Impeached Governor nounces He Will Not Exercise Official Functions until End of Trial.

WOULD BAR EVIDENCE OF MISUSE OF FUNDS

Claims Assembly Is Without Power to Impeach for Acts before He Became Governor.

By Associated Press.
Albany, N. Y., Sept. 23.—D. Cady

Herrick, counsel for Governor Sulzer announced at the outset of today's ses sion of the high court of impeachment that the governor would cease hence forth to exercise the functions of the executive office until the termination of his trial.

Albany, N. Y., Sept. 23 .- Further attempts were made today by counsel for William Sulzer, impeached governor of New York, to prevent the story of the governor's alleged misuse of campaign contributions from being told on the witness stand.

Defeated yesterday by a vote of 51 1 on their motion for dismissal of the impeachment on the ground of its unconstitutionality, the governor's counsel today offered a motion to strike out the three articles of the impeachment charging him with filing a false statement of campaign contribu tions and with the use of funds for speculation in Wall street.

The motion was prepared by D. Cady Herrick, who argued that the alleged offenses were not impeachable on the ground that they were com-mitted before the governor was sworn into office. Former Senator Edgar T. Brackett was appointed to reply in behalf of the assemblymen. His brief held in substance that the

acts of a candidate for political office during a campaign and after he has become an officer-elect are so intimately connected to the actual hold-ing of the office as to be inseparable.

It was believed today that the dewhether affirmative or negative, would make possible the beginning of the actual trial of the case tomorrow ess something unforeseen arises.

Eugene Lamb Richards, of counse for the managers will make the opening address outlining the evidence to be presented. The taking of testimony will follow immediately.

One of the leading Sulzer lawyers, Judge Irving G. Vann of Syracus was forced to return home today on account of illness. His brief in support of the contention that the assen bly was without authority to impeach for offenses which occurred before the overnor assumed office was read by ne of the other lawyers.

Nearly all the members of the court were in their seats when the crier, at the direction of presiding Judge Cutlen, sounded the familiar "hear ye.

"The court having overruled, the motion of the respondent," said Judge Culien, "to dismiss the articles of impeachment on the ground that the assembly had no right to prefer the charges at an extraordinary session, it comes incumbent upon the respondent to make answer to the

He announced that in view of the fact that the court had refused to dismiss the proceedings, the governor would renounce his claim to the right to exercise the functions of governor pend-ing the termination of the trial.

"When these articles of impeachment were first presented," said Judge Herrick, "the governor was advised that there was doubt about the legalthat there was doubt about the legality of the proceedings and for that reason he declined to step down from his office. Ever since the recent decision of Supreme Court Justice Hasbrouck, vultur that he had not the right to pardon a prisoner, he has ceased to exercise any of the functions of his office. Governor Sulzer will perform no functions of governor in the future pending the termination of his trigit."

Big House Fired By Suffragettes

MURPHY AND BOWIE | WEED TO HO LEAD FOR SPEAKER

Contest Is Likely to Be Close, but Salisbury Man Is Favorite-Legislators Frankly Admit Ignorance of the Freight Rate Situation.

Special to The Gazette-News.

Legislators here today frankly admitted their ignorance of the freight rate question and say they are waiting in reviewing the accumulation of opinfor enlightenment. Many of them are ot anticipating trouble

Governor Craig today Issued a reville for skipping out without paying went over the details with the gov

of the latest proposition submitted to appearing as a part of the agreement

Raleigh, Sept. 23.—Walter Murphy and T. B. Bowie will be the principal contestants tonight for speaker of the house to succeed Judge George W. connestants forming for speaker of the yesterday. The governor would be to succeed Judge George W. even allow newspaper men to make a guess as to what he would say unless running third. Both Murphy and they guessed for themselves. He did not appear to be as worried as one in the guestian might be supposed to ndications are that the Salisbury man his position might be supposed to look, and appeared not to be taking the thing too seriously.

The governor spent most of the day ions received since the proposal came to him. C. W. Williams, employed as an expert by the legislative rate quisition on the Governor of Tennes-cee for Wiley Black, wanted in Ashe-ing its luck at securing an adjustment. ernor today. The proposition has as Raleigh, Sept. 23.—Governor Craig sumed greater proportions since that will stand before the business men in time, the eastern and northern in-mass meeting assembled tomorrow bound rates and western outbound rates having been injected and now rates having been injected and now

Chicago "Trunk Mystery" May Prove to Be a Hoax

Detectives Spend a Night Trying to Trace Box from Which Groans Were Emitted without Success - Puzzled

as to Strange Case.

By Associated Press. Chicago, Sept. 23,-After a night of work by a dozen detectives, Police

Captatin Storen reached the conclusion today what had been expected to be a "trunk mystery" was probably a hoax, perpetrated primarily for amusement on Louis Bram, driver of an express wagon, but which acted or paxers with greater effect.

Bram last night told the poli stary of two mysterious men wearing false mulaches hiring him to remove false mulaches hiring him to remove ed continued to save a chance of a a trunk from a Westside alley to an serious mistake.

automobile truck some blocks away From this trunk Bram said he heard muffled cries and detectives were put to work on the theory that kidnaping

or murder was being done. Enough evidence was discovered to point strongly to the work of practical jokers, including the fact that the driver of a blind horse should hired to take a burden to an automobile truck which could have done the work more expeditiously alone. . The official investigation was order

Complete Revision of Its Framework Is Proposed Complete Revison of Its

myer's Views.

By Associated Press.
Washington, Sept. 23.—Complete evision of the frame work of the administration currency bill was pro posed by Senators Reed, Hitchcock and Bristow today during the examination of Samuel Untermeyer before the senate banking committee. Reed and Hite' cock have vigorous-

ly assailed certain provisions of the house hill. Today Senator Reed advocated what he called the Hitchcock plan, which would entirely eliminate from the proposed system the entire scheme of regional reserve banks and substitute a government lasue of cur-Governor Renounces Claims.

Judge Herrick, chief counsel for gold reserve up to 75 per cent of the Governor Sulzer, then took the floor. capital stock of each individual bank. That would be in addition to the present bank note issue.

Senator Reed, in a long speech adocating the plan, criticised the reclonal bank plan as making the individual banks "subservient to a com-bination of banks." Mr. Untermeyer bination of banks." Mr. Untermeyer understood that one of the tests of the opposed the Hitchcock plan as not of | priest's mental condition will be in ering enough security to the governnent for the issue of currency. The committee was unable to conclude the questioning of Mr. Untermeyer today and he will return Monday. -

MONTGOMERY WARD IS IN SERIOUS CONDITION

By Associated Pross.

Chicugo, Sept. 23.—Montgomery Ward, head and founder of the mail order firm bearing his same and for many years known as the "watch dog" of Chicago's lake front, is in a serious condition at his home in Highland Park, as a result of an injury sustained yesterday when he fell and tractured his hip while in the bath room of his residence. The accident was due to a fainting spell. He has been in noor, health for several months. Today he was reported to be in a critical condition.

engineer is killed IN HEAD-ON CRASH

SCHMIDT FEIGNS LUNACY SAY THREE PHYSICIANS

Who Examine Ertwhile Priest Assert He Is Shamming Insanity.

By Associated Press, New York, Sept. 23.—Hans Schmidt the erstwhile priest and confessed slayer of Anna Aumuller, was visited in the tombs today by three physicians. One was Dr. Michael Eriwein, a member of St. Joseph's church, of which the prisoner was assistant rector. The others were Dr John H. Branth and Dr. Charles W. F. Horn, All expressed the opinion that Schmidt is not insane but is shamming insan-

New York, (Sept. 23.-The aged father of Johann (Hans) Schmidt, self-confessed murderer of Anna Aumiller, has decided to come to New York from his home in Aschaffenburg. Germany, according to a dispatch received here from the German town last night. The parents of Hans Schmidt still hope to find that the

necused priest is not their son-Two alienists employed by District Attorney Whitman will examine Schmidt probably tomorrow. It is taking him to the morgue and asking The him to identify the recovered por-te the tions of the woman's body. Practically the entire case against Schmidt now responsibility.

M'CRACKEN AND ROGERS **GUILTY, MANSLAUGHTER**

Defendants Convicted of Killing Lee Wells - Were Tried Three Times.

Special to The Gazette-News.

Waynesville, Sept. 23.—After 24 hours consideration of the case of Roberson Rogers and Waldo Mc-Coberson Rogers and Waldo Mc-cracken charged with the killing of Lee Wells at Clyde several mouths ago, the jury today at 3 o'clock re-turned a verdict of guilty of man-saughter. Sentence has not been passed, Wells was killed at a school

Indianapolis Merchant Shot and Gashed by "W. R. Anderson" Who Said He Was a Salesman.

ONE OF SERIES OF CRIMES SAY POLICE

Attacks Made Many Business Men in Middle West-Slayer Makes Escape.

By Associated Press. Indianapolis, Ind., Sept. 23.—The William M. Chase of Concord, for- if any attack was to be made upon mer judge of the Supreme court, and them it should come from the other countries. William A. Stone of Pittsburgh, for- side. was found late last night in a room at a local hotel which had been occu pied by a 'man who had registered a

W. R. Anderson, Louisville, Ky." A strong cord had been tied arounthe merchant's throat and he had been shot through the head. Anderson said he was a salesman, called at Schlonky's store yesterday and asked him to go to his room in the hotel where he said he had some goods to show the merchant. When Schlonsky failed to return last night his family notified the police.

After having killed the merchan the murderer washed his hands in the lavatory washbowl, us it was fille with bloody water. The merchant's watch and about \$20 also were mis ing. The slayer left two notes in which he said he had started to rob the merchant and then killed him.

"Anderson," Joseph Ellis, Louisville, Ky., Sept. 23.—The mur der in Indianapolis last night of Joseph Schansky, a merchant who had been jured to a room at a hotel by a young man giving the name of W. R. Anderson, is believed by the local police to be one of a series of crimes alleged to have been committed recently by Joseph Ellis, alias Robert Duncan on of a .arpet manufacturer of Rich

mond, Va. Two robberies in this city last week are charged to young Ellis by the po-lice and a bloody suit of clothes which he sold to a second hand dealer here is being held by detectives.

Ellis also has been identified from photograph as the man who recently committed a daring hotel robbery in Pittsburgh, where he gave the name of Fred Brokaw, alias Boley, alias White. Stickers on a suit case car ried by Ellis indicate that recently he has been in Boston, New York, Cleve land, Columbus, Toledo and Cincin-

Young Ellis was taken into the home of a prominent Louisville man when the latter discovered him cryng because the naval recruiting offi-

"Why do you take me into your Ellis asked the Louisville man. "I am a stranger and how do you know that I may not get up in the night and rob or kill you?"
Description Identical.

Mr. Raff, who was the victim of a sensational robbery in a hotel here Saturday afternoon, declared today that a description of the man who gave the name of Anderson in In-dianapolis is identical with that of Ellis who, he declared, robbed him.

The robbery of a residence here is charged to Ellis by the police, and the finding of the sult case of bloodstained clothes leads the officers to preceeding evening and he will be preceeding evening and he will be believe that the young man was in-volved in a more serious crime before ming to Louisville. The woman at whose house Ellis

had stayed for several days says that when she noticed the blood on the clothes in Ellis' room be explained that he had been in a fight with a man in a restaurant in New York city.

While here Ellis spent much time in the public library reading principally books by Edgar Allen Poe and an English writer of detective stories. The young man who had befriended Ellis here received a telegram from Jacob Ellis' of Richmond, Va., in which the latter declined to send

"I had trouble with my boy in New York, California and Richmond, read the telegram, "and I can't control him. He made me poor. I refuse to send money for ticket,"

send money for ticket."

Ellis is described as about 20 years of age, about five feet six inches tall, 130 pounds in weight, athletic build, well dressed and of cultured manners. Ellis purchased a ticket to Indianapolis Saturday afternoon about an hour after the robbery of Raff was com-

mitted.

Another Similar Murder.
Louisville, Ky., Sept. 21.—The slayer of Joseph Schlonsky in an Indianapolis hotel last night is believed by the police here to be the same man that lured M. Raff, a local merchant to a room in a Louistille hotel last Saturday and at the point of a revolver, robbed him of 162 and a gold watch. The man who robbed Raff registered under the name of "Robert Duncan, Cincinnati," and represented himself to be a traveling salesman. He

THAW SHEDS TEARS AS LAWYERS ARGUE

Fugitive, His Mother and Brother Present as Governor Felker of New Hampshire Hears Argument on Extradition-The Hearing Is Informal.

ed with Governor Felker not to surrender him to the authorities of New reply. who are determined to return the fugitive to the Matteawan insane sylum from which he escaped.

Seated only a few feet from William T. Jerome, Thaw seemed to follow the eral James P. Tuttle, arguments closely, but when his eyes In opening the hearing, Governor arguments closely, but when his eyes In opening the hearing, Governor were not hinded by his handkerchief Felker said that he was inclined to New York, as though the head of the niculities.

ments by merely saying that the duty the extradition of Thaw spoke of the governor to grant the petition themselves and there was nothing for for extradition was plain.

*By Associated Press.

Concord, N. H., Sept. 23.—Harry, for Thaw. They occupied an hour and a half after which an adjournment until 2 o'clock was taken. This afternoon was given to Mr. Jerome to

The proceedings were delayed this morning until the arrival of Mrs. Felker, who entered the chamber Felker, who entered the chamber with the governor and Attorney Gen-

they were fixed intently on the face of hear whatever the lawyers had to say the special deputy attorney general of and without strict regard to legal tech-

opposing counsel was the man to be convinced. By his side sat his mother and brother.

Jerome opened the extradition arguthe executive to do but to honor them.

Mayor Gaynor's Dogs Still Seeking for Their Master

Three Canine Friends Pathetically Follow Paths Their Master Trod and Ever Seem to Be Begging for Some

Word of Him.

By Associated Press New York, Sept. 23.—Pathetic in connection with the death of Mayor

with his dogs as companions.

Gaynor have been the actions of his three dogs on his country place at St.

James, I. I. Ever since receipt of James, L. I. Ever since receipt of the news of their-master's death they have shown that they realized something had happened to him. They make frequent trips over the roads and paths which the makes and paths whit the makes and paths which the makes and paths which the makes a and paths which the mayor was ac- expression they declare as if begging in restoring the republican party to customed to take on his long walks for some word from his master.

Secretary of State Will Be Present on Brotherhood Day of W. N. C. Fair.

It is practically assured that Hon, William Jennings Bryan, secretary of cer here had refused to accept his en- state in President Wilson's cabinet, will be in Asheville on Brotherhood day of the Western North Carolina fair, which is to be observed on Oc tober 8, the second day of the fair. There are always probabilities tha something may arise to prevent the secretary of state of the United States filling his engagements, but barring there probabilities, Mr. Bryan will be here on Brotherhood day. According to the tentative plans,

Mr. Bryan will deliver an address at the fair grounds at 11 o'clock on the morning of Brotherhood day, but no subject may be. He will probably arrive here on the Carolina Special the preceeding evening, and he will be Mr. Rogers stated today that westextensively entertained while here. plete in every detail and would assure the unqualified success of the first big gathering of the members of fraternal organizations in North Carolina. It has already been announced that John S. Rutledge of Cleveland, one of the foremost lodge men of the country, will deliver an address in the afternoon, and that there will be a big banquet in the evening. The coming of Mr. Bryan will round out one of the best programs of the entire fair week

DANIELS MAY COME

vy Secretary Is Expected to Accept Mr. Seely's Invitation to Visit Grove Park. Gazette-News Bureau.

Wyatt Building, Washington, Sept. 23. Secretary of the Navy Daniels ha Secretary of the Navy Daniels has been invited by Frank Seely of the Grove Park inn to visit Asheville and be his guest at the finest resort hotel in the world, and Mr. Daniels in all probability will accept. If Mr. Daniels can arrange his affairs at the navy department it is expected be will go to Asheville the latter pers of October and spend a week of his vacation with Mr. Seely. Seely is an old newspaper man and did great work for Mr. Wilson during the last campaign.

idmits Forgery Charge

Asheville Delegation Going to Raleigh to Insist on Better Rates.

L. B. Rogers, president of the Bun combe county branch of the North Curolina Just Freight Rate associaols, C. Sawyer, J. L. Smathers, S. P. as negative and deterrent forces' and Burton, W. Vance Brown, W. H. Wes- especially condemned the proposed retall and probably several others, representing the association and the Asheville Merchants' association, will the plan favored by the den reduction of freight rates for the ben- and particularly New York state. efit of North Carolina cities. This delegation is going to Raleigh to put up a fight for western North Carolina and will remain as long as necessary. VANDERFORD PROMOTED although it is not thought that they

ern North Carolina has never had a Mr. Bryan's presence here would square deal in the fixing of freight make the festivities of the day com-plete in every detail and would assure of the state, and that there is still further discrimination against this s tion in the proposed reductions, only named for the west as for the east ther that this discrimination is practised against western North Carolla because the people have never put up any fight about it, but that this leth grey is ever and the delegation that derford of Salisbury, who received an goes to Haleigh tonight will see that appointment a few months ago as this section is justly treated.

There was a joint meeting of the freight rate men and merchants here last night, when the question of dislast night, when the question of discrimination was discussed and it was decided then to send the delegation to Raleigh. The mass meeting there will represent shippers from all over the state and will be presided over by Fred N. Tate of High Point, president of the state Just Freight Rate association, has resigned his position to go into business here. He is a partner

JUDGE EMORY SPEER IS ILL AT HIGHLANDS

Jurist Against Whom Impeachn Charges Are Preferred Suffer-ing from I tomaine Poisoning.

By As sociated Press.

Columbia, S. C., Sept. 22.—United States District Judge Emory Speer of Macon, Ga., agai ant whom charges of improper conduct as a tederal official are now pending, is reported seriously lik from promaine poisoning at High-lands, N. C., in advices received here today.

Movement Against Albany Boss Is Pronounced in Republican Convention at New York.

SCHURMAN DELIVERS "KEYNOTE" ADDRESS

Predicts Return of Most of the Third Party to Republican Fold at Early Date.

New York, Sept. 23,-The nominaion of candidates for chief judge and associate judge of the court of appeals was the formal task before the republican state convention that assembled here today, but the party leaders planned to make the meeting one of wider importance than this duty signified.

it was the first republican rally ince the last state election and sevral new questions confronted the delegates. The answer to these will be embodied in the platform that will be adopted at the session of the conven tion tonight.

It became known today that repub-

icans opposed to the leadership of William Barnes, jr., had held an over night meeting to urge the selection of Senator Elihu Root, as permanent chairman; an Job E. Hedges, as chairman of the resolutions committee

The delegates, 610 in number, met in Carnegie hall this morning to or-The most persistent in his search ganize and hear the address of Jacob for traces of his master is Ben. an G. Schurman, president of Cornell

> "Evolupower in state and nation. tionary progressive" was the term Dr. Schurman applied to republican dectrines to distinguish them from the ideas of the progressive party, tastrophic progressive,"

ner of describing the latter. Regarding the present banishment of the party from national power. Dr.

"A term in opposition at Washing-ton cannot but have the best effects on the republican party. The members will have time to meditate on their principles, to formulate their policies, to select their leaders, to ompose their differences and to ecrate themselves anew to high and

unselfish public service."
Dr. Schurman predicted the return of the state government to repu control and declared that with few exceptions those who left the party in 1912 "will be standing under the old banner." He took occasion to oppose tion, accompanied by Archibald Nich- the initiative, referendum and recall

While approving a federal income tax in principle, the speaker regarded leave Asheville tonight for Raleigh to national administration as unfair in attend a big mass meeting to be held that it favored the south at the exthere tomorrow night relative to the pense of other sections of the country,

IN REVENUE SERVICE

Recently Appointed Deputy Collector Has Been Made Internal Revenue Agent.

It is learned here that T. H. Vandeputy collector in the United States internal revenue service, has been pro-, moted to the position of internal rev-

tion. It is believed that through this meeting pressure can be brought to bear upon all the railroads in the state to force fa rorable settlement of the freight rate question at once.

In the firm of Waymick-Sams company, which will conduct a grocery and feed store at the Hollar stand on Southside avenue.

Balloon Entries.

By Associated Prem.

New York, Sept. 23.- Eight natio will have two or more represents in the annual international be race that starts from Tuilleries, l on October 12, according to munication of the French of