

JUDGE PRITCHARD ISSUES WRIT OF HABEAS CORPUS; STATE WILL RESIST IT

Sensational Developments Follow Arrest of Local Ticket Agents. SOLICITOR WILL PROSECUTE THE CASE By Advice of Gov. Glenn Release of Defendants Will Be Opposed.

CITY TICKET AGENT OF THE SOUTHERN SPENDS NIGHT IN RALEIGH JAIL

SHOWERS.
(By Associated Press.)
WASHINGTON, July 16.—Forecast for Wednesday and Thursday: North Carolina—Local showers Wednesday; Thursday partly cloudy; light to fresh south winds.

Counsel Declines to Give Bond of \$100 or Accept Personal Reconizance. WILL APPLY FOR WRIT OF HABEAS CORPUS

Judge Long Backed By Gov. Contends Federal Court Has No Jurisdiction.

The sensation yesterday was the publication in The Citizen that warrants had been issued by Police Justice Spears Reynolds against the Southern Railway and two of its officials, Mr. J. H. Wood, district passenger agent, and Mr. R. H. Graham, city ticket agent, on the charge of violating the new railway rate law by charging Mr. J. B. Wells more than two and a quarter cents a mile for transportation, and the arraignment of these two gentlemen in Police court yesterday noon.

stood that the proceeding in the case is for the purpose of reaching a decision as to whether the state courts may enforce the state law. As a matter of fact neither gentleman has been arrested, although they are in legal fiction what the law terms "prisoners."

(Special to The Citizen.)
RALEIGH, July 16.—City Ticket Agent T. E. Green of the Southern Railway is spending the night in jail as an impersonation of the Southern Railway corporation in the criminal prosecution of the Southern refusing to put in operation the 2 1/4 cent rate act of the legislature. In the legal skirmishes that took place between counsel in the court during the afternoon counsel for the Southern avoided the issue of giving bond and refused to even accept personal reconizance in the case, as this would amount to admitting some jurisdiction of the state court and forestall plans for procuring tomorrow a writ of habeas corpus for the prisoner, returnable at Asheville, from Judge Pritchard of the federal court. This is to be here tomorrow morning and is expected to stir further complicate matters.

Today there is the sharply sensational news that late yesterday afternoon Judge J. C. Pritchard in the United States circuit court virtually took the custody of the individual defendants from police court by issuing writs of habeas corpus commanding Chief of Police N. A. Collins to forthwith produce the technical prisoners before him and show by what authority he holds them. The writs were served by Deputy United States Marshal Ramsey and the chief of police is expected to appear before Judge Pritchard this morning with the defendants and make answer.

The status of the case is that the defendants are required to appear in police court today noon and the chief of police is theoretically at least supposed to have them there then while at the same time it is commanded by Judge Pritchard to have them before him, at noon, for example, if that hour should be the one he should name. Which court will the chief obey?

No Jurisdiction.
Judge Long of the state court, backed by Governor Glenn, contends that no federal court injunction can interfere with his court in the enforcement of the state law and that the proceedings against the Southern through Agent Green is a matter in which the federal court can in no way interfere and that the only thing the federal court can do is to pass on the constitutionality of the act when properly presented. Further, that in the meantime, the Southern has no right to violate the act, which is self-operative from July 1.

At noon today the defendants are due to appear before Judge Reynolds in police court by virtue of the postponement granted when the cases were called yesterday morning.

Your petitioner is an employe, to wit, a... of said complainant, Southern Railway company, at Asheville, in the state of North Carolina.

The public is waiting with intense interest the action of the court when the writ of habeas corpus is presented tomorrow and the Sheriff is directed by Judge Pritchard to produce the defendant. Judge Long is expected to direct that the writ be ignored. Indictment of the sheriff for contempt would follow and this would also then extend to any counsel and others who might proceed with the prosecution of Green in the state courts. A conflict for the body of the prisoner, it is feared, may go so far as to bring force into play by the calling of the military into service.

And so the first arrest under the rate law and the first move by the railway company to stop criminal proceedings under the law are made in Asheville and in these cases must be determined whether such proceedings in state courts are to go in endless procession or are to be abruptly halted by the United States court. Police Court Justice Reynolds made the first move under the law, the railway company has for the first time shown its hand in such cases.

The question of the validity of said act in respect to passenger rates, is one of which full jurisdiction has been rightfully taken by said circuit court in the suit above described, and any attempt to be set up in the said indictment the things done by this petitioner were done by him in compliance with and in pursuance of said decree.

Just before court adjourned for the evening, F. H. Busbee, counsel for the Southern asked that the sheriff be authorized by Judge Long to let Agent Green spend the night in company with a deputy at a hotel, so as to avoid the embarrassment of jailing him. Ex-Governor Aycock and E. J. Justice, as counsel for the state, opposed this and insisted that Green be committed to the jail for the night. He is taking his imprisonment in good heart. He remarked to a friend before going to his cell that it would seem a long time until ten o'clock tomorrow when the case is to be taken up again.

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Green took his supper in the sheriff's office tonight. It was sent from the hotel. New bedding was prepared for him in the jail for the night. He is taking his imprisonment in good heart. He remarked to a friend before going to his cell that it would seem a long time until ten o'clock tomorrow when the case is to be taken up again.

The action of the police court was wired Colonel W. B. Rodman of Charlotte, division counsel for North Carolina for the Southern on Monday night and he arrived on the first train yesterday afternoon, Judge Charles A. Moore as counsel for Mr. Wood and Mr. Graham having previously advised a continuance of the cases in police court until today noon, and when he came he was prepared to act. Petitions in the case of each defendant were presented to Judge Pritchard, the substantial allegations in each being that the defendants were held by a warrant because they had declined to obey the rate law whose enforcement Judge Pritchard had forbidden by his order made here in the big suits between the railways and corporation commission and that the arrests were unlawful. Having already considered and decided the allegations that the rate law was unconstitutional and having held that pending final consideration the railways had made out their case it took Judge Pritchard but little time to order the writs issued, and when they were served on Chief Collins he virtually held the defendants subject to the United States court's custody while at the same time he was under obligations to produce them in police court today noon.

The writs commanded the chief to produce the defendants before Judge Pritchard "forthwith," but as it was late before copies could be made and served on him, there was a tacit understanding that he should make his return with the defendants this morning. It should be said here that so far as Mr. Wood and Mr. Graham are concerned the people treat the "arrests" humorously because it is of course understood that they are but technical defendants and as railway agents obeying the mandate of Judge Pritchard's court and it is well understood that the proceeding in the case is for the purpose of reaching a decision as to whether the state courts may enforce the state law.

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MEMBER OF MOB TELLS STORY OF THE LYNCHING

Man Who Turned State's Evidence, Takes Stand in Johnson Lynching Case.

WITNESS GIVES DRAMATIC RECITAL

Identification of Leaders of the Mob Were Complete; State Rests Case.

By Associated Press.
CHARLOTTE, N. C., July 16.—The trial of twenty citizens of Anson county, this State, charged with lynching J. V. Johnson, which was begun yesterday at Monro, continued today. Miss Alice Bogran, daughter of the sheriff, who was on the stand yesterday, resumed her testimony, detailing how the mob broke into the jail on the plea of having a prisoner to commit, and how they seized and held her father, took the key to Johnson's cell, released Johnson, and after tying him with ropes dragged him off down the road to the point where he was lynched. She positively identified several of the defendants as being members of the mob.

DALLAS GETS NEXT GRAND LODGE SESSION

After Two Strenuous Business Sessions Grand Lodge B. P. O. E. Adjourns.

NO ANNOUNCEMENT AS TO RESULT OF ELECTION

Generally Conceded That Judge Melvin Is New Grand Exalted Ruler.

By Associated Press.
PHILADELPHIA, July 16.—The Grand Lodge of the Benevolent and Protective Order of Elks, after two strenuous business sessions today, adjourned without announcement as to the result of its election. It is generally conceded, however, that John K. Tener, of Charleston, Pa., has been chosen grand exalted ruler of the order.

STATE INTRODUCES SIX WITNESSES TO REBUT EVIDENCE OF DEFENSE

One Witness Contradicts Evidence Regarding Vindicator Mine Explosion.

PERJURY CASE IS HEARD

(By Associated Press.)
BOISE, Idaho, July 16.—In the last stages of the case against William D. Haywood, the prosecution put six witnesses on the stand today to rebut the evidence of the defense. Three testified to conditions in the Cour d'Alenes in 1909, and three to the situation in Colorado during the strike period of 1903 and 1904. The important witnesses of the day were called to contradict the showing made by witnesses for the defense that there was no reason for the calling out of the militia of Colorado other than a desire on the part of the mine owners to drive members of the Western Federation of Miners from the mining district. One witness flatly contradicted the evidence introduced by the defense to show that the explosion at the Vindicator mine was due to an accident.

MOTHER TAKES THE STAND IN LAMANA TRIAL

Dramatic Testimony is Given By the Mother of the Murdered Boy.

WIDE EXTENT OF THE PLOT IS DEVELOPED

Ten of Those Indicted Were Connected With Plot By Two Witnesses.

By Associated Press.
HAHNVILLE, La., July 16.—The wide extent of the plot which caused the kidnaping and subsequent strangling of Walter Lamana, the Italian boy, developed in today's session of the trial of the kidnapers. Ten persons indicted were connected with the plot by two witnesses, Leonardo Gebbia, and Mrs. Peter Lamana, the murdered boy's mother. Gebbia, who turned State's evidence, told of overhearing the agreement made in jail between Campisciano, the most important prisoner on trial, and another Italian, whose name was not given. In return for giving a home to Campisciano's children if he should be arrested or hanged, Campisciano promised not to implicate this man in any way.

BUILDING COLLAPSES; NINE LIVES ARE LOST

(By Associated Press.)
LONDON, Ont., July 16.—Crystal Hall, a three-story brick building on Dundas street, part of one of the largest blocks of London, collapsed today, and a score of persons were buried under the avalanche of bricks, mortar and timber. The falling walls from Crystal Hall fell upon Brewster's ten-cent store, a box structure adjoining on the east, completely burying it. The stores of Hamilton, Long & Company, and W. J. Ford & Company, on the first floor of Crystal Hall were filled with wreckage.

NINTH VICTIM OF EXPLOSION DIES

(By Associated Press.)
BOSTON, July 16.—Edmund J. Walsh, seaman, died at the naval hospital at Chelsea this evening. This is the ninth fatality resulting from the accident on board the battleship Georgia in Cape Cod Bay yesterday. Twelve injured remain in the hospital, of whom Midshipman James F. Cruise, of Nebraska, and Seaman James P. Thomas, of Brooklyn, N. Y., are not expected to recover. The other men's condition has not changed.

CANNONS USED TO EMPTY OIL TANKS

(By Associated Press.)
LIMA, Ohio, July 16.—In a terrific electrical storm which swept the county at noon today, lightning fired one of the huge tanks of the Standard Oil company. A quarter of a million barrels of petroleum were ignited and the city was at once enveloped in clouds of darkness. Almost nothing was left standing. Cannons were brought into requisition to release many millions of oil.

THIRTY WITNESSES EXAMINED IN THE ROANOKE RIOT INQUIRY

By Associated Press.
ROANOKE, Va., July 16.—The special grand jury to investigate the riots of last Saturday night when a mob wrecked all the Greek restaurants in town, today heard 30 witnesses and will continue its work tomorrow. No indictments will be found until after all the evidence has been secured.

Tug of War.

Ex-Judge A. C. Avery is on his way here from Morganton, to be of counsel in the defense of Green, and the Southern interests, and Colonel W. B. Rodman of the Southern is expected to be here in the morning, armed with the habeas corpus writ from Judge Pritchard. Then the real "tug of war" will be on between the courts.

WINSTON-SALEM MAN KILLED BY TRAIN

(Special to The Citizen.)
WINSTON-SALEM, N. C., July 16, George Washington, a white man 32 years old, was killed by a street car near Nissen Park tonight at nine o'clock. He was under the influence of whiskey and was either sitting on the track or attempted to cross in front of the rapidly moving car. His head was severed from his body and his body horribly mangled. He was employed by the R. J. Reynolds Tobacco company, and was married. He leaves a wife and one child.

ROBBERS HOLD UP A FREIGHT TRAIN

(By Associated Press.)
Cherryvale, Kan., July 16.—Two robbers held up a St. Louis and San Francisco train five miles east of Cherryvale early today, and shot and killed O. J. Brown and seriously wounded (his name), harvest hands. Brown and Taylor were heading their way home to Western Kansas, after having worked in the wheat fields in the southern part of the state.

DR. EDWARD TAYLOR ELECTED AS MAYOR OF SAN FRANCISCO

(By Associated Press.)
SAN FRANCISCO, July 16.—Dr. Edward R. Taylor, physician and lawyer, dean of the Hastings Law College, and of the University of California, was elected mayor of San Francisco tonight by the board of supervisors, and by the open avowal of the bribery, graft prosecution, the so-called "reign of the big stick" came to an end.

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