

WYTHEVILLE IS SCENE OF A DOUBLE TRAGEDY

Town Sergeant Shot to Death and His Slayer Also is Killed.

FUSILLADE IN CROWDED STREET

Chief Peace Officer Slain by Man He Attempts to Arrest—Latter Laid Low by Bullet from Unknown Source—Tragedy in Midst of Christmas Shoppers.

(Special to the Daily Press.) WYTHEVILLE, VA., Dec. 19.—A terrible tragedy occurred on the main street here this afternoon when Walter McClintock, town sergeant, was shot to death by E. A. Cregger, upon whom he was serving a warrant and Cregger was himself killed, either by McClintock or some one else in the crowd.

McClintock died immediately from several wounds, two or three of which were in the face and head, and Cregger lived only a few minutes. The shooting occurred about 5 o'clock and at a time when the streets were crowded with Saturday evening and Christmas shoppers. It was providential that only the immediate participants were injured.

There is great excitement and confusion here, and the exact facts are hard to obtain. Spectators are confused. Many prominent citizens were near, but owing to the suddenness of the tragedy, cannot state how the affair commenced, or who fired the first shot. The bodies of the dead men have not yet been thoroughly examined to ascertain the number of wounds.

WATER CHRISTENING OF DELAWARE IS URGED

W. C. T. U. of State of Delaware Favor Mild Baptism of Great Fighting Ship.

WILMINGTON, DEL., Dec. 19.—Because two of the four districts of Delaware are "dry" W. C. T. U. members of this State want the baptism of Delaware to be launched at Newport News, Feb. 4, christened with water instead of wine, and action was taken at the meeting of the State executive committee of the W. C. T. U. here.

The battleship Delaware will be the biggest fighting craft afloat, and the white ribbons intend to have nothing undone relative to having a "dry" launching. A resolution was adopted asking Governor Pennell to use his influence in behalf of water. A committee was also appointed, composed of the State president, Mrs. Emma E. Calk, and the three county presidents, Mrs. Mary B. Donnell, of New Castle, Mrs. Elizabeth Smithers, of Kent and Miss Lillian Cade, of Sussex, to confer with the Wilmington Board of Trade, which is planning a celebration incident to the launching.

Railroad Man Promoted

WASHINGTON, D. C., Dec. 19.—Lester C. Ulrich, of St. Louis, for some years connected with the Southern Railway lately as chief clerk

RESOLUTION RETURNED.

President Withholds Signature From Act Fixing Boundary Line. (By Associated Press.) WASHINGTON, D. C., Dec. 19.—The President today returned to the Senate without his signature, the resolution fixing the boundary line between Colorado and New Mexico with a message giving as his reason for this action a report of the attorney general to the effect that the bill made material changes in the line, in fact shifting five post offices from one jurisdiction to another. As soon as the message was read Mr. Teller declared that no important changes were made by the legislation as the line had been established in 1861 and followed the 37th parallel very closely.

FLEET WILL SAIL.

Leaves Colombo Today for Suez—Baseball Game. (By Associated Press.) COLOMBO, CEYLON, Dec. 19.—The fleet baseball championship was won today by a nine from the Nebraska, which defeated the nine of the New Jersey by a score of 22 to 10. The cup offered by the chamber of commerce was withdrawn by mutual agreement.

Soldier and Jurist Dies.

(By Associated Press.) WINCHESTER, VA., Dec. 19.—Major Samuel J. C. Moore, formerly judge of the Clark county court, died at his home, at Berryville, today, aged 84 years. Major Moore served with distinction in the Confederate army as an officer in General Stonewall Jackson's staff. He was with Jackson at Manassas.

TO GO SLOW ON CABINET

Taft Will Await Advice of Chosen Secretary of State.

SAYS NO OFFER NOW IS PENDING

Reported From New York That President-Elect Has Selected George W. Wickersham for Attorney General—Washington Hears It.

Only Secretary of State Chosen.

(By Associated Press.) AUGUSTA, GA., Dec. 19.—Directed as an answer to the numerous newspaper cabinet suggestions, which have been made recently in many quarters, President-elect Taft said tonight that he had made no progress whatever in making up his cabinet aside from the Knox announcement. Admitting that nearly all of the names that have been suggested in the papers have also been suggested to him, and that in nearly all instances he thought well of the men, he insisted that he had reached no determination nor was there pending any offer of any position to any one.

Will Consult Knox.

He made it plain yesterday that he should consult his secretary of state thoroughly before going further into the cabinet making business. Judge Taft indulged in golf today and with Mrs. Taft and the boys.

Senators on Committee.

(By Associated Press.) WASHINGTON, D. C., Dec. 19.—Senators Knox, Lodge and Bacon, were today named by the Senate to represent that body on the joint congressional committee on the inaugural ceremonies.

(Continued on Eighth Page).

OIL TRUST ANTAGONIZES GOVERNMENT PETITION

Contends That Policy of Law is Against Review of Case Now Involved.

\$29,000,000 QUESTION AT ISSUE

Standard's Brief is Technical in Character—Contention Made That Oil Company Made Effort to "Discover Legal Rates"—Government Accused Trust of Accepting Rebates

Brief Antagonizes Government.

The brief antagonizes the petition and this opposition is based principally on the ground that the law "does not authorize a review by the Supreme Court on the application of the government on a judgment of the Circuit Court of Appeals in a criminal case by which a writ of error of the defendant is sustained and disposed of by reversing the judgment and sentence of the trial court. It is contended that in a case of this character a writ of certiorari is equivalent to a writ of error, and that the policy of the law is against the review of a judgment in favor of the accused in a criminal case at the instance of the government.

Much of Brief Technical.

Much of the brief is technical in character, but there are occasional passages which depart from that characterization. It is pointed out that while six cents was the lawful rate on petroleum for all shipments from Chicago to East St. Louis, except from the stations at East Chicago, Hammond, Indiana Harbor and Whiting, or other suburban switching points in Indiana.

From these points the government contends that the railroad was required to charge 18 cents per hundred, or three times the Chicago rate and that therefore the Standard Company which shipped from the suburb of Whiting, at the Chicago rate was properly indicted by the district court in the sum of \$29,000,000 for not shipping at and paying a prohibitive rate of three times as much as the Chicago rate.

Company Made Due Effort.

Contention is made that due effort was made on behalf of the Standard Company to discover the legal rate, and it is urged that the company should not be held responsible for its failure in that respect.

Continuing the brief says: "Conceding as well as the trial court have overlooked the obvious contention that the controlling purpose of the acts to regulate commerce is to promote and facilitate commerce and not to hamper or destroy it."

"Conceding the constitutionality of the Elkins amendment as it covers in passing it regarded the shipment of commodities in interstate commerce as lawful with exit or entry to the safety or morals of society and that it was therefore to be burdened with penal restrictions, and that shippers are to be held to a rule of diligence in knowing that the rates which they ship are the lawful rates, filed and published rates, such as has been in extreme cases applied to druggists when keeping yellow liquor to minors or druggists, selling poisons.

Commerce Would be Restrained.

"If shippers were required to carry on business under such a rule of diligence as the 'equivocal' law would at the risk of criminal prosecution and severe penalties, interstate commerce would be greatly restrained and diminished if not destroyed. What is said in the opinion of the Circuit Court of Appeals is in point on this question."

Arbuckle Notifies Navy Department

That He Can Raise Ship. WASHINGTON, D. C., Dec. 19.—Certainly that the crabs Yankee, which sank a second time off the Massachusetts coast after having been raised and was being towed to New Bedford, Mass., can be again floated and delivered safely at the New York navy yard, according to contract, is expressed by John Arbuckle, who successfully floated her the first time after the officers of the navy department had given up the vessel.

HALF BILLION DOLLARS CROSS WALL STREET

National City Bank Moves Day Ahead of Time; Cash Transferred Under Guard.

(By Associated Press.) NEW YORK, Dec. 19.—In the quiet of a Saturday half holiday in Wall street, after the suspension of business on the exchanges, and the general description of the financial district, employees of the National City Bank this afternoon effected the transfer of \$500,000,000 in currency and nearly \$200,000,000 worth of securities from the bank's temporary quarters across Wall street to the new bank building formerly the old Custom House.

Public Taken by Surprise.

That it was that the street was taken by surprise when, not long after banking hours were over, a squad of policemen formed a double line across the narrow thoroughfare and between the two lines of blue coats a procession of the bank's employees began to march from the old building to the new, carrying with them small safes, chests, boxes and bags in which the wealth of the land had been placed for the transferring purpose.

CAROLINA FEDERAL COURT JUDGE DIES IN RALEIGH

Presided Over Eastern North Carolina District Court—Republican in Reconstruction Period.

RALEIGH, N. C., Dec. 19.—Judge Thomas R. Purnell, 61 years old, of Raleigh, judge of the United States district court of the Eastern district of North Carolina, died in his home in this city today.

Death was due to liver and stomach affections, which caused him to be confined to his bed for the last three months, and his end was not unexpected.

Judge Purnell was a grandson of Governor Dudley, who was chief executive of North Carolina in 1810 to 1812, and was an able practicing lawyer of Raleigh when appointed to the bench by the President ten years ago.

The funeral and burial will be in Raleigh tomorrow. The general opinion is that United States District Attorney and Former Congressman Henry Skinner will be the successor to Judge Purnell, though there will be several applicants for the position.

Thomas Richard Purnell was born in Wilmington, N. C., in 1847. He was appointed United States judge of the Eastern district of North Carolina May 7, 1897. His parents were Thomas R. and Eliza A. (Dudley) Purnell.

At the age of 16 he entered the Confederate army. He surrendered and was interned at Greensboro in 1867.

STRIKERS ENCOURAGED.

Window Glass Workers Receive Concessions in Six Instances. (By Associated Press.) CLEVELAND, O., Dec. 19.—At the close of the first day of the strike of the National Window Glass Workers, inaugurated to enforce the adoption of the new wage scale with a 25 per cent increase, President Rankin announced that six plants signed the agreement.

These factories include the American Window Glass Company, of Pittsburg, the Patterson Window Glass Company, of Cameron, W. Va., and plants at Fredonia, Kansas; Kane, Pa.; Single House, Pa.; and Eldridge, Pa.

CAN SAVE YANKEE.

Arbuckle Notifies Navy Department That He Can Raise Ship. WASHINGTON, D. C., Dec. 19.—

Certainly that the crabs Yankee, which sank a second time off the Massachusetts coast after having been raised and was being towed to New Bedford, Mass., can be again floated and delivered safely at the New York navy yard, according to contract, is expressed by John Arbuckle, who successfully floated her the first time after the officers of the navy department had given up the vessel.

Mr. Arbuckle so telegraphed Secretary Newberry today as the result of a survey of the Yankee with divers.

GRAPHIC DESCRIPTION OF RANKIN LYNCHING

Companion of Man Slain by Night Riders Tells Story of the Crime.

HOW SURVIVOR ESCAPED DEATH

Lawyer Strung Up by the Neck Gaspd for Mercy—Bullets Ended Torture—Comrade Seized Opportunity to Plunge into Water—Escaped After Thorough Wetting.

By Associated Press.

UNION CITY, TENN., Dec. 19.—When court adjourned this afternoon until Monday, the State had nearly completed its case against the eight alleged night riders now on trial for the murder of Captain Quentin Rankin.

On Monday it will put Frank Febringer on the stand. He says he was present when the murder was committed and knows the name of every man who was present.

After that, the State will merely fill in with corroborative testimony. The defense will depend solely upon alibis and for that purpose has summoned nearly a hundred citizens of Reelfoot Lake district to testify as to the whereabouts of the indicted men on the night of October 19.

Only Three Identified.

The State through the evidence presented thus far has identified only three of the eight as present on the night of the murder, Garret Johnson, Ted Burton and Boy Ranson. It depends upon Febringer to identify the others. Febringer probably will be on the stand all day Monday, and he is expected to reveal the oath, signs and passwords and the ritual of the riders.

Unusual precautions will be taken in the court house while he is testifying to make sure there is no demonstration against him. Following his caution to the press yesterday not to print the testimony in the night rider cases, Judge Jones today cautioned the ministers of the local churches not to refer to the cases in their sermons Sunday, since the jurors might be present.

Confers With Reporters.

He took no further action regarding the press, although he conferred personally with the correspondents of several State papers, impressing upon them the necessity of following out the court's orders.

The first witness today was Colonel R. Z. Taylor, who was the companion of Captain Quentin Rankin on the night of the murder of Rankin. Taylor is 63 years old, a veteran of the Confederate army, and a wealthy man.

Colonel Taylor was awakened at the head of the night of the murder by Ward's call and the same instant a rear window of his room was raised.

Guns and Masks Shown. Two guns were thrust in, followed by two black masked heads. The night riders separated Taylor from Rankin and Taylor did not see Rankin from the time they left their room until he saw Rankin murdered.

They told Taylor they proposed to kill him.

When the night riders reached a forked ash tree on the bank of the slough they halted Taylor and marched Rankin to the foot of the tree.

The rope was adjusted and thrown over the fork, then some night rider said: "Give him time to pray."

"I have attended to that," was Rankin's quiet reply.

Some of the masked band seized the rope and drew Rankin up. The tree was inclined a trifle and they raised the body until the toes scarcely touched the ground.

Pleaded for Mercy. From the lips of the swaying man came the muffled appeal: "You are choking me, gentlemen, I pray you to let me down."

Then one of the riders fired a shot into the body of Rankin even as he pleaded for his life. Instantly a fusillade came, most of the riders, however, shooting into the air.

Long in Water.

For two hours he lay in the water, grasping the log and when all sound had ceased he swam to the opposite side and took to the woods.

He hid in the embrace until Wednesday, when thirst drove him out and into the arms of his friends.

Just before the night riders killed Rankin, Taylor said: "Gentlemen I am an old man, I cannot expect to live many years more. By killing me you will not be cheating me of much. But Captain Rankin is a young man with many years before him. Do not kill him."

The leader curtly replied: "Shut up."

Colonel Taylor was asked only one question on cross examination. Did he recognize any of the riders positively the night of the crime? He did not.

'REDDY' FOSTER COMMITS SUICIDE ON RIVER BANK

Famous and Erratic Ex-Baseball Player Ends His Life in Spectacular Manner.

(Special to the Daily Press.) RICHMOND, VA., Dec. 19.—"Watch me do a trick," said Oscar E. "Reddy" Foster, erstwhile catcher for the New York National League ball team, and at one time manager for the Bluefield, W. Va., ball club, and famous throughout the ball playing community for more than twenty years as a great backstop with wonderful eccentricities, as he placed the muzzle of a shot gun to his chin and pulled the trigger while standing with a friend beside James river tonight.

Vagaries His Undoing.

His vagaries have made him famous. It is said that whenever the team on which he was playing lost a game, he would vent his ire on his wife, and for this reason she was frequently notified of the outcome before her fractious spouse arrived so as to leave for the home of friends. It has been ten years since he was in his prime. His last position was as manager of the Portsmouth club, of the Virginia State League. He quit this job because the first baseman in a game let drop a ball thrown by him which would have caught the runner.

These are the old age pensions bill, the Irish Universities bill, to which assent was given before adjournment for the summer vacation, and measures fixing eight hours as the time miners shall work underground; providing for the purchase for \$115,000,000 of the London docks and placing them under a central authority and a bill for the better protection of children. This prohibits juvenile smoking and aims at preventing minors from visiting saloons.

Measures That Failed.

Of the other measures projected, the licensing bill was rejected by the House of Lords; two education bills were withdrawn because of the failure of the church party, and the non-conformists to reach a compromise; that aimed at the better housing of the working classes, was put off until the next session, while the promised measure for Irish land valuation never saw light, and the Irish land purchase bill was dropped.

TWENTY ROBBERIES.

Negro Held in Norfolk County for Many Petty Offenses. NORFOLK, VA., Dec. 19.—Arthur Harris, a negro, about 18 years old, who had been employed as a porter of the Willoughby Beach baggage cars, is locked up in the Norfolk county jail charged with having committed or being implicated in twenty robberies that have occurred at the noted Willoughby Beach summer resort since the close of the cottage season.

Pawn tickets were found on Harris and with the watchman, Cahler, who made the arrest, is reported to have recovered a considerable amount of clothing and rifles that were stolen from Willoughby cottage.

Harris will have a preliminary hearing before Justice Carmine Monday. He denies all charges against him.

POLICE KILL NEGRO.

Black Man First Used Knife on Patrolman and Citizen. (By Associated Press.) NORFOLK, VA., Dec. 19.—In a sensational fight on Church street tonight that caused intense excitement among hundreds of Christmas shoppers, thronging the thoroughfare, an unknown negro desperado was shot and killed by Policeman Buck White and Acting Sergeant Marshall.

When arrested for fighting, the negro cut Patrolman White back of the ear, held citizens at bay, who attempted to prevent his escape, slung C. H. Chandler, who grabbed him and dashed away.

Acting Sergeant Marshall arrived on the scene and he and White opened fire with pistols, killing the negro instantly.

Strike Not Yet Settled. NEW YORK, Dec. 19.—Although signs of impending trouble are not wanting as the outcome of a strike resolution passed by the cab drivers and chauffeurs organization early today, the actual effects of the men's action were up to tonight not much as to cause appreciable annoyance to the usual patrons of either the automobile or horse-drawn divisions of the city's cab service.

Days Aged 101.

(By Associated Press.) ROANOKE, VA., Dec. 19.—Mrs. Harriet Armstrong died at her home in this county today aged 101 years. She had lived all her life at the spot where she died. Up to a few days ago she was quite active.

BRITISH PARLIMENT WILL BE PROROGUED

After Monday's Meeting, No More Sessions Will be Held Until February 16.

PROGRAM ONLY HALF CARRIED OUT

Five Measures Foreshadowed in King's Speech Fail of Passage—Five Others Receive Endorsement at Hands of Parliament—Features of New Legislation.

(By Associated Press.)

LONDON, Dec. 19.—So far as practical work is concerned, the first session of Parliament under the premiership of Herbert H. Asquith came to an end today. The two houses will meet again on Monday, but only to receive the king's assent to bills already passed after which they will be prorogued until February 16.

Many minor laws were enacted during the year, but of the ten important measures foreshadowed in the king's speech, only five find a place in the statute books.

Successful Legislation.

These are the old age pensions bill, the Irish Universities bill, to which assent was given before adjournment for the summer vacation, and measures fixing eight hours as the time miners shall work underground; providing for the purchase for \$115,000,000 of the London docks and placing them under a central authority and a bill for the better protection of children. This prohibits juvenile smoking and aims at preventing minors from visiting saloons.

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