

RAILROADS WITHDRAW

THEIR POSITIONS AS TO DAVIDSON COUNTY—THOSE FROM PIT AND FORSYTHE REMAIN

"THE CRY OF THE MOB"

(By W. J. Martin.)

Raleigh, N. C., Sept. 14.—"The cry of the mob must not be mistaken for the voice of the law" is a striking comment of associate Justice Platt D. Walker, of the North Carolina Supreme Court, in writing the opinion of the court affirming the conviction and sentence of T. S. Davenport in Gates county for forcible trespass in the sensational struggle of the Richmond Cedar Co., against the Roper Lumber Co., for the possession of a valuable belt of Dismal Swamp timber lands. Davenport and his forty woodsmen in the employ of the Richmond Cedar Works had been directed to hold possession of the lands and destroy the camps of representatives of the Roper Lumber Co. Armed with axes and guns the men went to the groups of shanties of the Roper Co's. people, drove the men away and burned the shanties. Justice Walker devoted twenty-six pages to the opinion finding "no error" in the conviction of Davenport and his men in the court held and making the point that "It should be well understood that individuals cannot use the law and by their own procedure, and in a violent manner either protect or assert their right to property." And that "the cry of the mob must not be mistaken for the voice of the law."

There were nine other opinions delivered last evening, this being the first opinions of the fall term convened two weeks ago. The others follow: Owen vs Horntal, Washington, no error; Sutton vs Lyons, Currituck, new trial; Swindell vs Smaw, Beaufort, reversed; Tayloe vs Caraw, Beaufort, reversed; Graded school Trustees vs Hinton, Pasquotank, appeal dismissed; Hinton vs Hicks, Camden, new trial; State vs Vaughn, Hertford, new trial; Grant vs Mitchell, Bertie, new trial; Ellis vs board of graded school trustees, Oxford, Granville, error.

Acquitted last night at Lillington of the murder of Charrlie Ellen, nine years ago in Harnett county, Zack Marks is to be returned by the Harnett authorities to the Florida authorities to be tried for immoral relations with his step daughter. He had fled to Florida on account of the Harnett affair when he was arrested recently in Florida and a declaration by his infuriated wife that he was a fugitive from Harnett county for murder brought about his delivery to the Harnett authorities for the trial for murder. Now that there has developed lack of evidence sufficient to convict, he will be returned to Florida.

In connection with the fight the Southern the Seaboard Air Line and the Atlantic Coast Line railroad companies are making for the reduction of the tax assessments against their properties in this state on the ground that they are excessive in comparison with the assessments against the real estate generally in the counties their roads travels, the Southern and the Atlantic Coast Line have withdrawn the affidavits of citizens averring low really values in support of the contentions of the railroad companies. The Atlantic Coast Line has withdrawn all its affidavits as to low values in Wilson county and Southern has withdrawn its affidavits as to Davidson county. The other counties from which there were affidavits of citizens setting out low valuations were Forsyth and Pitt. The commissioners and county tax assessors for all these counties have been directed to appear before the commission September 20 and show cause why the assessments should

not be increased if these affidavits of citizens through the railroad companies are true. It was these citations to show cause that have forced the railroad companies to withdraw the affidavits as to Wilson and Davidson counties.

Miss Jannie Wetmore, of Greensboro, was in Raleigh today on her way to Washington, N. C., where she has been elected a member of the faculty of the Washington Graded Schools.

The final assignments of space in the quarter million dollar fire proof state administration building the erection of which by the state building commission is to be gotten under way at once, includes the appropriation of the entire first floor to state library purposes, the second floor to the North Carolina Historical Commission and Hall of History; the third floor to the Supreme Court and the Supreme Court library in either end of the building and two floors in pitch and between these on the third floor, the offices of the justices of the Supreme Court, the clerk of the court and on the fourth floor the offices of the attorney general, the state department of insurance and the state department of education. The present plan is for the present Supreme Court building to be remodeled inside and adapt it especially for legislative committee rooms. Strong influence, however, are insisting that the Supreme Court room and library sections should be equipped with fireproof vaults and adapted for use as offices of state departments that will need them badly before a great while.

When Governor Kitchin returns to the city next week there will be awaiting him a knotty problem from Fayetteville in that two military companies are contending for the rights and recognition as the old historic Fayetteville Light Infantry, one being active recognized service under the control of the National guard and the other posing as an organization under special charter with the right to exist independent of the National Guard. This company has called the state treasurer for a \$500 appropriation and this must be approved by the governor before it can be paid. His disposition of the matter is awaited with much interest. There is a probability that the courts will have to finally settle the contest that is on between the two companies the complications being declared to be worthy of the keenest work of a "Philadelphia Lawyer."

THREE NEW FISSURES

DISCOVERED IN MT. AETNA WHICH IS SPOUTING FIRE, SMOKE AND LAVA—FIVE THOUSAND HOMELESS.

Catania, Sicily, Sept. 14.—Three new fissures have been discovered near the crater of Mt. Etna. Five thousand people have been driven from their homes by the molten stream.

Chaloner to Settle.

New York, Sept. 14.—Sydney Harris, personal counsel for Rovert Winthrop Chanler, has gone to Paris, and it is the understanding among his friends that the mission is a last effort to settle the unfortunate Chanler-Cavallieri matrimonial fiasco by means of a money offer and a divorce.

With the consent of Chanler, who has finally given up the Diva, he is prepared to offer her \$70,000 in lieu of all claims she won to his estate through the famous marriage agreement. But he will stipulate that either she shall get a divorce in France or else agree that Chanler may obtain one in some Western State with out contest.

WAR SHIPS GATHERING

ON THE YANGTSE RIVER IN ORDER TO PROTECT THE LIVES OF FOREIGNERS

CONDITIONS DEPLORABLE

Shanghai, Sept. 14.—A fleet of foreign warships are gathering in the Yangtse river for the protection of the lives and interests of foreigners. The news from the Scheu province state that conditions are most serious since the flood.

Shewdest Gold Brick Wan in World in Jail.

Chicago, Sept. 14.—S. A. Potter, who is said to be one of the best known gold brick and green goods confidence men in the world, and who is said to have garnered more than \$1,500,000 from the unwary of two continents during the last few years by means of gold brick swindles and confidence games, was locked in jail here last night.

He was arrested by O. F. DeMoody division superintendent of the department of justice, after being sought for a year by United States secret service men and the police of almost every city in the country. English detectives of Scotland Yard also are said to have sought Potter and his companions who were credited with having extracted numerous dollars from too credulous Londoners.

Potter, who also was known as George W. Post, was wanted here on an indictment for swindling returned in United States court in July 1910. Potter and a companion, Edward Starkloff, also are wanted in Philadelphia, where they forfeited a \$23,000 bond in the United States court a year ago.

A cash bond of \$50,000, offered by Potter, was refused by federal officials, who declared nothing less than \$150,000 cash bond would gain his temporary freedom.

Starkloff who is said to have operated with Potter under a score of names, is in the city, according to DeWoody and all of the secret service men and police here are searching for him.

At Potter's home a great quantity of evidence was found, including what the secret service men termed a "sucker list" of former and prospective victims. The list is said to contain a greater number of names of residents of cities than of rural inhabitants.

After fleeing his \$23,000 bond in Philadelphia, Potter and Starkloff are said to have opened an office here and to have flooded the middle west with advertisements of spurious money for sale at half price. The bills, it was declared, were made from plates stolen from the United States mint at Philadelphia and were splendid counterfeits.

The investor usually received a package of blank paper, and, being in the position of having sought to defraud the government, he would not dare complain to the authorities.

WILL NOT DIVULGE CONTENTS.

Germany Considering France's Answers Regarding Morocco.

Berlin, Sept. 14.—The French note answering the German reply to France's ultimatum to Morocco is being considered by the German cabinet today. Its contents are kept from the press.

THE WEATHER

Rising Temperature. Fair tonight and probably Friday with rising temperature on Friday and moderate northeast winds.

KNEW THE CAUSE

BUT CORONOR DID NOT DIVULGE AT TIME OF INQUEST—BODY WILL NOT BE EXHUMED

HER INTENDED ARRIVES

Hendersonville, N. C., Sept. 14.—Positive announcement was made today by Coroner W. R. Kirk, that Myrtle Hawkins, whose body was found in Lake Osceola Sunday died as the result of an unlawful operation.

The coroner's jury which gave a verdict of death from "unknown causes" knew this fact at the time of the inquest but made their finding indefinite in order to allay suspicion of the girl's slayer and make easier the detection of the criminal, Coroner Kirk stated last night.

It was only after a storm of criticism from the general public that the coroner revealed the true situation, and announced that another inquest would be held Friday.

Miss Hawkins' body will not be exhumed he said, as this is considered unnecessary.

There were rumors last night that an arrest would follow Friday's inquest, at which additional evidence will be adduced. Coroner Kirk last night admitted that the autopsy revealed the true conditions which led to the young woman's death. After a conference with Dr. A. B. Crafts, who assisted in the autopsy it was decided then that an indefinite verdict should be given in order to lead to the slayer of Miss Hawkins and thus assist in the capture of the guilty.

Mr. Hal Cooper the affianced husband of the murdered girl, arrived here yesterday from Johnson City Tenn. He was met at the depot by a married sister of the dead girl, who strenuously objected to Mr. Cooper talking to a newspaper man, and was driven directly to the family residence. He will appear at the coroner's second inquest.

Mr. Cooper expressed a perfect willingness to tell all he knew, but his frank answers to the many questions asked him shed no light on the mystery.

He said he came to Hendersonville as soon as possible after the killing of his fiancée. He earnestly opposed the theory of suicide and naturally appears highly wrought up over the terrible death of his sweetheart.

The day's developments are these: The operation was performed, not in the woods surrounding the lake, but was performed in a residence at no great distance from the lake where the body was found and the detectives believe they know the house.

The operation was performed in this house, the body was removed to the woods where it lay exposed to the sun for two days and then placed in the lake not more than eight hours before its discovery.

Maggots were found in the girl's soft hair, thousands of them when the body was pulled from the water.

Sensational developments more startling than any yet made public may confidently be looked for within the next twenty-four hours. The clues leading to these developments in nowise conflict with the evidence already in hand. The state of public feeling is intense. The tragedy has never excited such bitter feeling as this which resulted in the dreadful doing to death of Miss Myrtle Hawkins by some murderer or murderers almost on the eve of her wedding day.

At least, two men, one physician, one business man are under suspicion and their movements are being watched. No names have yet been disclosed or arrests made. One detective came yesterday but this morn-

ing he refused to work on the case for reasons unknown.

Another is said to be working on the mystery now.

Citizens continue raising funds as an inducement to apprehend the guilty party or parties. Pressure is still being brought to bear for another inquest, but many consider it unnecessary as they believe there is sufficient evidence already if it will be used.

Under Influence of a Woman.

Charlotte, Sept. 14.—Mrs. Benjamin Williams Ellisor of Shelby, the bride of three weeks whose husband deserted her Monday morning and followed another woman registered at the hotel as Mrs. A. B. Anderson, of Charlotte, and supposed to be his other wife, had Sheriff Wilkins yesterday to withdraw the warrant charging Ellisor with bigamy. The young bride, who was Miss Katherine Williams, a pretty girl of Shelby, has had letters from her husband since he left mysteriously with the other woman.

These letters tell that "Mrs. Anderson" is his divorced wife, who is following him for alimony the court did not allow when the divorce was granted.

The letters were written from High Point He says he is in conference with his attorneys and will be home in a few days to straighten up matters. On the strength of this information the forsaken bride requested the sheriff to withdraw the warrant against her husband for bigamy.

Mrs. Ellisor says she knew her husband was married but that his first wife was divorced before he married her and she has a letter from a prominent lawyer in this State dated May 16, and saying he had filed the complaint for divorce at Scotland, Connecticut, where they were married.

Whether Ellisor and his first wife were divorced or not remains to be seen. His first wife has a powerful influence over him and enticed him away from his second wife without his making any explanation whatever until a letter was received yesterday.

Yesterday morning he told his wife that he was to meet a man in Charlotte. He went to the Southern station supposedly to catch a train for Charlotte and while there, he received a telephone message from "Mrs. Anderson" from Waco, four miles from here, asking that he catch the Seaboard train and join her there.

This he is supposed to have done shortly after the train left this city, the mother of the bride swore out a warrant for the man, charging him with bigamy and the wheels of the law were immediately set in motion. Chief Christenburg, of Charlotte, was notified but the message reached him too late for him to do any good as the train had passed that place. Last night, at a late hour, it was learned by the authorities here that Ellisor and the mysterious woman had been at Gastonia and from there had caught a train for High Point where the other woman is supposed to live.

Ellisor was formerly a traveling salesman for a soap concern, but lost his position some time ago. He is said to be a native of Kentucky and his courtship and marriage of Miss Williams was very romantic.

It may be some time before the real facts of the story are learned, as "Mrs. Anderson" told several contradictory stories in the course of her conversation. There is much speculation here as to who she really is, and numerous theories have been advanced.

She first said Ellisor was her husband. Then, that he had been her husband and was divorced. She admits signing a fictitious name at the hotel. Her influence over the man was strong enough to take him away from his bride and there is a lot of sympathy felt here for the latter.

Chicago, Sept. 14.—In a struggle which cost several lives and millions of dollars to buildings was settled when the plumbers and builders returned to work.

DIFFICULTIES OF AVIATION

WARD HAS TROUBLE WITH HIS MOTOR AND CANNOT PROCEED

FOWLER AWAITS MACHINE

Patterson, N. J., Sept. 14.—Aviator Ward, who started from New York, for San Francisco yesterday and got lost, set out today for Elmira. After sailing fifteen minutes he returned owing to motor trouble.

Resumed Flight at 9:15.

Patterson, Sept. 14.—Ward resumed his flight at nine fifteen. He passed Ramsey, N. C., at 9:30 and landed at Tuxedo at ten o'clock.

Fowler Awaits New Machine.

Towe, Cal., Sept. 14.—Aviator Fowler who fell 1400 feet here in his attempted flight from San Francisco to New York is likely to await the arrival of a new machine before starting again.

A REJECTED SUITOR.

Kills Girl of 22 and Disappears Following the Shooting.

Kento, Ohio, Sept. 14.—A posse is searching the surrounding country for Jesse Newman whom it is believed shot and instantly killed Miss Della Halsey, aged 22. Newman is a rejected suitor and disappeared following the shooting.

Newman fearing arrest shot himself in the head dying instantly on his mother's farm at daylight.

Towns Wet—The Country Dry

Augusta, Me., Sept. 14.—Secretary of state Davis has officially announced reports from all but a few towns which give the wet a majority of 155. Other towns do not offset the figures either way. The country gave the majority for prohibition.

Damage One Million Dollars.

New Haven, Sept. 14.—It is conservatively estimated that the damage to tobacco and late crops of corn by the killing frosts will reach close to one million dollars. The chief damage is to the standing crops.

Several Seriously Injured.

Detroit, Sept. 14.—Three were seriously injured and six others hurt by trolley and electric light wires which fell to the street. Many horses were killed.

TO-DAY'S MARKET

COTTON. New York, Sept. 14.—Jan. opened 11.39; May 11.62; Oct. 11.31; Dec. 11.42; 12 o'clock an. was 11.38; May 11.60; Oct. 11.31; Dec. 11.39. Liverpool closed two points down with the opening with an 0.088 1/2, March 6.10 1/2, May 6.12. Oct. 6.08 1/2.

At 2 o'clock Cotton was Oct. 11.33; Dec. 11.41; Jan. 11.49; March 11.52. Spots in Liverpool declined 3 points.

Spots in New York 11.85. Spots in Wilson 11.50.

STOCKS.

New York, Sept. 14.—Pronounced pressure in several issues depressed the stock market at the opening, being the lowest of the present month. There was heavy selling from the continent mostly Berlin. The curb was dull and easy.

PROVISIONS.

Chicago, Sept. 14.—The opening in wheat was Sept. 92 1/2, Corn Sept. 68 7/8.

At 11:30 Sept wheat was 92 1/4, and Sept. corn 68 5/8.

At 2 o'clock Dec. wheat was 96 1/2, corn Sept. 68 1/2.