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PETITIONER HAS INNING

Mr. Crouch, of Washington, and Others Testify In Behalf of Mrs. Fleming

MRS. FLEMING'S STORY

Mrs. Fleming's Father Tells of Visits to Washington to See Her People—Miss Pauline Crouch, Sister of Petitioner, Testifies to Differences Between Husband and Wife—Often Abused Wife Severely—Bartlett Wise Figures Prominently in Celebrated Case—Miss Nannie Rogers on Stand—Yesterday Afternoon's Session.

Mrs. Nelle Claire Fleming, the petitioner in the habeas corpus proceedings for the possession of the two small children, was the chief figure in the supreme court room today. Mr. Percy B. Fleming, the respondent went on the stand yesterday afternoon and narrated the joys and sorrows of his wedded life, concluding his testimony today.

The respondent rested its case shortly after 11 o'clock and the petitioner then introduced witnesses. Their testimony was all more or less favorable to the petitioner, no serious contradictions being brought out on the cross-examination.

Dressed in black skirt and white shirt waist, Mrs. Fleming took the witness chair and without any hesitation answered questions put to her by counsel. She related all the incidents that have been gone over before by other witnesses.

Mr. Percy B. Fleming again went on the stand at the opening of the court today. Col. Hinsdale cross-examined him with reference to the telegram sent to the Pullman conductor as to Mrs. Fleming's returning alone from Washington. Then he was asked as to the number of persons he had told of his family troubles. He then told of his visits to Washington, a part of this time being spent with Mr. Crouch. One night he was very much under the influence of whiskey, Mr. Crouch taking care of him.

He remembered taking his little boy to Lousburg; Mr. Crouch came down and talked over the Winder matter with Dr. Fleming; this was adjusted in a way. Mr. Crouch agreed with witness as to the discretion. He told Mr. Crouch that for the sake of his children and love he bore "that little woman," he was willing to go back to live with her.

Mrs. Fleming, he heard, took a buggy ride with John Winder. She denied going with Winder. Asked if Mrs. Fleming did not say that she had gone to the florists and there saw Winder, witness said she told him she went to look for a woman to make rompers for the children. The florist did send a fern ball, but witness thought it was an excuse and gave it away. He did not remember how long the fern remained—from one minute to two weeks.

Mr. Fleming said his wife did not tell him that she had bought cloth from Dobbin & Ferrall's for baby clothes. Witness was excused.

Dr. Fleming Recalled. Dr. Fleming was recalled by Mr. Spruill and asked if he had made any examination recently of the alleyway and entrance in the rear of the Tyree studio. He said he had. He drew a diagram of the location, showing where the alley entered, pointing out trees, and showing that the steps in rear of building seem to lead to a photograph gallery, skylight, dark room, etc. Entrance to the Grand Theatre from Wilmington street, he said, was used by negroes only.

Col. Hinsdale here took the witness and questioned him about distance of building from Wilmington street. He thought the light in the theatre might light the sidewalk, but thought the trees would shade the alley. He said he had only been in the front entrance of the Grand at night. He said the stairway went up straight from the ground. There is a window next to the stairway opening from the book store. The house next to alleyway is occupied. He told more about the trees in the alleyway.

Dr. Ashworth On Stand. Dr. W. C. Ashworth, a nerve specialist of Greensboro, was next put on the stand. Mr. Douglass wanted to show that Mr. Fleming's condition was due to nervous trouble. His testimony was not admitted.

The respondent then rested its case with the exception of another witness, who has been subpoenaed, the petitioner putting its side forward.

For the Petitioner. Mr. H. E. Cronin, of Washington, father of Mrs. Fleming, for twenty-four years with the treasury department, told about Mr. Fleming's visits to Washington—the first time in August, 1909, and the second time in August, 1910. He told of a visit he made to Raleigh with reference to the John Winder matter. This was discussed pro and con. He was called here by a telegram from Fleming, who had gone to Lousburg. Next day the matter was discussed, both agreeing to drop the matter for all time.

Mr. Crouch met Mr. Tyree while here. Tyree was present at one conversation. Witness has been here three times in the last month. On one occasion in the two or three weeks, Mr. Fleming said he did not believe he could prove any criminal conduct on the part of his wife. He told of his visit here in March 1910, when he stayed at the Flemings one week straightening out the John Winder matter. He did not remember about a trunk being taken out of the house. He was not questioned by the respondent.

Mr. Charles R. Briggs. The next witness was Mr. Charles R. Briggs, an insurance man, remembered the time when the Fleming children were taken to Lousburg. Mrs. Fleming came to his house about 8 o'clock the evening before. Mr. Tyree came about 9:30 and did

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COMMITTEE WANTS PAPERS

All Records of Pure Food Decisions That Were Later Changed Called For

WILEY AGAIN ON STAND

House Committee Wants to Show Why Decisions of Pure Food Board Were Later Changed Through the Protests of Interested Manufacturers—President Will Probably Not Settle the Case Until After Congress Adjourns—Other Matters Have Kept Him From Going Into the Case in Detail—Believed That President Will Have Criticisms for Others Than Dr. Wiley.

Washington, Aug. 18.—All records of the department of agriculture, embracing copies of the pure food decisions or regulations, changed through "protests of interested manufacturers" will be called for by the house committee investigating the charges against Dr. Harvey W. Wiley. Wiley was again a witness today. The President does not intend settling the Wiley case before adjournment of the present session of congress.

The session's closing days have provided so many important matters, the President has been unable to take up the case in detail. If adjournment comes within a few days, the papers in the case will be taken by the President to Beverly. That there will be some criticism of department of agriculture officials besides Wiley, is the belief.

Killed on Merry-Go-Round. Fort Fairfield, Me., Aug. 18.—One was killed and several injured last night while riding a merry-go-round, at a church picnic. The boiler by which the merry-go-round was operated exploded.

Oldest Inhabitant Dead. Mountain View, Mo., Aug. 18.—Mrs. Rachel Blount, southwestern Missouri's oldest inhabitant, died today, aged 113 years.

Rumor Has It That Company Is To Be Formed To Develop Power on Tar River—Farmers' Union Activity.

(Special to The Times.) Oxford, Aug. 18.—It is rumored that a company has been formed to develop hydro-electric power on Tar River about eight miles from Oxford in Granville county. Parties connected with this company have been making enquiries as to the possibility of purchasing the Oxford electric and local lighting company, as an outlet for the power developed on Tar River. Nothing definite can be learned at this time but there seems to be considerable interest for this power if developed would be a great advantage to Oxford and surrounding community. Tar River runs for over thirty miles through the best part of the county and it is probable that in the future will furnish a sufficient supply of white coal not only for a large amount of manufacture and transportation but also supply power for the farms. It is possible that at no distant day a farmer can have his home and farm wired up and a great deal of difficult operations performed by merely turning the button.

The farmers' union in the county is beginning to show considerable activity. They have been having numerous meetings lately and it is reported that they are making preparations to pool a large part of this year's tobacco crop. A large amount of stock has been subscribed for the purpose of erecting buildings for storing and prizing the tobacco. Every local union in the county of which there are twenty-five, is to have a meeting before next Saturday to take up the matter of subscriptions to stock in the corporation and to gather information and report as to the amount of tobacco each local will pool. The leading farmers of the county are behind this movement and there is no doubt that something will be accomplished.

Marquis of Queensbury Comes to America. New York, Aug. 18.—Marquis of Queensbury arrived today from London. He says he will make America his home if he can find something to do. First of all, he is going to look over the mining field. He expects to bring over two sons and let them grow up with the country. He leaves England without regrets and cares little for his title.

Togo Resting Today. Boston, Aug. 19.—Another day's complete rest was planned for Admiral Count Togo, who suffered yesterday from an attack of acute indigestion. Togo had planned to leave this afternoon for Niagara Falls.



Miss Jeannette Rankin, of New York, one of the leading suffrage speakers of the country, who will be sent to California by the suffragettes of New York to help their sisters win the campaign for equal franchise, which comes to a close with the election on October 10th. The funds to pay Miss Rankin's way to the coast are being raised by a "self denial week," during which the women have pledged themselves not to indulge in any luxuries, but to save the money for the "cause."

UNDERWOOD SAYS THE BILL WILL PASS

Washington, D. C., Aug. 18.—The adjournment of congress to the middle of next week at the latest and the passage of the cotton bill, with amendments, including the iron and steel schedule, was Democratic Leader Underwood's prediction.

ADJOURNMENT OF THE SPECIAL SESSION

Washington, Aug. 18.—The adjournment of the special session of congress before Tuesday is confidently predicted by prominent members of the house and senate. Many members are preparing to leave Washington Sunday.

INVESTIGATION OF WISCONSIN SENATE

Washington, D. C., Aug. 18.—The special senate committee appointed to investigate the election of Senator Stephenson, of Wisconsin, decided to begin proceedings in Milwaukee, October second. Senator Heyburn, the committee's chairman, said the report might be ready soon after the regular session meets in December.

STEEL KING LOST WAD

New York, Aug. 18.—The statement that a "steel king" lost \$140,000 against a "crooked" roulette wheel at one time in Atlantic City is made in her suit against R. L. Betts, her husband, by Mrs. Anna Betts, for separation and \$25,000 a year alimony. She doesn't name the "steel king" but it is said he is assisting the district attorney at Atlantic City to eliminate gamblers from the resort.

HOME RULE FOR SCOTLAND

London, Aug. 18.—The desire for home rule in Scotland is assuming a more concrete form. As a first step Sir Henry James Dalziel, newspaper proprietor and Member of Parliament for Kirkcaldy Burghs, introduced in the House of Commons this afternoon a bill to establish a legislature in Scotland to deal with purely Scottish affairs.

Cyclone in Arizona

Phoenix, Arizona, Aug. 18.—Damage estimated at two hundred thousand dollars, was caused by a cloudburst that swept over Winkelman and Hayden. One woman was killed and her son injured by falling timbers. Nearly two hundred buildings were blown down at Winkelman.

California Day at Astoria

Astoria, Ore., Aug. 18.—"California Day" was celebrated at the Astoria Centennial today and was made notable by the participation of several hundred visitors representing the commercial bodies of San Francisco and other California cities.



Miss Katherine Force, who wishes she were "a man" to punish the critics of the Astor-Force union. Miss Force, who is a sister of Madeline Talague Force, the fiancee of Colonel John Jacob Astor, declares that the Rev. Mr. Richmond's calling about prevents him from "other than legal action." Miss Force is the first member of other family in the union to come back at the Philadelphia minister who scores the "Astor-Force disgrace," as he calls it.

THE STRIKE SITUATION

Not As Bad As Could Be But Too Bad For Comfort of English People

GENERAL STRIKE ORDER

Order for General Strike on the Railways Only Partially Successful—Military Holds Possession of Freight and Passenger Stations—50,000 Troops Arrived in London During the Night and Morning—Government Extending Its Efforts To Avert General Stoppage of the Country's Transportation Service—Efforts at Peace.

London, Aug. 18.—The strike last night by the Amalgamated Society of Railway Servants and allied organizations, was only partially successful, at noon today. The military held possession of the stations, to protect men desiring to work, and to guard the companies' property. In the meantime the government is continuing efforts to avert a general stoppage of the country's transportation service. The railroad managers and union officers held a conference to consider the suggestion for the appointment of a royal commission to investigate and report what amendments should be made to conciliate the agreement existing between the owners and the employees. The railroad managers agreed to this plan. The employees rejected it. Chancellor David Lloyd—George states that he believes the employees would accept the proposed arrangement when its purpose is fully understood. Fifty thousand troops arrived here during the night and this morning. The troops were placed chiefly in the passenger and freight depots.

Camorrist in a Fury

Viterbo, Aug. 18.—Giorgio Bertolzi, one of the accused camorristi, who for weeks, in the case of the courtroom has been busily weaving an elaborate design of cloth over the bars fell in faint when he found they had been taken off. He was in a fury on recovering, tearing off his coat and shirt and remaining half naked. All efforts to calm him were futile.

Big Plant to Close

Pawtucket, R. I., Aug. 18.—The big plant of the J. and P. Coats Company, will shut down at the close of business tomorrow and will not resume operations for at least six weeks. Twenty-six hundred employees will be thrown out of work temporarily. Lack of orders is said to be responsible for the shut-down.

Town Makes War on Birds

Montclair, N. J., Aug. 18.—This town is making war on all birds. Special police park employees are out every night with shotguns shooting them from roosting places. They kill hundreds of robins, sparrows, and blackbirds. The residents complain the noise of the birds annoys them.

California Day at Astoria

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COTTON BILL GETS THROUGH

Democrats Put It Through the Senate But With Many Amendments

SOME NOVEL SCENES

Unusual Proceedings in the Senate in Which the Republicans Leave the Democrats—Democrats Then Promptly Leave Their Insurgent Allies in the Lurch and Pass Their Own Bills—Regular Republicans Absented Themselves From the Chamber to Escape Voting—John Sharpe Williams Threw the Hook in the Sugar Schedule and Voted With the Republicans.

(Special to The Times.) Washington, Aug. 18.—Ending a day replete of abrupt and novel changes of situation, the democrats of the senate without republican insurgent help passed the cotton bill with amendments deeply affecting chemicals entering into the manufacture of cotton goods and materially lowering duties on cotton mill machinery and all products of steel and iron.

By refraining from voting a coterie of regular republicans led by Penrose, of Pennsylvania, broke the back of the insurgent-democratic coalition, gave complete control to the democrats, and enabled the latter to race away with all propositions upon which they could muster the solid vote of their side.

The oldest legislators do not remember any similar proceedings in the senate, and many experienced observers looked upon the trick as more benefitting the Illinois (or a similar) legislature than the dignified United States senate.

Senator Simmons' amendment cutting the duties on cotton mill machinery 20 per cent and Overman's intricate proposal knocking 25 per cent off of the existing duties on all dyestuffs, etc., used in the manufacture of cotton goods, were adopted.

The amendment offered by Bristow, of Kansas, taking up the sugar schedule, was defeated because seven democrats left their party and voted with the republicans. These included John Sharp Williams, of Mississippi, who has been championed by a North Carolina editor as the type of democrat whom men like Simmons and other North Carolina statesmen should follow, Bacon, of Georgia; Johnston, of Alabama; Tamm, of Georgia; and Foster, of Alabama.

Democratic senators were especially surprised at Williams, because he has been posing as a democrat who stands by the party at all times. But when the sugar interest was about to be disturbed he found the brilliant Mississippi lined up with the republicans and the sugar trust. But it only goes to show that a man's tariff views are generally guided by what is produced at home.

In passing the cotton bill with the amendments adopted, taking up the iron, steel, rubber, dyestuffs, etc., the senate democrats have taken Representative Webb's resolution, offered in the house earlier when the cotton bill was reported, with the exception of the sugar schedule, which was defeated by a man who criticized Webb for not submitting to the steam roller. When the cotton bill was reported to the house caucus, Mr. Webb talked for nearly an hour, urging the democrats to adopt his resolution, providing for a reduction in iron, steel, etc., before the radical cotton bill was passed. He was defeated in his efforts, but the senate lawmakers thought he was right and now the house will be compelled to go back and do exactly what Webb asked them to do a month ago.

Representative Webb today received a letter from the agricultural department in regard to the destruction of timber near Grover and Kings Mountain. The department officials say that if it is pine lumber that is being destroyed, that it is very likely being done by the Southern pine beetle. The agricultural department is making every effort to have this pest eradicated and they say that a special agent will be in or near Charlotte in the near future to lecture on the subject and giving the farmers such information as will help them to protect the timber.

These North Carolinians are here: C. B. McMillan and wife of Fayetteville; Prof. J. A. McArthur, a prominent young educator of Cumberland county; Dr. and Mrs. A. H. McGeachy, of Charlotte; Mrs. E. W. Stitt and sons of Charlotte; O. A. Austell, of Earl; J. B. Sonney, Patterson Springs; D. J. Koeter, Grover; John W. Hutchins, Charlotte, and J. Lester Henderson, Grover.