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RAILROAD CASE ENDED

Judge Simonton Has 6c Days in Which to Decide.

The Courses Open to Him in Rendering Judgment.

Concluding Arguments Attorneys on Both Sides.

Question of Excessive Assessment and the Power of the Corporation Commission to Levy Tax.

The arguments in the corporation tax eases closed last afternoon and Judge Simonton has the cases under advisement. The judge will probably select one of two courses. He may decide that the railroads have not made out a Small Mortality at Key West-Fifteen case and will therefore dismiss the temporary injunction issued, or he may conclude that the roads have shown sufficient cause to have the injunction continued, and therefore order an answer to be filed, and the suit to take the usual course of equity suits and decide it on final hearing after a special master has taken evidence. But in either event, his decision now will be a settlement of the case practically as far as he is concerned, and the losing party will recognize it by appealing to the circuit court of appeals, for the reason that the affidavits taken unquestionably present all the evidence either party could produce and afford the judge all the light as to facts which he would hear at the final hearing. Hon. F. M. Simmons, who managed the case for the state and its agencies, the commission, governor, auditor, etc., has not had an easy task, and it is admitted that he has shown good generalship. His difficulty has been this: The law requires some body-just what body the state and railroads can't agree on-to assess the railroads at their full value. The corporation commission conceived this to be its task, and the members have been NO KNIFE obiged to answer that they have as-

sessed them at full value. If they had

answered they had not they would

have been put in the position of vio-

lating their caths of office. Now, if

other property has not been assessed at

its full value, then the railtoads have

made out a case of discrimination-a

denial of the "equal pro" ation of the

Consequently, Mr. Simmons has leen obliged to undertake to show that this other property over the state has been assessed a full value-otherwise he loses. To prove this he has taken thousands of affidavits. But these did not fully satisfy the requirement, because it is quite well believed that such other property is not assessed at the price which it will bring under favorable conditions. And it by no means follows that the assessors have acted otherwise than rightly, for, as R. O. Burton, esq., pointed out in his argument, the assessment is made at a time when crops have not come in, and the new crop is being sown, I and therefore prices are lower than when the crops are sold and there is more money in circulation. Again, there Special: THURE BRANDT MAS- are the messages of Governor Vance SAGE for Female Diseases; also Face to the assembly to the effect that property is not assessed at full value, and the open circular of the treas-PROF. EDW. GRUNER, urer asking for bids on bonds in which he says that property is only assessed at two-thirds its value. To offset this, the state claims in its answer that the assessed value of the railroads is much less than its actual value-that the assessment was made at full value, but the commission has discovered since, by its calculations published in yesterday's Gazette, that the assessment is less than full value. This, however, only partly relieves the situation, because the assessment was admitedly WOOD'S SEEDS. made at what the commission thought full value and placed in the hands of the state agencies for collection, and

> preme court, which has sustained harder assessments than this. Hon. George Rountree spoke for the A. C. L/at the opening of court in the morning. His remarks were confined to certain features of the case, and were briefer than expected. He called attention to the publication in the Gazette that the state had practically brought suit against itself by the application for an injunction by the A. & N. C. railway against the state agencies similar to those obtained hy

discoveries since then don't change the

existing fact. The state, however, is confident of a decision in its favor, because of the previous decision of Judge

Simonton and of the United States Su-

the other railroads. He was followed by J. C. L. Harris. John D. Shaw, J. W. Hinsdair. At the opening of the afternoon session, Judge H. G. Connor spoke for a, half hour with accustomed effect veness. Hon. John G. Johnson, of Philadelphia concluded the argument in a two hours' speech, which was a masterpiece of argument, intermingied with a kindly humor that made it interesting to all. His remarks were on a high plane—he 

He contended strongly that the corporation commission had no power to make assessments on railways, but that this power existed in the old railway commission, which the state says is now abolished. Mr. Hinsdale's argument was principally in favor of this power in the corporation commis-Mr. Johnson remarked humorously that the corporation commission laws were passed by the "assembled wisdom of the state in the legislature." President "Although with us," he added "this is not the case." This innuendo at the North Carolina and Pennsylvania legislatures was appreciated by the legislators present.

Mr. Johnson said that the time was coming when the courts would be the last resort of the citizen from the mad acts of momentary popular impulse as the churches were for the oppressed in days gone by. "It is an honor to be a citizen of North Carolina, but it is a greater honor to be a citizen of the United States, which the fourteenth

amendment makes every citizen." The railroad people say that on investigation they find that some of the subscribers to the 3,000 affidavits of the state have made as many as four affidavits in different capacities-as ::ssessor, real estate agent, money lender, property owner, etc, and that the affidavits are thus reduced to about

The amount of alleged excessive assessment of railroad property by the corporation commission is about \$10,-000,000 over the assessment on the same property by the railroad commission

The Western Union case, which this morning at 9:30 o'clock. It will be followed by the fertilizer rate case.

## THE YELLOW FEVER.

New Cases.

Jacksonville, Sept. 15 .- Dr. Porter telegraphed tonight that there are fifteen Did Not Meet as Scheduled-Cochran new cases of yellow fever today at Key West but no deaths. There are now about three hundred cases under treatment. The mortality is less than 5 per cent thus far.

### REFUGEES TO ASHEVILLE.

Chattanooga, Sept. 15 .- Hundreds of refugees are coming through this city from the yellow fever stricken districts in Alabama and Mississippi. The majority are now going to Asheville, N. C., as the railroads are giving a special rate to that point.

A	Miller and
BASEBALL GAMES Y	ESTERDAY.
At Baltimore—	R. H. E.
Baltimore	
Cincinnati;	
Batteries: Howell an	d Robinson;
Hawley and Kahoe.	Ē
At Washington-	R. H. L.
Washington	14 14 1
Cleveland	3 9 2
Pottonion: Evans and	A Kittridea.

Brooklyn 2	4	3
Chicago 8	12	1
Batteries: Dunn and McGuire; vin and Donohue.	Ga	r-
110 1000011	н.	
Boston 9	10	2
Pittsburg 4	9	5
Batteries: Willis and Bergen; bro and Bowerman.	Che	S-
At New York— R.	н.	E.
New York 10	17	4
St. Louias 5	11	4
Called in the eighth on accou	nt	of

Schmidt and Sugden.

At Brooklyn-

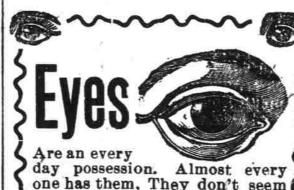
darkness.	Batterie	s: D	oheny	a	nd
Warner; Po	well and	O'Con	nor.		
At Philad	lelphia-		R.	H.	E
Philadelphia	a		9	10	3
Louisville			10	16	5
Batteries:	Piatt	and	McFa	rlar	ıd;
Waddell an	d Steelma	an.			

WHERE THEY PLAY TODAY. Pittsburg at Boston. Chicago at Brooklyn.

St. Louis at New York. Louisville at Philadelphia. Cincinnati at Baltimore. Cleveland at Washington.

Clubs.	W.	L. P
Brooklyn	88	38 .69
Philadelphia	82	48 .63
Boston	78	.60
Baltimore	73	53 .57
Cincinnati	73	58 .55
St. Louis	73	59.55
Chicago	67	.51
Pittsburg	62	67 .48
Louisville	60	69 .46
New York	53	73 .42
Washington	47 8	30 .37
Cleveland	19 1	17 .14

Buy a good stove from Mrs. L. A. Johnson and save half the fuel. Yes, she sells on the installment plan.



one has them. They don't seem to be very wonderful until they hurt us or we lose them. It does not make the affliction any easier to bear, to know that we are to blame. Save yourself this unhappiness by having us examine them for you, and fit you with proper glasses.

S. L McKEE, SCIENTIFIC OPTICIAN, 45 Patton Ave.

Command of Government Forces.

Report That Valencia Has Been Captured by Revolutionists-Detroit at San Juan.

Washington, Sept. 15 .- Charge d' Affaires Russell, of the United States legation at Caracas, has notified the state department that President Andrade, of Venezuela, has gone to the front to assume command of the government forces fighting the revolutionists under Decaste. The department has also been informed by the United States consul at Porto Cabello that it is rumored the town of Valencia has been captured by revolutionists.

This information was sent by the state department to the mavy department with a suggestion that the cruiser Detroit might be given the benefit of it the stopped at any place on her way to La Guayra.

The navy department had calculated that the Detroit would arrive at La slightly different from the railroad Guayra today, and was much surprised cases, will be argued on certain points to learn of her arrival at San Juan yesterday. Department officials suppose she was caught in the end of the recent blow in the West Indies and was delayed, making it necessary to put into San Juan to replenish her coal.

## JOINT DEBATE PREVENTED BETWEEN BRYAN AND COCHRAN

Spoke-Bryan Today.

Chicago, Sept. 15 .- This evening Central music hall, where the trust conference is in session, was thronged in expectation that there would be an inter-



esting argument between William J. Bryan and W. Bourke Cochran, who were scheduled as speakers. Bryan arrived from the west this afternoon. He went to the Sherman house, where he was joined by a number of prominent democrats. Bryan's friends objected to dered at Rennes. permitting him to debate a subject which is likely to be one of the issues of the political campaign. It was finally agreed that Cochran should speak tonight and Bryan tomorrow.

Cochran spoke at length, reviewing the utterances of previous speakers. He said the only remedy for the evil complained of was publicity. He believed the hatred displayed toward corporations was not wholly justified. He declared that he believed there was not a single industry existing today that could be called a monopoly.

## SERIOUS ASPECT IN HAVANA OF LABOR SITUATION

Likelihood of the Strikes Increasing-No Disorder Yet.

Havana, Sept. 15.-Although there are no signs of disorder the labor situation is becoming grave, owing to the likelihood of the strikes increasing. The masons, carpenters and painters are actively urging strikes in all trades. The general cry is for shorter hours. The eight-hour cry has found approval among workmen since the arrival of the Americans. The newspapers urge moderation, arbitration and compro-

**CHAIRMAN JONES** 

Predicts Imperialism and Trusts Will Be Chief Issues.

London, Sept. 15 .- Senator Jones, chairman of the democratic national committee, arrived here from the continent today. He denied that he intends to resign the chairmanship on account of ill-health. He says the best physicians assure him he that he has no heart trouble and that his condition

# FALL OPENING.

My Fall Opening of Pattern Hats and Novelties will take place on Tuesday, September 19 MRS. LON MITCHELL.

12 Church Street.

is due to nerves. He declared he had almost recovered and would soon start

Referring to the political situation Jones said the democrats must take positive grounds against imperialism and trusts. He predicted that these would be prominent features of the next campaign. He had no doubt the Chicago platform would be reaffirmed. He is opposed to holding a national Andrade Takes convention at an earlier date than in previous years.

# PLANS FOR M'KINLEY'S TRIP WESTWARD

Discussed at a Cabinet Meeting-Will Visit St. Paul Also.

Washington, Sept. 15.-The regular abinet meeting today was largely deoted to an informal discussion of the plans for the president's coming trip to Chicago and Minneapolis. Mr. Mc-Kinley has decided to visit both St. Paul and Minneapolis after the celebration in Chicago, in order to greet the Minnesota volunteers who have returned from the Philippines. All the members of the cabinet will go to Chicago. There was an informal talk in the cabinet about the affairs in the Philippines and Cuba but there were no important developments.

They Conferred in 1896 to Secure Sound Money Delegation.

Louisville, Sept. 15.-Carlisle has issued a statement in regard to his conference with Goebel in 1896 on sound ed that it stands by the seven-year money. He says Goebel sought the franchise but is wiling to consider sugconference, the purpose of which gestions as to a working law regarding sound money delegation from Kenton vaal firmly adheres to the convention county to the convention which was to of London. The outlook is pessimistic. be held soon thereafter at Lexington. Carlisle says he had no further interest in the matter, and took no action except as Goebel represented to be necessary in order to secure the sound money delegation referred to.

FIRE ADDED TO HORROR

Nebraska, Neb., Sept. 15 .- A freight train on the Missouri Pacific went through a bridge at St. Paul, Neb., this afternoon and three men were killed. The wreck took fire and the bodies together with twenty-one cars were consumed. The cries of the men could be heard for some time.

DREYFUS PARDON MAY BE **CRANTED NEXT TUESDAY** 

Not to Take Effect Until Revision tion. Court Has Ruled.

Paris, Sept. 15.-It is rumored in ministerial circles that President Loubet will sign Dreyfus' pardon on Tuesday, though it will not be published until the revision court gives its decision on appeal from the judgment rend-

### **EX-SENATOR CAMERON FINED** BY SOUTH CAROLINA JURY.

Columbia, S. C., Sept. 15 .- A jury in Beaufort county has found a verdict against ex-Senator Cameron, of Pennwhipping David Schein for selling li- ated great indignation at Capetown. quor to negro hands employed on his es- The first batallion of the Manchester tate at Beaufort five years ago. The suit was originally for ten thousand.

Oak street, until the eighteenth.

They Sell. RITTERS CONCENTRATED

BECAUSE

They have the qualtiy,

are Economical,

are Delicious

In 10cts. Cans.

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# FOR WAR

Outlook for Peace is Pessimistic in the Transvaal.

Manchester Regiment Lands at Cape Town and is Wildly Cheered,

London Times Despatches Say Everything Points to Early Conflict.

ON COEBEL AS A COLD BUC Chamberlain Issues Blue Book Giving His Last Despatches to

Kruger. Pretoria, Sept. 15.-The executive council today finally considered its reply to the last British note. It is stat-Goebel informed him was to secure a other points in the dispute. The Trans-

London, Sept. 15 .- A Bluebook containing the Transvaal dispatch of Chamberiain was issued today. The only important feature revealed in the telegram from the British high commissioner was dated August 31, referring to commercial distress and saying: "Ant receiving representations from many quarters to urge the imperial govern-OF A FREIGHT WRECK ment to perminate the suspense.
South Africa is prepared for extreme measures and is ready to suffer much more in order to see a vindication of more in order to see a vindication of Three Men Burned to Death on the Missouri Pacific.

British withority. It is the prolongation of negotiations, endless and indecisive, that is dreaded. I fear there will be a strong reaction of feeling against the policy of the imperial government if

matters drag." The Bluebook throws no new light on the situation except to show the commissioner's patience had reached the eb-

bing point. An interview with Rruger yesterday says: "I have tried to place aliens in the Transvaal on the same footing politically as Burghers. Mr. Chamberlain says I have not kept promises. "This."thundered President Kruger, "I deny." Kruger, after stating that the Britishers made no effort to obtain franchises for themselves says, "in my opinion there is no cause whatever for war. Everything could be settled by arbitra-

A second edition of the London Times today prints a special from New Castle, Natal, dated September 15. The correspondent says: "There is nothing to confirm the reports that the Boers will concede Chamberlain's demands. On the contrary, it is stated 3,000 soldiers will be depatched to the border immediately after the Transvaal reply is sent. Everything points to an early conflict.'

MOVEMENTS OF TROOPS.
ndon. Sept. 15.—Advices from London, Sept. Capetown today tend to confirm the pessimistic view of the Times' correspondent at New Castle. News that a strong force of Boers had been started from Ramathalabama, commanding the sylvania, for \$850 damages for horse-, Pretoria and Johannesburg roads, creregiment arrived at Capetown today, disembarked and marched through the streets. The soldiers were wildly cheered. After they had been reviewed by Mrs. M. W. Williamson will open a Lieutenant General Sir Frederick Walk-Primary School at her residence, No. 94 er, commander of the British troops in Woodfin street, September 18 h. Your South Africa, the battalion re-embarked patronage is solicited. She will be at and proceeded to Natal. These troops home to callers at Mrs. Doe's, No. 20 were sent from Gibraltar to Capetown.

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Your choice of our entire stock of Oxford Ties at \$1.75, for this week. G. A

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is Money Made

If there is anything you can

the lot of Novelties we are

Closing

It will certainly save you

Arthur M. Field.