

DEFENSE HEARD IN BROOKS CASE

Witnesses Introduced in Behalf of Man Charged With Murder of F. B. Hugill.

SEEK TO SHOW HE HAD BEEN THREATENED

Witnesses Tell of Words Between Men on Street Car and Later at Scene of Shooting.

Several witnesses were introduced for the defense this morning in the trial of Alex H. Brooks, charged with the murder last May of Frank B. Hugill in West Asheville. The direct examination of all these witnesses indicated that the defense is trying to show that the defendant shot in self-defense, thinking that he was about to be mobbed by Hugill and his friends.

H. M. Weir, first witness called, took the stand at 9:45. He was first summoned as a state's witness, but was today by defense. Cate objected to introduction of his testimony and he was taken off the stand.

M. L. Maney, second witness, lives in West Asheville. He was examined by T. B. Rollins and said he was on street car on day of homicide and Brooks and Frank Hugill were both in the car. It was about 6 o'clock and car was going to West Asheville. Brooks was on seat and Hugill was standing up by the seat, Hugill saying: "Alex have you got any rocks in your pocket today?" Brooks replied: "I don't want to have anything to do in this matter, Frank. I don't want to take the beating you promised me." Hugill replied: "I don't want to say anything on the car, but I will see you when you get off the car."

This was about one hour before the shooting. Witness said Hugill appeared to be nervous and mad while he was talking. He got off at his store and left Brooks and Hugill on the car. Witness swore that he saw Brooks at the latter's store on Monday, when he went to see him on business and Brooks said: "Will, I am in trouble," then told of the trouble at the ball game. Witness said Brooks' character was good, as was Hubert Smith's character.

He was cross examined by Judge T. A. Jones. Witness stated that he and Brooks had been in business together several years ago. Said street car was going to West Asheville after the ball game and that Hugill and others had to stand up because car was crowded. He denied that Brooks had a revolver in his pocket. He never knew Frank Hugill until the afternoon he saw him on the car.

On direct examination by J. Scoop Styles, Mrs. M. A. Johnson of West Asheville said she was on the street car the afternoon of the homicide, sitting next to Brooks, and that Hugill came up and took hold of back of seat. Said Brooks Hugill told Brooks he was going to whip him when Brooks replied, "I hate to take a whipping off you, Frank." She got off at Buffalo street at 8:15 o'clock and left Brooks and Hugill on the car.

Cross examined by J. E. Swain, who said she did not remember anything that was said between Hugill and Brooks and could not tell whether Hugill was angry, but that he talked loud. She swore Hugill said just before leaving Brooks, "I am going to fix you." Hugill went to the other side of car and Brooks appeared to be nervous. Because Brooks said he did not have anything against Frank Hugill, she took it that he did not have anything against anyone.

LIBERAL PAPER CRITICISES KING

Believes George Overstepped Duty in Forcing Conference on Home Rule Question.

SEVERAL LIBERALS OPPOSED CONFERENCE

Call Caucus and May Adopt Resolution Referring to Undue Interference of Crown.

London, July 21.—So deep is the interest taken by the public of all classes in the Irish home rule crisis that great crowds gathered today outside Buckingham palace to witness the arrival of the various party leaders for the conference inaugurated by King George with a view to bringing about a peaceable settlement.

The Rt. Hon. James Lowther, speaker of the house of commons, chosen to preside over the conference, was the first to appear. He was quickly followed by the eight men who represent the various parties—liberal, unionist, nationalist and Ulsterite. King George received the privy council always meets and shoe's hands cordially with all of them. Probably this was the first time John E. Redmond and John Dillon, the Irish nationalist leaders, had ever exchanged greetings with their sovereign, as it had been the practice of nationalist members to avoid functions where members of the house of commons were likely to be brought into contact with royalty.

The meeting of the conservative and liberal leaders on such intimate footing was apparently friendly but could not have been cordial as Premier Asquith and Andrew Bonar Law have been barely on speaking terms.

The Marquis of Lansdowne, leader of the unionists in the house of lords, and David Lloyd-George, chancellor of the exchequer, two of the other conferees, represent the most extreme aristocratic and democratic schools of British politics and are believed to be bitter personal enemies.

At the same time, the members of the Irish nationalist and Ulster unionist factions could not have felt much pleasure in finding themselves in such close association.

After a brief conversation King George withdrew from the meeting at about noon, leaving the conferees to their deliberations.

According to the Daily News the king intends to withhold assent from the home rule bill unless the amending bill is presented at the same time for the royal assent. The News believes it was the difficulty thus raises which compelled recourse to the round table conference.

M'DERMOTT HANDS IN RESIGNATION

Congressman Under Charges in Connection with Lobby Investigation.

ST. PETERSBURG HAS A SERIOUS STRIKE

Disturbances Break Out When 100,000 Workers Lay Down Tools.

St. Petersburg, Russia, July 21.—Serious strike disturbances broke out today in St. Petersburg where 100,000 workers have laid down their tools as a protest against the measures of the authorities against demonstrating strikers.

The cossacks were mobilized in the Viborg quarter to disperse the strikers, who indulged in much stone throwing and also fired some revolver shots. The troops succeeded in clearing the streets without resort to bullets, as a couple of rounds of blank cartridges proved sufficient to rout the demonstrators, at least temporarily. Several of the strikers were hurt during the disorder.

Later in the morning the strikers made a raid on the street cars, driving out their occupants, overturning the vehicles, and disregarding the orders of the police to disperse.

NEGROES ENAGE IN DEADLY ROW SUNDAY

One Killed and Three Wounded at Construction Camp Near Statesville.

Special to The Gazette-News.—Statesville, July 21.—Forest Nettles, alias Nesbit, of Greenwood, S. C., is dead and three other negroes are wounded as the result of a shooting affray in the negro camp of the Hardaway Contracting company at the scene of the Southern Power company's operations on the Catawba river 13 miles west of Statesville. The wounded are Pete West of Spartanburg S. C., who received a bullet in his left thigh which shattered the bone; Tom Allen, another South Carolina negro, who has a bad muscular wound in his back and Harry Smith of Concord, who has bullet holes through both sides. Smith is charged with firing the shot which killed Nettles and started the affray. He is being held in jail without bail. All the wounded are expected to recover. The shooting occurred yesterday morning in a restaurant in the negro camp operated by Tom Allen, and was probably the result of gambling. According to information secured by Sheriff Deaton and others who visited the scene, Smith fired the first shot—the one which killed Nettles. When Smith fired on Nettles, another negro known as Ollie Hurst, a pal of Nettles, opened fire on Smith. Others in the restaurant also drew their pistols and began firing. It is claimed, and when things became quiet it was found that one had been killed and three wounded.

TO COMPEL HINDUS TO LEAVE HARBOR

Bellingham, Wash., July 21.—Reports reached here early today that the Canadian cruiser Rainbow sailed from Esquimalt naval harbor at Victoria, B. C., last night for Vancouver. She is fully manned and equipped with ammunition to enforce the Canadian government's order to escort the Japanese steamer Komagata out of the harbor with its 152 Hindu passengers whose deportation has been ordered.

CLUB OWNERS PLAN POLICIES

American League Representatives Discuss Plans to Meet Threatened Players Strike.

MAGNATES' ATTITUDE STILL IS ONE OF WAR

President Fultz of Fraternity Declares Players Will Walk Out if Strike Is Called.

New York, July 21.—There will be no strike of baseball players in the two major leagues. The Kraft case, the basis for a strike order issued by the Baseball Players' fraternity, was settled today by the Newark Internationals agreeing to buy Nashville's interest in Kraft.

New York, July 21.—Owners and representatives of the eight American league baseball clubs, hurriedly summoned to New York by President Ban Johnson, assembled in extraordinary meeting here today to shape a policy to meet the threatened strike tomorrow of players in the two major leagues.

Prior to the meeting not a word for publication was spoken by any of the magnates, with the single exception of President Johnson. Their attitude, however, was one of war. Mr. Johnson declared he had nothing to retract from his declaration of yesterday, when he asserted that every American league park would close its gates and keep them closed all summer if necessary in case the players obeyed the strike order.

David L. Fultz, president of the Baseball Players' fraternity, whose strike ultimatum was placed before the magnates today, held many brief conferences with the directors of the players' organization. He declared the players remained firm in their demand that the national commission rescind its recent ruling under which Player Clarence O. Kraft was ordered to report to the Nashville club of the Southern association, at a reduction of \$150 a month in salary from the amount paid him by the Newark Internationals with whom he had signed a contract for the season.

New York, July 21.—The threatened strike of members of the Baseball Players' Fraternity was the principal subject for discussion today by club owners of the American league, called together here by President Ban Johnson.

Although it was understood that members of the fraternity had been instructed to walk out tomorrow unless the national commission cancelled its recent suspension of Clarence O. Kraft, for refusing to report to the Nashville club of the Southern association, at a reduction in salary. President Fultz, of the fraternity, was optimistic that a settlement of the question might be reached. It was possible that some major league club might claim the services of Kraft and thereby take over whatever claims the Nashville club of the Southern association or the Newark Internationals might have to him.

The action of President Johnson in calling a meeting of his club owners was explained as a preventive measure. Mr. Johnson said that his league had no interest in the legal aspects of the Kraft case, as it involved the National league.

REPORTS BRYAN'S GOOD ROADS BILL

Substitute for House Ackleford Bills Is Now Before the Senate.

Washington, July 21.—A favorable report on Senator Bryan's good roads bill, a substitute for the Shackelford bill already passed by the house, was completed today by the senate committee on postoffice and post roads.

Under the Bryan bill the federal government would issue 50-year three per cent bonds to the amount of \$500,000,000 in lots of \$100,000,000 each for five years. Before states could participate in the funds they would be required to issue an equal amount of four per cent bonds which, when deposited in the treasury department, would be exchanged for cash. The one per cent difference would make up a sinking fund to aid the states in retiring the bonds.

Creation of a federal highway commission to supervise the expenditure of highway funds is a feature of the bill. The commission would be composed of the chairman and members of the senate and house committees on roads, the director of the office of public roads, and a United States army engineer.

JONES REPLIES TO ADVERSE REPORT

Renewed Activity in Fight Over Nominees for Federal Reserve Board.

Washington, July 21.—The fight over President Wilson's nominations to the federal reserve board took on renewed activity today when Thomas D. Jones of Chicago, replied to the adverse report of the senate banking committee on his nomination. The minority which supports him at once began working on its report. When it is presented to the senate later this week a vote may be forced.

White House officials heard unofficial reports that Senator O'Gorman and Paul M. Warburg, another of the president's contested nominees, had a conference at White Sulphur Springs, W. Va., to bring over the difficulties between Mr. Warburg and the banking committee before which he has refused to appear. No word had been received from either Mr. Warburg or Senator O'Gorman.

Members of the banking committee here denied connection with any effort to induce Mr. Warburg to change his mind and appear before the committee, but they thought it probable he would be induced to do so inasmuch as Senator O'Gorman has professed to be in favor of his confirmation.

ORGANIZED B. B. SUFFERS BLOW

Injunction Restraining Hal Chase from Playing with Federal League Is Vacated.

COURT HOLDS 10-DAY CLAUSE NOT MUTUAL

Says Organized Baseball Is as Complete Mopoly for Profit as Monopoly Can Be.

Buffalo, N. Y., July 21.—Organized baseball suffered a legal defeat today when Justice Herbert P. Bissell granted the motion to vacate the injunction secured by the Chicago American League Baseball club restraining Hal Chase from playing with the Buffalo Federal League club.

The lack of mutual obligation in the so-called ten-day clause of the contract under which Chase was playing with the Chicago team, whereby the club could terminate the contract on 10 days' notice, while the player was bound under several provisions of the "National agreement," formed the basis of the decision vacating the injunction.

That organized baseball is a violation of the Sherman anti-trust law was denied by Justice Bissell on the ground that he cannot agree that the business of baseball for profit is interstate trade or commerce and therefore subject to the provisions of the Sherman act. The court held, however, that it was monopoly of the baseball business in contravention of the common law.

Chase was served with injunction papers June 25 while playing with the Buffalo team at Federal park. He has been on the bench since. In his affidavit upon which the motion to vacate the injunction was based Chase alleged that he gave the Chicago club 10 days notice of his intention to leave, at the expiration of which time he signed the Buffalo contract.

Regarding the 10-day clause Judge Bissell in holding that the injunction was unenforceable said: "The plaintiff can terminate the contract at anytime on 10 days' notice. The defendant is bound to many obligations under the remarkable provisions of the national agreement. The players' contract executed in accordance with that terms, binds him not only for the playing season of six months from April 14 to October 14, but also for another season, if the plaintiff chooses to exercise its option, and if it insists upon requirement of an option clause in each succeeding contract the defendant can be held for a term of years. His only alternative is to abandon his vocation. Can it fairly be claimed that there is mutuality in such a contract? The absolute lack of mutuality both of obligation and of remedy in this contract would prevent a court of equity from making it the basis of equitable relief by the injunction or otherwise."

Justice Bissell declared organized baseball as complete a monopoly of the baseball business for profit as any monopoly can be made. "It is in contravention of the common law," he said, "in that it invades the right to contract as a property right; and in that it is combination to restrain and control the exercises of a profession or calling."

BOUGET NOVEL READ IN TRIAL

Mme. Caillaux's Advocate Reads Passages from Book by Friend of Gaston Calmette.

PUBLICATION OF LOVE LETTERS CONDEMNED

Persons Near Figaro Office When Editor Was Shot by Woman Give Testimony.

Paris, July 21.—Persons who were near the office of the Figaro on March 16 when its editor, Gaston Calmette, was shot to death by Mme. Henriette Caillaux, wife of the former premier, testified today at the second session of Mme. Caillaux's trial on the charge of murder.

Paul Bourget, the "immortal" who had been with Calmette at the moment when Mme. Caillaux's card was brought in, was one of those examined. He then described his conversation with the editor: "You will not see her," I said. "I cannot refuse to receive a woman," he replied.

Maitre Labori, the accused woman's advocate, then thrilled the overcrowded court room by reading a dialogue from Bourget's novel, "The Demon of the Midi," in which the characters discuss and condemn the publication of the heroine's love letters, coming immediately after M. Bourget's eulogy of Gaston Calmette, with which he had closed his testimony, the reading of the dialogue by Labori was regarded by observing lawyers as a master stroke.

Labori's voice was musical and full of dramatic feeling. When he had concluded Paul Bourget remarked: "Literature is not life."



He agreed, however, that private letters ought not to be published, and said he did not believe Calmette had intended to publish the Caillaux love letters.

Mme. Henriette Caillaux was up at seven this morning preparing for the second day's hearing of the charge against her of the wilful murder of Gaston Calmette, editor of the Figaro. The wife of the former premier took an early breakfast, and before 8 o'clock was waiting for her husband who, however, did not call at the prison until between 9 and 10 o'clock. The prisoner and her husband conversed for half an hour and afterward she lunch.

"I feel better than I did yesterday" Mme. Caillaux said to the solicitor prison warden.

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PRESENTATION BY
Gazette-News Tuesday, July 21

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Continued on page 11.