# MARSHALL'S DAY SHOWS UP WELL

Politz Denied Marshall's Implication in Case

EVIDENCE GIVEN BY CAPT. W. H. DAY

Politz Told a Federal Prisoner that Marshall's Implication Meant His Freedom-Confidence Shown by Counsel for Defense.

In the Federal Carr this morning the counterfelling case was continued. The last witness for the gove ernment was heard and a few of the witnesses for the defendant were placed on the stand, with the result that the Government's strength of yesterday was greatly damaged by the first witness for the defense and the testimony given by the convict Politz was crushed absolutely. The character of the witnesses for the defense will, it is thought, have the

greatest weight with the jury.

Theodore Darkley was the first witness placed on the stand. He was recalled a for the redirect examination and was closely questioned by counsel for defense regarding certain statements in his testimony of yesterday. It was proven by the recalling of this witness that he had made conflicting statements and he admitted beying said on outh that he knew of the counterfolding and denying it to Mr. Perry afterwards. At the conclusion of Darkley's reflect examination District Attorney Bernard rested the case for the Gavernment,

Counsel for defense requested a few minutes time for consultation on the grounds that several hours time would he sayed thereby. This was granted by

George Thomas, a negro porter from Wilmington, it stiffed that he had known Nicholas Peditz ever since the latter came to Wilmington, and that he had worked as joiner for Politz at 83 a week from October 1897, till April 1898, when Politz's establi-hment was burned He restified that at all times bedid the sweeping about the establishment, but his testimony was our short by objection from the District Attorney, On yesterday Politz stated on the stand that George Thomas was never in his em-

It was the intention of the State to have ruled out the testimony of George Thomas on the ground that it was ed-lateral existence, and therefore not to be admitted. Judge Pario it permitted the examination to continue.

Thomas, in continuing his testimony. told of having swept from the room something which he took to be lead. This, after words from Politz he brought that in 1897 he had several bars to place in the box for Politz. The District Attorney here objected to the question if melting pots or moulds had been seen thout the room, but Judge Purnell stond by the defense, and Thomas described the counterfeiting outfit used by Politz. These were produced in court and identified by the witness. Thomas testi-fied that he was with Politiz from the beginning to end of his work, and that during that time he never saw Mr. Marshall at the place or with Politz, but that a consin of Politz came every He testified that Politz had few days. attempted, in his presence, to pass half a dollar on Mr. Sedberry, also other cases, when he (Thonges) was sent to purchase different articles with fiftyeent and one dollar pieces in silver and with one and two dollar bills, which were refused by the merchants. When Politz tried to pass the money on Mr. Sidberry there was a quarrel. This occurred on the Saturday night before the After the fire Thomas worked at the market until Politz opened ugain, On cross-examination by District At torney Bernard, Thomas held his own. Captain W. H. Day and E. S. Martin,

f Wilmington, were sworn.

Mr. Martin was placed on the stand to show the good character of Mr. Marshall at the present moment. To this Mr. Bernard objected, and the court sustained the objection, Mr. Martin was taken from the stand.

Captain W. H. Lecy, Superintendent of the State Penitentiary, where the wit ness Politz is confined, was placed on the stand for the purpose of showing that Politz, contrary to his sworn feet mony of yesterday, had, at a states denied to some person that Mr. Marshall had been connected with the

The objection on the part of the Gov. ernment to Captain Day's testimony on the ground that it was collateral and that Politz had not been put on his

Politz was, therefore, recalled to the stand and there, after being put on his guard by Mr. Bushee, of counsel for dedenied again ever to have men tioned Mr. Marshall's name to Captain He stated that a letter addressed to him was kept for three weeks by Captain Day and that the latter refused to give him his letter. That when it was given to him it was open and that he could not see any name signed to the The letter was in Greek and it is thought that Captain Day did not read the letter. He testified that he had mentioned Marshall's name only one

Captain Day was then recalled to the stand. He testified that four or five months ago, in the latter part of Au-gust or September, 1800: "Mr. Perrin Busbee askew me if he coul talk to Politz except in the presence of no other I gave order that he should be allowed to talk with him. I do not know if they had the conversation, Some days later I heard rumors that caused

me to send for Politz. I told him that | if he testified in the case his testimony would not affect his treatment in the penitentiary. I told him to give the frith, no notice how great pressure was brought to bear by any one. He thereupon told me that he could not write English and that he got Mr. Mar shall, his lawyer, to write for certain stuffs and that the first package came C. O. D. He stated that Mr. Marshall was in me way connected with the counterfeiting, but that a fellow Greek was his (Politz's) accomplies." Captain Day said that be sent the letter received for Politz to Dr. Eben Alexander, Professor of Greek at the University of North Carolina, asking that he make two translations of the letter, to send one to Politz's wife and one to the Penitentiary. The letters from Politz to his wife were sent to Dr. Alexander, and when there was nothing improper in letter they were forwarded to Politz' wife. Cost. Day stated that applicants to see Politz were all granted that privi lege. Mr. Busber never stated to him that he had talked with Politz.

Mr. Bernard asked Captain Day it is was his day, as Superintendent of the Penitentiary to take copylets to his of thee and arge them to fell the fruth, Cap tain Hay pointed his finger to Me, Her nard and redied that it was tos cut; as Succeiptendent so do that when came to his knowledge that certain or ficials not connected with the Pentien tiary were trying to make the men tell lies. Continuing Captain Day said:

"Mr Bechard: But for the fact that I heard that officials in that perfect acy were trying to influence Politz I would never have per my hand in the matter This led to certain question on the tax of Mr. Remard that were extindered simulating in their tone and parmet, a when Captain Day had stood aside, t Argo told Mr. Bernard that his (Bernard's words should and must be retable in the court roots,  $M\tau_{\rm c}$  Bernard retracting when he had said, but within Col. Argo the 'it was not lone on or-count of his words rid that Captain Day old not need Col. Argo's protec-tion, which called forth the remark that induing from the sizes of Mr. Hernard and Contain Day the statement was pro-

buidy anti-rely true, Chas. Selacidear, Chief of the Wilming ton Fire Dept., testified that he visit of Politz and that the latter field him it would be impossible to implicate Mc. Marshall in he trouble, as Mr. Marshall feiting. Mr. Schmibben's restimony was strong for the defense throughout, Charles S. D. Hawkins, of Hunting

en. Tenny who was at one time tined in the Friderich Prison in the State Prison in the State Prison in the State Printerior, and that aluming hast year Points and to him that it be could be alloue. Mr. Marshall in counterfailing, it would be for his (Politz's) good and would executely seems his release. That Marshall would be put in the posi-That Marshall would be put in the particularly and he would be released, then, he said, if Marshall would be released, then, but said, if Marshall would be could get out by addicating some one else, On cross-variation he told Mr. Bernard that Polity had stated to him to the renitations that Marshall was but something which he took to be lead; This, after words trom Polliz, he brought back into the house and placed in an old cheroor hox, which sat in the window, out of sight from the street. He stand [825 it illy world relify that Polliz he had several hers to doubt them of Marshall was bind that in 1897 he had several hers to doubt them of Marshall showners. told them of Marshall's inner are. The witness denied even flaving discussed the Marshall case with the prisoners narrow. Mr. Farnard west so far in his cases

examination to alternative draw from the witness a statement that Mr. Irishall Meures, et e unsel for defendant, had affered him money for such evidence. This caus d a slight scene in the court goom, but Mr. Bernard avoided making the questica to a pointed. He called for the present Mr. Meanes to Mr. Haw-

At this point the court level it propose until 3 o'check.

### \$7,660 FOR OLD BONDS

#### Treasurer Worth Receives Four Construction Bon'ls Signed by Govs. Reid and Bragg.

State Treisurer W. D. Worth reday paid out \$7,000 en old State bonds which had expired nearly twenty years ago. These four bonds were received from J. and S. Furgerson, 11 Pine street, New They were for \$1,000 each and York. and 122 company for \$30 each attached. Thus the conjous amounted to \$3,000 and the bonds \$4,000, making \$7,600. These books were authorized by the egislatures of 1849 and 1852 for the onstruction of the North Carolina Rail road and three were signed by thevernor David S. Reid and one by Governor Thomas Bragg

Treasurer Worth says that there are 16 of these bonds still out.

### THAT STREET SIGN

### Case of Messrs. Sherwood Higgs & Co Comes Up Tuesday,

The criminal term of the Wake county aperior court will begin next Monday.

On Tuesday the colorated Higgs sign case will come up. Messes Sher-wood Higgs & Co, will be indicted for failure to comply with the city anti-Indige Hoke presiding. streat-san ordinance. City Attorney W. I. Watson is now working on the case. The defendants are represented by Mr. R. O. Burton.

For Raleigh and vicinity: Face to night: fair, much warmer Saturday. The area of high barometer lingers over the middle and south Atlantic states and keeps inc temperature compartively low in the east, although it above freezing in the central valley. The lowest temperature in the cost is 18 degrees at Washington. A storm is forming over Texas with rain in that vicinity. The weather is cloudy in the south, west of the Mississippi, and n the cast Lake

Today is the last day, of the week's special sale at Woollcott's, Read their ad and see the great bargains offered,

region.

# NO DANGER OF LYNCHING ROSS

Raleigh Light Infantry Quartered at the Lumberton lail.

LUMBERTONIANS INDIGNANT AT THE PRESENCE OF TROOPS

Indignation Meeting Discussed-Gov. Russell Says It was a Difficult Case Believes that Sending Troops Insured U holding Law Pending Investigation.

Special to the Times Visitor. Lumberton, N. C., Jan. 5. The Ral-ght Light Infantry is guarriered at the fail and all is quiet. There are to directs of tynching and there have been Russell for sending moons here withour gags a-fed for or model is intense, He is being stonesmood on the streets ion fails to accord the source of any remest for the que. Amorneys deny that hey made ... A public meeting is excomes the Conservate action Opinero es arraminous absă die megeo

gardy and should hang. Tree, s will certainly remain and the

Boss accorned the news of his reprieve with absolute indifference. The jailer saxs that he is the first prisoner he over had to thus are. Even today he has been desafing visitors to the jail for

have regle in Selfa Col. Z. P. Smith, age, J. J. Europel and a detachment of try unapplied to the peritentrary woods, boarded as social train and started for Emberron, them. Bernard opened his scaled orders only after the train had carrod. The image wase ordered to Lumberton is keep the peace and prewith the bar-libry of Reulem Ross, a neuro charact with a numbers chare upon a white woman at Red Springs, who had been convicted and carrence to a fee hanged, but Governor Bussell gave thin a 30 day respite the cender. It's and pesterday, exceeded the Respirate.

Upon receiving the special above pointed a regarder of The Times Visiter called monetic action Russell at 3 o'clock received fur ber information from Larnberron today. Gov. Russell said that be had not, but he tolked carmedly with the repeter about the case and it was evalent that he is envious simply to uphold the law and see that justice done. The matter is receiving his clasest attention and be admitted it was need

perploxing.

Gov. Russ it says that the epiaton that the scene of the crime. Robeson's rep resentative in the legislature, the may ers of several towns and six of the came 6000 w five people who live in a raall the merchants of Maxton petition Generalor Reseaft to extend him execut--demense.

A large amount of new testimony cough) out since the trial has been preand I to the Governor, which is in ayor at the prisoner. From the positioners it is evident there

no politics in the question. Gov. Rossell anticipated that if from ble grose it would be from people near Lumberton and not from Rod Springs. from his equiversation today it was exdent that the Governor never expected abor or constructioner benching but be Truckess element which may be found around any town. Governor Russell ex pressed no surprisa that he was desounce I for signifing troops, but seems o think that the fact that talk of lynching had disappeared was doubtless due to Capt, Bernard's presence with his The Governor could have no ob men. ject in sending troops on a useless trip troy. Russell is studying the case carre

### OCEAN LINER SINKS

#### All of Her Passeugers Saved by the Ship's Boats.

London, Jan. 5. The Great Western Liner Hex struck a rock off St. Samp son's Island, Guernsey, at six o'clock this morning and sank. The erash awake the passengers who numbered in all 32 One sailor was drowned. There was as panie. All behaved courageously and the contain was the last to leave the

A citizen of Asheville, just returned from Salisbury, says he heard a physician of that city say there were 109 case of smallpox in the pest house, and a good many cases scattered throught the city. The Asheville Citizen says that some of the small towns near Salisbury have quarantined against that city, and there is danger that Asheville may have a few cases unless comething is done by the

From other sources it is learned that the authorities in Salisbury have taken every precaution, and that there is little or no danger of a spreading of the dis-

# ALDERMEN TONIGHT

Water Question Comes Up Again Tonight

### ELECTION OF CITY PHYSICIAN

Street Committee Make a Most Interest ing Report on the Work Done in the Past Year.

The locard of addresses will meet to dead in the mayor's bull. A caucus of the Democratic alderment will be held be togethand and several unclears considered, X city physician will be cleared and rich very probable that it will be consolidated with the city. Superintenties of health, 10; J. W. W. Go, Jr. may holds only these post-tions. This consolidation is regarded to verified by all who have mentioned it University Cooks of the water committee will report on the two pending warrants to the Water Company. warrant for the past its meanly is \$2,

To the Herocalde Mercy and Beard of

Your Committee on Space salim

herewith the hallowing report.

We have not have able to do much work on the streets becoming coving to the interest old wentuer. We can hard by expect to do much more work until rebout the tiest of March or the occurs.

We will "less resume work with the newest energy and push is forward astapadly as preside, We have graded and cordest all of the sidewalks on the princijust streets in the city and our effects will be directly mainly in the outer of magnification three streets, which have being grade and curbed. We believe that we will be able with our present and ties to mae admisse at least one ideals per

of fitte to have all of our man thorough COL MINISTER

We expect to continue the culting no-til even to boulk in the easy is graded and entired and has algood brick prebut the work from now surrey of bee all bern butters. ty, not be work of macodamizing i-going to recensions electrophen. We recommend that Hargett

from Berns so the sary times you the east be counted and assessment district. suggested the graviolens of the city setup

Something was said at the last meeting the Street Department, and although the Board voted down the resultition calling from Cored down the resulting stating for the figures. We trust that we will be paradonal for giving these figures in justice to corredves, as fully as we can in a report of this sort. It has always been an entire to design to hear the Benefit as fully solved as possible of every detail connected with our Department. We never undertake any new work with our recommending it to the Board, on out recommending it to the Board, and it has the approval or the Board. We do not believe that any Committee on the Board requires its at parts with more accuracy or example oness than the Street Committee. It is a pleasure for us to do so, and see do, not take it as any reflection upon us when the resolution was introduced in the last meeting from was introduced in the last meeting. is when the Chairman of the Finance Committee showed a disposition to criti-

size the amount of our expenditures, It is true that our exponditures have been large during the jest six months, but we thought it would be better to pass the work during the good mentus when the days were long, rather than wait until the bad weather set in, when t would be impossible to obtain good re-

We think the wisdom of our course has been fully demonstrated in the past few weeks. Suppose we had seen fit to dicide the memory at our disposal into twelve equal parts, reserving one part for each month in the year. Don't you see what folly that would have been end how hadly the city's money would ever being spend?

We believe that mon reflection every me will be convinced of the wisdom of our course. In managing our Depart ment we have studied carefully every de call and tried to pursue that course die tated by good business methods which ould in our judgment seeme the great st benefits to our city. We have tried divest our department of all sentiment and run it on common sense principle The Board can rest assured that when

ver we exhaust the appropriation allot ed to our department we will con-cork. It is not our purpose to spetal a dollar beyond that amount, but we do feel that the best interest of the city will be premoted if the committee is all lowed to say when they can use the money to the best advantage.

Since our last annual report our De actment has spent \$61,051.70, which mount has been spent as follows 5,254 feet of earling %21c. . .\$11,000.34 5,612 sq. yds, granite paving

6724120. 7,000.53 1.132 cubic yards exeavating 

6/271ge. Salaries Street Commissioner Provinder, Harness and re-

Lumber, coal and trees ..... 

#### Expenses of Bond Issue ... Exerciting between present con tract was lot, work of a 40 ii potary natrice on the street.

such as eleming direlies, care corners, city corporator. and other miscellaments

ine, as work during the next two neaths will be very light.

And will see from the above figures had while we have spent a good sum of money we have accomplished with its tremedous amount of work. About en notes of sidewalks have been graded old curbed. Fifteen blocks have been ten notes of sidewalks have been graded and coursed. Fifteen blooks have been timendamized and 15,612 square gards of Washing at Lan 5c Secretary of the granife partial has sweat and, besides Treasury there is proported to make a brick solewalks and other consistentials.

We have the meet soon in this old and may of it. We confidently believe that the Sagoon of the Bond mency of mexpended will make a moreli object showing than all of the mercy hoperators speak on our streets, because we give now arched crames who a every pie cost work

PEACE STREET. Soon affect out the first in I woods the Sold-and Air Low authorities start-ing they words at all in proceed while the work of sea this top Please street. I propried the indexent letter from their

21 have your treated thecember 12 de-

ent. I will send a congruence on Runoule come to neith go on for the no necessary table of the order the uniternit, have the tell to the me giber outsom sent grospeitz and or eeg den 2 placest de zerdanés nem you finj a za year peus ne die neerk an 16 nee,

I do not for a Caroning fully comwide or nervenues work reconnectors there torgy is being contribution denotion.

I trust yet wall; refer us it we one
of the Legist.

### M W CHATHALL STREET CAR TRACK.

The random relating the short street, a mark on Dance should one referred are group. Liver in sections. We have d worst off tred brouten extension to adoxed to remain as it is and that the Street C r Company be not required to pulsed process of their grade down Tax

cape the space to South some The tellor are unional of work has been done if the above to be and

have struct both sixts between Jones and Education

Blesdworth spect, both sides between Moreon and Darsess. Worth server, both seles between Pay energible and McDowell,

Salisbury and McDowell. If the Rule Rill was introduced

Person and thems We have put in 11 sets of corners end put aloxas twoesszone corners Section 500 sugar maple taxes and no endomized two blocks, one on Dawson street between Hargert and Morgan, and one on Morgan between Blount and

The following amount of poxing with stanite blocks has been done during the Convertines proved on Plast same a from

Hargest to Morgan. Two store gateways payed at the west ares of Clay Considera Gurner lines on Morgan street poved

Conter lines on Morgan stress graves from Blengt to Person.

Two open drains on Morgan street: lowered three man holes, pavel side walk with bulck around City Cometery.

rom Hargers to Morgan, The following amount of gradies has can dear during the month Dawson street granted for maradam

rom Hargest to Morean. Bloodworth street graded between Morgan and Nowbern Avenue

lones and Lane Sidewalks graded on East street by

ween Eden on and Jones. Sidewalks on Newborn Avenue graded etween East and Bloodworth. Morgan street graded because Blooms

md Person. Sidewalks graded on Leman street be

ween Bloodworth and East, Sidewalks graded on Bloom erween Hargert and Mergan Sidewalks graded on Jones street

ween Salisbury and McDowell Sidewalks graded on Newthern Account between Person and Boodworth Morgan street graded for neared and between Blumt and Person. Solewalks on Samplers street graded

rom Hillshape to Jones. Newhern Avenue partially graded rom Blomp to Person. Bloodworth street graded from Mor om to Hargott.

1,000 feet of old rock walls form out nd removed. 3 Seven old simms taken up and forty

ld trees taken down and removed. All of which is respectfully submitted.
JOHN C. DREWHY.

Chalman Street Committee,

Manija, Jan. 5.—Colonel Hare, of the Thirty-Third, and Lieutenant Colonel Howse, of the Thirty-Fourth, arrived at 1,390 58 Vigan, province of Hocos, with all the 625 06 American prisoners, including Licatenant Gilmore,

# SECY. GAGE REPLIES

Answers Criticisms in Sulzer Resolutions

#### ACTED FROM NECESSITY

### There Was no Jobbery with National City Bank-Government Simply Made Deposits to Prevent

Washing in Inc. 5. Secretary or the son for adopted by the Horsey Friends say that his statement with make some the weather open with the court of the weather some income and the make some fine weather open with the court of the weather some income and the Harron Mondale. Spring we are proported with Open 10 240. The solution of the Harron Mondale and the solution of the respective weather the solution of the court of the matter of the part of the first matter of the first water the there are the deposite in the X2 thered units. That its stortis, it was not story to have some banking institu-tion which world describers the research see the Consum and marche Trens

#### BOERS ATTACK EPENCH

#### The British Capture their Position After Brisk Engagement.

Hense to done 4. General Comp. of trade of the large of a vigorarish of maken in the Bente discussion of mag. They were not to be a sufficient of the magnetic field with the control of the magnetic field with the control of the magnetic field with the m File position, the test is that point was a very ground that is also point was a set growing at the Birnist to be been able to a robe fight. Nice is their properties to appared and here has a blist and growth for the Birnish to was a principal for the Birnish to was a principal for the Birnish to was a principal.

there has a belief and mornish for a the British to was received. The British to was received. The british was received to the straight of the

Emperor drived late last night fearnise of private despitatos from the Queen. at a mill convey of Kaiser in directly ad-Less up the Queen on affair of State, Leading Law 5 | Unon urgent requests Quality in the pen Parliament February

### WHITE MAN LYNCHED.

Newson News Am June Selling of the nos daring traditions on record col force this morning, when B.B. Wait, nowher mean, charged with a cruel arrack on Mrs. Thomas M. Simpson, was taken rison, the scartion house, warried to the sais a shall distance from the city. fied to smeeck ending and riddled with

## MR, F. L. BAILEY DEAD

### Passed Away This Afternoon-Funeral Tomorrow Afternoon.

Mr. Drank L. Bailey died this after money at 1:10 at his bone, corner of the gett and Person strong, after an albest of genty four week. However, he has not been southerd to 15 feaths during his mire Buss. Mr. Buley was him over Rolesville

Plue the post ten vent the Has meen in ligsings with some At the time South the was associated with Mr. R. O. Poeldie In the groupy business authoritie from matter of P. I. Budey & Co. Mr. Budey beaves a devoted wife most Miss Warster of Pranklintent and three distinct Miss talk and Masters Joseph

and Frank Balley. Few may had warmer felonds in those He was a great transcribing Mr. Barby. to his tandle and least and render to his trends. He death will be sincerely dop with a nil a no knew him. We be

he commenced.
The fugacid will be held three the Paper atti na met ..

### DEATH OF MRS. OLIVER.

Notice these property of these afternoons of he death of Mrs. Charles Oliver, of Demeille, Va. Mrs. Officer was a sister of Mrs. J. W. Rether and Mrs. J. J. Johnson, of this city.

### RISSIAN TROOPS MOBILIZED.

St. Petersburg, Jan. 5,-Russian troops are reported today as nearing Herat. Transcaspian troops of the Imperial army are also being mobilized. reports are confirmed by officials well informed of every move made,