

Threat To Lynch South Carolina Negro in Jail At Easton, Pa., Failed

Wm. Handy Had Been Guilty of The Foul Murder of a South Bethlehem Policeman Earlier in Day.

Officer Had Attempted His Arrest Because he Was Guilty of Insulting Women. Sheriff Strongly Guarded the Prison.

Easton, Pa., Aug. 27.—There was much excitement about the county jail at 3 o'clock this morning due to the rumor from South Bethlehem that a party of determined iron workers had left that borough in an automobile to come to the county seat and take William Handy, a South Carolina negro, from jail and lynch him.

The negro was arrested several hours earlier for the murder at South Bethlehem last night of Policeman Shuman.

Warden Collins took no chances and aroused and armed all his deputies and trustees, put bars on all entrances to the prison, and had the entire police force stationed about the jail. The prisoner was taken from his cell and hidden in a remote corner of the prison cellar.

After waiting until dawn for the arrival of the supposed lynchers, the officers were dismissed.

The murder of Shuman was most foul. The policeman had heard of the negro insulting women in a lonely section of South Bethlehem and went to that quarter to make an investigation. He found Handy and when he attempted to place him under arrest the negro opened fire. Two bullets entered the policeman's body and he died.

Policeman McGue found Handy in a board yard and jumped upon him before he could get his revolver, which had been reloaded, into action.

A crowd of angry men surrounded the prison and he was badly beaten. He was rushed to jail in an automobile.

Handy pretends to be ignorant of the happenings of last night.

BAGGAGE CAR LEAVES RAIL

Broken Flange Cause Accident Near Mt. Airy.

Mt. Airy, N. C., Aug. 27.—Three small wrecks on the Southern between this place and Greensboro in four days but nobody hurt. The worst of the three was the one in which the baggage car left the rails, on account of the flange on the wheel breaking.

Editor Herbert Lowry, of the Kernersville News, spent Sunday with his parents in this city, returning home on Monday.

Great throngs of people from this city attended the Baptist meeting at Union Sunday.

Mr. J. L. Ashby has just received his fine automobile.

The big premium list at the Galax Fair has stimulated the people and great interest is being taken by everybody. The Mount Airy brass band has agreed to do the nice thing by the fair people over the line and furnish the music.

RUSH TO FILE COMPLAINTS

Commissioner's Hands Full as Result of Yellow Pine Decision.

Washington, Aug. 27.—More than 100 complaints were filed with interstate commerce commission today, each asking for reparation from the various railroads in southeastern territory on account of the yellow pine decision of the United States Supreme Court.

Under the law, it is necessary that claims shall be filed within a year of the time the rate law became effective. This year, it is generally held, will expire tomorrow. This accounts for the rush to secure the filing of claims.

A Seller of Obscene Post Cards Arrested

Philadelphia, Pa., Aug. 27.—Charged by the United States Post inspectors with wholesaling obscene post cards, Gustave P. Lang, of this city, who traded under the name of the P. C. Novelty Company, was today arrested and held in jail for trial.

The arrest of Lang is regarded as the most important capture yet made in the crusade against the objectionable cards.

The case was brought to the attention of the authorities by a resident of Home, N. Y., who received a sample series of the postals.

Peace in Central America in Sight.

City of Mexico, Aug. 27.—It is announced here today that peace in Central America is now assured through the intervention of the United States and Mexico. Formal statements giving the details will probably be issued within a few days.

BODY OF LOST SCHOOL TEACHER IN LAKE

Paterson, N. J., Aug. 27.—The body of Miss Agnes Maguire, the Brooklyn school teacher, who mysteriously disappeared from her carriage at Nolan's Point, on Lake Hopatcong, N. J., Saturday night, was found in the lake today.

Miss Maguire was visiting at her uncle's home in Dover, N. J., when, on Saturday evening, her cousin, Charles Maguire, a clerk in the Dover post office, took her for a drive to Camp Lookout at Nolan's Point. They arrived at camp after dark and just as a thunderstorm was about to occur.

Hitching his horse to a tree Maguire left his cousin waiting in the carriage while he went to camp to get some clothing. He said he was absent only a few minutes but when he returned Agnes was gone, leaving no trace of the route she had taken. Charles said he supposed the young woman, who was of a nervous temperament, became frightened by the vivid flashes of lightning after he left her alone, and, trying to reach camp, lost her way in the woods.

The body was brought up with a grappling iron in front of the camp.

GIDDINGS' GIRLS IN WRECK

Girl, on Whom Father Attempted Assault, Leaves for Penn.

Winston, Aug. 27.—Maude and Jennie Giddings, daughters of the late Thomas Giddings, who committed suicide while under arrest charged with criminally assaulting his own daughter, Jennie, left Sunday for Pennsylvania, where they will reside with their relatives. An administrator has been appointed for the estate, which is said to be valued at one thousand or more. The girls were on No. 38, which was wrecked near Charlotteville yesterday morning, but it is learned that they escaped injury.

Go To Europe For Shopping

This is Almost a Possibility Because of Transatlantic Steamship Cut Rate War, Which is Growing Hotter.

New York, Aug. 27.—Shipping men are watching with interest the Transatlantic steamship war, which continues to grow. Every day has its developments now, as one line after another cuts the rate.

If the conflict keeps up much longer the bargain hunters will get a chance to go to Europe on shopping expeditions at cheap rates. The causes of the fight are many and varied.

The steamer rate war, which brought the trouble to a head, is the direct result of the refusal of one of the continental lines to permit the Russian volunteer fleet to enter the steamship conference.

DR. WHITAKER DEAD.

A Prominent Methodist Preached and Edited.

Raleigh, N. C., Aug. 27.—Rev. R. H. Whitaker, D. D., a prominent Methodist minister, editor and author, died here last night, aged 79 years, leaving a wife and one daughter.

Dr. Whitaker edited the Democratic Press in the sixties and later the Spirit of the Age and Friend of Temperance, both organs of temperance movements. The funeral occurred at 4 o'clock this afternoon, the services being conducted by Presiding Elder R. B. Johns.

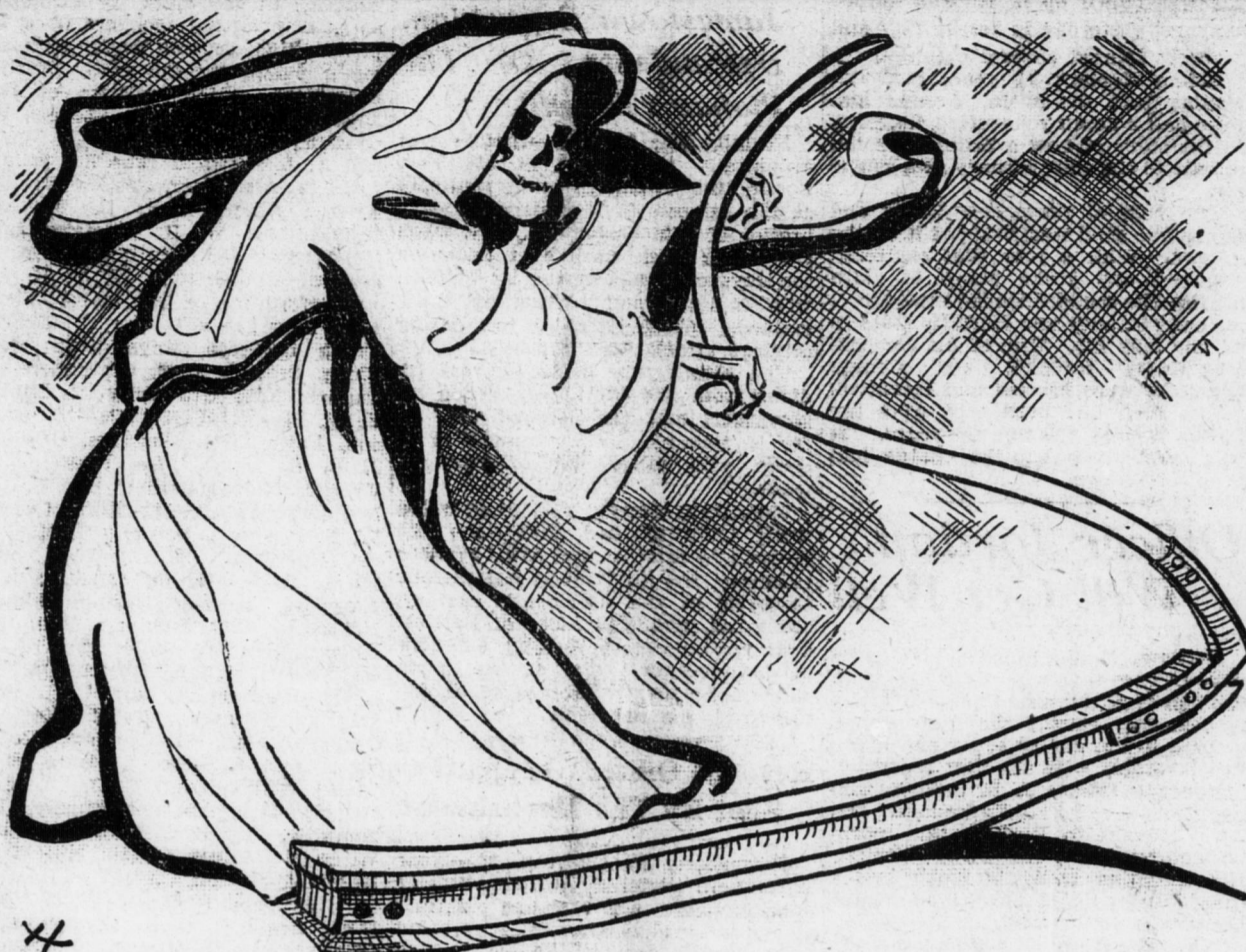
BOY'S HEAD CUT OFF

Horribly Decapitated in Tobacco Factory By Elevator.

Winston-Salem, N. C., Aug. 27.—Clifton Proctor, a white boy aged 13 years, was instantly killed in a horrible manner at 10:30 o'clock this morning in the Taylor Bros. tobacco factory. The boy was looking down the shaft of an elevator, while the weight was lowered by parties above. One half of the boy's head was completely smashed off, and a horrible sight it was. The boy did not work in the factory, but was loafing there at the time.

Marriage at Madison

Winston-Salem, Aug. 27.—Several parties from this place left today for Madison to attend the marriage of Miss Kate Webster, daughter of Mr. R. P. Webster and Mr. C. F. Ingram, of High Point, which will be solemnized at Madison tomorrow. The couple are quite well known throughout the state. After the ceremony they will go North for a few weeks, after which they will return to High Point, where they will reside.



THE DEFECTIVE RAIL!

Judge Pritchard Upholds The Jurisdiction of The Federal Courts in Rate Litigation

Asheville, N. C., Aug. 27.—Judge Pritchard in the United States Circuit Court, in the long-expected opinion announced in the rate case of the Southern Railway against the Corporation Commission and Attorney General of North Carolina, upholds the jurisdiction of his Court in his issuance of the recent injunction against the State officials during the railroad rate controversy and declares that the suit is not one against the State within the meaning of the eleventh amendment to the Federal Constitution.

That amendment holds that the judicial power of the United States shall not extend to any suit against a State by the citizens of another State. The decision says that the State Legislature cannot so frame an act as to deprive a citizen of the right vouchsafed him by the Federal Constitution, and it does not possess the power "to deprive this Court of its jurisdiction, and the sponsor those questions are definitely determined the better it will be for all parties concerned."

The decision holds that the Corporation Commissioners are still charged with making rates, the only limitation upon their power being "that they shall

not make a maximum rate in North Carolina in excess of 2 1/2 cents per mile. The Corporation Commission and the Attorney General are "specially charged" with the duty of securing the enforcement of Section 4 of the passenger rate act, which provides heavy penalties and fines for the failure of the railroads and their officials to comply with the act.

All laws in existence on the passage of that act bearing on the supervision and control of railroads, etc., are to be construed in connection with the rate act. "It is inconceivable," the decision says, "that the Circuit Court of the United States in the exercise of its jurisdiction should be powerless to afford a remedy to one who seeks to assert the right guaranteed by the Constitution of the United States. This is in no sense a suit against a State, nor can it be successfully contended that the State is in any wise a party in interest, in so far as the merits of the controversy are concerned. It cannot be reasonably insisted that this is a suit to prevent the State from enforcing any right which it possesses, nor can it be said to be a suit to compel the performance of the obligation of a State, nor does it in any wise involve a matter in which the State has a pecuniary interest; the parties in interest being the complainant on one side, and the travelling public on the other.

Therefore, the questions presented are not such as to warrant the assumption that this Court is without jurisdiction, and a careful study of the circumstances attending the adoption of the eleventh amendment, as well as the end to be obtained by the adoption of the same, show conclusively that those who were responsible for its adoption never dreamed that it could be used as a means of depriving an American citizen of the substantial right conferred upon him by the Constitution of the United States.

The eleventh amendment, being part of the Constitution, must be construed so as to give full force and effect to every provision of this amendment of which it forms a part. Any other construction of this amendment would practically nullify that clause of the Constitution which provides that no State shall pass any laws impairing the obligations of contracts as well as the fourteenth amendment.

\$30,000 Fine Hearing Soon

The Appeal of The Southern From Judge Long's Ruling to Be Moved Up on The Supreme Court Docket.

Raleigh, N. C., Aug. 27.—The Supreme Court has just convened for the fall term, took up the hearing of arguments in appeal, the first district being up this week. State vs. Boker, an appeal from a sentence for an affray, was the first and required only a few minutes.

The second case was the famous kidnapping case of state vs. Joshua Harrison from Pasquotank county in which Harrison, who is an old man of prominence, is under sentence of twenty years for kidnapping the little son of Hon. R. F. Easley, former state senator more than a year ago. Ex-Governor Jarvis, who is a brother-in-law of Harrison, is counsel for the defence and he is aided by former Governor C. B. Aycock and E. F. Ayldell.

Other first district appeals for this week are: Chesson vs. Walker & Myers, Swindell vs. Latham, Bowser vs. Wescott, Carlson vs. Lumber Co., Riddick vs. Dunn, Town of Washington, vs. Lumber Co., Daniels vs. Homer, Type Founders Co. vs. Publishing Co., Alexander vs. Morrison, Rogerson vs. Leggett, Nicholson vs. Dover, Sawyer vs. Lumber Co.

By odds the case of most public interest to be argued during the whole term is the appeal from Wake county in which the Southern railway appeals from Judge Long's court in which the Southern was fined \$300. Under the agreement between the Governor and the Southern this appeal and the appeal of the state to the United States supreme court from Judge Pritchard's rulings in the Asheville cases are to be moved up for the earliest possible hearings. The Wake case has not been certified up from the county court yet. As soon as this is done a time for argument will be set. In this its regular order it would come up during the sixth week.

Fights Motion To Rush Case

Glenn Indignant at Action of Col. Rodman in Resisting Effort to Advance Argument in \$30,000 Fine Case.

Raleigh, N. C., Aug. 27.—A motion will be made in the supreme court to fix the trial here in the appeal of the Southern railway from the fine of \$30,000 against the company by Judge Long, of the Wake court, for violation of the 2 1/2-cent rate law, tomorrow morning with a view to rushing the appeal to the United States supreme court.

Col. W. B. Rodman, counsel for the Southern, filed a written protest with the clerk of the Wake county court against specifying the record in this case before the regular term for the sixth district cases to be certified on appeal, claiming there had been no agreement that this appeal be carried up out of the regular order. This caused great surprise to Governor Glenn and to counsel for the state.

Governor Glenn said, commenting on Colonel Rodman's action, that he was astonished and indignant at this action on the part of the Southern railway, which is clearly carrying out the company's policy of impeding the efforts of the state to enforce its laws. This, too, in face of the fact of the special condition of the recent agreement by which the prosecution of the Southern was suspended, which was that this very case be hurried through the courts in the shortest possible time to the United States supreme court. Also, that in carrying out his part of the agreement for the state he, as governor had within the past few days written Merriman & Merriman, of Asheville, counsel for the state, to aid in every way possible in getting the Southern's appeals there to the supreme court of the United States.

TIPTON WILL TRY FOR AMERICA'S CUP AGAIN

Sir Thomas Confident That If He Challenges With The Shamrock IV, He Will Take The Famous Prize to England With Him.

New York, Aug. 27.—Yachtsmen here who met Sir Thomas Tipton on his last visit to this city recall his many good-natured allusions to a fourth attempt on his part to "lift" the America's cup. He has never denied that it was his intention to challenge again, if no one else did, and it has been generally understood that he would challenge for a race in 1908.

"It looks now as if he were really in earnest, and that the New York Yacht Club may expect a challenge within a month."

Hotel Normandie to Disappear From Broadway.

New York, Aug. 27.—Broadway's hotel district is to lose another noted landmark. Announcement is made that the Hotel Normandie, at Broadway and Thirty-eighth street, is to be turned over to trade and that it is to be rebuilt into stores, lofts and offices.

Trust Tobacco Factory Shuts Down.

New York, Aug. 27.—Officials of the American Tobacco Company stated that the shutting down of the Company's factory in Cincinnati is permanent. It is stated that the closing of the plant is caused by the unsatisfactory condition of the labor market. Many of the employees will be sent to other points.

Judge Parker Refers To Clash Between Courts In North Carolina

MISER DIES IN MISERY

Geo. Gould, of New Rochelle, Perishes of Starvation.

New York, Aug. 27.—George Gould, 65 years old, who was one of New Rochelle's wealthiest men, died in a hospital there yesterday of starvation and exposure, according to the physicians in attendance.

Gould, who acquired a fortune of \$100,000 in the plumbing business, and in real estate, lived alone in a house in which he allowed no person but himself to enter. His wife and children left him years ago, because of his alleged stinginess.

Gould had been sick for days and neighbors who forced an entrance into his home found him helpless from lack of nourishment and exposure.

OLD NEW YORKER DEAD

Mark Shaw, For Years in Shipping Business, Dies Suddenly.

New York, Aug. 27.—Mark Shaw, one of New York's oldest business men died suddenly in the lobby of the Narragansett Hotel last night from heart disease. Mr. Shaw was 72 years old. For 50 years he was in the shipping business. His name was known all over the world, as he did an extensive business.

Mr. Shaw was vice president of the Canadian Club and a member of the new consolidated stock exchange and the produce exchange.

FARMER MEETS TRAGIC DEATH

Met His Death By Suicide or By An Accident.

Winston-Salem, N. C., Aug. 27.—News has reached here of the tragic death of Mr. Will Ziglar, a leading farmer and one of the best known men in the Saury Ridge section.

Whether his death was a pure accident or intentional suicide is not known. It seems that he arose about 5 o'clock, took his gun and went into the yard before any of the members of his family had arisen. Shortly afterwards the family heard the report of the gun and when they went to investigate the noise found Mr. Ziglar dead. The entire top of his head was blown off.

He leaves a wife and five children.

Southern's Earnings

Comptroller H. B. Plant Explains Some Discrepancies Between the Commission's and Railroad's Figures.

Washington, D. C., Aug. 27.—A. H. Plant, comptroller of the Southern Railway, continued his testimony in the North Carolina rate hearing before the Master in Chancery. He discussed the alleged differences of \$166,465 in the earnings of the Southern in North Carolina for the year ending June 30, 1906, as contained in the report of the North Carolina Railroad Corporation Commission and as stated in Mr. Plant's testimony yesterday.

Mr. Plant explained that the difference apparently was attributable to the fact that the Commission's report made no mention of the intra-state business on the Atlantic and Danville road, and that therefore the tabulation did not include all the earnings for which the Southern Railway has made reports to the Corporation Commission.

Mr. Plant added that the reports made concerning the earnings of his company in North Carolina to the Corporation Commission shortly after he became connected with that system were made without a thorough study of the subject, but that recently a more exhaustive study was being made. He contended that the price of labor on the Southern Railway had increased very materially during the last five or six years and that wage concessions had been made since June 30, 1906, to the employees of that system.

Mr. Plant presented a tabulated statement, giving an estimate of the increase in wages to the employees in 1906 as compared with the previous year, which aggregated \$1,044,000. The increases were for the entire system, but they applied equally to North Carolina. Mr. Plant detailed the Southern and operating expenses of the Southern for the year ended June 30, 1907, and stated that the decrease in net earnings as compared with 1906 was \$1,909,587 or 13.77 per cent. The balance over fixed charges for 1907 was \$2,290,321, compared with \$5,229,066 in 1906, an increase of 56.2 per cent.

In reply to a question the witness said there was not enough balance over fixed charges to declare a 5 per cent dividend on the preferred stock of the Southern, and that that rate of dividend had not been declared during the present year.

Four Burned to Death.

Oklahoma City, O. T., Aug. 27.—Searching for an exit from the death trap that confronted them and hemmed in on all sides four persons were burned to death in the fire on East Grand avenue last night.

Well Known Packer Dead.

Chicago, Aug. 27.—Nelson Morris, a well known packer died today.

In a Timely Address Before the American Bar Association He Discusses Problems Confronting Legislatures.

Attempt to Deal With Trusts Has Been Too Hasty But State Rights Must be Preserved at All Costs.

Portland, Me., Aug. 27.—There was great interest in the speech of Judge Alton B. Parker here yesterday which he declared when introduced as the presiding officer of the American Bar Association.

Judge Parker, in the course of his discussion, referred to the recent clash in North Carolina between the State and Federal courts.

Too Many Laws.

"Every unnecessary and unwise statute is a blot upon the State escutcheon and a burden upon the public. This fact is well appreciated in some states, that the legislature is not permitted to meet every year. An illustration of the opinion of a lawyer, upon whom as Governor rested the responsibility of the exercise of the veto power as to many bills passed only this year by the legislature of the state of New York, is found in the fact that he vetoed thirty-seven, caused one hundred ninety-seven to be withdrawn, and permitted two hundred fifty to die for lack of his signature, making a total of four hundred eighty-four bills which, after passage through committees and both houses, failed nevertheless to become laws because of the Governor's action. While it is true that some wholesome and necessary statutes come out of such conditions like those I have outlined, in more instances unnecessary or positively bad ones spring from them."

Judge Parker then went on to refer to the making of large fortunes and continued: "At a time when our prosperity seemed greatest and our enjoyment of the material things of life was most general, suddenly the righteous wrath of the people became stirred, and justly stirred, by the unwelcome discovery that at least some of the large fortunes had not been fairly gained. Revelation followed revelation in quick succession of transactions in the domain of high finance by which a few had been enabled to add to their store at the expense of the many."

"The occasion thus presented called for a careful study of the situation by those engaged in statecraft. Many there were doubtless who attempted to perform this duty. Their purpose was to ascertain how wrongdoings became possible, and whether due in some part to direct legislation improperly procured, to inadequate legislation, or to a failure to enforce existing law on the part of those charged with the duty of its enforcement. The cause or causes being first ascertained, the next step in orderly procedure was to ascertain the needed remedies—remedies having for their purpose the punishment of the violators of the law and the prevention of similar abuses of the public in the future—remedies which, while holding in check the wrongdoer, should save from spoliation or injury the innocent stockholders or bondholders, who were in some measure the victims of their representatives."

"Justice being the proper aim of all law and of all lawmakers, great care is required in such an emergency as that which came suddenly upon us, lest the innocent should suffer with the guilty, lest through ill-chosen and economically unsound legislation the people as a whole should be made to suffer because of the faults

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Almost Mutiny On Board Cruiser Raleigh

Honolulu, Aug. 27.—Officers and men of the United States cruiser Raleigh complain of having had no shore leave for the past two months, and as a result there has been almost a mutiny on board and the coaling of the cruiser has been delayed.

Masked Men Hold up Autoists. Lewistown, Pa., Aug. 27.—Roy Long, Calvin Knepp, Charles Bearley, and Raymond Dixon, while automobiling on dark road near here last night were held up by three masked men who took all their money and valuables. A vigorous hunt being made for the highwaymen, but little chance for catching them.