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## THE RIGGSBEE CONTEMPT CASE CONTINUED UNTIL ADJOURNED TERM CONVENES IN JANUARY

### Move to Quash Rule on the Ground of Jurisdiction of U. S. Court

### CHARGE OF CONTEMPT MAY FACE ATTORNEY

Judge Purnell stated that it was only a rumor, so far, but it was shown to be a fact that Riggsbee was advised by an attorney to pursue course he is alleged to have followed, the attorney would be adjudged guilty of contempt—attorneys for Riggsbee feared result of case might have effect on case in Durham county court, hence the continuance. Several get terms in Atlanta prison.

The Riggsbee contempt case will not be heard until the adjourned term of the United States court which convenes on January 21st. The hearing was begun this morning and had been proceeded with nearly an hour when District Attorney Skinner in closing his remarks in regard to the case said he was perfectly willing for the hearing to be continued until the adjourned term in January if the attorneys feared the action of the court might affect the case against W. T. Riggsbee in the Durham county court. Riggsbee's attorneys at once acknowledged their willingness to continue; so it was set for the above-named date.

Quite a number of attorneys were in court this morning to hear the argument in the case, as it was known that the point was to be raised as to the jurisdiction of the United States court, and it was a charge very much out of the ordinary. The United States court adjourned this afternoon to meet in January. This was only as to the criminal docket, for during the coming week the civil docket will be taken up. The criminal docket was larger than usual, and since soon after court convened it has been very evident that the docket could not be cleared before Christmas. It was decided to hold an adjourned term in January.

### Argument in Contempt Case.

The Riggsbee case was not taken up the first thing after court convened, but those cases which had been tried and verdicts of guilty returned without defendants being sentenced were disposed of.

It was about 11 o'clock when the case was reached, and District Attorney Skinner started to read the rule served on Riggsbee, but Mr. James H. Fox, of counsel for Riggsbee, said he desired to move to quash the rule on the ground of the court not having jurisdiction. He then read the following demurrer:

"The respondent, W. T. Riggsbee, expressly reserving any and all rights hereafter to object to the jurisdiction of the court and to the insufficiency of the rule and to its invalidity, respectfully submits to the court the following as a plea, answer and demurrer:

"I. Plea.  
"The respondent, by way of plea, alleges that even if he had attempted an act the effect of which would be to obstruct the administration of justice in the superior court of Durham county, North Carolina, the said act would not be a contempt of this court, and that this court would not have any jurisdiction under the laws enacted by the congress of the United States to punish for such alleged offense, and the respondent respectfully prays that the rule may be dismissed for want of jurisdiction in this court.

"II. Demurrer.  
"Respondent demurs to the sufficiency of the rule, and alleges that upon its face the said rule does not set out facts or circumstances which would constitute a contempt of this court, and that there being no allegation that the alleged offense was committed within the presence, verge or view of the court, and there being no allegation that respondent was an officer of this court, or that he had refused to obey any injunction, writ or process of this court, there are no facts or circumstances which author-

ize this honorable court to punish respondent as for a contempt.

"III. Answer.  
"With the reservations aforesaid of all rights, and without waiving any rights or consenting to jurisdiction, respondent alleges that it is not true that he has abused or used the processes of this court to obstruct the administration of justice in the superior court of Durham county, North Carolina.

Mr. Fox argued that the action was not committed in the presence of the court, and even if respondent did do what he was charged with, it did not make him guilty of contempt of the United States court. He cited a number of opinions bearing on his line of argument.

District attorney Skinner said the state court could take care of itself, and his view of the matter was, if Riggsbee had abused the processes of the United States court, then he was guilty of contempt. He stated that what they expected to show was that witnesses were summoned from Durham county who knew nothing of the cases on which they were summoned; that W. T. Riggsbee paid for issuing the subpoenas; that the deputy marshal was told Riggsbee would point out the men when he reached Durham. "If a man's pocket-book is large enough he could summon a thousand witnesses," the district attorney said, "and thus seriously interfere with the administration of justice."

Colonel Skinner read several opinions which tended to show that the case was one within the jurisdiction of this court, and he thought if there was no precedent it was time one was made. In closing he said, in view of the fact that Mr. Riggsbee's attorney had expressed the opinion that the action of the United States court might affect the case in the Durham county court, that he was willing for it to be continued until the adjourned term in January.

This proposition was accepted and the case continued until January 21. Attorneys Must Be Careful.

Judge Purnell expressed himself in regard to the relations existing between the United States and state courts, and said there was a comity existing between the two which was not appreciated. "This court," he said, "is careful not to do anything which seems to conflict, and where the law is administered by trained lawyers and the law is observed, there can be no conflict. I remarked when the matter was first called to my attention that it was contempt by the state court, and I am convinced now that the abuse of a process is contempt of this court, and if any attorney had been guilty of such an act he would have at once been disbarred. If the fact is brought before this court of the interference of any attorney with the processes of the court—it is only a rumor so far—he will be disbarred."

Judge Purnell said if it could be substantiated that the abuse of the processes of the federal court tended to obstruct the administration of justice in the state court, then he would find the respondent guilty of contempt, and upon evidence of the fact, he declared that he would find the attorney who advised such a course guilty of contempt. Attorneys, he said, must be careful in regard to abusing the processes of the court.

All Go to Atlanta.  
Judge Purnell caused a shiver to pass over defendants this morning who had not been tried when he began to pass sentence on several men convicted during the past few days.

"Tony" Evans, the proprietor of a negro restaurant in the town of Greenville, who was convicted of retailing, got 18 months in the Atlanta penitentiary and was fined \$200 and the costs. His attorney, Col. J. C. L. Harris, endeavored to get his Honor to place a fine upon him, but Judge Purnell stated that according to the evidence Evans had been violating the law for several years and he did not think any punishment other than a term in the penitentiary adequate.

C. A. Holt, Jr., and J. H. Holt, of Johnston county, who were convicted of illicit distilling, each got a term of two years in the Atlanta penitentiary and were fined \$200 each and the costs.

County Jails Criticised.  
In sentencing Doc Ray, found guilty of retailing, Judge Purnell said he would not give him a term in jail as he had found some in such a condition as to make imprisonment in them undue punishment. His Honor said he did not refer to all of the jails, but that one, the New Han-

over county jail, had been proven to be in awful condition. During the hot months of July and August he said the prisoners had no change of diet—only fat meat and corn bread. His Honor said it was fair to state that he had never heard any complaint in regard to the Wake county jail which, he stated, was to the credit of the county commissioners. Ray was given one year in the Atlanta penitentiary and fined \$100 and costs.

Four Defendants Plead Guilty.  
Quick work was made of four Pitt county cases this morning. J. K. and W. T. Barnhill and also John and Sam Wilson pleaded guilty of concealing and removing. District Attorney Skinner stated that he deemed it best to continue his prayer for judgment and he asked that the bond of the Barnhills be fixed at \$1,000 each and the two Wilsons be released on their own recognizance for their appearance at the convened term in January.

### BUSCH FAVORS INCOME TAX LAW.

(By the Associated Press.)  
St. Louis, Mo., Dec. 15.—Adolphus Busch, the multi-millionaire brewer, says that he is in favor of an income tax law. Discussing that part of President Roosevelt's message referring to an income tax, Mr. Busch yesterday said:

"If there were not so many stingy rich men in the United States every man with a decent income would be paying his fair proportion of government taxes.

"A man with money is so fortunate that I believe he should be respectfully liberal.

"Now, I don't want to decry men for accumulating money. That's what I call thrift. We can't have too much of it in this country. But this thing of the wealthy man objecting every time the government wants to impose a tax that may affect his income is silly and shortsighted."

A Freight Steamer Launched.

(By the Associated Press.)  
Wilmington, Del., Dec. 15.—The freight steamer Delaware, built for the Clyde Line to ply between Philadelphia and New York, was launched at the yards of the Harlan and Hollingsworth corporation today. The vessel was christened by Senator Attilio Fiallo, aged 9 years, daughter of Senator Fabio Fiallo, consul general from San Domingo.

### UNIQUE ELECTION CASE

### Township Vote Thrown Out by Both Parties' Consent

Wilson Creek Township in Caldwell County, New Township, Had Trouble at First Election—Democrats and Republicans Got Governor to Appoint Magistrates Under the Constitution.

There was a rather unique case before the governor today. In Wilson Creek township, Caldwell county, a new township whose first election was the one last month, there was irregularity and all of the boxes were thrown out by the canvassers by agreement of both the democrats and republicans.

This, of course, defeated all the justices of the peace voted for, and on account of the number of blind fingers and nuisances created in Mortimer, citizens of both parties got together and recommended three justices of the peace for appointment by the governor in accordance with the constitution, which gives this right in cases of failure to elect on the part of the people of any community.

Mr. Edmund Jones was here today from Lenoir to see the governor and explain the situation. He came as the representative of both parties and said the trouble was that there were found to be more votes in the ballot boxes than there were voters registered in the township, and it was impossible to fix the responsibility, so both parties agreed to have the vote thrown out.

The governor at once acceded to the request of the Wilson Creek citizens and appointed the men recommended. Two are republicans and one is a democrat, and all are good men.

## THE CRIMINAL STATE FIGURES

### Assault With Deadly Weapon Heads List

### INCREASE LAST YEAR

More Cases Against Whites Than Negroes—Total, 10,117, Against 9,594 Last Year—Second on List is Retailing of Liquor Illegally—Carrying Concealed Weapons Comes Third.

The criminal statistics of North Carolina for the year from July 1, 1905, to July 1, 1906, are ready for incorporation in the annual report of Attorney General R. B. Gilmer.

The total number of criminal actions disposed of was 10,117; white, 3,930, colored, 4,599. Indians, 58; total, 5,597. Durham and Guilford counties did not report race and sex, making difference in totals. There were 9,924 males and 533 females. There were 6,714 convictions, 1,235 acquittals, 2,125 nolle prosequi, and 61 otherwise disposed of.

The year preceding the total was 9,584, with 6,456 convictions. Assault with deadly weapon heads the list of offenses, with 1,556 cases this year and 1,250 the year before. Next comes retailing of liquor illegally, with 1,222 cases, as against 1,044 last year. Carrying concealed weapon is the next most frequent offense, with 1,094 cases, against 1,101 last year. Larceny is next, with 1,004 cases, against 1,022 last year. Affray claims 899 cases, against 852 last year.

## RECOMMENDED FOR THE GUARD

### For Captains \$100 to Care for Company's Property

## FOR A SIGNAL CORPS

To Be Composed of Detachments From Different Towns—Increase Pay of Adjutant General and Make Him Live in Raleigh—Board Has Completed Its Work and is Ready to Report to Governor.

The work of the special board to revise the regulations governing the national guard of North Carolina and to recommend changes in the military laws of the state has been completed, and the report is ready to be submitted to the governor for action by him.

One of the most important changes recommended in the matter of appropriations is that there should be allowed annually to each company commander \$100 to be used by him in taking care of the company's property. As it is now, the captains often have to pay out money from their own pockets for this purpose.

Another very important recommendation is for the organization of a signal corps company, to be composed of detachments from different towns, in order to secure a sufficient number of expert telegraphers and electricians.

The board also recommends an increase in the salary of the adjutant general and a requirement that he live in Raleigh during his term in office.

Of course these changes will not be law until they have been favorably passed upon by the legislature. The board was composed of Brig. Gen. J. F. Armfield of Statesville, Adj. Gen. T. R. Robertson, Gen. F. A. Macon of Henderson, Lieut. Col. R. L. Lester, as assistant adjutant general, was the recorder.

The Steamer Clara Floated.

(By the Associated Press.)  
New York, Dec. 15.—Austrian steamship Clara which went ashore at Montauk, N. J., yesterday, was hauled off today. She was able to proceed to New York under her own steam.

## BOMB HURLED AT DUBASSOFF

### Several Shots Were Fired at Him First

### THEN CAME THE BOMB

A Bystander Seized the Terrorist, and a Second Appeared—He Also Threw a Bomb—Dubassoff, Though Wounded, Grasped and Held Him Until Help Came.

(By the Associated Press.)  
St. Petersburg, Dec. 15.—Another attempt on the life of Admiral Dubassoff, ex-governor general of Moscow, was made this afternoon, but he escaped with slight injuries. Dubassoff was driving at one P. M. in Serghyevskaya street, on his way to the Taurica palace, when two men hurled a bomb at his carriage. It exploded with great force but only slightly wounded the admiral. The would-be assassins were arrested.

Dubassoff had a remarkable escape. The terrorists made a very determined attack upon him. One man approached the admiral, and fired several shots at him with a revolver, but missed. The terrorists then threw a bomb at Dubassoff which exploded and wounded the admiral in the leg. A bystander seized the admiral's assailant, whereupon a second terrorist appeared and went through exactly the same performance. The second bomb thrown, however, did not explode, and Dubassoff although injured, closed with the terrorist and held him until he was taken into custody.

## LOGGERS DRIVEN FROM WORK BY HEAVY SNOWS.

(By the Associated Press.)  
Vancouver, B. C., Dec. 15.—An almost unprecedented fall of snow along the northern coast is driving the loggers out of the woods, and logging camps are being closed at various places. The result of the cessation of operations in the woods will be further shortage of logs with a consequent advance over the already high prices now being charged.

## CONDITION OF OSCAR SHOWS IMPROVEMENT.

(By the Associated Press.)  
Stockholm, Sweden, Dec. 15.—King Oscar passed a good night and his condition this morning showed considerable improvement.

## PEGGING AWAY DULLY

### Ten Teams Still Remain in the Six Days Race

The Final Sprint Comes Tonight, and It is Thought by Many That Butt and McFarland Will Be the Winners.

(By the Associated Press.)  
New York, Dec. 15.—There was no change during the night in the position of the riders in the bicycle race at Madison Square Garden. The men did their work mechanically, seeming for the most part to be content with holding their place in the race. A few sprints were attempted last night, but they did not change the relative position of the teams.

The men were averaging about 15 miles an hour early today, and all seemed content to follow this pace.

Ten teams remain in the race, and all will probably finish. Vanderstuyft and Stol and Galvin and Wiley dropped out of the contest late last night. They had made a game struggle during the week, and Stol had been the instigator of some brilliant sprints, but accidents were out Vanderstuyft, and the brunt of the work falling on Stol, it was inevitable that the team should drop behind. Butt and MacFarland have shown fast work the last day or so, and many of the spectators pick them as the probable winners when the final sprint comes tonight.

Score at 7 a. m.—Root-Fogler, MacDonald-Coffey, Hettling-Logan, Hopper-Downing, Butt-MacFarland, Pys-Clark, Georget-Georget, 2,052 miles, 8 laps; Walthour-Redell, Breton-Samuelsen, 2,052 miles, 7 laps. Record, 2,441 miles, 6 laps, made in 1899 by Miller and Waller.

## FROM HAWAII FLOATS A MUTTER OF COMING TROUBLE WITH JAPAN

### STRONG EFFORT FOR BARRETT

### To be Hanged Tuesday Un- less Governor Interferes

### WILL DECIDE MONDAY

Question is Whether or Not Gov. Glenn Will Grant the Negro a Reprieve Until Some Time in January So That New Matter May Be Brought to His Attention.

Tremendous pressure is being brought to bear upon Governor Glenn from Greenville to get him to reprieve the negro Sylvester Barrett until some time in January, so that there may be opportunity for new matter in the case to be presented to the governor with a view to the exercise of executive clemency in the case.

But Governor Glenn said today that in the face of the fact that Judge Long and Solicitor Moore have positively refused to recommend any interference by him, he is not at present inclined to do anything unless the judge and solicitor should advise it.

However, the governor decided today that he would not give a definite answer in the matter until Monday.

Barrett is the negro who killed Constable Lovitt when the latter went with a warrant to arrest him. He is now in the jail at Greenville under sentence to die on the gallows Tuesday, December 18.

If on Monday Governor Glenn should decide to grant the request to reprieve Barrett until some date in January, a wire to that effect will have to be sent to Greenville in order to stay the execution.

## GAMBLING IS CHARGED

### City Treasurer Patton Denies That He is Guilty

His Resignation Asked But the Matter Left Open Until a New Trial Can Be Held—If Convicted He Must Go.

(Special to The Evening Times.)

Ashville, N. C., Dec. 15.—The finance committee of the board of aldermen met this morning to consider the question of demanding the resignation of City Treasurer Patton. Patton was arrested by the police this week, charged with gambling. He was convicted in the police court under the assumed name of "Amel Jenkins." Mayor Barnard was informed of the affair and called it to the attention of the board. At the hearing this morning Patton denied that he was guilty, and upon request of his attorneys the matter was left open in an effort to have the police justice reopen the case. If the conviction stands Patton will be removed.

## WAITING PRESENTATION OF THE PUNCH SERVICE.

(By the Associated Press.)  
New Orleans, La., Dec. 15.—The battleship Louisiana anchored in the Mississippi river here, was all spick and span today, ready for the presentation by Governor Blanchard of a silver punch service, the gift of the people of the state.

In the workmanship of the punch set an attempt was made to have it the finest service of the kind in the American, British or French navies. In one respect the service is unique. It contains fifty-eight goblets, the number of parishes in Louisiana. Each goblet bears the name of one parish.

### A Report That We Are to Rush Two Regiments to Honolulu

### STORY BY OFFICERS TRANSPORT THOMAS

The Mikado Said to Be Anxious to Secure Possession of the Island of Lanai, Fifty Miles From Honolulu—It Has Two Deep and Splendid Harbors Where Warships Could Gather, and Could Be Used as an Excellent Naval Base Against the United States—It is Stated at the War Department That No Troops Have Been Ordered to Honolulu.

(By the Associated Press.)  
San Francisco, Cal., Dec. 15.—The Examiner published the following dispatch from Honolulu today:

The officers of the transport Thomas have announced that two regiments are to be rushed immediately to the island in anticipation of trouble with the Japanese. They absolutely refuse to give out any of the details bearing on the call for troops or the reason why the government feels that the soldiers of the United States army are necessary in the island which is at the time over-run by the little brown men.

It is understood that the mikado is extremely anxious to secure possession of the island of Lanai, which is private property. This island is fifty miles from Honolulu, and could be used as an excellent naval base against the United States by any foreign power. It has two splendid harbors of sufficient depth to accommodate a large fleet of war vessels.

Last night Attorney George G. Gear secured an injunction against Governor Carter and Land Commissioner Pratt to prevent their selling the island to a syndicate. It is understood that the syndicate represents the Japanese government or people who ultimately expect to dispose of the island to Japan.

## DENIAL THAT TROOPS ARE ORDERED THERE.

(By the Associated Press.)  
Washington, D. C., Dec. 15.—It is stated at the war department today that no order has been issued for the dispatch of additional troops to the Hawaiian Islands, nor is any such order contemplated. The permanent garrison in Hawaii consists of four companies of regular troops. No immediate changes in the force or adjustments thereto are contemplated.

## POWERS DISCUSS THE POSSIBILITY OF WAR.

(By the Associated Press.)  
Berlin, Dec. 15.—The relations between the United States and Japan excite extraordinary interest both in government and diplomatic circles here. Emperor William declines to discuss the question regarding President Roosevelt's views on the subject. It is believed that Russia's more resolute attitude against Japan's requests for trade and colonization rights on the Amur River and in Siberia and for fishery privileges on the adjacent Russian coasts is partly due to the discussion of the California school question between the United States and Japan. The Russian foreign offices has been subjected to a steady diplomatic pressure on the part of Japan in the effort to obtain these far-reaching rights. The result is that the idea has been created at the Russian foreign office that Japan might make her ambitious the occasion for a renewal of war with Russia.

Among German military and naval officers the possibility of a conflict between the United States and Japan has been quite freely discussed and the professional views appear to agree that Japan would take the Philippine Islands and place upon the United States the necessity of conducting across the Pacific pro-

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