# New Bern Weekly Journal.

No. 35. NEW BERN, CRAVEN COUNTY, N. C., TUESDAY JULY 30, 1907 --FIRST SECTION. 30th YEAR


State Library

## PRITCHARD OVER-LOOKED SECTION

### Which Provides For Denial of Privilege of Wish of Habeas Corpus

## RAILROADED TO THE CHAIN GANG

### Semi-Annual Meeting of Dixie Fire Insurance Co. Reports Show Excellent Condition of the Company and the Increasing Business J. A. Meadows Remembered

Special Correspondence.

Greensboro, July 26.—There may be something in it, or there may not, but a lawyer here ,in calling attention to Judge Pritchard's latest decision in the Asheville habeas corpus case, in which he released two men sentenced to the roads for violation of the State railroad rate law, says that the Judge, while citing a great many sections of the North Carolina Code to sustain his abrogation of section 4 of the act of the recent legislature forgot, or willfully failed to state one very important bearing on the"sacred writ of habeas corpus." It is even suggested that Judge Pritchard's failure to mention this section or sub-section, is evidence that he only used the brief of the attorneys for the corporations, without thorough examination of his own, and that lawyers briefs contain only matters calculated to help their side of the case. In any view of the matter, it is interesting to rest this assertion of an uninterested lawyer who says:

"That section is 1822 subsection (2) and reads: "Application to prosecute the writ (of habeas corpus) shall be denied in the following cases

(1) ******

(2) "Where persons are committed or detained by virtue of the final order, judgment or decree of a competent tribunal of civil or criminal jurisdiction, or by virtue of an execution issued upon such final order, judgment or decree.

Two young white men, giving their names as Frank Wetmore and Martin Williams, of Charlotte, were arrested last night and placed in jail for beating a ride on a Southern Railway train. They said they got on at Lexington. In the police court this morning Williams was bound over to the Superior court for carrying concealed weapons. The binding over was a surplusage, as both young men are now on the chain gang, as they were taken to the county convict camp this afternoon for violating a law of the North Carolina legislature making it a misdemeanor for any one to beat the railroad out of a ride without its permission.

Just at this particular time, this sending of these two young men to the chain-gang to break rock this terrible hot weather, at the complaint of the Southern Railway police officer is provocative of much criticism. It is an every-day occurrence, but it seems to have stirred people now as never before. Said one man this morning, when told of the occurrence "I wonder wouldn't Judge Pritchard declare the act of the legislature void even if the railroad should oppose it." Said another: "While Judge Pritchard is getting Mr. Holton to indict private citizens for contempt of him in bringing suit under a State law, suppose he get indictments against the Southern for peonage, or false imprisonment, under a law that it had passed and is enforcing every day."

Yesterday afternoon and last night the Board of Directors of the Dixie Fire Insurance Company held their regular semi-annual meeting. The business was pricipally considering and hearing the reports of officers for the past six months' transactions. These reports were all highly satisfactory and showed the business to be florishing. Among out of town members of the Board who were present, were President, J. B. Blades, of New Bern, T. W. Bickett, of Louisburg, A. D. Ward, of New Bern, J. S. Bowers of Scotland Neck, W. C. Elliott, of Edenton, Ashley Horne, of Clayton, J. R. Little of Charlotte, John F. Bruton, of Wilson, Col. Dick Wright of Durham.

This morning there was a semi-annual meetingof the Board of Directors of the North State Fire Insurance Company, at which reports of business done during the past six months were read, and showing excellent conditions were approved. A resolution expressive of regret at the death of Mr. J. A. Meadows, of New Bern, a member of the board was adopted. After the session was over the members were taken in automobiles to Beckwith's bath, where the Commission Tonsorial Fading Club were giving a big fish fry and barbecue. As the distinguished party wheeled or tooted off in the big red devils, some one called to enquire if they were all insured in the Dixie or the North State Fire and Accident Companies.

Among out of town members of the board in the party were, President Ashley Horne, of Clayton, J. Allen Holt, of Oak Ridge, C. G. Blades, of Laurel, Del., C. R. Cox, of Cedar Falls, H. F. Prest, of New Bern, and L. M. Parks of Dunn.

## SOUTHERN NOT THE ONLY ROAD

### Action May be Brougot Against Other Railroads For the Same Offense

## PRITCHARDS INJUNCTION MERELY LOCAL

### Should the North Carolina Road Revert to The State , it Could be Re-Leased for Twice the Annual Rental Now Paid. Other Trunk Lines Desirous of Getting The Road.

Special Correspondence.

Greensboro, July 27.—A well posted lawyer here suggests probably a novel, and perhaps an effective way in which the State of North Carolina can solve the railroad problem should it come to a question of resisting the military forces of the United States or submitting to Superior force. He says that in the case of Logan vs. the railroad 115 N. C. Reports the Supreme Court has decided that the suits can be brought against either the North Carolina Railroad of the Southern; that Judge Pritchard has not enjoined the bringing of penalty suits against any but the Southern Railway, and the North Carolina road is left open to attack by innumerable penalty suits, which by the Southern Railway's own sworn affidavit would bankrupt the property; that this being so, and the result of the Southern's own wilful refusal to perform its part of the lease wherein it obligated not only to take care of the property, but to obey the laws of North Carolina in relation thereto, it has legally forfeited its right to lease of the road, and the Legislature or the courts can abrogate it at will." He further sugested that search be made in the Register of Deeds office here for the lease to see the paragraph respecting the agreement to abide by the law of the State. It took but a momnt, with the admirable index, Register of Deeds Kirkman has in the office to find that the lease, made by the State to the Southern Railway of the North Carolina road, was dated August 12, 1895, and was recorded in book 99 on pages 596-602, and one paragraph reads as follows:—"And the said party of the second part doth covenant with and obligate itself to the said party of the first part, its successors or assigns to do and perform all acts and things affecting the said railroad or its operation, running or conduct that shall be required or enjoined during the continuance of this lease by the laws of the State."

Speaking of the value of the road to the State, should there be a possibility of its recovery again by the State, this gentleman said that he had no doubt in the world but that it could be leased in twenty-four hours again for more than double the rental the State was now getting from the Southern Railway, and this from roads who would be glad to obey the law until it was declared unconstitutional in a constitutional way.

Mr. C. M. Vanstory, chairman of the committee having in charge the question of celebrating Greensboro's centennial next year, today named a sub- committee to formulate plans and suggestions to submit to the full committee. These plans after being passed upon by the committee of the whole, will be referred to a mass meeting of citizens for approval. The sub-committee named, consists of G. S. Bradshaw, A. M. Scales , David Dreyfus, C. D. Benbow, and R. D. Douglas, with Mr. Vanstory ex-officio a member.

### Make Up Deficit.

The New Bern Athletic Association have come out of the base ball season with a large debt to pay and it becomes necessary to ask who are behind on their payments to settle and thereby decrease the indebtedness. It is probable that a subscription paper to make up the deficit. By doing this we will be in good shape to commence the season next year and have a strong team with the opening of the base ball year.

## PAROLED CONVICT RETURNED TO CAMP

### Violated all Conditions of Release And was Sent Back to Serve Out Time

## PROHIBITION ELECTION PROBABLE

### All Preliminary Arrangements for Extension of Street Railway Tracks Made. Audubon Law Being Well Observed. Blind Tiger Sneaks into Beaufort only to be Put to Rout.

Special Correspondence.

Raleigh, July 26.—Governor Glenn this morning disposed of a very interesting case, that of a white man, D. D. Williams, of this city, about 50 years old, who was sent to the roads for a year and who was pardoned by the Governor some time ago, upon condition, that he remain sober, be industrious and treat his wife properly, maintaining her and his daughter. The governor found that last Friday Williams was drunk in company with bad women, and beat his wife. He ordered the sheriff to re-arrest the man. The sheriff produced the man today in the Governor's office, and the governor said that the pardon was granted solely because the wife in tears, had been to him four or five times and begged for him; that Williams had promised to lead a right life, had broken his pledge; that his wife needed his help. Williams said that he had drank only coffee and water. The Governor looked in the man's face and asked if he thought the Governor was a fool, then the fellow confessed he had taken two drinks, adding that his wife quarrelled with him and he could not stay at home. The Governor asked witnesses questions as to the character of the woman, and they said it was good. The governor said that this was the usual reward a good woman got for having such a husband He then sent Williams back to the roads, to serve until October 7th, and told the sheriff to keep him hard at work and give him no liberty. The Governor added that whiskey was the cause of 85 per cent of all the trouble and yet that people here had voted for the dispensary. He stated plainly that he was dead against this institution.

The curing of tobacco all through the east is being pushed very rapidly and that crop looks well generally.

Nearly all the talk is about the Southern Railway rate matter and a high official remarked today that if the roads let it go before the legislature at a special session, it would be the biggest fool thing the road had ever done. Democrats and Republicans are standing by Governor Glenn in his firm course, and he has letters from Republicans from various parts of the State endorsing his actions.

A number of petitioners for an election on the question of prohibition or dispensary, are in circulation and it is very safe to say an election will be held. J. W. Bailey went to Warrenton today to speak against the idspensary there, opening the campaign against it. He says he will work against the one here and believes it will be abolished, though there is much opinion on the other side. Manager Bachelor of the dispensary says the latter will unite. Mr. Bailey says the drinking stations on each side of the dispensary, and the pool room, are the things which have hurt the dispensary here most.

All the matters have been settled regarding the extension of the street railway, nearly four miles, and the contract has been signed by the company and the city, the city renewing the lighting contract for five years at the old terms. The Chamber of Commerce has worked very hard to bring about this matter and was the prime mover in it. The work done by the Chamber of Commerce this year has been most gratifying to that organization and full of the best results to Raleigh. This brought about the extension of the city limits.

Chief Game Warden, John W. Upchurch says the Audubon law is being well observed this year. He says he hears good reports form all sections of the State.

A very interesting arrest was made at Beaufort this week. The chief of police found that a man who has a whiskey distillery in that section was bringing liquor to that town artfully hidden in the boat and seized ten gallons of stuff. This the mayor held under orders from State collector Abernathy, who notified deputy revenue collector Cameron, who took the liquor. The seizure is very gratifying to the revenue authority, and Mr. Cameron spoke of it in very handsome terms, saying it was the first case of the kind in the State.

The report for this State of the weather in June shows that the mean temperature was four degrees below normal, and that th rain fall was seven inches, which is two and a half inches above normal. The temperature was the lowest in 21 years exnormal, and that the rain fall was the highest except last year. The monthly mean temperature was 79 and one half degrees. The greatest amount of rain was 12 inches at Washington, and the lowest 3 inches at Asheville. The monthly percentage of possible sunshine was 79 at Asheville, 69 at Raleigh, 66 at Wilmington, and 61 at Hatteras City.

## ATLANTIC HOTEL ENTERTAINS HUNDREDS

### Popularity of the Place Proved by the Big Crowds.

The crowds keep going to Morehead, the panacea for all hot weather troubles under the sun, and the best rest cure extant. Sunday was no exception to the rule for the trains of Saturday and Sunday, carried hundreds of pilgrims there and the Atlantic Hotel was the assembling point of a gay throng who find plenty to amuse themselves in the different attractions, sailing, fishing, surf bathing, etc., which make particularly enjoyable pastimes.

The following story taken from the Richmond Times-Dispatch is only one of the similar things that can be told of the magnificent sport there and scarely a day passes but some catches a large string of fish.

"South Boston, Va, July 27.—The illustration represents a fishing party consisting of Mr. and Mrs. W. Lucas, Penick, of this place; Mr. Charles A. Penick, of Tennessee, and two boatmen, at Morehead City, N. C., where the sport was greatly enjoyed during the past week. One hundred and twenty-five fish were caught in one day. During the outing, a huge shark weighing 129 pounds and six feet in length was landed, after a three hours tussle with him. The party enjoyed the experience with the monster greatly, and declare that they had the time of their lives on this outing.

The popularity of the Atlantic hotel is increasing, and among the resort places none will be found better equipped and managed. The cuisine is superfine, and the rooms, admirably arranged, are all cool and pleasant.

### Three Graces of Drama.

Three pictures stand on my desk. One is of Duse, taken at Genoa; one of Julia Marlowe; the third of Alla Nazimova. The first is the mater dolorosa of our days; in her features is embodied the suffering of highly constituted woman, for whom existence is like an open wound; the woman with nerves and heart. Julia Marlowe is a happier balanced temperament. She is poetic, she is sane. I once said that her dimple—that cleft in her finely modeled chin—was her destiny. This sadly impertinent remark I withdraw—it is the promulgation of her rare voice that is her destiny; that mellow, musical speech of her's in the accents of which there is no spoor of America provicial Her voice is not so poignant as Duse's but it is moving and expressive. Nazimova stands before you the epitome of the Semitic-Slavic. She is a tiger cat in the leash of art. A hundred nuances are at her control; she plays upon her temperament as does a violinist on his strings. She vibrates, she rages, she is cruel, sleek, subtle, never tender. These three women are foreign born; Italy, England, Russia. They are very un-American. Yet I am not afraid to write that they might have been, all three, born here and accepted as American "types," so cosmopolitan is our land.—James Huneker, in the August Everybody's.

### TWO AGENTS INDICTED.

#### Southern Railway Employees on the Same Old Charge.

Special to Journal.

Raleigh, July 26.—Governor Glenn today received no telegrams from Asheville or elsewhere, regarding th railway rate case, except one from Marion, informing him that the grand jury of McDowell county Superior court had indicted the Southern railway and its agents at that point for selling tickets for more than the legal price.

One more State official said it was intimated the Southern railway intended to stand to its position and this brought about the remark from another that it could not possibly do more foolish thing than to adhere to its position and thus bring about an extra session of the legislature.

E. H. Harriman, the railroad magnate, has purchased the Heber R. Bishop mansion, on fifth avenue, New York, for $700,000. He intends to alter the house extensively and live there.

## CARRIE NATION STRIKES RALEIGH

### And Gets An Upper Cut at Dispensary Prohibition and Local Opton

## KNOCKS THE WHOLE UNIVERSE

### Declares Its All on the Bum. The Manager and Treasurer of Dispensary President of the Anti-Saloon League all Get a Share of Her Abuse. Orders From the Officer.

Special to Journal.

Raleigh, July 29.—Carrie Nation was here today and lectured this afternoon and evening. She visited pool rooms and talked there. The place was crowded, but little attention was shown her. She visited the dispensary and was met inside by manager Bachelor, who showed her all over the place. She stood on a box in the rear of the counter and denounced the dispensary. While she was speaking some man called out for a quart of corn whiskey. Rev. Sylvester Betts, head of the prohibition movement here prayed, in spite of objction of manager Bachelor to its being done.

Then Mr. Betts went with Mrs. Nation to Pullen Park, but rain reduced duced the audience to about 200. She attacked the dispensary fiercely, saying it had sold during the past three months liquor amounting to $6,128. She denounced W. N. Snelling, the treasurer of the dispensary as a hypocrite and manager Bachelor as a most profane man, but said he was conducting d—— business anyway anyway. She denounced pool-rooms, as hatcheries of crimes, breeding drunkards, cigarette, Coco-Cola and all sorts of dope fiends and gamblers. Shes aid all sorts of philosophy had been used to get this dispensary, but it must be removed.

She bitterly opposed local aption and attacked State Anti-Saloon League, saying President, J. W. Bailey had prevented North Carolina from going ahead of Georgia in declaring for prohibition. She called this league really anti-prohibition league. She was applauded when she stated saloon was going out and in five years would be driven from the Unite States. She said in North prohibition party was a sort of annex to the Republican party, and in the South occupied that position to the Democrtic party.

She denounced President Roosevelt for permitting his signature to be given favoring petition for saloon in Alaska and Pan-America.

From Adjutant General's office was issued a special arder saying that preparatory to selecting team to repsent North Carolina at National Shoot at Camp Perry, Ohio, Colonels of 2nd and 3rd Regiments will detail one man from each company to engage in target practice with first regiment on State rifle range at Camp Glenn, Morehead City, for five days, beginning August 9th and that on August 13, men so detailed will go with first Regiment to camp of Instructions at Jamestown Exposition, for three days duty.

### J. E. Latham's Weekly Cotton Letter

Special to Journal.

Greensboro, July 29.—The feature during the week has been the high temperature registering a hundred degrees and upward in over half of the cotton producing area. The crop seems to be doing well, and nature has apparently done its best since the first week in June to make for the unseasonable weather of April and May, which certainly did give the crop the latest and poorest start that the oldest observer can remember. The crop however is so late that a continuation of the good weather and later frost date than the average is essential to make a full yield. Prices now ruling are high when measured by past history. But when considered in connection with prices with goods, and the committed condition of manufacturers and the possibilities and probabilities of the growing crop there seems ample cause for them to remain high. The market is sensitive and nervous and this nervousness will be accentuated in a marked degree if the climate conditions make any important departure from normal. Should unfavorable prevail and cause spinners or speculators to come into the market to buy in volume in my opinion such demand could be only supplied at an advance.

## THE RUBICON IS CROSSED

### The Extreme Tension Under Which the State Has Been is Relieved

## DECIDED VICTORY FOR THE STATE

### Railroad Attorneys Assemble in all the Gilt and Glitter of the Mighty R. R. Conference With Gov. ernor Behind Closed Doors. Reporter Excluded. Rate Law in Effect Aug. 8th.

Special to Journal.

Raleigh, July27.—It can be safely said that Governor Glenn's office was today th ecenter of attraction not only of North Carolina but of the United States. Theline between State and Federal sovereignty had been sharply drawn and the situation was tense in the extreme. The tension wa sto whether the State should win or lose in the rate case and there was no happier man in the country than Gov Glenn when at seven o'clock this even ing, he announced that the law was supreme in North Carolina and that the old State is the first in the Union which ever resisted a railway and stopped the latter. There was a rattle of applause as the Governor made this ringing declaration. While he smiled like a boy and people pressed forward to shake his hand, the first being the armless president of the Baptist University for Women at Raleigh, Rev. Robert E. Vann.

The incidents of the day began with the unanimous arrival this morn ing of private cars on which were the two general counsel of the Southern Railway, Alfred P. Thom and Alexander P. Humphrey and President Thomas M. Emmerson, general counsel, Alex Hamilton, Assistant General Counsel, George B. Elliott, of the Atlantic Coast Line, and George Rountree, representing the Atlantic Coast Line stockholders.

These officials and attorneys conferred together and wished to have a conference with Governor Glenn at eleven o'clock, but his attorney, ex-Governor Aycock and Speaker Justice of the House of Representatives were not present, so the time was fixed for this afternoon. President Emmerson had to leave two hours before the conference. The meeting was in the governor's office. The governor desired that reporters should be present, but left the matter to the railway people, who objected, so he requested the newspaper men to retire. The conference lasted three hours, each side withdrawing to prepare papers for signature. At six thirty o'clock they left the governor's office, all smiling. Speaker Justice was the first to announce the result and he said to the eager reporters, "All is settled except the three law suits and the two and a quarter cent rate goes into effect as soon as the Southern and Atlantic Coast Line can figure out the schedule.

A quarter of an hour later the governor came out, and read to the eager little audience as follows: The following is signed by Thom and Humphrey for the Southern Railway and by the governor for the State:

1, The railway puts the two and a quarter cent rate into effect not later than August 1, next.

2, The State to appeal from Judge Pritchard's order discharging parties in Asheville, on writ of habeas corpus.

3, The Southern Railway to appeal to the State Supreme court in the Wake county case and if the case is decided against it to take it by writ of error to the United States Supreme court.

4, That both sides co-operate to have both cases advanced and argued together and speedily determined.

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

6, All indictments and prosecutions now pending to be dismissed and no others to be instituted for any alleged violations of law up to the time the new two and a quarter cent rate is put into effect so far as the governor can control the same.

7, the Governor advise all persons against bringing any penalty suit pending the determination of the question involved, and ask the people as a whole to acquiesce in this arrangement.

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

The governor stated that Thom and Humphrey, also as counsel for the Southern Railway, undertook that it will not inaugurate contempt proceedings because of anything here-to fore done by any of the State officers in connection with this rate litigation, and that the road will do what it can to prevent the inauguration of any such contempt proceedings. This arrangement between the Southern Railway and Governor Glenn is also assented to by George Rountree, attorney for R. Nelson, Buckley, and other Atlantic Coast Line stockholders' complaints, and by Alex Hamilton, general counsel for the Atlantic Coast Line Co., except that they do not consent that the Atlantic Coast Line shall be indicted in one case, but as to that leaving the State at liberty to do as its sense of duty may dictate, this agreement being signed by Hamilton and Rountree When he finished reading these important documents, the governor made the first quoted declaration about North Carolina's victory over the railways. He went on to say that on Monday he would write a letter to the various judges to nol pros cases and asking the people to refrain from bringing penalty suits and that when said letter is received all proceedings would be held up.

The Governor sat in the window and laughed as he said he felt happy at the result of the conference. He then told some incidents of the latter He told Attorney Thom that he was a fine compromiser, though he himself could not agree with his idea, which was to take principal, interest costs and liberal attorneys fees. The governor said that the basis of his demand was that the two and a quarter cent rate must go into effect. This was his ultimatum and that he laid it down to the railway people when they first entered his office. He said the only substantial difference between them and him was that they wanted a longer time in which to put the rate into effect, but after discussion August 8th, was given as the date. The Governor smoothed up an expression or two of gratitude at the good humor.

## CHURCH OF CHRIST SCIENTIST DEDICATED

### Pretty House of Worship Formally Opened for Divine Services.

First Church of Christ, Scientist, New Bern, N. C., dedicated its new church on Sunday July 28th, holding three services at 7:00 a. m., 10:30 a. m., and 8:00 p. m., which were well attended.

The following selections from the Bible and Science and Health with Key to the Scriptures, were chosen by Mrs. Eddy, the discoverer and founder of Christian Science, for the walls of the church.

"And about the time of forty years suffered he their manners in the wilderness. Acts, 13: 18.

"God is a Spirit: and they that worship Him must worship Him in spirit and in truth." John, 2:24.

"Whoever opens the way in Christian Science is a pilgrim and a stranger, marking out the path for generations yet unborn." Mary Baker G. Eddy.

"Christ Jesus healed sin and sickness by one and the same divine metaphysical process." Mary Baker G. Eddy.

The following appropriate remarks were made by the first reader, Miss Emily C. Ferebee, after which the regular Bible Lesson Sermon was read. Subject, "Love."

"We are here at this hour to dedicate our house of worship to God, universal Love and to the service of His children.

"The histoy of it is simple, a few seekers who find Truth, Christian Science, a firm faith, a broader hope, a surer promise, a braver purpose, resting and working in His word, we wait on God for His reward, His comfort, His peace.

The building shows at once that it is very substantial and well built. Every one remarks it will be quite an addition to the city with its white stucco and large corinthians columns balustrade and quaint windows painted in white.

### Big Fertilizer Mill at Bayboro

The Pamlico Fertilizer Co., which was organized some time ago with a capital of $100,000 will begin work shortly on its big mill at Bayboro. The home office of the Company will be located at Washington but the manufacturing will be done at Bayboro, where there is already a large fertilizer plant. Among the directors we notice the names of Messrs. J. F. Cowell and J. T. Swan, of Bayboro, and S. F. McCotter, of Vandemere.

### Japanese in Possession of Korea

Special to Journal.

Seoul, Korea, July 26.—The latest move in the affairs between Korea and Japan, was made last night, when five brigades of Japanese blue jackets marched into the city investing it and disarming the local army.

He is the property of a good man to do great and good things, though he risk everything by it.—Metillus.

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