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THE MORNING STAR.

The Morning Star
Oldest Daily Newspaper
in the State.
Largest circulation of any
Wilmington Paper.

VOL. LXXX-NO. 106

WILMINGTON, SATURDAY, JULY, 20 1907.

WHOLE NUMBER 12,375.

OUTLINES.

In the State Court at Raleigh yesterday Judge B. F. Long imposed a fine of \$30,000 upon the Southern Railway for violation of the North Carolina reduced passenger rate act; Ticket Agent Green, in whose case the conviction came, was let off with a fine of \$5 upon his obligation to sell no more tickets in violation of the law; indictments have been made against Southern agents in other parts of the State for similar violations while Judge Pritchard is preparing a writ of habeas corpus for the district passenger agent and ticket agent at Asheville, who have been sentenced to the roads for violations—The telegraphers strike at San Francisco and Oakland, Cal., was settled yesterday, the men voting to return to work at the old scale and to arbitrate their differences later—The Emperor of Korea has acceded in demand for abdication and exciting scenes have marked the day at Seoul; it is expected that the relations with Japan will now run along smoothly—A Charleston & Western Carolina passenger train was wrecked at Waterloo, S. C., yesterday, the conductor and several others being injured, one or two of them seriously—Bradstreet's report of trade is encouraging in all lines—The jury was out less than half an hour at Monroe, N. C., yesterday and returned a verdict of not guilty in the first of the twenty-three cases against citizens of Anson county charged with lynching J. V. Johnson, a white man; the verdict was received with cheering by the other defendants and spectators on the court house commons—The Grand Lodge of Elks adjourned at Philadelphia yesterday after a warm discussion of the use of the Elks' tooth as an emblem of the order; the remainder of the day was spent in sight seeing at Valley Forge and League Island Navy Yard; today the visitors go for a jaunt to Atlantic City and other resorts—Riotous scenes accompanied the transfer of Mr. and Mrs. Montealeone, two Italians from one part of New Orleans to another yesterday; they are charged with kidnaping in the Lamana case; three companies of militia are on guard at New Orleans to prevent disorder in the Italian quarter—One man was instantly killed and several others injured in a trolley accident on the Ocean View Line, Norfolk last night—New York Markets: Money on call easy at 1-2 to 3 per cent., ruling rate 2-3-4; closing bid, 2 1/2, offered at 2-3-4; spot cotton five points higher, closing steady 12.95; flour more active; wheat easier, No. 2, 60 1/2 elevator; oats steady mixed 49 1-2; turpentine easy; rosin steady.

VERDICT NOT GUILTY

First Case in Trial of Alleged Anson Lynchers Results in Acquittal.

JURY WAS UNANIMOUS

Decision Reached in Half an Hour. Judge Peebles Charged Noticeably Favorable to State—Zeke Lewis Next to Be Tried.

(By Associated Press.) Charlotte, N. C., July 19.—The jury of Union county Superior Court in the case of John Jones, charged with lynching John V. Johnson at Wadesboro, May 28th, 1906, this afternoon returned a verdict of not guilty, after being out half an hour. The jury took but one ballot and the verdict was unanimous. When court assembled this morning the State, at the suggestion of Judge Peebles, formally nolle prossed the third count in the indictment, which charged the defendant with the actual lynching and killing of Johnson and the jury therefore considered only the first and second counts, charging the defendant with breaking into jail and taking out Johnson for the purpose of lynching him. The argument was concluded at noon and following a recess of three hours, Judge Peebles began his charge, which was noticeably favorable to the State. It was five o'clock this afternoon when the jury returned its verdict. The announcement of the acquittal of Jones was followed by a demonstration on the part of the other defendants and the spectators gathered on the court house green. They gave vent to their feelings by cheering, which the court did not think it necessary to suppress. The jury for the trial of the second of the twenty defendants, Zeke Lewis, will be chosen tomorrow. According to the evidence of the sheriff and jailer at the preliminary examination, Lewis was the ring leader of the mob which lynched Johnson.

CRIMINAL COURT MONDAY.

Large Number on the Docket—Four Capital Cases.

Judge J. Crawford Biggs and Solicitor Rodolph Duffy are expected in the city today from Jacksonville, Onslow county, where they have been at Onslow Superior Court the past week. They come for a two weeks criminal term of the Superior Court here and Solicitor Duffy will devote the afternoon to getting his docket in readiness. There had been 86 cases docketed for trial up to yesterday afternoon with still others coming in. Four of these are capital felonies but it is hardly expected that all of them will be tried at this term. Young Lonnie Snipes is still in the hospital recovering from an operation for an attack of appendicitis and it is not known whether his case can be reached at this term or not. A number of witnesses, however, have been subpoenaed. Some of the capital cases are Herbert Moye, colored, charged with the killing of Press Pemberton, also colored, at Almont factory several months ago, and Robert Walker, a colored boy charged with stabbing Geo. Brown, colored, to death on Nixon street some time ago. The jurors summoned for the first week are as follows: Archie MacRay, A. H. Holmes, Chas. A. Hewitt, R. B. Moore, J. E. Everitt, Jr., H. M. McMillan, W. M. McEachern, W. D. McMillan, Jr., Jno. A. Farrow, D. P. McLean, A. W. Hewitt, Jessie D. Holden, D. L. Mills, C. W. Bishop, M. F. Beasley, F. A. Muse, Geo. A. Alderman, Neill McIntosh, C. C. Harris, Geo. Honnet, Jr., G. J. Cooley, J. P. Herring, T. F. Floyd, W. S. Craig, Jno. A. Biddle, E. T. Taylor, Theodore Biddle, J. H. Burris, W. E. Merritt, B. P. Strickland, A. B. Stokley, W. D. Rhodes, J. A. Perry, G. W. Trask.

Mr. Lewis Hancock Married.

Friends in this city, the home of his nativity, will be interested in the announcement of the marriage of Mr. Lewis G. Hancock and Miss Carrie Hipkind, which was solemnized at Blytheville, Ark., last Tuesday. Mr. Hancock is now manager of the Delta Box Manufacturing Company at Chaucery, Miss., and will take his bride there to live. Friends of Mr. Hancock will congratulate him upon this happy event in his life.

NEW ADVERTISEMENTS.

Southern National Bank—Assets. Sloan & Sweeney—Summer Goods. Palace Market—Everything in Season. Baltimore Medical College—Announcement. Atlantic National Bank—The Young Business Man. Business Locals. Wanted—Carpenters. LOST—Silk Umbrella. Wanted—Planning Mill Men. People's Building & Loan—New Series. 25c White Madras, 19c. 15c Colored Lawns, 9 1/2c. 25c Dotted Swiss, 12 1/2c. Geo. O. Gaylord's Mid-Summer Sale now on.

THE CHARTER RECORDED

Tidewater Construction Company, of Wilmington, Has Many Corporate Powers—Allied With Interests Hugh MacRae & Co.

A certificate of incorporation for the Tidewater Construction Company of Wilmington, recently chartered by the Secretary of State, was filed for record yesterday at the office of the Clerk of the Superior Court. As before stated, it is a corporation allied with the large interests of Hugh MacRae in this city and the incorporators are Messrs. J. C. McEachin, Thos. W. Davis, J. W. Little and J. A. McGeachy, each of whom owns ten shares of the \$5,000 paid in capital stock with the exception of Mr. Davis, who holds 20 shares. The authorized capital stock is \$100,000 and Mr. McEachin is named as the agent upon whom process may be served. The purposes for which the company is chartered are manifold and include the carrying on of the business of constructing, building, equipping, enlarging, completing and repairing for other persons, firms or corporations, railroads, street railways, electric railways, suburban railroads, electric power lines, electric transmission lines, urban railroads, electric power lines, electric transmission lines, cables, telephone or telegraph lines or water power lines, turnpikes, public and private highways and roads and to construct, lay down, plan and establish, fix and carry out all necessary cables, wires, lines, accumulators and works appropriate or appurtenant thereto; to build and construct works for the supply and distribution of electricity for lights, heat and power; to contract with other firms, persons and corporations and to enter into such contracts with and make such arrangements as may be necessary to carry out same and for the purposes of said business to lease, purchase, hold, assign and convey, mortgage and exchange real or personal property of every kind and description; to buy, sell, import export and generally deal in all kinds of rails, ties, switches, signals, targets, franchises and all kinds of appliances for street railways, etc., and generally to deal in iron, etc.

SALEM BAND IS COMING.

Will Furnish Music for Firemen's Tournament Here Next Month.

No outdoor occasion, however small, is complete without a brass band. It is the martial strains from the cornet and trombone with the rat-a-tat of the snare drum that always acts a rally call for any gathering in the open. The arrangement committees for the Firemen's Tournament here in August are conscious of this fact and have secured the services of the Winston-Salem Band for the big meet of the fire ladders here. The Winston Journal says the band will come with full ranks, all arrangements having just been completed. The organization is one of the best in the State and the management of the tourney is to be congratulated that the services of the band have been secured. It will play for the races and on all other public occasions in connection with the gathering of the firemen. The band will also probably supplement the orchestra for the several firemen's balls that have been arranged on the two beaches.

FUNERAL OF ROBERT BURRIS.

Remains Laid to Rest Yesterday with Honors of Red Men.

A large number of friends gathered at 4 o'clock yesterday afternoon at the residence, No. 714 North Ninth street, to attend the funeral of the late Robert B. Burris, which was conducted by the Rev. Fred D. Hale, D. D., pastor of the First Baptist Church, assisted by the Rev. Kenneth D. Holmes, pastor of Fifth Street M. E. Church. Among the large number in attendance was a body of Red Men from the three tribes in the city, the burial having been with the honors of Cherokee Tribe No. 9, of which the deceased was a valuable member. The floral tributes were numerous and very pretty. The interment was in Belleve Cemetery, the pall-bearers having been Messrs. W. H. Lane, Jno. C. Davis, Archie Parker, Bryant Hill, D. A. Rowan and H. L. Hewitt.

NAVAL RESERVES DRILLING.

Making Arrangements for the Jamestown Exposition Trip. Wilmington Division, Naval Reserves, is making all arrangements to carry a full complement of officers and men on the annual encampment of the State National Guard at Jamestown next month. The same, of course is true of the Wilmington Light Infantry and drills are being held twice weekly. The Naval Divisions stationed at Wilmington, Newbern, Windsor and Elizabeth City, supplemented by detachments from Beaufort and Plymouth, will encamp with the Infantry at the Exposition. Officers and enlisted men of the Naval force, aggregating about 250 men, will be under the command of Captain Thomas C. Daniels of Newbern. Week-End Dance. At Gay Lumina tonight. Express trains at 8 and 8:30 P. M. Be sure you go to Gaylord's Mid-Summer Sale today; \$1.25 silks, 98c.

RIVER AND HARBOR ON TRAPS OF GUN CLUB

Status of Government Improvement in Cape Fear and Over Bar For Fiscal Year.

AUTHORITATIVE STATEMENT

Something of What Has Been Accomplished on Existing Project and in the Way of Repairs—Commerce of the Port.

In view of the effort being put forth towards the project for a 30-foot depth of water from Wilmington to the sea, the following authoritative statement of the local river and harbor improvement will be read with interest: "The greatest question before the public today, a question that transcends all others, is that of transportation, and that the development of the country has been more rapid than it has been possible for the railroads to meet, cannot be questioned. It is, therefore, a source of gratification to note the progress being made towards securing better water transportation facilities, and particularly gratifying to note the progress made in the improvement of the Cape Fear from Wilmington to the ocean. "The fiscal year ended June 30, 1907, marks possibly the most eventful year in the history of this improvement. "Before giving the results obtained, which are given in detail in the report of Captain Earl I. Brown, Corps of Engineers, U. S. A., who recently assumed charge of the Wilmington Engineer District, under which the improvement of the river and harbors of the eastern part of North Carolina are being prosecuted, it might be well to give a history of this important improvement, in order that its present condition may be compared with its condition when work was first commenced. "The condition of the river prior to the opening of New Inlet, which is said to have occurred in 1761, during a severe equinoctial storm, is not definitely known, but old maps indicate that there was a low water depth of 14 feet across the bar at its mouth, the least depth (therefore the controlling depth) between Wilmington and the mouth being 7.5 feet. "Improvement by the Federal Government was first undertaken in 1829. From the most reliable information that can be obtained it believed that there was then about 7 to 7 1/2 feet of water in the river at low water, about 9 feet in the Baldhead channel, 9 feet in the Rip channel and 10 feet at New Inlet. Work of improvement on the bar was first commenced in 1853, at which time the bar depths at low water were 7 1/2 feet in Baldhead channel, 7 feet in Rip channel, and 8 feet at New Inlet, the governing low water depths in the river having been increased to 9 feet. "The original project submitted in 1827 was to deepen by jetties the channel through the shoals in the stretch eight miles next below Wilmington. This project resulted in a gain of two feet in the available depth. "The next project, that of 1853, was to straighten and deepen the bar channel by dredging, jetties, diverting the flow from New Inlet, and closing the breaches in Zeke's Island. This project was incomplete at the outbreak of the Civil War. The first project after the Civil War was that of 1870, to deepen the bar channel by closing breaches between Smith's and Zeke's islands, with the ultimate closure of New Inlet in view. "The next project was that of 1874, which contemplated dredging a channel 100 feet wide and 12 feet deep at low water up to Wilmington. "The project of 1881 was to obtain by dredging a channel 270 feet wide and 16 feet deep at low water up to Wilmington. All of these projects were practically completed in 1889. "The existing project, dated February 28, 1889, is to obtain a mean low-water depth of 20 feet, and a width of 270 feet from Wilmington to the ocean at an estimated cost of \$1,800,000. This project was modified by act of June 13, 1902, which act authorized the construction of mooring dolphins at Wilmington at a cost of \$30,000. By act of Congress approved March 2, 1907, the sum of \$165,000 for improvement, was appropriated, the same act authorizing an additional expenditure of \$250,000, to be expended together with the balance of funds remaining from the former appropriations and authorizations for continuing improvement, to such a depth in excess of 20 feet as the appropriations for the work may permit, due regard being given to the difference in tidal oscillation at the upper and lower portions of the improvement; also to dredge a mooring basin at Wilmington (in lieu of the construction of mooring dolphins) the said basin to be 2,000 feet long, 900 feet wide at its upper end and 1,100 feet wide at its lower end. This now constitutes the project under which work is being carried on. "The expenditures on this improvement to June 30, 1907, for work of improvement amounted to \$1,032,424.43, and for that of maintenance \$337,729.45, making a total expended of \$1,370,153.88. "The work during the past fiscal year consisted in repairs to the two dams at the mouth of the river, which

SOME GOOD SCORES IN SPITE OF RAIN.

Squad Shoot Resulted in Fine Record—Harriss Leads for Peters' Trophy—Increase Prizes.

In spite of the threatening weather and the rain, the regular weekly shoot of the Wilmington Gun Club yesterday afternoon was well attended and some good scores were made. Stokley was high average for the afternoon with 93 out of 100 although he had a close second in Dr. J. H. Dreher who broke 92 out of 100 targets exposed to his gun. There were sixteen men all told at the traps and among the number were among the best shots in the membership of the club. This led to the formation of two squads of the leaders and a competitive shoot between the two for 125 targets. The squad composed of Messrs. Boushee, Stokley, Holmes, Bellamy and Merriman defeated the opposing team composed of Messrs. Dreher, Boylan, Littig, Penny and Harriss. The Stokley team broke 107 out of the 125 targets and the Dreher team scored 98-125. This shoot was very interesting and the contest was spirited. Mr. George Harriss one of the late entries for the Peters trophy finished his 250 targets yesterday afternoon, breaking 178 against 173 for Penny who was leading up to that time. If there are no other entries who can surpass Mr. Harriss, the cup will be his. Mr. Merriman has begun his series of 250 for the same trophy and yesterday afternoon had made 99 out of 150. The score in the regular shoot yesterday were as follows:

Table with 3 columns: Name, Shot, Broke. Includes names like Boylan, Littig, Stokley, Boushee, Harriss, Penny, Dreher, Holmes, Perdew, Merriman, Howell, Bellamy, Johnson, Truelove, Wessell, Empe.

THE LAFAYETTE SOLD.

Popular Fayetteville Hostelry Sold to Syndicate Headed by Mr. Cooper. Fayetteville, N. C., July 19.—The Hotel Lafayette property, consisting of the hotel, six stores and five offices in the centre of the city, was purchased yesterday by C. J. Cooper, representing a stock company. No figures are given out, but the hotel will continue under the same management for the present.

Charles G. Cagle will manage the Hotel Lafayette in the future. He has been head clerk for several years.

have been under way some time, and in dredging the bar and river channels. "The storm of September 17, 1906, greatly damaged the two dams, swash defense and New Inlet the flow of water over the dam from the seaside dislodging the heavy stones at the toe of the concrete slope on the river side, carrying them to a position of equilibrium and piling them up by their action, which at the same time scooped out the sand and mud, leaving a trough between the dams ridge of dislodged stone. All this stone has been replaced and the trough filled up. Work is still in progress on the dams. The dredges removed a total of 601,373 cubic yards of mud and sand. The results obtained by the expenditures to June 30, 1907, may be summarized as follows: "At the ocean bar a 20-foot mean low water channel exists from deep water inside to deep water outside, the width being 300 feet. "There is a narrow channel through the center of 22 feet in depth, and with the exception of a very short distance on the outer crest of the bar, a depth of 24 feet can be carried across the bar at low water. "From the ocean bar to Wilmington there is a 20-foot mean low water depth, with a least width of 148 feet. The distance covered by this improvement is about 30 miles. "Some idea of the importance of this improvement may be gained by a consideration of the commerce affected. During the calendar year ending December 31, 1906, 814,291 tons of cotton, general merchandise, etc., valued at approximately \$6,538,991.25, were transported over the Cape Fear river below Wilmington. "A total of 321 craft, 134 of which were ocean tramps, all with a net tonnage of 362,497 tons, navigated the river up to Wilmington. "There is an available balance now to the credit of this improvement of \$345,781, with which the work of improvement will be carried on."

Week-End Dance.

At Gay Lumina tonight. Express trains at 8 and 8:30 P. M. Visit Gaylord's today. 50c China silks, 39c yard. Mid-Summer Sale.

RAILWAY IMBROGLIO

Southern Railway and Ticket Agent Green Fined in Wake Superior Court.

OTHER CASES IN THE STATE

Judge Pritchard at Asheville Takes a Hand—At Asheville and Albemarle Men Are Arrested For Alleged Violation—Other Notes.

(By Associated Press.) Raleigh, N. C., July 19.—Thirty thousand dollars fine was imposed by Judge B. F. Long on the Southern Railway at 6:28 this evening, after the jury had returned a verdict of guilty against it and Ticket Agent T. E. Green, of the Raleigh office, for selling tickets in excess of two and a quarter cents a mile. In the case against Green personally, Judge Long's sentence was \$10 and the requirement of a promise from Green not to again defy the law by selling tickets at an excess rate. Green was given half an hour for consideration and came into court and agreed to pay the fine and give the promise, upon which the fine was reduced to five dollars, which Green paid. The morning was consumed by argument of counsel for and against Green and the Southern Railway, followed by the charge to the jury. In imposing sentence on the Southern Railway Judge Long declared emphatically that jurisdiction in criminal cases in this State lay exclusively with the State courts. He informed the Southern Railway counsel that if the Southern Railway would obey the act of the Legislature and put the rate law into effect until finally passed upon by the proper tribunal, that the State would hold up its cases. He directed that an execution be issued against the Southern Railway for the payment of the fine of \$30,000 imposed, and that the papers be placed in the hands of the sheriff for execution. The court then adjourned. There are cases on the docket here against agents of the Southern Railway in this county, at Auburn, Garner, Carey and Morrisville similar to the Green case. These go over to the next term.

Raleigh, N. C., July 19.—The argument by counsel in the famous case against the Southern Railway Company and Agent Green, began in the Wake Superior Court this morning at 9:30 and continued four hours, two hours and three speakers on a side.

The defense was awarded the opening and the closing speeches since no evidence for the defense was presented. F. H. Busbee opened for the defense. He congratulated Agent Green that he was now before a jury of his countrymen who would pass on his guilt or innocence. He took the ground that the sole issue before the court was the sale of a ticket to one W. F. Jones at more than the rate established by law. He read and commented on the rate act, holding that if Section 4 is void, the whole indictment fails. He reviewed the whole aspect of the case, both in the State and the United States courts. He declared it to be unfair for the Legislature to attempt to take away property and then prescribe a penalty for legal resistance. This would be confiscatory and, therefore, a violation of the constitution. Numerous authorities were cited.

Mr. Busbee argued that the original injunction regulations were binding on Agent Green before the State court case was instituted and had he violated it he would have been arrested. And now he is under arrest and threatened with the roads for obeying an order of the United States Court. He referred to reconstruction days and the reign of Kirk and the course pursued in that time "that tried men's souls". Mr. Busbee took the ground that the evidence was that Mr. Green did not sell the ticket in question, after all; that he was out of the city on that afternoon, as testified to by Clerk Jones. He argued also that the sale was not actually for more than 2 1/4 cents, since the distance was really eight and a half miles, and the price paid 20 cents. This whole str and commotion is really over an amount less than two cents. Mr. Busbee spoke thirty-nine minutes.

Speaker of the House of Representatives E. J. Justice was first to speak for the prosecution. He held that it was not incumbent on him to answer in any way the argument of Mr. Busbee as to the constitutionality of the rate act; that was a matter that Judge Long had ruled on already, a question of law for the judge and not for the jury at all. Busbee took issue with him, establishing his contention that Judge Long had not passed on this and that it was not competent for argument. He reviewed the resistance of the defense to the present trial and ridiculed the congratulations of Busbee to Agent Green that he was before a jury.

He was there mighty unwillingly. He regretted that the Southern Railway did not manifest as much respect and regard for the Eleventh as for the Fourteenth amendment to the constitution, but was striving in every way possible to tear this case away from the State to the Federal court. He argued that the Southern, in order to carry its point and avoid obedience (Continued on page four.)