

UNWRITTEN LAW IN LOVING TRIAL

Judge Barksdale Allows Jury to Consider It as Extenuating Homicide.

DEFENSE WON THAT POINT

Prosecution Demanded Instructions to Jury That Man Who Avenges His Own Wrongs is Guilty of Murder—Court Refused.

(By Wire to The Morning Star.)

Honston, Va., June 28.—Argument in the trial of former Judge William G. Loving for the murder of Theodore Estes, was begun late this afternoon after a day spent by counsel for both sides in the preparation of instructions, and a wrangle over them before the court.

The following instructions prepared by the prosecution touching on the "unwritten law" was stricken out by the court: "No man under the protection of the law has a right to be the avenger of his own wrongs; if they be of a nature for which the laws of society give him an adequate remedy thither should he resort; but he has no right to avenge them except in the manner prescribed by the law. The unwritten law, by which is meant the right of the citizen to become the avenger of his own wrongs in a manner not authorized by law or against the law, has no place in the criminal jurisprudence of Virginia."

Attorney Daniel Harmon, of Charlottesville, for the prosecution, and Attorney Aubrey E. Strode, for the defense, spoke for an hour and a half each this afternoon, and the court adjourned at 7 o'clock until tomorrow morning.

Mr. Harmon in his address sought to show that Judge Loving killed Estes after "deliberation, premeditation and upon reflection" and that the defendant was a sane and responsible man at the time of the killing, thus making the offense murder in the first degree.

"The defendant," he said, "is a character that seldom comes before your courts and the case is full of dramatic details. This young man is dead in the prime of life, called to his tragic end without a word of warning, without preparation. You are here to find out who put him to death. At his death he was engaged in his usual occupation. He knew the defendant, and was acquainted with his high temper, but when the negro who was in the car remarked 'Here comes Judge Loving,' he was as unconscious of danger as the old colored man who made that remark. There is no evidence in this case to show that young Estes had been guilty of any wrong-doing and you have no right to base your verdict on any assumption that he was guilty. The Commonwealth will not be given the right to vindicate him, and every man stands in the eyes of the law innocent until he has been proved guilty."

"The first information regarding the condition of affairs is alleged to have come to Judge Loving between 8 and 9 o'clock in the morning and the crime was committed between 3 and 4 o'clock that afternoon. Did he not have time to reflect and deliberate? Judge Loving got in his buggy and with his gun and his ammunition, went in search of young Estes, going to several places before locating him. According to the statement of the defendant, told to the magistrate and on the witness stand here, he said 'I deliberately sought his life and killed him.'"

"Talk about will power, here is a reformed drunkard who went for twelve years without getting on but sprang a man who served as a judge of his county with honor and distinction and who is at the head of a large estate. If there is a verdict of acquittal I will ask the court to request you to specify if it is based on insanity. Why is this claim of insanity presented? My friends on the other side must recognize the force and strength of the evidence that is against the defendant."

Attorney Strode, who followed, based his plea almost exclusively on the unwritten law. He said in part:

"We have come to you to present the case for the defendant where we always believed it should be presented, in a court of justice. We believe that the people of Halifax and Nelson counties cherish the same traditions and the same sentiments. The heartiness of Virginians is common to us all. The fairest and best trial of a man is before a jury, endowed with similar and like passions. The condition of his mind cannot be decided so well as by a tribunal of his own countrymen. The first principle of law is to put yourself in the place of that man who is before you for trial."

"The Commonwealth demands the life of the defendant and for what? I do not understand life, but there is something sweeter to all Virginians—the honor and the purity of our women. We have written in our laws that if a man attempts to assault one of our daughters he has forfeited his life. Yes, gentlemen of the jury, have nothing to do with the truth or the falsity of the story that Miss Loving told her father. His daughter was his pride. He admits he admired her beauty and her purity. When he heard that this daughter to whom he was bound by ties of affection was brought home drunken and un-

IMPORTANT CASE UNDER RATE LAW

American Bankers Association Put Interstate Commission Onto Express Companies.

COMPETING WITH BANKS

Several Express Companies Doing Banking Business Cheaper Than Banks and Are Using Capital of Banks to Do It.

(By Wire to The Morning Star.)

Washington, June 28.—One of the most important cases filed with the Inter-State Commerce Commission under the new railroad rate law was presented to the Commission today by the American Bankers' Association. In brief the complainant alleges that the express companies of the United States, through their power and facilities as common carriers, are usurping the prerogatives of banking associations and, at the same time, are employing the capital of the banks of the country in the conduct of their business. It is alleged that the operations of the express companies has in the conduct of their exchange business is seriously detrimental to the interests of the banks and that the use of the Inter-State facilities and the relations which the express companies have with the railroads enable the companies seriously to discriminate against regular commercial operations of banking institutions.

The complaint is directed against the Adams Express Company, the United States Express Company, the American Express Company, the Pacific Express Company, the Wells-Fargo Express, the Southern Express Company and the Great Northern Express.

The American Bankers' Association asserts that it is an association of 7,500 banks, whose business is, among other things, the buying and selling of domestic and foreign exchange and conducting other commercial transactions involving the transportation of money or credits. It is alleged that the defendant companies are engaged in carrying on the business of dealing in exchange, in every form a business which long has been the recognized function of banks; and that the defendants have encroached on this recognized business of the banks by buying and selling money and transferring money by cable and by mail, thus conducting a general financial business. It is alleged that the defendants are competing unfairly and in a discriminatory way with the banks and subjecting them to undue prejudice and disadvantage, because the defendants, as common carriers and credits at a far lower rate than is paid by the banks. In accomplishing this result, it is alleged further, the defendants compel the banks to make unnecessary shipments of money in Inter-State Commerce over the lines of the express companies. It is asserted also that in the ordinary course of their business the banks are forced to cash express money orders and drafts without the charging of interests, thus supplying the express companies the capital to compete with the banks in the transaction of their business.

It is maintained that these facts constitute a violation of the Inter-State Commerce act and the complainant association requests the Inter-State Commerce Commission to issue such orders and to make such regulations as will prevent the defendant companies in the future from violating the law and to make such rules as will afford the complainant adequate protection against the alleged unfair and discriminatory operations of the express companies.

COAST LINE IS HEARD

Long Arguments in Fight Against the 2 1-4-Cent Fare Act.

(By Wire to The Morning Star.)

Ashville, N. C., June 28.—The case of the Atlantic Coast Line stockholders against the Corporation Commissioners of North Carolina and the officials and directors of the company to prevent the enforcement of the reduced rates enactment of the North Carolina Legislature, begun in the United States Circuit Court before Judge J. C. Pritchard today. Victor S. Bryant, of Durham, of counsel for the defendants, made the opening argument and was followed by Wm. A. Glasgow, of Philadelphia, who spoke for the complainants. Both arguments were along the lines of those presented in the case of the Southern Railway against the commissioners.

conscious by a young man to whose courtship and chivalry she had been entrusted, he labored against his passions and remained away from the sight of young Estes until he heard the story of her ruin from her own lips."

Mr. Strode discussed Judge Loving's struggle against the whiskey habit, the buggy ride and the testimony of the insanity experts. He appealed to each juror not to let "old Halifax go back on that established precedent that one of our most cherished and best duties is the protection of the honor and the virtue of our women."

Judge Loving occupied a seat just behind his attorneys. At his right sat his wife, together with her sister Mrs. Foster, of Richmond, and W. G. Loving, Jr., a son of the defendant. Occupying seats in the court room were Sheriff M. K. Estes of Nelson county, father of the man killed by Judge Loving and two of the sheriff's sons, Adley Estes, of St. Louis, and M. K. Estes, Jr., of Livingston; and John P. Swanson, of Danville, brother-in-law of young Theodore Estes.

PALMETTO STATE AT EXPOSITION

South Carolina Day Celebrated With Brilliant Success at Jamestown.

STATE HAS FINE EXHIBIT

Ladies Served South Carolina Grown Tea to Visitors—Editor Gonzales Makes Happy Speech—Governor Ansel Speaks.

(By Wire to The Morning Star.)

Norfolk, Va., June 28.—Two thousand loyal sons of the Palmetto State, despite a drizzling rain that fell off and on throughout the day, loyally assisted Governor Martin F. Ansel and his staff today in making South Carolina Day at the Jamestown Exposition an unqualified success. The features of the day carried out to the letter consisted of an address by Governor Ansel, address by President St. George Tucker, of the Jamestown Exposition Company, oration by Hon. Walter Hazard, of South Carolina; parade and review in afternoon on Lee Parade, and reception in the evening to Governor Ansel at the Virginia building.

The spectacular feature, marred in part only by rain, was the parade of soldiers in the afternoon. Rebel yells made the welkin ring when the Second South Carolina Regiment swung past the reviewing stand, dipping their colors to the State's chief executive.

The parade line passing in review was composed of United States 23d Infantry, Second Regiment of South Carolina National Guard, First Kentucky regiment National Guard, Citadel Academy Cadets, of South Carolina; six companies of marines and sailors from United States warships, and a squadron of United States cavalry.

The reception to Governor Ansel in the evening held at the Virginia State building, through the courtesy of Governor Claude A. Swanson, was one of the brilliant social events of the Exposition period and was participated in by Exposition officials, Virginia and South Carolina State officials, prominent Norfolkians and army and navy officers.

The official exercises occurred in the main auditorium building and were attended by hundreds of visiting and resident South Carolinians. The addresses were notable and were received with great enthusiasm.

W. E. Gonzales, president of the South Carolina Commission to the Jamestown Exposition, spoke in part as follows:

"Our State may be charged with inconsistency in celebrating the landing of the English at Jamestown three centuries ago, while at the same time glorifying at the inhospitality of Colonel William Moultrie in the little fort of Palmetto lost to the advances of Sir Peter Parker on the 28th of June 1776. But it does not come within my province to harmonize the apparent contradiction. The South Carolina Commission must deal more with the present. In these times of peace we cannot indulge in Boston tea parties, or live entirely within the reflected halo of Moultrie or Sumter, but it is something to have the only tea gardens in America; it is more to be endeavoring by precept and example to elevate the standard of our citizenship."

Mr. Gonzales deplored the fact that South Carolina is without a building at the exposition and thanked Governor Swanson for the use of the Virginia State building, where he said the South Carolina Commission had violated a time-honored tradition by inviting the Governor of South Carolina and the Governor of North Carolina to "drink glasses of water."

In referring to the South Carolina exhibit in the States' Exhibit Palace, sales said:

"If that which has been accomplished here is gratifying to South Carolinians, in viewing their State's first appearance at a great exposition they are given a larger conception of that State's resources and made to appreciate more fully her industrial victories, if by the stirring of their pride these sons and daughter are encouraged to greater endeavor and achievements, then the exhibit is its justification and those that created it are rewarded."

Following the official ceremonies, the celebration of the day was continued at the South Carolina State exhibit in the States' Exhibit Palace, where the Palmetto State has an exceptionally fine exhibit of its products, occupying almost one entire side of the Palace. South Carolina-raised tea was served to all callers, being poured by ladies of the official South Carolina party and served by Japanese girls.

The late afternoon programme included a grand military review by Governor Ansel.

The day's celebration was brought to a close tonight with an official reception by the South Carolina party in the Virginia State Building when Governor Ansel and the South Carolina Commission had as their guests Governor Warfield, of Maryland, Governor Swanson, of Virginia, and Hon. Frank Oliver, Minister of the Interior for the Dominion of Canada.

Week-End Dance Tonight at gay Lumina. Trains every half hour.

Belts! Belts! Children's patent Leather Belts only 5c. at Rehder's Mill-end Sale Monday.

Week-End Dance Tonight at gay Lumina. Trains every half hour.

SUIT AGAINST UNCLE SAM.

Newport News Shipbuilding Company Suing for Disputed Balance. (By Wire to The Morning Star.) Norfolk, Va., June 28.—Judge Waddill, of the United States Circuit Court, is hearing the case of the Newport News Shipbuilding Company against the United States government for a claim of \$6,000, alleged to have been contracted by additional work on the cruiser Charleston, after the trial trip and the vessel's acceptance. The government is contesting the case on the ground that the work should have been done under the original contract, not invalidated by the acceptance. The case will be concluded tomorrow.

Success in life is accompanied by increase of enemies. That's why Hollister's Rocky Mountain Tea has so many imitators; it's a success. 35 cents, Tea or Tablets. J. Hicks Bunting Drug Co.

STAR BUSINESS LOCALS.

FOR RENT—A large store on North Front street. W. M. Cumming, Real Estate. jun 28-2t

I HAVE FOR RENT from July 1st a desirable modern residence at \$22.50 per month. W. M. Cumming, Real Estate. jun 28-2t

ATTENTION—Yacht owners of Carolina Yacht Club. The annual regatta is called to be sailed over the club course Thursday, July 4th, at 2 P. M. Boats are requested to report by 1 o'clock. Yachts will be classified and prizes offered in each class. Yachts must be entered with purser not later than July 3rd. By order of Regatta Committee, John B. Peschau, purser. jun 28

NEW SERIES B. & L. Stock. The Mechanic's Home Association is about to open its 34th series of B. & L. stock. We are now prepared to make loans on good security. Call and subscribe. Mechanic's Home Association. Nathaniel Jacob, president; Walker Taylor, vice president; W. M. Cumming, secretary and treasurer. jun 28 2t

WANTED—Office position by experienced stenographer. References furnished. "Stenographer," care McAdoo Hotel, Greensboro, N. C. 128 3t*

THE NEW SHAVING PARLOR, No. 107 Market St., under management of Mr. P. H. Evans (late of Orton) is now open, and we wish you to call and inspect the newest Shaving Parlor in the city and give us a trial when you want any thing in our line. Elegant and attractive furniture has been installed and white experienced workmen will wait on you. Polite attention, a clean shave, a fine hair cut and pleasant massage. W. R. Morrison & Co. jun 27-6t

NOTICE—The undersigned will, until Tuesday, July 2nd, 1907, at 12 o'clock M., receive bids for the store fixtures, teams and effects of the late firm of Bremer & McMillan, proprietors of the Elite Market. Property can be inspected at Elite Market and inventory of the same can be seen at the store of the undersigned, No. 412 N. Front street. Sol Sternberger, Jr., Assignee. jun 27-th&su

ROOMS IN NORFOLK—Mr. and Mrs. Paul M. Taylor have opened their home to visitors during the Exposition. Quiet home in best residence part of city, near car line. Rates \$1 per day. Address Paul M. Taylor, 325 Raleigh Ave., Ghent, Norfolk, Va. jun 26 1m ex su

O, NO I Will not go a step unless you take me to Candyapps, I will take Strawberry-Johnnie Egg Flips; give me a dollar on the draw. No. 123 Princess street, Phone No. 343. 1 25 tf

NOTICE—We have made application to the Board of Aldermen and County Commissioners to retail liquors at northwest corner Thirteenth and Market streets. J. S. and J. A. Westbrook. jun 25 3t

LOST—At Airle on Wrightsville Sound, a lady's watch, studded with diamonds. A reward of twenty-five dollars will be paid for its delivery to Jos. H. Watters, No. 220 North Water Street. jun 25-6t

WANTED—Several hundred thousand of short leaf sap pine ties. Will give the highest cash prices for them delivered to me in Wilmington, or F. O. B. cars on railroad. For further information address or call on R. T. Windley, agent for H. J. Spooner, Jr., Box 415, Wilmington, N. C. Office 317 North Front Street. jun 23-6t

A FEW DESIRABLE, well furnished, up-to-date rooms to let by the day, week or month at reasonable rates. apply at Purcell House. jun 19 6t

BRIGHT YOUNG man, about 15 years old, with good recommendation may obtain employment by addressing, in own handwriting, Henry, care Star Office. jun 15-6t

FOR RENT—Store in The Garrell Building, southwest corner of Princess and Second streets. Apply to me in the building or phone 317. Jos. D. Smith, agent. may 12-1t

I HEREBY make application to the Board of County Commissioners of New Hanover County for a license to retail liquors at southeast corner of Fourth and Nixon streets.—J. D. Dennis. jun 5-1t

THE OLD ESTABLISHED and reliable Wilmington Pressing Club is still serving its customers with its usual promptness and at moderate prices. Clothes called for and delivered. mch 31-1t

SPECIAL RATES for board at the Gilbert House, regular and table board for Summer. Delightful rooms no mosquitoes. A. M. Gilbert. Over the Atlantic National Bank, Corner Front and Princess. may 21-1t

WANTED—To buy for cash, dwelling with four to five rooms and kitchen. Address with price and full description. "Buyer" care Star office. jun 3 3t

NOTICE! Change in Sunday Freight Schedule on Suburban Line. Beginning Sunday, June 30th, the Suburban freight car will leave Wilmington on Sundays at 11:00 A. M. instead of 10:00 A. M. Freight Depot will be open Sundays from 10:00 A. M. Until 11:00 A. M.

Specials for This Week at Wilmington's Great Furniture Store. 126-128 Princess Street. Iron Beds at \$5.00, worth \$6.50. Folding Go-Carts at \$2.25, worth \$3.00. Oak Dressers, Bevel Mirror, at \$6.50, worth \$7.50. 100 Woven Wire Cots CHEAP. A few Porch Settees at cost. A good porch rocker \$1.50, worth \$2.50. Centre Tables \$1.00, worth \$1.50. 100 Mosquito Canopies—the simplest and best made. Can be used on either iron or wood bed and can be changed from one to the other in one minute. SEE US FOR BEST GOODS AT LOWEST PRICES. THE WILMINGTON FURNITURE CO. jun 25-1t

NEW MOLASSES. Cargo new crop BARBADOS MOLASSES, IMPORTED direct from the ISLAND. EVERY PACKAGE GRADES HIGH IN QUALITY. We have an elegant line of PURE PORTO RICO MOLASSES IN PUNCHEONS, BARRELS, AND HALF BARRELS. Shall be pleased to furnish Samples and quote prices. C. C. Covington Company, WORTH BUILDING, WILMINGTON, N. C. jun 28 1t

THE MAXWELL THE LADIES' CAR. Image of a vintage car. THE LADIES' CAR. jun 14-1t

Potash and Soda. 863 Bags Muriate Potash. 519 Bags Nitrate Soda. 924 Bags 8-5-7 Guano. 891 Bags 8-2-10 Guano. 614 Bags 8-3-10 Guano. 999 Bags 8-2-3 Guano. 963 Bags Truckers Special. 721 Bags Kainit. 469 Bags C. S. Meal. 218 Bags Sulphate Potash. 989 Bags 13 per cent Acid. 840 Bags C. S. Meal Guano. 856 Bags 16 per cent Acid. Prices cheerfully given.

WE HAVE SOLD OUT THE PEAS, BUT HAVE PLENTY OF BUG-DEATH. Which only needs a trial to prove its efficiency in killing Potato Bugs, Cabbage worms, etc., with perfect safety. A full line of Groceries, Lime Hay and Grain. Get our Prices. THE WORTH CO. may 10-1t

Trinity Park School. A first-class preparatory school. Certificates of graduation accepted for entrance to leading Southern Colleges. Best equipped preparatory school in the South. Faculty of ten officers and teachers. Campus of Seventy-five acres. Library containing thirty thousand volumes. Well equipped gymnasium. High standards and modern methods of instruction. Frequent Lectures by Prominent Lecturers. Expenses exceedingly moderate. Seven Years of Phenomenal Success. For Catalogue and other information address N. M. NORTH, Headmaster, DURHAM, N. C. jun 27-8 wks

REAL ESTATE TRANSFERS. Deeds Filed for Record at Court House Yesterday. Deeds filed for record yesterday were: A. G. Ricard, of New York, commissioner, to Martha D. Munds, for \$350, property on south side of Brunswick street, 90 feet east of Seventh, being a part of lot 1, block 26, according to plan of Wilmington. A. G. Warren and wife, to Louis T. Moore, for \$100 and other valuable considerations, property on north side of Church, 82 1-2 feet east of Fourth street, 41x66 feet in size. Marlon S. Bell, et al. to Thos. P. Bagley, for \$100, property on south side of Wooster street, 123 feet west of Eighth, 66x75 feet in size. FIVE MILES TO SEA. Sunday June 30th, steamer Madeline leaves her wharf at 11 A. M. Passengers can return on steamer Wilmington, arriving in city at 7 P. M. Fare 35 cents for round trip. jun 9-1t J. W. HARPER. Read Star Business Locals.