

The Smithfield Herald.

PRICE ONE DOLLAR PER YEAR.

"TRUE TO OURSELVES, OUR COUNTRY AND OUR GOD."

SINGLE COPIES FIVE CENTS

VOL. 22.

SMITHFIELD, N. C., FRIDAY, FEBRUARY 5, 1904.

NO. 48.

SOUTH DAKOTA WINS.

Supreme Court Decides that N. C. Must Pay \$27,400.

SALE OF STOCK ORDERED.

No Relief for Individual Bondholders Under the Decision, But They Consider Their Prospects of Collection Greatly Improved and Talk of Settlement.

Washington, Feb. 4.—By a divided bench (5 to 4) the Supreme Court today decided that the State of North Carolina must pay the State of South Dakota \$27,400 before January 1, 1905, being the value of the ten second mortgage bonds of the Western North Carolina Railroad, issued by the State in 1867, and which were donated to South Dakota by Simon Schafer, of New York, for the purpose of bringing the suit. The opinion was written by Justice Brewer and was concurred in by Justices Brown, Peckham, Harlan and Holmes. The four justices who dissent and sustain North Carolina's contention are Chief Justice Fuller and Justices White, McKenna and Day.

If the judgment is not satisfied by January 1, 1905, the marshal of the United States Supreme Court is directed to sell at public auction from the main door of the east front of the capitol in this city, the rights of the State of North Carolina in one hundred shares of the capital stock of the North Carolina Railroad Company, such stock being the mortgage by the State for the purpose of enhancing the value of the second mortgage bonds of the Western North Carolina Railroad.

As to the second mortgage bondholders (Schafer Brothers, of New York,) the court held that they were not proper partners to the suit and could not recover. But the validity of these bonds having been established despite North Carolina's decision to compromise them at 25 cents on the dollar, the opinion generally prevails that the holders of them will be able to force a compromise with the State and ultimately obtain something like their face value. The principal of these bonds is understood to be about \$250,000 and with coupons redeemed it is understood they approximate a value of \$300,000. This is in the neighborhood of the amount North Carolina will be called on to pay in order to satisfy the holders of the bonds. The court did not allow interest on the coupons.

Several North Carolinians, discussing the situation this evening, expressed the opinion that it would pay the State to compromise at from 50 to 75 cents on the dollar. These figures do not appeal to the representatives of Schafer from what could be learned today. The opinion from one well-informed person was that they would not be content with less than a 95 percent compromise.

Some North Carolinians think that the bondholders are without relief and do not look with favor upon the proposition to compromise.

Ex-Senator Marion Butler, who represents the second mortgage bondholders, was greatly pleased with the decision of the court. He was present when the court handed down its opinion and spent some time carefully reading it. "The decision is just what I expected," was his comment.

BUTLER'S OPINION IS OPTIMISTIC. Asked as to what course his clients will pursue in forcing collection of their bonds, Mr. Butler said:

"I have not consulted with my clients, and I cannot speak for them. I take it that the State of North Carolina will pay all the bonds. Their validity is now settled. It is my opinion that both the holders of the bonds and the State will seek to effect a compromise. Naturally the State would

prefer to effect a compromise rather than be forced to the necessity of making full payment."

As we predicted in this correspondence when the case was scheduled for re-argument, the court was closely divided. It was thought the final decision would hinge upon the vote of Justice Day, who did not hear the original argument. But it develops that Justice Brown, who did not hear the re-argument, enabled the court to reach its decision. Had the attorneys for the State objected to Judge Brown sitting upon the case, which they had a right to do, the members of the court would have been evenly divided. Chief Justice Fuller asked if there was objection in view of the fact that Justice Brown could not be present at the argument, but both sides very courteously waived all objections.

THE BONDS OUTSTANDING.

The State compromised and decided for all except some \$250,000 of these second mortgage bonds, the majority of which were owned by Simon and Samuel Schafer, Simon Rothchilds and Charles Salter, of New York. The bonds became due in 1897, together with almost the entire 30 years coupons. Simon Schafer in 1901, being unable to sue the State without its consent, donated to the State of South Dakota ten of the bonds with the "reasonable expectation that the suit would be brought," and that by this means he would recover the value of the remaining bonds which he held. The South Dakota legislature passed an act authorizing the institution of the suit, and it was twice argued before the Supreme Court, once last term and once at the present term.

The decision today gives the State of South Dakota \$27,400, being the value of the bonds and the coupons, but without interest, and leaves the other parties defendant, Messrs. Schafer, Rothchild and Salter, without immediate relief, though they are in a position to give the State no little trouble.

The North Carolina Railroad is one of the most valuable roads in the South. It is leased to the Southern Railway and pays into the State treasury a handsome surplus after meeting the interest on the first mortgage bonds.—Thomas J. Pence, in Raleigh Post.

BEASLEY BITS.

We are glad to note that Mr. John Langston, who has been very sick with pneumonia, is improving.

A Sunday School was organized Sunday, January 31, at Preston Academy. We hope to have a large attendance.

Mr. Lemuel Barefield, of Mount Olive, accompanied by Master Clarence Grant, spent Saturday and Sunday in this section.

Miss Daynie Ellis, who has been spending several days with her sister and the Misses Briff, returned to her home in Smithfield Tuesday.

Quite an unusual scene occurred in our village Tuesday, when seven sewing machine agents—each driving a two-horse turn out—drove up to Mr. J. M. Beasley's for dinner.

DEXTER.

Better Than Gold.

"I was troubled for several years with chronic indigestion and nervous debility," writes F. J. Green, of Lancaster, N. H. "No remedy helped me until I began using Electric Bitters, which did me more good than all the medicine I ever used. They have also kept my wife in excellent health for years. She says Electric Bitters are just splendid for female troubles; that they are a grand tonic and invigorator for weak, run down women. No other medicine can take its place in our family." Try them. Only 50 cents. Satisfaction guaranteed by Hood Bros.

STATE NEWS NOTES.

Short Items of Interest Clipped and Culled From Our Exchanges.

A dispensary election will be held in Greenville on the 3d of March.

John O'Briant, treasurer of Person county, died last week, aged 65.

The Winston manufacturers shipped 1,879,288 pounds of tobacco last month.

An electric road from Mt. Airy, N. C., to Roanoke, Va., seems assured. It will be about 85 miles long.

Currituck sound has been frozen over twice this winter with the ice hard enough to walk across it.

The State has chartered the Statesville Implement and Supply Company with a capital of \$25,000.

Up to Saturday last 10 of the 97 sheriffs of North Carolina had made settlement in full of their taxes for 1903.

The Concord Tribune nominates W. R. Odell, the big cotton manufacturer, of Concord, to succeed Congressman Klutz in Congress.

A petition in voluntary bankruptcy was filed in the Federal Court at Raleigh by the M. McMahon Company, of Halifax, liabilities \$30,000, assets \$9,000.

The Southern Railway Company has placed in the hands of the Corporation Commission plans for a new passenger station at Charlotte, submitted by Architect Milburn.

Capt. W. I. Everett, a famous cotton grower of Rockingham, Richmond county, has sold 527 bales of cotton at 15 cents a pound, aggregating about \$40,000 for the lot.

The insurance adjusters have allowed the full amount of the policies—\$32,768—on the burned buildings of the State Normal College. Plans are being made to replace the buildings at once.

Mr. W. C. Newland, of Lenoir, has announced his candidacy for the Democratic congressional nomination in his district, vice Congressman Klutz, who has announced his purpose to retire.

The State has chartered the Glen Raven Cotton Mill Company at Glen Raven, in Alamance county, near Burlington, the capital stock being \$150,000 and the stockholders, J. Q. Gant, J. E. Gant and Kenneth Gant.

Fire at Monroe early Sunday morning destroyed a number of wooden buildings, including the office of the Monroe Journal and several stores. The loss is estimated at \$9,000, with about \$1,600 insurance.

While picking up coal by the railroad track in Winston a few days ago, a colored woman got her hand crushed off by a car wheel passing over it. She did not see the approaching car and a wheel caught her hand and passed over it.

The Dunn Hardware and Furniture Company have assigned. Mr. H. C. McNeil being made trustee. The nominal assets are about \$11,000; the real assets are estimated to be about \$7,000. The liabilities are about \$10,000.

A few days ago a young son of Mr. J. F. Carter, of Cabarrus county, got a peanut lodged in his windpipe. He was taken to a hospital but on account of his youth it was decided unwise to operate. The peanut finally lodged in his lungs and the boy died.

David H. Starbuck, the seven year old son and only child of Judge and Mrs. H. R. Starbuck, of Winston, was killed in that town Saturday. He was coasting on the street car when his sled carried him into a passing street car and he received injuries from which he died a few hours later. The occurrence was inexpressibly sad.

Mr. Pou Favors Good Roads Appropriation.

Representative Pou is deeply interested in the subject of good roads and is strongly in favor of congressional action. Speaking along this line today, he said:

"Senators and members of congress may as well make up their minds to deal with the good roads question at an early day. The people are demanding better roads all over the country. I do not believe there is any constitutional obstacle in the way of government aid. Congress appropriates millions for rivers and harbors and free rural delivery routes. Certainly congress has the power to appropriate money to improve the roads over which mail is carried, and in a few years mail will be carried over every important road in the country."

"Most of our rural communities are too poor to raise money sufficient to build good and enduring roads, but if the government would pay one-half as provided by the Brownlow bill, the county or community might be able to raise the other half."

"The last river and harbor bill carried an appropriation of over sixty millions of dollars. Large cities received the benefit of nearly all the vast sum. Now let congress appropriate an equal amount of money to aid the states in building good, hard, dry roads, and the farmers of the country, for whom both political parties profess such great solicitude, will feel that they are not entirely neglected."

"I fear our Republican friends will not allow the Brownlow bill or any other good roads bill to come to a vote, for if they do, there are enough Democrats awaiting the opportunity to make the bill a law. It is said that Speaker Cannon is opposed to this class of legislation. I do not know this to be true, but I believe if any legislation of this kind is ever adopted it will be done largely by Democratic votes. I am quite sure the entire North Carolina delegation is favorable to good roads legislation."—Tom Pence, in Raleigh Post.

THANKSGIVING DOTS.

The weather has been so disagreeable with snow and ice since last Thursday, January 28, that Miss Mary Hatcher had to discontinue her school until today, February 3d.

Miss Mary Hatcher has secured for Thanksgiving school a free rural library to begin operation as soon as the books come. They were ordered more than a month ago.

Mr. Henry Edgar Earp, the popular engineer of Norfolk, Va., and family, are spending some time with Mr. Stalpus Griswold, the father of Mrs. Earp.

Miss Maud Griswold, who has been in Norfolk, Va., since September, 1903, visiting her sister, Mrs. H. E. Earp, and also attending school, has returned to her home.

There will be preaching at Thanksgiving the second Sunday in February and Saturday before at 11 o'clock, by our new pastor, Rev. R. H. Horrell. Let there be a full attendance each day.

Last Sunday at the residence of Mr. Charley Wheeler at the hour of 2 o'clock, in the presence of a few friends and relatives, were happily united in the holy bonds of matrimony Mr. Berry Wheeler and Miss Mattie Dinkins, J. L. Jones, J. P., performing the ceremony. The attendants were Mr. Alvester Eason with Miss Ella Brannan, and Mr. Oscar Eason with Miss Minnie Dinkins. After the marriage all returned to the home of the groom where a sumptuous supper awaited them. May the happy couple enjoy a long life of happiness and prosperity is the wish of the writer. Nick.

If you suffer with any Liver, Kidney or Bladder Trouble take Hood's Drug Store. Hood's Drug Store.

GENERAL NEWS NOTES.

Some of the Week's Events Scissored and Condensed from the Press.

Houston, Tex., on Saturday shipped 3,600 bales of cotton to Japan, over the Southern Pacific Railroad, via San Francisco. This beats the record, so far as Oriental trade is concerned.

Miss Nannie Bryan, sister of W. J. Bryan, died Saturday at her home in Lincoln, Neb. Mr. Bryan was enroute to Lincoln, in response to news of his sister's critical illness, when she died.

A dispatch from Berlin says that seven girls belonging to a cooking school at Darmstadt are dead and six others are dying of poisoning which resulted from eating canned beans and meat. A medical inquiry into the occurrence is making.

The registration of voters in Texas closed Saturday night and while the returns are not yet completed, it is estimated that of the 700,000 voters in the State only 550,000 saved their voting privileges by paying their poll taxes. A constitutional amendment adopted two years ago requires the payment of an annual poll tax of \$1.75.

The New Holland Mills, built by the Pacolet Company, at Gainesville, Ga., have shut down for an indefinite period. This is due to the unnatural difference in the price of raw material and the manufactured products. As soon as cotton gets lower or the manufactured goods advance in price, operations will be resumed. During their idleness, the operatives of the New Holland Mills, about 1,000 people, will be furnished house-rent free, and will be allowed to draw half-pay without work."

It is announced from London that Mrs. Florence Maybrick, the American woman who was serving a life sentence in an English prison for poisoning her husband, was released from prison on January 25th. Mrs. Maybrick was a daughter of W. G. Chandler, a banker of Mobile, Ala. In 1889 she was convicted in Liverpool of poisoning her husband, Jas. Maybrick, and sentenced to life imprisonment. All sorts of influence, public and private, has been brought to bear to secure the woman's pardon, but heretofore without avail. Last year it was announced that Mrs. Maybrick would be released this year, and presumably this promise has been kept. A latter report says it is a mistake.

Where Will They Get Their Tobacco.

The American Tobacco Company are in fine condition to make money this year. With their splendid equipment and fine business organization and the growing demand for tobacco all over the world they can make big money on last years crop of tobacco which they have taken from the farmers at less than the cost of production. But the question is now where will they get leaf tobacco for the years to come. From the best information we have on the subject the farmers are unwilling to give away another crop. Most of them say they are not going to put themselves in a position to be forced to do it.

Escaped an Awful Fate.

Mr. H. Haggins, of Melbourne, Fla., writes, "My doctor told me I had Consumption and nothing could be done for me. I was given up to die. The offer of a free trial bottle of Dr. King's New Discovery for Consumption, induced me to try it. Results were startling. I am now on the road to recovery and owe all to Dr. King's New Discovery. It surely saved my life." This great cure is guaranteed for all throat and lung diseases by Hood Bros., Druggists. Price 50c and \$1.00. Trial bottles free.

Remarkable Record of Disasters in 37 Days.

December 20—The Meteor, the fast train on the St. Louis and San Francisco Railway, ran into a switch and was wrecked at Godfrey, 15 miles south of Fort Scott, Kan.—8 killed, 5 fatally injured and more than 25 others hurt.

December 23—Duquesne Limited, on the Baltimore and Ohio, struck lumber on track; wrecked near Dawson, Pa.—65 killed, 9 injured.

December 25—Head on collision between passenger trains on the Pere Marquette road not far from Grand Rapids, Mich.—22 killed, 29 injured, some fatally.

December 30—Fire panic in the Iroquois Theatre, Chicago—about 575 killed, and several hundred injured.

December 31—Louvre Hotel, in Chicago, burned—3 killed, 4 injured.

December 31—Train on Cumberland Valley road ran into open switch three miles east of Newville, Pa.—3 killed, 7 seriously injured.

January 3—Passenger coach broke loose near the Blue Mountain House from the fast mail train on the Western Maryland railroad and rolled down the mountain side—2 persons killed and 35 injured.

January 5—Collision on the Rock Island road near Willard, Kan.—17 killed and 37 injured.

January 9—The Puget sound steamer Callam wrecked off the harbor of Victoria, B. C.—more than 50 persons drowned, including every woman and child on board.

January 13—Eight killed by falling down an elevator shaft in a St. Louis shoe store.

January 22—Cyclone at Morndville, Ala., killed 42.

January 25—Explosion in Harwick mine, at Cheswick, Pa.—174 believed to be dead.

January 26—Cage falls in Stratton Independence Mine, Victor, Col.—15 killed.—Baltimore Sun.

BENSON BUDGET.

Alonzo Parrish has gone to Cokesbury on business.

J. D. Parrish will soon open a general supply store here.

Willie C. Woodall has accepted a position in J. W. Benson's drug store.

Dr. O. L. Denning, of Dunn, was here Wednesday on professional business.

Mr. and Mrs. W. H. Wiggs, of Kenly, are visiting at Capt. Goodrich's.

Holmes & Cavenaugh have moved into their new store on Main street.

Ed. Boykin, accompanied by U. F. Wallace, left Tuesday for Richmond, where is to be married.

Simon Honeycutt and Miss Ida Benson were married Wednesday night. A large crowd of relatives and friends were present to witness the ceremony.

The Cary Safe Company's man was here this week and made satisfactory arrangements with J. W. Whitten regarding the injuries to his large safe in the recent fire here.

Prof. Turlington was here Wednesday drawing plans and making other arrangements for our graded school building, which will be one of the best in the county.

The recent freeze, we suppose, busted the "Bucket Shop" here, and shaves at Daniel Hill's are now ranging from ten to twenty cents, owing to the length of faces.

Nearly Forfeits His Life.

A runaway almost ending fatally, started a horrible ulcer on the leg of J. B. Orner, Franklin Grove, Ill. For four years it defied all doctors and all remedies. But Bucklen's Arnica-Salve had no trouble to cure him. Equally good for Burns, Bruises, Skin Eruptions and Piles. 25c. at Hood Bros' Drug Store.