

The Charlotte Observer.

Published by J. C. BURTON, Editor-in-Chief, and J. C. BURTON, Publisher.

Every Day in the Year.

Subscription rates: \$1.00 per month, \$3.00 per quarter, \$10.00 per year.

Advertising rates: 10 cents per line per week.

Telephone numbers: Business Office, Bell 1000; Advertising Office, Bell 1000.

Published at 100 North Tryon Street, Charlotte, N. C.

Copyright, 1904, by The Charlotte Observer.

Printed at the Charlotte Observer Press, Charlotte, N. C.

Third-class postage paid at Charlotte, N. C.

Postmaster: Please send address changes to The Charlotte Observer, 100 North Tryon Street, Charlotte, N. C.

Acceptance for mailing at special rate of postage provided for in Act of October 3, 1917, authorized on September 15, 1918.

Postage paid at Charlotte, N. C., under permit No. 100.

Subscription orders may be sent to any news dealer.

Single copies, 5 cents.

Entered as second-class matter, July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

Postoffice at Charlotte, N. C., established July 16, 1879.

THE CIRCUS.

The arrival of the circus has brought joy to the soul of the editor of The Atlanta Journal. Hear him:

"Show us the man with soul so dead that he does not feel the least bit of a thrill when the circus comes to town, and we will show you a confirmed cynic. He's a bad man; fit for treason, stratagems and spoils. For the man who elevates his profession at the circus not only admits that he isn't young and never has been, but furthermore advertises the fact that he has no sympathy with youth. And, while it may be only a misdemeanor never to have been young, it is deliberate criminality never to have desired youth.

"Therefore, the circus is your true test as to whether your neighbor is 'human' or not. One who has become thoroughly disillusioned is not only a heavy weight upon himself, but weighs all his acquaintances as well, and it is a false sympathy which greets his suicide. If a man claims that the circus bores him, it is because all the freshness is gone from his nature; and by the same token he is a bore himself, except you become again as a little child, you shall not enjoy the circus; and if you have the power to do that, you are in such a spiritual condition that you need not worry about the hereafter. Of course we don't mean to make the flat-footed statement that all who go to the circus will of necessity go to heaven, nor that all who are admitted to the latter place must have been circus-goers; for even some of the circus-goers are wanting in the proper childlike simplicity in other things, and may not be able to even creep under the tent of paradise.

"But the main proposition holds true: it is a bad man and a bad neighbor, and does all a bad parent who can forget his own juvenile delight in the brave, be-spangled confusion of the Greatest Show on Earth. (Each circus is the Greatest Show on Earth.)

The circus is a great institution, and one that has more than kept pace with the growth of the country—indeed, its development is such as to make it one of the leaders. The circus brings gladness to the heart of more people—old and young, white and black—than any other institution, and the only sad feature about it is that as a rule it comes only once a year. The trust idea has invaded the ranks of the showmen, however, as it has almost everything else, and now the big tented exhibitions block out the country and guard against conflicting dates—in fact, the three or four really big shows hit only in high places. The circus syndicate was probably driven to this course by reason of the size of the shows and consequent expense and the widespread hostility of legislators toward the showmen. At present a circus is taxed to about the same extent as a railroad is assessed for damages and apparently with about the same feeling. The spectre of a circus sweeping through the country and taking all the money along with it is an old one, and one which should, along with the idea that railroads are enemies of the people, be relegated to the past. The circus is a great institution, and we hope it will live to enjoy more frequent visits. It is an event of a year for many people and that of perhaps a lifetime for some; it causes folks to forget their troubles and have a good time, and in short it is America's leading amusement institution and its visits should not be so few and far between.

The fact that there was no contested delegation in the New York Democratic convention, which assembled at Saratoga yesterday, speaks well for harmony in the organization. The danger-point, however, is not yet passed.

LIPPARD MILL SOLD.

Small Yarn Mill at Concord Brings \$250,000 at Auction—Death of Mary Best—Personal and News Notes.

Special to The Observer.—Concord, Sept. 20.—The Lippard a small yarn mill built some eight years ago and sold at public auction to-day and was bid off by Dr. W. H. Lilly for \$250,000. The mill had not been in operation for some years or more and was never much of a success, though it was built and operated by good business men. What is to be the result of to-day's sale or whether the mill will be operated or not is not known.

Mary, the 15-year-old daughter of Mr. Martin, a prominent citizen of Rocky River, died yesterday evening and was buried to-day at St. Paul. Capt. J. W. Alexander, a prominent citizen of Rocky River, is quite seriously ill. His son, Mr. Kemp Alexander, of Kernersville, has arrived to be with his father. The news from Capt. Alexander is not at all favorable to-day.

Concord Lodge, Knights of Honor, has paid to Mrs. Lala Fetzer, a beneficiary of the late N. D. Fetzer, \$500 the amount of insurance held by Mr. Fetzer in that order, of which he was the executive head for the State.

Mr. Ernest Fetzer, of Wilson, is moving his family to Concord to live. For several years Mr. Fetzer has lived at Wilson. Messrs. J. C. Fink, E. F. White, J. A. Barnhardt and Sam Black left this morning for the St. Louis Fair. Messrs. W. H. Hume and Mike Wineoff went last night to see the St. Louis Exposition. Rev. J. V. Allison and Mrs. Allison, after a two-weeks' visit to relatives in the city, left this morning for Roanoke, Va., to visit before returning to their home at Lake Charles, La. Mrs. D. C. Mauney, of King's Mountain, is in the city, visiting her mother, Mrs. S. Fisher. Mr. S. J. Lowe, of High Point, is spending the day in the city. Mr. Aubrey Hoover, of High Point, returned to that place yesterday afternoon, spending the day with his parents in the city. Mr. John A. Cline has gone to Salisbury to attend a meeting of the executive committee of the North Carolina Lutheran Synod.

The Troubles of Margaret and Francis.

Around at Squire D. G. Maxwell's office, in the old court house, a case was tried which involved many knotty legal points, and required fines quite something huge. Margaret, a colored woman, appeared Monday before Squire Severs and swore out a warrant charging one Frances Hall, with trespass and profanity. Margaret had appeared at the house of Squire Severs fined Frances one penny and costs. Frances then went to Squire Maxwell and procured a warrant charging Margaret with trespass and profanity, also. It was proven that Margaret had used epithets that were insulting to the virtuous dignity of Frances, no Squire Maxwell bestowed upon her a fine of one penny and costs. Thus were the demands of justice satisfied.

NO RELIEF FROM THE COURT.

THE A. & N. C. CASE IN STATU QUO.

Judge Purnell, in Oral Opinion, Says He Can Only Issue an Order Relieving and Discharging Receivers When the Appeal is Withdrawn. What the Complainants Refuse to Do—Defendant Must Settle Costs—Matter Consumed Nearly the Entire Day in Federal Court—News Notes of the State Capital.

Observer Bureau, 14 West Cabarrus Street, Raleigh, Sept. 20.

Argument of counsel before Judge Purnell, of the Federal Court in the Cuyler-Finch suit for the Atlantic & North Carolina Railroad on the motion of Mrs. Florence P. Tucker for dismissal, was in progress all the morning, and recess was taken at 2 o'clock and 4, when ex-Gov. Jarvis and Judge Womack, the former for the State and the latter for Mrs. Tucker's spokesmen, H. H. Pou and Womack spoke for dismissal of the suit and Col. Argo, W. W. Flemming and F. L. Osborne against it, except under certain conditions laid down by the complainants through Osborne and other counsel for Cuyler and Finch are that Purnell has no authority to stop the suit, the case being in the Court of Appeals, but if the court holds that the appeal can be withdrawn then the complainants are entitled to recover compensation as creditors, the litigation having brought about a lease of the road; that under the law 10 per cent is allowed on small accounts and 5 per cent on large amounts, and this case being a large amount in the enhancement of the value, etc., complainants should have 7 per cent, on an increased value of \$200,000 per share on 1,800 shares of stock. Pou, of counsel for the State, said this demand was equivalent to \$27,000, a demand unprecedented in the history of courts. He said that of course if the complainants refused permission to withdraw the appeal that ended the matter and it would have to be fought out in the Court of Appeals. Osborne responded that they would not sign the agreement for withdrawal. Then court adjourned to 3 o'clock.

During the progress of Judge Osborne's arguments he declared that there was behind them in their litigation parties who proposed to offer a better proposal to lease than that the Governor and stockholders have accepted from the Howland Company, but they could not make the proposal now until the case came up in the Court of Appeals. He could not name his bidders at this time.

This afternoon T. J. Jarvis and Judge Womack spoke for the petitioners and Mr. Osborne presented his arguments for Cuyler and Finch. Then Judge Purnell disposed of the case in oral opinion, the gist of it being that the only thing that could be appealed from under the act of 1901 was an order appointing the receiver. As to all other matters in the case, the court said that an order affecting this matter must depend on a withdrawal of the appeal. The defendants tendered a proposition withdrawing the appeal which the complainants refused to sign. Without this agreement the appeal could not be withdrawn. Then the court had no right to make a lease and the proposition of complainants to investigate the lease made will be of exceedingly doubtful authority. Owners of the property had effected the lease as authorized by the charter and not prohibited by injunction as construed by the court orally at the time the injunction was issued, and incorporated in nunc pro tunc order July 27. That lease seemed to be satisfactory to all concerned, was even indorsed by the complainant's counsel, therefore the court declined to appoint a commissioner to investigate the standing of the lease or other matters connected with the lease. The court proceeded to order that the receivers be relieved and discharged as far as this court had authority to discharge them, pending the appeal. This order is effective when the appeal to the Circuit Court of Appeals is withdrawn. The injunction order was construed in accordance with the nunc pro tunc order and oral construction at the time the order was issued. Further that the defendants pay all costs incurred. As to allowances the court refused to exercise discretion to make any at this time, but reserved this question until the litigation shall be terminated. The bill was held with permission of complainants to amend.

COL. ARGO'S ARGUMENT.

Col. Argo, of counsel for Cuyler, in the course of a spirited speech, said that neither the State nor the Howland syndicate had been perfectly frank with his clients or the people who are vitally interested in the suit and the lease. That there was no intimation to who was behind the Howland lease and pointed out the fact that four months term of the lease as at most conclusive evidence that the Southern is to ultimately get the road. He said if this was true, he believed no better final disposition could be made of the road, but his clients and other stockholders are entitled to know if the Southern is the real power behind the lease. He declared that he regarded Col. A. B. Andrews as the greatest benefactor North Carolina has had in 50 years.

Chas. M. Busbee, of counsel for the State, took the position that the only avowed purpose of the complainants in bringing their suit was to remedy the deplorable condition of the property, that the remedy has now been granted and the stockholders fully protected from any ultra vires acts. He said that prior to the execution of the lease to Howland a full conference was had with their counsel for Cuyler, Col. Argo, who had said, "Go ahead and make the lease and we will not object, that W. W. Flemming, of Cuyler's counsel, had in a letter admitted the inadvisability of accepting the Howland lease. Busbee said, significantly, that Judge Purnell had acted perfectly openly and conscientiously in issuing his famous nunc pro tunc order which was exactly similar to his honor's previous oral statement from the bench. The milk in the cocoon, he declared to be an effort of the complainant Cuyler to secure compensation for bringing the litigation.

STATE DIRECTORS.

Col. P. H. Fearsall, private secretary to Governor Aycock, announced the appointment of directors on the part of the State for the Atlantic & North Carolina Railroad preparatory for the annual meeting of the company Thursday, at Newbern. The only change is that L. Harvey is made State's proxy in the stead of J. W. Cramer, who succeeded Harvey as a director. The other directors are C. H. Busbee, Raleigh; H. H. Smith, Goldsboro; Jas. A. Bryan, Newbern; W. H. Bagley, Raleigh; L. G. Daniels, Bayboro; R. W. Taylor, Morehead City; J. C. Taylor, Manteo. The Secretary of State chartered the Middleburg Supply Co., of Vance county. The capital is \$10,000 authorized

and \$2,000 subscribed, by J. C. Burton and others.

Geo. Hilly, the man who killed his mother-in-law, and indignantly abandoned his wife yesterday, near Raleigh, is still at large, the officers being unable to find him. He is hiding in the dense thickets and bluffs along Neuse river, near Falls of the Neuse. Several other escaped convicts and fugitives from justice are hiding in the same section.

SUPREME COURT OPINIONS.

The Supreme Court handed down opinions as follows: Brown vs. Cogdell, Pitt, error; Hall vs. Holloman, Hertford, error; Sears vs. Whitaker, Halifax, no error; Mahoney vs. Taylor, Bertie, error; State vs. Daniel, Halifax, error; trial; Wilkinson vs. Boyd, Beaufort, affirmed; Perterson will case, Beaufort, new trial; Craft vs. Railroad, Washington, new trial; Hinton vs. Jones, Pasquotank, error; Williams vs. Hughes, Camden, error; State vs. Fleming, Pitt, per curiam, appeal dismissed.

A FUTURE DEFENSE.

Mr. Cook Opposed Destruction of Tenth Street, But Finally Gave In. Mr. H. L. Cook, who lives at the corner of Tenth and Caldwell streets, opposed yesterday morning the removal of a row of fine elm trees that grew in the exterior side of his fence. Street Commissioner W. A. Hall had sent a gang of negro laborers to cut down the trees, in order to permit the widening of Tenth street, between Brevard and Caldwell streets. The negroes began their work, when Mr. Cook came out of the house with a revolver in his hand. No negroes were specked about 26 feet high in one tree, when the man behind the gun spoke to them. They came down.

Mr. Hall, when informed of the occurrence, got his trusty shot gun, jumped into his buggy, and drove rapidly to the scene. Having arrived, he saw Mr. Cook coming from the house, but the latter told the street commissioner that he wouldn't kill him. Arbitration was begun; armaments of war disappeared, and Mr. Cook agreed to let the work go on, saying he would resort to the courts for satisfaction.

Newland Has the Better of the Debate With Blackburn.

Special to The Observer. Lenoir, Sept. 20.—Newland and Blackburn spoke between court sessions yesterday. Blackburn spoke one hour with a 15-minute reply. Newland spoke one hour, with a 10-minute reply. And the Republicans must change their cry in regard to "Blackburn skinning Newland in all their discussions," because some of them yesterday conceded the fact that Newland had the better of the argument. Blackburn did not answer Newland on many of the issues, whereas he asked some questions that Newland answered only to make matters worse. The Democrats of the district put up a man in Newland who will make a reputation and is always ready to meet his opponent.

A Serious Cutting Affair in Burke County.

Special to The Observer. Morganton, Sept. 20.—Last night after dark Mout Roper and Jim Roper were walking with a load of apples. When they had reached a point in the road near the State Hospital, they were overtaken by a man who was on his way to town. It is claimed that Orders, who was drinking, drove into the Ropers' wagon and got up, this time with a knife in his hand, and succeeded in cutting a long slash in Mout Roper's shoulder just below the neck joint. The wounded man was taken to the hospital, where his stitches were taken to close the wound. No arrests have been made as yet.

R. E. DAVIDSON & CO.

Makers of Men's Clothes, Fall 1904.

We take pleasure in announcing the arrival of our extensive purchases of WOOLENS

Selected from the best makers abroad. They will be displayed in our enlarged show rooms. We trust you will find it possible to call early and examine them.

R. E. DAVIDSON & CO., 41-25 Tryon St.

Seaboard Air Line Railway

PORTSMOUTH, VA. SEPT. 17TH., 1904

A reward of TWENTY-FIVE HUNDRED DOLLARS is hereby offered for the arrest and conviction of the party or parties who caused the wreck on Seaboard Air Line Railway Passenger Train No. 41 at Whistant Trestle, near Catawba, S. C., on the morning of Friday, September ninth, nineteen hundred and four, and parties having information will confer with Mr. W. L. Stanly, Claim Agent, Portsmouth, Va.

J. M. BARR

W. T. Hughes, Geo. A. Endly, President, Vice President.

M. L. T. Davis, Sec'y and Treas.

The Mecklenburg Mineral Springs Co.

Owners of the Celebrated Mecklenburg Calcium Chloride and Lithia Waters, and the magnificent new Mecklenburg Hotel and Sanitarium, open the entire year, have now taken entire control and management of their property. Dr. William P. Mathews in charge of the Sanitarium. Mr. H. B. Hartman, general manager of the mineral waters. The company have materially added to their already fine equipment, a new elevator, splendid livery and stables, large kennels, truck farm and improved culinary department, and beautiful, large, attractive club house on the front lawn. All modern comforts. Complete and elegant Baruch System of Baths. Massage of all kinds. Electric, X-ray, Mechanical, Galvanic, Faradic and Caustery Batteries. Accommodations unexcelled and rates very reasonable. Numerous testimonials upon application. Address: The Mecklenburg Mineral Springs Co., CHASE CITY, VA.

Train Your Hand and Eyes.

Manual Training Classes

Free-hand Drawing, Clay Models, Woodcarving, etc., will be conducted at 402 North Tryon street from October first next by C. BENTHEIM, of faculty of Elizabeth College.

PEOPLE'S COLUMN

The Observer will send A. D. T. Messenger, without charge, to your place of business or residence for advertisements for this column. Phone A. D. T. Messenger Service, No. 45; or Observer, No. 75. All advertisements inserted in this column at rate of ten cents per line of six words. No ad. taken for less than 20 cents. Cash in advance.

BLUE RIBBON Lemon and Vanilla Extracts are absolutely pure.

DRUMMERS ONLY—I will open about Oct. 15 my new hotel in Reidsville and in a long time for rent. So I will give to the commercial traveling man submitting the most suitable name \$5.00 in gold. The offer is open to the drummers only and all are asked and expected to try for the prize. Mrs. Carrie Price, Reidsville, N. C.

WANTED—Position on newspaper, by a sober, reliable and competent printer, with good references. Address B. care Observer.

EXPERIENCED Stenographer wants permanent position at once. Address P. care Observer.

MIDA WATER—Precludes the dangers incident from climatic changes.

ST—Small stick-pin, on street yesterday. Reward if left at Observer.

WANTED—Position by registered druggist of six years' experience. Best references. Address A. H. care Observer.

REWARD—I will pay a reward of \$25 for the arrest and conviction of the party or parties who on the night of September 19th stole my electric automobile and afterward demolished same. Osmond L. Barringer.

THEY FLAVOR PERFECTLY—Blue Ribbon Lemon and Vanilla Extracts.

BIG SHIRT SALE to-day. Belk Bros.

WANTED—White woman to do cooking and light house work in small family. Mrs. J. B. Alexander, 512 N. Graham St.

WE can now furnish breeding stock of Belgian hares, Belgian Hare Home, Greensboro, N. C. Box 273.

ATTEND SHIRT SALE at Belk Bros.

WANTED—By a young lady, graduate of business college, position as stenographer and typewriter. Miss Julia Gwynn, Blacksburg, S. C.

WANTED—Married couple, large room with board, bath and furnace heat. 415 S. Tryon St. Address H. A. K. care Observer.

SPECIAL SOFA PILLOW TOPS, 25c. Belk Bros.

WANTED—By manufacturing house, trusty assistant for branch office; \$18 paid weekly. Position permanent. No capital required. Previous experience not essential. Address Branch Manager, Como Block, Chicago.

FOR SALE CHEAP—Vagan lot on Sixth street, between Church and Poplar. Write E. M. Andrews, Greensboro, N. C.

FOR SALE—60 pedigreed black Essex pigs. Open View Farms, Mount Holly, N. C.

FOR SALE AT A BARGAIN—That large 5-room house, 37 E. Fifth street, Charlotte. Write E. M. Andrews, Greensboro, N. C.

MONEY IN IT—A good monthly advertisement medium circulation at \$100 per month. Canada and Porto Rico. Juvenile Charities. Rates on application. J. W. Lindau, Jr., Adv. Mgr., Greensboro, N. C.

FOR SALE—Stock general merchandise in a good town, three large cotton mills, one large knitting mill. \$10,000 brick school building near completion, backed by a fine farming section. Apply Lock Box