

A PRISON CONVICT SUES FOR FREEDOM

Denied Commutation While a Life Prisoner.

TO GET A WRIT OF HABEAS CORPUS AND TEST A NEW POINT

Gov. Carr Reduced Life Sentence of Lee Summers to 15 Years and He Will Be Free This Month If Given Commutation for Previous Good Behavior While in Prison.

A convict serving a life sentence in the penitentiary entitled to commutation as a result of good conduct prior to executive interference in the event that his term of imprisonment is shortened by executive clemency. The executive board of the prison has recently ruled that he is not.

The ruling was made in the case of Lee Summers, who was sentenced to the prison thirteen years ago to serve a life sentence. Governor Carr commuted the life sentence to fifteen years imprisonment. If Summers should be allowed commutation as a result of his good behavior he would be a free man the 29th of this month. But the executive board has ruled otherwise.

However, the question presented is to be judicially determined. For Summers thinks that he should profit by his good behavior as much as the convict who is serving a twenty or forty year term.

Mr. J. C. L. Harris has been retained as counsel by Summers, and he will institute habeas corpus proceedings this week before a justice of the Supreme Court to test the question as to whether a convict serving a life sentence is entitled to commutation, under such circumstances.

Mr. Harris stated yesterday that he had called at the penitentiary and made formal demand for the release of Summers on the 29th of the month. Superintendent Day informed Mr. Harris that the executive board had passed upon the matter and decided that the convicts were not entitled to commutation.

Mr. Harris stated that he was confident that he would secure the liberty of his client when the habeas corpus proceedings are heard. "The granting of commutation," Mr. Harris said, "is merely an act of grace to be construed liberally. There can be no discrimination against one class of convicts."

If Summers is denied commutation while serving his life sentence he will have more than a year to serve. His term of life imprisonment was reduced to fifteen years during the latter part of Governor Carr's administration. Of course he will profit by his good behavior after Governor Carr shortened his sentence.

mer, vice-president; J. H. Johnston, secretary; J. H. Edwell, treasurer; Valentine Howe, chaplain; S. J. Hawkins, chairman of the executive committee; Col. C. L. S. Taylor, chairman of the legislative committee."

POSTSCRIPTS.

Miss Pattie Lewis has gone to Chapel Hill.

Mrs. W. A. Horton is visiting Mrs. O. W. Bevin in Durham.

Mrs. K. P. Battle has as her guest Mrs. L. Gulick of Columbia.

C. E. Stone and W. C. Cram are off on a trip to Jackson Springs.

Ex-Judge T. N. Hill of Halifax arrived in the city yesterday.

Mr. R. W. Welfare of Lexington is visiting Mr. S. M. Parrish.

Rev. W. C. Norman and Mrs. Norman went to Lexington yesterday.

Miss Clyde Ellington is back from a pleasant trip to Greensboro.

Mrs. Richard Gowan returned yesterday from a visit to Salisbury.

Mr. Cam McRae went to Virginia yesterday to be gone several days.

Mr. James Leach is in Southern Pines today, attending to some business.

Mrs. Eugene Daniel is entertaining as her guest Miss Elizabeth Shields of Tennessee.

Mrs. John W. Marcom continues to improve at Rex Hospital, it is a pleasure to note.

C. H. Hall of Halifax has been finally discharged as a bankrupt by Referee T. P. Devereux.

Messrs. Albert White of Rockingham and W. M. Fallon of Durham spent yesterday in Raleigh.

Mr. and Mrs. W. A. Upchurch and children returned to the city today from a visit to Virginia.

Mrs. and Miss Wilder of Salisbury, who have been visiting Mrs. Joseph Seawell, returned home last evening.

John G. Carroll yesterday left for Rocky Mount, where he will make his home, having accepted a position there.

Miss L. Alston, who, as the guest of Mrs. Thomas Allen, has been visiting in Raleigh, went to Lenoir yesterday.

Mr. R. C. Rivers went to Hillsboro yesterday to attend the sessions of the Farmers' Alliance, which is in session there.

Mrs. A. B. Johnson is in Rocky Mount visiting her husband, who is employed in the Southern Railway shops at that point.

Messrs. C. B. Edwards, R. N. Sims, W. C. Douglass and other Raleighites joined the party of local sojourners at Fuquay Springs yesterday.

Miss Maude Davis of Rockingham, N. C., arrived in the city yesterday and is the guest of Mrs. J. M. Covington, on north Salisbury street.

There are now fifty-eight men at work at the institution for the blind, and next Monday twenty more will be put on. The work of adding another story is half completed.

Mrs. D. T. Johnson has returned from Washington, City, accompanied by Miss Consuelia Yznaga, who will spend some time in the city with Mrs. Johnson and Hillsboro streets.

Fannie, the little daughter of Mr. and Mrs. J. M. Riggan, has returned from a pleasant visit to Warrenton, accompanied by her uncle and aunt, Mr. and Mrs. Henry Riggan.

Col. J. C. L. Harris, of the Adjutant General's office, says the First North Carolina Regiment will be equipped in the near future. He thinks the equipment will be received in time for the regiment to take a practice march.

Keeper of the Capitol Cherry has appointed Mr. George Kennedy of this county engineer in the Supreme Court building, to succeed Mr. William Cooper. Mr. Cooper had served in that capacity eleven years.

F. H. Busbee, Esq., and Mrs. Busbee yesterday left for the White Sulphur Springs, Virginia, where they will spend a season of recreation, the White Sulphur being one of the most thoroughly appropriate and enjoyable of such places and drawing patronage from all over the country.

Tonight at Pullen Park the Wright Cornet Band will give a concert of unusual attractiveness. No matter if it rains, remember the music will go in such things as showers. Turn out, via the street-car route, and enjoy the music free.

Mrs. J. P. Wright of Richmond, who has been the guest of Mrs. Maxwell Gorman for the past several weeks, returns home today, after experiencing many old pleasures in meeting her many old friends in this city, where she resided for a number of years and up to the death of her husband two years ago.

Prof. James Dinwiddie, A. M., principal of Peace Institute, Raleigh, spent several hours in the city yesterday. The Star is glad to learn that there is every prospect that Peace Institute will open the fall term with even a much larger attendance than last year. It is a splendid school, eminently worthy of the splendid success attained.—Wilmington Star.

Barbecue Today by the Capital Hose Co.

Today just south of the city, the scene being the water-works powerhouse property, the members of Capital Hose Company and their invited friends will participate in a barbecue dinner.

Free transportation will be provided for the hour intervening between 11 and 12 o'clock this morning, the conveyances starting from Morgan street, where and when those who purpose taking advantage of this mode of conveyance are requested to report.

Heavy Fines Imposed.

Mayor Powell yesterday imposed fines of \$25 each on Oscar Neal, who conducts a store on Wilmington street, and Ferrebee McLeod, colored. Neal had not paid the fine last night and was still in custody.

Neal was also arraigned on another charge—that of abusing an officer. He was found guilty, but judgment was suspended. The woman's friends paid her fine and she was released.

WANTED TO MARRY A CHILD ONLY TWELVE YEARS OF AGE

Got the Marriage License and Another Man in Trouble.

How the Latter Escaped Jail and a Trial for Perjury—The Would-be Bridegroom Takes to the Woods and Escapes Arrest for the Time Being—Warrant Out for Him.

A WARNING TO COLORED AND OTHER IGNORANT PEOPLE.

Finally Justice Roberts discharged the defendant—though it was plain he was careful to be perfectly convinced of his innocence (especially as to intent) before doing so.

He commanded the prisoner to stand up and then the magistrate—in the presence of a crowd of colored people who invariably collect on such occasions—very properly administered a timely warning to James, alias "June," Moore.

He told him that there had long been noticeable a "reckless disregard of the law" on the part of a large element, a considerable proportion of the colored people in matters which affected their dealings with the laws of their State and country.

That too many of them relied upon the saving power of their ignorance of the law after getting into his court and the courts of other magistrates and officers of the law generally—an ignorance which the law itself says "excuseth not."

He wanted June Moore and the others present to understand that it was not ignorance of the law which brought about the dismissal of this case against him, but a combination of circumstances—the absence of proof of wrong intent, and especially the good character he was able to prove as a steady hard-working negro.

But if ever another man asks you to secure a marriage license for him, remember you haven't time to attend to such matters; that you are busy with your work, too busy to apply for a marriage license for any one, except yourself if you ever marry again, and even then you are to be mighty sure the girl you intend to marry is fully eighteen before you make affidavit to that effect. You are discharged.

John and his neat, honest-looking wife drew a long breath of relief in chorus, and a smile of gratitude played over their lately agitated countenances.

Had they known what good manners would have dictated they would have thanked his worship and assured him that they would never be caught in such a snap again—they felt beyond doubt, but did not know how to express their feelings.

As it was, they simply passed out of the magistrate's office with lighter hearts and went to their humble home in the southern suburbs, and today June is again working hard and faithfully for his daily bread, the employee of Mr. John A. Mills.

But if I was a negro and wanted some fellow to secure a license for me to marry some woman—no matter if she was an octogenarian—June Moore is the last man in Raleigh I would request to do me that favor—unless I wanted to be knocked down a time or two.

Good lesson for June—it was—and for several others present at the trial. WARRANT OUT FOR KERNEY DOLLAR.

A warrant was issued for the real offender at the same time June was arrested, but Kerney evidently heard of it in time to "hit the grit."

Constable Potter hunted for this Dollar longer and more assiduously than any other dollar that has come into his possession, but he had not found him at last accounts.

When he does Kerney will be given a taste of Blackstone and the statute laws of North Carolina that will stay in his mouth for quite a season, so it was predicted yesterday.

Because Kerney—he knew and knows the girl's age, has long known it, and Bob Fuller says she was two

years old when he married her mother, and the courthouse records show that Bob was married to Mattie's ma, ten years ago.

This story is partly written to demonstrate how easily a man may get into serious trouble by becoming a party to an attempt to secure the marriage of a girl under age without the consent of her parents—a thing that is attempted every month in the year, often a number of times, and which compels the register of deeds to exercise the greatest caution at all times. Take the lesson to mind and profit by it, all ye for whose guidance it is in part promulgated.

RAILROAD TEST CASE.

Florida Roads Contend That They Cannot Be Compelled to Operate at a Loss.

Jacksonville, Aug. 9.—After giving the railroads a year to obey its order to reduce passenger fares to three cents a mile, the Florida Railroad Commission has brought suit to enforce the rate. The roads have charged four and five cents, and have taken off all mileage books, notwithstanding protests of the public and the commission. The roads have a strong legal force and will fight the battle to the bitter end. They contend that the commission has no right to compel them to run at a loss. The commission retorts that the roads are making great profits, and will endeavor to prove that the three-cent rate would be profitable.

Yesterday the first step was taken when Judge Call, of the Circuit Court, issued an alternative writ of mandamus against the Savannah, Florida and Western, commanding it to put into effect and observe the three-cent rate. The hearing will take place August 28.

SOUTHERN EXPRESS DECLINES.

Only One Corporation Refuses to Comply With Arkansas Anti-Trust Act.

Little Rock, Ark., Aug. 9.—Every foreign corporation doing business in Arkansas has recently received from the Secretary of State a copy of the recently enacted anti-trust law, together with a blank affidavit to be filled out and returned. Up to date only one corporation has declined to comply with the requirements, the Southern Express Company, which claims that the affidavit is unconstitutional and is not necessary to be filled.

Troops to Guard a Prisoner.

Indianapolis, Aug. 8.—The sheriff of Miami county, where William Jones, abductor of Nellie Berger, is confined, notified the governor today that a mob of 1,000 was forming to lynch the prisoner. Tonight a company of the national guard with a Gatling gun has been sent to guard the jail.

Female Moonshiner Jailed.

A white woman named Rosa Hobson, an alleged moonshiner of House's Creek township, was brought to this city yesterday and committed to jail to await her appearance for trial at the next term of court. Deputy Thomas Edwards discharging the unpleasant mission.

BETTER FEELING IN CUBA.

Relations Between Americans and Cubans Are Improving.

Havana, Aug. 9.—That a better feeling exists toward Americans was shown today in an editorial in the Diario de La Marina, organ of the substantial Spanish element, which denies stories of friction between Cubans and Americans, and adds: "The situation is better than many had expected and the outlook is far brighter. The government of intervention in truth has cause to congratulate itself on the work it has accomplished." The editorial concluded by expressing that the United States would give over the island to the control of its home affairs without resort to a new war.

The editorial is very pleasing to Americans, whose works heretofore have been hindered by the hostility of Cuban leaders.

RACE TROUBLE IN LOUISIANA.

One Negro Killed and Two Flogged by White Men.

New Orleans, Aug. 9.—Race troubles have again broken out in Tangipahoa parish. Last night Adolphus Brown, colored, was shot and killed, and Edgar and Edward Barr were severely flogged by a gang of armed men, who then rode off. Later a large body of armed men, supposed to be those who killed Brown, attacked a negro settlement near the Kent Lumber and Brick Company, fired a number of shots to intimidate the negroes, and threatened injury to Manager Kent if he did not discharge his negro employes.

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AUGUST PRICES FOR CARPETS!

New Fall Carpets

HIGH PILE EXTRA WILTON VELVET CARPETS, NOTED FOR DESIGNS, COLORINGS AND WEAVING QUALITIES. NEW GOODS JUST FROM THE LOOMS. A LARGE ASSORTMENT OF CHOICE PATTERNS TO CHOOSE FROM. THE FALL PRICE ON THIS GRADE WILL BE \$1.25 TO \$1.35 PER YARD; OUR AUGUST PRICE, \$1 A YARD.

EXTRA WILTON VELVET CARPETS. WITH AND WITHOUT BORDERS; ALSO HALL AND STAIR PATTERNS, EXCLUSIVE STYLES AND COLORINGS—A VERY DURABLE CARPET. REGULAR FALL PRICE WILL BE \$1 TO \$1.15 PER YARD. AUGUST PRICE, 85 CENTS PER YARD.

AMERICAN BRUSSELS CARPETS. WITH AND WITHOUT BORDERS; ALSO HALL AND STAIR PATTERNS, HANDSOME STYLES AND COLORINGS. NO BETTER WEAVING CARPET CAN BE MADE. REGULAR FALL PRICE WILL BE \$1 TO \$1.15 PER YARD. AUGUST PRICE, 85 CENTS PER YARD. NO EXTRA CHARGE FOR MAKING AND LAYING—THESE AUGUST CARPETS.

DOBBIN & FERRALL,

Removal Sale

Will continue until our immense stock of Men's—Youths'—Boys' CLOTHING

At the following reductions is disposed of:

SUITS THAT WERE \$ 5.00	NOW \$ 3.50	SUITS THAT WERE \$12.50	NOW \$ 9.00
" " " 7.50	" " 5.00	" " " 15.00	" " 11.50
" " " 9.00	" " 6.50	" " " 17.50	" " 13.50
" " " 10.00	" " 7.50	" " " 20.00	" " 15.00

Have you seen these bargains? If not, you should, as you have the opportunity at LESS THAN COST of manufacture. Many avoided themselves of this sale, why not you? We add to this for the coming week a line of Washable

NECKWEAR.

These are exceptional values—Four-in-Hands, Club Ties and Bows, the regular 25c line, go now 2 for 25c. You should not pass this sale by.

TERMS STRICTLY CASH.

CROSS & LINEHAN

UP-TO-DATE CLOTHIERS AND FURNISHERS.

A PHARMACEUTICAL GEM.

The New Drugstore of McGee & Renn the Neatest Thing of Its Kind Out.

I was astonished yesterday after stepping into the corner store, ground floor of the new five-story Tucker building, corner of Fayetteville and Martin streets.

Doctors McGee and Renn, who moved out of the little two-story structure that occupied this spot when the handsome new building began construction, were back again "at the old stand" and doing business!

But what a transformation! The "old thing" I saw was the urban and handsome Dr. Renn—every thing else brand new, and elegant in the extreme.

Taken altogether, I never saw a neater pharmaceutical establishment. The furniture and fittings are all of the very latest and handsomest designs, and every article in the store, I was informed, is fresh from the wholesalers.

The tiled floor, the magnificent mirrors, glass counters, the curtain and handsome show-windings, the perfect utility observed in fitting up the place and the elegant furniture, all conspire with the architectural design of the store to make it a thing of beauty enchanting to the eye.

The prescription counter is something to make an enthusiast of a good druggist while examining it; the private office (which the city superintendent of health and city physician will recognize is a model of convenience and comfort).

In fact, everything about the establishment was "built to order," and it is difficult to see how the place could be improved upon.

We congratulate our friends, and wish them all prosperity in their new quarters.

Today Cross & Linehan, the popular clothiers, will begin moving into the adjoining store in the Tucker building, and when their magnificent stock is installed another of the most elegant stores in all the South will be in operation.

THE COLORED FIREMEN.

The Result of Events Yesterday and Election of Officers.

The Post received the following special from Washington, N. C., last night, where the colored firemen of the State are holding their tournament:

"The engine contest was won by Warrenton. The time was: Warrenton, 32; Washington, 43; Henderson took the hook and ladder contest. Time: Henderson, 49; Winston, 51.

"The annual election of officers of the association resulted as follows: S. B. Hargrave, president; J. S. Plum-