

INDIGNANT LAWYERS

Meet And Indulge In Some Plain Language As to President's Action.

ROOSEVELT IS ABLY DEFENDED

By Mr. McNeill of North Carolina—Effort to Adopt Resolutions Censuring the President Gives Place to the Decision to Seek Relief from Congress—North Carolinians Took a Lively Interest in the Meeting.

The few North Carolinians remaining at the national capital took a lively interest this afternoon in the adjourned indignation meeting held by Washington lawyers to vote their sentiments over the action of President Roosevelt in appointing a successor to Justice Pritchard without giving local attorneys an opportunity to be heard. Very soon after the meeting was called to order consideration was given to the resolution which contemplated the appointment of a committee of five to draft resolutions expressing the disapproval of the members of the district bar of the practice of the President in appointing non-residents to the bench of the district, and particularly in the course pursued by the President in making the last appointment. Some plain language was indulged in before the meeting finally adjourned, after adopting a substitute resolution providing for the appointment of a committee to draft a bill for introduction in Congress providing that one-half of the district bench shall be citizens of the district. Andrew Y. Bradley thus expressed himself: "Imagine the storm of protest that would occur if a resident of the District of Columbia should be appointed to an office in New York; yet we sit down and calmly submit to such treatment." The salaries paid the local judges amount to about \$60,000 a year, Mr. Bradley pointed out. Of that sum the citizens of the District pay one-half, or \$30,000, while District citizens on the bench receive only \$12,000 of it." But the financial view pales into insignificance when we consider the latest flagrant abuse of power by the Chief Executive," Mr. Bradley contended. "In spite of the fact that the President knew there was no need for haste; that he knew Justice Pritchard would remain here at least one month; that he knew that the Senate had adjourned and that he had postponed the filling of the last vacancy on the bench till the political campaign in some States was over—rather because of those facts, he appointed a non-resident to the bench less than an hour before the time he knew we were to meet and decide on a candidate for the place."

DEFENSE OF THE PRESIDENT.

The chief defense of the President was made by R. H. McNeill, secretary of the North Carolina Republican State executive committee, and secretary to Justice Pritchard, while the latter was in the United States Senate. It was while Mr. McNeill had the floor that the meeting showed real "feeling" in the matter, for some of his assertions were met with laughter and grunts of derision. Mr. McNeill protested against the adoption of the motion. Such action, he declared, would be extremely unjust, and he added that if he stood alone in that opinion, he was indifferent to what others thought. "The President has been exceedingly liberal to the District of Columbia," Mr. McNeill began, but he was interrupted by laughter. He referred those who laughed to the showing made by Representative Gillet that many more District people are employed in executive departments than the District is entitled to have there. "My home is in North Carolina," Mr. McNeill went on to say, "and I retain my vote there. You who have no citizenship should go to congress and seek your rights," again there was interruption.

"Give the gentleman from North Carolina a chance," Chairman Gordon directed, good-naturedly.

"It is not proper for you to refer to me in that manner," Mr. McNeill retorted, with some heat. "I am not here for the purpose of being ridiculed, but to express my opinion."

FAVORS TO THE DISTRICT.

Continuing, Mr. McNeill said that Adolph G. Wolf, a District resident, had recently been appointed Associate Justice of Porto Rico, and that Mr. Morgan H. Beach, United States attorney for the District of Columbia, had

P. J. HART GETS 12 MONTHS.

Prominent Citizen of Polk County Sentenced to Twelve Months Imprisonment.

In Federal court this morning P. J. Hart, a prominent Republican citizen of Polk county was convicted of concealing liquor illicitly distilled. The case against Mr. Hart was called yesterday and has, owing to the prisoner's prominence, attracted considerable attention. Upon the rendering of the verdict by the Jury Judge Boyd sentenced the prisoner to 12 months imprisonment and fined him \$200.

Mr. Hart was one of the most prominent Republicans in Polk county. He was at one time county treasurer and had held other offices of public trust. At the time he was arrested he was employed by the government in the capacity of storekeeper and gauger. It is said that when Mr. Hart was arrested three barrels of illicit whiskey were found concealed on his premises and the evidence against him was conclusive. —Gazette News, May 7.

AYCOCK FOR VICE PRESIDENT.

Does Not Wish His Name Pressed for Nomination.

Mr. N. O. Fanning, who is writing for the Brooklyn Eagle a series of articles from the Southern States, makes this reference to Governor Aycock: "Governor Aycock's nomination for president or vice-president would very much please North Carolina. The State delegation will not, however, present his name, in view of objection which the Governor is known to have, and of the delicacy of the Democratic National situation. Leading men of the South look upon Governor Aycock as one of the great men of the country, and expect him to rise rapidly and surely in politics. But his close friends feel that his nomination on the presidential ticket should not be pressed, nor even considered, if it appears at the time of the National convention, as it does now, that both nominations will have to be thrown into the balance in doubtful northern State in order to win."

15 MONTHS FOR WHITMIRE

Henderson Youth Sent to Maryland Reformatory.

In Federal court yesterday afternoon the case of Jesse Whitmire, a boy of extreme youth from Henderson county, charged with violating the laws of government pleaded guilty. After the submission had been entered a strong plea for mercy was made. It was stated that the boy had been placed to prison and that while there his mother had died and that he had been unable to see her before or after her death. The case was a pathetic one and the age of the boy and the circumstances surrounding the case excited considerable sympathy. Judge Boyd would not send the boy to a Federal prison but ordered that he be placed in the government reformatory in Maryland for 15 months.

The morning paper stated that Whitmire was the Emma postoffice robber. This was a mistake. The boy who broke into the building at Emma in which is located the postoffice was Walter Johnson. Johnson is out on bond and his case has not yet been disposed of. —Gazette-News May 6,

announced positively to the speaker that any assistants appointed in his office must be bona fide citizens of the District. This position taken by Mr. Beach was loudly applauded by those in attendance at the meeting.

According to Mr. McNeill, the local bar had as much right to censure Justice Stafford for coming here as it had for criticising the President for appointing him. He again declared that he was opposed to hurrying a gratuitous insult at the President. Mr. Philip Walker explained the situation in the executive departments, and declared: "If Mr. McNeill has a friend among the citizens of the District whom he would like to have appointed to a department place under the civil service, I'll tell him he can't have it done." Mr. McNeill has asked how the people of North Carolina would have felt if a citizen of the District instead of Justice Pritchard, whose home is in that State, had been appointed to the United States Circuit Court to succeed the late Justice Simonton.

"They would have gone to Congress and demanded their rights," Mr. McNeill answered.

"But we have no rights here," somebody remarked.

JOB FOR MARSHALL L. MOTT.

Will Be Legal Advisor For The Creek Indians.

Marshall L. Mott, who has been here looking for a political job all winter has been designated as an attorney for the Creek Indians in Indian Territory. While the chief of the Creek Indian tribe has formally made the designation, it is not certain that Mr. Mott will receive the appointment. The action of the Indians will not be pending until concurred in by the Secretary of the Interior, who is not certain that the Indians are longer in need of legal advice. It is supposed the position, which pays \$5000, was secured for Mott by Judge Adams, or some of the North Carolinians now in the Territory. —Gazette-News.

NEGROES TO NAME THEIR MAN.

National Congress of Negroes to Meet in St. Louis July 6.

St. Louis, May 4.—What is expected to be the largest convention of negroes ever held in the United States will convene here on July 6, the same date as that for the National Democratic gathering.

Arrangements were completed today for the entertainment of 2,500 delegates. It is the purpose of the national liberty party, as the organization has been named, to place a negro candidate for President and Vice President in the field. Chairman Jones predicts that the ticket will receive half a million votes.

Jones says: "The failure of the Senate to confirm the nomination of Dr. Crum as collector of the port of Charleston, has prompted the colored voters of the North to take active steps to secure recognition through the methods proposed by the Liberty party."

"We are making our fight in New York, Pennsylvania, West Virginia, Indiana, Illinois and Missouri."

A RUSH FOR PENSIONS

Eleven Thousand Received Under New Regulation.

Washington, May 5.—Although the recent order constituting the age limit of 62 years as evidence of physical disability in granting pensions has been in effect barely three weeks the pension office has already been swamped with applications under the order. Up to Saturday the number of applications filed had reached a total of 11,000 and they are still rolling in at the rate of several thousand a day. One reason for the great haste in filing the applications is that, although the payment of the pension may not begin for several months, they actually date from the time of filing and the accrued pension will be paid in a lump when the certificate is issued.

The minimum pension under the order is \$6 a month, which covers the 62 year limit, and ranges up to \$12, according to age above that limit. Congress appropriated \$500,000 for the payment of these pensions before June 30, but Commissioner Ware thinks the first certificate under the new order can not be issued before June 1, and that the entire sum will not be disbursed before the end of the month. After the beginning of the fiscal year, July 1, the payments will be made from the regular pension appropriation.

Call for Congressional Convention.

A convention of the democratic party of the tenth congressional district is hereby called to assemble in Hendersonville, N.C., at 1:00 p.m., on Tuesday, June 21, 1904, for the purpose of nominating a candidate to represent said district in the 59th congress, to elect an executive committee and perform such other business as may be properly brought before the convention. The various counties will please take notice and select delegates to the district convention. The counties of the district will be entitled to cast the following vote in the convention, based upon the democratic vote cast by each in the last gubernatorial election:

- Buncombe..... 87
- Cherokee..... 16
- Clay..... 16
- Graham..... 8
- Haywood..... 35
- Henderson..... 22
- Jackson..... 22
- Macon..... 21
- McDowell..... 11
- Folk..... 11
- Rutherford..... 48
- Swain..... 11
- Transylvania..... 12

It is earnestly desired that each county shall be fully represented by duly accredited delegates. By order of the Tenth District Executive Committee, in session at Asheville, N.C., on April 28.
This April 30, 1904.
Respectfully,
R. M. WELLS, Chairman.
M. L. SHIPMAN, Secretary.

SURPRISE IN THE TYNER CASE.

Former Clerk Says Practice Was "Give Them a Chance."

Washington, May 6.—Surprise was sprung on the government in the Tyner case this morning when Hayes Morgan, formerly "fraud order" clerk in the postoffice department, testified that he himself was the author of some of the letters complained of wherein Tyner is charged with favoring "get rich quick" concerns. He said the practice of the legal branch of the postoffice department had always been to give concerns against whom charges of fraud had been made a chance to reform and bring their operations within the letter of the law. —Gazette-News.

WHISKEY MEN FOUND GUILTY.

Heavily Fined and Sentenced to Imprisonment.

Charlotte, N. C., May 4.—A verdict of guilty was rendered today in the United States court in the cases against T. M. Angle, B. F. Sprinkle, and William Young, for defrauding the government by false entries in connection with the payment of taxes on whiskey. Sprinkle was fined \$3,000 and sentenced to two years imprisonment; Angle, \$1,000 and one year; and Young \$1,000 and six months.

An appeal was taken.

A. J. Davis, the government gauger, who some time ago was convicted of making false returns in connection with these alleged frauds, was given 18 months imprisonment and fined \$1,000.

Judgment to \$20,000 also was assessed against him and suit will be brought for the amount against his bondsmen.

STOPS DIVORCE PROCEEDINGS.

Judge Justice Takes Reins in Hand and Orders Mistrial.

Judge M. H. Justice, of Rutherford, is presiding over the present term of Mecklenburg superior court. During a trial for divorce this week Judge Justice would not allow the jury to take the case, but instructed that a juror be withdrawn and a mistrial had. The judge had learned that the cause of the divorce proceedings was due to the defendant's people, and in disposing of the case said:

"This is a reputable looking man, and no doubt his wife is a nice woman; and they should live together. I cannot allow the case to go to the jury on this evidence. The cause of the separation should be removed; that is, this plaintiff should make further efforts to live with his wife and her people should not interfere."

A juror was then withdrawn and a mistrial ordered.

ATTEMPT TO WRECK TRAIN

On the Southern Near Asheville Came Near Being Carried Out.

Information of a attempt to wreck passenger train No. 35, westbound, which left this city at 1:30 Saturday morning, was received in Asheville yesterday.

The train was running at a fast rate as it approached Gorman's bridge, five miles west of the city, when the engine struck an obstruction on the track.

The engine was raised from the rails and had hardly righted itself until a second obstruction almost derailed it. Engineer Parrott immediately shut off his engine at the first jar and the train was moving much slower when the second obstruction was reached.

The wheels rode the object on the track for several feet before the engine righted itself, and by this time the train was almost at a standstill. The train was brought to a stop and after an investigation it was found that a third obstruction in the nature of an angle bar was just in front of the engine. It had passed over two of these obstacles, but had Engineer Parrott not had his train in hand the third obstruction would surely have derailed the engine and train.

There is no question but that a bold attempt to wreck the train had been made, and the supposition is that it was done for the purpose of robbing the express and mail cars and looting the passengers. The train was carrying the usual number of coaches and heavy passenger list aboard. It would be hard to contemplate the result of such a disaster at this particular spot, but it is certain that the death rate would have been appalling had the train gone down the embankment.

The escape seems almost miraculous. There is not the slightest clue to the perpetrators, but a number of the company's detectives are at work on the case. —Asheville Citizen, May 8.

ANOTHER PARTY IN FIELD.

Christian Party Will Put Out Ticket if Plank is not Accepted.

St. Louis, May 4.—The United Christian party, which has been in session here since Sunday, appointed a committee of 12 to select candidates for the national ticket for the next presidential election. The convention adjourned to meet here after efforts had been made to secure endorsement by one of the principal parties of the planks contained in the Christian platform. If this is accomplished it is reported there will be no independent ticket, the party agreeing to support the ticket of the party endorsing its platform.

HON. SOL. GALLERT RETIRES.

From Congressional Race—Gudger Addresses Convention.

Rutherfordton, N. C., May 2.—The democratic convention for selecting delegates to state and congressional conventions was held here today. The convention was well attended, but was lacking in enthusiasm, which has heretofore characterized Democratic conventions in this county. Resolutions endorsing Judge M. H. Justice for associate justice were unanimously passed.

The delegates to the convention today having been instructed by their precinct conventions Saturday to vote for a primary the primary carried by a vote of 70 to 27, so if the executive committee obeys the mandates of this convention we will have our first primary in Rutherford county some time in the near future.

Col Sol. Gallert addressed the convention stating that he was no longer a candidate for congressional honors, giving as his reason that the press of legal business in the Federal court would not admit of his giving the time necessary to his campaign prior to the meeting of the congressional convention.

Congressman Gudger was on hand and in response to a call addressed the convention for a short time. Mr. Gudger said he saw signs and predicted a hard slide in November. He said there would be no money or tariff issue before the people this year, but the democrats were demanding an investigation of the postoffice scandals and a peep at the books; that this, and better roads, kept up by congressional appropriations, would be the paramount issues.

CANAL CONFERENCE AT WHITE HOUSE

Rules And Regulations Are Approved By Taft And Knox.

Washington, May 5.—An important conference was held at the white house tonight at which the general policy to be followed by the administration in the framing of rules and regulations for the Panama canal zone was agreed on. This policy provides for instructions to be issued by the President through the secretary of war to the canal commission for the administration of affairs in the strip, following much the practice in vogue in the Philippines where the acts of the commission are subject to the approval of the secretary of war.

There were present at conference Secretary Taft, Attorney-General Knox and chairman Walker and the other members of the canal commission now in this city. The members of the commission explained to the President the condition of affairs in the isthmus as they found them and made recommendations for the government of the strip.

They will embody these recommendations in a written communication to the President who will submit them to Secretary Taft and Attorney General Knox for such modifications and suggestions as they deem best. After the rules and regulations have been finally drafted and approved by the President the latter will issue them to the commission through the secretary of war, Congress left the matter of the government of the strip entirely with the President and the instructions for its government will cover every detail necessary for a complete and thorough administration of affairs there, including the establishment of courts and police regulations.

Editor Britton Attacked.

Raleigh, N. C., May 6.—This afternoon, in the lobby of the Yarbrow hotel here, there was a fight between City Editor Edward E. Britton, of the Raleigh News and Observer, and Attorney William H. Day, growing out of controversy about Day's applications for the receivership of the Atlantic & North Carolina railway. Day used a cane, Britton receiving several blows on his arm and hand, and Day a light blow on the face. An Asheville man seized Day, while two clerks held Britton and the affair ended. —Citizen.

PT. ARTHUR BOTTLED

At Last By the Japs, But Not Without a Heavy Loss of Men and Vessels.

FENG HUANG CHENG TAKEN

Also By the Japanese With Heavy Losses On Both Sides—The Russians Are Driven Back at Every Point—False Reports Are Sent Out From St. Petersburg Concerning Japanese Losses—Port Arthur Entirely Cut Off.

London, May 7.—Dispatches received from Seoul bring the report that Feng Huang Cheng has fallen into the hands of the Japanese after severe fighting. Seoul traces the report to Antung, Manchuria, a point near the Japanese advance posts. The losses on both sides, it is reported, have been heavy.

Russia Clearing Channel With Dynamite.

Chefoo, China, May 7.—Chinese coasting vessels report a succession of tremendous explosions at the entrance to Port Arthur. It is evident that the Russians are trying to clear the channel of the obstacles and mines placed there by the Japanese. The cruiser squadron of the latter is watching the harbor to prevent a sally of torpedo boats against the Japanese transports now lying along the peninsula.

Port Arthur Completely Blocked.

Tokio, May 7.—Admiral Tago reports that Port Arthur is completely blocked except for the passage of very small boats. The Japanese admiral adds that he did not lose a single warship in his last attack on Port Arthur, though it was expensive as regards loss of life.

St. Petersburg Admits It.

London, May 7.—A dispatch from St. Petersburg states that official admission is made that the Japanese have captured Feng Huang Cheng.

433 Russians Captured.

Wiju, Korea, May 7.—Word reached here today of another Russian repulse in Manchuria. Thousands of the Russian rear guard, according to report, made a stand at Hehmetang on the Liao Yang road. The Japanese charged them and after a brief fight the Russians spiked their guns and retreated. Four hundred and thirty-five Russians were captured.

Port Arthur Bombarded.

St. Petersburg, May 7.—It is reported that Port Arthur was again bombarded yesterday morning. Owing to communication with the port having been cut off by the Japanese, no confirmation of the rumor can be obtained.

Port Arthur Cut Off.

St. Petersburg, May 7.—Port Arthur is cut off from all communication by land, the Japanese having disembarked in its rear, occupied the railroad and cut the telegraph. Vice Admiral Skrydloff, who is en route to Port Arthur to take command of the naval forces in the far East, will be unable to reach his destination.

Ninchwang Taken By Japs.

London, May 4.—The Chefoo correspondent of The Chronicle cables the following under yesterday's (Tuesday) date: "The Japanese landed troops and attacked and captured Ninchwang last evening, the Russians falling back to protect the railway."

Pygmies for the World's Fair.

Pygmy Philipinos will be the most interesting anthropological types among all the strange tribes in the Philippine display at the St. Louis Exposition. They are perhaps the smallest little people to be found in the world.

Juan and Martina de la Cruz, brother and sister, were the second and third children in a family of eight. Their elder brother, living in Manila, is 36 years old, 5 feet 1 inch high, and of normal weight, 138 pounds. Martina, the next eldest, is 31 years old and 28 inches high. Juan, the next in age is 29 years old and 29 inches high. Their parents and the five youngest children, all of whom are dead, were Philipinos of average height and weight.

The brother and sister are nine and seven inches smaller than General Tom Thumb. Juan says that God made his sister small; then, realizing how lonesome she would be, He decided that he should be just exactly two inches taller. Juan is married and the father of a boy eight years old. He is as large as any child of that age in the islands. His wife, who was a Filipino of normal size, died three years ago. Juan and Martina were born in Capiz, Island of Panay, New York Herald.