

# The Morning Post.

THE POST  
Prints all the telegraphic news of the world, by the Laffan News Bureau of New York.

WEATHER FORECAST:  
Raleigh and Vicinity—Fair and colder this morning.

Vol. 4. LAST EDITION, 4:00 A. M. RALEIGH, N. C., FRIDAY, DECEMBER 24, 1897. No. 21.

## HANGING OF MURDERER RYAN

Executed at Greensboro Yesterday at Noon.

## LAST WORDS, "LET HER GO"

His neck was broken and he died twelve minutes after the trap fell. Retained his remarkable self-possession to the last.

## THAT EYE OF THE CZAR.

A Scheme to Compel It to "Recognize" a Member at Certain Times.

WASHINGTON, Dec. 23.—The Republican members of the House Committee on Rules today continued the examination of the Code, to be reported after the holidays. To expedite consideration of bills, Mr. Walker (Mass.) proposes that instead of three calendars, which the rules now provide for, that there shall be but one.

## TO SOLVE THE PENSION QUESTION.

A Connecticut Manufacturer Has a Plan for Congress.

NEW YORK, Dec. 23.—The Press says W. F. Rockwell, a prominent manufacturer of Meriden, Conn., has in view the presentation of a bill in Congress through the Pension Committee looking toward the funding of the pension appropriation. This bill, according to Mr. Rockwell, promises to be of great benefit not only to the government in the saving of many millions of dollars, but to the vast army of pensioners also.

## EVANGELIST PEARSON.

Latest Work of This Well Known North Carolina Preacher.

LEWISTON, Va., Dec. 23.—Rev. Dr. Pearson, the effective and eloquent North Carolina minister of the gospel, has been holding a two-weeks' revival at this place. The meetings have just closed. There were over 250 who made a profession during the meetings, and of this number there were twenty-five converts of the Virginia Military Institute. The Presbyterian congregation made up a purse of \$200 in gold, and presented it to Mr. Pearson. Mr. Pearson will go to his home in Asheville, N. C., to rest for a month, as he has been preaching continuously for the past four months.

## VENGEANCE WAS HIS.

By Telegraph to The Morning Post.

BIRMINGHAM, Ala., Dec. 23.—T. T. Ashford, member of the board of aldermen, shot and mortally wounded F. T. Brown, of Courtland, Ala., on the crowded streets today. Last year Brown shot and killed Ashford's brother at Courtland.

## NEW ENGLAND COTTON OPERATIVES

THE QUESTION WITH THEM NOW IS WILL THEY STRIKE

Accept the Cut of Ten Per Cent Made by the Mill Owners—It Will Be Settled Finally Next Week When the Labor Unions Meet.

## DAMAGES AGAINST UNCLE SAM.

For Seizure of Canadian Sealing Vessels in Behring Sea.

WASHINGTON, Dec. 23.—The United States will have to pay every penny for the seizure of the Canadian sealing vessels in Behring Sea prior to the Paris award.

## COLUMBIA EXPRESS ROBBERY.

Nothing Yet Definitely Known of the Disappearance of the \$100,000 Package.

## CHAIRMANSHIP COMMERCE COMMISSION.

Mr. Dixon Apparently Declined on the Floor.

## THE "DAUNTLESS" TURNS UP AGAIN.

By Telegraph to The Morning Post.

WASHINGTON, Dec. 23.—The filibustering "Dauntless" returned to Jackson today. Immediately on receipt of information that his effort instructions were sent to the officials at Key West, Pensacola and other points to relax extraordinary orders which were being made to find the vessel. It is believed a manman for intended, when he left Jacksonville Sunday, to connect with some vessel at sea for the purpose of taking a cargo of arms and ammunition for the rebels. The short term of her absence indicates that her purpose was not carried out, but this is not certain.

## Cold Santa Claus Weather.

By Telegraph to The Morning Post.

WASHINGTON, Dec. 23.—Forecast for North Carolina and Georgia—Fair, colder, northwesterly winds.

## SUPREME COURT DECIDES AGAINST THE WILSONS

The New Commissioners Forcibly Took Possession of the Railway Commission Offices Last Night.

## CHIEF JUSTICE FAIRCLOTH GRANTED A WRIT OF ERROR

The Action of the Chief Justice Carries the Case to the United States Supreme Court on Appeal—Justice Douglass Wrote the Opinion Which Was Concurred in by all the Justices Save Chief Justice Faircloth, Who Filed a Dissenting Opinion.

Yesterday afternoon the Supreme Court rendered decisions in the cases of L. C. Caldwell vs. J. W. Wilson and J. H. Pearson vs. Otho Wilson, for officers of Railway Commissioners, deciding in favor of Messrs. Caldwell and Pearson. The opinion was written by Justice Douglass, the other Justices concurring, save Chief Justice Faircloth, who filed a dissenting opinion. He held that the Government did not have the right to remove the two Wilsons.

Chief Justice Faircloth flatly refused to sign the judgment of the Court. The Chief Justice always signs the judgments for the Court and his failure to sign this judgment was something unusual. Judge Clark, the next oldest Justice on the bench in point of service, signed the judgment on the instance of a majority of the members of the Court.

The Government and its two Commissioners had planned a coup d'etat, by which they expected to become in possession of the Railway Commission office. It is six o'clock Capt. W. H. Day, counsel for Caldwell and Pearson, appeared in the office of the Clerk of the Court, Col. Thos. S. Kenan, and asked for a writ of execution. A writ was immediately issued to post Messrs. Caldwell and Pearson in possession of the office.

The order was immediately placed in the hands of Sheriff Jones for execution. Before the sheriff could execute the writ, Mr. R. O. Burton, an ex-Judge Spier Whittaker, counsel for the Wilsons, obtained from the Clerk of the Court, a writ of the United States Circuit Court, a writ of the United States Supreme Court, which carries the case to the Supreme Court on appeal. The writ of error was sanctioned by Chief Justice Faircloth, and in this way it was secured.

No other Justice of the Supreme Court could have issued a writ of error and thereby removed the case to the Supreme Court of the United States. The Chief Justice alone has that prerogative.

This is a smart play on the part of the opposition to the Government and completely dumfounded the enemy. Both Mr. Caldwell and Mr. Pearson camped in the Government's office the greater part of the afternoon. Late in the afternoon they went to the court room to watch developments.

It was 7:10 when the writ of error was applied for. A bond of \$1,000 was required to carry the case on appeal to the United States Court. This the Messrs. Wilson gave, Col. J. S. Carr, H. C. Brown and two of Maj. Wilson's sons going on as bondsmen.

It is predicted that the Supreme Court will not dispose of the case within twelve months.

## Caldwell and Pearson Take Possession.

Last night at 11:40 Messrs. Caldwell and Pearson forced an entrance in the offices of the Railway Commission at the Agricultural Department by picking the locks.

They were accompanied to the office by Mr. T. F. Brockwell, the locksmith, who effected an entrance. Mr. Brockwell was sent for by the Governor at 10:30 last night and given instructions to force open the office. As soon as an entrance was effected by a rear door, Messrs. Caldwell and Pearson turned on the light and proceeded to warm their cold feet and make themselves at home.

Mr. Caldwell said in an interview after midnight: "No process of law has been served on us. We waited here two hours for the Sheriff to carry into execution the order of the Court. He didn't come, and we went to supper and returned again. We are going to stay here. We are only obeying the process of the Court as we are amenable to it."

## Simply Fixing to Get "Fired."

An Idaho Official Who "Defies" Civil Service Law.

BOISE, Idaho, Dec. 23.—The Surveyor General, Joseph Perault, is in revolt against the Civil Service law and the Interior Department. He has received notice that Frank C. Whitthorne has been transferred, by the Interior Department, from the Surveyor General's office in the State of Washington to the office here, under the Civil Service rules. Mr. Perault has written the Department that he will not permit Whitthorne to take a place in his office.

## Weyler's Opposition to Autonomy.

MADRID, Dec. 23.—Gen. Weyler, in an interview last published, is quoted as declaring formally that there is no hope of the success of autonomy, adding that no insurgent will submit except to the Marquis of Santa Lucia and another chief, and asserting that the insurrection will continue. The General is quoted as saying that if the Spanish Government persisted in autonomy Spain would lose Cuba in a few months. In consequence, Gen. Weyler said, he opposed the dissolution of the Chamber until the Government renounced its policy of giving Cuba an autonomous form of government.

## The Decision of the Court.

The opinion of the Court was rendered by Justice Douglass. Judge Douglass holds that the execution of the law and the protection of the citizen are the responsibilities of this Court in settling the line of demarcation between the Legislative, Executive and Supreme Judicial powers, which by constitutional obligation, must be kept forever separate and distinct. This vital line must be drawn by us alone, and we will endeavor to draw it with a firm and even hand, free alike from the pained touch of interest or subservency and itching grasp of power. Should the Legislature or Executive Department of the State cross that line, we will put them back where they belong; but upon us rests the equal obligation of keeping upon our own side. This is a question not of discretion but of law, a matter not of expediency but of right.

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## PHILA. FINANCIAL FAILURES

Chestnut Street National and Trust Savings Fund Fail.

## "DAILY RECORD" INVOLVED

Both Banking Institutions Were Managed by Col. Wm. Singler, Proprietor of the "Daily Record," One of Best Paying Papers in Pennsylvania—Latter Said to be Seriously Involved—Singer May Lose Hold.

PHILADELPHIA, Pa., Dec. 23.—After a months' struggle to avoid a collapse, the Chestnut Street National Bank closed this morning, and passed into the hands of the National Bank Examiner.

## BIG THING FOR THE AMERICAN.

Back Duke to Have Biggest Tobacco Factory in the World.

LOUISVILLE, Ky., Dec. 23.—The American Tobacco Company has bought a lot on which to erect an addition to their large plant, which will make it the largest establishment of its kind in the country. John D. Rockefeller, a director of the trust, said the new factory would be ready next summer and would give employment to thousands of hands. He said the tobacco manufacturing business was booming.

## Still Fighting for Durrant.

By Telegraph to The Morning Post.

SAN FRANCISCO, Dec. 23.—The attorneys for Theodore Durrant have filed notice that they will ask for a change of venue from the recent order of sentence by Judge Baehr, on the ground that the court is prejudiced. An appeal to the Governor for a commutation of sentence will also be made on the ground that a review of the co-operation of the Blanche Lamont and Minnie Williams cases should be made. Another effort to get the case before the Federal Courts will also be made.

## Re-elected President of the B. and O.

By Telegraph to The Morning Post.

BALTIMORE, Md., Dec. 23.—The Board of Directors of the Baltimore and Ohio Railroad, who were elected by the stockholders at the 75th annual meeting held last November, met today and organized for the ensuing year by electing John K. Cown President.

## SOUTH CAROLINA'S LIQUOR BUSINESS

"ORIGINAL PACKAGE" STORES RUINING DISPENSARY.

A New Departure Must be Made by the State if it Remains in the Liquor Business and a High License Law is Favored to Kill Off O. P. Stores.

COLUMBIA, Dec. 23.—Gov. Ellerbe is still wrestling with a message which, he says, will treat practically of one subject—the dispensary. The Governor will do his utmost for the dispensary, but intimates that if it comes to a point where the dispensary must haul down its flag, he will favor prohibition against high license. Many suggestions are being made to him for incorporation in his executive proceeding, the officer (Commissioner) having no opportunity to be heard. This proceeding is at least a novelty, and so far as I remember, is without precedent, certainly so in North Carolina. Judge Faircloth says such proceedings no doubt are found under some forms of government, but are at variance with all fundamental rules of government in the United States. Those rules protect life, liberty and property in the administration of law.

The Chief Justice says the suspension of the defendants was not an Executive function, but simply an act of the Legislature used to identify the agent. He sees no reason why the Secretary of State could not as well have been the agent, with direction, for causes mentioned in the act, to suspend the Governor from his office until the Legislature could have an opportunity to remove or restore him, as they might choose to do without any hearing from him.

The opinion holds that the real question is the power of the Legislature to suspend and remove a Judicial officer from his office and thus forfeit his property without giving him a trial. The Constitution says "the Legislative, Executive and Supreme Judicial powers of the government ought to be forever separate and distinct from each other." Art. 1, sec. 8.

The Chief Justice says that it has been universally held in this country wherever freemen live, that no forfeiture of office or office non-vacancy can be judicially declared until the accused has had a trial and sufficient cause is established. A trial and sufficient cause is established, where the defendant is not a party to the act, and all reasonable doubts should be served in his favor. Cooley on Const. Law, page 299, and cases therein cited.

While our attention has not been called to any decision from other jurisdictions relating to the removal or suspension of Railroad Commissioners, we do find in the creative statutes of the United States and of several of the States, provisions similar to those now under consideration. The same presumption of constitutionality would attach to them, and thus far they may be considered as precedents. Another constitutional objection argued with great force was that the act interfered with the independent tenure of the Judiciary so essential to the proper enforcement of the law and the protection of the citizen.

The opinion of the Court was rendered by Justice Douglass. Judge Douglass holds that the execution of the law and the protection of the citizen are the responsibilities of this Court in settling the line of demarcation between the Legislative, Executive and Supreme Judicial powers, which by constitutional obligation, must be kept forever separate and distinct. This vital line must be drawn by us alone, and we will endeavor to draw it with a firm and even hand, free alike from the pained touch of interest or subservency and itching grasp of power. Should the Legislature or Executive Department of the State cross that line, we will put them back where they belong; but upon us rests the equal obligation of keeping upon our own side. This is a question not of discretion but of law, a matter not of expediency but of right.

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## A WINSTON WEDDING

With Two Popular Young People as Contracting Parties.

WINSTON, N. C., Dec. 23.—One of the happiest and most imposing marital ceremonies ever celebrated in the Twin-City was solemnized in the Centenary Methodist Church this afternoon, when two of Winston's most popular young people, Mr. Robert Baker Crawford and Miss Hallie Grace Cozart, were united in the holy bonds of matrimony.

The doors of the church were thrown open at 4 o'clock, and the throngs of people who filed in were greeted by a scene which was indeed a marvel of loveliness. Beside the special wedding decorations the elaborate festoonings of the Sunday-school celebration were well advanced, and added very much to the elaborateness, as well as gracefulness of the very tasteful and brilliant environments. All of the attendants were cousins of the contracting parties, and were as follows: Misses Kate Belvin, of Raleigh; Grizzle Burton and Sadie Walker, of Durham; Christine Crawford, of Winston; Miss Anna B. Cozart, sister of the bride, was maid of honor. Mr. Richard M. Crawford, of Greensboro, brother of the groom, was best man. The bridal couple stood under two hovered turtle doves, suspended from a love knot of white ribbon, while the marital rites were performed by Rev. A. Walker, grandfather of the bride, assisted by Rev. Dr. Creasy, of Winston, Rev. L. W. Crawford, father of the groom who was to assist in the ceremony, was deputed in that the law is being better enforced than in any county in the State, because of its being supported, by the presence of that county generally, and because of public opinion. The county board asks for a constable for the county