The Elm City Elevator.

VOL. II.

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ENILE ZOLA DIES. Famous French Novelist Asphyxiated

in His Room WAS NO SUSPICION OF SUICIDE

Palsonous Gasses From the Author's

Stove Did the Deadly Work - His Wife Was Made Unconscious.

Paris, By Cable .- Emile Zola, the who gained additional promient years because of his the Jews and of former Cap-is, was found dead in his Theslay morning. Asphys-ling from gas from a stove com, is given as the cause

and his wife retired at 10 ordey night. Madame Zola asly ill when the room was to this morning. At about emoved to a private hos s removed to a private hos-ehe recovered conscious-chart time and was able plain to a magistrate what ed. M. and Mime. Zola re-baris from their country chan. Owing to a sudden weather the heating store theom was ordered to be e stove burned badly and the stove are said to have order. To the magistrate explained that she awoke explained that she awoke explained that she awoke lorning with a splitting the awakened her husband in to open a window. She as and attempt to move to-low, but he staggered and foor unconscious. Mme.

foor unconscious. Mme. I at the same moment and ore, unable to give the e. Zola does not yet know and's death, and it is feared a relapse when inform

is thought tonight, how-he will recover. to f M. Zola, which only be-ally known late Monday caused a great sensation in here was a constant stream the Zola presidence. He s at the 201a residence. Mr. dy lies upon a divan in the the spacious drawing room same under a canopy of rare cut hanging. The body is cor-h a sheet and electric lamps heir vivid light upon the wax-ures of the dead.

of the Zola household. nis of the Zola household, t any movement in their estiment this morning, en-ducen at half past 9 o'clock M. Zola lying with his head ers on the floor and his legs Dictors were summoned allel to reasuscitate him. Was inconscious, but after efforts on the part of the she showed signs of life, but a time before she became tered

conscients. It was reported here during the day that there were evidences of suicide in the death of M. Zoia. Nothing has so far developed to substantiate this theory and the statement made by Mme Zoia to the mericitate The overlapped the satisficient and the by Mme. Zoia to the magistrate seems to disprove it. M. Zola retired with a good appetite and the servants of the house-hold ate of the sime_dishes. No un-usual sound was heard from the bed-room during the night. Two little dogs belonging to the Zolas passed the night in their master's befrom. They were alive its morning. It is believed they were then threes to the fact that one slept on the bed and the other on a chair, thus escaping the heavy car-benic ris, which settled near the floor. A drugist, who was the first to ar-benic ris, which settled near the floor. A drugist, who was the first to ar-bedroom, M. Zola was lying on the floor. No special odor likely to cause supprised on apply the interest. M. and Mme. Join diff not present conclusive were contorted and their lips were boodies to not present conclusive theorem. M. then are the facts were contorted and their lips were

but not violently colored. I neclent was probably caused la's inhaling heavy corbonic 1 lay mainly below the level

that the accient was probably caused by the Zola's inhaling heavy corbonic gas which lay mainly below the level of the high bed. This would account for Mme. Zola's escape. They were not sufforated on the bed. Mr. Zola was awakened by the effects of the gas and tried to rise, but he was seized with yoniting, and fainting, fell to the floor, where he was suffocated. Mme. Zola was also overcome by the gas, but to a less degree than her husband." The commissary of police was sum-moned to the Zola residence and said in his report to the prefect of Parls: "The heating store was not lighted and ther was no odor of gas. It is believed that M. Zola's death was due to acci-datal policioning by drugs. Two little des found in the bedroom are allye." In a scient report the commissary of police endorsed the medical opinion that M. Zola's death was accidental and due to asphyxiation. to asphyxiation

Two Firemen Scalded to Death. Anoke, Va., Special.—Two me killed and another was serious-jured in a freight wreck on the R & Western Railway at Alle-Tank, 30 miles west of Roanoke 37, The dead: S D I arrett Bany Tank, 30 miles west of Roanoke Monder. The dead: S. D. Jarrett, Jarneta, Bristol, Tenn; J. C. Perling, freman, Roanoke, Injured: T. F. Keis-ter. engineer, Roanoke, Va. There was 7 coal train standing in the block at Allesheny and, it is alleged, the tele-graph optrator at Houchins misread a train order, and let another coal train go in, and a rear end collision resulted. The engine of the second train was overturned and the caloose and six "battleship" box cars of the first train were reduced to kindling wood, Firemen Jarrett and Perling were caught under the overturned en-gine and scalded to death by steam.

Severe Earthquake. Mobile, Ala., Special.—The steamer langgua, which has arrived here from Managur Managua, which has arrive user ito-Central American ports, reports seri-ous estimates on September 22, ex-tending from Puerto Bartlos to Santo Tomas, Gastemala, and from Little liver to Belize, British Honduras. The Shuck Lucat Hore minutes and were ated three minutes and were ous all along the coast. From it movement it is believed a City was in the centre of thence The City was in the cer bance. The wires are between Guatemala City and the coast.

Gathering Progressing Rapidly--Con ditions Have Been Favorable. Gathering Progressing Rapidiy--Con-ditions Have Been Favorable. The past week has been a decidedly favorable one in almost every re-spect; outdoor work was advanced rapidly early in the week, and bene-ficial rains the latter portion caused much improvement in the condition of late crops. The temperature was con-tinuously above normal during the week, the mean averaging nearly 7 degrees daily in excess; the last few days especially were very warm. Fine rains occurred on the 25th and 26th which appear to have been nearly general over the State, but were heaviest in the central, east portion. The rainfall was very beneficial to turnips, late Irish potatoes, and pas-tures, and was generally sufficient to place soil in good condition for plow-ing, though for the latter purpose more rain would not be harmful. President of Seaboard Air Line. Is CONCERNING MORGAN'S MERGER. fir. Williams Says the Seaboard Has All the Business it Can Handle and Will Not Be Effected New-York, Special.—President John Skelten Williams of the Seaboard Air Line railway in response to inquirles as to the effect which the proposed purcharse of the Louisville and Nash-vill railroad by the Atlantic Coast Line would have on the Southern rail-way situation and especially on the Seaboard Air Line, said: "Whether the purchase of a control-ling interest in the Louisville and Nashville by the Atlantic Coast Line

sues Statement.

Surprised at Williams,

Died at the Stake

Woman Murdered.

News in Brief.

NORTH CAROLINA CROPS.

ing, though for the latter purpose more rain would not be harmful. Picking cotton has progressed quite rapidly under favorable conditions; practically about threefourthe of the open cotton has been picked out; the warm weather has caused very rapid opening of the remaining bolls and a few correspondents state that much of the cotton just opening falls out badly. In some localities the yield of cotton is better than anticipated hut as a whole previous reports of a short crop seem amply justified. Gathering old corn is about matured, and will give a fine yield. Fodder has pushed, and the crop continues to cure well. Turnips are doing nicely. The crop of peas is short, but a fine yield of hay is being cut and cured under favorable conditions. Rice is about all out on the lower Cape Fear river and is an exceptionally fine crop. Fall plowing, and sowing winter wheat and oats are under way; some oats have come up nicely. ling interest in the Louisville and Nashville by the Atslantic Coast Line will prove a profitable and valuable acquisiton, or whether it will prove un-fortunate for both, will depend entirely upon the new owners. If the lines of the Nashville are held open for the inter-change of business on a fair and recip-rocal basis with all connections, with-out unfriendly discriminations, the union of these two important systems may be made advantageous to both, but if an attempt is made to interfere with the free interchange of business between the Louisville and Nashville

may be made advantageous to both, but if an attempt is made to interfere with the free interchange of business between the Louisville and Nashville and its present connections, such a pollcy will be followed in due course by the construction of new rallroads into the Louisville and Nashville ter-ritory and the building of such addi-tional mileage throughout the South. Such additional mileage can undoubt-edly be built for less than one-half the cost per mile of the Louisville and Nashville, figuring on the basis which it is stated has been paid for its stocks. I essume, however, that the friendly relations which have heretofore exis-ited between the Louisville and Nash-ville rallroad and its several connec-tions which have heretofore exis-tions which have heretofore exis-vitors which have heretofore exis-vitors which and its several connec-tions which and its several connec-tions which allies and competitors. I do not know what arrangements ware made on behalf of the Southern rail-way with the owners of the Atlantic Coast Line in connection wifth the sale of the Louisville and Nashville to there is any truth in the report which has reached me to the effect that a secret offensive and defensive allance has been entered into between the Southern railway and the Atlantic Coast Line covering a period of yeara. "It is certain, however, thar holting has hen done and nothing will he done which will affect adversely the earn-ings and business of the Senboard Afr Line system. The lines of this asystem now tamity seven Southern States, ex-trading from Baltharer in the North to the Southern Mattine of Florida in the Southard to Montgomery and Bir Line exothard Minte of Florida in the Southard to Montgomery and Bir huiness of the system at the present time is limited only by its capacity to move the freight which is offered to it and thece conditions will not be inter-fered with by any action of connecting lines." Diamonds Foundat Greensboro. The Greensboro correspondent of the Charlotte Observer says: Mr. Charles Tate has begun the development of a mineral spring of rare medicinal quali-ties located at the terminus of the car line on Asheboro street, and near this place Mr. Roger Scarboro discovered line on Asheboro street, and near this place Mr. Roger Scarboro discovered what he thinks is a diamond deposit, bringing to the city about a quart of very suspicious looking quartz. The chemist who is at work on it cannot be found, as he is hid somewhere to prevent being disturbed by excifed and eager inquisitors. If it is diamonds, there will be a flash of news from Greensboro pretty soon that will burn the wires, startle Kimberley and make the gold-brick road-builders green with envy, for the alleged diamonds came from near the scene of the gold-brick battle-field. With a talc mine on one of the principal streats, all healing mineral waters spouting from another, pure gold on its nothern and spark-ling diamonds on its southern extremi-ty. Greensboro will truly hve a splen-did prestige, and if they should all probable there will be a boom here whose reverberations will reach nearly to the battlements of heaven. lines."

Prutal Assault.

Surprised et Williams. New York, Special.- A member of the finn of J. P. Morgan & Company expressed surprised at the tone of Mr. Williams' statement with regard to the stitude of the Scaboard Air Line Course hostile to the Scaboard Air Line was contemplated, he seld though the Evaluard was not considere 1 a factor in the present neg:tinitors. Further than this, however, the firm of Morgan & Company was not prepared now to make any statement in the matter. The member of the firm interviewed said he was unable to find any expla-nation at the time of Mr. Williams' at-titude. Lincolrton, Special-Late Satur-day evening a negro, afterwards iden-tified as Calvin Elliott, apparently nbout 20 years old, entered the resi-dence of Caleb Brown, a white man, about-three miles southeast of Lin-colnton, and knocked Brown and his wife down but did not seriously injure either. He told them if they made a noise he would kill them and proceed-ed to drag Mrs. Brown into a back room, although she continued to scream, for which she received a lick scream, for which she received a lick under the right eye and was choked and bitten on the right lip, where blue spots still can be seen. The brute, hearing help coming, escaped through a barred door, the only one in the house, having come in at the window. He left the woman in a precarlous condition. She is a very delicate look-ing woman, with a child about 3 1-2 weeks old.

Death of Gen. Carter.

Died at the Stake. Corinth, Miss., Special.-Writhing in the fames of tagots piled high by hun-dreds of citizens, Tom Clark, alias Will Gibson, a young negro, was burned at the stake here at a late hour Sunday. Clark had confessed to one of the most atrocious assaults and murders in the history of Mississippi, and said that he deserved his awful rate. On August 19th last Mrs. Carrie Whitfield, the wife of a well-known citizen, was found dead in her home. Investigation show-ed that the lady had been assaulted. Her head was practically severed from her body. Both Whitfield and his wife were related to several of the most prominent families in the South and bounds. Washington, Special.-Acting Adjutant General Carter is informed that Lieutenant Colonel L. G. Forsyth, retired, died at the Sweet Chalybeate Springs, Va., after a long illness. Col-onel Forsyth was born in Michigan and was appointed to the army from the District of Columbia.

Mobile, Ala., Special.—While defend-ing her fifteen-year-old niece, Helen Robertson, from an attempted criminal young colored man met what be a accident Saturday afternoon. He was riding on the handle bars of a bloycle which was propelled by another man. They met a dray to which a cow was fastened. In passing between the wagon and the cow Stanley became confused and fearing an accident jump-ed from the bicycle and landed square-ly on his stomach on the wheel of the dray. He was put in a transfer and taken to a physician's office, where it was found that he was severely injur-ed, his bladder being ruptured. He bled profusely. He lingered in terrible agony until his death, which occurred Sunday morning. assault, Mrs. Helen Dickson, who lives in a suburb south of this city, was murdered in her home early Sunday by some unknown assailant. Miss Rob ertson, Miss Dickson and a three-year old son of Mrs. Dickson were in th old son of Mrs. Dickson were in the room when the murder wos committed. Mrs. Dickson's niece was aroused by some unknown person who had enter-ed the room and who attempted to as-sault her. Her cries for help aroused Mrs. Dickson, who was sleeping by her, and in the struggle that followed Mrs. Dickson was choked to death. There is no clue to the murderer.

News Briefs.

From 100 to 400 persons are believed to have been killed by a cyclone in Cicily. The advocacy of tariff revision by Eugene M. Foss as a candidate for Con-gress caused other Massachusetts Re-publicans to follow his lead. Pietro Mascagni, the noted musician, will sail from Cherbourg for New York today. It is said that the absorption of the It is said that the absorption of the Anglo-American Company by Swift & Co., will be completed October 1, the consideration being given as \$5,000,000. Several important changes in the dip-tomatic service abroad were announced. The President signed the order for the taking of a Philippine census.

A CONTRACTOR OF AN

Turkish troops have been sent into the interior of Macedonia. Commandant Leroy Laduric was dis-missed from the French Army for re-fusing to obey orders in closing religi-

ELM CITY, N. C., OCTOBER 3, 1902.

MR. WILLIAMS TALKS STRIKE TALK AT WHITE HOUSE. FAMOUS GOULD TRIAL

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Cotton injured Ey Raja, Washington, Special.—The Weather Bureau's weekly summary of crop con-rain 15 open cotton are very general throughout the belt, with the exception of the Carolinas and portions of Texas, and sporuting and rotting in bolis are largely reported, especially in the cen-trai districts. Picking, though much interrupted, is well advanced and is nearing completion in some districts. Late cotton in central and norehern Texas is making rapid growth, but will not mature unless frosts are unusual-ly late, and under these conditions a light top crop may also be gathered in Alabana. A fine crop of Sea Island cotton is promised in South Carolina. Late tobacco has been materially im-proved. Cloudy and rainy weather, which has been very general through-out the week, has been very unfavor-able for curing. Cotton injured By Rain,

Tried to Kill Himself. Y York, Special.—In financial dif ficulty, as a result of the coal strike Henry C. Scheel, a coal merchant o this city, tried to kill himself by shoot ing. The doctors say there is little hope for him. Mr. Scheel is 45 years old. He lives with his wife and three children in a handsome residence and has been generally thought to be pros-perous. A relative of Mr. Scheel said ho had a large sum of money-about he had, a large sum of money-about \$200,000-tied up in litigation and that his business was his source of revenue had affected his business serious causing him to become despondent. seriously

Stage Coach Robbed.

Middletown, N. Y., Special.—The stage coach "Pioneer," which makes daily trips between Warwick and daily trips between Warwick and Goshen, was held up and robbed by three inasked horsemen late Tuesday afternoon. While two of the highway-men covered the driver with revolvers, the third, with many threats, compel-ed the passengers to give up all their money and valuables. After the rob-bery had been computed, the robbers source up their borses and escaped.

Receiver For Georgia Bank. Macon, Ga., Special.—A Barnesville special to The Telegraph says that a temporariy receiver has been appoint-ed for the People's Bank, successor to the Barnesville Savings Bank, which failed a few months ago. The action o fihe court is due to a proceeding un-dertaken by the United States Fideli-uy and Guarantee Company on account of a deposit of 33,500 made by the tax collector of the county for whom the company stood bond. Receiver For Georgia Bank.

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The State's Attorney Asked That

Suit Be Stopped. Wadesboro, Special .- The matter of

wadesboro, Special.—The matter of identity of the prisoner supposed to be Dan Gould, which was heard at Troy last week, came to an abrupt close Saturday at noon, when Solicitor Hammer, in a briet byeech asked the jadge to instruct the jury, to answer the issue "no." This action was taken after a consultation with the State's Winesses and was concurred in by Mr. Caudie, who assisted the prosecuting attoracy for the State and at the in-stance of Mr. Carpenter a brother of thrines to any one who heard the testi-mony of the defendant's witnesses. Who consumed the whole of yesterday and part of foday. " The most important wincesses for the defendant's witnesses for the defendant's witnesses. The most important wincesses for the defendant's witnesses. The most important witnesses for the defendant's witnesses. The most important witnesses for the defendant's witnesses. The most important witnesses. The most important witnesses. The distribution of the prisoner, attended in Decomber, 1881). W. H. Ambros, of-Bulman, Coury, testified that he and the prisoner were boys together; that Tom Máddrey, the prisoner, attended school at the same time he did, and had to pass the white school every a half-brother of Tom Maddrey, testi-fied as to where he and his brother were raised and positively identified. In the time of his taking home to Georgiover, S. C. in 1895. He also oritively identified thin as Tom Mad-drey; H. M. Woodard testified as to many things that the prisoner describ-ed to him, which, if he had been other than Tom Maddrey, he could not have known. Mr. Woodard testified as to many things that the prisoner describ-dent of the generic was Tom Maddrey. And that he mother was could mothave known. Mr. Woodard testified as to many they form the action to decribed it prefectly as it was 12 or 15 years ago. The the describe with sease at the mather of the defendent of the theores. The active testified that prisoner of the deprisoner was a perfect to make as to a testified that the had been extend has the court a

advertisers.

was accompanied by Mr. Ambros, who was in Wilmington and conserted to come after I had been notifiel of Mr. liean' coming: Ws went to thy office and shout 10 o'clock I took the genile-men to the jail. I led the way with a lantern. When we reached that c...s Tom was it, the fartherest off corner, called him to come of the start of the lanters bo that the light would shine in Tom's face and the gendlemen would be in the dark, I the turned the lanters how men sul Tom rushed up, thurm, cut his hand and rushed up, thurm, cut his hand and In the lates of the two has been been and au-railed up, thurz: cut his hand au-raile. 'Howdy do, Mr. Sears, how is mf irother, Morrison'' Then he turned-and saw Mr. Ambros, and extended out his hand to him, saying, 'Howdy do, Mr. Ambros' It was all I could do to keep back the fears, for then I knew the prisoner was not Dan Go.14 "The solicitor and his asyo-faile at-terney have acted nobly, and I aimerp-ty boliver that 'the jury, would have re-turned the same verdict. I want to bear testimony to the character of the men who have come from Anson to testify for the State. I know them all; they are as good men as ever trod the

negroes who have testified, are of the "This is a most striking case, there being none like it in the annals of jurisprudence, save one in the English courts, which dates back about 300 Supreme Court Hands Down Conision

State Librara

Very ago." During these remarks the audience, Much was a house full, were as silent as a tomb, and the force and concise-ness of his speech brought many tears to eyes under both gray and black brows. Judgo Neal, after speaking of the re-markableness of the case and the spirit of fairnes that prevailed on both sides, submitted the issue to the jury, with the charge to answer it no.

SOMETHING FOR THE "ALL-HOME PRINTS" TO DIGEST,

(From Homerville, Ga., Journal.) In these days of rapid strides of ad-vancement in every line of industry, it is simply foolishness for the publish-er outside of large cities to try to print his paper all at home. as his fore fathers used to do, when no other way was open to them. The principal and legitimate field of

the country weekly is first its town, county and State, and then the outside world. It is now possible for the country publisher to secure in some of the large cities paper partly printed, which contains the news of the day from all over the world, as well as the State news of his own State. Owing to superior facilities and machinery, this central office can supply these partly printed sheets made up of the very latest and up-to-date matter, in-cluding telegraphic news of all important evenis, illustrated articles and creates, indicated articles of topics which are engaging the world's attention, popular sermons and letters, and in fact every attraction that is calculated to make the country pub-lisher a strong competitor of the city paper which becomes his opponent to an extent when it reaches out to the country towns for subscribers.

Country towns for subscribers. This ready-printed paper, while it does all the above, also gives the pub-lisher more time to attend to other matters from which money can be made, and to neglect which causes a loss. We refer, for instance, to job printing, collection of bills, securing new subscribers and advertigers and new subscribers and advertisers, and a number of other important and profitable occupations. Any publisher who advertises that

Any publicity who divertises that he prints his paper all at home is mak-ing a very shallow boast, if he really does so, since he cannot give his read-ers nearly as good service as other-wise. If he is making the claim while using plates to fill out with, he is misrepresenting the facts, because th setting up of the type to make plates which he uses is a part of the printing of his paper, and the matter is edited, set in type and stereotype way from home. There are few, if any, country week-

lies in this State, or any other State, which do not use either ready-prints or plates-consequently the really all-home-print paper is out of date-almost obsolete-a thing of the past-

and surely nothing to boast of! Over ten thousand publications in the United States are at present being partly printed away from home, and we are pleased to say that ours is one of this number. We have found the plan a material help in many ways. Our work is half done for us every week when we receive our paper; and the rapid growth of our subscription list and our advertising columns since we adopted it form the best proof of its popularity with both readers and

Advice From Rome

Rome, by Cable.—A papal bull issued today on the subject of religious af-fairs in the Philippines concludes with fairs in the Philippines concludes with inviting all the clergy to use their best endeavors to bring about the re-estab-lishment of peace and order, helping with their influence the authorities working to the same end. The docu-ment at the same time exhorts the clergy to hold afoof from politics and to devote their attention to religion and to promoting by every means the welfare of the peace under the peace regime.

500 Japanese Drowned. Yokohome Japan

Soo Japanese Drowned. Yokohoma, Japan, Special.—During a typhoon a tidal wave swept the Odawara district, near here, and over-whelmed many houses. Five hundred a typhoon a tidal wave swept the Odawara district, near here, and over, whelmed many houses. Fiv.) hundred persons are reported to have been drowned. The Japanese battleship Shikishima is ashore at Yokohoma, 15 miles from Yokohoma, 15 is expected that she will be refloated with slight damage. Several steamers were driven ashore here. Some of them have been refloated. It is feared that there have been many fatalities among the fish-ernen. Street Car Strike Still Holds. New Orleans, Special.—Tuesday's conditions of the strike of the em-ployes of the Netrike stalivary company, inaugurated Sunday, as con-sidered by the peace authorities, were satisfactory. No difficulties occurred, that no effort was made to move any mails. Several mail cars delivered weil to a subsci tions within ant mails. Several mail cars delivered

Street Car Strike Still Holds. New Orleans, Special.—Tuesday's conditions of the strike of the em-ployes of the New Orleans Railway Company, inaugurated Sunday, as con-sidered by the peace authorities, were satisfactory. No difficulties occurred, being due, it is believed, to the fact that no effort was made to move any cars other than those carrying the mails. Several mail cars delivered mail to the sub-stations without diff-culty in the quarter below Canal street. Cn the lines receiving power from the varbella bara, nothing could be done with mail cars on account of trouble or the wires. Borna Philosopher's Words.

or the wires. Roman Philosopher's Words. You will do the greatest service to the state if you shall raise, not the roofs of the houses, but the souls of the cilizens; for it is better that great souls should dwell in small houses rather than for near slaves to lurk in great houses.—Epictetus. they are as good men as ever trod soil of these adjacent counties, and

in Wilcox Case. -

NO. 8.

MONTGOMERY WRITES OPINION.

ustice Clark Writes a Concurrent Opinion-Disturbances at Trial in Elizabeth City Sufficient Grounds.

Raleigh, N. C., Special-The Supreme Court Tuesday gave Jas. Wilcox, con-victed of the murder of Nellie Cropsey, at Elizabeth City, a new trial. The opinion in the case is written by Jus-tice Montgomery. There is a concur-ring opinion by Justice Clark. The leading opinions in full follow: - No person ought to be taken or dis-

leading opinions in full follow: No person ought to be taken or dis-scized of his household liberties or privileges or outlawed or exiled or in any manner deprived of his life, lib-erty or property but by the law of the land. And that provision of our State constitution applies as well to procethend. And that provision of our state constitution applies as well to proce-dure and manner of trial in our courts of justice as to principles of law which underline our society. Under law all persons charged with crime are as much entitled to a fair and unpreju-diced trial as they are to the protec-tion of their persons, their property or tion of their persons, their property or their reputation. They have a right under the same constitution to have counsel for defense, and any willful in-terruption of such counsel while con-ducting such defense, intended to dis-count of ambarrase is not only unconcert and embarrass, is not only unlawful as obstructing and preventing a fair trial, but is deserving of the con-demnation of all good citizens. In this case the prisoner was ar-raigned for murder and was convicted

of that crime in the first degree. The evidence wos entirely circumstantial, evidence wos entirely circumstantial, and while that character of evidence may, in its very nature, produce a high degree of moral certainty in its appli-cation, yet it is never to be forgotten that it requires the greatest degree of caution and vigilance in its applica-tion.

caution and vigilance in its applica-tion. In reading the records in this case, it hardly seems possible that the jury could have given that cautious and vigilant attention to the evidence which the law requires of them, or to a presentation of the prisoner's case to them by his counsel that thought which the importance of the case de-manded. In their immediate presence, 100 persons in their deliberate purpose to prejudice the rights of the prisoner, committed a great wrong against the Commonwealth, and contempt of court. On the outside of the cour-for the purpose of prejudicing the pris-oner with the jury. No such demo-strations were ever witnessed in our State before, and for the honor of the State before, and for the honor of the nwealth, such ought not to be

State before, and for the honor of the Commonwealth, such ought not to be repeated. In the statement of the case by his honor, he said: "After the evidence was all in, and while one of the coun-sel was making the closing argument for the prisoner, about 100 people being about one-fourth of those pres-ent in the court room, as if by concert. left the room. Soon thercafter, while the same counsel was addressing the jury, the fire alarm was given near the court house, which caused a number of other persons to leave the court room. The court is of the opinion, and so finds the fact, that these demonstra-tions were made for the purpose of breaking the force of the counsel's ar-gument. But the court does not find that the jury were influenced thereby. There is no motion made by the pris-oner to set the verdict aside in conse-quence of said conduct." Sufficient excuse was made here by make a motion for a new trial in the court below to justify the Attorney General in consenting to the agreement to consider the motion as having been entered at the proper time, which he did. In such a case as this it is not

entered at the proper time, which he did. In such a case as this it is not indispensable that the finding by bis honor that the jury had been uninflu-enced by the conduct of the offend-ers should have been made. The dis-orderly proceedings assumed such pro-portions as to warrant this court in de-claring that the trial was not conduct-ed according to law. The propriety of our ruling is strengthened by the cir-cumstances that contempt proceedings were not commenced against those ofwere not commenced against those of-fending, and that no motion was made

that the demonstration within and without the court room were made for the purpose of breaking the force of counsel's argument, the magnitude and nature of those demonstrations were such as to require a new trial. The ad-ministration of justice must not only be fair and unbiased, but it must be abv: any just suspicion of any influence savs that aredit which the jury shall give to the cvidence before them. It is of vital importance to the public wel-fare that decisions of courts of justice shall command respect, but this will be impossible of there is ground to believe Ahat extrangous influence, of any kind whatever, has been brought to bear." whatever, has been brought to bear.

ALC: TO