

SUPREME COURT FILES OPINIONS; IMPORTANT CASE

Professor Graham Delights a Raleigh Audience on History Studied From its Sources--Former Sheriff Fined \$1,200 for Fraud.

The Osteopaths Win in the Declaration That the Act Passed Against Them is Unconstitutional--Municipal Ownership.

Raleigh, N. C., Dec. 19.—The Supreme Court adjourned for the term at eleven this morning leaving fifteen cases undecided. The opinions handed down this morning were: Keo Fawcett vs. Mr. Airy, Surry county, reversed, State vs. Boggan, Anson, no error, State vs. Castle-Burke, New trial, State vs. Parker, Durham, new trial, Leigh vs. Manufacturing Co., Northampton per Curiam, petition dismissed.

In the case of Fawcett vs. Mr. Airy, the court makes the important ruling that electric lights and water works are "necessary expenses of a municipality." The decision overrules former decision of the court that elections by legislative authorities must be held before bonds for such purposes can be issued.

A charter was issued to Thos. White Co. for a general milling business, capital \$125,000. Also to Blue Ridge Clothing Co., North Wilkesboro, capital \$10,000.

The State Auditor announces that he is issuing today pension warrants for veterans of the sixty-seventh and sixty-eighth regiments who were first called out of participating in the pension fund because they were not regular in the Confederate army.

Raleigh, N. C., Dec. 19.—Among a large list of opinions handed down by the Supreme Court this evening was that in case of Andrew C. Biggs who was indicted in Greensboro for practicing medicine and surgery without license in violation of the act protecting the North Carolina Medical Association. He claimed to use a system of drugless healing but was not an osteopath. The appeal to the Supreme Court called in question the constitutionality of chap. 679, acts of 1903 which defines what the practice of medicine shall mean and the court in passing on the case holds that the act is unconstitutional in its attempt to provide that the practice of medicine and surgery shall be construed to mean "The management for fee or a reward of any case of disease, physical or mental, real or imaginary with or without drugs."

In the noted suit of F. W. Eubanks vs. State Board Dental Examiners to compel the board to issue him license on examination which board pronounced a failure the Supreme Court holds that there was no error in the court below and sustains the State Board.

In the case of Jabel and H. B. Register under sentence respectively to hanging and to life imprisonment for the murder of Jim Stacy and Jerry Stokes in Columbus county the court finds no error in the court below. So Jabel Register will be carried to Columbus to pay the death sentence and H. B. Register will enter on his life sentence.

Here is the full list of opinions: Teague v. Collins, from Swain, new trial; Featherstone v. Carr, from Buncombe, error; Asheville v. Webb, from Buncombe, reversed; Edward v. Turbenton, from Henderson, action dismissed; Whitson v. Wenn, from McDowell, new trial; Morrow v. Railroad, from Gaston, no error; State v. Biggs, from Guilford, reversed; State v. Register, from Columbus, no error; State v. Morgan, from Wilson, affirmed; State v. Taylor, from Edgecombe, error; Griffin v. Railroad, from Halifax, new trial; Lambertson v. Vann, from Northampton, affirmed in both appeals; Bunch v. Lumber Co., from Chowan, petition to rehear dismissed; Moody v. Phillips, from Macon, per curiam, affirmed on authority of Murchison v. Miller, 87 N. C. 79 and Stern v. Lee, 115 N. C. 428; Rankin v. Hotel Co., from Buncombe, per curiam, affirmed on authority of Baxter v. Baxter, 77 N. C. 118; Kester v. Holly from Macon, per curiam, affirmed; State v. Payne, from Chatham, affirmed on authority of Barretto v. Haggood, 118 N. C. 712; State v. Doles, from Nash, dismissed for failure to print records and briefs; Bank v. M'G. Co., from Haywood, per curiam affirmed; State v. Payne, from Chatham, per curiam, affirmed.

Former Sheriff C. S. Powell, of Johnston county was fined \$1,200 by Judge Jurell in the Federal Court today for opportunity for defrauding the government by moving spirits. He paid the fine.

The Southern Railway Co. files notice of appeal to supreme court in the case of Greensboro Ice and Coal Co. vs. Southern Railway Co. involving the refusal of the Southern to place cars of coal on the ice and coal Co's private siding because they refused to pay demurrage in arrears.

The Raleigh Liquor Dealer's Association announces that on Christmas night they will give a grand Christmas tree festival in Metropolitan Hall to the poor white children of the city. It will be a sort of "grand farewell get-together" for the association as they go out of business January 1st. The ministers have been asked to make announcements of the affair from their respective pulpits on Sunday. It remains to be seen whether they will do it or not.

Superintendent Alexander Graham of the Charlotte Graded Schools lectured last night before the students of Peace Institute and a large number of people of Raleigh on "History Studied from its Sources." It was in the speaker's own inimitable way. He conclusively declared the validity of the Mecklenburg Declaration of Independence and the facts he adduced showed a deal of painstaking work.

FIREMAN GIVES LIFE. After Bravely Rescuing Inmates of a Brooklyn Tenement, John Freelow, Was Fatally Injured by a Fall.

New York, Dec. 19.—In the fire which destroyed a Brooklyn tenement house early today, Lieutenant John Freelow of the fire department, was fatally injured by falling three stories from a fire escape. With his comrades he had just carried 25 women and children from the building. Many of them undoubtedly would have been suffocated but for the bravery of the rescuers.

ADMIRAL COTTON. He Takes Consul Davies to Alexandria on a United States Cruiser.

Constantinople, Dec. 19.—Rear-Admiral Cotton left Beirut, yesterday, on the cruiser San Francisco, taking Consul Davies to Alexandria, taking place Mr. Davies left December 8, because he had been insulted and assaulted by the local police while accompanying to the departing steamer Attarian, a naturalized American who had been liberated from prison through the intervention of the Consul. Minister Lelishman informally discussed the Alexandretta incident with Tewfik Pasha, Foreign Minister, but has not yet presented a formal demand for reparation. The officials show a desire for the settlement of the affair.

Panama Consul. Mobile Agent for the Republic of Panama Has Arrived and Assumed his Duties.

Mobile, Ala., Dec. 19.—Francisco Arins, Consul agent for the republic of Panama has arrived and assumed his duties.

THE FEDERAL COURT ADJOURNED TODAY. Judge Boyd Again Denounces the Storekeepers and Gaugers who Enter a Compact to Defraud the Government--Next Session in June.

The work of the present session of Federal court has been completed and court was adjourned this afternoon. The next meeting of this tribunal will be about the middle of next June. In the matter of J. C. Somers and others charged with illicit distilling, retelling and removing, the prayer for continuance was granted until the June term of court.

In the case of W. A. Hoge of Cleveland, the prayer for judgment was continued until the June term of court. It is charged that he sought to defraud the government by means of the position he occupied.

In passing on the prayer for continuance Judge Boyd took occasion to give the storekeepers and gaugers some very plain talk. Addressing himself to Hoge he said: "On account of the condition of your family I am going to grant this prayer for continuance. But I want to say right here that this court neither has respect nor merciful consideration for any man who enters into a collusion to defraud the government, especially when that one is drawing his salary from the government for the faithful performance of his duties. 'I repeat that I have no respect for such and I want to say again that all such need not expect merciful consideration at the hands of this court. Such men are not entitled to the respect of any living man. 'If every department of the government's service was in the hands of such men as these the government would go to pieces at the hands of thieves and robbers. 'The man who takes the oath of a storekeeper and gauger and then violates it as some have done should be held up as examples to those who may think of doing the same act of crime.'"

Cotton Market Today. Liverpool, Dec. 19.—The cotton market today opened eight to twelve points higher and advanced on reports of shorts covering December, going to 709. Trading was exciting during the entire session and at the close of the market there was a strong advance at twenty to twenty-three points over yesterday's close.

BOONE POTTER ESCAPES FROM JAIL. Lenoir is Thrown Into Excitement by the Escape of the Desperado and Murderer--Details of his Escape--Negligence Charged.

(Special to The News.) Lenoir, N. C., Dec. 19.—The whole town of Lenoir was thrown into excitement this morning when about day light it was learned that Boone Potter, the murderer who was caught in Wyoming several months ago and brought here and placed in jail had made his escape. In some manner Potter broke the combination lock on the big iron door and then walked around to the back window and with a piece of iron and a piece of tin dug a hole about 14 inches square through the brick and then tied about eight or ten of the canvas bunks together, thus making a rope in which to descend to the ground.

A negro who was up in the jail with Potter says it was about four o'clock when he and Potter made their escape. The negro boy stayed with Potter for about an hour when they separated and the negro came back and gave himself up, telling of Potter's escape. Potter is the man who killed his father and a deputy sheriff in Watauga county last year and immediately left for the West where he was caught several months ago and brought back here and placed in the Lenoir jail to await trial. Lenoir has one of the finest jails in the State and it was thought to be a matter of impossibility for a man to escape from it and to us it looks like a piece of negligence on the part of some one.

MRS. ROOSEVELT'S DONATION. She Sends a Copy of Popular Book to Statesville Library.

(Special to The News.) Statesville, Dec. 19.—Mrs. Theodore Roosevelt, wife of the President, has donated a volume to the Statesville Public Library. It is "The Simple Life," by Charles Wagner. Inside the cover of the book was found Mrs. Roosevelt's card, on which she had written "good wishes."

TREATY RATIFIED. The Treaty With China Ratified and Russia Must Come to Time.

(By Associated Press.) Washington, Dec. 19.—The Senate in executive session yesterday ratified the treaty "for the extension of the commercial relations" between United States and China and then removed the injunction of secrecy. No opposition was manifested by any Senator to the treaty, though Mr. Nelson (Republican, Minn.) made a long speech in which he criticized the convention as making insufficient provision for the trade of the United States. He said it indicated that the hand of Russia had been shown against this country, making it impossible for the United States to receive the concessions needed in the way of open ports. He blamed Russia for this condition of affairs and warned the Senate that we may yet have trouble with that country over the Manchurian question.

BANK MONEY ORDERS. American Association Adopts Plans for a Money Order Department.

(By Associated Press.) New York, Dec. 19.—After a three day session here the bank money order committee of the American Bankers' Association, representing seven thousand banks, agreed upon a plan for a money-order system, whereby sums not above a hundred dollars can be sent by mail, and orders cashed by any bank belonging to the Association. The scheme will come into direct competition with the money-order system of the postoffice department.

Cotton Goes to 12.95 Today. The local cotton market took another big jump skyward today and reached 12.95, which is 30 points above Friday's quotations.

Two hundred and fifty bales were sold here today at the above figure, against 255 at \$20 last year. It was reported that some farmers had gotten 12 cents today but up to 3:30 o'clock this afternoon, such had not been reported at the cotton platform.

(By Associated Press.) Paris, Dec. 19.—Russia has made another move toward avoiding a rupture with Japan, and there is reason to believe it will be followed by the submission of a second proposition, tending to ameliorate the present strained situation.

SANTA CLAUS FUND. It is Growing Day by Day--Two Little Letters.

The News' subscription list for the Santa Claus fund is increasing daily. The splendid donation of \$110.00 by one Charlotte gentleman yesterday will be a great help in providing presents for the little ones.

Today, The News acknowledges \$6.00 from twelve little children whose names appear in the list below. All of these little ones are not in the least afraid that Old Santa will miss them but they do fear that some children may not be remembered on Christmas morning. So they have banded themselves together and sent in quite a handsome little purse to be used for those who probably would know nothing of the happy Christmastic had they not been so liberal.

As The News stated yesterday, no more letters will be received by The News for Santa Claus this year.

The children have responded to The News' call most liberally and old Santa has all the little requests safely stored away in his great, big mail pouch. He will endeavor to please all the little ones this Christmas.

The following letters were received this afternoon: Mr. W. C. Dowd: I send you 50 cents to be turned over to Santa Claus to buy a Christmas present for some little one. I am 10 years old.

LOUISE LINEBERGER, 602 North Poplar St. Charlotte, N. C.

Mr. W. C. Dowd: I send you 50 cents from my savings bank for Santa Claus to use as he thinks best.

WILL MURRAY LINEBERGER, Age 7 years. The subscription list follows: Charlotte News, \$10.00; Cash, \$105.00; C. N. G. Butt, \$10.00; C. A. Moseley, \$2.00; R. O. Colt, \$1.00; R. H. Jordan, \$1.00; Cash, \$5.00; E. V. Finlayson, \$1.00; Mrs. Frank Mosteller, \$1.00; Emma Lizzie Algood, \$1.00; William David Hyland, \$1.00; E. Lewis Hyland, \$1.00; Jno. Scott Casner, \$1.00; Heriot Clarkson, Jr., \$1.00; Mary Lloyd Clarkson, \$1.00; Francis Osborne Clarkson, \$1.00; Edwin Osborne Clarkson, \$1.00; Thomas Simons Clarkson, \$1.00; Willie Tillett, \$1.00; Nell Yates Pharr, \$1.00; Sarah Reynolds Harris, \$1.00; Isabel McCall, \$1.00; Jas. A. Bell, Jr., \$1.00; C. H. Duls, Jr., \$1.00.

BLEW OUT THE GAS AT THE CENTRAL. E. M. Noller of Chadbourne Came Near Forfeiting his Life Last Night--Prompt Action of the Bell Boy Probably Saved his Life.

There was a narrow escape from death by asphyxiation at the Central hotel last night, and had it not been that a bell boy discovered the danger, the inmate of the room would most likely have been a dead man in ten minutes.

Last night E. M. Noller came to the hotel about 11 o'clock and asked to be shown to a room. He was assigned to room No. 34, and retired.

This morning at six o'clock a bell boy on passing discovered that room No. 34 was full of gas. An entrance was effected into the room and the medical aid summoned. Light refreshments were also served and the evening proved a most delightful one. The reception was given by the Baraca class of the church.

SAW MILL BURNED. Was the Property of Mr. Fred Oliver, of Norfolk.

Mr. W. M. Beattie, who lives on the Oliver farm, near Holly, informed The News this morning that the sawmill and corn mill on the Oliver place were totally destroyed by fire at 4 o'clock this morning. Mr. Beattie telephoned The News this afternoon that he is convinced the fire was of incendiary origin. The sawmill was running yesterday, but the men were careful not to leave any fire around.

Reported Ultimatum. (By Associated Press.) London, Dec. 19.—A special dispatch from Tientsin says it is reported that Japan has sent an ultimatum to Russia. The report is not confirmed from any source up to six o'clock this evening. It is regarded as improbable that such news should come first from Tientsin.

Admiral Glass. (By Associated Press.) Washington, Dec. 19.—The Navy Department has received a cablegram from Rear-Admiral Glass, of Panama, that according to a report that has just reached him, the small force of Colombian troops which had been discovered at the mouth of the Attrato River, has sailed to the Northward in a Colombian gunboat. Admiral Glass is unable yet to verify report.

Lima, Peru, Dec. 19.—By decree dated yesterday the Peruvian government recognized the Republic of Panama.

HOLIDAY SHOPPERS ARE IN EVIDENCE. Charlotte Streets Have Been Crowded Today With Busy Shoppers and Merchants Have Been Decidedly Busy and Trade is Very Good.

The Christmas air and holiday spirit which are characteristic of each succeeding Yuletide season, have taken full possession of the city today, and although Old Sol has hidden himself behind the clouds, and the weather has been gloomy, everybody today has appeared on the streets and in the stores with glad faces and general cheerfulness.

The city took on today more of the holiday season than has yet been evinced, and by the first of next week the Christmas festivities will have been thoroughly ushered in.

Numbers of wagons were seen on the streets today vending mistletoe and holly to the Christmas shoppers, and there will be very few homes in Charlotte that are not decorated with these holiday plants and shrubs when the 25th day of December arrives.

The stores where holiday goods are sold have been thronged all day by hundreds of busy, happy shoppers, men, women and children, making their Yuletide purchases of presents and good things to make the holidays more enjoyable.

RECEPTION TO PASTOR. Large Number Meets New Pastor of Trinity Church.

Last evening from 8 to 10:30 several hundred members of Trinity church and others attended the reception given in honor of the new pastor, Rev. J. A. B. Fry and Mrs. Fry. The programme included the following musical numbers: Organ solo—Prof. Keesler. Flute solo—Mr. Harry Asbury. Duet—By Mrs. C. E. Mason and Mr. Harvey Oecersha. Vocal solo—Miss Hallie Hall. Anthem—Zion Awake, by the choir. The pastor made an interesting address at the conclusion of the musical program in which he expressed his pleasure at being appointed pastor of Trinity church by the Conference and expressing the wish that all relations between people and pastor might be most cordial.

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Action already taken gives assurance that the first proposition which the Czar approved is not in any sense an ultimatum but a preliminary toward a pacific adjustment. The declaration is considered by officials here as removing a most dangerous aspect of the situation. It had been asserted that Russia's proposition was practically an ultimatum which, being rejected by Japan, made a rupture certain.

Torpedo Flotilla. Charleston, Dec. 19.—The torpedo boat Flotilla sailed today for Key West where it will join the squadron for winter maneuvers.

FIRE IN NEGRO COLLEGE. Central Tennessee College Catches Fire With Disastrous Results One White Teacher Fatally Injured, Four Dead.

(By the Associated Press.) Nashville, Tenn., Dec. 19.—Seven dead and seventeen injured as the result of a fire that broke out last night in the woman's dormitory of Walden University, President Hamilton heard the screams of the women, and rushing to a window across the street from the dormitory, saw the flames bursting from the eastern end of the building. He hastened to force an entrance into the building, but before he reached the door, the frightened inmates began to hurl themselves from windows. Several were killed in jumping or crushed to death by those who followed. The dormitory was a four story brick building, and the only means of exit was by a stairway, which was soon cut off and the inmates rushed panic-stricken through the smoke, seeking to escape. Most of the women had retired, and had time only to escape in their night garments. Among the dead are: Adele Christian, Greensboro, Ala.; Sally Dade, Hattiesburg, Miss.; Mollie Dee Moore, Huntsville, Ala.; Lela A. Terry, McMinnville, Tenn.; Nannie Johnson, Hattiesburg, Miss.; Cora Bryant, Cleveland, Miss., was sick on the fourth floor, and it is supposed she perished, as she cannot be found. Miss Eleanor Moore, of Chicago, preceptress, will die. Bertha Moorhead, Chicago, suffered a fracture of the back and will die; Victoria Miller, of Anchorage, Ky., had internal injuries, probably fatal.

The injured were carried to neighboring houses and the residence of President Hamilton converted into a hospital. Miss Eleanor Moore, preceptress, the only white person injured, jumped from the upper window. The building was not destroyed but damaged to the extent of twenty thousand dollars, with insurance of fifteen thousand.

(Correspondence to The News.) Huntersville, N. C., Dec. 18.—A pretty home wedding in Huntersville, Mr. Rush McKay and Miss Eulala Ewart were married Wednesday evening at half past seven o'clock at the home of the bride's mother, Mrs. D. P. Ewart. Rev. J. M. Grier, her pastor, officiated. Miss Anna Ewart, sister of the bride, and Miss Ellie Sample, who acted as flower girls, were the only attendants. There were quite a number of relatives and friends present.

A breakfast was tendered at the bride home Thursday morning. Also a dinner at the home of the groom, Mr. and Mrs. McKay have been the recipients of quite a number of useful presents.

BANKRUPTCY OF CHARLOTTE FIRM. Petitions Filed in the Federal Court Today Asking Judge Boyd to Adjudge J. C. & J. P. Long as Bankrupts--The Total Indebtedness.

In the Federal Court this morning a petition was filed by the Patapsco Gunno Company, of Baltimore, J. A. Glenn & Bro and Mrs. Mary Grace Adams, of Charlotte, asking that the firm of J. C. and J. P. Long, of this city, be adjudged bankrupts.

Judge Boyd granted the petition and cited the members of the firm to appear before him in Greensboro the first Monday in January to show cause why they should not be adjudged bankrupts.

The creditors who signed the petition were represented by Messrs. Clarkson & Duls and Mr. Thomas C. Guthrie. The Messrs. Longs are represented by Mr. Plummer Stewart.

The total indebtedness of the firm is placed at \$120,000, and the individual indebtedness will amount to about the same, making the total indebtedness about \$250,000.

The members of the firm claim they will be able to pay out, dollar for dollar.

The firm of J. C. & J. P. Long have been in the wholesale grocery business in this city for a number of years. They were reckoned as one of the solid firms of Charlotte and their financial difficulties will be learned of with surprise.

CARTHAGE DESTROYED. The Texas Town of That Name Almost Wiped Out by Fire.

(By Associated Press.) Houston, Texas, Dec. 19.—The business portion of the town of Carthage, Panoela county, Texas, was almost destroyed by fire this morning, loss sixty thousand dollars. Insurance fifteen thousand.

THE LITTLE TOWN OF BENSON, N. C. NEARLY DESTROYED. A Tremendous Conflagration Sweeps the Little Johnston County Town -- Loss is Said to be About \$100,000.

(Special to The News.) Wilmington, N. C., Dec. 19.—Fire last night wiped out one-half of the business portion of Benson, N. C. The loss was great, probably over \$100,000 with about three-fourths insurance.

The fire which was of unknown origin was discovered at 8:30 o'clock in the rear of A. H. Phillip's general merchandise store. An entire block was swept by the flames.

The buildings burned were ten or twelve including the Atlantic Coast Line depot and cotton platform. The Boykin hotel, Cavanaugh and Benson Drug Co., M. & J. Wood, general merchandise; J. W. Whittentons jewelry store, a livery stable, a harness store and the telephone exchange, were burned.

CENTENNIAL CELEBRATION. The Louisiana Centennial Proceeds With Great Ceremony.

(By Associated Press.) New Orleans, Dec. 19.—With public business suspended the second day's programme of the centennial of the transfer of La is in full swing. The day's programme opened with a reception by Mayor Capdevielle at the City Hall. Governor Heard and the executive officers of the city and State, assisted in receiving distinguished guests who included representatives France and Spain, naval officers, supreme justice Tashereau of the Supreme Court, Judge Routhier of Exchequer Court of Canada, President Francis of St. Louis Exposition and others.

When the reception was concluded the governor, mayor and guests of the State entered carriages and escorted by the first troop of cavalry, proceeded to the old palace of the Archbishops of New Orleans which was standing at the time of the transfer and which has been converted into a colonial museum, many rare relics, costumes, official documents, paintings, photographs, badges, autographs of eighteenth and nineteenth centuries have been collected in the museum. When the guests assembled in the dusty old apartments of the palace President Forster of Louisiana historical society formally opened the museum. After address by Gov. Heard he and other officials inspected the museum. At the conclusion of the visit to the museum the cortege proceeded to Jackson square, the scene of many interesting events connecting the early history of Louisiana and of Act of transfer where the formal exercises of the day occurred.

Presbyterian College Notes. Miss Altra Hicks, of Wilmington, Misses Anna Morse and Ethel Smith, of Atlanta, Ga.; Miss Mary Owen, of South Boston, Va., and Miss Linda Hendrix, of Greensboro, left for their homes this morning to remain until after the holidays.

There will be a general exodus of teachers and students on Tuesday and Wednesday of next week. The holidays will last until January 4th. A number of new students are expected at the opening of the new term. Students from Alabama, Georgia, South Carolina and Virginia will spend the holidays at home but those from Arkansas, Florida, Iowa and New York will remain.

NO RUSSIAN LOAN. (By Associated Press.) London, Dec. 19.—The Rothschilds have heard nothing of any suggestion that Russia will attempt to raise a loan of a hundred and twenty-five million dollars or any other amount in Great Britain, and declare the report probably unfounded. Russia, they say could not raise a loan here and judging from latest advices from Paris, it would probably be equally difficult for Russia to raise more money in France.

House Adjourns. Washington, Dec. 19.—Soon after convening today the House adjourned until Monday, January 4th.