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ASHEVILLE, N. C., TUESDAY AFTERNOON, OCTOBER 21, 1913.

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WATSON FREED BY U. S. JUDGE

Indictment Charging the Sending of Obscene Matter Through Mails Quashed by Court

DEMONSTRATION BY COURT ROOM CROWD

Judge Rules that Entire Article and Not Excerpts Must Be Basis for Prosecution.

By Associated Press. .. Augusta, Ga., Oct. 21,-The trial here of Thomas E. Watson, charged with sending obscene matter through the mails, ended abruptly at noon today, when Federal Judge Rufus E. sustained the motion of the quashing the indictment against the Georgia editor. Immediately upon the announcement of the court's ruling there was a demonstration by the audience, which Judge Foster permitted to pass unrebuked. In directing that the indictment be quashed, Judge Poster said:

"It appears in this indictment that the publications alleged to have been entt hrough the mails in violation of the law are extracts from a complete article. It is my opinion that the government is required to plead the pick out a few paragraphs here and

He added that if the government would be possible to indict a person for sending through the mails a ney. copy of the Bible. Judge Foster said that in sustaining the motion of the fefense he was not ruling upon the juestion as to whether or not the government might at any time proseed to re-indict.

Watson Emphasized Point. The specific point upon which the indictment was quashed was emphasized by Mr. Watson himself during his brief presentation of what he termed "other phases" of the case. He argued that if the indictment against him should stand it would be necessary to hold men who through the mails copies of the Bible or the criminal code of Georgia, guilty of the same offense, because obwords appear in both books.

United States District Attorney Akerman submitted a brief argument it was unnecessary to include the al- ed and Scottish Rite Masons against leged objectionable articles in the in- the North Carolina Grand Lodge of dictment in their entirety and that Ancient Free and Accepted Masons. the indication of specific paragraphs M. W. Bayliss of Washington, D. C., was sufficient. It was at this point is the chief of the Supreme council that Judge Foster terminated the and suit was instituted because the trial by sustaining the motion dis- North Carolina lodge, in failing to missing the charge against Watson. The district attorney refused

connection with the case. Augusta, Ga., Oct. 21.—Announce-ment that Thomas E. Watson, Georgia editor and politician of national ed States District court on a charge prominence, on trial here in the Unitsending obscene matter through the mails, would plead his own cause to the jury, attracted the largest audience ever assembled in the federal court here. Rumors that there would be a pro-Watson demonstra-tion prior to the opening of court proved without foundation, and while every available inch of space in the court room was occupied, the audience was quiet and orderly.

Despite the fact that S. G. McLendon, leading attorney for the defense, had not completed his argument in support of a motion to quash the inictment against Watson when court yesterday adjourned, it was predicted has announced that he had cancelled this morning that the case might his engagement to speak at the South reach the jury before adjournment of

This forecast was based upon the avowal of the defense that no witnesses would be called by them and absence from Washington for so long a period, immediately after the classical part of the held October ed States District Attorney Alexander Akerman that the government would 26. exert every effort to push the hear-

ing to an early conclusion.
Federal Judge Rufus E. Foster before adjourning court yesterday, announced that he would carefully articles appearing in the laures of Watson's Magazine and The Jeffersonian which the indictment alleges are obscene, in order to be prepared today to rule upon motions of

Attorney McLendon this morning said that in event the motion to quash the indictment should be overruled, row.

port of other phases of the He said that he expected to over every aspect of the matter during the present trial, with a view of tking it before the Supreme court the United States if necessary.

statute under which Watson was in-dicted is unconstitutional.

"While we do not admit that the language upon which this indictment is based is obscene or otherwise ob-jectionable," he said, "we do contend that even if it were, congress is not authorized to punish the editor who penned the words."

As a preface to the list of opinions submitted by the defense in support of its motion, Mr. McLendon briefly outlined what he said was the foundation upon which the contention of

the defense is based.

Free Speech the Issue,
"Our position," he said, "is that
under federal jurisdiction the press nd speech are as free as the air. press can deluge the land with if it so desires. The remedy lies with the people and not with con-gress. The press can describe the peauties of heaven or the horrors of perdition untrammeled and congress be as helpless as an ivory image of Buddha."

He contended that the United States Supreme court never has actually declared that congress can regulate or limit the right of the press to employ freedom of speech.
At the close of Mr. McLendon's argument, Judge Foster said he still was of the opinion that the contention as to the liberty of the press was entirely beside the issue. Watson Makes Plea.

"I believe," he said, "that this is-sue mere y is to determine whether or not the language referred to in the indictment is in violation of the fed-Mr. Watson thereupon announced

that he himself would present another phase of the matter when the present motion was disposed of. Mr. McLendon then said the deentire articles and is not entitled to fense contended thatt he indictment is incomplete in that the language there and make them the basis of an alleged to be objectionable does not The court, however, ruled appear. that the magazines now are a part were allowed to pursue such a course of the record, having been furnished by the United States district attor-

> At this point Mr. Watson undertook the conduct of his case, deliver-ing an impassioned argument in support of his claim that under the stat-ute no paper or pamphlet can be prosecuted. He said that the law ac-tually was aimed at persons sending through the mails literature dealing with the vicious and degrading use

SUIT BROUGHT AGAINST MASONS OF N. CAR.

Special to The Gazette-News.

Raleigh, Oct. 21.-A case similar to that tried in Louisiana several years ago will be called at Winston-Salem November 4, this being the case of the Supreme Council Ancient Accept recognize or communicate with the Supreme council, published a report discuss his probable future course in in which it was stated that the Supreme council is not a lawful body but is a spurious organization. Damages for libel in the sum of \$20,000 are demanded. The Louisiana Masons took a similar course several years ago, were used and won handily, and local Masons are not anticipating any difficulty in defending their case. The matter grew out of a report to the grand lodge in 1909 when Solicitor S. M. Gattis was grand master. Col. John Nichols, Francis D. Winston and Walter E. Moore composed the committee. A. B. Andrews, jr., of Raleigh and Maj. J. E. Alexan-der of Winston-Salem will be attorneys for the defendant.

Bryan Cancels Engagement.

By Associated Press Chicago, Oct. 21,-Secretary Bryan has announced that he had cancelled ern Commercial congress, at Mobile, October 27 and 31. Mr. Bryan said Mexican elections to be held October

Duke Indicted.

By Associated Press.
Seattle, Wash., Oct. 21.—Laurence
Duke, son of Brodie B. Duke, the tobacco manufacturer, has been formally charged with manslaughter on information filed by the prosecuting attorney. An automobile driven by who confessed to killing Mrs. Will, as Duke struck and killed Henry N. Harry Corow of Milwaukee. Borow Farr, and Thomas G. Simmons, Duke will be arraigned tomor-

Rates Held Discrimnatory.

By Associated Press.

Washington, Oct 21.-The interstate commerce commission decided today that existing freight rates from Milwaukee murderer to those of in further support of his motion to Ohio river crossings, from the Vir-missing slayer of Miss Ida Leegson and the indictment. Mr. McLeudon ginia cities and from eastern points was what aroused the interest of the In further support of his motion to Ohlo river crossings, from the Virtue, the indictment, Mr. McLoudon the indiction of the indiction of the indiction of the word in which he can word in the prince of the prince of the indiction of the indicti

GREAT WELCOME COAST VISITED

Brazilians Greets Former President at Rio Janeiro Today.

MILITARY AND CIVIL OFFICERS GREET HIM

Arsenal and to Palace Where He Will Re-

side.

By Associated Press. Rio Janeiro, Oct. 21.-Theodore

Edwin V. Morgan, United States of the embassy, went on board before in depth. the vessel docked with a reception bridge near Easton was carried away, committee, including Senor Barros- and during the height of the storm Moreira, representing the ministry of the Metropolitan Life Insurance comforeign affairs; Lieutenant Colonel pany's building in Ea ton caught fire Achilles de Pederneiras, Brazilian at- and was destroyeu tache at Washington; Don Jose Carlos about \$5000. Rodrigues, Admiral Antonio Coutcho Gomez Pereira and Antonio Olintho flooded to a depth cl de Magathaes of the historical insti-

'clock on the naval arsenal quay ret Roosevelt.

Rio Janeiro, Brazil, Oct. 21.-Colo-

the minister of Argentina with the where she arrived during the night members of his legation, the presidents of the Brazilian senate and barge was brought in in a partially chamber of deputies, a representative sunken condition, but most of the parliamentary committee, the chief ammunition aboard commissioner of police, the presidents shells. The powder wi of the various tribunals of the high carried wet largely in water-tight court of justice, the members of the cans and the damage is therefore remunicipal council headed by mayor of Rio Janeiro, many members slight, of the diplomatic corps, high functionaries of the government and mili- to load coal for Colon, which was in tary and naval officers in full uniform, collision with the barge Solace, and were among the wielcoming delegathe steamer Sturton from Rio tions.

the members of his party were intro- tle damaged, proceeded today journ here.

All the newspapers today published told would hardly pass \$49,000.

THE WOMAN WHO WAS STRANGLED IDENTIFIED

Viction of Harry Borow Was are reported. The temperature at Mrs. Emily Will-Murdered Like Miss Leegson.

identity of the woman who was strangled Sunday night with her own silk scarf and her face and head crushed by blows from a piece of gas pipe supposed to have been wielded by a man giving his name as George Schultz, has been established as that of Mrs. Emily Will, 52 years old, a widow. Mrs. Will was a sister of Po-

ice Lieutenant William Maas. The police have identified Schultz, served 18 months in the Greenbay re-

Chicago, Oct. 21.-When Captain Halpin learned of the strangling of a woman at Milwaukee by a man giving the name of George Schultz, he telegraphed for a description of the

The similarity of the methods of the

Gathering of Most Prominent Much Damage Done in Towns Practically Certain Several Along Eastern Shore of Maryland by High V. 1.

> DAMAGE TO SHIPPING ULE VILLINIA COAST

Procession Follows Him to the New Englana Suffers Severaly -Lake Traffic Endangereu----g

Off Florida.

Baltimore, Md. Oct. 21.-The east ern shore of Maryland was visited by Roosevelt, former president of the a furious storm of wind and rain last United States, was received with mil-itary honors as he stepped ashore the water front suffered severe damfrom the steamer Van Dyck here to- age from high water, the tide being th highest experienced in 20 years.

In many places the water covered ambassador to Brazil, with the staff the streets from 12 inches to five feet A new \$20,000 concrete

Crisfield reported hree feet and people were using ro- oats to reach their homes. The party disembarked at \$:30 were destroyed and pats sunk or beaten to pieces. House were floodwhere a company of soldiers saluted, ed at Elkton, obliging the occupants while bands played the Brazilian and to move out. At Salisbury a number American national anthems. Several of men, women and children living committees presented boquets of flow- in huts near the Leutherbury canning ers to Mrs. Roosevelt and Miss Marga- factory were rescued with difficulty in rowboats.

Barge Towed In. nel Theodore Roosevelt landed here Norfolk, Va., Oct. 21.—The gov-today from the steamer Van Dyck and ernment barge having about ammu-Norfolk, Va., Oct. 21.-The was received on the quay of the naval nition valued at \$52,000 from the St. arsenal by a great gathering of the Julian's magazine at the Norfolk navy people in Brazil. yard, for the flagship Wyoming of the Marshal Harmes Fonseca, president Atlantic fleet now in Hampton Roads, of the republic, was unable to be present, but he sent a special representa- collision at Lamberts Point with the British steamer St. Leonard, was to-All the cabinet ministers of Brazil, day safely at the Norfolk navy yard in tow of the tug Massasoit. The powder which the barge the ported by the naval authorities as but

Janeiro to Portland, Me., which was A procession headed by Colonel in collision with the steamer Lucigen. Roosevelt and the representative of from Port Arthur to Portsmouth, the president of Brazil proceeded to a England, during the gale which blew reception room in the naval arsenal here at the rate of 58 miles an hour which was decorated with Brazilian late yesterday, were today both at flags and the stars and stripes intertwined. Here Colonel Roosevelt and pairs. The steamer Lusigen, but litduced to the leading officials. After England. With the storm over it ap-this ceremony Colonel Roosevelt was pears that the first estimate of damconducted to the Gunabara palace, age has been reduced by more than where he will reside during his soday it was believed the damage all

Winter at Duluth. Duluth, Minn., Oct. 21.—Delayed by a gale, a fleet of overdue boats was sighted early today headed for this port. Boats were held in the harbor last night, the outgoing traffic being confined to a few heavy ore boats. Eight vessels overdue had not

been heard from early today.

At Ashland, Wis., the heaviest October snow storm since 1908 struck Lake Superior last night. Heavy seas Duluth today went as low as 18 above zero, according to atreet thermom-

Pensacola, Fla., Oct. 21.-Fears were entertained here today for the large launch Highball which left here Sunday night for Milton with about 12 men on board. The vessel has not By Associated Press. 12 men on board. The vessel has not milwaukee. Wis., Oct. 21.—The arrived. The revenue cutter Penrose last night put out to search for the launch, which, it is feared, was lost in Escambia bay in the high wind of Sunday night.

Bryan Makes No Reply.

By Associated Press. Washington, Oct. 21.—Secretary Bryan when asked whether he would comment on the letter of resignation Henry Lane Wilson, former ambassador to Mexico, said:

"Do not care to discuss it, and do not intend to." President Wilson had no comment

Mrs. Fitzhugh Freed.

By Associated Press.

Amendments Will Be Made With Presidents Approval

HEARINGS MAY NOT END BEFORE SATURDAY

One Proposed Charge Goes to HIS FRIENDS BELIEVE Basis of Bill, Concerning Rediscount of Of Commercial Paper

Washington, Oct. 21.-While the the senate banking committee may not end before Saturday, amendments have the attention of the members,

he will not object to changes in the personnel of the federal reserve board and a reduction in the number of re-gional reserve banks has made it practically certain that the desires of many senators to make those changes though he stated that he had no dewill be carried out with prospect of administration approval. Many other important modifications

wal be casen up when complittee begins on the measure next week. is one of the bill, the provision authorizing lay claim to it through party service, the rediscount of commercial paper. The salary is \$4500 per annum, with the rediscount of commercial paper The salary is \$4500 per annum, with tion candidates generally. and the issue of curiorcy by the federal reserve banks. The house provision,

lowing practically all paper of certain maturities designated to be rediscoprised. Others, particularly representatives of smaller banks in the middle west, have contended that the rediscount provisions would be useess to them Senators Bristow Hitchcock, Reed

paper the reserve banks might redis-count, to enable country banks hold-Simmons and Overman. Both have to swing for his speakership candienjoy the advantages of the new sysline coupled with a more definite "commercial paper probably will be written into the bill. Under the bill as passed by the house the regional reserve banks may discount paper without limit for member banks, but no provision is made that gives member banks the Members of the committee are practically agreed that it is necessary to

receive discounts up to a fixed limit. May Change Compulsory Feature. The compulsory feature of the bill under which all national banks would be required to join the system and subscribe 20 per cent of their capital in stock of the federal reserve bank their district and turn over five per cent of their deposits to the reserve bank, also may be changed. that connection the committee will ordinary session to consider the preslating to state banks and trust comtion will be considered.

Another suggested amendment would limit reserve banks in their

for personal checks unchanged. The provision limiting the dividends to be paid by reserve banks to five per cent may be increased to six; and th provision that after the acbanks, may be changed to give all the surplus profits to the govern- action imperatively necessary. The problem of whether the federal reserve banks are to be allowed to enter the open market to buy or sell commercial paper in competition with other banks to maintain the discount rate also will be considered.

Victor Morowetz of New York, who was before the committee yesterday, resumed a discussion of the bill when the hearing was taken up by the committee today.

Garrison to Colon. By Associated Press.

SULZER'S RACE **ALARMS FOES**

WEBB IS SLATED FOR MARSHALSHIP

Stated in Political Circles State Chairman Will Be Appointed at Once.

THAT HE WILL ACCEPT

Office Pays Big Salary, Has Light Duties and Carries Proportionate Prestige.

In inner democratic political circles it is definitely stated now that Sena-President Wilson's intimation that trict. It is stated that the appointment may be expected at any time now, but that it will certainly be made within the next 30 days. Friends of Mr. Webb say that he will accept, alsire for the position when it was first the speaker of the assembly, who rumored that he was being considered for the place.

The office of marshal is considered Among the proposed changes one of the choicest of the political impeachment as governor of New that will go to the very basis plums to be coveted by those who may of it practically a \$6000 a year job.
wit- With such attractive emoluments the ricesses have held, was too broad, allesses the comparatively light, and inclined to regard the withdrawal of the practically all larger of certific carries its proportionate the republican candidate as a trick

is one of the reasons an early appointment is expected. The main reason, however, why the appointment and Nelson haves hown an inclina- is expected at an early date is that a he reaches the assembly tion to extend the length of the ma- whole list of appointments are to be The question which of a certain percentage of the made very shortly, following the regenrally understood that the distri-Some amendment along this bution of plums will be begun broad-

to Take Extraordinary Steps to Raise Loan.

By Associated Press Havana, Oct. 21.—Refusal of the Cupan congress to convene in extramake more definite the provisions re- idential message urgently recommending a new foreign loan of \$15,000,panies to insure that both state and 000 caused President Marie Monocal national banks shall enter the sys- today to issue a statement to the tem with as nearly equal privileges as Cuban people declaring that he may possible. A plan to open the stock be compelled to have recourse to exof reserve banks to public subscriptraordinary measures in the event of many leaders and rumor has it that continued obstinacy on the part of material soon would appear in pamcongress.

The president explains then that clearings to checks drawn by banks, the urgency of the loan is caused by laving the present collection system the necessity of paying off the indebtedness incurred by the previous can obtain a suitable house. liberal administration. He lays the blame for the present serious conditions in Cubs on the obstructive and unconstitutional tactics adopted by cumulation of a 20 per cent surplus the liberal senators and representa all profits of the reserve banks, ex-He does not state what course tives. the dividends, shall be distrib- he intends to pursule in case the uted, 60 per cent to the government houses of congress remain obdurate and 40 per cent to the stockholding but the tone of his manifesto indicates that he considers some drastic

WHITSETT PARDONED

Action Taken Because of Doubt as to Identity of Man Charged with Criminal Assault.

Special to The Gazette-News. Raleigh, Oct. 21.—Recommended by eight of the 10 jurors now living, noon for Asheville, where he will de-Governor Craig has granted a pardon liver an address before the Southern to Turner Whitsett, convicted in Appalachian Good Roads association Rockingham county in the fall of Next Tuesday he will open the 1907 of an attempt to commit a crim- at Charlotte. inal assault and sentenced to seven A severe wind blew yesterday and years in the state's prison. Solicitor today, but its velocity this morning Washington, Oct. 21.—Secretary S. Porter Graves, in view of the fact was not as great as yesterday. F Garrison, accompanied by Mrs. Gar-thatt here was doubt as to identity of the time yesterday the wind sa rison and Brigadier General Erasmus of the convicted man, the opinion be- at 40 miles an hour and le M. Weaver, chief of the coast artil-lery, will leave Washington this aft-also recommended the pardon. This Among the specially

Outcome of Impeached Governor's Nomination for Legislature Is Foremost Queston With Politicians.

COULD MAKE TROUBLE FOR ORGANIZATION

Victory in His District Is Conceded-Would Have Fighting Chance for Speakership.

By Associated Press

Albany, N. Y., Oct. 21.-What will be the outcome of William Sulzer's hearings on the currency bill before tor Overman will tender to Charles race for the New York legislature was A. Webb, democratic state chairman, the question foremost in the minds of the marshalship for the Western dis- the politicians around the capitol to-

It was generally agreed that he will make a great deal of trouble for the organiation in New York. His fire will be directed especially Aaron J. Levy, who is a candidate for municipal judge, and Alfred B. Smith, seeks to succeed himself. Sulzer intends to invade their districts and attempt to square accounts with them for the active part they took in his will oppose the democratic organiza-

Even Sulzer's worst political foes practically conceded him victory in his own assembly district. They were will work hard for Sulzer in the hope that he will repay them amply by his attacks on Tammany hall, in case

The question which caused the how many votes Sulzer would be able ing six and nine months paper to returned to Washington, and it is dacy in case of his election. The conassembly probably would be divided among the three parties, and if this prediction is true and Sulzer is able to muster the undivided support of one faction and a few insurgents from other quarters he would prove big factor in the race. . A ma of the assembly is required to elect a speaker, and only a landslide for one party can prevent a long dead-

lock if Sulzer wins. Not Deserted Party. provide that a member bank, as a matter of right, may apply for and President Menocal Threatens he has deserted the democratic party by accepting the progressive nomination and the republican endorsement. "I am a non-partisan candidate," he declared today, "and I am fighting for a principle instead of a party."

The impeached governor confid-1 to a friend last night that the opposition of Theodore Dougles Rebinson to h - candidacy did not surprise him but that he thought if Colonel Roosevelt were in the country he would have his support. Speculation was rife here today as to just what Tammany would in

the fight. It was thought that all of the unused evidence in the impeach ment trial is in the hands of the Tam-Sulzer planned to leave here New York late this afternoon.

will liv ein a hotel there until he GOV. CRAIG FORMALLY

OPENS STATE FAIR Executive Leaves for Asheville This

Afternoon-Raleigh Visited by Severe Windstorm.

Special to The Gazette-News. Raleigh, Oct. 21 .- Governor Craig

it noon today formally opened the fifty-third North Carolina State fair in the grandstand, his speech being short but to the point. The gates were opened at 6 o'clock. By noon several hundred visitors were in the grounds, but the blg crowds are not expected until tomorrow and Thursday.

Governor Craig leaves this after-

Among the specially nota