

THE RALEIGH EVENING TIMES.

VOLUME 27.

RALEIGH, N. C., MONDAY, DECEMBER 11, 1905.

PRICE 5c.

PEONAGE EXISTS HERE, SAYS JUDGE PURNELL

State Landlord and Tenant Act Violates U. S. Law

GRAND JURY TOLD TO ENFORCE STATUTE

Two Weeks' Term of Federal Court Opens With Scandalous Charge by Judge Purnell—Grand Jury Made Foreman—Few Cases Called in the Court To-Day.

The United States District Court convened this morning for a two weeks' term and Judge Thomas H. Purnell, in charging the grand jury, laid down the law on peonage and asserted that this involuntary servitude existed to some extent in this district.

Peonage, involuntary servitude, the judge declared, was a violation of the constitutional amendment, and statutes based thereon, adopted after the prohibition of slavery. Since then there have been acts passed by certain states, among the number North Carolina, which are in direct violation of this law.

Peonage in this State. Judge Purnell asserted that the landlord and tenant act, passed, he believed, by the Legislature of this State in 1902, came under this head. The United States law is that wherever there is a debt, no matter how contracted, it matters not whether it is a court fine or court costs, or both, and the defendant, being unable to pay, is hired out to another or made to work out those costs for others, he is virtually made a slave for such a time and that is peonage.

Two things, Judge Purnell repeated, were necessary to constitute a case of peonage. There must be a debt, second, there must be some means in the magistrate or other court whereby he is made to work out that debt under contract.

Public Knows the Statute. Then the judge recited the origin of recent interest in this matter. The first case came from Florida. A man was sentenced to pay a fine and court costs. He was unable to do so. He was hired out to a saw mill man in Georgia. For some cause he ran away and returned to Florida. His master went there to get legal process to bring him back. The court held that he could not for the man was working in peonage. The higher court upheld this. This was the first time that attention was called to the law, for it was passed mainly for New Mexico and the Southwest.

First Case Under This Law. But now that the law is known and has been interpreted, it is incumbent upon the Federal Judges to direct the attention of grand juries to it and the duty of grand juries, now that the people are informed on the matter, is to enforce the law.

The remainder of the judge's charge was an exposition of what constitutes crimes cognizable in the Federal court. He enumerated counterfeiting coin, printing, even advertising in the form and likeness of United States Treasury notes; violation of the tariff laws, the internal revenue laws, and the statutes governing the Postoffice Department.

"Clap-Trap and Demagoguery." "The clap-trap and demagoguery and manifestation of supreme ignorance by some speakers and some newspapers," said the judge, "of conflict between the State and Federal courts is what I have designated it. When properly administered there can be no conflict."

In conclusion Judge Purnell cautioned the grand jury that he would severely punish any attempt of an outsider to interfere with the grand jury. This interference, he said, has been attempted in both the State and Federal courts and such practices must be held with strongly for they would poison the very fountain head of justice.

This Grand Jury. The following grand jury was drawn: Nathan McClain, J. W. Moore, Jack C. Winston, George W. Sherrin, David C. Bell (colored), Rufus Ham, Fred Raines, C. L. Williams, William Clayton, J. M. Edwards, W. J. Blanchard, K. H. Parlier, H. W. Holland, C. H. Washington, James W. Mangum, J. A. Satterwhite (colored), J. T. Sharpe, Jr., C. W. Richardson.

Ernest Richards, of this county, was made foreman.

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RESOLUTION IN BEHALF OF JEWS

(By the Associated Press.) Washington, Dec. 11.—Representative Fisher, (N. Y.), to-day introduced the following resolution of sympathy for the Russian Jews:

"Resolved, That the House of Representatives of the United States, voicing the humanitarian sentiments of the American people, deplores the terrible crimes, the brutal outrages and the unnumbered and wanton murders of the Jews, and hereby condemns and denounces those outrages, these shocking assassinations and these appalling atrocities as great international crimes against a common humanity that must be stopped and stopped quickly by the Russian government, otherwise Russia, in the opinion of mankind will and must stand indicted before the judgment bar of the world as beyond the pale of its civilization."

PACKERS' CASES TO-MORROW

(By the Associated Press.) Chicago, Dec. 11.—The cases against the beef packers were not called to-day in the United States court, but will be heard to-morrow. The proceedings will not be in the nature of a formal trial, but will be to establish certain facts which the packers have set up, and to which the government has demurred.

The packers have claimed that they were promoted immunity by Commissioner of Corporations Garfield and this the United States district attorney denies. The accuracy of the assertion of the packers will be tested in the preliminary hearing, and the formal legal proceedings against the men indicted will be taken up at a later date. It is expected, however, that the hearing to-morrow will bring out some important matters connected with the prosecution of the packers.

WHAT TO DO WITH THOMAS F. RYAN.

(By the Associated Press.) New York, Dec. 11.—Consideration of what action if any shall be taken by the district attorney in the case of Thomas F. Ryan, the capitalist and holder of the majority of the stock in the Equitable Life Assurance Society, who refused to answer questions before the legislative insurance investigating committee last Friday, was begun this afternoon before District Attorney Jerome.

STATE MISSION FUND DIVIDED

The Baptist State Mission Board met this morning and mapped out plans for next year. It was a large and harmonious session. J. F. Ray was elected president, J. T. Pullen, vice president, and Rev. H. C. Moore recording secretary. The salary of the efficient secretary, Rev. Livingston Johnston, was raised from \$1,800 to \$2,000 for next year. The apportionment for State missions for 1906 is as follows:

From associations direct \$17,800, to associational work \$4,350, Sunday school work \$1,500, colportage \$500, expenses \$2,250, total \$26,000.

The Sunday school board was elected as follows: N. B. Broughton, T. N. Johnson, W. C. Tyree, C. J. Hunter, C. H. Poe, R. N. Summs, and J. W. Bailey. Executive committee of the board: C. J. Hunter, J. W. Bailey, N. B. Broughton, W. A. Cooper and J. E. Ray.

DEAD SENATOR'S APPEAL DISMISSED

(By the Associated Press.) Washington, Dec. 11.—On motion of former Senator Thurston, Chief Justice Fuller, on behalf of the Supreme Court of the United States, today directed the issuance of an order dismissing the appeal of the late Senator Mitchell in the case against him.

ENGINEERS AND FIREMEN STRIKE

(By the Associated Press.) Brunswick, Ga., Dec. 11.—The engineers and firemen of the Atlantic and Birmingham Railroad went out on a strike to-day. Not a train is moving and traffic over the line is blocked completely.

WILL ACCEPT THE CHALLENGE

General Strike Within Forty-Eight Hours

EMPLOYES MOWED DOWN

Absolute Anarchy in Livonia—Streets of Riga Flowing With Blood—Railroad Men Mowed Down by Fire of Machine Guns and Artillery—Government Has Forced the Hand.

(By the Associated Press.) St. Petersburg, Sunday, Dec. 10.—(Morning)—via Kythkus, East Prussia, Dec. 11.—There is every indication this morning that the government's challenge will be accepted, and that within forty-eight hours a general strike throughout Russia will be ordered. A terrible storm has been raised by the arrest of M. Krustaleff, president of the executive committee of the Workmen's Council, which was followed during the night by the imprisonment of the members of the Workmen's Council and a number of socialist leaders.

"The reaction has come," were the words on every lip, and in the liberal extremists camp there was only one opinion, namely, that it must be resisted to the bitter end. At all the meetings last night, some of which lasted until morning, the opinion was unanimous that the government had forced the hand of the proletariat, and that the supreme weapon, a general strike, must be invoked.

The newspaper editors at yesterday evening's meeting decided that the temporary press law forbidding the discussion of vital questions affecting the welfare of the nation violated the principles of freedom of speech and of the press guaranteed by the imperial manifesto, and that it must be defied. The result was that the editions of the Russ and half a dozen more radical papers were confiscated.

The employees of the Riga-Orel Railroad have declared a strike on account of the declaration of martial law in Livonia, and have sent an appeal to the railroad men of the Baltic lines decided to follow the example of the Riga-Orel men.

Mowed Down by Artillery. The situation in Livonia is frightful. Absolute anarchy prevails. A messenger who arrived here this morning declared that the streets of Riga were flowing with blood. After a meeting the railroad men of Riga were mowed down by the fire of machine guns and artillery.

The railroad men of St. Petersburg at a meeting yesterday evening resolved that "inasmuch as the reaction is gaining force and the government is seeking to retreat what was won by the first pan-Russian strike," the railroad men stand ready to obey the signal for a general strike, but advise their fellow workers to await the word from the central committee at Moscow, as a failure must not be risked.

Simultaneously with the arrests here M. Dronshilov and all the members of the union of the employees of the posts and telegraph operators of Moscow, with L. Kokenovskii at their head, were arrested at Moscow.

Interior Minister Durново to-day issued an official proclamation, not only notifying all the post and telegraph employees that their failure to return to work to-morrow will be equivalent to their discharge, but that all those who agitate for a continuance of the strike are guilty of cutting or otherwise destroying wires and apparatus will be prosecuted to the full extent of the law.

General Railroad Strike.

Wassaw, Dec. 11.—The central committee of the union of railroad men now in session at Moscow will probably order a general railroad strike to begin at midnight in consequence of the arrest of M. Krustaleff, president of the executive committee of the Workmen's Council at St. Petersburg. The local committee of the railroad men's union has received a notification from the committee at St. Petersburg to that effect.

BANK CHARTERED FOR WILSON

Three companies were incorporated in the Secretary of State's office to-day. They were the Citizens Bank of Wilson, by R. G. Briggs and others, capital stock \$50,000; New London Mercantile Company of New London, Stanley county, by J. L. Palmer and others, capital \$10,000; The Lexington Grocery Company of Lexington, increases its capital to \$50,000 from \$35,000, and the Cherokee Lumber Company of West Virginia domesticated with North Carolina headquarters at Garland.

WILL BE CONTINUED TILL HE STOPS WHITEWASHING

Mathews Case Not to Be Tried This Week

(Special to The Evening Times.) Greensboro, N. C., Dec. 11.—Judge Ward opened court promptly this morning on time. It would appear that he doesn't believe in "professional juries," as he held twelve in the sheriff's case last week to determine an additional eighteen jurors, which was done.

It is now said that the case of murder against Dr. J. H. Mathews will not be tried this week. The reported reason is that defendant's relatives will not be able to get their witnesses here. As there were but few returned with the case, and they testified to the actual administration of poison by Dr. Mathews to his wife, and that she died from its effects, and the witnesses live here in Greensboro, the proposed continuance of the case to enable to get witnesses from the county from drug addition beyond a doubt. It is said that they will show by witnesses from many parts of the county that he has been not responsible for his acts on many occasions, and that while a medical student he had attempted taking his own life.

Mathews has made no further attempt at suicide, but he seems like one bereft of all humanity, sitting scarcely anything, talking none and sleeping little.

It is said that the plea of self-defense will be entered for the franchise. He had already, should the grand jury return a true bill for murder.

There are at least ten hundred tiger cases on the docket here for trial, although court was held here for criminal cases by Judge Ward in the over a month ago. Most of the cases are of the abler element who could give bond.

The evidence, however, in many of these cases, is of such a character that many are expected to be acquitted upon a full investigation.

CALEB POWERS' CASE

In Supreme Court on Question of Jurisdiction

(By the Associated Press.) Washington, Dec. 11.—The question of jurisdiction in the case of Caleb Powers, charged with complicity in the murder of Governor Geibel, of Kentucky in 1900, was to-day presented to the Supreme Court of the United States in the form of a motion for leave to file a petition for a writ of mandamus commanding United States Judge Cochran, of the Eastern District of Kentucky, to remand the case to the custody of the sheriff of Scott county, where Powers' trial was about to begin when Judge Cochran's court took jurisdiction in the case on behalf of the State by Hon. Lawrence Maxwell, Jr., formerly United States Solicitor General, Attorney General Hayes, of Kentucky, was present in the court room, as were ex-Governor Richard Yates, of Illinois, and Attorneys J. C. Sims, E. L. Worthington, and H. Clay Howard.

Governor Yates presented a petition for the dismissal of the appeal in the same case. Both parties asked the court to hear the motions on January 15th, but the court refused to fix a day.

CONDITION OF WINTER WHEAT.

(By the Associated Press.) Washington, Dec. 11.—The Crop Reporting Board of the Bureau of Statistics, Department of Agriculture, submitting its monthly report to-day, finds that the condition of winter wheat on December 1 was 94.1. The acreage of winter wheat was 21,341,000 acres, an increase of 0.6 per cent. over the area sown in the fall of 1904. The condition of winter wheat was 95.4.

Begins His Term.

(By the Associated Press.) Buffalo, N. Y., Dec. 11.—Alonso J. Whitman, convicted of defrauding the Fidelity Trust Company, of this city, by means of forged and raised paper, was taken to Auburn prison to-day to begin a term of eight years and five months.

TILLMAN ON PRESIDENT'S "MISERABLE" FIASCO

FORAKER'S POSITION

(By the Associated Press.) Washington, Dec. 11.—There was a discussion of railroad legislation in the Senate to-day, precipitated by a bill introduced by Mr. Tillman, which he explained gave the Interstate Commerce Commission power to fix a maximum reasonable rate.

Mr. Foraker talked at some length on the railroad question. He insisted that the Tillman bill recognized that rebates had stopped or could be under the present law.

Mr. Tillman said he did not think so until the investigation of Judson Harmon instituted by the executive had been such a miserable fiasco. The present law would prove a failure until the President stopped protecting and whitewashing cabinet officers, he said.

Mr. Foraker continued to discuss the features of proposed rate legislation. He insisted that Congress had no power to delegate to a committee the right to regulate railroad rates.

Mr. Culberson (Texas) and others took issue with Mr. Foraker on this point.

Mr. Knox (Penn.) asked if the Supreme Court had not decided that Congress can lay down a certain rule and authorize a commission to apply this rule to specific cases, and if it would not apply to a delegation of the power to fix rates.

Mr. Foraker did not think such to be the case.

Mr. Tillman said he had provoked the discussion with "malice aforethought" to stir up the lawyers.

The Senate then discussed the reference of the canal emergency appropriation bill.

Mr. Tillman characterized the high salaries paid canal employees as "stealing and graft."

Messrs. Hemenway, Hopkins, McCumber and Teller said there should be legislation fixing salaries for the canal employees. Mr. Teller said that by legislation Congress had authorized the President to appoint the officers and fix the salaries and that it was the duty of Congress to pay them.

HUNTSVILLE CASE

IN SUPREME COURT

(By the Associated Press.) Washington, Dec. 11.—The Supreme Court of the United States to-day reversed the ruling of the Circuit Court of the United States in the northern district of Alabama in the case of Thomas M. Higgins, and remanded the case to the Alabama court with direction to quash the writ of habeas corpus sued out by Higgins and dismiss the petition for such a writ.

This case presented the broad question of the right of the negro to protection against lynching under the Federal constitution and laws, thus involving the jurisdiction of the Federal courts in such cases. The court did not, however, enter upon these questions, but based its decision upon the technical ground that the proceeding by means of a writ of habeas corpus was irregular.

Higgins is a white man, and was indicted by the grand jury for the Circuit Court for the northern district of Alabama on the charge of conspiring with others to lynch a negro named Maples at Huntsville, Ala., in September, 1904. After being taken into custody he presented a petition to the Circuit Court praying to be released on a writ of habeas corpus, contending that even if true, the offense charged was "no denial to Maples, a person of African descent, by reason of his race, of the right, privilege and immunity of a trial by jury to determine his guilt or innocence of the charge of murder. He broadly challenged the jurisdiction of the court, and when his writ was refused appealed the case to the Supreme Court.

COUNTERFEITERS ARRESTED.

(By the Associated Press.) Los Angeles, Cal., Dec. 11.—Frank Weller alias Wilmer, and Joseph Castro alias Lawrence, have been arrested charged with counterfeiting. With the prisoners of paraphernalia was confiscated.

The men are alleged to have been operating in Los Angeles, San Francisco, Oakland, and a number of California cities for several months past, flooding the coast with bogus bills. They have been under surveillance for some time.

The raising of two dollar bills to the denomination of \$5 and \$10 is said to have been the principal occupation of the counterfeiters.

Henry J. Sloat Dead.

(By the Associated Press.) New York, Dec. 11.—Henry J. Sloat, assistant secretary and treasurer of the Tennessee Coal & Iron Company, was found dead in his bed at his home at Sloatsburg, N. Y., to-day. Death was caused by heart disease. Mr. Sloat was 70 years old and was well known in the iron business.

INVESTIGATORS MAKE REPORT ON DISPENSARY

FEDERAL CONTROL BY INDIRECT

(By the Associated Press.) Washington, Dec. 11.—A novel method of seeking Federal control over insurance is proposed in a bill introduced to-day by Representative Fred Landis, of Indiana. The bill recites that Congress has statutory jurisdiction over the District of Columbia, the Territories and the insular possessions of the United States in consequence of which authority is given the department of commerce and labor to require full statements from all insurance companies doing business within such jurisdiction.

He says that publicity is the one thing required, and that no insurance company can afford to quit business in any of the territory to avoid government supervision, therefore all companies will be included.

TURKEY FACES MORE TROUBLE

(By the Associated Press.) Constantinople, Dec. 11.—Trouble is threatening on the Turkish frontier, near the Vilayet of Mosul and in the neighborhood of Bayazid on the frontier. These points have never been exactly defined.

Five thousand armed Persians are now gathered in the district of Sulimial, southward of Lake Urmiah, and they threaten to invade and take possession of a strip of territory in the Vilayet of Mosul claimed by Turkey. Two battalions of Ottoman troops and three guns have been dispatched to repel the invasion and the governor of Mosul is calling for more reinforcements.

A similar situation exists on the frontier in the neighborhood of Bayazid.

NEW CABINET INSTALLED.

(By the Associated Press.) London, Dec. 11.—The liberal ministers composing the new cabinet received their seals of office from the monarch at a meeting of the Privy Council in Buckingham Palace at 3:30 this afternoon.

The outgoing ministers surrendered the seals to the King at a meeting of the Privy Council held at noon. The ceremony was quite formal. A few persons gathered around the gates of the palace and watched the retiring ministers as they arrived on foot or in cabs, but they were hardly distinguishable in the dense fog.

NO PROFIT OVER 80 PER CENT.

"In reply to Charge No. 1, as regards the excess of profit being over 80 per cent, your committee found the following to be the facts: While no particular instance of violation or violations are alleged in said charges, yet the party making the charges did file a letter of specifications with the manager of the dispensary enumerating certain brands of whiskey in the sale of which it was claimed that the dispensary was making a profit of over 80 per cent. Upon an examination of the original cost and the selling price of these particular brands, your committee found that in no instance was the profit of 80 per cent. exceeded. Upon further examination, your committee is satisfied that in no other instance is the profit of 80 per cent. exceeded.

Does Buy from Local Agents.

"Charge No. 2. Your committee finds that it is true, as alleged, that the management of the dispensary buys a large portion of the liquors handled by it from and through local agents and friends in Raleigh, men of good reputation and integrity, but that it is not true that in so doing the city is thereby deprived of commissions which would necessarily

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QUARTERLY REPORTS NOT IN ACCORDANCE TO LAW

PROFIT IN NO CASE EXCEEDS 80 PER CENT.

(By the Associated Press.) Washington, Dec. 11.—The Board of Aldermen met to-day at 1 o'clock in special session to receive the report of the committee which had the investigation of the charges of Alderman Upchurch against the dispensary.

The Aldermen present were Messrs. Grimes, Cooper, Boyles, T. Church, Jackson, Lee and Rogers.

Mayor James I. Johnson called the meeting to order and stated that the meeting was called to receive the report of the dispensary committee and to elect the dispensary commissioners for the next term, as the term of the present commission expired December 31st.

The report of the committee, which was composed of the mayor, the city attorney, and Board of Audit and Finance, was read by City Clerk W. W. Wilson. This report was as follows:

"To the Board of Aldermen of the city of Raleigh, N. C.:

"We, the undersigned, committee appointed by the Board of Aldermen at its meeting held on September 1, 1905, to investigate the charges preferred at said meeting against the management of the Dispensary, beg leave to report as follows:

"Your committee held a number of meetings at which the party preferring the charges, was present in person and represented by counsel, after having been duly notified of the time of said meeting, and the Manager and Commissioners of the Dispensary being also present in person and represented by counsel.

"Due opportunity was allowed the party making said charges to produce witnesses, subpoenas being freely issued by the mayor of the city of Raleigh for such witnesses as might be suggested, and said witnesses, or many of them, attended said meetings and were examined and cross-examined upon said charges, said meeting being adjourned from day to day at the suggestion, request and for the convenience of the party preferring the charges and his attorneys. At said meetings no evidence bearing upon charges Nos. 6, 9, 12 and 14, and by agreement of both sides your committee decided to investigate fully, by personal inspection of the Dispensary, all other charges and the management of said dispensary in all particulars.

"Charge No. 11, was abandoned and withdrawn. A copy of said charges is hereto attached to this report, marked 'Exhibit A,' and made a part thereof.

"No Profit Over 80 Per Cent. "In reply to Charge No. 1, as regards the excess of profit being over 80 per cent, your committee found the following to be the facts: While no particular instance of violation or violations are alleged in said charges, yet the party making the charges did file a letter of specifications with the manager of the dispensary enumerating certain brands of whiskey in the sale of which it was claimed that the dispensary was making a profit of over 80 per cent. Upon an examination of the original cost and the selling price of these particular brands, your committee found that in no instance was the profit of 80 per cent. exceeded. Upon further examination, your committee is satisfied that in no other instance is the profit of 80 per cent. exceeded.

"Does Buy from Local Agents. "Charge No. 2. Your committee finds that it is true, as alleged, that the management of the dispensary buys a large portion of the liquors handled by it from and through local agents and friends in Raleigh, men of good reputation and integrity, but that it is not true that in so doing the city is thereby deprived of commissions which would necessarily

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