

THE CAUCASIAN.

VOL. XXV.

RALEIGH, NORTH CAROLINA, THURSDAY, JULY 25, 1907.

NO. 29.

North State Affairs

Items Gathered From All Sections of the State

Negro Rapist Caught.

Louisburg, Special.—A negro named Richard Freeman alias Dick Harris wanted for an assault upon Mrs. Lott Scott of Black Creek township, Wilson county, was captured here while working at Ford and Houck's brick-yard. Some time since he was working on the farm of Marshall Smith, about 15 miles east of here and upon hearing some one reading about a reward offered for Mrs. Scott's assailant, suddenly disappeared not even waiting to collect his wages. He was identified as the same man and Messrs. E. S. Ford and D. G. Pearce effected his arrest. He tallies with the description given and the villagers believe they have the right man.

Receivers for Two Companies

Salisbury, Special.—Leo C. Wallace a member of the firm of Wallace & Sons, was appointed receiver for the New London Mercantile Company that has within the past few days gone into bankruptcy. This company was forced to this step on account of the great credit business done by it. At one time it enjoyed most liberal patronage. R. B. Thompson was named receiver for the Hobson-Koontz Lumber Company of Jerusalem, Davie county, and has taken charge of things. This receivership is not the result of business adversity but a step to the dissolution of a partnership.

Injuries Prove Fatal.

Salisbury, Special.—G. G. Britton of Aniston, Ala., took the remains of his brother, N. B. Britton, who died at the Whitehead-Stokes Sanatorium following a runaway accident the day before, back to the home of the unfortunate man. He never regained consciousness after the accident. The brother arrived too late to see him alive. The dead man was traveling superintendent for the Inter State Roofing Company. G. G. Britton is president of the same company. They had contracts for roofing the new plants at Kannapolis, the junior brother having charge of the work. He was 35 years old and unmarried.

Southern Pine Fruits.

Southern Pines, Special.—The shipment of peaches from the orchards around Southern Pines have been late this season, but the quantity has been greater than usual and the prices have been uniformly good. The big Van Lindley orchard has been getting away five or six hundred crates a day. While the orchards usually have a lot of culls and inferior fruit that is not suitable for shipment at a profitable figure, this year the market has been glad to get anything and the culls have been an unknown quantity.

Dead Body of Boy Found in Neuse.

Newbern, Special.—The dead body of Alonzo Peterson was found in Neuse river at the Coca-Cola company's plant. The water was less than 4 feet deep and it is thought strange that a boy should have drowned under such circumstances. Coroner Jones examined the body and decided that it was plain the boy came to his death by drowning and that an inquest was unnecessary. The boy was last seen alive about noon Tuesday.

Fayetteville Has Big Fire.

Fayetteville, Special.—Fire Thursday afternoon at the big Holt-Williamson Mills, in east Fayetteville, came near sweeping away the whole property, the main building catching two or three times. The dry house was destroyed.

Attacked and Badly Hurt by a Cat.

Salisbury, Special.—Calvin A. Jacobs, a Franklin township farmer, was severely wounded by a cat that made a savage attack upon him at his home. The flesh on one of his hands was torn to the bone but he does not believe the animal was mad. Mr. Jacobs did not succeed in killing the vicious feline.

Buggy Rolled Over Her Neck.

Lumberton, Special.—Miss Mattie McWhite, of this county, came near receiving fatal injuries while driving into town. Meeting her was a pair of runaway mules hitched to a wagon. They ran into the buggy threw Miss McWhite out, and the wagon wheel ran over her neck. The mules halted just as the wheel rolled on her neck and it had to be lifted off. She did not lose consciousness, and when taken to the hospital for examination seemed to have escaped unhurt.

Meet Next at Asheville.

Baltimore, Special.—The annual convention of the Southern Grocers' Association adjourned to meet at Asheville, next July. President J. A. VanHoose, of Birmingham, Ala., was re-elected, as were also all the advisory board, except First Vice President G. M. Thompson, of New Orleans, who was replaced by Henry Forcheimer, of Mobile, Ala.

Site For Telephone Exchange Purchased.

Winston-Salem, Special.—The Southern Bell Telephone and Telegraph Company has purchased a lot 55x98 feet, on Liberty street, between Second and Third streets, upon which they will erect a large brick building. The lot was purchased from Messrs. J. A. Gray, F. H. Fries, H. E. Fries, W. A. Lemly and J. E. Gilmer. The plans for the new structure have not yet been drawn.

Washington Wants the Shops.

Washington, N. C., Special.—Washington wants the shops of the Norfolk & Southern Railroad located in this city. The chamber of commerce and a large number of citizens are working assiduously toward that end, and everything will be done to induce the railroad company to establish these shops here. Several attractive sites have been offered and other attractive propositions have been made to the Norfolk & Southern people and it is sincerely hoped that we may secure this plant.

Blood Hounds Capture a Man.

Fayetteville, Special.—A hurry telephone call came from Beards Station to Sheriff Watson to come with his bloodhounds immediately and he went at once. The dogs were put on the trail of a man suspected of breaking into the house of W. A. Beard, about which he was seen loafing and he was captured after a short chase.

Tar Heel Topics.

Nine applications for pardon are refused by the Governor. Geo. Griffin, serving 12 years for manslaughter from Nash county; Will Hunt, serving four years from Forsyth county for larceny; James Grant, serving 15 years from Iredell county for murder in the second degree; Sam Carter, serving five months in Stanley county for retailing; Joe Duffy, serving two years from Rowan county for retailing liquor; Jas. Marine, serving two years on the roads in New Hanover for secret assault; Clyde Strayhorn, serving two years in Durham county for larceny; George Graham, serving two years in Henderson county for larceny; Sam White, serving three years in Cabarrus county for larceny.

The temperance forces of Raleigh have decided to call an election in Raleigh on prohibition or dispensary about September 15. A citizens' committee, consisting of N. E. Broughton, W. N. Jones, Z. P. Smith, S. J. Betts, W. J. Young, Dr. I. N. Pittinger and J. T. Miller, has been named to make the preliminary arrangements for the election and direct the campaign for prohibition as against the present dispensary system.

Charters are issued for the Sylvia Furniture Manufacturing Company of Sylvia, Jackson county, the capital \$20,000 by J. W. McKee and others; for the Powell-Murray Land & Timber Company, of Asheville, capital \$50,000, by George S. Powell, G. A. Murray and others.

Thomas Marshall is pardoned by Governor Glenn at the request of many citizens of Surry county. He was serving 20 years from 1902 for murder in the second degree. The Governor says on the evidence the jury could easily have acquitted the prisoner.

The Charlotte board of aldermen have determined to repeal the local ordinance which prohibits the Sunday selling of ice cream, soft drinks and cigars.

Governor Glenn has commuted the sentence of death to life imprisonment in the case of Rufin Fuller, of Granville county, for criminal assault, the reason given being that the Governor is not willing to have life taken in punishment on the testimony of such a woman as the prosecutrix seems to be.

The Catawba Power Co. is now furnishing power to run the mills at Cherryville, 70 miles from the plant. A pardon is granted Jno. E. Cox, of Wayne county, serving eight months on the public roads for too severe whipping a negro boy, whom the Governor says appears to be a very bad fellow.

H. G. Putnam, chief electrician of the Selwyn Hotel, in Charlotte, received 2,700 volts of electricity through his body last week while attempting to cut a "live" wire. It was thought at first that he would die as a result but later he is recovering.

Mrs. Carrie Nation lectured in Greensboro last week to a large audience.

In the case of the State against city ticket agent Green, of the Southern railway at Raleigh for violation of the new law, all objections of counsel were overruled by Judge Long and the case was ordered to trial.

Another new cotton mill, costing \$125,000, was started up in Charlotte last week.

High Point reports unusual activity in the furniture trade.

JUDGE PRITCHARD FILES RATE OPINION

Declares State Law Unconstitutional and Says His Court Has First Jurisdiction

HIS ORDERS MUST BE OBSERVED

The Federal Court Judge Declares the Penalty Clause of the North Carolina Rate Law Unconstitutional—An Appeal to the Supreme Court Taken by the State's Counsel—Attorney General Sent From Washington by President Roosevelt to Promote Peace Between State and Federal Courts.

Asheville, Special.—On Monday Judge Pritchard discharged Wood and Wilson, the ticket agents, and in doing so files an opinion of 4,000 words, in which he bases his action on the ground that agents were protected by his injunction and have a right to sell at the old rate until the new law is construed by his court. Also because the penal features of the new law is unconstitutional, because it is so heavy as to be confiscatory and prevent the roads from contesting it.

The action of the court in declaring unconstitutional the penalty clause of the rate, while not entirely unexpected here nevertheless excited intense interest. Prior to the rendering of the opinion Judge Pritchard was requested to postpone the decision until Speaker E. J. Justice could arrive in Asheville, it being stated that he was then on his way to this city. It was stated that Governor Glenn had telegraphed the request; but Judge Pritchard declined to grant this request, holding that the State was ably represented.

Before Judge Pritchard Monday afternoon T. J. Harmon, cited to appear and show cause why he should not be attached for contempt of court for disobeying the court's summons in the rate hearing last week, made answer to the rule, disavowing any intention or desire to bring the court into contempt and was discharged.

Discharge Not Absolute.

In discharging Harmon the interesting and significant statement was made to him by the court that, while the respondent was discharged, his discharge might not be absolute; that the court was still considering the advisability of proceeding against those parties who were responsible for the action against Wood and Wilson, especially meaning Police Judge Spears, Reynolds, J. B. Wells and others who made affidavits and swore out the warrants on which Wood and Wilson were arrested, convicted and sentenced to road service for violating the State law.

Judge Pritchard's decision in the habeas corpus proceedings and railroad rate law is as follows: District of North Carolina, in the Circuit Court.— In re James H. Wood petitioner. This is an application of the petitioner Jas. H. Wood, to be discharged on a writ of habeas corpus from the custody of the sheriff of Buncombe County.

The petitioner was indicted on a charge of having violated the provisions of section 4 of an act passed at the session of the Legislature of North Carolina, of 1907, prescribing maximum charges, railroad companies may make for transporting passengers in North Carolina, tried and convicted and sentenced to a term of thirty days imprisonment to be worked upon the public roads of Buncombe county.

Some time since suits were instituted in the Circuit Court of the United States for the Eastern district of North Carolina by several railroad companies against the Corporation Commissioners of North Carolina. The Attorney General and the Assistant Attorney General of that State, for the purpose of obtaining protection of the fourteenth amendment to the constitution of the United States against an act of the Legislature of North Carolina establishing maximum rates which such companies claim to be confiscatory, and on a prima facie case motion was made before me for interlocutory injunctions.

Accordingly, on the 29th of June I issued injunctions pendente lite enjoining the defendants and all other persons from putting the rates into effect during the inquiry before me as to the constitutionality of the same, and from instituting prosecutions or attempting to impose penalties upon the companies, or their employes for failure to put into effect the statutory rates which are being contested. The court amply preserves the rights of all the traveling public by requiring a coupon to be given to each purchaser evidencing the amount to be refunded to him in the event the rates should be upheld and to secure the same ample bond and security were given.

This was in accordance with the policy of the statutes of North Carolina where a rate made by a commission is attacked. I thereupon referred the matter to a master to ascertain and report his conclusions to me, and to avoid delay, required him in the order to make his report by

the 25th of September, and fixed the hearing for the first Monday in October, so as to give the parties opportunity to have the questions involved finally determined by the Supreme Court at the earliest possible moment.

There was nothing unusual in the proceedings which were instituted before me by the several railroad companies in the State. Similar suits have been instituted in the State of Alabama, where Judge Jones issued an injunction and also in the State of Georgia, where Judge Newman pursued the same course.

Notwithstanding the United States Circuit Court has thus taken jurisdiction of the whole matter, and was proceeding in an orderly way with its consideration, the evidence shows that the Governor of North Carolina has issued an address to the judges of the Superior Courts of the State questioning the authority of the court to make the order referred to and asking them to see that indictments against the agents and employes of the railroads and its officials be sent before the grand jury in order that the State may undertake the prosecutions which are enjoined by order, and stating that as Chief Executive of the State, he stands ready to aid them in enforcing the law. In accordance with this policy a number of indictments have been found and prosecutions begun in defiance of the order of injunction issued by the United States Circuit Court. If these prosecutions are permitted and continued, the result will be to nullify the injunction which was granted by the Circuit Court and practically defeat its jurisdiction. Not only are the rights of litigants involved, but the dignity and authority of the Circuit Court of the United States as well. These prosecutions and arrests taking place in widely separated portions of the State present serious difficulties in the matter and this court is confronted with open and avowed opposition by the powers of the State. Obstacles are being thrown in the way of inquiry by this court on writs of habeas corpus into the legality of arrests, and this seems to be the deliberate policy of those representing the State. I do not wish to be understood as imputing improper motives to the Governor or other State officials as respects their action in this matter. The penalties prescribed by the State statute for charging more than the statutory rate are so numerous that if permitted to be enforced they would practically bankrupt the railroads in an exceedingly brief time and before a final hearing could be had in the case and thus place the complainant in a position where it would be powerless to assert the rights which are guaranteed to it by the constitution of the United States.

If the criminal prosecutions against the agents, conductors and employes are permitted to continue the managers of the railroads cannot successfully operate their trains, carry the mails or continue their usefulness in interstate commerce.

The constitution of North Carolina contains ample provisions for the protection and preservation of the liberty of the citizen.

Article 1, Section 18, contains the following: "Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to such remedy ought not to be denied or delayed."

Section 21 of the same article also provides: "The privileges of the writ of habeas corpus shall not be suspended."

Section 1821 of the revised North Carolina is as follows: "Every person imprisoned or restrained of his liberty within this State for any criminal or supposed criminal matter or on any pretense whatsoever except in cases specified in the succeeding section, may prosecute a writ of habeas corpus according to the provisions of this chapter, to inquire into the cause of such imprisonment of restraint and if illegal to be delivered therefrom."

Section 1820 of the same chapter is the only law which I have any knowledge which imposes upon a judge a penalty for a failure to perform a judicial act. The section question reads as follows: "If any judge authorized by this chapter to grant writs of habeas corpus shall refuse to grant such writ when legally applied for, every such judge shall forfeit to the party aggrieved \$2,500."

Thus it will be seen that the State constitution of North Carolina as well as the statutory law affords ample protection to every person who is deprived of his liberty without due process of law, and such being the case, it is remarkable that anyone representing the State should be opposed to the granting of the writ of habeas corpus. Likewise the constitution of the United States and the revised statutes afford every citizen of the Union when imprisoned contrary to law protection to the fullest extent by the writ of habeas corpus.

Article 1, Section 9, C. 1, 2, of the constitution of the United States is as follows: "The privileges of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it."

Section 751, of the revised statutes of the United States, contains the following provision: "The Supreme Court of the Circuit and District Courts shall have power to issue writs of habeas corpus."

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"The several justices and judges of the said courts within their respective jurisdictions, shall have power

to grant writs of habeas corpus for the purpose of an inquiry into the cause of restraint of liberty."

Revised Statute, Section 752: "The court or justice or judge to whom such application is made shall forthwith award a writ of habeas corpus, unless it appears from the petition itself that the party is not entitled thereto. The writ shall be directed to the person in whose custody the party is detained." Revised statutes, section 755.

Notwithstanding the plain, provisions and enactments contained in the constitution and revised statutes of the United States as well as the State constitution and the statutes of the State, it is seriously contended that the agents of the complainant in this instance, when indicted for the violation of the statute, (the enforcement of which has been restrained by this court) are not entitled to this remedy which is afforded to every other citizen of the State.

If this policy is to prevail in North Carolina persons who invest their money in enterprises like that of the complainant will be deprived of the means of protecting their property rights and denied the benefits of the writ of habeas corpus which is intended for the preservation of the liberty of every citizen. It will be a sad day for the people of North Carolina when its citizens are prohibited by the acts of the Legislature from asserting any right guaranteed to them by the constitution of the United States. Suits of this character have been brought in different States of the Union and in every instance the Federal Courts have proceeded to determine the question involved without interference, hindrance or delay by the Legislature or judicial authorities of such States.

The equal protection of the law is guaranteed to every citizen of the United States and I shall employ all means within the power of the court to secure to all persons who may invoke the jurisdiction of this court such rights to the fullest extent of the law. If the law is construed in a spirit of fairness and impartiality there can be no conflict of jurisdiction between the State courts and those of the United States. Much has been said in regard to the power of a court of equity to enjoin the prosecution of a criminal case. In the case of Robbins vs. Los Angeles, 195 U. S. 241, Mr. Justice Day, who delivered the opinion of the court, in discussing this phase of the question, said:

"It is well settled that where private rights will be destroyed, unlawful interference by criminal proceedings, under a void law, or ordinance, may be reached and controlled by a decree of a court of equity."

In this instance the Federal court has not been the aggressor, but has simply adopted the regular practice and procedure which has been approved by the Supreme Court of the United States in cases of like nature, and while the court is not inclined to do anything that will produce an unseemly conflict, nevertheless, it is incumbent upon it to protect the rights of the parties to this controversy and the dignity and authority of this court, and this cannot be accomplished without preserving to the fullest extent the jurisdiction of the court in determining the question which has been submitted to it for consideration.

Will Not Evade Issue.

If in pursuing the usual and well defined practice and procedure in such cases with the sole view of maintaining the jurisdiction of this court at any stage of the proceeding, conflict must come, and I trust that it may not, I shall not evade the responsibility which is imposed upon me as the presiding officer of this court. Much has been said about the sovereignty of State. That question does not arise in this controversy. This court having assumed jurisdiction of the subject matter involved in the original suit, wherein the railroad companies are complainants, and the railroad commissioners and others are defendants, the real question is as to whether this court shall be denied full and complete jurisdiction of the subject matter as issue in that suit.

If the contention of counsel representing the State be true, then this court can be deprived of its jurisdiction by the multiplication of criminal prosecutions in the State courts against the complainant, its agents and employes to such an extent as to finally place it in a position where it will be deprived of a larger amount than that which is involved in the original controversy, and, thus by indirect means the complainant will be denied a right which is guaranteed to it by the constitution of the United States. This proposition is inconsistent with the well established rules of judicial procedure and does not commend itself to this or any court sitting as a court of equity. It excludes the idea of comity between courts of current jurisdiction.

Judge Pritchard cites judicial opinions to show that the penalty clause of the rate act is of such a nature as to deprive the railroads of due process of law, and is therefore unconstitutional. He also cites a number of rulings to show that after the Federal Court once took jurisdiction in the case the State courts were barred from interference.

Asheville, Special.—After Judge Pritchard had signed the judgment Judge J. H. Merrimon, special counsel for the State, gave notice of appeal and waived bonds, but under

the law the court fixed a bond of \$200 each for Wood and Wilson. Both sides co-operated to make the appeal as simple as possible in order to present the point at issue to the Supreme Court.

Embassy From Washington Sent by President Roosevelt.

Edward T. Sanford, as Attorney General of the Department of Justice, arrived here Monday morning, and it is understood that he comes as an emissary of President Roosevelt to promote peace between Federal and State courts, and to arrange that there shall be an appeal from both the State and United States courts. While Mr. Sanford declined to talk for publication, he did not deny that he came on a mission of peace. He brings the assurance that if the cases are allowed to proceed in an orderly course to the Supreme Court of the United States, the Department of Justice will request that court to advance the cases to an early hearing.

SOUTHERN FINED \$30,000

The Case Against the Southern Railway at Raleigh Has a Sensational Termination, a Fine of \$30,000 Being Placed on the Road and a Nominal One on Green, Who Pledges Himself to Sell No More Tickets at the Old Rate.

Raleigh, N. C., Special.—The sensational trial of the Southern Railway Company and City Ticket Agent Green for violating the new State 2-1-4 cent passenger rate law which threatened an interference of Federal court process to arrest the trial in the State court, terminated Friday evening in the State court with a verdict of guilty both as to the Southern and Agent Green and the imposing of a \$30,000 fine on the Southern and a nominal fine on Agent Green who pledged himself not to further violate the law. Green was given the choice of abandoning the sale of tickets and paying a nominal fine or standing out against the State court and receiving a sentence to prison and possibly to the chaingang.

In choosing to pay a fine he stated he felt he was guilty of no wrong; but he had an aged and ill mother who could not understand the situation and, lest further resistance might embitter her life, he would not resist further. The understanding is that Green will be given some other position with the Southern.

However, issues may end for the Southern at Asheville the case will probably be carried right up to the United States Supreme Court and there will be affidavits setting out that the prosecution of the Southern's agent is as in Raleigh forcing their agents to leave their service, thereby wrecking the business of the company. Southern counsel claim they score an advantage by Green's having been forced from their service as to the fine of \$30,000 the Southern has ten days in which to file notice of appeal.

Fearful Storm Damage.

Baltimore, Special.—A special to The News from Grafton, W. Va., says that from three to five lives lost and a half a million dollars damage is the result of a cloudburst and heavy rain storm between Grafton and Tunnelton. Among the dead are Cludus Wolfe, of Evansville, and Frank Gibbons, of Newberg.

More than half a million dollars damages resulted from cloudburst, storms and floods at Newburg and along the Cheat river valley in Preston county. Houses were washed away, the main line of the Baltimore & Ohio Railroad is out of commission and telegraph and telephone wires are all down. At Fairmont the Monongahela river is at a high stage and freight and other property has been removed. At Kingwood, three miles of Baltimore & Ohio Railroad track was washed away. The United Brethren Church, at Evansville was overturned and swept down stream. Coleman Morris, aged 30 years, a farmer of Big Isaac, this county, was struck by lightning and instantly killed. Heavy rain at Weston caused the highest waters along Polk Creek and the West Ford river into which it empties, near the town, since the flood of 1888.

All the bridges across Polk creek and other property along the creek and river were carried off in the flood. A number of residents had to use row boats to get to and from their homes.

A sudden rise in the Monongahela river during the night wrecked the new bridge between Monessen and Charleroi. All the false work was swept away.

The loss is estimated at \$1,000,000.

John Jones Not Guilty.

Monroe, Special.—The jury in the case of John Jones, on trial as one of the alleged lynchers of John V. Johnson, returned a verdict of not guilty, at 4:45 o'clock Friday afternoon, after being out about half an hour.

The service periodical, "The Navy," attacks the constitution of American vessels, declares that the Pacific cruise is a blunder and that the battleship fleet is in no condition to make the long trip.

ORDERED TO ROADS

Violations of North Carolina's Rate Law Meet Punishment

ASHEVILLE JUDGE INPLACABLE

Police Justice Reynolds Springs a Sensation at Asheville, N. C., by Committing the Two Southern Railway Agents to the County Roads for a Month—"Don't Give the Federal Court an Opportunity to Interfere With the State Courts," the Judge's Instructions to the Sheriff.

Asheville, N. C., Special.—Before Judge Spears Reynolds in the city police court District Passenger Agent James H. Wood, of the Southern Railway, also a member of the board of aldermen of Asheville, and O. C. Wilson, ticket seller for the Southern at the local passenger station, were tried on a charge of violating the new State rate law of 2-1-4 cents a mile for transportation, convicted and sentenced to the county chaingang for 30 days each.

Harmon was the only witness. At the conclusion of his testimony Judge Reynolds announced that the State would rest. Judge Charles A. Moore, of counsel for the Southern Railway, and representing the indicted agents, stated that he desired to introduce no witnesses.

"Can you or will you pay a fine?" The police justice directed the question to Mr. Wood, standing just in front of the bar, and apparently cool and indifferent to the result. Judge Moore quickly requested the police justice to address any questions to counsel. Again the question was put, this time to Judge Moore, "Can you or will you pay a fine?"

Judge Moore made reply that he would have to consider the matter. The police justice, saying that he regretted to do what he was about to, directed the clerk to make an entry that the defendants be sent to the roads for 30 days each. Judge Moore thereupon stated in open court that he intended to apply for a writ of habeas corpus and requested that the prisoners be allowed the custody of an officer.

While Judge Moore was speaking the police justice was writing. Presently he handed two slips of paper to Sheriff Hunter. The papers were commitments for Mr. Wood and Mr. Wilson. "I trust," said the police justice, and handing the commitments to Sheriff Hunter, "that you will not give the Federal Court an opportunity to interfere with the State courts, which it has no right to do."

The prisoners were then turned over to Sheriff Hunter. The sheriff, at the request of Judge Moore, accompanied the prisoners to the office of Moore and Rollins. There was much interested speculation as to just what course Sheriff Hunter would pursue, whether he would send the convicted agents direct to the county chaingang, some ten miles from the city, or hold the prisoner in custody awaiting action on a writ of habeas corpus.

Released on Habeas Corpus.

Asheville, N. C., Special.—District Passenger Agent Wood and Ticket-Seller Wilson, under sentence of 30 days on the county chaingang by the city police court for violating the passenger rate law, were taken before Judge Pritchard on a writ of habeas corpus at 11 o'clock Friday morning. J. G. Merrimon asked for a continuance of the hearing until his father, James H. Merrimon, specially employed by the State, could be present. Judge Pritchard granted the request and set the hearing for 2:30 in the afternoon, and remanded Wood and Wilson to the custody of the deputy marshal. Bonds in the sum of \$200 were allowed and the indicted agents were once more in the enjoyment of their liberty.

Tennessee Bank Short \$39,000.

Gallatin, Tenn., Special.—The doors of the People's National Bank are closed pending an investigation of the condition of the bank. Some irregularities were discovered several days ago and President Payne telegraphed to Washington for an examiner who is now auditing the books. A discrepancy of \$39,000 has been found in the accounts.

Two Fatally Shot, One Seriously Wounded in Pistol Duel.

Lexington, Ky., Special.—In a pistol fight that took place in a saloon at Pound Gap, on the Kentucky Virginia line, two men were fatally shot and another seriously wounded. William Robinson and John Centers, between whom an old grudge existed, met, and Centers opened fire. Several shots were exchanged and Centers fell mortally wounded. Half an hour later "Babe" Stewart and Isaac Bentley met and began shooting. Bentley was fatally and Stewart seriously wounded.

Big Fire in Texas Town.

Chillicothe, Tex., Special.—Fire destroyed a business block with total loss of \$150,000 and light insurance. The heaviest losers are G. R. Jones & Company, hardware; J. N. Fain, drug store; Ben F. Griffin, drug store; J. L. Watson, hotel; A. L. Howard & Company, grocers; J. F. Bryan, hotel, and Chillicothe Lumber Company.