

## Report of Committee In the Gudger Case

### Review of Election Returns From Buncombe, South Waynesville, Shield's and Tryon.

### MOODY NOT ELECTED

#### So Says the Committee and Therefore Gudger Is Entitled to Retain His Seat—Much of the Evidence Ad- duced Is Inconclusive the Committee De- clares.

Mr. Young, from the committee on elections, has completed his written report in the Gudger contested election case. The report says:

"Contestant shows that some 500 men voted in Buncombe county whose names are not on the sheriff's list of those who had paid their poll tax in time to qualify them as voters. He claims that this was owing to a conspiracy to issue fraudulent tax receipts and exemptions after the time fixed by law for said purpose, and that said conspiracy was so largely carried out as to throw doubt and discredit on the entire vote of the county and render it impossible to determine how the honest vote of the county was cast.

"Your committee finds the evidence of this conspiracy inconclusive. If it existed at all it was abortive of results, for the testimony clearly shows that the list of those who voted without being on the sheriff's list is largely made up of those who were too old or too young to be liable for the poll tax, and of those who were not conclusively shown to have been entitled to vote, at least as many were shown to have voted for contestant as for contestee. The committee desires to call attention to the incompetent and inconclusive character of much of the testimony as to how individuals voted. This consisted in a very large number of cases of the statement of some third party to that voter, who was not himself called as a witness, had said that he should vote or had voted for contestant or contestee as the case might be. It is needless to say that this is hearsay.

"Another class of testimony relied on was that certain voters were Republicans or Democrats, from which the inference was sought to be drawn that they had voted their party ticket for member of Congress. That such testimony, if admissible at all, is inclusive and of little weight will be conceded by every lawyer. But whether you allow to this testimony all the force that is sought to be given it by either of the parties or reject it altogether, the result is the same. In either case contestant has received at least as many illegal votes as contestee. Your committee therefore cannot find any valid reason for rejecting the vote of Buncombe county.

"The contestant alleges that legal voters were denied registration in Shield's precinct of Polk county, and that the ballot box was stuffed with illegal ballots. The evidence to sustain the latter charge is too puerile for consideration. There is no evidence tending to prove that more than one legal voter was denied registration, and there is other evidence just as creditable tending to show that this one legal voter did not apply for registration at all, and so could not have been rejected. The vote of this precinct also, in the opinion of your committee, should be counted as cast and returned.

#### Tryon Precinct, Polk County.

The contestant claims that the votes of Tryon precinct in Polk county should be rejected because of the refusal of the registration officers to register a large number of qualified voters. Your committee can find no evidence tending to show that one legal voter was refused registration. A few illegal votes seem to have been cast, but this, in the opinion of your committee, was the result of accident rather than design, and the illegal votes are easily eliminated and do not affect the result. In the opinion of your committee the vote of this precinct should not be rejected.

"This disposes of the case, as the precinct of South Waynesville, in Haywood county, even if rejected, would not alter the result, but as much stress has been laid upon this precinct in the argument of

counsel your committee thinks best to report the facts relative to the election therein as it finds them.

#### South Waynesville.

"All the testimony tends to show that this precinct was normally Democratic from 200 to 250 majority. At the election in question it was carried by nearly all the Democratic candidates by majorities of over 900. It was the home, however, of contestant. He was popular there. Two years before, he had carried the precinct by a majority of 26 against the Democratic candidate, Mr. Crawford. At that time there was disaffection in the Democratic ranks, and some of the most prominent Democratic workers were supporting contestant. These same men in 1902 were supporting contestant. The result of that election was a majority of 119 for contestant, who ran fully 100 behind the average of his ticket. Contestant claims that this result was brought about by wholesale bribery of voters by contestant, without which contestant would have carried the district by a large majority as he had done two years previously.

"It is evident, however, that the condition had materially changed. In 1900 contestant was opposed by a divided Democratic party, in 1902 by a united Democratic party. There is considerable testimony to the effect that it was 'common talk,' 'generally understood,' 'whispered about,' and 'a matter of common knowledge' that money was being used by the friends of both contestant and contestee for the purpose of influencing voters. There is also some testimony that a few men who had voted at the election told the witness that they had been offered money and in some cases that they had received money for their votes. Testimony of this kind is sometimes received in election cases from the difficulty of obtaining direct evidence of bribery, but at its best it is inconclusive, unsatisfactory and dangerous. It is a most significant fact however, that nearly all the active workers for both contestant and contestee in the case, and even, while disclaiming any knowledge of the improper use of money by persons other than himself, when asked as to his own conduct, put himself upon his constitutional right and refused to answer questions which might criminate himself. The above is a fair statement of all the testimony tending to show the improper use of money by the supporters of the contestee.

"There is no evidence to show that contestant used any money himself or was cognizant of the use of any money by his supporters in this precinct in his behalf, properly or improperly. On the contrary, there is strong direct testimony of the most positive nature, from those in a position to know, that he contributed no money whatever to be used in aid of his election in this precinct. No single voter is pointed out who was bribed to vote for contestant. For these reasons your committee think the vote of South Waynesville precinct should not be rejected.

"It follows from these conclusions that in the opinion of your committee the contestant has not made out his case."

### THE N. C. TEACHERS' ASSEMBLY Meeting This Year Will Be Held at Morehead City.

Durham, N. C., March 26.—Special. The next session of the North Carolina Teachers' Assembly will be held in Morehead City. The session will convene June 8th. The meeting place was selected by the executive committee after a careful study of the matter and upon the receipt of many requests from teachers all over the state asking that the meeting be held in Morehead.

Prof. W. D. Carmichael of this city, secretary of the assembly, gave me this information. He is enthusiastic over the outlook for the largest gathering of teachers held in the state in recent years and for a meeting that will be of exceeding interest. Unusual preparations are being made for the recreation and amusement of the teachers," he said when asked about the outlook. "The program," he continued, "promises to be one of the best we have ever had. It will be out about April 15th. Governor Aycock will attend and make one of the leading addresses. Several prominent educators from outside the state are being arranged for. Among these may be mentioned State Superintendent W. W. Stetson of Maine, who is well known over the eastern part of the United States. Rural school problems are much like ours, and for that reason Superintendent Stetson is specially fitted to be helpful to us. It is now hoped that he may be present at the entire meeting. Special attention will be given to rural school questions."

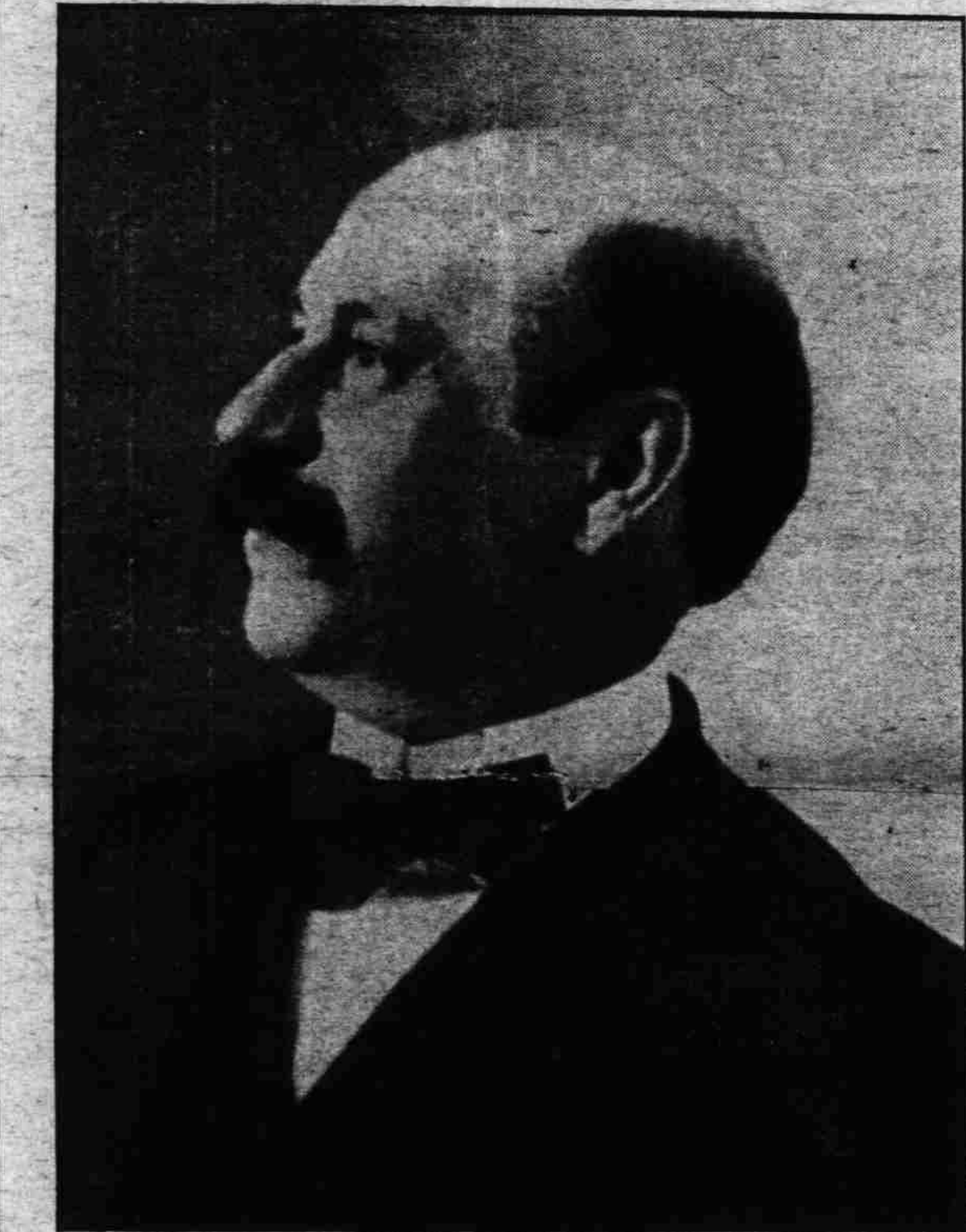
The officers of the assembly are Prof. J. B. Carlyle of Wake Forest, president; J. I. Foust, of the Normal and Industrial College, Greensboro, first vice-president; Prof. W. D. Carmichael of Durham, secretary and treasurer,

### Men In the Public Eye

Hon. James Madison Gudger Jr.

Nothing need to be said to our readers, nearly all of whom know James Madison Gudger Jr., by way of introduction. He is already well known to the people of Western North Carolina. He is a Democrat whose fidelity no man can question—and whose devotion to the party principles, and the organization has ever been unflinching. He is a native Carolinian—born in the mountains of Western North Carolina; was educated at Emory and Henry College; afterwards married a Henderson county girl, Miss Katie Hawkins, of Hendersonville.

Mr. Gudger is a lawyer by profession and is recognized by bench and bar as one of the ablest criminal lawyers of the West. Clean of record, strictly temperate in habits, wise in counsel, effective in action; with strong native ability, eminently marks him as a use-



HON. JAMES MADISON GUDGER JR.

ful man and one worthy of the confidence of the people.

As a State Senator from the counties of Haywood, Madison and Buncombe, he was a trusted leader, being chairman of some important committees.

As Solicitor of the fifteenth district, he was regarded as one of the strongest prosecutors in the State, ably prosecuting at the trial of the famous Emma postoffice burglary case—when four men were convicted and sentenced to be hanged.

Mr. Gudger is the present member of congress from the Tenth Congressional district of this State and by his faithful and energetic action in looking after the interests of all classes of his constituents, has greatly endeared himself to the people of this district. He is one of the leading advocates of "National aid for Public Roads" and favors the passage of a law, whereby the P. M. General cannot refuse to establish R. F. D. routes on account of the roads; having introduced a bill to that effect.

He believes that the farmers ought to be relieved to some extent from the great burden of road duty—and that the people who live in rough and rugged mountainous sections of the country, and who pay taxes, and defend their country in times of war—ought to have the same mail facilities and recognition as those who live in the flat lands, with their turn-pike roads. He believes in equal rights to all, and special privileges to none. He will soon have completed his first term in congress and will stand for re-election, being the only candidate in the field at this writing.

The circumambient atmosphere resounds with the clash of arms. Governor Odell and Senator Platt are at it again.

The Republican convention at Norfolk, Va., turned down the negro delegates and adopted the policy of the lily-whites. The negroes angrily retaliated and withdrew.

### BOB TAYLOR BEING SUED

#### The Famous Governor and Lecturer is Being Sued For Divorce By Mrs. Taylor.

Regarding the beginning of a suit by Mrs. Robert L. Taylor to secure a divorce from her husband, Robert L. Taylor, thrice governor of Tennessee and one of the most prominent and gifted lecturers in the country, the Knoxville Sentinel says:

"As has been expected for some time, Mrs. Robert L. Taylor has filed a bill for divorce against her husband, the ex-governor. The bill was filed in chancery court late Tuesday afternoon by Mrs. Taylor's attorney, J. W. Caldwell, of this city, in connection with the law firm of Jones & Fitts, of Tuscaloosa, Ala.

"After relating the fact of their marriage in Christ's church, Tuscaloosa September 23, 1901, the bill charges the defendant with having abandoned the complainant and with non-support. Upon these grounds she seeks absolute divorce

### Japs Made Another Hobson Play Sunday

#### "THE PRINCE OF PEACE." Wm. J. Bryan Delivers an Address Before the People's Church in New Haven.

New Haven, Conn., March 27.—Wm. J. Bryan delivered an address this afternoon before the People's church in the Hyperion theatre on "The prince of Peace."

Mr. Bryan eventually took up the question of war and inveighed against the present war between Japan and Russia, saying that he hoped there would be a general demand made to find out the cause of the warfare. Knowing the exact cause the world would then be enabled to form a judgment as to which side had justice in its contention. He deprecated the prevalence in this country of training boys and young men in the arts of warfare. The only warfare that man ought to wage said he, is the warfare against evil in all its forms.

"Society is in danger," continued Mr. Bryan, "because of the terrible conflict that threatens between the rich and poor. Shall we say that the outcome will be a warfare between class, to end only in the rule of that class which can take the upper hand and rule because it has the strength? How much better to recognize that all are brothers. Recognition of that doctrine will not nob life of bravery, it will not make up cowards, for it takes a brave man to live righteously before men in the strenuous world of today; it requires a brave man to stand up against error in his own political party and to maintain a righteous principle."

#### FAIRBANKS FOR SECOND PLACE

#### Representative Landis Says His State Wants Him to Head the Ticket in 1908.

Representative Charles B. Landis, of Indiana, believes that the decision of the Supreme Court in the railroad merger case will tend to eliminate the trust question as a political issue in the forthcoming presidential campaign. Incidentally he says that the decision, taken from a fundamental point of view, lends emphasis to the fact that the Federal government and not the State is the Supreme power of the civil war has this fact been more clearly demonstrated than by the court's decree.

Mr. Landis, in discussing the reported candidacy of Senator Fairbanks for the Republican vice presidential nomination, said:

"I believe, as do many of Mr. Fairbanks' friends in our State, that Mr. Fairbanks will make a great mistake if he should consent to allow his name to be presented to the convention in Chicago as a vice presidential candidate. We do not want to see him close his public career with any such honor. What we wish to see is his nomination for the presidency in 1908. We believe that he should remain in the Senate until that year, when his name can be placed at the head and not at the tail of the national ticket. Let the party look to other quarters for a vice presidential candidate. There is any quantity of timber available. I believe, however, that a middle Western man should be selected, and I point to Secretary Taft, of Ohio, Secretary Shaw, of Iowa, or Senator Quarles, of Wisconsin, as likely men. Any one of them would be acceptable. Senator Fairbanks would add strength to the ticket in Indiana and other quarters, but I do not think we need him in order to carry Indiana. Any of the other gentlemen I have indicated could do the same thing. Out in Indiana the people want Mr. Fairbanks to hold aloof from the vice presidency. They want him for President and believe that for him to become Mr. Roosevelt's running mate next fall would impair his chances of securing the big nomination four years hence."

—Washington Post

#### Reflections of a Bachelor.

It takes a girl who looks thin but isn't to look mighty innocent when she sets out to go in swimming.

Some mothers feel they are not doing their whole duty to their children when they give them their castor oil in capsules.

When a man is married it keeps him so busy trying to support his family that he has no time to read anything but his check book.

Everybody in the world would be rich if men could resist spending \$10 to celebrate the \$5 they have saved practicing economy.—New York Press.

#### 4 Merchant Steamers, Laden With Rocks, Were Steer- ed Into Port Arthur Harbor and Sunk.

### THE HOSTILE FORCES

#### Are Booked to Meet at Wiju. When a Hot Time is Expected— Russia Places Mines in Neutral Territory— Movement to the South Made by Rus- sians.

Chee Foo, March 27.—The Japanese have made another attempt to block the entrance to Port Arthur. It is stated that one Russian torpedo boat was sunk in the engagement but it is thought the vessel can be refloated.

At 3 o'clock this (Sunday) morning four stone-laden steamers, escorted by eight torpedo boats approached the harbor. They were discovered by the Russian vessels on scouting duty as they drew nearer the Russian forts and the ships in the roadstead opened fire on them and sunk them.

The Japanese fleet, which consisted of sixteen ships all told, remained off Port Arthur until daylight. At this hour the Russian vessels weighed anchor, and

paired. The fate of the crews on the stone-laden steamers is not known.

Since the arrival at Port Arthur of Vice Admiral Makatoff the Russian fleet has been more active.

#### Sunday at a Glance.

Japanese make second attempt to block the entrance of the harbor at Port Arthur. Russians fire on Japanese vessels and sink four merchantmen. One Russian torpedo boat also sunk. Seven Russians killed and twenty are wounded.

Marquis Ito and his suite leave Seoul. The marquis was dined by the emperor of Korea after the farewell audience.

Chinese officials say the reports of dissatisfaction and mutiny amongst the Chinese Imperial troops on the border are without foundation.

Steamer Active arrives at Chee Foo from Kobe, Japan. During voyage she passed a fleet of Japanese transports, conveyed by cruisers, in the inland sea. They were bound for Korea.

Seoul, March 26.—6 p. m.—Two detachments of Russian troops, one estimated to number 500 and the other 200 men, are reported to be pillaging the country around Anju. The natives, in fear, are fleeing south.

Anju is forty miles north of Ping Yang and about sixty miles south of the Yalu river.

Japanese scouts report that they have discovered that the Russian troops are south of the Yalu in much stronger force than was thought.

#### Russian Begs For Money.

London, March 26.—The Chronicle's financial editor says: "Russian agents have come to London seeking money and met with no more success here than in Germany or France. French bankers could not directly refuse, but are said to have asked terms equivalent to 7 1/2 per cent. interest. The terms the Russian agents refused, hence the visit to London, where they got no comfort at all, so Russia will have to fall back upon forced paper currency."

#### Hostile Forces to Meet at Wiju.

Seoul, March 26.—Information from the front contains no news of contact between the Russians and Japanese. The disembarkation at Chinampo continues briskly. As the Japanese land, troops are moved to Ping Yang, where preparations are being made to form a base on a large scale. The road between Chinampo and Ping Yang is being reconstructed almost entirely, so as to admit the easy transport of supplies. The army, consisting of three divisions, is now nearly complete. Ping Yang is being extensively entrenched. The Japanese obviously intend to make it an important point for operations. In the north beyond Ping Yang there

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