The News and Observer. THE WEATHER TO-DAY. FAIR.

VOL. LIV. NO. 152.

RALEIGH, NORTH CAROLINA, ATURDAY MORNING, MARCH 5, 1904

Libry Of Congress

PRICE 5 CENTS.

Carolina Dailies North News Im

FINCH'S CHARGES ARE UNFOUNDED

President Bryan Makes Demurrer and Answer in court. There are nine murder cases on the docket, but they will not all be tried Atlantic and North Carolina Railroad Receivership Matter. .

are true.

value.

1. That the alegations contained in

paragraph two of said bill of complaint,

suit is of more than \$2,000 in value, ex-

defendant avers that the sum or value

3. That upon information and belief,

it is not true, as alleged in the third

paragraph of the bill of complaint, that

hand defendant is informed through its

Secretary and Treasurer, who is in charge

of the books of said corporation, that

the complainant's name does not appear

a stockholder of record in said company.

And further answering, the defendant

says that while each share of the capital

stock of the defendant company is of par

value of \$100 each, yet upon informa-

tion and belief defendant avers that none

of its capital stock has ever sold for

(Continued on Page Three.)

Toilers Under Heel

of Trust.

(By the Associated Press.)

was pending on adjournment. During the

addressed the House on his resolution di-

faced his statements with a high tribute

to Attorney General Knox and by saying

that he was not one who went into hys

while this was true, he believed that a

monopoly exists in one of the big food

tions of capital.

icies.

products which should be investigated by

country. Mr. Stanley reviewed the his-

tory of the America Tobacco Company and complained of its control. He declared

that the American and the Imperial com-

panies parcelled out territory in this and

other countries in which the buyers for

France, Spain and other European com-

Mr. Hedges (Rep., Ia.), entertained the

some serious remarks on Republican pol-

Mr. Robinson (Dem., Ind.), in closing

he general debate on the Indian bill

The House confirmed the right of Mr

Washington, D. C., March 4.-Practi-

cally the entire time of the Senate to-

day was given to the consideration of the

question of the selection of a site for a

bordering on the lakes participated in the

Sims (Dere., Tenn.), to his seat. A Republican had contested it.

ment of Commerce and Labor.

Washington, D. C., March 4 .- The House

NOT A STOCKHOLDER sary on material for them to answer unto,

So it is Declared of Finch. The Desire paragraph one of the bill of complaint of Various Parties to Lease it Prove 2. That it is not true, as alleged in that the Road is Not in the Bad that the amount in controversy in this Condition Described .-- If so, Why clusive of interest; but on the contrary, Did Finch Invest His Money? Con- of the amount in controversy in this tracted for Stock to Put the Road in receivership is continued in this cause, the Hands of a Receiver.

March 10th to hear the application of the owners of the Atlantic and North defendant company, and is the owner of Carolina Railroad to control their own 45 shares of stock of said corporation of property, for that is the plainissue that the par value of \$4,500, but on the other is involved. He has requested Judge Purpell to sit with him. Most of the officials and attorneys of the road are confident that, when the issue is clearly upon said books, nor is complainant a presented and the facts before the court, the receivership will be closed and the property turned back to the management of its owners.

Yesterday the attorneys for the State and the Atlantic and North Carolina Railroad filed their demurrer and answer Usually court pleadings are dull reading and not interesting to the business man not posted in legal phrases. But the answer in this case is different. It is a clear and direct answer to the allegations of Finch, showing that he had no right to ask the appointment of a receiver in Tobacco Farmers and the first instance, and that the rad is in such good condition that various parties wish to lease it, and that all the allegations in Finch's application are either erroneous or misleading and based upon unsupported rumor.

Because of the far-reaching importance of this matter below is printed the full text of the demurrer and answer. The today had under consideration the Agrifull text of the application has already cultural Appropriation Bill, the reading been published. The commurer and an of which for the purpose of amendment swer are as follows:

In the Circuit Court of the United States general debate on the bill Mr. Martin, a for the Eastern District of North Caro- Republican member from South Dakota,

Sitting in Equity in Raleigh. recting the Secretary of Commerce and K. S. Finch, in behalt of himself and labor to investigate the causes for the of all the other stockholders of the differences which exist between the cost Atlantic and Lorth Carolina Railroad of live cattle and dressed beef. He pr

Complainant, against The Atlantic and North Carolina Rail- teria on hearing the word trust. But

Defendant.

Demurrer and Answer. The demurrer and answer of the de- the Department of Commerce and Labor. fendant the Atlantic and North Carolina He reported opposed a repeal of the for-Railroad Company to the bill of comfeiture clause in the Sherman anti-trust plaint, filed in the above entitled cause. law.

THE DEMURRER. This defendant, by protestation, not confessing or acknowledging all or any of the matters or things in the said bill of complaint contained to be true in such manner and form as the same are herein

set forth and alleged, demurs to the said bill. And for causes of demurrer, shows: 1. That it appears by the complainant's own showing by the said bill, that he is not entitled to the relief prayed

by the bill against this defendant. That it appears by the complain ant's own showing by the said bill, that he is not entitled to the relief prayed by the bill against this defendant, for

1. It appears from said bill that it is brought by an alleged stockholder in other buyers will purchase in those see the defendant corporation against the tions. corporation founded on a right which might be properly asserted by the corperation, and does not contain an allegation that the complainant was a share holder at the time of the transaction of which he complains, or that his share devolved on him by operation of law since the commission of said acts, and it does not appear that the suit . not collusive to confer on a Court of the United States jurisdiction of a case of which it would not otherwise have cognizance.

(2). The bill of complaint does not set forth with particularity the efforts of the complainant to secure such action as he desires on the part of the managing directors or the shareholders and the cause of his failure to obtain action. For that it does not appear from the bill of complaint that the defendant corporation or its directors have been naval training station on the Great Lakes requested to bring any suit on account of the matters and things alleged in the

refused so to do. THE ANSWER.

of compaint filed in the above entitled was offered by Mr. Quarles, and its making the initial trip first to western my antagonist. I shall gracefully doff my themsedves the benefit of all exceptions commissioner had given preference to day, April 14, and close October 8. to the errors and imperfections in said Lake Bluff, in Illinois. The committee bill contained, for answer to so much amendment was so modified as to make it thereof as they are advised is neces apply to all the Great Lakes and not alone eats to satisfy herself.

be considered tomorrow. NINE MURDER CASES.

Judge B. F. Long Holding Madison Criminal Court.

amendment was not acted upon and will

(Special to News and Observer.) Asheville, N. C., March 4.-Judge B. F. Long, of Statesville, is holding the present criminal term of Madison County

The murder trial of State vs. Fred Aver is in progress there today. Avery, a col ored boy, killed another negro named Joe Bryant at Hot Springs on Saturday, January 16. After the shooting Avery was arrested and taken to the Marshall jail for fear that the negroes would attempt to lynch him. It was said at the time that the feeling against Avery was intense and that had he not been removed he would never have been tried by

The grand jury at Marshall yesterday returned a true bill against the Southern Railway Company and the Southern Express Company, who are charged with violating the law by receiving packages of liquor for delivery in Madison county. The case was first tried before a justice of the peace several weeks ago and a bill was sent before the grand jury with the result that a true bill has been found. It suit does not exceed \$1.575, and if the is not known whether or not the case will come up for trial at this term of will grow continuously of less and less

both Waynesville and Canton, in Hayat Waynesville being the heaviest loser. Congressman Kluttz in the last election. About a month ago or nearly a year after the robbery occurred, the children had said he flushed up and said to your operations. Prospects have improved on

BRUSHIES ROARS

Figuratively He Tosses Despite Exalted Price Blackburn Sky-High.

WHO IS THE COWARD? RETAILERS UP TO EYES

Against the Zig-Zag Monarch of the Peaks Arouses Him to

Make a Stinging Reply.

(Special to News and Observer.) Statesville, N. C., March 4 .- The fight for Republican nomination as a candidate Yesterday ex-Congressman Linney was last week when the latter said that Lin-

and Prone Mercury.

Charge of Unfaithfulness Directed Plans Submitted for Numerous Building Operations. Prospects Brighten Out by the Golden Gate Where Much Needed

> (By the Associated Press.) New York, March 4 .- R. G. Dunn &

Rain Has Fallen.

Business continues to improve despite About a year ago the postoffices at made by Spencer Blackburn at Lenoir singularly unpropitious, deep snow rewood county, were entered and robbed of hundreds of dollars' worth of stamps ney had not been faithful to his party, excessive cold delaying the opening of way down but will put to sea again in the President Joseph F. Smith, who again and other government property, the offices and was responsible for his defeat by spring trade and structural work. Yet re- morning for another trial before being ac- was on the stand, testified that if the As soon as Linney read what Blackburn and plans are submitted for numerous to the United States, who is on board, attacked it would be defended by the

Francisco, 15,652; El Paso, 400; Eagle Pass, 4,143; Laredo, 4,440. Total, 6,448,460

MOVEMENT OF COTTON. New York, March 4.-The following Statistics on the movement of cotton for the week ending Friday, March 4th, were compiled by the New York Cotton Ex-

	This	Last
Weekly Movement.	Year.	Year.
Port Receipts	74,080	146,075
Overland to Mills and		
Canada	26,599	18,790
Southern Mill Takings (es-		
timated)	47,000	47,500
Loss of Stock at Interior		
Towns	15,672	23,267
- 1		
Brought into Sight for		

Total Crop Movement. Port Receipts6,477,033 6,737,773 Overland to Mills and Canada Southern Mill Takings

in excess of September 1st 298,814 221,333 Brought into Sight thus

far for season......8,849,747 9,087,650 The Medjidia in Hampton Roads.

(By the Associated Press.) cruiser Medjida arrived in Hampton documents subscribed to as the law of gave her engines a thorough test on the tailers are making extensive preparations cepted by Chekib Bay, Turkish Minister principle of plural marriage should be The cruiser at present is in the hands of the Cramps of Philadelphia, who have just completed her construction.

Cancels Southern Trip.

(By the Associated Press.) Providence, R. I., March 4.-Manager Elmer T. Stevens, of the Brown baseball team, today announced the cancellation of the Southern trip of the college nine. The dates cancelled include those with University of Virginia, March 25 and 26.

Plans for a Six Thousand 23, 1903, regarding a & eech by Mr. Smith · Dollar Building.

Lumberton Will Also Build a Two God himself. Mr. Smith explained that his address at that time was intended to Thousand Dollar School House. The Lumberton Oil and Gin-

ning Company.

(Special to News and Observer.) \$6,000 Methodist church for this place convictions on the questions of plural have been accepted and work on it will begin shortly. The old church and lot will in North Lumberton by this public school

During the month of February twentyburing the month of restaurch by Regobeying the laws in not the six marriage license were issued by Regamy since the manifesto. Do you think postmaster at this place.

permanent school.

On the 27th ult, Raft Swamp Farmers time?" Alliance No. 44 was re-organized. The fol-Mr. J. A. Boone; Vice-President, Mr. W. K. Culbreth: Secretary, Mr. J. W. Lowe; Mr. Furney Davis; Lecturer, Mr. J. E. Mr. Smith. Carlyle; Doorkeeper, Mr. Stephen Davis. The Lumberton Cotton Oil and Ginning Company will be located about one mile

EX-CONVICT TAKEN.

(Special to News and Observer.) Statesville, N. C., March 4.-Chief of Police Karcher, accompanied by Mr. C. E. Daniels, facing the point of a pistol, arrested Gus Long, an ex-convict at his home about two miles south of States- former.' I am not a paid spy." ville, yesterday. Long was convicted in October, 1900, in Yadkin county, and sentenced to five years in the penitentiary. In July, 1903, he escaped and has lived last year, 797,146; stock at all interior authorities were notified and Guard Ewing

Smith was serving a term here for bur-

Has His Foot Crushed Off.

(Special to News and Observer.) Monroe, N. C., March 4 .- Mr. Elmore

"I Am No Spotter," Hisses President Smith.

AS TO PLURAL WIVES

SSmith eemed to Regard Overman's Question as an Attempt to Intrude into Mohammed's Paradise Where Houris Smile, on the Faithful.

(By the Associated Press.)

Washington, March 4 .- Interest in the nvestigation before the Senate Committee on Privileges and Elections of the protests against Senator Reed Smoot of Utah, was unabated today, although much Norfolk, Va., March 4.- The Turkish of the time was devoted to putting in today from Philadelphia. She the Mormon Church. In that connection church.

Intense feeling was exhibited by President Smith against individuals, who, he said, had spied on the domestic and mutual relations of the high officials of the Mormon Church, and for that reason he had favored the passage of the Evans' bill to prevent prosecutions for polygamous co-habitation, unless complaints were entered by husband or wife against the other This bill was passed, but vetoed

by the Governor of Utah. It was brought out that all of Mr. Smith's predecessors, as presidents of the Mormon church, had been polygamists, and the man chosen to succeed him has more than one wife. Mr. Smith was asked which he would obey, the law of land or revelations from God, if the two were in conflict. He said he might obey the revelation, though it was not

Reading from the Deseret News of June at the Webber State re-union, Mr. Tayle asked Mr. Smith if he as correctly re portwed in saying that the doctrine of plural marriages was a revelation by God to Joseph Smith, Jr., and to reject that would be equivalent to a rejection of God himself. Mr. Smith explained that correct the impression that Brigham Young had inaugurated the practice of plural marriages, and to show that the doctrine originated with Joseph Smith.

It was a matter of history and not of Mr. Smith said he had avoided teaching polygamy, but that the Woodruff mani-Lumberton, N. C., March 4.-Plans for festo had not in any manner changed his

Senator Hoar asked why he had avoided practicing what had been held to be a be sold. The parsonage will be moved divine command, and the witness answerback and the new church built on that lot. ed that it was the cause of the more An acre of ground has been purchased recent manifesto stopping the practice. Senator Beveridge desired to know district, on which a school house will be erected. It will be a two-story frame laws were being obeyed when polygamous house, commodious and modern, to cost co-habitation had continued since the

about \$2,000. It is proposed to make it manifesto of 1890, and Chairman Burrows made the question more personal. He said: "You have said today that you were Dr. R. M. Norment has been appointed you were obeying the law in having eleven children from different mothers since that

"I obey the law so far as teaching is oteyed the law in my practice. amy has not been taught in the church. by any of the officials. The church has

Senator Foraker asked whether the practice of polygamy was permissive or compulsory.

Mr. Smith called for a copy of the mission to take plural wives and was not

Senator Overman asked Mr. Smith if he knew whether any one of the six n regard to plygamous cohabitation since

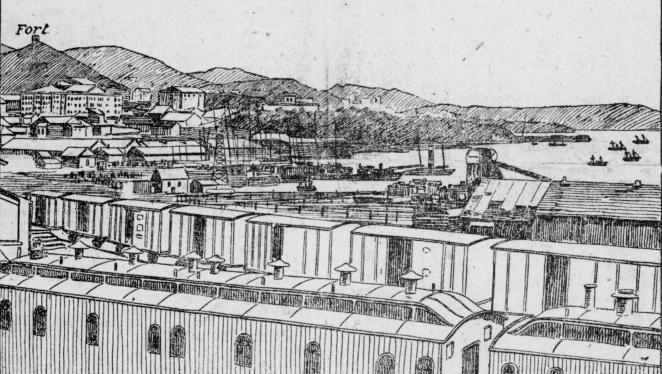
he manifesto of 1890. "I do not know," said Mr. Smith. "I only know that they were in the same status of polgamy at the time of the manifesto as I was myself. I do not pry into their family affairs. I am happy

to say that I am not 'a spotter' or an 'in "Yet you might know without being a paid spy," persisted Senator Overman. said before I am not a spotter or in

"I know nothing about it. As I have former." answered the witness. The words spotter" and "informer" were hissed rather than spoken. "Neither am I a paid spotter or in-

former." retorted Senator Overman, "Yet know that in/my town people have children. I think you mint answer that question without using the words 'spotter' and 'informer' in that manner.' "I beg the Senator's pardon," the wit-

ness responded. Senator Dubois asked several questions to determine the correctness of the statements that not more than three or four



GENERAL VIEW OF THE TOWN AND HARBOR OF VLADIVOSTOK.

The town of Vladivostok, against which the Japanese appear to be getting ready to make a combined attack by land and by water, is the eastern terminus of Russia's Transsiberian railway. It is admirably located for defensive purposes, and with the same amount of money expended upon it might be made as nearly impregnable as Port Arthur, although it, of course, lacks the strategic advantage given to Port Arthur by the Liautong peninsula. The fort on the high hill at the extreme left is equipped with very heavy guns and can easily sweep the entire harbor. Each of the hills farther to the right and each point of land is furnished with a fort or a battery, as Russia regards Viadivostok as being of greater importance to her even than Port Arthur.

of Graves Osborne, who lives at Clyde, correspondent: a station not far from Waynesville, were playing in a field in the rear of Mr. Os-Mr. Stanely, a Democratic member from borne's property and found a large quan-Kentucky, made an urgent appeal for retity of stamp books empty. It is the lief at the hands of Congress for the petition had been destroyed by combina- after removing all the stamps, placed the and there was no competition in this of the robbers.

Suit May Follow Small Pox Scare.

(Special to News and Observer.) Oxford, N. C., March 4.-Considerable been shot for his dastardly conduct." interest was aroused here yesterday by panies purchase tobacco, adding that no the detention of a passenger who boarded the train at East Durham en route for Dabney. The man had an eruption on his face which aroused suspicion of a doctor House with a few humorous thrusts at the "Iowa idea," which he opposed, and Booth to meet the train at Oxford depot and find out whether the man had smallpox or not.

Dr. Booth met the passenger and escorted him to his office up town and pronounced the cruption a simple eruption declared that a monopoly exists in the different from smallpox. In consequence expressed the belief that the subject make connection for Dabney and threat-Oxford.

National League Schedule.

New York, March 4.—With the adop- given and would have been courtmartialed tion and annnouncement of the schedule and shot for desertion as a party leader. of playing dates for the season of 1904, Yet Blackburn, according to the Lenoir and most of the Senators from the States the representatives of the National News, questions my loyalty to the party. League baseball clubs finished their an- I most emphatically deny the statement said bill of complaint and that they have discussion. The controversy arose over nual spring meeting this evening. The I voted for him and remain loyal to his an effort to secure as an amendment to National League schedule was given out party. the committee amendment a provision autonight. Like the American the National "It I am the candidate of the party

a report." He did so and as follows: "There are two sorts of warfare, one

tobacco growers and the toilers in the property stolen from the Waynesville and The lowest human being in the streettobacco fields, and complained that com- Canton offices, and that the robbers, gutters can be trained to make good bayonet bearers; still it requires superb weather restricting traffic. books in a sack and carrying them to courage to make a formidable army of The grower could not go to England as an old field, dumped them there. A re-bayonets. When Generals Joe Wheeler goods market failed to produce any large Treasurer, Mr. M. F. Hodges; Chaplain, obeyed the laws even if I have not," said there was but one company there he said ward of \$1,000 was offered for the capture and Shafer were resting with their arms in volume of business, although there is a front of the Spanish at Santiago. If disposition to advance bids. Shafter, upon the approach of the army, had thrown down his flag and Wheeler whatever tendency there was last week had courageously and defiantly kept his to make concessions on forward business, up, Wheeler would have been canonized as a saint, while Shatter would have

this district Mr. Kluttz spoke at Jeffer- dull. son, the home of Mr. Blackburn, to a Failures this week in the United States vast audience, supposed to be two thousand voters. At the urgent request of our week last year. executive committee I went to Jefferson and followed Mr. Kluttz in a speech of an hour and a half, while Mr. Blackburn, it was said was off on some little

creek in his own county. "At the close of my speech the Hon. Hugh Wilbern, himself a courageous pacoal business in the Indian Territory, and of the detention here, the man failed to triot with a great many others equally as patriotic, came upon the stand and should be investigated by the Departing and Labor make connection for Dabney and threat as patriotic, as patriotic upon me. Had I been the colore-bearer of my party and Mr. Kluttz or any other Democrat in the State of North Carolina had challenged me at my own home and I had refused I would have been in the position of Shafter in the illustration

thorizing the appointment of a new com- League has arranged what is known as a and the State Executive Committee finds ports And the defendant answering the bill mission to select a site. This amendment "three trip" schedule, the eastern clubs it necessary for Mr. Blackburn to meet says: Saving and reserving to origin was due to the fact that a former territory. The season will open on Thurs- hat and turn over to him the party colors have the benefit of all exceptions commissioner had given preference to day April 14 and turn over to him the party colors upon the grounds that am too cowardly

the Pacific coast, where much needed rain "Come in the hotel and I will dictate has fallen, and reports from the South indicate exceptional prosperity. Buyers continue to arrive at the leading markets, but the volume of trade is restricted by general supposition that this was the a war of bayonets, the other of opinions. high prices, particularly for cotton goods. Railway earnings for February were 2.2 per cent. less than last year, bad lowing officers were elected: President.

An abundance of buyers in the

Recovery in the raw material corrected and the average of cotton goods is at the highest point of the season. This naturally checks operations for the future, par-In the last campaign for Congress in ticularly in export trade, which is very

> are 236, against 229 the corresponding COMPARATIVE COTTON STATEMENT.

New York, March 4 .- For the week ending Friday, March 4th, 1904: Net receipts at all United States ports during week, 72,297; net receipts at all United States ports same week last year, 149,935; total receipts since September 1st, 6,448,460; total receipts to same date last year, 6,716,070; exports for the week, 96,456; exports for same week last year, 159,170; total exports since September 1st. 4,906,240; total exports same date last year, 5,154,592; stock at all United States ports, 597,139; same time last year, 216,000.

COTTON RECEIPTS. New York, March 4.-The following are the total net receipts of cotton at all since September 1st:

2.191,542; New Orleans Galveston, 2,191,542; New Orleans, 1,742,108; Mobile, 187,373; Savannah, 1.054.813; Charleston, 145,458; Wilmington, 315,966; Norfolk, 416,640; Baltimore, 22,294; Funderburk, a constable of Buford town- pr cent of the Mormons were polygamists upon the grounds that upon the grounds that to betar the colors of my party or New York, 32,507; Boston, 16,681; Newport ship, got his foot caught in the carriage and said he believed he could show that A woman dresses to please others and haven't got intelligence enough to meet wick \$9.683; Pensacola 110.214; Port Ar. off

west of here on the Carolina Central Railroad in the angle of land lying between book of doctrine and covenants and read the Harleesville public road and the Caro- a part of the revelation, which he said, lina eCntral Railroad. The first call for had been accepted in the nature of perinstallments on stock have been made. mandatory upon the members of the

Chief of Police Karcher Captures Gus. polygamist apostles had disobeyed the law Long Under Exciting Circumstances.

stock at all United States ports same time around here ever since. The penitentiary towns, 328,874; stock at all interior towns arrived this morning to identify Long. same time last year, 291,541; stock at While going through the Jail he recog-Liverpool same time last year, 640,000; nized another convict, Will Smith, sen stock of American affoat for Great Britain tenced from Johnston county. They were both taken back tonight.