

THE DAKOTA VICTORY.

Concerning the decision of the United States Supreme Court at Washington on Monday, by which the State of South Dakota won in the bond suit against North Carolina, yesterday's Raleigh Post says: As well as can be stated now, there are (about) 250 of the bonds, of \$1,000 each face value, issued under the act of the Legislature of 1869-70, still outstanding and are owned by the State, for by the act of Assembly of 1872, South Dakota owns ten of these bonds, as has just been established by the decision of the Supreme Court. Messrs. Schaefer, of New York, own 205, and the remainder are owned, so far as known, by Mr. Rothchild and Mr. Butler, of New York.

Under the compromise act—see Justice Brewer's term, it "is an act in the nature of an offer to compromise"—of 1873, it would require \$62,500 in cash or 4 per cent. bonds to pay off the total of the above yet outstanding 224, and "offer to compromise" at this rate was, fortunately for the State, accepted by the holders of all the other bonds of this class, but the parties holding the above 250 bonds refused to accept the "offer" of the State and have held on until the present, knowing that each bond of \$1,000 constituted a second mortgage upon ten shares of stock in the State in the North Carolina Railroad, and that, should the stock in the latter road become worth more than the first mortgage secured thereon, the bonds would be worth something, possibly more than the 25 per cent. face value offered by the State. The decision of the Supreme Court yesterday, Monday, vindicates their faith, though they have waited more than thirty years to realize it.

This decision fixes the present value of the ten bonds used on and for which judgment is rendered at \$27,400—\$1,000 face value, \$1,740 interest to date each—\$27,400 altogether. To secure these ten bonds 100 shares of the State's stock were offered at \$1,000 nothing more. The court, therefore, decrees that upon the failure of the State within a time fixed—between now and the first of January next—to pay to the State of South Dakota \$27,400 in full payment of said ten bonds and interest, 100 shares of the State's stock shall be sold—no more. The stock of the North Carolina Railroad is now worth \$150 per share, making the market value of the 100 shares \$15,000. It will therefore be seen that the sale of 100 shares at the above figure would fall short of paying the judgment \$8,400. Other than the 100 shares of stock the plaintiff or suing State can have no recourse or other relief under this decision. This presents an embarrassing situation to the authorities of this State. No one wishes any of the State's stock sold, unless South Carolina would consent to a compromise of the stock which will be sold or the State will pay the other State \$34,000 more than the stock is worth at the present high rate. This means that now receive \$700 income on the 100 shares of stock involved. To pay the \$37,400 in 4 per cent. bonds would be to pay out in interest \$1,500 more than \$1,036. This is the situation this State must face with respect to the bonds on which judgment has been given.

That will South Dakota compromise unless the private owners of the other bonds are included in the settlement? May be, or may not be. Of course we do not know the conditions under which other 240 bonds have been offered under this decision only as that they receive it by co-operating with or selling out to South Dakota or some other State willing to honor the same. It is in business, and South Dakota shows that there is at least one such. In about fifteen years the first mortgage, for \$3,000,000, will be due. Under this decision, just rendered, a second mortgage would become effective upon the payment of this first mortgage, provided the State's stock is worth more than \$3,000,000. At the present value the State's stock is worth \$5,700,000, not only enough to pay the first mortgage (interest on which is being met promptly), but the \$1,000,000 more than \$3,000,000. The proposition was not entertained. Then followed the flank movement, through South Dakota, and the decision of Monday. This is the situation our State must accept and meet. That it will be met we have no doubt, and without the sale of any portion of the State's stock. But that it will cost the State more now than it would have received the offer made in 1901 there can be no doubt.

DAMNABLE IF TRUE.

Raleigh News and Observer: During the administration of Governor Russell, after he had become the vassal of the Southern Railway, an attorney of the State, who had been attorney for Schaefer, discussed the matter with Russell who recommended that the Legislature take action looking to a settlement of the Schaefer bonds. A bill looking to that end was introduced in the Legislature. That body very properly refused to re-open a settlement that the men in the State had made. While Russell was still Governor, and sworn to protect the interests of the State, a party in New York sent to the State Treasurer certain of these bonds to be refunded. The Governor of the State ordered an employe in the State Treasurer's office to hold up the refunding of the bonds. A little later the party wrote the State Treasurer not to refund the bonds, but to return them to him. He said then to Schaefer, "I will have the Governor of the State, sworn to be his trustee, prevent the refunding of these bonds at twenty-five cents on the dollar, and as soon as his term of office expires, we had him as an attorney bringing suit against the State upon the very bonds which he, while Governor, had prevented the State Treasurer's refunding. There is a device of pieces of conduct in the part of an official, it has never occurred to me. And on the very day he went out of office, the honorable Governor of the State had disagreed, was planning to openly carry out the bargain that he had paraded in public. The Governor, and in fact the State, which he had ordered the State Treasurer to cancel the bonds upon which he had sworn for South Dakota. The day will come.

CHEERLESS OUTLOOK.

How the future was brightened for a well known Wilmington man.

With an aching back that makes the daily toil a torture, and that robs sleep of its restful properties, the future holds out little promise to a man, no matter how successful he may be in business. To such a sufferer relief comes like the dawn of the Arctic day. A Wilmington business man who found relief of this sort tells his story of his case. A. V. Horrell, proprietor of restaurant at 304 South Fourth street, says: "I used Doan's Kidney Pills and they did me a lot of good. I have been a great sufferer with backache, which I supposed to be rheumatism, and I used the Doan's cure like a charm. I was completely laid up with it and could scarcely get around, to do any work was simply out of the question. My sister, reading about Doan's Kidney Pills and knowing how I suffered, went to Bellamy's drug store and got me a box. They acted like a charm. My backache or rheumatism, whatever it was, has entirely left me, and I give all the credit to the use of Doan's Kidney Pills. For sale by all dealers. Price 50 cents. Foster-Milburn Co., Buffalo, N. Y., sole agents for the United States. Remember the name—Doan's—and take no substitute."

THE NEWS FROM RALEIGH.

AYcock Discusses Dakota Bond Decision. A. C. L. Hearing Before Corporation Commission.

DOES LOOK A LITTLE "COM-MERCIAL." The Columbians are mad because there is a proposition to pay her some hush money about the Panama secession. They consider it an insult to think Yankee gold could buy them off.

DAUGHTERS OF FAITH IS AN ANTI-DIVORCE SOCIETY WHICH SOME CATHOLIC LADIES OF NEW YORK HAVE RECENTLY ORGANIZED IN NEW YORK CITY. Pope Pius X has expressed his heartiest approval of the organization and says he hopes it will spread throughout the United States. It requires lots of faith to undertake the work ahead of the Daughters, but they have begun business in the right place. The work ought to be spread to Chicago also without a moment's delay.

REV. FRED D. HALE CALLED. Well Known Pastor-Evangelist Asked to Serve First Baptist Church.

OSLOW COUNTY GASS. Judge Ferguson yesterday made known to counsel that he would discuss the injunction recently granted by Judge Oliver H. Allen, closing the saloons of Jacksonville, N. C., where the Watta law after the saloons had been granted license to retail liquor for another term of six months. Without passing upon any technical points involved, he gave judgment for the defendants and let the plaintiffs go to the Supreme Court, where it will be heard the last of February. In the meantime, the saloons remain open.

SUICIDE IN A FELON'S CELL.

Hill Terry, on Trial for His Life, Put an End to His Unhappy Existence.

Slashed His Throat Deeply and Died Weltering in Gush of Blood from Two Main Arteries—Unfortunate Ending of Noted Murder Trial—Letter Left Giving Sad Story of a Blighted Life.

By his own hand S Hill Terry had paid the death penalty for the killing of his son-in-law, George Tate Bland, at the latter's home on North Fourth street, this city, last October. Terry committed suicide in his cell in the county jail shortly after 1 o'clock yesterday afternoon by slashing his throat completely through the jugular vein with an ordinary case knife which had evidently been given him with his breakfast yesterday morning or which he had obtained from some other source unknown to the jailor or prisoners in the immediate vicinity. The deed was discovered a few minutes after it was committed, but the physicians in Christendom could not have saved his life. By one or more strokes, upon which point the physicians differ, Terry had slashed a jagged, deep gash about two inches below the right ear and extending four inches downward toward the jugular vein and the carotid artery. In depth the wound was to the bone and blood flowed in rivulets upon the cot where the unfortunate man lay, the knife clutched in a death grasp and still buried in the wound, as if for another stroke to make the deed more certain. Death ensued in fifteen minutes after the commission of the act and five minutes after physicians arrived on the scene.

DISCOVERED BY PRISONERS. That Terry had made an attempt to end his unhappy existence was first discovered by two fellow prisoners, Jim Judge, sentenced last week to a term of ten years in the State penitentiary, and William Willson, the white waigent against whom the grand jury last week returned a true bill for burglary in that he entered the residence of Mrs. Kelly during the holidays and stole an overcoat and other articles. They occupy the cell adjoining that of Terry, on the second floor, and with Terry had the liberty of the cage into which both cells open. The door of Terry's apartment was open and Judge and Willson had been walking up and down inside the cage, and Terry had been complaining of feeling unwell all the morning and had spent most of the time lying on the cot inside the cell, which is very dark. Willson had started into Terry's cell, as he had been often invited to do, to get a chew of tobacco out of the pockets of Terry's coat. He heard a gasping on the cot, saw blood, and quickly told Judge that Terry had hurt himself. Judge called to young Rob Capps, who was giving some quinine to colored prisoners on the first floor of the cage, and upon the information that something was wrong with Terry, rushed out in search of his father, Jailer E. M. Capps. Capt. Capps had gone down town for a few minutes and had gotten almost to the jail upon his return, when his son excitedly told him what Judge had said. Jailer Capps lost not a minute in reaching the house, bounded up the steps and striking the cot, his clothes on, and the knife still in the wound, as if to make one more stroke. Jailer Capps exclaimed, "Hill, what have you done?" and immediately wrested the knife which was arrested from Terry with some difficulty. The dying man said something to the jailor, but Capt. Capps could not understand what it was.

PHYSICIANS HASTILY SUMMONED. Seeing that he could accomplish nothing more, Jailer Capps immediately rushed out for physicians. Dr. C. T. Harper, who was in the City Hall, was first to reach the scene and later Dr. L. H. Love and E. J. Wood came. They saw at once Terry was dying and nothing could be done to save him. In a few minutes he was pronounced dead and thus closed the last sad incident in the history of a double tragedy in which two human lives were sacrificed at the shrine of domestic infidelity.

SCENES ABOUT THE JAIL. The news that Terry had made an attempt to kill himself, for no one suspected anything graver at the time, spread quickly over the city and a crowd began to gather at the jail to learn particulars. No one was permitted to enter, however, except physicians, members of Terry's counsel, officers of the law and representatives of the press who reached the cell a few minutes before life was extinct. Sheriff Stedman was among the first of those present and assisted Jailer Capps in summoning medical attention for the dying man. Counsel for Terry expressed great regret that their client should have committed the rash act, declaring that they believed he could have been convicted of no crime higher than manslaughter. Mr. W. B. Terry, son of the suicide, did not reach the jail until some time after the deed was committed. Chairman McEachern, of the Board of County Commissioners, was among the first arrivals at the jail and very soon Dr. C. D. Bell, the coroner, came.

THE CORONER'S INQUEST. Chairman McEachern at once authorized the coroner to hold an inquest over the body of the deceased and the following jury was at once empanelled: T. W. Wood, (foreman) B. F. King, (secretary), George Haar, F. P. Lamb, W. F. Benton and P. A. Harries. The jury at once viewed the body as it lay upon the cot in the cell and proceeded to take the testimony of the two prisoners who had first

knowledge of the dead. An official report of the evidence follows: James Judge, being duly sworn testified: "I was walking up and down the corridor in front of Terry's cell when Wm. Willson called to me that there was something wrong in Terry's cell, I looked in and saw there was something wrong and told Mr. Capps' son to summon his father or the sheriff. When they all came in I found that his throat had been cut." William Willson being sworn, testified: "I started in Terry's cell to get some tobacco, he having told me where to look for it if I wanted some. As soon as I got in the cell I saw Terry lying on the bed and called to him and he made no answer. I thought there was something wrong and called to Jim Judge. We then told Mr. Capps' son that Terry had hurt himself and he had better get his father or the sheriff. When Mr. Capps came we found that his throat had been cut."

AS TO TERRY'S CONDITION.

It was remarked in the proceedings of the trial in this paper yesterday that on Tuesday the prisoner showed his first signs of weakening. He had to be helped from his cell the morning before and slept little the night preceding. He was suffering with rheumatism in his shoulder all day Tuesday and again yesterday morning he complained of feeling unwell. His fellow prisoners advised him to send for a physician, but he said it was not necessary. Mr. Will Terry said that Tuesday was the first time his father showed signs of despair. He appeared in a stupor and once while in the court room during the day, young Mr. Terry said he punched his father and asked him what was the matter. The son said he paid no particular attention to the remarks at the time, little dreaming that his father contemplated suicide, but during court that day, his father remarked in a melancholy way, "Son, they are never going to get a jury without they move the case to another county. I'm white, and I'll tell you they'll never hang me or send me to the penitentiary for a long term of years." He then asked his son to have charge of an old gun and a watch at home for which he had a peculiar fondness. Later he looked at his finger nails and remarked to his son that they needed trimming and he wished that his son would send him a little knife at home to trim them with. He asked that the little blade of the knife be sharpened, but that there was no use to sharpen the large blade. Young Mr. Terry told his father he would bring him anything he needed, but said he would, of course, know that the knife would not be permitted and did not attempt to bring it. Later the father complained of great pain with his rheumatism and asked his son to bring him ten cents worth of opium. The son said he frankly told his father he couldn't bring the opium and there the matter was dismissed. Mr. Will Terry has remained by his father's side until the end and he was commended for it in his hour of sorrow yesterday.

THEORY OF THE TRAGEDY. What was the chief agency which led to the suicide, no one will perhaps ever know. The three days of tedious work in selecting a jury and the hearing of one after another of his fellow-men say under oath that they had formed and expressed an opinion that he was guilty, perhaps led to a despondency which he could undergo no longer. The strain must have been severe and he collapsed under it at the last moment. It is also evident that he saw conviction staring him in the face and thought to end it all without further mental and physical suffering. The effect of the suicide upon the community, it is believed, will have even a greater weight than had it fallen to the lot of the unfortunate man to have been legally executed. His hours of mental and physical suffering must have been of an intensity beyond description.

LIFE OF THE DECEASED. Few men in Wilmington were better known than the deceased. He would have been 62 years of age next month and had held various minor official positions. He was doorkeeper of the State Senate in 1901, had been a policeman, keeper of the county home, janitor at the Custom House and a deputy sheriff. He leaves only two children, his son, Mr. W. B. Terry, of Raleigh; his daughter, Mrs. George Tate Bland, wife of the victim of the deceased. Mrs. Bland has two little children who are grandchildren of the deceased. The news was broken to the wife and daughter as gently as possible yesterday and they were both much affected. Neither of them visited the jail after the suicide yesterday.

FUNERAL THIS AFTERNOON. A large number of friends viewed the remains of the dead man at the family home, No. 818 North Fourth street, last night. The funeral will be conducted from the late residence at 3 o'clock this afternoon by the Rev. Dr. A. D. McClure, pastor of St. Andrew's Presbyterian church, and assisted by Rev. J. L. Vipperman, pastor of Brooklyn Baptist church, to which Mrs. Terry belonged. The interment will be in the family lot in Oakdale cemetery.

THE JURY DISCHARGED. It was with a feeling of great relief that the eleven men already selected to serve on the jury in the Terry case arose from the box yesterday afternoon. Upon seven of them the strain had lasted for six days and nights and they naturally felt good to be free to speak to the outside world again. Mr. Samuel Northrop was especially relieved, for

WHEN HE CAME THE KNIFE. The weapon used by the unhappy man, Jailer Capps says, was brought to him in his breakfast from home yesterday morning. One meal a day had been sent to the man ever since he had been confined and the prisoner had always been given the favor of having both a knife and fork to eat his meals with. Some time ago, however, the sheriff thought best to deny the prisoner in that respect, but lately he had been receiving a knife and fork as usual, no one dreaming that he would attempt suicide. Mr. W. B. Terry, son of the deceased, yesterday, however, said that he could not recognize the knife and was of the opinion that some one sent him yesterday morning. It is an ordinary table knife, giving little signs of use, but the blade of it is gapped badly, as if some one had made a crude attempt to convert it into a saw. Whether that was done by the prisoner on the steel bars of the cell to make the wound more certain, whether it became so by ordinary usage or had been put in that condition by some prisoner as a possible means of sawing out of the steel cell, is not known. It would

Corn must have a sufficient supply of Potash in order to develop into a crop. No amount of Phosphoric Acid or Nitrogen can compensate for a lack of potash in fertilizers [for grain and all other crops].

on next Sunday he had anticipated with much pleasure the celebration at home of an important birthday in a long and honorable career. Contrary to the popular supposition often expressed after he was drawn on the case, Mr. Northrop is not opposed to capital punishment—a fact learned for certain soon after his discharge yesterday. All the jurors regretted the tragedy which interrupted the case, but naturally they were glad to be relieved of the painful duty which devolved on any capital case entails.

OTHERS WHO REGRETTED THE TRAGEDY, but were nevertheless sensible of a great relief, were the attorneys and witnesses in the case. The attorneys on both sides conducted their case vigorously and along lines they conceived to be their duty. The State, especially, had an up-hill fight in the selection of jurors and the securing of witnesses. Men do not like to appear in any matter involving life and death, and for that reason the path of the prosecution was beset with many difficulties. Solicitor Duffy will leave today to stay until Saturday at his home at Catherine Lake, Me. Mrs. Lewis and Schulze will go home today.

It came to light yesterday that several court terms ago when it was expected the Terry trial would come up, the prisoner got Raymond Jones to write a letter in which he said that he was tired of it all and had secured some glass which he had pounded up and was going to swallow. The letter came to the attention of Jailer Capps through Jose, who had written it, and it was shown to counsel for the defense, who thought little of it. No trace of anything tending to show that Terry had arranged to carry out the threat, however, was found. Jose was in jail for having attempted to abduct a little girl and carry her off with the carnival train last Fall. Terry was highly incensed at him when Jose had accepted his confidence and then violated it.

One was pale and sallow and the other fresh and rosy. Whence the difference? She who is blushing with health uses Dr. King's New Life Pills to maintain it. By gently opening the lazy organs they compel good digestion and head off constipation. Try them. Only 25c. at R. R. BELLAMY'S drug store.

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