SOME KNOTTY POINTS DECIDED

Circuit Court of Appeals, in an Opinion in the Case of the Bank of Ravenswood, et al., vs. Johnson, et al., Settles Matters About Which Conflict Has Hitherto Existed—Referce Has No Right to Exclude Evidence He Deems Inadmissible—Has No Right to Stop Proceedings and Certify a Question—Power of Referce to Determine When Witness

to be Followed. There is much division of custom and practice before referees in bankruptcy. The Circuit Court of Appeals has rerendered a decision throws light on this subject and decides several of the points about which venswood, and others, against Johnson, and others. It was decided Febru-Purnell and Keller, and the decision was by Judge Purnell. After stating the facts, the opinion of the court is as

the District Court that a referee "acting in his character as referee or as special commissioner has the right to exclude evidence which he deems inadmissible." For this holding in re wilde 11 Am. B. R. is eited and the learned Judge statue are made pursuant to express trary. Even if the conflicting decisions considered the general orders passed by the Supreme Court are controlling, they have the force of the statute, are made pursuant to express authority in the statute. The same question was raised in ite Sturgeon 14 Am. B. R. Circuit Court of Appeals, Second Circuit, in which the court says "Per Curiam: Under General Order No. 22 (18 Sup. Ct. VID. the duty of the referee is to receive the evidence which is offered. to note objection and to record the evidence, and, if either party persists offering incompetent or irrelevant matter in the evidence, the other party has a remedy because the rule provides that the court shall have power to deal with the costs of incompetent. immaterial or irrelevant depositions. as parts of them, as may be just.' The equity practice is to be followed by referees. The order directs him to ceed as referee. The referee must take all the evidence and note objections." RULE IN THE MATTER.

The referee shall note upon the deirrelavant deposititions, or parts of show cause, them as may be just." There is n

373. Blease vs. Garlington 22 U.S. necessary party. He will prover his Meares vs. Lockbart, 24 F. R. 275. The cost in this court. Philadelphia, 60 F. R. 425, 1st Gould & The petitioners will be taxed with Tucker's Notes, 160, 259, 2nd Ed. 102, the cost in this court and it is suggest. The referee and Special Master tol- ed that the District Court tax the conall the testimony, noted objections remarks of counsel. the court and under the authorities unnecessary cost incurred at their in-this was the proper course. The pe- stance. tifioners have nothing to complain of. Petition dismissed. But suppose the general orders of the Supreme Court had not provided WRECK OF BLOCKADE RUNNER. the fashlomable restaurants that

as rule 20 does for such proceedings, not otherwise provided the equity practice shall be followed and an examination of the rules in equity touching proceeding before a standing master pro hac vice will disclose the fact that the general orders in bankruptcy are in accord with such proceedings.

This contention of petitioners that a referee should on objection stop the proceedings and certify questions has no foundation on which to war rest. To permit such practice would create useless confusion and accom**plish** no good end General order

"When a bankrupt creditor, trustee, or other person shall desire a review by the judge of any order made by the referee, he shall the with the referee his petition therefor setting out the error complained of, and the referee shall forthwith certify to the judge the question presented, a summary of the evidence relating thereto, and the finding and order of the reteres thereon." See in He Hawley, & Am H. R. 632, Blease vo. Garlington, 92 1', S. 1. NO RIGHT TO STOP PROCEEDINGS.

refusing to stop the proceedings and to performing its duty to determining whether the bankrupt should be discharged or not, no possible revision could be had. The utmost extent us the South has produced. the court rould go would be to distage of the old hulk that has been native pheapples, grown in Florida, Philadelphia Record, charge the referre from further call mehort off Lumina since the civil and native figs, the product of rich. The despest oil well and decide it without his assistance rule against the referee on this ground.

against him

testimony, after being ordered to do and very rusty earving knife.

80. In other words to be in contempt. The safe is a very heavy of judge who will deal with the question fashioned lock and key type. The safe was broken into but contained in the District Court. The statue is nothing save a small portion of a gold explicit in this subject and reference chain in such matters first to the statute, the being proceeding and jurisdiction strictly statutory will in most cases aive doubts which otherwise plague and trouble the legal mind Sec. 41 of the Bankrupt Statue. Act. July 1st,

CONTEMPT REPORE REFEREES. after having been subpoensed, or, upon were captured and some are supposed appearing, refuse to take the oath as to have been killed. oath, refuse to be examined according to law.

CONTEMPT PROCEEDINGS PEN-

The referee shall certify the facts to the judge, if any person shall do any of the things forbidden in this section. he judge shall thereupon, in a summary manner, hear the evidence as to the acts complained of, and, if it is such as to warrant him in so doing, punish such person in the same man-ner and to the same extent as for a contempt committed before the court of bankruptcy, or commit such person

ON BANKRUPTCY PRACTICE upon the same conditions as if the with reference to the process of, or in the presence of the court." POWER TO PUNISH.

Referee to Determine When Witness lick 116 F. R. 131, 8 Am. B. R. 393. But Contempt and the Procedure this proceeding is against, not the witness for refusing to obey an order of court, but the referee for refusing to make an order requiring the witness, Prewett, a man not shown to be connected with the bankrupt but a partner of his son, to submit his books, not the part of such books which it was the greatest conflict has heretofore suggested by counsel pertained to the existed. It is the case of Bank of Rasuggested by counsel pertained to the tion therewith, but his books entire, examined. Nor does it appear this witness Prewitt refused to answer ary 9th, 1996. The court that heard it any proper question he was directed was composed of Judges Pritchard, by the reference to answer There is by the referee to answer. There is no element of contempt set out in the record on the part of either the referee or the witness. Romine the bankrupt, and Prewett the witness, denied most postively that G. R. Romine, the bankrupt, was a partner which was alleged on information and belief based on called as a witness for the party making the allegations. He was his witness and the party calling him was bound by his testimony. mentary, as is the rule that a party cannot contradict or crossexamine his own witness. The course pursued can be viewed in no other light than an attempt to violate and ignore all the rules of evidence regarding this witthat G. R. Romine had any interest in the partnership, produced the original written agreement under which himself and John W. Romins, duly acknowledged, also the agreement by which such partnership had been dissolved on January, 2nd, 1904, his cash book, Journal, ledger, the notes de-manded, the statement of bankrupt's account with the firm, and stated that he had disclosed all that his books would show relating to his connection with either J. W. or G. R. Romine the bankrupt. Petitioners' counsel persisted, without specifying what they wished to prove, in a general demand for all the books, and the referee ruled

was not necessary for them to produced. This ruling was proper and And the latter clause of general or- one the referee had authority quasi judicial capacity to make, subject to the review by the district judge position of any question objected to, upon the whole record being certified with his decision thereon, and the as provided in the statute. It was not court shall have power to deal with the a proper time or subject, as was aftercosts of Incompetent, immaterial or wards held by the judge, for a rule to

them as may be just."

No amount of argument could make the matter plainer, any one who will, can understand.

There is no merit in the petition to regulate and review, hence it is adjudged that the District Court be affirmed and the petition dismissed. This the same effect the equity rule conclusion renders a consideration of and the decisions in 12 Natelle, 7 Am., the denurrer by G. R. Romine unnecessary. B. R. 723, Dressell vs. N. St. Lumber essary. He seems to be only remote. Co., 119 F. R. 531, 9 Am. R. R. 541, in ly interested in this petition to revise re-Covington, 110 F. R. 143 Am. R. R. and review, if at all, and was not a

lowed a different rule at first but afters testing creditors with all wholly imwards reversed his order, took down material matters, captions objections with his rulings thereon and certified the same questions and demands in of the changes that have come over the record thus made to the District cluded in the depositions taken before the metropolis in the last ten or fifteen The reference was to relieve the referee or special master and all years. In former days people

ken Up and Washed Ashore, Evening Post.

Old blockade runners in Charleston will be interested in the report from Wilmington of the washing ashore on Wrightsville beach of the wreck of the noted cunner Hebe which was sunk by the Federal fleet during the latter part of the civil

Wilmington was probably next to Charleston as a favorite port for the trade of the blockade runners and vessels frequently took it by turns as to which port they would enter. the presence of the Federal fleet and for local needs the best apples were other conditions frequently determining the port of entry. valuable stores which the blockade boats brought and the means of is transported from orchads scattered outside up and down the whole length of the communication with the world which these boats provided, the entrance of the daring craft always , distinct those from Oregon are the ern capitalists.

Proved most acceptable to the people lost. It is the same with celery. Years "I am sure you will succeed in this of the ports, and a friendly welcome awalted the runners, wherever and whenever they called.

The blockade runners consequently The referee was therefore right in felt at home at whatever port along I rgent demand opened new fields and the coast they made, and the gallant dwarded new prizes. So it is with "and I believe in perseverance. At Lawrence House of Correction. All crews of their vessels soon became stances. Formally those from Call-the same time, I don't rate it as high. for revision his rulings upon crews of their vessels soon became certain facts alone designed to aid the ing reminiscences of their trips are still told by the rapidly thinning ranks of as brave and during a set of men

The beach was strewn with wrecksideration of the matter and take it up war. The hulk represents all that There was therefore no excuse for this type that piled between Wilmington The above disposes of the first and Thursday night tore into the wresk econd questions The storm of Third, What power has a referre to and tossed a great amount of debris determine as to whether a witness is then the shore. So powerful was in contempt or not, and if held to be the sea that an iron safe. what proceeding should be taken on the beach and formed the most 3374

interesting object for the sightseers WHEN WITNESS IS IN CONTEMPT. Vesterday A quantity of old from This presents no difficulty for as a pipe and part of the vessel's shaft matter of law it is well settled by the were also washed ashore, as well as bankrupt act itself. In a case where odd bits of hardware, including home-a referee believes a witness impropers, made nails. One of the most interly refuses to testify or produce written esting curios picked up was an old

The safe is a very heavy one and for any reason, it is his plain duty to is very badly corroded. It is a comset forth the contempt upon his rec- bination safe though it was supposed ord, certify the facts to the district that the safe abound was of the old The safe had evidently been opened by the officers when it, was seen that the ship could not be saved. Only part of the old hulk was torn apart and washed ashore, as the and among the richest and most exclusive greatest portion still remains

looms up plainly in sight of those who peer seaward from the Lumina. The Hebe and the Dec are said to A person shall not, in proceeding be- have been exceedingly handsome Even the very richest would not think fore a referee, (1) disobey or resist any boats and daring blockade runners. lawful order, process or writ; (2) mis. They made their last stand gallantly, boats and daring blockade runners. behave during a hearing or so near but, the Federal boats forced them that an up-to-date hotel offers to its the place thereof as to obstruct the aground and then poured shot and putrons every day in the year.

Same 1 of the place thereof as to obstruct the aground and then poured shot and putrons every day in the year.

How the hotel steward does his marketing been ordered to do so, any personal many of the crew escaped by keting may be seen by accompanying sent document; or refuse to appear making the heach safely, while others the steward of the Hotel Astor on his

> Case of Survival of the Fittest. Blackwood Magazine

In Ireland, from time immemorial, candidates for political honors have had to cope not only with Irish brains, but with the noble I ish oak in the shape of shillslah.

When George IV. visited Ireland an and of judgment that is both quick and election for Galway was pending. The king inquired of a Galway gentleman, who came up to Dublin to atprobably be returned "The survivor, sir," replied the gen-

Delicacies Gathered From All Parts
of the Country and Imported From
Abroad to Tickle the Palates of
Americans—Great Hotels Among
the Market Man's Best Customers
—An Early Morning Trip Wises the
Steward May Spend a Thousand
Delicac Dollars.

New York, March 3 .- Most wonderful of all the markets in the world are those of the metropolis. People who visit New York rarely go to see them. That is a great mistake. No-where eise is to be seen such a bewildering variety, such a complete assortment, not only of native products, but also of delicacies culled from the gardens in the four corners of the world and fished out of the seven seas.

Here are veritable ranges of mounproducts of nearby pastures and the distant prairies, of the lowlands of dance and variety of desserts such as the South and of the game farms of the South and of the game farms of the days of yore were not found to make a man worth mentioning. tains of smoked and fresh killed meat, munda, green peppers found in Java, turtles from the tropical isles of the Caribbean, nuts gathered in the orient salad greens raised in California, leeks garnered in the metropolitan known as Long Island, lemons plucked is, in Sicilian groves, Florida pineapples, grapefruit just in from Jamaica, clusters of prime grapes nourished in the hothouses of England and Belgium, ington Market, the centre of the world lettuce and artichokes from the plantations of Algerian Moors.

moonfish, red snapper, hallbut, smelt, haddock: in short, every edible inhabicrabs and lobsters, near tanks where imported sole are swimming about; while monster green turtles, weighing from 199 to 400 pounds each, sport and grean as if they knew that within the

Hardly anything is "out of season"

this vegetable comes from California

to-day, particularly in New York,

where tast s are so cosmopolitan and purses are so fat, practically every-

thing is in season all the year round.

Largely responsible for this remarkable tausformation or development are the

great hotels that have sprung up in

the city within the last ten or fifteen

years. The same enterprise that has

produced the roof garden cafe, which

has done so much to turn New York

from a desert spot into an oasis in the

summer time, and that has produced

the celebrated dining rooms like the Indian room and the Orangeric in the

new Hotel Astor, has also to a large

extent been responsible for the almos

perpetual presence in city markets of

changed from season to season.

the delicacies that in the old days

Nowadays, when the tendency even

there is hardly any limit to the

resources at the command of the guests

of having at their command at home more than a fraction of the delicacies

rounds. That he buys in large quanti-

ties is shown by the fact that he often

spends \$1,000 in a single trip. He is

down town at four o'clock every morn-

ing, and before he has finished his daybreak task he has skimmed the

markets of thier choicest offerings.

The hotel steward of the present time

is a member of a skilled profession.

He must be a man of wide experience

sound; and his power of close calcula-tion must be developed to the nth de-

gree. He must know when, what and how much to buy. Above all, he must

know his markets well. He must pos-

sess profound knowledge of what the

York.

THE NEW YORK MARTETS

MOST WONDERFUL IN THE WORL

Delicacies Gathered From All Parts of the Country and Imported From Abroad to Tickle the Palates of Americans—Great Hotels Antong the Market Man's Best Customers—An Early Morning Trip Wisen the Steward May Spend a Thousand the market specialists as well as he knows the tastes of the hotel guests, and who, though he may spend a small fortune in a few hours, wastes not even a nickel. He is paid a handsome salary for his mastery of the art of mar-keting, for his knowledge of the ins and outs of the wonderful New York markets and for his ability to maintain the high reputation of his hotel among

connoisseurs.

\$500 a day at the fish markets ordering, say 20,000 oysters, 1,000 of lobster, and crabs by the hundred. Once a month or two at these markets he buys a load of turtles-an actual wagon-load, 1,200 or 1,500 pounds of them-and nothing but the choicest. These are kept at the hotel until Then comes a visit to Washwanted. ington Market, the centre of the world ing his supply of turkeys and pheas- half. Over there sea food is bought and ants squabs and quail, grouse and old by the ton—whitefish, bluefish, geese, the Astor expert takes his choice nounfish, red snapper, halibut, smelt, of such rarities as Rouen ducks and Hoerse chickens-special offerings from of evidence regarding this wittent of ocean and river, brooks and over the sea intended to satisfy the applicable and how much common sense is in the days of ancient Rome, would have looked in vain for these things except perhaps in the house of Lucul-

lus.



would be in the soup. This natural history exposition, as it neight be called this most remark- beef stores. In this box 2,500 pounds of ble of the world's markets-is typical beef are kept all the time at a certain of the changes that have come content for the most part to take It is removed 500 pounds at a time to things as they came along, season by the hotel refrigerator, there cut up as shed at the graveside. season, but nowadays there is no wait- occasion demands to furnish savory

commodate not only New Yorkers but the bankruptcy act provides that when Hebe, Sunk Off Carolina Coast, Bro- the throngs of visitors always surging worth of hams and other smoked meat, up and down the city, have created a | the 300 dozen of eggs required every to be cheap. constant demand for almost every day at the hotel, the 800 quarts of milk known article of food; and hence this and 200 quarts of cream, the narvelously complete and abundant pounds of coffee and 200 pounds of teasupply. It is no exaggeration to say that nearly every dish known to the spices and condiments of all descripcivilized world is served on New York tions, and the ease with which the Astables. The result is that the markets for steward spends a thousand dollars f New York are a miniature represen- in a morning is apparent. tation of all the markets of the world.

New York at their best, when the stock is full and fresh, should accompany the metropolis. Milk-feed "spring" lambs are supplied to the new Hotel some one like this well-known stew-Astor in mid-winter from hothouses in ard, who goes his rounds before the blg New Jersey. In the days when the city has rubbed the sleep out of its eyes apple crop of the East was sufficient and before the cream is off the top.

On account of York but forder an Observation New Something Needed Besides Perseverbut to-day, as the result of an

> mer sixing demand, the apple supply Philadelphia Bulletin. ranch at Freshwater, Col., was show- ing to get lost in the shuffle, confinent, and of all the apples thus ing his herd of cik to a party of East-

one New York celery was famous for venture. Pigg," said a broker. "You Boston Herald. Mr. Pigg laughed.

this testimenty. In fact this being a well known at all the ports, and the furtis and Florida were the favorities sir, as you do. Perseverance without matter referred to him specially to the memory of these vessels and interest- in the New York market. To-day the intelligence is nothing. A hen can One day, upon the arrival of the proper quarters. most juscious samples of this fruit sold sit a year on a china egg, but there squad of inmates, there was one who here come from the hirigated lands will be no result.

years in Pennsylvania, now under fore," said he, "and I trust you will There is an interesting little story way in the Galnes field, was prompt-behind the fact that gradually the ed solely by a Spiritualist of Elmira, those other fellows. I am highly ed-Anterior table is being supplied by who claimed that in a dream she ucated and can speak seven different five products; that not only every saw a rich find of the fluid at a languages.'

"Seven" aradually becoming Indigenous; and

out of season it was out of the mais for the work,

will be likely to miss, and that is the "Astor box," which is in one of the big temperature. The meat is stored when freshly killed and there in the box it remains until it is tenderness itself.

ing for seasons. The big hotels and dishes that will be served in cafe, grill the dancers make it. room or dining room.

Add to these items a hundred dollars State by one cross-roads 6.000 bought once a month, not to mention

Whoever would see the markets of

its an emparable flavor and crispness, are a persevering man, and perseverhowever, the best specimen of ence always brings success." "I am persevering," he admitted.

The despest oil well drilled for many

OBSERVATIONS.

Written for The Observer. The man who stops to rest on his laurels will find it comfortable sleep-

The quickest way to digest your your best friend is to get in the habit of giving him fatherly advice about triflers.

consolation for his sorrows.

There are lots of people in the land that can translate the dead lan-

The woman who rides astride of a horse may be decent but she is not even on speaking terms with modesty. In the course of a few hours this steward may choose and buy \$250 worth of fruits and vegetables, barrel upon

Whether or not a boy is apt at learning his Sunday school lesson, there is plenty of hope left for him if he is a good hand at splitting wood. The best way to get at the truth

Chronic pessimists and blind opti-

requires for a person to get along in this world.

again The best way out of a difficulty

There are some people in the world who are so hopeful that they will go out in the rain without an umbrella trusting that the shower will let up on seeing that they are unprotected. Love is like the toothache-it is hard to get sympathy in either case. If there was nothing golden except silence we would certainly have to retire our yellow currency in favor of silver or something of that sort. If our modern novelists gave their works less pretentious titles we would

when we attempted to read between the covers. In our remarkable progress of the blunder of bringing all our authors

up to date. People who look with disfavor on the growing popularity of the auto-mobile should find solace in the mem-

One of the best things about fads Solomon certainly showed little

One would suppose the world had known a great many literary geniuses until he meets up with a Shakespeare enthusiast.

who will fail at one thing will likely fail at another. The black sheep's blackness is usu

The ball room is only so bad as

Some people will judge a whole

It's getting man stubs his toe on the railroad

Even if it were a crime to get rich it is certainly no great credit to a man to be always poor

man you can't make him believe other than she admires him in some way. Some men are like cats, no matter how far they fall they always manage

As long as the world lasts there will always be some people whom some other people will think should be stalled and fed on hay.

In spite of all the changes that take place in the world there need W. H. Pigg, who has started an elk be no fear that human nature is go

Needed Only One Language.

The late Lieut, John P. Bradstreet of the Fiftieth Massachusetts was for many years a deputy sheriff and turn-

One day, upon the arrival of a new seemed somewhat more "tony" than the rest, and, calling the lieutenant Arizona. Popular demand, too; has Well Drilling Prompted by Spiritual- aside, he claimed a little more consideration than the others owing to

"I never was in such a situation be-

remarked the lieutenant Her faith was so great that capt"That's altogether too many. We talk to see the second of the many talks were induced to put up \$10,000 don't have but one language here, and

If you want to insult an intelligent man hand him that old chestnut about that "silver lined cloud" as

guage who would fail to recognize passable English if they met it in the

It's funny how many men you meet who are from "the biggest town of its size in the country." barrel and crate upon crate, all to af-ford the guests of the hotel an abun-

It would no doubt he interesting information to most of us to know what becomes of the high honor graduates after they leave school.

of most arguments is to split them in

mists should adjust their differences by admitting that neither extreme is sensible. It's astonishing how little learn-

A broken down constitution, like a broken down piece of machinery, is rarely ever made as good as new

the shortest route that presents itself.

perhaps not be so badly disappointed

last half century we made the fearful

ory of the fate of the bicycle.

is that they are usually ephemeral. mercy to those who have come after him that wanted to pose as discoverers of a bit, of wisdom.

After all has been said, the man

ally inherited.

Talk is certainly plentiful enough

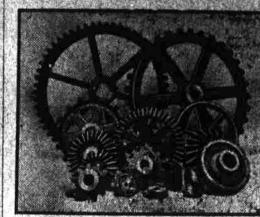
track it's just like getting money from

When a pretty woman glares at a

his previous standing in society.

damned little o'that."





MACHINISTS PATTERN MAKERS CHARLOTTE N. C.

PULLEYS

HANGERS

Presbyterian

College

For Women

COTTON MILL MACHINERY **COTTON OIL MACHINERY**



CHARLOTTE, N. C. A high-grade College for Women, equipped with every modern Special rates offered for second term.

J. R. BRIDGES, D. D., President.

DRAUGHON'S

RALEIGH COLUMBIA PRACTICAL BUSINESS COLLEGE NORFOLK NASHVILLE PRACTICAL BUSINESS COLLEGE NORFOLK

Incorporated \$200,006.00. Estab. 16 Years. Strongly endorsed by Bustness men. No vacation. Enter any time. We also teach BY MAIL. Call or Send for Catalogue.

POSITION. May deposit money for tuition in bank until course is completed and position is secured, or hand, we will give scholarships free

give notes and pay out of salary. In in Penmanship, Mathematics, Busi-thoroughness and reputation D. P. B. ness Spelling, Business Letter Writ-C. is to other business colleges what ing, Punctuation, etc., the literary Harvard and Yale are to academies.



CAPITAL STOCK \$39,000.00 Not the cheapest, but preeminently the BEST. These are the largest, oldest and best equipped schools in North Carolina-a positive, provable FACT. 1,000 former students holding positions

in North Carolina. Positions guaranteed, backed by written con-

tract. Shorthand, Book-keeping, Typewriting and English, taught by experts. Address

KING'S BUSINESS COLLEGE

Charlotte, N. C., er Raleigh, N. C.

CHARLOTTE SUPPLY

TINNED WIRE, GERMAN HEDDLES AND HEDDLE FRAMES. WRITE US FOR PRICES. Foskett & Bishop Steam Traps Carried in Stock; also Card Clothing and a Full Line of Supplies.

CHARLOTTE BIRMIN GHAM

POLICY

SPARTANBURG

That covers all diseases (No Exception) and also provides liberal sums for surgical operations ands pays liberal indemnity for permanent disability. Issued by MARYLAND CASUALTY COMPANY. SOUTHERN STATES TRUST COMPANY.

General Agents. HARVEY LAMBETH - - Manager Insurance Department.

FOR SALE

ONE 50 TO 60 H. P. BOILER in first-class condition at two thirds less than cost. Apply at

> **ELIZABETH COLLEGE** CHARLOTTE, N. C.



We have to-day 125 horses and mules in our sales stables and they are the best selected lot of stock we have had this season. Come and see them. Each animal sold must be as represented.

The busy housewife has enough to do down stairs to answer telephone calls. They bring comfort and convenience.

CALL CONTRACT DEPARTMENT NO. 199 SOUTHERN BELL TELEPHONE



SAVING STEPS

without being forced to walk up and These tiresome steps are not necessary. An extension telephone stand solves the problem. The cost is small. There's need for one or more in every home.

& TELEGRAPH CO.