THE TIMES-VISITOR

No. 9,134 RALEIGH, N. C., WEDNESDAY EVENING, MARCH 28, 1900. 25 Cents a Month

JUDGE DORSEY BATTLE DEAD

Passed Away at His Home in Rocky Mount

ILL ONLY TWO WEEKS WITH GRIPPE

Judge Battle was Elected Judge of the Eastern Criminal Court in 1898—Funeral at Rocky Mount Tomorrow.

Special to The Times-Visitor.

Rocky Mount, N. C., March 28.—Judge Dorsey Battle died at his home here from the effects of an attack of la grippe at 7:40 o'clock this morning.

Judge Battle has been very ill for two weeks and in addition to la grippe he suffered a great deal with his heart. He had been steadily growing worse for the last several days, so that the end this morning was not unexpected.

He will be buried in Pineview Cemetery at four o'clock tomorrow afternoon.

The Legislature of 1895 created the Eastern Criminal Court Circuit, comprising the counties of Craven, New Hanover, Mecklenburg, Vance, Warren, Robeson, Edgecombe and Halifax and the Legislature of 1897 amended this and added Cumberland county. The amendment also provided that the Governor should appoint the Judge until the next general election, when he should be chosen by the electors of the district. Governor Russell appointed Thomas Sutton, Esq., of Fayetteville, judge of the district, but in the election of 1898 he was defeated by Judge Battle, the Democratic nominee. Judge Battle, before his election, was editor of The Tarboro Southerner as well as a lawyer of unusual ability. He has for years been prominent in North Carolina, and was a man of great force and fine intellectual attainments. The entire State, and this city particularly, mourn his death.

Of course, this vacancy on the bench will be filled by appointment from the Governor until the August election, when a judge will be chosen.

CONGRESS TODAY

Porto Rican Bill—Morgan on Alaska Bill—More Employees.

Washington, March 27.—Friends of the amended Porto Rico tariff bill in the Senate express entire confidence in their ability to pass it. The contest over free trade or tariff on the island will be transferred to the House, where the present indications all point to the defeat of the tariff measure.

IMPORTANT AMENDMENT.

Washington, March 27.—Senator Morgan, of Alabama, introduced an amendment to the Alaska bill providing that the rights and privileges of mining gold in Alaska shall be extended to subjects of Great Britain and Russia, on the same terms that those countries grant to citizens of the United States in their provinces bordering on the Arctic or Behring Seas.

INCREASING THE FORCE.

Washington, March 27.—It has been found that the present force in the Treasury Department is inadequate and the force in the office of Treasurer will be increased materilly and in other divisions connected with the refunding operations, and the issue of circulation appointments will be for ninety days.

BEGIN WORK NEXT WEEK.

The Raleigh Telephone Company have secured quarters for their exchange. It is to be located over the Harding Shoe Store, and the work of fitting it up for the exchange will commence at once. It will be fitted up in the most modern and convenient manner, with handsome offices, work-rooms, etc.

Mr. Will Wynne, the manager, will leave today for the land of the poles, and in a few days he will have large quantities of poles rolling into the city.

Active work will be begun on the construction of the exchange next week and the work will be pushed forward rapidly until it is completed. Mr. Wynne says he expects a thousand subscribers to the new exchange.

LADIES' MEMORIAL ASSOCIATION MEETING.

There will be a meeting of the Ladies' Memorial Association at the Supreme Court building, in Col. Kenan's office, on Thursday, the 29th, at 4 o'clock, P. M. This is an important meeting, as arrangements are to be made for Memorial Day, and the memorial meeting at which officers are elected. A full attendance of members is earnestly requested.

The President's Council are invited to meet with the ladies.

ANNIE L. DEVEREUX,
Secretary.

In the second primary held in New Hanover, Mr. Martin S. Willard was nominated for the Legislature over Brooke G. Empie, Esq.

The Junior Order of United American Mechanics will hold an important meeting at eight o'clock tonight.

Republican State Chairman Holton is in the city and called at the Capitol today.

WILL LIGHT THE PARK

Appropriation Will be Asked to Put up Ten Arc Lights.

If it is found possible by the Board of Aldermen at their next meeting they will make an appropriation to the Park Committee that will be welcomed by those who enjoy spending evenings in the Pullen Park during the summer.

Mr. C. C. McDonald, chairman of the Light Committee of the Board, stated this morning that the committe, composed of himself, and Messrs. Lynn Wilder and J. S. Wynne, will recommend to the Board the appropriation of $250 to the Park Committee for the installation of ten arc lights in the Park, according to the proposition of the Raleigh Electric Company.

The Electric Company has stated to the officials that it will agree to furnish free of charge to the city service in Pullen Park for ten arc lights and that the company will install an additional number of incandescent lights of large power throughout the Park, provided the city will pay for the ten arc lights. The company agrees that the arc lights are to be the property of the city, but that the duty of keeping them in repair and in good condition and all expense arising from the use of the lights will devolve upon the company. They promise that the present trolly line, which furnishes light in the Park will not be used, and that a new and regular arc light line will be put up for the purpose of giving the best service possible in the park.

The Park Committee is composed of Messrs. Pegram, chairman, Bogasse and Drewry, and they are understood to favor the acceptance of the Electric Company's proposition, and will urge the Board to grant the appropriation.

It is maintained by those who favor this improvement at the park that heretofore the place has not been a desirable one to frequent at night or late in the summer evenings, and that the Park was not being used to the fullest extent of the purpose for which it was donated. The placing of the lights in the park will certainly eliminate the one objectionable feature—the visiting of those lovey dovey people.

CRIMINAL COURT

No Important Cases on This Morning's Docket

The session of the Criminal Court today was devoid of any cases of special interest. However, the room was crowded most of the time, the spectators probably anticipating the trial of Tom Jones, which will begin to-morrow.

The greatest case today was the trial of Sue Lindsay, Harriet Whitaker, Will Brown and Louis Jones, all colored, for larceny. The case was trifling, but it consumed much time. The result was that Sue got 7 months, Harriet 5 and the others 4.

Henry Reavis, for assault, received a 7 months' sentence.

Ernest Bobbitt, the negro who forged an order for $1,25 on Heller Bros., got off with 4 months.

Joe Johnson, larceny, 4 months.

Chay Bridgers, Lizzie Eatman and Betsy Shaw were fined $2 and $1, and costs, for assault.

Gussie Davis and Will Solomon, judgment suspended for former, four months for the latter.

LOCAL BRIEFS.

Mrs. J. J. W. Harris and little son, Robert Burton, is in the city stopping with her niece, Mrs. C. G. Whiting, 111 Saunders street.

Adjutant General R. S. Royster is spending today in the city looking after the State Guard.

Mr. A. W. Haywood, of Haw River, is in the city today.

Mr. A. M. McPheeters, Sr., was receiving the congratulations of his many friends on the street today, this being his seventy-second birthday.

Miss Eliza A. Pool is confined to her room with grippe.

Mr. H. B. Varner, editor of the Lexington Despatch, is in the city. Mr. Varner is a prominent candidate for the Democratic nomination for Commissioner of Labor Statistics, and bids fair to win the nomination. He carried Mecklenburg county by an overwhelming majority yesterday.

Major Guthrie, of Durham, is in the city today.

Mr. Jones Fuller, of Durham, is in the city.

Mr. J. Q. Johnson is confined to his home with an attack of grippe.

Attention is directed to the change of advertisement in this issue of Mr. Henry T. Hicks, the druggist. He calls your attention to Knickerbocker braces.

The Times-Visitor was in error in stating that the flag for the city was painted by Miss Daisy Denson. It was the work of Miss Kate Denson, who also painted the flag for the cruiser Raleigh.

Mr. S. J. McCauley, formerly of Greensboro, but now a citizen of Raleigh, who occupies the stand formerly that of Mr. Bailey's, on Wilmington street, is in the city.

The young ladies of the Presbyterian church will have a flower show at the residence of Capt. Alderman, on Halifax street, Saturday, April 14th for the Organ fund. Please come and buy our flowers.

Rev. O. L. Stringfield, of the Baptist University at Raleigh, was in the city last night and today, the guest of Rev. W. C. Newton. He was working in the interest of the University and the success he met with here is gratifying alike to him and the many friends of that institution.—Goldsboro Argus.

Miss Blanche Blake, of Raleigh, is in the city on a visit to the family of Samuel Kramer—Durham Herald.

Mrs. R. L. Lindsey and little daughter, of Durham, arrived yesterday on a visit to friends.

MAJOR GUTHRIE FILES HIS ANSWER

Voluminous Answer to the American Tobacco Co.

CONTENTIONS STATED IN FORCIBLE CLAUSES

Preliminary Hearing Will be Had Before Judge Simonton in Charleston, S. C. on April 17th—The Grounds of Defense.

Major W. A. Guthrie today filed his answer in the suit of Arents, Duke and others against the Blackwell Durham Tobacco Company, W. A. Guthrie and the other minority stockholders of the tobacco company.

Major W. A. Guthrie files an answer in his own behalf. His answer is a very lengthy document, covering some twenty-nine pages of type-written matter, exclusive of the exhibits attached to it. He bases his defense upon several grounds, as follows:

First, that the Blackwell Durham Tobacco Company, being a solvent going corporation, the United States Circuit Court has no jurisdiction of the subject matter of the suit; that not even a State Court under the laws of North Carolina, would have any jurisdiction to dissolve a solvent going corporation and wind up its affairs and divide its assets among the stockholders for the grounds plaintins allege.

Second, that even if the United States Circuit Court had jurisdiction of the subject matter of the suit, it ought not to dissolve the corporation and wind up its affairs as prayed for by the plaintiffs for any or all of the causes set forth in the bill of complaint.

Third, that the only competent authority to deal with this matter is the General Assembly of North Carolina, acting under a provision of the State Constitution, which vests in the General Assembly alone the power to repeal the charter of a private business corporation and to provide for the manner in which its business should be wound up.

Fourth, he sets up as his defense and justification of what he has done was in exercise of his constitutional right to petition the General Assembly to pass a special act repealing the charter of the Blackwell Durham Tobacco Company and wind up its affairs under the authority and direction of the General Assembly.

Fifth, he sets up as farther defense that if United States Equity Courts had full and ample jurisdiction over the subject matter of the suit, the plaintiffs have come into this court actuated by an improper and illegal purpose on their part to merge the Blackwell Durham Tobacco Company with the American Tobacco Company, of which they are officers and managers, in order to create a monopoly in the smoking tobacco business, in the face of the provision in the constitution of North Carolina denouncing all monopolies as "contrary to the genius of a free State, and ought not to be allowed."

Sixth. In his answer he goes into the details of the formation of the American Tobacco Company, showing how it was originally organized in 1890, under the corporation laws of New Jersey, and how it has since that time combined, consolidated and merged into the American Tobacco Company about thirty other corporations, partnerships and individual concerns engaged in the manufacture of cigarettes, smoking tobacco, plug tobacco and cheroots, thereby monopolizing the manufacture of tobacco, fixing arbitrarily the prices of the manufactured products and wiping out competition among the manufacturers in the purchase of leaf tobacco from the farmers in North Carolina and Virginia and other States, to the injury of the tobacco farmers who produce leaf tobacco, and without any corresponding benefit to the consumers of manufactured tobacco.

The preliminary hearing as to whether or not the court will appoint a permanent receiver for the Blackwell Durham Tobacco Company and continue the present injunction to the final hearing of the case on its merits is set for hearing before Judge Simonton at Charleston, S. C., on April 17th.

THE HIGGS SIGN WILL STAND

HIGGS ..6 ..6 ..6 ..6 dh,no ylaza..658

The Higgs' beautiful electric sign in front of their establishment will continue to remain in its place and shine.

Late yesterday afternoon the Supreme Court handed down the opinion in this case. The court held there was error in the trial of the case in Wake Superior Court and a new trial was ordered. The opinion handed down indicates very clearly that in the new trial that Messrs. Higgs and Company will come out winner, and the city lose its case.

The opinion was written by Judge Furches, who goes into an elaborate discussion of the points at issue. All of the judges concurred in the opinion except Justice Clark, who filed a dissenting one.

Upon the announcement of the decision the sign was illuminated in token of the victory and continued to flash its letters till late at night.

The majority of the people of the city were with Messrs. Higgs and Company in wanting the sign to remain as a matter of enterprise and progress, and the news of the decision was a matter of great satisfaction. Many citizens called at their big establishment and offered warm congratulations.

WILL BEGIN CANVAS AT ONCE

The Auditorium Movement Grows and is Practically an Assured Success.

This afternoon in the office of Mr. W. N. Jones there will be a meeting of the special soliciting committee of those who last night formed the nucleus of the movement for the early erection of an auditorium in this city. The meeting will formulate plans for a systematic canvas and an opportunity and every citizen, as nearly as possible to contribute toward the organization of a stock company.

The shares of stock have been placed at $10 each, and it is believed generally that this will be popular with the public. There are many of the younger men of the city who are unable to take stock in companies where the shares are as high as $100, and this will afford them the desired opportunity to take stock.

The canvas among the citizens generally will be divided among the eight members of the committee, and two will be assigned to each of the four wards. It is confidently expected that the amount of $2,550 raised last night will be increased to the necessary $10,000 within a week if the committee proceeds at once with the work of soliciting subscriptions.

There has been a demand for a feasible plan for the erection of an auditorium, and it is believed that the movement started last night will meet with general approval by those who are interested at all in the advancement of the city's interests.

It was stated this morning by one of the gentlemen composing the soliciting committee that a motion will be made at this afternoon's meeting to begin the work of canvassing tomorrow morning, and to make a house-to-house canvas where it is thought that the resident is able to take stock and where it is a resident who will be particularly benefitted by the erection of an auditorium.

Just where the auditorium will be erected or what manner of building it will be will be determined by those who comprise the company. All that can be stated definitely at this time is that every effort of the committee will be exerted towards obtaining the necessary capital, that the auditorium will be erected, and that it will be the work of men who are interested in the city, and who deserve the consideration of the people of Raleigh generally.

The following subscriptions have already been pledged provided the amount of $10,000 can be raised:

SUBSCRIPTIONS FOR STOCK.

R. B. Raney	$500
News and Observer	100
S. & D. Berwanger	100
W. N. Jones	100
Joseph E. Pogue	100
Jos. G. Brown	100
J. S. Wynne	100
J. M. Monie	100
Sherwood Higgs & Co.	100
E. K. Ellington	100
C. C. McDonald	100
H. W. Jackson	100
A. M. Powell	100
B. S. Jerman	100
A. A. Thompson	100
W. B. Grimes	100
W. B. Mann	100
J. F. Ferrall	100
J. C. Ellington	50
E. B. Arendell	50
Dr. K. P. Battle	50
A. H. King	50
M. Rosenthal	50
George Allen	50
T. W. Blake	20
George W. Cooper	10
H. J. Johnson	10
A. J. Buffaloe	10
Total	$2,550

At the meeting last night a committee was appointed to make a thorough canvass of the city to secure the $7,450 needed. The committee named is composed of Joseph E. Pogue, chairman; R. B. Rainey, S. Berwanger, E. Ellington, C. C. McDonald, A. A. Thompson, W. N. Jones and Josephus Daniels.

As soon as the necessary $10,000 is raised it is probable that there will be a meeting of the stockholders and that the plan outlined in yesterday's Times-Visitor by Mr. W. N. Jones will be put into effect.

COLDER TONIGHT—FROST TOMORROW

For Raleigh and vicinity: Fair, colder to-night and Thursday; frost Thursday morning.

The weather throughout the east and over the Lake region has cleared rapidly under the influence of an extensive area of high pressure which has appeared north of the Lakes with colder weather. A marked depression still exists west of the Mississippi, which is causing rain and snow in the Missouri Valley. Snow is falling from Davenport northwest to Bismarck. The temperature is much lower in the Ohio Valley, and frost is probable in the interior tonight.

THE COMPOSITE MADANNA.

The Celebrated Kitchell Pictures on Exhibition at Watson's.

Mr. F. A. Watson has the first photographs of the Kitchell composite Madonna.

No art composition produced during the present century has aroused so much celebrity as this glorious picture of the Madonna. It is a composite photograph of the best Madonnas painted by the great masters during a period of 300 years, wherein the subject attained its highest development. It combines the beauty of all and crowns the end of the century with an art type that epitomizes all of the best work of the centuries before.

The photographs are in great demand throughout the country and the sales, it is predicted, will run up marvelously high. Mr. Watson has a number of these pictures framed and on exhibition at his art store.

Capt. W. H. Hood, who has been on a visit to relatives in Durham, returned to his home in Raleigh yesterday.—Durham Herald.

JOUBERT IS REPORTED DEAD

Despatch From Pretoria Lends Color to Report

BRITISH FORCES RENEW CAMPAIGN

The Boers are Re-entering Ladybrand—and Another Fight is Imminent—Machinery of British Mine Destroyed.

London, March 27. A despatch from Lorenzo Marquez says that Joubert, commander in chief of the Boer army, is dead. No details are given. Other reports from Pretoria have said that he was growing in disfavor, and it is even stated that the burghers might kill him, if the British reached Pretoria.

PUSH THE CAMPAIGN.

Bloemfontein, March 27. The period of inaction has ended, and troops are being pushed to the front with all possible expedition. Immense supplies and stores are accumulated at the railway stations. Every preparation is being made to push on without delay.

FROM KIMBERLEY.

London, March 28. A belated despatch from Kimberley states that jailer Ouington arrived at Kimberley and reports eight hundred entrenched there in command of Steenkamp, armed with Martini Henry rifles, and have sufficient ammunition for one fight.

FIGHT PROBABLE.

London, March 27.—From Mazeru Basutoland Tuesday apparently reliable reports come that the Boers are re-entering Ladybrand and this causes the presumption that the British troops have crossed the line of Boer retreat toward Kroonstadt and that a fight or surrender near Ladybrand is imminent.

It is now thought that the reoccupation of Ladybrand by the Boers shows that the British prevented Olivier's retreat.

MINES DESTROYED.

Pretoria, March 27.—A Natal despatch says that the destruction of the coal mines likely to be of use to the British continues. Three shafts of the Dundee colliery have been blown up and the machinery destroyed.

JOUBERT WAS ILL.

London, March 28.—Joubert's previous illness is shown in the following despatch:

Pretoria, March 26. Joubert is confined to his bed, seriously ill.

DAVIS DOES NOT SEE END.

New York, March 28. Among the passengers on the Aller this morning was Webster Davis, Assistant Secretary of the Interior. He said there was no foundation for the report that his visit to Transvaal was of an official nature. He believes the Boers will be able to continue the struggle for some time.

PRETTY MILLINERY

Woollcott & Son's Opening Display a Most Handsome One.

The millinery opening of Messrs. Woollcott and Son, on East Martin street, proved a popular attraction to the ladies of Raleigh today. Large numbers of ladies visited their splendid display of feminine head-gear and were delighted at the many beautiful creations on exhibition. The millinery department is on the second floor of their big establishment, and the display is gotten up in the most artistic and handsome manner. Besides the hats, there are on display all the necessary trimmings and decorations that go to make up the most fascinating of headwear. Surely no lady will have any trouble in getting her particular fancy suited among the many unique and pretty patterns.

It is one of the prettiest and most successful millinery openings of this popular and progressive establishment. There were the most flattering expressions of praise from all who visited the exhibit today.

The opening will continue tomorrow and those who did not visit the display are cordially invited to do so tomorrow.

EVENT OF TOMORROW NIGHT

The Christian Will Draw Big House at Academy of Music.

Tomorrow night Raleigh theatregoers will be afforded an opportunity to witness an attraction extraordinary in the presentation of Hall Caine's dramatic version of his world-famous novel "The Christian." And as the local management was compelled to guarantee such an attraction that it may visit our city, Raleigh play goers should show such appreciation by turning out en masse; in fact, this will be the only way the city may hope to secure first class dramatic attractions in the future. The production being an especially appropriate mid Lenten offering. Supported by a company of metropolitan players, under the sole direction of America's leading play-producers, "Liebler & Co.", every piece of scenery calcium effects and all stage accessories are guaranteed to be carried by the company, which numbers fifty players.

Reserved seat sale now open prices $1.50, $1.00, 75 and 50 cents.

COTTON QUOTATIONS.

New York, March 28.—Cotton bids: March, 9.38; April, 9.38; May, 9.39; June, 9.31; July, 9.30; August, 9.20.

TOPICS OF THE TIMES

Happenings About Town That Cause People to Talk.

It is intimated that Pullen Park is to be a scene of brilliance during the coming months during the "hanging-on-the-gate-post" season. A dozen or more arc lights may be placed in the park and in this way it will be made a pleasant resort on summer evenings. Whether the placing of the lights in the park will tend to increase the popularity of the place among those who believe in "two's company and three's a crowd" seems to be a question for discussion. However that may be, there is every reason to believe that the placing of a dozen arc lights of great power in the park will greatly improve the reputation of the place and make it such a resort as it was originally intended for by the donator.

Speaking of lights recalls the report of the Light Committee published yesterday afternoon. The report stated that for two months the service had been "as perfect as could be expected."

The report was published at an unfortunate time. Hardly had night come one when the street lights went out. The city was in darkness until ten o'clock. This was true of the street lights, but there was one light shining brighter than usual.

It was hanging out in front of a dry goods store and every few seconds would flash out the letters:

H
I
G
G
S

Sherwood Higgs had won his suit. The citizens generally were rejoicing that the Supreme Court saved the city when it was about to condemn true progressiveness. This one light burned early in the afternoon and late at night.

May it continue to shine.

EMBASSIES PROTEST.

Constantinople, March 28.—Foreign embassies here have sent a collective note to the government declaring that they will not consent to an increase of import duties without a previous understanding being reached between the powers and Porte; the embassies also propose to protest against the stamp duties, already put in force without such an agreement being reached.

KENTUCKY'S ROW.

Frankfort, Ky., March 28.—It is stated today that Culton's statement of yesterday was not in the nature of a confession, and not at all sweeping in character. As first reported, his friends admit that he gave the prosecution some valuable information.

DEATH OF MR. W. F. DRAUGHAN.

Mr. W. F. Draughan died at his home near Whitakers, Edgecombe county, March 18th, of pneumonia. He was married some thirty years ago to Miss Eunice Latham, of Oxford, and a very happy union it was. His home was indeed a pleasant one, one that his friends especially loved to visit. There was always welcome there. It was there that the poor and needy found help. There was always that precious influence that is always found in the home of a true Christian man; she in the home circle. Is it a wonder we grieve for our friend? He was a member of the Christian Church. He leaves a wife and four children.

"Mark the perfect and upright man, for the end of that man is peace."

MECKLENBURG PRIMARIES.

The Charlotte Observer today gives the following as the total vote of the various candidates in the Democratic primaries in fifteen townships in Mecklenburg county yesterday:

For Governor: Aycock, 609; Davidson 6.

Lieutenant Governor: Cuningham, 237; Smith 53; Turner, 11; Holt, —1; Fields, 8.

Secretry of State: McLean, 488; Grimes, 155; Wood, 34; Llewellyn, 3.

Treasurer: Lacy, 190; London, 16; Everett, 70; Bargwyn, 85; Boushall, 19.

Attorney General: Gilmer, 181; Jerome, 345; Winston, 125; Warren, 14.

Auditor: Dixon, 559; Pearson, 106; Hackett, 96; Holman, 65.

Superintendent of Public Instruction: Hunter, 394; Abernethy, 51; Coon, 73; Mebane, 52.

Labor Commissioner: Varner, 451; Britt, 48.

Corporation Commissioners. Harper, 579; Rogers, 85; McNeill, 476.

BERWANGER'S STORE BURNED.

Baltimore, Md., March 28. F. X. Gauther building was burned early this morning. Heiser Manufacturing Company, and Diggs, Curran and Company's boot and shoe stores, were the chief losers. Berwanger and Company's clothing store was also burned.

SPECIAL SERVICES

The pastor of the Christian Church will conduct a revival service at his church every Sunday evening at 7:30 o'clock and the Christian Endeavor Society of that church, assisted by the pastor, will conduct a service of a similar character every Thursday evening at 7:30 o'clock, which will give them two "revival services" every week. This plan looks forward to daily revival services to be conducted later in the season by the pastor. The pastor, his Christian Endeavor workers and church unite in inviting Christian workers and the public to attend these services.