that he could not distinguish a man seven feet from him, and that there might have been some one on horseback name the falley and he could not have seen him. He saids everal of the defendant Green directed to make his pleading to the charge "Guilly" or "Not diang seen the find and several of the defendant Green directed to make his pleading to the charge "Guilly" or "Not diang seen some one on horseback has the sleep and he could not have seen him to tapace that the probability of the constitutionality to the state of the state of the state of the could not distinguish a man seven feet from him, and that there might have been some one on horseback near the alley and he could not have seen him that the propose the testing of the constitutionality of the court of

TWO WITNESSES IN REBUTTAL. TWO WITNESSES IN REBUTTAL.

The State called only two witnesses in rebuttal to-day at the last moment, the prosecution decided not to call mine owners or Pinkerton detectives. As a result of this decision a number of witnesses will not be heard. Bulkeley Wells, formerly Adjutant General of Colorado, and recently elected a railroad commissioner in that State, left Eoise yesterday. He was in command of the militia called out during the labor troubles in 1992 and 1994, and was the man who dug

"THERE'S MORE IF YE WANT IT." THERE'S MORE IF YE WANT IT."

The last witness of the State was William Stuart, a Scotchman, red bearded and retaining the burr of his native las guage on his tongue. He was a miner in the Cripple Creek region during the labor troubles and told a terrible story of maltreatment at the hands of miners who had warned him that he would have to take the consequences if he went to to take the consequences if he went to work, however, and to-day with native wit he told the consequences.

Richardson dismissed the witness with the words "that's all."

Stuart wheeled out of the witness chair Stuart wheeled out of the witness chair and, as he stepped down, he said quietly: "Humph, Well, there's more if ye

WELCOME AWAITS THE PRINCE.

Exposition Company Making Elabor-ate Preparations to Entertain Wilhelma, of Sweden, August 19th.

Norfolk, Va., July 17.—Elaborate reparations have been made by the Jamestown Exposition Company for the entertainment of Prince Wilhelma, second son of Crown Prince Gustave and grandson of King Oscar, of Sweden, when the Prince arrives in Hampton Roads on the Swedish cruiser Fyleia, August 19th.

The official reception, with the navy participating, will continue for three Following the functions at the exposition the Prince will go to visit President Roosevelt at Oyster Bay

and then on to New York, Providence and Newport, R. I. The Swedish cadets will go from here to Washing-

HANGED TO A TELEGRAPH POLE. Oklahoma Mob of 150 Lynches Negro Who Had Murdered Brakeman an

Hour Before. Osage, Okla., July 17 .- Frank Balley, a negro, was lynched by a mob consisting of 150 men and boys here last night after he had shot and mortally wounded Frank Kelly, a brakecess of investigation the questions at man on the Missouri, Kansas & Texas issue and had made provision for the Railroad. Kelly had ejected the negro from the train in the afternoon. The negro hid in the yards and as the train upon the top of which Kelly was standing passed, the negro shot him. The negro was caught an hour later. A mob formed and overpowered the two officers who had Bailey in custody and hanged him to a telegraph pole.

> Observer Bureau 1209 Main Street,

Columbia, S. C., July 17. The State Firemen's Association in ficers were elected as follows: President, Louis Behrens, Charleston; vice president, W. C. Smith, Anderson, and T. O. Flowers, Rock Hill; secretary, R. S. Hoed, Sumter; treasurer, J. O. S. Dibble, Orangeburg; statistician, J. A. Mulliken, Columbia; delegate to national convention, T. O. Flowers; alternate, E. S. Kennedy.

such circumstances. Coroner Jones examined the body and decided that it was plain the boy came to his death

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SCORE OF WITNESSES TESTIFY AGENT GREEN'S TRIAL TO-DAY, HAYWOOD DEFENSE NEARS END JURY SECURED IN 10 MINUTES EMPEROR'S ABDICATION URGED WOULD BE SUICIDAL TO PARTY DEFENDS APPEAL TO COURTS

Presentation of Gravity of Situa-tion Caused by His Majesty's Send-ing Delegation to The Hague—Ne-cessity for His Abdication in Honor of Crown Prince and Apologizing to Emperor of Japan Boldly Urged— Cabinet Determined Definitely to Decide by Time of Arrival of Japa-nese Foreign Minister—Emperou

ing to the Emperor of Japan.

in the Bank of Shanghai.

the anti-Japanese association has is-

sued a manifesto urging the necessity

Tokio, July 17.—Although Korea is

inder an absolute monarchy the dem-

ocratic custom has existed since olden

days of demanding the retirement

from the throne of a sovereign whose conduct endangers the national wel-

fare. When such an occasion arises the

usage prevails that all the Cabinet ministers shall appear before their rul-

er. One acting as spokesman humbly

states the advisability of Emperor's retirement in favor of a rightful suc-

thei nauguration of a closer control

by Japan than that she has exercised

since the treaty of Portsmouth, rec-

the hermit kingdom as one of the

fruits of her victory over Russia. For

a long period Korea was under the

control of China, but in 1894, 1896

Japan drove China out of the penin-

sula and Korea enjoyed a brief period

of independence. In 1904 Japan step-

ped into Korean affairs with assurance

of safety, independence and territorial

integrity, but since that year the Jap-

anese influence has grown in extent

and power until finally to-day Korea

faces, in the abdication of the present

Emperor, the final extinction of her

claims to recognition as an independ-

ent State for the installation of a

nominal Emperor, selected by the

that Korea is to come wholly and en-

tirely under the sway o fthe Japanese.

GOVERNOR'S SPECIAL MESSAGE.

Georgia Legislature Urged to Enact

the Legislature to-day asks an enact-

ment to fix the value of corporate

for taxation. He calls attention to the

by a tax payer is not acceptable to

is provided, but the arbitrators under

the present law, are not sworn and

have not the power to administer the oath to witnesses. He calls attention to the fact that the Central of Geor-

gia and Souhern Railway have made

returns on the valuation of their tan-

gible property within the State, the

former at less than one half the

amount which the company officials

declared on oath in a judicial hearing

was its value, and the latter at one-

third such amount. He urged that the

taxation should be on such valuation

as these or othes corporations are al-

lowed to maintain in a court of law,

The Southern Railway, he declares, is

resisting a valuation of \$24,000,000 on

its property in Georgia, when an offi-

cer of the road at a recent hearing in

the Federal Courts, swors that the property is worth not less than \$48,-150,000. The Southern returned the

property for taxation at \$ 14,881,923,

NEGRO RAPIST CAUGHT?

Man Answering Description of Mrs. Scott's Assailant Avrested Yesterday at Louisburg—He Will Not Talk.

named Richard Freeman, allas Dick

Harris, wanted for an assault upon Mrs. Lott Scott, of Black Creek town-

this afternoon while working at and Houck's brick-yard. Some since he was working on the

egotured

Special to The Observer.

ship,

times

Louisburg, July 17,4-A

Wilson county, was

farm of Marsellus Smith, about

miles east of here, and upon hearing some one reading about a reward offered for Mrs. Scott's assailant, sud-

denly disappeared not even waiting to collect his wages. He was to-day iden-tified as the same man and Mesers. E.S.

Ford and D. G. Pearce effected his ar-rest. He tallies with the description given and the officers believe they have the right man. The prisoner

Two Workmen Fatally Burned. Pittaburg, July 17.—Two workmen were fatally burned and four others injured by an explosion of a 110,000-

17.-Governor

is for Taxation.

Atlanta, Ge., July

at all risk.

George Washington University
Faces Charge of Murdering Motherin-Law—Defendant Unwilling or
Unable to Expinin Many of His Actions, and Altogether the Day's
Testimony Was Considered Very
Unfavorable to Accused Man—
Clause in Wife's Will, That Daughter Assume Another Name, Indicates Her Conviction of Husband's cates Her Conviction of Husband's Guilt—Many Witnesses Examined.

Karlsruhe, Germany, July 17.-A case that has attracted attention in an audience with the Emperor in the two continents came up for trial here evening, continuing for three hours. ease that has attracted attention in to-day when Karl Hau, formerly professor of Roman law in George Washington University, Washington, D. C., was brought before the bar on the charge of having murdered his mother-in-law, Frau Molitor, a wealthy resident of Baden Baden, in that city on November, 5th. last. on November 6th, last. The selection of a jury occupied only 10 min-utes, after which the presiding judge

gard to which the prosecution has pursued a careful investigation, such as the wearing of disguises and their secret disposition, and the sending of telegrams to himself. He declined to explain his connection with a telegram asking his wife's mother to come to Paris, and refused also to answer various questions regarding his deposition relations, although rehis domestic relations, although repeatedly warned by the judge that he was jeopardizing his case.

Altogether the testimony to-day

having recognized Hau in the false beard that he wore at times.

, DIES FROM HEMORRHAGE,

Andrew John, Former President Seneca Indian Nation Expires Hospital at Washington. in

Washington, July 17 .-Andrew hn, former president of the Seneca Indian nation, died of cerebral hem-errhage to-day at the Emergency to-day Hospital here to which institution he was removed yesterday. The twentyodd years which the Indian chief spend in Washington made him a familiar character in this city, particularly at the Capitol and the Interior Department, where he looked after the interests of his tribesmen. During his long residence here Andrew John came to know the late Senator Quay, of Pennsylvania, who claimed have a strain of Indian blood in his veins, and his acquaintance ripened into a warm friendship. probable that the body will be buried in Congressional Cemetery here.

Receivers for Two Companies Appoint-

Special to The Observer Salisbury, July 17.—Leo C. Wallace a member of the firm of Wallace & Sons, was to-day appointed receiver for the New London Mercantile Company, a dry goods company that has within past few days gone into bankrup tey. This company was forced to this step on account of the great credit usiness done by it. At one time it enjoyed most liberal patronage. R. B. Thompson was

named receiver for the Hobs Lumber Company, of Jerusalem, Davie county, and has take charge of things. This receivership is not the result of business adversity but a step to the dissolution of a partnerahip.

Mr. N. B. Britton's Injuries Prove Fatal.

Special to The Observer Salisbury, July 17.—G. G. Britton, of Anniston, Ala., this morning took the remains of his brother, N. B. Britton, who died last night at the Whitehead-Stokes Sanatorium following a runaway accident the day before, back to the home of the unfortunate man. He never regained consciousness after the accident. The brother arrived too late to see him alive. The dead man was traveling superintendent for Inter-State Roofing Company. G. G. Britton is president of the same company. They had contracts for roofing the new plants at Kannapolis, the junior brother having charge of the work. He was 35 years old and unmar-

Buggy Rolled Over Her Neck. Special to The Observer.

Lumberton, July 17 .- Miss Mattle McWhite, of this county, came near receiving fatal injuries yesterday while driving into town. Meeting her was a pair of runaway mules hitched South Carolina Firemen Meet Next at threw Miss McWhite out, and the wagon wheel ran over her neck. , The mules halted just as the wheel rolled on her neck and it had to be lifted She did not lose consciou and when taken to the hospital for examination Beemed to have escaped unhurt.

Special to The Observer.

Fayetteville, July 17.—A hurry tele-phone call came to-day from Beards Station to Sherin Watson to come with his bloodhounds immediately, and he went at once. The dogs were put on the trail of a man suspected of break-ing into the house of W. A. Beard, about which he was seen loafing, and he was captured after a short chase.

Salisbury, July 17.—Caivin A. were fatally burned and four others cobs, a Franklin township farmer, was severely wounded last night by a cat that made a savage attack upon him at his home. The fiesh on one of his hands was torn to the bone but he does not believe the animal was mad were engaged in pouring hot metal line a large mold and the molten line as a large mold and the molten line of the salimal was mad were engaged in a sufficient on the line of the salimal was mad were engaged in pouring hot metal into a large mold and the molten line of the salimal was mad were engaged in a sufficient of the salimal was mad were engaged in pouring hot metal into a large mold and the molten line of the salimal was mad were engaged in pouring hot metal into a large mold and the molten line of the salimal was mad were engaged in pouring hot metal into a large mold and the molten line of the salimal was made.

tor Hopkins, of Illinois, Discussing Subject With President and Representative Miles, of Wis-consin Tariff Association, Says After the Presidential Election He Believes It Will Be Duty of Repub-licans to Revise Tariff and That it Will Be Done—An Enthusiastic Word for Speaker Cannon's Can-didacy—Persian Minister Notifies President of Acession of Moham-

Seoul, Korea, July 17.—Following a Cabinet meeting yesterday which lasted four hours, the Premier had med All. Oyster Bay, July 17 .- President It has transpired that the Premier discussed the subject of tariff revismade a strongly worded representa-tion of the gravity of the situation caused by His Majesty's sending a delegation to the peace conference at The Hague. He boldly pointed out the necessity for the Emperor's abdication ion at luncheon at Sagamore Hill today. Senator Hopkins on leaving Oyster Bay said that the conclusion was reached that no tariff revision should be undertaken until after the next presidential election. in favor of the Crown Prince, and of "It would be suicidal to the Repubhis proceeding to Tokio and apologiz-

lican party," the Senator added, undertake a revision of the tariff to retard the provision of addition Korean Emperor made no definite teply. On retiring from the Palace, the Premier immediately called anduring the next Congress. After the and improved railway facilities, presidential election, I believe it will After referring to the rapid gr other Cabinet meeting which lasted until 2 o'clock this morning. The Cab-inet is determined definitely to decide Mr. Hopkins remarked that he be-

on Korea's attitude to-day, or by the time of the arrival of Viscount Haylleved such an argument would appeal to and be accepted by the Repubashi, Japanese foreign minister. It is believed that the ministers will insist lican revisionists in all parts of the upon the abdication of the Emperor country. Mr. Hopkins had a very enthusias-

tic word to say regarding the presi-dential boom of Mr. Cannon. He The Ching Hoi Progressive Association, which is supporting the present Cabinet, has officially applied to Marquis Ito to help save Korea said: "Of course if President Roosevelt

was a candidate there would be not from the grave consequences of the Emperor's action against Japan. the slightest opposition in the con-It is reported that the Emperor has withdrawn 400,000 yen deposited vention to his nomination. But I am thoroughly convinced that Mr. Roosevelt will not consider the nomination, It is not considered likely that the that he is entirely sincere in declaring himself not to be a candidate under Emperor will yield to the demand for his abdication without a struggle.

Despite the perturbed feeling and excitement of the Court and Cabinet any circumstances.

Speaker Cannon will have the entire Illinois delegation solidly behind the populace generally is calm. Even him and I thoroughly believe that if nominated he would make the best race of any man the Republican party could put forward."

General Morteza, the Persian min-

of a peaceful, prudent attitude at this critical stage of the situation. The Emperor in the opinion of close obster to the United States, to-day perservers has alienated popular affecformed the duties for which he been made a special ambassador by personally notifying President Roosevelt of the accession to the Persian MORALLY BOUND TO ABDICATE. throne of Mohammed Ali, Premier's Request Apparently the Be-ginning of the End of an Ancient Empire and the Inauguration of Closer Control by Japan. Jeneral Morteza was taken to Sagamore Hill in the government automobile.

Address of Welcome—Response by Mr. Archibald Johnson Other Good Addresses and Papers -Thirty-Eight New Members Enrolled.

Special to The Observer. 17 .- The thirty-fifth convention of the North Carolina Press Association met here this morning in the assem-Rores apparently is the beginning of met here this morning in the end of this ancient empire, and bly rooms of the Atlantic Hotel, with approximately two hundred delegates in attendance. The address of welcome was made by Mr. W. L. Arenognized the predominant influence in dail, of Raleigh. Mr. Archibald Johnson, of Thomasville, responded. The annual address of President T. J. Lassiter was an unusually interesting one. He outlined the work which had been accomplished by the association during the past year, dwell- tion, depriving a man of his liberty, ing at length upon the excellent legislation which had been secured. The who would not ask the protection of showed a gain of 38 new members

during the year. Papers were read by Mesers, J. J. Farris, of High Point; Archibald Johnson, of Thomasville; R. R. Clark, of Statesville, and M. L. Shipman, of Hendersonville. President C. . C. Moore, of the North Carolina division of the Southern Cotton Assostatesmen of Japan, seems to indicate ciation, delivered a forceful address on the benefits to be derived from cooperation between the cotton growers and the newspapers. There was no afternoon session of the convention. all the delegates crossing the sound Law Fixing Value of Corporate Property Within the State as a Bato the beach and partaking of the

At the night session Mr. R. M. Phil-Hoke Smith, in a special message to News and Observer, Raleigh, Jellyered able addresses. The session ad-journed after hearing Mr. D. T. Edproperty within the State as a basis wards, of The Kinston Free Press. fact that when the valuation returned discuss in a most delightful manner the advantages of semi-weekly newsthe comptroller, a plan of arbitration

The programme to-morrow will be opened with a paper by Mr. J. P. Caldwell, editor of The Charlotte Observer, on the relative importance of the editorial and news columns.

MRS. INMAN COLLAPSES.

ried Tuesday Night to J. B. Duke Annoy Her Greatly-Duke Refuses of this effort to obtain constitutional to Affirm or Deny the Reports— "Nobody's Business," He Says. Special to The Observer.

New York, July 17 .- Annoyed by reports of her marriage to J. B. Duke, the millionaire president of the American Tobacco Company, Mrs. Wilwidow, completely broke down in her express itself, except by constitution apartments at Hotel Webster, 40 methods. Otherwise, it would west Forty-fifth street, to-day. Because she was unable to see anyone she authorized J. Carlton Rivers, manager of the Webster, to deny emphatically that ehe was married to Mr. Duke. On his way to his office, to take cognizance of the reports that he had secretly married Mrs. Inman

during the night.
"Did you marry Mrs. Inman last night?" Mr. Duke was asked. "None of anybody's business," was

"Shall we assume that you were married then?" You may assume anything you

Mrs. Inman and Mr. Duke have been very friendly for some time and entities them. Those who acquaintances have expected that a wedding would take place shortly. It tutional rights and dehounce a was supposed that Mr. Duke desired secrecy, but not because of any trou-ble he might anticipate from his former wife, Mrs. Lillian N. Duke, on whom the tobacco magnate is said to have settled more than \$500,000.

Dr. R. B. Beckwith Has His Collar Bone Broken. cial to The Observer.

Lumberton, July 17.—Dr. R. B. Beckwith is suffering from injuries received from his horse running away. He was standing taking some articles from the buggy, when the horse be came frightened and ran, throwing

Seels to Justify Course of Hallron in Seeking Through the Cour Protection From Legislation Whi They Believe to be Confiscatory Its Character—Delivers Addre Before the Nashville Board Trade—Declares That Wildeat Legistion is Jugantage Credit of Ra islation is Impairing Credit of Rali-roads and Impairing Their Power for Good to the Country.

secial to The Observer. Nashville, Tenn., July 17.—President W. W. Finley, of the Southern Roosevelt, Senator Hopkins, of Illi-nois, and H. E. Miles, representing Railway Company, who was one of the Wisconsin Tariff Revision League, the principal speakers at the Nashville board of trade outing this afternoon, delivered an address which was largely in the nature of a reply to those who have criticised the railway companies for appealing to the courts for protection from legislation. which they believe to be confiscatory in its character, and which would ter

After referring to the rapid growth be the duty of the Republican party and the present prosperity of Nashto revise the tariff and that it will ville, Mr. Finley spoke of the importance of adequate facilities for transportation, pointing out that it is a self-evident truth that the profitableness of production depends upon ability to sell the commodities produced, and the equally self-evident truth that no community can produce, pro-fitably, more than it can send to market, and that the limit of the capacity of its carriers, therefore, limits its capacity for profitable production. Referring to the rapid increase in the demands upon the railways of South for transportation within past few years, he said the practical question now confronting the managers of the railways and every man engaged in any kind of business, was, how could the increased transportation facilities be provided that will be needed if this rate of increase in tonnage was to be maintained for even years more. the interests He few of lustrated people in the the of transportation, by pointing out its

importance to a single class—the farmers-showing that without transportation, the farmer could produce, profitably, only what his family could consume and what he could sell in a restricted local market. Mr. Finley pointed out that agitation initiated to secure the correction

THE EDITORS AT MOREHEAD, of railway abuses had accomplished that result, and was now being car-Two Hundred Delegates Present at ried to the point of endangering rail--Mr. W. L. Arendall Delivers the of the railway companies to increase and improve their service. He said: RAISES SERIOUS PROBLEM.

"By the adoption of legislation in some of the States which reduces the revenues of the carriers far below the point of confiscation, the railway man-Atlantic Hotel, Morehead City, Ju- ager is confronted with a serious prob-"The constitution of the country

which is the supreme law, and which should be recognized as the supreme expression of the people's will, says that this shall not be done in the same solemn terms that it declares that no individual shall be deprived of his property or of his liberty without just compensation or without due process of law. If a law were passed by the Legislature, contrary to the constituthere would be no one, thus deprived, report of the executive committee the constitution—the supreme lawfor his liberty, and all men who are lovers of liberty and justice would applaud his action. Likewise, if a law were passed by the Legislature, contrary to the constitution, taking from a man his home, or interfering with his lawful enjoyment of it, there is no one of our fellow-citizens, thus deprived, who would not ask, through the courts, the protection of the constitution for his lawful rights, and in this case, too, every good man would applaud his action and would uphold his hand. If, however, there is legies lation enacted, contrary to the constitution, taking from a railway company its property or interfering with its lips, editor of The Newbern Sun, and lawful enjoyment of it, and an effort Mr. Josephus Daniels, editor of The is made by those charged with the responsibility for the property to obtain for it, in the courts, constitutional protection, there are those who d clare that this is a defiance of the po ular will. It is called, in some qu ters, an arrogant refusal to acc popular verdict, and instead of a and determined insistence on constitutional protection for these interests, the railway manager is confronted, as I say, in some quarters, with denunciation, with obstruction, with threats of reprisals, and with efforts at intimidation. Some people do not hesitate to say that the public will make reprisals upon the property because

contrary to the constitution, is not the expression of the popular will. der our system of government, liam Inman, the accomplished Georgia popular will cannot, and ought not to mere temporary caprice of the p -the undigested result of au agitation-that would be our law in the place of our constitution. great voice of the American p sists that the constitution preserved, and what the co-declares to be a right, either son or property, is the real of the popular will. No man si be subject to censure for ac the constitution as a declaration of potential voice of the people and the expression of their real will an purpose, and no man and no should be denounced for asking hands of the courts of the co protection to which the individual for insisting on ompany for doing the same, m to justify themselves upon the ple that those of our fellow who invest their means-in p transportation for the con for some reason, be deprive

NOT POPULAR WILL.

"I submit to you, my fellow-citizens

that a legislative enactment, which is

protection.

ment which other pear this be accepted by the sound principle, who wo