

# THE ENTERPRISE.

True to Ourselves, Our Neighbors, Our Country and Our God.

VOL. II.

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NO. 35.

## THE COURT'S OPINION

Rendered in the Celebrated "Insular" Cases.

GOVERNMENT CLAIMS SUSTAINED.

Court Decides That the Constitution Does Not Follow the Flag After An Act of Congress.

Washington, D. C., Special.—In the United States Supreme Court Monday, opinions were handed down in all but two of the cases before that court involving the relation of the United States to its insular possessions. The two cases in which no conclusion was announced were those known as the fourteen diamond rings case, and the second the Dooley case. The undecided Dooley case deals with a phase of the Porto Rico question, and the diamond ring case involves the right to the free importation of merchandise from the Philippines to the United States. The original intention of the court had been to adjourn for the term after the day's sitting, but discussion of the cases passed on took about five hours so that court adjourned until Tuesday when it is presumed the remaining cases will be passed on. Of the several cases decided, the two which attracted the greatest share of attention from the court were what is known as the De Lima case and that known as the Downes case, and of these two, the opinion in the Downes case is considered the most far-reaching as it affects the future, whereas the De Lima case dealt with a transitional phase of our insular relations. The De Lima case was the first to receive the attention of the court, and it appeared to be quite sweepingly opposed to the government's contention, many persons precipitately arrived at the conclusion that the government had been worsted all along the line. This view suffered a decided change when the conclusion was announced in the Downes case. The court was very evenly divided on both cases, but political lines were not at all controlling.

The De Lima case involved the power of the government to collect duty on goods imported into the United States from Porto Rico after the ratification of the treaty of Paris, and before the passage of the Porto Rico act. The court held that the government's contention in this case was substantially a claim that Porto Rico is foreign territory. The entire case turned upon that contention. The court held that the Porto Rico act was not in force at the time the goods were imported, and that therefore the duty which had been collected must be returned.

The decision in the Downes case followed the history of the dealings of the United States with Porto Rico a step farther. That case dealt with the legality of the exaction of duties on goods imported from Porto Rico into New York after the passage of the Foraker act, providing for a duty upon goods shipped from the United States into Porto Rico, and also on those shipped from Porto Rico to the United States. In this case the court held that such exaction was legal and constitutional.

The point of the two opinions considered collectively is that Porto Rico was never after the acquisition of this island foreign territory; that until Congress acted upon the question, no duty could be collected, but that as soon as Congress outlined a method of controlling the island's revenues that action became binding; in other words, that Congress has power under the constitution to prescribe the manner of collecting the revenues of the country's insular possessions and has the right to lay a duty on goods imported into our insular possessions from the United States, or imported from them into the United States. It holds in brief that for taxation purposes they are not a part of the United States to the extent that goods shipped between their ports and the United States are entitled to the same treatment as though they were shipped between New York and New Orleans.

Justice Brown delivered the court's opinion on both, and there were vigorous dissenting opinions in both. In the Downes case four of the nine members of the court united in an opinion characterizing in strong language the opinion of the majority in that case. In this opinion Justice Chief Justice and Justices Harlan, Brewer and Peckham united, and the Chief Justice and Justice Harlan presented the views in written form. Justices Gray, Shiras, White and McKenna, also, while agreeing with the conclusion announced by Justice Brown, announced by different lines of argument, and Justices Gray, White and McKenna, announced opinions outlining their respective positions. Justices Chief Justice and Justice Harlan presented the views in written form. Justices Gray, Shiras, White and McKenna, also, while agreeing with the conclusion announced by Justice Brown, announced by different lines of argument, and Justices Gray, White and McKenna, announced opinions outlining their respective positions.

Washington, D. C., Special.—The naval board of awards is understood to have reached a tentative decision upon the design of a medal of honor for those who participated in the battle of Santiago Bay. The members of the board decline to give any information on the subject, but it is generally understood among naval officers that the board has followed the precedent of the commander-in-chief, and that the Santiago medal will bear the head of Admiral Sampson. A number of designs have been presented, but the board seems to be most favorable to those made by Mr. Skerritt, a designer belonging to the Department force.

Washington, D. C., Special.—The Comptroller of the Treasury has decided that United States Senators Bate and Tillman, having been summoned to this city as witnesses on behalf of the United States vs. Cullen, are entitled to the usual mileage and witness fees provided by law, and that the law as to clerks and officers of the United States, which provides that in such cases they shall not be allowed mileage does not apply to United States Senators.

Florida Cotton Oil Company. Chattanooga, Tenn., Special.—A charter was applied for by the Florida Cotton Oil Company. The capital stock of the concern was given at \$100,000. The incorporators are G. N. Henson, W. F. Hutchison, W. R. Riddell, J. L. Caldwell, W. D. Carwell, T. G. Knox, and William Cummings. The home office of the company will be in this city.

## AN ADVERSE REPORT

The Presbyterians Turn Down The Catechism

COMMITTEE REPORT IS REJECTED

Its Work Will Be Referred to The Various Presbyteries For Final Action.

Little Rock, Ark., Special.—The Southern Presbyterian Assembly refused to adopt the catechism on the nature and government of the Church, as reported by the committee appointed one year ago. It was ordered that the catechism be sent down to the presbyteries for criticism, with instructions to return it to the ad interim committee by February 1, 1902. The assembly divided the Synod of Mississippi and Louisiana on State lines. The Synod of Memphis was divided and the Synod of Tennessee created. After a lengthy debate the Assembly directed the executive committee on publications to select a field superintendent for Sabbath school work. The Assembly adopted the recommendation of the committee on Bible cause that the collection for the Bible Society, in October, or some other more convenient date, embrace in the Assembly's scheme of beneficence and should regularly and faithfully be attended to. It was ordered that the following amendments to the Book of the Church be sent to the Presbyteries for their advice and consent, with the recommendation that it be adopted, provided further, "that in the case of a Synod composed of only three Presbyteries, any two ministers representing any two Presbyteries, together with the ruling elders, shall be a quorum."

The standing committee's report on ministerial relief recommended providing a fund for relief of pressing needs of disabled ministers and their families; that collections be solicited from the churches during July and that an earnest effort be made to raise not less than \$20,000, and that all ministers whose names are on the Presbytery's rolls, whether laboring at home or in the foreign field, shall be eligible to the benefits of the fund and that the following executive committee of ministerial relief be elected: Revs. Russell Cecil, D. D., chairman; R. P. Kerr, D. D., Joy Witherspoon, D. D., Calvin Stewart, D. D., Geo. R. Cannon, John S. Munce, C. D. Lewis, S. H. Hayes, J. N. Cunningham and W. R. Miller, the committee being empowered to elect a secretary who shall also act as treasurer. In the discussion on the report the need of a change from the present system was accentuated, the daily allowance to disabled ministers at present being only 27 cents. There was some opposition to the creation of a new committee for the relief work on the ground that the work could be handled by other committees. The question has not yet been finally disposed of.

At the night's session of the Southern Presbyterian Assembly, majority and minority reports from the special committee on the "elect infant" clause were submitted. The minority report was rejected and the majority report presented by Rev. Dr. Battle, of Louisville, was adopted.

Natives Disappointed. Manila, by Cable.—The discontent among the natives at the appointment of American judges and alleged discriminations in the civil service in favor of Americans, is finding expression, encouraged by some of the native judges, who are aware that the reorganization of the judiciary will result in the loss of their positions. Judge Ner, of the Court of First Instance of Tondo, one of the leaders of the radical wing of the Federalists, declared today that if such things continue there will be a second revolution. Some of the prominent Federalists ridicule the prediction.

After a conference with General MacArthur, General Trias has undertaken negotiations at Lucban for the surrender of General Cailles, which is daily expected.

Medals for Sampson's Men. Washington, D. C., Special.—The naval board of awards is understood to have reached a tentative decision upon the design of a medal of honor for those who participated in the battle of Santiago Bay. The members of the board decline to give any information on the subject, but it is generally understood among naval officers that the board has followed the precedent of the commander-in-chief, and that the Santiago medal will bear the head of Admiral Sampson. A number of designs have been presented, but the board seems to be most favorable to those made by Mr. Skerritt, a designer belonging to the Department force.

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## FLOODS DO DAMAGE

Rise in Catawba River Breaks All Previous Records.

THE NEW CLIFFS HOTEL IS GONE.

Railroads Suffer Heavy Damage By Washouts—The Catawba Changes Its Course in Places—Railway Traffic Suspended.

Railway Blocked. Asheville, N. C., Special.—No trains have come in or left Asheville since Tuesday. The main line of the Southern Railway to Knoxville on the west and Salisbury on the east is blocked by landslides, the result of the recent heavy rains. It is believed schedules will not be resumed east across the Blue Ridge before Friday. News coming in from the mountain district indicate heavy losses to farmers along the small streams by the destruction of growing crops.

The Catawba Changes Its Course. Marion, N. C., Special.—Reports just coming in show the storm of Tuesday to have been the worst one that has ever occurred here and the damage to crops much worse than at first reported. It is impossible to give a correct estimate of the damage done to farm lands. One farm near here is damaged about \$20,000. The Catawba has changed its course in several places. It was two miles wide at the nearest point to this place and was three feet above highwater mark. Every bridge in this county excepting three iron ones were washed away. The cloudburst at Old Fort washed away one house. No trains have passed here since passenger train No. 11 at noon Tuesday. It is still at Mud Cut, on the mountain, where it will likely remain for several days. Trains from the east will probably reach this place some time Thursday but will not be able to get through to Asheville for four or five days. Several bad washouts and slides have occurred west of here. Seven hundred feet of track and roadbed are washed entirely away five miles west of here. Trains will not get through to the Southern Carolina & Georgia Extension Railroad for two or three weeks. So far as known no lives have been lost.

31 Feet Above Low Water. Morganton, N. C., Special.—A steady fall of nearly 48 hours, culminating Tuesday afternoon in a cloudburst near Round Knob, wrought havoc along the Catawba valley, when the flood broke all records. The Catawba river at Morganton was 31 feet above low water, 4 feet higher than ever before recorded. The two handsome steel bridges at McDowell's ford and on the Lenoir road were swept away about 11 o'clock last night. The stone piers at the upper bridge were demolished and the tubular piers supporting the lower bridge toppled over, when the bridge went down. There was a heavy washout on the Southern Railway at Silver creek at Bridgewater and much damage is reported on the mountain division. Two houses at Bridgewater, one near Glen Alps and one just below Morganton, were swept away.

Cliffs Hotel Washed Away. Hickory, N. C., Special.—The Cliffs Hotel, which had just been completed and partly furnished, was carried from its site down the river a distance of one-quarter of a mile, the first and second stories being entirely separated and the damages to the structure is serious. The Carolina & Northwestern Railroad is badly damaged between here and Lenoir, owing to the numerous washouts. The track and trestles along the line of the Catawba river, a distance of two or three miles, are badly damaged. It will take several days to repair them. It may be at least two or three days before trains can pass over the track. The passenger train to-day was turned back from this point.

A Big Washout. Shelby, N. C., Special.—As a result of the heavy downpour for the past three days two big washouts are reported on the S. C. & G. Extension Railroad, one this side of Marion and the other this side of Blacksburg. Consequently no trains will be operated before Saturday. A large force of hands is now repairing the damage.

British King is a Wreck. Southampton, by Cable.—The most dramatic incident in the history of the America's cup occurred when a sudden squall on the Solent completely wrecked the new challenger and endangered the life of King Edward and several distinguished persons, including Sir Thomas Lipton.

Telegraphic Briefs. General Frederick Funston and his followers, on their trip to capture Aguinaldo, were reduced to a diet of snails and octopus, according to a letter dated San Isidro, P. I., April 5, and received from the Kanis by Capt. Clark of Lawrence, Kan.

No vote was taken at Wednesday afternoon's session of the Cuban constitutional convention on the Platt amendment. Senor Juan Gualberto Gonaiz spoke for nearly three hours against the amendment.

## SENATORS RESIGN.

Both Tillman and McLaughlin Send in Their Resignations.

WILL BOTH GO INTO A PRIMARY

And Let the Voters Determine Between Them—Dramatic and Unexpected Ending of the Joint Discussion at Gaffney.

A special from Columbia, S. C., says: Saturday at Gaffney there was a spirited debate between United States Senators B. R. Tillman and John L. McLaughlin. As a denouement both of them have forwarded their resignations to Governor McSweeney. They have resigned with the understanding that they are to go before the people of the state in a joint canvass, and the sentiment of the people is to be expressed in the vote in a Democratic primary to be held in November.

The arrangement is sensational, for Tillman was last summer elected for six years and McLaughlin has yet two years to serve. The result of the issues means that if Tillman is sustained, McLaughlin's seat will be vacant; if McLaughlin is successful he will succeed Tillman's long term. McLaughlin has been invited to Gaffney and friends of Tillman asked him to come too. McLaughlin accused Tillman of attacking him when Tillman was in a boatproof.

The latter declared that he would resign and meet McLaughlin on the stump. McLaughlin agreed to the proposition. Senator Tillman later submitted a written proposition which was acceptable to Senator McLaughlin, except that the latter wanted the election to be held in October and November, instead of this summer. McLaughlin stated that this was suggested on account of his poor health. There were several proposals submitted between the two. Senator McLaughlin wanted the race to be confined to Senator Tillman and himself. The latter declared that he could not dictate to the State Democratic Committee how many candidates there should be.

Central Union Emancipates Strike. New York, Special.—The Central Federated Union, of New York, representing all of the labor organizations of the city, at its weekly meeting endorsed the Rapid Transit tunnel strike. According to labor leaders this will result in a complete tie-up of work on the subway, unless the contractors grant the demands of the striking engineers and rock drillers. The action taken by the Central Federated Union was in opposition to the wishes of its president, John Pallas, who has been laboring for some time to establish a friendly understanding between the employers and employees.

The Fall River Shut-Down. Fall River, Mass., Special.—Reports today indicate that from 15 to 18 corporations had pledged themselves in the combination curtailment and shut-down agreement, and that the original provisions have been modified to meet the conflicting interests. It was also stated that among the last-hatched agents signing, reservations have been made so that certain mills will not be compelled to carry out all of the provisions called for. Some of the mills manufacturing coarse goods posted notices today announcing that they will not run next week, but making no statement as to when they will start up again.

Addition to Fort Moultrie. The Secretary of War has promulgated a general order announcing that certain lands on Sullivan's Island, in Charleston harbor, are declared an addition to the military reservation of Fort Moultrie. The State of South Carolina passed an act last winter granting title to the United States and ceding jurisdiction over this land. A portion of the defenses of Charleston harbor have been erected on this island.

Damage of Half a Million. Asheville, N. C., Special.—The damage to the Asheville division of the Southern Railway by the recent floods, is estimated at \$500,000. The Asheville & Spartanburg branch of the Southern will resume schedules soon, but the line to Salisbury over the Blue Ridge mountains will not be open for several days.

By Wire and Cable. Maj. Henry C. Corbin, adjutant general of the army, will sail for the Philippines on the transport Hancock, which leaves San Francisco June 25. He intends to make a general inspection of the military conditions in the islands.

## STATE FARM FLOOD-ED.

Great Loss Occasioned By the Breacking of the Levees.

Some Lands Are Finally Gone.

Immense Destruction of the Growing Crops—Damage Will Run into the Millions.

A special from Raleigh says: Governor Aycock says all the lowland crops on the State penitentiary farm known as "Caledonia" are destroyed by the raging Roanoke river, including 200 acres of wheat. He says the flood damage in the State amounts to millions of dollars. Saturday night's rainfall was very heavy, from an inch and a half to two inches and a half and more rain falling. All the streams in this section are rising.

Neuse river fell a foot, Saturday. Now it is up again. Mr. W. P. Batchelor, who lives on the river, says it is six inches higher than at any time and still rising. This means fresh damage. It is rumored that some more bridges are gone. Torrents of rain fell Saturday night. East and west of here the storm was worse than at this place.

A letter to Mr. James H. Poo from his former manager near Smithfield, says: "We are well supplied with grass and water." The Caledonia farm, which the State bought in 1899 (near Weldon), is flooded. One of the great dykes, nearly 40 feet high, gave way. It is the first flood on the farms in several years. The Caledonia farm is on that terrible stream, the Roanoke, and is one of the finest farms in the State.

Tar Heel Notes. At the A. and M. College he offer of two prizes by Mr. A. Chamberlain, postmaster at West Raleigh, has developed a spirit of thrift and economy that is most admirable. Mr. Chamberlain at the beginning of the term offered a prize of \$5.00 to the student who kept the neat and best stated accounts of his receipts and expenditures for the year and \$5.00 to the student who spent the least money in an unnecessary manner.

The winner in the first contest is Mr. W. L. Fulp, whose account book is a model of neatness. The second \$5.00 was won by Mr. H. P. Foster, who had not spent one cent unnecessarily during the past school year. There were thirteen contestants for the prizes and the judges who selected Messrs. Fulp and Foster as the winners are Prof. Britton, Quilton Moore, C. G. Silver, Lizzie Howell, P. P. Young, Henry Potent, Jno. Gudgeon and the Baptist church. These houses with all household effects were swept away by all the flood. Much damage in the surrounding country. J. L. MORGAN.

Will you please raise a fund for the sufferers of Bakersville and vicinity? J. C. PRITCHARD. Water Up to Col. Cox's House. Rutherfordton, Special.—The damage done to land and timber by the continued rain has been the worst in the history of the country, amounting to thousands of dollars. But one or two bridges are left standing in the county. All plowed land is washed deep and will have to be planted again.

At Col. Frank Cox's Green River plantation, the waters went up his house, all through his stables and the 12 foot telephone poles on the road there were out of sight. At Island Ford, below here, families had to move from their houses at 12 o'clock at night. The water got four feet deep in the houses. Several hundred chickens, hogs, pigs and sheep were washed with the stream.

In the Chimney Rock section, on the road to Asheville, there are eight bridges known to be gone. Land there that was just being planted the second time was washed away to the hard and in some places they cannot be planted again.

## LATER PARTICULARS

Last Week's Freshet Much Worse Than at First Reported.

SOME LANDS ARE FINALLY GONE.

Immense Destruction of the Growing Crops—Damage Will Run into the Millions.

Morganton, Special.—The first passenger train to reach Morganton since noon last Thursday arrived at noon Saturday. It brought twenty-five bags of mail and a number of Morganton people who were returning home from various points when the flood stopped the trains.

Reports of heavy damage still continue to come in from all points along the Catawba. Many of the best farms along the river are seamed and furrowed by the floods or piled high with white sand, boulders and tree trunks. Even along the hillsides the flood has left its mark on the soil and timber at a height above low waters that seems incredible.

A half mile below the point where the Lenoir road crosses the river stood the old Loudermilk homestead. The house and barn were surrounded by shade trees, and between the house and the river was an old garden in which there were apples and pear trees 75 years old. House, outbuildings and every tree and shrub swept away, and nothing remains, except a great heap of shinning white sand.

On the Lenoir road the river has torn out a channel twice as wide as formerly. The steel bridge was swept about 1,500 feet down the river. It weighed several hundred tons. Bakersville Needs Help. Marshall, Special.—The following telegram is self-explanatory: "Marion, May 25. Hon. J. C. Pritchard, Marshall, N. C."

Following is a list of persons whose houses were destroyed in Bakersville: E. W. Morgan, G. H. Green, Hicks Patterson, M. Buchanan, Sam Turner, Jim Green, Bill Green, Nora Anderson, Berry Stewart, Prof. Britton, Quilton Moore, C. G. Silver, Lizzie Howell, P. P. Young, Henry Potent, Jno. Gudgeon and the Baptist church. These houses with all household effects were swept away by all the flood. Much damage in the surrounding country. J. L. MORGAN.

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## Nation Drowned Out.

Morton, Special.—A terrific rain and wind storm from the south struck here early Saturday morning and is raging at this writing, 4 o'clock p. m. The rain is falling in volumes and it seems as if the town will be drowned out. Sidewalks are overflowed with water; cellars are flooded and the water is swept into the houses. The fall of rain is the severest ever known here.

The Yackin Freshet.

Elkin, Special.—Another heavy freshet in the Yackin river this week did an immense amount of damage to the land and crops in the bottoms. The water was not as high by two and a half feet as the April freshet, but the damage to crops was much heavier. A one-story house near the river bridge was carried away and the approaches to the bridge on the north side were all washed out.

Pointexter & Madison's brick yard was again wrecked and about 7,000 brick destroyed. Farmers are now busily engaged in planting their crops over again along the river where they had been washed away.

Valuable Catawba Real Estate Changed Owners. The Catawba river at the Quaker Meadow Farm was a mile wide. The upper end of the farm, owned by Sheriff McDowell and Thomas Walton, Jr., was damaged several thousand dollars. The lower end, owned by J. A. Lackey and J. W. Campbell, was improved by deposits of rich black loam. The farm of ex-Representative Julius Hoffman was damaged \$3,000, according to his estimate. All the valley crops were destroyed.

Train Trying to Get Through. Statesville, Special.—The west-bound passenger train passed here Saturday morning on schedule time with the intention of going through, but as the water have not yet been repaired west of Marion, it cannot be learned that it succeeded. Railway officials have state that they have every reason to believe that the regular schedules will be maintained, as the repairs to the road bed and bridges have been completed to the extent of being safe for passage of trains.

All S. A. L. Men Ordered Out. Norfolk, May 22.—Conferences between the Seaboard Air Line Railway officials and the committee representing the International Association of Machinists have been fruitless. The last of these was held today at the office of Vice President and General Manager Barr. He declined to recognize any members of the committee except workingmen and every demand of the Seaboard Air Line were, after the conference, ordered out by the organizer of the union.

Chief of Police Shot. Macon, Ga., Special.—A special to the Telegraph from Fayette Ga., says: "Saturday afternoon Chief of Police Matt Willard, while advancing on a desperate negro, John Walton, was shot down and seriously wounded. Police man Willard was going to place the negro under arrest and was shot without warning, before he could draw his own revolver. Sheriff Crawford, with his posse and bloodhounds, are on his track and it is thought the negro will be dealt with as usual by the infuriated mob."

The Ship-Yard Machinists. Newport News, Va., Special.—President Mulcahy of the Newport News Lodge of the International Association of Machinists, and Superintendent of the Newport News Ship-Building Company, say that there is no truth in the story that the ship-yard officials have been given until Saturday to arrange the machinists' demands. Both decline to state whether any formal demand has been made by the local union. If any action has been taken by the machinists here the negotiations have been secret and confidential on both sides.

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