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## MUST BE AUCTION SALE

### Blackwell Co. Cannot Be Sold to American Co.

## SUPPLEMENTAL OPINION

Mrs. Letitia M. Geer, of New York, owner of six shares of Blackwell stock, joins with Maj. Guthrie, increasing the minority interests to seven shares of stock—Other Papers filed in the case yesterday.

Judge Simonton yesterday filed a supplemental opinion in the case of the Blackwell Durham Tobacco Company, involving the appointment of a permanent receiver, the winding up of the affairs of the corporation and the sale of the property.

Judge Simonton decides that the property, if ordered sold at auction, must be sold at public auction, and that a sale to the American Tobacco Company will not be at all considered.

Papers that figured in the hearing of the case before Judge Simonton at Charlotte were received here yesterday. From these papers the fact is developed that the opposition to the present management of the Blackwell Company is backed up by seven shares of stock instead of one. Miss Letitia M. Geer of New York, who owns six shares, objects to the appointment of a receiver. Her affidavit is given elsewhere.

The supplemental opinion in the case received from Judge Simonton is given herewith:

"Without prejudicing the merits of this case, it is proper to say that so much of the bill as prays confirmation of a sale to the American Tobacco Company will not be considered. The frank admission by complainants that they are officers and employees of that company gives an additional reason to the unwillingness of the court to depart from the ordinary rule of a sale at auction and to accept a private bid. The allegation of this proposed purchase is the provoking cause and justification of so much of the answer as relates to the purposes, standing and designs of the American Tobacco Company. These allegations furnish a reason why the sale be not made to that company. Inasmuch, then, as no such proposition will be considered by the court; and the sale, if indeed, the sale be ordered, will be at public auction, under the provisions of the act of Congress, the standing master need not take and report any testimony respecting the character, purposes and designs of the American Tobacco Company."

Other papers that figured in the hearing of the motion to make permanent the appointment of a receiver of the Blackwell Company before Judge Simonton at Charlotte April 17 were received here yesterday. Among other things the complainants moved to strike out as "irrelevant and impertinent" the following parts of the answer of the defendant.

"And this defendant submits that your honorable court ought not to aid the complainants and the said American Tobacco Company to carry into effect such an unlawful scheme and plan," in section four.

"And that the said complainants and the said American Tobacco Company had, at the time of the purchase of said stock of Blackwell's Durham Tobacco Company, full knowledge of the charter and by-laws of said Blackwell's Durham Tobacco Company; and that its stock was not listed upon the stock exchange and was not sold and exchanged," in section five.

A statement of assets and liabilities of the Blackwell Durham Tobacco Company filed by Receiver P. S. Hull shows that the assets of the company were \$1,677,024.97 and the liabilities \$156,197.70. Of the liabilities \$100,000 was the "American Tobacco Company loan account." The Receiver says the statement gives a true list of the property that came into his hands and a true list of the debts that appeared on the books.

Mrs. Jane E. Vansant of Philadelphia, formerly Mrs. McDowell, files a petition through her attorneys, Maj. W. A. and W. B. Guthrie, against the Blackwell Durham Tobacco Company for \$35,000 with interest thereon at the rate of four per cent since July 1, 1898. This is for money which the petitioner says her husband advanced to the company to be used in advertising. The money was borrowed after the directors had decided to place \$240,000 with W. W. Aker & Sons for advertising purposes.

The petitioner alleges that Gen. Julian E. Carr advanced \$20,000 for this purpose. It is further alleged that interest on the claim was recognized and paid from June 30, 1897, to July 1, 1898. An amended bill was filed by the attorney for the plaintiff, Messrs. W. W. Aker and J. Parker, asking for the dismissal of the action with respect to the amended bill. The amended bill says, among other things:

"That since the filing of the original bill in this cause, your orators, George Aker and W. W. Funder, have purchased from various parties as to whom the suit has been dismissed, and now George Aker has 404 shares and W. W. Funder 36 shares of the capital stock of Blackwell's Durham Tobacco Company, in addition to the shares held

by them at the time of the filing of their original bill, so that the number of shares owned by all other stockholders of said Blackwell Company besides your orators only amounts to 147 shares in the aggregate, instead of 607 shares alleged in said original bill; that the only shares appearing on the books of said Blackwell's Durham Tobacco Company to be held by others than your orators or the defendants to this supplemental bill are ten shares belonging to Mrs. Ames Caspes, six shares belonging to Miss Letitia M. Geer and six shares belonging to Miss Mary R. Geer, and as to them the cause has been dismissed."

Miss Letitia M. Geer, of 130 West One Hundred and Seventeenth street, New York, filed an affidavit protesting against the motion for the appointment of a permanent receiver of the American Tobacco Company.

The affidavit by Miss Geer sets forth that she purchased six shares of Blackwell's Durham Tobacco Company stock, which she now has; that she received the dividends until August, 1898; that in 1898 the dividend was reduced to one per cent annually, and at the same time received a circular from the Blackwell Durham Tobacco Company stating that the previous six months had been the most prosperous in the history of the company, and that the reason for reducing the dividend was for the purpose of having a larger surplus for working capital.

The affidavit asserts that another four-per-cent dividend was received in November, 1898, and that since that time no dividends have been received; that in December, 1898, the Blackwell Company passed into the hands of the Union Tobacco Company, and afterwards to the American Tobacco Company, which last corporation now owns and controls the Blackwell Company.

The petitioner further expresses the belief that the Blackwell Company is a solvent corporation; that if the six months previous to August, 1898, were the most prosperous six months during the last year of general prosperity, the Blackwell Company should have increased its dividends rather than stopped them, had the American Tobacco Company, which owns the controlling interest in said company, managed the property in the interest of all the stockholders; but the desire of the American Tobacco Company seems to be to so manage said company as to force the minority stockholders to sell their stock to said American Tobacco Company.

That for months every influence was made by the American Tobacco Company to induce the deponent to sell her stock; that when she refused to sell she was told that a receiver would be appointed, and that she would not receive near as much for her stock as the American Tobacco Company offered, to-wit, \$25 per share.

Deponent further avers that she has no desire to sell her stock of the Blackwell Company, and should not be forced to do so by these proceedings, whereby she is injured.

Deponent further avers that this action to sell the property of the Blackwell Company and to dissolve said corporation is instituted by the American Tobacco Company, not only to deprive the minority stockholders of their rights but also to avoid the legal consequences under the anti-trust law of North Carolina.

Deponent prays the court, in the interests of the minority stockholders, that the injunction be dissolved and the application of the plaintiffs herein (who are really the American Tobacco Company) for a permanent receiver of the Blackwell Company be denied.

### MILLS MAY SHUT DOWN

#### Strike of Building Trades Has Brought Lumber Market to Standstill

Norfolk, Va., April 30.—From an authoritative source it was learned today that interesting developments are expected from a meeting of the North Carolina Pine Lumber Association which is scheduled to be held here next Tuesday. This association is composed of owners of about twenty mills in Virginia and North Carolina and practically controls the lumber market. It is understood that the association will very probably order all its mills to shut down on account of conditions brought about by the strikes of carpenters in the north and west. These strikes have affected the lumber trade to a great extent. Two months ago the mills could not supply the demand. Today they have millions of feet of lumber for which there is no demand. The closing of the mills would throw at least 20,000 men out of employment.

### Charlotte Business Changes Hands

Charlotte, N. C., April 30.—Special. The Charlotte Supply Co., which does the largest textile business of any house in the South, will tonight pass into the hands of Northern capitalists, R. M. Eddy, S. C. Clark, J. Hoff and R. B. Goff, of Warren, R. I., and C. H. Child, of Providence, a Rhode Island company organized here twelve years ago, handling all kinds of supplies for factory, mills, etc., the largest business in its line in the country. E. A. Smith and J. P. Wilson, retiring members of the company, have not yet decided on the future plans for their course. It is stated the business is worth considerably over \$100,000.

### Big Paris Show Has a Hoodoo

Paris, April 30.—There was another accident this afternoon at the exposition. A scaffolding collapsed in the Salle des Petes, where the inauguration ceremony was held. One workman was killed and three were seriously wounded. The Salle des Petes was hastily prepared for the opening ceremonies, the rubbish being cleared away and the uncompleted walls covered up with tapestry. Since the function the workmen have been busily engaged in finishing the building.

## PREPARING TO FIGHT NO TEARS FOR BOERS

### Boers Will Make a Stand on Pettigrew's Resolution Voted Down in the Senate

## GIVING UP FREE STATE AGAINST POLYGAMISTS

#### Boers Moving Their Forces Away and Will Abandon That Territory to the British—Botha Has Completely Outwitted the British Commander—London Criticizes "Bobs" Failure—Gen. Warren Arrives at Cape Town.

Cape Town, April 30.—General Sir Charles Warren, the newly appointed Military Governor of Griqualand, west, arrived here yesterday. He will start tonight for Kimberley. The imperial horse left here Saturday for Kimberley.

### A Colonial Tribunal

Cape Town, April 30.—11.50 a. m.—It was learned on excellent authority that the Cape government has decided to submit a bill to Parliament for the establishment of a special tribunal for the trial of colonial rebels. This tribunal will consist of colonial judges, and its creation will obviate the necessity of imperial legislation for this purpose.

The Cape Parliament will meet in the latter part of June, when the measure will be submitted. It is probable that members of the Afrikaner bond will oppose the bill, but the government is bound to carry it through, as many Dutch members will support it. The Natal Parliament will meet on Monday, the 2nd, and a similar bill will be introduced.

### Fire Was Retained

London, April 30.—Julius Weil, who has a branch office at Kimberley, has received dispatches from that point up to April 12th by runner to Kimberley. The latest dispatch says:

"We are most cheerful. Everything is moving along satisfactorily. The anniversary of the siege was celebrated by the Boers firing heavily into the town. The attack was repulsed at 10 a. m. On April 11 we received sixty-eight shells, but there were no casualties."

### Will Abandon Free State

London, April 30.—Dispatches from Lorenzo Marquez say that the Boers have decided to abandon the Free State to the British. It is said that the burghers will make no stand against the Lord Roberts south of the Vaal river; and that the movement of their forces across that stream has already begun.

This involves the abandonment of Brandfont and Kroonstad, and it is understood that the Boers are already moving away from these places towards the Transvaal. It is believed that the burghers have come to the conclusion that they cannot cope successfully with Lord Roberts' large army in the comparatively open Free State, and will try to stop him at the passes entering the Transvaal.

The British have evidently abandoned the pursuit of the Boers who were at Wepener and Dewetsdorp, as General Fenwick's cavalry is returning to Bloemfontein. Besides, a dispatch from Pretoria, under date of April 27, says that Commandant Gravett telegraphs from the Boer camp at Brandfont that the federal forces from Dewetsdorp and Wepener have arrived safely.

### Criticizes "Bobs" Failure

Other dispatches from the front say the strong position at Kroonstad will soon be practically abandoned by the Boers, and declare the first real stand against the English will be made on the banks of the Vaal.

The retirement from the Orange Free State, it is reported, is well under way. The return of French's cavalry to Bloemfontein shows that Roberts' immense movement to capture the Boers in the southeastern part of the State is a failure. General Botha has completely outwitted the British commander; London is greatly displeased over the failure, and criticism of "Bobs" is now rife.

The Standard says: "It is disheartening to find that these elaborate manoeuvres have had so small a result."

### British Advancing

Pretoria, April 28.—via Lorenzo Marquez, April 30.—Advice has been received here from the Orange Free State (no date being given) to the effect that the British are developing an advance towards Dewetsdorp. General Lemmer, the Boer commander, is attempting to check them. The British are in strong force, and it is possible for General Lemmer to make a decided stand against them, but he is holding them back in a measure by a series of running fights, retiring when he finds it expedient to do so.

The British advance column, consisting of 2,000 cavalry, is getting ahead with comparatively good speed, and it is expected that a big fight will occur at most any time.

A dispatch from the western part of the Free State says that the Boer patrols have located the British in the neighborhood of Boshof, where General Methuen, the British commander, has cut the telegraph wires to prevent news of his movements reaching the Boer commandant.

London, April 30.—The above advices were apparently somewhat late in reaching Pretoria, or were held back by the government there, as information from the correspondents with the British army has been received showing that the Boers were driven back and Dewetsdorp occupied by the British on Wednesday last.

## NO TEARS FOR BOERS

### Pettigrew's Resolution Voted Down in the Senate

## AGAINST POLYGAMISTS

#### Joint Resolution to Amend Constitution on the Question of Marriage Relation Referred to Judiciary Committee After a Spirited Debate—The Senate Considers the Alaskan Civil Code Bill.

Washington, April 30.—A House bill authorizing both the district and circuit courts of the United States for the southern district of Mississippi to be held at Biloxi, Miss., was passed when the Senate convened today. A bill appropriating \$40,000 to enlarge and improve the public building at Burlington, Ia., was passed.

Mr. Jones, of Arkansas, introduced two resolutions, one calling upon the Secretary of the Treasury to transmit to the Senate copies of the report of Secret Service Agent Bums and all documents, etc., relating to the alleged irregular practices of special employes of the Treasury William H. Theobald, stationed at the port of New York, and the other calling upon the Attorney General for the report of special agent W. A. Sutherland relative to the concealment of William Theobald with the Chinese investigation and criminal trial of Deputy Collector Porter of Malone and China Inspector Brown and Chinese interpreter Moyley. Both resolutions were agreed to.

Mr. Pettigrew, after ascertaining that his resolution expressing sympathy for the Boers, which was before the Senate when the body adjourned on Saturday, had gone to the calendar, moved to take up the resolution. On this motion the yeas and nays were demanded. It was defeated, the vote standing 29 to 20.

A bill was passed to provide for the establishment of intersection of the true 100th meridian with Red River to ascertain the amount of taxes collected by Texas in what was formerly known as Greer county and the expenditures made on account of the said county by the State of Texas and for other purposes.

An explanation of the bill is stated for a long time the county of Greer was in dispute between the State of Texas and Oklahoma territory and during the pendency of the dispute the expenses of education and of the system of education in Greer county were paid out of the treasury of Texas. The bill as passed lays the foundation for a claim against the United States for the money thus expended by the State of Texas.

The conference report on the bill dividing the northern district of New York into two judicial districts and providing for terms of courts therein was agreed to.

### Alaskan Civil Code

Consideration was then resumed of the Alaskan civil code bill, the pending question being the amendment of Mr. Carter, of Montana, in charge of the bill. Mr. Jones of Arkansas offered an amendment, striking out of Mr. Carter's bill the following:

"That nothing in this contained shall be construed as changing the existing mining laws of the United States." Mr. Turner of Washington opposed Mr. Jones' amendment, holding that Mr. Carter's amendment ought to be adopted. He declared that hundreds and thousands of claims in the Cape Nome district had been located by persons in the interest of various transportation companies and were now held by those companies.

He said these locations were "illegal and fraudulent, and were therefore a proper subject of explanation by Congress." He further declared, in response to inquiries, that these claims were located by aliens and employees of the transportation companies, were alien.

Mr. Turner maintained that the whole country in the Cape Nome district has been "gobbled up in the interest of these big companies, which were now holding the claims to the detriment of hundreds of American miners."

The bill to codify the laws of the district, consisting of 315 pages, was taken up. The simple reading of the bill would require three legislative days, and it was arranged that night sessions should be held for that purpose. Chairman Babcock then yielded the floor, and the committees were called.

### To Define Marriage Relations

Mr. Corliss of Michigan, chairman of the Committee on Election of President, Vice President and representatives in Congress, called up the joint resolution for a constitutional amendment to disqualify polygamists for election as Senators and Representatives, and prohibiting polygamy and polygamous cohabitation between the sexes.

Mr. Corliss said that while Congress, in the Roberts case, had established a precedent which would be followed at all times, it was deemed well that there should be a constitutional amendment to render the constitutional disqualification certain and to effectively provide a means of extirpating the evils of polygamy by making it unlawful in any

place and extending the judicial power of the United States so as to cover prosecutions of this particular crime.

Mr. Snodgrass of Tennessee, who made the report in the case, made an earnest plea in advocacy of the bill. Mr. Shackelford of Missouri, opposed the section of the resolution defining the marriage relation and prohibiting polygamy in the United States and he moved to strike it out on the ground that it interfered with the power of the States.

Mr. Corliss called attention to the fact that section four distinctly provided that the exclusive power to make and enforce all laws concerning marriage and divorce was reserved to the States.

Mr. Maddox of Georgia agreed with Mr. Shackelford that Congress should not legislate in the constitution. He thought single constitution inhibition against polygamy was sufficient.

### Bill Meets Opposition

Mr. Ray of New York, chairman of the judiciary committee, opposed the bill which, he said, was badly drawn. It would have been framed in his committee, which was now considering the same subject. The polygamy feature, he said, he could cover in six lines.

Mr. Grosvenor of Ohio also antagonized the bill. He believed in leaving minor offenses within the borders of the States, which in no wise affect the United States, to the States themselves. He did not think it wise to be tinkering with the constitution every time an offense became notorious in the country.

He said the people of Utah had learned a salutary lesson from the Roberts case and would never similarly offend again. Mr. Lanham of Texas said he was much opposed to polygamy as any man, but he thought the proposed legislation unwise, and moved that the resolution be referred to the Committee on Judiciary.

Mr. Lanham's motion prevailed without division. A bill was passed to provide for the sitting of district and circuit courts at Florence, S. C.

The House then went into a committee of the whole for a consideration of the Lacy bill to prohibit the transportation by Interstate Commerce of game allied in violation of local laws.

Mr. Lacy agreed that there was some sentiment in the bill. The protection of our native birds, he said, ought to be dear to the heart of every American.

### THWARTED HIS DESIGNS

#### Acquainted Captured by a Posse of Citizens and Jailed at Graham—There is a Strong Probability of Lynching.

Burlington, N. C., April 30.—Special. The town was thrown into great excitement this evening at 3 o'clock when an attempt of a black negro brute to assault a young white lady of the city on the outskirts of the town. A young negro by the name of Silvers took hold of the young lady in a desperate and violent manner, but was soon overpowered by the white posse and taken to jail at Graham. His six-month term of confinement was given and he was ordered to be kept in the county jail for his crimes, but the judge presiding in this case, Judge Robert Lee, considered the negro's behavior as so heinous and that of our proud city as such a stain that he will sign a warrant asking for his impeachment for making this scandalous loss on us as a part of his crime.

The young lady, about 16 years of age, and one of our most respected ladies, she has the sympathy of the whole community, and Judge Robertson severely condemned.

### VANUGH SELLS OUT

#### J. Reynolds' Tobacco Company Party to An Important Deal

Winston-Salem, N. C., April 30.—Special.—An important deal was consummated here today by the R. J. Reynolds Tobacco Company buying the business of T. L. Vaughan & Co., one of Winston's oldest and largest pipe and smoking tobacco manufacturing firms. The factory and other buildings are retained by Mr. Vaughan. The sale includes fixtures, brands and all manufactured and leaf tobacco in stock. The R. J. Reynolds Company will retain a large number of Vaughan & Co.'s employees, including salesmen and factory managers. The price paid will not be known until inventory is taken. Mr. Vaughan says he sold out on account of his health, which has not been good for some time. Rumors were current today that another tobacco firm had sold out to the Reynolds company, but investigation proved them to be untrue.

The sale of Vaughan & Co., Winston's largest wholesale grocery firm, dissolved today. The business will be continued by Elgar Vaughan, who bought the interest of his two partners, J. B. and L. A. Vaughan.

William Clunard, the young man who received twelve hundred volts of electricity and was thrown from an electric light pole last Thursday, died last night. He never regained consciousness after the accident.

David Spangh, one of Salem's oldest and best known business men, died this morning of paralysis, aged 63 years. He was taken ill yesterday afternoon. Mr. Spangh was never married, and leaves a large estate to two sisters and other relatives.

Laurinburg, N. C., April 30.—Special.—The Democratic primary election returns show election of Representative McLean without opposition. Spirited contest declared over other places, with register of deeds to be run over.

## INVITED TO CAROLINA

### Charlotte Wants McKinley to Attend Centennial

## DELEGATION VISITS HI

#### He Will Strain a Point to Accept the Invitation—Senator Morgan Agreed to Address the Mecklenburg Celebration on the Canal Question—Judge Ewart Has a Conference with Pritchard Which, it is Said, Succeeded.

By JOHN ROLLE

Washington, April 30.—Senator Pritchard, Assistant Attorney-General Boyd, and Congressman Bellamy accompanied a delegation from Charlotte to the White House this morning to invite the President to the Mecklenburg centennial.

There were present: J. D. McCall, mayor of Charlotte; T. J. Franklin, J. W. Muller, M. C. Mayer, George Stephens, John M. Scott, A. H. Washburn, E. T. Jordan, E. S. Reid, J. P. Wilson, E. B. Springs, J. P. Caldwell, C. H. Campbell, H. M. McAden, H. Barach, Geo. B. Hess, O. S. Baringer, S. Whitowsey, as a committee. Senator Pritchard introduced the committee. Mayor McCall presented the President with a beautifully embossed invitation, printed on cotton woven in the State, inviting him to attend the celebration of the 125th centennial of the Mecklenburg Declaration of Independence. Mayor McCall then addressed the President, in which he stated that the delegation was entirely non-partisan, and that the President would meet with a north Carolina welcome at the home of liberty.

The President responded in a few words of appreciation and said he certainly would attend if possible.

From private conversations afterwards held, with Senator Pritchard and Mr. Bellamy, he led both to believe that he would strain a point and come. The entire delegation was much pleased at the reception and spent the balance of the day in "doing" the city.

They left on the night train for home. C. B. Morton has been appointed postmaster at Covington, Richmond county, Ga. D. A. Parson removed.

David Digges, of Whitehorse, has been granted a pension of \$14; Richard Harding, of Richmond, \$12.

The Charlotte delegation to see the President also called on Senator Morgan and asked him to address the Southern assembly on the Nicaraguan Canal project on May 10.

He said he would if he could find the time.

President McEver, succeeded by Mr. Kitchin and several members of the North Carolina delegation, today, seemed Judge David A. DeArmond, of Missouri, to make the commencement address at the State Normal and Industrial College, at Greensboro, on June 20th. Judge DeArmond is one of the strongest leaders in public life and a speaker of fine ability and a man of rare worth.

Hon. J. L. McCurry also will be present at the commencement.

Judge Ewart has been here since Saturday. On Sunday he held a long conference with Senator Pritchard, the result of which has not yet transpired. He came here to ascertain, if possible, the opinion of the members of the Senate Judiciary Committee on his case, and it is believed that he found out from an informal poll of the committee that it was against him. He had intended writing a statement for the North Carolina press, but up to this morning of this dispatch he had not done so.

### COMPARED TO ACHEEN

#### The Philippines, Despite Otis' Proclamation, Are Practically in the Same State as the Island the Dutch May Called to Conquer in One Hundred Years.

London, April 30.—According to the Daily Mail's Hong Kong correspondent the situation in the Philippines is more gloomy than General Otis' reports indicate. He says:

"In spite of General Otis' proclamation that the rebellion in the Philippines is completely crushed and that a state of tranquillity exists, a commercial point of view is most unsatisfactory. Almost two-thirds of the exports to and one-half of the imports from the islands pass through Hong Kong and are handled by Chinese firms directly or as agents for American or other houses."

"Amongst the big business in Manila and which made preparations accordingly suffered a great financial loss by the tardiness of Otis in clearing out the few insurgent bands that make it impossible for agricultural classes to cultivate their lands. For months past the merchants have been hoping from day to day that the steps would be taken to effect this result."

"When General Young's men swarmed from Zamboanga to Aparri it was thought at last the decisive moment had come. Afterwards it was found that this movement was not counteracted by General Otis, and from that day to this things have gone from bad to worse."

"The islands are practically in a state of anarchy and can only be compared with Acheen, which the Dutch have been trying to conquer for 160 years."

"The Philippines in Hong Kong, boast that as soon as the rainy season begins in May, Aguinid, who is hiding in the mountains of northern Luzon, will organize another insurrectionary government and rally his scattered followers once more."

**Lumber Company Incorporated.**

The Northern Lumber Company of Wilmington was granted articles of incorporation yesterday with \$20,000 capital stock. The incorporators are Samuel Northrop, George Harris, Annie J. Northrop. The company proposes to own and operate saw mills, planing mills and shingle mills and to manufacture timber and lumber into all kinds of products.

Brussels, April 30.—The police have ordered a prominent newspaper artist to cease caricaturing Queen Victoria on pain of expulsion from the country.