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GAROLINA

RAILROADS HARD DRIVEN SHIFT THE BASE OF ATTACK

Seek to Show Corporation Commission Hold no Tax Levying Power.

THIS IS THEIR ONLY HOPE

ALGUMENT ENDS, WITH EACH SIDE APPARENTLY CONFI-DENT OF VICTORY.

JUDGE JOHNSON RAILROADS' TRUMP CARD

His Eloquent and Ingenius Argument Marred by Sneering Attacks on the State, the Legislature and the Corporation Commission. Judge Connor's Able and Brilliant Speech for the State.

Asheville, N. C., Sept. 15 .- (Special.)-Argument in the tax case was concluded this afternoon at 5:40 o'clock. The whole hearing has consumed exactly three days. Judge Simonton takes the papers decision later. Twenty days are given counsel to file briefs.

first. They will consume about two

It is hard to predict how the case just closed will be decided. Both sides profess confidence, though, in the case of the railroads, I have a strong suspicion they are whistling to keep their courage up. After having heard all the evidence and the arguments, I should confidently predict, were the case not before Judge Simonton, that the rail-

roads would lose it. .

The last card played by the railroads was their highest trump, to be sure. It turned out to be a nine spot or perhaps THE DEAD MILLIONAIRE ten, but it was the best they could do with the poor hand they held. This final trump was Judge Johnston's speech. He FUNERAL SERVICES OVER THE REMAINS was their prize and surprise box.

Brought here all the way from Philadelphia and paid, it is said, twenty-five thousand dollars for his services, he was designed to startle the natives, convince the court and fling consternation into the Corporation Commission camp, Instead he has abused the natives, ridiculed the Commission and left the court where he found it. It cannot be denied that his argument was ingenious, and even eloquent, but always marred by an the State, Legislature, Corporation Commission or counsel on the other side. Here are a few choice nuggets:

They talk of the State and her proud record; we are dealing with money and not with sentiment. It is not necessary to charge fraud on the part of the Commission, or even knowledge of the rule of undervaluation of property; we may simply credit them with an ignorance of which they will hardly feel compli-They say had they known more-heaven save the mark-they might have arrived at even a higher value. These men occupying such a high and honorable position and drawing an enormous salary think, forsooth we ought to be content because they could have done worse and didn't.

"My friend, Mr. Simmons, tells me the people of North Carolina are honest. I'm glad to hear it. I'm glad Judge Connor told me the Legislature of North life. Carolina was actuated by noble purposes. It's a fact I could not otherwise have obtained.

"The Legislature of North Carolina may know how to create a Corporation Commission with defective powers, but it has a great deal to learn about levying taxes. The Fourteenth Amendment is the safeguard of property from the despoiler. It is to protect it in such cases as these when legislatures are uncertain and courts are unsafe, and we are here today to ask one of its exponents to protect us from its violation by the Legislature of North Carolina.

They claim that a section of the Maroad property on the Corporation Commission. I find that section in a suspicious place and set forth in a suspicious But they tell me the people of North Carolina are honest and its Legis-

lators honorable men. "The Machinery Act is a most remarkable one; it violates the Constitution by prescribing rules, by prescribing different rules and by prescribing wrong rules.

And much more to the same effect he said, all of which was intended to be funny. He said the Corporation Commission had arrogated to itself taxlevying power, that this power was given in broadest letters to the Railroad Commission only, and it was an insult to an intelligent court to contend otherwise. "Of all untenable propositions in untenable cases by men of ability," he thought, "this stood out as the most monumen-

Other speeches of the day were made in the following order: Rountree for the Coast Line; Harris for the State; Shaw for the Seaboard; Hinsdale for the State; Burton for the Coast Line; Con- deavor to reach a settlement.

diously prepared and well delivered.

The first five speeches were made at the morning session of court, and the entire afternoon session was consumed by the concluding speeches of Connor and Johnson. Connor spoke one hour, and Johnson two.

Judge Connor's argument was clear. eloquent and convincing. He first defined the valid legal custom as used in decisions governing this case, and showed that the railroads had introduced no evidence to prove that such custom of undervaluation of private preperty existed in North Carolina. He argued that it was not sufficient to show, as had been done, that there were some specific instances of undervaluation. He picked up a handful of affidavits, put in as evidence of this custom by railroads and read them. In Halifax the undervaluation was placed at seventy to eighty per cent; in Warren, fifty to sixty; in Pen der, seventy-five to eighty, says one affi-davit; another says fifty to sixty; in Brunswick, seventy-five; in Robeson, sixty to seventy-five; in Edgecombe nimety to ninety-five, says one, and another says "Full cash value;" Jones, eighty-five to

"Now this," said Judge Connor. proves our contention that it was not uniformity of custom or concert of action, which is necessary to make their case. It is charged in the bill that it was custom systematic and designed. They have failed utterly to prove it. Mr. Price complains that we have brought here atadavits of money lenders and tax gatherers, have called to our aid publicans and sinners, and Mr. Rountree adds that with all these we haven't got enough. It is exceeding difficult to satisfy them, for we have affida-vits from 87 of 57 counties. Then all join in the cry that the witnesses are interested and unworthy of belief.

It was Edmund Burke, I believe, who said that he found it difficult to draw a bill of indictment against a whole nation. But these gentlemen have managed to draw a bill of indictment against and all evidence and will announce his a whole State. They charge that asses-decision later. Twenty days are given sors have been unfaithful and that the Corporation Commissioners have usurped power and violated their oath. They Fertilizer rate and telegraph tax cases of further. They say laws were can-will be taken up tomorrow, the rate case iningly devised by representatives of the people in the Legislature, to bring about am imposition of unjust taxes on railroads.

"I wish I had time to call Your Honor's attention to the record of that Legislature. It would show how, after long debate, the Legislature rejected a system of taxation that many of us thought unjust to railroads. It would refute suggestion made here that the Legislature intended to do otherwise that justly. Whatever else you may believe I am

(Continued on second page.)

OF CORNELIUS VANDERBILT.

Services at St. Bartholomew's Church Very Simple. The Remains Laid to Rest at New larp, Staten Island.

New York, Sept. 15 .- Funeral sorvices were held over the remains of Corattempt to be funny at the expense of nelius Vanderbilt today in St. Bartholomew's Episcopal church. The church last and 508,374 bales same time in 1895. funeral was preceded by short exercises at the house to which only members of the family and close friends were admitted. The Rev. Dr. David H. Greer, rector of St. Bartholomew's, officiated at both services. From the house to the church the funeral party included Mrs. Vanderbilt, her children Cornelius, Gladys, Reginald and Mrs. Harry Payne Whitney, Mm., K., Frederick K., and George Vanderbilt, brothers of the dead man, Mrs. E. F. Shepard, Mr. and Mrs. W. D. Sloane and their two children and Mr. and Mrs. H. McKay Twombley.

At the church the casket was preceded down the aisle by Bishop Potter and Dr. Greer, the Bishop reciting the first sentences of the Episcopal service beginning "I am the resurrection and the

The first lesson was read by Bishop Henry Morgan Stone, of Trinity church, Newport. Dr. Green read the burial service and the Bishop performed the rite of sprinkling dust on the casket accord-

The services were extremely simple. A choir of sixty mixed voices under the direction of the church organist, Richard Henry Warren, sang the music of the services, and Chopin's Funeral March was played as the procession moved up the aisle. The only floral tributes at the church were from the members of the family. One great cross of roses, or-chids and lillies of the valley and more chinery Act confers power to tax rail- than six feet tall, stood near the casket. Mrs. Vanderbilt walked with her eldst son. Cornelius.

At the close of the church services the casket was taken to the Vanderbilt mausoleum, New Dorp, S. I.

THREE THOUSAND MEN IDLE.

West Virginia Miners Strike for an Advance in Wages.

Hinton, W. Va., Sept. 15.-Hundreds of miners here joined the strikers today. Nearly 3,000 men are now out. Charleston, W. Va., Sept. 15.-Practically the entire New River mining distried is now idle. Three-fourths of the miners have suspended entirely and the rest are working with only a small force. The miners demand an advance of five cents per ton, and the operators claim they have contracted to furnish coal for both Eastern and Western

trade at a figure which will not admit

of any increase in wages. A joint meet-

ing has been called for Monday to en-

TWO DOLLARS, AN

Money Near Shelby.

THEY FIGHT WITH ROCKS

THEN A KNIFE MAKES ITS AP-PEARANCE.

FINALLY ONE OF THEM SEIZES AN AXE

With this he Deals a Blow from the Effects of Which his Opponent, Dan Grigg, Dies Within an

Shelby, N. C., Sept 15.-(Special.)-Today a homicide occurred six miles from here. Bert Beam, a farmer, killed Dan Grigg, another farmer.

Hour.

Grigg's son went to the house of Beam, and a quarrel ensued about two dollars. Briggs then ran up and threw a big rock at Beam and started toward him, knife in hand. As he neared Beam, the deceased stooped to pick up a rock, and at that instant Beam struck him in the head with an axe which he picked up, and death followed in half an hour. Beam was cuting stove wood in front of his door when the fatal quarrel occur-

have good connections. NEW SPINNING COMPANY.

The affair is regretted, as both parties

Will Develop a New Process of Ring Spinning and Twisting.

Boston, Sept. 15.-The Boston Commercial News today says:

"The Rotary Ring Spinning Company has been organized with a capital stock of \$5,000,000 with its main offices in this city. The company was formed for the purpose of developing a new process of ring spinning and twisting, which it is claimed, will largely increase the preduction of cotton mills by making is possible to run spinning twisting frames at a speed than is now practical."

New Orleans, La., Sept. 15.—Secretary Hester's New Orleans Cotton Exchange statement shows that the amount brought into sight for the week ending this afternoon is 230,755 bales against 152,197 bales for the seven days ending September 15th last year, 227,046 bale: year before last and 302,386 kales the same time in 1896; this makes the total amount for the 15 days of the new son to 408,404 bales, against 239,221 bales last year, 372,593 bales year before The statement shows receipts at a United States ports since September of 280,019 bales against 153,754 bales last year, and 232,599 bales year before last; overland across the Mississippi Ohio and Potemac Rivers to Northers mits and Canada 18,279 bales against S. 314 bales last year, and 3,290 bales year before last; interior stocks in excess of those held at the close of the commercial year 49,029 bales, against 22,076 bales last year, and 86,765 bales year before last; Southern mill takings 61,077 bales against 55,077 bales last year and 50. 939 bales year before last.

Foreign exports for the 15 days have been 114,215 bales against 68,535 bales. The total takings of American mills. North and South and Canada thus far for the season have been 104,561 bates, against 75,271 pales last year. These include 43,484 bales by Northern spinner

against 18,194 bales. Since the close of the commercial year stocks at American ports and the 29 leading Southern interior centres have been increased 189,628 bales against an increase for the same period last season of 97,415 bales and are now 443,545 bales more than at this date last year.

Including amounts left over in stocks at ports and interior towns from the last crop and the number of bales brought into sight thus far for the new crop the supply to date is 1,027,302 bales, against 506,787 bales for the same period last

Secretary Hester's statement of the world's visible supply of cotton shows an increase for the week just closed of 53, 902 bales, against a decrease of 10,381 bales last year and an increase of 76,798 bales year before last.

The total visible is 2,645,140 bales against 2,591,238 bales last week, 1,948,-683 bales last year and 1,438,688 bales year before last; of this, the total of American cotton is 2,081,140 bales, against 1,996,238 bales last week, 1,402. 683 bales last year and 912,688 bales year before last and of all other kinds. including Egypt, Brazil, India, etc., 564. 000 bales, against 595,000 bales last week, 546,000 bales last year and 526,000 year before last.

TO ADVANCE PRICE OF FLOUR.

Chattanooga, Tenn., Sept. 15.-At a meeting of the flour manufacturers of Tennessee, Kentucky, Georgia and Mississippi, held in this city, it was decided to advance the price of flour on October 1st. Twenty eight millers attended the AGAINST OLEOMARGARINE.

Georgia Farmers Say Butter Trade is Being Destroyed by Its Sale.

Atlanta, Ga., Sept. 15.—In compliance with requests from farmers and dairymen in all parts of the State the Agricultural Department of Georgia has de cided to begin a vigorous campaign against the sale of oleomargarine in this Two Farmers Quarrel Over State. It is claimed by those who supply the markets of Atlanta and other cities in the State with butter, that their traffic is being destroyed by the sale of oleomargavine which commands half the price—butter being 25 cents per pound, oleomargarine is sold for 121/2 cents. The subject of the sale of oleomargarine in the Southern States will probably be brought before the convention of State Commissioners of Agriculture which convenes here next month.

VERDICT AGAINST CAMERON.

Columbia, S. C., Sept. 15 .- A gentleman who came to Columbia today from Beaufort, S. C., brought the informa-tion that a jury at Beaufort had found a verdict of \$850 in favor of a Jew named David Schein and against Senator Cameron. Schein had sued for \$10,-000 damages for being whipped by

Senator Cameron some time ago.

The fact of the whipping had not been heard of before this time outside of Beaufort. Senator Cameron is largely interested in a hunting club near Beaufort.

SITE FOR COTTON WAREHOUSE.

Pensacola, Fla., Sept. 15.—Representatives of the American Cotton Company of New York, are here endeavoring to secure a suitable site for the erection of immense cotton warehouses. If sites are secured all the export cotton from their compresses in Alabama, Georgia and several interior points will be shipped through Pensacola. This company handles the new round bale exclusively.

POPE WILL WRITE TO FRANCE.

Rome, Sept. 15.—The Pope, while receiving fifty pilgrims from Toulouse, France, today announced his intention to address a letter to the French nation urging an immediate pacification for the sake of humanity and so as not to compromise the success of the Paris Expo-

MPARTLAND THE VICTOR.

New York, Sept. 15.-Kid McPartland of this city, tonight before the Broadway Athletic Club gained a decision over Otto Sciloff, of Chicago, after fighting twenty-five rounds.

WINDS WROUGHT RUIN

HESTERS COTTON STATEMENT. HURRITANE DEVASTATES PART OF NEW-FOUN LAND COAST.

> Several Lives Lost and Havoc Worked Among the Fisheries. The Steamship Corean

> Has a Frightful Passage. St. Johns, N. F., Sept. 15.-A violent hurricane swept this section of Newfoundland last night. The Allan Steamship Corean, from Philadelphia, had a frightful passage; and the steamer Silvia, from New York was delayed twentyfour hours.

Four fishing vessels were driven off the St. Johns coast and three men and oman drowned.

Widespread destruction of fishing premises and gear is reported; and it is feared that there has been much damage, especially loss of life, at more dis-

BECAUSE HE IS A RICH JEW.

Davitt Says This is the Secret of England's Sympathy for Dreyfus.

London, Sept. 15.—The papers are still flooded with Dreyfus letters, the most remarkable today being from Mr. Michael Davitt, the Irish Nationalist member of Parliament. Mr. Davitt says English sympathy for the prisoner is entirely due to the fact that Dreyfus is a rich Jew instead of a poor one and to the desire to injure a rival nation.

"No absolutely inmocent man," continued Mr. Davitt, "was ever convicted twice in any civilized country by a jury of his peers. No civilized country could produce a conspiracy of men educated, cultured and responsible like the French military chiefs to stoop to the baseness and infamy of plotting to ruin an insignificant pretty officer. The supposition is too monstrous to be entertained by a mind unwarped by anti-French feeling. What have you to say about Florence Maybrick? Your Lord Chief Justice is said to believe her innocent. So do many eminent Englishmen and tens of thousands of Americans. Why has she not had a second trial if innocent? She has suffered ten times more than Dreyfus could suffer."

THE SHAMROCK'S TRIAL SAIL.

New York, Sept. 15.—In a light breeze from the west, northwest, varying from six to eight knots an hour, Sir Thomas Lipton's yacht Shamrock sailed over a course of about twenty-three miles today in three hours and four minutes, or at an average of nearly eight knots an

The total elapsed time shows that the Columbia sailed the same distance in her last race with the Defender at Newport, twenty-nine minutes and fortyfour seconds faster, than the challenger, but there was more wind at the Newport race during the windward work, so the comparison is hardly a fair one.

THE BOERS IN UNYIELDING MOOD

Adhere to the Seven Years' Franchise Law.

THE WAR GROWL DEEPENS

THE OUTLANDERS PROTEST AGAINST BRITISH DELAY.

OOM PAUL SEES NO CAUSE FOR WAR

Denies that He has not Sought to Give Aliens Full Political Rights. Still Considering the Reply to Great Britain.

London, Sept. 15 .- A Blue Book containing the last Transvaal dispatch of the Secretary of State for the Colonies, Mr. Chamberlain, relating to the matters which led up to the dispatch being sent, was issued today. The text of Mr. Chamberlain's note is identical with the dispatch as cabled to The Associated Press September 13th. The only important feature revealed is a telegram from the British High Commissioner, Sir Alfred Milner, dated August 31st, referring to the commercial distress and saying:

"I am receiving representations from many quarters to urge the Imperial Government to terminate the suspense British South Africa is prepared for extreme measures and is ready to suffer much more in order to see the vindication of British authority. It is the pro-longation of the negotiations, endless and indecisive, that is dreaded. I fear seriously that there will be a strong reaction of feeling against the policy of the Imperial Government if matters drag. The blue book throws no new light on

the situation as it is today, except to show that the commissioner's patience has reached the obbing point. A published interview with President

Kruger, said to have taken place at Pretoria yesterday is far more important. He is quoted as saying: "I have tried all along to place the aliens in the Transvaal on the same footing politically as the Burghers. Mr. berlain says I have not kept my

promises. This," thundered President Kruger, "I deny."

Continuing, President Kruger is reported to have added: "ane aliens of the Transvaal have the

same commercial rights as the Burghers and have always enjoyed them without interference. I wanted to let them have the same political rights, but they would not avail themselves of this. Roughly there are more than 50,000 allens who have been here more than seven years and have registered, thus being eligible to the franchise. Yet of the British subjects who have availed themselves of it the chief part have been Afrikanders and not English born. This shows that the British in the Transvaal do not want

the franchise. 'In my opinion there is no cause whatever for war. Everything could be set-

tled by arbitration. A second edition of the London Times today prints a special dispatch wewcastle, Natal, dated September 15th, which bears out the British High Commissioner's statement, as it says the outlanders' council has transmitted to the Imperial Government what practically mounts to a protest against further de-

The Times correspondent adds: "There is nothing to confirm the re-ports that the moers will concede Mr. Chamberlain's demands. On the contrary, it is stated that three thousand men will be dispatched to the border immediately after the Transvaal's reply is

sent. Everything points to the prospect of an early conflict." The advices from Cape Town today tend to confirm the pessimistic view of the Times correspondent at Newcastle. The news that a strong force of Boers has been stationed one hour from Ramathlabama, commanding the Pretoria and Johannesburg roads, has created

great indignation at Cape Town. The first battalion of the Manchester regiment arrived at Cape Town today. disembarked and marched through the streets. The soldiers were wildly cheer-ed. After they had been reviewed by Lieutenant General Sir Frederick Walker, commander of the British troops in South Africa, the battalion re-embarked and proceeded to Natal. These troops. forming the first instalment of the reinforcements were sent from Gibraltar to Cape Town.

The Colonial Office has not yet received the formal reply of the Transvaal and the Consul General of the Transvaal here, Mr. Montagu White, does not expect it tonight.

CONSIDERING THE REPLY. retoria, Sept. 15.—The executive is still considering the final reply to Great

All the commandants have been asked to send immediate returns of all the Bur gners available for military duty. A special dispatch from Pretoria says:

"The Transvaal's reply will be on the following lines: "The Transvaal adheres to the seven

years' franchise law, but is willing to consider, and, if necessary, to adopt any suggestions Great Britain may make with regard to the working of the law. Chamberlain's dispatch, the Transvaal death has been reported.

boldly stands by the London convention. It is said that the reply is couched in polite terms.

E FIVE CENTS.

The morning paper editorials regard the crisis as having reached its most acute phase. It is understood that a Cabinet council will be summoned as

oon as the Transvaal's reply is received. At the close of the discussion both Raads met in secret session to discuss the final draft of the Transvaal reply which will be handed to Mr. Conyngham Greene, the British agent, here in the morning. It is understood the reply is courteous, urges the aceptance of the joint conference and maintains the convention of 1884.

PENALTIES PRESCRIBED.

Cape Town, Sept. 15.-The British High Commissioner, Sir Alfred Milner, has issued a proclamation prescribing severe penalties for inciting the natives of Basutland and other districts to rebellion. MARTIAL LAW SOON.

Johannesburg, Sept. 15.—The Eastern Star, of Johannesburg, asserts that a martial law proclamation is being print-

MORLEY SAYS WE REPENT. Those Most Anxious to Rush Into War

Now Anxious to Rush Out. Manchester, Sept. 15.—The Right Honorable John Morley, Liberal member of arliament for Montroseburghs while addressing a peace meeting in this city this evening, at which a son of the late John Bright, the distinguished British statesman and friend of peace, presided, was frequently interrupted by cries of "Majuba Hill," and other anti-Boer demonstrations. In retorting to the in-

terruptions, Mr. Morley said:
"A year or two ago the United States saw only one aspect of war; and what are they doing today? They are repenting. They have their yellow press and we have our yellow press. If I am asked to speak in this hall a year or two later, I will find those who now oppose me

repenting also." HENRY DELEGAL ACQUITTED.

Guyton, Ga., Sept. 15.—Henry Delegal, colored, was today acquitted in the Effingham court, of the charge of criminal assault upon a white woman in McIntosh county. This was the affair out of which grew the Darien riots. Arguments of the attorneys were made at a late hour last night, and the jury remained locked up until noon today when a verdict of not guilty was return ed. The cases of Edward and Malinda Delegal, charged with being accessories to the murder of Sheriff Townsend, were begun this afternoon. These are the last of the Darien riot cases.

TO PROPOSE HIS PARDON

WALDECK ROUSSEAU WILL TAKE THIS STEP FOR DREYFUS.

It Will be Done Tuesday at the Cabinet Council Deyfus to Withdraw Appeal

for Revision.

London, Sept. 15.-The Paris correspondent of the Daily News says the Premier, M. Waldeck-Rousseau, has promised definitely to propose a pardon for Dreyfus at next Tuesday's Cabinet

INSULTS TO FOREIGNERS.

London, Sept 15.—The Daily Mail, which is still booming a boycott of the Paris Exposition, publishes dispatches from Paris and Nice that describe "insults in the streets" to Americans and

British. Its correspondents refer to these incidents as indications that the people of both nations should avoid going to France, especially to the Rivera, and declare that the house agents there are in despair at the prospects of a bad

SEA SERVICE FOR SCHLEY.

He is Assigned to Command the South Atlantic Station.

Washington, Sept. 15.—Some time ago Admiral Schley applied to the Navy Department for sea service. The Navy Department has now granted the request and has notified him to hold himself in readiness for sea. He has been assigned to command the South Atlantic Station, and the Department is about to take steps to make the command commensurate with his rank by increasing considerably the number of vessels on the sta-tion. The Cincinnati probably will go there; the Detroit is already on her way to join and the Marblehead is Ekely to be attached. Altogether there will be about five or six ships on the station when the quota is filled. It is said at the Department that with a threatened war in South Africa which is part of the station, and the disturbed conditions in South and Central America, the South-Atlantic command is likely to become an important one in the service in the near

CONFEDERATE LEADER DYING.

Washington, Sept. 15.—General Harry Heth, the famous Confederate leader, who has been ill at his home, is reported dying. It was thought when he was first stricken last_winter that death would soon ensue, but his remark-

able vitality has kept him up till now. THIRTY NEW CASES.

Key West, Fla., Sept. 15.-There have been thirty new cases of yellow fever "In regard to the other points of Mr. in the past twenty-four hours. One