

The News and Observer.

VOL. LII. NO. 129.

RALEIGH, NORTH CAROLINA, THURSDAY MORNING, AUGUST 14, 1902.

PRICE FIVE CENTS.

Leads all North Carolina Daily Papers in Both News and Circulation

GREENE AND GAYNOR RELEASED BY CARON

Decision Based on Discrepancies in Charges.

WARRANTS MINUS DATES

McMaster Asked if He Will Move Further For Extradition.

HE WILL TALK WITH IRWIN AND STEWART

The Released Prisoners Receive the Congratulations of Their Friends. Caron Wastes Much Wind in Explaining His Decision.

(By the Associated Press.)
 Quebec, Aug. 13.—Colonel John F. Gaynor and Captain Benjamin D. Greene scored a decisive victory today in their fight against extradition to the United States, where they are wanted in connection with alleged frauds in harbor work for the Federal Government, involving millions of dollars.

Judge Caron in the Superior court, discharged the prisoners from custody of the sheriff, Langelier, of Quebec, and Vale, of Montreal, in whose official care they have been since their sensational arrest in Quebec last May. A large number of the prisoners' friends were in the court room and they heartily congratulated the two men upon their release. Colonel Gaynor and Captain Greene left the court room soon after Judge Caron had concluded and proceeded to the Chateau Frontenac. Colonel Gaynor, who is suffering from rheumatism, retired to his room.

It is understood that the United States Government will institute new proceedings for extradition, but up to a late hour no step had been taken by counsel representing the Washington authorities.

Judge Caron, who spoke in French, occupied about two hours in delivering his judgment. In reviewing the legal proceedings since the arrest of the two prisoners, he pointed out that their counsel had raised an important question to the effect that the warrant issued by Magistrate Lafontaine was illegal, on the ground that it did not contain the date nor the year in which the alleged offense had been committed. He could not presume when the offense was committed, and it may have been previous to the signing of the treaty between the United States and Great Britain and if so the accused could not be held, as the treaties had no retroactive effect.

According to a deposition made in Montreal by Mr. Erwin, counsel for the United States, in May last, continued Judge Caron, the accused were charged with fraud committed on or about January 1, 1897. That crime was not included in the treaties, and that of receiving money and false pretences was only included in the treaty of 1900. This was fatal to the prosecution, and the warrant issued by Judge Lafontaine was defective, as the offense included therein did not fall under the extradition treaty; consequently the arrest was illegal and the accused must be set at liberty.

After citing authorities in support of his decision, Judge Caron concluded as follows:

"Considering that the warrant in virtue of which the petitioners are detained contains no date of the commission of the offense whereof the petitioners are accused; considering that in virtue of the treaties of extradition existing between Great Britain and the United States, it is positively proved that these treaties are such that have no retroactive effect for offenses committed before the passage; considering that the allegation of the date of the commission of the offense is in consequence essential to give jurisdiction of the commissioner to issue a warrant of arrest; considering further that it is not alleged in the warrant that the offense for which said warrant has been issued is one of criminal participation, punishable by the laws of both countries, which is a condition required by the last paragraph of the first article of the treaty of 1890; considering that the information, indictments and true bills and all documents produced for the issue of the warrant show that the offenses of which the petitioners are charged and for which they would have to stand their trials in the United States, should extradition be granted, are not within the terms of the treaties of extradition between Great Britain and the United States and disclose no offense committed by the prisoners for which they could be extradited under the said treaties; considering in consequence that the warrant of arrest issued by the said Urie Lafontaine, in his above stated capacity, is null and illegal and could not warrant the arrest of the petitioner, the court rejects the said motion of the United States, intervening party, to quash the said writs of habeas corpus addressed to me on June 21 last to the said C. A. Vale, doth declare the arrest and detention of the said petitioners illegal and doth annul and set aside the said warrant of arrest.

"It is ordered that the petitioners be liberated and discharged from the custody of C. A. Vale, jailer, of Montreal, and of Charles Langelier, sheriff of Quebec, who have present custody of them, and this order will be the warrant of the said C. A. Vale and of Hon. Charles

Langelier for the complete and immediate release of the prisoners."

The First Report.

(By the Associated Press.)
 Quebec, Aug. 13.—Judge Caron, of the Superior Court, today released Captain Greene and Colonel Gaynor, the American contractors who are wanted in the United States for alleged frauds against the Federal Government involving hundreds of thousands of dollars.

Judge Caron based his decision upon the absence of dates on the warrants under which the prisoners were first arrested in Quebec; discrepancies in the charges on which true bills were obtained against the prisoners in the United States, and discrepancies between those charges and the charges made in the application for extradition.

The prisoners were at once released and received the congratulations of their friends and the court adjourned.

Mr. McMaster, counsel for the United States Government, was asked whether the prosecution intended to take any further action looking to the extradition of Colonel Gaynor and Captain Greene. Mr. McMaster replied that he was unable to speak positively on the subject until after a conference with Messrs. Erwin and Stewart.

There was a large attendance of both legal luminaries and spectators. Mrs. Gaynor, accompanied by a number of ladies, was present during the delivery of the judgment. Gaynor and Greene came into court with Sheriff Langelier.

Judge Caron ascended the bench at 10:30 and began the reading of the very lengthy notes preceding his judgment. The judge referred to the case as of great importance, if only by reason of the unusual proceedings employed, and went on to say that he would only review his last two writs. He then read the petitions of the prisoners for writs of habeas corpus upon which the writ was issued, in virtue of which the prisoners were taken out of the hands of Jailer Vale, of Montreal, as well as the answer thereto and the writ itself.

The events immediately preceding the writs he also reviewed and went on to concur in Judge Andrew's opinion with regard to the sensational manner in which the prisoners' arrest was made here.

With reference to the attacks made upon himself, he was sure that the American Government authorities and their agents could have had no hand in them. The notice of the American Government's lawyers to Jailer Vale to attend to delivery of Judge Andrew's judgment was then quoted and Vale's compliance therein noted. That judgment ipso facto dispossessed Judge Andrews of the prisoners and under the circumstances he (Judge Caron) was quite justified in his subsequent issue of writs of habeas corpus addressed to Jailer Vale after he had taken possession of the prisoners following Judge Andrews' pronouncement.

Judge Caron next quoted authority for his issue of a writ of certiorari in his previous judgment and showed that the writ of habeas corpus nevertheless remained in force even without the extradition commissioner having pronounced upon the case, for the prisoner has always a right to question the justice of his being deprived of his liberty. American courts had taken a similar view in the case of a forger who was a fugitive from Quebec province.

In the Eno case the offense with which the prisoner was charged in the extradition proceedings and that made elsewhere did not agree. In the present case there was a distinct discrepancy between the charges upon which the various true bills against the prisoners were returned in the United States and between them and that made in the application for extradition. This as well as the absence of dates in the warrant, he held to be distinctly fatal to the latter and he therefore upheld the prisoners' claims and their objections to the warrants, maintained the writ of habeas corpus and ordered the release of the prisoners.

Solicitor Richards Views.

(By the Associated Press.)
 Duxbury, Mass., Aug. 13.—The decision of Judge Caron, of Quebec, releasing Benjamin D. Greene and John F. Gaynor, was shown to Solicitor General Richards at his summer home here today. He expressed no surprise at the action which had been taken and said that he would not at this time enter into discussion of the case or express an opinion as to the attitude of Judge Caron.

He would say that if there were any technical defects in the warrant this could be easily corrected by the United States Government, and having done this, the Government would renew its efforts to get the two men back into this country for trial.

He had no reason to believe that under the treaty Greene and Gaynor could not be extradited.

Knox Has Nothing to Say.

Beverly, Mass., Aug. 13.—Attorney General Knox was informed by the Associated Press tonight of the release of Greene and Gaynor at Quebec, and also was shown Judge Caron's decision. He read the latter carefully and then said:

"I have nothing to say in regard to Judge Caron's decision. It would be highly improper and extremely indelicate for me to make any comment on any decision of a foreign court in which the United States is involved, especially when the case goes against the Government."

To Vote on Dispensary.

(Special to News and Observer.)
 Monroe, N. C., Aug. 13.—An election has been called in this county to vote on whether the dispensary shall be abolished.

NEW BANK COMPANY ORGANIZED

The New Hanover Delegation to Congressional Convention at Fayetteville.

(Special to the News and Observer.)
 Wilmington, N. C., Aug. 13.—The recently incorporated Atlantic Trust and Banking Company organized this afternoon by electing M. J. Heyer, president; Mitchell F. Allen, cashier, and A. B. Lynch, D. McEachern, L. B. Rogers, B. H. J. Ahrens, J. G. L. Gierachen, R. R. Bellamy, I. M. Bear, B. Solomon, Matt. J. Heyer, Jno. H. Kuch and C. W. Yates to compose the board of directors. One-half of the \$1,000 authorized capital has been subscribed and business will be commenced October 1st.

The New Hanover delegation to the Congressional convention at Fayetteville, August 20th, met this afternoon and organized by the unanimous election of the following chairman of the delegation, W. H. Bernard; for Committee on Credentials, Junius Davis; Committee on Permanent Organization, Frank H. Stedman; Platform and Resolutions, Walker Taylor; Secretary of the delegation, S. P. Adams. Geo. L. Morton was chosen as the member for New Hanover of the District Executive Committee. Highly encouraging reports as to the prospects of Hon. Jno. D. Bellamy for renomination were heard and a general exchange of views was indulged in.

NEGRO PREACHER SENTENCED.

For Criminal Assault Upon a Child Ninth District Republicans.

(Special to News and Observer.)
 Charlotte, N. C., Aug. 13.—Sam Robinson, a colored preacher, has been sentenced by Judge Cable in the Superior court, to serve fifteen years in the State prison for a criminal assault on an eight-year-old girl of his own race. Robinson's victim was the daughter of a respected negro. The evidence showed that the assault was not successful, hence the light sentence.

It is more than probable that the Ninth District Republican Congressional Convention will be called to meet here. George B. Hiss, who is almost certain to be the candidate, prefers Charlotte, and it is likely his desire will go. The date has not been announced yet, but it will be held early in September.

Through the breaking of a shaft in the press room, Charles Wills, an employee of the Charlotte Observer, was seriously injured early this morning. The break delayed the publication of the paper and it did not appear until noon.

The first new bale of cotton for the State was brought here today from Morven, Union county. It weighs 603 pounds and will be sold at public auction today.

Now Who Persecuted Wilson?

(By the Associated Press.)
 Atlanta, Ga., Aug. 13.—Colonel R. Lee Byrd, who recently arrived here from Bogota, Colombia, on a visit to his brother, has received a letter from Bogota containing information, which he asserts is unquestionable, that Dr. Russell Wilson, said to have been arrested by the Nicaraguan government for attempting to land a filibustering expedition at Bluefields, never landed in Nicaragua at all, but went back to Bogota on the Colombian gunboat and has been there ever since.

When the attempt was made to enter Nicaraguan territory, it was found impossible to land all of the filibustering troops, and the gunboat, Pinzon, returned with the balance of the men to Bogota. Dr. Wilson, the latter states, was among these, and never landed at Bluefields.

"The only thing," said Colonel Byrd, "is that some other party used Wilson's name, knowing he had influential friends in the United States and thus escaped the death penalty which the Nicaraguan Government had put upon him. There is no cable communication with Bogota, which doubtless, accounts for the fact that the truth of the case had not come to light more quickly."

The Youngville Tobacco Market.

(Special to News and Observer.)
 Youngville, N. C., Aug. 13.—Big breaks of tobacco at Youngville. At a regular meeting of the tobacco trade the following officers were elected: Mr. C. C. Cheatham, president; I. W. Mitchell, vice-president; G. M. Penny, secretary-treasurer.

Sales Committee: A. V. Bobbitt, A. B. Noell and G. M. Penny.

Committee on By-Laws and Constitution: C. C. Cheatham, J. P. Meadows, and I. W. Mitchell.

Arbitration Committee: F. A. Cheatham, G. T. Bowen and J. S. Lumpkins.

Finance Committee: T. F. Cheatham, G. T. Bowen and I. W. Mitchell.

The breaks have been very heavy during the week. The American, the Imperial and independent tobacco companies all have buyers here. The outlook now is that Youngville will sell more tobacco than any year in its history.

The Youngville people and warehousemen are spending money to promote the tobacco interest.

Stebbins Held For the Grand Jury

(By the Associated Press.)
 Chicago, Aug. 13.—Stebbins, who, on Saturday stabbed to death Walter A. Scott, president of the Illinois Wire Company, in the latter's office in the Mondnock building, was held to the grand jury today by the coroner's jury.

No charge of the crime was made against Stebbins, but the jury recommended that the grand jury investigate the killing. Stebbins testified in his own behalf at the inquest, and stated that at no time during the time Scott was striking and kicking him did he knowingly stab him. Stebbins said he was in a dazed condition from the attack of Scott.

The verdict is said to be the mildest in the history of the coroner's office.

ATTACKED BY MOROS

American Outpost Surprised and Two Killed. Bacalod May be Attacked.

(By the Associated Press.)
 Manila, Aug. 13.—A small party of Moros surprised an outpost of the Twenty-seventh Infantry at Camp Vicars yesterday. Sergeant Foley and Private Carey were killed and Private Vandorn was severely wounded.

The Moros, who numbered only a dozen, were armed with spears and swords. The morning was dark and foggy. The attacking party crawled to within a few feet of the sentinels and then sprang upon them suddenly.

The entire outpost rushed to the relief of the sentinels, but they were too late and the Moros escaped, although possibly a few of them were wounded. The American sentinels were terribly cut by the swords and spears.

The attacking Moros were all from Bacalod, and the occurrence probably will result in a move against that town, which has a strong fort and other defenses.

MOST BENEVOLENT TRUST.

The Harvester Combine Says Its Obj ct 'is to Hold Down Prices.

(By the Associated Press.)
 New York, Aug. 13.—The incorporators of the International Harvester Company, articles of incorporation for which were filed yesterday in Jersey City, today made public a statement which says in part:

"The International Harvester Company has been organized under the laws of New Jersey with a capital stock of \$120,000,000, to manufacture and sell harvesting machinery. It has purchased the property and business of the following manufacturers:

"The McCormick Harvesting Machine Company, Deering Harvester Company, Plano Manufacturing Company, Wordev, Bushnell & Glessner Company (Champion), Milwaukee Harvesting Company. The company is capitalized upon an exceptionally conservative basis of its assets of \$80,000,000 cash working capital. The company will require no financing and there will be no offer of its stock to the public, all the cash required having been provided by its stockholders."

After alluding to the advance in prices of raw material and the possible consequent advance in the price of harvesting machinery unless economies in existing conditions of manufacture could be accomplished, the statement continues:

"The manufacturers realize that their welfare and the interests of the farmers are identical. An advance in the price of agricultural machinery would injure the farmers and react upon the manufacturers. But on the other hand, if existing conditions continued an advance in prices would be inevitable. It thus became necessary that either the prices should be advanced or that substantial economies should be effected in the manufacture and distribution of agricultural machinery. The management of the company will be in charge of gentlemen who have for years been identified with the business. The company will start with ample manufacturing facilities. It has five fully equipped manufacturing plants in the United States and one plant in process of construction in Canada."

The officers of the company are as follows:

President, Cyrus H. McCormick; Chairman Executive Committee, Charles Deering; Chairman Finance Committee, George W. Perkins; Vice-Presidents, Harold F. McCormick, James Deering, William H. Jones, John J. Glessner; Secretary and Treasurer, Richard F. Howe; Board of Directors, Cyrus Bentley, Paul D. Cravath, William Deering, Charles Deering, James Deering, E. H. Gary, John J. Glessner, Richard F. Howe, Abram M. Hyatt, William H. Jones, Cyrus McCormick, Harold F. McCormick, Stanley McCormick, Edridge M. Fowler, George W. Perkins, Norman B. Ream, Charles Steele and Leslie D. Ward.

A REPUBLICAN DEADLOCK.

Broken at Last by McNeill's Election as Solicitor. H. K. Starbuck For Judge.

(Special to News and Observer.)
 Winston-Salem, N. C., Aug. 13.—After being in session since yesterday the Republican Judicial Convention at Rural Hall, adjourned at five o'clock this afternoon. The convention was in a deadlock from five o'clock yesterday until late this afternoon, over the solicitorship. J. W. McNeill, of Wilkes, won. Judge Henry R. Starbuck was renominated for judge by acclamation.

Contest Over District Judgeship.

(By the Associated Press.)
 Chattanooga, Tenn., Aug. 13.—Advises received today from the First Judicial district of Tennessee, show the completion of the canvass of the returns of last Thursday's vote and the election of A. J. Tyler, Republican, as circuit judge by a majority over Dana Harmon. Harmon, it is said, will contest the election on the ground of alleged fraud.

Seale Succeeds Betts.

(By the Associated Press.)
 Washington, Aug. 13.—Announcement is made of the appointment of J. N. Seale as superintendent of transportation of the Southern Railway, vice E. E. Betts, superintendent car service, resigned.

SOME NEEDLESS CONVENTIONS.

Among These the Republican Judicial Set For August 27.

The high old times in Republican circles will soon climb to the front for the convention dates of a number of their assemblages come in August.

The Republican convention of the Sixth Judicial District will be held on August 27th, in Raleigh, at 5 o'clock in the afternoon, this time being set in the call made by the chairman, Col. John Nichols. This is the day before the State convention performs in Greensboro, and will be a side tent performance before the big show begins.

Delegates from Wake, Wayne, Johnston and Harnett are expected to be on hand and the programme as to the nomination for judge is fixed. It goes to the present incumbent, Judge W. S. O'B. Robinson, of Goldsboro, who in the election will be defeated by the Democratic nominee, ex-Judge W. R. Allen, of Goldsboro.

For the nomination for solicitor, the candidates are hiding out in the woods and will have to be lassoed to get them into the ring. The victim to be offered up on the sacrificial altar is being sought for, but all who are approached whisper timidly, "try the other man." The Democrats take little interest in who is the nominee, their time being taken up in calculating the size of the majority that is to be written after the name of Solicitor Armistead Jones.

The Republican Congressional convention for this district is dated for Raleigh on August 26, and in this case also there is a deficit in the way of candidates. It is a toss up as to whether there will be nominated a "straight" Republican, a compromise independent or no one at all.

"Hæc docet fabula," as the Latins would remark, means that Hon. Edward W. POU, Democratic nominee, will be his own successor in Congressional halls.

BOAST MAY COST HIM LIFE.

George McFadden Tells of Murder He Committed at Lumberton.

(By the Associated Press.)
 Philadelphia, Aug. 13.—George McFadden, colored, today confessed to the police that he is wanted in Lumberton, S. C., for the murder in November, 1900, of Elizabeth Smith, also colored. McFadden was employed by a contractor here, and he boasted to the other employees of his alleged crime in the South. The police were informed and McFadden was arrested and confessed the crime.

Children's Pet Dead.

The children of Raleigh, who have seen an admired the beautiful doe in the Pullen Park Zoo will be sorry to hear of her death.

It was found that a delicate surgical operation was the only chance to save her life as the result of sickness which developed on Saturday. This was performed by Mr. W. C. McMackin and Dr. Rowland on Tuesday, the animal being put under the influence of chloroform.

After the operation she appeared to be doing well, but yesterday morning she became worse and died in the afternoon.

Lewis Nixon Resigns.

(By the Associated Press.)
 Elizabeth, N. J., Aug. 13.—Lewis Nixon resigned today as president of the Crescent Ship-building Company, and Mason F. Chase, of Elizabeth, was elected in his place. Mr. Nixon's resignation is an incident to the recent organization of the United States Ship-building Company, to which his attention will be devoted. The Crescent Ship-building Company is a constituent member of the new concern.

Prohibitionists' State Ticket.

(By the Associated Press.)
 Montgomery, Aug. 13.—A complete ticket for Governor and State officials has been announced by the prohibitionists of Alabama. Rev. W. K. Gay, of this city, heads the ticket as the nominee for governor.

A platform was adopted, re-affirming allegiance to the principles of the national Prohibition party.

The Schools Closed by Force.

(By the Associated Press.)
 Paris, August 12.—The Commissary at Levine, Finistère, accompanied by a strong body of gendarmes proceeded today to the village of Geuzare to expel the Sisters from schools there. The schools were defended by a crowd armed with cudgels and stones. One gendarme was unhorsed and the commissary was compelled to retreat, but later he returned with a company of soldiers, who protected him while he closed the schools amid shouts of "Long live liberty."

Kruger and Steyn.

(By the Associated Press.)
 The Hague, Aug. 12.—Former President Kruger, of the Transvaal Republic, left Schevening today after a cordial farewell to former President Steyn, of the Orange Free State. Mr. Steyn is improving in health.

Baltimore Seoures the Elks.

(By the Associated Press.)
 Salt Lake, Utah, Aug. 13.—Baltimore was chosen as the place of meeting of the Grand Lodge of Elks for 1903, Saratoga Springs withdrawing.

Let her be clumsy or let her be slim,
 Young or ancient, I care not a feather;
 So fill up a bumper, nay, fill to the brim,
 Let us toast all the ladies together!

TUG BLOWN TO THE BOTTOM IN A FLASH

Eight Men Are Hurlled Into the Water.

AND FOUR ARE DROWNED

The Cause of the Explosion May Never be Known.

HER ENGINEER IS AMONG THE DEAD

Three of the Rescued Men Seriously Injured.

Witnesses Say the Explosion and the Sinking of the Tug Seemed Simultaneous.

(By the Associated Press.)
 New York, Aug. 13.—The boiler of the tug Jacob Kupper blew up today near St. Georges, Staten Island. Four of the crew were killed or drowned. There were eight men on the tug and all were blown into the water. Four were rescued. Three are injured badly and one at least is not expected to live. The tug boat sank immediately.

The dead:

CAPT. HARRY JOHNSON, of South Brooklyn, who was temporarily in command of the tug.

WILLIAM PURDY, engineer.

LEWIS, the cook.

LAWRENCE HANSON, deck hand.

The injured are:

Henry Nicholas, fireman, scalded.

Lawrence Johnson, deck hand, condition serious.

Christian Gregg, scalded.

Edward Lane, slightly injured.

Captain Lundberg was not on board. The cause of the accident will probably never be known, as Engineer Purdy is among the dead.

The tug sank almost immediately and later a quantity of wreckage and clothing and the name board came ashore with the ebb tide along Staten Island. The owners of the tug are G. D. Kupper & Bros.

The tug was towing a lighter loaded with cotton from Brooklyn to Staten Island. The Staten Island ferry boat, Castleton, was near the scene of the explosion when it occurred. Captain Braisted, of the ferry-boat says the explosion and the sinking of the tug were almost simultaneous. The tug seemed to break in two amidships. The Castleton was at once stopped and boats lowered. Only one man was picked up by the Castleton. His face was horribly burned and scalded. The other rescued men were picked up by another tug boat. One of the men, a deck hand, named Hanson, was taken to Smith Infirmary and the other to the Marine Hospital on Staten Island. Neither was able to give any account of the accident.

The lighthouse boat Daisy is at the place where the tug went down grappling for the bodies of the lost. The Jacob Kupper was in charge of Captain Henry Lundberg. She was built at Charleston, S. C., in 1885. She was 96 feet long and was of 144 tons gross. She was originally named Bristol, but was chartered by the government and the name changed to Cheyenne, then back to Bristol and finally to Jacob Kupper.

DR. E. J. SAPP IS DEAD.

A Prominent Mason, a Patriotic Citizen, a Devoted Christian.

(Special to News and Observer.)
 Kernersville, N. C., Aug. 13.—Dr. E. J. Sapp, one of Kernersville's most highly esteemed citizens, passed quietly away at his home in this place this morning at the age of sixty-six years. He had been in failing health for some time, but was unable to sit up part of the day last Saturday. He grew worse Sunday and was unconscious when the end came.

He was a prominent Mason, a valuable and patriotic citizen. He has been a practicing physician for over forty years, and at the time of his death was proprietor of the Sapp Hotel at this place. He leaves a wife and two sons, Dr. L. L. Sapp, of Reidsville, and Dr. C. C. Sapp, of Winston, both leading members in their profession. The funeral services will be held in the Methodist church, of which he was a faithful and devoted member, Thursday at 3 o'clock. Rev. D. H. Coman officiating.

Suit Against the Water Board.

(By the Associated Press.)
 New Orleans, Aug. 13.—Suits were filed in the State and United States courts today against the constitutionality of the new law which passed at the last session of the Legislature adding five members to the board in charge of the \$14,000,000 water, drainage and sewerage improvements. A temporary injunction was issued by Judge Shelby in the United States court prohibiting the recognition of the newly created board.

The work, however, will be continued without delay by the present board.

The Chauncey Fills the Bill.

(By the Associated Press.)
 Washington, Aug. 13.—The Navy Department was informed today that at the trial of the torpedo boat Chauncey, off the Barren Island course yesterday, she made 28.6 knots, her contract speed being 27 knots.