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NO. 9.

Myatt Case.

Attorneys for Defense File a Demurrer

Judge Council Throws Case Out Court But Plaintiff Gives Notice of Appeal.

Judge Council, after argument by counsel on both sides, yesterday afternoon sustained the demurrer of the defendant in the suit brought by Mrs. Martha Fowle Myatt against her husband, Mr. J. Walter Myatt, for divorce, holding that the complaint did not state facts constituting a cause of action, and he dismissed the action. Formal judgment will be drawn and signed by the court to-day.

The attorneys for the plaintiff filed an exception, and gave notice of an appeal to the Supreme Court. Counsel for Mrs. Myatt were Busbee & Busbee, and Armistead Jones & Son, while Argo & Shaffer, of Raleigh, and Congressman Edward W. Pou and Mr. Ed. S. Abell, of Smithfield, appeared for the defendant. Relatives of both Mr. and Mrs. Myatt were present, but Mrs. Myatt was absent. Her brother, Mr. Daniel G. Fowle, attended the proceedings.

Many witnesses were present but none were examined.

The motion for discontinuance was made by Colonel Argo. The complaint was read by Mr. C. M. Busbee, after which Col. Argo read the demurrer, which was as follows:

"That the complaint does not state facts sufficient to constitute a cause of action; for that

"1. That allegations of cruel and barbarous treatment, and indignities to the person of plaintiff are general; do not state the facts or circumstance attending them, or wherein they consist, nor whether plaintiff was to blame, or by her conduct invited them;

"2. The particulars pretended to be stated in detail, are childish, frivolous, and insufficient even if they were admitted to be true, and do not constitute cruel or barbarous treatment, or indignities within the meaning of the law, but in so far as defendant is concerned, were trivial protestation which will occur in the best regulated families."

"Wherefore the defendant demands judgment:

"1. That the plaintiff do not recover the judgment demanded;

"2. For the custody and control of the child;

"3. For costs and other relief."

Colonel Argo said that unless the plaintiff could prove that her condition had been intolerable, her life a burden, and that she had been treated with violence and that her husband had maliciously turned her out of doors, she did not have statutory grounds for divorce. The allegations in the complaint, he said, were unsupported by facts, and if the complaint of Mrs. Myatt, he said, were held to be a cause for a jurisdictional separation, then there is not a married couple in North Carolina who have lived together for any length of time who could not get a divorce, if these facts constituted a cause. No violence had been offered the plaintiff, no accusation to degrade or distress her had been made, she had not been abandoned by Mr. Myatt, he had not failed to support her, and had not visited her with indignities or incivility. In conclusion he cited several authorities to sustain his argument.

Mr. Armistead Jones argued the legal phase of the matter for the plaintiff.

Mr. Edward W. Pou said there were only two allegations in the complaint worthy of the consideration of the court, the first being that Mr. Myatt had drawn back his fist as if to strike Mrs. Myatt, but he did not strike her, and did not accompany the movement with any declaration of a present intention to strike her. She dared him to strike her,

State News

Some Events of the Week in Tarheeldom.

Short Items of Interest Clipped and Culled From Our State Papers.

Mrs. Irene Craven, widow of Braxton Craven, founder of Trinity College, died Friday night at her home in Trinity, Randolph county, in her 83rd year.

Frail Durham, the 19-year-old boy, sentenced from Polk county to fourteen years in the penitentiary for killing Deputy Sheriff Hilton, of that county, over a year ago, began his term Monday.

On Sunday morning near Mount Airy John H. Walker committed suicide by taking an overdose of laudanum. He had been drinking for some time and his friends had frequently heard him threaten to take his life. He leaves a wife and three children.

W. A. Wiggins, a conductor on the Salisbury and Spencer street railway, was shot and fatally wounded while on duty Sunday morning by John Black, colored, a passenger on a car. Black was in the white apartment and being ordered out, he stepped off, shot the conductor and made his escape. Higgins died Tuesday.

There are now in this State five life insurance companies, three at Greensboro and one each at Fayetteville and Charlotte, all doing business under the legal reserve system. Charters have been obtained for other life companies at Kinston, High Point and Raleigh. There are also a number of fire insurance companies.

Craven county Democrats, in convention Friday, adopted resolutions favorable to F. M. Simmons for the United States Senate, C. R. Thomas for Congress, D. L. Ward for the State Senate, O. H. Guion for Judge of the third judicial district, L. I. Moore for solicitor of the third judicial district, Franklin McNeill for corporation commissioner.

To show what an immense amount of shipping is done each day in the furniture manufacturing town of High Point, there were 90 cars of furniture on the tracks there last Saturday waiting to be sent to their destination. The yard force is kept busy day and night placing the cars and yet congestion takes place every now and then that is hard to relieve.

Deputy United States marshals made two raids in Harnett county, and one in Moore county last week, capturing two stills, one white operator, a quantity of beer, and on the first raid one barrel of corn whiskey was thrown away on account of the inaccessibility of the place. The Moore county still was operated by negroes, who escaped. The stills averaged about sixty gallons capacity.

There are now in the State 1,259 rural public libraries, established under the act of the legislature providing for libraries where the citizens of the district, the county board and the State appropriate \$10 each for the purchase of books. Wake, Guilford, Buncombe, Mecklenburg, Durham and Forsyth are among a large number of counties that have the full limit of eighteen libraries each. New Hanover has twelve.

W. H. Strain, a farmer of about sixty-five years of age, committed suicide last week back of his home near McCullers' Station in Wake county. He went into the woods back of his house and selecting a convenient tree tied a plow line to a limb and then around his neck. It is understood that he jumped from a slight elevation, and when the dead body was found the feet were within six inches of the ground. He has been showing signs of mental aberration of late.

G. W. Fouts, Postmaster at Riverton, Ia., nearly lost his life and was robbed of all comfort, according to his letter, which says: "For twenty years I had chronic liver complaint, which led to such a severe case of jaundice that even my finger nails turned yellow; when my doctor prescribed Electric Bitters; which cured me and have kept me well for eleven years." Sure cure for Biliousness, Neuralgia, Weakness and all Stomach, Liver, Kidney and Bladder derangements. A wonderful Tonic. At Hood Bros. drug store. 50cts.

Postmaster Robbed.

Mr. Busbee gave notice of an exception to the ruling and of an appeal to the Supreme Court.

In a proceeding of this character, the question of the custody of the child could not be determined. The child is in the possession of Mrs. Myatt.—News and Observer, 3rd.

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Notes and Comments.

Happenings of the Week Tersely Told.

Items of Interest From Far and Near Served in Short Courses.

If the long debate in the Senate over the railroad rate bill was not occupying the Republican Senators, they might be doing something worse. It's only a week or two ago they passed the steal known as the ship-subsidy bill.

Congressman Longworth has been trying to help father-in-law out by telling the Hamilton club of Chicago that the present cry of dishonesty has the elements of hysteria. There is a general objection by Republican politicians to exposing the grafters.

The "general unrest" that President Roosevelt admonished us is prevalent, is mostly confined to the White House and the Republican politicians who refuse to revise the tariff and favor the ship-subsidy and other ways of plundering the people.

That Senator Elkins of West Virginia should declare in a speech in the Senate that he is the best friend the railroad rate bill has, either indicates that the railroads do not fear that measure will hurt them, or that the Senator begins to fear the people, who will soon have his case under consideration. His vote on amendments and on the final passage of the bill will be closely watched by his constituents.

That the Republican leaders are Opportunists and ready to recommend and adopt any issue or scheme that will keep them in power was plainly shown, when almost on the same day Secretary Shaw declared for the Hamiltonian policy of concentrating all power in the general government and President Roosevelt recommended confiscation of the property of the multi-millionaires. These two extremes imbedded in the national platform of the Republican party should catch the votes of imperialists and socialists.

The modern Monroe Doctrine as expounded by President Roosevelt is very unpopular with some of our sister republics to the South of us. Argentina entirely repudiates the right of this country to use the "big stick" and it seems that Secretary of State Root will have to use more than usual diplomacy to prevent a combination on what is known as the Calvo doctrine, which is that the use of force is not permissible for the collection of debts contracted with European nations. The Administration will probably have to crawl as it has done on other novel ideas.

President Roosevelt has been threatening for some time to denounce "the man with the muck rake" and at last found his opportunity at the laying of the cornerstone of the office building for the House of Representatives. The trouble with the President, as with other Republicans, is that "the man with the muck rake" has been playing havoc with the Republican party. If the Republican politicians had not created the muck heap, there would have been no occupation for "the man with the muck rake," neither can he be charged with being responsible for the muck's existence. Heretofore the President was ardently demanding "publicity" as a cure for most of our political ills, but the magazine writers gave him such a dose of it, that he has cried enough already.

Invitations have been issued to the marriage of a prominent and popular young couple of Wake county, who have a large circle of friends.

The groom-to-be is Mr. John F. Broughton, of Garner, son of Mr. J. T. Broughton, County Commissioner, who is one of the most prominent and popular young farmers in the county. He is to wed Miss Alice Elizabeth Penny, daughter of Mr. and Mrs. A. C. Penny, who reside near Garner, and who is a most lovely and talented young woman with a host of friends.

The wedding is to take place on the ninth of May and it is an event that is being looked forward to with much interest by the many friends of the young couple.—News & Observer.

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General News

A STRONG TEMPERANCE CAMPAIGN.

For Five Nights Prof. Wilcox Drew the People Young and Old to Hear His Addresses.

Clayton, N. C., April 27th.—It affords me great pleasure to bear this unsolicited testimony to the excellence and worth of Professor A. D. Wilcox's temperance lectures in Clayton. For five nights in succession he drew the people, young and old, from their business houses, the skating rink, the merry-go-round and from their homes with unabating interest. Without exception all were pleased, were edified, entertained, and helped. The temperance people were made stronger for their battle for prohibition. The drinker was brought to see the folly of his course and strengthened to abandon the habit. The liquor advocates were shown the exceeding wrong of the traffic and were persuaded to turn away from its endorsement.

Professor Wilcox is not a crank or a fanatic, that the most conservative might dread or fear the results of his work. He does not try to drive the liquor man from his strong intrenchments by invective or vituperation. He discusses the philosophic claims of prohibition on such planes as to win the regard of the strongest opponents of temperance reforms.

He is irresistible and the liquor dealer, the drunkard and the moderate drinker who hear him through his series of lectures go away feeling they can no longer afford to defend their position.

Professor Wilcox is a native of Kansas. He has recently campaigned that State in their fight for prohibition, under the auspices or endorsement of the State Anti-Saloon league. He came to us in an auspicious time. He bears the best of endorsements from the people of every town he has visited. He is in North Carolina to spend a whole year's service to our people. He will do any town or city good whether they are in an immediate fight for temperance reform or whether they are under existing prohibition laws. He makes new friends for temperance and encourages the saints.

The pastors of our churches and all the friends of temperance should do their best to make Brother Wilcox's campaign in the State effective.

C. W. BLANCHARD.

Growth of Churches in 1905.

The following facts concerning the growth of churches in 1905 will be interesting reading to those who wish to keep posted, especially so as they were compiled by Dr. Carroll, of New York, and published in Christian Advocate:

"In the year 1905 the total number of communicants was 31,148,445, a net gain for that year of 519,155. This membership was distributed as follows: Roman Catholics first, with 10,785,496, net gain 192,122; Methodists second, with 6,429,815, gain 101,892; Baptists come third, with 4,974,047, gain 72,657; Lutherans fourth, with 1,841,346, gain 51,580; Presbyterians fifth, with 1,723,861, gain 26,174; Disciples of Christ sixth, with 1,235,394, gain of 1,428; Episcopalians seventh, with 817,127, gain 19,203; Congregationalists, eighth, with 687,042, gain 13,321; Reformed (Dutch and German) ninth, with 405,022, gain 4,021."

Deaths from Appendicitis

decrease in the same ratio that the use of Dr. King's New Life Pills increases. They save you from danger and bring quick and painless release from constipation and the ills growing out of it. Strength and vigor always follow their use. Guaranteed by Hood Bros., druggists. 25c. Try them.

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