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NO. 13.

EDITOR FINED \$2,000.

Mr. Josephus Daniels is Adjudged Guilty of Contempt.

Refuses Payment of Fine and Appeals to the U. S. Supreme Court for Writ of Habeas Corpus.

Raleigh, N. C., May 30.—When the regular term of Federal Court convened here this morning, Judge Purnell issued a rule against Josephus Daniels, of the News and Observer, to appear at 10 o'clock to-morrow and answer for a contempt, which the Judge conceives to have been committed in editorial and reportorial references in Sunday's issue of the News and Observer as to the appointment of Thomas D. Meares, receiver for the Atlantic & North Carolina Railroad. The rule sets out that the attention of the court has been called to certain editorials and squibs in the News and Observer, of May 29th, calculated and intended to bring the court into contempt and destroy the confidence of the people in its decrees, judgments, etc., thereby destroying its usefulness, this being in contempt of the courts of the United States. Then there follows this: "The President of the United States to Josephus Daniels:—You are hereby cited and admonished to appear before the Circuit Court of the United States within and for the Eastern District of North Carolina, now sitting, on the 31st day of May, 1904, at 10 o'clock A. M. and show cause if any you may have, why you should not be attached for contempt of court in writing and publishing an article on the editorial page of the News and Observer May 29th, and for a series of issues of said newspaper theretofore published."

Judge Purnell made a supplementary order in the A. & N. C. receivership matter this afternoon, appointing Captain V. E. McBee co-receiver with Thomas D. Meares. He files a bond similar to that given by Meares, the amount of the joint bond being \$50,000. Meares and McBee leave with the U. S. Marshal tomorrow morning for Newbern to take charge of the road.—Wilmington Star.

Raleigh, N. C., May 31.—Two thousand dollars fine and cost was the penalty imposed upon Editor Josephus Daniels, of the News and Observer, when Mr. Daniels was adjudged guilty of contempt upon a hearing in the Federal Court here this morning upon a writ served Monday because of editorial utterances in defendant's paper Sunday morning with reference to the A. & N. C. receivership. The hearing was the sensation of the year in Raleigh and the court room was crowded when the case was called at 10 o'clock. Mr. Daniels will remain in custody of the United States marshal until the fine is paid or there are developments upon a petition to the United States Supreme Court at Washington for a writ of habeas corpus, Judge Purnell holding that there can be no appeal and that he has no right to name any bond.

Mr. Daniels came into court promptly at the hour named with his counsel, Mr. Charles M. Busbee, Mr. R. T. Gray, Judge T. B. Womack, Mr. J. N. Holding, Mr. W. L. Watson, of Raleigh; Judge R. W. Winston, of Durham; and Hon. F. A. Woodard, of Wilson. Mr. Daniels' counsel first asked for a continuance of three days, but Judge Purnell refused any motion to the effect. He said in substance that the remarks of Mr. Daniels in Sunday's Observer consisted the strongest sort of intimation that he, Judge Purnell, has been guilty of malfeasance in office and was conspiring to take an unjust advantage of the State in the A. & N. C. R. R. receivership matter, which remarks it allowed to pass unnoticed would bring the judiciary into contempt and subvert the purpose for which it was in-

tended and the respect to which it is entitled. He said furthermore that Mr. Daniels must purge himself of the charge of contempt at once. He was allowed until noon to file a complete answer. Mr. Daniels' answer to the judge's rule was in effect that he was an editor; that he conceived it his duty to discuss matters freely; that in expressing disapprobation of McBee's appointment as receiver, he intended no contempt. He denies that act was in the presence of the court or calculated to obstruct the administration of justice; that the constitution says the liberty of the press cannot be abridged; that has no jurisdiction since the statute of 1831. Judge R. W. Winston, of Durham, argued for Mr. Daniels, denying the court's jurisdiction, and saying there had been no such case in seventy years, since Congress took this power from the court.

Judge Purnell, in imposing the sentence under Section 725, Revised Statutes, said he believed in a free press and a free court; that the answer of the respondent that no contempt was intended is contradicted by his editorials of to-day and his publication that six hundred armed men are ready to march on Raleigh from Duplin county. The court had no personal ill will to Mr. Daniel; they are members of the same secret order, but the courts must be protected.—Wilmington Star.

Raleigh, N. C., June 1.—This morning Mr. R. T. Gray left for Washington where he will join Mr. James H. Poy and ask a writ of habeas corpus of Chief Justice Fuller for Editor Josephus Daniels of the News and Observer, and Democratic National Committeeman, who is now in custody of the United States Marshal for refusing to pay a fine of \$2,000 imposed by Judge Purnell, who to-day found the editor guilty of contempt in certain editorials published concerning the appointment of receivers of the Atlantic and North Carolina railroad.

Editor Daniels is not in jail, the marshal having him at the hotel. Mr. Daniels says he will not in jail before he will pay a penny, and declares that he is standing for the freedom of the press and a principle. Over a hundred thousand dollars have been offered to him if he desires to pay, and hundreds of letters and telegrams of sympathy have been sent him.

Mr. Daniels to-night issued an address to the people defining his position and declaring that he would not retract one word of criticism he had said.

If a Judge's name begins with P let him alone.

Postmaster Massey Dead.

Last Saturday morning at 7:35 Mr. John D. Massey, Postmaster at Smithfield for the past seven years, died after an illness of about two weeks, of heart trouble and a complication of diseases. Mr. Massey was 63 years of age.

The funeral took place Sunday afternoon at 3:30 o'clock and was conducted by Rev. N. E. Coltrane. Mr. Massey was appointed Postmaster here soon after the inauguration of President McKinley and has made a capable and obliging officer. Peace to his ashes.

Startling Evidence.

Fresh testimony in great quantity is constantly coming in, declaring Dr. King's New Discovery for Consumption Coughs and Colds to be unequalled. A recent expression from T. J. McFarland, Bentorville, Va. serves as an example. He writes: "I had Bronchitis for three years and doctored all the time without being benefited. Then I began taking Dr. King's New Discovery, and a few bottles wholly cured me." Equally effective in curing all Lung and Throat troubles, Consumption, Pneumonia and Grip. Guaranteed by Hood Bros., Druggists. Trial bottle free, regular sizes 50c. and \$1.00.

THREE ORDERED TO JAIL.

Judge Peebles Signs Order for Another Judge to Hear Contempt Case Against Roberson Bar.

The following account of the contempt proceedings at Lumberton is taken from the dispatches published in the Wilmington Star.

Lumberton, N. C., May 27.—According to adjournment yesterday, court met today at 9 o'clock. Judge Peebles had taken most of the afternoon previous considering respondents' answer to his proposition to remove to another judge. This morning he read a long modified statement that he is willing to remove without requiring respondents' to waive exceptions before Supreme Court—they to make no point of jurisdiction and the evidence to be closed with the affidavits now filed. He said he could trace almost all the affidavits to the influence of those who had justly suffered at his hands and went into lengthy details to show this. In one place he said he had made an inefficient clerk mad, in another a negligent sheriff, in another a trickster lawyer, and so on.

When the statement was finished a recess was given for respondents and counsel to confer. The proceeding is tedious. So much learning is displayed that every move requires an intermission before the counter move. Solicitor Walter E. Daniels and J. M. Beatty are here to testify viva voce, Daniels having refused to make affidavit.

Solicitor Daniels prosecuted the Haywood case before Judge Peebles in Raleigh and during his examination and cross examination the Judge laughed heartily at some of Daniels answers as to his Honor's alleged partiality in the Haywood case. The case was reviewed from beginning to end. The respondents objected to various questions of His Honor on the ground that they were not pertinent. Judge Peebles persisted. It is probable that Judge Brown will try the case.

Judge Peebles filed a great mass of affidavits, some 200, on the points of his integrity, character, sobriety and judicial course and that he was not intoxicated at any court specified by respondents.

Lumberton, N. C., May 28.—An astounding culmination to a not uninteresting day in the contempt proceedings of the Lumberton bar here came this afternoon when Judge Peebles stated that he would transfer the case of the bar to another judge but would himself deal with the affidavits. But since only four had sworn to things of their own knowledge, he said he would now deal with them, postponing the attachment of others. Having no substantiating evidence to rebut Sheriff McLeod's affidavit about seeing whiskey in Judge Peebles' room at Fayetteville, he said he would postpone action in his case, but he proceeded to sentence E. W. Kerr, Esq., of Clinton, C. F. Carroll, of Wilmington, and R. C. Southerland, of Canton, to jail for 30 days with fines of \$200 because of direct contempt in presenting their affidavits in open court, about irrelevant matters.

Instantly Mr. C. W. Tillett, counsel for the attorneys, was on his feet and vigorously addressed the court in words to the following effect: "Sir, you recall that we insisted on your stating the issues before we filed affidavits; you refused, but finally said that the charge of drunkenness had been made an issue, and that if we had any affidavits at that point you wanted them." The court didn't remember and refuse to change the order. "Your Honor," said Mr. Tillett, "if you rely on your memory, as to that matter we will overwhelm you. We can secure two hundred affidavits that you said it, and we did not file an affidavit as to drunkenness till you said it, nor would we." Mr.

Busbee spoke to a similar import. All the counsel, in fact, did so and sometimes at one time, while a score were ready to swear to the allegation. Finally, in face of his avowal to the contrary the Judge amended the order. Sheriff McLeod told the Judge that if what the Judge said was in his affidavit, he would go to jail, voluntarily for thirty days. The Judge made no reply and the order was amended.

Finally the order transferring to Judge Brown or another judge was signed.

The day opened with the filing of numerous affidavits by the Clerk Humphrey and Deputy Skipper, of Robeson, were examined as to the bar meeting. Their examination was objected to by the respondents, and the point was left to Judge Brown later. The witnesses related in part what took place when the Robeson bar met in March to fix the calendar. It appeared that the lawyers intended to make a calendar, but after talking informally R. C. Lawrence moved not to set the calendar, and N. A. McLean seconded it. The witness heard the lawyers mention something about reports of discourtesy, unfairness, the conduct of the Haywood trial and some other matters.

On the question as to the date of presenting the affidavits to ground the case of direct contempt on the filing of the affidavits, the court ruled they were filed in open court. There were objections and exceptions by respondents.

There is much feeling in Lumberton over this latest turn in the case and the respondents and their counsel are preparing to secure a writ of habeas corpus. They announce that they will stand by Maj. Kerr, Southerland and Carroll to the last. Neither of them are here, the two first named being at their homes in Clinton and Mr. Carroll, who is mail agent between Wilmington and Norfolk, being at his home in Warsaw.

A Double-Header.

On last Friday the Smithfield team defeated the Clayton baseball team in a pretty game of ball, the score being 10-4. The swift balls of Grantham's could not be found by the Clayton boys and ten fanned the air. Several balls batted by the home team found a resting place only when they were safe over the fence in center field.

Battery—Smithfield: Grantham and Rose—Clayton—Young and Richardson.

SELMA VS. SMITHFIELD.

Selma with nine stalwart baseball veterans drove over Tuesday afternoon and played the Smithfield team.

This was the fastest and prettiest game of the year and in fact the best game it has been our pleasure to witness on the home diamond.

Selma scored one run in the first inning and then they failed to cross the plate again in the whole game of nine innings, while Smithfield crossed home plate three times during 8 innings.

Noble for Selma did good work in the box striking out nine men, while Noble, R. did fine work behind the bat.

Murray, Smithfield's crack pitcher with steady hand and a true eye for the corner of the base meted out the fate of eighteen men, striking out three in succession in the ninth inning.

Battery Smithfield—Murray and Rose. Selma—Noble, A. and Noble, R. RE PORTER.

That Throbbing Headache.

Would quickly leave you, if you used Dr. King's New Life Pills. Thousands of sufferers have proved their matchless merit for Sick and Nervous Headaches. They make pure blood and build up your health. Only 25 cents, money back if not cured. Sold by Hood Bros., Druggists.

Personal liberty is the right to act without interference within the limits of the law.—J. Oerter.

WHO WAS ON TRIAL.

The Very Stones of Prison Would Refuse To Incarcerate the Men.

To the Editor:

Dear Sir:—It was said of a recent heresy trial that took place in this country that it was not the heretic but the church that was actually on trial.

In like manner, it seems to me, that the very unusual proceeding, now in progress at Lumberton, constitutes a trial, not of the Robeson bar, nor of Judge Peebles, but of American institutions and American civilization.

From the early days of Jefferson until now European statesmen have maintained that Government, in which the will of the people was the law of the land, was quixotic and unable to endure.

Heretofore it has always been believed that men required a master—some one to say unto one, Go, and he goeth, and to another, Come, and he cometh—and from such commands there has been no appeal. The idea of absolute freedom and independence in thought, and act is American born; its cost was the blood of countless thousands of men; it has made us the greatest nation on earth; and it is an idea for which millions of American citizens stand ready to lay down their lives.

We read with indignation how Russia hurls innocent men and women into banishment for some pretended offense against a State official; how Cato made his little Senate laws and sat attentive to his own applause; how Jeroboam said to his people: "My father chastised you with whips, but I will chastise you with scorpions;" but never before in the history of America has it been permitted to a man to sit in judgment of men for an offense committed against himself; never before have witnesses been fined and imprisoned for giving testimony, which forsooth, was offensive to the man on trial; and never before have the laws of North Carolina armed a man with the power to vent personal spite and vengeance on innocent men.

Imagine an American visiting St. Petersburg, and while passing through the street, being an unwilling witness to a difficulty between an official and a private citizen. The citizen is at once dragged into court, the official himself is the judge and the American is called in and forced to testify and because his testimony is not favorable to the cause of the official the American is sent to jail. Would not every true born son of America stand behind the peremptory and unconditioned order which would flash across the cable: "Give that man his liberty?" And yet are we to sit supinely in our homes and permit just such barbarity as that to be committed in the name of the laws of our own Commonwealth, and raise no voice of protest?

If this sentence is permitted to stand, then is our boasted freedom a myth, our laws weapons in the hands of tyrants and our courts places for the exercise of spite and spleen. But such a sentence cannot stand. It is so foreign to the spirit of liberty and justice which pervades the atmosphere of this country, that the very stones of the prisons would refuse to incarcerate the men who have been the subject of such perfidy.—Benj. K. Hays, Oxford, N. C., in Tuesday's News and Observer.

—The Smithfield baseball team met an overwhelming defeat on the Clayton diamond Wednesday afternoon. The score was 17 to 2 in favor of Clayton.

Driven To Desperation.

Living at an out of the way place, remote from civilization, a family is often driven to desperation in case of accident, resulting in Burns, Cuts, Wounds, Ulcers, etc. Lay in a supply of Bucklen's Arnica Salve. It's the best on earth. 25c. at Hood Bros. Drug Store.

Maj. Charles M. Stedman.

Maj. Stedman is too modest to speak of his own service in the army, but his comrades in arms say there was no truer soldier. Col. John R. Lane, surviving colonel of the famous Twenty-sixth North Carolina Regiment, is out in the following letter advocating Maj. Stedman's candidacy:

"To the Editor:

"When the cherished rights of the South were trampled under foot, and North Carolina called for her sons to take up arms and defend her, there came from a Christian home in Cumberland county, a native son of Chatham, a beardless boy, strong, handsome, and true, who though highly educated at our State University was content to enter the ranks as a private, and when the smoke had cleared from the battlefield at Bethel, the country knew that North Carolina and his native county had furnished a soldier destined to promotion for gallantry upon the field of battle. His name was Charles Manley Stedman. God bless him. A truer and braver soldier never followed Lee and Jackson and what more can be said, for those that scaled the heights at Gettysburg know what a soldier is.

"North Carolina is again calling for her bravest, wisest and truest son to rule over her destiny in peace.

"We are proud of the young manhood of the State, and have honored with delight the ambition of our sons who have aspired to be rulers. And well have succeeded in promoting them. Two United States Senators, ten members of Congress, all of the State administration save one, and nearly all of our Judges and solicitors are young men.

"The State feels and those who fought her battles in war feel, that it is but just and right to select as our next Governor one from among that class which is now fast passing away, never to return, one who bears upon his body the enduring scars of battle, and whose mind is clear and brilliant and whose heart is kind and true, whose life is an open book, of devotion to State, fidelity to friends and sacrifice to the Democratic party.

Our minds all turn to one—his name is Stedman. The noblest Roman of them all."

"I hope the young men of North Carolina will join us who followed Lee and name from among us our choice as your choice.

"This is the last opportunity the State will ever have of electing a Confederate soldier Governor, and we have in Major Stedman a man worthy of us all and if made Chief Magistrate, he will be an honor and an ornament to our State. JOHN R. LANE

Ore Hill, N. C., May 10, 1904.

The Twenty-sixth Regiment had three famous colonels, Zebulon B. Vance, Harry Burgwyn and John R. Lane. The last named commanded the regiment from the battle of Gettysburg, where he was desperately wounded, till the close of the war.—Webster's Weekly.

Worst of All Experiences.

Can anything be worse than to feel that every minute will be your last? Such was the expression of Mrs. S. H. Newson, Decatur, Ala. "For three years" she writes, "I endured insufferable pain from indigestion, stomach and bowel trouble. Death seemed inevitable when doctors and all remedies failed. At length I was induced to try Electric Bitters and the result was miraculous. I improved at once and now I'm completely recovered." For Liver, Kidney, Stomach and Bowel troubles Electric Bitters is the only medicine. Only 50c. It's guaranteed by Hood Bros., Druggists.

A German tinker named Landsberg found a purse containing \$110 at Rostok. He took it to the police station, where its owner claimed it and gave Landsberg one shilling. The disappointed finder shot himself.