

CONTEMPT PROCEEDINGS RESUMED AT LUMBERTON

Judge Peebles Makes Another Proposition to Transfer Hearing--Respondents Decline and the Case Continued Until Today. The Affidavits Filed

By WILLIS G. BRIGGS

Lumberton, N. C., May 26.—Special. The differences between the Robeson county bar and Judge R. B. Peebles, now covering a period of nearly two months, must, it appears, reach a head very soon. The climax in the contempt proceedings against the lawyers for their refusal to set a court calendar last March is at hand. The evidence of respondents is all in, with the exception of examining Solicitor Walter Daniel of Wilson, and his honor will file affidavits tomorrow in reply to the alleged operations cast upon him.

Judge Peebles opened the fray between the legal giants this morning with a surprising move. His condition offered to send the matter to another judge was totally unexpected. The counsel for the lawyers carefully deliberated before they made their reply, then declared that they could not waive their exceptions, and furthermore allowed Judge Peebles to take the evidence in order to have another judge pass upon the law and the facts, when they contended that a trial before another judge was their simple right.

The respondents' lawyers have attempted to check the judge's move by a counter proposition which there are many reasons to conjecture Judge Peebles will decline tomorrow morning. The fight is then on in dead earnest unless some other concealed trump lurks up the sleeve of one of the parties. Lumberton presented a picturesque scene this morning. Not only were many people from the country here, a much larger crowd than at the former hearing, but a patent medicine man came all the way from Norfolk, Va., to pitch his stand on the court house green, and he vied with the court as a drawing card. When returning to court after dinner Judge Peebles doffed his hat to the venter exclaiming: "You beat me getting the crowd."

Withal the best of temper prevailed today and the proceedings began with a jest and laughter. The moment his honor took his seat, a young lawyer from Red Springs was on his feet to move to consolidate two suits against the Seaboard Air Line for killing a mule and burning a wood pile. J. D. Shaw, Jr., for the railroad protested that he had not seen these complaints and the Red Springs lawyer replied that they were in his pocket. "Well, the court agrees with Mr. Shaw that is the proper place to file them," said the judge with a merry twinkle in his eye as he leaned over the desk and rubbed his hands. The crowd laughed and the young man placed the papers with the clerk.

This outward good temper was maintained, while most of the Robeson lawyers and his honor have not been observed to speak to each other. The judge shook hands with the few ladies present as he left the court house. Judge Peebles is much improved physically by his week's rest.

All the lawyers for the eleven respondents are on hand. Judge Peebles is not represented by legal advisors, but he has Mr. Charles U. Harris of Selma here assisting him in arranging affidavits. The respondents filed their affidavits, sixty-one in number this morning.

The only witnesses here in person are solicitor Daniel, for the respondents and Editor J. M. Beatty, of the Seaboard Herald, who is subpoenaed by Judge Peebles to produce the copy of his paper containing the judge's notice and a voluntary write-up, lauding him highly after he held his first court in Johnston. The Herald has been a critic of the judge. John A. Norron and E. S. Abell, lawyers of Seaboard, are also to come in obedience to subpoenas to disprove certain charges.

There was a rumor today, which seemed to be largely credited, that if the Robeson lawyers had accepted the judge's offer the matter would have been transferred to Judge C. M. Cooke of Lenoir. The bar seemed rather pleased, too, and expressed no objections to him. However, this may have been only a surmise.

Judge Peebles' Proposition
Judge Peebles read the following proposition after court met:

"Statement made by the court to the respondents, May 26, 1904. This matter has assumed very large proportions, has aroused a widespread interest in the state and is of the utmost importance to the people of North Carolina. It involves the independence of the judiciary, whether the cases shall be run by the judge or a panel of strong lawyers at each court house. It is very important, therefore, that the matters involved should be decided promptly and satisfactorily. Therefore I was here last I have been to Raleigh and examined into the ques-

tion of getting another judge to hear the matter, and after talking with a number of eminent lawyers I am of the opinion that no other judge has the authority to hear and determine the matters involved, but I have so much aversion to trying it myself that I have determined to ask another judge to try it, provided each of you sign the following agreement, to-wit:

"In consideration of this proceeding or contempt matters being referred by Judge R. B. Peebles to some other judge, the facts and the law both to be passed on by said judge, we and each of us do hereby agree to waive all technical objections heretofore entered and all the matter involved be tried squarely and fairly upon their merits; and we, and each of us, do hereby promise and agree to waive the questions of jurisdiction before said judge and before the supreme court, should the case go there. The matters involved here include not only the matters of contempt set out in the affidavit of J. A. Parker and the rule to show cause, but all such charges of direct contempt in the presence of the court referred to by Judge R. B. Peebles by reason of the answers and affidavits in this proceeding. The taking of evidence to be completed by Judge Peebles and then the matters to be turned over to the judge selected by Judge Peebles to be heard and determined by him just as though Judge Peebles was trying the matter."

Reply of Respondents

The lawyers for the respondents after ten minutes consultation asked for further time so as to reply in writing and court adjourned at 11:30 until 3 p. m. When court reconvened, J. D. Shaw, Jr., read the following:

"The respondents, answering the statement made by the court to counsel for respondents respectfully say: That the respondents agree with the court as to the importance of this proceeding to the people of North Carolina and that the matters herein involved should be correctly adjudicated, but they do not consider that the independence of the judiciary is in any way involved herein, nor whether the courts of a county shall be run by the judge or one or two strong lawyers at each court house. They agree with the court that these proceedings should be removed to some other judge and have insisted upon this course since its

REV. ROBERT STRANGE WAS ELECTED BISHOP

Choice Made on the Fifth Ballot by the Diocesan Council at Wilmington Yesterday

Wilmington, N. C., May 26.—Special. Rev. Robert Strange, D. D., rector of St. Paul's parish, Richmond, Va., was today elected bishop coadjutor to Bishop A. A. Watson of the diocese of East Carolina by the council in session in this city.

Dr. Strange was nominated by the clergy on the fifth ballot, he having received 14 out of 23 votes cast. Thirteen was the number of votes declared necessary for a choice. Immediately after the nomination the laity ratified the nomination by a unanimous vote and Dr. Strange was declared elected. Three names were placed in nomination, that of Dr. Strange, Rev. W. A. Guerry, chaplain of the University of the South at Sewanee, and Rev. Dr. R. P. Williams, archdeacon of Washington, D. C.

On the first ballot Strange received 11, Guerry 8 and Williams 4.

Second ballot: Strange 12, Guerry 10, Williams 1.

Third ballot: Strange 12, Guerry 11, Williams 1.

Fourth ballot: same as third, with a deadlock seemed certain.

Rev. T. P. Noe, who nominated Dr. Guerry, offered to withdraw Guerry's name. This was refused. Then Rev. John H. Griffith announced that he would cast his vote for Dr. Strange.

The fifth ballot was then cast and Dr. Strange received the nomination. There was suppressed applause among Dr. Strange's former parishioners at St. James over his election. He is a native of Wilmington and was rector here for many years. He is greatly beloved in this city, and the community rejoices at the honor conferred upon him.

institution. If such removal is just and proper respondents submit that they should not be required to make concessions in consideration of such removal not as a prerequisite thereto should they be required to surrender any legal right. On this ground they do not consider the proposition submitted by the court a reasonable one.

The respondents are willing to sign an agreement that this proceeding, and all matters connected therewith, shall be forthwith removed before some other judge of the superior courts of North Carolina to be named by Judge Peebles, such judge to take up the proceeding just as it is now constituted and to make such further order herein in regard to the taking of testimony and otherwise, as to him may seem just and proper. Respondents, in the event of this proceeding is so removed, agree that they will not make objection in this court or in the supreme court to the hearing of this proceeding by the judge to whom the same is removed on account of the right of the court to so remove the same.

In explanation of their position Mr. Shaw said: "If we are entitled to a removal of this proceeding before another judge, it seems to us that it should be accorded without requiring us to give up any of our legal defenses. We have contended throughout this proceeding that it was improper for your honor to try it, and

THE COTTON CROP

Will Be Late, but There's an Increase in Acreage

New York, May 26.—Branch offices of R. G. Dun & Co. throughout the cotton belt report the cotton crop situation up to date as somewhat backward, owing to low temperatures. Although planting began much earlier than last season it is now less probable that the new crop will be marketed very promptly, for germination has been retarded and much replanting necessitated. In some cases damaged wheat has been ploughed up and cotton sown, while on the other hand more or less cotton acreage has been abandoned for corn. Dispatches indicate that these changes will about balance, so that there is still prospect of a considerable increase in total acreage.

While it is unfortunate that the crop will not be available as early as expected, since stock of old cotton will be reduced to an exceptionally low point, yet it does not necessarily follow that the total quantity will fall short of expectations. It is too early to ascertain anything definite regarding the prevalence of insects, the further advanced Texas plantations reporting little evidence of damage as yet. With the largely increased acreage and more general use of fertilizers, the labor problem later in the season threatens to be troublesome, for wages are high and hands scarce in many sections.

Fall Seventy-five Feet

Berlin, May 26.—Dr. Wolf, an American tourist, while walking near St. Moritz, fell 75 feet into a ravine, breaking a rib and an arm. He was rescued.

GUILTY OF MURDER IN SECOND DEGREE

Says the Jury and Kate Taylor Is to Be Imprisoned for Life

Monticello, N. Y., May 26.—"We find Kate Taylor guilty of murder in the second degree," said the foreman of the jury in answer to the question of the clerk at 8:20 o'clock tonight, when asked if they had agreed on a verdict. Kate Taylor sat with the look of a hunted animal on her face. "Oh, my God!" she said. The court room was crowded.

Judge Herriot sentenced the woman to be confined in the Auburn state prison for the remainder of her natural life. Kate Taylor sank back in her chair and sobbed hysterically. The court then denied a motion for a new trial and ordered Peter Yerkins, Mrs. Taylor's alleged accomplice, brought in. The court then stated he was not in favor of going on with a prolonged and expensive trial in his case, and released him on his own recognizance. Yerkins is an uncle of Mrs. Taylor and has been confined in jail for a year already.

The case was given to the jury at 2:30 this afternoon. They were out six hours before a verdict was reached. Sheriff Royce will take Mrs. Taylor to Auburn prison on Tuesday or Wednesday of next week.

MARTIAL LAW

Follows the Great Conflagration at Yazoo City

Yazoo City, Miss., May 26.—Yazoo City is under martial law as a result of yesterday's conflagration. Several negroes, who were caught in an attempt to steal salvage, have been arrested. Two military companies patrol the burned district. The loss is variously estimated at between \$1,500,000 and \$2,000,000. Insurance will probably approximate 50 per cent. of loss. The devastation of the business districts is complete. Twenty-eight blocks were swept clean by the flames. Of the 200 buildings destroyed, fifty were splendid residences, many of old colonial architecture and occupied by some of the wealthiest citizens of the south. The only buildings of consequence directly exposed to the fire which escaped were the court house and the Fannie J. Ricks Memorial Library. They were saved only by the sudden shifting of the wind.

The buildings of four banks doing business here were destroyed, but it is announced that all money stored in the vaults has been saved. The institutions rented temporary quarters and resumed business today.

PAINFUL ACCIDENT AT A SHAM BATTLE

Premature Discharge of Cannon at Oxford

Oxford, N. C., May 26.—Special.—The exercises of Horner's commencement this afternoon were very interesting. The review of the two companies by General Royster and staff, mounted, was very fine. The sham battle was reviewed by a large crowd, when quite an unfortunate accident occurred, causing the wounding of our chief of police, Mr. S. W. Wheeler. The Granville Grays were behind breastworks in an improvised fort. Mr. Wheeler, who is a member of the Granville Grays, was loading the cannon that became heated once, and in loading it from the muzzle the charge ignited and went off unexpectedly, the rammer going through his hands in such force as to shatter the rammer, inflicting severe wounds of the hands and arms, besides burning his face and neck. While the wounds are painful, they are not of a dangerous nature. Medical aid was rendered at once by Drs. T. L. Booth and Daniel, and the patient was taken comfortably to his home in a carriage.

HANDICAP RACE WON BY A NOSE

The Picket, a Four Year Old, Went to the Post With Odds of 8 to 1 Against Him

New York, May 26.—The \$20,000 Brooklyn handicap at 4 miles and a quarter ran at Gravesend today was won by a nose. The victorious horse was The Picket, a four year old son of Falsetto-Voltario, carrying 119 pounds, superbly ridden by Heigerson in the colors of the Waldreck stable and going to the post with odds of 8 to 1 against him.

It was only in the last stride that the Picket vanquished H. B. Duryea's Irish Lad by Candelmas-Arrowgrass, who was a heavily backed favorite at 11 to 5. Two lengths behind came W. E. Jennings' Proper, a 30 to 1 shot, half a length in front of Ed R. Thomas' Hermis, second choice at four. The time was 206 3-5 and the race was run over

a track lighting fast. The Picket won the American Derby last year and his success was a signal triumph for the west. He was heavily played in the future books and at the track today he was backed all over the ring by those who never lost confidence in him and had secured a true line on his fast work more than ten days ago.

The defeat of Irish Lad was generally attributed to the performance of Hermis, who went out in front with the Candelmas colt for a heartbreaking neck and neck race which lasted until they were well into the stretch. Then Hermis was the first to crack, and as Irish Lad began to hang in his stride a furlong from home, the Picket, who had been beautifully raced all the way, stole up on the rail and nailed the favorite fifty yards from the wire.

Jockey Shaw, who rode Irish Lad, came in for considerable criticism, partially because he did not hug the rail coming into the stretch, thereby preventing the Picket from coming up so easily and partially because in the last dozen strides he failed to draw his whip. There were hundreds on the grounds who insisted that if Shaw had landed a couple of sharp blows on Irish Lad's flank he would have responded sufficiently to stall off the Picket at the end. But the race under all circumstances was fairly won.

Joe Yeager, the "boy plunger," who wagered \$3,200 straight, won about \$35,000 on the race, having got as good as 12 to 1 on some of his bets. His day's operations are said to have netted him something like \$60,000.

GORMAN'S HAND WAS IN CONTROL

Directed Work of Maryland Convention Yesterday

Baltimore, May 26.—The Democratic State convention which met here today was controlled in its entirety by Senator Gorman. He named the delegates and outlined the platform. The following are the delegates and electors chosen: Delegates at large: Arthur Pue Gorman, Ex-Governor John Walter Smith, State Chairman Murray Vandiver and Congressman J. F. C. Talbot.

District delegates: First district, Joshua W. Miles and Richard B. Hinson second district, Thos. H. Robinson and Fred Von Kapf; third district, John Hannibal and Frank A. Furst; fourth district John J. Mahon and Francis E. Yewell; fifth district, Dr. Geo. Wells and J. Frank Smith; sixth district, Col. Buchanan Schley and Arthur Peter. Electors at large: Former Governor E. E. Jackson and former Governor Frank Brown. District electors: John E. George, J. Herbert Shriver, Jas. King, Chas. H. Knapp, Dr. Samuel A. Wade and Ferdinand Williams.

The platform adopted is considered highly important as it embodies Mr. Gorman's opinions of what the national Democratic platform should be and what he will fight to have adopted at St. Louis. It is devoted to national issues especially details the line of action and principles adopted and followed by the Democratic Senate steering committee last winter. It calls for

ARMORED CRUISER TO BE NAMED NORTH CAROLINA

This Cruiser, With Her Sister Ship, the Montana, Will Be the Finest Fighting Ships in the World--They Will Cost Four Million and a Half Each

By THOMAS J. PENCE

Washington, May 26.—North Carolina was today added to the nomenclature of the navy. The vessel selected to bear the proud name of the Old North State is one of the armored cruisers authorized by the recent Congress. The North Carolina, and her sister ship, the Montana, which are to cost approximately four and a half millions each, will be the finest fighting ships in the world, when completed three years hence.

Congress at its recent session authorized the construction of one battleship and two armored cruisers to be the very best afloat. The battleship was given the name New Hampshire and the cruisers North Carolina and Montana. There was a strong rivalry on the part of a number of States for the coveted honor. North Carolina's closest competitor was her sister State, South Carolina, and it was not until today that Secretary Moody gave his preference to the Old North State in the selection of names.

Naturally Tar Heels will ask at once in what respect the North Carolina will differ from a battleship. There is practically none. The two armored cruisers named today will cost more than the battleship. With the high protection and battery of armored cruisers of this type, it may be stated that they bear the same relation to the battleship as the cavalry does to the infantry in the army. With four knots greater speed than the finest of our battleships, like the Connecticut, they are able to move more quickly from point to point, and with their excess of speed over the battleship, they are able to give battle or run away from the enemy's battleship as they please, and with their powerful offensive and defensive qualities they are able, in case of necessity, to put up a stiff fight with the finest battleship afloat, with good chance of winning out.

The general design of the North Carolina will be that of the armored cruisers Tennessee and Washington, now building, which are conceded to be the superior of any similar class of ships in the world. In a number of respects the North Carolina will have improvements over the Tennessee and Washington. The new cruiser will have a speed capacity of 23 knots and will carry 850 men. Her displacement will be approximately 14,500 tons. Her length will be over 500 feet, and she will have a steaming radius at ten knots per hour of 6,500 knots. This North Carolina cannot be completed in less than three years. It is to be hoped that the Newport News Shipbuilding concern will get the contract for her construction, so that the launching will be within easy reach of the people of the state.

E. J. Best Judge Pritchard's Secretary
Judge Pritchard announced today the appointment of E. J. Best of Raleigh as his stenographer and secretary. For several years Mr. Best has served in a similar capacity for Judge Purnell of the district court. The salary of stenographer to a circuit judge is \$1,200 per annum. Mr. Best will reside in Asheville, where Judge Pritchard will locate.

Judge Pritchard will go to Richmond next Wednesday and take the oath of office as circuit judge in the circuit court of appeals, of which he will be one of the presiding judges. He will return at once to Washington, finishing up court matters and according to his present arrangements will leave on the seventh of June for Asheville. Judge Pritchard won new judicial honors in the trial of the Tyner and Barrett post office cases which ended yesterday after a month of tedious hearing. Judge Pritchard's conduct of the case was such that it won approval from both sides, and today he was the recipient of hearty and numerous congratulations. The new circuit judge has made a strong and lasting impression here in Washington.

Capt. Lemly Will Retire
Captain Samuel C. Lemly of Winston-Salem, N. C., who for twelve years past has been the judge advocate general of the navy, is to retire from that position June 3, when his present term expires and will be succeeded by Commander W. B. Diehl of the Boston, who left Panama yesterday.

Captain Lemly was retired for partial disability nearly two years ago but was continued as judge advocate general for the balance of his term as a reward for the efficient service he had rendered while holding that office. He is now completing his third term and twelfth year as the chief judicial officer of the navy. Captain Lemly was the judge advocate of the Schley Court

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Negotiations Are Slow
Tangier, May 26.—There are many rumors of the terms demanded by the bandit Raisuli for the release of Perdicaris and Varley, who were lately kidnapped, but none of them can be confirmed. It is stated that among other things he demands that the sultan pardon his offenses and pardon be guaranteed by the United States and England. It takes a whole day for couriers to reach Raisuli, hence the negotiations are slow.

Will Canvass State for the Reformatory
Work of King's Daughters and Sons in Session at Rockingham
Great Interest Shown

Rockingham, N. C., May 26.—Special. The fifteenth annual state convention of the King's Daughters and Sons met in the Methodist church here yesterday morning. Mrs. W. H. S. Burgwyn, state secretary, called the convention to order. Devotional exercises were conducted by Rev. J. H. Hall, Mr. Hall and Mayor W. N. Everett made talks, the latter in the nature of a welcome by the town. For the Silver Cross Circle, which is the circle of a place, Mrs. Walter L. Steele delivered an address of welcome. The state secretary, Mrs. Burgwyn, responded.

Mrs. Margaret Bottome and Mrs. Libby of New York, members of the International order, were introduced to the convention by Mrs. Burgwyn, and by motion were given the privileges of the floor.

On the calling of the roll it was found that fourteen circles were represented. The annual reports of the officers were read. At the afternoon session reports of various committees were read and discussed.

Mrs. Hollowell of Goldsboro stated that the federation of women's clubs in North Carolina would co-operate with the King's Daughters in the movement to establish a reformatory. Mrs. M. H. Russell of Rockingham read an interesting paper on individual responsibility.

Mr. W. B. Streeter of Greensboro spoke on the Children's Home Society and was thanked of the convention. A letter from the students' club of Henderson was read, in which it pledged its aid for the reformatory. A paper entitled "To Care for Prison-

ers" was read by Miss Mebane of Greensboro.

Mrs. Overman of Salisbury, Mrs. Brown of Wilmington, Mrs. Hollowell of Goldsboro, Mrs. Olds of Raleigh, Mr. Streeter of Greensboro and Mr. W. N. Everett of Rockingham all spoke on this subject.

At the evening session Mrs. Bottome of New York, the founder of the order of the King's Daughters, addressed the convention. She took as her text "And there we saw the giants," from the last verse of the thirteenth chapter of Numbers. Her address was an exhortation to overcome the giants in the way of difficulties that stand in the way of all noble living and charitable endeavor, and bore especially on the movement held most at heart by the order, namely: the establishment of a reformatory for youthful criminals.

The feature of this morning's session was an address by Mrs. Hollowell. She proved to be a most charming speaker and held the attention of the convention for an hour on the subject of the reformatory. Mrs. Hollowell will canvass the state in the interest of the proposed institution.

Mrs. Bottome spoke again today, this time on "The Three Muses of Our Savior—I must know my Father—I must be about my Father's business—I must suffer."