THE WEATHER TODAY. Showers; Fair.

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# The News and Observer.

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RALEIGH. NORTH CAROLINA. SUNDAY MORNING, NOVEMBER 30 1902.

Dailies

EATHER TO-DAY. r Raleigh: FAIR.

PRICE FIVE CENTS.

# THE ARMY KICKS THE

of 22 to 8.

#### TWENTY THOUSAND SEE IT

Strassberger Makes Brilliant 62-Yard Dash for Touchdown for Navy--Daly's Running Back of Kicks for Army Al-

most Marvelous.

(By the Associated Press.) Philadelphia, Nov. 29 .- In the fourth contest on Franklin Field between the football elevens representing the army and the navy today, the young tars were decisively beaten by the land lubbers by the score of 22 to 8. The first half ended with the score of 10 to 8 in favor of the West Point lads. The latter had made two touchdowns, neither of which resulted in a goal, while Annapolis scoed a toucrdown on a sensational run of 62 yards by Strassburger and forced Daly, of West Point, back of his own goal line for a safety. In the second half West Point's goal was never in danger while they duplicated their performance

in the first half and kicked both goals.

As a football contest it may, without speaking disparagingly of either team, be called mediocre, but as a society event in footballdom, it was a gigantic success. Probably twenty thousand people were present. There were distinguished guests from both fighting departments of the government and prominent citizens from nearly every section of the United States. Former President Grover Cleveon the army side and close to them sat box occupied by Miss section occupied by the West Point way unmolested. Her sympathies were plainly with the Army boys, but perchance as a balm for the Navy lads she was becomingly attired in a navy blue gown. The President was prevented from attending the game before on account of pressing official business and Secretary Root, of the War Department, was unable to be present on account of the serious illness of his father-in-law. He was represented by First Assistant Secretary Sanger, who looked after the Washington guests. In a box close to that occupied by Miss Roosevelt were Major Generals Young and Chaffee and Adjutant General Corbin. They were the guests of Clement A. Griscom, of this city. General Chaffee was particularly elated over the success of the young men who will in a few years direct the operations of Uncle Sam's land forces. It was the first football contest General Chaffee had witnessed since his return from the Philippines. General John C. Bates, commander of the Department of the Missouri, also occupied a box. Between the halves, Miss Roosevelt held an impromptu reception and shool

hands with many friends. A great crowd congregated in front of the box anxious to catch a glimpse of the daughter of the nation's chief executive. At the conclusion of the first half, General Corbin and General Chaffee walked across the field to the Navy side and

condoled with Secretary Moody, who occupied a box with Congressman Adams, of Pennsylvania, and Gillette, of Massachusetts. In a box adjoining that of Secretary Moody were Admiral Sands, Mrs. Sands and their daughter.

The scene at the close of the game was thrilling and spectacular.

At the sound of the referee's whistle, announcing the close of the contest, the supporters of both institutions rushed to the soggy field and time and again, the bands marched around the big grounds, followed by students, cheering wildly. Finally, the West Pointers halted in front of the east goal. A cadet climbed the goal post and planted an Army flag at the top of the twenty foot upright. Not to be outdone by their victorious brethren, the Navy boys made a rush for the same goal and in a moment two orange and blue flags floated defiantly from the top of the other goal post.

As far as scientific football was concerned the game was a failure, but at the same time there were one or two sensational runs. Strassberger's sixtytwo yard dash for a touchdown was brilliant, and Daly's running back of kicks was little short of marvelous, but the safety of the Navy was due to bad judgment on his part. He caught the ball on West Point's goal line and, notwithstanding that both Soule and Whiting were upon him he started to run the ball out. As a consequence he was pushed back and thrown behind the goal. For a time the Annapolis boys held fairly well, but the training of the heavy Army guns on the light craft soon began to have effect, and before the close of the contest the Navy had in an almost entire substitute eleven. Daly outkicked Belknap by twenty yards to each exchange, and had he used a little better judgment the Annapolis boys probably would not have scored. When Strassberger got through the West Point center on a threadbare fake, Daly failed to

the part of West Point's star quarter. The teams lined up as follows: West Point. Positions. Annapolis. NAVY INTO THE SOUP Riley......Grady

Leads all North Carolina

Thompson......R. G......Belknap Graves.......R. T......Reese To Slow Music in the Time McAndrew......R. E......Soule Daly..........Q. B......Smith Hackett ..... L. H. B..... Strassberger Bunker.......R. H. B.......Milne The following substitutes also took part in the game for Annapolis: Michael, Fretz, Farley, McNair, Root,

Rafferty and Metcalf. Summary-Touchdowns: Bunker (2) Daly, Hackett and Strassberger. Goals-Daly (2), Strassberger. Safety-Daly.

Referee-First half, E. N. Wrightingon; second half, John Minds. Umpire-First half, John Minds; second half, Wrightington.

Time-keeper-Truxton, Hare. Linesmen—Graves and Hallowell. Time of alves, 35 minutes.

#### NEW BORN BABE LEFT AT DOOR, ITS MOTHER WILL NOT SPEAK

#### Found at Hospital She Refuses to Give Her Name, Saying That She Seeks a Home for the Child.

(Special to News and Observer.) Wilmington, N. C., Nov. 29 .- A tiny clothes was carefully laid in a willow pasket, was found at the door of Capt. H. C. Twining's residence in the north-Hall, who lives in a miserable hut near treaty. the Walker Memorial Hospital, where hospital, who refused to give her name, the child had been spirited away from the institution a few hours before it was found at the residence some distance

away. The child was returned this afternoon to the mother, who would only say that the basket had been left at Captain Twining's by mistake.

The birth certificate in the department of health bears a fictitious name, and the police are still further investigating the young woman's identity. She only asks that a home be found for the infant, and that she be allowed to go her

## KILLED RESISTING ARREST.

#### A Bad Negro in Henderson Shoots at Two Policemen and is Shot Dead.

(Special to the News and Observer.) Henderson, N. C., Nov. 29 .- A negro named William Johnson was shot to death here tonight at 8 o'clock by two policement, while resisting arrest. It seems that Johnson, who is looked upon as a negro of very bad character, stole; a hog from Mr. Nicholas Chavasse a week ago. Tonight officers A. W. Robinson and R. H. Crockett went to his house to arrest him, and found him cooking the hog. As they opened the door Johnson commenced firing. His first shot went through Robinson's hat, and the second pierced Crocket's clothing. The policemen then shot and killed John-

## FIRE AT WILLIAMSTON.

#### A Block of Wooden Buildings is Destroyed by the Flames.

(Special to the News and Observer.) Williamston, N. C., Nov. 29.-Fire last night consumed that entire block of wooden buildins on the northside of Main street, between N. S. Peele & Co., and the Roancke Hotel. The alarm was made about 11 o'clock and the work of the fire continued until a late hour in the night. At this time but few particulars can be got. The fire started either in W. M. Wilson's grocery store or Mizell & Co.'s bar. Those burned out are: Mizell & Brown, grocery store, Mizell & Co.'s bar, W. M. Wilson, grocer. Amount of insurance unknown.

#### The Raleigh Tobacco Market did Big Work on Friday.

SOLD 75,000 POUNDS.

The Raleigh tobacco market is selling ttobacco these days and the tobacco planters are coming here in increasing numbers, for they get the best of prices

and the best of treatment. warehouses and there was sold about 75,000 pounds of the weed. It kept the tobacco folks tusy handling it.

Each week increases the success of the Raleigh market, and it is felt that it is on a solid and substantial basis.

## Shipments of Tobacco.

(Special to News and Observer.) Winston-Salem, N. C., Nov. 29.-The month aggregated 1,602,365 pounds. The agreement. They were not discharged stamp sales, or revenue collections, were \$110,254.82. The leaf sales were 4,674,553 pounds, for which farmers received \$491,-503.57, an average of 101/2 cents per pound. The sales for October and November aggregated 9,739,553 pounds, which brought \$1,061,682,21.

## Death of J. B. Wagner.

(Special to News nd Observer.) Knoxville, Tenn., Nov. 29 .- J. B. Wageatch him, missing the tackle by a foot. ner, a man of wealth with a large family His dive for the Navy halg back was in Guilford county, N. C., is dead.

# PAY BOILERS BURST AND

## For the Seizure of our Sealing Vessels.

#### Prof. Asser, the Dutch Jurist, Designated as Arbitrator, Renders a Decision in our Favor.

(By the Associated Press.) The Hague, Nov. 29.-Prof. Asser, the Dutch jurist, who has een aritrating the claims of American sealers for the seizure of their vessels by the Russian government about ten years ago, has de livered his award in favor of the United States. He appraises the damages in the case of the American schooner C H. White at \$32,444 in the case of the James Hamilton Lewis at \$28,588; the Kate and Anna at \$1,488, and the Cape

Horn Pigeon at \$38,750. Pro. Asser delivered his judgment in the arbitration court, in the presence of the representatives of the United States and of Russia and others, including the Foreign Minister of Netherlands. Dr. Van Lyndena.

In giving his reasons for the award, Professor Asser held that the schooner C. H. White was seized outside Russian emale infant, wrapped in swaddling territorial waters and that the Russian contention that a warship of one nation was entitled to pursue beyond the boundaries of its territorial seas, a ship of ern section of the city last night. To- another nation guilty of illegal action day the police made an investigation of within those waters, was untenable. The te abandonment of the child, and found arbitrator declared that the jurisdiction that it had been left at the door by a of the State could not extend beyond its colored woman calling herself Madame territorial waters except by special

The dispute was the subject of pro she is reputed to practice witchcraft. tracted negotiations, resulting in an Further investigation disclosed that with agreement in 1900 between Count Lamsthe consent of a young mother at the dorff, acting Minister of Foreign Affairs of Russia, and Herbert H. D. Peirce, United States Charge d'Affaires at St. Petersburg, designing Prof. Asser, a member of the Council of State of the Netherlands, as arbitrator.

Prof. Asser decided June 30, 1902, that the average annual catch should form the basis on which damages should be awarded, which was exactly the contention advanced by Mr. Peirce, who was the advocate for the United States government. The decision carried with it the opinion of the court that Russia must pay damages, and only left for further argument the sum due in each

## COON, COON, COON.

#### A Corking Good Story on Marshal Millikin of the Western District.

(Greensboro Record.)

Anent the late Republican convention held here and the part certain revenue men are said to have had in ejecting the colored brother, a good story is told of Mr. James M. Millikan, United States Marshal for this, the Western District. Mr. Millikan is a native of Randolph county, and being a patriotic Republican he brought over a band from Randleman, most of whom they do say were Democrats. Of course there is a good band here composed of colored men, the old Third Regiment band, but Mr. Millikan had his cue and they were not even spoken to. The United States Marshal was bandmaster, that is he remained with the band in the gallery and gave orders when to play and what to play. It is not charged that Mr. Millikan was selected as "bouncer," or that he had anything to do with selecting these gentry, but it comes straight that when the caucus decided to throw the negro delegates overboard, Mr. Millikan was much elated and turning to his band he said, "Boy, play 'Coon, Coon, Coon," the words of which are: "Coon, coon, coon

I wish my color would fade, Coon, coon, coon

Quite a lighter shade Coon, coon, coon,

smiles, humming the words.

Morning, night or noon, It's better to be a white man,

Than a coon, coon, coon." z z And the band played it, while they further say that the United States Marshal stood by, his face wreathed in

And what makes us sorry it is said that Teddy heard of it and what he is going to do for Millikan will be a plenty, and he may put him to singing, "There's a brand new coon in town.'

## THE BREESE JURY HUNG.

#### Friday there were big breaks at both | Eight are for Acquittal and Four for Conviction.

(Special to News and Observer.) Charlotte, N. C., Nov. 29 .- The jury in the Breese case at this hour, 8 o'clock, is hopelessly hung. Information from the jury room is to the effect that the jury Pearson. During the supper toasts were stands eight for acquittal and four for

conviction. ing case has failed to agree at 10:30 but will remain in conference tomorrow.

## "Cowboy Prince" by Local Talent.

(Special to the News and Observer.) Washington, N. C., Nov. 29.-Supported by a good local company, Robert R. Handy tonight presented his own dramatization of the cattle king, "The Cowboy Prince," at the Brown opera house. It was well handled.

The man who wins a half-mile dash starts out afoot and comes in ahead.

# REPORT

## Explosion's Roar Death Knell for Thirteen.

## ALL IN BOILER ROOM DEAD

The Scene of the Disaster in Swift and Com pany's Plant, Chicago--- The Cause of the Explosion May Never

be Known.

(By the Associated Press.) Chicago, Nov. 29.-With a deafening report, a boiler in Swift & Company's plant exploded shortly after ten o'clock this morning. Thirteen lives were sacrificed and scores of employes, visitors ers were sent through the roof of the structure and hurled hundreds of feet. Nobody within the boiler room survived may never be known what caused the explosion was the result of carelessness

on the part of an employe, whose own life also was sacrificed. Five minutes after the explosion nothing of the building but a pile of twisted iron, bricks and mortar remained. Sheets of flame sprang from the ruins and the spectators realized that it would be impossible to save the lives of those who were caught in the wreck. The ex-

buildings were wrecked, torn and twisted like toys. Men, women and boys at work in adjoining departments were hurled through windows to the ground below. bruises, but most of the victims were hurt to such an extent that it was nec essary to remove them to hospitals. Others were taken to their homes. The list of dead, compiled by the police officers

of the company, follows: H. ARNOLD, colored, taken to Mercy

NAMES OWENS, colored. A. RACHUG, sewer-digger. SIMON TATE, colored, fireman. W. O. O'CONNOR, sewer-digger. E. WRIGHT, colored, fireman.

THOMAS HOLMES, engineer. CHARLES WEBB, colored, fireman. JOHN HENRY colored fireman

CUAT, millwright, died at Mercy Hospital.

- SCHULTZ, millwright. It was rumored that from fifty to a hundred persons had been caught in the wrecked building. This report caused great excitement, and repeated calls were sent for police and amublances. A dozen patrol wagons and as many ambulances were sent from all parts of the followed and soon the flames were being fought from every side While the fire was still burning, police, firemen and employes of the packing firms began digging in the ruins Soon the mangled remains of a man were discovered. At the same time other rescuers were digging with desperation to rescue several victims who were still alive.

Bodies, torn, bruised and mangled were taken from the ruins and sent to the morgues. A boy, scalded from head to foot and bleeding from cuts and bruises, staggered toward the office of the general superintendent, C. O. Young. The bey was Mr. Youngs personal messenger. The lad, however, had been so badly disflured that Mr. Young did not recognize him.

Many theories were advanced as to the responsibility for the disaster. The inspector decided that the explosion had been cause by cold water injected into the boiler, but a majority of investigators held the opinion that the catastrophe had been caused by low water. Nothing was learned, however, and, as all the men in the bailer room were killed, it is not likely the cause of the accident ever will be known. It is not thought that tthe oss to Swift & Company will amount to more than \$50,000.

## Banquet by the Juniors

(Special to News and Observer.) Durham, N. C., Nov. 29.—Tar Heel Council, No. 2, Junior Order United American Mechanies, gave a delightful oyster supper last evening in the Knights of Pythias hall, which is used by the Juniors. Quite a number of members were present with lady friends. The address of welcome was delivered in a most appropriate manner by Mr. C. T. "The Ladies," responded to as follows: by J. J. Lumley; "Lodge Room," by Rev. The jury in the Breese bank wreck- J. C. Troy; "Our Order," by T. B. Edwards, and impromptu responses by T. J. o'clock. The jury filed into court and Lambe and Dr. E. H. Bowling. Rev. J. shipments of manufactured tobacco this made known their inalbility to reach an C. Troy was master of ceremonies. The menu served was oysters in all styles salted wafers, oysterettes, sauce, pickles, coffee, fruit. Everything passed off smoothly and pleasantly.

## Building a Club House.

(Elizabeth City Economist.) Hon. J. E. Reyburn, the millionaire of Philadelphia, is having erected a club house at the mouth of Alligator river, on what is known as Great Shoal. Mr. Reyburn has purchased about 100 acres of marsh land at that place, and the club house is now under construction.

## LEAP THROUGH ROOF Final Figures by the Department's Statistician.

#### Explanation of the Excess of the Commercial Crop of 1901-2 Over the Crop Actually Grown.

(By the Associated Press.)

Washington, Nov. 29.-The final report

of the Statistician of the Department of Agriculture shows the actual growth of cotton in the United States in the year Park. About one hundred were enter-1901-'02 to have been 9,966,478 commercial tained, and the affair was a most debales, of which 115,550 bales were marketed before September 1, 1901, and 9,696,336 bales being carried forward to the year 1902-'03. The commercial crop of the year amounted to 10,663,224 bales, thus xceeding the amount actually grown by 696.746 bales. This excess was due in the main to the very extensive marketing of cotton held over from previous The difference between the statis and others were injured. Huge boil. tician's preliminary estimate of the amount grown, issued December 3, 1901, and the amount of cotton that has come into commercial channels during the year having been used to discredit the statisto tell the story of the accident, and it tician's reports on the crop of the present year, a most exhaustive investigation explosion. A careful investigation today, of the commercial crop and its composihowever, convinced the experts that the tion has been made by the department a large force of special agents having pesonally visited every important point in the South. The results of their investigations are summarized in the fol-

lowing statement: The amount of cotton brought for ward on September 1, 1901, was 528,000 bales, and 198,190 bales of the crop of 1902-'03 were marketed prior to the first of September. There also entered into plosion was of such force that adjoining the commercial crop 172,226 bales of linters and 67.572 bales made up of sample and waste cotton, known to the trade as the city crop. This latter, as will readily be understood, is counted twice, being Many of them escaped with but slight taken from bales already counted in the commercial movement. With regard to linters, the report says that the epormous growth of the seed-crushing industry has resulted in an important addition to the crop, the perfect delinting of the seed which results from the use of improved machinery, contributing to the annual commercial crop an item that can no longer be ignored. An equally exhauspurchase of cotton by Southern mills during the year ending August 31, 1902, amounted to 1,881,532 bales.

## A WOMAN OF MYSTERY.

(Special to News and Observer.) Wilmington, N. C., Nov. 29 .- The United The docket was so heavy that it could not

be finished this week. In Ex. ford, a few days ago, a rather good locking, well dressed young womar stepped off one of the early morn- station. ing Scaboard Air Line trains and regiscity. Extra calls for the fire engines tered at the local hotel. Very soon she went for a walk and returned to the hotel, after having changed her dress. so the daily papers state. He A little later she went into a barber is after the shop and had her hair cut. Then she returned to the hotel, packed up her belongings and boarded the first train go- to legislate and to give greater power ing north. The mystery has not yet to the Inter-State Commerce Commission. been solved.

three years of the same punishment.

Mrs. M. C. Hammond, 414 Orange street, these mergers.-The Common Carrier. was so badly burned by the overturning of a lamp at the family home lest night, n his feeble condition and saved the are well supplied with money, louse from destruction.

## NEGRO KILLED IN AN AFFRAY.

#### Boy Shoots Himself in the Hand--- Death of an Infant (Special to the News and Observer.

Charlie Moore, a negro drayman, cagaged in a fight at the front of Mizell & Coo.'s bar with another negro, Horner. Moore got Horner down and drew his knife to stab, and probably did cut him, when Horner managed to get hold of his pistol and shot Moore in the neck and head, almost instantly killing him. He then made his escape, though hotly pursued by the officers. The coroner's jury today found that the killing was in self-defence.

While out sporting with some schoolmates on Thursday morning, Master Luke Lamb, fourteen-year-old son of Hon. Wilson G. Lamb, accidentally shot a gun load through the palm of his hand, very painfully injuring it.

The intelligence has just been brought up town that Mr. and Mrs. W. A. Ellison, in New Town, have lost their in-

#### agent of the railroad here. Our town is full of material progress. Five new brick stores are building and new enterprises are almost daily springing into existence.

News and

#### SECOND DAY'S SESSION OF THE ACADEMY OF SCIENCE

#### A Number of Papers Presented --- The Member Entertained at an Imformal Banquet by Trinity College Faculty.

(Special to News and Observer.) Durham, N. C., Nov. 29.-The members of the North Carolina Academy of Science were entertained by the Trinity College faculty last evening. The ban quet, which was an informal one, was held in the new banquet hall at Trinity

lightful one in every way. The second day's session of the Acad emy began this morning at 9:30 o'clock The following were among the inter

esting papers presented today: "Changes in the North Carolina Coast in Two Decades," illustrated with stereoption views, by Prof. Collier Cobb. Some Nuclear Phenomena in Sychy trium," by F. L. Stevens.

"The Primary Nucleus in Synchytriun Decipiens," by Mrs. F. L. Stevens. "Distribution of Some Birds in Eastern North Carolina," illustrated, by Prof. F

"Some Considerations of the Rare Earths," by Dr. Charles Baskerville.

#### Gretna-Green Marriage.

(Special to the News and Observer.) Washington, N. C., Nov. 29.-There was a Gretna Green marriage att Edenton yesterday. Miss Maude Dudley has been visiting there for some time and Mark Latham, one of the office force for C. T. Corden, broker, went over and was married.

## Among the Railroads.

Rutherfordton, N. C., Nov. 29 .- It is the Virginia constitution, as announced reported that a survey has been made for by Chief Justice Fuller is as follows: a new route by the Southern Railroad from Mooresboro to Forest City, six States for the Eastern district of Virmiles from this place. The route leaves ginia the main line just below Mooresboro coming by Cliffside, Henrietta and Carothree of the largest cotton mills in the State, and from which an im mense amount of goods are shipped to the foreign markets annually. Since the tive investigation shows that the total Southern has taken charge of this line (South Carolina and Georgia Extension) many improvements have been made. It is said that two through daily pas senger trains with Pullman service will be put on from Charleston to points be- nary order suspending proceedings on yond Asheville. Agents along the line the part of the State Board of Canvas-

ALBERT M. BUSHNELL, purchasing Burned.

A Little Four-Year Old Boy Perhaps Fetally were notified sometime ago of the new change, but the date was not given. If the citizens of Rutherfordton will make an earnest effort to have a depot built States District court today took a recess inside the corporate limits. Both the until the first Monday in February, 1903. Southern and Seaboard depots are one mile from the city, and it is thought if one road can be induced to enter the other will follow, and the town then, I am told, would give a lot for a union cal, cannot be disposed of in such a pro-

> Mr. Roosevelt is going on a crusade against the railroads and trusts, livered an opinion of his own, as folconsolidations and proposes , to break up the mergers, if he can. Congress will be urged ginia. According to the Washington dispatches In the Superior court here yesterday the president believes it will be a poputwo negroes charged with burglary, and lar thing to fight the combinations. The a third with the murder of a negro com- truth is, a great many railway men would panion at a "Sanctified" church in the secretly rejoice to see these mergers northern part of the city last August, stopped. They fear that the community were sentenced, the two first named to of ownership idea will make too many terms of ten and twenty-five years, re- vacancies. These men are not going to spectively, in the State prison, and the talk much but at heart they are with the prisoner found guilty of manslaughter, President. However, he will find it the hardest proposition he has gone against

> "The Carolinas had one of the best tothat his injuries may prove fatal. The bacco crops this year they have ever child ran against a centre table, upon grown, and the tobacco brought good which the lamp was resting, and knock- prices," said Assistant Traffic Manager ed it over on himself. The flames en- Emerson, of the Atlantic Coast Line the veloped the boy at once and the mother other day. "As a result, the people snatched up the child and ran to the in the tobacco belt have more money nearest physician's house, where remethan they ever possessed before at one dies for the burns were applied. In her time. The interior merchants tell me haste the mother smothered the flames, that they have had splendid collections but soon afterwards collapsed under the this fall. The farmers have not only nervous strain. The father was ill in a paid all the debts which they contracted room on the second floor of the building this year, but have paid 75 per cent, of dred thousand people, whether respecting when the fire occurred, but came down their old obligations. The country banks their property or their personal or

> "One small station, Mullins, on our road, a point which very few people outside of South Carolina ever heard a full and speedy hearing; and to that of, has sold over \$600,000 worth of tobacco this fall. Our company has fostered tobacco culture, with the result that it has gradually spread southward. Tobacco has taken the place of cotton Williamston, N. C., Nov. 29 .- On as a crop, and with good results to the Thanksgiving night about eight o'clock farmers, as there is a great deal more money in it."-The Common Carrier.

> > Compared with 1897, the number of lo-

comotives now in the United States has increased 3,598, the number of passenger service cars is greater by 2,343, and the number of freight service cars has been increased by 242,598. These figures take no account of phenomenal increase in size and capacity of locomotives and cars. The average number of tons carried per freight locomotive during the year was 11,336 tons greater than in 1897, while the ton mileage per freight locomotive increased 1.775,601 tons. Put. in another way, the average freight locomotive in 1901 hauled 11,330 tons more than in 1897, and it took 303 less cars! to haul 1,000,000 tons of freight last year than in the year named; that is, the capacity, or at least the load of the average freight car has increased 221/2 per H is a fant child, whose death occurred very cent in four years .- The Railway Age, the H u

Wise Will Appeal to the Higher Court.

## A STATE MATTER

## So Rules the Chief Justice as Ground for Dismissing Sui .--- Wise's Contentions Al-

ready Passed Upon Adversely by Supreme Court. (By the Associated Press.)

Richmond, Va., Nov. 29 .- The argument n the proceeding of Mr. John S. Wise to invalidate the new Virginia constitution was resumed in the United States Circuit Court here this morning, Chief Justice Fuller sitting with Judge Wad-

Attorney General Anderson spoke for the Commonwealth, addressing himself largely to the point raised by complainants that the State was barred from restricting the suffrage as it had done by the reconstruction acts. He was followed by James Hayes, colored, of counsel for complainants, who made a strong plea or the rights of his race.

This afternoon, the court dismissed oth suits, on the ground that it had no jurisdiction, the actions being against

the State. An appeal will be taken. All the questions of the Chief Justice indicated that virtually every contention raised by complainants had been passed upon adversely by the Supreme Court. The decree of the Circuit court of the United States in the proceeding to test

"William H. Jones et als., vs. No. 1759.

"In the Circuit Court of the United

In prohibition: "Andrew J. Montague, Governor of Virginia, and others, constituting the Board

of State Canvassers. "Application for prohibition, prohibiting defendants from canvassing returns of the election held November 4, 1902, for Representatives in Congress, or proceeding to act on the same, and for prelimithe new line from Mooresboro is built the citizens of Rutherfordton will make writ is not sought in aid of jurisdiction. already acquired; nor does it appear that

there is no other remedy. "The proceeding, in effect, against the Commonwealth, which is not in any view an indispensable party, and cannot be made such; and the matter being politi-

ceeding." Judge addill, who sat with the Chief Justice, concurred in the decree, but de-

lows: "In the Circuit Court of the United States for the Eastern District of Vir-

"William H. Jones et als., vs. No. 1759. In prohibition: "Andrew J. Montague, Governor of Virginia, and others, constituting the Board of State Canvassers. "William S. Selden, et als., vs. No. 588,

In equity: "Andrew J. Montague, Governor of Virginia, and others, constituting the Board of State Canvassers. "Believing, under the decisions of the courts of the United States, by which

A little four-year-old son of Mr. and to checkmate the men who are behind that neither of the actions now before the court can be maintained, I, for by the Chief Justice, dismissing the same and may hereafter file a brief menora dum in writing, embodying my views. "It is, in frankness, due, however, this is the law, as settled by decisions

it does not entirely embady my person views as to what that law ought to I can but believe that as to rights ac ing under and guaranteed to the ci by the conustitution and laws of the United States, injuriously affecting one huncal rights, and particularly the two latter classes, that they ought to be given a day in court, afforded an opportunity for end, that technicalities, forms and ceremonies should, in large measure, be dispensed with, speedy justice afforded, and the rights of the respective parties litigant ascertained."

## Election Certificates Awarded

(By the Associated Press.)

Richmond, Va. Nov 29 .- The State Board of Canvassers met immediately after te adjournment of the United States court this afternoon, and awarded certificates to the ten Congressmen recently elected, including Campbell Slemp, Republican, in the Ninth district, whose majority was found, on final canvass of the vote, to be 218. A certificate also was issued to Carter Glass, elected in the Sixth district, to fill the unexpired term of the late Peter J. Otey.

The News and Observer was in error in stating that Mr. T. G. Cobb, editor of the Morganton Herald, was a candidate for Enrolling Clerk of the House. andidat for Principal Clerk of