

THE HICKORY DEMOCRAT

WILL THE ALLEGED LYNCHERS BE TRIED IN UNION COUNTY?

At Opening of Court at Monroe for Trial of Alleged Lynchers Argument was Begun on Move of Defendants to Quash Indictments.

Question Arises Whether or not Cases can be Tried in Union County, Judge Shaw will Announce his Decision Regarding the Matter.

Monroe, July 17.—As announced yesterday the court was opened for argument from both sides of the lynching contest regarding the move of the defendants to quash the indictments. Judge T. J. Shaw, at 10 o'clock asked the prosecution if it had any further authority to present before the court. "We have if your Honor has not made up your mind."

Judge Shaw said: "I have my convictions but I am open for a change of mind. This was followed by strong pleas for each side. Judge Shaw, speaking to Mr. Bennett said: 'You may not reply to the charges at all. I do not consider expense. For the state it was said that justice could not possibly be had in Anson county, while the defendants counsel claimed they possibly could get justice here, but on account of newspaper reports and sentiment, no justice could be expected in Union county.'

Judge Shaw said: 'Gentlemen, I am not going to rule finally on this question at present. Lynching is the most horrible of all crimes, and most cowardly, and I said enough to the grand jury yesterday for them to infer my opinion. I am not here to make laws, it is not for judges to make laws. The act of 1903 gives the court the right to try this case in this county. The revised code in connection with the act of 1903, is now being considered by the Judge. Judge Shaw said: My ruling in this case will be given reluctantly. The act of 1903, is a very wise law. The longer these cases are postponed, the harder it will be to bring them to justice. We are not here to make laws. They are passed by the General Assembly and no doubt these statutes are in variance with the common law, when the right to try these cases in an adjoining county is considered, which right ought to be expressed in the special statutes. I leave the matter open, Mr. Solicitor, for purposes which I deem wise. I will not announce my decision as yet.'

Yesterday Afternoon. At 3:40 the grand jury were called in by the Judge. He addressed them, saying: 'Gentlemen I have been suggested to me to call you in. If you understand that I said anything as to whether these men are guilty you are in error. This is for you and the petit jury to decide. I have no knowledge even of the names of these defendants. I make it a rule never to read newspaper reports because I may some time have to try the parties written about. This is no apology; I simply call you gentlemen back to state these facts in time that no harm may come from misinterpretation of what I said.'

The state announced at 3:45 that the case of Zeke Lewis, one of the defendants in the lynching trial was ready for trial. Adams, attorney for the defense, made a motion to quash the indictment in that the authority conferred by the act of the Watson law had been omitted in the codification of the acts of 1905. The crime denounced in the statute bearing a conspiracy or entering a jail for the purpose of lynching is a separate offense from the crime of lynching. No such law is in force which applies to this case in that it should be carried to an adjoining county for trial. In such instances as where boundary lines are indistinct, the county in which such an indictment was drawn should try the case. The common law gives every man the common right to demand a trial before a jury in the county in which the offense was committed of the nature indicated by the indictment. Therefore we move to quash it. The indictment reads as follows: 'State of North Carolina, Union County, Superior Court, July Term, 1906. The jurors for the State, upon their oaths present. That Zeke Lewis, late of the county of Anson on the 28th day of May, in the year of our Lord one thousand, nine hundred and six with force of arms, at and in the county aforesaid, unlawfully, wilfully, and feloniously did engage in breaking and entering the common jail of Anson county, the place of confinement of prisoners charged with crime, with the intent to injure and kill one John V. Johnson, a prisoner confined in said jail charged with the crime of murder, against the form of the statute in such case made and provided, and against the peace and dignity of state.'

After the counsel for the defense had closed, the Judge asked the solicitor 'What do you gentlemen say to this?' 'We charge the proper venue.' Much discussion followed on both sides. The Judge ruling that this is the proper venue. The solicitor contending that



under the laws of the state the adjoining county has the same jurisdiction over the case as the courts in the county where it originated. Jerome, in the face of the events, made the motion that the judge quash the whole panel. Further reading the affidavit of Zeke Lewis who entered the plea that he could not get justice in this county in that of the 18 men called to sit on the grand jury, none but whom had paid taxes, and not one of whom had a case pending trial at this court; that of this number two were relieved by His Honor because they had decided for the acquittal of the defendants, yet had spoken to no one, except of the two one had mentioned the fact to his family only. Yet another man who was retained to serve said he had formed an opinion.

Stack followed for the defense; asked that this case be sent to Anson because the judge in his charge to the grand jury had used expressions which make it impossible for these men to return anything but a true bill for murder in the first degree. From the manner and speech of the judge it was deemed impossible to get a fair trial in Union county. The motion was denied.

Mr. Caudle of Wadesboro made a plea for removal to Anson on different basis. There are many men here with mortgages on their crops that they might attend as witnesses in this case. Others are here whose crops are in the grass. The cost to Anson county will be from \$20,000 to \$25,000. And the whole citizenship of the community of Morven where the crime was committed is away, leaving of the 400 men inhabitants only two men there. An epidemic of measles is there. Women and children left with little protection. McLendon following argued that the defense had prepared to try these cases all in one. And to try it otherwise would be unjust to their clients, as no notice had been served them of a change in proceedings since it was ruled in the preliminary hearing by Judge Neal that one covered all in the case. Solicitor Robinson denied that notice had not been served. He had given Mr. Caudle no notice of indictment, and he is defendant's lawyer. Judge replied it would be a brassup upon the state to allow all to be tried under one indictment, thus giving the defense 84 challenges to the State's two. The unfairness to each individual was shown by the Solicitor if the cases were tried together. It would be evidence in such a case to hold all in a hardship upon these men it was brought upon them by themselves, and it was not himself who had caused this inconvenience. It is alleged that it would take one week on each case, and there are twenty-one to be tried.

Jerome enters a plea that 'it does not make any difference whether this case is tried under the act or not; it is unconstitutional. Judge answers that he is not prepared to answer as to whether it is unconstitutional, that was for other authorities.

COALITION OF REPUBLICS.
An Alleged Coalition of the Central American Republics Against Guatemala is Reported.
New Orleans, La., July 17.—An alleged coalition of the Central American Republics against Guatemala reported in a special despatch from Mexico City. The dispatch, which quotes a friend of Gen. Barillas as authority, says: 'Some time last March Salvador, Honduras and Nicaragua entered into an offensive and defensive coalition against Guatemala, agreeing that the moment there was infringement by Guatemala of territorial rights of either of the three confederates a declaration of war against Guatemala should follow.'

TWO BURNED TO DEATH.
In Fire at Hotel Park Two Were Burned to Death.
Pittsburg, Pa., July 17.—James Conway, a city employe and Neal Connors, bartender, were burned to death in the fire at Hotel Park. Several were overcome by smoke but were rescued by the firemen.
Used Explosive Bullets.
San Salvador, Monday, July 17.—The belligerents agreed upon the armistice claiming that Guatemalans during the recent fighting used explosive bullets, notwithstanding Guatemalans signed the Geneva convention.

A SURPRISE SPRUNG.
Cleveland Grand Jury Will at Once Consider Evidence.
Cleveland, O., July 17.—The government sprung a surprise in the grand jury investigation of the relations of the Lake Shore and Michigan Southern Railway Co. and Standard Oil Co., shortly before noon. At that time the session of the jury was adjourned to 3 o'clock and all the witnesses who were to appear were excused, permanently. This action was taken to mean that the investigation is ended, and that the grand jury will at once begin the consideration of the testimony submitted.

Join Against Standard.
The federal officials practically admitted there will be no further attempt to indict officials or employees of the Lake Shore road and that every effort will be directed against the Standard Oil Co.

STATESVILLE ASKS FOR MOVE OF OFFICE
The Mayor and Other Representative Citizens are in Washington in Order to Have Collector's Office Moved from Asheville to Statesville
Washington, July 17.—The Mayor and other representative citizens of Statesville, N. C. were given a hearing by Secretary Shaw and Assistant Secretary Edwards of the Treasury, on the question of the removal of the office of Collector of Internal Revenue from Asheville to Statesville. Mr. Brown, the newly appointed collector, is a resident of Statesville and has recommended the removal. The Department will send an agent to North Carolina to make an investigation and a decision is likely to be reached soon after the return of Commissioner Yerkes from Europe, which will be in about six weeks.

WILMINGTON'S NEW HOTEL.
Will Be Called the Monticello and Work will Begin Soon—News Notes.
Wilmington, July 17.—The subject of a new hotel for Wilmington has been agitating the minds of the business men here for some time. Things have now taken definite shape, however, and in all probability work on the large and modern Monticello, which will be the name of the hotel, will commence before many months. Many of our well known business men and capitalists are back of the movement and there is hardly any doubt in any one's mind that it will not be built. If there is anything more than another that this city needs it is additional hotel facilities.

IS IT ED DAVIS?
Negro Captured at Jacksonville Said to Be Salisbury Murderer.
Salisbury, July 17.—Sheriff Julian today received a telegram from Jacksonville, Tenn., stating that a man filling the description of Ed. Davis, the murderer of Conductor Wiggins, had been captured there and asks Sheriff Julian what disposition to make of him. Sheriff Julian wired the Tennessee officer that if the negro captured was the right man Rowan county would pay a reward of \$550. It is probable that the negro will be brought to Salisbury for identification.

A GREAT NUMBER OF OUTRAGES ARE COMMITTED DAILY

To-day's Budget of Revolutionary Outrages and Agrarian Disorders is Much Larger than Usual. Peasants Invade Crown Estates and Private Forests.

From Different Parts of the Empire Come Numerous Reports of Murder and Outrage. Alarm Over Strike of St. Petersburg Police.

St. Petersburg, July 17.—The daily budget of revolutionary outrages and Agrarian disorders are larger than usual, in many places the peasants are wantonly applying to the rich estates belonging to the crown and private forests. At Natshtatkin in Simbirsk province, the town hall was set on fire yesterday and the entire village of 300 houses was consumed. Throughout Poland systematic pillaging of Government spirit shops is in progress. The central police office at Warsaw was robbed and the gendarme killed. At Lubkin Russian Poland revolutionists executed a workman suspected of being a spy, and at Nizhni Novgorod and Vansnoky-Coshier of spirit monopoly and killed.

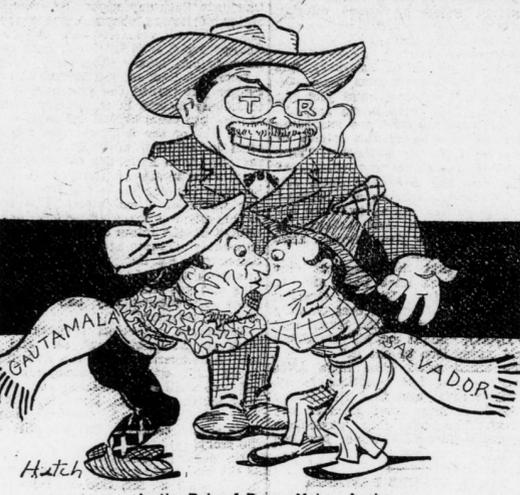
The bank at Sosgitas was robbed and at Tiflis a locomotive engineer was shot in his cab by an assassin concealed in the neighborhood. Workmen at Rostoff killed an alleged government provocator. At Pliagorsk a tartar woman who was baptized in the orthodox church was murdered and at Yaroslavl bombs were exploded at the residences of the chief of police and the officer of Gendarmerie. Considerable alarm is caused by the strike of the St. Petersburg police.

THE THAW CASE.
Writ of Prohibition Secured Restraining District Attorney from Taking Evidence as to Death of White.
New York, July 17.—One of Thaw's counsel appeared before Justice Blanchard in the Supreme Court and secured a writ of prohibition, restraining the District Attorney and Grand Jury from taking any evidence as to the killing of Stanford White. The writ, which is temporary, also restrains the District Attorney and Grand Jury from issuing any subpoenas in connection with the matter of the killing of White. Justice Blanchard also issued an order directing the District Attorney and Grand Jury to show cause tomorrow why they should not be absolutely restrained from any further proceedings in the matter of the killing of White, and against Harry K. Thaw.

EN ROUTE TO WASHINGTON.
Gourdain, the Chicago Broker, Telegraphs for a Stenographer.
Washington, July 17.—Louis A. Gourdain, the Chicago broker, under sentence for conducting a lottery, and who is resisting the efforts of his attorney and friends to keep him out of the jail, telegraphed the clerk of the Supreme Court asking him to have the best court stenographer in Washington to meet him at his hotel here this evening. Upon leaving Chicago Gourdain announced that he intended to apply to the Supreme Court to order his incarceration in the penitentiary.

AN APPROPRIATION FOR FAMINE RELIEF
The Emperor Approved Bill Appropriating \$7,500,000 for Famine Relief. This Law is First Enactment of Russian Parliament During Two Months.
St. Petersburg, July 17.—The Emperor approved the bill of the Lower House Parliament, which was opened by the Upper House, appropriating \$7,500,000 for famine relief, thus supporting the contention of both houses of Parliament against his own ministers. This law is the first enactment of the Russian parliament and represents the legal result of a session of over two months.

Suits Against Two Companies.
St. Louis, July 17.—After an investigation of three weeks, Circuit Attorney Sager filed suits for the collection of fines and the annulment of charters against the Polar Wave Ice and Fuel Co., and the Merchants Ice and Coal Co., on the allegations that these companies are in an alleged combination to restrain trade and to fix and maintain the price of ice.



SOCIALISTS MEET
General Congress of Socialist Inter-Parliamentary Committees Opened.
London, July 17.—The general congress of Socialists inter-parliamentary committees opened under the presidency of James Keir Hardie, the Socialist member of Parliament and chairman of the Independent Labor Party. The first action of the congress was to expel the newspaper men present, the foreign delegates, fearing that detailed reports of the proceedings would bring them unpleasantly to the notice of their governments. The attendance is not large. The European continent is represented by 25 delegates, including a member of the Russian Parliament. Several women delegates are present. The general purpose seems to be to attempt to unify the action of socialists in the various Parliaments.

25,000 ELKS ARE IN ATTENDANCE
Already 25,000 Elks and Ladies Accompanying Them have Registered for Great Re-Union and More are Coming in on Every Train.
Denver, July 17.—Twenty-five thousand Elks and ladies accompanying them in attendance at the twelfth annual reunion have registered at the local headquarters and others are still coming. The weather is superb. A reception to the visiting Elks and families will be held in the park and in the Elks' rooms at St. Anthony's Hospital. The band contest, a feature of Elks' reunions, began and will continue tomorrow. The grand lodge held its first business session today, a revision of the constitution being one of the most important matters to come before the convention.

Case of Trust Company.
Special to The News.
Raleigh, July 17.—Judge Purnell of the Federal court today heard argument in the case of Schenectady Trust Co. vs The Cape Fear Power Co., of Fayetteville and made an order making permanent the receivership of Chas. H. Belyin and E. Howell, Counsel for the Power Co. and Gray and Morgan, the largest stockholders, represented to the court that over \$400,000 had been expended on the plant, the dam is complete the toll lines up and the machinery on hand ready for installation so that the receivers if continued should be directed by the court to complete the plant which is to furnish electric power for the operation of the big Fayetteville cotton mills and other enterprises and that to have a receivership mean that it would be sacrificed at fifty cents on the dollar or less. In fact they charge that the whole proceeding against the company was an effort on the part of the Electric Bond and Share Co., which holds some of the bonds of the Power Co. to get possession of the plant for a song. Judge Purnell made no order as to the completion of the plant before sale but intimated that he would take the matter under advisement and probably have receivers certificates issued for this purpose. The counsel in the case were H. A. Forshee and ex-Judge Womack for the Power Co., and Gray and Morgan and Shepherd and Shepherd for the Schenectady Trust Co.

DEATH OF MRS. L. J. MANNING.
Was Wife of the Late Judge John Manning—Died at Home in Chapel Hill.
Durham, July 17.—Mrs. L. J. Manning, wife of the late Judge John Manning, died this morning at her home in Chapel Hill. She has been in feeble health for some time and her death did not come unexpectedly, she being 71 years of age. There are seven children. They are: Dr. J. T. Manning and J. S. Manning, of Durham, Mrs. Dr. Venable, Dr. I. H. Manning and Miss Mary Manning, of Chapel Hill, Mrs. W. R. Webb, of Belbuckle, Tenn., and Mrs. W. W. Husk, of Fayetteville. The remains were carried to Pittsboro for interment.

SHORTAGE OF ABOUT \$33,000 REPORTED IN TREASURY DEPT.
An Investigation of the Accounts of the Late G. A. Bartlett, Disbursing Officer of the Treasury Department, Shows a Shortage of \$33,000.
Washington, D. C., July 17.—It is stated at the Treasury Department that the investigation of the accounts of the late Major George A. Bartlett, disbursing officer of the Treasury Department shows a shortage approximating \$33,000. About \$14,000 are said to have been innocently paid out on fraudulent vouchers, presented by James W. Boyd, clerk in the Marine Hospital Service, who in September last was arrested and is now in jail pending trial for misappropriating government funds. Although Bartlett was technically responsible for the payments on Boyd's fraudulent vouchers, the shortage in his own office will probably not exceed \$19,000. The treasury officials have no means of knowing how long the shortage has been standing, but are inclined to the opinion that comparatively small amounts have been taken from time to time, during the several years. Bartlett was taken ill, and died while his office was being investigated. His shortage was fully covered by a bond of the surety company, which had been notified of the default, and the demand made for reimbursement.

DEATH OF MR. HUGHES.
Marriage of Prominent Young Couple Col. Olds "Sunshiners."
Beaufort, July 17.—Mr. Hughes, a furniture dealer, who came here from Plymouth a few days ago died suddenly at his residence on Front street at 12 o'clock Sunday night. Heart trouble complicated with Bright's disease is thought to have been the cause of his death. He had retired in his usual health. Being awakened by the slamming of a door, which he had neglected to close, he had attempted to arise and shut it but fell back dead. Mr. Dowdy, who is employed in Turner's furniture store at New Bern, came down yesterday to be united in marriage to Miss Lorene Willis of this city. The ceremony was performed at 3 o'clock at the residence of the bride's parents on Orange street, Rev. T. P. Noe of the Episcopal church officiating. The young couple are very popular here, and the best wishes of many friends will attend them. Rev. John J. Douglass, pastor of the Baptist Tabernacle, New Bern, who is spending his vacation here, preached at the Baptist church yesterday morning and last night. Rev. Dr. Suddell of Wilson, preached at the M. E. church last evening. Large congregations were present at both churches. Col. Fred. D. Olds, of Raleigh, arrived here today with 100 "Sunshiners" from Raleigh. They will stop in Beaufort, where comfortable arrangements have been made for their entertainment. They will be given a thorough outing, boats being chartered for a week. Col. Olds is assisted in this commendable "labor of love" by Mr. and Mrs. John E. Ray of Raleigh, who arrived here last week. Fine catches of blue fish and Spanish mackerel are being made by parties from Beaufort and Morehead. A party, of which your correspondent was a member, caught 25 blue fish in about 2 hours trolling one day last week. Trollers are making good catches every day. Eastern Republicans are still rejoicing over the defeat of Spencer Blackburn. This is Carl Duncan's home, and the anti-Blackburn sentiment is exceedingly strong here.

THE DATE CHANGED.
Negroes Tried With Lyrer Murder Will Be Tried August 6.
Salisbury, July 17.—The special term of the Rowan county Superior court will be held on Monday August 6th for the trial of the five negroes who are charged with the murder of the Lyrer family. The board of county commissioners of Rowan held a special meeting today and drew 36 jurors, 12 of which will sit on the case. There is only one of the 36 from the immediate section where the crime was committed. The greater portion of the number are from Salisbury and southern Rowan. The order for this special term of court was received by Sheriff Julian this morning, from Governor Glenn, who it is at Atlantic City. It was thought that the special term would be held July 30 but under the law this date was impracticable. Dr. Pelligrini Dead. By Associated Press. Buenos Ayres, July 17.—Dr. Chas. Pelligrini, former president of Argentina, is dead. Sad Outlook. Fort Worth Record. "And" continued the seeress, "you are going to be disappointed in love." "Then my sweetheart is going to jilt me." "No, she is going to marry you. Two dollars, please."