

THE WEATHER TO-DAY. For the State. Increasing cloudiness, with rain in South and West portions.

THE WEATHER TO-DAY. For the City. FAIR; WARMER.

The News and Observer.

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RALEIGH, NORTH CAROLINA, THURSDAY MORNING, SEPTEMBER 28, 1905.

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PERKINS REFUSES BOOKS DEMANDED

But Will Have to Produce Them.

A JUGGLE WITH NAMES

"Commuting Renewal Premiums" Before the State Superintendent of Insurance Were in the Eyes of Vice-President Buckner of the New York Life Loans to Agents.

(By the Associated Press.) New York, Sept. 28.—Several sensational incidents developed at the session of the Legislative Committee on Life Insurance Investigation today.

The first was when George W. Perkins, vice-president of the New York Life Insurance Company and member of the firm of J. P. Morgan & Company, objected to probing the books of his firm showing a certain transaction of that firm with the New York Life.

Mr. Perkins offered to present a copy of the entry in question from the books, but Mr. Hughes demanded the books after several refusals on the part of Mr. Perkins.

"When we get national supervision we won't have these conflicts between the different States."

Mr. Perkins testified to a number of transactions in which he represented Morgan & Company as seller and the New York Life Insurance Company as purchaser.

Another sensation was sprung late in the day when Vice-President Thomas A. Buckner, of the New York Life Insurance Company, called the advances made to agents and which were carried in the report to the State Superintendent of Insurance, as "commuting renewal premiums."

It was brought out as a matter of fact that the New York Life Insurance Company in 1901 between the Equitable and the New York Life was brought out, and in order to get agents of the Equitable away from that company, liberal advances and liberal contracts were made by the New York Life.

Mr. Buckner testified that these advances to agents in the Buffalo branch of the New York Life in 1902 alone exceeded by \$48,000 the amount really earned by the Buffalo branch. Mr. Buckner acknowledged this was mostly extravagant and said in 1903 the amount was cut down by half and by half the remaining amount in 1902.

A copy of a contract and a confidential letter showed that the Buffalo, one of the agents in question, showing the inducements held out for him to enter the employ of the New York Life was read. The confidential letter showed that the New York Life Insurance Company agreed to pay Mr. Desbeck a bonus of \$4,000 and to make certain advances to him.

While Mr. Perkins was on the stand, during the afternoon, there was somewhat of a clash between the witness and Mr. Hughes, the first of anything of this nature that has occurred since the committee began its sittings.

It was when Mr. Perkins was testifying that the money in the "Navy" fund for the New York Life, Mr. Perkins did not want it to appear on the records that the agents paid part of their salaries into the fund under contract, unless the words, "and bonuses," appeared. He said Mr. Hughes was trying to get away from something and the counsel hotly retorted that he was not and that if Mr. Perkins would answer his question, the matter would be made with the investigation.

Earlier in the day Henry R. Winthrop, of the Equitable, while on the stand, presented a statement of the transfers of the stock of the Equitable at the time of its change of management and the directors. Most of the transfers Mr. Winthrop was able to explain, but somehow he was not.

At the time of these transfers Mr. Winthrop was the holder of twenty-five shares. He thought the actual owner was James H. Hyde, as he turned the checks for the dividends over to Mr. Hyde. Mr. Winthrop was again called to the stand just before adjournment. Mr. Buckner having given away to explain a trustee account brought up earlier in the day. Mr. Winthrop presented a type-written statement of the account and said the loans would be paid off in a few days and the collateral entered on the books of the company. Before Mr. Buckner retired, however, he was asked to produce a statement of the expenses of the Paris office, with a record of the real estate held there and the business that comes under that jurisdiction. Mr. Buckner had been ques-

THESE BE TIMES FOR CHARLOTTE

Any Finger That Can Hit a Key.

THAT IS ONE SLOGAN

Eight Hour Day is the Other. The Union and the Master Printers Stand Firm. Statements From Both Sides. Non-Union Men Come From the North.

(Special to News and Observer.) Charlotte, N. C., Sept. 28.—The Charlotte News this afternoon declares in unmistakable terms that the fight against the union printers has been won by the master printers.

The News and the Chronicle came out on time this afternoon. The News contained its full quota of telegraphic and local news and the Chronicle showed little signs of the impending strike.

Early this morning four machine men from Philadelphia arrived and commenced work at once; others will be in on the night trains.

The union printers issued a statement this afternoon that was published in circular form. It contains no new matter, only setting forth the former claims of the typographical union. The work class that they constitute have to shut down their plants, though it may occur at any moment.

The employing printers have made up their minds not to yield one inch if they have to shut down their plants, but the situation has improved greatly since yesterday and each day the newspapers expect it to be an easier matter to get out their publications.

The Union's Contentions. The following telegram giving the printer's side of the contention, was received last night.

Charlotte, N. C., Sept. 28.—The printers' position is eight hours work and do as we please with the other sixteen. We present the following agreement: "This agreement witnesses that the party of the first part by signature hereto attached agrees to recognize eight hours a day as the normal working day for the journeymen typographical union, parties of the second part, as a day's work on and after January 1st.

It is expressly stated and understood that this agreement shall in no way constitute a bar to negotiations between the parties on any other line."

The master printers refused. The printers walked out. No other concession was asked for. The printers offer to consider any proposition that does not include recession from the eight hour day. The fight is quiet and orderly. The printers will not return to nine hours. The printers insist that they have given employers every due consideration. The printers know the controversy was coming and stated before hand that they had prepared themselves for it.

L. W. PRIDGEN, Sec'y Charlotte Typographical Union No. 338.

Mr. Dowd's Statement. People all over the State are watching with interest the developments in the strike of the union printers at Charlotte.

There is a flicker of humor on the surface of things, notably in the typographical appearance of the papers, but beneath one sees the grim expression of fixed resolve. Speaking from the employer's point of view, President W. C. Dowd, of the News Publishing Company, came out yesterday in the following editorial statement:

"We deeply regret this trouble, but we did not make it. Few of our men wanted to quit. The trouble has been brought on by agitators and disturbers. Most of our men have been here for years and we have become attached to many of them. They suffer and so will we. We shall be badly handicapped for some time to come, but whatever the cost, we will not yield to these unreasonable demands."

"If our friends will bear with us we will soon be in shape to give them good service."

In another place in the same issue in heavy black display type, appeared the following advertisement for type-

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FIGHT TO ANNULL LEASE OF MILLET

Stockholders and Directors Meet.

OFFICERS ARE CHOSEN

J. W. Grainger, of Falling Creek, Was Elected President. The Sentiment of the People Much Divided On the Matter of the Lease.

(Special to News and Observer.) New Bern, N. C., Sept. 28.—At the meeting today of the stockholders of the Atlantic and North Carolina Railroad, a sensation was sprung when Mr. C. E. Foy, of New Bern, offered a resolution to institute proceedings to set aside the lease of the Atlantic and North Carolina Railroad to the Howland Improvement Company.

The same resolution was offered in the meeting of the board of directors, and in both meetings Mr. Foy's resolution was tabled. But there is strong sentiment in this county, in Lenoir and Pamlico to set aside the lease. In Wayne and Carteret the preponderating sentiment seems to be against setting aside the lease.

No sooner had Mr. Foy offered the resolution to institute proceedings to set aside the lease of the Atlantic and North Carolina Railroad, than Mr. C. E. Foy moved to table the resolution. The vote stood: To table, 767 of private stock and 350 of the State's stock; against tabling, 231.

The stock of Pamlico county was not voted. Mr. D. H. Hooker, stating that he did not hold the proxy of the county, but Pamlico county is understood to be in favor of the Foy resolution.

When the lease was made one year ago, it was the stockholders meeting stood: For the lease, 1,305; against lease, 68.

Just before Mr. J. W. Grainger, president of the road, took the train for home in Kingston, a representative of the clerk of the Superior Court served him with a notice of an action, brought by W. S. Hill, for himself and others, to appear at the Superior Court on Monday, October 9th, when the complaint, giving the grounds upon which the suit will be brought, is to be presented.

Mr. Hill, who brings the suit, owns two shares of stock. At the meeting of the stockholders held here when the lease was made, Mr. Foy filed a strong protest against the lease, which set forth at length the reasons why he protested against making the lease at that time, at which he regarded too low a rental.

There is heard strong criticism of the attempt to set aside the lease mainly on account of the fact that the lessees have made great improvements on the road, have spent or arranged to spend two million dollars to improve the road and to build a trestle to Beaufort.

There is difference of opinion among lawyers as to the suit, some declaring that there is no ground upon which the lease made last year and approved by nearly all the stockholders present can be set aside. Mr. Hill and his associates, who are represented by Messrs. W. W. Clark, O. H. Gulon and W. T. Dorich believe they have good grounds and a good chance to annul the lease.

Details of the Meeting. The stockholders' meeting of the Atlantic and North Carolina Railroad Company was called to order at noon today in the office of the Trent Warehouse, Col. J. E. Robinson, of Goldsboro, presiding. C. Stevens and W. L. Arendell, secretaries. A full representation of stock was present. The regular routine business was transacted. The directors, on the part of the stockholders, were as follows: Dempsey Wood, Falling Creek; C. E. Foy, New Bern; E. C. Duncan, Beaufort; Henry Will, Goldsboro.

President J. W. Grainger read his report which was unanimously accepted. The by-laws of the company were amended in respect to the Finance committee, increasing the number from six to eight. The committee on the part of the stockholders were: T. A. Greene, New Bern; G. H. Roberts, New Bern; J. A. Meadows, New Bern; W. L. Kennedy, Falling Creek; R. W. Taylor, Morehead City; L. Harvey, Kingston. On the part of the directors: Col. A. C. Davis, Goldsboro; and Geo. W. Summerville, Kingston.

Mr. C. E. Foy offered a resolution directing the directors of the Atlantic and North Carolina Railroad Company to enter suit against the Atlantic and North Carolina Company for the purpose of annulling the lease held by the late company. The resolution was tabled. The stockholders' meeting then adjourned. Immediately afterward the new board of directors met, accepted the president's report and proceeded to transact their regular business.

Mr. C. E. Foy offered the same resolution before the directors' meeting he had offered before the stockholders, which was again tabled. They then proceeded to elect new officers. Mr. J. W. Grainger, of Falling Creek, was elected president; D. J. Broadhurst, of Goldsboro, secretary and treasurer, and H. B. Holland, of New Bern, expert accountant. Business being completed the meeting ad-

EARL REILEY OF MAN DAMUS

For Supreme Court Contains All Facts.

THE JUDGMENT SIGNED

While Only Poll-Tax Question Was Decided, Mr. Battle Will Call Court's Attention to Further Doubt as to Aldermen's Right to Purge Registration Books.

In the Superior Court yesterday Judge Justice signed the writ of mandamus to which he had on Tuesday decided that the petitioners for an election for saloons were entitled to direct the Board of Aldermen to forthwith assemble and call the election asked for in the petition to be held after thirty days notice as required by the provisions of the Watts act.

As stated yesterday would be the case the judgment sets forth that it is understood and agreed that the only question involved is one of law, whether or not the payment of poll tax prior to the first of May, 1905, was a necessary qualification of a petitioner under the provisions of the statute.

With reference to the other question which seems of great importance to some able lawyers: to-wit whether or not the real intent of the act was that the registration books should be taken as they stand as an arbitrary standard fixed by law from which to reckon the number of petitions necessary to call an election and that therefore any purging of the books for any purpose, even the removal of "deads" and "removes" as practiced by the aldermen is unwarranted, while unrecognized in the judgment it is agreed by the following signed agreement of counsel:

NORTH CAROLINA—WAKE COUNTY. In the Superior Court, September Term, 1905. The State ex rel. J. M. Pace and others vs. The City of Raleigh.

AGREEMENT. It is hereby agreed that the record in the above entitled case shall consist of the pleadings and judgment, and that said record shall be immediately docketed in the Superior Court and that a transcript thereof shall be immediately docketed in the Superior Court and that a transcript thereof shall be immediately certified to the Supreme Court and that the Supreme Court shall be requested to advance the case for hearing at the earliest practicable moment.

W. B. JONES, ARGY & SHEFFER, Attorneys for Petitioners. W. B. SNOW, R. H. BATTLE, Attorneys for Defendants.

The complaint and the answer in the case, which are voluminous, contain a full and complete statement of the action of the aldermen and the committee which passed on the petitions from the moment the writ was presented to the Board until their final rejection as not containing one third of the voters under the construction of the act by the aldermen. The matter of the purging of the lists is therefore stated in the record and the Supreme Court would be justified if it saw fit in taking cognizance thereof, even though it was not adverted to in the judgment of the court. Since Mr. Battle states that he will call the attention of the court to the matter it now seems that the court will do so.

It is stated by several aldermen in their answers that they were not aware of the purging of the lists until the Supreme Court was asked to advance the case for hearing at the earliest practicable moment.

The regular course was taken if would now be for the case to be docketed for argument with appeals from the sixth district, which will be called Tuesday morning, in which case argument could not be had until the Spring term.

(Continued on Page Five.)

APPLES AND EYES

First of Western Carolina Opens Second.

The Apple Fair at Asheville Has Demonstrated the Pomological Possibilities of That Section to Streams of Visitors.

(Special to News and Observer.) Asheville, N. C., Sept. 28.—The Western North Carolina Apple Fair will come to a close at 4 o'clock tomorrow afternoon. The exhibit of fruit from the counties of Buncombe, Haywood, Yancey and Madison has demonstrated the possibilities of apple culture in the western section of the Old North State.

The fair has served as an eye-opener to those who have visited the committee room of the auditorium. The fair has been a success, and from the time of its opening, many an after-noon session of the public there has been an almost constant stream of visitors and residents to the fair rooms. The judges of the fair will do their work tomorrow morning, and after their decisions the premiums will be awarded.

The Asheville postoffice authorities have been advised by the department at Washington that the cards must not be handled unless in covers, and that the cards must bear a two cent stamp. The fad of sending away aluminum souvenir postal cards from Asheville has come to a close.

The local postoffice and likewise no little annoyance. It has been ascertained that other mail matter is being sent to the postoffice by coming in contact with the sharp aluminum edges of the cards, and the department at Washington has settled the matter by ordering that the cards be covered, and in the future they must not be handled loose.

THEY DISCOVER MR. WITTE. A Dozen Russians to Welcome Him Home, Where One Saw Him Off.

(By the Associated Press.) St. Petersburg, Sept. 28.—Witte arrived here today and was accorded a very hearty reception by a large crowd of officials and others. In a brief speech replying to a welcoming address, Mr. Witte showed clearly that he was deeply gratified by the advance-ment with which he was received. When he left St. Petersburg, in July, a small delegation of officials accompanied him to the railroad station to bid farewell. There was no public demonstration whatever. Today there were seven or eight times as many officials and a very enthusiastic crowd of five or six thousand people. The crowd had collected near where Mr. Witte would descend from the train and when he appeared they broke out into loud and cheer.

Mr. Witte bowed acknowledgment. He spoke in Russian and read an address of welcome.

Mr. Witte, who seemed deeply moved by the sincerity of the welcome advanced a few steps and delivered his reply. He said: "I was so little prepared for this kind reception that I must ask your pardon for the incoherence of my words. I have performed my duty well, because I have strictly obeyed His Majesty's instructions, because circumstances favored me, because the world is weary of this bloody war, because all classes of American society, from President Roosevelt down to the poorest citizen, are united in one cause, because I was true to my country and her and our interests."

Mr. Witte's last word was followed by further loud and hearty cheering, and he was cheered again as he drove away.

An opportunity to do the wrong thing is generally taken advantage of. The dentist can draw teeth without being much of an artist.