

New Bern Weekly Journal.

VOLUME XXVII.

NEW BERN, CRAVEN COUNTY, N. C., FRIDAY, MAY 31, 1904.—FIRST SECTION

NUMBER 10.

LESE MAJESTY.

Judge Purnell Objects to Editorial Criticism.

Issue Rate For Contempt Against Josephus Daniels, Purnell Restores McBee to Office Finch's Lusty Sentiments on Receiver-ship

Special to Journal.

Raleigh, May 30.—Judge Purnell created sensation in Federal court here today, by stating that he had issued rule for contempt, against Josephus Daniels, Editor of Raleigh News and Observer, on account of editorial which appeared in yesterday's paper. This editorial criticized Purnell for appointing a receiver for Atlantic and North Carolina Railway. Judge charged Grand Jury on question of contempt, saying that duty was to indict all persons who had published, or uttered things calculated and intended to bring court into disrepute, and that special act of Congress covered matter very fully.

Judge Purnell appointed V. E. McBee, Co-receiver with Thomas D. Meares of Atlantic and North Carolina railway. Action was quite unexpected. Receiver Meares and Co-receiver McBee this afternoon gave joint bond in surety company, for \$50,000. Both leave here for New Bern on early morning train tomorrow. McBee was asked if he had anything to say, and replied with a smile, "I go to New Bern tomorrow. I hope there will be no band and no demonstrators." K. S. Finch, who is made complainant with Cuyler in the matter, came today and said he would leave in the morning for Charlotte. He was asked what he thought of matters, and in reply, I am entirely satisfied with results.

W. W. Fleming, attorney for Cuyler was asked what he had to say, he replied "with Meares and McBee in charge Atlantic and North Carolina takes place it deserves in railway world, and as North Carolina Institution, I am so well satisfied it will be put in good shape, that I feel the action taken will be sustained by people after they see what has been done."

It was at first expected Editor Daniels would answer at three o'clock this afternoon in contempt proceedings, but Judge Purnell fixed ten o'clock tomorrow morning as time. Of course there will be big crowd in Federal court room Editor Daniels was asked what he had to say about the matter and replied "I will be on hand. Better men than I have been in jail. Joe Turner and John Bunyan were both in jail. Joe Turner told me years ago I would get in jail unless I stopped getting after bond stealers."

PUBLIC INDIGNANT.

Over Judge Purnell's Naming McBee Again for Receiver A & N. C.

The telegram to the Journal yesterday morning, announcing the appointment of V. E. McBee as co-receiver in the Atlantic and North Carolina railroad with Thomas D. Meares, was soon known all over the city, and provoked the greatest indignation.

"What right has Purnell to appoint a possible convict to the receivership?" said one person. "Here is McBee on trial for conspiracy against the State, put into control of the property which he is charged with attempting to take away from the State."

"Why was Judge Purnell so 'indignant' over this same McBee, on the trial, yet is now co-opting the fellow, like a political nursing?"

Said another citizen, "This appointment is a direct slap by Purnell against the Governor. The judges want to show his contempt for State authority, and took this method to show Governor Aycock, that he, Purnell was strictly 'it'."

There were plenty of expressions that Judge Purnell ought to be impeached, and there was enough heard on all sides to make Judge Purnell's ears burn if the old theory of talking doing it, would have any such effect. They would have been too hot to touch.

On every side the action of Judge Purnell in naming McBee was thoroughly and loudly denounced. It is held as a gross insult by everyone here.

CASTORIA

For Infants and Children.

The Kind You Have Always Bought

Bears the Signature of

Wm. D. Hooper

A free bottle of Dr. Thayer's Liver and Blood Syrup will be sent to any reader of this paper who will write to the Thayer Medicine Co., Chittenden, Vt.

FINCH EXPRESSES HIMSELF.

The Ex-Receiver Gets Profane While he Reviews the Report of Investigating Committee.

K. S. Finch the cause of many of the troubles of the A & N C railway has been passing a few days in the seclusion of the village of Mantoo.

He was recently discovered by the representative of an Elizabeth City paper and was interviewed regarding that document. His language on that occasion was very forcible but was not such as one would be apt to hear in Sunday school or kindred organizations.

When asked for his opinion of the report, Finch said he thought it was a "most damnable report."

He talked very freely and gave evidence of his disgust in every sentence he uttered. He said the committee had made their report as light as possible and that the testimony of Mr. Bryan was enough to send him to the penitentiary and it was of a nature to warrant criminal proceedings against the president.

He further said: "They would have to look for me with a search warrant before I would have admitted any such condition or made any such statements as the head of the road made in that committee."

They would have had to go into Virginia or South Carolina and make out requisition papers before I should have gone before the committee to make such statements."

FIRE AT BAYBORO.

A Destructive Conflagration Entailing \$2,000 Damages Early Sunday Morning.

About one o'clock Sunday morning the store of the Bayboro Grocery Co., J. E. Riggs, proprietor, was discovered on fire. It had gained such headway that it was impossible to save the building or much of the stock. Adjacent to the Riggs store was J. F. Cooper's store and grocery, W. H. Sawyer's office; all of which were destroyed.

The damages are estimated to be between \$10,000 and \$12,000, which are distributed as follows:—J. T. Cooper, \$10,000; J. L. Riggs \$1,800 and Mr. Sawyer \$1,800.

The origin of the fire was unknown.

The Death of Little Mary Macon Hall.

Three months ago the lonely and charming home of Mr. and Mrs. Charles Hall was gladdened by the birth of a bright and beautiful little daughter. They named her Mary Macon. But she was too fair and sweet for earth's storms and trials. He who said, "Suffer little children to come unto me and forbid them not for of such is the Kingdom of Heaven" took her, on Sunday May 29th, to be with him in that city whose streets are gold and whose gates are pearl. How fitting was the hymn: "Safe in the Arms of Jesus, Safe on His gentle bosom," sung so softly and tenderly as the little body was laid to rest to await the coming of the Lord Jesus who is the resurrection and the life to the beloved father and mother there comes the sweet joy and consolation that this dear babe is in the home of the soul. Earth is poorer, but Heaven is richer.

"A bud of beauty nipt by death!
O no! but upward borne,
Where no rude wind or poisoned breath
Can blast a flower of paradise."

WILLIAM H. RICH.

No Gloss Carriage Paint Made.

Will wear as long as Devco's. No others are as heavy bodied, because Devco's weigh 8 to 8 ounces more to the pint sold by E. W. Smallwood.

Familio County Convention.

As was stated in Sunday's Journal a detailed account of the Democratic Convention of Familio county would be published today.

The convention instructed for the following men.

Governor—Hon R B Glenn.

Lieutenant Governor—Hon George T Winston.

Congress—Hon Charles R Thomas.

Judges of Supreme Court—George H Brown and M H Justice.

Elector—Charles L Abernethy.

It was decided not to nominate for county offices until September.

When the Sap Rises.

Weak lungs should be careful, Coughs and colds are dangerous then. One Minute Cough Cure cures coughs and colds and gives strength to the lungs.

Mrs. G. R. Fenner, of Marion, Ind., says, "I suffered with a cough until I ran down in weight from 148 to 98 lbs. I tried a number of remedies to no avail until I used One Minute Cough Cure. Four bottles of this wonderful remedy cured me out of the cough, strengthened my lungs and restored me to my normal weight, health and strength." Sold by F. S. Duffy.

Entertainment at Jasper.

There will be an "Apron Party" at Bethany Church, Jasper, Friday night, June 10th and a pleasant time is anticipated.

The entertainment will be given for the benefit of the church, and a large attendance will be appreciated. Every body cordially invited.

Don't forget the date, June 10th.

RALEIGH.

Supreme Court Adjourns Next Week. Board of Agriculture Finishes its Work For Session.

The Supreme Court will adjourn next week for the term. Not many opinions yet remain to be delivered. The court grants a new trial in the case of Col. Osborne of Greensboro against M. T. Leach of Raleigh, this being a libel suit. The court finds in this case that the London libel law is constitutional, but it only provides for a relief from punitive damages upon publication of the retort, and that actual damages can be recovered in spite of the retort.

Today the board of agriculture finished its work for this session and adjourned. It fixed the budget of the Agricultural and Mechanical College, of which it is the board of trustees, at \$66,988. The board this morning visited, in company with Professor of agriculture Burkett the farm at the college, of which 235 acres are in cultivation. This afternoon the board took up the matter of the new agricultural building at the college, three architects being present and two submitting plans.

In an interview with State entomologist Franklin Sherman he says that since the year began no less than 43 different species of insects have been complained of as pests by farmers, etc., mostly scale, which is reported on 38 new premises. Scale is now on fruit trees in 47 counties. Where the farmers are fighting it it is kept down. There must be a fight for all the fruit that is hereafter raised in North Carolina. A new bug has come in from Robeson county, a little larger than the tobacco flea beetle and of the same type; and will be sent to Washington for identification. As it is not known here several of the large job potato growers are spraying their farms, using large tanks for this purpose. This year all kinds of plant lice are very abundant, especially on peach trees, more in fact than in all previous years put together. Soap and water and a kerosene emulsion will exterminate these.

Judge Purnell this morning began the hearing of the Atlantic and North Carolina railway receivership matter. He said before taking it up that he would dispose of it today.

Japanese Gaining Ground

Tokio May 28.—Admiral Togo's fleet is bombarding the fortress from the South. He has established a complete blockade around the southern end of the Liao Tung Peninsula.

This is believed to be a great step in the direction of taking Port Arthur. It is regarded by military men as remarkable feat of arms and they forecast the eventual storming of the fortification. The loss of 12,000 Japanese soldiers is discredited.

Statement of Reasons.

Why Carpenters Local Union No 1463 of New Bern ask for 9 hours' work.

We believe we can accomplish more in a week's time, as there will be no necessity for a rest during work hours. It is not our intention to do less, but more work, for we are willing to work every minute of the 9 hours.

If our employers had to stand at the work bench or arise heavy timbers 10 hours we feel sure they would agree with us.

In those cities which have the nine hour system the contractors say that carpenters do better and more satisfactory work than they did in 10 hours. Carpenters undergo many hardships from extreme heat in summer and excessive cold in winter. They have either to take their dinner with them or rush home and get back in one half hour. They try hard to build comfortable homes for others and not one out of a hundred is ever enabled to own a home.

We do not mean to wrong any one but being fully convinced that the people of New Bern will be greatly benefited, we ask that 9 hours be considered as a days work after June 6th 1904.

Respectfully,
G. F. ARNOLD, R. S.

TO RESIST IMPRISONMENT.

Habeas Corpus Proceedings Instituted to Keep Lawyers out of Jail.

Wilmington, May 30.—The report comes that habeas corpus proceedings are already being instituted, and that O. F. Carroll, R. O. Southard and E. W. Kerr, will not be imprisoned under the contempt order of Judge Peebles.

The habeas corpus proceedings will not take place until after the papers are served upon the defendants.

A New Bern Woman Asks

"Have you a floor paint that will last two weeks?" "Yes we have Devco's; it has a beautiful gloss and will last two years if properly applied."—E. W. Smallwood.

DEED.

Johnie B. the infant son of Mr. and Mrs. J. B. Reed, age four months, Monday, May 30th.

The funeral services will be held at 2 o'clock this afternoon at the residence of the parents, No. 6 Barn Street.

MEARES MADE RECEIVER

Judge Purnell Gives Wilmington Man Finch's Former Job

S. G. Ryan Made Special Master to Take Evidence. Details of Trial in Raleigh Yesterday.

Special to Journal.

Raleigh, May 28th, 6 p. m.—Judge Purnell appointed Thomas D. Meares of Wilmington temporary receiver of the A & N C railway today. S. G. Ryan was made special master to take evidence.

LATER

9 p. m.

State made answer to Cuyler's complaint which was not produced in court. Judge said he had read and considered it. V. E. McBee former receiver, came in after proceedings began. Attorney Fox for State offered number affidavits. Ex-Judge Womack read affidavit from Mrs. Florence P. Tucker of Raleigh, largest private stockholder, also from Dempsey Wood. Private stockholder almost unanimously in favor of lease and were ready to vote for one, stating that the Governor had good proposition to lease.

The Judge asked for modification of order and continuance of case for 60 or 90 days, when the stockholders could be called together in a meeting and consider lease propositions. They deemed the best way to preserve property and enhance the interests of stockholders was by term lease and further said the issue was for lease and not receivership. Judge Purnell said there was only one question before court, advisability of appointing a receiver. He denied motion for continuance and modification. This decision put Womack's clients on the side of defense.

Petition from K. S. Finch was read asking that he be made party plaintiff, saying that proceeding before Chief Justice Clark were to obstruct this court in discharge of its duty. Judge ordered, both sides agreeing, that Finch be made a party to the suit.

The defense entered exception, Judge Purnell said he was inclined to think there was enough allegato and admission in answer to justify the appointment of receiver. This afternoon B. O. Beckwith of Board of Internal Improvement filed report with the governor, which did not concur with investigating committee in some of the conclusions.

The answer says road has been well managed for the past four years under State control as any property under control of Corporation in which State has no direction or voice that the road was never in as good condition as it is at present, is admitted by both friends and foes of management. It is concluded that governor's judgment was not at fault, in retaining Pres Bryan that good and economical management has been sustained.

Affidavits were read from Mr. Bryan and others as to the condition of the road. The affidavits read by Judge Womack were made papers in the case.

Attorney Clark read affidavits by McBee as to the condition and management of the road arraigning the management.

saying that the latter gave passes for political influence. A copy of the report of the investigating committee was filed as part of McBee's affidavits. Henry Page member of the committee was sworn. He stated the committee had based its report on an observation, investigation and evidence. The original was filed with the Governor who supported the statement and was proved by carbon copy.

Attorney Ray said this evidence was wanted for use in cross examination of witnesses.

Ex-Governor Jarvis said there was no reason apparent why evidence should be kept from the public. Governor Aycock had told newspapers they were welcome to copy it if they published it all. Judge ordered the Page to file carbon copy, not for use by either side but as part of record of the case.

Judge Purnell ended the proceedings by appointing Thomas D. Meares receiver until further hearing of the case.

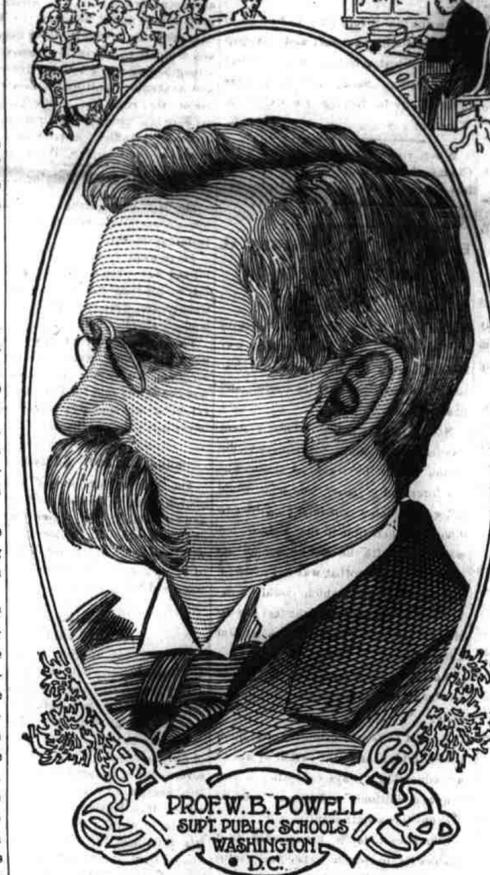
The State appealed from this order to the U. S. Court of Appeals.

The Judge also appointed S. G. Ryan, of Raleigh, special master to take testimony to report not later than July 1st.

Receiver Meares will take charge as soon as he qualifies and gives bond.

SUPERINTENDENT OF SCHOOLS FOR FIFTEEN YEARS.

Professor Powell, of Washington, D. C., Recommends Pe-ru-na.



Prof. W. B. Powell, of Washington, D. C., is one of the best known educators in the country. For fifteen years he has been Superintendent of the Public Schools of Washington, which is considered the best school system in the United States. Professor Powell is the author of a number of school books which are used throughout the United States.

This well known gentleman does not hesitate to recommend Peruna to his countless friends and acquaintances all over the United States. In a recent letter from 1410 N. W., Washington, D. C., to Dr. Hartman, he says:

"Persuaded by a friend I have used Peruna as a tonic, and I take pleasure in recommending your remedy. Peruna is indeed a good medicine and should be in every household."—W. B. POWELL.

TEACHER'S INSTITUTE

County Pedagogues Meet for The Purpose of Mutual Improvement.

The annual Teachers Institute of Craven county is in progress this week. Yesterday's sessions were held in the court house but beginning with today they will be held in the graded school on Hancock street.

The attendance is very good. There are forty teachers at the white institute and about the same number at the colored assembly which is held in the graded school on West street. All take a great deal of interest in the proceedings and the subjects are treated with a full and free discussion.

Assisting Superintendent Brinson, are Col. Holladay and Miss Garren in the white institute and Prof. W. G. Avant at the colored school. The negro teachers receive exactly the same instruction that the white teachers do.

The topics under discussion yesterday were: Civil Government by Superintendent S. M. Brinson; Principle of teaching by Col. Holladay, and management of Schools by Miss Garren.

In the afternoon Mr. Brinson's talk was on School Law. How to teach Arithmetic by Miss Garren and Col. Holladay gave a talk on Language. Mr. Foulk, representative of the Later State Correspondence School, which is affiliated with the North Western University made some remarks of interest and profit to the teachers.

Horse Jumps From Bridge.

A horse belonging to Mr. O. A. Rhodes, of Jones county, and driven by two young men, became frightened at something on Parrott's bridge last evening when returning from the sham battle and jumped off the bridge, at this side, to the ground, 12 feet below. He carried part of the railing with him and the buggy caught a post and remained on the bridge.

The young men jumped out of the buggy and escaped injury. All of the harness gave way but one trace, which held the horse, just barely touching the ground. This was cut and the horse released. He was not injured much, only slight bruises and skin bruised a little. It was considered remarkable that the horse was not ruined in the fall to the ground below and it was also a narrow escape for the young men.—Kinston Free Press 27th.

Dr. Hyatt Coming.

Dr. H. O. Hyatt of Kinston will be in New Bern at Hotel Cassatwa's June 13th 14th and 15th, Monday Tuesday and Wednesday for the purpose of treating diseases of the eye, ear, nose and throat and fitting glasses.

SUCH straightforward evidence cannot be overlooked. What the common people say carries weight, but when a man of national prominence says "Peruna should be used in every household," it is a significant fact to the increasing prominence and undoubted efficacy of Peruna.

Peruna is of national fame as a catarrh remedy. It is the only internal systemic catarrh remedy known to the medical profession. It makes diseased mucous membranes healthy, whether it is the mucous membrane lining the nose, throat, lungs, stomach, kidneys or pelvic organs. It cures various diseases of all these organs, because two-thirds of the ills of mankind are due to catarrh. With healthy mucous membranes all chronic diseases lose their terror, the system is enabled to throw off contagion, and health follows inevitably.

Mr. A. T. Wood, Mt. Sterling, Ky., writes:

"For many years I have been a sufferer from catarrh, and have spent time and money with physicians and used many kinds of remedies which were 'guaranteed sure cures', but in every case it was money thrown away."

"I reaped no benefit whatever from them. In my scantyly vain search for relief I purchased a bottle of Peruna, having no confidence in it whatever at the time. This was about one year ago, and I began to improve and was able to attend to my business without being constantly hampered by every kind of pain known to a human being. My hearing, which was almost entirely gone in one ear, got very much better. The medicine not only seems to cure, but to prevent disease."

"This winter when every one was suffering from influenza, I stood like a stone wall, absolutely proof against it. I am not a believer in 'patent medicines', having found the majority of them false, but I do not hesitate to recommend Peruna as the best medicine for catarrh the world has ever seen. I keep a bottle of it at home constantly and shall continue to do so because I believe it to be the best medicine on earth. I never leave home that I don't put a bottle of it in my grip."

A. T. WOOD.

Mr. E. Van D. Bowen, Dodge City, Kan., Contributor on the A. T. & S. F. B. E., writes: "I have had catarrh of the stomach for seven years, and I began to think that I never was going to be cured. As the time began taking Peruna, I was unable to make more than one or two trips on the road at a time, not being able to keep anything on my stomach. I then weighed 168 pounds. I have been taking Peruna since that time and have never lost a trip, and now weigh 200 pounds."

If you do not derive prompt and satisfactory results from the use of Peruna, write at once to Dr. Hartman, giving a full statement of your case and he will be pleased to give you his valuable advice gratis.

Address Dr. Hartman, President of The Hartman Sanitarium, Columbus, Ohio.

They HAVE COME

The Chief Attraction This Week At

J. M. Mitchell & Co.,

Will be Ladies Muslin Underwear. Nothing quite so grate in scope has been offered here before. The values simply speak for themselves. The qualities are most dependable. When you want anything that is the newest and most up-to-date be sure and see them. They have just received a large shipment of Ladies Muslin wear. Gowns, Skirts, Pants, Corset covers in all sizes, made of Nainsook, Long Cloth and Cambric. Skirts have Lawn Ruffel with handsome Embroidery tucking and hem stitching. The Gowns trimmed in beautiful Embroidery Vale Point de Paris and Clung Lace. These goods are made and finished off by the best workmanship and will bear close inspection and will be sold at one-half their value. No woman can afford to make up her Muslin Wear where she can buy the garments at these low prices.

They are special agents for Rikers Perfumes and Toilet Specialties

We prepare Express and freight on all purchases amounting to \$5.00 or over shipped to any place within a radius of 100 miles of

J. M. MITCHELL & CO.,

PHONE 288.

43 Pollock St., Opposite Post-office.

PABST BEER

Absolutely Pure.

FOR SALE BY

A. M. Edwards, J. S. Garrett, C. C. Roach, M. Disosway & Co., Wm. Sultan, J. P. Rodman, Noah Powell, T. C. Howard.

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Wholesale Agent.