

Case of Gold Brick Men Argued in Supreme Court

Chicago Lawyers Attack the Courts of North Carolina in Sensational Language. Justices Evidently Opposed to Their Views

By THOMAS J. PRINCE

Washington, Oct. 23.—Special.—The case of the "gold brick" convicts were argued before the supreme court of the United States this afternoon, and the argument of the attorneys for the plaintiffs was almost as extraordinary as the reasons set forth yesterday in the motion for bail.

Then this excerpt from a former brief bearing on this subject was quoted: "Shall it be said of this great state, among whose founders were Monk and Christian and Shaftsbury, whose first legislator was John Locke, whose early settlers resisted, under Culpeper, the enforcement of odious navigation laws, anticipating New England a full century in a revolt against tyranny; shall it be said of her, I say, that she has come to this: that she is five times more solicitous to protect the petty dollars of the wine merchant Garrett than to guard the virtue of her women? or are we to infer that she has one measure of punishment for her own citizens, though they may be notorious violators of the law and openly defy the law and its process, and another and harsher measure for the strangers within her gates?"

The second point made under this heading is that the sentence is "cruel and unusual," within the meaning of the state constitution, and hence discriminates against defendants below.

Third, the penitentiary sentence was a denial of the equal protection of the laws.

Fourth, by reason of the unequal sentence, Howard and Hawley were denied the equal protection of the laws.

Fifth, the judge allowed the tittle-tattle floating around the court house, and deforms the record, to influence his judicial discretion and to cause him to increase the punishment.

The contention that the trial, conviction and sentence were not due process of law was argued at length: first, because the alleged offense was not a crime either at common law or by statute of North Carolina; second, there was no statute of North Carolina authorizing this heavy punishment; third, the sentence was not due process of law, because greater than can be inflicted for the offense in any other American jurisdiction; fourth, the sentence was not due process because so severe that it raises the presumption that vindictiveness, passion and sectional hatred entered into the judgment of the trial court; fifth, the sentence is not due process because our people are opposed to judge-made crimes, and tolerate them only when followed by the highest penalties; sixth, the trial refused to discharge on the presumption of innocence; seventh, the indictment charges no offense whatever. It is, therefore, (a) not due process of law; and (b) it is a denial of the fundamental right of every American citizen to be tried by a jury of his peers in a court of law.

Chief Judge Womack spoke briefly in reply, but his remarks were to the point, and those present declared that he answered thoroughly the various contentions set up by the appellants, many of which were declared to be irrelevant and far-fetched.

Mr. Blair's answer was an evasion. He said he thought he had made his position plain.

Mr. Blair argued that it was unjust to give Howard and Hawley ten years and Daley seven. Justice Peckham wanted to know if he considered that a general question.

OLD MASTER'S BURIAL

Former Slaves Assist at the Funeral of J. R. Dunn

Wake Forest, N. C., Oct. 23.—Special. At the burial of Mr. J. R. Dunn at Forestville Sunday occurred an incident worthy of note. About a dozen aged negroes, the former slaves of the deceased, assisted in burying their old master. It was an impressive and touching scene to see the old servants with bowed heads silently heaping the grave. Not many of the congregation looked on with dry eyes. Besides being an evidence of how lovely was the character of Mr. Dunn, it was also an example of the love of black for white, which is becoming rarer and rarer.

TOURISTS RETURN

Senator Overman Impressed by His Observations in the West

Salisbury, N. C., Oct. 7.—Special. Senator Lee S. Overman and Congressman Theo. F. Klutz have returned to their homes in this city from a two weeks tour through New Mexico and other western states and territories. The gentlemen made the trip with a congressional party which went by invitation of Mr. W. R. Hearst, editor of the New York American.

The other team, which was standing in front of the post office, started to run, and the occupants jumped out, but were run over by the buggy, sustaining slight injuries.

At first it was thought that Miss Fowden was dead. She was carried into the drug store of Mr. S. R. Biggs and examined by Dr. J. B. H. Knight, who found no bones broken or serious internal injuries.

JAY'S CASE CONTINUED

Defense Will Plead Insanity and Will Summon Many Witnesses

Asheville, N. C., Oct. 23.—Special. The Dr. Jay murder case was continued today to the next term of court. Attorneys for the defense claimed that they had not had time to prepare the case and that they wanted expert evidence to establish the plea of insanity.

MECKLENBURG FAIR

Brilliant Opening With Many Attractions and Large Attendance

Charlotte, N. C., Oct. 23.—Special. The Mecklenburg Fair opened this morning in a blaze of glory. The chief attraction, Col. John S. Cunningham, led an elaborate procession to the fair grounds and made the preparations complete. Crowds of visitors are coming in on every train and indications point to the unequalled success of the show.

ROWAN ROCK

The Granite Industry at Faith Has Grown to Large Proportions

Faith, N. C., Oct. 23.—Special.—A large number of wagons are hauling granite three miles and it is being shipped off as fast as flat cars can be placed in and taken out. If the Southern Railway Company would put in a side track at Crescent flag station a great many people would load at that point, as it would be a mile

neater to haul, and the railroad company would make several thousand dollars more every year in freight on the output, and it would cause several other large quarries near Crescent to be opened right away.

Several car loads of street curbing are being shipped to Wilmington and Elkin, N. C., by J. T. Wyatt, who shipped off the first car load from this place some years ago when there was no derick of any kind to be seen anywhere around. Today there are dericks on every side. Eight or ten dericks can be seen running at one time now, all in sight of each other; and over at the railroad, at the quarries there, can be seen at Mr. E. B. C. Hamby's quarry and at Mr. James McCall's quarry all kinds of steam dericks and traveling steam cranes, cars, etc.

CHASE CITY BADLY SCORCHED

Richmond, Va., Oct. 23.—A large part of the business section of the town of Chase City, Mecklenburg county, Va., was destroyed by fire this morning. Ten business houses were swept away.

COAST LINE MERGER DENIED

New York, Oct. 23.—A story which reached Wall Street today from Atlanta that a consolidation was under way of the various southern and southwestern roads, controlled or headed by the Atlantic Coast Line, was denied by an officer of the Coast Line, who said that the present status of the lines would be maintained.

LARGE NUMBER BAPTIZED

Wake Forest, N. C., Oct. 23.—Special. Sunday evening Rev. J. W. Lynch baptized 29 into the fellowship of the Wake Forest Baptist church. The most of these were the fruits of a recent meeting in which the pastor was assisted by Dr. W. C. Tyree of Raleigh.

BANKRUPT FIRM SETTLES

Winston-Salem, N. C., Oct. 23.—The Henry-Terry Company, merchants at North Wilkesboro, which failed a few weeks ago for \$8,000, today effected a compromise with creditors holding claims to the amount of \$7,000. The company, which was placed in bankruptcy, will be discharged and will resume business. The firm will pay its creditors 33 1-3 per cent.

STERN HELD FOR TRIAL

Washington, Oct. 23.—The two weeks hearing in the case of Leopold J. Stern, the Baltimore leather merchant, who was indicted for complicity in the postal service scandals with former Superintendent Machen of the free delivery division, was concluded today and Stern was held for the grand jury in the federal court here.

PLAYED WITH A GUN

Concord, N. C., Oct. 23.—Special.—A small son of Dave Overcash, five miles from here, shot and killed the nine-year-old son of Dan Overcash, a brother of Dave, this evening. The boys were playing when the gun was accidentally discharged. The two fathers were attending court here when the accident occurred. Dan Overcash, father of the dead boy, was on trial at the time.

HELD AS ACCESSORY

Salisbury, N. C., Oct. 23.—Special. Will White, colored, was committed to jail here last night as being accessory to the killing of Walter Brown by Lon Gray yesterday afternoon near Salisbury. Archie, who was the only eye witness to the shooting, says that after Gray shot Brown, he (Gray) went to the body and fired off one barrel of his (Brown's) gun in order to make it appear that he had killed himself. All of the parties are colored.

WELDON FAIR AND RACES

Weldon, N. C., Oct. 23.—Special.—The twenty-eighth annual fair opened with fine prospects. The races today resulted as follows: Half-mile heat and repeat—Lockwood first, Tar Heel second, Little Squaw third. Second heat—Tar Heel first, Lockwood second, Little Squaw third. Third heat—Tar Heel first, Lockwood second.

PRESIDENT OF ARMENIAN SOCIETY SHOT BY ASSASSIN

A Murder in London That Appears to Be a Political Crime—Similar Deeds Recently Committed on the Continent

London, Oct. 23.—Sagatag Sagouni, president of the Armenian revolutionary society in London, was murdered in the suburb of Nunhead late yesterday. The crime has created a sensation, as it has every appearance of being of a political character, and has been preceded by the assassination of other officials of branches of the same society on the continent.

FEDERAL COURT AT NEW BERN

New Bern, N. C., Oct. 23.—Special. The United States court convened this morning. The docket is unusually large, but with no case of much importance to be heard except the case of Uno Antonio Fernandez, a Puerto Rican, who was wrecked off Ocracoke last May on the barkentine Vera Cruz, arrested on two counts—violation of articles that were dutiable under the tariff laws and violating the revenue law by selling rum that was found on the vessel.

advisement and gave his decision just before the hour of adjournment. A great many people had come here from the northern part of the county to attend the trial, and most of these left late this afternoon for their homes.

PREVENTION OF DISEASE DISCUSSED BY DOCTORS

Tuberculosis Fails to Alarm the Public, Although Its Ravages Are Enormous. Typhoid Fever Remains Unconquered

Washington, Oct. 23.—The first session of the thirty-first annual meeting of the American Public Health Association was held here today, prominent bacteriologists and students of sanitation from the United States, Canada, Mexico and Cuba being present.

After the convention was called to order by Dr. Walter Wyman, surgeon general of the marine hospital and public health service, General Geo. M. Sternberg, surgeon general U. S. A., retired, delivered an address in which he dwelt at length on the effort which has been made to stamp out disease and to guard against epidemics.

The great prosperity of some of the southern states during recent years, he said, had led due to their protection from yellow fever, which formerly operated as a serious barrier to industrial and commercial progress. He said that through persistent efforts of the association this and other exotic nestling diseases have been practically stamped out from the United States.

"Somebody is responsible," he said. "Although cholera, yellow fever and bubonic plague," he continued, "are no longer feared by sanitarians, we have not yet conquered our endemic fifth disease—typhoid fever—and tuberculosis still claims nearly 150,000 victims annually within the limits of the United States. Until these and other widely prevalent infectious diseases are

practically stamped out, our self-imposed task will not be complete." The report of the committee on animal diseases and food, having reference to the phase of tuberculosis which relates to its transmission from the animal to human beings, was presented by Dr. D. E. Salmon of the bureau of animal industry, Washington, D. C. The source of the milk supply, he urged, should be carefully attended to.

In the discussion which followed, Dr. Juan Gutierrez of Havana, the yellow fever expert, said that, although in Cuba the invariable custom is to boil milk, he believed that infantile tuberculosis in Cuban children is as frequent as anywhere else.

The committee on car sanitation reported through Dr. J. N. Hurly of Indianapolis, Ind. There was unanimity of opinion, he said, regarding the transportation by common carrier of persons sick with smallpox, diphtheria, scarlet fever, leprosy, yellow fever and typhoid. Leprosy, he declared, is not as easily transmitted as tuberculosis, and compared to the latter in its destructiveness of human life it amounts to nothing at all. Yet, he said, a riot would follow the introduction of a leper into a railway car.

The world tuberculosis, he contended, makes little or no impression in face of the almost certainty that not less than 150,000 of those now living in the United States would be dead of consumption within another twelve months and three times that number will be attacked in the same period. People, he said, do not take precautions against influenza, which kills a thousand where leprosy kills one. "These and other considerations," he said, "make it plain that it will be difficult to enforce rational and scientific measures to prevent transmission of infection." The "house on wheels," he declared, is a potent factor in the transmission of consumption.

SAM PARKS INITIATED THE TIFFANYS INTO BUSINESS

He Would See Only the "Main Guy" and Was Looking Out for Himself—He Had the Workmen Muzzled, He Said

New York, Oct. 23.—The jury box was filled today for the trial of Sam Parks for extorting \$500 from Louis Schmidt, treasurer of the Tiffany studios. Assistant District Attorney Rand outlined his case to the jury, saying "Some years ago Tiffany & Co. obtained the rights to an invention of a certain kind of glass. They went into the business of interior decorating. A corporation was organized called the Tiffany Studios Company, and to do the interior work they employed house-smiths and bridgetmen, members of Sam Parks' union. Parks was the walking delegate. In December of last year the studios company was executing three contracts employing a number of men. These men all had complaints. They got the union wages of \$4 a day and worked union hours, 8 hours a day, and so far as the Tiffanys knew there was never any complaint on their part. On December 31 none of the men came to work. In other words they struck. The Tiffany people tried to find out why, but none of the strikers would tell. So they sent a young man to headquarter of the union and there saw the secretary. The secretary told him to see Parks. This man was Benjamin Thackara, continued Mr. Rand, and he stated his business.

SAFE BUT DAMAGED

A Missing Steamship Puts in at Cape Lookout

Beaufort, N. C., Oct. 23.—Special. The steamship, City of Everett, from Cape Lookout Light for harbor, with machinery damaged. They will repair the damage and the ship will probably proceed.

BRYAN WILL WAIT AWHILE

New Haven, Conn., Oct. 23.—Wm. J. Bryan today said that he had postponed his trip to Europe, he having expected to have sailed from New York tomorrow, and would not make any definite plans until after Judge Pennington renders his decision in the Bennett will case. He further said that the court had stated that possibly a week would elapse before the decision would be made public.

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