

## THREE MEN ORDERED TO JAIL BY JUDGE PEEBLES

### Affiants for Respondents Adjudged Guilty of Contempt---They Are Kerr and Sutherland of Sampson and Carroll of Duplin. Sensation Sprung

By WILLIS G. BRIGGS

Lumberton, N. C., May 28.—Special. A flash of lightning came the other day in a series of sensations in contempt proceedings. The order of removal had been prepared and was awaiting the judge's signature when his honor suddenly turned and ordered three of them to jail for contempt, in that their affidavits of their drunkenness were corruptly made.

The Lumberton bar are now marching for a movement on Raleigh to secure habeas corpus proceedings before a supreme court justice to prevent their witnesses from imprisonment.

This probably means an entirely unexpected turn in the case, and completely overshadows the fact that Judge George H. Brown is expected to hear the contempt case at Fayetteville June 14th.

The action of the judge aroused a vigorous protest from the counsel for the respondents. A protest not so much to protect the threatened witnesses as it seemed, as to resist an alleged misstatement of facts by the judge in his order for the imprisonment of the witnesses. Counsel Tillet, Busbee and John D. Shaw, Jr., were on their feet addressing the bench, and for a few minutes the proceedings were unintelligible.

The charge of drunkenness seems to be in your honor's craw," was one of Mr. Tillet's thrusts, but he withdrew those words later. "If punishing these for failure to do their duty counted them to bring unfounded charges of drunkenness against a judge," his honor explained, "then no judge would dare to punish any one." The respondents were connected to another trial, but inasmuch as he did not believe in some of the witnesses who had testified under perjury because they had stated matter immaterial to the case in his rule, he would deal with them for direct contempt. Most of the witnesses had testified from a stand, but three of them purported to swear that they had personally seen him drunk and that with these three, he would attend to them.

After Judge Peebles had read his order committing E. W. Kerr and C. F. Carroll for contempt, Mr. C. W. Tillet, one of the attorneys for the respondents, arose and said: "I notice that your honor has a statement in the order relating to Mr. Kerr and Mr. Carroll to the effect that their affidavits in regard to your honor's alleged intoxication were not relevant to any issue in the case, and your honor gives it as a reason why you attach them for contempt that this evidence was not material to any issue. I wish to call your honor's attention to what occurred Monday May 18th when our answers were filed. On Monday afternoon when our court met I stated to your honor that we did not desire to file our affidavits until the issues had been settled and that as your honor was contemplating removing the case to another judge we thought the filing of the affidavits should be postponed until the judge who was to try the case should determine what issues, if any were raised in the case and we could then determine whether our affidavits were material. To this statement of mine your honor replied as follows: 'I have read your answers and I can tell you now that you have made my drunkenness one of the issues in this case, and if you have any affidavits tending to prove that charge you must file them now.'

"I then said 'does your honor hold that your alleged intoxication is one of the issues?' and to this you replied: 'Now I am not authorized to appear for the men your honor has just sentenced to jail but in the interest of truth and fairness I ask that the facts be spread upon the records.' "I have no recollection of any such occurrence," Mr. Tillet replied, "but I tell your honor that it did occur just as I stated it and I ask that it go down in the record."

Judge Peebles then said: "It did not occur. I did not say that my drunkenness was an issue in the case, and I did not call on the respondents to file affidavits on that point, and I will not put it down in the record that I did." To this Mr. Tillet replied with great feeling: "I tell your honor that you did say it, and if you fail to put it in the record, then the record will not state the facts. I am as sure that it occurred exactly as I stated it as I am of the truth of anything that ever occurred in my life. If your honor states that it did not occur then we will overwhelm your honor by the affidavits of two hundred men who were in the court

house and heard it and who will swear positively that the colloquy between your honor and myself occurred exactly as I have stated it?"

Judge Peebles seemed to be staggered by this statement of Mr. Tillet and said: "I do not remember any such occurrence, and I could not have stated that my drunkenness was an issue in the case because I never thought it was."

Mr. Tillet replied: "I cannot help what your Honor's recollection is. I stake all my reputation for truthfulness on the statement that it occurred exactly as I have detailed it."

At this juncture Mr. Busbee arose and said: "I desire to corroborate Mr. Tillet's statement. The matter occurred exactly as Mr. Tillet said it did."

Judge Peebles said: "Well I may have said that the respondents made my drunkenness an issue but I did not tell you to file your affidavits."

Mr. Busbee replied: "Your Honor is not correct. That is not he fact. Your honor stated positively that your drunkenness was an issue in the case, and you did require us to file our affidavits at that time."

Judge Peebles seemed confused. He paused awhile and then said: "I do not recollect the occurrence, but I desire to have the record state the facts, and I will put it down that I said that the respondents had made my intoxication an issue."

Mr. Tillet again arose and said: "Your honor that will not do. You stated that it was an issue and you required us to file our affidavits."

Finally Judge Peebles said: "Well I will put it down substantially as you

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## SEVEN WARSHIPS AFTER THE BRIGAND

### Decline to be Trifled With by an Impertinent Moor

Washington, May 28.—Serious difficulties have been encountered by this government in its efforts to secure the release of Ion Perdicaris, the American resident of Tangier from the hands of Raesuli, the Moorish brigand and there is now a prospect that the United States and Great Britain will assist the sultan of Morocco in operations against Raesuli. Three more American warships were ordered to Tangier today, making seven in all which will go to that port. These vessels carry 2,500 blue jackets and marines who may be landed on Morocco's soil and be sent against the brigand chieftain.

A long dispatch received at the state department yesterday from Mr. Cummer, United States consul general at Tangier, contained information about Raesuli's demands that irritated the president and his advisors, and produced a feeling that drastic measures are necessary to secure freedom for the two prisoners. Raesuli, Mr. Gummere said, had made many demands. One was for the payment of a heavy ransom, the amount of which the officials here do not care to state. His other demands are mainly political. He insists that he shall be granted immunity from punishment for his offenses, that a certain area of territory in Morocco

where he shall have supreme control with the title of sovereign and shall be immune from the payment of taxes or any obligations to the sultan's government. He further insists that the government of the United States and Great Britain shall guarantee that the sultan adhere to an agreement embracing these conditions.

It did not take the administration officials long to decide that it was manifestly impossible to agree to these demands and Consul General Gummere was so informed in a telegram from Secretary Hay. Whether a definite course of action has been determined upon the officials are unwilling to say but it is hinted that the government does not intend to be trifled with by an impertinent Moor, who, Mr. Gummere's dispatch shows, regards himself as one of the greatest men in the world.

As a consequence of Raesuli's attitude, the secretary of the navy today cabled orders to Rear Admiral Jewell, commanding the European naval station to proceed at once with his squadron to Tangier. The squadron arrived at Horta, Azores, this morning. Rear Admiral Chadwick, commanding the South Atlantic naval station who sailed there yesterday for Tangier, was followed later in the day by the remainder of his squadron. It is expected that a British squadron will be sent to Tangier. From present indications, the United States government may order the battleship squadron of the North Atlantic fleet to Morocco. Part of the squadron is in the Azores and will be joined later by the Illinois and the Missouri.

## PREPARE FORMAL CHARGES FOR COURT MARTIAL TRIAL

### War Department Has Received an Unsatisfactory Reply From Colonel Pitcher, Who Jilted Miss Harrold---Moody Stands by Captain Lemly

By THOMAS J. PENCE

Washington, May 28.—Special.—The war department has heard from Lieutenant Colonel William L. Pitcher, of the twenty-eighth infantry, who jilted Miss Caroline Harrold, the North Carolina young lady who holds a position in the treasury department. The reply of the army officer is not at all satisfactory to Secretary of War Taft and all the papers in the case have been referred to Judge Advocate General Davis for the preparation of formal charges upon which a trial by court-martial can be had.

Colonel Pitcher was called upon to explain his conduct toward Miss Harrold and to tell why he had kept her in ignorance of his intentions not to marry her after formal announcement of their engagement. He explained that he could have told her nothing more than that he had changed his mind and he thought to do this would hurt her feelings. He said that he did write a letter to Miss Harrold, and the war department will call upon Miss Harrold to furnish a copy of the communication to General Davis before the formal charges are prepared. Friends of Miss Harrold say that the letter can have no bearing, however, on Colonel Pitcher's silence after leaving Miss Harrold. Failing to hear from him, she believed, they assert, that after going to New York he must have been taken suddenly ill. She was so worried over his silence that she asked some of her friends to find out if he was not in a hospital somewhere. Inquiry showed that Colonel Pitcher was with his command on the Pacific coast and in good health. The categorical answers by Colonel Pitcher to the war department's interrogations were not obtainable at the war department.

The president's memorial day address, which he delivers at Gettysburg Monday, recalls the fact that two years ago, on a similar occasion, he referred to Confederate soldiers as "anarchists." Washington has not quite laughed since the fact was published yesterday that the president is going to take the marine band with him to Gettysburg. All that is needed to complete the situation is a tent.

Senator Simmons is going to take up with National Committeeman Daniels this week the matter of securing quarters for the North Carolina delegation to the Democratic national convention, for it will be so late when the final selection of delegates is made at the state convention in Greensboro, next month, that it will be difficult to secure desirable quarters. Already there is a hue and cry about the excessive charges on the part of the leading hotels in the convention city. Arrangements will probably be made so that the North Carolina delegation will stop at one place.

Justice Pritchard's last official act as a member of the supreme court of the district will be to sign the bill of exception in the appeal of Maehen, Lorenz and Groff, which he will do Tuesday morning. Tuesday afternoon Judge Pritchard will go to Richmond and qualify as United States circuit judge. Although he has been a federal judge for a year Justice Pritchard has never worn a gown but all the proprieties require that he don the judicial cloak as circuit judge. Yesterday he was photographed with the other four members of the district supreme court and again by himself in his judicial robes, which he will wear as circuit judge. The local papers all speak handsomely of Judge Pritchard on the eve of his farewell. The Times said editorially this afternoon:

"The esteem expressed for Justice Jeter C. Pritchard, who is on the point of retiring from the district bench, by the members of the district bar had a ring of sincerity that did not require the presentation of a silver punch bowl to evidence its honest value. However, Judge Pritchard will probably cherish the latter as a constant reminder of the former. Mr. Henry E. Davis, who made the breath of the judicial nostrils is the esteem and respect of the bar."

The president has converted the White House into ordinary Republican campaign headquarters. Statements of a political nature, relating to the Republican national convention have been issued from the historic home of our great presidents for weeks past. Today a statement was issued by the president's secretary detailing arrangements for the seating of Republican editors at the Chicago convention.

Secretary of the Navy Moody has quickly disposed of the request by Geo. F. Ormsby of this city that Captain S. C. Lemly of Winston, N. C., the judge advocate general of the navy, be court-martialed. Mr. Moody said today:

## ANOTHER RECEIVER FOR THE A. & N. C. RAILROAD

### Capt. T. D. Meares Appointed Yesterday by Judge Purnell on Cuyler Complaint. S. G. Ryan Special Master.

Capt. Thomas D. Meares of Wilmington has been appointed receiver for the Atlantic and North Carolina Railroad Company and is to take charge as soon as he files a bond in the sum of \$50,000.

The order was made by Judge Purnell in the United States court yesterday evening, and there is also a provision for the appointment of S. G. Ryan of this city as special master to take evidence in the case. The hearing being continued to July 15th when the special master is to make his report to the court.

Here is the order of the court in full: "This cause coming on to be heard and being fully heard and after argument by counsel, upon reading and considering the verified bill in this cause, together with the answer, exhibits, interpleaders and upon the admissions of acts ultra vires, mismanagement and other facts appearing in the record, it is ordered by the court that Thomas D. Meares, of Wilmington, North Carolina, be and he is hereby appointed receiver of this court of all and singular the property, assets, rights, and franchises of the Atlantic and North Carolina Railroad Company described in the bill of complaint heretofore filed, including all the real property, tracks, terminals, facilities, real estate, warehouses, offices, buildings and all other property of every kind owned, held, possessed, or controlled by said company, together with all other property in connection therewith, and all moneys, choses in action, credits, bonds, stocks, leasehold interests, other property, real, personal and mixed, held or possessed by it, to have and to hold the same as the officer of said court, and the directions of this court.

"The said receiver is hereby authorized and directed to take immediate possession of all and singular the property above described, wherever situated and to continue the operation of the railroad of said company, and to conduct systematically, the business and occupation of carrying passengers and freight, and the discharge of all the duties obligatory upon said company.

"And, said Atlantic and North Carolina Railroad Company, and each and every of its officers, directors, agents, and employees are hereby required and commanded forthwith to turn over and deliver to such receiver or his duly constituted representative any and all books of accounts, vouchers, papers, deeds, leases, contracts, bills, notes, accounts, money, or other property in his or their hands or under his or their control, and they are hereby commanded and required to obey and conform to such orders as may be given them from time to time by the said receiver or his duly constituted representative, in conducting the said railroad and business, and in discharging his duty as such receiver; and they and each of them are hereby enjoined from interfering in any way whatever with the possession or management of any part of the business or property over which said receiver is so appointed, or from in any way preventing or seeking to prevent the discharge of his duties as such receiver. Said receiver

is hereby fully authorized and empowered to continue the business and operate the railroad of said company, and manage all of its property at his discretion in such manner as will, in his judgment, produce the most satisfactory results consistent with the discharge of the public duties imposed on said company, and to collect and receive all income therefrom and all debts due said company of every kind, and for such purpose he is hereby invested with full power at his discretion to employ and discharge and fix the compensation, subject to the approval of this court, of all officers, counsel, managers, agents, and employees as may be required for the proper discharge of the duties of said receiver.

"And the said receiver is directed to deposit the moneys coming into his hands as such receiver in the bank of the city of Wilmington, N. C., and to file full reports in this court quarterly.

"And the court reserves the right by orders hereinafter made, to direct and control the payment of all supplies, materials, and other claims, and to in all respects regulate and control the conduct of said receiver.

"The injunction and restraining order heretofore made is hereby continued and made perpetual.

"Said receiver before entering upon the discharge of his duties as such receiver will take and file the oath required of receivers in the courts of the United States.

"And it is further ordered that this cause be and the same is hereby continued and set down for final hearing on July 15, 1904.

"It is further ordered that this cause be and the same is hereby referred to S. C. Ryan, Special Master, pro hac vice to hear the testimony and report his findings of fact thereon on the said 15th day of July, 1904."

Some Special Notable Incidents

This order is made on the complaint and petition of John P. Cuyler of New Jersey and K. S. Finch of New York, who was made a co-complainant with Cuyler during the hearing yesterday. To this order counsel for the defendants excepted and appealed to the circuit court, giving \$500 bond.

During the hearing the court stated that it was not in the province of the

## DOWN AT MOREHEAD

### Famous Resort Putting on Summer Robes of Gayety

Morehead City, N. C., Atlantic Hotel, May 28.—Special.—While the people of the interior are suffering from the first heated wave of the season the new guests of the Atlantic Hotel who came in advance of the opening, are enjoying the splendid breezes that are always blowing at this delightful spot. The weather is fine and the fishing good. The famous Atlantic Hotel will soon be putting on its summer robes of gayety. The hotel has never been more inviting to the summer wanderer than now. Everything about the magnificent establishment has been put in first-class shape, and presents a most attractive appearance. To full corps of experienced help for the various departments are arriving, and none but those who are specially fitted for their work have been engaged. The orchestra, which is the finest in the South, will arrive a few days before the opening ball, which will take place on Saturday night next.

During the week the hotel will be crowded with the North Carolina Teachers and their friends, and from the present indications, the assembly will be larger than for many years. On the night of the ball a large number of persons from Durham, Raleigh, and near-by towns will be present in large numbers. The arrival of Mr. W. W. Smith and party from Raleigh on a fishing excursion means that this sport has opened up, and you may expect to hear of a large catch by this famous angler, who claims to hold the record for Sheepshead in these waters.

## HAVING A PICNIC

### Good Time for Spencer-Employees of the Southern

Salisbury, N. C., May 28.—The Southern Railway shops at Spencer were closed last night until next Tuesday morning the occasion being the eighth annual outing and picnic of the employees of the Southern at this place. Today eighteen car loads of excursionists from this city, and Spencer, employees of the road, went to Charlotte, returning late tonight. The officials of the Southern take great pleasure in placing a train at the disposal of the men and their families on these annual occasions.

The Salisbury Sun learns that a general order has been passed raising the salary of all telegraph operators employed by the Southern and that a large number of men will receive an advance of about ten per cent. The raise was granted voluntarily and without a demand on the part of the operators.

Editor Joe Caldwell of the Charlotte Observer was a snook at the Yarbrough yesterday.