

JUDGE LONG ON RATE LAW

Says It Is Effective and in Force

RAILROADS ARE LIABLE

In Opening Court Today Judge B. F. Long Delivers Lengthy Charge, Declaring That Railway Corporations Violating State Law Are Liable to Criminal Action and Instructs Grand Jury to Report—Some of the Cases.

Judge B. F. Long convened Wake superior court at 10:35 this morning with his charge to the grand jury. He gave the history of the jury system from its inception until the present day, and explained to the grand jury the duties of that body. Judge Long deplored the number of cases to be tried at this term, especially in view of the fact that Raleigh is the capital of the state, and also in view of the extremely hot weather.

Judge Long told the jury that they would probably be called upon to decide in regard to five homicides at this session.

"What is murder?" "Murder in the first degree is where it is done with intention or deliberation, or by waylaying or by poisoning, with malice."

He defined murder in the first and second degrees, and manslaughter.

Since 1905 there have been other crimes placed on the statute books by the legislature. The last general assembly, March 4, 1907, passed an act providing for the separation of prisoners suffering with tuberculosis from other prisoners. He commended the grand jury to look into this matter and ascertain whether or not this ordinance is being upheld.

The judge told of an incident that occurred in the presence of Judge Gibson a long time ago. Two highly respected gentlemen engaged in a fight before Judge Gibson's eyes, and he reported them to the solicitor. Although they were friends of his, he made them pay a heavy penalty. The only time Judge Long attempted to get up evidence was one time when a sallow-faced youth asked him for a match. Then Judge Long tried to find out who sold the lad cigarettes.

The Criminal Railroads.

On his way to Raleigh, Judge Long saw the law violated—the railroad rate bill passed by the last legislature. He then read the act. Any railroad company violating any provision of this act is liable in the sum of \$500 to the person aggrieved. Or any agent upon conviction of this misdemeanor, shall be fined or imprisoned. The act prohibits any railroad corporation from receiving more than two and one-quarter cents a mile. If it charges more, it is guilty of a misdemeanor. The agent that took from you more than two and one-quarter cents a mile, if it came under your observation, is liable to an indictment. You cannot escape your oath unless you indict.

"I shall not encourage any man to bring suit against his neighbor to get money out of him, but after hearing both sides of the question I will pass on it. But this railroad business is a criminal matter, and unless you act on it, you will violate your oath. The superior court has jurisdiction in this instance. There is no mystery about this matter at all, and until the rate law is set aside by the proper tribunal, it is the law of the land." He does not apprehend that any federal judge in the land would enjoin this court in its criminal action.

Says people do not understand the relation which the railroads bear to the state. One of the duties of the state is to provide public thoroughfares. In order to do this the state has certain sovereign powers and can take land for its purposes. State has the power to make every man that travels over the roads pay a toll. This is the right of eminent domain.

The same principle that applies to public thoroughfares appertains to the railroads. The state can collect tolls and freight.

"When the state grants to an individual or corporation a part of her sovereignty, she doesn't part with her proprietary interest. Exercising this proprietary power to control, to supervise—the common power—is the duty of the state to see to it that no wrong shall be done to either the roads or the state. The legislature only has power to do this in North Carolina. This is the law now until it is declared invalid by competent tribunal, and the competent tribunal is in the first place the superior court of North Carolina; second, supreme court of North Carolina; third, supreme court of the United States.

"The state has the twofold right to declare what the rate shall be, subject to the reversal by the courts, but it is a law until this is done."

Heard president of a railway company say that he would obey the law, declaring that it is a hardship just at

S.S.S. A CERTAIN SAFE TREATMENT

Even if mercury and potash could cure Contagious Blood Poison the condition in which these strong minerals leave the system would make the "cure worse than the disease." But they cannot cure the vile disorder; they can only cover up the symptoms for awhile or mask the disease in the system, but as soon as the treatment is left off the hideous symptoms return. Mercury and potash eat out the delicate lining of the stomach and bowels, produce chronic dyspepsia by drying up the gastric juices, cause the teeth to decay, and often completely break down the constitution, and where they are used in large quantities, the bones become affected, while the disease for which one has so long taken this destructive treatment has not been cured. Contagious Blood Poison is a disease it will not do to trifle with. It is a vile, dangerous and destructive disorder. When the blood becomes infected with its virus the mouth and throat ulcerate, hair and eyebrows come out, glands in the neck and groin swell, copper-colored spots appear on the flesh, and in severe cases sores break out on the body, the finger nails drop off and the sufferer is diseased from head to foot. S. S. S. is the only known antidote for Contagious Blood Poison—the one remedy that is able to get to the root of the disease and force out every particle of the poison so that there are never any signs of its return. It is purely vegetable, made entirely from roots, herbs and barks of known curative value. Instead of leaving bad after-effects as some medicines do, S. S. S. tones up every part of the system and puts every part of the body in perfect health. It will also remove any lingering effects of former mineral treatment while eradicating the poison from the circulation. Special book on the home treatment of this disease and any medical advice desired furnished free to all who write.

THE SWIFT SPECIFIC CO., ATLANTA, GA.

present, however. A gentleman close by who heard this, said he is now in favor of the law, but if it is found to be a hardship he would be the first in North Carolina to petition the legislature, he said, until the law is repealed. Has no doubt but that it is the feeling throughout the state.

"When one company obeys the law and another violates it, there is inequality. Suppose a hod carrier and Governor Glenn and Chief Justice Clark were brought up here for carrying a concealed weapon. If I should save to the hod carrier, you are humble and have no influence, and I'll just give you sixty days; and should say to the governor and judge, you are prominent and the heads of departments, and I'll fine you a penny and costs. That would be inequality."

By this Judge Long means that any railroad corporation violating the rate law is subject to criminal action, and he has instructed the grand jury to report on the matter. The law is effective, he said, until set aside by the proper tribunal, which is the superior and the supreme courts of North Carolina, and the supreme court of the United States.

The Grand Jury.

The grand jury is composed of the following men: Graham Haywood, foreman; Jas. Ashcraft, J. H. Buffalo, J. R. Liles, W. L. Brooks, R. A. Allen, M. W. Buffalo, C. H. Moore, E. E. Smith, William Heller, J. E. Jones, J. C. Ogburn, J. D. Watkins, J. R. King, Henry Maynard and W. J. Beddingfield.

After the judge had delivered his charge the petit jurors were sworn in and the work of the court was taken up. Court adjourned at 1 o'clock and convened again at 2:30.

Some of the Cases.

Besides over a hundred cases of smaller importance, this term of court, which will continue three weeks, will have to decide five homicide cases. The most important of all these is the sensational Rowland case. Next in importance is the one against Rosa Johnson for the murder of her child, and another against Elvira Powell, an old negro, for complicity in the same crime. The Everett Spence case, in which a young white man is charged with killing a negro, Walter Chavis. All of the cases, however, will hardly be tried at this term. Dr. and Mrs. Rowland's case is scheduled to come before the grand jury Wednesday and most interest is centered in it.

Rush the Ships to the Pacific

(Continued from First Page.)

Evans and the officers of the fleet should have no trouble at all in going to the Pacific.

WEAKNESS OF OUR NAVY IN WATERS OF PACIFIC

(By Leased Wire to The Times.)

Washington, July 8.—In connection with the announced movement of the Atlantic fleet to the Pacific coast to form, temporarily, at least, a greater Pacific fleet, the present weakness of the American navy in the Pacific is emphasized. The Pacific fleet as shown by a statement compiled by the navy department today, consists of but one battleship and four protected cruisers on the Pacific coast and four armored cruisers and six protected cruisers on the Asiatic station, aside from a number of gunboats which are obsolete for the most part, on the Philippine station. Aside from these, there are two new armored cruisers nearing completion, both at San Francisco.

The Pacific Fleet.

The organization, disposition and strength of the Pacific fleet today is as follows: Commander-in-chief, Rear Admiral James H. Dayton, present headquarters Chefoo. First Asiatic squadron, first division, armored cruisers, West Virginia (Admiral's flagship), Colorado, Maryland and Pennsylvania, Chefoo.

Second division—Protected cruisers Chattanooga, Chefoo; Cleveland and Denver, Colombo, en route from Atlantic coast to join squadron; Cincinnati, and Galveston, Shanghai; Raleigh, Chefoo.

Second squadron (Pacific coast squadron), Rear Admiral William T. Swinburne, commanding; headquarters, Mare Island.

Third division, protected cruisers Charleston, Portland; Chicago, in dock at Bremerton; Milwaukee, La Union, Salvador; armored cruiser St. Louis, Montevideo, en route from Atlantic coast to join squadron;

gunboat Yorktown, Acapulco, Salvador.

Fourth division: Protected cruiser Albany in dock at Bremerton, making ready to be placed in commission.

Third (Philippines) squadron, Rear Admiral Joseph N. Hemphill commanding, headquarters, Manila. Fifth division—Gunboats Rainbow, Cavite; Concord, Chefoo; Helena, Shanghai, Wilmington, Chefoo. Sixth division—Gunboats Callao, Canton; El Cano, Hong Kong; Queros and Villalobos, Yang Tse; Arayat, Panay and Paragua, Philippines.

Description of the Ships.

The armored cruiser division of the first squadron is comprised of four of the most powerful cruisers anywhere afloat. At the time they were placed in commission, from two to three years ago, each was larger than most of the battleships of the navy at that time. The Chattanooga and Galveston are also new ships, but they are not armored. They were sent to the Asiatic station shortly after Rear Admiral Brownson took the armored cruisers over a year ago last winter. The Cleveland and Denver were recently dispatched from Hampton Roads for the Asiatic station and will arrive under Admiral Dayton's flag within the next week or ten days.

It is semi-officially announced that they will supplant, early next fall, the Raleigh and Cincinnati, which have been on that station several years and which will be brought to Bremerton for repairs and general overhauling.

Today, the Charleston is the only warship that remains to defend the Pacific coast, although the new battleship Nebraska, which was commissioned July 1 is ready to put to sea on forty-eight hours notice. She is waiting principally for her officers and crew. It was decided some time ago that the Nebraska would be added to the Atlantic fleet, and when Captain R. F. Nicholson received preliminary orders recently to take command of her, it was presumed he would have the honor of bringing the ship around the Horn as he did the Tacoma, when she was brand new, and he and Captain Clark did the Oregon during the day of anxiety in Cuban waters. Instead of that Captain Nicholson will have the more appreciated distinction of commanding the first battleship of the greater Pacific fleet. He will be on that station to welcome the fifteen other battleships that Admiral Evans will take around next fall. Captain Nicholson will leave his desk as second assistant in the bureau of navigation within the next two weeks to join his ship.

GOVERNORS ON THE SENDING OF THE FLEET.

(By Leased Wire to The Times.)

Trenton, N. J., July 8.—I have no sympathy with any proposition to send the Atlantic fleet to the Pacific coast to disrupt the amicable relations now existing between this country and Japan. To provoke trouble between the Americans and Japan would in my mind be the crime of the century.

(Signed) GOV. EDWARD C. STOKES.

Chicago, July 8.—Japan should regard the mobilizing of our own fleet in our own waters as a cause for complaint. I believe that friendly relations will not be disturbed.

(Signed) GOV. C. S. DINEEN.

New Orleans, July 8.—Any nation with insular possessions in the Pacific ocean as great as ours should maintain a battleship fleet for their protection. I favor a fleet of large proportions in both oceans. This movement is not a menace to Japan, and I believe the people are too practical to consider it such.

(Signed) GOV. NEWTON C. BLANCHARD. Topeka, Kan., July 8.—Our interests should be permanently protected, regardless of the opinions of other nations. Japan has no more reason to object to our fleet in the Pacific than England had to its presence in the Atlantic.

(Signed) GOV. E. H. HOCH. Lincoln, Neb., July 8.—I have full confidence in the commander-in-chief of the American navy. His judgment would be for the best.

(Signed) GOV. G. L. SHELDON. (Continued on Fifth Page.)

THIS CONFLICT IS INEVITABLE ON BROWNSVILLE

Japan Only Waits for a Pretext, Says Hobson

SHE WILL DECLARE WAR AND BOTH SIDES YIELD

"More Battleships Should be Built at Once—Even Now it May be Too Late to Avert a Disastrous Sea Collision With the Japanese"

(By Leased Wire to The Times.)

Dallas, Texas, July 8.—Congressman Hobson of Alabama, believes there will be a war soon between the United States and Japan. In an interview here Mr. Hobson said:

"War between Japan and the United States is inevitable. Japan is only waiting for a pretext on which to base a declaration of war. That declaration may come at any moment. Our navy is inadequate to meet such an emergency."

"More battleships should be built at once. Even now it may be too late to avert a disastrous sea collision with the Japanese navy because of the disparity of fighting strength in the Far East, but that should not deter our government from maintaining a firm attitude and from proceeding at once to add two more strong fleets to our naval establishments in the quickest time possible."

"I fear that the action of the United States government in ordering the Atlantic fleet to the Pacific waters will be taken advantage of by Japan as a pretext for precipitating a war with this country."

"This government should proceed at the opening of the next session of congress to provide for building the strongest navy of any nation on the earth."

THE DEATH OF MRS. VIRGINIA C. PELL

(Special to The Evening Times.)

Oxford, N. C., July 8.—Mrs. Virginia C. Pell, widow of Rev. William E. Pell, who was once editor of the Raleigh Christian Advocate and founder of the Raleigh Sentinel, died in this city this morning at 7 o'clock, aged seventy-three years. She was for many years a resident of Raleigh, being born there, the oldest daughter of Walter J. Ramsay, a merchant in that city prior to the war. She leaves three sons: Dr. Robert P. Pell, Dr. Edward Leigh Pell, and George P. Pell, Esq.; three daughters, Mrs. W. H. Puckett, Mrs. J. B. Gunter, and Mrs. T. R. Rouse; two step-daughters, Misses Kate and Sallie Pell, of Cary; one brother, Theodore N. Ramsay, Esq., of Norfolk, and a sister, Mrs. Anna Pell, of Raleigh. The interment will take place in the old city cemetery in Raleigh tomorrow, Tuesday, at 10:30 where brief services will be held.

NO WRECK SOLUTION FOUND IN STEEL TIES.

(By Leased Wire to The Times.)

Pittsburg, Pa., July 8.—Experiments with steel ties, which were believed to be the solution of the railroad wreck question to a large extent, have been abandoned by the Pennsylvania Railroad Company.

The company's engineers who were conducting the experiment have made a report, in which they say that there is too much rigid surface to the locomotive in use to allow the steel ties to be used; that there is not a particle of "give" to the locomotive wheels, save at the axles or center; that something must give when an engine is passing around a curve, and that the engine cannot be built to create this resiliency, hence the track and the steel ties have to yield.

A COMPROMISE ON BROWNSVILLE

Fire Alarm Foraker Pushes the Rough Rider Hard

AND BOTH SIDES YIELD

The Committee Will Make No Direct Charge That the Negroes Shot Up Brownsville and Will Seek to Reopen a Way for Their Readmission Into the United States Army.

(By Leased Wire to The Times.)

Washington, D. C., July 8.—President Roosevelt will suffer his first loss of a trick in the great game of politics and administration as a result of the senate inquiry into the Brownsville matter, Senator Foraker, of Ohio, will reap a reward for his stand against the combined force of the administration, headed by the fearless and aggressive leader in the white house.

The settlement of the Brownsville matter will be a compromise that will be approved by the president and the Ohio senator to the end that the negro may thereby receive the greatest possible benefit and the racial issue, which was so accentuated by the unfortunate incident, will be given a lasting quietus.

In other words, the result of this inquiry will be a unification of the warring republican elements, to the discomfiture of the democrats. More than this, the report of the senate committee on the Brownsville case will bring about a more advanced step by President Roosevelt's administration in the recognition of the colored race, so far as the army of the United States is concerned.

The report upon the Brownsville investigation by the senate committee will not be made until congress convenes in December, but it will fail to uphold President Roosevelt's course in all particulars and will pave the way for the discharged colored soldiers to re-enter the army.

This much has been disclosed at this time from a study and analysis of the hearings before the senate committee on military affairs, and it will be brought out clearly in the final report by that committee. Senator Foraker will not win on every point, but he may be so well satisfied with the conclusions of the majority of the committee that he will make no minority report. There are assurances also that President Roosevelt will be satisfied with this result.

The program as outlined, provides: First—The committee will make no direct charge in its report that the negro soldiers, individually or collectively, shot up the town of Brownsville, but will let the people draw their own conclusions from the testimony taken in the case which will be printed and made a part of the report.

Second—the committee will recommend the passage of a law by congress which will authorize the discharged soldiers to re-enlist "without prejudice" and their army status be fixed as it was before they were dishonorably discharged, providing each soldier who desires to re-enlist, shall make a statement that he did not participate in the shooting.

COPPEDGE IS AGAIN MADE SUPERINTENDENT.

(By Leased Wire to The Times.)

Rockingham, N. C., July 8.—Mr. W. R. Coppedge has been elected superintendent of public instruction to succeed himself. The schools of the county are in excellent condition under the wise supervision of Mr. Coppedge, and he has made an excellent official.

Cotton blooms are numerous throughout the county. A number of parties were in town with handsome stalks containing blooms during the week. A farmers' institute for Richmond county will be held in Rockingham Tuesday, July 23rd. A woman's meeting will also be held.

CASTORIA

The Kind You Have Always Bought, and which has been in use for over 30 years, has borne the signature of *Chas. H. Fletcher* and has been made under his personal supervision since its infancy. Allow no one to deceive you in this. All Counterfeits, Imitations and "Just-as-good" are but Experiments that trifle with and endanger the health of Infants and Children—Experience against Experiment.

What is CASTORIA

Castoria is a harmless substitute for Castor Oil, Paregoric, Drops and Soothing Syrups. It is Pleasant. It contains neither Opium, Morphine nor other Narcotic substance. Its age is its guarantee. It destroys Worms and allays Feverishness. It cures Diarrhoea and Wind Colic. It relieves Teething Troubles, cures Constipation and Flatulency. It assimilates the Food, regulates the Stomach and Bowels, giving healthy and natural sleep. The Children's Panacea—The Mother's Friend.

GENUINE CASTORIA ALWAYS

Bears the Signature of

Chas. H. Fletcher

The Kind You Have Always Bought

In Use For Over 30 Years.

THE CENTAUR COMPANY, 27 N. MURRAY STREET, NEW YORK CITY.

KEEP COOL!

Buy a Berustein Iron Bed and a Royal Elastic Felt Mattress and put over the Bed a PERFECTION CANOPY.

Cool, Comfortable, No Flies, or Mosquitoes

Royall & Borden Furniture Co. 127 FAYETTEVILLE STREET, RALEIGH, N. C.

FURNITURE *The*



Love of Home is next to that of Love of Country

If you really love your home you will want to make it beautiful by fitting out the rooms with the right kind of furniture, especially when you have opportunity to buy it so cheap as that which is found in our midsummer sale. This is a furniture-selling event of more than ordinary importance, as our stock is clean and new, the most of it but a few months out of the factory. The prices are the most attractive ever offered in Raleigh.

The Raleigh Furniture Co.,
JAS. M. RIGGAN, Mgr.
17 E. Martin and 15 Market St.

Best Liquors at Lowest Prices

I am offering the best values in liquors and cordials at the very lowest prices. I buy direct from distillers who do not sell the retail trade; and generous concessions on their part have enabled me to make some exceptional offers.

The following prices include express charges.


PER GALLON	
Lazarus Club, Cream of Whiskies,	\$4.00
Apple Brandy	\$2.50 and \$3.50
Rye Whiskey,	\$2.00, \$2.50, \$3.00, \$3.50
Mountain Whiskey,	\$2.50
Corn Whiskey,	\$2.00 and \$2.50
Yadkin River Corn, 4 full quarts,	\$2.50
Albermarle Rye, 4 full quarts,	\$3.00

Mail orders are filled on the day received, and forwarded on first trains

Write for Price List of Leading Brands

Largest Mail Order House in the South

L. Lazarus, Lynchburg, Va.



Cool Food

Ready cooked, delicious and nourishing.

Grape-Nuts

"There's a Reason."

50c IN CASH FOR 100 COUPONS FROM

Piedmont

THE CIGARETTE OF QUALITY

2 Coupons in Each Package!

Coupons also Redeemable for Valuable Presents

Premium Department

AMERICAN TOBACCO CO.

JERSEY CITY, N. J. ST. LOUIS, MO.