

New Bern Weekly Journal.

No. 32.

NEW BERN, CRAVEN COUNTY, N. C., FRIDAY JULY 19, 1907.—SECOND SECTION.

30th YEAR

4% INTEREST PAID ON SAVINGS 4%

Control Your Future

Money is an important factor in many of the vital situations in life. With it you control your future. Without it you are a creature of circumstance, humiliated and held back by its lack. This bank offers you an easy way to control your future, by giving you the facilities for small saving and by paying you FOUR per cent. WE SOLICIT THE CHECKING ACCOUNTS ALSO OF MERCHANTS AND FARMERS.

JAS. B. BLADES, Pres. T. A. GREEN, V. Pres.
Wm. B. BLADES, V. Pres. GRO. B. FENDLETON, Cashier

NEW BERN BANKING & TRUST CO.
CAPITAL \$200,000.00 NEW BERN N. C.

CONGRESSMAN THOMAS ADDRESSES EDITORS

The Annual Convention of State Press Association Now in Session.

Special to Journal.

Morehead City, July 17.—The State Press Association began its annual convention here today. There are about 100 members of the quill driving fraternity and there is prospect that the social features will be in excess of what they have had in previous meetings. Thomas J. Lassiter of the Smithfield Herald is presiding. The members were welcomed by Hon. W. L. Arendell, Editor of the Coaster and the response was made by Archibald Johnson, Editor of Charity and Children.

The program was essentially carried out as per program and much benefit was derived by the practical discussion of live subjects of interest to printers and editors.

Hon. Charles R. Thomas being present, H. B. Varner made a motion that he be requested to address the convention. Mr. Thomas expressed his great pleasure in welcoming the editors to the eastern coast. He spoke of the power of the press as a factor in all great movements in the state and nation. He alluded to the pleasant and cordial relations between the editors of the third district and himself. Following Mr. Moore of the Southern Cotton Growers' Association, he said he hoped that the press would not only recognize the value of cotton as an important factor in the development of the south but that they would make a strong fight against discrimination in freight rates in favor of the New England cotton manufacturer. He was greeted with applause and his address was greatly appreciated.

The proceedings are attended by many residents and summer visitors.

Lemuel Elliott Dead.

After a long illness, death came to Mr. Lemuel Elliott at his home in Morehead City, Friday, July 12th, 1907. Mr. Elliott was a native of New Bern, and was in the 84th year of his age at the time he died. In early life, he married the eldest daughter of the late Abner Tippett, of this county, who with two sons and two daughters survive. His remains were interred in the cemetery at Morehead City.

Change of Judges.

Special to Journal. Raleigh, July 18.—Gov. Glenn designates Judge C. C. Lyon to hold McDowell county court, two weeks beginning Monday, instead of Judge Peebles who is holding the court for trying Anson county lynchings.

EIGHT DEAD FROM HEAT.

The Weather Continues Its Deadly Work. Frustrations Numerous in Many Cities. Special to Journal.

New York, July 18.—This has been the most fatal hot day of the season. Eight are dead and many have been taken to hospitals in a serious condition. The maximum heat register today is 94 degrees.

Philadelphia, July 17.—The heat has caused many prostrations. Several visitors to the Elks convention have been stricken. Three deaths have occurred here on account of the excessive heat.

Chicago, July 18.—The heat is terrific. Two deaths have resulted from exposure to the sun's rays, 10 or 15 people have been prostrated.

Smith Victim of the Georgia Explosion. Special to Journal.

Boston, July 18.—James Cruise, of Illinois, one of the sailors on the battleship Georgia when the explosion occurred Monday in dry dock at the Christiania hospital. His death will make the fourth resulting from that accident.

The navy department is investigating the cause of the explosion.

CASE OF SOUTHERN GROWS EXCITING

Transactions in Law at the Capital City Keeps People Up Nights. Special to Journal.

Raleigh, July 17.—A series of legal contests extending through the day and until late this evening in the conflict between state and federal courts violation of state railroad rate law and its punishment continued all day. Defendant, the Southern Railway Co., and prisoner Green were directed to make plea as to guilt finally and in the language of counsel for defense defendants "stood mute under the circumstances" and an order was entered that hearing evidence as to guilt begin tomorrow morning. It is understood that Judge Pritchard of the United States circuit court is on his way to Raleigh, from Asheville and will take a hand in the conflict. What that will be remains to be seen, but it is believed that it will be most probably to take in some way custody of prisoner on the ground that the whole matter is at issue in his court and that proceeding in the state court at this stage of testing of the constitutionality of rate act, has no standing. Early in the day there being an expectation that a writ would be brought here from Judge Pritchard directing the sheriff to produce the prisoner Green in his court, Judge Long himself took custody of the prisoner, directing him to remain in bar during the sittings and be subject to his orders.

The afternoon was taken up in hearing special pleadings in behalf of the defendants and elaborate arguments. There was a motion for continuance, because defense could not prepare for proper trial at this time, test of constitutionality of rate act to begin necessary feature of the defense. Then there were two pleas raising the issue of jurisdiction and bringing officially to state court notice of injunction proceedings pending in federal court. All these motions finally overruled and defendants forced to plead in which dilemma they "stood mute under the circumstances" and recess was taken.

Intense interest is felt in the arrival of Judge Pritchard in the morning and reconvening of the state court by Judge Long at 10 o'clock. Telegram was received from Judge Chas. M. Cooke to the effect that he has arranged for Associated Justice Connor of the state supreme court to be here Monday morning to hear writs habeas corpus in cases against Dr. David S. Rowland and Mrs. Rowland held on charge of poisoning Mrs. Rowland's former husband, Chas. R. Strange.

Southern Train Off the Track.

Special to Journal. Richbourg, S. C., July 18.—A passenger train on the Southern railroad was derailed here and ten people were seriously injured. The cause is supposed to be the "buckling" of rail on account of the heat.

No Change in Telegraphers' Strike.

Special to Journal. Chicago, July 18.—There is no change in the telegraph operators' strike. Negotiations are still in progress and it is thought that there may be an amicable settlement.

Norfolk Young Woman Goes on Stage.

Special to Journal.

New York, July 18.—Miss Florence Schenck the beautiful young Norfolk woman and remarkable driver has made an engagement to go on the vaudeville stage doing a living picture act. Her suit for divorce from Wilson, Vanderbilt's show horse man is pending. It was the latter sensation that made her name prominent to the public. Her father is a wealthy physician in Norfolk.

Anna Gould Likes Profligate Naysay.

Special to Journal.

Paris, July 18.—It is announced to the society columns of Le Figaro that Anna Gould is soon to marry Prince de Saxe who is said to be the same kind of a rake that her former husband, Count Paul de Cassel was.

THE RIGHT MAN FOR GOVERNOR

Prominent Republican Says That Judge Long's Recent Utterances

WILL PLACE HIM IN GOVERNORS CHAIR

More High Priced Injustice by Judge Pritchard. Johnny Jones Carnival Co. Gives Its Show Colored Summer School.

Special Correspondence.

Greensboro, July 18.—Hon. E. J. Justice returned Sunday night from Asheville and left yesterday morning for Raleigh to represent the state in assisting Solicitor Jones in the prosecution of the indictments against the Southern Railway agents for violating the rate law. It is understood here that Governor Glenn has retained Mr. Justice and ex-Governor Aycock on the part of the state.

A very well known and highly orthodox Republican here in speaking of the "grave peril to individual and state sovereignty now on trial" remarked this morning that if in his bold brave and righteous stand against further encroachments on the right of a state by the federal judiciary Judge Long succeeded in establishing the right once more, nothing except himself, could prevent his being made governor next time, almost by acclamation. He declared he would not only vote for him, but would canvass for him if permitted. Every body here seems agreed that Judge Long in Raleigh last week was the right man in the right place, his being of Alamance blood, descended from those who engaged in the first pitched battle for American liberty being not a small factor in the appropriateness of the action.

On Saturday night, Deputy Marshal J. M. Allen served notices on Lawyers Spence and Moffitt at Asheville and on about half a dozen of their clients, directed from Judge Pritchard, to refrain from prosecuting suits brought against the Southern Railway to collect the \$500 penalty for overcharging passenger rates. There was great expedition used to get these writs served before today, when the regular term of Randolph superior court convenes, Judge Justice presiding. It is understood that Messrs. Spence and Moffitt have retained Messrs. Morehead and Sapp of this city to represent them. These gentlemen left for Randolph court last night. There is some speculation as to what will be done over in Randolph as well as in Wake superior court this week.

One lawyer here speaking of the Randolph cases says that he would advise attorneys to file a verified complaint, and if the Southern Railway failed to answer in the time prescribed by law, he would ask the judge to sign a judgment on complaint, and no answer. He said he would ignore federal restraining order and test the question of a proper judgment against the railroad in the state supreme court.

United States Marshal Millikan himself went to Asheville this afternoon, but denied that his visit was in connection with these cases. It is noted, that if necessary, an order will be served on Judge Justice restraining him from signing any judgment by default, and if the attorneys persist in asking for a trial of the case, or seek to get any judgment, they will be arrested at once by the marshal on a United States bench warrant and taken to Asheville.

There is undoubtedly a feeling of great tension here among all the people of the state for its life. The question of railroad rates seems to have taken a back seat before this greater and more serious one.

The Johnny Jones Carnival Company opened up in great shape here this morning and those of Greensboro and the surrounding country who are fond of the manager and the circus and its many accompanying attractions will during the whole of the week be given an opportunity of attending not a real circus but the next thing to it. The carnival is given under the auspices of the Gate City Guards a part of the proceeds to be used in defraying the expenses of the company to the annual encampment which this year will be held at Jamestown.

The summer school at the negro A. & M. college opened yesterday. President Sulley reports that the three weeks session was very profitable and well attended session, and that the teachers expressed themselves as much benefited by their year. In addition to the regular A. & M. faculty the principals of the State Normal at Farmville and Winston-Salem, De-

PROSECUTION WANTS IMMEDIATE TRIAL

But the Defense in the New Sensation at Raleigh is Playing For Time

DESIRE TO CHANGE JURISDICTION

Superior Court the Scene of Considerable Bantering Between Counsel An Invitation to a Hanging. Election on Dispenary Question To Be Held.

Special Correspondence.

Raleigh, July 17.—This morning when superior court convened, counsel prosecuting Agent Green and the Southern lodged a motion for immediate trial of the prisoner giving as a reason that there was a move on the part of counsel for the defense to stave off trial until process from the federal court could be obtained to take the jurisdiction from this court. Ex-Judge A. C. Avery, for the prisoner contended he was simply asking time to prepare for the defense, a thing they had as yet had no time to do. E. J. Justice of counsel for the prosecution attempted to interrupt Avery in his remarks and was told by Avery in a sarcastic tone that he was not there preparing any material for the next campaign but solely for the purpose of defending and maintaining the rights of his client.

Judge Long said if it was the purpose of counsel for the Southern to impede and delay the court and in the end deny the jurisdiction and strive to have the prisoner taken from this court by a process of the federal court then no time would be allowed. F. H. Busbee for Southern said he would state for the information of the court that he had been preparing a plea to be filed in this court but as to whether it would be approved and used by the general counsel for the Southern when they came together he could not promise. Judge Long said, "The question is do you propose to recognize the jurisdiction of this court or will you seek to thwart this court's proceeding. The answer was that the defense might after consultation file a plea as to jurisdiction, but no pledge not to take the case to the federal court could be obtained.

Finally Judge Long announced that he would call the case for hearing at 12 o'clock thereby closing the contest for the present. It is understood that the writ of habeas corpus from the federal court is expected here from Asheville at 12:45 this afternoon.

Governor Glenn says reports published that he had "denounced" Judge Pritchard of the federal court for his course in the railroad rate cases was not true. What he did say was that the railroads had taken an extraordinary course by not allowing the case to go through the channels of the state courts from which they had the right of appeal if aggrieved. That with the light before him he was very much surprised that Judge Pritchard would issue the writ. The governor says the case is not one of "denunciation or hot-headedness but for deliberation and cool judgment in prosecuting the state's rights. And that he will do all in his power to execute the state law.

A formal and official invitation to a "legal hanging" is a decided novelty which has been received here from Arizona State Treasurer B. R. Lacy who spent several months in Holtonville, Arizona, and has many friends there. It is regularly printed with the name of Mr. Lacy filled in and it is from Sheriff A. A. Anderson. The hanging in July 21 and the doomed man is a negro murderer.

Thomas Marshall is pardoned by Governor Glenn at the request of many citizens of Surry county. He was serving 90 years from Surry for murder in the second degree. The governor says on the evidence the jury could easily have acquitted the prisoner.

The temperance forces of Raleigh have decided to call an election in Raleigh on prohibition or dispensary about Sept. 15. A citizens committee consisting of N. B. Broughton, W. N. Jones, Z. P. Smith, E. J. Betis, W. J. Young, Dr. I. McK. Pittinger and J. T. Miller has been named to make the preliminary arrangements for the election and direct the campaign for prohibition against the present dispensary system.

B. S. Smith and Prof. C. O. O'Nally, taught. One of the most interesting features of the summer school was the cooking class taught by the wife of F. A. Pothol of Charlotte. There was an attendance of 118 teachers. The prospects of a strong permanent state summer school are reported as being very good.

BURGLARS MAKE A BAD MESS

Young White Man Held For Obtaining Goods Under False Pretenses

AN UNDIPLOMATIC APPOINTMENT

Dr. Pritchard May be a Distinguished Surgeon and All That But His Appointment Shows Lack of Judgment. Real Estate Cut Up Into Lots.

Special Correspondence.

Greensboro, July 17.—Yesterday Justice of the Peace Sims committed to the county jail to await trial, Charles McKinnon, a white man from White Oak. McKinnon was arrested for obtaining goods under false pretense and as the defendant was not ready for trial he was placed in jail for safe keeping.

Last Sunday night some unknown party gained entrance into the store of Mr. W. S. Moore on East Market street by prying off the large iron bar which rests across the rear door. As soon as the store was opened, this morning it was evident from the disorder of things that some one unacquainted with the store had been rummaging about the merchandise. A thorough investigation was at once made but nothing could be found missing.

The American Realty and Auction Company and Mr. Will H. Matthews have made arrangements with Mr. W. O. Stratford by which they will divide up into lots for sale at auction at an early date Mr. Stratford's property on Julian street. There will be 50 to 75 of the lots and one of them there is a dwelling also owned by Mr. Stratford.

There was a group of men standing in front of King Brothers cigar store when this correspondent came down town this morning and they were clustered around a paper, intently interested. "I wish to God you would look here" one said as another gentleman passed just ahead of me. The man addressed stopped, looked at the paper, it was the Charlotte Observer, and read out loud the following dispatch dated at Asheville: "Dr. Arthur Pritchard, son of Judge J. C. Pritchard, has been appointed assistant surgeon of the Southern Railway Company for this district or division. 'Well boys, I hate to see that,' said the reader, who is a well known admirer of Judge Pritchard, 'it is the worst kind of bad taste, at this time, and Judge Pritchard ought to repudiate it at once.' This raised a little discussion among the group, one declaring that it was not unusual for the railroads to have sons or close relatives of superior court judges appointed to positions in all parts of the service, especially as local counsel, soon after they were elected, and named several, including attorneys who had just finished service, agreeable to the railroads in the legislature, and he even named some United States district attorneys and state solicitors. Another said it was well known that Judge Pritchard had himself been a Southern railway attorney while he was United States senator and also was one when he was appointed to his present position, and besides, he said his son-in-law Thomas B. Rollins was division counsel of the Southern railway at this time, and he could see no impropriety, considering all these facts of the son being appointed a surgeon, since it seemed he was not a lawyer and could not well be made local counsel. But every member of the group, except one, agreed that at this particular juncture, it was the very worst kind of bad taste for the appointment to have been made. This "dicker" said he was "d— glad the news was first printed in the Charlotte instead of the Raleigh Observer, because it would have been immediately said that it was published solely to prejudice Democrats against Judge Pritchard." As it was, he said he was inclined to believe, that the appointment may have been made some time ago, and had just leaked, and he believed some personal enemy of the powerful United States circuit court judge had had it published just now, at all times in the world.

But there was common consent of that one assemblage, that the thing looked inappropriate at the very least, and was calculated to place an otherwise highly honorable official in an unenviable light for criticism.

Death of Agent Minister. Special to Journal.

Greensboro, July 17.—Dr. Paul J. Caraway, the oldest active minister of North Carolina Methodist conference, died here today aged 82.

SHORT SENTENCE FOR MURDERER

Young Man Who Shot Another in Cold Blood Gets Only 12 Years

THIRD FIRE WITH IN TWELVE MONTHS

Mr. T. K. Bruner Will Go to Europe in the Interests of Immigration. Will Endeavor to Secure Settlers for North Carolina. School House Appointment.

Special Correspondence.

Raleigh, July 16.—A sentence of 12 years was imposed today by Judge Long in the case of Rowden Black of Fayetteville for the killing of Marshall Rowland at Holly Springs, this county, last April. A number of witnesses from Fayetteville went on the stand and testified to the good character of the prisoner who is only 17 years old. He shot Rowland when the latter had come to him to demand satisfaction for Black having slapped his little brother for refusing to find some liquor for him.

Fire in the store of the Tucker Drug Co., early this morning, filled the place with a dense smoke and this with the heat damaged the stock of drugs considerably. Other than this the actual damage to the place was little more than \$100. There is no clue to the origin of the fire which was just back of the prescription counter. This is the third time this store room has been visited by fire within four years.

Tonight T. K. Bruner left for New York and will sail from there July 20, for a tour of Europe as immigration commissioner from the North Carolina board of agriculture, to appoint special immigration agents in several foreign countries who will strive to attract desirable immigrants to this state. He will give illustrated lectures on his travels, letting out the advantages this state has for settlers.

At a session of the state board of education held this afternoon loans aggregating \$18,925 were approved for various counties to be expended together with equal amounts furnished by the counties in the erection of new school houses and improving old ones. The loans approved were: Lincoln \$2,500; Catawba \$400; Wilkes \$725; Chatham \$555; Currituck \$500; Columbus \$1,500; Guilford \$1,250; Carteret \$500; Gaston \$1,400; Onslow \$350; Pamlico \$925; Wake \$850; Warren \$1,250; Cherokee \$2,300; Watauga \$2,500; Wilson \$2,500; Bladen \$750.

Rev. Percy G. Elmon of Brerard has accepted the pastorate of the Fayetteville Street Baptist church this city and will enter on his pastorate September 1. Extensive improvements are being made on the building.

Police Court Transactions.

There was quite a large bunch of disorderlies before the mayor yesterday. It was mostly of the messy kind and a good deal of it showed that the complaining witness was not altogether blameless.

Ned Corbin was taxed the costs for slapping a woman. The woman was made to share the costs.

Bob Horne had some trouble with another man and was arrested. The mayor let him pay the costs.

Ananias—a name that would queer any one, Norris was required to pay the costs for disorderly conduct, while his wife Mattie Norris was fined five dollars and cost. The two had a heated argument and their quarrel caused their arrest.

Roosevelt Annoyed by Cranks.

Special to Journal. Oyster Bay, July 17.—This place seems to be the rendezvous of all unemployed cranks on account of President Roosevelt's presence here. They have many unique and original excuses to gain an audience with the president. Some are easily turned away while others are determined to see the president. There have as yet been no violent cases but some of the more insistent have shown an ugly disposition which might be serious if they were allowed to see Roosevelt. They are never permitted to enter the yard.

Wants True Value Tax.

Special to Journal. Atlanta, July 17.—Governor Smith in a special message directed the legislature to frame a law taxing all railroad property at its true value.

Big Cotton Fire.

Special to Journal. Little Rock, Ark., July 17.—Fire destroyed 4,000 bales of cotton stored in a warehouse here early this morning. The loss will reach \$1,000,000.

NO HABEAS CORPUS HEARING

For Green But the Case Goes Merrily On With Some what Lame Defense

TESTIMONY SHOWS MANIFEST VIOLATION

Most of the Day Consumed in Securing a Jury and Special Care Is Taken That None of Them Have Read Certain Papers.

Special to Journal.

Raleigh, July 18.—The prosecution of the Southern Railway Co., and Ticket Agent Green has today been conducted without interference from the federal court. All the difference being that on agreement reached by contending counsel that argument shall begin 9:30 tomorrow morning when two attorneys are to speak on each half hour each. The morning session was taken up with selecting the jury. The case began on the testimony for the prosecution during the afternoon. This consisted of proving the sale of tickets at unlawful rate, the Southern making the point that the sale included the rebate coupon as a special contract obviating violation. The presence of Judge Pritchard of the United States court raised intense interest as to any intervention on his part. He held conferences in the federal court offices with General Counsel Thom and other of Southern Railway for Asheville without issuing any process or making any move in the case at all. It seems settled that cases proceed to conviction and sentence. Habeas corpus or other process may issue in the event of imprisonment. Col. W. B. Rodman, went with Judge Pritchard on to Asheville this afternoon.

When the jury had been completed General Counsel Thom, for Southern road asked that the court pass on motion pending to push indictment as to the Southern Railway on he ground that no crime could be charged to the road under the status since the act expressly prescribed that any railway corporation failing to sell tickets at 2% cent rate should be liable to a one penny penalty of \$500, cash in each case and additional criminal indictment does not apply. After lengthy argument Judge Long over-ruled motion reserving right to take it up and pass finally later in proceeding in question properly presented. The court took recess to 3 o'clock. By the time the jury had been empaneled it lacked only ten minutes of 6 o'clock, time for the court to take recess for dinner. The bill indictment was read by the solicitor and the recess followed. The Judge charging the jury at length to not discuss the case or read any newspapers as to any matter of taking testimony for prosecution began immediately on reconvening court. W. P. Jones was first witness and stated that he was of Cary, had purchased ticket in the manner based on indictment, said the prisoner Green, had in person sold the ticket to him. He identified the returned coupon given with ticket. Cross-examination by Mr. Thom showed that in addition to ticket he received there was a coupon having upon it special contract, thing of value.

J. O. Jones, clerk under Agent Green in ticket office here then testified, and through him the state brought into evidence a printed letter instructions from general passenger agent of the Southern to continue sale of tickets at old rate with coupon attached. Examination was had fought on technical points raised on a cross-examination. Thom again brought his point that sale of ticket at old rate. The money of the ticket plus coupon Jones testified that in afternoon, W. F. Jones testified having bought ticket of Agent Green, the latter had gone out on the road to work and he (Clark Jones) had made the sale.

Ex-Gov. Aycock announced that the state would rest case. Counsel for defense asked an intermission for consultation. Fifteen minutes was given. On reassembling, Judge Long said it was growing late and he adjourned court to 9:30 tomorrow morning when instructions could be filed and all argument presented, recess being taken about 1 o'clock. It is understood that only two members of council speak on a side, speeches limited to probably half hour each. Busbee will open for defense. Ex-Gov. Aycock, J. J. Justice, follow for prosecution, General Counsel Thom of Southern, another for defense.

Wanted—Clean Team at the Court House.

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