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

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# McMASTER OPENS THE LEGAL BATTLE

of Habeas Corpus.

#### THEGREENE-GAYNORCASE

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 filling 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, 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 yo think of \$300,000. He said: "I don' think it is enough."

Greene finally replied: "Well, anyway I don't see how we can pay any money cause that would be an admission of our part that we have received mone wrongfully; that we have not done."

Greene swore that this talk of a set tlement 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

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 under the train and crushed. give bonds.

Erwin's affidavit continued in sub-

stance: "I called his attention to the fact that he and Gaynor had already forfeited bonds in the sum of \$40,000 each. He bonds in the sum of \$40,000 each. He mowing machine at Weaversville, eight replied that he had left the United miles from Asheville, and will probably 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 before 'Squire C. P. Overby. Mr. T. M. his personal word that he would not run Lewis, of Carver's Creek, is suing Mr. off from the prosecution in Georgia, but Warren Carver for the possession of a he would pledge me his word of honor that if I would agree to his giving bond Mr. Lewis claims that Mr. Carver took 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 Govern ment 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 we 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 Third Florida district, Attorney General the Government; I had no authority in Wm. B. Lamar has been nominated for the matter, and that the amount he Congress by the Democrats.

claim was not sufficiently large for me to recommend to the Attorney General." The other affidavits practically contain the same statement as that mentioned last week in Mr. Erwin's reply to Mr. Taschareau's statement.

Mr. McMaster also produced affidavits from Detectives O'Keefe and Sloan of Montreal, who swear that when the in-To Quash Judge Caron's Writs terview took place between Gaynor and Greene, only these two were in the room. that these affidavits were filed to contradict utterances made by Taschareau on July 11. Mr. McMaster then filed a new power of attorney signed by Attorney General Knox on July

> The question of affidavits was then dropped and McMaster began his argument upon his motion to quash the writ of habeas corpus.

#### On the Diamond.

(Special to News and Observer.) Aberdeen, N. C., July 18 .- In one of the most interesting games of ball ever witnessed on the Aberdeen park, Aberdeen won from Rockingham in a ten inning game by a score of ten to nine. Batteries: Rockingham-Gill and Weiel; Aberdeen-Knight and E. Pleasants.

#### KINSTON DIES GAME.

#### She is Defeated in a Twelve Inning Game by Wilson.

(Special to News and Observer.) Kinston, N. C., July 18.-Kinston met defeat again today from Wilson on the home ground, but they died hard and game. It took twelve inning to decide it. Score by innings:

Wilson ...0 0 1 0 0 0 0 4 0 0 0 2-7 11 Kinston ..0 4 1 0 0 0 0 0 0 0 0 0 0 0 7 7 Batteries: Sullivan and Reed; Krause and Hicks.

#### National League.

At Brooklyn-Boston.. ....00000000010-1 7 1 Brooklyn.. .. ..0000010001-2 7 2 At Pittsburg-Pittsburg .. ...0 0 0 0 0 0 0 0 0 0 0 5 0 Chicago .. .....1 1 0 0 0 0 0 0 0-2 7 2

#### American League.

At Baltimore-									R	H	F
Baltimore0	0	0	0	3	0	0	0	0-	3	6	:
St. Louis3	0	0	0	0	1	0	0	0	4 1	2	
At Philadelphia-	_	-							R	Н	E
Chicago2	2	0	0	2	0	0	0	0-	6 1	1	:
Phila1											
	-	-									
At Boston									R	H	F
Boston0	2	0	2	0	0	0	0	0-	4	10	
Cleveland4	0	1	4	0	5	0	0	0	14	10	

# Southern League.

Chattanooga 5; Shreveport 7. Nashville 1; Little Rock 6. Atlanta 4; Memphis 13. Birmingham 1; New Orleans 17.

# Eastern League.

Worcester, 4: Providence, 3. Newark, 4: Buffalo, 4. Toronto, 2; Montreal, 3. Jersey City, 8; Rochester, 4. Second game-Jersey City, 2; Roches

# Three Accidents

(Special to News and Observer.) Asheville, N. C., July 18.—There are three serious emergency cases in the Lospital here.

Henry Fisher, a native of Salisbury, was run over by a train and fatally injured. He was beating his way Knoxville to Salisbury, and as he tried to jump from the train in this city his foot was caught and his leg was drawn

A young white man, about 22 years old, was run over by a train at Fletchers 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 Dog Suit.

(Special to News and Observer.) Fayetteville, N. C., July 18.-There is in interesting dog suit now in progress hound dog, to which each lays claim. the dog away from him. This Mr. Carver admits, but says the dog belonged to him.

# Coronation August 9th.

(By the Associated Press.) 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.

# Mine Officials Blameless.

(By the Associated Press.) 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 every section of the State. men lost their lives.

# Congressional Nominations.

(By the Associated Press.) Tallahassee, Fla., July 18.-In the

# FOR GOLF LAURELS THE BOARD DECIDES

the List Today.

#### Mr. McMaster in conclusion remarked A Desperate Struggle Expected. He Who Wins This Fourth Man Represents the Strikers But the Amateur Championship Will Well Merit the Honor.

(By the Assciated Press.)

Glenview Golf Course, Ills., July 18 .-Either E. B. Byers, of the Alleghany 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 be 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 Glen View course unless the players shall elect to use rowboats. The low lying lands embracing the fair greens to the tenth, eleventh, thirteenth and seventeenth geens and the geens 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.

#### 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 criticised 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

# 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 wrock 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 any years, having come here from Mas-achusetts.

# Mrs. S. M. D. Tate Dead.

(Special to News and Observer.) Morganton, N. C., July 18 .- The remains of Mrs. Samuel McD. Tate, died in Johns Hopkins Fospital, 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 heur yesterday moining. 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

# Member of Quantrell's Band Killed.

(By the Associated Press.) 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.

# 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

# 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 synctoms had showed no change for the worse and that he was very slightly improved

# Byers and James Will Enter Three Arbitrators Agree, the body of Polish recruits instead of au-Fourth Dissents.

# 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 ar-Club of Pittsburg, or Louis James, of the bitrators 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 181/2 cents, and conductors 171/2; branch line conductors 151/2, motormen 161/2, 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.

#### MR. E R. NORTHEAM 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. Par-

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 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.

# WILL BLATON HANG?

#### Respited For Two Weeks. Eis Time is Out on Tuesday.

Unless the sentence of Richard Blaton is not put into execution because of another respite, a commutation, or a pardon he will be hanged in Salisbury Tuesday, as that is the time to which his present respite extends.

Blaton is the negro sentenced to be hanged with Fleming at Salisbury, both convicted of rape, but a plea for further investigation of his case caused Governor Aycock to respite him for two weeks Fleming's dying statement was that Blaton is innocent and was not with him when the rape was committed, but as he made many mis-statements there is doubt thrown about his confession. The Governor will possibly today announce his decision in the matter, for if Blaton is to be hanged he will have to be taken to Salisbury before Tuesday.

# To Inspect the Road

Messrs. B. C. Beckwith, of Raleigh, and B. W. Ballard, of Franklinton, of the Board of Internal Improvements, will today leave on a tour of inspection of the Atlantic and North Carolina Railroad and will be away several days Governor Aycock is the third member of the board, but it is not expected that he will go on the tour, being detained here by other duties.

# Mr. W. H. Miller's Funeral.

The funeral of the late Mr. W. H. Miller took place yesterday afternoon at he Baptist Tabernacle church at five o'clock, and there were many friends present on the sad occasion.

The funeral service was conducted by Rev. T. J. Watts and the pall bearers were: Messrs. C. H. Beine, George W. Norwood, Charles F. Cooke, J. C. Correll, R. J. Conrad and J. M. Warren.

# Dr. Rogers Doing Well.

The condition of Dr. J. R. Rogers, who is ill in Rex Hospital, was reported as being much better last night. A mes sage from the hospital said he was get ting along excellently.

# Polish Hostility to Germany.

(By the Associated Press.)

Berlin, July 17 .- Polish hostility to the Germans is expressed in the celebration of the defeat of the Knights of St. John at Tannenberg by the Poles and Lithuanians in 1410 by a thanksgiving mass in the Cathedral of Gnesen, Province o' Posen, where the Wreschen School rio trials took place last November. archbishop, Von Stablewaski, who had often shown an anti-German sentiment, caused the Prussian press to declare that naming a full State ticket.

such a treasonable demonstration should not be allowed on German soil.

The army until the recent revival of Polish national feeling had not been free from outbreaks of racial antipathies, but according to the Taegliche Rundschau, a swering the roll call with the German word "hier," recently replied with the Polish "zde." The offenders were punished by short terms of arrest.

#### From Rampolla to Taft.

(By the Associated Press.) Rome, July 18.-A note from the Vatican was presented to Governor Taft tonight which in part is as follows:

"I hasten to acknowledge the receip of the letter by which you kindly communicated to me the cablegram from Secretary Root answering my note of July 9, which explained the counter-project of the Vatican for the regulation of religious affairs in the Philippines. \* \*

The Pontiff has taken into account the assurances of Secretary Root that the American authorities in the Philippines and at Washington will put forth all possible efforts to maintain the good understanding happily established with the authorities of the Catholic church. On his part, the Pontiff will not fail to give the Apostolic delegate, soon to be sent to the Philippines, the most precise instructions according to my former notes. The main lines for future negotiations, indicated in the notes, having been accomplished by Secretary Root, the report of the Vatican in the archipelago will enter into relations with the authorities in the Philippines on the four points indicated by Mr. Root at the end of his cablegram.

"The Holy See does not doubt that mutual confidence, combined with the action of its representatives, and that of the American government will easily produce a happy solution of the pending questions, inaugurating for that noble country a new era of peace and prog-

"While flattering myself that this first success will be a guarantee of the happy issue of ulterior negotiations in Manila, I have the honor to be, etc., "RAMPOLLA." (Signed)

Governor Taft was informed tonight that the Pope had fixed July 21 for his farewell audience.

#### The Virginia Legislature.

(By the Associated Press.) Richmond, Va., July 18.-The Senate and House today after sessions of somewhat over an hour, each adjourned until noon on Monday. The Corporation Commission fight came up again and was broke down about two years ago. A year again postponed until Tuesday, after ago yesterday he went to the Jackson much cross-firing as to the alleged Sanitarium and later was brought back "slate." Little of interest was done in to Graham, where he has since remained. mission 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.

# Orioles' Franchise Forfeited.

(By the Associated Press.) Baltimore, Md., July 15 .- The American League Board of Directors today formally declared the franchise of the Baltimore Baseball and Athletic Company forfeited,

# Invited to Kansas.

A letter has been received at the Adjutant General's office inviting North 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.

# 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.

COMPARATIVE COTTON STATEMENT.

(By the Associated Press.) 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 duriung 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, 6,158,744; stock at all United States ports, 255,801; stock at all United States ports and 5,221,880 in this week last year. same time last year, 413,276; stock at all interior towns, 83,108; stock at all 9,878,337 bushels against 12,763,121 last interior towns same time last year, 192,385; stock at Liverpool, 693,000; stock at Liverpool same time last year, 591,000; stock of American afloat for Great Britain, 14,000; stock of American afloat for Great Britain same time last

# Hyatt Off For Oklahama.

(By the Associated Press.) 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.

# Lafollette is Renominated.

(By the Associated Press.) Madison, Wis., July 17 .- The Republicans of Wisconsin finished their work in convention tonight after re-nominating

# THE NEAR FUTURE MOST PROMISING

Crops and Industrial Developments Favorable.

# GREATER EASE OF MONEY

The Railway Earnings For June Are Very Flattering.

FRUITS GENERALLY HAVE DONE WELL

#### The Crop Position of Cotton is Not Yet Clearly 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 disagvantages 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. mand 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 wooden 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 cctton reports are generally, more favor-Southern peach yield has been large and fruits generally have done

Iron and steel trade conditions are surprisingly good, to none more so than the manufacturers themselves, who at the middle of July find their output for the last half of the year practically booked. The scarcity of pig iron amounts to something approaching a famine owing to restricted supplies of fuel causing shut downs of numerous furnaces. Numerous orders for pig iron for the first half of next year have been booked both by Northern and Southern furnaces. position of the latter has been much improved by the settlement of the coal miners' strike in the Birmingham district. Heavy sales of finished material are reported at Chicago and Pittsburg Carolina to send companies to Fort Riley, this week. Bar iron, structural material, rails and in fact all of the heavier forms note special activity. Implement manufacturers have been free buyers. Hardware has been exceptionally active, builders' material leading. Some Western shovel manufacturers report an unprecedented output and sale of this class of material. Wire cloth is active and large orders for material are reported booked. Machinery, saws and stoves are active at the West. Prices note a few changes and are at the top on practically all

> lines. Woolen goods are still quiet at the East but the reports as to the clothing business received from Western and Southern manufacturers indicate a good business. Wool is strengthening perceptibly, Eastern quotations between one half a cent higher, and the tone is more optimistic in this trade, helped as it is by firmer prices in London and reported drought in Australia. It has been a waiting market for cotton, the crop position not being as yet clearly defined enough to induce new commitments. A better tone is noted in the manufacturing branch, particularly in print cloths which are said to be in increased inquiry at Fall River. The industrial situation is better than it has been for some time past. Wheat, including flour exports for the week ending July 17, aggregating 3,-775,222 bushels against 4,404,115 last week Wheat exports since July 1, aggregating season. Corn exports aggregate 139,679, against 185,131 last week and 1,714,081 last year. For the fiscal year corn exports are 389,794 bushels against 6,008,-

768 last season. Business failures in the United States for the week ending July 17 number 174 as against 195 last week, 208 in this week last year. Failures in Canada number 17 against 28 last week and in this

# To Issue \$7,000,000 in Bonds

week a year ago.

(By the Associated Press.) New York, July 17.-It is announced that the stockholders of the Virginia-Carolina Chemical Company have approved the issue of \$7,000,000 collateral trust bonds for the purpose of funding its existing indebtedness and returning part of the working cash capital. This was made necessary by the recent acquisition of some valuable properties at consented to the celebration which has for Governor, Robert M. Lafollette and an outlay of about the amount of the bond issue just approved.