

# Next Move in the Contempt Case

### Affidavits to Disprove Carroll's Evidence--Citizens of Warsaw Endorse Carroll--Preparations for Habeas Corpus

No application has been made to any supreme court justice for habeas corpus in behalf of Kerr, Carroll or Southland sentenced to 30 days in jail for contempt by Judge R. B. Peebles. Mr. C. M. Busbee, the only local counsel, says no such move can be made until he is notified of their arrest. Capias for the men's arrest were mailed from Lumberton yesterday but could not have reached their destination before last night.

Mr. C. F. Carroll of Duplin, according to a phone message from Wilmington last night, was in that city yesterday and left there for Raleigh. He is expected here today. The capias for him, if he remains here, will probably be sent by the sheriff of Duplin to this county. When he is taken into custody here he application to one of the supreme court justices (Justice Connor is being mentioned as most probable in this connection) will doubtless be immediately made.

Under the order by Judge Peebles the three affidavits, E. W. Kerr, C. F. Carroll and R. J. Southland, are to be arrested and delivered to Sheriff George McLeod of Robeson and by him incarcerated in the jail at Lumberton for thirty days and until their respective fines of \$250, \$200 and \$100 are paid. If called upon to carry out the court's sentence Sheriff McLeod will be very reluctant. He has given two affidavits for the respondents. However, in Cumberland county, where Judge Brown is expected to hear the contempt case June 14th, the jailer, together with every official of the county, has given an affidavit on Judge Peebles' side.

There is much speculation as to whether Judge Brown will consent to preside in this matter. The Lumberton bar's counsel are anxious for him to do so, because if he refuses there is likelihood of Judge Peebles trying the case. A communication, it is said, has been sent Judge Brown by the respondents' lawyers.

#### Disprove Carroll's Statement

Wilmington, N. C., May 30.—Special. There were no developments here today in the Robeson contempt case. Judge Peebles is here at the home of a friend, but said that he had nothing to say for publication. He will not leave for home before tomorrow night. Today R. W. Wallace, proprietor of the hotel at the time of Judge Peebles' intoxication, as alleged by C. F. Carroll; C. F. Bennett, clerk of the colored waiter, and Tom Shepard, clerk at the news stand at the hotel, made affidavits that during his stay at the hotel Judge Peebles was perfectly sober but suffering greatly from rheumatism. Carroll was here today, but gave out no statement. The warrants for the arrest of Major Kerr, Mr. Southland and Mr. Carroll were forwarded to Lumberton, but it is not known when they were served tonight.

#### Carroll Endorsed

Warsaw, N. C., May 30.—Special.—At a mass meeting held by the citizens of Warsaw at Odd Fellows Hall today for the purpose of expressing their confidence in the integrity and character of one of our citizens, Mr. C. F. Carroll, it was resolved:

First, That we have known Chas. F. Carroll for many years and that he has been a resident of our town for five years or more and was born and raised in Duplin county, where he has lived the greater part of his life. Second, that from our almost daily contact with him and his long continual residence in our county and town we know and testify of him to be a man of integrity and character and we believe that he would not willfully or knowingly misrepresent any person. Third, that we believe that the sentence imposed upon him for the alleged contempt is extreme and unjust. Fourth, that a copy of these resolutions be sent to the News and Observer, the Wilmington Messenger and Raleigh Post with request to publish.

(Signed) D. S. KENNEDY, Ch'm. E. J. HILL, Sec.

#### A Disclaimer

In justice to myself I desire to make this public disclaimer. In the city edition of The Morning Post on Sunday my account of the contempt proceedings before Judge R. B. Peebles at Lumberton said "Judge Peebles seemed to be staggered by this statement of Mr. Tillet" and again "Judge Peebles seemed confused." Nothing of the kind was in the telegram filed by me in the telegraph office at Lumberton and I disclaim all authorship or responsibility for or knowledge of that portion of the account of the hearing. I have ascertained since reaching Raleigh that the above part of my story was wired by a Lumberton party unbeknowning to me and here incorporated in my message under the impression that it was sent by me.

WILLIS G. BRIGGS. As stated in the account Sunday Judge Peebles has a mass of affidavits disproving the charges against him. There are forty from Raleigh, testifying to his character, his sobriety, his ability as a lawyer and his fairness and impartiality as a judge. From these

three additional affidavits from well known Carolinians are given below:

#### Gen. Ransom's Affidavit

I, Matt W. Ransom, of Northampton county, being duly sworn, certify that I have known Judge R. B. Peebles since 1856. For twenty years he has been my nearest neighbor—living in about one mile of me. Mr. John Sammeal, deceased, lived about the same distance from me.

In the second year of the war Judge Peebles became adjutant of the 35th North Carolina regiment, of which I was colonel, and afterwards, just before the close of the war, became adjutant general of the brigade, and continued so until Appomattox. About 1877 he moved from his county home to Jacksonville—about four miles away. I have known him well—never living for 48 years more than four miles apart. He was almost habitually, with rare exceptions, been my lawyer until he was made judge.

He is a sober man. There is no doubt of that; he takes a drink; treats his friends freely, but I have never known of his being under the influence of liquor.

The general impression and character is that he is never subject to his influence. He is very open in what he does. He has under for twenty years the leading practicing lawyer in this county, and I have never known or heard of his not being entirely fit and competent for business.

Very respectfully,  
M. W. RANSOM.

#### Gov. Jarvis' Affidavit

Thos. J. Jarvis, being duly sworn, deposes and says: That he has intimately known the Honorable R. B. Peebles since 1868. That during these years he has been much in his company, in and out of the state. That he has seen him in public assemblies, in social life among his friends, and in the privacy of private life; that he has had ample opportunity to learn and know his habits in respect to the use of intoxicating liquors; that he never saw the said Peebles under the slightest influence of liquor and never heard of his being so until the recent publications made in response to the rule in the pending contempt proceedings.

THOS. J. JARVIS.

#### From His Physician

Jackson, N. C., May 23, 1904.

This is to certify that I have known Judge Robert B. Peebles intimately for the past twenty years, having been his near neighbor and family physician the greater part of that time. I have had every opportunity to know his habits. Never during my acquaintance with him have I known of his being intoxicated, or under the influence of liquor, or did I ever hear of his being so until the publication of certain affidavits in connection with the contempt proceedings against the bar of Lumberton, N. C.

HENRY W. LEWIS, M.D., Member State Board of Health and Superintendent Public Health of Northampton county.

## PORT ARTHUR TROOPS FOUGHT KINGHOW BATTLE

(Continued from First Page.)

10,000 Russians are traveling in junks up the Liao river, their destination being Tieling, some forty miles north of Mukden. The Russians are building a pontoon bridge across the Liao river above New Chwang.

The dispatch adds that it expected the attack on Port Arthur will begin on June 15. The correspondents will leave Tokio on June 10, in time to see the capture of Port Arthur, which is expected to occur about June 20.

#### American Within the Lines

Mukden, May 30.—Lieutenant Newton A. McCully, the American naval attaché, is within the Russian lines at Port Arthur. The other foreign attachés assigned to the Russian forces were recently at Liao Yang, but it is not known where they are now.

#### Kuropatkin's Position Shaky

London, May 31.—A dispatch to The Daily Mail from Tashichao, dated May 29th, says that a Russian staff officer who managed to get through the Japanese lines has arrived there from the Kinchau isthmus with dispatches from General Stoessel, the commander at Port Arthur, to General Kuropatkin. The Standard prints a dispatch, dated Japanese headquarters, May 29th, saying that the news of skirmishes is received daily. The Japanese who landed at Takushan seem to have struck the fringe of the rainy season. There have been the heaviest downpours. The Tashichao correspondent of The Mail says heavy rains prevail throughout southern Manchuria, and are retarding military movements.

The St. Petersburg correspondent of The Telegraph represents General Kuropatkin's position as being shaky. His military rivals represent the Russian reverses as being the outcome of his faulty strategy now, and his neglect to make needful preparation when he was minister of war. The czar, according to the correspondent, is daily growing more dissatisfied with General Kuropatkin and would dismiss both him and Admiral Alexieff if it were not for the unfavorable light that would thus be thrown on the government.

The general impression in all circles in St. Petersburg is that the fall of Port Arthur, which many think still is impossible, ought to denote the end of the war. The officials, politicians and even former occupiers of positions of the highest trust in the

empire maintain that it is to Russia's interest to make peace if Port Arthur is taken, but nobody at court has the moral courage to suggest it to the emperor. The intelligent classes maintain that the continuation of the campaign after the fall of Port Arthur will entail the necessity for German diplomatic support after the war.

The correspondent claims to have confirmation of his previously asserted statement that there is an agreement between Russia and Germany assuring the former of the latter's energetic support, and, if necessary, armed intervention against any attempt on the part of Great Britain or the United States to submit the far eastern question to an international congress. The writer adds his testimony to the previous reports of internal unrest in Russia, which, he says, is greater among all classes than ever before.

#### Some War Gossip From London

London, May 31.—The accurate news which the St. Petersburg correspondents of Paris newspapers send to their journals alternates with such erratic nonsense it is difficult to decide in which class to place the report received yesterday that General Kuropatkin is rushing southward to take General Oku in the rear and succor Port Arthur, while General Kurovitch, holds the General Kurok in check. The Daily Mail, whose Paris correspondent claims to learn from a well informed source apart from the French newspapers, that General Kuropatkin has begun moving south in a serious fashion and that a serious battle is to be expected shortly, gives great prominence to the statement and describes the movement as a desperate one to which the Russian commander-in-chief is impelled by political pressure. According to this view Admiral Alexieff is the moving spirit, he having induced the czar to force General Kuropatkin into a dangerous line of action. If this is so General Kuropatkin, it is pointed out, is acting like Marshal McMahon, the French commander, when, in 1870, he yielded to Empress Eugenia and made the fatal attempt to join Marshal Bazaine at Metz, which led up to the disaster at Sedan.

That General Kuropatkin is either conducting or directing some forward movement seems pretty certain. The Chief correspondent of The Express says that the main armies about Liao Yang are moving. The Russians are reported to be marching south under urgent orders from the czar. General Kuropatkin is striking out to a position slightly southeast of Liao Yang. His activity is caused by the steady circling movement of the Japanese who threaten to surround him unless he breaks out and offers battle.

According to the correspondent it is not considered that the southward march has any connection with the Port Arthur position, but is an attempt to restore the prestige of the Russian arms. The Japanese have several cavalry brigades operating to the westward who are in touch with the Russians. The Japanese are moving up infantry and guns from Feng Wang Cheng. The St. Petersburg correspondent of The Daily News refers to the same movement which, like some other correspondents he represents to be the outcome of a conference between General Kuropatkin and Admiral Alexieff. The News also makes General Oku's rear the Russian objective, adding that General Kuropatkin's advance guard is believed to be already nearing Kinchow. This is obviously gathered from the same sources as the Paris story to the effect that the Russian vanguard is further south than Wafangting, which is 65 miles north of Port Arthur.

Finally there are General Kuropatkin's own announcement of a Japanese advance from Kuantien and General Kurok's report of activities at Alyanpungmen and elsewhere northward of Feng Wang Cheng, to show that it is very improbable that the Russians will remain inactive at Liao Yang in view of recent events. So while the curtain temporarily falls on the Liao Yang promontory scene it appears about to rise on interesting, perhaps decisive, events further north.

## TEST RUNS MADE

### But the Speed Was Not a Record Breaker

Atlantic City, N. J., May 30.—Two test runs were made with a French bull locomotive today over the West Jersey and Seashore lines by officials of the Pennsylvania system to gauge its speed, its power and endurance in making steady time across the level stretch of roadway from Camden to the shore, and the best the crew will say for it tonight is "She don't touch the flyers built in the Pennsylvania Railroad shops."

The engine is medium in size and weight, and instead of a throttle there is a wheel. The engineer in charge was Richard Doughty, and while he tried the locomotive to its limit he confesses that he was not well enough acquainted with its points to get the best work out of it. She may be able to do better, but he could not get her to a top-notch point today.

## Military Co. to St. Louis

Adjutant General B. S. Royster has issued an order giving preference to the Wilson Light Infantry (Company K, Second Regiment) to be absent from that town and from the state not longer than 15 days. They will spend the time in St. Louis taking in the exposition.

## Acquitted of Murder

Mr. W. L. ... returned from Goldsboro where he represented Smith, the white man who killed Williams and shot Williams' son after a dispute about fertilizer. Sixteen witnesses gave the deceased a black character as a dangerous man. The two magistrates presiding decided that the killing was justifiable and Smith was discharged.



# GRADUAL DECLINE

This is the fate of sufferers from kidney trouble, as the disease is so insidious that often people have serious kidney trouble without knowing the real cause of their illness, as diseased kidneys allow the impurities to stay in the system and attack the other organs. This accounts for the many different symptoms of kidney disease.

You begin to feel better at once when taking **FOLEY'S KIDNEY CURE** as it stimulates the heart, increases the circulation and invigorates the whole system. It strengthens the **urinary organs** and gives you new life and vigor. **TWO SIZES 50c and \$1.00**

**BOBBITT-WYNNE DRUG COMPANY, RALEIGH, N. C.**

## MANY INJURED IN A RACE RIOT

### Trouble Over a Negro Band Parading and Playing Rag Time Airs

Philadelphia, May 30.—During a race riot at Thirtieth and Reed streets this afternoon six persons were seriously injured, a score of others were slightly hurt and eleven persons were arrested and taken to the Twentieth street station, charged with assault and battery and inciting to riot.

The riot started shortly after 3 o'clock. The trouble is ascribed to a negro band that paraded through the streets in the neighborhood playing rag-time and patriotic airs. A wagon followed the band and it carried a large sign, proclaiming "This is We Celebrate." A crowd of colored and white children gathered at a corner to watch the band pass. The white children immediately took exception to the emphasized "We" in the sign and started to argue with the negro children. Stones began to fly, and in a few minutes the missiles were going in all directions. The white children seemed to get the better of the stone fight and a number of colored children ran home to their parents.

A score of colored men ran from their houses on Patton street, and, going to the corner, became involved in an altercation with a group of white men. One of the negroes, Elisha Ashe, drew a revolver. The white men, being unarmed, fled down the street. The negro started in pursuit, firing his pistol. A shot struck Lizzie Tangdon as she was standing on her door steps. Another hit Lione Nametz, a six-year-old girl, in the back.

By this time the street was in an uproar. Policemen rushed to the scene, but were powerless to check the riot. Detective Boyd of the Baltimore and Ohio Railroad grabbed Ashe as he fired the last shot. He wrested the revolver from the negro's grasp, but Ashe drew a knife from his pocket and stabbed Boyd in the stomach. An alarm had been sent to the police station and three details charged up Patton street.

As the police appeared Ashe dashed into his house. He was finally arrested in the cellar of a neighbor's house. Meanwhile the riot spread in the street. Jesse Waller, colored, ran into the street and fired his revolver into the crowd, striking Robert McCulloch. Several policemen chased him back into his house and he fed to the third story room. He leaned from the window and emptied his revolver into the crowd. From the adjoining window his wife rained a volley of bricks upon the heads of the people below, one of them striking Policeman Gibson and fracturing his skull. Waller kept on discharging his revolver until Sergeant Christie entered the house by the rear and placed Waller and his wife under arrest. When the riot was finally quelled the police had arrested eleven persons, ten of whom were negroes.

## SURPRISED AT MARTIN

### Virginia Democrats Puzzled at Their Senator's Remarks

Richmond, Va., May 30. Influential Democrats in the Old Dominion say they were much surprised to read in the newspapers that United States Senator Martin had announced it to be his opinion that Chief Justice Parker of New York is the most available candidate for the Democrats to nominate at St. Louis. The Democratic friends of Mr. Martin say they can not understand how he came to forget that there was such a man on earth as Senator Gorman of Maryland.

Senator Martin, the Democrats of Virginia say, has always been friendly to Senator Gorman, and they have been loath to believe the utterances of Senator Martin in favor of Parker. These Democrats of the Old Dominion are out every night that you call to

## CUTTING AFFRAY

### Head Almost Severed With a Pocket Knife

Asheville, N. C., May 3.—Special.—A serious and perhaps fatal cutting affray occurred in Victoria near Asheville this afternoon about four o'clock when a man named Stepp cut Henderson Stallings, another white man, with a pocket knife. Stallings received a deep gash from the back of his neck to the centre of his throat, a portion of his left ear was cut entirely off, and three cuts were made on his left arm. Dr. Roy Williams, who attended the injured man, said that had Stepp's knife gone a fractional part of an inch deeper death would have resulted instantly. As it is the wound is a dangerous one and the ultimate outcome can not yet be told. Both Stallings and Stepp are married men.

## THE PRESIDENT AT GETTYSBURG

### Brilliant and Successful Memorial Day Exercises

Gettysburg, Pa., May 30.—Gettysburg today had the most brilliant and successful Memorial Day in its history, despite the fact that it rained continuously during President Roosevelt's stay. The presidential train arrived at 8.30 a. m. and moved out to a siding about a mile west of the town to avoid the crowd. As the president alighted from his car one of the most interesting events of the day took place. The guns of the third artillery, from Fort Meyer, at the same time of day and at the identical spot at which this same battery opened the battle of Gettysburg boomed forth a welcome to him. In the course of the morning the president and his friends visited the points of interest on the battlefields as the guest of National Commissioner.

The parade formed on Chambersburg street and moved out Baltimore street. The course of the parade was marked by continuous applause from the crowd and as the president entered the national cemetery he was again saluted by twenty-one guns.

Governor Pennypacker introduced the president, who made a characteristic address.

After his address the president, accompanied by a troop of cavalry, was driven into town through the rain at a gallop.

## Poisoned by Salad

Port Atkinson, Wis., May 30.—Poisoned by a salad at a dinner and suffering great pain, Pola La Follette, daughter of the governor, making her debut on the stage with the Walton Pyre Stock Company, appeared last night, pluckily refusing to give way to an understudy. Miss La Follette is leading lady. She is not seriously ill.

## AWAITING COURT MARTIAL

Paris, May 30.—An officer named D'Aurliche, attached to the accounts department of the war office, from whose accounts, it is stated, 25,000 francs are missing, is imprisoned at Mont Valerien awaiting trial by court martial.

## QUICK ARREST

J. A. Gullidge, of Verbena, Ala., was twice in the hospital from a severe case of piles, causing 21 tumors. After doctors and all remedies failed, Bucklen's Arnica Salve quickly arrested further inflammation and cured him. It conquers aches and kills pain, 25c. at all drug stores.

## SICK HEADACHE RESULTS FROM A DISORDERED STOMACH

is quickly cured by Chamberlain's Stomach and Liver Tablets. For sale by W. G. Thomas, Robert Simpson, Bobbitt-Wynne Drug Company.

## CONDENSED MILK AFFORDS THE MAXIMUM AMOUNT OF FOOD ENERGY

in the minimum bulk, conferring the greatest good to the infant with the least tax on the digestive organs. It surpasses all other foods for artificial infant feeding.

## VESTIBULE COACHES. FAST SCHEDULE. ALL RESORTS NOW OPEN

Visit Old Point, Ocean View, Virginia Beach, Fine Surf Bathing, Fishing and Sailing Unexcelled. For information apply to C. H. GATTIS, C. P. A. Raleigh, N. C.

## SEABOARD AIR LINE RY.

Leave Raleigh 10:20 a. m., Durham 10:00 a. m., Wednesday, June 8th—returning leave Portsmouth 10:00 a. m., Friday, June 10th.

## NEGLIGENCE SHIRTS

Negligee Shirts now take the centre of the State. Our new line gets hearty applause. No tragedy in after-wear, but it's a problem to choose from such a profusion of elegance. A line at \$1.90 that will open your eyes. The very best are \$1.50 to see, especially our line.

## S. BERWANGER, ONE-PRICE CLOTHIER.

## NEGLECTED COLDS MAKE FAT GRAVEYARDS

Dr. Wood's Norway Pine Syrup helps men and women to a happy, vigorous old age.

## RHEUMATIC PAINS RELIEVED

The prompt relief from the severe pains of sciatica and rheumatism which is afforded by Chamberlain's Pain Balm, is alone worth many times its cost. Mr. Willard C. Vail of Poughkeepsie, N. Y., writes: "I am troubled with rheumatism and neuralgia of the nerves and Chamberlain's Pain Balm gives relief quicker than any liniment I have ever used." For sale by W. G. Thomas, Robert Simpson, Bobbitt-Wynne Drug Co.

## TERRIBLE PLAGUES, THOSE ITCHING, PESTERING DISEASES OF THE SKIN

Put an end to misery. Doan's Ointment cures. At any drug store.

## \$2.50 TO NORFOLK, VA., AND RETURN. WED., JUNE 8 '04. FIRST EXCURSION

From Raleigh, Durham and Intermediate Stations.

## SEABOARD AIR LINE RY.

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