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THE LARGEST CIRCULATION OF ANY NOPTH GARDLINA DAILY.

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HOLMES CASE

HIS SENIOR COUNSEL CHARGED WITH BRIBING HIS WITNESSE ..

MOTION FOR NEW TRIAL ARGUED

The New Evidence Claimed to Have Been Di covered Since the Trial Shown to Have Been Manufactured by Hotmes' Leading Counsel. Mrs. Hannigan Confesses in Court that She Received \$20 for Her Affidavit--Talk of Disbarment Proceedings.

PHILADELPHIA, Pa., Nov. 18.—The Holmes case took another sensational turn to-day. The main actor in this, the most startling and unexpected since the celebrated case has become public, was the senior counsel for the defense, Wm. A. Shoemaker. Charges of manufacturing evidence in behalf of the alleged multi-murderer by brib-ing a woman who knew nothing of the case to swear in his favor were publicly made in court, and the manner in which this was received by the court left little doubt in the mind of those present of the gravity of the

attorney's situation.

To-day had been fixed for the argument of a motion for a new trial for Holmes, and Judge Arnold, who presided during the trial of two weeks ago, which resulted in Holmes' conviction for the murder of B. F. Pietzel, was joined by Judges Thayer and Wil-

son, sitting as the court.

The proceedings were begun by Mr. Shoemaker, who arose from his seat beside his associate counsel, Mr. Rotan, and asked that the argument be postponed. He urged that since the verdict had been rendered they had come into possession of new informa-tion and additional clues of vital importance to their case, and which would result in Holmes' acquittal. Subsequent to the trial, he continued, they had obtained information of a person who had known Pietzel when he lived at 1316 Callowhill street; that after much difficulty they had found this person and procured an affidavit. This document the lawyer then produced and read. It was made by one Blanche A. Hannigan, and was, in substance, as follows:

In August, 1894, she kept a cigar store at 1239 Callowhill street, and had known and talked with Pietzel, then known as Perry. On August 29, when he was in her store, she told him she would have to leave the store and visit a dying friend, whereupon Pietzel speke of the uncertainties of life, saying he had more troubles than any one would suppose, and that he would not care if it was he who was dying in-stead of her friend. He spoke of his many troubles and added that "the end would come soon, as he could not stand it much longer."

that Mrs. Hannigan would have come forward with her testimony before, but she disliked notoriety and had been out of the city for some time. As soon, however, as she found that there was a life at stake, she had come forward.

Besides, this important new testimony, Shoemaker went on, there were many other clues to be run down, some of which had come to their knowledge as late as Saturday. They, therefore, pleaded for a postponement of the final argument.

District-Attorney Graham rose and asked that before this application be passed upon, Mrs. Hannigan be called to the stand. Mr. Rotan replied that they had a great deal of trouble to find her: but the affidavit had been procured by John Sweickler, a detective, and that counsel could not permit her to testify until they had an opportunity to examine her privately and sift the truth of her statements. In reponse to questions from the court, Mr. Shoemaker then said that the affidavithad been written by himself at the dictation of Mrs. Hannigan.

Upon this, Mr. Graham arose and with the utmost gravity, said it became his duty to make a painful declaration. During the early part of the recent trial, he had received information that efforts had been made to procure false testimony by bribery. At that time he had merely instituted sharp watch. Later, he learned that these efforts were being prosecuted to the end. Thereupon he sent for the person thus employed to furnish evidence, and she was in court at the

present time. "I will produce her and show that she was employed by Mr. Shoemaker; that she was taken to his office and questioned, that she said she knew nothing about the case, and the attormey told her that was all right, and that she was induced, upon the pay ment to her of \$20, to sign the affida vit, which had been already prepared.'

This declaration came like a thunderbolt. Mr. Shoemaker grew pallid and the Judge's eyes opened wider and it was some moments before the buzz in the court room could be stilled. Then MrRotan tried to protest against this impeachment of his colleague, and Shoemaker made an attempt to be heard, but the court ordered that the witness be first heard. Mr. Graham here said he first desired to call detec-

Mr. Grier, upon being sworn, told the whole story. During the trial he was called upon by Jno. Sweickler, who said that Mr. Shoemaker had asked him for the typewritten affidavit. This position of the charge. was even before the woman had been looked for. Mr. Grier submitted the mater to the district attorney and, on matter to the district

turn, took her to Shoemaker. After several interviews with him, she signed the affidavit and received the money in two ten dollar bills which she had marked with her initials for the purpose of identification.

The supposed Mrs. Hanngan, who said her name was Margaret Reah, took the stand, and corroberated this story in detail, producing the money.

She declares that Shoemaker had neither read or told her of the contents of the affidavit, and she signed in absolute ignorance. The state-ment made in court by Mr. Shoemaker

false in toto. Mr. Shoemaker here arose and excitedly cried: "I did not say so. I ex-

that she had dictated it to him was

One after the other the three judges interrupted him with "there is no doubt whatever of your having said

The district attorney then declared that he had a copy of the affidavit made and in his office before the wo-man had been found.

Mr. Shoemaker then pleaded for time to rebut these charges against his character, and Judge Thayer meaningly retorted "You are certainly in a position requiring thoughtfulness.'

John Sweickler was next called, and he, too, corroborated the preceding witnesses, saying that he was first employed by Shoemaker to get the wo-man on November 4, the second day of the trial. Four or five days afterwards Mr. Shoemaker dictated the affidavit to a stenographer. This was before the woman had been procured.

After Sweickler had been given the affidavit he turned it over to Detective Grier, who said he would procure the woman. Mr. Graham was pursuing into the inquiry about the making of the affidavit when Shoemaker excitedly jumped to his feet and said: "I will acknowledge that I dictated the affida-vit to the stenographer."

"Sit down; don't say a word," muttered Rotan and a number of other lawyers, whispering to Shoemaker, in the midst of which Sweickler emphatically repeated: "Blanche Hannigan was not known and had not yet been procured when this affidavit was pre-

During all this scene Holmes sat in the dock, his cold blue eyes leveled at Shoemaker, a sneering smile on his

Shoemaker, his face livid with excitement, finally broke from his colleagues and exclaimed to the court:
"I ask if I will have an opportunity

to refute these charges." "At the proper time, sir, and in the proper place," interrupted Judge Thayer, severely.

But the dismayed attorney went on and whipped himself almost into a frenzy. Tears stood in his eyes and his voice was hoarse and broken as he cried, "I am sure I can show my in-nocence of anything reflecting upon me as a member of this bar. This is ad would come soon, as he could not tand it much longer."

All his actions and words tended to show thoughts of suicide. In presenting this affidavit Mr. Shoemaker said myself. I appeal to the members of the press," turning to the score of reporters seated near by, "to withhold all that has been said against me in this court to-day until I have had an opportunity to clear myself of this charge.

Judge Thayer again cautioned the "Under the present condition of affairs, sir, I think you will find safety in silence," he said impres-

Here Mr. Graham publicly announce ed that no shadow of reproach attached to Mr. Rotan in the matter and the members of the court, individually expressed their appreciation of that fact. Mr Rotan showing evidences of his grief at the painful scene thanked Mr. Graham and the court for this statement.

Bessie Hamill, the stenographer to whom Shoemaker dictated the affidavit, then declared the circumstances, saying that no one but the attorney and herself were present at the time

Mr. Graham then said that as this affidavit, with its so-called new evidence, had been made the basis of the application for the continuance, and as it had been proved a fabrication, the application should fall.

The court sustained him and ordered the argument for a new trial to proceed. Mr. Rotan made the closing address to the court but developed no new contention, simply maintaining that Pietzel had committed suicide and that the commonwealth had produced no evidence to controvert that assertion.

At the conclusion of the argument, Judge Thayer, speaking for the court, said they would give the case their gravest consideration. Then turning to Mr. Shoemaker, the judge said: regret that I have a very disagreeable duty to perform towards you, a member of this bar and an attorney of this court. In view of the developments of this morning and the testimony of the witnesses whom you have heard conrning the use you attempted to make of the affidavit you procured, the court feel it to be their duty, no other path being left open, to hold you in \$1,500 bail to answer the charge of suborna tion of perjury and in default of bail

to stand committed." "The bail, is here, your honor," said the accused attorney. Court was then adjourned and bail was entered at side bar, Milton Jackson, Shoemaker's father-in-law, becoming bondsman. Judge Arnold stated privately that the court was contemplating disbarment proceedings, but nothing would be one in that regard until after the dis-

Mr. Shoemaker declined to be interviewed.

He said that the blow was a cruel and a very sudden one and he felt that and, on his advice after the his whole future hung in the balance, but he would not discuss the matter introduced her to Sweickler who in at this time.

RECOVERING THE DEAD

SEVENTEEN VICTIMS OF THE MOTOR CAR HORROR FOUND.

ONE OTHER IS STILL MISSING

Crowds Witness the Dredging of the River and the Taking out of the Life. less Bodies Creates a Dramatic Scene ... Mystery Still Surrounds the Accident .- The Motorman Arrested on a Charge of Mans aughter -- Coroner's Inquest Over the Dead Bodies To-day.

CLEVELAND, O., Nov. 18.—The life saving corps and boat crews were on the river early this morning in an endeavor to recover additional bodies of the victims of Saturday night's terrible street car disaster at the draw bridge of the Central viaduct. Shortly after ten o'clock, the body of a woman was brought to the surface of the river and was later identified as that of Miss Martha Sauernheimer. She was a sister-in-law of Mrs. John A. Sauernheimer whose body was recovered Saturday night. It is believed that there are at least one or two bodes still in the river and the dragging of the water will be continued.

It was the worst accident that had ever happened in this city, and the story of how the motor car, loaded with men, women and children, had plungeu through the open draw, straight down a hundred feet into the river, has been told over and over again. Thousands of people remained by the river bank all last night, and thousands more were there early this morning. Great crowds are still standing on the bridge above the wrecked car and about the place where the wreck age is buried in the river, eagerly discussing every detail of the accident.

The first reports of the disaster have been verified in every particular, with the posible exception of the number of victims, which is a trifle smaller than was at first supposed. The work of rescuing the bodies of the victims has gone on steadily since 9 o'clock Saturday evening, and it is now believed that nothing more can be done until the last bit of the wreckage of the car has been removed from the

Scenes about the river while the work of rescue was being prosecuted were pathetic in the extreme. The thousands of people who had assem-bled waited with bated breath for the discovery of bodies. It was a sad crowd, and out of respect for the un-fortunate dead, but very little noise was made. Occasionally the wild scream of some frantic woman, who believed some one dear to her was among the unfortunate ones, would echo over the flats, only to be taken up at a distance by some other woman whose heart was breaking over her

the river. Patrol wagons dashed this way and that, their bells clanging, adding to the din and confusion. Ambulances dashed up to the scene, only to turn and drive away again, carrying the remains of other unfortunates. It was almost impossible to work with any system. The crowd pushed its way as near the scene as possible, and the efforts of the large force of police

to maintain order were almost in vain. It was with great difficulty that a body, when recovered, was taken to one of the dead wagons. Four bodies were found almost at the same time They were placed on stretchers and the solemn march to the ambulances started. As the bodies were passed from the fire-boat to the willing hands on shore, an aisle was made and the bodies passed along. Every few minutes some woman would step out from the crowd, peer into the face of a body as it passed, and "It's not him, thank God," she would say. And so the sad procession moved on.

As the body of a young boy was taken from the fire boat, an old lady nearly fell into the river in her anxiety to see the face of the dead boy. She would not be put back. She threw herself on the body, looked into the face, and cried: "Thank God!" Falling upon her knees, she raised her voice to Heaven, and prayed as only a mother could under the circumstances. Pressing close aroud her were anywhere from 1,000 to 5,000 people. Those who could see her raised their hats, and

not a few joined her in prayer. At another spot two men were trying to hold an almost distracted woman. She believed her husband was on the ill-fated car, and was almost insane with grief.

All the time the search was going on cars kept running over the viaduct Both rails from the west to the east approach of the bridge were blocked with people. In the center of the bridge men, women and children went this and that way, screaming, jostling each other, women tearing their hair and calling upon God to save their dear ones. Women fainted and were trampled on by the mad, rushing, and insane crowd. It was impossible to keep any kind of order, and the effort vas finally abandoned.

From the dizzy height the thousands of people who occupied positions on the bridge itself watched the proceedings below. Their view was unobstructed and they saw everything that tool place. The second body was brought to the surface, those on the bridge re ported to those in the center of the bridge, and then a rush to the rail was made by hundreds.

The number of victims was in creased to sixteen to-day by the discovery of another body in the river. All of the dead have been identified but two persons who were supposed to have been on the ill-fated car as it sity. Score 6 to 4. It was a beautiful

ing, and there seems to be no doubt that their bodies will be taken from the bottom of the river when the eavy iron trucks of the wrecked mo

tor are raised.
Rogers, the motorman, who jumped from the ear and thus saved his life has been bound over without bail for two weeks, during which time a thor-ough investigation will be had into the

The coroner's inquest will be begun to-morrow morning. It was definitely settled to-day that one of the safe guards provided by the street railway company at the Central viaduet drawbridge to prevent accidents has been out of order for three weeks.

The body of the seventeenth and probably the last victim was recovered rom the river this afternoon. It was that of Matthew Callihan and it was buried in the mud where the trucks of the motor had been.

FOR PLACES IN THE HOUSE.

Republicans and Populists New in a Lively Scramble.

WASHINGTON, D. C., Nov. 18. Quite a lively fight is going on here for the offices of the next House This time the Democrats are strictly "not in it." There is no contest for Speaker. It will go to Reed by unani mous consent. The colored Republicans are demanding the selection of a negro preacher as chaplain of the House, and are prepared to make a fuss about it if their demands are ignored. One of them said: "We furnish most of the votes of the Republican party in the South; we hold the balance of the power in all the doubtful States; we don't ask much, but we do think one of our number ought to be allowed to pray for the party. We have more religion than any others in the party, and can pray better. And none of 'em need praying for"
Mr. J. B. Fortune, who represented

Cleveland and Rutherford in the last State Senate, is here, and is said to be a candidate for Doorkeeper of the House of Representatives. This means that he is a candidate for a position under whoever is elected Doorkeeper, and that he expects to "play" North Carolina members in the way deemed best to secure himself a job This is practical politics, and "they all

He bases his candidacy on the belief that the time has come when the South ought to be recognized and is particularly anxious that the Republicans from the Southern States should hold a caucus just before Congress meets and decide to support either Mr. Tipton, of Tennessee or himself.

Senator Marion Butler attended here Saturday night the reception given to the delegates of the nineteenth gen-eral assembly of Knights of Moor of America, and was one of the principal orators of the occasion.

The reception was given at the Builders' Exchange Building, on 13th street, and was a most brilliant affair. The hall was crowded to the doors with a large and representative audience and was decorated with shields

and flags. Senator Butler was greeted with applause when he arose to speak. The Senator said that he was glad to be with the Knights; that he was a member of the Farmers' Alliance and was sure there was a kindly feeling existing between the two organizations, because they were fighting in a common cause If they would only combine, he said it would not be long before prosperity will unite the country.

Prof J. M. Tiernan and wife, "Christian Reid," who have here, have returned to North Carolina Prof. Tiernan is as strong a silver man as ever; and if anybody else residing in Mexico, who went out from North Carolina, wants to tackle him on the silver question, he can send a dozen more home on the shutter.

Col. Julian Moore, of the Treasury Department, received a telegram this morning from his brother-in-law, Dr. R. T. Weaver, of Northampton county stating that he had been stricken with paralysis and was not expected to re-cover. Dr. Weaver for several years was one of the leading physicians of Jackson. Colonel Moore leaves tonight by boat for Northampton.

DENOUCES YALE UNIVERSITY. Mrs. Ed. M. Poteat Says She Had Rather Send Her Boys to Hell.

NEW HAVEN, Nov. 15 .- Mrs. Edwin M. Poteat who declared in the meeting of the Christain Workers' Association that she would sooner send her boys to hell than to Yale, said Saturday: "I believe exactly what I stated re

garding Yale University. I desire, however, to make this qualification, ' would as soon send my boys to hell as to Yale were I not here to protect them.' I have since been warmly congratulated by many a mother for the words spoken.

E. M. Poteat approved of his wife's remarks, but added: "Mrs.Poteat's temperament, her bringing up, her sensitiveness on certain matters have much to do with her feelings or those subjects. To persons who have not been brought up to regard smo king as a vulgar habit, it may not be considered as such, but when she see a student smoking on the street it at feets her strongly with aversion to the habit and practice. When she sees student drunk on the street it makes every fibre of her body tingle with indignation, owing to her nature and her training in the matter.'

LEXINGTON, Va., Nov. 18 .- The student team of Roanoke College, Sa lem, Va., was defeated here this afternoon on the Gridiron by the student team of Washington and Lee Univermade the awful punge are still miss- game, masterly played by both sides.

HELP LIBERATE CUBA

FOUR MEN GIVE UP A LIFE OF EASE TO JOIN THE INSURGENTS.

THEY ARE NOW IN NEW YORK

ien. Garcia and Three Other Political Exiles From Luba to Spain Prefer Death to Spanish Tyranny-They Bave Broken Their Parole and are on Their Way to Join Their Friends -Will Start for Cuba in a Day or Two-Arranging Terms of Peace.

NEW YORK, Nov. 18 .- Four men who oluntarily forsook a life of ease to ake up arms for the independence of cuba, with the full knowledge that their apprehension anywhere on Span-ish territory means death to them, reached this city to-day on board the French Line steamship La Champagne. They were Major-General Claxsto Garcia, Mariano Aberiche, Alfred Arango and M. Soto.

Claxsto Garcia achieved distinction in the ten years' war for Cuban independence, rising to the rank of Major-General of the revolutionary forces. Being taken prisoner during that war, ne was sent to Spain for trial. Powerful court influence was brought to bear in his factor and his life was spared on condition that he would pend the remainder of his life within he confines of the city of Madrid unless permission was given him to leave the city by the Spanish authorities. Less than a year ago Alfred Arango, Mariano Aberiche and M. Soto were exiled to Spain with other Cuban insurrectionists. There they met General Garcia, now a man of 55 years of age. Their stories of Spanish tyranny and cruelty so fired Garcia that he determined to do what he could to secure Cuban independence.

A reporter asked General Garcia his plans as he landed from the steamship. "There is nothing much to say," said the General. "I have come to join my friends and do what I can for my brothers in Cuba. I do not expect to stay long in New York, and may start for Cuba in a day or two. The plans have yet to be determined upon.

Senor Arango, speaking with the reporter, said: "In leaving Spain as we have done, we have, of course, broken our parole, but anyway we know how brutally the Spanish authorities treat Cubans; will say we could do nothing else. It is absolutely impossible for a decent man to live under Spanish asked to be allowed to pray with him, rule in Cuba, and it is worse now than

ever it was in the past.

"Death is preferable to such a condition, and the people are driven to fight. General Garcia could not be idle there will come groups of men who will take any risk to help liberate "Let him.

To Arrange Terms of Pea e.

HAVANA, Cuba, Nov. 18 .- It is reported here from Madrid that Calixsto Garcia, the former insurgent leader has gone to New York to arrange with the insurgent junta there terms which will bring about peace in Cuba.

A CHILD BURNED TO DEATH.

Morning's Service. Special to the News and Observer.

WINSTON, N. C., Nov. 18. A fourteen-months-old baby of G. G. Fox, of this city, was fatally burned this morning. The mother left the this morning. The mother left the house to go after a bucket of water, leaving the little one sitting on the floor near the stove. When she re-turned she found the child's clothing burned off and its face and hands almost in a crisp. It died this afternoon. The religious tidal wave is still hovering over Winston-Salem. There were 150 professions yesterday and to-day. Mr. Fife says the meeting may close

with to-morrow morning's service A number of Northern sportsmen went over in Davie county to-night to

The Episcopal church yesterday raised \$1,459 on a \$2,000 debt on the

State Aid to Higher Education.

COLUMBIA, S. C., Nov. 18.—The Constitutional Convention to-day took up the report on education and discussed Watson's amendment to permit the legislature to support the present higher educational institutions in stead of compelling it to act as the

committee and report provides. Three days of continuous debate has been indulged in, with the result that those who favored leaving it to the discretion of the Legislature won by a vote of sixty-three to forty-nine

The South Carolina College has been a bone of political contention for years, one side wishing to destroy it, and the other to maintain it. friends of the college fear that the vote to-night indicates that its tenure of life will be most uncertain in the

LYNCHERS NOW ON HIS TRAIL. A Tegro Fiend Shoots and . Kills a 12. Year-Old White Girl.

WINSTON, N. C., Nov. 18 .- officers and a mob of citizens are to-night on the trail of a negro fiend, Bob Scales. who yesterday shot and fatally wounded the twelve-year-old daugh er of Thomas Belton, white, near Madison. Scales is sixteen years old. He tried to persuade the girl to accompany him on a walk and when she reused he shot her. He will be lynched

THEY MADE HIM AN EXAMPLE.

Lynching of James Goines for Assault on Little Jones.

FREDERICK, Md., Nov. 18 .- The lynching Saturday night of James Goines, who assaulted Miss Lillie Jones at the home of Hamilton Goisbert, near this city, was conducted in a determined manner. He was taken from the jail by a mob of 300 men and hanged to a tree in a field on the Jefferson turnpike, one mile from the

An erroneous report reached the city about midnight that the woman had died from the cuts and beating inflicted by the negro, and this infuriated the men, who had been gathering in the streets and discussing the out-

A mob was quickly organized, and, unmasked, but armed with revolvers, the men marched to the jail. They had previously broken into a machine shop in the neighborhood of the jail and procured sledges, crowbars and files. They made at once for the door on the west wing of the jail, and be

gan to batter upon it.

Fully twenty shots were fired from the windows above by Sheriff A. H. Zimmerman and his deputies, but the mob paid no attention to them, and went on with their work. The jail bell was rung to summon assistance, but none came.

In twenty minutes the larger door panels gave way under the heavy blows, and the mob burst into the corridor. They quickly overcame the slight resistance the officers on the inside were able to offer, and found the cell in which Goines, cowering and crying, was confined.

The lock was opened, the bolt swung back, and the trembling wretch seized and dragged out in his night elothes and stocking feet. In the meantime the friends of the lynchers on the outside had lowered an electric lamp near the jail and cut the rope from it, extinguishing the light.

Goines' feet and hands were then tied of the crowd, the rope placed around his neck, and he was hurried down the road to his place of doom.

He protested his innocence as they dragged him along, and begged them not to kill him. He was promptly rec-ognized by a number of men who knew him, and the mob did not hesitate in its work.

Arrived at the tree, the negro was asked to confess, but this he would not do. Two officers of the Salvation Army and their request was granted. The Lord's Prayer was then repeated, and the negro and most of the crowd joined in.

Goins' feet and hands were then tied under such a state of affairs, and there and the rope was drawn around his are many natives of Madrid who symneck. A man seized the other end of and the rope was drawn around his with us. On every steamer it, climbed the tree and threw the cord

> "Let him go," was shouted, and quick as a flash he was jerked from his feet and hung dangling in the air six feet from the ground. One shot was fired into his body, and in a few minutes he was dead. The mob during the process of lynching observed order; no one was allowed to fire at him except the one.

A member of the mob made a brief speech, in which he said they were there with the unfortunate wreich not The Fife Meeting May Close With This in the spirit of malice, but to make an example of him and to teach his race that they must let the women of Frederick county alone.

The assault for which Goines suffered death was a cruel and distardly one. Miss Jones has thirteen cuts and stab wounds on her body where he hacked at her with a knife and razor. She says he asked her for something to eat, and when she gave it to him he

"I will give you a dollar." She screamed and ran fifty feet down the garden, where he overtook her, knocked her down, nad cut her, also crushing her nose.

The field in which the negro was

lynched is the same spot the negro Biggus was lynched on in November, After watching the body swinging in the air a few minutes, the crowd

left it dangling there and dispersed. Early this morning his body was viewed by a thousand or more persons before the authorities took charge of his body. His parents, who reside here, will bury the body to-morrow. Goines was about twenty-four years of age, and a desperate character. His weight was about 190 pounds, and his face bore a hideous look. Miss Jones was employed in the family of Mr Wiliam Geisbert, near this city. She is a buxom girl of about twenty-three years of age. Her condition is regarded as critical.

Killed by an Escaped Prisoner

MARTINSVILLE, W. Va., Nov. 18 .-Constable Lemasters was sent yesterday to Pleasant Ridge by the sheriff to re-capture James White, an escaped The constable deputized Barrett and Hobbes, farmers, to assist him. Lemasters knocked at the door and White shot him dead. The deputies opened fire, but White wounded and disabled them both, Hobbes being fatally wounded. White escaped.

The Alliance Will Test Its Legality.

Special to the News and Observer. ASHEVILLE, N. C., Nev. 18.

Buncombe county Farmers Alliance has passed resolutions endorsing the action of the State Alliance in denouncing the lease of the North Carolina Railroad, and decided to raise money to assist in testing the legality