

New Bern Daily Journal.

Vol. XXIII.—No. 44.

New Bern, N. C., Wednesday Morning, May 24, 1905.

Twenty-Fourth Year

Why Not Have the Newest, Especially When it's Less.

Snow flake and Madras Curtains, 3 yards long and are commonly known as Summer Curtains.

Regular Price \$2.25 These are Samples and will be closed out

AT \$1.18-

J. M. Mitchell & Co.,
PHONE 288.
42 Pollock St., Opposite Post-office.

Just Received Another Consignment N. C. Hams and Sides.

FRESH LOT FOX RIVER BUTTER.

Fine Sweet Mixed Pickles in bottles and in bulk. Also Heinz Cukes in Vinegar, loose and in barrel.

Agency for ROYAL BAKING POWDER. All Goods Fresh and Carefully Selected.

We solicit consignments of all kinds of Country Produce and Guarantee Prompt attention and Quick Returns and will promise the Highest Prices that can be obtained.

Give us a Trial.

L. H. Ervin,

Wholesale and Retail Grocer.
No. 81 South Front St.

White Canvas Oxford's For Ladies and Children at \$1.00, 1.25, 1.50 & 2.00

Also beautiful line of Lace Hosiery in all colors at 10c, 15c, 25c and 50c.

A big lot of Ladies White Belts reduced to 10c each. Prices cut on all our Milk Parasols. India Lins this week at 1-3 off regular price. Hemstitched Sheets 81x90 inches at \$1.00 \$1.25 and \$1.50 per pair.

J. J. BAXTER.

Special Sale ALL THIS WEEK.

We Brush Aside a'l Competition

BLEACHING. Three the best yards Andre-Sengier full yard wide Bleaching and Fruit of the Loom, 10c quality only 5c per yd.	HAMBURG. Just received a full line of Hamburg and Insertion. You can find all kinds of Bargains in this lot.
LAWN. 10.5 yards fine quality 40 inch White Lawn, worth 12c, only 5c per yd.	PERCALE. 3,000 yards Percale, worth 10 and 12c yard. Choice as long as it will last at only 5c a yd.
CALICO. 2.00 yards Calico in quality of 1 1/2 yd.	CLOTHING. Men's \$1.50 Suit \$1.00 " " \$1.00 " .75 Youth's \$1.00 Suits .50 Children's Suits .30 Men's \$1.00 Pants .40 Children's Knee Pants 20c a pair.
LADIES SLEEVELESS VEILS. Very nice quality with lace in the Mesh, this is the kind you	Honey Soap. The best quality for skin, Beauty and Glass. Sold at J. F. Taylor's.

STATE MILITARY AFFAIRS

Two Encampments of State Guard This Year.

Officers Ordered to Report. Supreme Court To Adjourn Next Tuesday. Farmers Reported in Prosperous Condition. Still Holding Cotton.

Raleigh, N. C., May 23.—The justices of the Supreme Court say that it will adjourn for the term next Monday or Tuesday.

State Superintendent Joyner, who is the secretary of the National Educational Association, is making the final arrangements for its annual meeting, which will take place at Asbury Park.

The North Carolina farmers appear to be doing quite well, and the cotton growers are hopeful of a raise in prices.

It is learned that this year so far there are fewer mortgages and crop liens recorded in this county than in a number of years, and this is regarded as an excellent sign.

The register of deeds says farmers are quite generally holding cotton, selling it only as they need money.

A few who are in debt sold all their cotton, but this was generally done early last fall and they obtained good prices.

Governor Glenn authorizes the acceptance of Companies of Infantry at High Point, and Louisville, subject to inspection by Inspector General Bain.

If the companies pass the inspection that of High Point will be assigned to the First Regiment and that of Louisville to the Third.

Capt. J. F. Roberts of Shelby has been appointed a Commission as Commissioner of the First Infantry.

It is thought that there will be two encampments of the North Carolina National Guard this year, at Charlotte and at Wrightsville, and that the First Infantry and the Light Battery will encamp at Charlotte and Second and Third Infantry at Wrightsville.

An order has been issued placing Col. Walker Taylor of Wilmington, late paymaster general on the retired list, with the rank of Brigadier General, this being done in accordance with an act of the last legislature, retiring officers who have served over ten years with one advance in grade.

The following officers have been ordered to report to Brigadier General Arnsfield for duty as the staff of the First Brigade. Lt. Col. R. L. Leinster. A. A. G.; Major W. G. Smith, Asst. Inspector General; Major V. D. Bullard, Judge Advocate General; Major J. G. Hollingsworth, quartermaster; Major B. P. Hackney, Commissary; Major R. T. Daniel, Paymaster; Major D. R. Johnston, Ordnance Department.

State Treasurer Lacy left for Washington with Governor Glenn today to attend the Industrial Parliament, as did also President Joseph G. Brown of the Citizens National Bank and Col. Charles E. Johnson of the Mechanics Dime Savings Bank who is also a member of Governor Glenn's personal staff.

Why suffer with your stomach, kidneys and liver when Hollister's Rocky Mountain Tea will make you well. If taken this month, keeps you well all summer. 35 cents, Tea or Tablets. For sale by F. S. Duffy.

Graded School Commencement.

Invitations containing program have been issued for the commencement exercises of the New Bern Graded schools which occur Thursday June 1st at the New Masonic Theatre. The baccalaureate sermon will be preached Sunday, May 28 by Prof. J. Paul Spence. The latter service will be held in the Methodist church.

The program for the commencement day is: Graduating Exercises at 11 a. m., Class Day Exercises at 4 p. m., Reception to Graduating Class at New School building at 8:30 p. m.

The graduates are: Mabel Betts Bartling, Mary Louise Carraway, Ernest Windley Duns, Norman Bruce Edgerly, Fanny Hunter Green, Hilda Kathryn King, Donald Flanner Patterson, William Henry Saitan, Sarah Street Whitehurst, Callie Ours Williams, Thomas Partlow Williams, Mary Elizabeth Willis, George Thomas Willis.

If fortune disregards thy class, Don't hang thy head in fear and shame, But marry the girl that you love best: Hollister's Rocky Mountain Tea will do the rest.

For sale by F. S. Duffy

Monkey Soap

The best quality for skin, Beauty and Glass. Sold at J. F. Taylor's.

Fe-Rad

Fe-Rad is a new and powerful medicine for the treatment of all forms of anemia, weakness, and general debility. It is a pure and safe preparation, and its use is recommended by the highest medical authorities.

AN OLD CASE UP.

Louis Habicht And Wife Tried in Police Court For Conducting Disorderly House.

Once again L. B. Habicht and his wife have appeared before the lime light of the police court. The charge on which they were tried was the same as others only it was different. The warrant made no specific charge against them but there is so much complaint about the joint that is run on South Front street that an endeavor was made to get them in on a more serious charge than mere disorderly conduct. Consequently warrant was made out against the defendants for conducting a disorderly house.

The witnesses for the State were E. J. Hester, E. S. Street, M. N. Hooker, Thomas Clark, J. B. Holland and J. W. Hollis and they testified to seeing and knowing of disturbances carried on there. Policemen Lupton, Bowden, Bryan, Griffin and Howard all testified to the same matter that the character of the place was bad. There had been frequent quarrels and fights between Habicht and his wife, that at times she had run him out in the street calling him all the vile names that a person can think of. More than that many of those who patronize the place engage in angry disputes which often terminate in fights making an unpleasant condition of things in the neighborhood.

City tax collector Tolson testified that the license for the place was issued to Mrs. Habicht and the testimony all seemed to indicate that Louis Habicht has little or no interest in the South Front street place.

There was an array of legal talent at the trial, Mr. W. W. Clark appearing for Mrs. Habicht, Mr. O. H. Guion for L. B. Habicht and Mr. D. L. Ward for the prosecution.

Mr. Guion held in defense of his client that inasmuch as it was shown in the evidence that he had so little interest in the place that he was not responsible for what occurred there. Mr. Clark's contention that no person could suffer at law for the sake of mere public clamor be the offense ever so flagrant. His client was the object of much protest and clamor, but that should not interfere with the operation of justice. Mr. Ward defined the law of the case only.

Mayor Patterson put the two defendants under \$100 bonds for their appearance at next Superior court.

Supreme Court Opinions.

Special to Journal.

Raleigh, May 23.—The Supreme Court filed the following opinions today:

Rowe vs Lumber Co. no error.
State vs McGinnis from Wake, no error.

Commissioners vs Stafford, from Chatham, affirmed.
State vs Gatewood, from Person, no error.

State vs Clayton, from Person, no error.
State vs White, from Rowan, no error.

Cheek vs Walker, from Durham, affirmed.
Janney vs Blackwell, from Caldwell, affirmed.

Suit vs Lumber Co., from Burke, affirmed.
State vs Stines, from Madison, no error.

State vs Peter Smith, from Madison, no error.
Whitaker vs Jenkins, from Buncombe no error.

In re Merrick Cambells appeal, from Buncombe, affirmed.
In re Merrick, Jones appeal, affirmed.

Kerr and Martin vs Girwood, from Buncombe, affirmed.
Greiner vs Asheville, from Buncombe, affirmed.

Vance vs Ry Co., from Buncombe, no error.
Pembury vs Ingle, from Buncombe, two cases, both decided in favor of defendant.

Green vs Green, from Jackson, dismissed.
Green vs Green, from " under rule 17.

State vs Cook, from Madison, per curiam, no error.
State vs Sarah J. Little, from Buncombe, per curiam, no error.

Southland vs School Committee, from Wayne, per curiam, affirmed.
Curtis vs Electric Co., from Buncombe, per curiam, affirmed.

Stytle vs Railway Co., from Buncombe, per curiam, affirmed.
State vs Lee, from Guilford, per curiam, no error.

Hand—See 2 and 30 too old to keep for any purpose. I should not see. One has bought to live. This is the best thing I have seen.

BUCKET SHOP CASE.

Supreme Court Sustains Opinions Lower Court. No Error Found in Rowan County Murder Case.

Special to Journal.

Raleigh, May 23.—It appears to have been expected that the test case of the State against Eugene C. McGinnis, Representative of Ware & Leland under what is known as Anti-Bucket shop law would go against him. The lower court so decided. The Supreme court now sustains that decision.

McGinnis contended that the law was violative of 14th amendment to the United States Constitution, because it did not apply to manufacturers and wholesalers in purchase or sale of necessary commodities required in ordinary course of their business.

The court says this section of the constitution is not germane to the case and that the law is to abolish bucket shops, and so prevent dealing in futures.

The statutes do not prohibit bona fide purchases in sales for future delivery. The legislature had full power to make the business of operating bucket shops indictable and McGinnis was conducting such a business. Judge Clark delivered the opinion.

There were two more bucket shop cases, one State against Gatewood, from Person, and the other, State against Clayton, from Person, the latter being a case in which a wholesale merchant claimed that under the act he could buy pork futures without any purpose to deliver. The lower court held he had violated the new law, and Supreme court so holds.

In case of State against brothers named White tried in Rowan, last autumn for murder of Russell Sherri, whom they alleged had seduced their young niece, and which resulted in conviction of murder in second degree, and six years sentence. The Supreme Court finds no error. Judge Hoke delivered the opinions.

No Gloss Carriage Paint Made.

Will wear as long as Devoc's. No others are as heavy bodied, because Devoc's weight 3 to 8 ounces more to the pint. Sold by E. W. Smallwood and J. C. Whitty Co.

Salt! Salt!
Buy your salt for freezing Ice Cream at J. F. Taylors.

Ice Cream Soda at McSorley's.

FINE WRITING PAPER

Best line of Writing Paper ever brought to New Bern.

Owen G. Dunn,
Leading Printer & Stationer.
Cor. Pollock & Craven Sts.

Crescent Tobacco Company.

Only Exclusive Tobacco House in New Bern.

Where cigars are kept in scientifically prepared cases, where each cigar retains its aroma and individual sweetness and does not come in contact with anything foreign to its individuality. Another Strong Line, is our Smoking Tobacco. The Largest and most varied assortment to be found. We also keep it in specially prepared cases, where we can give it that delightful blend which so delights the hearts of the lover of the pipe.

W. D. Barrington
MANAGER.
64 Middle St.

Notice!

Have just received fresh car load American Wire Fence; same will be sold at greatly reduced rate. Come and see me before buying.

E. W. Smallwood

COLD NIGHTS CAUSE CATARRH.

Everyone Should Use Hyomei and Kill The Germs.

No other season of the year is responsible for as many cases of catarrh as the Spring. The warm days and cold nights, with their frequent and sudden changes in temperature, bring the catarrhal "snuffles" to nearly every one.

The germ-killing and health-giving Hyomei, when breathed through the pocket inhaler that comes with every outfit, penetrates to the most remote cells of the air passages and respiratory organs. It searches out and kills catarrhal germs in the head, throat and lungs, soothes and heals the irritated mucous membrane, and absolutely drives catarrh from the system.

The complete Hyomei outfit costs but \$1 and includes an inhaler and sufficient Hyomei for several weeks treatment. You take no risk in buying Hyomei. F. S. Duffy absolutely agrees to refund the money if it does not give satisfaction.

Grain! Feed!

Before buying Feed, Grain or Seed, see us and get prices.

Harriet Feed and Grain Store.
19 and 21 Middle St. Market Dock.

We are agents for the Enterprise Brick and Tile Company.

Fresh Mackerel all this week at Oaks Market.

Fine Cooked Corned Beef at the Oaks Market.

"Home Comfort" Lawn Swings.

"Home Comfort" Low Down Lawn or Porch Swing, new and novel in construction. Light, strong, compact, durable, and easily handled. The backs of these may be adjusted to any desired position, and when thrown back, and the foot rest raised, makes a comfortable swinging couch. Also "Old Mission" house, porch or lawn settee. A most desirable piece of furniture for the house, porch or lawn. These swings are much more desired and more stylish than the old fashioned Derrick Swings. For sale by Ernest W. Dunn.

SEALED PROPOSALS will be received at the office of the Light-House Engineer, Baltimore, Md., until 12 o'clock M., June 19, 1905, and then opened, for furnishing materials and labor of all kinds necessary for the erection and delivery of a keeper's dwelling at Cape Lookout Light-Station N. C., in accordance with specifications copies of which, with blank proposals and other information, may had upon application to Col. W. A. Jones, Corps of Engineers, U. S. A., Engineer.

Notice.

Notice is hereby given that certificate of stock No. 1443 of the A. & N. C. R. Co., issued to J. C. Green, having been lost or misplaced, application will be made to the Secy-Treas. of said company for a duplicate certificate. May 19th, 1905.

NOTICE!

Notice is hereby given that on the 29th day of August, 1904, the underigned purchased at the Sheriff's sale of land for taxes, two certain lots in that portion of the City of New Bern, known as Pavietown, and bearing the numbers 252 and 253 respectively, listed to J. S. Alston; as per tax list for 1903, and that the period allowed by law for redeeming said land will expire on the 29th day of August, 1905, on or after which said date, application will be made to the Sheriff of Craven County for deed to said land. This 23rd day of May, 1905. RAPHAELO O'HARA, Purchaser.

NEW CAR LOAD Snow Drift, White Frost, and Admiral FLOUR JUST RECEIVED

300 dozen Masons Improved Fruit Jars, Pints, Quarts, 1/2 Gallon sizes. If you need any it will pay you to get our prices before you buy.

J. L. McDaniel

Wholesale & Retail Grocer.
Market Store. Corner Broad and Hancock Sts.

Great Slaughter Sale!

TWO SOLID CAR LOADS OF China and Crockery Ware.

THAT WILL PLEASE THE PEOPLE. Place 81 Broad Street.

Sale each day from 7:30 a. m. to 7 p. m., and Saturday's from 7:30 a. m. to 12 p. m. This is an opportunity of a life time. It costs you nothing to look, so come at once. We have a HIGH GRADE OF GOODS and can sell you at the price of cheap goods.

HERE ARE SOME OF OUR PRICES:

Plain Cups and Saucers, 2c each.
Plain Dinner Plates at 2, 3, 4c each.
Decorated Dinner Plates at 3, 4 and 5c each.
\$5.00 Toilet Set, 10 pieces, extra large size, beautifully decorated, gold lined only 2.50.
\$4.50 Decorated Toilet Sets, 10 pieces for \$2.48.

Everything will be almost given away. Do not miss this great chance to get such genuine bargains. Hurry do you will regret it. WHOLESALE OR RETAIL.

BARKER BROS.

88 Middle St., or 81 Broad St.

Freezers, Freezers.

I have all sizes in Peerless, Iceland and Wonder from 3 quart to 8 quart, I over bought and will sell cheap. Big stock Water Coolers on hand. Remember the Peerless Iceland is the best.

J. S. Miller.

S-COPLON

78 Middle Street.