

NOT ASSESSED AT REAL CASH VALUE

Thirteen Witnesses Testify as to Property Valuation in N. C.

RY TAXATION CASES

The Hearing Before Standing Master Shepherd

TO BE CONTINUED TODAY

Witnesses from Several Counties Say That Property is Assessed at From 50 to 75 Per Cent Below Its Real Value

Mr. Henry A. Page Gives Interesting Testimony - Witnesses Examined from Scotland, Wayne, Moore and Union Counties - They Say Property is Uniformly Undervalued - Sheriff, County Officers and Business Men Examined.

The examination of witnesses on the undervaluation of property in the railroad tax cases was begun yesterday in the Federal court room, before the Standing Master Judge James E. Shepherd.

Thirteen witnesses were examined, including county officials and business men, who testified that property in this State is uniformly assessed for taxation from 50 to 75 per cent less than its real cash value.

The hearing will be continued today. The witnesses will be examined in the following order: Mr. Henry A. Page, president of the Asheville and Aberdeen Railroad, who testified that property in his county is assessed at 50 per cent below its real value.

Mr. J. D. McNeill, a merchant of Wadesboro, N. C., was the next witness. He stated that he had been a resident of that place for years. When asked what public offices he had held he said he had served as county superintendent of public instruction in Wayne and also as sheriff of Goldsboro. He also served as tax assessor in the county for two terms.

Mr. M. L. Lee, a merchant of Goldsboro, N. C., was the next witness. He stated that he had been a resident of that place for years. When asked what public offices he had held he said he had served as county superintendent of public instruction in Wayne and also as sheriff of Goldsboro. He also served as tax assessor in the county for two terms.

Mr. L. P. Tyson of Carthage, stated that he was familiar with land values in Moore. He said that land near the town was assessed at one-half its real value, while that in the country away from the town was assessed at two-thirds its value. He said that practice had prevailed all his life, and that he was 57 years of age.

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said if the whole county was put up at forced sale it might not bring its assessed value. He said most of the property in the county had been sold for more than its assessed value. He said he could have bought land some years ago at 50 cents an acre, that is worth today \$75 an acre.

Major Shaw: "What is the real value of the land?" "They are worth \$15.00, but are assessed at \$5.00 generally. A good horse is worth from \$75.00 to \$100."

A Clerk of the Court Testifies: Mr. D. A. McDonald, of Carthage, clerk of the court of Moore county, gave testimony. He has held the position for fourteen years. He said he was acquainted with the land valuations in the county. He stated that property was not assessed at its true value on the tax books. On an average, he said, property in Moore was assessed at two-thirds its true value. He stated that two years ago the assessments were increased from about 50 to 62-2/3 per cent. He said an increase was not made on all properties.

"How long has property been assessed at this rate?" "There has not been a change since my recollection."

On cross examination the witness said he thought some lands would not bring their tax value at a forced sale. This was many of the hotels at Pinehurst and other places which were undervalued. Generally, he said, the best men in the county were selected for assessors.

"What do you think is the meaning of the term 'true value of land in money?'" "What it is actually worth."

"If put up in June in the dull season at forced sale, would property bring its true value?" "Some would and some would not. I think that if the land were sold at forced sale would bring more than the tax value. This varies from one-tenth to one-fifth."

The witness said he remembered talking to J. H. Coyle, one of the assessors in Moore relative to the valuation of the Pinehurst property. He said Coyle told him that the Pinehurst property was not valued at more than one-fifth of its value. Witness stated that there were many hotels at Pinehurst and they were very large ones.

On redirect examination, witness said that Coyle remarked that the assessor did not return the true value of the property. He said that the assessor told him that the hotels at Pinehurst would hardly be worth kindling wood.

G. W. Huntley, of Wadesboro, who runs a hotel, said he was acquainted with lands in his town. He said the lands there were not assessed at their worth in money. A great deal of it, he said, was not taxed for more than half its value. Some property, he said, was assessed at two-thirds its value, but none of it at over two-thirds its value. He stated that the value had increased in value lately; that a few years ago it was difficult to find buyers. He stated that in 1899 the assessment of property was increased to two-thirds its true value, but he previously been one-half its true value.

On cross examination, he said that if forced to sell in June of 1899, property would not have brought a price greater than its assessed value. Some land, he said, sold low, surprisingly low. He said that the value had increased since that time. He said that the assessors to undervalue property and that good men were selected as assessors.

Sheriff Jones of Moore says: Sheriff Jones, of Moore, who has held the office for four years, said he was acquainted with lands in the county. He said that property in Moore county was not assessed at its true value, and that it was assessed at more than two-thirds of its true value.

"How long has this been the case?" "Eight or ten years. In fact ever since I have paid any attention to it."

"What has been the custom for two or three years back?" "Real estate has not been assessed at its true value."

"What do you mean by true value?" "What it is really worth for cash."

On cross examination Mr. Jones said: "Now do I understand you to say that all property has been assessed at two-thirds its true cash value?" "In some instances property is assessed at more than its worth. Taken as a whole it is assessed at two-thirds its value."

The witness said that if it sold at auction property would bring 50 per cent more than its assessed value. He heard assessors say that land was assessed generally below its true value. Mr. Jones read the names of land owners in Moore and asked at what their property was valued. Sheriff Jones said that he had the values of the land, which were less than the assessed values. Later when asked he said that values were not taken into consideration the improvements on these properties. With the improvements, he said, the property would bring more than at the values which the assessors assessed.

The witness said that property brought better prices when sold on time than at a forced sale for cash. He said that property would hardly sell as well in June as in other months, though there were exceptions. He said he did not know that cotton sold for less in June 1899 than ever before.

"How much did the improvements on the property at Pinehurst cost?" "Between \$400,000 and \$500,000."

"For what was it assessed?" "In 1899 at \$95,000, and in 1900 at \$105,000."

"What is this property worth now as compared with the 1899 assessment?" "A large hotel has been built since, costing about \$100,000."

William Rochels of Odum, Scotland county, who is a farmer, said he rented his lands. He stated that he rented a four-horse farm from Mr. Franklin McNeill, of Moore, and that he gave him nine bales of cotton as rental. Mr. Rochels said Mr. McNeill recently bought a tract of land adjacent to his old property, for which he paid \$23 an acre. The witness said he did not know the value of land for taxation.

D. L. Saylor of Wadesboro said land in his county was assessed at sixty per cent of its real value throughout the county. In the towns he thought the assessment of property was seventy-five per cent of its real value. He said the value of land had increased since 1899.

A. A. Horn, a merchant of Wadesboro, who has lived there twenty years, said that property in Anson county was not assessed at its true value. He thought it was assessed at from fifty to seventy per cent of its cash value. Valuable lands, he said, were assessed at from fifty to sixty per cent of their true value. He said he was stockholder in a mill there that paid twenty per cent

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ARGUMENT AT AN END

Masterly Speeches by Cy Watson and Gov. Aycock

JURY TAKES CASE TODAY

Great Interest Manifested in the Concluding Scenes of the Trial of the Gattis-Kilgo Damage Suit - Speeches of Watson and Aycock Highly Complimented - Some Think that the Jury May Not Be Able to Agree

Oxford, N. C., Nov. 30. - Special. - At last the argument to the jury in the Gattis-Kilgo libel suit for \$100,000 damages is at an end.

Cyrus B. Watson for the prosecution and Governor Chas. B. Aycock for the defense, each made masterly addresses to the jury today. Mr. Watson spoke this morning and Mr. Aycock concluded at five o'clock this afternoon. The two speeches were worthy in every way of the two really great lawyers who made them.

Judge Hoke will give the case to the jury tomorrow morning at nine o'clock. There is much speculation as to the result, though the belief is hazarded by many that the jury will be unable to agree.

Argument in the celebrated case began last Monday and since that time twelve lawyers have addressed the jury, the longest argument requiring six hours for delivery.

Intensity of interest in the Gattis-Kilgo case is evident as the long trial draws near its end. The scene in the courtroom is an unusual one, by reason of the presence of a large number of ladies, and this serves to show the excitement prevailing in the community, being but a reflex of the sentiment of the State at large. All persons seem impressed with the solemnity of the occasion, and the case has lost its aspect of a battle of lawyers and legal talent, and the public is face to face with the real issue, which is a question of grave import to the parties to the suit - Trinity College, the Methodist Conference and the State - is soon to be decided.

The possibility of a mistrial, by reason of the illness of one of the jurors, was a most unpleasant prospect, and it is to be hoped that yesterday's breathing spell has removed these grounds for apprehension.

Gov. B. S. Royster Speaks: Gov. B. S. Royster made a strong argument for the defense. Said he: "Judge Graham, who preceded me, told you that this is one of the greatest cases ever tried in this or any county in North Carolina. I congratulate you that it is nearing its close. In address to you, my single purpose shall be to assist you in arriving at a true verdict. I come to you, gentlemen of the jury, believing in the cause of my clients. I shall endeavor to be just and fair to all the witnesses who have been upon the stand."

"I shall have little to say to you - as little as possible - concerning this blue-back pamphlet." [referring to the report of the proceedings of the investigation of the charges.] "For I know you have seen and read it already. In address to you, my single purpose shall be to assist you in arriving at a true verdict. I come to you, gentlemen of the jury, believing in the cause of my clients. I shall endeavor to be just and fair to all the witnesses who have been upon the stand."

"The good faith of the Board of Trustees of Trinity College towards Judge Clark is shown conclusively by granting him more time in which to obtain evidence in support of his charges than was asked by him."

Mr. Watson resumed the argument in the case for the plaintiff this morning, beginning promptly upon the opening of court. Mr. Watson opened by telling the jury he felt he should occupy half of his time in apologizing to them for the length of time during which they had been detained in the trial of this case. He briefly reviewed the conduct of the case thus far, the introduction of testimony and the speeches of counsel; then asked the jury to hear him patiently in behalf of the plaintiff, since his speech would contain the last words spoken in behalf of his client. He warned the jury that Governor Aycock, who would follow him in the last speech in the case, is just as prejudiced in favor of his clients, just as he (Mr. Watson) is prejudiced in behalf of the plaintiff.

"This is an unusual case, gentlemen of the jury, many preachers appearing as witnesses and reading the Bible, a dangerous thing for lawyers to quote from this book, at least to quote from memory; but my good friend, Judge Montgomery, can find a passage from the Bible that fits in and reads with a perfect case. He thought though it be claim and delivery for a bull calf."

"They tell you, gentlemen, we are trying to destroy Trinity College. But we are not. And, thank the Lord, if we were, there are plenty of institutions left to accommodate the people. Case No. 10. It is necessary for me to quote from this 'blue-back pamphlet,' as it is called, but [tearing off its backs] 'I deprive it of its dress and present it to you as a new thing."

"The defendants then told the jury he thought the defendants, who had in their answer averred the truth of the charges against Mr. Gattis, were brave men; that they would go upon the stand and let the jury see and hear them. He then quoted from numerous cases to show that the failure of parties in such a case to go upon the stand is a legitimate subject of criticism and comment."

"The defendants did not dare to go upon the stand and substantiate their charges. These defendants and Methodist ministers have been described in this trial as mighty oaks. The oak, gentlemen, stands up and lets the storm strike it. Logs lie on the ground. They tell you the entire Methodist denomination of North Carolina is waiting with great anxiety for the result of this trial; but I tell you the Methodists of western North Carolina are watching the newspapers to know what Dr. Kilgo says in the witness stand. The school-teacher in the little log cabins and the school children over North Carolina are waiting to hear Dr. Kilgo's testimony - the man."

Here Judge Winston objected. Mr. Watson: "It's in the blue-back book, gentlemen. I expected Judge Winston to object. After reading from it for three hours, he now objects to my even referring to it."

"Mr. Gattis is charged with being the original maligner. What does that mean? It means that he is the originator, the origin of false charges maliciously made. Mr. Gattis went upon the stand and showed this was not true, while Dr. Kilgo sat there by his counsel and did not dare to go upon the stand and prove the truth of his charges. Answer the second issue 'No if you can!'"

Dr. Kilgo, that strong man, has gone to Trinity, and gathered to it great wealth, so that it is become the wealthiest institution in all the South. 'Ye cannot serve God and Mammon.' In the days of old, Trinity, whose sons have adorned all the walks of life, in walking out among her graves in the early morning, you could never find in those sacred places the tracks of Mammon."

"Proceeding then to a discussion of the trial of the Clark-Kilgo controversy, Mr. Watson traversed ground heretofore more or less covered by speakers for the plaintiff, dwelling at some length upon what he contended was the unfairness of Mr. Oglesby for the duties of

whom the secrets were told was waging

hot warfare on the brother attacked? And this of a brother who had been and was his benefactor - who obtained a position for him, by whose endorsements he profited, and to whom he owed more than to any other one man in North Carolina! Does this look like kindly, charitable, Christian conduct? For friendship he gave harsh criticism; for love, hatred; and for kindnesses shown, a lawsuit!

"The attorneys for the plaintiff have made much of the words 'manipulation' and 'agitation.' I ask you if Mr. Gattis is not a circulator, calculator, enumerater and something of an investigator? If he is not, his attorneys are, since one of them has ceased to calculate his damage at \$100,000 and tells you you should give him one hundred times that amount! 'Who says there is malice in this publication?' The plaintiff alone, Mr. Southgate, the president, and Mr. Ballard, the secretary of the Board of Trustees of the college and in justice to the fifty years of glorious history. And Mr. Gattis gives as his only reason for charging malice against the defendants the passage of the resolution to publish. It is far cry from this resolution to the malice towards the college. Dr. Kilgo was not even a member of the board that passed the resolution to print, and there is no evidence that any one of the defendants ever mailed or gave away a single copy of the pamphlet."

"The future of Trinity College, gentlemen of the jury, is yours to make. Will you give it to the 'Destroy' at one fell stroke this pride and glory of the Methodist denomination of North Carolina, and consign its name and fame, together with the character of the trustees, to the shame of oblivion? I cannot believe it. I cannot believe it. 'During the century just closing many and great have been the changes - some of them so violent and far-reaching as to place us almost on the verge of destruction. Amid all these changes and upheavals there is one thing that defies extinction - I mean justice, that justice which, emanating from the divinity, has a place in the breast of every one of us, given us for our guide with regard to our conduct toward others, and which will stand after this globe is burned to ashes, our advocate or our accuser before the great Judge when He comes to call upon us for the tenor of a well-spent life."

Let us be guided on this occasion by this. Let us let the closing month of the nineteenth century kiss dear old Trinity an affectionate and tender goodbye and deliver her, in all of her purity, usefulness and glory, to the coming years of the twentieth century as they are being ordered in heavy columns. Mills, stars, full of life and splendor and joy."

General Royster's speech was strong in logic and beautiful in language.

The Speech of C. E. Watson: Mr. Watson resumed the argument in the case for the plaintiff this morning, beginning promptly upon the opening of court. Mr. Watson opened by telling the jury he felt he should occupy half of his time in apologizing to them for the length of time during which they had been detained in the trial of this case. He briefly reviewed the conduct of the case thus far, the introduction of testimony and the speeches of counsel; then asked the jury to hear him patiently in behalf of the plaintiff, since his speech would contain the last words spoken in behalf of his client. He warned the jury that Governor Aycock, who would follow him in the last speech in the case, is just as prejudiced in favor of his clients, just as he (Mr. Watson) is prejudiced in behalf of the plaintiff.

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THE STATE OF TRADE

Business as Reviewed by the Commercial Agencies

SITUATION IS FAVORABLE

There is No Complaint of Idleness in Industries and There are No Labor Troubles, Present or Prospective - Cotton Goods Firmly Held in Confidence - Prospect of Better Business in the Spring

New York, Nov. 30. - Bradstreet's tomorrow will say: Unsettled weather and the holidays are a drawback to retail and jobbing distribution in many markets; but the general situation is still a most satisfactory one, and the iron and steel, coal, boot and shoe, hardware and lumber trades are conspicuously well situated. The industrial situation is also deserving of note because of the striking absence of complaint as to idleness or as to pending or future labor troubles. Bank clearings, while naturally smaller than those of last week, are considerably ahead of last year, a mark of progress not to be lost sight of. The fact that the slight gains shown over last year's railroad earnings are still being maintained is added proof that trade as a whole is conducted on a large scale.

In export trade, while some lines, notably cottons and iron, are less active, new proofs of American progression are constantly being presented. While the volume of new orders in crude material continues moderate when compared with the enormous activity for some time past, business in iron and steel is steadier, and as a rule, held better in hand. Advances from the west are of large business doing in pig iron while railroad, structural, plates and bars are being ordered in heavy volume. Mills turning out finished products are very generally ordered six to eight weeks ahead, and January 1901 deliveries are being called for in some cases. Whatever changes are expected are looked for in the shape of advanced prices. Anthracite coal trade is booming, but all efforts to satisfy consumption are futile, owing to the cutting down of supplies growing out of the strike.

Among textiles the situation in woolen goods and wool is perhaps the least encouraging of any, but even here the strength of the raw materials in face of the hand-to-mouth demand of manufacturers is notable.

Despite a slight decline in the price of raw cotton, the effect of smaller export movement and realizing by holders, cotton goods are, as a rule, firmly held, and the opening of spring trade is awaited with confidence. The one satisfactory feature in cotton in fact, is the depression in the export branch, which tends to weaken brown goods. Bleached cottons of many grades have been advanced this week. Silks are rather slow of sale, and recent price reductions fail to stimulate business.

Relatively the best trade reports come from the South and Southwest, while the most backward are from sections of the east where unseasonable weather is complained of, and from sections of the spring wheat region which suffered most from the shortage in yield. It is notable, however, that the better situation in lumber has stimulated trade in northern Minnesota.

Bank clearings for a week (five days) aggregate \$1,788,753,541, a decrease of about one-fifth from last week, but a gain of 24 per cent, or about 1/4 over the corresponding week last year. Outside of New York clearings are 24 per cent heavier than last year.

Failures for the week number 184, as against 215 last week and 117 in this week a year ago.

Dun's Trade Review: New York, Nov. 30. - Dun's review tomorrow will say: Commercial failures in November were 800 in number and \$12,300,816 in amount of liabilities, against 782 in October for \$9,072,711, and 886 in November last year, when the liabilities were only \$8,044,848. Manufacturing defaults were but 193 in number and \$2,881,193 in amount. The bulk of the mortality occurred in trading concerns, of which 617 failed for \$7,506,358. There were forty other commercial failures, with liabilities of \$910,793, and four banking and financial companies defaulted for \$223,000. At first glance the November statement appears very unsatisfactory, but it will be remembered that a few heavy failures in wool and other textile industries account for a large share of the reported liabilities.

FIRE IN DURHAM: A Blaze Starts in the Book Store of S. C. Anderson & Co. Durham, N. C., Nov. 30. - Special. - The explosion of a lamp in the book store of S. C. Anderson & Co., at 730 tonight, started a blaze that for a while threatened a serious conflagration. The fire work of the fire department soon had the flames under control, and the loss was kept down to a minimum. The store was filled with books and Christmas goods, which started the fire very rapidly. The stock was valued at \$5,000, with \$2,000 insurance. The loss is estimated at \$2,000. The store of S. C. Anderson & Co. is in the heart of the business district, with wooden partitions for nearly a block. This made it a dangerous fire, which, had it started late at night, might have been very serious.

Washington, Nov. 30. - Miss Eugenia Washington, great-granddaughter of George Washington, one of the founders of the Society of the Daughters of the American Revolution, and president of the society of Founders and Patriots, died this morning shortly after 4 o'clock.