The Weather To-day: {FOR NORTH CAROLINA:} GENERALLY FAIR.

The News and Observer.

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LEADS ALL NORTH CAROLINA DAILIES IN NEWS AND CIRCULATION.

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RAILROADS MUST FACE THE ISSUE

Simonton Does Not See Any Need for Delay to Take More Testimony.

RAILROADS LOSE HOPE

AFFIDAVITS COMPILED BY THE STATE COVER THE CASE COMPLETELY.

RAILROADS ACCUSE COUNTY OFFICIALS

Of Being Unwilling to Give Testimony Except Under Compulsion. Whole Afternoon Consumed by Evidence of Sta'e. The Railroads Presented but 282 Affidavits.

Asheville, N. C., Sept. 13.—(Special.)—I am able to state tonight that Judge iSmonton does not look upon the case as one for reference to Commission.

The State has produced such a mass of testimony, so thoroughly covering the case that he does not consider it necessary to take further evidence, and the railroads, he thinks, have introduced about all the evidence they will ever be able to get. As he regards the burden of proof as being on the side of the railroads, he will give them the opening and conclusion of the argument.

The first day of the railroad tax injunction case is at an end and all the starch of confidence is taken out of the railroad attorneys. They are tonight simply fighting for standing room. No longer have they hope of winning the case. We think, however, we will be able to show serious conflict of evidence, that is to say probable cause. This will necessitate a continuance of the injunction and the appoitment of a commissioner to take evidence to settle the matter," one of the railroad attorneys told me tonight. As a further evidence that this is what they are hoping for, affidavits were today introduced setting forth that they had met with great trouble in securing evidence, county officials and assessors being unwilling to give testimony unless summoned by subpoena to do so before a court of competent jurisdiction. Less than two hours sufficed for them to put in their evidence, consisting of 282 affidavits.

The whole of the afternoon session was consumed by the State in reading the court adjourned only its evidence, and at five o'clock about half of the counties had been gone over.

The reading of these affidavits will be resumed tomorrow morning at 10 o'clock.

The preparation of the evidence in this case by the attorneys for the Corporation Commission is something remarkable.

They have 2,735 affidavits, taken in 84 of the 96 counties of the State. Of these 1,206 are from tax assessors, 263 are from members of boards of equalization, 100 are from county officers, 27 from lawyers, bankers and money lenders, and 873 from citizens in various walks of life. These are presented against the 282 affidavits, put in evidence by the railroads, the latter, in great part, coming from railroad attorneys, agents and employes, with now and then a tax assessor or county officer.

The first affidavits presented were by Captain Price for the Southern Railway. There were 157 of them from 39 counties, principally those through which the Southern runs. Only 26 of them are from assessing officers.

Probably stronger ones were by George F. Bason, Southern Railway attorney at Charlotte; A. H. Price, Southern Railway attorney at Salisbury, and by J. Williams, now the Republican sheriff of Henderson county, but for fifteen years the Southern's agent at Hendersonville.

From Wake county there were four affidavits, one from Vice President Andrews, one from John Campbell, Mebane, dealer in railroad securities in New York, and two from Weldon I. Smith, clerk of F. H. Busbee, Southern Railway attorney.

In one of Smith's affidavits he makes the following comparison of values taken from books in register's office and values on tax books.

Residence of W. H. Worth cost $4,000, tax value $2,600; residence of Judge Purnell $5,000, tax $4,000; residence of Clerk Russ $3,100, tax $1,900; farm of Judge Montgomery, $2,100, tax $1,000; residence of C. C. McDonald $5,500, tax $3,000; tenements of O. J. Carroll, $5,900, tax $4,300; lot of H. W. Miller $900, tax $500; lot of J. D. Boushall $500, tax $200; Harding residence $5,600, tax $3,500; store of S. T. Smith $4,000, tax $3,000; another store of S. T. Smith $3,100, tax $2,000; residence of S. T. Smith $4,500, tax $3,000; residence of O. J. Carroll $5,500, tax $4,000; lot of J. C. Drewry, $600, tax $400; residence of Jas. A. Higgs $7,000, tax $4,700; residence of Garland Jones $5,000, tax $3,500; residence of C. T. Baily $3,000, tax $1,750; residence of W. C. Kimball $5,500, tax $4,000; residence of Mrs. S. T. McAden $5,300, tax $3,500; residence of Carey J. Hunter $5,000, tax $3,250; residence of A. W. Knox $4,600, tax $2,750; residence of A. R. Hutchins $2,350, tax $1,200; residence of R. B. Peebles $12,000, tax $6,500; store of A. B. Stronach $20,000, tax $12,000; residence of W. H. Williamson $6,800, tax $5,000.

Col. Andrews' affidavit was much to the same effect, dealing only with property he has from time to time sold.

Mr. Rountree for the Coast Line, presented 8 affidavits, from 26 counties, and Maj. Shaw for the Seaboard, presented, 57 from twelve counties.

All these affidavits set forth that it was a general rule for assessors to value personal property and real estate at about two-thirds or three-fourths its real value. A few of them gave specific instances of sales showing this.

Affidavits were read stating that in Bertie and Duplin counties, commissioners had ordered assessment of standing timber lands at only three-fourths of real value, and in Rockingham county John G. Staples swears this order was made as to all property. Mr. Benton, attorney for the Coast Line then introduced auditors' reports for 1893, 1895 and 1898, calling attention to discrepancy in value of property in the State as shown by the census report and values fixed for taxation.

These he put in evidence as he did also extracts from Governor Vance's message to the Legislature in 1879, and Governor Jarvis in 1883, touching tax values. Capt. Price put in evidence a statement sent out by Treasurer Worth at the time he was advertising the first bond issue to the effect that the real and personal property of the State is taxed at not more than two-thirds of their real value.

This completed the railroad's evidence and court took recess till 3:30 o'clock, when Mr. Pou began reading the nearly three thousand affidavits of the commission.

The affidavits of the assessors were directed to showing, first that they had assessed all property at true value in money; second, that there had been no such concert or agreement to undervalue property for purpose of escaping county's pro rata part of State taxation as charged by railroads.

Affidavits of county officials, sheriffs, clerks, and registers were introduced to corroborate assessors' and show that valuations were full and fair. Affidavits of county commissioners were introduced to show, first that property is assessed at full value and that as board of equalization they endeavored to either raise or reduce assessments so as to bring all property up to its true value and equalize differences in valuation.

Affidavits of citizens generally were to show full valuation and in many instances overvaluation; also to show numerous voluntary and forced sales for amounts greatly below tax valuation.

All evidence concerning valuation of railroad property was introduced to show that, tested by the standard, approved by the Supreme Court of the United States, railroad property is greatly undervalued and relatively much lower than individual property.

Evidence was introduced to show that the commission accepted the railroads' valuation of rolling stock and that the value placed upon this part of the property was extremely low, five engines costing originally $10,000 to $15,000 are valued by them at $3,000 to $5,000, no engine on the Southern being valued at over $3,500. The valuation placed by the roads on their cars was shown to be correspondinly low.

Hearing of the case will be resumed at 10 o'clock tomorrow morning, and I doubt if tomorrow night will see the end of it.

ANSWER OF THE CORPORATION COMMISSION.

The answer of the Corporation Commission filed here today is as follows:

In the Circuit Court of the United States, Eastern District of North Carolina.—Fourth Circuit.

In Equity—Affidavit.

The Southern Railway Company
vs.
The North Carolina Corporation Commission, et al.

Franklin McNeill, E. C. Beddingfield and Samuel L. Rogers, being duly sworn, depose and say each for himself:

That he is a member of the defendant, the North Carolina Corporation Commission.

That the Laws of North Carolina invest them as such Corporation Commission with the power, and imposes upon them the duty of revising and assessing for taxation all the property of railroads and telegraph companies in North Carolina.

That in pursuance of the powers and duties imposed upon them, as aforesaid, they did, during the month of June, 1899, proceed, in the manner required by law, to assess the property of the plaintiff and the other railroads of the State, including the railroads, that have instituted actions similar to the above entitled action against the Corporation Commission and others, and which are now pending in this court, and the property of the Western Union Telegraph Company, which has also instituted a similar action against said Corporation Commission and others; and as such Corporation Commission they fixed the value of said railroads and telegraph companies, including the plaintiffs, at the sums named in the several bills filed by said railroad and telegraph companies, respectively.

That in making said assessment they deny that they acted in any particular in excess of the powers conferred upon they by the Laws of North Carolina as such Corporation Commission and in violation of the rights of the plaintiff or any of the said complaining railroads or the said telegraph companies, or that the assessments made by them of the property of the plaintiff, or of any of said complaining railroads or telegraph companies, or that the assessments made by them of the property

(Continued on second page.)

HALF THE BALL WAS IN HIS BRAIN

J. D. Brinkley, Shot Near Winston, Dies.

THREE MEN ARRESTED

ALL COMMITTED TO JAIL WITHOUT BAIL.

TO AWAIT THE TERM OF CRIMINAL COURT

The Names of the Young Men are Thomas Reid, Bob Cobler and Tom Hudson. Evidence at Their Trial Before a Magistrate.

Winstonfi, N. C., Sept. 13.—(Special.)—G. D. Brinkley, of Yadkin county, who was found here yesterday morning with a bullet hole near his left eye, died last night. Half of the ball was found in his brain.

Three young white men, Thomas Reid, Bob Cobler and Tom Hudson, suspected of knowing something about the shooting, were tried before two magistrates today. The evidence was such that the defendants were committed to jail without bail to await the term of the criminal court.

FILIPINO CONGRESS' REPLY.

To the American Offer of an Autonomous Government.

Manila, Sept. 13.—The correspondent here of the Associated Press has obtained a copy of the reply adopted by the Filipino Congress to the American offer of an autonomous government. The author of the reply was Ambrosio Rianzares, who was offered a position in the Supreme Court, but who failed to appear, and was supposed to be detained by the insurrectionists. The document repeats the arguments contained in the recent appeal to the powers for recognition, and the Filipinos claim that the Americans were the aggressors in the war, and concludes:

"Notwithstanding the foregoing, we could have accepted your sovereignty and autonomy if we had not seen by the behavior of the Americans in the beginning that they were strongly opposed to us through race prejudice, and the high-handed methods of dealing with us made us fear for the future in your hands. Finally, we thank you for your offers of autonomy under sovereignty."

CHIPPEWAS WOULD ENLIST.

Washington, Sept. 13.—Colonel James H. Tillman, of South Carolina, a nephew of Senator Tillman, was at the White House today and asked the President to authorize the organization of an independent company of Indian scouts for service in the Philippines. It is proposed to make Mr. Tillman, who was colonel of the First South Carolina regiment during the Spanish War, captain of the company, and Joseph H. Woodbury, "Hole-in-the-Day," the chief of the Chippewa Indians, of Minnesota, first lieutenant, and some member of the regiment of "Rough Riders" second lieutenant. It is said that many more than a company of Chippewas are ready to enlist in case they are allowed to go to the Philippines as an independent organization. It is understood that the President referred his callers to the Secretary of War.

SAYS HE WON ON A FLUKE.

Palmer, Off for Home, Says He'll See McGovern Again Later.

New York, Sept. 13.—Thomas Palmer, the English bantam weight pugilist who was beaten by "Terry" McGovern yesterday, sailed for home on the American Line steamer New York today.

Palmer looked very spruce and showed no marks of yesterday.

"McGovern is the luckiest man in the world," said Palmer. "I have fought many more battles than he has and have never lost one till yesterday. I did not do myself justice, and honestly I cannot believe I am beaten. He beat me on a fluke. I will meet McGovern again for any amount he can raise. I am going over now to fight Curley. I shall certainly whip Curley, and then I want to meet McGovern. If McGovern will not meet me again I shall retire from the ring and engage in business."

MOVE FOR DISMISSAL.

Molineux's Counsel Serves Notice on the District Attorney.

New York, Sept. 13.—Bartow S. Weeks, counsel for Roland B. Molineux, served notice today upon acting District Attorney McIntyre that he will on Friday move for the dismissal of the indictment for murder against Molineux.

His ground for the motion is in the passage of more than two trial months from the finding of the indictment without a trial. He asserts in his affidavit that no impediment has been placed in the way of a trial but that counsel has been clamoring for a speedy trial without effect.

Officials of Clay county, Ky., refuse to assist Laurel county officials in the safe delivery of the two Griffins in jail there.

WOOTEN WILDLY CHEERED BY LABOR

Eastern Men Folded Their Arms and Smiled.

CONFERENCE ON TRUSTS

WOOTEN, THE TEXAN, HAMMERED THEM MERCILESSLY.

LESS THAN HALF THE DELEGATES THERE

Considerable Disorder Resulted from an Attempt to Round the Delegates into Shape. Labor Delegates had to Struggle for Recognition.

Chicago, Ills., Sept. 13.—The conference on the uses and abuses of trusts and combinations began here today with less than half the delegates appointed by the various States in attendance. New York, headed by W. Bourke Cochran, and Wisconsin were most numerously represented.

The meeting took place in Central Music Hall, and was called to order at 10:30 by Franklin H. Head, the temporary chairman appointed by the Civic Federation, on whose call the conference was arranged. The delegates listened to an address of welcome by Attorney General of Illinois Aiken, representing Governor Tanner, who, by illness was prevented from appearing in person. Mr. Aiken was followed by Dr. Taylor, who welcomed the delegates on behalf of Mayor Harrison.

With the progress of the speaking it became evident that many of the delegations had come with firm convictions for or against trade combinations. The speech of Mr. Wooten, of Texas, delivered during the afternoon and hammering the trusts in a merciless manner, aroused the wildest enthusiasm in the ranks of the labor representatives and the delegations from many Western and Southern States, while the Easterners generally smiled critically and kept their arms folded.

The attempt to round the somewhat shapeless mass of delegates into working form resulted in considerable disorder.

It was resolved finally that the Civic Federation, through its Chairman, Mr. Head, should conduct the meeting today, and that a committee on programme, consisting of one man from each State delegation and one from each organization, national in its scope, should be appointed. Local organizations in attendance were given a voice in the committee by being allowed to vote on the committeemen with the delegation from their States. The labor organization did not secure recognition until vigorous speeches had been made by August Gans, representing the Knights of Labor, and John W. Hayes, also a Knight of Labor delegate.

The non-attendance of many delegates was not unexpected, and Secretary Easley announced that probably a hundred of the tardy ones, including Governor Pingree, of Michigan, would be present at tomorrow's session.

Among those present were:

W. Bourke Cochran, Albert Shaw, of the Review of Reviews; Governor Atkinson, of West Virginia; ex-Governor Foster, of Ohio; Professor John B. Clark, of Columbia University; Attorney General L. S. Smith, of Texas; F. B. Thurber, of New York; Professor Henry C. Adams, of the University of Michigan; Professor J. W. Jenks, of Cornell University; Professor John G. Brooks, of Cambridge, Mass.; Lecturer on Political Economy in the University of Chicago Professor Bemis; Lieutenant Governor Jones, of Ohio; Professor R. T. Ely, of the University of Wisconsin; Attorney General Smythe, of Nebraska.

William J. Bryan was absent, but it is believed he will appear later in the conference.

Chairman Head delivered an address in explanation of the call for the conference.

Professor Jenks followed with a paper under the caption "Problems Before the Conference."

This afternoon the session opened with a paper by Professor Adams on the same subject as his predecessor, Mr. Jenks.

These addresses were received attentively, but it remained for Dudley Wooten, of the Texas delegation, to stir up the enthusiasm of the camp-meeting variety. He was frequently interrupted by cheering.

He spoke in part as follows:

"Accepting in good faith that amendment which the heroic legions of the South resisted unto death on a thousand battlefields, we believe that 'neither slavery nor involuntary servitude, except as punishment for crime, shall exist within the United States or any place subject to their jurisdiction.' And we confidently assert that the commercial and industrial bondage being rapidly imposed upon the toil and talents of 70,000,000 American citizens by the syndicated wealth of a few great corporate monopolies is more dire and dagerous than the slavery which bowed the heads and burdened the backs of the 4,000,000 black men.

"And above and beyond these great written guarantees of equality and justice we look to the lessons of history and appeal to the authority of experience. When we are told that commercial combinations promise golden rewards to the present tendencies of our economic system, we remember that no republic has ever survived the mercenary despotism of merchants and money changers."

The committee on permanent organization met after the afternoon adjournment of the conference. The committee, consisting of one delegate from each State represented, and each organization of general scope, was in part as follows:

Texas, Hon. A. B. Davidson; Florida, John Franklin Forbes; West Virginia, J. B. Harris; South Carolina, B. C. Kaufmann; Mississippi, J. W. Culver; Louisiana, W. W. Howe.

William Wirt Howe was elected chairman of the meeting and after a hot discussion was elected permanent chairman of the conference, though three vice chairman, each to preside during one day were selected. It was a happy solution of what, at one time, promised to be a split. No one was willing to allow a permanent chairman to be appointed to preside at all sessions lest he should favor some faction.

The vice chairman selected were: Thursday, Dudley Wooten, Texas; Friday, Mayor H. B. Johnson, Colorado; Saturday, S. P. Corliss, New York.

After vainly trying to solve the question of a committee on resolutions, the committee adjourned until evening.

At the evening session Governor George W. Atkinson, of West Virginia, and others spoke, and Congressman John W. Gaines, of Tennessee, presented the report of the committee on organization and programme:

Permanent officers, Chairman Wm. Wirt Howe, of Louisiana; first vice president, Dudley G. Wooten, Texas; second vice president, H. V. Johnson, Colorado; third vice president, S. P. Corliss, New York; secretary, Ralph M. Easley.

Special rules of order:

First. That the conference shall hold three daily sessions as follows:

From 10 a. m. to 1 p. m., from 3 p. m. to 5 p. m., and from 8 p. m. until such time as adjournment may be had.

Second, that all papers or addresses shall be limited to 20 minutes.

The report was adopted unanimously.

Chairman Head then introduced the permanent officers of the conference.

In accepting the gavel from President Head, Mr. Howe confined his remarks to thanking the conference for the honor conferred upon him and promising to preside with Attorney General E. C. Crowe, of Missouri, who spoke on the subject of "Insurance Combinations."

He was followed by several other speakers, after which the meeting adjourned.

THE ANTI TRUST MEN MEET.

Chicago, Ills., Sept. 13.—A meeting of anti-trust delegates to the conference was held tonight in the club room of the Sherman House, under the auspices of the local committee which has perfected an organization for the purpose of bringing together the delegates opposed to trusts.

While the promoters of the organization deny that they are attempting to get control of the convention, they admit that they would like to, and say that the object of the organization is so to organize the "antis" that they may "touch elbows" in exigencies.

Several speeches were made by delegates and others in opposition to combinations, among the speakers being Judge W. H. Clagett, of Boise City, Idaho; M. L. Lockwood, of Zelienople, Pa., President of the American Anti-Trust League; D. G. Wooten, of Texas; and J. G. Fleming, of Kentucky.

REED'S PHILIPPINES VIEWS.

Ex-Speaker Thinks We Will Tire of Paying War Expenses.

Portland, Me., Sept. 12.—In a railroad train today Hon. Thomas B. Reed got into a discussion with two Portland men, and plainly expressed his sentiment in regard to the war in the Philippines. One of his seatmates, who is a radical expansionist, remarked that to withdraw our troops from the Philippines now would humiliate our nation before the world. Mr. Reed replied:

"You don't think the Filipinos would chase our soldiers 7,000 miles if they should start for home, do you?"

The Portland man replied that it was not fear of the Filipinos but humiliation in the sight of other nations that was referred to, whereupon Mr. Reed said:

"I have always observed that with individuals the fear of humiliation is exactly in proportion as they deserve it, and I believe the same principle holds good with a nation and with a party. Some people seem to be afraid that these Filipinos will put their tongues in their cheeks at us. They have done that already. They have watched our failure as others have. I don't know how long it will be before the American people get tired of spending fifty millions a year in trying to conquer these Filipinos, but it doesn't seem to me that it will be very long. I can conceive that freedom is just as dear to them as it is to us, and that they will fight for it just as long."

CONFISCATE RAILROAD SCRIPT.

Washington, Sept. 13.—The officials of the Secret Service Bureau have confiscated a number of pieces of Tallahassee Railroad scrip, issued several years ago. A man whose name is not known went to a lithographer here and asked that a shade of red be put over certain letters and figures of the scrip. As the scrip has a close resemblance to $1 silver notes, the printer concluded to consult the Secret Service officials before proceeding with the work. He was told that he had better not do the printing. An officer of the secret service accompanied him to his place of business, and there found the man who wanted the work done. All the papers in possession of the man were confiscated, but no arrest was made. The man said he intended to use the scrip in connection with an advertising scheme, but had no intention of attempting to pass them as currency.

SYMPATHY SHOWN DREYFUS HIS RUIN

But for This he Would have Been Acquitted.

MAX O'RELL'S APPEAL

RUMOR THAT DREYFUS HAD BEEN PARDONED FALSE.

REPORT OF THE RENNES COURT MARTIAL

Council of Revision May Pass on it Monday and Next Day the Cabinet Will Decide Whether Measures of Clemency are Advisable.

London, Sept. 13.—While the papers are full of letters from individuals and several firms announcing their withdrawal from the Paris Exposition and urging the Government to do likewise, there is no intention upon the part of the British Government of taking any such step.

It seems also unlikely that the present agitation will result in any general withdrawal of British exhibits.

Max O'Rell (Paul Blouet) has written a letter to the Daily Chronicle saying that a public expresion of sympathy will go against Dreyfus, adding:

"For God's sake use your influence to stop it. But, for the universal sympathy shown for Dreyfus, whom I personally believe to be innocent, in England and Germany he would have been acquitted. It is a terrible thing to say, but I say it and am not afraid of contradiction."

The evening News is urging the formation of a British legion of honor consisting of persons and firms who will have nothing to do with the Paris Exposition, and publishes a list of over 10 firms and others, headed by Sir William Blake Richmond, R. A., who will not exhibit.

The rumor which was current this afternoon that the Roschilds had received word from Paris that Dreyfus had been pardoned, was absolutely denied by them. Such action, they said, would be absolutely impossible until the Council of Revision passes on the appeal.

Queen Victoria, who is at Ballator, Scotland, is said to be receiving a great number of telegrams and letters from her subects at home and abroad begging her to plead with President Loubet for Dreyfus' pardon.

It is known that the news of the Rennes verdict, which reached the court at Balmoral Saturday night, greatly affected the Queen, who had followed the proceedings with attentive interest.

REPORT OF THE DREYFUS CASE

Paris, Sept. 13.—The Government commissioner attached to the Council of Revision may possibly finish the report on the Dreyfus case before Monday. In that event the Council of Revision will give a decision regarding the merits of the appeal that day, and the following day the Cabinet will decide whether measures of clemency are advisable.

The Liberte announces on good authority that the Government will not convoke the Chambers until December on the ground that the Deputies could not sit legally while the Senate is acting as a high court.

The Republique Franchise says M. Meline, the former Premier, has sent to a number of his political friends a confidential letter asking their opinion regarding the immediate convocation of the Chambers.

Rennes, Sept. 13.—Captain Dreyfus continues in good spirits and his health is fairly satisfactory, although the stomach trouble still clings to him. Mme. Dreyfus visited her husband today and came away looking cheerful. She spent about an hour with him. M. Labori's assistant sees him twice a day.

Most of his waking hours are passed in reading correspondence and Paris literary reviews. He is under the same discipline as prior to the trial and is allowed exercise daily in the prison yard. A canvas screen is now hung across the court yard to prevent him being seen from the windows of houses adjacent and to prevent photographers getting snap shots of him.

A guard of forty soldiers is posted in the prison yard beneath his window and a sentry with loaded rifle and fixed bayonet is stationed on the wall overlooking the second court yard where he takes his exercises.

ARMY TO ASK FOR HIS PARDON.

If Jewish Committee Will Drop the Matter.

Boston, Mass., Sept. 13.—The Post today announces that it has received the following private dispatch from Paris:

"Generals Roget and Mercier have offered on the part of the army to demand from President Loubet the pardon of Captain Dreyfus if the Jewish committee will drop the matter, and on the condition that Dreyfus shall live away from the large cities of France for three years."

THE PONTIFF HAS A COLD.

London, Sept. 13.—A special dispatch from Rome says the Pope is suffering from a cold, unaccompanied by fever, but as a precautionary measure, his audiences have been temporarily suspended.