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ROWLANDS MUST FACE TRIAL FOR THEIR LIVES

Application for Bail Is Refused and Prisoners Remanded to Jail

NO COMMUNICATION IS TO BE PERMITTED

This Restriction Follows as a Consequence of Conspiracy—Before Reading the Report Denying the Application for Bail Judge Connor Said That the Question of Guilt or Innocence of the Prisoners Must Not Be Inferred From His Decision.

Associate Justice Henry G. Connor today refused the petition for bail of Dr. D. S. Rowland and Lillian M. Rowland.

There were a very few people in the supreme court room when Judge Connor read his report, and the room was intensely quiet. The defendants were not in the court to hear the decision.

Before reading the report, Judge Connor stated that it is entirely proper and right to file the petition for the writ of habeas corpus, the constitution guarantees that privilege. It was the duty of the court to hear the writ. He said that it was the duty of the coroner's jury to investigate and not to try. It was the duty of the grand jury to find. For that reason the verdict of that jury was given to an investigation by a writ of habeas corpus. Therefore it behooves the petitioners to show evidence to the contrary.

"I have considered this testimony as best I could," said Judge Connor. "The question of their guilt or innocence is not to be inferred from my decision. That would be an injustice to either the state or defendants."

Judge Connor's Decision.

The judge then read the following order:

In the Matter of D. S. Rowland and Lillian M. Rowland—Habeas Corpus.

The writ of habeas corpus in this cause heretofore issued by Hon. Charles M. Cooke, judge of the superior court of the Fourth judicial district, was, pursuant to an order duly made in the cause, returned before me at the supreme court room in Raleigh on Monday, July 22, 1907, by J. H. Sears, Esq., sheriff of Wake county, together with the bodies of the petitioners, D. S. Rowland and Lillian M. Rowland. It appearing from the said return, and certified copies of the records of the superior court of Wake county thereto attached, that the petitioners are in the custody of the said sheriff by virtue of the order of Hon. Benjamin F. Long, judge presiding in the superior court of Wake county, based upon a true bill of indictment found and returned by the grand jury of said county at the July term, 1907, charging the petitioners with the murder of Charles R. Strange; it further appearing from an inspection of said return, and the records thereto attached and made a part thereof, that the proceedings had in said court are in all respects regular, the petitioners by their counsel moved that they be permitted to enter into bond with approved security in such sum as the court should deem proper, for their appearance at the next term of the superior court of Wake county to answer to said bill of indictment. Said motion was opposed by Hon. Armistead Jones, the solicitor of the Sixth judicial district, and other counsel representing the respondent. Thereupon, I proceeded to hear testimony introduced by the petitioners and the respondent.

Upon a careful consideration of the testimony being of the opinion that the petitioners are not entitled to be discharged upon giving bond as prayed, their motion is denied. The sheriff of Wake county is directed to remand the petitioners to the common jail of said county and there detain them until they shall be discharged according to law.

The cost of this proceeding will be taxed by the clerk of the superior court of Wake county and abide the final result of the action. I find that the witnesses under subpoena and examined by petitioners were necessary. I therefore direct that they be paid in the same manner as the witnesses for respondent. The record herein, together with this order, will be filed by said clerk in the case of The State vs. D. S. Rowland and Lillian M. Rowland, now pending in said court.

No Arguments Today.

It was agreed by both counsel for the state and defense this morning that there should be no further argument in the case; whereupon Judge Connor adjourned the hearing until 12 o'clock, when, he announced, he would render his decision. At ten minutes of 12, however, finding that counsel were present, the judge began preparing to read his report, and at ten minutes past 12 those in the court room knew that Dr. and Mrs. Rowland would not be granted bail.

Prisoners Not in Court.

Dr. and Mrs. Rowland were not present today. For the last three days they had been in the court room, and the strain was telling on her. Although at times Mrs. Rowland laughed and chatted, it was evident that the confinement was trying on her nerves. The doctor, however, never appeared weary, but always looked bright.

The prisoners were present this morning, however, and seemed very hopeful. They left the supreme court building with smiles on their faces and were laughing. A large number of people, both men and women, were on the outside and watched them as they passed out.

When Defendants Were Arrested.

Dr. Rowland was arrested May 20 for the murder of his son, David Augusta Rowland, at Kittrell. Of that charge he was found not guilty by magistrates sitting at Henderson. Immediately after his acquittal he was re-arrested and lodged in Wake county jail for the alleged poisoning of Engineer Charles R. Strange on April 6. The body of Strange was disinterred, the stomach analyzed, but no poison was found. A coroner's jury recommended that he and Mrs. Rowland be held for the murder of Strange.

FIGURES IN KOREAN CRISIS



On the left is a recent photograph of Yi Hy Lung, Emperor of Korea, who has been dethroned after ruling the country 44 years. On the right is shown the crown prince, who has succeeded him, and below a photograph of Count Hayashi, the representative of Japan, who is the real ruler of the country. At the very bottom is shown the entrance to the Royal Palace at Seoul.

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The grand jury at the July term of court returned a true bill against them, and the case was continued from that court until the September term. Today ended the habeas corpus hearing for release on bail.

Mrs. Rowland was arrested on June 17th on the report of the coroner's

NEXT MOVE IN RATE CONFLICT

Should Southern Ignore Judgment at Raleigh

SEIZURE OF PROPERTY

The Railroad Would Then File a Supplemental Bill in Its Pending Injunction Suit Asking an Injunction Against the Execution Praying to Have the Judgment Declared Void.

(By Leased Wire to The Times.) Asheville, N. C., July 25.—It is asserted by state officials that if the railroad company ignores the judgment at Raleigh of \$30,000 against it and does not appeal from it to the supreme court, an execution will issue upon the judgment against the railroad's property, and the railway company will file a supplemental bill in its pending injunction suit, asking an injunction against the execution and praying also to have the said judgment declared null and void as having been rendered under an unconstitutional law.

Agents Wood and Wilson, convicted in the Asheville police court on the charge of selling tickets for more than 2-1/2 cents a mile, were released by Judge Pritchard on habeas corpus. The state authorities say that this release can be effected in other cases where agents are arrested, and therefore propose simply to fine the railway corporation itself, as in the Raleigh case. In such case, there can be no writ of habeas corpus issued, and so enormous will be the total of these fines that the railway would be ruined if the state law should be found constitutional by the United States supreme court.

Judge Lyon, at Marion, N. C., hold- ing today, instructed the grand jury to return indictments against the Southern for violation of the rate law.

GOVERNOR REFUSES AND MAKES COUNTER PROPOSAL

HOT RUN ON THE WACHOVIA BANK

The Big Institution Sustains a Heavy Pressure

RUN STARTED BY LIAR

Such is the Report Received From Salisbury—It is Stated That by Nightfall More Money Will Be Deposited Than Was Withdrawn During the Day.

(Special to The Evening Times.) Salisbury, N. C., July 25.—The Wachovia Bank, the strongest financial institution in the state, was the victim of a malicious mischief maker this morning, when a report of straitened circumstances caused a terrible run on the institution. All morning long great crowds besieged the bank withdrawing deposits. Every one was paid with alacrity. There was no foundation for the warp or woof of the lie. Senator Overman, president, announced that he was ready to buy the stock at its great premium, and Winston officers were there with unlimited cash. Devises with all their fortunes prattled hysterically to withdraw money. The other banks stood squarely by Wachovia. At noon all is quiet. Every effort was made to run down the author of the lie. Citizens locked the institution bravely. The result, it is believed, will be that night will see much as went out, though thousands were withdrawn, deposited in the bank.

LAUREL: Fearing the rush on the bank would become great, the Wachovia people had \$50,000 dispatched here by automobile this afternoon. Another liar started the report that the machine had run into the river and that the chauffeur was drowned, the money going into the river. Everything is quiet now and people are depositing.

NASTY AS A PAGE FROM OLD CYPRESS

(By Leased Wire to The Times.) Campton, Ky., July 25.—To avoid continued quarreling among his illegitimate children, and possibly to other murder, George W. Carson, aged 77, twice county judge and twice sheriff of Wolf county, has obtained permission from the Wolf circuit court to adopt them as his legal heirs.

Judge Carson has an estate valued at nearly \$100,000. He was never married. Julia Taulbee is the mother of seven and Mary Banks is the mother of five of his children. Judge Carson was induced to file his remarkable petition because of the murder by George Banks of his son, Newton Taulbee. This tragedy brought to light the fact that Newton Taulbee had married his half-sister, Mary Banks, the sister of George Banks, his murderer. There have been frequent quarrels between the Banks and Taulbee children as to a division of their father's estate.

FRATERNIZATION OF JAPS AND YANKEES.

(By Leased Wire to The Times.) Brest, July 25.—Japanese and American naval officers are mingling with the greatest cordiality here but the American "tars" are all kept aboard their ships as a precaution against clashes with the Japanese.

Shortly after the Japanese vessels arrived Rear Admiral Stockton called upon Admiral Hinn, the Japanese commander, and the visit was shortly returned. In the afternoon officers from both squadrons met at a garden party given at the maritime prefecture.

DARROW IS STILL SPEAKING TODAY

(By J. S. DUNNIGAN.) Boise, Idaho, July 25.—Before a packed court room Clarence Darrow of Chicago resumed his plea for the life of William D. Haywood this morning. Darrow is expected to finish today, and will be followed by Senator W. E. Borah, who will make the final argument for the state. From present indications the case will go to the jury either Friday evening or Saturday morning.

DATE FOR VOTE ON PROHIBITION

SPAT ON ROOSEVELT'S PICTURE IN TOKIO

(By Leased Wire to The Times.) Atlanta, Ga., July 25.—In the house of representatives of the Georgia legislature this morning, by unanimous consent of the members, the state prohibition bill is set for the special order of next Tuesday, when it will go to a vote, after debate, of which the time will be equally divided.

The opponents of the bill have surrendered and there will be no more filibustering. There is about a three-fourths majority for prohibition.

(Special to The Evening Times.) Chester, Pa., July 25.—Anti-American feeling in Japan and conditions in Korea were discussed by Miss Minerva Gutthoff of Seoul, Korea, at the anniversary of the Woman's Home Missionary Society at Chester Heights camp meeting. In part she said: "The feeling against the United States is intense. Only a short time ago pictures of President Roosevelt were publicly spat upon and trampled in the streets of Tokio. The Japanese have no special love for President Roosevelt, as they don't like the conditions of the peace treaty at the close of the Russo-Japanese war. At the present time the hostile feeling, while not shared by the high officials of the state, is overwhelmingly popular with the masses."

EXCURSIONISTS FLOCK INTO CITY

An excursion train touched Raleigh today at noon, bringing out the largest crowds of excursionists that have ever assembled at the state capital, except on the occasion of special events.

Fifteen coaches, packed to their utmost capacity, brought crowds from Weldon, Littleton, Oxford, Lenoir, Franklinton, Henderson, and all intervening points. Several Sunday schools united in their annual picnic for today, and brought their own crowds all together.

The late arrival of the train was on account of a slight accident to the locomotive just beyond the Pamlico junction. There was a break caused in the steam chest, and another locomotive had to be called for before the train could get to Raleigh.

MAKE SURVEY OF GREATER RALEIGH.

The committee empowered by the board of aldermen to employ a competent civil engineer to lay out the lines of Greater Raleigh has appointed Mr. Gaston Rogers to do the work. Mr. Rogers will begin the survey Monday morning and expects to have it completed within thirty days.

Murderous Secrets Bared.

New York, July 25.—The slayer of millionaire Hovhannes S. Tavshanjian today made a complete confession in which he bared the secrets of the organized club of Armenian assassins.

Through his confession the police came into possession of not only the names of the principals in the organization but also a list of the crimes they have already committed and the names of at least ten wealthy Armenians who have been marked for murder by the blackmailers.

All this startling information was today laid before the district attorney by the police and it was expected that the arrest of most of the members of the gang would be announced before the day was over. The head of the blackmailing band of assassins has been under suspicion a long time and he is said to have made a fortune by his schemes.

Governor Contends for Putting 2-1-4 Cent Rate Into Effect Now.

INDICTMENT AGAINST ATLANTIC COAST LINE

State Must Reserve Right to Create at Least One Case Against Coast Line On a Par With the Case Against Southern—Sanford Left for Asheville This Afternoon—Further Conference Evidently the Program Now.

The fact that Assistant Attorney General Sanford returned this afternoon, after his conference with Governor Glenn, to Asheville, instead of proceeding direct to Washington, coupled with the fact that Governor Glenn embodies a new proposition in his telegram sent this afternoon to Solicitor Mark Brown, makes it plain that there is to be further parley between the parties concerned, in the effort to reach an agreement in the railway rate law cases, pending appeal to the supreme court of the United States.

Governor Glenn was interviewed at 2:30 o'clock by a representative of The Evening Times in regard to his conference with Assistant Attorney General Sanford.

The governor said that Solicitor Brown's telegram and his reply to it, gave the whole contention, and explained itself.

The Governor's Answer.

The official telegram, giving Governor Glenn's decision, which was approved by the council of state, reads as follows:

State of North Carolina. Executive Department. Raleigh, July 25, 1907, 2:25 P. M. Hon. Mark W. Brown, Solicitor 15th District, Asheville, N. C.

Referring to your telegram of the 23rd containing suggestion of Mr. Sanford as the basis of settlement between the State and railroads, I have to say, I cannot accept Mr. Sanford's proposition. It annuls the State statute by suspending the rate. Section 9, Article 1 of the Constitution of North Carolina provides: "All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised."

I suggest the following as a basis of settlement:

1st. Let the railroads put the 2 1/4-cent rate into immediate effect, pending final determination of the legal questions involved.

2nd. The State to appeal from the order of Judge Pritchard discharging parties in Asheville on writ of habeas corpus.

3rd. The Southern Railway to appeal to the Supreme Court of North Carolina in the Wake county case, and if the case is there decided against it, to take the case by writ of error to Supreme Court of the United States.

4th. Both sides to co-operate to have both of said cases advanced and argued together and speedily determined.

5th. The State at its option to indict the Atlantic Coast Line in one case.

6th. All other indictments to be stricken pending final determination of the case.

7th. The Governor to advise all people against bringing any penalty suits pending final determination of the questions involved, and to ask the people as a whole to acquiesce in this arrangement.

8th. The suit pending before Judge Pritchard to be diligently prosecuted, without the State however waiving any question of jurisdiction.

R. B. GLENN, Governor of North Carolina.

Mr. Sanford's Proposition.

Solicitor Brown's telegram, giving the suggestions proposed by Mr. Sanford, which was published in The Evening Times, is again printed for comparison with the governor's answer:

Asheville, N. C., July 23, 1907. Hon. R. B. Glenn, Governor of North Carolina. (Continued on Page Five.)

SPARTANS HERE IN HOME FIGHT

(By Leased Wire to The Times.) New York, July 25.—Eight Greeks, after receiving letters from their homes in Sparta reminding them that a feud was still in progress between two families, met at the Manhattan end of the Brooklyn bridge today and fought a fierce battle. They were surrounded by thousands of people. The fight assumed the proportions of a riot before the Greeks were clubbed into submission. Two policemen were slightly injured and several of the warring Greeks were slashed with knives.

LEAPS FROM WINDOW TO INSTANT DEATH

(By Leased Wire to The Times.) Tarboro, N. C., July 25.—Preston D. Jones, a Brown University man playing on the Tarboro team of the Eastern Carolina League, while in delirium, threw himself from an upper window of the sanitarium here and received injuries from which he died almost instantly. He was suffering from typhoid fever. The body will be taken to Providence, R. I., where Jones lived.

Six Brown University men, who were playing on the Tarboro team, asked for their release when they heard of the death of their comrade. The release was granted, resulting in the disruption of the club, which will withdraw from the league.

SMART NEGROES GET A DOSE OF STRAP OIL.

Monroe City, Mo., July 25.—Because negroes attacked Rev. Father Mullen, an order has been passed that the curfew should ring for negroes at 8:30 o'clock. Two negroes of Shelbina heard of Monroe City's curfew and came here to show that they did not have to obey it. The marshal caught them tearing down placards warning negroes, and locked them up. They were released at midnight and horsewhipped by a crowd of citizens.