

## TAR HEEL TOPICS

Items Gathered From All Sections of the State

### Charged With Abduction.

Wilson, Special.—Thursday evening Jesse Brinkley, a married man who has been living apart from his wife for several months, eloped with Miss Mary Vann, daughter of Mr. and Mrs. C. V. Vann. These two people have caused no little trouble in magistrates circles here. As to the direction taken by the runaways no one seems to know—some saying they went through the country in a buggy; others that they went away on the train; still there are others who say they left on the shoofly. Soon after hearing of the elopement a reporter interviewed Mr. Vann in regard to the matter. He said: "I don't know what made me suspicious, but about 8 o'clock Thursday night I got it into my head that everything was not going on around home right; so I began to get suspicious of my daughter's actions; I went through the house and looked for, in fact, looked everywhere that it was possible to find her. Finally I found where she had passed out through a panel in the fence. Gaining the outside of my yard I was told that my daughter and Jesse Brinkley had just left on a buggy. I immediately applied to the proper authorities and obtained a warrant for Brinkley, charging elopement. Friday morning upon the advice of my attorney, I had it changed to read "abduction"—as my daughter is under fourteen years of age. Later I went to Salem in quest of the runaways but could get no trace of them. I shall spare no efforts to apprehend them and prosecute Brinkley to the limit."

### Robberies in Thomasville.

Thomasville, Special.—Thursday night the home of Mr. L. R. Imber was entered by a robber and a number of things were stolen. Among them was about \$35 in money. The family was sleeping in the room at the time, but no one awakened and the robbers escaped. Early Sunday morning the front window in the store room in the Wyche Block occupied by Max Wager, clothing merchant, was broken, and robbers entered the store and stole a lot of clothes, hats and other furnishings. Diligent search is being made to apprehend the robbers, but as yet no one is suspected and it is doubtful if the perpetrators will ever be caught.

### Wilmington Merchant Assigns.

Wilmington, Special.—Capt. S. F. Craig, retail grocer at 614 North Fourth street, has made an assignment, naming A. G. Hankins as assignee. The liabilities schedule a little over \$3,000 with assets about the same. The creditors are largely Wilmington wholesale grocers, J. W. Brooks being the largest to the amount of something over \$900. Capt. Craig reserves for himself the legal real and personal property. Inability to collect outstanding obligations is assigned by Capt. Craig as the cause of the assignment.

### Taken Back to Madison.

Asheville, Special.—John Randall, the Madison county man charged with the murder of his wife who was brought here several weeks ago for safe keeping on account of intense feeling against him, was taken back to Marshall by a deputy sheriff of that county who came here for him. It is said that feeling against the alleged murderer has abated and that it is believed there is no longer any danger of mob violence.

### Spanish-American War.

Raleigh, Special.—There was sent to Governor Glenn about \$30,000 for the Spanish-American War soldiers from North Carolina not already paid. Of this amount only about \$15,000 has been paid to claimants and there is still on hand about \$15,000 which has not yet been claimed.

### Great Month's Collections.

Raleigh, Special.—The State Department of Insurance by its collections for the past month has broken all of its previous records. For February the collections amounted to \$56,713.13 and this amount was turned over to the State Treasury, the books showing that this amount was in excess of the collections in any other one month of the existence of the department. The fiscal year will end on the first of April and the collections for the year will be in excess of \$220,000.

### WORK BEGINS SOON.

#### On Construction of Teachers Training School.

Greenville, Special.—The trustees of Eastern Carolina Teachers Training School appointed by the Legislature of 1907, et here last week and inspected the site selected, on which to locate the school. Those present were: J. Y. Joyner, Raleigh; T. J. Jarvis, Greenville; C. W. Wilson, Scotland Neck; J. C. Parker, Trenton; I. T. Turlington, Smithfield, and Y. T. Armond, Kinston. The board met and organized with J. Y. Joyner, president; C. W. Wilson, secretary; R. J. Cobb, treasurer; T. J. Jarvis, J. Y. Joyner and Y. T. Armond, executive committee. H. Buckingham of New York was elected landscape designer and Hook and Rodgers, of Charlotte, and H. W. Simpson of New Bern, associate architects in competition. Work of construction will begin as soon as plans are completed and material collected.

### Clamis "Unwritten Law."

Asheville, Special.—Claiming that he had killed Paris Sumner, and that he was justifiable in doing so under the "unwritten law," James Frady, a well known citizen of Limestone township, twelve miles from Asheville, aroused Deputy Sheriff Mitchell at the county jail here about midnight and demanded admittance. The shooting occurred twenty-five yards from Frady's home. Frady and Sumner, both well known and highly respected citizens, are neighbors. Frady alleges that Sumner was intimate with his wife and finding the two together, opened fire on Sumner. Frady shot five times, three of the bullets taking effect. Then Frady beat Sumner's skull in with the butt of his pistol, and left his victim for dead, coming to Asheville to surrender. Sumner was shot through the lower part of the abdomen, the right lung and right shoulder while an operation was necessary to remove the fractured pieces of skull.

### CHARLOTTE GETS CONVENTION

The Queen City Will Entertain This Year the Democratic State Convention, Her Claims Having Won Out Over Those of Greensboro For This Honor.

Raleigh, N. C., Special.—The State Democratic executive committee in session here Wednesday night selected the 24th of June at Charlotte for the meeting of the State Democratic convention, and by a close vote endorsed Bryan for the Presidency. The resolution to endorse Bryan for President and C. B. Aycock for Vice President was warmly debated and was finally defeated.

### Serious Play With Pistol.

Asheville, Special.—An accident as a result of playing with a pistol occurred near Weaverville, ten miles from Asheville, and it is feared that two boys, Harnie Black and an 8-year old lad named Eller, will die. Young Black, 15 years old, was attempting to drive a 32-calibre cartridge into a pistol of 22-calibre bore when the cartridge exploded. Eller was standing close by watching the effort. The bullet entered just under his left eye and, going through the head, lodged under the skin back of the right ear. Two of Black's fingers were torn off and blood poison has developed. Neither of the boys are expected to live.

### Sales of Fertilizer.

Raleigh, Special.—The president of the Caraleigh Phosphate Mill says that orders are now coming in very well. He cannot yet tell how the sales will compare with those last season, though there is a general falling off of about 25 per cent., it seems. The Agricultural Department will in a few days make up its figures as to sales of fertilizer tax tags.

### Receiver Begins Action.

Saisbury, Special.—In the United States Circuit Court for the Western district of North Carolina action was begun by Hon. John S. Henderson, receiver of the Whitney Company against the T. A. Gillespie Company, contractors, for non-performance of work at the Narrows. The complaint was filed and the warrant of attachment was issued by Judge Boyd, at Greensboro against all the property of T. A. Gillespie Company in North Carolina for the purpose of holding the property of the defendant to satisfy the plaintiff's claim.

## BAD FIRE AT ROXBORO

For the Third Time in Two Months The Town Has a Narrow Escape—Blaze in Heart of Business Section.

Roxboro, Special.—The business portion of Roxboro early Sunday morning had its third narrow escape from being swept by fire within two months. The blaze originated in a large frame building owned by Mr. J. M. Blalock and used as a bowling alley, pressing club and lunch room, which burned. The Pioneer warehouse burned fiercely but was extinguished with a small loss. A large tobacco prizery and the Primitive Baptist church caught from flying sparks but were promptly extinguished. The stores of the Morris-Webb Drug Co., Woody, Long & Morton, Long, Bradsher & Co., and Sergeant, Clayton & Co., were in imminent danger, being saved only by a favorable wind and the keeping of a stream of water on them. Mr. Blalock's loss is about \$1,000 with no insurance. Mr. Walker, owner of the bowling outfit, carried \$500 insurance. There is suspicion of incendiary origin but there is no evidence or clue to support it.

### WILL BE A GREAT MEETING.

Twenty-Fifth Annual Convention of North Carolina Sunday School Association.

This important gathering of Sunday School workers will be held in the Christian Church, Burlington, Tuesday, Wednesday, Thursday, April 7, 8, and 9, 1908. A very attractive programme has been prepared for the occasion, containing the names of a number of the most active Sunday school workers in the entire country. All the phases of practical work will be covered by addresses, papers and practical demonstrations. The social feature of the occasion will be emphasized and a good time is in store for all those who may attend. Great good will doubtless result from this meeting and the cause will be materially enhanced.

### Shoots His Foster Father.

Monroe, Special.—W. D. James, an employe of the Monroe Cotton Mill, was shot in the left cheek by W. C. Busbee, a fellow employe, in a quarrel which took place Saturday night in James' house in the mill town. Busbee is a young man who is said to have been brought up by Mr. James, and the relations between them were of the pleasantest till a short time ago, when James began to suspect that Busbee was too intimate with Mrs. James. When James entered his house he found Busbee there, and a quarrel at once arose between them on the old subject. Upbraided by James for acting as he had, Busbee, who had been drinking, drew a pistol and shot his former friend. When the police got news of the affair and went to the house, they found the wounded man lying there and his wife had not sent for a doctor. Busbee ran away immediately after the shooting, and has not been captured. James has an ugly wound but will probably recover.

### Man With Bullet in Spine Will Recover.

Fayetteville, Special.—Henry Bruner, who was shot by D. J. McDonald will probably recover, the attending physician states. Both are white men and well known and the difficulty was the outcome of a marked attention from Bruner to McDonald's wife. McDonald was evidently "shooting for a funeral," as he fired five shots, though only one took effect, lodging in the spine. McDonald's friends offered \$10,000 bail, but it was refused and he is held in jail awaiting the result of the wound.

### Burglars at Claremont.

Newton, Special.—Burglars visited the town of Claremont Friday night and entered the stores of H. L. Yoder & Co. and D. M. Moser & Son, helping themselves to shoes, hats, tobacco and canned goods, besides a small amount of money, about \$5, from the two stores together. Mr. Yoder was in town talking over the matter with the Newton police.

### State News Items.

Solicitor A. L. Brooks of the 9th judicial district, has tendered his resignation to Governor Glenn. This action is taken because Mr. Brooks is an avowed candidate for Congress from the 9th district to succeed W. W. Kitchin, who is a candidate for the democratic nomination for governor.

Governor Glenn appoints Rev. J. O. Atkinson, of Elon College; Henry A. Gilliam, of Tarboro, and R. T. Gray, of Raleigh, members of the board of visitors of the University of North Carolina.

## BIG FINES TO STAND

Supreme Court Decides Cases Involving Rebates

### THE ELKINS LAW INTERPRETED

By a Division of Five to Three the Highest Tribunal Declares That the Lower Courts Were Right in Imposing Fines on the Chicago, Burlington & Quincy Railroad and the Kansas City Packers For Granting and Accepting Rebates.

Washington, Special.—By a division of 5 to 3 the Supreme Court of the United States has affirmed the decision of the United State Circuit Court of Appeals for the eighth circuit, imposing fines on the Chicago, Burlington & Quincy Railway Company, for granting and the packers of Kansas City, Kan., for accepting rebates on shipments of packers' products intended for export. The decision was announced by Justice Day and his announcement was concurred in by Justices Harlan, White, McKenna and Holmes. The Chief Justice and Justices Brewer and Peckham dissented in an opinion announced by Justice Brewer, which pungently criticized the controlling opinion. Justice Moody took no part in the disposition of the case.

### The Points Involved.

In his opinion Justice Day discussed the various points of controversy involved in the cases. Taking up the first question as to what constitutes a crime. In the matter of granting rebates he said: "Had it been the intention of Congress to limit the obtaining of such preferences to fraudulent schemes or devices, or to those operating only by dishonest, under-handed methods, it would have been easy to have so provided in words that would be unmistakable in their meaning. A device need not be necessarily fraudulent; the term includes anything which is a plain contrivance." Discussing the effect of the ruling on the usual construction of contracts Justice Day said: "There is no provision for the filing of contracts with shippers and no method of making them public defined in the statute. If the rates are subject to secret alteration by special agreement, then the statute will fail of its purpose to establish a rate duly published, known to all, and from which neither shipper nor carrier may depart. "It is said that if the carrier saw fit to change the published rate by contract the effect will be to make the same available to all other shippers. But the law is not limited to giving equal rates by indirect and uncertain methods. It has provided for the establishment of one rate to be filed as provided, subject to change as provided, and that rate to be while in force the only legal rate. Any other construction of the statute opens the door to the possibility of the very abuses of unequal rates which it was the design of the statute to prohibit and punish. "It may be as urged by petitioner, that this construction renders impossible the making of contracts for the future delivery of such merchandise as the petitioner deals in, and that the instability of the rate introduces a factor of uncertainty, destructive of contract rights heretofore enjoyed in such property. But such considerations address themselves to Congress, not to the courts. It is the province of the judiciary to enforce laws constitutionally enacted, not to make them to suit their own views of propriety or justice. "The statute being within the constitutional power of Congress and being in force when the contract was made, is read into the contract and becomes part of it. If the shipper sees fit to make a contract covering a definite period for a rate in force at the time he must be taken to have done so subject to the possible change of the published rate in the manner fixed by statute, to which he must conform or suffer the penalty fixed by law."

In the course of his opinion, Justice Day gave the following general definition of the intent of the Elkins' act:

### Elkins' Act Defined.

"The Elkins' act proceeded upon broad lines, and was evidently intended to effectuate the purpose of Congress to require that all ship-

pers should be treated alike, and that the only rate charged to any shipper for the same service under the same conditions should be the one established, published and posted as required by law. It is not so much the particular form by which, or the motive for which this purpose was accomplished, but the intention was to prohibit any and all means that might be resorted to to obtain or receive concessions and rebates from the fixed rates, duly posted and published."

### Railroad Employees Strike.

Denver, Colo., Special.—Monday morning 1,500 machinists, boiler-makers and members of kindred trades working in the Denver & Rio Grande Railway's shops went on a strike in response to an order issued by W. J. McQueeney, representing the machinists national organization, after a final conference at which Manager A. C. Ridgeway, of the railroad, refused any concessions.

### Wins Rhodes Scholarship.

Athens, Ga., Special.—H. L. Jewett Williams, of Macon, a member of the University law class, was awarded the Rhodes scholarship in Oxford University, England, by the Rhodes scholarship committee for Georgia consisting of Chancellor Barrow, Professor Boeck, of the University of Georgia; Professor Murray, of Mercer, and Professor Peed, of Emory. Mr. Williams leaves this summer for Oxford for a stay of two years.

### Judge C. D. Clark Dead.

Knoxville, Tenn., Special.—Judge C. D. Clark, who was appointed to the Federal bench by President Cleveland in 1895 as judge for the eastern and middle districts of Tennessee, is dead at Chattanooga, aged 61. He had been at Asheville, N. C., for some time for his health, and only recently was removed to Chattanooga. He was a native of Tennessee.

### Big Cotton Mill Fire.

Winston-Salem, N. C., Special.—The picker building and the warp lapper and machine rooms of the Coolee Cotton Mills, at Coolee, Davie county, were destroyed by fire Friday, entailing an estimated loss of over \$100,000, fully covered by insurance. The fire broke out in the picker room about 9 o'clock and it took five hours to get it under control; eight streams of water were placed upon the burning structures. The origin of the fire is unknown.

### Lone Bandit Holds Up Train.

Butte, Mont., Special.—Great Northern Railroad officers were advised that the Oriental limited was held up near Bonners Ferry, Idaho, by a highwayman. Both mail clerks were bound while the mail car was rifled. No attempt was made to blow open the safe. No estimate is obtainable as to the probable loss but it is not believed to be heavy. The bandit escaped.

### NEWSY GLEANINGS.

Texas reports an "orderly" lynching. Cleveland decided to close its schools and spend \$600,000 to make the buildings safe.

Senator Johnston, of Alabama, observes that Washington, D. C., has no Sunday observance laws.

Winchendon, Mass., rejects Mr. Carnegie's \$25,000 and will build a library out of its own hands.

James J. Hill discussed the business outlook, saying conditions would improve if they had an opportunity to do so.

King Edward entertained Premier Clemenceau and M. Pichon, the French Foreign Minister, at luncheon at Paris.

The letter of Emperor William to Lord Tweedmouth and the latter's reply have caused a storm of criticism in England.

The State Grange, in session at Hornell, N. Y., endorsed the attitude of Governor Hughes on anti-race track gambling.

It is conservatively estimated that between 20,000 and 25,000 miners will go to different parts of Alaska and the Canadian Yukon.

Naval militia organizations of the Atlantic coast States have been invited to take part in the maneuvers of the auxiliary naval vessels.

Fifty Terrorists, men and women, many of them heavily armed, some with bombs, were arrested in St. Petersburg, after a desperate resistance.

The first of the big battleships for the German navy, the Nassau, of 18,000 tons, was launched at Wilhelmshaven, in the presence of the Emperor.

The present season has been to a degree disastrous both in New York City and on the road for the "popular priced shows," as well as for the first class attractions.

Of persons stricken with insanity about one-third recover.

## MORE COMPLICATED

S. C. Supreme Court Takes Hand in Dispensary Matter

### WILL JUDGE PRITCHARD RECOVER?

South Carolina Supreme Court Has Down Unanimous Opinion Upholding Attorney General Lyon in Dispensary Matter—Next Move Up Judge Pritchard.

Columbia, S. C., Special.—On Sunday, the South Carolina Supreme Court handed down an opinion, pronounced by the entire court, upholding attorney general Lyon's contention and declaring that the action of Judge Pritchard's court was contrary to the constitution of the United States.

Monday's dispatches from Columbia say:

There is no mistaking the fact that the members of the State administration are feeling good over the decision of the State Supreme Court rendered Saturday afternoon on the mandamus petition of Attorney General Lyon wherein the court sided in vigorous language with every principle of law contended for by the Attorney General in the contest between the State and Judge Pritchard over the dispensary funds in litigation. Attorney General Lyon and Attorney W. P. Stevenson, associated with him, expressed themselves as much pleased with and gratified at the decision. It was everything that they could hope for. And Governor Ansel has given expression to his sentiments.

Opportunity For Pritchard to Recede. But whether there will be an extra session of the Legislature following the decision is still a doubt. A. C. Stevens Roundtree and Anderson, of Atlanta, will be here soon for consultation with Attorney General Lyon, and other counsel associated with him on the subject. The opinion seems to be that Judge Pritchard should be given an opportunity to recede from his position, in the way opened for him to yield in the decision of the South Carolina Supreme Court. If he does not give way, or if he makes another hostile move, it is likely an extra session will be called to enact such legislation as will put the State's attorneys and the dispensary commission in full charge of affairs.

Now that the receivers have qualified, the intimation is that the next move on the part of the opposition will be to attempt to get possession of the funds by a call upon the commission. Members of the administration have all along expressed perfect confidence in being able to score a complete victory in the Federal courts when the case is finally got before the United States Supreme court, but at the same time Governor Ansel, as peace-loving as he has always shown himself to be has manifested a disposition not to allow the funds to go into the hands of the Federal Court.

### Just Debt: Will Be Paid.

New York, Special.—In a statement issued by Eugene P. Carver, counsel for Charles W. Morse, declaration is made that the indicted banker believes he is able and with the co-operation of his creditors proposes to pay all his just debts. Morse's counsel further states that all legal rights and remedies will be invoked to accomplish the settlement of obligations and that all pending criminal matters before the State and Federal courts will be urged for a quick determination as to matters of law and facts.

### Richmond as Dry as the Desert of Sahara.

Richmond, Va., Special.—For the first time in the history of Virginia no liquor can be had at the various social clubs. The Byrd bill closing all bars on Sunday went into effect Sunday and even at the oldest and most influential clubs, no intoxicating drinks were served.

### For The Army and The Navy.

Washington, Special.—Navy Department officials appeared before the congressional naval affairs committee and urged the purchase of the Jamestown Exposition grounds by the government, to be used as a naval training station. Secretary Taft and a delegation appeared before the congressional committee on military affairs and recommended the purchase of ten thousand acres adjoining Chincoteague National Park for manœuvring grounds for troops.