

THE RALEIGH EVENING TIMES.

VOLUME 27.

RALEIGH, N. C., FRIDAY, DECEMBER 14, 1906.

PRICE 5c.

BARNHILL ACQUITTED IN THE FEDERAL COURT AFTER BITTER FIGHT

All the Evidence Was in by
a Few Minutes After
Twelve

SHORT SPEECHES
BY THE ATTORNEYS

The Case Has Been Watched With
Much Interest—A Large Number
of Witnesses Were Examined—
Elder Barnhill Well Known in Pitt
County—Riggsbee Case Has Not
Yet Been Called, But Will Prob-
ably Be Reached the First Thing
Saturday—This Term of Federal
Court Has Been a Busy One.

After being out about five minutes, the jury in the case in which Elder Thomas H. Barnhill of Pitt county was charged with retelling, removing and concealing, came into the court room and returned a verdict of not guilty. It was expected that the jurors would get their dinner before talking over the matter, but their minds seemed to have been made up when the case was given to them. Judge Purnell instructed the clerk to notify him when they reached a verdict, but it was not necessary for he had scarcely got out of the court room.

The case has been a hard fought one and was watched with much interest. It was about 2 o'clock when the jury was given the Barnhill case, and at one time this morning it looked very much like it would not be finished today, but Judge Purnell announced that the attorneys took too much time in examining witnesses it would be taken from the time allowed them in addressing the jury, as he intended to give the case to the jury before adjournment of court, at 2 p. m. today. It was around the hour of 12 when the last witness left the stand and the attorneys on each side were given three quarters of an hour in which to address the jury. This was a shorter time than is usually consumed in cases of this importance, but it was done so as the case would not have to go over until tomorrow.

Several witnesses were put on this morning by the defense, but nothing of interest was brought out. All who were asked as to the character of Elder Barnhill said his reputation was good and they knew nothing against him.

Two or three of the witnesses on the stand for the prosecution yesterday were recalled and also several character witnesses. Among the witnesses of the prosecution was one J. L. Moore, who had talked with different parties in regard to the white-capping and also other matters connected with the case. Len James, witness said, made the statement that he could not damage Elder Barnhill's pocket-book but he could damage his character with the facts he knew about his being engaged in the whiskey business. Mr. Moore said he told Elder Barnhill about the conversation and he requested that he get James to make the statement in writing.

When James was approached in regard to the matter, witness stated that he said if Elder Barnhill wanted him to make a statement he would do so, if the elder would go with him to Co. Skinner's office. Elder Barnhill could not go at the time, he said. On cross-examination the witness was very amusing and one little remark caused such a titter over the court room that the marshal had to rap for order. Even his honor could not refrain from smiling. Mr. J. L. Fleming, one of Elder Barnhill's attorneys, asked the witness if he didn't like to take a drink occasionally, and his reply was, "Yes, sir," "I do like a drink occasionally, but I had not taken one in some time until I took a toddie with you just before coming up here."

Mr. J. A. Manning was next put on the stand. "Mr. J. A. Manning now state if Mr. Tom Barnhill was present and helped to white cap you," asked the district attorney. "A tall man with black mustache caught me and threw me backwards and placed his hand over my mouth. I said that night it was Elder Barnhill."

Mr. Pou objected to witness answering above question, but the objection was overruled. Several character witnesses were put on the stand by each side this morning and it was very amusing to hear them testify as to the character of their neighbors. It seemed to depend very much on which faction they sided with when telling of the character of the different witnesses that had been on the stand. One man gave so many in his

neighborhood a bad character that Mr. Fleming wanted to know of him if there was any one in the neighborhood who bore a good character.

Mr. Solomon Jones said up to a year and a half ago he had never heard anything detrimental to the character of Thomas Barnhill, but about that time he heard of his drinking, and recently had heard it reported that he had been engaged in the whiskey business.

Mr. Jones was recently elected to the legislature from Pitt county and it was brought out that Elder Barnhill opposed him.

He was the last witness on the stand, and when the evidence was concluded it was 12 o'clock. Riggsbee Case Not Yet Called. The Durham attorneys of Riggsbee were here again today, but the case was not reached and it looks like it will be taken up the first thing in the morning. It was predicted in The Evening Times yesterday that the Barnhill case would consume all of today and it would not have been concluded if the attorneys had not been limited to such a short time in addressing the jury. W. T. Riggsbee was in court again today.

FOR FAILURE TO COMPLY WITH THE MARRIAGE LAW.

(By the Associated Press.) Burlington, Vt., Dec. 14.—Young men of this city who have taken wives outside the state in the last two years are alleged to have neglected to comply with a certain provision of the Vermont statutes, and are therefore liable to a fine of \$10 each. City Clerk M. D. McMahon has compiled a list of bridegrooms who have come back here to reside after the honeymoon, and has sent out notices calling attention to their delinquency. The Vermont statute covering the matter reads: "If a male resident of this state is married without the state he shall, within sixty days, deposit with the clerk of the town or city where he resides, a certificate embracing the statistics required by law in marriage certificates, and upon failure to do so, he shall be fined not less than ten dollars."

EPISCOPALIANS OUT OF THIS CAMPAIGN.

(By the Associated Press.) Norfolk, Va., Dec. 14.—It developed here today that the Episcopalians, as a denomination, have withdrawn completely from the proposed inter-denominational evangelistic campaign to be conducted hereabouts during the Jamestown Exposition period next year. A meeting of the Virginia state Baptist, Presbyterian and Methodist committees in this matter has been called for December 25, when the local committees of these denominations will discuss with the state representatives the situation as presented by the withdrawal of the Episcopalians. The withdrawal of the Episcopalians, it is estimated, will cost \$10,000 for the eight months of the exposition, and the Episcopalians were being relied upon to assist liberally in this expense. It is stated for the Episcopalians that their withdrawal was because of no disinclination to co-operate but because of the rather unsettled conditions in two of the leading Episcopal churches here, and further because it was not regarded that there was such need for the evangelistic campaign as some thought.

PAY IN ADVANCE RATES ON PERISHABLE GOODS.

(By the Associated Press.) Pittsburg, Pa., Dec. 14.—The Baltimore and Ohio Railroad Company yesterday notified the commission men in this vicinity that hereafter they must pay in advance all freight rates on perishable goods. The dealers in this class of goods claim the demand is unfair and at a meeting to be held here next month by the Baltimore branch of the National Association of Commerce an appeal will be made to the Interstate Commerce Commission for some relief. The Baltimore and Ohio is the only railroad in Pittsburg that has taken any such action so far, but it is said similar demands will be made by every road in the central territory in accordance with a ruling of the Central Freight Traffic Association at a recent meeting in Chicago.

THE CONDITION OF KING OSCAR.

(By the Associated Press.) Stockholm, Sweden, Dec. 14.—King Oscar's condition today shows considerable improvement. Towards noon the following guard-official bulletin was issued: "King Oscar passed a quiet night. He slept six hours, only coughed a little, and his temperature this morning was 100.9 Fahrenheit. His pulse

is still irregular, but there is no increase of phlegm in the lungs. The patient's general condition is fairly satisfactory.

"Bulletins will be published hereafter twice daily—at 11 a. m. and 9 p. m."

Crown Prince Gustaf arrived here today from Berlin and assumed the regency which he will hold during his father's illness. The official bulletin had the effect of reassuring the public, but the hopefulness it created was somewhat shaken when it leaked out in the course of the afternoon that camphor and digitalis had been freely used in the treatment of the patient. The impression is gaining ground that the king's condition is much more serious than represented by the bulletin.

DRIVEN FROM HOMES BY INCENDIARY FIRE.

(By the Associated Press.) Chicago, Dec. 14.—Fire probably of incendiary origin destroyed the Charles H. Mears & Co. lumber yard at Racine avenue and Fletcher street last night, drove several families from their homes and caused \$50,000 damages.

The blaze originated in the rear of the yards, far from any stoves, electric wires or other agencies that might have caused an accidental fire. It spread to adjoining piles of lumber in spite of the falling rain and water-soaked condition of the lumber, leading the police to believe the lumber was soaked with kerosene and other combustible oils.

ROOSEVELT TO ASK FOR SUBSIDY

Will Send Special Message to Congress

LINES OVER EQUATOR

Wishes to Provide for Several to South American Ports—Desires to Correct False Impression That May Have Been Produced in House By His Annual Message.

(By the Associated Press.) Washington, Dec. 14.—That President Roosevelt will send to congress a special message advocating the passage of a ship-subsidy measure at the present session was stated by several members of the house today. It was said that the president had declared that the recommendation in his annual message was misunderstood. In that message he said that if it were found inexpedient to pass the senate bill a measure should be passed to provide for a few lines to South American ports. He did not mean to minimize the importance of other features of the bill, it is said, and now purposes to correct any false impression that may have been gained by the house. The house committee on merchant marine and fisheries will meet on January 7 and it is believed the president will further communicate his wishes to the house before that meeting.

No decision as to the committee's attitude on ship-subsidy was reached at the caucus of the republican members of the house committee on merchant marine and fisheries held today. After discussing the amended Gallinger bill the republicans took no action but decided to call a meeting of the committee for January 7, when a vote of the entire committee will be taken on the measure.

To Increase Salaries.

Representative Littauer of New York today offered the following amendment to the legislative, executive and judicial appropriation bill under consideration in the house: "On and after March 4, 1907, the compensation of the speaker of the house of representatives and vice-president of the United States be at the rate of \$12,000 each."

BOILER BURSTS AND KILLS TWO

(Special to The Evening Times.) Asheville, N. C., Dec. 14.—A boiler explosion yesterday afternoon at Edinville, fifteen miles from Hendersonville, resulted in the instant death of W. A. Smith, owner of the mill, and J. F. Jackson, an employe. Smith had discharged his fireman the day before, and was attempting to manage the engine room, when he allowed too much steam in the boiler and the explosion followed.

THE BANQUET OF THE MERCHANTS

Nearly a Hundred Around Board at Raleigh Cafe

FUN AND SERIOUS TALK

The Affair a Huge Success From Every Standpoint—The Telephone Recommendations—Mayor Jas. I. Johnson Toastmaster—A Number of Impromptu Speeches—Pull Together the Keynote.

The banquet of The Merchants' Association last night at the Raleigh Cafe was a huge success from every standpoint. There was a larger attendance than at any previous occasion of its kind, the arrangements were all carried out to perfection, the menu was all that man could desire, the aesthetic side was duly regarded in the beautiful decorations of the handsome dining-room of the new cafe, which was studded and decorated as to ceiling with hundreds of incandescent lights and flags and adorned as to table with roses, ferns, palms and other flowers, and the speeches were simply loaded down with wit and good sense. Music, dispensed by Levin's orchestra while the knives and forks were in play, was a goodly factor in the enjoyment of the entire affair.

The committee in charge of the banquet, J. M. Norwood, J. H. Robbins and Sherwood Higgs, together with the proprietors of the new cafe, deserve all the nice things that were said about the feast last night.

The members and their guests assembled in the rooms of the association between half past eight and nine o'clock and proceeded in a body, and a rather formidable one it was as to size, nearly a hundred, to the scene of the feast under the Capital Club, headed by President T. W. Dobbin and Mayor James I. Johnson. Mayor Johnson was the toastmaster, and happily, wittily he filled the place, ready, dignified and easy.

President Dobbin called on ex-Senator N. B. Broughton to ask a blessing. The set toasts were called for by the toastmaster in the intervals between courses, and then there were several impromptu speeches. It was after one o'clock this morning before the festive night was over.

- The menu that was discussed follows:
- Celery
 - Blue Points
 - Olives
 - Consomme Royal
 - Kennebec Salmon Hollandaise
 - Potatoes, Natural
 - Roast Young Turkey and Cranberry Sauce
 - Duchess Potatoes
 - French Peas
 - St. Julian Punch
 - Quail on Toast
 - Chicken Salad
 - Neopolitan Ice Cream and Assorted Cakes
 - Edam Cheese
 - Coffee
 - Cigars and Cigarettes

Col. F. A. Olds, secretary of the Raleigh Chamber of Commerce, was the first speaker. His subject was "How Raleigh Ought to Be Boomed." Things in this world were either bricks or bouquets, said Col. Olds, and he told how they were thrown at Raleigh, sometimes the one and then again the other, all in a humorous and happy vein. He seriously called attention to what some other towns were doing and what Raleigh should do. The motto of Raleigh should be, he declared, "Every man for Raleigh and God for us all."

M. Ashby Lambert, attorney for the Merchants' Association, had the subject "Collections" assigned to him. As between bouquets and bricks, he said all present knew what he generally got. In a practical, common sense talk full of force he took the ground that the credit system of Raleigh is too lax. He told an anecdote of the generosity of a Raleigh merchant in a deserving case, making the point that they want only what is due and that there is a spirit of generosity among them.

President Joseph G. Brown of the Chamber of Commerce had the subject "Co-operative Efforts," which he handled in his usual eloquent, polished way. He frankly called attention to some shortcomings on the part of Raleigh citizens and brought out the idea that the same spirit of co-operation that had built up the nation could be applied with the greatest results to committees. Mr. Brown urged that all work together for Raleigh's good, and paid a trib-

ute to the Merchants' Association in this connection and eloquently referred to the Woman's Club by saying that its work for the social, moral, intellectual progress of the city was worthy of emulation by the men. Co-operation until Raleigh becomes the pride and joy of the state was what he urged.

R. W. Simpson, Jr., editor of The Raleigh Evening Times, had been assigned the toast "Advertising Raleigh," but the toastmaster read a letter from him expressing his regret that a business engagement had called him out of the city. S. L. Rotter, city editor of the Times, was called on to respond to the toast, and in a few extempore remarks mentioned that the city was already deeply indebted to the Merchants' Association and on the subject of advertising spoke of the negative side of the proposition, saying that one of the best ways a newspaper could advertise a town was not to knock it if anything went wrong, not to advertise to the world the shortcomings of a place, but rather help to better them without publicity.

W. W. Robards, president of the Industrial Club, speaking on "Building Home Enterprises," strongly urged the patronizing of home industries, the stopping of the mail-order business that is all too large. He showed that new enterprises might be brought here by a joining of the forces now building up the city. He called attention to the amount of capital in the city and the ability to

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SHAW GIVES HIS CURRENCY PLAN

Doesn't Think the Bankers' Scheme Will Do

POINTS OF WEAKNESS

He Favors a High-taxed Credit Currency, Suggesting Five Per Cent Rate, and Emphasizes the Need for Great Elasticity in the Currency at All Times.

(By the Associated Press.) Washington, Dec. 14.—Secretary Shaw appeared before the house committee on banking and currency today in advocacy of a high-taxed credit currency, suggesting five per cent as a desirable rate. He emphasized the need for great elasticity in currency, but expressed the opinion that the plan framed by the American Bankers' Association will not bring about sufficient elasticity to be very useful. Granting that the bankers' plan results in the issuance of \$200,000,000 additional in national bank notes, Mr. Shaw said that in his opinion not more than \$20,000,000 worth of these will be redeemed.

Mr. Shaw thought the bankers' plan is wholly inadequate to meet the requirements of the commercial world, and said it was encumbered with too much machinery for the limited good results he feels it capable of accomplishing. He said he did not want to be regarded as an opponent of the measure suggested by the bankers, because he felt that any step toward relieving the demand for greater elasticity at certain seasons of the year was desirable, but he urged that the committee strive to frame a more effective measure.

It was urged by the secretary that an effort should be made to make all our currency more elastic rather than to impart elasticity to a certain amount of emergency currency. Under the bankers' plan, he said, only the credit currency which goes into national banks would be on its way to redemption. There would be no reason why private banks should seek the redemption of national bank notes, and consequently they would make no effort to do so.

400 ARE ILL WITH TYPHOID

Pittsburg, Pa., Dec. 14.—Owing to the crowded condition of all the hospitals throughout the city the bureau of health authorities have been compelled to place typhoid fever patients in the municipal hospital. It is estimated that at least four hundred persons are ill with typhoid fever in Pittsburg alone. With Allegheny and the boroughs of Allegheny county, this number is about doubled.

INCREASE AND NEEDS OF NAVY

One Hundred and Seventy-Seven Ships in 1908

MAGAZINES TOO SMALL

Mason Recommends That an Ammunition Ship Should Accompany Each Fleet—The Government's Smokeless Powder Factory at Indian Head—New Turret Mounts.

(By the Associated Press.) Washington, Dec. 14.—Declaring that in the design of vessels of the battle fleet the space and weight assigned to ammunition has been so restricted that the ammunition on board, under certain conditions of battle, would be expended in less than four hours, Rear Admiral N. F. Mason, chief of the bureau of ordnance, in his annual report, urges the building of two vessels of considerable size, one on the Atlantic and one on the Pacific coast, devoted exclusively to the carriage of ammunition, and he states that ultimately there should be one of these vessels with each fleet. They should be so fitted with appliances for assembling and breaking down ammunition that they might serve to as great a degree as possible as floating magazines.

The lessons drawn from the war with Spain, Admiral Mason says, lead him to recommend also the equipping of an auxiliary vessel for use as a machine shop and store vessel with the fleet.

In explaining his estimates for a considerably increased appropriation for target practice, Admiral Mason calls attention to the fact that he anticipates there will be in full or partial commission during the fiscal year 1908 twenty-four battleships, twelve first-class cruisers, sixty-six second and third-rate vessels, sixty torpedo boats and fifteen auxiliaries, making a total of one hundred and seventy-seven vessels. This, he says, represents an increase of thirty-eight vessels over the present fiscal year.

New Designs. A marked departure from all previous designs, Admiral Mason says, is represented in the turret mounts for the 12-inch guns of the South Carolina and the Michigan, which, it is stated, will operate to increase the rapidity of fire.

A new type of turret sight has been developed for installation in these two ships, and it is stated that a new type of sight for broadside guns is in a preliminary stage of design, this being likewise a marked departure from existing models.

Especial attention is called to the batteries of the Iowa, Brooklyn and other vessels, and Admiral Mason says that unless they are equipped with modern guns, mounts and sights they can no longer be considered efficient vessels and fit for service.

Considerable attention is paid to the government smokeless powder factory at Indian Head, Md., the output of which the last year is stated to have been 1,001,699 pounds. With the completion of the sulphuric acid plant there, it is believed that in the near future the government will be entirely independent of outside sources for the supply of mixed acids. As the result of experiments, a new three-inch gun, semi-automatic, will be placed aboard all future ships.

ROOSEVELT'S ACT IS COMMENDED.

(By the Associated Press.) Kansas City, Mo., Dec. 14.—Camp Louis A. Craig, Army of the Philippines, last night endorsed President Roosevelt's order discharging, without honor, the negro troops of the Twenty-fifth infantry. Resolutions adopted commended the action of the president in "his fearless and commendable stand, regardless of political lines and consequences."

THE DAUGHTERS WILL REPRODUCE BEAUVOIR.

(By the Associated Press.) Norfolk, Va., Dec. 14.—The contract for the building to be erected at the Jamestown exposition by the Daughters of the Confederacy all over the country has been awarded to C. B. Moore at \$5,000. The building will be a reproduction of "Beauvoir," the home of Jefferson Davis, president of the Confederacy at Gulfport, Miss. The building is to be completed by the opening of the exposition in April.

HARD BUT VAIN THE STRUGGLE

The Decisions Anger Walthour and Bedell

LEAD TWICE IN SIGHT

In One Case the Spectators Thought They Had Lapped Stol and Georget, But the Score Showed No Change in the Relative Positions of the Riders.

(By the Associated Press.) New York, Dec. 14.—The contestants in the six day bicycle race were grinding out laps in a mechanical manner at 7 a. m. today after an eventful night. The positions, however, were unchanged, according to the scorers, although many of the spectators believed Stol and Georget had been lapped after a sensational sprint at 2 p. m. This sprint, as have been so many during the race, was started by the Walthour-Bedell team. It was the longest of any that has yet occurred, lasting sixteen minutes.

Walthour and Bedell smarting under a decision rendered an hour earlier, when a spill robbed them of a lap that they had nearly won, started out at a pace that kept the spectators in a continual roar of cheers and excitement. Relieving each other at every few laps, Walthour and Bedell kept going at their best pace and forced the other riders to call on their partners for help and relief.

Leon Georget and Stol, whose partners had been hurt in the spill at 2 a. m., were the only riders who could not get relief, and they had to bear the brunt of the fight for their teams. It was thought they had lost a lap when the sprint after sixteen minutes was suspended. The score, however, when it was hung out at 4 o'clock showed no change.

Bedell and Walthour are in good shape, and they have promised to make the race interesting for the others before the day is out. They protested earnestly early today when just as they seemed again to gain a lap, Fogler fell, making a spill and causing the red flag to be hung out, which indicated that the Walthour-Bedell gain would not count. The riders claimed that the fall was designed in order to block their gain, and for a time they refused to ride again until something was done. They were eventually appeased, and the race which had been delayed an hour, was resumed.

The score of the nine leading teams at 7 a. m. was 1,723 miles and six laps; that of Walthour and Bedell and Breton and Samuelson was one lap less; that of Galvin and Wiley 1,723 miles and 3 laps. This was 273 miles below the record for the same number of hours.

Protest From Riders.

An organized movement in which nearly all of the riders joined as a protest against the rulings of the judges in refusing to mark up the laps which some of the riders declare were fairly won, was begun today. The men declare that they have been unfairly treated and they will do no more real work until the management makes some arrangement by which their efforts will be properly recognized and their gains recorded. Soon after this agreement was reached among the men the pace decreased to the minimum. Arm in arm, members of rival teams pedaled slowly along reading the morning papers and joking with one another. The score at 1 p. m. was for the nine leading teams, 1,790 miles and 4 laps; Walthour and Bedell and Breton and Samuelson were one lap behind and Galvin and Wiley 3 laps. The record for that hour was 2,105 miles, 7 laps, made by Miller and Waller in 1899.

ALL BUSINESS WELL MAINTAINED.

(By the Associated Press.) New York, Dec. 14.—Dispatches to Dun's Review indicate that even with the great rush of holiday trade, general business is well maintained and manufacturing activity is at a high point.

The bank clearings still show a large volume of settlements through the banks at nearly every city in the United States than in December last year or the year before, though trade was exceptionally active in both preceding years. A small loss at New York City due to a greatly reduced volume of settlements through the banks on account of stock market operations causes a small loss in the aggregate of bank clearings and total exchanges this week at all leading cities in the United States are \$3,045,847,888; 2 per cent less than last year, but 2.4 per cent larger than in the corresponding week of 1904.