

Every Day in the Year.

SUBSCRIPTION PRICE: Daily, One Year \$1.00, Six Months .75, Three Months .50.

PUBLISHERS ANNOUNCEMENT. No. 21 South Tryon street. Telephone numbers: Business office, Bell phone 71; city editor's office, Bell phone 124; news editor's office, Bell phone 224.

WEDNESDAY, OCTOBER 2, 1907.

THE FACTS IN THE \$300,000 FINE CASE.

We wonder if it is safe to tell the truth in North Carolina about the Standard Oil Company, or rather, it should be said, a truth? The whole truth about it would double-damn it where it is already damned, but we refer to a truth which makes a little for its side of an argument.

At all events we are a mind to chance it when this corporation was fined nearly thirty million dollars recently the facts in the case were so obscured by ex parte statements, so secluded by prejudicial arguments, and we were all so busy throwing up our sweaty night-caps and shouting applause of Judge Kenesaw Mountain Landis for his heroic action that we hadn't time to look into the facts and The Observer for one has to confess that it didn't know what they were.

It has remained for The World's Work, a monthly magazine, to sit them out and present the first coherent statement of them that has fallen under our observation. We copy from the October number of the publication named:

"The Standard Oil Company of Indiana was indicted for violating the Elkins law for shipping oil from Whiting, Ind., a suburb of Chicago, to the city of Chicago over the Chicago & Alton Railroad, for six cents a hundred pounds instead of eight cents. There are three railroads from Whiting to East St. Louis. The oil company had shipped its products over all three of them, paying the rates of six, six and one-half cents, and the six-cent and one-half-cent rates and filed them with the Interstate Commerce Commission, as required by the law. The Alton road had openly quoted to the oil company its six-cent rate, but the fact is that it had published this rate and to file it with the commission—a purely technical omission of duty by the railroad, which was no concealment of the rate and no discrimination. The rate on these products properly published and filed by the Alton road was the standard rate of eight cents, which was never used. There was no dispute of these facts; and the crime, if crime there could be, was that every lawyer could suppose a crime of the Alton road.

"But Judge Landis refused to admit these facts in the evidence. He held the testimony rightly to the fact that the rate filed by the Alton road was the standard rate of eight cents and that the oil company had paid only six cents. He declared the presumption is that the honest man who tenders a commodity will not be fraudulently misled by the railroad company into allowing it to haul his property for less than the law authorizes it to collect." In a word, the shipper must ascertain whether the railroad has complied with the law before he accepts a rate quoted to him—must make sure that the railroad is charging him enough. Judge Landis ruled that the oil company had not used due diligence to determine whether the railroad was disobeying the law.

"The Standard Oil Company of Indiana was therefore found guilty of shipping 1,462 carloads of oil at an unlawful rate; the judge imposed the fine of \$300,000, a carload, which is forty-four times as much as the oil was worth. The defendant was the Standard Oil Company of Indiana, a corporation of \$1,000,000 capital. Judge Landis held an inquiry to ascertain that much (or more) of the stock is held by the Standard Oil Company of New Jersey, a corporation with a capital of \$10,000,000. When this was ascertained, the judge imposed the fine, regarding the New Jersey corporation, which had not been indicted in his court, as the real defendant.

"But the fine imposed by process of law is collected from the New Jersey corporation. Most competent lawyers know, too, that to have a fine against the Indiana corporation is contradictory, and therefore a violation of the United States constitution, and it is practically certain that the Supreme Court will so decide.

"All of us assumed, when the Standard Oil Company was convicted, that it was guilty and that when it was fined only thirty million dollars it was getting off 'tolerably light'; but it develops that in this case, at least, it was not guilty at all; that the fine was imposed upon a corporation which was not even indicted and that if there was any guilt anywhere—which there was not except technically—it attached to the Chicago & Alton railroad, which had charged six cents a hundred when its last advertised rate called for eighteen, but had charged no more than the other roads and had given no rebates.

Several things of interest relating to the schools were done last night at the meeting of the board of school commissioners. The number of 'normal' meetings of the teachers was cut down from two to one a month. The white teachers will meet the first Saturday in each month from 9 till 11 o'clock. The colored teachers will meet on the second Saturday. This is to give the teachers more time for themselves and was done at their request.

The opening of the North Carolina Medical College, now fifteen years old, for its first session as a Charlotte Institution in all departments gives to-day importance in the city's educational history. With continued ownership and control by physicians of the first rank, and with a faculty of such symmetrical strength as only a city exceptionally fortunate in its medical practitioners could supply, the college gains much besides increased clinical facilities.

It is well that the suit for an accounting instituted against Mrs. Mary Baker G. Eddy as head of the Christian Science sect has been finally dismissed. The charges, which never had any good motive behind them, seem to have fallen to the ground. Mrs. Eddy is not mentally incompetent, and if she and her riches are in the hands of designing persons the fact remains entirely unproved.

A notable among the Confederate commanders passed out of earthly view a few days ago with the death of Gen. James H. Lane. Though not a native of this State nor very long a citizen of it, he commanded many North Carolinians in the civil war and won the admiration, confidence and affection of them all. He was an intrepid officer and a gentle, lovable gentleman. The tidings of his death will cause a pang in the hearts of all who knew him.

With a good record behind him Mr. S. S. McNinch last week resigned the mayoralty of Charlotte and yesterday afternoon Alderman T. S. Franklin was elected to it. Mr. McNinch laid down what, under present conditions, is a burdensome position, to the responsibilities of which The Observer hopes Capt. Franklin, who has had large experience with city affairs, will find himself equal. His predecessor did not lack good intentions nor does he.

Two Confederate veterans, of Greensboro, who fought through the civil war of forty-five years ago, probably without getting mad, fell out the other day about the ownership of some chickens and fought like dogs. They lived on adjoining lots and each claimed certain chickens, hence they fell to and it took three passers-by to part them. At last accounts the ownership of the chickens was still in doubt.

Salisbury is to be again congratulated. Yesterday it voted \$300,000 of bonds for street and other improvements. It has already done quite a good deal of good street work and will presently have better streets than any place in the State excepting Asheville, whereas a few years ago it had the worst. It is growing rapidly and its streets are among the best evidences of its prosperity.

There is something significant in an utterance like this from a paper of the type of The Wilmington Star: "There is no room for a new party in North Carolina, but there is room for reform in the Democratic party. More conservatism and less radicalism and demagogism is what is needed."

This is a paragraph which, as Lord Bacon said of "some books," is to be "chewed and digested."

Meantime the rate hearing is piling up a pretty bill of costs for somebody to pay.

Bullaces!

GASTONIA MAN SHOT. Pistol Accidentally Discharged When Charlie Johnson and F. F. Griffin Scuffle Over It, Later Being Wounded in the Leg. By Bell, Telephone to The Observer, Gastonia, Oct. 1.—Mr. F. F. Griffin, an attorney of this city, was accidentally shot this afternoon about 5:30 o'clock by Charlie Johnson, the ball taking effect in the right leg near the knee. It was probed for but was not extracted. The wound is not considered dangerous unless complications should set in.

The accident occurred in the branch store of the Adams Drug Company at the Loras Mill, of which Mr. Johnson has charge. He and Mr. Griffin were just going out into the country for a drive. They were scuffling over possession of the weapon when it was accidentally discharged.

Several things of interest relating to the schools were done last night at the meeting of the board of school commissioners.

The by-laws were again amended to stipulate that the control and discipline of the pupils during recess hours shall be vested in the superintendent, principal and a sufficient number of teachers.

Misses Hannah McLaughlin, Ellie Grier and Fannie Beattie were elected superintendents, on motion of Mr. R. K. Blair. It was stated that there were hardly enough of superintendents to fill the needs.

Another important action was the increasing of the salary of Superintendent Alexander Graham to \$2,400 a year. The superintendent to provide himself with a horse and buggy to visit the schools.

A request was made by patrons of the Groveton school that they be permitted to use the property for religious services also. After a lengthy discussion a motion was passed referring the matter to the buildings and grounds committee.

Commissioner Davis made the report for the committee on visiting and corrections. It was lively. He said Dr. K. K. K. had taken the schools to vaccinate the children without the latter being notified. He thought they ought to be notified, so that in case they desired to be vaccinated by anyone else they might be.

There was a long debate as to whether or not Professor Davidson should be allowed the use of the school building. Superintendent Graham stated that it was not Mr. Davidson's fault that he had been asked by the children and parents of those who were behind to "coach" them and had been given permission by the chairman of the committee on grounds and buildings.

The meeting was lively throughout, the discussions being many and warm and witty. The most pugacious were in a good humor and the most improvement carried to-day by an overwhelming majority. Practically all registered voters supported the bonds and most of the opposition was the habitual fight against the administration.

Only 26 Votes Cast Against the Measure, Which Provides for More School, Better Streets and Liquidation of Floating Debt—Big Tax Payers Strongest Supporters.

Salisbury, Oct. 1.—The \$300,000 bond issue for street improvement carried to-day by an overwhelming majority. Practically all registered voters supported the bonds and most of the opposition was the habitual fight against the administration. The actual number voting against the issue was 26. The election was eminently fair and every ward gave a majority. In Mayor Boyden's precinct only one vote was cast against them. It was probably the most comprehensive issue that has been presented recently in this city. The biggest tax payers supported the measure strongly. The opposition was too feeble for a contest.

There is provision in the measure for new school better streets and liquidation of the city's floating debt. By the provisions of the act \$100,000 are to be sent annually.

Would Be Real Blessing to Have Mr. Lane Governor. To the Editor of The Observer: I sincerely hope that the report which you printed in last Saturday's Observer that J. A. Long, of Person, would be a candidate for Governor is true; but, like you, I am afraid it is too good to be true.

First Church Calls Dr. Richards. Rock Hill, S. C., Record. At a congregational meeting at the First Presbyterian church after the morning service, the following resolution was adopted by the congregation to extend a call to Dr. C. M. Richards, now pastor of the Statesville, N. C., church.

Two Negro Voters Excluded From Louisiana Primaries. New Orleans, Oct. 1.—Negro voters were to-day excluded from participating in the Democratic primary election for Governor in Louisiana. The action was taken by the Democratic State central committee, which declared the measure to be "the purpose and intent" of the primary election law passed a year ago.

is the title of a new booklet issued by The Keeley Institute at Greensboro. It is beautifully illustrated with views of the Institute and of Greensboro.

A copy will be mailed upon request free of cost to you. Write for it to-day.

THE KEELEY INSTITUTE, Greensboro, N. C.

INDEPENDENCE IN VIRGINIA.

One Paper Read Out of the Democratic Party and Another Ready to Be Read Out if Blind Acceptance of Everything Offered is the Condition of Staying In.

Several Virginia newspapers, including notably The Valley Virginian and The Buena Vista Times, use the occasion of the somewhat acrimonious debate between The Times-Dispatch of Richmond and The Staunton Spectator to read The Times-Dispatch out of the Democratic party. While this question is up we would be glad to have these esteemed contemporaries look abroad at what is going on in the Democratic party.

The New Leader calls itself a Democratic newspaper because it believes heartily and earnestly that the underlying principles of the Democratic party are those on which the liberty and prosperity of the people and the stability of the government depend. We do not feel bound, however, to accept the platforms or support the candidates of any men who may happen by hook or crook or by some temporary error or indifference of voters, to secure control of the Democratic party.

The request of the primary teachers to attend the meeting of the Primary Teachers' Association in Asheville was granted, provided those who go secure the services of substitute teachers.

Salisbury's Bonds Carry. Only 26 Votes Cast Against the Measure, Which Provides for More School, Better Streets and Liquidation of Floating Debt—Big Tax Payers Strongest Supporters.

Salisbury, Oct. 1.—The \$300,000 bond issue for street improvement carried to-day by an overwhelming majority. Practically all registered voters supported the bonds and most of the opposition was the habitual fight against the administration.

There is provision in the measure for new school better streets and liquidation of the city's floating debt. By the provisions of the act \$100,000 are to be sent annually.

Would Be Real Blessing to Have Mr. Lane Governor. To the Editor of The Observer: I sincerely hope that the report which you printed in last Saturday's Observer that J. A. Long, of Person, would be a candidate for Governor is true; but, like you, I am afraid it is too good to be true.

First Church Calls Dr. Richards. Rock Hill, S. C., Record. At a congregational meeting at the First Presbyterian church after the morning service, the following resolution was adopted by the congregation to extend a call to Dr. C. M. Richards, now pastor of the Statesville, N. C., church.

Two Negro Voters Excluded From Louisiana Primaries. New Orleans, Oct. 1.—Negro voters were to-day excluded from participating in the Democratic primary election for Governor in Louisiana. The action was taken by the Democratic State central committee, which declared the measure to be "the purpose and intent" of the primary election law passed a year ago.

is the title of a new booklet issued by The Keeley Institute at Greensboro. It is beautifully illustrated with views of the Institute and of Greensboro.

A copy will be mailed upon request free of cost to you. Write for it to-day.

THE KEELEY INSTITUTE, Greensboro, N. C.

DEATH OF GEN. JAMES H. LANE.

A Gallant Confederate Veteran Goes to His Account—Commanded North Carolina Soldiers and Taught in Charlotte and Concord.

Gen. James H. Lane died suddenly on Saturday, September 21st, at his home at Auburn, Ala., where he was emeritus professor of civil engineering at the Alabama Polytechnic Institute. He was a distinguished soldier and educator, and was 74 years of age.

At the outbreak of the civil war he was a professor in the North Carolina Military Institute, at Charlotte, being associated with General D. H. Hill. He was elected major of the First North Carolina Volunteers, and in rapid succession passed through various grades of lieutenant-colonel and brigadier-general.

During the war he was in charge of the largest brigade in Stonewall Jackson's corps and was present throughout the entire conflict in nearly all of the large battles and many of the minor engagements of the army of northern Virginia. Big Bethel, Cold Harbor, Second Manassas, Sharpsburg, Fredericksburg, Chancellorsville, Gettysburg, the Wilderness, and so on to the end. He was promoted brigadier-general at the battle of Sharpsburg on the death of General Branch, of North Carolina.

Many soldiers in Cabarrus fought under him, and they knew no braver commander. At the close of the war he settled in Concord and taught school for a year or so in the academy which was situated on the lot in rear of Mr. John A. Kimmom's residence. Lane is remembered by many of our people. He was a man of most conspicuous traits of character, earnest and honest in his convictions, absolutely fearless and straightforward in his conversation, loyal and sincere in all of his relations of life. He was an embodiment of the finest qualities of the old-time southern gentleman.

CONFIDENCE RETURNING.

New York City's Improved Credit One of Many Evidences—Mr. J. P. Morgan's Views.

Philadelphia Ledger. Mr. Morgan was clearly right in the judgment expressed some weeks ago, that distrust, however unreasonable, of the credit of the City of New York, had contributed to the financial recovery of the country, must be damaging to financial confidence everywhere. He accordingly made it known that he and the bankers he represented were prepared to take all the bonds the city had to offer at not less than par. The result of this announcement was an immediate demand for four or five times the amount of the loan required by the city, and the \$40,000,000 of bonds were disposed of at an average price of 112. Yesterday these same bonds were selling at 105 7/8, making the interest rate about 4 1/4 per cent. This revived demand for municipal bonds was not merely a justification of the bankers' opinion. It is significant of the general recovery from the alarm approaching panic, into which all investors had been thrown by the various onslaughts upon capital. Many things have contributed to this recovery—judicial decisions, the sober tone of political pronouncements, the evidence that the business of the country was prospering in spite of unreasoning attacks. With the natural reaction of the demands for financial support, in its turn, grows less suspicious and exacting, and the wheels again begin to move. It may be believed that we have passed through the "crisis" of 1907, not without losses, but with much less general disaster than at one time appeared imminent. All large enterprises have undoubtedly been placed on a sounder footing than before, prices tend to adjust themselves to a practicable basis, as in the important instance of copper, and we are learning that the processes of law are adequate alike for the protection of rights and for the redress of wrongs. With the passing of the "crisis" we may hope that the wave of disturbing hysteria has also passed, and that the country is going forward, safely and sanely to renewed activity and prosperity.

LEVY STRIKE SERIOUS.

Illinois Central Railroad Putting on Guards—New Orleans Steamship Agents Will Defy Strikers. New Orleans La., Oct. 1.—The levee strike became serious to-night when 1,100 freight handlers of the Illinois Central Railroad announced they would handle no freight for the steamship lines now using the crates of vessels in the port. The railroad announced that 50 guards will arrive here to-morrow and that more are on route. The local steamship agents announced that within 24 hours they will begin loading cotton into a dozen vessels with non-union labor, thus defying the 2,000 cotton handlers now idle in sympathy with the locked out crewmen. Over 5,000 men are involved.

Wants Charlotte to Have R. Lumberman Robertsonian.

Charlotte wants the next Democratic State convention, and we hope she will get it. She is well able to take care of the convention, and when she undertakes to entertain any sort of convention she does herself proud. Charlotte let it be.

Tried for Attacking His Wife.

Spartanburg, S. C., Oct. 1.—E. M. Motte, a young white man, was tried in the Court of General Sessions on the charge of attacking his wife, from whom he had been separated with a knife not long since as she was returning from a Holiness meeting. Mrs. Motte was accompanied by a young man and this angered Motte and he attacked her. The jury rendered a verdict of guilty of simple assault. The court imposed a \$40 fine or 30 days on the chain-gang.

Opening Day. BREAKING ALL FORMER RECORDS. No wonder—we had the Hats with the styles. We had the variety, such as we have never shown. Each and every Bonnet is of a distinct character.

DRESS GOODS. New 52-inch Plaid, Check and Stripe Broadcloth, all the latest combinations of colors. Price the yard \$1.50. 52-inch Plain Broadcloth, Black and all colors. Price the yard \$1.00. 50-inch Epingle, a new and beautiful All-Wool material. Price the yard \$1.50. 44-inch All-Wool Cheviot, Black and Colors. Price the yard \$1.50.

SILKS. Positively we are showing the grandest and most complete line of staple and fancy Silks that has ever been shown in the city. 30, 35 and 36-inch Black Taffeta, both Chiffon and Rustling finish; all fully guaranteed. Price the yard \$1.00.

WASH GOODS. Manchester Galatea, the genuine; no substitute, but the real thing. Price the yard \$1.75. 36-inch Percale, all fast colors. We handle only the best qualities. Price the yard \$1.10, 12 1/2 and 15c.

WHITE GOODS. Another big shipment White Goods, Sheer Linens, P. K., all grades of Muslins, Sheetings, etc. LADIES' FURNISHINGS. Papillon Bags. These are the newest Bags on the market—Black and any color leather to match your suit.

FLUFFY RUFFLES BELTS. All the rage. If you are not wearing one you are behind the procession. These occupy a front seat in the band wagon of "Fashion." Prices from \$1.00 to \$5.00.

NOTION DEPARTMENT. Another lot of Magic Hair Curlers, will curl the hair in ten or fifteen minutes; two on a card, for \$1.00. Melba Hair Wavers \$1.18. Pearl Belt Buckles, assorted styles, at \$1.25 and 50c. Emerys, to keep your needles from rusting, for \$1.00, 5 and 10c.

HAND MIRRORS. A new lot Mirrors in Ebony, Walnut, Santander, with bevel-edge glass; all prices from \$1.50c to \$2.00. New High-Back Combs for the hair, at \$1.25 and 50c. A complete line of Columbi a yarns, all colors in German tone, Saxony, Shetland Floss and Zephyrs for knitting and crocheting slippers, sacques, shawls, etc.

BOYS' SUITS, OVERCOATS AND PANTS. Only the better makes are sold here. Knickerbocker and Plain Suits made, materials suitable for school or dress. Every Suit and Overcoat cut full, well tailored and fit perfectly. Ages 3 to 17 years, and prices \$2.00 to \$3.50. New lot School and Dress Pants, 3 to 17 years—Cheviots, Kerseys, Worsteds and Serges; Knickerbocker or plain. \$1.50c to \$1.50.

BOYS' FALL HATS. Special sample lot \$1.50 and 75c. Boys' Caps \$1.25 and 50c. MOTHER'S FRIEND BLOUSES. The best fitting Blouse you can buy for your boy—White or Colored \$1.50c and 75c.

The Little Long Co. A Yankee girl had traveled far. She wanted to try Paris. She visited all the beauties there. She used Hollister's Rocky Mountain Tea—R. H. Jordan & Co.