

NO TRIAL THIS TIME THE CASE GOES TO SUPREME COURT

After Day of Preparation for Trial of Alleged Lynchers Court will Hold that Law Fails on Point of Venue and the State will Appeal.

After Indictments are Returned Supreme Court will be Called Upon to Decide in which County Case Must be Tried, Anson or Union.

Special to The News.
Monroe, July 18.—All the defendants in the lynching case are allowed to go home, also the witnesses. The question is to be decided by the Supreme Court. Bonds of defendants were fixed at \$5,000 each.

Monroe, July 18.—It is now an accepted fact that the 21 men under indictment here for the lynching of J. V. Johnston in Anson county will not be tried at this special term of court. The point of law raised by attorneys for the defense, that the revised act as it now appears in the Code, does not give the Grand Jury of one county the right to find bills for a crime of this kind committed in another county, will be sustained by Judge Shaw.

His Honor intimated from the bench yesterday that he would take this position and it is conceded that as soon as the Grand Jury has finished its work and all bills of indictment have been returned, the case will be ended, in so far as the present term of the court is concerned.

The case will go up on appeal by the State and the defendants will be bound over to appear at a subsequent term of Union county court, pending the decision by the Supreme Court. Whether the case will be tried in Union county or in Anson county depends altogether on the decision of the Supreme Court. If that court sustains the point made by the counsel for the defense the case will be transferred back to Anson county and the solicitor will bring indictments there. If the point is not sustained the men will be tried here on the present indictments.

Yesterday Afternoon.
At 2:30 the second session of the day convened. Long before this time the large court room was crowded to overflowing. Nearly every one expected the Judge to make some move which would relieve the inquisitive mind. Judge Shaw sat for some moments silent, with an occasional bow to acquaintances, and a smile he greeted the members of the court. Though cool and unruffled, it was very evident that his mind was not an idle one. He impatiently sends for the Solicitor, who comes upon the scene with his assistants for the State at 2:30 o'clock. The Grand Jury came back in to be informed further on conspiracy. His Honor goes over the same ground he took before in explaining conspiracy. Also the term "present" is not understood in meaning. "All that this means," said the court "is that you believe from the evidence given you that the accused ought to be put upon trial." The Grand Jury was then retired.

Solicitor Robinson for the State institutes a new indictment, which is different from the first in that it has three counts, where the first one had only one. The latest indictment against these accused lynchings contains as follows: First count, Charging a conspiracy on the part of Zeko Lewis and others to break into the county jail in Anson county. Second count, Charging Zeko Lewis and others with breaking into and entering the common jail of Anson county with intent to injure and kill John V. Johnson. Third count, That Zeko Lewis unlawfully, wilfully, wickedly and feloniously did injure, lynch and kill one John V. Johnson in the county jail of Anson. The first contained the clause against breaking and entering; the latter has two counts extra added.

The counsel for the defendants moved to quash this bill. The Court thereupon intimated that the first two counts had been passed upon already, and that the last count contained no charge under the law. As yet no ruling has been handed down by Judge Shaw on either question.

Under the last indictment eleven men are indicted, true bills having been handed in by the Grand Jury; the defendants of these bills are Messrs. W. A. Nivens, Lester Johnson, Jno. Nivens, Jim Swink, Ira Johnson, Tom Adams, Lewis Adams, John Jones, W. C. Dunn, J. Frank Nivens, and Zeko Lewis.

In the court room, during the latter afternoon hours jail cases were being disposed of the number of idle attendants thinned down, and less than one-third of the crowd remained until even recess was declared. A slight fit to arouse the deepest emotions of pity was it to witness the sweltering crowd during the hottest part of the day in the attempts to keep physically cool. As the presiding Judge remarked: This is a warm time to hold court. Healthy, robust men of all ages, and the few women here as witnesses are compelled to sit there while sweltering away

under the humidity of a sun's torrid heat. Yet, in patience with honest upturned faces all await anxiously for a decision of his Honor which would relieve the mind. As yet it is uncertain how long these hundreds of witnesses will be retained here. At times it seems that all will be dismissed within the next few minutes; then again a move on the part of the prosecution stays the hope.

DEATH OF MR. LEVY.

One of Monroe's Most Prominent Citizens Died Today.

Special to The News.
Monroe, July 18.—Mr. Abraham Levy, one of Monroe's most prominent merchants, died today of heart failure at 9:30 in the Jackson Club rooms. He had been in failing health for some time but the sudden turn for the worse was not anticipated. Mr. Levy was a native of Alsace Loraine, which was French territory until the German government, during the French and German conflict, captured the province. He was of French-Hebrew descent, and had been a citizen of Monrovia since the German-German conflict captured the province of one of the best known dry goods establishments in this city and had made a success and a host of friends.

His only son, Dr. Albert Levy, a practicing physician in Baltimore reached here about one hour before his father's death.

Mrs. Levy, wife of the deceased, is a native of Richmond, Va., and was Miss Betty Myer before marriage. Her brothers are Moses, Jacob and Henry Myer, citizens of Richmond.

The remains accompanied by the family will go tonight to Richmond for interment.

THE TOBACCO TRUST.

All Witnesses Have Been Examined. Petition Made to Discharge Jury.

Nashville, July 18.—When the United States Circuit Court met the foreman of the grand jury, which has for some time been investigating the alleged tobacco trust, reported to Judge Burton, that all the witnesses summoned by the jury had been examined.

District Attorney Tillman asked that the jury be respited or discharged subject to recall at any time between now and the next term of court.

It cannot be fully ascertained what the result of the investigation is, but it is known that no indictments have been returned.

Sailor's Convalescing.

Rockport, Mass., July 18.—One hundred or more sailors of the battleship Illinois who recently became ill after eating liver have greatly improved and are now practically well.

40,000 VISITORS GATHER IN DENVER

About 25,000 of this Number are Elks and their Families. In Massed Band Parade Today Nearly 1000 Musicians Marched. Next Meeting Place.

By Associated Press.
Denver, July 18.—It is estimated that 40,000 visitors are in Denver, of whom 25,000 are Elks and members of their families.

The annual grand Elks' parade will take place tomorrow and it is expected that there will be 15,000 members in line, besides many handsome floats. A feature of the celebration today was the massed band parade. Nearly 1,000 musicians were in line. Manhattan Beach, with numerous attractions, is thrown open free to registered Elks and their families, and the "Wild West" show and Indian exhibitions continued to be a source of wonder and delight to the visitors from the East.

The selection of the next meeting place was the first order of business at the session of the grand lodge. There was a close contest between Philadelphia and Baltimore. St. Joseph, Mo., also made a bid for the convention.

Philadelphia Chosen.
Denver, July 18.—Philadelphia was chosen by the Grand Lodge of Elks as the convention city for next year. Philadelphia received 495 votes, Baltimore 265 and St. Joseph was withdrawn.

ARMISTICE AGREED UPON.

Peace Negotiations Will Be Begun Probably Tomorrow.

By Associated Press.
Washington, July 18.—The armistice between the warring Central American Republics went into effect at 6 o'clock this morning. Peace negotiations will probably begin on board the cruiser Marblehead tomorrow.

Wm. H. Gale Appointed.

By Associated Press.
Oyster Bay, July 18.—The President appointed William H. Gale of Virginia, consul at Puerto Plata, Dominican Republic.

Death of Judge Baer.

By Associated Press.
Baltimore, July 18.—Judge Thomas S. Baer, of the supreme court of Baltimore, and professor of law in the University of Maryland, died. He was aged 63.

Turned State's Evidence in Anson County Lynching Case



WALTER WEEKS. Aged 17 Years. H. D. KENDALL, SR. Aged 53 Years. H. D. KENDALL, JR. Aged 17 Years.

EVASION OF LAW

Protest Made Against the Insertion of the Names of Certain Men on Administration Ticket of Mutual.

New York, July 18.—Samuel Untermeyer, counsel for the international policy holders committee, sent to the state superintendent of insurance a telegram protesting against the filing of any certificate of nomination of George Gray, General B. F. Tracey, Alfred M. Shook or Harlow M. Higginbotham, on the administration ticket of the trustees of the Mutual Life Insurance Company.

Mr. Untermeyer declared that the obvious purpose of the nomination of those men is to deceive the policy holders into the belief that the ticket is nominated by the policy holders committee. Mr. Untermeyer said the nominees were not consulted and would refuse to act.

The use of their names without their knowledge asserted the continued evasion of the law and a gross breach of propriety.

LADY CURSEON DEAD.

Was Wife of Former Vice-Roy of India.

London, July 18.—Lady Curseon of Kedleston, wife of former Vice-Roy of India who has been ill for some time died this evening. She never quite recovered from her serious illness at Walmer Castle, Kent, in 1904, and the recent hot weather brought on a pronounced attack of general debility.

Lady Curseon was Miss Mary Leiter, daughter of the late Levi Z. Leiter. Was Worth \$3,000,000.

Lady Curseon was possessor of \$3,000,000 in her own right. Daisy Leiter, one of her sisters, married the Earl of Suffolk and Berkshire.

Nancy Leiter, another sister, married Major Campbell, of the British army. Lady Curseon leaves two daughters.

YOUNG MAN IDENTIFIED

Young Man Who Died in Charity Hospital Identified as Clifford Clopton.

New Orleans, July 18.—The identity of the young man who died in the Charity Hospital July 11 is established as Clifford F. Clopton, son of former Chief Justice Clopton, of the Alabama Supreme Court. Clifford Lanier, Jr. of Montgomery, made the identification and arranged to take the body to Montgomery.

SMALLPOX AT COLON.

Eleven New Cases Are Reported, Making 27.

By Associated Press.
Washington, July 18.—Eleven new cases of smallpox at Colon are reported, making a total of 27. No Americans have the disease and none have died. No cases exist outside Colon.

SON STABS FATHER.

Trouble Occurred at Home of the Boy's Sweetheart.

By Associated Press.
New York, July 18.—During a quarrel between Conrad Schiermer and his 19-year-old son, Conrad, at the home of his son's sweetheart, Clara Lazarus, the youth stabbed his father with a piece of broken glass, inflicting probably a mortal wound.

ADVERTISE IN TOWN PAPERS.

Such Was the Doctrine Preached by Governor Folk.

Jefferson City, Mo., July 18.—Governor Folk, addressing the retail merchants of Missouri at their convention here yesterday spoke against the mail order business and favored advertising in town papers.

Ball Players Fined.

Buffalo, July 18.—President Taylor, of the Eastern League, fined player Thoney, of Toronto, \$25 and player Flynn, of the same club, \$50, and suspended the latter for assaulting Umpire Kerin at Montreal last Friday.

ADDITION TO BAG FACTORY.

Golden Belt Company Will Double Its Output—Hosiery Company in Hands of Receiver.

Special The News.
Durham, July 18.—The Stone Hosiery Company, which has been operating a year or more in this city, has gone into the hands of a receiver, and a trust company has been appointed temporary receiver.

Mr. W. F. Barbee, one of the stockholders, filed suit against the company on July 4th, alleging insolvency, and the order was carried before Judge Shaw at Greensboro. Judge Shaw made the order returnable July 27th. At this time the Hosiery Company will have to show cause why the receivership should not be permanent. The company's bond was fixed at \$8,000, which was promptly given. The alleged failure of the company came as a great surprise to many.

A large addition is to be added to the Golden Belt Manufacturing Company in Edgemont. The demand for bags had grown at such a rate that the addition was necessary, making the already large factory almost double in size. A new lumber storage house has been completed in East Durham. This storage is enormous in size, and has the capacity of one million feet. The large Virginia-Carolina Chemical Company factory that has been preparing to be built for some time has commenced. The plans and specifications have been completed for several days and the work ordered to begin at once. This factory will be used for the manufacture of fertilizer and a storage. It will be located near East Durham.

THE STEIN CASE TODAY.

Occupied All of Morning Session—Court Adjourns Until Tomorrow.

The Stein case occupied the entire time of the Superior Court this morning, the court adjourning at 2 o'clock until tomorrow morning, after completing the evidence and hearing the arguments in this case.

The plaintiffs, W. W. Stein and wife, ask for damages from the North Carolina Railroad Company, alleging that Mrs. Stein, while on her way to Durham, was carried beyond her destination, and that it was of great importance that she reach Durham as soon as possible on account of the illness of a relative.

The case was given to the jury just before the adjournment of the morning session, and the court then adjourned for the day.

The plaintiffs were represented by Stuart & McLean and the defendant company by Col. Redman.

The jury in the case of R. E. Costner against L. A. Dodsworth & Co. returned a verdict in favor of the defendant. The plaintiff, Costner, had brought suit for \$2,100 because of an alleged failure to carry out a contract in cotton futures.

THINKS THE STATE HAS JURISDICTION

Charlotte Attorney Thinks Two Sections of the Revisal Have been Over-Looked by Counsel at Monroe, in the Case of the Alleged Anson County Lynchers.

A well known member of the Charlotte bar today called the attention of a News reporter to two sections of the Revisal, one on lynching and the other on venue, which the attorney says to his mind, is full evidence and proof that the State has jurisdiction in the cases of the alleged lynchings on trial at Monroe.

The attorney adds that he cannot see how it is possible that the neglect of such provisions at Monroe could have come to pass unless the sections given below have been overlooked.

Sometimes a section bearing on one subject will be found under another head, and the News' informant states that he is of the opinion, after studying the matter the greater part of the morning, that it is just possible that one of the two sections given below have been overlooked. "Otherwise," says he, "I do not understand how the State could fail to have jurisdiction in the case."

The sections referred to are given in full below, the first referring to lynching and the second to venue.

Section 3698 of the Revisal reads: Lynching—If any person shall conspire to break or enter any jail or other place of confinement of persons charged with crime or under sentence, for the purpose of killing or otherwise injuring any person confined therein or if any person shall engage in breaking into jail or other place of confinement of such prisoner with the intent to kill or injure any such prisoner he shall be guilty of a felony and upon conviction or upon a plea of guilty shall be fined not less than \$500 or imprisoned in the State prison or county jail not less than two years or more than 15 years.

Section 3233 of the Revisal says: The superior court of any county adjoining the county in which the crime of lynching shall be committed, shall have full and complete jurisdiction over the crime and the offender to the same extent, and if the crime had been committed in the boundary of an adjoining county and whenever the solicitor general of the county in which the crime is committed shall be notified of such crime it shall be his duty to join the county in which the crime of lynching shall be committed, shall have full and complete jurisdiction over the crime and the offender to the same extent, and if the crime had been committed in the boundary of an adjoining county and whenever the solicitor general of the county in which the crime is committed shall be notified of such crime it shall be his duty to join the county in which the crime of lynching shall be committed, shall have full and complete jurisdiction over the crime and the offender to the same extent, and if the crime had 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