

Delivered to all parts of City by Carrier. Price 10 cents per week; 3 cents per copy.

THE DAILY TELEGRAM.

Increasing cloudiness and warmer tonight, followed by rain in west in early morning Tuesday rain and warmer.

Volume V, No. 284, Whole No. 1584.

CLARKSBURG, WEST VIRGINIA, MONDAY, NOVEMBER 27, 1905.

Price 2 Cents.

CONTEMPT CHARGES DISMISSED

Judge Charles W. Lynch, in special session of circuit court Monday dismissed the rule charging contempt against employees of the American Telegraph & Telephone Company in the controversy over rights of way and trespass at Bridgeport, the alleged contempt being disregard for an injunction issued by him upon application of Melissa Wilkinson.

After reviewing the case in detail, Judge Lynch dismissed the rule, saying in part: "Two questions arose and were discussed at the hearing, namely, first, whether the injunction order was issued without jurisdiction, and second, whether the defendants are in contempt, if they did knowingly disregard the order, even if issued without jurisdiction."

"These two questions, though closely related, will be considered in the order stated. "It is reasonably plain that the sole purpose of the bill as presented only seeks to restrain a trespass to real estate."

"There is no dispute as to plaintiff's title to the lot in question, but there is no averment of insolvency of any of the defendants, and no allegation that the taking or damage of plaintiff's lot is for public use under the exercise of the right of eminent domain without condemnatory proceedings under the provisions of chapter 42 of the code, without purchase or payment therefor. Not can these facts be presumed or inferred from the bill. On the contrary to be relied on they must be distinctly averred."

"The bill, then, must be treated as an application to restrain waste or trespass, upon the lot of the plaintiff. It shows title, in her, that the defendant company is a West Virginia corporation, has authority from the Town of Bridgeport to construct and maintain and is constructing a telephone line or Philadelphia avenue, one of the streets of said town, on which her lots abut, that poles have been or are about to be planted on the avenue or near her property line that when the cross arms or pieces are placed thereon, they will extend across the property line onto her lot, that the wires strung or to be strung thereon and will be suspended on and over said lot, that the employees of the company have entered the lot or threatened to enter thereon and dug or threatened to dig holes on the lot for the purpose of planting stay poles thereon, on which to string guy wires to support the poles in the avenue, that they have destroyed or threatened to destroy certain shrubbery, trees and other property thereon and have done or threatened other acts to the damage and injury of her property and residence and to the prejudice of her rights thereon."

"Thus, it may be repeated, the bill is filed to restrain trespass to the lot of the plaintiff, and is not drawn with the view of staying such taking or damage as is permissible under the right of eminent domain for public use until just compensation shall be ascertained and paid in the manner provided by law. "Had the bill been so drawn, no doubt could have arisen as to the right of the court to award the injunction but it has been repeatedly and persistently held in this state and many others, that a court of equity will not and should not interfere by injunction to restrain a mere naked trespass to real estate except where there is no doubt as to the plaintiff's title, as there is not here where the trespasser is insolvent or where the trespass contemplated is destructive of the very substance of the realty. The cases so holding are so numerous and frequent that citations are unnecessary, and the case at bar is so similar to many of them, that there can be no doubt but that it comes within the doctrine so declared."

"The injunction, then, was improperly awarded and for which neither counsel preparing the bill, nor the judge awarding the writ is censurable, for it happens usually and especially in cases of this character, where there is an unexpected and violent assault on property rights that neither counsel nor court take time for careful preparation of the pleadings or examination of the authorities, touching the matter."

"Then, as the second inquiry, namely, whether, if the defendants or any of them did, in fact, violate the injunction order, thus improperly awarded, they are in contempt in so doing."

"It may be stated in general terms that every reasonable, prudent and good citizen will observe and obey any order of a court of justice, whether the order be right or wrong. If it is right, he will obey it because it is right; if wrong, he will obey it until it is set aside and vacated and that none but the vicious and unreasonable will decline or refuse to obey the order of a court, however erroneous it may be, unless it be so apparently absolutely void that no doubt can arise touching its impropriety and not then unless to obey it would be violative of a lawful duty or a binding moral or legal obligation. "The defendants, it is claimed, were advised of the award of the injunction order and knew its terms. If so advised, it then became and was their duty to observe and obey it whether improperly or erroneously awarded or not. On the contrary they disregarded it. Their conduct and language, if correctly reported, was arrogant and reprehensible, indicative of an absolute disregard and disrespect for law, justice and the duties of good citizenship. But they deny both the conduct and language imputed to them. "It has been held in this state, that, where the persons enjoined have knowledge from information of the award of an injunction against them, whether the writ has been issued or not, they must observe and obey the requirements of the order; that such knowledge is sufficient notice. "It is contended by counsel for plaintiff, who cite good authority in support of the proposition, that it matters not whether the order was void or valid, if it has been knowingly violated the defendants should be punished. But punishment should not and must not be inflicted unless and until it is clearly determined that punishment is proper under the circumstances of this case, however wrongly and rashly the defendants have conducted themselves. "The conduct attributed within does not of itself justify the court in retaliating in kind. Neither court nor individual are infallible. The very best of judges err, especially upon ex parte proceedings where but one view is presented and especially where it is necessary to move rapidly to prevent some immediately threatened and impending danger to personal and property rights, but while mistakes are so made courts of justice cease to be and remain such unless they willingly correct any departure from established course of procedure, and return to the proper administration of justice and equity. "Besides contempt proceedings being criminal, and the fines therefor payable into the public treasury must, as well settled by authorities in this state, the conduct constituting the contempt, must be established beyond a reasonable doubt before the defendants can be so punished therefor. While from the view I have already announced it is really unnecessary to refer to the question of proof, yet, were it necessary, it may be confidently stated that the affidavits taken and filed on behalf of the defendants tend very strongly to show that no contempt was either intended or committed. They tend very strongly to show that the defendant company, through its agents, entered into negotiations with Mrs. Wilkinson through her agents, for permission to do what and only what was done by them, that such permission was granted as they understood it, that upon such understanding they proceeded and kept within its terms and when notified of the injunction order nothing further was done by the defendants on the plaintiff's property. These affidavits are in direct conflict with those of the plaintiff, but they are sufficient in my judgment to raise such reasonable doubt in the mind of any disinterested persons, both as to what was done and what was said by the defendants, after they had notice of the order of the court. "So that the judgment of the court is that the defendants be discharged from the rule."

A MILK DEALER ASSAULTED BY NEGRO TEAMSTER

R. J. Pipkin, a driver of a milk wagon, was assaulted Sunday morning by French McClung, a colored man, employed as a teamster by the contracting firm of Elliot & Winchel.

The attack on Pipkin was made on Cain street, as he was delivering a quart of milk to a customer. As a result of the murderous assault Pipkin is lying at the City hospital in a precarious condition. His face is battered out of all semblance to a human visage, his jaw broken, and the doctors have fears of the loss of one eye.

Pipkin is a mild mannered, peaceable man, who after several years of struggling with hard luck had just reached a position where he was easy in a business way. His assailant is a strong, powerful negro who was not known as a vicious character up to the present.

What provoked the attack no one knows, neither can it be ascertained. Pipkin is at a loss to explain the occurrence, he never having seen his assailant before.

McClung was arrested and tried this morning at police court. He was technically charged with being drunk and disorderly. He plead guilty and was fined twenty dollars, which is the maximum for disorderly conduct. A warrant was sworn out for McClung and he will be given a trial before a magistrate, as soon as Pipkin's injuries will permit his appearing in court against him.

From all sources of information that can be secured this was the most unprovoked and brutal attack made by one man upon another, that the criminal history of the town catalogues. The public, both white and colored, are greatly incensed at the action of McClung, and unless there can be some extenuating circumstance shown the full penalty of the law which he so richly deserves, will be meted out to him.

After knocking Pipkin down and stamping upon his face, McClung said repeatedly, "I'll kill you, you."

The warrant, from these remarks will read, "assault with intent to kill," the penalty for which is a penitentiary sentence.

THANKSGIVING BASE BALL GAME

Arrangements have been made for a game of baseball at Lost Creek between the Lost Creek and Bond schools. The game will be called at 2:30 o'clock in the afternoon. A big attendance is anticipated. Russell Ludwig is captain of the Lost Creek team and Roscoe Currey of the Bond school team. These teams played a game at Lost Creek yesterday afternoon. Lost Creek was the winner in a score of 21 to 12. The game was a spirited one and the many present enjoyed it very much.

C. A. Cummins was struck on the left arm with the ball and painfully injured.

BIG FOOTBALL GAME ON THANKSGIVING

The football game at Marietta on Thanksgiving day, between the West Virginia University and Marietta College teams, promises to be one of the most largely attended games of any played in that section during the season. It was announced yesterday that 450 students from Morgantown would attend the game. The big game will be played at East End park, and will start promptly at 1:30. There will be excursions on all of the railroads, and there is every indication that large crowd will attend.

REVENUE VIOLATORS BROUGHT TO COURT

United States Deputy Marshal E. D. Hupp brought two more revenue violators in Monday and took them before United States Commissioner Thomas S. Spates. They are A. Miller and M. W. Smith and were brought from West Union. They are under indictment and gave bond of \$200 each for the January term of federal court at Parkersburg.

NINETEEN ARE DEAD IN WRECK

By Associated Press. Lincoln, Mass., Nov. 27.—Early this morning the list of the dead and injured indicated that 17 persons lost their lives in a rear end collision at Baker Ridge station, on the main line of the Fitchburg division of the Boston & Maine railroad last night.

Twenty-five persons were more or less seriously injured and others sustained cuts and bruises. There were no death today though at least half a dozen are in a critical condition. Two additional bodies were recovered from the wreck this morning one a man and the other a woman. This makes a total of 19 dead.

BIG SALE OF COAL LAND

There is a whole lot of excitement among coal land owners up in what is known as the Cove Settlement, just across the line in Barbour county, and a part of Taylor county over a big sale made in coal lands during the past few days, and news of which has not yet reached the press, except as now published. It seems that several large tracts have been sold to H. C. Frick, of Pittsburgh, the sum total of which will reach up in the hundreds of thousands of dollars. Twenty-five dollars an acre is the amount generally paid for the land. In connection with this sale, and through attorneys employed by persons having option of lands in that section, Judge John Homer Holt, of Grafton, a day or so ago granted an injunction against land owners selling outright land to parties other than those holding the options. It would appear that there has been what might be termed as "land jumping" to a considerable degree up in Barbour county, a number of parties selling their land outright and giving deeds for the same when it was previously optioned to other parties, the purchasers agreeing to take the risk of suits that may be instituted by parties having the land under option. A large number of the land owners went to Grafton before Judge Holt Monday in an effort to have the injunction dissolved. It is said that the coming few days will see the paying out of many thousands of dollars to the land owners in that section. One man will receive something like a hundred thousand dollars from the sale of his coal, while a well known Graftonian's sales will amount to about sixty thousand dollars.

YOUNG LADY MUCH HURT

Miss Grace Haggerty, teacher at Shinnston, was painfully and possibly very seriously injured Saturday evening. She was one of a party of young people, who were taking a hay-ride from Frank Smith's below Shinnston. The horses became frightened and Miss Haggerty was thrown from the wagon against a rail along the roadside. Her back was injured so that she could not be removed from Smith's to Shinnston.

DELICKER TO RESIGN

Parkersburg, W. Va., Nov. 27.—It has been semi-officially announced that Col. L. B. Dellicker, clerk in the federal court for the northern district of West Virginia, who has held the position for over 30 years, is to retire. It is said that United States Judges Goff and Dayton will select his successor before the first of the year. The position is a very desirable one and while it is really Judge Goff's appointment, he will consult with Judge Dayton.

Death of Infant

Margaret Muriel Allen, the four-months-old daughter of Mr. and Mrs. Frank Allen, died at their home at Gypsy at 1:30 o'clock Monday morning of pneumonia. The remains will be shipped to Gloucester, Essex county, Va., where the interment will be made.

SPECIAL SERVICES IN PROGRESS

Special services began in all the Protestant churches Sunday morning. The attendance was fine at all of them and the interest splendid, with the outlook most encouraging.

The Advent Mission with which the Episcopal church is beginning its part of the evangelistic enterprise in all the churches which has been announced for some weeks past, began yesterday with Rev. John S. Alfriend, of Charles Town, as the preacher. He preached three times; twice at the church and in the afternoon at St. Thomas' Chapel, Northview. The sermons dealt with the attractive power of Jesus Christ, when He is really understood; the kind of character that is formed upon faith in Him, and in the evening sermon the fear of sinning against God, so graciously making Himself known in Jesus Christ, as the only dependable resource when a man is suddenly and strongly tempted.

Rev. Alfriend will preach tonight and tomorrow night, when he will be succeeded on Wednesday by Bishop Peterkin, of Parkersburg. Rev. Plummer, the rector of the church, spoke in the morning of the timeliness of such an enterprise as this Mission, yesterday being the Sunday next before Advent. This Advent Mission is a time in the Episcopal church when (as in Lent) such extraordinary acts of devotion have been appointed by ancient usage. He asked for the hearty cooperation of all the loyal members of the church and invited to the services every one in Clarksburg who would come.

At the First Baptist church Rev. C. H. Holden preached a most earnest sermon in the morning to a large congregation on the text "To me to live is Christ." At night the congregation overflowed into the Sunday school room and the sermon was a most searching one from the text "Prepare To Meet Thy God." At the close of the sermon, Mr. Holden very tenderly and effectively sang "The Three Calls." A deep impression was made on the large audience and the outlook is very promising. Mr. Holden will preach and sing tonight. Services at 7:30.

A large congregation manifested much interest at the First Presbyterian church. Dr. Hudson preached the service, both morning and evening. Tonight the Rev. David Gregg, D.D., president of the Western Theological Seminary, and recently pastor of one of the largest Presbyterian churches in America, will preach. Services at 7:45.

At Goff Methodist Episcopal church an especially large congregation listened to the stirring words of Dr. S. K. Arbuthnot on "Destruction versus Reconstruction," the text being taken from Ephesians 5: 18. The sermon was in the form of a Christian temperance address, framing itself around two pictures illustrated by the text. In the evening, the sermon was a call to work, taken from St. John 9: 4. The hymn note was sounded which called for workers to come to the fields already ripe to harvest in the occasion of the simultaneous meetings. Tonight Dr. Arbuthnot will preach at 7:30.

At the Southern Methodist church Christ in history and Christ in experience were the two central themes of Dr. Wade's discourse at the morning service, taken from Matthew 16: 13. In the evening Dr. Byron W. King gave a splendid address and Bible interpretation to a crowded house. Worship tonight at 7:30.

Four audiences and over a thousand people had the pleasure of Dr. Byron W. King during his shortest trip to Clarksburg. Notwithstanding the counter-attractions of Saturday night, Dr. King drew out a most appreciative house at the Y. M. C. A. rooms for his recital. Hon. M. C. A. rooms for his recital. Hon. Philip Willets, of this city, in a few fitting words, introduced him and for an hour and a half Dr. King with his wit, eloquence and oratory kept the audience spellbound.

He participated in the Sunday morning service at Goff church by reading the Scripture lesson and hymns. The address of his visit was before the men's meeting of the Y. M. C. A. at the Central Presbyterian church, where the largest audience of the season's meetings gathered. To this crowd of men he read and talked on the first Psalm, and the meeting was full of inspiration and spiritual force and the men showed their appreciation by

SENATOR WHITAKER GREATLY SUPRISED AT OUR PROGRESS

N. E. Whitaker, of Wheeling, ex-state senator and a wealthy manufacturer, was a prominent city business visitor Monday, a guest at the Waldo hotel.

Senator Whitaker talked interestingly of Clarksburg and expressed much surprise at the wonderful transformation that has taken place here since his last visit in 1863, when he attended the marriage of General Kelly's daughter here. He stated that it was then a small village with a small hotel, and now Clarksburg is a big city with a big hotel. Senator Whitaker had no idea of the magnitude of the industries here until he came and saw for himself, and no man in the state is better prepared to properly estimate them than Senator Whitaker, who is identified with a number of steel and iron industries, among which is the mammoth Whitaker-Glesner Company's sheet iron mills at Wheeling, of which he is the president.

The tin mills here were visited by Mr. Whitaker and he pronounced them great, bang up in every respect say he. Several other local industries were visited by him, and to say he was amazed expresses it mildly. In talking of them he expressed the wish that his mills could be here too.

Senator Whitaker is not only an active and successful manufacturer but a live politician and statesman and earnest in his desire for the state's development along all beneficial lines. He is an entertaining conversationalist and a gentleman of great personal magnetism, possessing all the qualifications of such a highly successful business man as he truly is.

Among those with Senator Whitaker of his city, were Col. Randolph Stankner and Ex-Major A. J. Sweeney, both widely known in this section, and business men of ability and prominence in the commercial and political world.

NEW SALOON HAS OPENED

The Corner Bar and Liquor Store on Fourth street, at the Traders alley corner, opened for business Monday morning, with the proprietor, Frank Duffy, in charge. Thomas Fee, the famous mixologist from Salem, had the distinction of serving the first drink, and will remain with Mr. Duffy.

The building is a handsome brick structure with a pressed brick front and the interior is handsome in every respect. The arrangements are convenient and comfortable.

The bar and fixtures are handsome, modern and costly, and neither money nor pains have been spared to make it a very elegant place. That the efforts along this line have been successful none who have visited the place will dispute.

The bar will be run in the most modern and up-to-date fashion and there is no more inviting place in the city to get a drink. The liquor store will have all the latest whiskies, brandies and wines and many specialties will be handled.

The opening was most successful and the patronage gratifying. Mr. Duffy and Mr. Fee are clever gentlemen and they will wait on the public courteously. There is every reason to believe that bar and liquor store will receive their good share of the patronage and that an extensive business will soon be enjoyed.

Lunatic In Jail

A colored lunatic was in jail here over night Sunday. An attendant at the Weston asylum brought him here from Wyoming county and left him over night. He was taken to the asylum Monday morning by the attendant.

Dr. Nelson Peck went to Mt. Clare today on professional business. Captain Rufus Raymond was here Monday from Bristol.

crowding to the front to shake hands with Dr. King at the completion of his services. The closing service was at the Southern Methodist church last night, with another packed house waiting upon Dr. King's words, listening to his advice and eloquence.

SENATOR WHITAKER GREATLY SUPRISED AT OUR PROGRESS

N. E. Whitaker, of Wheeling, ex-state senator and a wealthy manufacturer, was a prominent city business visitor Monday, a guest at the Waldo hotel.

Senator Whitaker talked interestingly of Clarksburg and expressed much surprise at the wonderful transformation that has taken place here since his last visit in 1863, when he attended the marriage of General Kelly's daughter here. He stated that it was then a small village with a small hotel, and now Clarksburg is a big city with a big hotel. Senator Whitaker had no idea of the magnitude of the industries here until he came and saw for himself, and no man in the state is better prepared to properly estimate them than Senator Whitaker, who is identified with a number of steel and iron industries, among which is the mammoth Whitaker-Glesner Company's sheet iron mills at Wheeling, of which he is the president.

The tin mills here were visited by Mr. Whitaker and he pronounced them great, bang up in every respect say he. Several other local industries were visited by him, and to say he was amazed expresses it mildly. In talking of them he expressed the wish that his mills could be here too.

Senator Whitaker is not only an active and successful manufacturer but a live politician and statesman and earnest in his desire for the state's development along all beneficial lines. He is an entertaining conversationalist and a gentleman of great personal magnetism, possessing all the qualifications of such a highly successful business man as he truly is.

Among those with Senator Whitaker of his city, were Col. Randolph Stankner and Ex-Major A. J. Sweeney, both widely known in this section, and business men of ability and prominence in the commercial and political world.

NEW SALOON HAS OPENED

The Corner Bar and Liquor Store on Fourth street, at the Traders alley corner, opened for business Monday morning, with the proprietor, Frank Duffy, in charge. Thomas Fee, the famous mixologist from Salem, had the distinction of serving the first drink, and will remain with Mr. Duffy.

The building is a handsome brick structure with a pressed brick front and the interior is handsome in every respect. The arrangements are convenient and comfortable.

The bar and fixtures are handsome, modern and costly, and neither money nor pains have been spared to make it a very elegant place. That the efforts along this line have been successful none who have visited the place will dispute.

The bar will be run in the most modern and up-to-date fashion and there is no more inviting place in the city to get a drink. The liquor store will have all the latest whiskies, brandies and wines and many specialties will be handled.

The opening was most successful and the patronage gratifying. Mr. Duffy and Mr. Fee are clever gentlemen and they will wait on the public courteously. There is every reason to believe that bar and liquor store will receive their good share of the patronage and that an extensive business will soon be enjoyed.

Lunatic In Jail

A colored lunatic was in jail here over night Sunday. An attendant at the Weston asylum brought him here from Wyoming county and left him over night. He was taken to the asylum Monday morning by the attendant.

Dr. Nelson Peck went to Mt. Clare today on professional business. Captain Rufus Raymond was here Monday from Bristol.

crowding to the front to shake hands with Dr. King at the completion of his services. The closing service was at the Southern Methodist church last night, with another packed house waiting upon Dr. King's words, listening to his advice and eloquence.

HUNDREDS SCoured THE HILLS

The wild girl, who has been frequenting the hillsides for the past weeks, was surrounded and captured Sunday afternoon. There were no particularly dangerous features about the capture, as she yielded readily when she saw that resistance would be useless.

Fully five hundred people were on the Pinnickinnick hill at the time she was run to cover. The fair sex were greatly in evidence, having been attracted thither by that, their natural sympathies, and not any idle curiosity.

The residents along South Second Lee, Hickman, Wilson and the other streets on the Lovdens hill, were out in full force with opera glasses and telescopes, watching the pursuit. A number of men on horseback added to the exciting appearance of the scene.

The woman, who turned out to be one Gertrude Moneypenny, was found in the same spot as described in the Telegram, and she was as crazy as the use of stimulants and drugs coupled with her wild mode of living, could make any human being. She was submitted to a rapid fire of questions to which she returned senseless and mostly inaudible answers.

At the time she was found she had a companion in the person of a little Italian. The son of Sunny Italy was treated to an American ride on a fence rail to the great delectation of the onlookers.

It seems that the Moneypenny woman and possibly one or two more similar outcasts make a habitation out of the opening of the old coal bank on the Pinnickinnick hill. What kind of existence they lead can be imagined. Some nights they are harbored by negroes, again by Italians, and at other times they sink into the old mine like ancient cave dwellers.

The large crowd satisfied their curiosity, but aside from the fact that the woman was absolutely demented, nothing further regarding her or her companions was learned. The crowd finally departed and left this modern Hagar to resume her nomadic life, to again resume her companionship with the beasts.

It was reported that the woman would be taken care of by the Salvation Army, but they have not made any steps in that direction as yet. Any attempt to bring back to the ways of civilization this wild woman would be well nigh impossible. Another year of this life and the creature would indeed be a wild beast. When found her apology for raiment and her face and hands were caked with mud, her finger nails grown to enormous length, her hair matted, eyes sunken, a spasmodic twitching of the lips revealing long yellow fangs, an attempt at speech more like the howling of a wolf. All these bespeak the return to the primitive animal woman.

Whether or not the authorities will take steps in the matter remains to be seen. The occasion of the chase, says an eye witness, brought more people to that spot than ever seen by him before during his residence in Clarksburg. A good many doubted the story, and quite a number only went, as they expressed it, to see the other fellow net fooled. The people there saw in fact a genuine wild woman, and if they come any wilder there have been none reported lately.

LIBRARY BAZAAR TO BE GIVEN

A library bazaar will be given in the Central school building Friday and Saturday and everything imaginable in art, needle work and fancy work of various descriptions will be on sale. A good program has been arranged and the fair is expected to be a decided success. The superintendent, teachers and some of the pupils will have charge of the fair. The proceeds will be for library purposes. Donations are received with thanks.

Parsonage Wedding

Mr. Leon T. Moneypenny and Miss Euri Nutter were married at Goff Methodist parsonage Sunday morning at 6:30 o'clock. Dr. S. K. Arbuthnot officiated.