

## LEADS ALL NORTH CAROLINA DAILIES IN NEWS AND CIRCULATION.

### WILL ASK SIMONTON TO REHEAR THE TAX CASE

As a Result of the Supreme Court's Decision in the Abbott Case.

### RAILROAD COMMISSION HAD POWER TO TAX

And Since the Supreme Court Has Held That the Law Abolishing it Was Unconstitutional and That the Name Was Merely Changed, the Power Remains--Petition to be Heard at Charleston on Saturday December 2.

The decision of the Supreme court in the Abbott case has produced one unlooked for result—a petition on behalf of the State for a rehearing of the Corporation Commission tax case by Judge Simonton.

and telegraph companies, doing business in the State of North Carolina," ratified March 6th, 1891; the revenue and machinery acts of 1890; the "act to repeal the railroad commission," ratified March 6th, 1890; the act to establish the North Carolina Corporation Commission, ratified March 6th, 1890; and the "act to authorize the Railroad Commission, the North Carolina Corporation Commission or such board as shall succeed to their duties, to assess property which has escaped taxation," ratified March 6th, 1890, and held in effect that the North Carolina Railroad Commission had been abolished, and that the North Carolina Corporation Commission, a distinct body, was not clothed with the power of appraising and assessing railroad property, and that its attempted action in the premises was without authority of law.

8. That since the said opinion was filed herein, the Supreme court of North Carolina, in the case of the State on the relation of D. H. Abbott vs. E. C. Bellingerfield has construed and interpreted the same state statutes, and has held that the railroad commission, having the power to assess railroad property for taxation, has not been abolished, but that its name has been changed to that of the North Carolina Corporation Commission; and that the said Corporation Commission is vested with all the powers of the railroad commission, including the power to assess railroad property for taxation. The court accordingly adjudged that D. H. Abbott, the plaintiff's relator is a member of the Corporation Commission and must be restored to such office.

9. That if the opinion of this honorable court should be adhered to, it would appear that the bills of complaint cannot be entertained by this honorable court. This court has jurisdiction of such of said bills as have been filed by domestic corporations only on the ground that the threatened action of the corporation is in violation of the fourteenth amendment of the Constitution. But the amendment forbids only State action, and not the action of individuals or officers of the State who act officiously and without any warrant of law. That according to the said bills of complaint and the opinion of this honorable court, these officers are not empowered even by color of law to assess railroad property for taxation, and are not the agents or instrumentalities of the State in this behalf and therefore it cannot be said that the State is about to deny the complainants the equal protection of the laws so as to raise a Federal question.

10. That the several bills of complaint herein are without any equity for that both at common law and under section 78, chapter 15 of the laws of North Carolina, entitled "An act to provide for the assessment of property and the collection of taxes," ratified March 8th, 1890, the complainants have an adequate remedy at law. That the said section provides as follows:

"No injunction shall be granted by any court or judge in the State to restrain the collection of any tax or any part thereof thereafter levied, or to restrain the sale of any property for the non-payment of any such tax, except such tax or the part thereof enjoined be levied or assessed for an illegal or unauthorized purpose or be illegal or invalid or the assessment be illegal or invalid, nor shall any person be permitted to recover by claim and delivery, or other process, any property taken or distrained by the sheriff or any tax collector for the non-payment of any tax, except such tax be levied or assessed for an illegal or unauthorized purpose, but in every case the person or persons claiming any tax or any part thereof to be for any reason invalid, or that the valuation of the property is excessive or unequal, who shall pay the same to tax collector or other proper authority, in all respects as though the same was legal and valid, such person may at any time within thirty days after such payment demand the same in writing from the treasurer of the State or of the county, city or town, for the benefit or under the authority or by the request of which the same was levied; and if the same shall not be refunded within sixty days thereafter, may sue such county, city or town for the amount so demanded, including in his suit against the county both State and county tax; and if upon the trial it shall be determined that such tax or any part thereof was levied or assessed for an illegal or unauthorized purpose or was for any reason invalid or excessive, judgment shall be rendered therefor, with interest, and the same shall be collected as in other cases, and the amount of State taxes overpaid or declared invalid certified by the clerk and refunded by the State Treasurer."

That in the absence of any allegation in the bills of complaint of inability on

the part of the complainants to pay the said taxes and sue for their recovery, they had an adequate remedy both at common law and by statute enforceable in this court, and no case of irreparable injury is presented.

11. That the several bills of complaint do not disclose the facts upon which the court can perceive that there will result from the collection of the taxes in question such a multiplicity of suits as will authorize a removal to a court of equity. That in several of the cases, the suits to recover the taxes will be few in number, and the decision of one will be virtually the determination of them all. That in the small towns along their lines the taxes to be raised will be so small, as for the purposes of this question to come under the maxim "de minimis lex non curat."

12. That these suits do not present such a case of threatened cloud upon title as will justify a court in interfering in the collection of the revenues of a State, as it nowhere appears that the railroad companies cannot, without inconvenience, pay the excess of taxes involved and recover the same in actions at law.

13. That these views were not presented to the court at the former hearing. Wherefore, upon the foregoing grounds, your petitioners respectfully pray this honorable court to grant to them a re-argument and a rehearing of said causes.

H. G. CONNOR, SIMMONS, POU & WARD, JOHN W. HINSDALE, J. C. L. HARRIS, C. A. COOK, Solicitors for the defendants.

We, James H. Pou, John W. Hinsdale of counsel for the defendants herein, do hereby certify that in our judgment the foregoing petition for a re-argument and a rehearing is well founded and that the same is not interposed for delay.

JAMES H. POU, JOHN W. HINSDALE.

### Increase of Wages Promised.

Centreville, R. I., Nov. 29.—The hands employed in the cloth room at the Centreville Cotton Mills were assured today by the management that their wages would be advanced in proportion to any increase that might be made in other mills of the State. Yesterday afternoon the girls struck and stated that they would not return until they knew how much their wages were to be advanced. Upon receiving the reply today they returned to work.

### INSULT TO THE STATE

Call's Charges Against Taliaferro Thus Characterized.

State Senator H. H. McCreary, One of His Leading Opponents, Declares Taliaferro's Victory Due to His Superior Generalship

Jacksonville, Fla., Nov. 29.—As the charges filed by ex-Senator Call against the Florida Legislature were so widely published throughout the United States stating that Senator Taliaferro was elected to the United States Senate by corrupting the Florida legislature a representative of the Associated Press sought an interview with Senator-elect Taliaferro, but he treats the charges with silent contempt. In order to inform the public at large as to the truth of the charges interviews have been secured from those in a position to speak with authority. State Senator H. H. McCreary, one of the leading opponents of Senator Taliaferro in the Legislature of 1899 says: "There was no cleaner or more gentlemanly contest. Senator Taliaferro's victory was due to his superior generalship and Senator Pasco's over-confidence. The charges of Senator Call are an insult to the Florida Legislature and to the State, and the United States Senate should treat them with the contempt they deserve."

Hon. Frank Adams, President of the Florida Senate, denounces the charges and pronounces them baseless. The Hon. Robt. McNamee, Speaker of the House, says the contest was the cleanest ever conducted in the State of Florida and that Call's charges are unbecoming for some ulterior political motive yet to be disclosed.

### CHARLESTON TO SAVANNAH.

Company Organized to Build the S. A. L.'s New Line.

Charleston, S. C., Nov. 29.—The Chattanooga, Augusta and Charleston railway Company, the new road which the Seaboard Air Line proposes to build between Charleston and Atlanta, and surveys for which have already been made, was organized here today, the following officers being elected: President, E. R. Williams, of Baltimore; Vice-President, J. U. Jackson, of Augusta; Secretary, Henry Buist, of Charleston; Treasurer, E. Goodwyn Elliott, of Charleston. Board of Directors, C. W. Williams, Jr., of Columbia, R. Goodwyn Raitt, S. H. Wilson, W. B. Chisolm and M. Wallace, all of Charleston; Chas. S. Heard, of Augusta; J. U. Jackson, of Augusta; E. R. Williams, of Richmond; J. W. Travis, of Richmond and W. B. S. Whaley, of Columbia.

J. Skelton Williams, of the Seaboard Air Line, was in the city during the day, but declined to be interviewed. The Seaboard Air Line closed by purchase today several options on terminal properties in the city, and at a special meeting of the city council to be held in a day or two rights of way will be asked for through certain streets. There seems no longer to be a reasonable doubt that the proposed road is to be built.

### THE AMERICANS CAPTURE VIGAN

Bombardment by the Oregon, Samara and Callao.

### THE FOE'S FIRE SILENCED

BLUE JACKETS AND MARINES FROM OREGON LANDED.

### WILL HOLD THE TOWN UNTIL DECEMBER

1,700 Filipinos Reported at Tagudin Several Miles North. American Force at Manacapacan Awaits Reinforcements. Aguinaldo Believed to be in Abra Province.

Manila, Nov. 29.—10:20 a. m.—A dispatch from the Associated Press correspondent at Nampacapan, province of Union, dated Sunday, Nov. 29, says: "The Oregon, Samara and Callao, with one hundred and sixty blue jackets and marines from the Oregon, captured the port of Vigan, Province of South Ilocos, north of here today. The Samara and Callao ran close in shore, a sharp shot were fired and then the Samara, Callao and Oregon engaged in a sharp bombardment of Vigan. The firing from the shore ceased almost immediately, and the sailors and marines with a field piece were landed.

"It is reported that 1,700 insurgents, under Generals Tino and Pilar are massed at Tagudin, 10 miles north, and it has been concluded to wait at Nampacapan for the rest of the reinforcements. The American military force was still at Nampacapan Sunday, but a move north was expected to take place Monday. Two companies of the Thirty-third volunteers are on their way north to reinforce the troops at Nampacapan. A later dispatch from Nampacapan says that when the bluejackets and marines landed at Vigan they found that the insurgents had fled. "The navy will hold the town until relieved by the troops which are on their way north.

General Young with three troops of the Third cavalry and a small detachment of Macabebes commanded by Lieutenants Hall, Quinan and Blount arrived at Nampacapan from San Fernando de Union Thursday, November 23rd. They received news of Aguinaldo, from which it appears that he passed north, through Nampacapan, Tuesday, November 21st, while General Young was waiting at San Fernando, 20 miles south. "The rebel chief is now believed to be in hiding in Abra Province. When Aguinaldo passed through Nampacapan all his talk was in favor of continuing the war.

### BELL'S BATTLE AND VICTORY.

Manila, Nov. 29.—10:35 A. M.—(By courier from Mountains to Dayaban, Province of Pangasinan.)—The fight in which Colonel Bell defeated and scattered the rebel brigades of Generals Alejandro and San Miguel, took place on the summit of the mountains, west of Mangalaren, forming the divide between the Dagupan Valley and the ocean. Colonel J. Franklin Bell's regiment, the Thirty-sixth infantry, and Fowler's company of the Thirty-third, left Mangalaren Monday morning and marched twenty-four hours, with four hours' rest, over bare and waterless ridges, along narrow trails and through canons. At daylight November 25th, the troops emerged from a timbered canon upon the divide, running into the rebels' advance guard, who retreated to the main body before shooting. Colonel Bell, who was in advance with the scouts and one company, had the rebels in full rout before the main body of his troops arrived, fleeing down the mountain to the swamps between Mangalaren and Aquinas, leaving ten dead and many wounded and abandoning two Nordenfeldts, one two-inch Krup, one Maxim and one Hotchkiss. They were chased through the swamps and thoroughly dispersed. Colonel Bell captured all their artillery, supplies and clothing, many Maxim and Remingtons, some American Winchester and a thousand rounds of ammunition. The rifles, etc., were abandoned in the rebels' retreat and were scattered along their trail for two miles, the enemy escaping empty handed, with the exception of a few rifles. The women and children in shacks in the camp, had no time to escape. Colonel Rusear, chief of the arsenal, and a few other prisoners were taken. The rebels had artillery trained to command the regular trail from Mangalaren, but Colonel Bell approached from the opposite direction. The rebels are estimated to have numbered two thousand men with some English, Japanese and four Spanish officers.

### LIEUT. GILMORE'S PARTY.

Reason to Hope Their Release Has Been Effectuated.

Washington, Nov. 29.—The following cablegram was received at the Navy Department from Admiral Watson: "Cavite, Nov. 29.—"Wildie reports the capture of Vigan on November 26 by the Oregon's landing force under Lieutenant Commander McCracken with Lieutenant McCormick, Bostwick, Johnson and Captains Williams and Lieutenant Bernabe, marine corps. The landing was covered by the Callao, Tappan command and the Samar, Mustio, command-

ing. Slight resistance. No casualties. Inhabitants welcomed the flag. McCracken is now holding Vigan until relieved by the army. Lieutenant Gilmore is well with seven men 25 miles from Vigan. Received Meyer code letter from Gilmore by Albert Sockhosen, newspaper artist, who was with Gilmore seven months, and escaped. Brought here by Samar. News from insurgents through Spanish sergeant indicates Urdaneta crew killed except the following: Farley, Green, Powers, Burke. Names of the Gilmore party: Wilson, Walton, Vandoit, Elsworth, Briscole, Anderson, Edwards, Peterson. Some wounded were left at Baler. Gilmore has no news of them.

(Signed) "WATSON."

The above dispatch encourages the naval officials in the belief that perhaps by this time the American prisoners referred to have already been released. With the naval contingent at Vigan only 25 miles away to the west, and the army advances probably little, unless distant to the southwest, the town of Bagued is nearly surrounded and there is little chance of the escape of the insurgent force there if they attempt to encumber themselves in their retreat with the prisoners.

Taking the list of prisoners of Gilmore's party, given in the cable from Admiral Watson, as being at Bagued, the records of the Navy Department show that the following men must have been left at Baler, on the east coast of the island where the Yorktown's boat's crew was captured last spring: John Dillon, Charles A. Morrisey, Ora B. McDonald, Wm. H. Rynders, O. W. Woodbury, D. G. A. Venville and A. J. Nyzard.

Altogether the news from both army and naval sources today is positively encouraging to the officials here as indicating the practical end of the opposition of the insurgents in the north of Luzon. So far as known the only formidable force is that left in Cavite province under General Tiras, and that operating in Panay.

### SURRENDERED TO LAWTON.

Manila, Nov. 30.—8:30 A. M.—(Thursday)—It is supposed that the insurgent garrison at Bayombong, Province of Nueva Visaya, numbering from 300 to 500 men, has surrendered to General Lawton, who started for that point with the Thirty-fourth infantry. Captain Nichols, who commands a detachment of the Twenty-third infantry at Zamboanga, Island of Mindanao, has established a provisional government there. The insurgents have surrendered to him four cannon and 200 rifles.

### FOR A STOCK FARM

P. C. Cowling Buys a Thousand Acres of Land.

It is Situated a Few Miles North of Greensboro.

Death of Miss Sarah Bail-y, Devine-Bernard Marriage.

Greensboro, N. C., Nov. 29.—(Special).—Mr. P. C. Cowling, of Chicago, has bought about 1,000 acres of land in the country a few miles north of Greensboro. He proposes to use the land for a stock farm for sheep, goats, hogs and cattle. Mr. Cowling has been in the business for years and is thoroughly experienced. Miss Bernard, second daughter of Mr. Thomas Bernard, of this city, weds Mr. W. A. Devine, of Oxford, tonight. Miss Sarah Bail-y, of Mocksville, who has been so ill at the Normal and Industrial College for some time, died this morning at 11 o'clock. A few others are still critically ill, but seven young women are about well and will leave in a few days for home. The directors of the institution are in session, but did no business except wire for some of the members not present to come. Three new cases of small-pox have developed since yesterday morning, while most of the earlier cases are convalescent. The disease so far is exceedingly mild. The infant daughter of Mr. and Mrs. A. M. Seales, died yesterday; the child was about one month old.

### BLOODY CORPSE FOUND.

Stripped of All Clothing Save Shirt and Shoes.

Jacksonville, Fla., Nov. 29.—The body of a white man, about 35 years old, was found this morning near the crossing of the railroad tracks five miles west of this city. It was stripped of all clothing except shirt and shoes and was covered with blood. The head was crushed in and the ground around about was torn up as though a scuffle had occurred. The murdered man has been identified as Wm. Reynolds. He came here on the Comanche last Monday in search of work. He told a friend that he had relatives at Mount Carmel near New-haven, Conn. He had sent his baggage to Fargo, Ga., and started to walk there. It is said he owns property in Tampa. Reynolds' murderer is as yet unknown.

### The Kentucky Situation.

Frankfort, Ky., Nov. 29.—The Goebel leaders still profess entire confidence that he will be given a certificate of election by the State Election Board. Returns from two remaining counties, Johnston and Elliott, arrived today, making returns for all the State officers complete, but Secretary Finley refuses to give them out. Prominent Republicans who have been in Taylor's councils say the latter is preparing an inaugural address and will deliver it in the State House yard December 12th whether he is given a certificate of election by the State Board or not.

### BLOODY BATTLE AT MODDER RIVER

Fighting Ten Hours Without Water or Food.

### BRITISH WIN THE FIGHT

BATTLE DESCRIBED AS BLOODIEST OF THE CENTURY.

### BOERS SHELLED OUT OF THE TRENCHES

The British Then Charged, and the Result Was Terrible. Methuen Was Opposed by an Army of Eight Thousand Men.

London, Nov. 29.—The War Office has received the following dispatch from General Buller: "Cape Town, Tuesday, November 28.—General Methuen reports: "Modder River, Tuesday, November 28th.—Recommenced at 5 a. m. enemy's position on River Modder and found them strongly entrenched and concealed. No means of outflanking, the river being full. Action commenced with artillery, mounted infantry and cavalry at 5:30; guard on right, Ninth brigade on left, attacks position in widely extended formation at 6:30, and support of the artillery, found itself in front of the whole Boer force, 8,000 strong, with two large guns, four Krupp's, etc. "The naval brigade rendered great assistance from the railway. "After desperate, hard fighting which lasted ten hours, our men, without water or food and in the burning sun, made the enemy quit his position. "General Pole-Carew was successful in getting a small party across the river, gallantly assisted by 300 sappers. "I speak in terms of high praise of the conduct of all who were engaged in one of the hardest and most trying fights in the annals of the British army. If I can mention one arm particularly, it is two batteries of artillery. "A special dispatch from Windsor says that General Methuen's dispatch to the Queen after the battle of Modder River says: "The battle was the bloodiest of the century. The British shelled the enemy out of the trenches and then charged. The result was terrible. "A revised list of the British casualties at Belmont shows: Officers killed, 4; wounded, 22; non-commissioned officers and privates killed, 16; wounded, 225, of which number the Guards had 35 killed and 159 wounded. "A revised list of the casualties sustained by General Hildyard's forces at the battle of Beacon Hill shows: Killed, 13; wounded, 64; missing, 1; prisoners, 8. "CONFIDENT AT LADYSMITH. Ladysmith, Monday, Nov. 29, by Messenger to Moori River.—All here are well and cheerful. The Boers are not shelling today, and we have no fear that they will attack the town. Our position was made very strong with redoubts and breastworks, and we look forward confidently to the ultimate result.

### THEIR FUSION ASSURED.

Silver Republicans' Union With Democrats and Populists Certain.

Chicago, Nov. 29.—The special meeting of the National Committee of the Silver Republican party adjourned today to meet at the call of the chairman, after taking action that practically assures the fusion of the party with the Democratic and Populist parties, the endorsement of the Democratic platform and the Presidential candidate of that party. The sub-committee appointed to decide on the most practical date and place for holding the National Convention and also to report on matters of practical organization for the campaign, including the apportionment of delegates from the various States to the National Convention, submitted its report to the committee today and after a lengthy discussion, its recommendation with one or two minor amendments was adopted. The sub-committee recommended that all of the matters in question be referred for action to the executive committee of which former Senator Fred W. Dubois, of Idaho, is chairman.

### Another Finance Bill.

Washington, Nov. 29.—A call has been issued for a meeting of the Republican members of the Senate Committee on Finance in this city next Saturday at 10 o'clock to consider a general financial bill to be introduced in Congress. It is understood that Senator Aldrich has prepared this bill on the lines agreed upon during the conferences of the Republican members last summer. It is stated that it differs in some important respects from the bill prepared by the House caucus committee. There will be no joint meeting for the consideration of this subject with the House caucus committee. The Finance committee members do not consider the committee of the House caucus an official body.

### The Allen Line steamer Sardinian.

Captain Johnston, from Montreal, October 28th, and Quebec, October 30th, having on board the Canadian contingent for South Africa, 1,000 strong, has arrived at Cape Town.