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PRITCHARD COMES WITH A HABEAS CORPUS WRIT

On the Way to Investigate Case of Agent Thomas E. Green

GREEN'S RELEASE WAS ORDERED PREVIOUSLY

And He is Now Out of Jail Without Bond—The State's Attorneys Oppose the Move for a Continuance of the Case Asked by Counsel for the Defense—No Decision Has Been Rendered Yet.

(Special to The Evening Times.) Asheville, N. C., July 17.—Judge Pritchard leaves this afternoon for Raleigh to investigate the Green case. He has habeas corpus papers, signed and ready to serve on the sheriff of Wake county.

Judge Long this morning heard the motion for a continuance of the case against Mr. T. E. Green, city ticket agent for the Southern Railway, who was arrested yesterday on the charge of selling tickets for more than the legal rate. After an hour of argument for and against the continuance of the case, the judge abruptly adjourned the hearing until 12 o'clock.

Prisoner Delivered to Court. At 11:30 the judge called the counsel and prisoner into the court and issued an order to the sheriff of Wake county, Mr. Green out of the sheriff's custody and putting him into the custody of the court. He then adjourned court until 2:30 this afternoon. The order reads:

To Sheriff of Wake: State vs. T. E. Green.

Mr. Sheriff:—The court orders you to produce the defendant T. E. Green at the bar of the court and surrender him forthwith to the custody of this court, he being now in your custody for failure to give appearance bond in State vs. T. E. Green, No. 119, of the criminal docket of the superior court of Wake county.

The court orders the defendant T. E. Green to remain at the bar of the court when it is in session at this term until further ordered by the court, or until he gives the bond in the sum of \$100 heretofore required.

B. F. LONG, Judge Presiding. Ticket Agent Green slept in the county jail last night, having declined to give a bond of \$100 for his appearance in the court whenever summoned.

This morning Mr. Green was in the court room, and after the adjournment of the hearing at 10:30, walked, in company with a deputy, to the offices of First Vice-President Andrews of the Southern, where a consultation was held.

At 11:30 Mr. Green was released from the custody of the sheriff, he being cited by the judge to appear at the bar of the court whenever court was in session.

Fight Over Time of Trial. Ex-Governor Aycock, as soon as court convened, moved for an immediate trial of Mr. Green, whereupon Mr. Busbee objected, stating that ex-Judge A. C. Avery had only arrived in the city last night and had had no time in which to consult and prepare for the trial. He asked for a reasonable time to file a process or answer, saying that the defense ought to be allowed time for counsel to consult together. Ex-Judge Avery declared that if the case is ordered for immediate trial it would find the defense wholly unprepared, and thought such a procedure without precedent. It will take several days, he said, before the defense can get testimony. Counsel asked no more than any other defendant, he said.

It is manifest, ex-Governor Aycock said, that the counsel want a continuance, not to prepare for the trial, but to prepare not to have the trial. He insisted on the trial. "Your honor called the attention of the grand jury to the matter," said Mr. Aycock, "and for a week the defense knew that this was coming. The Southern Railway has every facility for employing counsel—railroads, tel-

graph lines and money—and has had ample time."

Mr. Justice declared that Mr. Busbee on two or three occasions has "not had time or opportunity." In regard to Mr. Avery not having knowledge of the case, Mr. Justice said that the judge's name appears to an application to the federal court to enjoin the lawyers from representing the people in the North Carolina courts. The reason Col. W. B. Rodman is not here is because he is in Asheville trying to interfere with the court's jurisdiction.

Mr. Avery understood from what Governor Aycock said that the defense, on reading of the judge's charge to the grand jury, should have taken cognizance of it through the papers and employed attorneys. Such a proceeding is unheard of, he said.

The defense was asked what their policy in the matter would be. Counsel for defense declared that they did not know, as they had had no time in which to confer. They would do everything they could in the interest of their client.

Mr. Avery took a fling at Mr. Justice when the speaker of the house interrupted on one occasion by retorting that he (the judge) was not preparing for the next campaign; that he was preparing for his client.

The whole matter seemed no nearer settlement than when court convened at 9:30. Judge Long told the counsel for the defense that he was anxious to give them any reasonable time. Clearly there was a doubt in his mind as to whether the defense wanted delay to prepare for the trial or to prepare for injunctions.

The attorneys for the state, Messrs. Aycock, Justice and Ryan, were present today. Counsel for the defendant were Mr. F. H. Busbee and ex-Judge A. C. Avery. Mr. J. H. Pou has been employed as special counsel for the defense. Col. W. B. Rodman, who was here Monday, was called to Asheville.

Argument This Afternoon. Court this afternoon convened shortly after 2:30, but since counsel for the defense asked for a court stenographer nothing was done until after 3:30, when the stenographer arrived. Mr. Busbee introduced to the court Mr. A. P. Thom, of Washington, D. C., general counsel of the Southern, who arrived in the city this afternoon. Argument on the motion to continue the trial is going on.

THE GOVERNOR EXPLAINS

Made No Denunciation Against Judge Pritchard

Governor Glenn Expressed His Surprise at the Actions of the Railroads in Taking Their Cases from State to Federal Courts.

Governor Glenn, in an interview this afternoon, stated that the newspapers were mistaken in saying that he denounced Judge Pritchard. The governor says that he only expressed his surprise at the actions of the railroads in going into the federal courts to get rid of habeas corpus, instead of having the case tried in a state court in an orderly way.

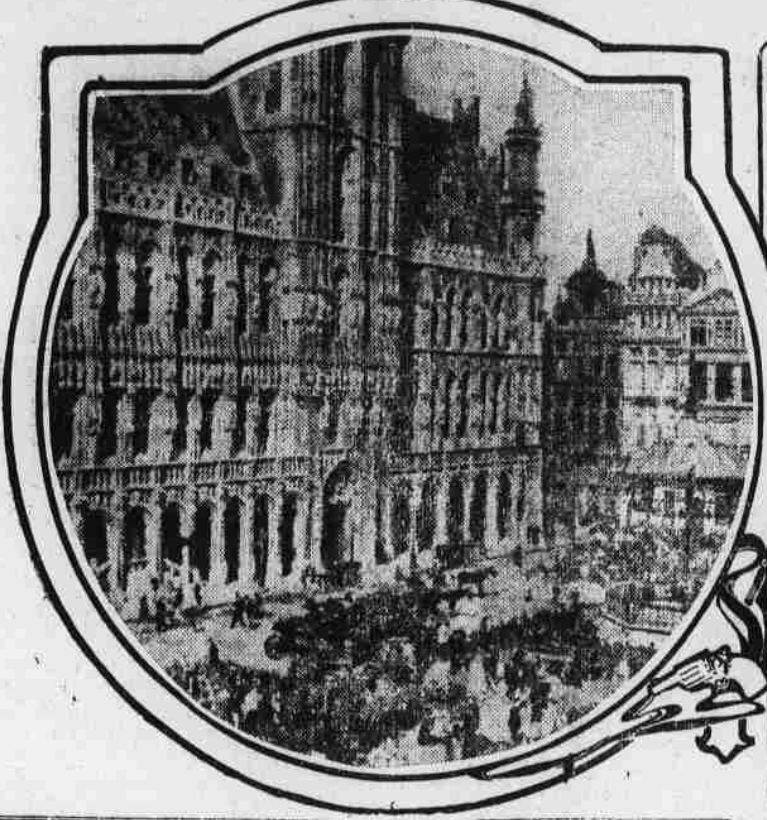
The governor also said that he could not see how, under the decision, Judge Pritchard would issue the writ. He declared that it was not a case for denunciation or for hot-headed action, but one for cool-headed procedure, that, believing as he did that the state was legally right in all that it was attempting to do, whatever action the state courts took would be enforced and executed by him as governor.

"SINKS OF CORRUPTION," DECLARES BISHOP MATZ.

(By Leased Wire to The Times.) Denver, Colo., July 17.—Bishop N. C. Matz of the Catholic diocese of Colorado, has surprised his flock by declaring that all public libraries are "sinks of corruption," and by denouncing Carnegie and Rockefeller for helping to increase their number for mere self-glorification.

In preaching on the biblical injunctions concerning the giving of alms, the bishop said the widow's mite, given in the right spirit, is more acceptable in the sight of God than the princely endowments of colleges, which millions are praised for giving. He said: "Libraries place within the reach of all classes the infidel teachings of Voltaire, and the sensational novel, both getting in their work of destruction only too easily."

Lieutenant Balmaceda and Court House in Brussels.



MANY TRAMPLED IN A MAD RUSH

Fifty Seriously Injured in a Crash on Elevated.

TOO MANY PASSENGERS

The Motorman of One of the Trains Says So Many Crowded Into the Motor Box That It Was Impossible for Him to Operate the Train, Hence the Collision.

(By Leased Wire to The Times.) New York, July 17.—Fifty persons were seriously injured and a score more trampled in a rush to escape from cars in a rear-end collision on the Third Avenue elevated road at One Hundred and Sixth street last night. Both trains carried far too many passengers.

An Italian celebration at Little Italy broke up, and every one of the throng rushed to board one train. The other train rushed along and crashed into the first. The motorman says so many people crowded into the motor box that he could not operate the train, and the collision resulted.

The trains collided with terrific force, telescoping several of the cars. The usual panic reigned, men and women having no sympathy for each other and trampling over children. Firemen chopped their way to rescue through the sides of the cars. Stores all along Third Avenue were turned into emergency hospitals, and half the ambulances in New York city carried away the injured. Two persons had both legs cut off. Broken bones, cuts, bruises and internal injuries were suffered by scores. The firemen were obliged to pass the injured down to the street by ladders.

MAN HUNT AND A WILD ONE KILLED

(By Leased Wire to The Times.) Chicago, Ill., July 17.—A "wild man" was killed yesterday in a desolate region near Pine Station, Ind., after he had dangerously wounded one policeman and inflicted lesser injuries on four others. Pine Station is on the Lakeshore road between Gary and Whiting. For three days the strange man had terrorized the sand dune and scrub oak country along the Indiana shore.

The hunted man was killed after a running fight with a posse of fifty men. He finally was surrounded and the fusillade that followed it is said 500 shots were exchanged. He had a revolver and shot gun, plenty of ammunition and a long knife. The policeman who did the killing swam the river, holding his gun above his head before sending a bullet through the forehead of the desperate man who was holding the posse at bay. It is supposed he was an escaped lunatic, although nothing had been discovered that would throw any light upon his identity up to a late hour this morning.

DEMAND MADE BY PRITCHARD

How Reynolds Evaded Writ of Habeas Corpus

THE AGENTS RELEASED

When Judge Pritchard Demands that Wood and Graham, Southern's Agents, be Brought Before Him, Reynolds Simply Dismisses the Case, Saying that the Men are Not in Custody.

(Special to The Evening Times.) Asheville, N. C., July 17.—A writ of habeas corpus, issued by Judge Pritchard, commanding the chief of police to bring James Wood and R. H. Graham, agents for the Southern Railway, into court to inquire into the legality of their detention was frustrated by a smooth move on the part of Judge Reynolds. Reynolds simply dismissed the case. When the chief of police was asked for the men he stated he had no such persons in custody, thereby forcing Judge Pritchard to dismiss his case. Interest is at high pitch, and the next move is anxiously awaited.

This earlier telegram from Asheville throws additional light on the case. Asheville, N. C., July 17.—Judge Pritchard issued a writ of habeas corpus in the case of James Wood and R. H. Graham, Southern Railway agents, demanding that they be brought before him that he might inquire into the legality of their detention. The hearing was set for this morning at 10 o'clock. Judge Reynolds, notified of Pritchard's act, telephoned Governor Glenn. The governor instructed them to proceed with the case and notify the solicitor for the prosecution in police court. The case was called in the United States Court at 10 o'clock. The governor's action relieves Judge Reynolds of any apprehension of prosecution for contempt by the United States court in trying the case. Governor Glenn and the state of North Carolina are guilty of contempt if any one is. The hearing was scheduled for noon today, but was postponed, owing to lengthy arguments before Judge Pritchard keeping the case in his court until after the hour set for the police court trial.

SUIT FOR DEATH OF M. B. WINSTON

Suit was instituted today by L. C. Winston, administrator, through Attorney W. C. Douglass, against the North Carolina Building and Supply Company. The suit is on account of the death last February of M. B. Winston, a young man who was then in the employ of the above-mentioned company.

Complaint has not yet been filed. Mr. Douglass has not seen the bill, but damages to the amount of \$20,000 would probably be claimed.

Assistant Postmaster Gone.

(By Leased Wire to The Times.) Butte, Mont., July 17.—Nicholas J. Kent, assistant postmaster, who disappeared a month ago, is a defaulter to the amount of at least \$8,500.

The photograph on the left shows the court house in Brussels where young Waddington is being tried for the murder of M. Balmaceda. Balmaceda was slain because of his refusal to marry young Waddington's sister. Photograph on the left shows Balmaceda in uniform of a Lieutenant of the Brazilian Navy.

POSITION OF GOV. GLENN

Phoned Instructions to Asheville Today

INSTRUCTS SOLICITOR

Chief Executive of North Carolina Requested Solicitor Brown, in Event That Judge Pritchard Refused to Dismiss, to Appear Before United States Court.

Governor Glenn this morning phoned Solicitor Mark D. Brown of Asheville to represent the state before Judge Pritchard in the habeas corpus case, and to move to dismiss on the ground that the defendant, J. H. Wood, agent of the Southern Railway Company, was not and had not been in the custody of any state officer. He directed Mr. Brown further that if the judge refused to dismiss the habeas corpus case, but discharged the defendant, to appear before the Supreme Court of the United States, to the end that the state's rights might be heard before the court.

DROWNED IN THE PAMLICO RIVER

(Special to The Evening Times.) Washington, N. C., July 17.—Yesterday afternoon Mr. John Whaley met his death by drowning in Pamlico River. Mr. Whaley was employed in the river traffic on the gas boat Mayona, and it seems that the boat ran aground. In trying to shove the boat off, in some way Mr. Whaley lost his balance and fell overboard. Not being a very good swimmer, he sank before any one could come to his rescue. His body has not yet been recovered, and parties are dragging the river to recover it.

Mr. Whaley was a brother of Police- man Fred Whaley of this city, and had many friends here. He leaves a wife and one child to mourn his loss.

THE ELK REINS HELD BY TENER

Elected Grand Exalted Ruler After Hot Contest.

DALLAS NEXT PLACE

The Texas City Was Chosen as the Place of Meeting Without Opposition—The Order in a Most Prosperous Condition and One of the Richest in America.

(By Leased Wire to The Times.)

Philadelphia, Pa., July 17.—In the most exciting contest ever waged in the convention of a fraternal order, John K. Tener, millionaire banker of Charleroi, Pa., was elected grand exalted ruler of the Beneficent and Protective Order of Elks. For a year Tener will hold the reins over one of the most powerful and patriotic organizations in America. He will be the voice of one-quarter of a million of Elks. The power that is his today is in sharp contrast to the kind of leadership held by Charles Vivian, the English concert singer, whose little gatherings forty years ago formed the nucleus of the present organization. Exciting scenes were witnessed upon the floor of the Academy of Music where the convention was held before the election of Tener was assured. The declaration was made that the big men in the order were trying to force through a slate. It was evident, however, that Tener was the man of the hour and that the opposition would be carried along with the tide. Dallas, Texas, was selected as the next convention city, without the slightest opposition at the night session of the convention. Many of the Elks who attended the night session had been tipped off that Tener had won out on a four-to-one vote and his friends were jubilant. There was no official announcement, however. It was also learned that the probability is that none of the trustees will be elected and that the whole ticket will fall because none of the candidates received the necessary majority of all votes cast. The latest returns showed that if any one man stands a chance to be elected to a trusteeship it is Robert Mills of Superior, Wis. Out of the 502 ballots counted at midnight, there were four votes between Wagner and Leech, the candidates for grand treasurer.

REPORT OF JUDGE MELVIN

Interest was aroused at the night session in the report of Judge Melvin, the retiring grand exalted ruler. He inveighed against the state organization of Elks, arguing that the national organization should be the national organization. He also urged a pause in the taking of Elks' teeth as Elks' emblems.

Under the new constitution that has been adopted a grand forum for the trial of all Elk disputes has been established and the following justices were appointed by the retiring grand ruler last night: Chief Justice, Charles E. Pickert, of Waterloo, Morris Rohmert of Detroit, for a two-year term; William H. Moore of Seattle, for a three-year term; Thomas J. Coe of Cincinnati, for a four-year term; R. W. Brown, of Louisville, for a five-year term.

Fred C. Robinson, the present grand secretary, was re-elected without trouble. There was no opposition to either W. E. Leckie of Dowagiac, Mich., for loyal knight or to Bayard Gray of Frankford, Ind., for grand lecturer knight, and they were elected by acclamation. The order is reported in a most prosperous condition. It is now one of the richest in America. Its property is worth millions. Its available assets alone are \$211,605.59 cash on hand.

At 2 o'clock this afternoon John K. Tener said that the vote for grand exalted ruler of the Elks was 1,021 for him against 161 for both his opponents. He said that John D. Shea had been beaten two to one for grand exalted knight.

HOLDS RECOUNT BILL UNCONSTITUTIONAL

(By Leased Wire to The Times.) New York, July 17.—The recount bill was decided unconstitutional today by announcement of Justice Ingraham in the appellate division of the supreme court in this city.

IS WATTERSON FOR JOHNSON?

So it is Declared by Charles Edwards

WATTERSON NOW MUTE

He Simply Says That Whenever Bryan Declares Himself Out of the Race He Will Whisper the Name of the "Dark Horse," Who May Win.

(By Leased Wire to The Times.)

Washington, July 17.—Governor Johnson of Minnesota is the choice of Henry Watterson, the Kentucky editor, for the democratic presidential nomination according to Charles A. Edwards, secretary of the democratic campaign committee who has been in Louisville.

It will be recalled that Mr. Watterson recently said that there was one democrat absolutely available for the nomination against whom no faction in the party entertains animosity and who could defeat Theodore Roosevelt or any other nominee. Mr. Edwards, in speaking of a conversation he had with Colonel Watterson, said:

"Colonel Watterson expressed the opinion that W. J. Bryan commands the situation and that no one could be nominated whom Bryan does not endorse; that Bryan could have the head of the ticket if he wanted it and that it will be only necessary for him to indicate that he is for a given candidate to insure his election."

"If Mr. Bryan will only say to the party," said Colonel Watterson, "that he regards Governor Johnson as the best man for the place, then Governor Johnson will be named."

"Going into details Colonel Watterson said that without exception each possible candidate is antagonized by some powerful element in the party, but when it comes to Governor Johnson there is not one hundred delegates in the country who would be against him. Colonel Watterson granted that this was due to the fact that Governor Johnson never has been before the nation prominently and therefore people know comparatively little of him excepting that he carried Minnesota first in 1904 with about 10,000 majority over the republican nominee although the state gave Roosevelt 100,000 majority, and that last year Johnson carried Minnesota the second time with 70,000 majority."

AN INTERVIEW WITH THE BRILLIANT HENRY.

Louisville, Ky., July 17.—In an interview last night Colonel Watterson said:

"The chief trouble in the democratic party is its lack of unity. It represents two branches, the radicals, so-called, and the conservatives, so-called, of the north, projected from a huge trunk, known as the solid south. In three presidential elections while the south has stood firm to its colors, the two northern branches have steadfastly refused to vote for one another."

"Mr. Bryan himself is one cause of dissention, and Mr. Bryan is not guilty of his share of responsibility for this. Yet his leadership remains intact and unchallenged. He should be treated with respect but no good end can be served by treating him with reserve. He has no reserve himself, and while this might be a virtue in a private citizen it becomes a weakness in a public man and something more harmful still in a party leader."

Asked whom he favored as the next democratic candidate, Colonel Watterson said:

"I have no favorite, and no candidate. But the 'dark horse' about which the newspapers have been talking so much?" he asked.

"I know of just such a man, but without Mr. Bryan's backing nobody can win. As soon as Mr. Bryan tells me he is out and asks me for my man I will whisper the name to him, and not before."

HEAVY LOSS IN COTTON BY FIRE

Little Rock, Ark., July 17.—Inman & Co., cotton dealers of Augusta, suffered a loss of \$150,000 in a cotton fire here today. It is fully covered by insurance.