

UNITED STATES COURT IN SESSION

Proceedings of the First day of the Federal Tribunal Judge Purnell Preside

JUDGE'S CHANGE COMPREHENSIVE

He Touches on Federal Authority in Connection With State Rights. He Spoke in Details of All Crimes Against Federal Statutes. Paid His Respects to Prohibition as It Is Practiced. Cases Continued.

United States District Court convened in this city at 10 o'clock Tuesday morning. J. K. Willis, J. J. Ivey, Noub Forbes, W. R. Reel, E. D. Hardesty, Louis Parrott, James Pollock, G. N. Ives, R. C. Davis, John Mallard, Norman Gaskill, Henry Ross, were sworn in as grand jurors. G. N. Ives foreman. Judge Purnell's charge to the Grand Jury was full and comprehensive, being deliberately and impressively given to the jurors, giving them a full and succinct understanding of the purpose and duty and jurisdiction of the Court. He declared that there was no interference on the part of the Federal authority with State rights, but was the purpose of said authority to protect those rights guaranteed to the States under the constitution. That such laws as were in direct violation of constitutional rights of the people, placed usually upon State statute books, to serve personal or selfish ends, had to be corrected by this authority or they would prove tyrannous to the people. The landlord and tenant act being cited as an example. The Judge went over fully the whiskey, pure food, using the mails fraudulently and the peonage laws. Judge Purnell declared that he was not opposed to temperance, but unilaterally opposed to prohibition. That prohibition had proven a failure wherever it had been tried. Does not build up moral strength, but rather has a tendency to discount men's strength of character. His ideal law, the Judge declared, "open bars, high license, and police protection."

H. W. Wilson, colored, was sworn in as an practicing attorney in this court. Several cases were continued until today, Wednesday:

U. S. vs. Major Mills, Luke Mills, Snow Mills, Noah Hardy, Jim Hardy, illicit distilling whiskey; defendants pleaded guilty, and judgment was suspended on payment of \$100 each and the cost.

Case vs. T. S. Hancock, was called and his counsel, Mr. Allen presented to the Judge Doctor's certificate as to his condition, and the case was continued.

U. S. vs. W. S. Raynor, retelling, the defendant was represented by Judge W. S. O. B. Robinson, who stated to the Judge that the man was not bright and begged the mercy of the court. Judgment: Raynor pay cost of action and was discharged.

U. S. vs. Kline, peonage. District Attorney Skinner entered nol pros, and Mr. Kline was discharged.

Evening Session. Court was called to order at 3:15 o'clock.

U. S. vs. Williams, for failure to post license in place of business; pleaded guilty and fined \$10 and costs.

U. S. vs. William Fisher; failure to post license; fine \$10 and costs.

Case vs. Henry Connor, wholesaling liquor without a license. U. S. witness, Thomas Pritchett, testified that during last February or March he came to New Bern, and filled up with liquor. That while in the drunken condition, Henry Connor with the help of one, Scates induced him to buy Henry Connor's business. That he was too drunk to know anything about what he was buying, simply giving Connor a check for \$350.00, the amount asked. He went off and when he sobered up, came back on Sunday, the sale having taken place on Friday, and asked to see his place and its contents. He goes to Scates for the keys, he being arranged on the day of sale that Scates was to be the clerk for Pritchett. Scates refused to deliver keys and Pritchett reports to chief of police Hargett. Scates then turns over keys and Pritchett accompanied by Chief Hargett and policeman Lupton, goes to place where they find four barrels of whiskey. Pritchett turns whiskey over to police and sells other stock to Scates. Defense, who is represented by Messrs. Nixon and L. J. Moore, testified that he only sold some bar fixtures, sets, anchors, etc. to Pritchett, and that he did not

UNITED STATES COURT ADJOURNS

Wednesday's Session. Many Cases Disposed Of.

Court convened at 10:15 yesterday morning. Tom Ross who was implicated in the case of illicit distilling in case of Mills and Hardy, and had been in jail six months, was released. The Judge stated that owing to his afflicted condition the punishment already endured was sufficient.

Case vs. Hilliard Williams; retailing. It appeared in this case that Henry Connor was using him as a tool, being Connor's clerk, he was told that it was all right to see anything in the house.

The jury returning to court room for instructions was relieved of duty and the clerk was instructed to enter verdict of "not guilty" by Judge Purnell.

Case vs. James West; retailing. F. P. Rowe, deputy sheriff White, A. L. Bryan, and Ed Manly, colored, were sworn as State witnesses. Their testimony was direct and convincing. Messrs. Rowe and Bryan having caught him selling the whiskey. His attorneys, Mr. Nixon and Wilson, made earnest pleas for their client. The jury after deliberating for a short time returned a verdict of guilty. Judgment 30 days in jail and fine of \$100.

Several cases were continued until next term of court. Presentments vs. Mr. Fred Pittman of Swansboro, and D. W. Russell, of Hubert, were returned not true bills. The trial jury was discharged as no other case appeared on docket for jury trial.

Joseph Rahid petitioned to the court for naturalization papers, and the same were granted.

William Sanders vs. Martha E. Dickerman was dismissed upon the ground that the vessel was not as the government contemplated, under statute and was only used for river trade.

A Boom For Horse Henry

Washington, October 29.—Col John Hamilton Lewis, a prominent newspaper man and politician, has started a presidential boom for Henry Waterson, editor of the Louisville-Courier Journal.

INSANE MAN COMMITS SUICIDE

Had Been Placed in Jail to Await Commitment To The Insane Asylum.

Greensboro, N. C., October 29.—John Bodette, white, aged sixty, a respectable farmer of the county, was found dead in his cell at the county jail this afternoon. By the request of his family he was placed in jail two weeks ago to await admission to the insane asylum. He had tied a suspender around his neck, fastened it to an upright bunk frame and drawing his knees up to his body suspended, must have slowly and noiselessly strangled to death.

Awaits Taft's Return.

Washington, D. C., October 30.—The matter of the war department officially adopting the balloon as a courier of war has been held up until Secretary of War Taft arrives from his trip around the world, his decision will determine the fate.

own or sell any whiskey. Pritchett's testimony was corroborated by chief Hargett and policeman Lupton. Judge charged that if the defendant sold or offered for sale more than five gallons of whiskey, he is guilty as charged. Case was given to jury at ten minutes to five o'clock, when court adjourned until 10 o'clock Wednesday morning.

Verdict in Connor case 18 months Federal prison. The following were drawn as Grand Jurors: G. N. Ives, foreman, J. M. Hollowell, J. M. Mitchell, J. K. Willis, Needham Willis, H. E. Bell, Andrew Grimley, J. J. Ivey, W. R. Reel, E. D. Hardesty, Lewis Parrott, James Potter, R. C. Davis, John Mallard, Norman Gaskill, Henry Ross.

Jury No. 1.—John S. Banks, John H. Boyd, Claud Gaskins, George Law, T. R. Smith, J. H. Morris, J. E. Rhodes, W. L. Arandall, Joe H. Henderson, Cain B. Sauls, A. Q. Aldrich, John Mashburn.

Jury No. 2.—Alex C. Dall, M. M. Harriett, H. B. Hancock, R. H. Garria, H. F. Brown, C. M. Jordan, G. H. Cooper, John White, E. S. Dixon, Henry French, Daniel Lane, S. O. Holmes. Chicago Judge Indicted For Manslaughter.

Chicago, Ill., October 29.—As a result of an accident on the inter-urban electric railway at Mattson in which several people were killed and several others were seriously injured, Judge Ester Grosscup, director of the road has been indicted for manslaughter. Judge Grosscup is one of the leading jurists of the country.

MOONSHINERS CAUGHT IN ACT

Richmond Will Follow Raleigh Lead in the Matter of Post-office Conventions

MISLED BY AN INSURANCE POLICY

Interest Among National Guardsmen. Tenth Judicial District Appeals Before Supreme Court. Lodge of Eagles Organized. Aldermen Will Act Upon Prohibition Election Pending For Some Time.

Special Correspondence. Raleigh, N. C., October 29.—Deputy revenue collector Cox was here today and reported to the office. He made a very odd capture a day or two ago in Rockingham county. He went to a mill which had been located through information and found a man and two women assistants at work moonshining. They were in fact caught in the very act. The man ran like a turkey and got away without being identified but the two women stood their ground. In fact they could not run very well since one had a very small baby and the other three little children. They were arrested but were only held a few minutes before being released. The still in which they are making corn whiskey was destroyed.

Postmaster Briggs has a letter from postmaster Cabell of the Richmond post office in which it was stated that at the end of this week the Virginia postmasters are to have a convention on the plan of the excellent one held in Raleigh week before last. Postmaster Cabell said in his letter that they could not hope to have as large a convention as the one here. Postmaster Wallace of Wilmington, writing to postmaster Briggs declared his belief that there was not another place in the State at which the postmasters could have had so delightful time and such a variety of events in the course of a meeting as Raleigh, and could have spent so delightful a time in every way.

In the Superior court here an insurance case was argued today which presents some interesting, not to say delicate points. A High Point man, now very old, was insured in 1884, on the increasing ratio premium plan until 65 years of age. He paid under this plan until the premium went over a thousand dollars a year on \$10,000, the amount of the policy and it is said that he paid first and last about \$15,000. He sues either for a paid-up policy or the repayment of the premium, on the ground that the agent misled him as to the terms of the policy. The question is whether a policy can be assailed after years of paying premium without notice of the charge, fraud, until after the agent who wrote the insurance is dead. The company is represented by people from its home office, New York, among them M. M. Dawson, who was actuary to the noted Armstrong investigating committee of the New York legislature which investigated insurance companies two years ago, and caused so great a stir in that State. One of the company's attorneys asked the plaintiff in this suit now on here if he had not brought suit in his own county to set aside the deed made 20 years ago for some lands, the suit being brought after the notary public who had taken the probate was dead.

National guardsmen are of course just now manifesting special interest in all phases of military news since it is such a little time before the Dick bill goes into effect in every way, the main feature being that in equipment, physical conditions, etc. the National Guard shall be equal to the regular army. Some States have taken great care in this matter. The troops will all be inspected January by regular officers to see exactly their status at that date, when the law becomes thoroughly effective. Under a State ruling the minimum number of an infantry company is forty and the maximum sixty-six. The minimum under the United States law is fifty-eight men and the maximum sixty-five in time of peace, but the Government requires that there shall be arms and equipment in the armories ready to instantly equip fifty-eight men. It does not require that that provision shall be made to put that number in the field at once without having to make requisition on the war department for supplies.

The Supreme court today took up death district appeals. Among the visiting attorneys, but not from their district is Charles W. Fitt of Charlotte. There are only 18 cases on

COLLEGE HAZING SUPERSEDED

President Winston's and his Suggestion Adopted as a Mode of Initiation

A & M A CADETS BULLY FIGHTERS

A New Substitute for Hazing Which Was Apparently a Check For The Subjects Intended For Punishment. A Fair Challenge, Readily Accepted and Entailed With a Zest By Both Parties

Special to Journal. Raleigh, N. C., Oct. 30.—There had been no hazing at the Agricultural and Mechanical College here during the present term until Monday night, when about a dozen sophomores eluded the seniors who are acting as police, took a freshman to the woods and beat him, but not seriously. President George T. Winston at Chapel Hill yesterday morning referred to this as cowardly and denounced hazing and hazers. He said it was far more manly to fight in daylight and in the open. The sophomores an hour later challenged the freshman to meet on the athletic field. The challenge was instantly accepted and fifteen on each side met there and fought fifteen minutes with fists only and man to man, with the cadet commandant as umpire and the seniors keeping order and seeing that there was absolutely fair play. The fight occurred on soft clay soil.

This afternoon the fighting was resumed in the presence of hundreds of spectators and lasted twelve minutes with 65 men on a side, umpired and watched as before by the commandant and the seniors. As fast as a cadet said he had enough he was retired. Four went to the hospital but the injuries were trifling, and in an hour all were out.

There was entire good humor and when the fight was over each side went to drill, singing and cheering. President Winston says that honors were easy as between the sophomores and freshmen and that there will be no more of the fights which are a new feature in North Carolina schools. Some cadets said this evening there would be a final fight tomorrow.

15,000 PEOPLE BURIED IN LAND SLIDE

A Section of Mountain Loosened by Earthquake, Falls on The City.

Special to Journal. Constantinople, October 30.—Word has reached here of a terrible disaster that has befallen the town of Karatogh, province of Bokhara, Turkestan. The place is a thriving city of 15,000 inhabitants, situated at the base of a mountain. Several weeks ago the town had one or two severe shocks of earthquake and a section of land was loosened. This land descended on the city, and covered it completely. The houses of the city are entirely destroyed. But very few people escaped.

Widely recommended for its curative qualities. Its reputation for superior merit has stood for thirty years. Nothing so good for indigestion, constipation, rheumatism and had blood as Hollister's Rocky Mountain Tea. 25 cents, Tea or Tablets. F. S. Duffy.

Active Cotton Market

Special to Journal. New York, 21.—Cotton on the exchange today ruled active and higher, the cause being due to heavy buying in the Liverpool market.

This week's docket. Tomorrow a lodge of the Order of Eagles is to be formed here, the first one in this section of the State.

The aldermen are to take up action Friday on the petition for an election on prohibition or dispensary, which has been filed for some weeks and which has recently been gone over, name by name in order to see the exact status of the petitioners and ascertain whether they are present or not.

Grand Secretary Woodell of the Odd Fellows, says that the growth of the Order is very remarkable this year, and that more inquiries are being received than ever before. Very great care is being taken in getting exactly the right kind of men as members; in fact these are now being picked and of course they will be weeded out where they are not exactly right. Today he went to Warrington on business connected with the order.

THE EVIDENCE OF A SHOW GIRL

May Result in Release of Convict Smith Who is Serving 18 Month Sentence

CONVICTS WORK ON STATE FARM

Cruiser Raleigh Flag and Pennant Placed in Hall of History. Suit Against Provident Savings Life Insurance Company. Another Extension of Raleigh Street By Alleged Robber Brought from Apex.

Special Correspondence. Raleigh, N. C., October 30.—Late last night a white man aged 18, who claims to be from Baltimore, and says his name is Henry Sellers, was brought here from Apex on the charge of robbing the ticket office of the Seaboard Air Line at Bonsel, not far from Apex. Sellers was here yesterday and beat his way to Apex on a train as far as New Hill, where he was put off. He walked to Bonsel, found the ticket agent out for a moment, entered the office and got \$200 of money, which was in a box on the desk. Theagent, returning, saw the man jump out of the window and shot him in the hip, caught him and found the box and money in his possession. The wound is a bad one and an operation was performed on it thier today in Rex Hospital.

In the Superior court today the case of Dr. Jones of High Point against the Provident Savings Life Insurance Company of New York, which has been on trial for three days, went to the jury. Both sides made a strong fight in this case, which involves at least two important points, one of them new.

There is every reason to believe that if the financial troubles north become easy there will be another extension of the Raleigh Street Railway system in the spring. There are a number of enterprises on a large scale in this State in which the funds come from the great northern investment companies and so the situation there is of no little interest here.

If the story be true as related by a show girl, Lillie Hays, now at the Fayetteville Fair, then there is apt to be an investigation as to the shooting of Smith in the Union Passenger Station here on the last day of the State Fair of 1905. Two days after President Roosevelt was at the Fair. Bob Lilliston whose home is given as not far from Norfolk has been in the penitentiary over 18 months on the charge of having killed the man. The pistol was held so near his body that his clothes were powder burned, the bullet entering the back. The Hays woman has told the police here and also Lilliston's father that it was not Lilliston who did the shooting, but that the assassin got off instantly on a train, making a dash through the crowd and boarding the train at the last moment. While he was thus going westward the crowd in the station was pouring out of the eastern doors, some of them in pursuit of other men who were shooting, two of these running across the park in front of the station and one being taken in rear of the park hotel. In all it seems that about six shots were fired in the man's waiting room at the station and the marks of some of the bullets yet remain there. Old man Lilliston is working very hard to get liberty for his son. It seems that some of the police, at least believe young Lilliston's story which was from the first that he did not kill the man, Smith.

A dozen convicts were taken to the penitentiary this morning to pick cotton at the great State farm near Weldon. The crop is not a full one this season and is expected to be somewhere about a thousand bales.

The flag of the cruiser Raleigh and the homecoming pennant of the latter of China sink, 600 feet long are to be placed in the Hall of History. The men of the cruiser made the gift of the flag and the pennant to this city.

The pennant is now looped twice entirely around the gallery of Metropolitan Hall. Seaman Richard Darden, of the Raleigh, who brought the flag here, spent \$100 in order to do this and see his parents coming all the way from Shanghai. The Raleigh is now out of commission after many years of good service. This vessel ended the opening gun at the battle of Manila Bay.

Mrs. Mary Scott Hart's fled her sewer to her husband's bride asking to have the divorce case reopened, and make occasional charges.

NORFOLK & SOUTHERN RAILROAD CELEBRATION

Will be Great Event. All the Country Along Line Between Raleigh and Washington will Celebrate.

Special Correspondence. Raleigh, N. C., Oct. 31.—Interest in the celebration of the completion of the Norfolk and Southern railway between here and Washington is widespread. Requests have been received to allow delegations from other points to go with the party and a special train which the Chamber of Commerce of Raleigh has chartered for November 11th. All along the line there will be quite a demonstration. The train is to be very attractively decorated all the way from the engine to the platform of the last car.

Will Make Canal 10 Feet Wider. Special to Journal. Washington, Oct. 31.—The discussion of the Panama matters in the cabinet resulted in the decision to make the canal 10 feet wider than hitherto planned.

Clemson Defeats University N. C.

Special to Journal. Columbia, S. C., Oct. 31.—In the game of football here today, the University of North Carolina team was defeated by Clemson College, by a score of 15 to 6.

Vladivostok Under Martial Law.

Special to Journal. Vladivostok, Oct. 31.—This whole city and surrounding region is under martial law today, following the shelling of the town by torpedo boat Skory's mutinous crew in the harbor. Mutinous sailors has desperate battle with four other gun boats of Russian navy and as a result nearly all of them are either dead or in iron at this hour. The Skory crew was induced to mutiny by joining a lot of agitators who got aboard and running up red flag proceeded to shell the town. A number of officers and men of the navy were killed.

A \$200,000 Fire.

Special to Journal. Braddock, Pa., Oct. 29.—The worst fire in the history of this city occurred this morning. Two blocks of stores and residences were destroyed entailing a loss of \$200,000.

NO DECISION IN SOUTHERN

Railway \$30,000 Fine Case. Report That Southern Would Compromise on 2-1-3 Cent Basis.

Special to Journal. Raleigh, N. C., Oct. 30.—The Supreme court filed no decisions in the \$30,000 fine case against the Southern Railway. This is really the only important case on the docket this term. It is published with an Asheville date, that the Southern wants to compromise the rate matter on 2-1-3 cent basis, interstate as well as intrastate covering North Carolina, South Carolina, Georgia, Alabama, and other States.

Missing Actor Arouses Suspicion

Special to Journal. New York, Oct. 31.—Raymond Hitchcock, the actor who has been on trial for assault upon two young girls has disappeared and it is thought that he has committed suicide. His wife says she thinks he is concealed somewhere but does not know where. Hitchcock is complaining witness in a case against Herman Voceks, who is accused of blackmail in the case.

Denies Report of Compromise

Special to Journal. Raleigh, N. C., Oct. 31.—Governor Glenn left this evening for Atlanta, to confer with Governors Smith of Georgia, and Comer of Alabama, tomorrow on the railway rate question. He positively denies any agreement whatever between him and these other governors looking to a compromise of this matter, and says no communications on the subject have passed between him and these governors, but that he goes to see what the other governors have to suggest and that he has no string to him and has no desire to thwart the will of the legislature which means 2-1-3 cents as the passenger rate.

Volcano Cause of Land Slide

Special to Journal. Tashkend, Russian Turkestan, Oct. 31.—Details are very slow coming in from Karatogh, the scene of the landslide disaster, owing to the fact that it is remote from any other place and surrounded by mountains. It is said that the town was situated over what was thought to be a dead volcano, but it suddenly became active and the tragic affair was caused by the volcano. The lava rolling down the mountain side, burned the bodies.

THE CAROLINA PAPER PULP CO

An Enterprise Which is Being Established in James City A Fine Place to Visit

NEW BERNS BIGGEST INDUSTRY

The Mill Will Have a Capacity of 53 Miles of Paper Every 24 Hours And 55 Cords of Wood Will Be Used to Make It

Everything in the Plant is An Elaborate Scale.

The citizens of New Bern have been interested from time to time in the development of the Carolina Paper Pulp Company manufactory in James City. Not much has been said in the Journal about the new enterprise except to keep the public informed that work on the enterprise was steadily going on. A representative of the Journal visited the plant yesterday, and was amazed at the enormity of the undertaking. When the Carolina Paper Pulp mill begins it will be the most complete paper mill in the South. It will have an advantage over many plants of the kind as the machinery while not new has not been used long and has therefore had the advantage of being thoroughly tested so that it is known exactly what its capacity is.

The preparations for the manufacture of the paper pulp are of a gigantic nature. It can only be comprehended by a personal view of the plant. We do not hesitate to say that when this factory shall all be completed there will not be a more thoroughly equipped mill of the kind in the South. Every bit of machinery represents an expense beyond conception; for instance a valve, \$175; two bronze caps and finishings \$350; rubber bands used in operating the paper mill \$250 and we might go on further enumerating many other small details that are in themselves very costly, but are an important part of the machinery.

The old buildings which were formerly the old plate mill, where this plant is located, are giving place to the more modern and substantial form of concrete building. This is as good from the standpoint of durability and firmness as from immunity from fire. The buildings are practically indestructible.

An enormous part of the machinery is the five digesters or steam cookers, which reduce the wood material the pulp condition. These digesters weigh 40,000 pounds a piece. Two of them are in place and represent a great amount of work expended.

Another large piece of machinery is the rotary acid burner, which will make 100,000 pounds of sulphuric acid per day. They will use 35 cords of wood per day which will make 50,000 pounds of pulp. To accomplish all this five engines will be used varying from 100-horse power to 300-horse power. One of the engines will be used for generating electricity. The machine which develops the paper from the pulp consists of nine gun metal rollers, weighing 600 pounds a piece, and which has a capacity of making a sheet of paper 35 miles long and 6 feet wide every 24 hours.

The manufacture of paper out of cotton stalks has but only recently become known to science and although far from perfection a very good and substantial commercial article is made. The Journal was shown some three, made from the cotton stalks and it was very strong and tough. It will be used for the composition of the heaviest and strongest wrapping paper on the market, and which, by the way, is the most expensive excepting the bond papers.

The Company has a large tract of land at the plant and have commenced the erection of houses for their employees. One is already finished and another is well under way. They expect to have about 50 houses for the use of their help. Their supply of wood for pulp will also come from their own wooded tracts. The plentiful supply of water is one of the necessary features of this enterprise, where 1,100 gallons per minute is demanded is supplied by three flowing wells which are never failing. The Company is singularly fortunate in this respect. It is an interesting place to visit, and there is every reason to believe that the plant will soon be ready to operate and when they commence work, the plant will be the biggest industry in Eastern Carolina and one that will be of immense value to New Bern. Messrs. Glenn and Taylor are two widely experienced and successful men, who are making the interests of the paper mill workers in a successful manner, and they are sure to have the best of the enterprise.