

TELEGRAPHIC SUMMARY.

McKintley will go to Ohio to vote. Vice President Hobart is doing well. A serious shooting affair occurs in Abbeville, Ga. Admiral Schley is given a royal reception at Atlanta.

A lawyer collecting rents as such is not liable to tax as real estate agent. Frost in the southwest causes yellow fever quarantines to be raised. The Naval cadets defeat the University of North Carolina at football.

General Wheeler writes that he will take his seat in congress when that body meets. Elections occur on Tuesday in Ohio, New York, Kentucky, Nebraska and several other states.

At Robeson criminal court a man is sentenced to be hanged December 7th for criminal assault. There is a scheme on foot to form a company to conduct the naval stores business of the country.

Judge Simonton files his opinion deciding against the corporation commission in the railway tax case. Harvard defeats Pennsylvania at football and the game comes near being followed by a flogging match.

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Wilson Notes. For the month of sales, this week heads the record for the greatest number of pounds ever handled on the Wilson tobacco market. Bad weather prevented the sales on Monday and Tuesday and as a result Wednesday's sales were the largest since the war.

Used by British Soldiers in Africa. Capt. C. G. Dennison is well known all over Africa as commander of the forces that captured the famous rebel Gallehe. Under date of Nov. 4, 1897, from Vryburg, Bechuanaland, he writes: "Before starting on the last campaign I bought a quantity of Chamberlain's Colic, Cholera and Diarrhoea Remedy, which I used myself when troubled with bowel complaint, and had given to my men, and in every case it proved most beneficial."

General Ludlow Returns to Washington to Confer With the Authorities. Washington, November 4.—Brigadier General Ludlow, governor of the city of Havana, called today to the war department, stating that he would leave for Washington today, and asking that arrangements be made to avoid detention in quarantine in New York.

Chapel Hill Defeated. Annapolis, Md., November 4.—The navy cadets won victory this afternoon from the University of North Carolina by a score of 12 to 0. No score was made in the first half, but in the second Wade and Halligan made touchdowns and Workman kicked goal.

GERMANY AND AMERICA.

THE ADVANTAGES OF A COMMERCIAL TREATY.

CONCILIATORY GERMAN TONE.

Our Reciprocity Treaty With France Causes Uneasiness Among the Germans Over the Prospects of Their Commerce With America Emperor's Scheme for Increase of the Navy. Criticism of British Military Mistakes in South Africa.

(Copyright by Associated Press.) Berlin, November 4.—Opinion here inclines more and more strongly in favor of a commercial treaty with the United States, which will be fair for both sides and enable the merchants of both nations to make calculations regarding trade between the two countries for a number of years ahead.

The kind reception of the German delegates to the Philadelphia commercial congress is greatly appreciated by the press here. The newspapers express the hope that the gathering will remove many mutual errors. A number of publications have appeared lately, explaining the advantages of better commercial relations.

The additional reciprocity treaty between the United States and France has started German merchants. The National Zeitung devotes a long editorial to the subject, which concludes: "The quarrel between Germany and the United States about the correct interpretation of the favored nation clause must thereby become more acute unless Germany gets the same tariff reductions as France."

The correspondent of the Associated Press writes from an official source that confidential advices have been received from Washington to the effect that negotiations between the embassy and the state department will not be seriously resumed until the measures touching American interests pending in the reichstag, especially the meat inspection bill, are disposed of.

The correspondent learns on the highest authority that Count von Pottolow-Winter recently conversing on the subject said: "To pass an inspection bill in any shape, the government must lump the agrarians to a certain extent. Other-wise the bill will be rejected in its old state and the commercial war with the United States will continue. We will have to prohibit American sausages and canned meats, and in compensation will encourage the importation of American fresh meats and will not hinder the importation of hams, etc. The Americans will have to be satisfied with this."

In the same conversation, the minister of the interior said: "If this unbalanced (meaning balance of trade) against Germany continues we shall have to drop the gold standard." That the agrarians oppose the proposed commercial treaty goes without saying. The Deutsche Tages Zeitung argues that Germany's commercial treaty policy is a gigantic mistake. It claims the balance of trade has gone more and more against Germany since the treaties until it now amounts to 1,347,000,000 marks, while during the free trade of 1872-1880, it was 1,072,000,000 marks.

The emperor's naval projects have formed the main subject of press discussion this week. The government now admits that the Flotten-plan really means doubling the navy as compared with what it would be under the plan of 1897, and that 25,000 additional men will be needed for the new fleet. Nearly the whole press expresses astonishment at the fact that his majesty personally conceived and pushed the plan, while Prince Hohenzollern's consent was only obtained later and that the bundesrath and Prussian cabinet have not yet been consulted.

However, the chances of a bill embodying the plan, which the correspondents learn, will reach the reichstag before the end of the year. The government, through Herr Krupp's organ, the semi-official Politischen Nachrichten, gives among the reasons for the contemplated increase the advent of the United States as a new weltmacht, the co-operation of Great Britain and the United States in Samoa and the war in South Africa, which has had much to do with the conception of the plan.

The news of the British reverses and losses has been received in Germany with less demonstrations of joy than might have been expected from previous expressions. The mistakes and shortcomings of the British preparations are pointed out with much vigor by the press strategists and military writers, but the other newspapers comment on the week's events fairly.

Steamer Ponce Sails. Savannah, Ga., November 4.—The steamer Ponce, from New York for Porto Rico, which put in here a week ago, having lost her propeller at sea, sailed today. A new propeller, shipped from New York, was put in place yesterday. The Ponce carries forty passengers. The passengers were entertained at the best hotel in the city during the ship's enforced delay.

ROBESON CRIMINAL COURT.

A Defendant Convicted and Sentenced to be Hanged for Criminal Assault.

(Special to The Messenger.) Lumberton, N. C., November 4.—The criminal court of Robeson county, which has been in session here for two weeks, adjourned today for the term. The last case tried was that of the State vs. Reuben Ross, a negro, for raping a white woman in the upper end of the county in September last. The jury rendered a verdict of guilty this morning and the judge sentenced the defendant to be hanged on December 7th.

There was a good deal of feeling in the case, but on account of the prompt trial no extreme measures were taken. Besides a large number of other criminal cases there were six capital cases on the docket for trial. Three of these were disposed of and the others were continued until the next term of court.

All the people in the county irrespective of political creed, are loud in their praise of Judge Battle. He has proven himself to be an able judge and a most estimable officer in every respect. No judge who has ever visited Robeson county holds the confidence and respect of the people in a greater degree than does Judge Battle.

(By Associated Press.) Raleigh, N. C., November 4.—At Lumberton today Reuben Ross, colored, was convicted of rape and sentenced to be hanged on December 7th next. His victim was Miss Beatie Ingram, a highly respected lady.

The feeling of the people was so strong against the rapist during the trial that the court had to exercise great precaution to prevent an outbreak against the prisoner. It was only the fact that the people felt confident that speedy justice would be meted out to the brute that restrained them from violence. The prisoner, however, had a fair trial and his guilt was clearly established.

Mrs. Ingram, while giving her testimony, fainted, and the excitement among the men in the court room became so intense that many were seen to place their hands on their pistols. The woman in consequence of the crime is now a physical and almost mental wreck.

But for the great precautions taken it is probable that the negro would have been riddled with bullets in the court room. FOOT BALL GAMES. Harvard Defeats Pennsylvania—Virginia Downed by Michigan—North Carolina Defeated.

Philadelphia, November 4.—As had been anticipated, the University of Pennsylvania football team was defeated by the Harvard eleven by a score of 16 to 0 on Franklin field this afternoon in the presence of nearly 25,000 spectators. Harvard deserved the victory because she played the better game. At no time during the contest did Pennsylvania have a chance to win and the crimson goal line was never, even for a moment, menaced by the players of the red and blue.

There were no sensational plays and the game was ordinary all through. An incident happened at the close of the game which caused somewhat of a sensation among the spectators. When the whistle blew announcing the close of the game, Ovefield, Pennsylvania's center rush, snatched the ball and made for the dressing room on a dead run. The custom of football is that the victor belongs the ball.

When the Harvard men had recovered from their surprise, they dashed after the flying Quaker for the purpose of getting the ball as a trophy. Two or three Pennsylvania men gave the Harvard men the shoulder, and one Pennsylvanian is alleged to have struck a Harvard man in the face. A crowd gathered around the players and things for a moment looked ugly. Geo. Woodruff, Pennsylvania's head coach, characterized the unsportsmanlike act of Ovefield, hastened to secure the ball from him, and made the latter apologize to the offended Harvard men.

Several men who got mixed up in the crowd started by singing each other and the police had a hard time for a while in quelling the disturbance and clearing the field. Detroit, Mich., November 4.—By a score of 38 to 0, the University of Michigan defeated the University of Virginia today at Bennett park. Virginia's light line was no match for the heavy-weights from Ann Arbor, and in the second half went all to pieces, the Michigan men gaining almost at will. The field was rather heavy as a result of the recent rains and this was in Michigan's favor. There was considerable punting and in this the Virginians made a better showing.

Princeton, N. J., November 4.—In the presence of 3,500 people, with a cold northwest wind blowing, Princeton defeated Brown here today by the score of 18 to 6. The game throughout was characterized by Princeton's assyau line hitting and her strong defense. Brown's line was vulnerable in nearly every part. West Point, N. Y., November 4.—The Yale football team defeated West Point today 24 to 0. By hard line backing through the center and tackling principally by McBride, Yale carried the ball three times across the goal line and got a fourth touch down on a decision of the umpire, which was questioned by some of those on the side lines, who believed that instead of a touchdown by Yale the ball should have gone to West Point on their yard line.

THE ASSESSMENT CASE.

JUDGE SIMONTON DECIDES IN FAVOR OF THE RAILROADS.

INJUNCTION GRANTED BY HIM

Against the Corporation Commission and State Officials—They are Enjoined Against Collecting the Railway Taxes Under the Assessment of 1899—The Tax Levy of 1897 Still in Force—The Judge's Reasonings.

(Special to The Messenger.) Raleigh, N. C., November 4.—Judge Simonton's opinion in the tax assessment case, in which he grants an injunction against the corporation commission, the auditor and the treasurer to prevent the tax levied for 1899 from being collected on the Southern, the Seaboard Air Line, the Atlantic Coast Line and the Atlantic and North Carolina railways, and directs that the assessment of 1897 shall stand, is a long one, making five newspaper columns.

The allegation by the railways was that in making the assessment the corporation commission had exceeded its power; that the mode of assessment was so different from that as to other property as to not being equal protection of the law; that there is a systematic under-valuation of property other than railway property, and that railway property is valued higher than that of individuals.

The questions raised are federal questions under the Fourteenth amendment. Each case depends upon the construction and application of the constitution of the United States. If the statutes under which the corporation commission acts conflict with the United States constitution then the commission and the state officers acting under its proceeding may be enjoined.

The question as to whether the commission has power to levy an assessment on the property of railways is decided negatively, the act of 1891 creating the railway commission gave it no power to levy assessments. That act was amended in April while the machinery act of 1891, which gave the power to the commission to assess was ratified in March. It, therefore, amended the commission act. It would be an anomaly if the amending act should precede the act it amends.

The legislature of 1891, in creating the corporation commission, declared it should perform all the duties and exercise the powers imposed upon the rail road commission by Chapter 32, Acts of 1891. But that chapter confers no power to assess. Chapter 687, Acts of 1897, authorizes the railway commission, corporation commission or such board as shall succeed to their duties, to assess property which has escaped taxation. This act recognizes the existence of the railway commission and its powers and leaves to inference entirely the idea that one is substituted for the other. If no other act created the corporation commission into a board for appraisal and assessment of railway property this act cannot do so by inference. It must be borne in mind that the legislature now under discussion is not remedial legislation. In conclusion, Judge Simonton says that on the whole the conclusion cannot be resisted that, either intentionally or accidentally, the corporation commission was not clothed with power of appraising and assessing railway property and that its attempted action herein complained of is without authority. It is to be regretted that this conclusion renders unnecessary the discussion of the merits of the case presented so ably and fully by counsel on both sides. The conclusion reached, while it may be regretted, now simply postpones the decision on grave questions underlying the case. This postponement, however, will not operate to excuse the complainants from payment of taxes. The provisions of the revenue act of 1897 are in full force and the taxes therein provided must be paid.

SCHELEY IN ATLANTA.

Atlanta, Ga., November 4.—Rear Admiral W. S. Schley was enthusiastically welcomed to Atlanta today. The arrival of the train at an early hour prevented a large crowd from being present at the depot, but the reception was none the less warm.

After a short reception at the Kimball house the ladies and gentlemen of the party were escorted to the state capitol, where they were met by a great crowd of people on the capitol grounds and were welcomed in the governor's reception room by the chief executive, United States senators and congressmen, judges of the supreme bench and others.

From here they were escorted to the hall of the house of representatives where Admiral Schley, after an introduction made a short speech acknowledging the appreciation of his welcome. At 1:30 o'clock, after reviewing the military parade, the exercises in the auditorium began in the presence of 12,000 people. Colonel W. A. Hemphill presented the loving cup bearing this inscription: Presented to Rear Admiral Winfield Scott Schley by the Citizens of Atlanta, Georgia, November 4th, 1899.

Admiral Schley in accepting the cup made a short speech which was frequently interrupted by vigorous cheers from his hearers. After the exercises Admiral Schley and the gentlemen of the party were entertained at a luncheon at the Piedmont Driving Club. Mrs. Schley and Miss Letterman were given a reception by the ladies. The reception at the Capitol City Club this evening closed the honors of the day.

Geo. Noland, Rockland, O., says, "My wife had piles forty years. Dr. Witt's Witch Hazel Salve cured her. It is the best salve in America." It heals everything and cures all skin diseases.—R. R. Bellamy.

TAX ON SLOT MACHINES.

Decision of the Attorney General—Increase in Tax Valuation of Property. No Damage by the Storm at Hatteras.

Messenger Bureau, Raleigh, N. C., November 4. The question was laid before the state treasurer by the sheriff of this county today as to what should be the tax upon the nickel-in-the-slot machines which yield an uncertain return. The matter was at once laid before the attorney general, who rules that the tax is \$100. This affects all the machines.

The cadet battalion of the agricultural and mechanical college here is now uniformed. The style of the uniform is the same as heretofore, save that the caps with straight visor are replaced by the United States regulation cap.

The state auditor is rapidly receiving the returns from the counties, showing the tax valuations for 1899. These will not appear in this year's report, but in 1900. So far, fifty-seven counties make returns, showing an increase in the value of real and personal property of \$9,683,000 over 1898. This is a quadrupled assessment year, and the auditor says the increase is due perhaps to the good work of the assessors in some counties. Every county which has thus far made return shows an increase, ranging from \$1,000 to over \$1,000,000. Mecklenburg leads, with \$1,200,000. Other increases are: Buncombe \$596,000, Forsyth \$549,000, Rowan \$538,000, Beaufort \$468,000, Richmond \$411,000, Cleveland \$383,000, Robeson \$378,000, Pitt \$338,000.

The negro Agricultural and Mechanical college at Greensboro made an extremely creditable display at the state fair of that race here this week. In the western part of the state cattle clubs are being formed, largely to guard against splenic fever. State Veterinarian Curtice left today for Watauga county, where one will be formed Monday.

The decision of the corporation commission that the Seaboard Air Line is one railway system is an important one. Some cases hinge upon the status of the road in this respect. News comes that the storm this week did no damage at Ocracoke and Hatteras, which suffered so severely from the August storm.

FOR THE WINTER TRAVEL. New schedules to Florida from the North and Northwest. Washington, November 4.—At a schedule meeting of the Pennsylvania railroad, Southern railway, Florida East Coast railway, Plant system, Atlantic Coast Line, Norfolk and Western, and Chesapeake and Ohio railways, held at this city yesterday, important changes of schedules were determined upon.

The annual announcement of the operation of the New York and Florida limited, leaving New York over the Pennsylvania railroad at 12:40 p. m. and Washington over the Southern railway at 6:35 p. m., and arriving at Jacksonville 10:35 a. m., Jacksonville 2:35 p. m., St. Augustine 3:45 p. m., and Port Tampa 10:05 p. m., the following day, was made. It is thought that the hours of departure from eastern cities and arrival in Florida as arranged by this schedule, are the most satisfactory to tourists that have yet been operated.

Other Florida trains over the Pennsylvania railroad and Southern railway will leave New York at 12:05 a. m. and 2:55 p. m., the former carrying the United States fast mail, and having through Pullman cars to Miami, Fla., and connecting with steamer to Havana.

The fast train for Atlanta, Montgomery, Birmingham, Mobile and New Orleans will leave New York at 12:05 a. m., as at present. The Washington and Chattanooga limited, leaving New York at 2:55 p. m., and the Southwestern limited, leaving New York at 4:25 p. m. for New Orleans, Memphis and other points, remain upon their present fast schedules.

New train service from Cincinnati, O., and Louisville, Ky., for Florida points via the Southern railway, was also announced. The Cincinnati, Florida and Havana limited leaving Cincinnati at 8:30 a. m., Louisville 7:45 a. m., arriving at Jacksonville 8:30 a. m., the following day. Another train leaves Cincinnati 8:00 p. m., Louisville 7:45 p. m., and arrives at Jacksonville 10 o'clock the following night, and Tampa 7 o'clock the following morning.

The New York and Florida limited and the Southwestern limited will be equipped with library, observation, drawing room and compartment cars. General Wheeler Will Take His Seat in Congress. Louisville, Ky., November 4.—A special to The Times from Nashville, Tenn., says: Judge W. J. Good, of Florence, Ala., has received a letter from General Joe. Wheeler, who states that he will resume his seat in congress when that body meets. General Wheeler does not say when he will return from the Philippines.

The President Will Vote. Washington, November 4.—The president will go to Ohio to vote. He will leave here on Monday evening, arriving at Canton about noon, and probably will leave Canton for the return journey the same evening, reaching Washington Wednesday noon. Vice President Hobart Doing Well. Paterson, N. J., November 4.—At 11 o'clock tonight Vice President Hobart was sleeping. Dr. Newton, before retiring, said that the patient was weak, but had had a fairly good day. He did not anticipate any trouble tonight, he said. LaGrippe, with its after effects, annually destroys thousands of people. It may be quickly cured by Ovefield's Cough Cure, the only remedy that produces immediate results in coughs, colds, croup, bronchitis, pneumonia and throat and lung troubles. It will prevent consumption.—R. R. Bellamy.

THE BRITISH RETREAT.

THEIR FORGES HAVE WITHDRAWN FROM COLENSO.

MORE OF NATAL ABANDONED.

The Evacuation of Colenso a Serious Matter to the British—A Strong Strategic Point for the Boers—It Places Them Between Ladysmith and the Source From Which Assistance Must Come—The Artillery Duel at Ladysmith Continued.

London, November 4.—The war office has issued the following announcement: The colonial office has received information to the effect that the British troops have withdrawn from Colenso and have concentrated further south; but we have no news of any engagement in that neighborhood. Colenso is south of Ladysmith. Ladysmith, November 4.—Afternoon—via Cape Town—Four naval long range guns have been mounted here.

London, November 4.—Gunnyer Lieutenant Egerton, of the British cruiser Powerful, who was wounded by the explosion of a shell at the bombardment of Ladysmith has been promoted to the rank of commander for services in the field. His legs have been amputated as a result of his wounds. The officer is a nephew of the Duke of Devonshire. London, November 4.—The evacuation of Colenso is undoubtedly a most serious matter for the British in Natal, as it not only testifies to the complete investment of Ladysmith by the Boers, but makes the relief of General Sir George White an extremely difficult operation.

Colenso is the point where the railway from Ladysmith crosses the Tugela river, which is now in flood. The town itself is of small importance. It is dominated by the hills on the north side of the river, and so was untenable if the Boers have advanced, as they seem to have done. Moreover, only a small naval and colonial force was stationed at Colenso. The seriousness of the evacuation however, lies in the fact that Commandant General Joubert, while completely investing Sir George White at Ladysmith can send his troops to the north and send it southward by Pietermaritzburg, and, in any case, by destroying the bridge and railway, can prevent any relief expedition reaching Sir George White for some time.

Military men optimistically predict that General Joubert will withdraw from Natal immediately. Sir Redvers Buller's force enters the Orange Free State, but the latter cannot be far on his way for at least three or four weeks, and even then General Joubert may not decide to intercept the British on the Free State's open veldt, which would suit the British admirably, for he may wait until the last moment and then proceed by train back to Pretoria and take up strong defensive positions on the range of hills lying in front of Johannesburg and Pretoria.

Thus General Joubert might remain in Natal several weeks longer, endeavoring to force Sir George White into a capitulation, the destruction of the Tugela river bridge helping him by cutting off British relief. Moreover another Boer force is reported to have marched through Zululand in the direction of Durban and already to have reached the Natal frontier. Thus it will be seen the position in Natal, taking into consideration a possible uprising of the disaffected Dutch, is most disquieting and, in fact, may be described as critical. British reinforcements in any number cannot reach Durban before the end of next week.

A special from Ladysmith, dated November 2nd says: "During the night the Boers moved closer to the British positions, and mounted guns in fresh places. Meanwhile the naval guns have been moved to more favorable positions, near the town and commanding some of the Boer batteries. "At 6 o'clock this morning, General White ordered the bombardment of the enemy and the bluejackets opened the ball. The Boers replied vigorously. They fired a shell and some of the British were hit. "At terrible artillery duels has been proceeding for over three hours. So far the naval guns are the only ones that have engaged the enemy."

Ho Shot in Self Defence. Abbeville, Ga., November 4.—A. E. Brady, a son of former representative Wright Brady, of Sumter county, was shot and very seriously wounded on the street here today by William Gates. Brady had been abusing Gates for having arrested him about two years ago when the latter was marshal of Abbeville. They were going out of town to settle the difficulty when Brady suddenly assaulted Gates with a knife and the latter fired five shots, each taking effect. Brady was wounded in the neck, shoulder, stomach and both arms. Gates was arrested and is in jail, but it is generally believed the shooting was done in self-defence.

The Campaign in Mississippi. Jackson, Miss., November 4.—The close of the Mississippi state campaign was of a very informal nature. Longino, the democratic candidate for governor, has delivered only two addresses since his nomination, one in Chickasaw county, and one in Pontocook which are regarded as populist strongholds. Prewitt, the populist candidate, has made twenty-five speeches which, he states, were for the purpose of maintaining party organization. Considerable interest is being manifested in the proposed amendment to the state constitution providing for an elective judiciary.

Dr. H. H. Haden, Summit, Ala., says, "I think Kodol Dyspepsia Cure is a splendid medicine. I prescribe it, and my confidence in it grows with continued use." It digests what you eat and quickly cures dyspepsia and indigestion.—R. R. Bellamy.

Geo. Noland, Rockland, O., says, "My wife had piles forty years. Dr. Witt's Witch Hazel Salve cured her. It is the best salve in America." It heals everything and cures all skin diseases.—R. R. Bellamy.