

JURY WAS PICKED WAYMAN DECLARES

Mistrial in Browne Case Called "The Most Flagrant Case of Jury Fixing."

JURY PICKED FROM THE START STATE'S ATTORNEY'S OPINION

One Was "King-Pin" of Them All—Jury "Flagging" Easy, He Says—Court Room Built for It?

Chicago, June 29.—Following the announcement of a mistrial in the case of Lee O'Neil Browne, the democratic leader charged with bribery in connection with the election of William Lorimer to the United States senate, State's Attorney Wayman declared the jury had been picked. He said: "This is the most flagrant case of jury fixing I have ever seen. It would seem these court rooms were constructed to make it easy to 'flag' jurors, and this case is good example. The jury was picked from the start. One juror was the king-pin of them all."

Notwithstanding the statement of several jurors that they stood 8 to 4 for conviction, Wayman declares the jury at one time stood 11 to 1 for conviction.

WILL MEET AT BURGESS POINT

President Taft and Colonel Roosevelt Will Confer Tomorrow and Lodge May Be There.

Beverly, Mass., June 29.—President Taft and former President Roosevelt will meet at Burgess Point tomorrow afternoon. Whether Governor Hughes, who is at the Harvard commencement exercises, will participate in tomorrow's meeting, is not known. It is understood that Senator Lodge, who will entertain Roosevelt in his Nantucket home tonight, will accompany his guest to Beverly tomorrow.

MANY LIVES LOST AS A RESULT OF CLOUDBURST

Six Bodies Recovered from Licking River—Twenty-Six Houses Washed Away.

Salyersville, Ky., June 29.—Six bodies have been recovered from Licking river, following a cloudburst along the headwaters. It is reported that many other lives were lost. Twenty-six houses were washed away. The Licking is about at flood stage.

WANT UNITED STATES TO INTERVENE IN NICARAGUA

To This End Petition Signed by 700 People Is Presented to General Estrada.

Washington, June 29.—Intervention in the Nicaraguan situation came to the fore again yesterday when United States Consul Moffatt at Bluefields, telegraphed the state department that a petition with 700 signatures had been presented to General Estrada, asking that the United States intervene.

The suggestion that the United States intervene is taken as a counter move, to offset the undesirable impression likely to result from the refusal of General Estrada to accept the proposal of the Cartago court of justice to have the warfare ended by installing Senor Corea, representative of the Madrid government in this city, today received two dispatches from Madrid, one denying many of the reported victories of the Estrada forces and the other telling of the anti-American manifestations and the determination of this government to keep from resulting in harm to Americans in Nicaragua. The first telegram when translated, read: "It is false that the revolutionists are in control of Chontales, Acoyapa, San Ubaldo in our power. Revolutionists near Acoyapa, in a very reduced number and with few supplies. Will soon be defeated in same way that a revolutionary band which appeared at Mombacha was destroyed at Escalante. The entire country including the Atlantic coast has submitted to the government authority except Bluefields and Rama."

The second read: "Government has given orders to stop the anti-American manifestation and has made more vigorous the censure of the press in this particular. The government guarantees complete safety to all American citizens, you will call to mind the cases of Fowler, Cannon and Pittman."

ZEPPELIN VESSEL COMES TO GRIEF

Overcome by High Wind, One Motor Failing, She Descends in Fir Wood, Those Aboard Landing Safe.

ADVERTISED EXCURSIONS ARE SUSPENDED FOR MONTHS

Service Will Be Renewed as Soon as Possible—Zeppelin Disappointed.

Osnabrueck, Germany, June 29.—Count Zeppelin, disappointed but not discouraged, hurried here today to superintend the salvage of his latest model, the great airship Deutschland, which came to grief yesterday. The airship company announces that the accident will necessitate suspension for several months of the advertised excursions, but it proposes to renew the service at the earliest possible date.

After an hour's perilous flight in a pitiless wind the Deutschland found a desperate refuge in the fir trees of the Teutoburgian Wald. The frame work was wrenched and the great envelope badly torn. Her 32 passengers, including 20 newspaper men, had almost miraculous escapes.

Motor Refused to Work.

It was dangerous to attempt a landing in an open field because of the storm, as the metal was likely to pound to pieces. In the high wind the other two motors refused to work and the airship was powerless enough to make any progress in the gale. The airship drifted, swaying in the violent gusts and leaning to an angle of 45 degrees, and all the while the engine men were at work repairing the disabled motor. When this was done all four screws were driven at their full power which, under normal conditions, the ship was capable of attaining a speed of 40 miles an hour. But the helmsman was unable to keep his course, as the great craft was swung about at the mercy of the winds.

Colemann did not dare to turn the ship around for fear of overturning, and he decided to drift in the gale, which was now blowing at the rate of 50 miles an hour toward Osnabrueck, which is also a garrison station. If he missed that, he could continue on to Senne.

4000 Feet Up to Avoid Storm. Suddenly he perceived a whirlwind coming and ascended to a height of nearly 4000 feet to avoid the worst of it. With the whirlwind came an avalanche of rain. After half an hour the Deutschland came down to permit of observations and it was seen that the Teutoburgian forest lay below. The forward motor again stopped and Colemann sent five of the correspondents to the aft gondola to ballast the vessel.

The Deutschland sank rapidly, having lost much gas in the high altitude, and dragged along the top of the dense forest. A heavy branch of a tree 4000 feet to a bruise or two near to Wallendorf, east of Osnabrueck. Many persons of the countryside must have seen the descent and reports of destruction, explosion and death were widely spread. A company of infantry was sent and picketed the wreckage.

Airship a Wreck.

The airship for which Herr Colemann's company had just paid \$137,500 looked like a wreck. The frames were broken but the motors were not damaged. The silk was ripped and had fallen in a torn wave to the top of the trees. A step-ladder was run down and every one was mustered before the airship was cut into a bruise or two near to Wallendorf, east of Osnabrueck. Many persons of the countryside must have seen the descent and reports of destruction, explosion and death were widely spread. A company of infantry was sent and picketed the wreckage.

PRESIDENT IS AT BEVERLY FOR HIS SUMMER VACATION

He Arrived at 9:50, Only a Few Persons Being About the Station and There Was No Demonstration.

Beverly, Mass., June 29.—President Taft arrived at his summer home at 9:50 this morning over the Boston and Maine railroad. He rode in an automobile from the station to his cottage, accompanied by Captain Butt, his military aide, and Secretary Norton.

Only a few persons were about the station upon the arrival of the presidential train. There was no demonstration.

COURT SINGER AND MUSICAL CONDUCTOR ARE FOUND DEAD

They Were Anna Sutter and Dr. Orlis—One Was Murdered; Other Suicided.

Stuttgart, Germany, June 29.—Dr. Aloys Orlis, famous musical conductor and Anna Sutter, court singer, were found dead together today. Both had been shot. Appearances indicated that one had been murdered and the other committed suicide.

Tex Rickard Declares His Confidence In Ability to Referee the Big Mill

Not Greatly Concerned Over the Important Role He Is to Play July 4—Remarkable Progress Being Made on the Arena's Construction—Rejoicing in Johnson Camp—Round Limit Not to Be Taken Off—Heavy Betting Reported at 8 to 5, Generally.

RENO, Nev., June 29.—Promoter Tex Rickard is not greatly concerned over the important role he is to play on July 4 and asserts that he has no misgivings whatever regarding his ability to referee the big fight. There are many who declare the appointment of Rickard was a mistake, owing to his admitted inexperience as an arbitrator of contests.

Preparations for the big battle are nearing completion. Remarkable progress on the construction of the arena has silenced doleful predictions of pessimistic fans. The gloves to be worn by the fighters are expected to arrive this evening from San Francisco. Two pairs have been made and placed to the order of each contestant, careful measurements of hands and wrists having been taken.

Rejoicing in Johnson Camp.

There was much rejoicing in Johnson's camp last night over the afternoon's workout by the champion. The presence of Governor Dickerson is believed to have been a source of great inspiration to the big negro. Johnson showed vast appreciation of the governor's favorable comment upon his condition. The cool manner in which Jeffries turned down Governor Dickerson's request for a boxing exhibition at Moana Springs yesterday

caused a vast amount of comment among fight followers today. Rickard placed a quietus upon talk of taking off the round limit, declaring that the idea of making it a fight to the finish had never entered the minds of any of the men concerned in the contest.

Fight Certain to Take Place. Sweeping away the last lingering fear of executive interference with the Johnson-Jeffries fight battle on July 4, Governor Dickerson of Nevada, arrived yesterday and personally assured Promoter Tex Rickard that there was no possibility of intervention. Governor Dickerson said: "The Associated Press may state for me that the Jeffries-Johnson fight positively will be held in Reno on the afternoon of July 4, with no interference from any one. Mr. Rickard as referee and promoter has assured me that the fight will be honestly conducted. Beyond this, I have no concern with it. I have known Mr. Rickard for seven years and his word is sufficient for me."

One of the first men he met was Tex Rickard, whose career as a fight

promoter began when he brought the Dane and Joe Gans together in Goldfield several years ago for the biggest purse ever offered in the prize ring up to the time Jeffries and Johnson were matched. Rickard was in an unusually cheerful mood. He declared that his worries were over; that the fight was going to be on a scheduled time. During the night he received many messages from the coast, which assured him of a good seat sale and similar assurances came from a number of unexpected quarters. He made one trip out to the arena, and on his return expressed great satisfaction with the progress of the work there.

Betting Becomes Brisk.

Chicago, June 29.—Betting on the Jeffries-Johnson fight has become brisk. Yesterday one bookmaker accepted \$18,000, the prevailing odds being 8 to 5, with Jeffries at the long end.

Bets Johnson Will Stay Seven Rounds.

Louis Houman, formerly a sporting writer, announces that he has received \$10,000 to be placed one to ten that Johnson will answer the call of "time" at the seventh round of the big fight at Reno.

A prominent New Yorker placed a bet of \$6000 on Jeffries, 3 to 5. Numerous other wagers, reaching into thousands, were also made.

SHOOTING AFFAIR AT QUINLANTOWN

William Humphries, Contractor for Champion Fibre Company, Is Killed at Lumber Camp.

A telephone message from Waynesville this afternoon is to the effect that William Humphries, who was shot in a fight at Quinlaintown, several miles above Waynesville, died last night. A man named Groom, who is said to have fired the shot, made his escape. The cause of the trouble could not be learned today. John Humphries, a brother of Sumnerville, S. C., was summoned, but he arrived after his brother had died. Mrs. Humphries, his mother, was also summoned. William Humphries is one of the contractors for the Champion Fibre company engaged in getting out pulp and acid wood near Quinlaintown. He has been with the company for several months. He leaves a wife and one child.

POWELL GETS 30 YEARS IN THE PEN

Convicted of Murder in Second Degree for Killing Chief of Police Dunn of Scotland Neck.

Warrenton, N. C., June 29.—The Powell murder trial ended abruptly for counsel for both prosecution and defense agreeing to a verdict of murder in the second degree. Judge Ward sentenced Powell to 30 years in the penitentiary.

The crime of which Powell was convicted was the killing of Chief of Police Dunn at Scotland Neck last March. Powell also wounded State Senator Travis and State Representative Kitchin. The defense pleaded insanity. It became apparent that there would be a mistrial unless an agreement could be reached by counsel. Juror Hicks, whose illness hampered the case yesterday, continued in a serious condition. After a conference between the two sides a verdict of second degree murder was accepted and the court gave his approval.

Judge Ward gave Powell the maximum sentence. Powell is 68 years of age and 30 years in prison is equivalent to a life sentence.

SENATOR DANIEL AT DEATH'S DOOR

Lame Lion of Senate Has Third Paralytic Stroke With a Cerebral Hemorrhage.

Lynchburg, June 29.—Senator Daniel has just sustained a cerebral hemorrhage. It seems to be on the right side and total paralysis is the result. Dr. Waugh expects his death inside 24 hours.

Washington, June 29.—United States Senator John W. Daniel, who is at his home in Lynchburg, Va., today sustained another stroke of paralysis, this time in the right side. The senator's condition is serious.

This is Mr. Daniel's third paralytic stroke. He suffered the first last fall in Philadelphia and the second in Daytona, Fla., during the winter. Mr. Daniel is 67 years old.

Senator Daniel is at a sanitarium in Lynchburg, where he has been since his return from Daytona. With him are his wife and son, Edward M. Daniel, and daughter, Mrs. Fred Harper, whose husband is also there, as is Senator Daniel's law partner. Senator Daniel has been ill practically all winter, and has been in the senate only two or three days during the past session, that being shortly after congress convened.

WORKMEN STRUCK BY A FAST TRAIN

Four Killed and One Fatally Injured—Men Were Working on Trestle When Accident Occurred.

Baltimore, Md., June 29.—Four men are dead and one fatally injured as consequence of a passenger train coming at top speed this morning upon a gang of 11 carpenters making repairs to the Baltimore & Ohio trestle on the road a short distance north of Mount Royal station.

CONVENTION FIGHT IN SIXTEENTH DISTRICT

Neither Ferguson, Fry Nor Dillard Will Win on the First Ballot.

Special to The Gazette-News.

BRISON CITY, June 29.—Returns from the Sixteenth Judicial district primary indicate that Senator Fry has carried Swain, Macon, Jackson, Clay and Graham counties; Colonel Dillard, Cherokee county; and Judge Ferguson Haywood. Neither candidate has enough votes to secure the nomination on first ballot.

It will be a convention fight. Nomination convention meets here July 9.

They Want Rehearing.

Washington, June 29.—A petition for a re-hearing was filed in the United States Supreme court by the railroads in the Missouri river rate case.

Vanderbilt's Guillaume II Wins.

Berlin, June 29.—The prix Cremerne at Le Tremblay is won by W. K. Vanderbilt's Guillaume II.

DUEL BETWEEN DAGOES ON A NEW YORK STREET

Quarreled Over a Woman—One Dead, One Dying; Several Others in Hospital.

New York, June 29.—One man dead one dying and several others in a hospital with more or less serious wounds as the result of a duel fought on one of the city's crowded streets about 8 o'clock last evening. The trouble started in a quarrel between Frank Vienna and Antonio Mercurio, over the alleged treatment by Mercurio of his wife, Vienna's sister. The two were standing in front of a saloon at 23rd street and Broadway when they drew revolvers and commenced firing at each other. A number of persons rushed forward to separate them but before the shooting could be stopped Vienna was dead Mercurio fatally injured and seven stray bullets had found billets in as many of the bystanders.

SMALLPOX EPIDEMIC.

Fully 150 Cases Within Small Area in Nelson County, Va.—Authorities Say Trouble Is Well in Hand.

Lynchburg, June 29.—Nelson county, Virginia, has a smallpox epidemic. Fully 150 cases are now in quarantine in a territory five miles long and three miles wide.

The county board of health claims that it now has the trouble well in hand. General vaccination is ordered. No deaths have occurred.

Dr. Hyde Refused New Trial.

Kansas City, June 29.—Dr. B. C. Hyde, convicted May 16 of poisoning Colonel Thomas H. Swope, millionaire philanthropist, was denied a new trial by Judge Latschaw in the criminal court this morning.

Nominated for Congress.

Ocean View, Va., June 29.—H. H. Rumble, a member of the Norfolk bar, is nominated for congress by the republicans of the Second Virginia district.

MANAGERS DIDN'T REACH AGREEMENT

Proposition to Divide Buncombe Vote for Manning and Allen Is Rejected.

WILL FIGHT IT OUT ON THE CONVENTION FLOOR

Interesting Congressional Contests Among Democrats in State—Other Contests.

Until the county conventions meet Saturday and definitely decide upon what proportion of vote the candidates for congress, corporation commissioner, and justice of the Supreme court will be entitled to the complete returns will not be known.

In Buncombe the congressional strength has been proportioned in accordance with the primary vote. The chief interest in the Buncombe convention Saturday will center about the contest between Judge Manning and Judge W. R. Allen for the position of associate justice of the Supreme court, which place is now held by Judge Manning under appointment of Governor Kitchin. In Buncombe, as best as can be ascertained there is a good deal of opposition to a proposition to give the entire vote to Judge Allen and the friends and leaders for Judge Manning intend to bring a fight on the floor of the convention. It is understood that propositions have been made to divide the vote of the county equally between Manning and Allen but that this has been rejected by the Allen leaders. This will therefore bring the fight to the convention and each is going to "scrap" for his proportionate part of the vote.

The Supreme court judgeship will not be settled until the state convention meets in Charlotte as the vote will be so close that it will be for the convention to decide. Both Judge Allen and Judge Manning are claiming the victory, but since a number of counties have not held conventions or primaries exact figures cannot be obtained.

For corporation commissioner, the great contest is between H. C. Brown, who was appointed to succeed the late B. F. Aycock and is now held by S. L. Rogers of Franklin will prove interesting. The returns so far seem to indicate that Mr. Lee is in the lead over Mr. Graham. There are two other candidates in the race, Mr. Patterson of Morganton and Mr. Bawell of Wake and therefore no candidate so far has received a majority. Things look very favorable to Mr. Lee when the convention meets. He has the solid support of the west, so far as the returns have been received.

There are several congressional races in the state that are attracting attention. In the First district John H. Small was renominated, and Claude Kitchin in the second. In the fourth E. W. Poff received another nomination, R. N. Page in the Seventh and E. Y. Webb in the Ninth. It is the Third, Fifth, Sixth, Eighth and Tenth districts where the interest will center in the congressional conventions.

The Third district is now represented by Charles E. Thomas who while not asking renomination, has received the support of some of the counties. Other contestants in the third are Messrs. Duffy, Hood, Faison and Robinson, and it is hard to predict the result.

In the Fifth district, which is now represented by Congressman J. Motley Morehead, the democrats are having a lively time in selecting a nominee. The contest centers between Major C. M. Stedman of Guilford, George A. Mebane of Rockingham, B. S. Royster of Granville and E. B. Jones of Forsyth. Stedman seems to be in the lead.

In the Sixth district there seems to be a close contest between Congressman Godwin and Messrs. Clark of Bladen, McKinnon of Robeson, Cook of Cumberland, and McClammy of New Hanover.

Godwin is leading late returns indicate.

In the Eighth district, now represented by Congressman Cowles, there are five candidates but as no primary was held Saturday it is hard to say which is in the lead. The contestants are Walter Murphy of Salisbury, R. A. Doughton of Alleghany, L. J. Caldwell of Iredell, and J. L. Gwaltney of Alexander.

In the Tenth where former Congressman J. M. Gudger, Jr. has the lead but whose nomination on the first ballot is denied by W. J. Cooke there are also Frank R. Hewitt of Buncombe, Solomon Gallot of Rutherford and Walter E. Moore of Jackson.

With the county conventions to be held Saturday in the counties in the Tenth district the congressional nomination situation remains unsettled. Mr. Cooke's managers continue to claim this afternoon that there can be no nomination on the first ballot; that Mr. Gudger will be short at least 20 votes of a nomination when the ballot is taken; while the friends of Mr. Gudger claim the nomination on the first ballot by six to 12 votes.

The Cooke management today received information that he had carried Haywood county over Mr. Gudger; that he had 18 votes, Gudger 16, and Moore 3; that the vote in Transylvania would stand Gudger 4 1/2, Cooke 4, and Moore 3 1/2.

Telephone messages received at Cooke headquarters from Capt. Bell at Rutherfordland stated that returns were not all in and that nothing definite could be learned. "It is certain to be a convention fight," said the Cooke management. "Mr. Gudger has not a nomination on the first ballot notwithstanding his claims. We will win."

From the Gudger camp the claim is still persisted in that Mr. Gudger will have from six to 12 majority on the first ballot and that he will be nominated. It was stated that his vote had been increased two in Macon and one in Rutherford; that he has 8 1/2 votes in Swain with Birdtown, Hazel Creek and Crisp precincts yet to be heard from.

Emperor's Meteor Wins 48 Mile Race.

Kiel, June 29.—Emperor William's American built yacht Meteor won the 48 mile handicap race from Eckernforde to Kiel.

A GENERAL BREAK IN STOCK PRICES

The Market Goes Bad on News That Certain Rates Have Been Declared to Be Unreasonable.

LOWEST MARK OF THE YEAR IS REACHED BY ACTIVE ISSUES

Spasm of Weakness at Noon Is Followed by Demoralization, Which Finally Receives Slight Check.

New York, June 29.—The stock market was seized with another spasm of weakness during the noon hour, following announcement from Washington that the interstate commerce commission had declared certain rate schedules of the Harriman and Hill lines to be excessive and unreasonable.

Prices for the most active issues went to the lowest prices of the year and in some instances lower than in 1909. Liquidation was urgent and heavy, with very little support.

Stocks Let Go For What They Would Bring. There was another demoralized break in prices about the middle of the afternoon, caused by indiscriminate throwing over of special holdings. A rapid fall in prices wiped out margins and caused collateral to be thrown upon the market. Stop loss orders in brokers' hands were uncovered, with the result that stocks were let go for what they would bring. There was no evidence of support in the form of effective buying by banking and financial interests. Bears joined freely in the selling and it was only when they began to buy to take quick profits by covering shorts that there was any check to the demoralization.

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THREE PERSONS DROWNED NEAR ANNAPOLIS ACADEMY

Daughter - in - Law of Superintendent Bowyer and Two Midshipmen—Details of Tragedy Unknown.

Annapolis, June 29.—The bodies of Mrs. Nellie E. Bowyer, daughter-in-law of Supt. Bowyer of the United States naval academy, and of Midshipmen Grisham Thomas of Georgia and Sherman N. Nassau of Rhode Island, who were drowned near here yesterday, were recovered this morning.

The three left the Naval academy about 11 o'clock yesterday morning in a sail boat and the boat was found drifting in the afternoon. It was portions of the clothing that had been worn by members of the party. It is believed that the midshipmen took Mrs. Bowyer to the bathing beach across the beach from the Naval academy and attempted to teach her to swim and that she getting beyond her depth all three were drowned.

Mrs. Bowyer and the two midshipmen missed the regular launch that goes to the bathing beach across the river from the Naval academy and took a sailboat instead. There they donned bathing suits and again taking to their boat went to a beach nearer the mouth of the river but within sight of the Naval academy. While this beach is good, it has treacherous spots where the depth of water increases suddenly. There were no witnesses to what occurred.

Reported in Department.

Washington, June 29.—News of the recovery of the bodies of Midshipman Nassau and Thomas and Mrs. Joseph Bowyer, who failed to return to Annapolis yesterday, after leaving for a sail, was reported to Acting Secretary of the Navy Whitson this morning. The bodies were recovered near the place where the sailing boat was anchored.

No explanation was advanced as to the manner in which the three met death, but it is supposed the party went down while bathing. The bodies were taken aboard the Hartford.

It is said that Mrs. Bowyer could swim but few strokes. Nassau was a poor swimmer but Thomas could swim well. It is presumed that Thomas met death trying to save the other two.

Nassau was a native of Newport, Rhode Island, while Thomas' home was at Union Point, Georgia.

ES. HOLMES PLEADS GUILTY AND PAYS FINE OF \$5000

Was Indicted, in 1905, for Misconduct in Office, in Connection with "Cotton Leak."

Washington, June 29.—Edwin S. Holmes, Jr., former associate statistician of the department of agriculture, indicted in 1905, for misconduct in office in connection with "cotton statistics leak," pleaded guilty today before Justice Gould and was fined \$5000, which he paid.

All Grades of Refined Sugar Reduced.

New York, June 29.—All grades of refined sugar are reduced ten cents a hundred pounds.