

For North Carolina: Fair, falling temperature.

# THE MORNING POST

Temperature for the past 24 hours: Max. 72; Min. 54.

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## Argument Goes on in the Bond Suit

### The Court Voluntarily Removes the Limit—Many Questions Asked—No Rebellion Says Mr. Rountree

Washington, April 14.—Special.—Counsel for the state of South Dakota in the bond suit instituted against North Carolina asked the supreme court of the United States today to issue a decree foreclosing on the state's stock in the North Carolina Railroad and apply the proceeds to meet the bonded indebtedness.

The attorneys for the plaintiff, representing South Dakota and Schaffer Brothers of New York, urged with great earnestness the sale of the state's three million dollars worth of stock which is the majority interest and the application of the proceeds of sale—first, to the first mortgage bondholders; and second, to the second mortgage bondholders. This would include the claim of Schaffer Brothers for \$300,000 with interest, which would run their amount to half a million and more.

Justice Harlan and several members of the court asked numerous questions about the contemplated sale of the state's stock and the effect that such sale would have. It cannot be denied that members of the court were apparently disposed to view with some seriousness this proposition to foreclose on North Carolina's interest in the North Carolina road. Justice Harlan asked Mr. Rountree if a state would abide by a decision in a case of this kind.

"There is no state that is disposed to start a rebellion," Mr. Rountree observed. "At least I do not believe so," he added.

This was a serious side of the case that bobbed up during the argument today and caused some of the friends of North Carolina no little apprehension, but there was no special cause for this alarm. The fact that the court discussed this phase of the argument does not mean that any of the members think that way. Certainly North Carolina's contention was ably presented during the day by the attorneys employed to make the defense.

The argument was not completed today and will probably consume a greater part of the court's time tomorrow. As evidence of the fact that the court is deeply interested in the case Chief Justice Fuller voluntarily withdrew the limitation upon debate this afternoon and informed counsel that they would have all the time they desired. This action is most remarkable and certainly unusual. It is seldom that an extension is made to the usual four hours to which debate is limited.

The debate was opened this morning by Wheeler H. Peckham, who was followed by George Rountree. After the lunch hour ex-Gov. Russell spoke, and then came ex-Judge Shepherd, who did not finish, but will conclude tomorrow morning. Each of the four gentlemen who addressed the court today spoke an hour. After Judge Shepherd concludes tomorrow he will be followed by ex-Judge James H. Merrimon. The complainant has the conclusion of debate. Mr. Peckham will end the argument for South Dakota.

The court evinced a keen interest in the arguments presented today. Every one of the justices, with the exception of Messrs. McKenna and Peckham, had questions to ask. The chief justice took a leading part in the interrogations, as did Justices White, Harlan, Holmes, Brown and Brewer. Many of the questions related to the facts, but the majority of them assumed a legal aspect.

A very much interested spectator at the hearing today was John H. McAden of Charlotte, who came over from New York to be present. The Springs estate, of which Mr. McAden is executor, is a large holder of the first mortgage bonds, which are secured by the state's stock in the North Carolina road.

other side that a state cannot be sued without first giving its consent. It is intimated by the other side that if South Dakota had bought these bonds the case would stand. The state of Texas owns United States bonds. Could it not own North Carolina bonds? Is there anything to prevent a state from owning bonds—promises to pay? There is nothing in the constitution to prevent states from entering into contracts with each other. The states of Minnesota and Nebraska require their state institutions to invest their surplus in Massachusetts state bonds. Although South Dakota possesses a complete legal title to the bonds in question it is claimed that she cannot hold them because the motives of the donors were wrong. I challenge my friends on the other side to produce a word in the record to show that the transaction was anything but real. There are numerous decisions which assert that the motive of a real transaction cannot be assailed. I ask that the stock of the state's interest in the railroad be sold, that payment be applied first to the first mortgage bonds, and secondly I ask that the balance remaining be applied to the payment of the demands of South Dakota and other second mortgage bondholders. This court can enforce the sale of the stock of the North Carolina Railroad and the application of the payment of the proceeds to the bonded indebtedness.

Justice Holmes asked a number of questions here relating to the identification of shares of stocks that were pledged as surety for the bonds. Mr. Peckham admitted that there were no identified shares pledged. He said it would have been impossible to identify them. His point was that all the bondholders possessed an undivided interest in the stock.

Justice White wanted to know if there would not be a way to satisfy the claims of second mortgage bondholders without selling stocks. Mr. Peckham did not know, but he would be glad for the court to suggest a way.

George Rountree for the State  
George Rountree opened for the state in a very strong and able speech, dealing almost entirely with the constitutional and legal questions involved. He was questioned one-fourth of his time by members of the court. Mr. Rountree has such a complete mastery of his subject that he acquitted himself most creditably. The speaker said he thought, after the adoption of the eleventh amendment and the decisions of this court in numerous cases of a similar character, that the ingenuity of counsel for speculators in the discredited and unrecognized public securities of a state illegally issued was exhausted, but that he was mistaken. This was an even bolder attempt to evade the provisions of the eleventh amendment.

Mr. Rountree said North Carolina might have successfully demurred to the bill of complaint, but that instead she had set up two defenses in the answer. First, it was contended that the court had no jurisdiction of the suit because the pleadings and proof show that it is not a "controversy" within the meaning of the judicial clauses of the constitution. Second, on the merits of the case there is no valid mortgage. Again the bonds were disposed of contrary to law and the complainant is not entitled to the protection of a purchaser for value in due course.

Mr. Rountree said that we must look to the historical origin of the constitution in the consideration of this case. After considering this phase of the case the speaker said he was unable to find a single action where the court had taken jurisdiction in a suit brought by another state for debt, with the exception of the Chisholm case and the (Continued on second page.)

Washington, April 14.—Gen. Frank D. Baldwin, whose conspicuous work in Mindanao during the Moro outbreak attracted the attention of the president and won for him promotion from colonel to the rank of brigadier general, will probably be called upon by the secretary of war to explain an alleged interview printed here this morning in a despatch from Denver. General Baldwin is quoted as saying that one of his reasons for liking the Filipinos as a soldier was the same that gave him a preference for the negro in the same capacity—that "in a fight I am not worried about his safety, as it does not make any difference whether he gets killed or not." The same despatch says that General Baldwin added "There is nothing more to it. If a person owned a thoroughbred or full-blooded dog and also a cur, is it not

## TRICKED THE SENATE THE SULTAN WARNED

### Senator Morgan's Charges Against the President

Washington, April 14.—Senator Morgan of Alabama, who so bitterly fought the ratification of the Panama canal treaty that an extra session of the Senate was necessary, in an interview today charges the president with withholding until after the vote was taken on the convention information which would have defeated it. The information was called for in his resolution, adopted by the Senate February 13, yet was not furnished until March 19, two days after the treaty was ratified. It was shown in the president's reply, Mr. Morgan said, that Admiral Casey's fleet was not sent to Panama because there was danger of interference in the trans-isthmian railroad traffic, but for the purpose of sustaining President Marquis until he could assemble a Congress for the ratification of the treaty. Admiral Casey's report establishes the fact that the insurgents, who were opposed to the treaty, would have captured the isthmus and thereby prevented the ascendancy of the government but for the presence of the American fleet. The president, Mr. Morgan thinks, probably withheld the information from the Senate, for the work of copying the papers could be accomplished in thirty-four hours, whereas it was thirty-four days before the reply was made.

## ROLLINS' POLICY

### Local Leaders to Be Consulted as to Appointments

Asheville, N. C., April 14.—Special.—Thomas S. Rollins spent today in the city. Mr. Rollins indicated to a reporter what his future course would be respecting distribution of patronage. He is convinced, he says, that no political house can be built stronger than its foundation, and with this fundamental fact in mind he will defer in every instance to the wishes of local or county organizations before recommending an applicant. This course, he says, was contemplated in the plan of organization, and will add strength and individuality to the various county committees.

What Mr. Rollins has to say indicates the passing of the negro as a factor to be constantly dealt with, even in the Republican organization as before the adoption of the constitutional amendment. State chairmen and other appointing powers could not defer to county committees as a rule because, in many instances, negroes controlled the party machinery. Mr. Rollins will communicate with the departments direct on all official matters from this end of the line, except where an appointment is of special consequence. In that event he will go to Washington and give the matter personal attention.

## Bonilla's Triumph

San Salvador, April 14.—Juan Angerarias, who was appointed president of Honduras by the retiring president, General Sierra has surrendered to the forces of General Bonilla, president elect of Honduras, whose forces yesterday occupied Tegucigalpa, the capital of that republic.

## Primary in Wilmington

Wilmington, N. C., April 14.—Special.—The Democratic city primaries were very quiet today. The contest for mayor was close, and owing to the large number of candidates in the field a second election day after tomorrow is necessary to a nomination between Col. A. M. Waddell and W. E. Springer, who received 573 and 605 votes respectively. In the third ward a second primary will also be necessary to nominate an alderman as between Dr. T. S. Burbank and S. Behrends.

## THE SULTAN WARNED

### The Czar Is Becoming Tired of His Foolishness

Berlin, April 14.—The Constantinople correspondent of the Tageblatt today telegraphs his paper that the Russian ambassador to the Porte has informed the sultan that the czar's patience has been exhausted and that Russia intends to formulate a series of demands that Turkey must immediately accept or take the consequences.

A Turko-Russian conflict, the correspondent says, appears to be imminent. Cologne, April 14.—A Constantinople dispatch to the Cologne Gazette says it is rumored in unprejudiced circles that a massacre similar to that known as the "Sicilian Vespers" is hanging over all Bulgarians in Constantinople. The barracks and all public buildings are closely guarded. The military attaches of the foreign legations and embassies have left or are leaving for the interior.

The Sicilian Vespers was a name given to the massacre of the French in Sicily on the day after Easter, March 30, 1282, the signal for the commencement of which was to be the first stroke of the vesper bell.

Vienna, April 14.—A dispatch to the Neue Freie Presse from Belgrade says it is reported that Russia has demanded that Turkey pay a compensation to the amount of \$24,000 to the family of M. Stecherbins, the Russian consul at Mitrovica, who was shot and killed by an Albanian soldier, that Turkey build a memorial chapel at the scene of the murder, and that she send 20,000 Anatolian troops to repress the Albanians.

## EVENT IN NEWPORT

### Marriage of Miss Neilson and Mr. Vanderbilt

Newport, R. I., April 14.—A cold and disagreeable day, with a frowning overcast sky marked the wedding day of Miss Cathleen Neilson at Arleigh cottage, the residence of the bride's mother.

Father Meenan, pastor of St. Mary's Catholic church, performed the ceremony. Miss Neilson and Mr. Vanderbilt knelt while the officiating clergyman pronounced the benediction. The bridal procession proceeded to the floral chapel, at the entrance of which they were met by the groom and his best man, Alfred G. Vanderbilt, and proceeding within the chapel, the ceremony was performed. Father Meenan was assisted by Rev. Father Corbin and two altar boys in their white robes and crimson capes.

After Mr. Vanderbilt and Miss Neilson were pronounced man and wife they proceeded to the south parlor, where they received the congratulations of their friends.

The wedding gown of the bride was of white chiffon, elaborately trimmed with rare old point lace. It had a long train with loose sleeves and high collar, the only jewels worn being a string of pearls, the gift of the groom. The bridal veil was also of old point lace and had been worn by the bride's grandmother, mother and sister, Mrs. Arthur T. Kemp. The bridesmaids were gowned also in white chiffon trimmed with white lace and wore large white picture hats with ostrich plumes.

Following the reception, which was brief, the wedding breakfast was served. At the breakfast the bride cut the cake and it was distributed among the guests.

## A CRAWFISH HOLE

### Five Hundred Men Trying to Repair the Damage

New Orleans, April 14.—The flood situation at the Waterloo levee, on the east bank of the river, above seventy miles above the city, is considered serious. Water is pouring through a crawfish hole eighteen to twenty inches in diameter near the base of the levee, and fear is expressed that before a run around can be built the weakened levee will give way. Five hundred men are at the scene and four rows of cribbing have been started.

A break at this point would be disastrous, putting the Mississippi Valley road out of condition, flooding hundreds of acres of cotton land and truck farms in the New river section, and the submerging of thousands of acres of valuable sugar lands in the Pontchartrain district.

## ALL FOR JEALOUSY

### Ghastly Crime of a Swedish Gardener

Mount Kisco, N. Y., April 14.—Oscar Borgstrom, a jealous Swedish gardener, in the presence of his fourteen year old step-daughter, Freida, seized his wife, Emilie, by the hair, and with five slashes of a pruning knife cut her head off.

Borgstrom went to his bedroom on the second floor where he cut his own throat and several arteries in both wrists. His wounds are not fatal. On a dressing table was found a piece of paper on which Borgstrom scrawled "my wife is the cause of all this trouble."

## TINDER BOX FIRE

### Hotels, Boats and Other Things Burned

New Orleans, April 14.—A fire broke out at four o'clock this morning in the midst of a stiff gale at West End, the Lake Pontchartrain terminal of the New Orleans Railway Company and the Coney Island of this city, and destroyed the greater part of that pleasure resort.

With the wind blowing forty miles an hour the flames spread so rapidly among the tinder box hotels and buildings that some of the occupants escaped with nothing and narrowly with their lives. Mrs. Hines was seriously injured. The fire destroyed the Capital Hotel, Oliver's restaurant, the Lake House, the Old Club house and the Alciatore house and several other smaller restaurants and bars. Six boat houses, six steam or naphtha launches, one tug and twenty-six yachts were destroyed and some ten or more injured. The loss is estimated at \$100,000.

## Drowned in the Yadkin

Salisbury, N. C., April 14.—Special.—F. J. Church of Henderson, N. C., bookkeeper at the Union Copper Mine, Gold Hill, was drowned in Yadkin river about fifteen miles from Salisbury yesterday. The body has not yet been found.

Church was out with a picnic party. He ventured alone in a boat in the current. The boat capsized. Church swam a quarter of a mile and sank. He was a popular, young man and was a member of Salisbury lodge of Elks.

Henderson, N. C., April 14.—Special.—Mr. Church was a native of this county and was a most promising young man. He had been in the employ of the mining company several years. He leaves two brothers, mother and one sister.

## Mr. Bryan's Management of the A & N. C. Railroad

### Its Affairs Being Placed Upon a Systematic Basis Equal to Any Railroad in the Country—Application of Brain, Energy and Skill

BY ROBERT N. PHILLIPS  
New Bern, N. C., April 14.—Special.—A good story is related in connection with a visit of Bill Arp, the celebrated Georgia philosopher, to Morehead City several years ago. He was traveling by the then, as now, only means of reaching Morehead City by rail, the Atlantic and North Carolina railroad, which runs from Goldsboro to the seaside. The story is told that Bill Arp was looking at the country from the rear platform of the train when the conductor joined him. The philosopher squinted his off eye and asked the conductor if he didn't think it would be a good idea to have a cow-catcher attached to the rear of the train.

The conductor looked at his distinguished questioner in amazement and asked: "Why?" "To keep cows from running over your train," was the bland reply.

If Major Smith should take the same trip now it would not occur to him to get off a similar joke with the train speeding along at from forty to sixty miles an hour over a smooth road-bed, and with less of the unpleasant jarring and lurches than in former days when fifteen to twenty miles an hour was considered good time over this road. The long, slow ride from Goldsboro to Morehead City has for years deterred many up-country people from visiting the famous Morehead City resort in summer. With all of its delightful enjoyment it was not considered adequate compensation for the slow and tiresome ride through the heat.

It is not so now. With that wise and practical business man, James A. Bryan, as president of the road, and his capable and skillful associates, the Atlantic and North Carolina has made rapid strides until it is now nearing the top notch of perfection. A man who knew the road up to the time Mr. Bryan took charge of it would not know it today, save for some familiar building or landmark along the way.

Some of the improvements Mr. Bryan's great success, which has marked his well directed efforts in other business affairs, has shined in his management of railroad affairs. When he assumed control of this road he found it almost a total physical wreck. The engines were run down, the coaches in bad repair, unsightly and uncomfortable, the track was rough and in some places almost buried in the peacock mires along the way. The shops at this place were little more than an excuse. Buildings were of the tumble-down order and the dock and wharf warehouses were rotting and becoming unsafe.

The company was paying enormous water rents. There was little to be seen that indicated the management necessary to keep pace with modern railroading. The first task to which Mr. Bryan set himself was to improve the track so that trains could increase their speed and get along with greater safety. At the same time it was seen that the engines and rolling stock must be improved. The shops were at once enlarged and repaired. Capable workmen were placed in charge and the present master mechanic, Mr. Green, was put in charge. The wisdom of this selection is apparent in the splendid system in force in the shops and the substantial work done. The capacity of the shops has been more than doubled in the last two

## A Murdered Man in an Old Sugar Barrel

### New York Police Have a Puzzling Proposition—Conjecture All They Have at the Present

New York, April 14.—Tightly packed in an old sugar barrel, the body of a man who had been stabbed to death, apparently by more than one person, was found early this morning between two piles of lumber in east Eleventh street just west of Avenue D.

The man's head was almost entirely severed from his body and he had been dead less than two hours when found, so the doctors say. On the sides of his neck were the marks of eleven stab wounds, none of which was deep enough to be fatal, but in the center of the throat the frightful plunge of a knife had been, the first of which undoubtedly caused death.

The dead man was either an Italian or a Greek. The police are inclined to think that he was a Greek because his skin is almost too light for an Italian. He was a man unused to manual labor, for his hands were well shaped. His clothing was of good quality and he appeared to be a man in the habit of taking good care of himself. About his clothing were a number of things—

years. New and later improved machinery has been added, including a Corless engine of one hundred and fifty horse power capacity, a seven hundred and fifty pound steam hammer capable of striking a two-thousand pound blow, a hydraulic wheel press, and many other important and necessary pieces of machinery.

Several of the old engines are now in the shops being rebuilt. One has just been run up as good as new, finished and painted, so that it is not only substantial and capable of good service, but attractive.

The shops are equipped with a complete foundry department where expert moulder, boiler maker and finish all castings needed both in new and old work. In this department all scrap iron is utilized at a profit. Since the present management took charge seventy-five tons of scrap iron have been picked up, dug up about the old shop yards. Five old brass engine bells were found and over two tons of good pig iron were recovered in the same way, in excavating for new buildings.

In addition to the machine shops and iron foundry there is now a complete woodworking department, supplied with all necessary pieces of modern machinery. Within the past few months several old passenger coaches have been picked up from the scrap pile and rebuilt. New sills and floors have been put in. All broken or damaged places repaired, the seats mended and newly upholstered. The same has been done in the shops here—and the cars have been painted, so that they now look like new work.

Will Build Freight Cars  
One of the crying needs of the road is a full equipment of freight cars. Mr. Bryan says the road is now paying several hundred dollars a month for rent of foreign cars to handle the business of the road. The yearly sum spent in this way, he says would purchase eight or ten new box cars.

This being the case, proposals to remedy as soon as it can be reached. Timber has been bought, and a saw mill will be built to cut it up. The company will thus have many thousands of dollars in furnishing its own material, and the shops will soon be turning out a steady stream of modern and competent management. Mr. Green has demonstrated their capacity to do all kinds of work, and it would not be surprising to see this road building new and handsome passenger coaches in the near future. I am convinced that if Mr. Bryan stays at the helm, every day a modern passenger railroading will be manufactured and constructed right here.

Just to show the saving and practical, economical ideas that prevail in the management, I will mention the fact that all broken chairs that were used in the Atlantic hotel at Morehead City, which is now the property of the road, are being repaired and rebottomed in these shops, so that when finished they will look like new chairs just from the factory. Here the smallest detail is attended to. A broken arm of a car seat is promptly repaired. The best workmanship marks everything that is handled.

Entering a newly covered and painted house that is used as a repository for supplies, Mr. Bryan said: "This is the house that Best built." He then explained that Mr. Best had the building erected in which to build his private car. That was many years ago. Mr. Bryan was cutting down an arched roof over a house-rover to get out the rotten ends of the studding next to the ground and put in new sills. The building was moved to a convenient location and is now a store house for supplies. While we were talking a fireman came in for some waste for his engine. Instead of taking an armful from the waste box the man in charge of the house weighed out a certain quantity, gave it to the fireman and entered it on a book.

"Do you see that?" said Mr. Bryan. "That's the way everything goes out of here, and at the end of the year we can tell to a cent what each engine on the road has cost us for supplies, and the same careful system is carried on in every department connected with this road."

Along the walls of this supply house carefully arranged shelves and boxes contain all manner of bolt, screw, nail, rod, and in fact everything needed in the line of supplies for a modern shop. A place for everything and everything in its place is a motto that needs not to be painted on a sign board here. And this system was inaugurated under the present management. Formerly bolts and rods were scattered all over the shops and yards.

New Warehouses Erected  
Another striking improvement is the two mammoth warehouses recently constructed. One on the Neuse river side of the city is 70x100 feet and has steam heat. The other is on both sides with railroad siding at the end. This takes the places of a small, tumble-down, leaking affair that is now used only for guano. Here all river, sound and sea-going craft load and unload their cargoes of through freight.

On the Trent river side a large and well arranged freight depot and warehouse for freight received for and shipped from the city of New Bern is of enormous size, filled with all manner of goods, was a revelation to me of the large business done in this city. The great improvement in the passenger station also is worthy of note. The arrangements are much better than formerly. Passengers are protected from being crowded by idlers or sight-seers when entering the station. (Continued on second page.)

## A Military Opinion of Filipinos and Negroes

### General Baldwin Will Be Tasked for Expressing His Views Too Freely—A Convenient Loop Hole

Washington, April 14.—Gen. Frank D. Baldwin, whose conspicuous work in Mindanao during the Moro outbreak attracted the attention of the president and won for him promotion from colonel to the rank of brigadier general, will probably be called upon by the secretary of war to explain an alleged interview printed here this morning in a despatch from Denver. General Baldwin is quoted as saying that one of his reasons for liking the Filipinos as a soldier was the same that gave him a preference for the negro in the same capacity—that "in a fight I am not worried about his safety, as it does not make any difference whether he gets killed or not." The same despatch says that General Baldwin added "There is nothing more to it. If a person owned a thoroughbred or full-blooded dog and also a cur, is it not

natural that he would prefer to have the cur killed before the other?"

General Baldwin has just been assigned to the command of the department of Colorado, and war department officials were considerably surprised this morning when they read the statements attributed to him. They are regarded as particularly unfortunate at this time, owing to the fact that efforts are being made in the Philippines to impress upon the Filipinos the high regard in which they are held by the Americans. His comparisons regarding the negro are also viewed with considerable disfavor, and unless quickly disavowed by General Baldwin, may result in his receiving a reprimand if not a court-martial.

## KEEPING MUM

### Department of Justice Not Giving Out Information

Washington, April 14.—There is believed to be no intention on the part of the department of justice to institute early proceedings against common carriers who, as some persons believe, directly affected by the decision of the sixth circuit court in the Northern securities case. Many inquiries have been made at the department with a view to learning what the attorney general will do as a result of this decision, but the questioners have obtained little satisfaction. There is an organization known as the anti-trust league, whose membership is composed largely of labor agitators and whose leading officers live in Washington. This organization is clamoring for a prosecution of the anthracite coal carriers and other railroad companies which are conceived by some authorities to occupy a relation to the Sherman law similar to that of the Northern Securities Company as held by the circuit court at St. Paul.

## Band for the Carnival

Goldsboro, N. C., April 14.—Special.—The Knights of Pythias band of this city has made an engagement to furnish music for the Pythian carnival in Raleigh during the week of May 4th to 8th. The Pythians of Goldsboro are taking much interest in the event and will be there in large numbers. It has been suggested, and the suggestion has met with much public favor, that one day be set apart as "Goldsboro Day" and that everybody who can should attend the carnival that day and as many other days as they can conveniently do.