

# THE RALEIGH EVENING TIMES

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RALEIGH, N. C. TUESDAY, SEPTEMBER 5, 1905.

PRICE 5c.

## TODAY WILL SEE THE FINAL ACT

### "Treaty of Portsmouth" Will be Signed This Afternoon

## IT PROMISES TO BE A VERY TAME AFFAIR

After the Signing Has Taken Place the Members of the Russian Mission Will Attend a Te Deum Service at the Episcopal Church.

(By the Associated Press.)

### PEACE TREATY SIGNED

Portsmouth, N. H., Sept. 5.—4:15 P. M.—An official announcement has just been issued to the effect that the treaty of peace between Russia and Japan was signed here at 3:47 o'clock this afternoon.

Portsmouth, N. H., Sept. 5.—The closing act of the peace conference promises to be a very tame affair. There will be no spectacular features. Final arrangements have been made for the signing of the "Treaty of Portsmouth" at 3 o'clock this afternoon in the conference room of the naval stores building. Besides the plenipotentiaries Assistant Secretary Peffer, representing the President, Governor McLane, the mayor of Portsmouth, Admiral Mead and Commander Winslow will be present. The ceremony will be brief.

After the signing, the members of the Russian mission will go to Christ Episcopal church, Portsmouth, where a Te Deum service will be held. The Russian orthodox bishop at New York, accompanied by twenty priests and about seventy choirists arrived this evening on a special train. Mr. Witte and the members of his suite will leave for New York at 9 o'clock Wednesday morning. Baron Komura before going to Oyster Bay will visit Harvard, his Alma Mater. The service at Christ church to-day will be conducted jointly by Rev. C. Le V. Brine, the rector, and Rev. Alex. Hotovitsky, of St. Nicholas church, New York. The festal even song will be intoned by Father Brine, after which there will be a solemn Te Deum.

### Conditions of the Treaty.

Following is the treaty as finally agreed upon:

Article 1. Stipulates for the re-establishment of peace and friendship between the Sovereigns of the two Empires and between the subjects of Russia and Japan respectively.

Article 2. The Emperor of Russia recognizes the preponderant interest from the political, military and economical points of view of Japan in Korea and stipulates that Russia will not oppose any measures for its government, protection or control that Japan will deem necessary to take in Korea, in conjunction with the Korean Government, but Russian subjects and Russian enterprises are to enjoy the same status as the subjects and enterprises of other countries.

Article 3. It is mutually agreed that the territory of Manchuria be simultaneously evacuated by both Russian and Japanese troops both countries being concerned in this evacuation, their situations being absolutely identical.

All rights acquired by private persons and companies shall remain intact.

Article 4. The rights possessed by Russia, in conformity with a lease by Russia of Port Arthur and Dalny, together with the lands and waters adjacent, shall pass over in their entirety to Japan, but the properties and rights of Russian subjects are to be safeguarded and respected.

Article 5. The governments of Russia and Japan have engaged themselves reciprocally not to put any obstacle to general measures (which shall be alike for all nations), that China may take for the development of commerce and the industry of Manchuria.

Article 6. The Manchurian Railway shall be operated jointly between Russia and Japan at Kouang Tchong Tse. The two branch lines shall be

employed only for commercial and industrial purposes. In view of Russia keeping her branch line with all rights acquired by her convention with China, for construction of that railway, Japan acquiesces the same in connection with such branch line which falls to her. However, the rights of private parties or private enterprises are to be respected. Both parties to this treaty remain absolutely free to undertake what they deem fit on any appropriate ground.

Article 7. Russia and Japan have engaged themselves to make a connection of the two branch lines which they own, at Kouang Tchong Tse.

Article 8. It is agreed that the branch lines of the Manchurian Railway shall be worked with a view to assure commercial traffic between them without obstruction.

Article 9. Russia cedes to Japan the southern part of Sakhalin Island, as far north as the 50th degree of the north latitude, together with the islands depending thereon. The right of free navigation is assured in the Bays of Laperouse and Tartare.

Article 10. This article recites the situation of the Russian subjects on the southern part of Sakhalin Island and stipulates that the Russian colonists there shall be free and shall have the right to remain without changing their nationality. Per contra, Japanese Government shall have right to force Russian convicts to leave territory which is ceded to her.

Article 11. Russia has engaged herself to make an agreement with Japan, giving to Japanese subjects the right to fish in Russian territorial waters of the Sea of Japan, Sea of Okhotsk and Behring Sea.

Article 12. Two high contracting parties have engaged themselves to renew the commercial treaty existing between the two governments, prior to the war, in all its vigor with slight modifications in details and with the most favored nation clause.

Article 13. Russia and Japan reciprocally engage to reconstitute their prisoners of war on the paying of the real cost of keeping such, the claim for the cost to be supported by documents.

Article 14. This peace treaty shall be drawn up in two languages, French and English. The French text being the evidence for the Russians and the English text for the Japanese in case a difficulty of the interpretation, the French document to be final evidence.

Article 15. The ratification of this treaty shall be countersigned by the Sovereigns of the two states within fifteen days after its signature. The French and American embassies shall be the intermediaries between the Japanese and Russian governments, to announce by telegraph the ratification of the treaty.

Two additional articles are agreed to as follows: Article 1. The evacuation of Manchuria by both armies shall be complete within eighteen months from the signing of the treaty, beginning with the retirement of the troops of the first line. At the expiration of eighteen months the two parties will only be able to leave as guards for the railway, fifteen soldiers per kilometre.

Article 2. The boundary which limits the parts owned respectively by Russia and Japan in the Sakhalin Island, shall be definitely marked off on the spot by a special limitographic commission.

### Farewell Preparations.

All was in readiness for the signature of the peace treaty, hours before three o'clock, the time designated for that historic event. Engravers were up most of the night putting the finishing touches on the great paper. Members of both missions are busy packing preparatory to their departure either this afternoon or to-morrow. Both missions this morning thanked the five midshipmen, who have served as boat officers on the launches placed at the disposal of the plenipotentiaries. Witte and Rosen called officially on Governor McLane and thanked him for the many courtesies they had received. Witte said he could say in name of the Emperor, that his majesty was a true friend of the United States. Later Komura and Takahira paid a similar call and thanked the Governor for his kindness to them. Both copies of the treaty of the Russian and Japanese, have been enclosed in handsome red morocco folders, the folders are tastefully decorated with a gold border and a leather portfolio encloses everything. Witte and the members of the Russian mission, expect to pay a farewell visit to Sagamore Hill, Thursday or Friday morning, and unch with the President.

### Bank President Dies from Burns.

Charleston, S. C., Sept. 5.—David Outcass, president of the Johnston Bank, died at Johnston, this State, yesterday as the result of burns received in the cotton warehouse fire Saturday night.

### Fire Causes Great Loss.

Hayre, Mont., Sept. 5.—A fire, supposed to be of incendiary origin, last night destroyed the St. Paul Hotel and several other buildings. The loss was \$150,000.

## BY FIDDLING ALWAYS WE GAIN

Labor Day Special Musicians Make More Than Good—Great Crowd—Watched and Listened—Winners C. E. McCullers and R. E. Page.

Certainly, one of the most successful affairs ever gotten up in the city was the Fiddlers' Convention, which had been called for Labor Day in the year 1905. Labor Day was yesterday and yesterday was a day that failed for all sorts of expressions as to the pleasure known and experienced by the many men and women who were able to attend the performance of the string and bow crowd.

At the appointed time the crowd of contesting fiddlers were driven out from the city by Mr. William Johnson Andrews, under whose special auspices the affair had been arranged. The splendid team, a fine wagon and a pair of mules, which were the property of Mr. A. J. Busbee, a goodly farmer not far from the city, were driven by Mr. John U. Smith, of this city. The party made good speed and arrived in all safety at the scene of musical action.

On account of the condition of the weather, which was threatening, the crowd adjourned to Pullen Hall at the A. and M. College. The judges were Mr. John Nichols, Mr. Julius D. Turner and Hon. B. F. Dixon, the State Auditor. By prearrangement it was decided that each fiddler was to have five minutes for the display of his talents. The only other restriction was that he play old, old tunes and did not undertake to do any violin playing.

There were entered the names of the following gentlemen: Messrs. C. E. McCullers, Raleigh; R. Calvin Page, H. E. Ford, Auburn; B. A. Chappell, Raleigh; S. S. Ransdell, Lenoir; Dr. L. H. Hill, German-ton; Nat Warren, Raleigh; J. W. Sauls, Garner; Nat Thomson, Garner; F. P. Hundley, Raleigh; S. S. Ransdell, Jr., Lenoir; and A. Parish, Willow Springs.

Mr. C. E. McCullers, of this city, and Mr. R. Calvin Page, of Middle Creek township, were adjudged real winners, respectively, in the hard-fought contest. In such accord the prizes and diplomas were awarded. In so far as the diplomas are concerned they will remain in the keeping of the winners until next Labor Day, at which time the fiddlers will be called on not only to defend them, but also to win again all honors, or else surrender to those who shall have proven worthy to make more of the fiddle and the bow.

The event was undoubtedly one of the most enjoyable in the history of the city of Raleigh. There was only informally and all the pleasure that can be crowded under such conditions into the compass of a few short hours. All in all it was pleasure. There was naught to disturb the occasion, and on every face there was a smile, and in every voice the acclaim that belongs to the man who has lived well, and with touches and tastes of the good and glad.

### MARRIAGE OF MARSHAL FIELD.

Wedded in London To-day to Mrs. Arthur Caton of Chicago.

(By the Associated Press.) London, Sept. 5.—Marshal Field and Mrs. Arthur Caton, of Chicago, were united in marriage at noon at St. Margaret's church, Westminster. The church was closed to the public and only a small congregation, composed of immediate relatives and Ambassador and Mrs. Reid and the staff of the American Embassy, witnessed the ceremony.

### TROLLEY CAR ACCIDENT.

Resulted in Death of Two and Injury of Thirteen Others.

(By the Associated Press.) Charlton, Mass., Sept. 5.—Miss Grace Nelson and a man named Moran were killed and 13 others injured, three or four probably fatally, as the result of a trolley car leaving the rails and crashing into a tree a mile east of this village early to-day.

### Ocean Race for 1907.

(By the Associated Press.) Berlin, Sept. 5.—The Associated Press is informed that Emperor William is arranging a Transatlantic race for 1907.

### Fire Causes Great Loss.

(By the Associated Press.) Havre, Mont., Sept. 5.—A fire, supposed to be of incendiary origin, last night destroyed the St. Paul Hotel and several other buildings. The loss was \$150,000.

## CONTEMPT CASE TODAY

Argument To-day Before Supreme Court on the Petition of Major Guthrie for a Writ of Habeas Corpus—No Decision as Yet.

The petition for a writ of habeas corpus in the case of ex Major M. K. Guthrie, of Durham, who is under sentence for contempt of court for attacking Judge Ward in Durham last Saturday, was heard this morning by the Supreme Court on an appeal from the decision of Judge F. D. Walker yesterday afternoon denying bail for the prisoner. Up to the hour of going to press the court had not handed down its decision in the case.

When the case was called Major W. A. Guthrie, one of the attorneys for the petitioner, made a statement of the case and read the record. Major Guthrie said that the only question involved was that his client had been unlawfully imprisoned. Mr. Guthrie then went on to state the position of the petitioner. He said that whatever he might say in the defence of his client was to be construed in no manner reflecting on Judge Ward, as the case about which the attack was made, was tried fairly, and that Judge Ward had maintained at all times a judicial temperament, and that after the assault had been made that he was still the fair and impartial judge.

Mr. Guthrie then went on to say that the contention of the petitioner was that he could not be punished for contempt as his act had not violated any section of the acts of the Legislature of 1869, as amended by the acts of 1871, and as these acts replaced the common law in North Carolina on the subject of contempt, that, therefore, the petitioner was not guilty of contempt.

The act of 1869 and the amendment of 1871 prescribe definitely what acts shall constitute contempt of court, and Major Guthrie claimed that the act of attacking a judge when not in the discharge of his judicial functions was not in violation of this act, as this act did not contemplate the protection of a judge's person, when not in the direct discharge of his duties.

Mr. A. L. Brooks, of Greensboro, the solicitor of the Ninth Judicial District, was the first speaker for the court. Mr. Brooks argued that this was a case involving the integrity and dignity of the courts of the state, and that while there was some doubt that this act of the petitioner would come under the sections of the acts of 1869 and 1871, he wanted to ask the Supreme Court of North Carolina to go further and say that the powers of the courts of North Carolina, a co-ordinate branch of the government, could not be abridged and limited by another branch of the government. He cited many decisions of the U. S. Courts and other State courts tending to show that a judge of a court has an inherent power to punish for contempt, outside of any legislative enactment.

Mr. Brooks closed his argument with a beautiful tribute to the judiciary of our State, and said that if this petition was granted that the marshal on opening court might well say "God save the State and this honorable court."

Mr. Gilmer, the Attorney General, was the next speaker for the court. Mr. Gilmer said that he would divide his argument into four heads as follows:

1. The contempt involved in the case.
2. Inherent power of courts of records to punish contempt.
3. What contempts can be punished summarily.
4. Power of the Legislature to abridge the inherent power of the court to punish for contempt.

Mr. Gilmer cited many decisions to show that the court had an inherent power to punish for contempt. He made an elaborate argument.

Mr. Guthrie closed the argument for the petitioner, and went further to prove his contentions, as first laid down.

After the hearing the court called the cases of the second district, and it may be to-morrow before the decision in the habeas corpus proceedings are handed down.

### To Vote Bond Issue for Railroad.

Lexington, N. C., Sept. 5.—The Davidson county commissioners yesterday ordered an election, to be held on October 10th, allowing Arcadia township to vote on the question of subscribing \$10,000 in bonds of said township to the capital stock of the Winston-Salem South-End Railroad Company. The additional survey is now being made through Arca-

dia township, and the people will be given an opportunity to get the road there, if they vote the bonds. The former survey went through Midway township, where a bond election was held and defeated several months ago.

### HELPLESS AT SEA.

A Steamship and Barge Both Driven Ashore by Severe Storm.

(By the Associated Press.) Norfolk, Va., Sept. 5.—The steamship Aragon and the barge Saxon, both lumber laden from Georgetown in New York, were caught in a severe storm last Sunday night and the barge became entangled in the steamer's propeller. This left both the Aragon and the Saxon helpless and both vessels were driven hard ashore last night on the Virginia coast, two miles south of False Cape.

### AGED MAN FLOPS WITH MAIDEN.

Hickory, N. C., Sept. 5.—The slipper of Frank Pollard, 70 years of age, with a 17-year-old girl, is a sensation in the southern part of Hickory precinct. Pollard left a wife and a large family. Reports have it that Pollard took all of his money, a brown mule, a sixteenth century buggy, with high springs and ancient wheels, in which he carried away the young lassie, who gave up a number of young admirers for the old man who left his lands for further developments.

### HICKORY MAN BITTEN BY RABID DOG.

Hickory, N. C., Sept. 5.—Much interest is felt throughout the town for James Sides, Jr., who was bitten by a mad dog Sunday through both arms. Sides is about 20 years old. He left yesterday afternoon, accompanied by his father, for Baltimore, where he will enter the Pasteur Hospital for treatment.

### REVENUE OFFICERS' BIG RAID.

Stills Captured and Other Property Confiscated—Officers Fired Upon, Which Was Returned.

Revenue officers W. G. Pool, J. P. H. Adams, D. C. Downing, J. R. Stancel and A. F. Surles made a big haul in the Boone Hill section of Johnston county yesterday. They captured three "stills"—of 175 gallons capacity, 60 gallons capacity and forty gallons capacity respectively. Hundreds of gallons of beer and mash were destroyed. A mule and wagon, and horse and buggy were captured and upon as they approached one of the stills and returned the fire but no one was injured. Nine shiners were captured and of these eight were given a hearing before United States Commissioner Charles U. Harris at Selma last night, but not being ready for trial were released on bond until Saturday, September 16th, when the preliminary hearing will be held at Selma.

### FIRST ANNUAL CONVENTION.

Of the Southern Cotton Growers' Association Will Be Held To-morrow.

(By the Associated Press.) Asheville, N. C., Sept. 5.—The first annual convention of the Southern Cotton Growers' Association will open at 10 o'clock to-morrow. The preliminary meeting will be held to-night. President Jordan, Secretary Cheatham and Theodore Price are expected this afternoon.

### ATTEMPTED MURDER.

One Negro Shoots Another, But Wounded Man Will Recover.

(Special to The Evening Times.) Wilmington, N. C., Sept. 20.—William McNeill, a former Laurinburg negro, shot James Young, another negro, last night in the northern part of the city. The shooting was done with a 38-calibre pistol, three bullets taking effect. The wounded negro will probably recover.

### Atlantans Rush to Asheville.

Asheville, Sept. 5.—The development of a case of yellow fever at Atlanta, Ga., has had the effect of sending a number of Atlantans to Asheville and the mountains of Western North Carolina. A large number of people are also coming to the mountains from Pensacola, the travel from Florida during the past few days being unusually heavy.

### DAMAGED BY TORNADO.

Much Property Destroyed, But There Were no Lives Lost.

(By the Associated Press.) Agaña, Island of Guam, Sept. 5.—The Island of Salpan, Marianne Islands, was badly damaged by a tornado on August 27th. The government house and many other buildings were destroyed and the groves badly injured. Two years must elapse before the island can recover. There was no loss of life, however.

### Hearing Postponed.

(By the Associated Press.) Chicago, Sept. 5.—The government prosecution of Chicago packers for alleged violation of the anti-trust laws was scheduled to begin to-day, but the hearing was postponed until September 13th.

### Two Thousand Painters Strike.

(By the Associated Press.) Philadelphia, Sept. 5.—Two thousand painters struck for increased wages and shorter hours to-day.

## STILL TIGHT IN FEVER'S GRASP

### Many Cases in New Orleans Have Not Been Reported

## ONE DOCTOR ARRESTED FOR FAILURE TO REPORT

### It is Now Said That the Physicians Have Been Reporting the Most Severe Cases Only Which Accounts for Small Numbers.

(By the Associated Press.)

New Orleans, La., Sept. 5.—The official report of the yellow fever situation in this city to 6 o'clock Monday afternoon was as follows: New cases 58, total to date, 2,982; deaths, 5, total, 592; new disease centers, 16; cases being treated, 321; patients discharged, 1,469.

The increased number of new cases reported Monday were accounted for by the fact that several physicians whose names had not appeared in the list very frequently heretofore were all there yesterday. The arrest of Dr. Berge, on a charge of failing to report three cases, is believed to have had its effect on others who were reporting only severe cases.

Dr. Brady, the medical inspector of the State board, said Monday that many country physicians are not reporting mild cases of yellow fever.

Among the outside reports yesterday were the following: Patterson, 9 cases, 1 death; Lake Providence, 3 cases, 1 death; Terre Bonne parish, 15 cases; St. Charles parish, 10 cases; La Place, St. John, 7 new cases since last report; Amelia, 8 new cases; Gulfport, Miss., 5 new cases; Mississippi City, 2 new cases; Vicksburg, Miss., 2 new cases.

### HARNETT COUNTY COURT.

Judge H. M. Justice Presiding—Large State Docket.

Lillington, N. C., Sept. 5.—The Superior Court of Harnett met at Lillington yesterday, Hon. M. H. Justice presiding, with Solicitor Armeded Jones representing the State. There is a large State docket, which will probably occupy the whole of the term, as it has been already agreed among the lawyers that the civil docket be continued, except for motions. The charge to the grand jury by Judge Justice was one of great power. The people are charmed with him. This is Judge Justice's first visit to Harnett. The Judge is a typical Western Carolinian, tall and imposing in stature and carries himself with a graceful, unpretentious dignity that inspires admiration and respect in all who meet him. Such charges as he delivered to the jury yesterday do great good. Besides informing the people about the law the precepts he enumerates elevates and refines every community in which they are heard. A great many cases of minor importance were disposed of yesterday, only two of consequence, and these were blind tiger men, who were each convicted and sent to the roads—one for 12 months and the other for 10 months. One of these was the young son of A. T. Surles, a United States deputy marshal. It was proven in court that the father told the son that if he would secure United States license that the prohibition laws of the State could not reach him. The misguided youth is now suffering the consequences of his father's most unnatural advice. The friends of the boy will make strenuous efforts to get Judge Justice to modify his sentence.

The crops in Harnett are much improved of late, and the people are cheerful and happy.

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