For North Carolina: Cooler.

THE MORNING POST.

Temperature for the past 24 hours: Max. 90; Min. 72.

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Another Crisis in the Pope's Condition

His Strength Gradually Failing—It Was Not Thought Possible He Could Live Last Night

Rome, July 13.—Another crisis, which it is almost impossible to doubt signifies the approach of the end, arose today in the pope's condition. It transpires that he has been becoming worse more rapidly during the past two days than the bulletins indicated. This is acknowledged by Cardinal Rampolla's having insisted that the doctors describe the situation in the fullest terms possible. Dr. Rossoni objected to this and refused to attend his holiness or sign the bulletins unless the full truth was stated. Tonight's bulletin is again signed by Dr. Rossoni and indicates the extreme gravity of the pontiff's condition. It is as follows:

"The decrease in the pope's strength continues. The respiration is 36, which is a slight increase. The temperature is 37 degrees centigrade. The pulse is feeble, recording 92 beats. The august patient's condition is still serious, but there is no immediate danger.

"ROSSONI.
"MAZZONI.
"LAPPONI."

Cardinal Satolli, as cardinal in turn, visited the pope tonight. He adds his emphatic denial to the current story of his holiness composing Latin poetry, holding long conversations and displaying physical activity during his sickness. The poem beginning "Fatalis ruit hora Leo," which the newspapers published, describing it as the pontiff's swan song, was written last March and published in Cologne.

It is learned that the pope's emaciation and the exhaustion of his vital powers have reached such an extreme point that it is almost incredible that the spark of life still flickers. His eyes apparently are the only living thing remaining. Even his marvellous mentality gave way today and he ceased to be interested in his surroundings. Nevertheless he recognized Cardinal Satolli tonight, and moved his hand for him to kiss, but he did not speak. Few expect him to survive the night, yet he seemed to be in extremis a week ago.

Was Reported Sinking

The Vatican, Rome, July 13—Evening. The pope is rapidly sinking. His doctors expect that he will die tonight.

Rome, July 13.—7:30 p. m.—It is again emphatically asserted that the pope's end is imminent. The ambassadors of two powers have been informed from the Vatican that it seems impossible, speaking from a human standpoint, for the pope to survive the night.

Rome, July 13.—12:10 p. m.—The pope's condition took a turn slightly for the worse this morning, but the change does not excite apprehension of an immediate climax. Last night was a sleepless one. The official bulletin frankly speaks of agitated periods during the night and confesses that the general condition of the patient is somewhat more depressed. It developed soon after the issuance of the bulletin that this depression was quite marked, and it continued to manifest itself through the forenoon, at one time assuming an alarming aspect. This was when the pope seemed to lose his grasp on tangible surroundings.

The pope suffered a kind of mental confusion, during which he seemed to lose consciousness of his surroundings while he believed he saw a vision. He explained afterwards that he thought he saw an undefined shadow moving about the room and slowly approaching his bed.

Uneasiness was occasioned this morning owing to the pope's being attacked by a feeling of dizziness, believed to have been the result of cerebral weakness. His holiness was revived by the administration of stimulants.

When Mgr. Angeli, one of the pope's secretaries, described to his holiness the burst of enthusiasm called forth by his illness, declaring that it had produced a revival favorable to the Catholic church unexampled in its history, the pontiff exclaimed "Blessed illness."

It developed during the morning, as the result of a careful medical examination, that the condition of the pope's kidneys is worse. The diminution of certain elements leads the doctors to fear that his holiness is gradually approaching a state of dissolution. No traces of albumen were found, indicating, although the kidneys are not performing their functions properly, that they are not themselves organically diseased.

The pope has not been allowed to get up today. No change is apparent in his condition since morning.

At 9:15 this morning the doctors issued the following bulletin:

"Up to midnight the pontiff remained tranquil, but afterward he experienced agitated intervals. A physical examination of the thorax shows no change since the day before yesterday. The action of the kidneys continues slight and the general condition of his holiness is somewhat depressed; his pulse is 82, respiration 32 and temperature 36 centigrade (about 98 fahrenheit.)

"LAPPONI.
"MAZZONI."

Rome, July 13.—7 p. m.—The pope's condition is becoming worse. Contrary to the arrangements made for a daily reception of three cardinals, no one was permitted to enter the sick chamber today.

Rome, July 13.—8 p. m.—It is reported that the pope's condition is worse this evening and that he is very slowly sinking.

Looks for Release Thursday

London, July 13.—A dispatch from Rome to the Pall Mall Gazette says that although the pope is better he has a fixed impression that if he dies it will be next Thursday, which is the feast day of the Carmelite Madonna. His holiness wears her image about his neck and has never failed to faithfully carry out her prescribed formulas. When a friend of the pope said to him today, "You are not near death," the holy father replied: "You all seem to think I must be encouraged; but I assure you I look to Thursday as the day of my release."

Rome, July 13.—The Giornal Di Italia states that Cardinal Vives Y Tute called at the Vatican this morning. The other cardinals followed later. The pope saw nobody. The doctors are said to be concerned over the deficient diuresis. The heart is not gaining the fresh strength required to remedy the deficiency, which forms a permanent danger to the pontiff's life. Dr. Lapponi left the Vatican at 9:30 this morning, but returned at 10:45. It is stated that nominations to important positions are being considered. It is said Mgr. Angeli, one of the pope's secretaries will be appointed secretary of the consistorial delegation to succeed Mgr. Volponi who died the other day at the Vatican palace after an attack of syncope, and that Mgr. Tarozzi will be made secretary of the congregation of briefs.

Washington, July 13.—Mgr. Falconio, papal delegate to the Catholic church in the United States, today received a cablegram from Cardinal Rampolla concerning the condition of the pope, which indicated that he was not improving. The cable stated:

"Amelioration of the illustrious patient not progressing. Frayers are recommended."

Sinking Fast at Last Accounts

Rome, July 13.—3 a. m.—The pope has been faintly conscious for an hour. He is sinking fast. When he emerged from his sleep his first whispered words were. "It's growing darker."

KILLED ON A SURGEON'S TABLE

A Daughter's Wrongs Carries John Terrell to Extreme Remedy

Indianapolis, July 13.—Melvin Wolfe married the daughter of J. Terrell, a wealthy farmer of Wells county, four years ago, but the couple did not get along well and Mrs. Wolfe and child returned to the home of her father. Feeling between the two men grew in bitterness and Mrs. Wolfe sued for support of herself and child. Meanwhile Wolfe began consorting with other women, and it is said to have been his habit to drive by the Terrell homestead, taunting the Terrell household with invidious remarks. Yesterday Wolfe, accompanied by a young man and two young women passed the Terrell house twice, shaking his fist at his father-in-law and making insulting remarks. The third time he passed Mr. Terrell met him with a shot gun, the first charge taking effect in his leg and the second missing its aim. The other occupants of the carriage were uninjured.

The injured man was driven to the office of Dr. Saunder at Petroleum, who recognized the gravity of the wound and prepared to amputate the wounded member. Mr. Terrell, meanwhile, hastily hitched up a team and gave pursuit, reloading his weapon as he did so. He drove in hot pursuit to Petroleum, forced open the door leading into the doctor's office, where he found his son-in-law already on the operating table, and before bystanders could interfere he leveled his weapon and blew out Wolfe's brains. Death was instantaneous.

In the meantime several hundred persons had gathered around the doctor's office and were waiting for Terrell to come out. Before doing so he reloaded his gun, and when he made his appearance and the crowd moved toward him he put the gun to his shoulder and threatened to kill the first man who advanced. This had the desired effect and the murderer went to his buggy and drove to the county seat where he surrendered to the officers. Terrell is fifty years old and is a large land owner in the Indiana belt.

Preferential Tariff Results

London, July 13.—Replying to a question in the House of Commons today as to whether an order for locomotives from Canada had recently been secured by a British company on account of the Canadian preferential tariff, Colonial Secretary Chamberlain said, "Yes, sir, I am aware that orders were given a Glasgow firm recently for two locomotives for Canada, and I am informed they could not have been obtained without the operations of the preferential tariff between Canada and England."

Russia Shows Her Hand

St. Petersburg, July 13.—According to the Novikbai, a newspaper published at Port Arthur, Russia has notified China of her intention to prohibit for the present the settlement of foreigners in Manchuria and to postpone the opening of ports because a number of English and American traders disguised as soldiers are engaged in espionage. Russia promises to open ports in the course of six years, when order will be established.

POWDER MILL WRECKED BY AN EXPLOSION

Pittston, Pa., July 13.—The Dupont Powder Company mill at Laflin, two miles from here, was almost destroyed by a double explosion today. Three men were killed and two injured. The victims are Joseph Day and his son, Albert Day, of Pittston, and Alexander Moore of Laflin. Those killed were at work in the pressing room, where the first explosion occurred. The building was smashed to splinters and the bodies were blown several hundred feet away. The concussion caused a simultaneous explosion in the corning and barrel buildings, which were also demolished. The grist mill, pulverizing mill and the wash shanty took fire and were entirely consumed. The storage rooms were untouched, but the engine and boiler houses were wrecked by falling timbers. The entire plant will have to be rebuilt. About eight thousand pounds of powder exploded. The loss is estimated at about $15,000. The cause of the explosion will never be known. The scene is one of complete wreckage. Many panes of glass in the village close by were shattered by the concussion.

ALMOST A LYNCHING

Women Call Off an Affair of That Kind in New York State

Middletown, N. Y., July 13.—A lynching bee was narrowly averted at Liberty, Sullivan county, Sunday night. About dusk, when the news was flashed about the pretty Sullivan county summer resort that a negro had attempted to outrage the two little girls of a family named Clark, residents of the place for several years, the fiend was but half clothed and the chase through the principal streets with a crowd of enraged men in hot pursuit was probably the most spectacular sight the habitues of that resort have ever been treated to.

The negro's name is Eugene Smith, who was employed as a servant in the Clark home for several years. He stole into the room of the children whose screams aroused the other inmates of the house, who gave the alarm. The streets, which were crowded with people promenading, were turned into excitement most intense in a moment. Cries of "lynch him" were taken up as the wild chase continued to the village limits, where he finally was captured. Preparations were made for swinging up the criminal on the limb of a tree, but the interference of many ladies who had flocked to the scene prevented a tragedy. Smith was locked up.

MUST ASK LEAVE

Express Companies in Texas to Be Sued for Advancing Rates

Austin, July 13.—The railway commission is completing data upon which to base suits which the attorney general will be requested to institute against the Well Fargo, the Pacific and the American Express Companies for raising express rates without authority from the commissioners. Heavy penalties will be prayed for in the suits. It is alleged that the express companies promulgated the new tariff of rates several weeks ago without having submitted it to the railroad commission for approval.

Rule Works Both Ways

Pittsburg, Kan., July 13.—The Kansas coal operators have declared that at the conference tomorrow between the miners and operators to allow a raise to the miners of 12½ per cent. The operators also came to an understanding which will raise the price of coal to pay the increase to the miners. Tomorrow the scale will be adjusted.

Third Prize Winner

London, July 13.—Private George C. Cook, of the first tregiment, District of Columbia, a member of the American team which won the Palma trophy Saturday, today won third prize in the Waldgrave competition at Bisley, scoring 97 out of a possible 100. The winner scored 99.

TRAIN RAN DOWN A MOUNTAIN SIDE

Then It Jumped the Track and Made a Shapeless Mass of Ruins

Asheville, N. C., July 13.—Special. A wreck that was certainly complete in every sense of the word occurred yesterday on the Asheville and Spartanburg division of the Southern Railway. One of the heaviest freight engines employed in this mountain country started down the mountain a short distance beyond Saluda, when the crew lost control of the train and it ran away down the grade, which has been the scene of similar disasters. Members of the crew jumped for their lives when they realized their peril, and then the train sped on for several miles at frightful speed before leaving the rails. When the huge engine did leave the track it was hurled down the mountain side with fourteen cars after it. When the engine and cars settled down there was nothing to be seen save a shapeless mass of timber and iron from which arose smoke from the engine. The track, however, was not damaged seriously. In a couple of hours passenger trains were running by the scene of the wreck.

LIVED TOO FAST

That is Why a Bank Cashier Got in Jail

Newburgh, N. Y., July 13.—It is believed that the defalcation of Joseph W. Cummins, cashier of the state bank at Cornwall, who is in jail here charged with grand larceny, may exceed $50,000. Bank Examiner Campbell has charge of the institution and until the investigation he is now making is completed it will not be possible to give the exact amount.

Cummins is 29 years old and the most popular man in Cornwall. He has a wife and two children. He lived in a fine dwelling, moved in the best society, drove a good horse, speculated in Cornwall real estate, sang in the church choir, was president of the board of trade, and generally was looked on as a solid citizen. There were those, however, who knew that a modest salary of $1,200 or $1,500 could not keep up the style and display he made unless he had some other means of revenue. A resident of Cornwall who is a depositor, said today that depositors believe that their funds are completely wiped out. Several of the depositors were small business people and others poor working men. The bank examiner today closed the institution.

OLD FOLKS' DAY

A Celebration in Haywood Attended by Thousands

Asheville, N. C., July 13.—Special. The benign sensation that "makes the world akin" prevailed yesterday in Haywood county. "Old Folks' Day" was obeserved at Canton, and good people gathered from all quarters of the county until it was estimated that there were nearly three thousand people there. There were a number of speakers, among the number being Rev. Bynum Phillips, W. G. Candler, A. Dryman and D. M. Luther, and then there was singing from the revered "Christian Harmonies." There was a great revival of good fellowship and neighborly affection as the hundreds of people blended their voices in the singing of these time-honored hymns. Rev. Mr. Russell, the well known Methodist preacher, arose and said if he lived to attend two more such meetings he would be ninety years old, and he wanted to know if there were others there who could say as much. There was. Robert Joyce stood up in the audience and said he would be with Brother Russell.

MOB DISPERSED

A Case Where the Law Was Allowed to Take Its Course

New Orleans, July 13.—After much persuasion from United States Senator Foster, Circuit Judge Allen, District Judge Smith and Sheriff Sanders, the mob which went last night to the St. Mary's parish jail to lynch Esau Lovely, alias Possum, a negro, confined there, dispersed and agreed to let the law take its course if the negro was given a prompt trial. Lovely is an ex-convict and is regarded as dangerous. Sunday he attacked Mrs. Rene Herbert while she was driving to church, and robbed her, leaving her in a serious condition from the shock of the attack. Several men went to the jail to lynch Lovely, but dispersed. It was announced that a special jury would be empanelled today, and as Lovely had already confessed the crime and the evidence against him was conclusive no doubt could be entertained of the result of the trial.

Deadly Negro Feud

Mount Vernon, N. Y., July 13.—An old feud between Eli Brown and Berry Griffin, negro coachmen for rich residents of Mount Vernon, because Griffin said Brown paid too much attention to his wife, ended today when Griffin shot Brown dead, in front of the city hall. The murder occurred in plain sight of five hundred excursionists who were in trolley cars bound for Glenn Island. At one time it was feared that the murderer would be lynched. It took six policemen to guard the prisoner.

Alleged Murderer Captured

Winston-Salem, N. C., July 13.—Special.—John R. Rhodes, charged with the murder of Cap King, in Stokes county three weeks ago, has been captured and is now in jail at Danbury. Thomas Cook, who was implicated in the shooting of King is still at large.

GRAND LARCENY

Agent of Steel Company Stole Seventy Thousand Dollars

New York, July 13.—Frank S. Pilditch, for eighteen years New York manager for the Wardlow Steel Company of Sheffield, Eng., was today arrested on two indictments charging grand larceny, and was released in $5,000 bail.

Marmaduke Wardlaw, of the firm, came to this country last April to look into the company's affairs. He found Pilditch had disappeared a day or two before his arrival and taken the books with him. The books were found later, and, it is said, showed a shortage of more than $70,000.

Through counsel Pilditch offered to return and pay up the alleged shortage in order to avoid arrest. He was arrested today at the office of his counsel.

GEN. MILES' ACTIVITY

He Will Make a Demonstration by Taking a Long Ride

Lawton, Okla., July 13.—In spite of his prospective retirement next month, Lieutenant General Miles will start from Fort Sill tomorrow for Fort Reno, ninety miles away. He will try to ride the distance in eight hours. Horses will be stationed every ten miles. This ride is to prove to the president and Secretary Root that General Miles is still vigorous and active and should not be retired. General Miles' sixty-five years probably will not be so hard on him as his 207 pounds and the weather.

A Prominent Farmer Dead

Fayetteville, N. C., July 13.—Special. Mr. Henry E. Smith died yesterday at his residence on the east side of Cape Fear river, aged about 62 years, from a second stroke of paralysis. He was a leading citizen, and for years a prominent Democrat of the upper Cape Fear section and a member of the Presbyterian church. His wife, who survives, was Miss Margaret Shepherd, eldest daughter of the late Judge J. G. Shepherd, and sister of Dr. Henry E. Shepherd of Baltimore.

Builders' Strike Ended

New York, July 13.—Some 20,000 skilled mechanics in the building trades returned to work today under the modified plans of the employers' association. This number will be increased to 50,000 by Wednesday. The union, with that membership, has voted to accept the terms of the employers, one of the effects of which is to do away with walking delegates and refer all disputes to a joint board of arbitration.

American Prize Winner

Berlin, July 13.—The international rifle shooting match at Hanover was concluded today. There were 2,500 participants in attendance. A number of countries were represented. The first prize was won by one of the German shooters, a member of the Bremen team. The smaller winners included an American, C. Meyer of Brooklyn, who received a silver cup valued at 125 marks.

CAMP AT GREENSBORO

Everything Arranged for the Convenience of Troops

Greensboro, N. C., July 13.—Special. Greensboro is gratified over the selection of this city as the place for holding the encampment of the Third regiment. The site for the tents to be pitched is an oak and pine grove just west of Lindley park, three miles from town, and at the end of the street car line. A large field 100 yards distant will be used as the parade and drill ground. Besides having a great many natural advantages the place will be lighted by electricity and the soldiers will have the opportunity of witnessing nightly performances at the park casino and attending dances in the pavilion every night. Added to this they can catch a car for the city every ten minutes and visit the many points of interest as often as the regulations will permit. The Gate City Guards, acting in conjunction with committees from the business organizations, will make elaborate preparations for entertaining the soldiers during their stay here.

Haywood Trial to Begin October 1st

Judge Peebles Granted a Continuance Because of the Absence of Two Material Witnesses—The State's Counsel Resisted the Motion

The trial of Mr. Ernest Haywood for killing Mr. Ludlow Skinner, in front of the post office here February 21st last, was yesterday continued until September 28th next.

Mr. Haywood renewed his bond of $10,000 for his appearance at the September term.

Solicitor Walter E. Daniel of Weldon, counsel for the state, asked Judge Robt. B. Peebles in the superior court yesterday to order a special venire drawn in order that the trial might begin next Thursday, July 16th.

The counsel for the defendant moved a continuance on the ground that two of their material witnesses could not be present at this term, and presented an affidavit from a physician as to Chas. B. Hocutt's illness also an affidavit from Bernard A. Schmitz of Baltimore setting forth that he could not attend because of the serious condition of his invalid wife.

"Here is a man on trial for murder who states on his oath that due diligence has been used but he is unable to secure the attendance of two most material witnesses at this term of court," said Judge Peebles after the counsel for the prosecution had argued against the defence's request for a continuance. "This affidavit is accompanied by sworn affidavits giving the reasons for the absence of these witnesses. I have to accept this affidavit in good faith. The prosecution admits that both of these witnesses have been examined at the habeas corpus hearing but refuses to admit as true the testimony then given by them which shows the importance attached to their testimony. Under such circumstances it would be a travesty on justice to force the accused to go on trial. While it is desirable to have a speedy trial it is more important still to have a fair trial. There will be a criminal term of court here in September and if these witnesses are not here then I will not continue the case again on that account. I would not continue the case now solely on account of the absence of Schmitz, since his deposition could be taken, but a deposition is not even possible in the case of Hocutt who is ill with typhoid fever. Mr. Clerk make the entry that this case is continued until the September term, that a special venire will be drawn on Monday, September 27th, and the trial is set for Thursday, October 1st."

Motion for a Continuance

Shortly before noon Solicitor W. E. Daniel rose and asked Judge Peebles to order the regular jury box brought into court and a special venire of 200 names drawn from which a jury would be selected Thursday to try the case of state against Ernest Haywood.

The court room was well filled at the time by interested spectators. Mr. Ernest Haywood had entered only a few minutes before and took a seat by his counsel in the bar. He wore a neat gray business suit and appeared much better after his five weeks' release from confinement. He greeted his friends pleasantly and many shook hands with him. His brothers, Mr. Alf. A. Haywood, Dr. Hubert Haywood, Mr. John Haywood and Mr. Edgar Haywood occupied nearby chairs. All the attorneys for the defence, Col. T. M. Argo, Mr. Jas. H. Pou, Col. J. C. L. Harris, Mr. J. N. Holding, Mr. W. N. Jones, Capt. W. H. Day, Mr. S. G. Ryan and Mr. Simer Shaffer were present.

Solicitor Daniel and the other counsel for the state, Mr. Jno. E. Woodard, Mr. Donnell Gilliam, Mr. H. E. Norris and Mr. R. C. Strong, were seated at the table on the opposite side of the court room. Occupying a chair near them was Mr. John H. Winder of Cleveland, O.

No sooner had Solicitor Daniel requested the special venire than counsel for the defence inquired if this was the proper time to make their motion for a continuance and Judge Peebles stated that it was.

Defendant's Affidavit

Col. J. C. L. Harris, of counsel for the accused, then read the following:

NORTH CAROLINA—Wake County.
In the Superior Court,
July Term, 1903.
The State of North Carolina v. Ernest Haywood.

AFFIDAVIT FOR CONTINUANCE.

Ernest Haywood, being duly sworn, says:

That in the criminal action against him now pending in this court, he cannot safely go to trial at this term because of the unavoidable and unexpected absence of two of his material witnesses, to-wit, Charles B. Hocutt of Raleigh, North Carolina, and Bernard A. Schmitz of No. 110 East Lexington street, Baltimore, Maryland, both of whom have been duly subpoenaed to attend this term of court.

That said Charles B. Hocutt is now sick in bed with typhoid fever and has been for the past two weeks, and is not able to attend at this term of court, as appears by the certificate of Doctor W. I. Royster, hereto attached.

That affiant expects to prove by said Hocutt that he, Hocutt, was walking down the east side of Fayetteville street on the 21st of February last, in company with Mr. Bernard A. Schmitz of Baltimore, Maryland, and as they reached the Citizens Bank they turned to cross the street diagonally to the post office building, and Mr. Hocutt saw affiant and Mr. Ludlow Skinner standing at the south steps of the post office, and they were making gestures with their hands, and appeared as if they were having an argument. That witness saw Mr. Skinner raise his hand and strike affiant somewhere on the face, and affiant fell back and caught on his hand; and as affiant turned, Mr. Skinner stepped back a few steps and had his left hand on his left hip pocket as if he was trying to draw a pistol, and then Mr. Skinner made a movement towards affiant, and at this time affiant recovered himself, and the witness heard a shot. Mr. Skinner appeared to have been hit by this shot, and he turned a little and took two or three steps further and then turned back towards affiant with his left hand still on his left pocket and was advancing on the affiant and acting as if he was trying to draw a weapon from his left hip pocket, and while Mr. Skinner was in this position the witness heard the second shot. That at the time of the first shot Mr. Skinner was on the sidewalk, and at the second shot he was just off the curbing in the street proper.

That affiant expects to prove by Mr. Bernard A. Schmitz that he was walking down the east side of Fayetteville street in company with Mr. Hocutt, and that at the Citizens Bank corner he and Mr. Hocutt turned diagonally across the street towards the post office building. At this time the witness observed affiant and Mr. Skinner standing close together with their hands raised as if having an argument near the southern steps of the post office building, and he saw Mr. Skinner strike affiant. The blow staggered affiant, and his foot struck something and he fell and caught with his hands. Mr. Skinner, after striking the blow, backed away from affiant some eight feet, and then started to go towards affiant with his hand on his hip in a threatening attitude, as if he was trying to draw a pistol, and at this time witness heard a shot. Mr. Skinner staggered and appeared to have been struck by this shot, and he wheeled around and stepped off the curbing into the street and turned to Mr. Haywood, and at this time the witness heard a second shot. Mr. Skinner then turned and made a circle across the street car track and fell with his face on the track towards Mr. Haywood.

That the wife of Mr. Schmitz is now dangerously ill with consumption, as appears from the affidavits of Mr. Schmitz. This is the cause of Mr. Schmitz not being here at this time.

Affiant is assured that Mr. Schmitz will be here at the next term of court, as appears from his affidavit, hereto attached.

That this affidavit is not made merely for delay, but in truth and sincerity, for the causes herein set forth.

ERNEST HAYWOOD.

Sworn and subscribed before me this the 13th day of July, 1903.

W. M. RUSS,
Clerk Wake Superior Court.

NORTH CAROLINA—Wake County.
Superior Court,
July Term, 1903.
State of North Carolina vs. Ernest Haywood.

W. I. Royster, being duly sworn, says:

That he is now and for the past thirty-three years has been a practicing physician residing in Raleigh, N. C.

That as late as the night of Sunday, July 12th, 1903, he, as such physician, visited and examined Charles B. Hocutt, of Raleigh, N. C.

That the said Hocutt is now sick in bed with typhoid fever, and affiant is reliably informed, and so believes, that said Hocutt has been so sick in bed with typhoid fever continuously for the past two weeks.

That in the opinion of this affiant it would be dangerous to the health and to the life of said Hocutt to attend the present term of court, and especially to go, during this excessive heat, through the strain and excitement attendant upon testifying as a witness in an important trial.

W. I. ROYSTER, M. D.

Subscribed and sworn to before me this July 13th, 1903.

ROBERT R. BOYD,
Notary Public.

STATE OF MARYLAND—City of Baltimore, to-wit:

Bernard A. Schmitz, of No. 110 East Lexington street, city of Baltimore, Maryland, being duly sworn, maketh oath as follows:

That when he was in Raleigh, N. C., in the month of March last, he accepted service of a subpoena as a witness for the defendant in The State vs. Ernest Haywood. That he intended to be in Raleigh in answer to this subpoena when the case was called for trial at the July term, 1903, of Wake superior court and had made all his business arrangements necessary to insure his attendance. That since he

(Continued on Fifth Page.)