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LEGAL CONTEST FOR CHILDREN

Habeas Corpus Proceedings Well Under Way Before Chief Justice Clark

RESPONDENT NAMES MEN

Mr. Percy B. Fleming Charges Improper Conduct of His Wife—M. W. Tyree and John Winder, Jr., Two Persons Named—Colored Nurse Points Out Man in Audience, Furnishing Most Dramatic Incident of Entire Day—What Witnesses Say.

Naming M. W. Tyree and John Winder, Jr., as persons with whom Mrs. Belle Claire Fleming is alleged to have had improper conduct, Mr. Percy B. Fleming, the respondent in the action begun yesterday by Mrs. Fleming for the possession of the two little children, complied with the orders of the court and set about giving details in a tragedy that has been shaking this family, according to both sides, for at least two years. Scenes were enacted in the supreme court room today that caused the many persons present to blush and at other times to laugh. The matter is being heard before Chief Justice Walter Clark.

The most dramatic moment of the entire hearing was when Judge Clark interrupted the cross-examination of a witness, Helen Wright, the former colored nurse of the Flemings, and asked her if she could identify the man who she said was at the home of Mr. Fleming one afternoon when he was at his office. Helen thought she could. She arose, began scanning the crowd from right to left. As the colored woman's eyes traveled over the room, the eyes of every person in the building followed. Helen's eyes finally rested on the face of a man leaning over the table in front of the bench where the justices sit.

"That's him," she said, positively, and pointed to a man, who did not show by sign or expression that the witness had singled him out.

No Delay Today.

The parties to the controversy did not delay matters at all today. At 10 o'clock sharp, Chief Justice Clark and the counsel were in their places. The petition of Mrs. Fleming was first read—this was printed in this paper Tuesday—and the answer of the respondent thereto.

Mr. Fleming admitted having been addicted to drinking liquor, but said he felt sure he had overcome the desire for the stuff. He did not leave petitioner without cause, denied that petitioner loves children better than her life and is the proper person to take care of them. His intoxication, he said, was caused by her conduct; he was not excessively jealous, though her acts of familiarity with other men and assaults on himself were enough to drive any reasonable man insane. He warned her to mend her ways or he would take the children away and remonstrated with her about her conduct. Dr. A. H. Fleming and his wife are anxious and willing to give the proper care to the

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RALEIGH TO HAVE POSTAL SAVINGS BANK

Washington, D. C., Aug. 17.—Raleigh is to have the first postal savings bank for first class postoffices in North Carolina. This was the information given Senator Overman yesterday by Postmaster General Hitchcock. Mr. Hitchcock told the junior senator that a postal savings bank will be opened in Raleigh and ready to receive deposits not later than the last of September. It is possible that the bank will be opened much earlier, but certainly not later than the last of next month.

New Circuit Judge.

Atlanta, Aug. 17.—Judge K. J. Hawkins, of the city court of Duplin, will probably be appointed by Governor Smith to serve as judge of the superior court of the new Duplin circuit. The appointment has been recommended by all the senators and representatives from the counties making up that district.

TWO PARDONS TODAY

John McNair and Henry Bryant Given Freedom

John McNair, of Scotland County, was convicted of murder in second degree—Henry Bryant, of Durham County, was convicted of larceny—Both Pardons Conditional.

Governor Kitchin today issued the following pardons:

John McNair, Scotland county, term, June 1906, crime, murder second degree. Sentence, twelve years in state's prison. Pardoned, conditionally.

Reasons for pardon: Counting his commutation for good behavior, prisoner has completed over seven years of his term. He was defended by two young and inexperienced attorneys who had practically no time to prepare their case, having been assigned by the court to defend prisoner just before the trial. Neither the judge nor the solicitor has now any recollection of the case, but the attorney who assisted the solicitor recommends pardon, saying the state had no direct testimony and that there was no evidence tending to support prisoner's contention that the shooting was accidental. There seems to be strong doubt as to his guilt. The clerk of the superior court, register of deeds, sheriff and many other officials and citizens recommend pardon. Prisoner has a good prison record. I therefore pardon prisoner on condition that he remain law-abiding and of good behavior.

Henry Bryant, Durham county, term, December 1910. Crime, larceny. Sentence, ten months on roads. Pardoned, conditionally.

Reasons for pardon: Prisoner has both legs cut off at knees. He was convicted of receiving stolen chickens and has served about eight of a ten months sentence. On account of his physical condition the board of county commissioners, the solicitor, the superintendent of the county home, where prisoner is now confined, and others recommend pardon. I therefore pardon prisoner on condition that he remain law-abiding and of good behavior.

WOMAN FIXED AS SMUGGLER.

Baltimore Resident Pays \$400 on Undeclared Wearing Apparel.

Baltimore, Aug. 17.—Mrs. Bruche Schapira, of 112 Aisquith street, was found guilty of smuggling by Collector Stone yesterday and fined \$450. The woman had just returned from a trip to Europe, arriving here Friday last on the Neckar. The goods, said to have been smuggled, were articles of wearing apparel for a woman and children.

Mrs. Schapira sought to show that the goods had been purchased in this country by exhibiting photographs of them, taken from her home. The customs officials charged that the photographs were taken abroad and sent here in advance of her arrival. The goods were valued at \$163 and she was assessed three times this amount in accordance with the provisions of the revenue laws.

Hydrophobia After Five Years.

New York, Aug. 17.—Mrs. Amanda Irwin was admitted to Bellevue Hospital today, suffering from hydrophobia, contracted from a dog bite five years ago. She was found in her home suffering agonies. The disease had not heretofore manifested itself.

Pontiff Still Improving.

Rome, Aug. 17.—Physicians found Pope Plus with normal temperature and otherwise improved this morning. The physicians, for the first time since his illness, caused anxiety, permitted the pontiff to depart from a liquid diet.

Theodore Roosevelt a Grandfather.

San Francisco, Cal., Aug. 17.—Theodore Roosevelt is now a grandfather. A daughter was born to Mr. and Mrs. Theodore Roosevelt, Jr., at 2:30 this morning. The mother and child's condition is satisfactory. Young Roosevelt is in business here.

Ball Player Killed by Thrown Ball.

Davison, Mich., Aug. 17.—Lawrence Burton, a Davison ball player, was killed yesterday running from third to home, when a ball thrown by the third baseman struck him at the base of the skull.

Atwood's Flight.

Toledo, Aug. 17.—Harry Atwood left in his aeroplane this morning for Sandusky and Cleveland, continuing his St. Louis to Boston flight.



Miss Leta Robinson, the Baltimore beauty, who was reported to be engaged to marry Frank A. Munsey, the well known publisher. Statements from Miss Robinson in Baltimore and Mr. Munsey from abroad have both denied that either had any intentions of marrying.

PRESIDENT WILL VETO ALL TARIFF MEASURES

Washington, Aug. 17.—Following the special cabinet meeting the last remaining doubt of Taft's attitude on the wool bill was swept away. It was stated Taft's veto message might go to the house late today. One or two cabinet officers who heretofore have held the opinion that it might be wiser for the president to sign the wool bill, were said to have been entirely won over to Taft's views at today's session. The president will also veto the cotton bill. It was indicated the tariff revision bill at this session would be vetoed.

AERIO MAIL SERVICE.

Pierre Vedrines Proving the Possibility of Such a Scheme.

Paris, Aug. 17.—Pierre Vedrines, winner of the Paris-to-Madrid race, accomplished today the ten flights intended to prove the possibility of an aero mail service. He left Issy-les-Moulineaux at 5:07 and reached Dauville, which is near Trouville and 112 miles from Issy, at 6:59.

It takes express trains three hours and twelve minutes to make the distance. Entrée Vedrines dropped messages at Mantes-sur-Seine, Evreux and Lisieux. He received \$300 for the flight.

KILLED OVER CHILD.

Many to Whom Baby Had Been Loaned Killed Its Parents When They Took It Back.

New York, Aug. 17.—John Ribis is under arrest in Brooklyn, charged with double murder. He shot and killed Mr. and Mrs. Rosco Debasco, and wounded their 19-year-old son. The shooting was over the two-year-old child of Debasco, which had been loaned the Ribis, who were childless. Debascos wanted the baby back and took it by force. Ribis learned of this, got a revolver and did the shooting.

FUNERAL OF MRS. WOMBLE.

Will Be Held From Presbyterian Church at 5:30 This Afternoon.

The funeral service of Mrs. Louis D. Womble, who passed away at her home on Morgan street yesterday morning, will be held from the Presbyterian church this afternoon at 5:30 o'clock. She will be laid to rest in Oakwood cemetery. The pallbearers will be: D. D. Hill, Messrs. E. B. Crow, James F. Jordan, Leo D. Heurt, Henry Carver and Carey K. Durley.

Grant Doesn't Believe Spy Story.

New York, Aug. 17.—Major General Fred. D. Grant, commanding the department of the east, says he believes that Private George Petr, whom a girl charges he confessed he was an Austrian spy upon in the American forts, is no spy, but a good soldier. He favors Petr's retention in the army.

MRS. KITCHIN BURIED

Funeral of Christian Woman Was Held Yesterday

Services Held Late Yesterday Afternoon, Conducted by Her Pastor—Every Business House Closed As Mark of Love and Esteem—Large Concourse of People.

(Special to The Times.)

Scotland Neck, N. C., Aug. 17.—The funeral services held over the remains of Mrs. Maria Arrington Kitchin, who died here early Tuesday morning, were conducted yesterday afternoon by her pastor, Rev. O. L. Powers, and was largely attended, being among the longest funeral processions that ever followed a corpse to the cemetery.

As a mark of the great love and high esteem for Mrs. Kitchin, stores were closed at five o'clock, and remained closed during the funeral hour. This mark of respect has only been shown two or three, among them being her husband, Captain Charlie Dunn, who was murdered here last year.

There has been much grief expressed and the profoundest sympathy shown the bereaved family by our people, everybody in this community being great admirers of Mrs. Kitchin.

The pallbearers were her own sons, who were assisted by E. T. Whitehead, J. A. Pittman, H. E. McDowell, G. H. Johnson, J. E. Bowers, and Dr. A. C. Liverman.

Laurier in Quebec.

Montreal, Aug. 17.—Sir Wilfrid Laurier opened his Quebec campaign today at Three Rivers, where he addressed a great demonstration of Liberals. Tomorrow he will go to the city of Quebec, retaining thence to Montreal. The Premier attaches much importance to the campaign in this Province, owing to the wide prevalence here of the Nationalist sentiment, which is regarded as one of the most disturbing elements with which the Liberals have to cope in the present fight.

Weds Army Lieutenant.

Charles Town, W. Va., Aug. 17.—Zion Protestant Episcopal church of this city was the scene of a brilliant gathering today for the marriage of Miss Cecilia Davenport, daughter of Mr. Arthur Davenport, and Lieutenant Paul A. Larned, U. S. A., son of the late Colonel Larned, who for many years dean of the United States Military Academy at West Point.

Editors Meet at Sioux City.

Sioux City, Ia., Aug. 17.—What promises to be one of the most successful meetings in the history of the Upper Des Moines Editorial Association began here today with a large attendance of the members and their families. Business and pleasure combined will keep the editors busy for two days.

Anti-Lobbying Bill.

Atlanta, Aug. 17.—The White or Screen anti-lobbying bill has passed the house and will probably be made a law at this session. It provides that all lobbyists register, and that they shall accept no contingent fees.

LATHAM APPOINTED CONSUL TO ARENAS

(Special to The Times.)

Washington, D. C., Aug. 17.—Charles L. Latham, of North Carolina, was nominated today to be consul at Punta Arenas, Chile.

Schooner Stranded Off Hatteras.

Washington, D. C., Aug. 17.—The three-masted schooner, Willie H. Child, is stranded on the North Carolina coast, near Gull Shoal Life Saving Station, about fifteen miles north of Cape Hatteras. Life savers are standing by. The vessel is not endangered. The Child left New York August 9, bound for Jacksonville to load lumber for Boston.

Sixty Soldiers Cholera Suspects.

Paris, Aug. 17.—The Paris Midi is authority for a sensational report that sixty soldiers at the Marseilles garrison have been placed in a hospital as cholera suspects.



Latest photograph of Beniah Balford, (posed specially for this paper) the seventeen-year-old "cotton witness" in the sensational textile murder case which will be called for trial at Richmond, Va., next Monday. This picture presents the young woman smiling as she was being interviewed by a special correspondent. Miss Balford laughed and joked with the newspapermen throughout the time they were in her room in the little jail where she is being held prisoner as a witness.

GENERAL STRIKE HAS BEEN DECLARED

London, Aug. 17.—The three hour twenty-four hour strike which the railway men demanded that their employers agree to consider their grievances expired at a quarter past morning, but the threatened general strike on the United Kingdom railroads failed to materialize. Conference may solve the difficulty. Traffic proceeded as usual.

Industrial War Declared.

London, Aug. 17.—Industrial war has been declared. The employees on all the railway lines of the United Kingdom will be kept out at once.

THE STATEHOOD BILL.

President Would Accept Bill With Recall Feature Left Out.

Washington, D. C., Aug. 17.—Although unable to see President Taft, Chairman Smith of the senate territories committee after talking with Secretary Bliss, declared that the joint resolution introduced in the senate Tuesday, providing for the admission of Arizona and New Mexico into the union with the recall of judges eliminated from the Arizona constitution, would be acceptable to Mr. Taft.

Agreement Reached.

Washington, Aug. 17.—Senate and house conference on the statehood situation reached a complete agreement to eliminate the judicial recall feature of the Arizona constitution and provide for making the New Mexico constitution a matter of amendment. This agreement, it is said, conforms to Taft's wishes. Undoubtedly it means statehood for the two territories at this session.

Will Investigate Claims of State.

Atlanta, Aug. 17.—Despite the refusal of the house to pass a special resolution authorizing it, the state will investigate fully the claims of the Georgia Power Company to certain lands lying adjacent to Tallapoosa Falls, which it has been said are state property. Governor Smith has instructed attorney General Felton to do the work.

Removal of the "Tribe of Jacob."

Asheville, N. C., Aug. 17.—The "Tribe of Jacob," comprising the descendants of Jacob Weaver who settled in North Carolina more than a century ago, was held today at the home of D. G. Weaver, near Weaverville, this county. Members of the family from far and near attended the gathering.

Cabinet in Session.

Washington, Aug. 17.—President Taft summoned the cabinet in special session at the White House soon as he breakfasted. The veto message on the wool bill was reviewed. This is the cabinet's fourth meeting this week.

M'CABE MAY BE ONE FIRED

His Charges Against Dr. Wiley Likely to Prove His Own Undoing

LETTER NEVER RECEIVED

Main Charge Against Dr. Wiley Was Based on a Letter That He Never Received and Which Was Never Sent—This Letter Too Was Garbled by the Personnel Board—Representative Doughton Thinks Somebody Should Be Dismissed—Tom Pence Going to Europe.

(Special to The Times.)

Washington, Aug. 17.—Dr. H. W. Wiley, the pure food expert, added another sensation to the House inquiry into the agricultural department affairs when he declared that a ruling adverse to the so-called "corn syrup" manufacturing interests promulgated by the bureau chemist, food and drug inspection board, and Secretary Wilson himself, had suddenly changed into a favorable opinion without being referred to him or his associates.

Wiley charged that the manufacturers of this product had offered money to prominent commercial chemists of the United States to secure opinions supporting their contention that "corn syrup" was the proper name for glucose. The food and drug inspection board, endorsing the bureau of chemistry, found that "corn syrup" was an illegal label on glucose. "All the board joined in the decision," Wiley said, "and the decision was approved by the secretary. This decision went to the printing office, was set up and proofs taken, but it was never sent out. Later an exactly contrary decision was published by three members of the cabinet, vested with jurisdiction in such matters, as a pure food decision under the food and drug act.

"In the interval between the preparation of our decision and the publication of the ruling by the three secretaries I know that the Corn Products Company was very busy.

"They tried to get certificates from chemists, one of whom later became a member of the pure food referee board, to show that corn syrup was the proper term for glucose. In one case a chemist informed me he had been offered money for such an opinion, but refused it. "When I learned this, I wrote all the state chemists in the country, charged with enforcing the pure food laws, and put it up to them, to say whether this was a proper label.

"Every one answered in the negative and they were not offered any money by me or any one."

Wiley said the president of the Corn Products Company protested to the board of three cabinet officers, declaring Wiley's appeal to state chemists was unfair.

Wiley was asked by Secretary Wilson to state what he had done and he supplied Secretary Wilson with his letter to the chemists and with a brief to show "corn syrup" was an illegal label.

"That brief was furnished to the Corn Products Company," said Wiley, "but Mr. Emery, food commissioner."

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BACON AMENDMENT TO THE WOOL BILL

Washington, Aug. 17.—There was an unexpected move in the Senate when the iron and steel amendment to the cotton bill, offered by Senator Bacon, of Georgia, a democrat, was adopted by vote 28 to 25. The Bacon amendment is exactly similar to the Cummins amendment.

It generally had been supposed the Senate would adopt the LaFollette amendment. It is likely this amendment will be offered later as a substitute for the Bacon amendment.

The amendment by Simmons, of North Carolina, reducing the duty on certain kinds of cotton machinery to 50 per cent ad valorem was carried 36 to 22.

Togo Banqueted Too Much.

Boston, Mass., Aug. 17.—Admiral Togo, suffering an attack of acute indigestion, cancelled all engagements for today.