

The News and Observer

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RALEIGH, NORTH CAROLINA, SATURDAY MORNING, JULY 19, 1902.

PRICE FIVE CENTS.

Leads all North Carolina Daily Papers in Both News and Circulation

McMASTER OPENS THE LEGAL BATTLE

To Quash Judge Caron's Writs of Habeas Corpus.

THE GREENE-GAYNOR CASE

The Filing of Affidavits and Counter-Affidavits.

THE CHARGE AGAINST ERWIN REPEATED

Greene Avers That Erwin Told Him the Case Might be Settled by Greene's Raying \$500,000. This Allegation Erwin Denies.

(By the Associated Press.) Quebec, Que., July 18.—Today's proceedings in the Gaynor-Greene case consisted principally in the filing of affidavits and counter-affidavits, and it was only a short time before the adjournment of the court that Mr. McMaster, for the prosecution, commenced his argument on his motion to quash the habeas corpus writ used by Judge Caron on June 20th and 21st last.

The proceedings were opened by Mr. Taschereau, counsel for the prisoners, who produced affidavits of Benjamin D. Green, that on May 17, Mr. Erwin called on him at the Windsor Hotel, Montreal, when Erwin said to Greene: "If you will pay \$500,000 to settle the whole matter, I will go at once to Washington and advise its acceptance."

Greene replied that he could not stand that because he had not money enough to pay his half of the amount, but that Erwin said: "Gaynor has enough, I don't know where it is, but he has it." To this Greene said: "If you will say \$200,000 I will talk with Col. Gaynor about it." Erwin replied, the affidavit continued: "That will not be enough." Greene then added: "What do you think of \$300,000. He said: 'I don't think it is enough.'"

Greene finally replied: "Well, anyway, I don't see how we can pay any money, because that would be an admission on our part that we have received money wrongfully; that we have not done." Greene swore that this talk of a settlement for \$500,000 referred to the criminal proceedings against them, and not to any civil claim. This affidavit was supported by another from Mrs. J. F. Gaynor.

Mr. McMaster read an affidavit signed by Marion Erwin, completely denying the allegations contained in the affidavits of Mr. Greene and Mrs. Gaynor. Regarding the interview between Greene and himself, Mr. Erwin stated that on his return to his room in the Windsor on the afternoon of May 17, he found a note, in which he recognized the handwriting of B. G. Greene, which note was as follows: "If you can call to see me at any time today you will do me a great favor."

The original of this note is in the possession of Mr. Erwin and was shown to Judge Caron. In response to that request he went to Greene's room and the latter opened the conversation by saying that while he knew Erwin had been prosecuting him vigorously for over two years, he wanted to thank him for having always treated him with personal consideration. He then said if the extradition proceedings at Montreal proceeded for any length of time it was probable he might desire to give bonds.

Erwin's affidavit continued in substance: "I called his attention to the fact that he and Gaynor had already forfeited bonds in the sum of \$40,000 each. He replied that he had left the United States because he had resolved never to be put in jail as a convict; that he came to Canada with the expectation that after a year or two his friends in the United States could effect a settlement of the civil claims of the Government against him, and then he could probably obtain a dismissal of the criminal prosecution. He said that he had not given his personal word that he would not run off from the prosecution in Georgia, but he would pledge me his word of honor that if I would agree to his giving bond before Judge La Fontaine he would not run off. He then referred to the fact that the government had already tied up by civil proceedings half a million dollars of assets, of what the Government claimed was O. M. Carter's share in the fraud, and asked me what was the exact amount the Government claimed that he and John F. Gaynor had received as their share. I replied that he claimed that he and Gaynor had received \$1,400,000 as their share in the fraud. He replied that he was in no position, and had not sufficient means to meet such a claim, and that he and Gaynor would be willing to pay the Government \$300,000 in settlement of the entire litigation, to include the \$80,000 claimed on forfeited recognizances which he said were secured by assets put up by Gaynor and himself with the sureties, but if he settled the civil claims it must carry with it the dismissal of the criminal proceedings. I replied that I knew of no law for settling the criminal case, but that if he made restitution of the Government's actual loss, I did not know what view of leniency might be taken by the Government; I had no authority in the matter, and that the amount he

FOR GOLF LAURELS

Byers and James Will Enter the List Today.

A Desperate Struggle Expected. He Who Wins the Amateur Championship Will Well Merit the Honor.

(By the Associated Press.) Glenview Golf Course, Ills., July 18.—Either E. B. Byers, of the Allegheny Club of Pittsburgh, or Louis James, of the Glenview Club, Chicago, will wear the amateur golf championship laurels tomorrow night. These two won their way through the semi-finals today, Byers rather easy, James after a heart-disease producing game, and tomorrow will meet in the finals at 36 holes for the championship. If Byers and James play in the form they showed today, the game may not be decided until the home green is reached, though Byers on account of the marvelous golf he played yesterday when he put Champion Travis out of the running, is perhaps a slight favorite.

The game will be played over the first nine holes of the Glenview course unless the players shall elect to use rowboats. The low lying lands embracing the fair greens to the tenth, eleventh, thirteenth and seventeenth greens and the greens of the latter two are covered with from two to ten inches of muddy water, the result of last night's terrific storm. Even the higher ground of the first nine holes is in exceedingly poor condition for play, water abounding while the course is soft and treacherous. Nevertheless the U. S. G. A. officials say the championship contest must be finished. A steady drizzling rain was falling tonight and prospects are that tomorrow's game will be played under conditions more suited to yachting than championship golf.

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(Special to News and Observer.) Three Accidents. Asheville, N. C., July 18.—There are three serious emergency cases in the hospital here. Henry Fisher, a native of Salisbury, was run over by a train and fatally injured. He was beating his way from Knoxville to Salisbury, and as he tried to jump from the train in this city his foot was caught and his leg was drawn under the train and crushed.

A young white man, about 22 years old, was run over by a train at Fletcher and is perhaps mortally hurt. His name is not known, and he is still unconscious. He is well dressed.

A negro had both legs cut off by a mowing machine at Weaverville, eight miles from Asheville, and will probably die.

(Special to News and Observer.) A Dog Suit. Fayetteville, N. C., July 18.—There is an interesting dog suit now in progress before Squire C. P. Overby. Mr. T. M. Lewis, of Carver's Creek, is suing Mr. Warren Carver for the possession of a bound dog, to which each lays claim. Mr. Lewis claims that Mr. Carver took the dog away from him. This Mr. Carver admits, but says the dog belonged to him.

(By the Associated Press.) Coronation August 9th. London, July 18.—An official notification was issued this morning that by the King's command the coronation of King Edward and Queen Alexandra take place August 9.

(By the Associated Press.) Mine Officials Blameless. Park City, Utah, July 18.—The coroner's jury has declared the officials of the Daly-West Mine entirely blameless for the accident by which thirty-five men lost their lives.

(By the Associated Press.) Congressional Nominations. Tallahassee, Fla., July 18.—In the Third Florida district, Attorney General Wm. B. Lamar has been nominated for Congress by the Democrats.

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THE BOARD DECIDES

Three Arbitrators Agree, the Fourth Dissents.

This Fourth Man Represents the Strikers But Both Sides Are Bound to Abide by the Decision.

(By the Associated Press.) Richmond, Va., July 18.—At 3:50 this afternoon, the street railway strike arbitrators reached a decision, which was put into writing and copies sent to the company and to the headquarters of the men. These copies were sealed and the arbitrators refused to make known directly the result of their work. It was learned at the office of the company, however, that three members of the committee unite in the following report: Main line motormen to receive 18 1/2 cents, and conductors 17 1/2; branch line motormen 16 1/2, and conductors 15 1/2, each division to decide for itself on the number of hours per day the men shall work. This report was signed by three members of the arbitration board. The fourth member, who represented the men, dissented from the report, but it is not yet known what his position was. Both sides signed a written agreement to abide by the decision of the board of arbitration.

(By the Associated Press.) MR. E. R. NORTHAM DEAD. His Remains Taken From Graham to Smithfield For Interment.

The many friends in Raleigh were grieved when they learned of the death of Mr. E. R. Northam, which took place in Graham Thursday night at the home of his brother-in-law, Capt. E. S. Parker. Yesterday afternoon the body was taken from Graham to Smithfield. The funeral party was joined here by Mr. J. B. Pearce, a friend and former business partner of Mr. Northam.

Mr. Northam had lived in Raleigh for about twenty-five years. As a young man he was in the employ of W. H. & R. S. Tucker, and later with the firm as it was re-organized. After this he was with A. B. Stronach and then became a partner in the firm of Boylan, Pearce & Company at its organization.

He was with this firm until his health broke down about two years ago. A year ago yesterday he went to the Jackson Sanitarium and later was brought back to Graham, where he has since remained. Mr. Northam was about fifty-three years old and had many friends in this city, who sympathize with his relatives in his death. The funeral was held at Smithfield yesterday afternoon.

(By the Associated Press.) GROWS OUT OF OSBORNE CASE. A Ten Thousand Dollar Suit Against the Virginian Pilot.

(By the Associated Press.) Norfolk, Va., July 18.—Commonwealth's Attorney, John G. Tilton, today instituted suit against the Virginian-Pilot Publishing Company in the sum of \$10,000 for the publication and circulation of an alleged libel. The suit grows out of certain articles in which Tilton was criticized by the paper relative to the position he took in declining to hold Osborne, the alleged double wife murderer for trial here on the charge of killing his wife in this city, instead of which he turned him over to the Oklahoma authorities to answer for a similar crime there in 1896.

(Special to News and Observer.) KILLED IN A WRECK. The Death of Norman B. Gruendeler in New York Yesterday.

Mr. Norman Gruendeler, of this city, has been killed in a wreck in New York, which took place yesterday. This is the news received here by the young man's mother, but no particulars were given. The telegram stated that he was killed in a wreck while on his way home from a wreck. It is supposed that the wreck occurred on an electric car line.

The young man was about twenty-four years old and had been employed in the office of the Progressive Farmer. His mother lives at 730 North Blount street and has resided in Raleigh for many years, having come here from Massachusetts.

(Special to News and Observer.) Mrs. S. M. D. Tate Dead. Morganton, N. C., July 18.—The remains of Mrs. Samuel McD. Tate, who died in Johns Hopkins Hospital, Baltimore, were brought to Morganton last night. Mrs. Tate was taken to Johns Hopkins Hospital about a week ago, and underwent a very serious operation, from the effects of which she died at an early hour yesterday morning. Mrs. Tate was a sister of Messrs. R. C. John H. W. S. and D. C. Pearson and Miss Ann E. Pearson, of Morganton, and of Mrs. L. P. Ray, of Fayetteville. Her husband, the late Col. Samuel McD. Tate, died in 1897, and she leaves a family of six children, three sons and three daughters. She was an aunt of Mr. S. T. Pearson, of Charlotte.

(By the Associated Press.) Member of Quantrell's Band Killed. Lexington, Mo., July 18.—Jos. Callaway, a member of the Quantrell Band during the Civil War, is dead here from knife wounds inflicted by "Doc" Johnson in a quarrel Tuesday. Before dying he exonerated Johnson.

(By the Associated Press.) Great Time Ahead. Next week is the time of the great Fireman's Tournament in Raleigh, and on Monday the advance guard of the coming thousands will begin to appear in the city.

July 22, 23, 24 are the dates and it is going to be the greatest tournament ever held in the State. Raleigh will be the mecca for firemen and their friends from every section of the State.

(By the Associated Press.) Mr. Latta Better. The report reaching Raleigh yesterday concerning the condition of Mr. Charles G. Latta, who lies ill in New York from the result of a terrible street car accident, was that Mr. Latta's symptoms had showed no change for the worse and that he was very slightly improved.

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The Railway Earnings For June Are Very Flattering.

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The Crop Position of Cotton is Not Yet Clear

Defined Enough to Induce New Commitments, Better Tone in the Manufacturing.

(By the Associated Press.) New York, July 18.—Bradstreet's will say tomorrow: "Weather, crop and industrial developments have been largely favorable and coupled with the greater ease of money, make for an optimistic feeling in trade and speculation. As stated some time ago and confirmed by recent development, the future seems more secure, but the immediate present does not in all instances present so satisfactory an appearance. Warmer weather has continued to help retail distribution, but has not in all cases made up for the disadvantages created by the heretofore backward season. With few exceptions summer resort business has not equalled expectations. Railway earnings are really flattering. June returns on nearly 100,000 miles of road showing an aggregate gain of 8 per cent over last year. The demand for products of iron and steel seems to be recovering from the temporary depression. The shoe trade and naturally hides and leather, heretofore backward have begun to show a favorable side and the strength of wool and woollen goods is also more noticeable. The dry goods trade is rather quiet, but increased interest seem to be expected. The Eastern fall jobbing trade in this line is not expected to set in quite as early as a year ago. Good growing weather is reported the country over and corn and cotton reports are generally more favorable. The Southern peach yield has been large and fruits generally have done well."

(By the Associated Press.) The Virginia Legislature. Richmond, Va., July 18.—The Senate and House today after sessions of the day what over an hour, each adjourned until noon on Monday. The Corporation Commission fight came up again and was again postponed until Tuesday, after much cross-firing as to the alleged "slate." Little of interest was done in either branch, both considering the commission question for some time. A large number of bills were presented in both branches, but under the new rules, none have yet reached the stage where they can be put upon their passage.

(By the Associated Press.) Orioles' Franchise Forfeited. Baltimore, Md., July 18.—The American League Board of Directors today formally declared the franchise of the Baltimore Baseball and Athletic Company forfeited.

(By the Associated Press.) Invited to Kansas. A letter has been received at the Adjutant General's office inviting North Carolina to send companies to Fort Riley, Kansas, next month to the military manoeuvres there. Of course, no company can go from this State since there is no provision for paying the expenses, but it is possible that some officer from the State Guard will attend.

(By the Associated Press.) Lecture on Silk Growing. Mr. Louis B. Mogid, president of the Sericulture Company of America, will deliver a free lecture on silk growers in the auditorium of the Department of Agriculture Friday, July 18th, noon. The ladies and children and all others who feel an interest in the pleasant and remunerative art of silk growing, are especially invited to attend.

(By the Associated Press.) COMPARATIVE COTTON STATEMENT. New York, July 18.—For the week ending Friday, July 18.—Net receipts at all United States ports during week, 15,604; Net receipts at all United States ports during same week last year, 49,790; total receipts to this date, 7,508,385; total receipts to same date last year, 7,396,660; exports for the week, 30,576; exports for same week last year, 27,356; total exports to this date, 6,432,067; total exports to same date last year, 255,591; stock at all United States ports same time last year, 413,276; stock at all interior towns, 83,108; stock at all interior towns same time last year, 192,385; stock at Liverpool, 693,000; stock at Liverpool same time last year, 591,900; stock of American float for Great Britain, 14,900; stock of American float for Great Britain same time last year, 55,900.

(By the Associated Press.) Hyatt Off For Oklahoma. Norfolk, Va., July 17.—Charles F. Hyatt, alias Charles F. Osborne, was delivered to the Oklahoma authorities today and left for Stillwater. Osborne is charged with the murder of his wife in Stillwater in 1896.

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