

Chewers who read the information given in this space in next week's paper will then know why SCHNAPPS and other of the Reynolds' brands, as shown by Internal Revenue statistics for a fiscal year, made the

Schnapps

wonderful gain of six and one-fourth million pounds, or a net gain of one-third of the entire increased consumption of chewing and smoking tobacco in the United States.

R. J. REYNOLDS TOBACCO CO.
WINSTON-SALEM, N. C.

Ticket Agents Wood and Wilson Discharged--Text in Full of Judge's Decision

Asheville, N. C., July 22.—Judge Pritchard, in the federal court here, this morning discharged Ticket Agents Wood and Wilson, and declared the penalty provision of the rate law unconstitutional.

In his decision Judge Pritchard said the penalties inflicted by the statute would close the doors to judicial hearing and would amount to \$2,500,000 a day if penalty was enforced on sale of each ticket, which is eight times more than the amount involved in the original suit. Also that it would do violence to the comity which exists between state and federal courts.

While not imputing any improper motives to the officials or state courts, Judge Pritchard remarked that if such a course of conduct was permitted to be pursued it would have the effect of defeating the jurisdiction of the United States courts.

Judge Pritchard's decision in the habeas corpus and railroad rate law is as follows: "The United States of American, Western District of North Carolina, in the circuit court.

"In re Jas. H. Wood petitioners. "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 four of an act passed at the session of legislature of North Carolina, of 1907, prescribing the maximum charges railroad companies may make for transporting passengers in North Carolina, tried and convicted and sentenced to a term of 30 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 the protection of the 14th amendment to the constitution of the United States against an act of the legislature of North Carolina, establishing the maximum rates which such companies claimed to be confiscatory, and on a prima facie case a motion was made before me for interlocutory injunctions.

"Accordingly, on the 29th of June, I issued the 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 employees for a failure to put into effect the statutory rates which are being contested. The court amply preserved 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.

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ample bond and security was 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.

Similar Suits Cited. "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 Norman pursued the same course.

Governor vs. Federal Judge. "Notwithstanding the federal court had taken the 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 making them to see that indictments against the agents and employees of the railroads and its officials be sent before the grand jury in order that the state may undertake the prosecutions which are enjoined in my order, and stating that as chief executive of the state, he stands ready to enforce them in enforcing the law. In accordance with this policy, a number of indictments have been found and prosecution 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 of 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 rates are so enormous that if permitted to be enforced they would practically bankrupt the railroad 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 right which is guaranteed to it by the conditions of the United States.

"If the criminal prosecution against the agents, conductors and employees 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 provision 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 enquire into the lawfulness thereof, and to remove the same, if unlawful; and 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 1321 of the Revised of 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 or restraint, and if illegal to be delivered therefrom."

"Section 1320, 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 in question reads as follows: "If any judge authorized by this chapter to grant writs of habeas corpus shall refuse to grant such a writ when legally applied for, every such judge shall forfeit to the party aggrieved two thousand and five hundred dollars."

"Thus it will be seen that the state constitution of North Carolina as well as the statutory law afford 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 any one representing the state should be opposed to the granting of the writ of habeas corpus.

"I know 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 when in cases 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 and the circuit and district courts shall have power to issue writs of habeas corpus."

"The several justices and judges of the said courts within their respective jurisdictions, shall have the power to grant writs of habeas corpus for the purpose of an inquiry into the cause of the restraint of liberty."

(Revised statutes, 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 provision 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.

Other Examples Cited. "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 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 questions involved without interference, hindrance or delay by legislative 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 and 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, 190 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 property rights will be destroyed, unlawfully by criminal proceedings, under a void law, or ordinance may be reached and controlled by a decree of a court of equity."

CHILDREN CRY FLETCHER'S CASTORIA

"Suppose complainant had instituted its suit in the state court instead of applying to this court, and that court had granted an injunction in pursuance of the laws of the state, could it be seriously contended that the state court after having taken jurisdiction of the questions involved in the civil action, thus instituted, would permit the complainant to be subjected to the criminal prosecutions and suits for the recovery of the enormous penalties enumerated in the statute of the state, during the pendency of the action, and before there could be an ascertainment as to the rights of the parties to the original suit? The state court, under such circumstances, would undoubtedly preserve the rights of the parties until the final hearing, and any other course would be without precedent in the judicial history of the state.

"Notwithstanding this, we are confronted with an attempt on the part of those representing the state to do that which, if successful, would render this court powerless to grant the same relief that would be granted as a matter of course in another court of concurrent jurisdiction.

"The law provides that in all cases where the federal courts have concurrent jurisdiction with the state courts, that such courts shall have power and authority to adjudicate any question that may come before such tribunal and to protect the rights of litigants to the same extent as to that of the state courts.

"The suits, out of which this controversy arose, were instituted in the same manner as other suits are instituted, and involving as they do, the validity of the statute of North Carolina, it necessarily follows that all matters connected with the enforcement of such statute, during the pendency of the suit, are under the control and jurisdiction of the court wherein the questions involved are being litigated.

"The court in the original suit having assumed jurisdiction of the questions at issue in that controversy, and having entered a decree wherein, among other things, the complainant and its agents, were directed to employ certain means and do certain things in respect to the sale of tickets during the pendency of that suit, the court thereby assumed control and dominion over the management of the business of the complainant in so far as interstate transportation is concerned in the same manner as if the court had appointed a receiver of the property of complainant.

"As a general rule, the circuit courts of the United States will not issue the writ of habeas corpus in cases where persons are indicted and imprisoned in pursuance of a statute of a state, and it must be remembered that this is not an attempt on the part of the state to enforce a law which has for its object the preservation of the peace, protection of the morals, or the general welfare of the public and it cannot be insisted that these prosecutions are necessary to promote the welfare of the public in view of the fact that this court has amply protected the rights of those who may purchase tickets by requiring the complainant to give a bond amply sufficient to secure the payment of any damages that may be sustained. On the other hand, is a penal statute enacted with the sole view of enforcing obedience to the first section of the act, which undertakes to fix maximum passenger rates. Therefore, inasmuch as the validity of the act which prescribes passenger rates in being contested and the court has by injunction restrained the enforcement of the same, there is every reason why the court should exercise its discretion in granting the writ of habeas corpus, when it is apparent that prosecutions of the complainant and its agents are being instituted solely for the purpose of deterring the complainant from prosecuting its original suit.

Flagman From Gastonia Killed by Train

Greenville, S. C., July 22.—Carl Finch, a flagman on the Southern Railway, was killed this morning at Crosswell, about five miles from Greenville. He had gone ahead to flag a freight train and had fallen asleep on the track, it is said.

The train passed over his body, killing him instantly. Finch's home was at Gastonia. The body was brought here this afternoon and prepared for burial.

Vanderbilt Not Heard From

Norfolk, Va., July 22.—Harold S. Vanderbilt, brother of William K. Vanderbilt, Jr., who left New London, Conn., July 10th, on his yacht Trivia, enroute from Newport to the Jamestown Exposition has not yet arrived or been heard from. Vanderbilt started on the Trivia taking the U. S. etoain shrdm mfywrujdlum route via Raritan Canal, Delaware river, Delaware and Chesapeake Canal and Chesapeake Bay for Jamestown.

Richardson Opens For Defense in Haywood Trial

Boise, July 22.—E. F. Richardson began the opening address for the defense in Haywood trial. Owing to the heat only forenoon night sessions will be held.

Elks at Jamestown

Norfolk, Va., July 22.—Several thousand Elks spent today at Jamestown. Tonight they will be entertained at the theatre.

Damage From Electric Storm

Racine, Wis., July 22.—One man was killed and several injured, barns destroyed, horses and cattle killed as a result of an electrical storm yesterday in Racine county.

Columbus Just Landed

Indian chief with a package under his arm, he asked what it was. "Great medicine, Hollister's Rocky Mountain Tea," said the Injun. 35 cents, Tea or Tablets. E. B. Menzies.

THE RIGHT NAME

Mr. August Sherpe, the popular overseer of the poor, at Fort Madison, Ia., says: "Dr. King's New Life Pills, are rightly named; they act more agreeably, do more good and make one feel better than any other laxative." Guaranteed to cure biliousness and constipation. 25c at S. M. Shuford and S. W. Martin drug store.

Zeke Lewis On the Stand

Defendant on Trial Attempts to Prove an Alibi. State Rested its Case This Morning. Character Witnesses.

Monroe, N. C., July 22.—Court opened this morning at 9 o'clock by the state putting up character witnesses for Bogan and Kendall. The testimony was about the same as in the Jones trial.

The witnesses admitted that the character of Kendall and Bogan had been questioned. The state then rested at 10:30.

The defence put up character witnesses, who had heard the state witnesses say, they had recognized no one the night of the lynching. They testified the character of Bogan and Kendall was bad.

This evening the defense put up Zeke Lewis to try to prove an alibi.

To Establish Lutheran Churches in Several Cities

Salisbury, N. C., July 22.—At a meeting of the executive committee of the North Carolina Lutheran Synod in St. John's church, this city, Sunday steps were taken looking to the establishment of Lutheran churches in Greensboro and High Point, at which places there are quite a number of members of this church. Rev. J. L. Morgan, the State missionary, will at once take up the work in High Point.

Six Cars And Engine Derailed. 2 Persons Hurt

El Paso, Texas, July 22.—The Chicago and Rock Island "Golden State Limited" Eastbound was wrecked yesterday at Pastern, N. M.

Six cars were thrown from the track and the engine partly derailed. The passengers were severely shaken up but the only persons seriously hurt were two negro porters.

Most of 470 Miners in Pit May Have Been Lost

Tokio, July 22.—There was a fatal explosion Saturday in the colliery at Toyooka in Bungo Province.

It is reported that nearly all of the 470 miners in the pit at the time were killed.

St. Petersburg, July 22.—According to the Bourse Gazette, the Russian minister Manine has ordered the Baltic yards to prepare for the prompt construction of several 22,000 ton battleships.

Balloon Picked Up. Aeronauts May Be Lost

St. Petersburg, July 22.—The military balloon which ascended from the Aeronautic Park at Tsarskoe Solo Friday, manned by four army officers, has been picked up at sea in water-logged condition.

It is believed the aeronauts perished.

Several Men Lost In River

Lorain, Ohio, July 22.—A score of men were precipitated into the river this morning and several drowned, a bridge crashing beneath them.

Two bodies have been taken from the water. Another is known positively to be in the river and several more are missing.

It is probable that they are also lost. The men were employed in the ship yards and used the foot bridge to cross the river to work.

This morning a portion of the foot bridge was open to permit a vessel to pass. The men were leaning against the rail waiting for the bridge to be closed, when the rail broke and about 20 went into the river.

Governor Glenn Replies To President Finley

Raleigh, N. C., July 22.—Governor Glenn issues a statement in answer to that given out Saturday night at Asheville by President Finley of the Southern Railway, in which he charges that Finley mis-states the facts when he says the state is trying to "hamper or interfere with the orderly course of judicial procedure" in the passenger rate litigation that has developed so sensationally.

He says the state is obeying every order issued by the federal court while the railroad company is refusing to recognize the state courts in the enforcement of the state law.

He says the state will commit no unlawful or unseemly act, but will do its utmost to sustain the state courts acting legally in executing their process against all offenders.

Preparation is being made for the resistance of any effort by the Southern to stay the execution in judgment for \$30,000 imposed by Judge Long last week.

PALACE HOT BED OF PLOTS. Intrigues on Large Scale in Progress at Seoul.

Tokio, July 22.—Telegrams from Seoul state intrigues on an extensive scale are now in progress. It is declared the Palace is a hot bed of illicit plots and conspiracies.

Dissatisfaction is spreading rapidly and the riotings of the people throughout the Peninsula are apprehended.

Bad Blood THE SOURCE OF ALL DISEASE

Every part of the body is dependent on the blood for nourishment and strength. When this life stream is flowing through the system in a state of purity and richness we are assured of perfect and uninterrupted health; because pure blood is nature's safe-guard against disease. When, however, the body is fed on weak, impure or polluted blood, the system is deprived of its strength, disease germs collect, and the trouble is manifested in various ways. Pustular eruptions, pimples, rashes and the different skin affections show that the blood is in a feverish and diseased condition as a result of too much acid or the presence of some irritating humor. Sores and Ulcers are the result of morbid, unhealthy matter in the blood, and Rheumatism, Catarrh, Scrofula, Contagious Blood Poison, etc., are all deep-seated blood disorders that will continue to grow worse as long as the poison remains. These impurities and poisons find their way into the blood in various ways. Often a sluggish, inactive condition of the system, and torpid state of the avenues of bodily waste, leaves the refuse and waste matters to sour and form uric and other acids, which are taken up by the blood and distributed throughout the circulation. Coming in contact with contagious diseases is another cause for the poisoning of the blood; we also breathe the germs and sufficient quantity it becomes a carrier of disease instead of health. Some are so unfortunate as to inherit bad blood, perhaps the dregs of some old constitutional disease of ancestors is handed down to them and they are constantly annoyed and troubled with it. Bad blood is the source of all disease, and until this vital fluid is cleansed and purified the body is sure to suffer in some way. For blood troubles of any character S. S. S. is the best remedy ever discovered. It goes down into the circulation and removes any and all poisons, supplies the healthful properties it needs, and completely and permanently cures blood diseases of every kind. The action of S. S. S. is so thorough that hereditary taints are removed and weak, diseased blood made strong and healthy so that disease cannot remain. It cures Rheumatism, Catarrh, Scrofula, Sores and Ulcers, Skin Diseases, Contagious Blood Poison, etc., and does not leave the slightest trace of the trouble for future outbreaks. The whole volume of blood is renewed and cleansed after a course of S. S. S. It is also nature's greatest tonic, made entirely of roots, herbs and barks, and is absolutely harmless to any part of the system. S. S. S. is for sale at all first class drug stores. Book on the blood and any medical advice free to all who write.

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