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RALEIGH, N. C., THURSDAY, MAY 9, 1895.

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## THE LARGEST GIRGULATION OF NORTH GAROLINA

# AT ONE FELL STROKE

SOUTH CAROLINA'S REGISTRA-TION LAWS ARE DECLARED void.

### THE BALLOT BOX OPEN TO ALL

AND TILLMAN'S DISPENSARY SYSTEM IS PRACTICALLY KILLED.

### The Injunction Is Iron Clad.

But Governor Evans Defies the Court and is Going Ahead with the Seizures of Liquor .- The Situation in Regard to the Registration Laws a Grave Excitement .- Judges Simonton and Goff Render the Decisions.

COLUMBIA, S. C., May 8.—The State is in a ferment to-night. The United States Circuit Court has come with its strong arm and dealt the government of the State of South Carolina two terrif-

Many have looked lightly upon the issues that have been pending in the court during the past week, but those issues have been as momentous as any that ever arose in the old Palmetto State, and it is not within the power of a prophet or the son of a prophet to forecast the consequential events which will follow in the next six months.

At one fell stroke the registration laws of the State have been knocked into a cocked hat, throwing open the ballotbox to everybody to vote without a registration certificate, something that is likely to cause a struggle in the election of delegates to the constitutional convention, something that revolutionizes the voting system of the State, for the Governor declares that he will not call the Legislature together to enact a new law; and the dispensary system has been practically killed, the law being nullified in so far as the vitally important inter-state commerce feature is concerned, it now being allowed any one to bring liquors into the State from wheresoever he pleases, and be protected in the possession thereof.

These are the two matters that confront the present State administration and they are grave ones.

Not withstanding this, Governor Evans is declaring that he is going ahead with the seizures of liquors to get the liquor case in the United States Court. The question of every hour now might be said to be, "What next?" And of far greater importance than anything else is the mandate of the court in the registration cases, though perhaps the practical nullification of the dispensary law is of more general interest to the people of the State itself than those outside the State.

Judge Goff rendered the decision in the registration case. The court-room was packed so that standing room could not be found. Scores of negroes present as were no end of liquor men. negroes, when Judge Goff ended, murmured their approval and order had to be restored.

After recounting the provisions of the law and the acts bearing thereon, together with the facts of the case he traced the negro's career from the time of slavery, gave the history of the passage of the 14th, and 15th amendments; proceeded to show that these rights could not be abridged, held that the law in this respect was unconstitutional and said the provisions of the registration laws seemed to him almost incredible. yet he thought them correct.

'The statement this complainant makes is appalling, the outrage stupendous, the result close on the border land that divides outrage from crime."

The Constitutional Convention cured no defects. The State frankly admitted that the object was to disfranchise as many negroes as possible. He held that the laws were unconstitutional in toto: that the court had jurisdiction, etc. He held that certificates of registration could not be demanded; that no official of any State was above the law. He remarked that inclination was mingled with duty in this matter. He was very severe on the position of the State in regarding the court as a foreign jurisdiction. This position was as strange and wonderful to him as the story he had just heard in this case. He passed an order, as prayed for, restraining and enjoining the supervisor of registration as an official and individually from the performance of any of the acts mentioned and complained of. The injunction is perpetual.

Governor Evans declares that he will not call an extra session of the legislature. He says the fight will have to come on a free ballot and regards the situation as a grave crisis. To-night he said "you can say that I am wrought up with indignation and that we will take the decree, read it carefully and put our reflections to the people of the State in due seasion. It is the greatest question that ever confronted us, and the people may rest assurred that we will take no action without mature deliberation. The time has come now to act and at the proper time I will act in a manner that no true South Carolinian can fail to uphold. But they may rest assured that while superemacy in the South Carolina will

be maintained," Judge Simonton rendered the decision in the dispensary case, which created a profound sensation. It was in the case from Charleston. After reviewing the case and holding that the court had

jurisdiction he said: 'The dispensary law now here declares

alcoholic liquors in themselves are injurious to the morals, good health and safety of the State, or of her peo-On the contrary, the dispensary law makes the most ample provision for the purchase of alcoholic liquors in this State and elsewhere, for their distribution in convenient packages within the reach of nearly every person through-out all portions of the State for the use and consumption by the people of the State, and in every way it encourages such use and consumption. Even in localities in which the majority of the inhabitants refuse to have a dispensary, provision is made for the procurment of alcoholic liquor by these persons within the locality who desire to use it. Alcoholic liquor is declared to be contraband and against the morals, good health and safety of the State only when it is not imported by the dispenser, or is not in his hands, or in the hands of some one with One and the State is in a Ferment of his permission. Alcoholic liquors imported into this State and declared contraband, and injurious to the good health, morals and safety of the State, and so subject to seizure, just as soon as they are seized and passed in the hands of the dispenser, lose their injurious qualities, are put into the channels of distribution and are sold to the people of the State for their use and consumption.

"It is not necessary to go into a minute and detailed examination into all the provisions of the dispensary law, nor to determine whether all these pro visions are or are not in the exercise of the police power. It is sufficent for the purpose of this case to say: That in so ar as the dispensary law forbids a citizen to purchase in other States, and to import into this State alcoholic liquors for his own use and consumption, it discriminates against the product of other States. Such discrimination cannot be made under the guise of the police power. Andfurther, in far as this act permits the chief dispenser to purchase in other States alcoholic liquors and to import them into this State for the purpose of selling them, for use and consumption at retail within the State and forbids all other persons from so purchasing and importing for their individual use and consumption it discriminates against other citizens of the State. all also makes a discrimination against all persons in the trade in other States who are not patronized by the State dispenser, forbidding them to seek customers within the State, and to enjoy a commercial intercourse secured to others in this State.

"These conclusions rest on this discrimination, if it did not exist, and if all alcoholic liquors were excluded from the State or if all persons were forbidden to import alcoholic liquors, or if the laws of South Carolina had declared that all alcoholic liquors were of such poisonous and detrimental character, and that their use and consumption as a beverage were against the morals, good health and safety of the State, other and different questions would arise."

The injunction is an iron clad one, the meat of it being in the following: "Orissue out of this court commanding and enjoining and restraining the defendants, M. T. Holley, Sr., as chief constable, of the State of South Carolina and all other State constables of the State of Seuth Carolina and officers and other persons acting under him, and their successors in office, and also the defendants J. M. Scott, R. M. Gardner and E. C. Beach and all other State constables of the State of South Carolina, and all county sheriffs and their deputies and all municipal officers, chiefs of police and policemen, and all other officers of the State of South Carolina or of any county, city or town of said State of South Carolina and all persons, whomsoever, acting or claiming to act under the at thority of the act of the General Assembly of the State of South Carolina approved Jan. 2, 1895, or under any warrant issued by or under authority thereof from seizing or attempt to seize in transit or otherwise, both before and after arrival in the State of South Caroiina or at any place in the State of South Carolina, take or, carry away or confiscate any packages whatsoever of ales, wines, beers or spirituous liquors, or any intoxicating liquors, the product of any other State or foreign country imported into, or brought into the State of South Carolina by any means of transportation whatsoever, by the complainant James Donald, or any other person whomsoever for his own use and consumption, and from entering forcibly or searching or attempting to search the premises or dwelling of the complainant, James Donald or any other person in the State of South Carolina or any depot, railroad cars, or steamboat, or sailing vessel, or other vehicle of inter-State commerce, or any vehicle whatscever, within this State for such intoxicating liquors as aforesaid imported or brought into this State for his use or consumption, or from hindering and preventing by any means whatsoever the complainant, James Donald, or any other person in the State of South Carolina as importer and consumer of the ales, beers, wines and spiritous liquors of other States and foreign countries from importing, hold-

ing, possessing, using and consuming the said intoxicating liquors as aforesaid so imported for his use and consumption." "As to the dispensary," said Governor Evans tonight, "it will continue its operations as heretofore, and the case will be pushed to the Supreme Court of the United States as speedily as possible. It is an absurdity to argue that Congress has the right to pass a law giving to the State the right to absolutely control whiskey brought into the borders of the

in the State, and yet powerless, if, perchance, a perjured bar-keeper may main tain it is for his own use and consumption. Judge Simonton's utter disregard for the Wilson act or the original package decision, and of his own decision heretofore rendered shows the extent to which these people are willing to carry their animosity to this law of the people. The dispensary law is here to stay, and will stay, and I am confident that the Supreme Court of the United States will not stultify itself by such utter disregard of acts of Congress and its own decisions. At any rate, they will be given an opportunity of passing upon it. developments may be expected. The constabulary will continue to make seizures; that's the way we have to get the court. The only way to get to the Supreme Court is by contempt proceed-

Judge Goff returned to West Virginia this evening and Judge Simon on went to Charleston. Orders for liquors are flying everywhere. A constable claiming full knowledge of the mandate of the court has already made a seizure of

The contempt cases against Commissioner Hixson and the constables were dismissed in view of the disclaimers and apologies made.

### A STREET RAILWAY WAR.

An Effort to Prevent the Building of a Dummy Car Line In Winston.

Special to the News and Observer.

WINSTON, N. C., May 8. The Winston Aldermen have granted a franchise to the Marianbad Springs Railway Company to build a dummy car line from near the centre of the city to the Eastern part of Winston, thence to the Northern limit, thence West to the Marianbad Springs three and a half miles west of Winston. The Company began making a survey of the route today, and will begin excavation work next week. The road equipped will cost \$4,000 per mile. The Winston-Salem Street Railway Company have filed papers protesting against the building of any road or dummy line on the streets of Winston, claiming that all rights of way and the exclusive privilege had already been granted to the latter com-

The aldermen have also granted a franchise to the Inter-State Telephone and Telegraph Company, which proposes to put in a plant here at an early

Sheriff McArthur received a telegram last evening, announcing that his brother John McArthur, was killed by lightning at 11 o'clock yesterday at Pass Christian, Mississippi. The deceased was thirty-

four years old, and was engaged to be married shortly.

Dr. N. S. Siewers' new residence, in Salem, has just been completed. doctor will move in next week. It is a model home in every particular, and cost something like \$75,000. It is built government had expended for war purdered, adjudged and decreed that a of Indiana stone. The interior is highly writ of injunction be awarded and do artistic, being finished in the finest only \$26,082,845 came from this income woods, and handsomely decorated. It is decidedly the most attractive and costly residence in either Winston or Salem

George Parrish, a farmer of Summerfield, Guilford county is in jail here. He stands charged with stealing \$35 from another farmer named Joseph Inman, of Surry county. The theft was committed in Winston

Capt. D. P. Mast, and Mr. A. F. Hanes have established a branch office here of the North Carolina Abstract and Guarantee company. They are now making copies of deeds, mortgages, and in fact everything pertaining to titles of real estate recorded in Forsyth.

Mrs. Emma Clark, an estimable widow lady died here yesterday, at the home of her daughter, Mrs. Edward Kearns, at the age of 53 years. The deceased received a second stroke of paralysis last Saturday. The remains were sent to Farmington, Davie county, to-day for interment.

Mr. Powell Boger died a few days ago at his home near Cana, Davie county. He was the father of thirteen children, nearly all of whom, with his second wife, survive him.

The Forsyth veterans are anticipating a pleasant celebration of memorial day to-morrow. A number of ex-Confederates throughout the county have promised to be in attendance.

Mr. James E. Ogburn, father of Messrs. S. A. and Chas. J. Ogburn, two of Winston's prominent citizens, died Monday, at the age of 86 years.

The storehouse of Messrs. Sink and Knouse in Salem was broken into a few nights ago and robbed of hoes and other farming utensils. The firm had considerable money in the safe, the knob of which was broken, but entrance was not

The Wachovia Loan and Trust Company to-day qualified as the administrator of the estate of J. L. Tyler. This is the thirteenth trust estate that has come into this institution since its organization less than two years ago.

## Gov. Turney's Inauguration.

NASHVILLE, Tenn., May 8.—The last step in the contested Governorship of this State was taken to-day when Governor Peter Turney took the oath of office to serve another two years. The inauguration took place at noon and was witnessed by a large crowd. The Republican members of the Legislature declined to attend the inauguration and instead took the morning train for Chattanooga to be entertained by Hon. H. that the use and consumption of State as though it were manufactured | Clay Evans, the defeated candidate.

## THE ARGUMENT ENDED

MR. CHOATE CONCLUDES HIS SPEECH AGAINST THE IN-COME TAX LAW.

### A TAX ON LABOR OF THE LAND.

Devotes Himself to Consideration of torney General -- Contended that Personal Property Was Entitled to Same Consideration as Real Estate -- Feat - (Laughter). ures Already Declared Unconstitutional Invalidate Rest of the Law.

WASHINGTON, D. C., May 8 .- Almost immediately upon the assembling of the Supreme Court of the United States at noon to-day, the chamber being filled with spectators, Mr. Joseph H. Choate resumed the closing argument in the income tax cases.

There remained to Mr. Choate about two hours of the five allotted for the presentation of his side of the case, and he entered upon his task in excellent form for the work. He had just begun when the court rose yesterday, to speak of the claim by himself and associates as to what had been decided by the court in its judgment of April 8th, upon the subject of th tax on ren ts.

Prior to the resumption of proceedings, Mr. Samuel Shellabarger, of counsel for John G. Moore, in his suit for an injunction against Internal Revenue Commissioner Miller, in the District courts, asked leave to make a brief oral argument at the close of Mr. Choates remarks, to be largely devoted to the question of uniformity, but the Chief Justice stated that it would be impossi-

ble to grant the application at this time. Mr. Choate, in opening, said that he would not proceed on the line laid down yesterday, but devote himself to the consideration of certain questions asked yesterday by the Attorney-General in his address.

The Attorney General had contended among other things, that if the construction of the Constitution set up by the contestants of the tax were maintained it would seriously impair the resources and power of the government in times of emergency.

"Figures will not lie," it had been said, remarked Mr. Choate, "but it was equally well known that they would convey entirely different meanings according as they might be handled. Upon that point, said Mr. Choate, their brief filed in the case presented some statemen's and figures which demon-

strated the unsoundness of the Attorney General's claim. The rights of citizens) that document stated, cannot be affected by examination of the importance to the government of the questions now involved. The only previous income tax known in the country's history arose from the necessties of the civil war. Up poses more than \$4,000,000,000, yet tax. This shows how insignificant a part that tax played in supplying the country's requirements at the time of this greatest necessity. What saved the country was its high financial credit and the patriotic attachment of its citizens to the system of government guaranteed by its constitution. The resources, it is earnestly submitted, will be most surely preserved by faithful administration of its fundamental law; not by efforts to fritter away the bulwarks of private rights and private property which were estab-

country's existence.' Mr. Choate addressed himself directly to the discussion of the matters left in dispute by the decision of the court, in the light of the declarations in that decision. The first related to the tax on personal property, and his contention was that the corpus of the personal property was entitled to the same protection as real estate and that a tax on the income derived therefrom was a direct tax as much as a tax on rents.

lished thereby as conditions of the

Touching upon the suggestion of counsel that if the present income tax be overthrown a demand might be made for refund of the income tax of war times, Mr. Choate asked what kind of political morality was involved in the suggestion of the Attorney General; that because the Government had in the past illegally collected taxes, it must be permitted to go on in the future illegally collecting other "But your honors need have no fear on that score. The former income tax was paid willingly, and if any of them or their descendants should demand its return they would be the subjects of general shame and general contempt. And further, there is nothin the history or attitude ing of of the government to warrant the belief if all who had paid the tax should altogether demand its return, they would ever get a dollar of it back. that suggestion can be safely dismissed.

Mr. Choate returned to the points made with respect to lack of uniformity, and of illegal and unjust exceptions.

The exception of incomes of \$4,000 and less from the operation of the law, Mr. Choate said, was even less defensible or excusible than that in relation to mutual insurance companies. Its object was to make the law applicable only to a very small proportion of the people, largely residing in a few of the States, the old Seaboard States, who gave up so much in the compromise that resulted in the adoption of the Constitution.

Mr. Choate said there remained then but the one other question to be considered: did the unconstitutional features

"We say that it does, that this mangled and mutilated corpse has been too long unburied. Too long has it shocked the seasibilities of the people of the United States. The court had already taken out of its treasury operation the incomes derived from real estate and State and municipal bonds: when it had, as he believed it would in response to the prayer of the complain-Certain Questions Asked by the At- ants, taken away the income from personal property, what will be left?" he asked. "We will be lett—the bone, sinew, brawn and brain of the land.'

"Instead of being a tax on land owners and bondholders, it becomes a tax only upon the labor of the land."

Mr. Choate finished at two minutes to two o'clock and the Chief Justice directed the crier to adjourn court until Monday,

#### CRISP WILL SPEAK MAY 10. The Washington Newspaper Men to be Feasted at Asheville.

Special to the News and Observer.

ASHVILLE, N. C., May 8. Hon. Charles F. Crisp has accepted an invitation to make an address at the Memorial Day exercises in the First Baptist Church Friday.

Charles N. Vance and N. B. Carter are among those mentioned for the col-The late Captain M. E. Carter had

\$65,600 insurance on his life. George W. Vanderbilt and mother and several friends have arrived at Bilt-

The office of the Register, a Republican weekly newspaper here, has been declared unfair by the Typographical

Union, and closed to union labor. The Washington correspondents stop in Asheville on their return from Atlanta, and they will be given a banquet at the Battery Park Hotel.

### SUN'S COTTON REPORT.

#### Operators Awaiting the Bureau Report to be Published Friday.

NEW YORK, May 8 .- Cotton rose 2 to points, then reacted and closed quiet and steady at a net advance of 1 point, with sales of 38,000 bales. Liverpool advanced 1-2 to 1 point, closing quiet and steady, with spot sales of 8,000.

Spot cotton was quiet and unchanged, with sales of 776 for spinning, 200 for export and 3,100 delivered on contract. Silver advanced 1-4d in London. A New Orleans despatch says that there will be a decrease in the acreage in Louisiana, Arkansas, Mississippi and Alabama and a large diminution in the use of fertilizers, and that recent rains have been bad for the crop.

The New Orleans receipts to-morrow are estimated at 2,000 to 3,000 against 2,821 last Thursday, and 757 last year. The port receipts to-day were 4,199 against 6,199 last week and 3,694 last year; thus far this week 29,995, against 42,204 thus far last week. In Manches ter yarns were dull and cloths quiet. The Southern spot markets were quiet and unchanged

The exports from the ports were 4,543 to Great Britain. Memphis received 122 bales, against 147 last week and 57 last year, and Houston 407, against 876 last week and 534 last year. The exports of yarn from Great Britain in April were 32,000,000 pounds, against 19,378,100 in the same month last year, and thus far this season 88,255,500 pounds, against 75,997,100 last year; exports of cloth were 40,200,000 in April, against 41,917,820 last year, and thus far this season 1,682,889,100, against 1.820.662.600 thus far last season.

## To-day's Features.

There was an undertone of strength in cotton to-day in spite of the fact that Liverpool was dull, that Manchester was rather blue, that the weekly government report on the whole was favorable, and there was an absence of life in the speculation here. But some unfavorable private crop reports were received from various sections of the cotton belt and dry weather is undoubtedly needed in Central Texas. Silver was higher and it was believed that the dispute between Russia and Japan has been practically

Although there was no large buying for long accounts and the speculation was anything but animated, there was more or less nervousness noticeable among the bears, and their covering caused a slight advance. Most operators, however, are holding aloof awaiting the bureau report to be published on Friday. The bureau report is expected by many to be bullish. Quite a number of operators are inclined to the opinion that it will report a decrease in the acreage of 15 per cent.

#### DEFAULTING BANK OFFICIALS. One Gets Four Years and the Other . Will Be Tried To-Day.

LEXINGTON, Va., May 8.-R. K. Godwin, bookkeeper of the defunct bank of Lexington, was found guilty by the jury under the first indictment for which he was being tried for making false entry as clerk. The jury returned a ver-dict after being out only thirty minutes and fixed the penalty to be four years in the State penitentiary.

The verdict meets with the approval of many, while many expected an ac-Godwin was under six similar quittal. indictments which were quashed by agreement of counsel for both sides and the verdict was accepted without an ap-

The trial of C. W. Irvine comes up tomorrow. He is under three indictments for receiving money from absconding cashier Figgatt, knowing the same to have been embezzled and stolen

of the law, already so declared by the court, invalidate the rest of the law? Annual Meeting of Stockholders of the Knitting Mills.

### Special to the News and Observer.

SCOTLAND NECK, N. C., May 8. The sixth annual meeting of the stockholders in the Scotland Neck Knitting Mills was held here this week. The board of directors finished up their work yesterday. All the stock was represented. The report of the secretary and treasurer showed the mills in good condition, and the outlook better than ever before. The output of the mills since the last annual meeting has been about \$80,000. The capacity of the hosiery department has been doubled, and the underwear department has been increased 20 per cent.

There are 175 operatives at work in the mills now, and there are plans ahead for putting in more machinery. Secretary McDowell desires to make the mills the most complete in the country, and so proposes to put in more new machinery

until they are equipped second to none.

The stockholders elected the following gentlemen as directors for the ensuing year: Dr. T. C. Pugh, H. A. Leach and J. C. Stoneburner, of Baltimore; John N. Vaughan and C. W. Grandy, of Norfolk, and N. Biggs, W. H. Kitchin, R. C. Josey, R. E. Hancock and N. B. Josey, of Scotland Neck. Mr. N. B. Josey was re-elected President and Mr. A. Mc Dowell was re-elected Secretary and

#### BASEBALL YESTERDAY.

At Pittsburg Brooklyn, 0 0 0 0 2 0 0 2 0-4 Pittsburg, 0 4 0 1 0 3 1 0 x-9 Batteries: Daub and Grim; Hawley and Kinslow

At Cincinnati New York, 2 0 1 3 0 4 0 0 x-10 0 2 1 0 0 0 0 0 0 0-3 Cincinnati. Batteries: Rusie and Farrell; Phillips

and Vaughan. At St Louis: 2 0 0 0 0 0 1 7 0-10 Boston. 1 2 0 0 2 0 0 1 1-7 St. Louis. Batteries: Sullivan and Warner; Ehret, Breitenstein and Peitz.

At Louisville: Philadelphia, 0 0 1 0 3 2 2 1 x-9 Batteries: McMillen and Buckley; Knel and Zahner.

At Chicago 0 2 0 0 0 1 0 1 0-4 0 0 0 1 0 0 0 1 6-8 Washington, Chicago. Stockdale and McGuire: Battrries: Stratton and Moran.

At Cleveland—First game: altimore, 1 0 3 0 2 0 0 0 0—6 leveland, 0 1 0 0 0 0 0 1 0—2 Baltimore. Cleveland, Batteries: Esper and Robinson; Young and O'Connor.

Second game: Baltimore vs. Cleveland; second game called end of the first inning on account of rain. At New Orleans:

New Orleans, 0 0 0 1 0 2 0 0 0-3 Little Rock, 100120000-4 Batteries: Fifield and Corcoran; Ely and Gending.

At Roanoke Roanoke, 2200000000-4 ortsmouth. Batteries: Gaffney and Ganzell; Leach,

At Petersburg: Petersburg, 4 0 0 0 0 0 2 1 1-8 0 0 0 1 0 3 0 1 0-5 Richmond, Dunkel and McClung; Batteries:

Flynn and Vetter.

Flynn and Foster.

# Col. Alspaugh for Collector.

#### Special to the News and Observer. WINSTON, N. C., May 8.

Col. J. W. Alspaugh, of this city announces himself a candidate for the collectorship of the Western North Carolina Internal Revenue district. He has some strong endorsements which were mailed to President Cleveland to-night.

# Texas and the Silver Question.

Dallas, Texas, May 8.—Chairman Dudley has called a meeting of the Executive Committee of the Democratic party of Texas to be held at Dallas, May 27th, for the purpose of defining the position of the party on silver. He says the issue now must be met, and the party united for action next year.

## The New Y. M. C. A. President.

Mr. T. Henry Briggs has been chosen President of the Y. M. C. A. for 1895. Mr. Briggs stands high in the esteem and confidence of the people, and is as active as he is effective in pushing forward the great work of which he is now the official head. No more healthful influence enters into the life of young men than the altruistic atmosphere of the Y. M. C. A., and the executive ability of Mr. Briggs is expected to focalize the noble intents of the Association toward their desired end.

## Critical Illness of Judge Green.

Major William A. Guthrie was in the city yesterday. He had started from Durham to Chatham Court, but on the way met Judge Womack returning. Judge Green had adjourned the court ou account of a sudden and severe attack of his old trouble, asthma, and he is reported to be lying in a critical con-

### A King's Daughters' Entertainment. The Mission Circle of Kings Daugh-

ters will give another of their delightful entertainments this evening commencing at 8 o'clock, at the residence of Mr. W. A. Myatt, North Blount street. The programme will consist of music, recitations, etc., and all the delicacies of the season will be served. A pleasant time is promised all who attend.