

\$20,000 FOR GATTIS

Final Chapter in the Libel Suit at Oxford

JURY OUT THREE HOURS

Verdict for Defendants Move for a New Trial, but Judge Hoke Denies the Motion—Notice of Appeal Given and Bond Fixed at \$25,000—Four Issues Submitted to the Jury—Judge Hoke's Charge

Oxford, N. C., Dec. 1.—Special.—After deliberating three hours, the jury in the case of *Dr. J. Gattis vs. Dr. John C. Kilgo, B. N. Duke and W. R. Olden* returned a verdict finding all issues in favor of the plaintiff and awarding damages in the sum of twenty thousand dollars.

A motion for a new trial and to set the verdict aside on the part of defendants was made at 4 o'clock this afternoon, and the persons usually assigned and because of remarks of counsel for plaintiff and arguments as to the wealth of the defendants and suggestions that Dr. Kilgo, whose name had been mentioned in the argument and who is a member of the Board of Trustees of the University, was related to one of the jurors, and that part of Mr. Watson's speech which he suggested as the new ground to be placed over the arch-plaintiff, Judge L. S. Hoke, et al. vs. Gattis, et al. and Cigaretto et al. Kilgo, et al. were argued by persons in the courtroom. The defendants excepted and the bond to stay execution was fixed at \$25,000 and given by defendants.

The motion was overruled by Judge Hoke. The defendants excepted and the bond to stay execution was fixed at \$25,000 and given by defendants.

Judge Hoke's Charge

Court met at 10 o'clock this morning with an attendance which, though smaller than that of yesterday, was equally large, in view of the fact that the only business before the court was the delivery of the charge of the judge to the jury. At the completion of the charge the jury retired to make up their verdict on the several issues which were submitted to them.

The court began by defining malice as a malicious intent, and then proceeded to define the other issues. The four issues submitted to the jury were:

1. Did the defendants publish the alleged defamatory words?
2. Were they false?
3. Were they malicious?
4. What damage, if any, has plaintiff sustained?

By the admissions of the defendants, the first issue will be answered "Yes." This being an occasion of qualified privilege, the burden is upon the plaintiff to show that the words were both false and malicious; and if you find that the material part of these alleged defamatory words were false, you will answer the second issue "Yes."

The court then reviewed the different charges in the speech of Dr. Kilgo, and charged the jury that if they believed upon the plaintiff to show by the greater weight of evidence that these charges were false in every material particular, he reviewed the evidence in support of the plaintiff's contention that the charges are untrue.

"To the same point is the practical admission of the defendants in their answer by failure to deny the first two paragraphs of the complaint which show the good character of the plaintiff previous to the charges made against him by Dr. Kilgo.

"On the other hand, by his own admission the defendants contend that the plaintiff was making about making defamatory remarks about Dr. Kilgo and other gentlemen, while apparently he was on friendly and brotherly terms with them, and that he was the original slanderer.

"You will consider all this evidence in determining your answer to the second issue. If you find any material part of the words to be true, you will answer the second issue 'No.' This will bring you to the third issue, and the defendants had a right to make the publication, provided they bona fide for the reason claimed; and, if you find the defendant, a defense of his own character.

"If you find one of the motives for the publication was an intent to injure the plaintiff, or if you find that the publication was caused by an indirect and wicked motive to injure any one, or if you find there was any ulterior motive underlying the publication, you should believe that it was from a wrongful motive and not bona fide for the benefit of the college; if you find that the defendants exceeded their privilege and did more than was necessary for a defense of the college, the jury should infer malice and you will answer the third issue 'Yes.'"

"If you answer the second and third issues, or either of them, 'No,' you will reach the fourth issue as to damages. If, however, you answer both the first two issues 'Yes,' you will award the plaintiff fair compensation for his loss of honor and suffering. You will consider the testimony and award him a fair compensation for his injury.

"In case you find the publication was made from personal ill-will towards the plaintiff or in wanton and reckless disregard of his rights, you will award, in addition to compensatory damages, punitive damages."

"His honor here read to the jury many

prayers for special instruction, the substance of which is contained in the foregoing charges, and it would be but repetition to give them here.

What People Think and Say

All the town has been stirred by the verdict in the case. Immediately following its announcement groups of persons could be seen in the streets discussing it with animation and many were they who perpetuated the old saw, "I told you so." Expressions of surprise on the part of those who expected a different decision (and their name is legion) were addressed rather to the fact that the amount of damages awarded. It is safe to say that the prevailing opinion was that if the jury gave a verdict for the plaintiff they would give substantial damages. The hope of the defendants and their friends was that the jury would not reach the fourth issue as to damages.

It was rumored in an hour after the case was given to the jury that they would deliver their decision certainly not later than 4 o'clock. How the rumor arose or whence it came, it is impossible to say. The fact remains that it proved to be well founded, or was a shrewd guess at least. The jury met in the streets that before court met this morning and before the charge of the judge, several jurors had sent messages to their homes for vehicles to be sent for them at 4 o'clock in the afternoon, all of them being farmers and living some distance in the country.

If this be true, it looks as though the only question in their minds was that of the amount of damages. It is heard that the first ballot in the jury room was highest vote was for \$25,000 and the lowest for \$18,000. An average was struck and found to be \$18,000, when the juror who had voted for the highest figure refused to assent to less than \$20,000, and this was the final decision. In less than an hour after the jury had filed its verdict every member had left town, and consequently little opportunity for talking with them was offered. One gentleman, however, gave his opinion on the verdict, answered that he would not reply for fear of using language unbecoming a good Methodist.

"I'll remark that if that verdict stands I'll have to leave the church."

By common consent the jury was composed of men of more than an average intelligence, and they are all tobacco farmers.

It is not possible to say whether the verdict was a surprise to the general public or not. Many were looking confidently for a mistrial and few had looked for a verdict before the jury had slept over the matter. Of course the case does not end here, as the defense will fight as long as there is a leg to stand on, and seem to be confident that the Supreme Court will grant a new trial.

MANCHESTER'S DEBTS

The Duke's American Father-in-Law Will Kindly Wipe Them Out

New York, Dec. 1.—The Duke of Manchester arrived here this morning on the American liner *St. Louis* with his bride, who was Miss Helen, the daughter of Eugene Zimmerman of Cincinnati. The duke and duchess were married about two weeks ago in England.

Mr. Zimmerman, the Cincinnati railroad magnate and millionaire, was up early this morning at his rooms in the Lotus Club, preparing to meet his daughter.

Mr. Zimmerman had a tug in waiting this morning to take him down the bay as soon as it was announced that the *St. Louis* had been sighted. He had been invited by Collector of the Port Bidwell to go down the bay on a revenue cutter, but at the last moment he decided to charter a special tug.

A hearty reception from Mr. Zimmerman, and their bridal tour will begin with the parental blessing and with a "dot" for the bride that will wipe out the young husband's debts of \$188,000 and put him on a financial basis befitting a member of the English nobility.

With the duke and the duchess are Misses Helen and Martha Evans, sisters of the bride. They are the daughters of the late Mr. Evans, who lives near Urbana, Ohio, and who, according to a dispatch today, visited that town yesterday to get an old set of harness repaired.

"The Duke of Manchester is all right even if he is in debt," the old gentleman said. "I guess there is no doubt that Miss Zimmerman will be able to keep the wolf away from the duke's door. Why, Zimmerman is worth \$10,000,000 and can pay the debts of the duke without even missing it. Mr. Zimmerman seems to have taken a liking to his new son-in-law, and as long as he says the duke's debts are all right there is no reason for any one to worry but that he will pay them."

TELEGRAPHIC TERSITIES

Berne, Dec. 1.—The award of the Swiss government in the Franco-Brazilian boundary dispute gives Brazil 147,000 square miles of the contested territory. France gets about 3,000 square miles, northward of the Humac range.

Liverpool, Dec. 1.—The Cunard Line steamer *Lucania*, which sails from here for New York today will have on board Italian passengers, the dramatist and Winston Spencer Churchill, who is to lecture in America.

San Francisco, Dec. 1.—The British sloop-of-war *Leucus* has arrived here from Venezuela. It is said she is on her way to Panama to enquire into the seizure of a British steamship by the Columbian government which took it for use as a transport.

Paris, Dec. 1.—The Irish legion in the Boer army sailed from Havre today for New York on the steamer *La Bretagne*. He intends to make addresses in the United States on the Boer war.

The Hague, Dec. 1.—A bill approving Queen Wilhelmina's marriage will shortly be presented in the states general. The question of an allowance to the new queen, the Duke of Mecklenburg-Schwerin, will not be raised.

Democratic Caucus Tomorrow

Washington, Dec. 1.—A caucus of the Democrats of the House has been called for next Monday afternoon. The proposed bill for reorganization of the army will be the subject of consideration. It is understood that many Democrats favor the idea of offering as a substitute for the army reorganization bill a measure extending for two or three years the present temporary army arrangement.

ESTABLISHED DEC. 1, 1897,
RALEIGH, N. C.

The Morning Post

IS A THREE-YEAR-OLD THAT DISTANCES ITS COMPETITORS OF ALL AGES

W. P. Whitaker, Business Manager of THE MORNING POST, being by me duly sworn deposes and says:

That the average daily circulation of THE MORNING POST for the months of July, August, September and October, 1900, has been six thousand six hundred and sixty-three (6,663) copies.

W. P. WHITAKER.

Sworn to and subscribed before me, this 27th day of November, 1900.

H. H. ROBERTS, Notary Public.

The Morning Post

IS ONLY 3 YEARS OLD, HAVING BEEN ESTABLISHED DECEMBER 1, 1897, BUT IT IS THE MOST WIDELY READ NEWSPAPER IN NORTH CAROLINA TO-DAY.

There are Reasons for This

The Post is **CLEAN**.

"Only the news that's fit to print" has made it a Family Newspaper.

The Post is **JUST**.

THE POST is Democratic, but fairness to men and measures has made it the choice of the public.

The Post is **PROGRESSIVE**.

THE POST believes that its constituents are entitled to the best possible service, and to this end it established a Bureau in the National Capital and operates its own leased wire from Washington to Raleigh; being the only paper in the South thus equipped. It buys its News Service from the Laffan News Bureau, which is conceded by unprejudiced judges to be the finest on earth. THE POST'S Special State News Service is treble that of any other North Carolina paper, and covers all sections. The Mechanical Department is splendidly equipped with Linotype machines and a magnificent Goss Perfecting Press, which adds greatly to its facility for giving its readers the latest news at the earliest possible moment. It is interesting to add that THE POST is the only paper in North Carolina operating a fast rotary press.

The following appeared in THE POST of November 18th, and bears eloquent testimony to the claims we make:

THE POST LEADS!

Convincing Figures Furnished by Postoffice Department.

Frequently during the past several months THE MORNING POST made claim to a larger circulation than any other North Carolina daily newspaper.

In order to verify our statement we obtained the following official figures from the Postoffice Department:

The receipts for postage on daily newspapers at the postoffice in the city of Raleigh for the preceding two quarters, and for October of the present quarter (from April 1 to November 1) were \$2,346.10. Of this amount THE MORNING POST paid \$1,273.68, or \$201.26 MORE than was paid by the other two Raleigh dailies.

To the intelligent and unprejudiced reader in general, and the advertiser in particular, these figures supply their own comment.

ONLY \$4.00 A YEAR

ESTIMATE OF CHOPS

Quantity and Quality Compared with the Products of Other Years

Washington, Dec. 1.—The preliminary estimate of the statistician of the Department of Agriculture of the average yield per acre of corn in 1900 is 25.3 bushels, as compared with an average yield of 25.31 bushels in 1899, of 24.76 bushels in 1898, and a ten-year average of 24.1 bushels. The indicated yield per acre in Ohio is 37 bushels, in Indiana and Iowa 38, in Illinois 37, in Missouri 28, in Kansas 19, and in Nebraska 26 bushels. The average as to quality is 85.5 per cent as compared with 87.2 per cent last year and 82.7 per cent in November, 1898. It is estimated that 4.4 per cent of the corn crop of 1899 was still in the hands of farmers November 1, 1900, as compared with 5.9 per cent of the crop of 1898 in farmers' hands November 1, 1899, and 7.25 per cent of that of 1897 in hand November 1, 1898.

The preliminary estimate of the average yield per acre of potatoes is 80.8 bushels, against an average yield of 83.83 bushels in 1899, 75.19 bushels in 1898, and a ten-year average of 76.6 bushels. The average as to quality is 88.1 per cent, against 91.4 per cent in November last, and 84.7 per cent in November, 1898.

The preliminary estimate of the average yield per acre of hay is 1.28 tons, against an average yield of 1.35 tons in 1899, 1.55 tons in 1898 and a ten-year average of 1.28 tons. The average as to quality is 89.7 per cent, against 93.8 per cent in November last, and 95.3 per cent in November, 1898.

For tobacco no average yield per acre for the entire country can be established, but the yield per acre is somewhat above the ten-year State average in Kentucky, Tennessee, Ohio, Maryland and Wisconsin, and below such averages in Virginia, North Carolina and Pennsylvania.

In the South Atlantic States the sweet potato crop suffered from lack of moisture, and except in Georgia the yield per acre in those States is below the average. The average yield in Tennessee corresponds exactly with the average of the last ten years, and in all the other States in which sweet potatoes are grown on a commercial scale conditions have been favorable and large yields are reported. Texas reports 98 bushels per acre, as compared with a ten-year average of 79 bushels, and New Jersey 135 bushels, as compared with a ten-year average of 105 bushels. The drought in the South Atlantic States affected not only the crop, but also the quality of the crop in those States. Elsewhere, however, the quality is unusually high.

While the promise of an enormous apple crop with which the season started out has not been fully realized, nine of the ten States having three million or upward apple trees in bearing at the last census report a production in excess of the ten-year average.

There has been a large production of pears, California alone, among the ten principal pear-producing States, falling to report a crop in excess of the ten-year average.

KRUGER LEAVES PARIS

After Visiting Berlin He Will Go to Holland and Probably Remain There

Paris, Dec. 1.—President Kruger left the French capital today for Cologne. His departure was signaled by a warm demonstration from his many admirers, and there were shouts and cheers on every side as he bade the crowds farewell by an appreciative wave of his hat and repeated inclinations of his head. One of Oom Paul's French admirers became so excited during the occasion that he disturbed the aged Dutchman's equanimity, although the populace was greatly incensed until they learned that it was purely an accident.

Dr. Von Hamel, who is Mr. Kruger's official interpreter, is quoted as saying that his chief will go to Holland after leaving Berlin. It is presumed that he will be received by young Queen Wilhelmina with every mark of respect and admiration. At the Dutch capital Mr. Kruger will continue the negotiations to bring about a cessation of warfare in South Africa, and it is said that he may remain in Holland until his death.

It is understood that Oom Paul is still very hopeful that the nature of his receptions in Europe will influence matters in his favor and bring about peace for the burghers through some sort of intervention.

OUTBREAK OF "HOOLIGANS"

Another Chapter of Crime from London's Notorious White Chapel District

London, Dec. 1.—There was a serious outbreak of "hooligans" in the White Chapel district of London last night. A policeman was killed by a man whom he had arrested, a woman was shot and seriously wounded by some boys and a wood carver was so badly handled that he had to be sent to the hospital. Only one arrest was made.

A few cigar-makers of the name of Barnett Abrahams, was arraigned in the police court this morning on the charge of killing the policeman. Abrahams presented a horrible appearance. His hair was matted with blood and his eyes were blackened. He said he remembered nothing about the murder except that he had been struggling with the officer.

TRUSTS ADVANCE TRUSTS

Salt Put Up More Than One Hundred Per Cent—Sugar Also Advanced

San Francisco, Dec. 1.—The Chronicle says: "The price of salt to the trade will jump from 95 cents to \$2 a bag today. The Federal Salt Company has acquired complete control of the salt industry in Alameda county, and of the entire output west of the Rocky mountains.

"D. E. Skinner, president, and A. S. White, a director of the National Salt Company, which controls the output east of the Mississippi river, have been on the coast some time, and it is stated have bought up the small concerns or contracted for their output for five years and consolidated them with the Federal Salt Company, which is subsidiary to the National Salt Company."

New York, Dec. 1.—The National Refining Company advanced the list price of its fine granulated sugar today to 5.33 cents a pound.

WORRY FOR KITCHENER

Boers Reported Moving to Attack Bloemfontein

BRITISH FORCE DEPLETED

Burglers Become More Active as the English Are Weakened by Withdrawal of Some Troops and the Run-Down Condition of Others—The Situation in Orange River Colony Regarded as Ominous

London, Dec. 1.—General Kitchener cables the War Office from Bloemfontein, under date of November 30, as follows:

"Knox engaged DeWet's rear guard, November 27, for two hours. The enemy retreated. We had one killed and six wounded. According to the latest reports, Knox is in touch with DeWet at Dafeberg, twelve miles south of Beulville.

"Settle has defeated Herzog and occupied Luckhoff. Paget foraged Viljoen and Erasmus November 28 and 29, and drove the enemy back to Rietfontein. Lieutenant-Colonel Lloyd was dangerously wounded. Five other officers were wounded. We also had five men killed and fifty wounded. Lytleton is cooperating with Paget."

According to dispatches from Bloemfontein, there is the greatest anxiety in the former Orange Free State capital over the prospective resumption of hostilities on a large scale. The dispatches state that extra guards have been posted on the outskirts of the city, as the Boers are expected to make a concerted attack at any time.

Word has reached Bloemfontein that the burghers are moving from the east and north in large numbers, and it is evidently their intention to try to take the city by a sudden and determined assault.

These reports, in connection with numerous evidences of the activity of the Boers, have had a depressing effect upon the people of Bloemfontein and the neighboring territory. It is said that if the attack is made it will be of the most desperate character. It is reported in Bloemfontein that the Federalists have been calculating on this manoeuvre for some time, and that they have only been awaiting a favorable opportunity.

No further details are given concerning the defensive facilities of the threatened city, and it is not known outside of official circles here just how many troops are stationed there to combat a concerted Boer movement.

The censorship over South African news dispatches, which seems to have been resumed during the past few days, leads to the belief that there are ominous disturbances in many parts of Orange River colony, as well as menacing conditions in Cape Colony. If the Dutch in the latter territory decide to take the field General Kitchener will have a serious problem before him, as the withdrawal of British troops and the inefficiency of many of those remaining in South Africa have greatly weakened England's fighting strength there.

The dispatches from Bloemfontein say that a large number of "neutrals" have been deported.

RACES AT BENNING

Washington, Dec. 1.—Results at Benning track:

- First race, 7/8 mile—Oread 1 to 2, Federalist 10 to 1, Judge Magee 15 to 1, Time, 1:30 2-5.
- Second race, 5/8 furlongs—Alera 8 to 5, Flanery 4 to 1, Dactyle 10 to 1, Time, 1:10 4-5.
- Third race, 2 1/4 miles—Bell of Promise 5 to 1, Cloraba 5 to 2, W. Heather 10 to 1, Time, 5:20.
- Fourth race, 3 years old and up, 1 1/2 mile—Rochester 2 to 1, Aquih 3 to 1, Knight of the Garter 1 to 1, Time, 2:40.
- Fifth race, handicap, 2 years old, 7/8 mile—Robert Waddell 11 to 5, Pigeon Post 7 to 5, Time, 1:10 1-16 4-5.
- Sixth race, 1 mile, 100 yards—McMeekin 2 to 5, Kinnikink 2 to 1, Amoy 20 to 1, Time, 1:50.

Entries for Monday

- First race, 3 years old, selling, 7 furlongs—Captain January 99, Federalist 94, Uncle Josh 93, Give and Take 90, Syvan Del 99, Decimal 94, Fluke 94, Directum 112.
- Second race, maiden, 2 years old, 5/8 furlongs—J. J. Corbett 110, Arvema 110, Tim Foley 110, Velasquez 107, Kingbrook 107, Infalible 107, Woodspike 110, Schoolmaster 110, Flanery 107, Frenal 107, Michon 110, Pan 110.

The following can start in the order named as any of the above may scratch: Callier 110, Dame 107, Golden Boy 107, Provost 107, Cogswell 110, Tenup 110, Salvata 110.

Third race, 2 years old and up, 1 mile and 50 yards—Harry M. Coun 107, Miss Mitchell 109, Sentry 98, Amorica 95, Templar 104, Lancelwood 107, Humboldt 98, Evelyn Byrd 109, Toluca 109, Blue-skin 95, San Luis 95.

Fourth race, 2 years old, selling, 6 furlongs—Flanery 107, Rabuta 91, King's Favorite 89, Lynn Hayman 84, Mistress 88, Ohey 97, L. Hoffman 84, Reubens 84, Historian 87, The Bertha 98, Lamkin 84.

Fifth race, 3 years old and up, selling, 1-1/2 mile—McLeod of Dare 105, Chas. Estes 104, Tryshena 106, Charawind 104, Holdup 103, Judge Magee 1-3, Evelyn Byrd 107, Island Prince 110, Olive Order 96.

Sixth race, 3 years old and up, 1 mile and 100 yards—Bondman 107, Spurs 104, Beverage 97, Give and Take 97, Hopbrook 97, Decimal 97.