

# SENSATIONS COME THICK AND FAST

## CLASH BETWEEN FEDERAL AND STATE COURTS SEEMS IMMINENT AT RALEIGH

**ANOTHER AGENT ARRESTED**  
CHARLOTTE, July 17.—J. Witherspoon, city ticket agent here for the Southern Railway Company, was today arrested for refusing to sell a ticket at the rate of 2-4 cents a mile as provided by a recent act of the State Legislature. Witherspoon will be placed on trial in the recorder's court tomorrow.

## LOCAL TICKET AGENTS OF THE SOUTHERN RAILWAY SPEND NIGHT IN CUSTODY

### Judge Long Orders Agent Green Transferred to Custody of Court.

**MAY REFUSE TO RELEASE PRISONER**  
**Should Both Sides Stand "Pat" Grave Consequences Are Entailed.**

The contest between the state authorities who are determined to enforce the railway rate law and the United States Circuit Court which has decreed that the law be not obeyed and has enjoined some of those who seek to enforce it has passed beyond the stage of a sensation and has reached a situation whose gravity arouses apprehension among the conservative people.

At six o'clock yesterday morning Judge Pritchard of the United States Court issued an application of T. S. Collins in a writ of habeas corpus requiring the sheriff of Wake County to present before him, E. T. Green, ticket agent of the Southern at Raleigh, who was then an actual prisoner of the state Superior Court of that county awaiting the trial for violating the rate law by charging more than 2-4 cents a mile for tickets, and in the late afternoon went to Raleigh to hear what answer the Sheriff would make when he presented the prisoner before the U. S. Judge.

But the Sheriff will present no prisoner in response to the writ because the Judge of the Superior Court yesterday noon took the custody of the prisoner from the sheriff and Green was held by the court itself which then proceeded to try the case. Judge Pritchard is expected to hold that Judge Long as Judge has no authority to hold a prisoner and to issue a writ commanding Mr. Long as an individual to present Green before him. Judge Long is expected to maintain that he is acting as Judge in holding the prisoner, or rather that the Court itself is holding the prisoner, and to refuse utterly to heed the order of Judge Pritchard because it is unlawful interference by a court with another court of equal powers and jurisdiction.

Judge Pritchard will call on the United States Marshal to enforce his order, Judge Long will call on the sheriff to allow no interference with the prisoner of his court and Governor Glenn will back the court of the state with the state troops. If neither court yields from its position or the Southern railway does not drop its proceedings there must inevitably be a conflict between the armed forces of the state and the national department of justice.

**Unprecedented Situation.**  
It is not necessary to point out the extreme gravity of the situation. Unless some one yields there must be an armed conflict, grave disaster threatens, consequences of the utmost import it seems inconceivable that such eventually can be that some escape can be found from the precipitation of conflict, but none has yet been pointed out. The Governor of North Carolina and the Judge of his court have acted after careful deliberation and on the advice of counsel Judge Pritchard, thoroughly aware of the consequences of his acts, will proceed without flinching on the line he has indicated and can the railway at this late hour abandon its contentions. The signs are ominous.

### ALLEGED GAMBLERS ARRESTED BY POLICE

About three o'clock this morning the police raided alleged gambling houses in the cotton mill section. The game, it is alleged, was just breaking up as the officers closed in. Five white men are said to have been in the game and only one of them escaped. The four who were captured all furnished bond for their appearance in court this morning.

### DEFENSE HAS ITS INNINGS IN ANSON COUNTY LYCHING CASE

**(By Associated Press.)**  
CHARLOTTE, N. C., July 17.—The defense in the case of the twenty citizens of Anson county, charged with the lynching of J. V. Johnson, at Wadesboro, the night of May 28, 1906, now in hearing in Union county superior court, today began the introduction of testimony, concentrating its efforts on an attempt to impeach the evidence given by witnesses for the state. T. R. Tomlinson, the officer who arrested H. D. Kendall, Sr., the member of the mob who turned state's evidence, testified that Kendall told him that he (Kendall) was at home on the night of the lynching; that late that night he heard the noise made by the crowd, passing his house and went out to his gate to investigate, but could not recognize any member of the mob.

### CENTENARIAN DIES AT CANTON

**(Special to The Citizen.)**  
CANTON, N. C., July 17.—Mrs. Caroline Stamey, wife of the late Abel Stamey, died here yesterday. She was a sister of the late Abrone Pharr, one of the pioneer citizens of the county. Mrs. Stamey was about 110 years of age at the time of her death, and her husband, who died during the winter, was over 100. This aged couple had made their home about five miles from Canton for many years. Mrs. Stamey's death was supposed by many to be caused by measles as she had lived nearly 110 years without having them until recently and suffered severely from them. Interment was at Locust Field cemetery. She leaves a large family connection in this county.

### RIGHT OR WRONG, IS RAPIDLY LINING UP ON THE SIDE OF THE STATE AUTHORITIES

REGARDLESS OF POLITICS OR VIEWS ON THE JUSTNESS OF THE NEW RATES, IT MAY BECOME THE CONTROVERSY LARGELY HINGES ON INTERPRETATIONS OF THE POWERS OF STATE AND FEDERAL COURTS UNDER THE UNITED STATES CONSTITUTION AND ITS LAWS, ONE OF THE LATTER OF WHICH IS THAT NO FEDERAL COURT SHALL ENJOIN A STATE COURT, THAT THERE IS FEELING, THE MIND NOT TRAINED IN LEGAL LOGIC BEING NATURALLY UNABLE TO SEE THE DISTINCTION BETWEEN ENJOINING A COURT AND ENJOINING THE ONLY PERSONS THROUGH WHOM THE COURT CAN ACT, THE PERSONS WHO ARE NECESSARY TO FORM A COURT, AND YET MANY LEGAL AUTHORITIES AND PRECEDENTS, INDICATE THAT THERE IS SUCH A DISTINCTION AND IT IS ASSERTED ON GOOD AUTHORITY THAT THE SUPREME COURT OF THE NATION HAS SO RULING.

But the conflict waits its results today when Judge Pritchard reaches Raleigh.

### FAMILIAR FACTS.

The public is familiar with the situation up to yesterday. The state Legislature in February passed a law reducing freight and passenger rates and later a number of railway companies secured from Judge Pritchard orders restraining the state corporation commission and the Attorney General from taking any steps to enforce the law, requiring them to show causes before him on May 25th, why the injunction should not be made permanent. At this hearing the railways contended that the new rates would reduce their revenue that they could make no money and therefore the law was unconstitutional as contravening the 14th amendment to the United States Constitution which provides that no person shall be deprived of property without due process of the law and that the citizen of every state shall have the same privileges as a citizen of any other state. The state corporation commission resisted and there was prolonged argument, and evidence on the part of the railways to the effect that they would surely lose heavily in the operation of the law. Judge Pritchard decided in effect that if the statements made by the railways were true the new law was unconstitutional for the reasons given but that he neither

### THIRTY-FIFTH ANNUAL MEETING OF THE N. C. PRESS ASSOCIATIONS OPENS.

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The Hon. W. L. Arendell of Raleigh delivered the address of welcome, the response thereto being made by Archibald Johnson. The report of the executive committee on new members showed a gain of thirty-eight during the past year. President T. J. Lassiter delivered an able address outlining the work accomplished by the association and dwelt on the excellent legislation it had been instrumental in securing.

### THE HON. W. L. ARENDELL OF RALEIGH DELIVERED THE ADDRESS OF WELCOME, THE RESPONSE THERETO BEING MADE BY ARCHIBALD JOHNSON.

Papers were read by J. J. Ferris of High Point, Archibald Johnson of Summitville, B. R. Clark of Statesville, and M. L. Shipman of Hendersonville. U. C. Moore, president of the North Carolina division of the Southern Cotton Association, delivered an address dealing with the benefit of co-operation between the newspapers and the cotton interests. At the night session, R. M. Phillips, editor of The New Bern Sun, and Josephus Daniels, editor of The News and Observer, delivered interesting addresses. Mr. Daniels discussed the newspaper of tomorrow, dwelling on the fact that the newspaper of the future must be untrammeled, not controlled by corporate interests. Newspapers, he said, must be the great teachers of the people.



SOME SNAPSHOTS FROM OVERLOOK PARK.

### TWO HUNDRED EDITORS ARE IN CONVENTION

Thirty-fifth Annual Meeting of the N. C. Press Associations Opens. Some interesting addresses heard. Many new names enrolled. Members given sail on Beaufort Sound.

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### GREAT DAMAGE IS WROUGHT BY CLOUD-BURSTS

Three Deaths and Much Property Loss Reported in Zanesville, Ohio. Railroads are the greatest sufferers. Officials fear greater trouble. All wires down in Strickon District.

### RAILROADS ARE THE GREATEST SUFFERERS. OFFICIALS FEAR GREATER TROUBLE. ALL WIRES DOWN IN STRICKON DISTRICT.

### PHILADELPHIA, Pa., July 17.—Telephone communication with West Virginia points late tonight report enormous damage by cloudbursts and storms in the interior of the State.

At Zanesville, Va., a cloudburst and electrical storm today resulted in three deaths and much property damage. Taylor Davis was drowned, while fording a creek at Minesville, and a man was drowned in the Adams mill basin. His boat was upset by the wind. Jim Klime, a minor of Connelville, was killed by lightning at South Zanesville. Along the Western Maryland railroad between Thomas and Elkins, W. Va., the damage is so great that it will not be possible to operate that portion of the road for at least 24 hours. Two hundred and fifty feet of the track was washed over the banks of the river, between Hamleton and Hendricks, and at the same point there is a thirty foot landslide. All telephone and telegraph wires are down between Parsons and Elkins. Tracks Washed Out. Between Douglas and Thomas the tracks are washed out for a quarter of a mile. Rain is still falling and railroad officials fear even greater trouble. The Dry Fork railroad is reported under water and the Big Main of the West Virginia and Maryland Gas Company was torn out at Parsons. On the Baltimore & Ohio railroad there has been trouble between Terra Alta and Gratton, including washouts and landslides, and since 9 o'clock this morning there have been no trains over that division. The dam of Thomas has been weakened and it is feared it will give way, precipitating several millions of gallons of water into Cheat and Tygart's Valley. The coal and iron branch of the Western Maryland road between Elkins and Durbin is reported tied up by washouts and landslides.

### NEW OFFICERS OF THE GRAND LODGE NAMED

John K. Tener of Pennsylvania is elected Grand Exalted Ruler. Memphis Lodge Is Authorized to Prosecute Negro Elks of That City.

### PHILADELPHIA, July 17.—The complete official returns of the election in the grand lodge of elks, held yesterday in this city, were announced today as follows: Grand exalted ruler—John K. Tener of Chambers, Pa. Grand treasurer—Edward Leach, New York. Grand esteemed loyal knight—W. T. Leake, Trumbull, Ohio. Grand esteemed intaring knight—Raymond Gray of Frankford, Ind. Grand esteemed leading knight—John D. Shea, Hartford, Conn. Grand secretary—Fred C. Robinson, Dubuque, Ia. Grand trustee—Thomas B. Mills, Superior, Wis. Thomas F. McNulty, Baltimore, Md. Mayor Charles O. Schmidt of Wheeling, W. Va. Grand inner guard—E. M. Taylor. During the session of the grand lodge it is decided to establish a flag day for Elks on June 14. A resolution was adopted calling for the appointment of a committee to devise ways and means to prosecute outside users of the Elks emblem. The Memphis lodge was authorized to prosecute the negro Elks of that city. In this connection a resolution was passed reprimanding the Newark N. J. lodge for electing a man said to be a negro. A further measure instructs the grand ruler to order the Newark lodge to investigate the man's antecedents, and if it be found that he is of negro extraction to expunge his name from the rolls.

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### SPECIAL GRAND JURY ADJOURNS

ROANOKE, Va., July 17.—The special grand jury ordered by Judge John W. Woods of the corporation court to investigate the rioting of last Saturday night when a mob smashed all the Greek restaurants in town, adjourned after finding twenty indictments. The jury will meet again on Wednesday of next week. Several scores of witnesses were heard, thirteen of those indicted have been arrested, as follows: Robert Crawford, J. F. Lester, Robert Bell, George Phillips, U. E. Bergendahl, Thomas Divers, J. C. Puckett, James Taylor, Charles Chaffin, Henry Stone, William Holcomb, J. W. Moore, and James Ferguson. Last night in the meeting of the board of aldermen when Mayor Cutchins requested that the matter of financial damages be at once settled, the matter was referred to the financial committee and prompt action will be taken by that committee to make just reparation for damages sustained by the Greeks.

### BOB KNOCKED OUT IN SECOND ROUND

PHILADELPHIA, Pa., July 17.—Jack Johnson stopped "Bob" Fitzsimmons in this second round of a six-round boxing bout before the Washington Sporting Club tonight. Fitzsimmons did not show a trace of his former prowess and it is probable that Johnson could have stopped him in the opening round if he had cared to do so. Referee Keenan refused to act in the ring because he had heard that Fitzsimmons had a badly sprained arm. The manager of the club then entered the ring and watched the uneven match.

### INTENSE INTEREST FELT IN RALEIGH

RALEIGH, July 17.—After a series of legal contests extending all through the day and until late in the evening in the sensational conflict between the State and the Federal courts involving punishment for violation of the State railway rate law, the defendant, Southern Railway Company, and person, Agent T. E. Green, were directed to make a plea as to guilt. In the language of counsel for the defense the defendant's "stood mute under the circumstances" and an order was entered that hearing of evidence as to guilt begin tomorrow morning at ten o'clock. It is understood that Judge Pritchard, of the United States Circuit Court, is on his way to Raleigh from Asheville and will take a hand in the conflict tomorrow. 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 testing of the constitutionality of the rate act, has no standing. Judge Takes Custody. Early in the day there being an expectation that a writ would be brought here from Judge Pritchard directing the sheriff to produce the prisoner, Green, in his court, Judge Long himself took the custody of the

### STEAMER A TOTAL LOSS; CREW AND PASSENGERS ARE SAVED

SAVANNAH, Ga., July 17.—The steamer ship Alleghany, Captain Presman, Merchants and Minors' Transportation company, bound for Philadelphia from Savannah, was destroyed by fire two miles off Tybee Island at 11 o'clock tonight. All of her 32 passengers and her crew were saved, but the ship, her cargo and all baggage on board, is a total loss. Fire was discovered amidsthips within two hours after the steamer left her dock, the engineers, boilermen and firemen being driven from their work by a blast of smoke. In this crippled condition the Alleghany began to drift, her course being toward the beach. The first cry of fire sent several panic-stricken passengers to the rails and the members of the crew prevented a number from jumping overboard in a mad desire to leave the burning vessel. After the first few minutes order was restored and in the ship's boats and in boats sent out from Fort Stevens, manned by soldiers, every person was brought ashore. Captain Freeman was among the survivors. The last to leave the Alleghany and seemed to be coming from a sheet of flame. All of the persons saved from the vessel were brought back to Savannah on a government dredge, leaving the hull of the steamer still burning.

### Dismissed Yesterday in Police Court, Are Arrested Again.

### NO CONTINUANCE WILL LIKELY BE GRANTED

### Judge Pritchard Now in Raleigh Can Not Afford Them Relief.

Discharged by police court yesterday morning because the warrant charging them as railway officials with charging more than 2-4 cents a mile for tickets was dismissed by the court, Mr. J. H. Wood, district passenger agent of the Southern, and Mr. O. C. Wilson, its depot ticket agent, were re-arrested last evening under a warrant of the same court and spent last night as actual prisoners of Deputy Sheriff Charles F. Williams at the Hotel Berkeley. Mr. Wood and Mr. Wilson will be tried in police court this morning promptly at nine o'clock. They would not give bail last night even if it had been accepted, they will not pay a fine if convicted this morning. The only alternative will be for Judge Spenser Reynolds to sentence them to the roads and as there is no court near enough to grant relief today, they—one of them an alderman of Asheville—must then actually be taken to the convict camp because they will not appeal.

No tickets were sold for the train to Spartanburg, No. 42, last night because Mr. Wood and Mr. R. H. Graham, city ticket agent, who had been arraigned the day before were due for trial in police court at noon and the writ of habeas corpus issued by Judge Pritchard the afternoon before required Chief Collins to present the defendants before him during the morning and a clash of courts was confidently expected. Some were amused because they said the police court had lost by continuing the cases and thus allowing Colonel Rodman, the Southern's division counsel, to get here and capture the defendants from the chief of police before police court could try them, no one denying the practical power of Judge Pritchard's court to take the prisoners from the chief as a ministerial officer. Reynolds Ready. Alert and resourceful Police Justice Spenser Reynolds met Colonel Rodman's move. The cases were dismissed, caused to exist, there were no prisoners for the chief to take to Judge Pritchard. Solicitor Mark W. Brown and Corporation Counsel H. B. Carter prepared the return of the chief and at 10:30 Judge Pritchard convened court. Solicitor Brown stated to the court that he had been instructed by Governor Glenn to contest the writ and to secure continuance, but the cases had been dismissed. He then read the return which was substantially this: "That at the time said writ of habeas corpus was served upon respondent, he did not have the said J. H. Wood in custody, and did not have and thereupon or restrain said J. H. Wood of his liberty; that said J. H. Wood was not then and there under arrest, but could go wheresoever he would."

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