

THE DISPATCH
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The Evening Dispatch

THE WEATHER
Rain and colder tonight. Sunday generally fair. Moderate to brisk northeast winds.

VOLUME SEVENTEEN

WILMINGTON, N. C., SATURDAY, APRIL 8 1911

PRICE THREE CENTS

COURT REMOVES MURDER CASES

Also Issues Bench Warrant for Joe Stephens

Has Him Arrested for Carrying a Concealed Weapon—He Gives Bond—Stephens Was Acquitted Last Night, Judge Peebles Raked the Jury and Had Something Further to Say This Morning—Three Murder Cases Ordered Transferred for Trial to Duplin County—Today in Court.

Between suns, since yesterday afternoon, things sensational have been happening fast and furious in the Superior Court. When court convened this afternoon Judge Peebles issued a bench warrant for young Joe Stephens charging him with carrying a concealed weapon, and he was arrested by Deputy Sheriff Branch, and brought into court, but soon released under \$500 bond, given by his counsel, Hon. John D. Bellamy. A copy of the bench warrant follows:

State of North Carolina, New Hanover County, Superior Court, April Term, 1911.

State vs. Joe Stephens, defendant.

The State of North Carolina to the Sheriff of New Hanover County Greeting: Whereas on the trial of the case of State vs. Joe Stephens for murder at this term of said court said Stephens testified as a witness for himself and stated that prior to the 9th day of July, 1909, and up to that time he had carried each day while off of his premises a pistol concealed about his person, you are therefore commanded forthwith to arrest said Joe Stephens and take him into your custody and him safely keep so as to have him at the next criminal term of said court to be held for New Hanover County to answer the State of North Carolina upon a charge of carrying a pistol concealed about his person while off his premises. If he gives a bond in the sum of five hundred dollars justified and conditioned as is required by law for his appearance at said term of said court you will release him.

Herein full pot and of this warrant make due return. This April 8th, 1911. R. B. PEBBLES, Judge, etc.

But this was not all, Judge Peebles, in response to affidavits filed by Solicitor Shaw, a copy of one being given below, removed three murder cases from the New Hanover county docket. He ordered the cases of murder against Dick Gause and J. E. Tisdale, the latter as an accomplice, however, and the case of murder against Garfield Ford, who slew his wife, transferred for trial to Pender county. This action is something sensational for New Hanover county and has already caused a stir.

With the expectation of trying Dick Gause, colored, for killing Ned Gibson, a special venire of fifty names was drawn yesterday afternoon and made returnable this morning but when court convened Judge Peebles announced that he would never try another murder case in New Hanover county; that no trouble was experienced in this county in packing a jury so that a man could be acquitted of whatever offense might be charged against him. The solicitor stated that he would ask for a change of venue in the Gause case and would file the proper affidavit later.

Fifteen divorce cases had been set for trial today but only one was disposed of. Mrs. Lena A. Stanley asked for an absolute divorce from John C. Stanley. The divorce was granted. Several days ago Judge Peebles added two years to the sentence of Alonzo Green, convicted of entering a house and stealing a watch, making his sentence six instead of four years, the change being brought about on account of the persistence of Green's attorney in endeavoring to get the sentence reduced from four years. This morning Solicitor Shaw said he thought the sentence should be changed as the prisoner would be suffering for what Mr. Grant did. Judge Peebles said he would place the time back at four years if the solicitor would assure him that he would not be worried by Mr. Grant again after judgment had been pronounced. The solicitor laughingly remarked that he would carry a gun for Mr. Grant; that he could carry a gun without any fear in New Hanover.

A. G. Ricard, Esq., stated the circumstances connected with the case of A. W. Elk, who is charged with perjury, and asked that J. W. Grady be marked prosecutor. It developed that Grady was not in court but resides in Goldsboro. An order was made for Grady to show cause at the

TRYING TO SHIFT CRIME

Accused Camorrist Points Finger at Another

Member of the Terrorist Gang Who Accuses Others of the Murder Tells His Story in Court—Also of Quest of Priest.

Viterbo, Italy, April 8.—The Camorrista trial today opened with the examination of Genarro Ascrittore accused of denouncing Deanglis and Amadoo as murderers of Cuocolo, in order to save the real assassins. He described how he became convinced of Deanglis' guilt. He said: "Two days before the murder, Deanglis came to my home and asked to be given room for three days. Later, I understood this was a ruse to aid him in establishing an alibi after Cuocolo was killed. Sometime afterwards he returned, disguised as a coal heaver, and, opening his coat, exhibited a dagger. I allowed him to sleep in the court yard. Later he came to me clean shaved and explained his former disguise by saying that he was at Castellamare Adriatico when Vitozzi arrived there to make inquiries into the route of Enrico Alfano, who was then under suspicion. Deanglis said he feared arrest and fled. He showed a wound in the leg, which apparently was caused by penknife. His actions convinced me he was one of the murderers of Cuocolo."

next term of criminal court why he should not be marked prosecutor. The sentence of Dan Garrett, one of the white boys who broke into the boat house of Mr. George W. Penny and secured brass, etc., and who plead guilty, was changed. Instead of two years on the roads he was bound out to J. R. Green, of Bladen county, for a period of two years.

The following affidavit has been filed by the solicitor:

North Carolina, New Hanover County, Superior Court April Term, 1911. State vs. Dick Gause. Henry E. Shaw, solicitor for State, being duly sworn, deposes and says: That he is informed and believes and so avers, that the State cannot get a fair trial of the above entitled cause now on criminal docket for trial owing to the great prejudice and sentiment of a great number of citizens of New Hanover county against capital punishment, and prays that the case be removed for trial.

HENRY E. SHAW, Solicitor. Stephens A Free Man.

What is generally regarded as a bad verdict was returned in New Hanover county yesterday evening by the jury in acquitting Joseph Stephens, the young white man who shot Ernest Shields to death at Sixth and Campbell streets on the morning of July 9th, 1909. Stephens was first tried last July, convicted of murder in the first degree and sentenced to be electrocuted but a new trial was secured. While the verdict was received with great surprise and bitter criticism by citizens generally, those who heard the evidence in both trials were not so greatly surprised at the result, as the case made out this time was far weaker than in the first trial.

Solicitor Shaw addressed the jury yesterday afternoon and made a splendid speech, being highly complimented by both attorneys and citizens. Judge Peebles did not deliver a lengthy charge but gave the law bearing on the case and also summed up the contentions of attorneys for the prosecution and defense. It was 5:30 when the jury got the case, and from the instructions given the deputy in charge, Judge Peebles was evidently of the opinion that there was but little probability of a verdict before this morning.

In less than 45 minutes the jury had agreed and the prisoner, his attorneys and Judge Peebles were hastily sent for. It was some little time before Judge Peebles reached the court room and the verdict was returned a few minutes before 7. The usual tenseness that is the character of such a scene was not evident in the least. Mr. L. D. Latta walked in at the head of the jury and announced the verdict. Stephens' hand was grasped by one of his attorneys and he was told to shake hands with the members of the jury. He started towards the jurors but a look from Judge Peebles, and a low call from one of his attorneys to wait, caused him to halt.

"Since I have been on the bench," said Judge Peebles, "I have received four outrageous verdicts in capital cases and two of these were in New Hanover county. If it is administration of justice, when a jury takes the

Some Members of Congress Distinguished For Other Reasons Than That They Hold Public Office.



There is an unusual pointing out of members of congress at the present extra session. When Edward W. Townsend, the new Democratic member from New Jersey, comes along admirers who know him only by sight remark, "There is the author of the Chimmie Fadden stories you read a few years ago in the New York Sun." Martin W. Littleton is pointed out as the lawyer who saved Harry Thaw from the electric chair. Caleb Powers has his troubles when introduced because of his long time in jail, accused of complicity in the killing of a Democratic governor in Kentucky. Butler Ames of Massachusetts always attracts the attention of strangers when they are told that he is the grandson of General Ben Butler. The pointing out of Richmond Pearson Hobson as the hero of the Merrimac is an old story, but it keeps up with unflagging interest. Nick Longworth is a good deal of a man on his own account, but he has to hear frequent introductions with "He married Alice Roosevelt, you know."

STILL AGROUND

Big Lifer is Firmly Embedded in the Sand and it Will Likely Take Two Weeks to Float Her—All Passengers Transferred in Safety.

Lone Hill Life Saving Station, Long Island, April 8.—The Princess Irene lies firmly embedded in the shoals today. Though a swelling sea assails her she is as firm as a rock. There is no evidence of damage to the ship's hull. An inspection showed the vessel is not making water. Superintendent Kuwnick, of Hoboken, has taken charge of the floating of the Irene which will probably require two weeks. The ship's 1,720 passengers were safely taken off and transferred to the steamer Prin Frederick Wilhelm.

Miller Found Guilty.

Aberdeen, Miss., April 8.—J. H. Miller, a member of the cotton firm of Steele, Miller & Co., on trial in the United States District Court here charged with the circulation of bogus bills of lading through the mails has been found guilty.

TO PRISON FOR LIFE FOR KILLING OIL MAGNATE

Independence, Kas., April 8.—A motion for a new trial, made by A. A. Truskett, convicted March 29, of killing J. D. Neeley, a wealthy Lima, Ohio oil man at Caney, Kansas, January last, was overruled today. Truskett will be sent to the penitentiary for life.

OIL STOVE EXPLODES AND SEVEN BURNED TO DEATH.

Chicago, April 8.—By explosion of a small oil stove Mrs. Luddie Pedott, and her six children were burned to death last night, at Clyde, a suburb.

ASSASSIN'S VICTIM

American Shot From Ambush in Mexico Dies—A Thorough Investigation Will Be Made.

Washington, April 8.—George W. Chinchfield, the American shot from ambush recently at his ranch, near Tuxtlan, Mexico, died yesterday. This fact is reported to the State Department in a telegram from American Consul Miller, at Tampico. Miller is awaiting the arrival of Cricfield's brother, who left New Jersey for Mexico as soon as he heard of the attack. A thorough investigation of the case will be made.

CONGRESS MUST ACT FIRST ON CONSTITUTION

Washington, April 8.—President Taft will wait until Congress acts before he decides whether he will approve or disapprove the constitutions adopted by the Arizona constitution convention. The President told a delegation of Arizonians he preferred to wait until Congress had taken up the matter. The President believes the debate in Congress will shed much light on the matter.

Stocks Today.

New York, April 8.—Wall Street.—The heaviness which characterized the closing of the stock market yesterday was renewed at today's opening. Most of the issues recorded fractional declines on a moderate degree of activity. Weakness of the Gould securities carried the general market fractionally lower. The market closed firm. Covering of shorts put out earlier sent the prices up briefly in spots.

A \$200,000 BLAZE

New Haven, Conn., April 8.—Five buildings, adjacent to the manufacturing district, was swept by fire today, the total loss being two hundred thousand dollars. A score of families, occupying tenements, were made homeless.

FOR WIFE MURDER

Proprietor of Michigan Hotel Charged With Killing His Wife—A Saloon Said to Be the Cause.

Sault Ste Marie, Mich., April 8.—George Cook, proprietor of the Franklin House, is under arrest charged with murdering his wife. The woman was shot twice through the head about midnight last night. The wife's refusal to open a hotel-barroom upon her husband's return home, it is said, was the motive for the shooting.

Teddy, Jr., Making Good.

San Francisco, April 8.—Theodore Roosevelt, Jr., is making good as a carpet salesman here. F. Towler, manager of the San Francisco branch of the Hartford Carpet Company, spoke with enthusiasm today of the earnestness and ability displayed by the son of the former President, and declared that he planned to promote young Roosevelt to be a road salesman soon. If he makes good on the road he will then become manager of one of the carpet company's smaller branches.

CORONER'S JURY DECLARES HIM A SUICIDE

Philadelphia, April 8.—The coroner's jury empaneled to inquire into the death of Craigie Lippincott, head of the J. B. Lippincott Publishing Company, whose dead body, with bullet hole in the temple, was discovered in his magnificent home Thursday morning, rendered verdict of suicide this morning. Lippincott was buried today; the funeral being private.

WILL ADDRESS TRAINMEN.

President Taft Accepts Invitation to Speak to Brotherhood. Washington April 8.—President Taft has tentatively accepted an invitation to address the tenth biennial convention of the Brotherhood of Railway Trainmen at Harrisburg, Pa., May 14th.

Hear Mr. Henry's New song. Grand Theatre today. 11.

HANDS DOWN VITAL DECISION

Circuit Court Judge On Minnesota Rate Case

Decides the Case Against the Minnesota State Railway Commission for Reduction of Passenger Fares and Certain Freight Rates—Declares Constitution Would Be Violated.

St. Paul, Minn., April 8.—Judge Sanborn, senior United States Circuit Judge of the Eighth Judicial Circuit, in an exhaustive opinion has decided the Minnesota rate case against the members of the Minnesota State Railway Commission, on the grounds that the necessary effect of the reductions ordered was substantially to regulate interstate commerce, to create unjust discrimination between localities in Minnesota and those in adjoining States, in violation of the commercial clause of the constitution and to take the properties of the railroad companies without just compensation in violation of the fourteenth amendment to the constitution. The suits were brought by the stockholders of the Northern Pacific, Great Northern, and Minneapolis and St. Louis Railway companies, against those companies, the Attorney General and members of the Railway and Warehouse Commission of Minnesota to enjoin the reduction of passenger rates from three cents to two cents a mile, merchandise rates from 20 per cent to 25 per cent, and commodity rates 7.37 per cent.

Grand Jury Vigorous.

Up to 4:30 o'clock this afternoon the Grand Jury had not made its report, but it will likely be made this afternoon. At the hour noted the jury was still vigorously at work. A big batch of indictments was sent down to the jury this afternoon. After the noon recess today the Grand Jury handed in an indictment against Ralph Kennedy for a common nuisance, and one of a same calibre against one W. J. Sirk, the latter being owner of the wax works now in this city.

ALABAMA CONVICTS ENTOMBED ALIVE IN MINES

Littleton, Ala., April 8.—It is feared one hundred and fifty State and county convicts were killed by a mysterious explosion occurring in the Banner coal mines near here, at 6:40 o'clock this morning. One hundred and ninety miners were sent into the underground workings. This morning up to 10 o'clock only twenty had been brought out live. The explosion occurred far underground. Most of the miners are negroes. At 11:30 a. m. between forty and fifty had been taken out. A number of them are injured. Two of the negroes were dead. Rescuers are going down into the mines. There were 165 convicts and about ten free miners in the workings. The greatest damage was done to the shaft known as No. 2. The fan in this shaft was destroyed, making rescues difficult. Thirty whites are entombed.

ON WHOLESALE PLAY

Chicago, April 8.—James F. Penn, of this city, eloped with a girl and seven trunks in Independence, Mo., and arrived at his parents' home this evening with the bride and the trunks. W. H. Waggoner, a millionaire of Independence, thought his daughter, Maud, who is twenty, was too young to marry. He had brought a new automobile and the car brought about the runaway. The seven trunks were smuggled into the house while Mr. Waggoner and Penn were trying out the car. These were packed by the bride and her friend, Miss Anna Swygart, of Toledo. Then, before the parents returned, the trunks were taken out of the house and sent to Kansas City.

Yesterday morning Miss Waggoner and Miss Swygart went to Kansas City "to shop." There Penn met them, and the marriage followed. Miss Swygart accompanied them to Chicago. The young couple said the bride's parents had not been formally notified. "We don't know when we will," added the husband. The Chicago parents bestowed a ready blessing.

SEVENTY-THREE BODIES FOUND

And More Are Likely in the Mine

Work of Recovering Bodies From the Pennsylvania Mine Still in Progress. Brave Men Leading Rescuers Meets Death—Many of the Victims Foreigners.

Scranton, Pa., April 8.—Fifty four bodies had been recovered at 8 o'clock this morning from the Pancoast mine, at Throop, where yesterday's fearful disaster occurred. The mine officials admit that twenty or more men may yet be in the mine. The fire, which started in one of the hoisting engines, seems in China Vein, 750 feet beneath the surface. The lowest working in the mine did not do as much damage as was first believed. The fire did not reach the entombed men and the condition of their bodies showed death was due to suffocation from mako or asphyxiation from accumulated gas. None of the bodies found in a heap in the blind gangway was in the least mutilated. Forty four of the dead have been identified. Many of the victims were foreigners and known only by nicknames. Heading the list of victims is Joseph E. Evans, of West Scranton, foreman of the United States rescue car which was hurried to the mine form Wilkesbarre. He was leading a gang of rescuers into the smoke-laden mine, filled with deadly black damp, but it has not been definitely established how he came to his death. One theory is that in adjusting his helmet, after bumping it against the low roof of the smoke filled gangway, he released it slightly, and in doing so inhaled the black damp.

The List Grows.

Up to 9:45 o'clock this morning seventy bodies had been taken from the Pancoast Mine. The grim tragedy at the Colliery will be more awful than originally anticipated.

Three More Bodies.

At 12:30 o'clock this afternoon the total number of dead brought to the surface reached seventy three.

THREE LYNCHED THIS MORNING IN GEORGIA

Ellaville, Ga., April 8.—Dawson Jordan, Charlie Pickett, and Murray Burton, negroes, were lynched near here this morning. They were accused of murdering Newton Eason, a white man, January 5. Jailer Cliff Bough was awakened by several men, who told him they had a prisoner to place in jail. He admitted them and was immediately overpowered and forced to unlock the cells containing the negroes. They were taken to the outskirts of the town, hanged and shot.

Tried to Pass As Men.

Trenton, April 8.—Two of the three girls who, clad in boys' clothes, escaped from the State Home for Girls here on Saturday, were captured near the university grounds in Princeton. They were Henrietta Wakefield and Hattie Conklin.

A special officer, Rodwell, was in Nassau street, Princeton, when he saw in front of him what seemed to be two young men. They were clad in overalls, wore peaked caps and were puffing on pipes. Occasionally they performed cute little swaggers and burst into a song sometimes heard at Princeton. It was "We Won't Go Home Until Morning."

Suspecting nothing, Rodwell walked past them. Then he turned. On looking into their faces he was convinced the individuals were not Princeton freshmen. Taxing them with that fact, the girls admitted their identity. They added that they liked a little freedom now and then. The young women were returned to the State Home and a further search instituted for Elsie Seeds, who ran away with them. It was learned she left the trolley car at Lawrenceville on the trip because of an accident. She was wearing a fat person's overalls and the suspenders "busted," to employ a college term. Every garage owner in the vicinity will be questioned in the belief that she applied to one of them to repair her galluses.

Seventy Latest Death Report.

Amboy, China, April 8.—Twelve deaths from the bubonic plague and five deaths from smallpox were reported here during the past two weeks.

TO THE BEACH.

Care every half hour in afternoon. Concert at Lumina 3:30 to 5:30 p. m.