

FOR REVISION BY PIECEMEAL

Cummins Lead off—Agents' Plan is Not Popular—Commission Now Appears More Probable.

DISTRICT ATTORNEY HOLTON IS EVIDENTLY NOT UNEASY

President Seems in no Hurry to Disturb Him—North Carolina Delegation Meets to Endorse Champ Clark for Speaker.

Gazette-News Bureau, The Hotel Hamilton, Washington, Dec. 15.

DISTRICT ATTORNEY HOLTON came here for a talk with the department of justice officials and went to Richmond last night.

The democrats of the Carolina delegation are holding a meeting this afternoon in the office of Congressman Page and will doubtless take formal action favoring the election of Champ Clark as the next speaker.

Morehead is Mad.

Things are eventuating every minute in Tar Heel republican circles today. Several leaders of the Butler-Morehead faction are here in response to telegrams and have achieved a flying wedge formation for a descent this afternoon on the White House.

Field Day in the Senate.

Tuesday proved a sort of field day in the senate when Mr. Cummins, the militant Iowa insurgent, urged the adoption of his resolution designed to amend the rules as to enable congress to revise the tariff, schedule by schedule, and there was almost as much interest felt in the address, delivered today, in reply to Mr. Cummins, by Mr. Young, the newly chosen senator from Iowa.

LaFollette makes a better speech, perhaps, but then that gentleman spends a great deal of time on his speeches. It is the capital that is Mr. LaFollette's wont to get sick about a week before he is due to speak, and every moment of that period of convalescence is devoted to marshaling his facts and figures, with the consequence that when the time comes for him to take the floor he is filled with the estimation of those who believe that the present session will determine whether Cummins or LaFollette is to lead the opposition to the re-nomination of the president.

SENATOR YOUNG OF IOWA MAKES MAIDEN SPEECH

'You've Got to Come Back to Father's House,' He Tells His Insurgent Colleagues.

Washington, Dec. 15.—Senator LaFollette, in his maiden speech today, asserted that the use of the word "progressive" was inadmissible. "It is an apology for being caught with the gang," he said. Addressing the insurgents directly he added: "You've got to come back to your father's house. I tell you when democrats are elected to the seats of William McKinley and James A. Garfield the circumstance should give you pause."

Twelve Men in Burning Mine Shaft.

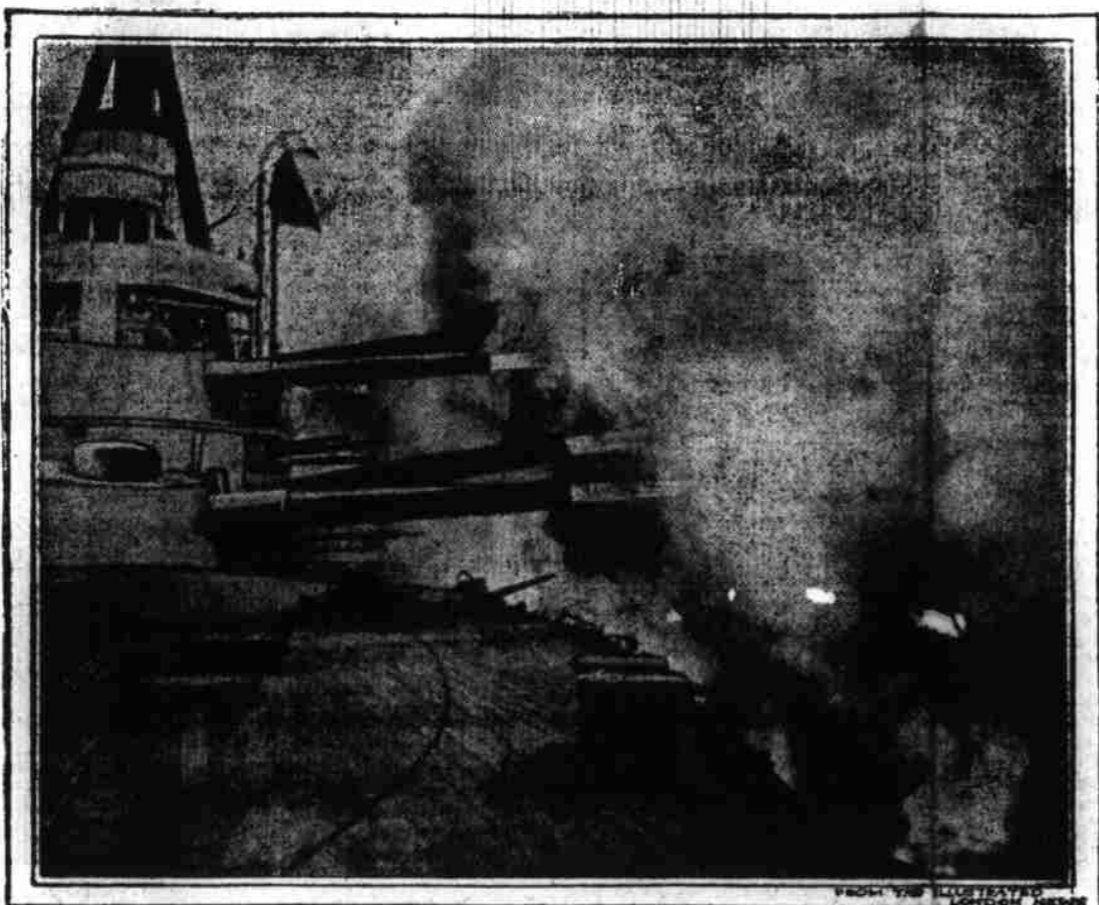
Denver, Dec. 15.—Twelve men are entombed in shaft No. 2 of the Leyden Coal company's workings, which is a fire. It is feared all these men are dead.

Heavy Flood Damage in Italy.

Rome, Dec. 15.—Floods have caused heavy loss to live stock and much damage to other property.

Norfolk, Dec. 15.—The four-masted schooner, George M. Grant of New Haven, Conn., coal laden, from Newport-News, is aground on Thimble Shoals.

Broadside From the Battleship Sao Paulo



Rio Janeiro, Dec. 15.—The chamber of deputies unanimously passed the bill placing Rio Janeiro in a state of siege for thirty days. Although the city is quiet and the naval mutiny is apparently at an end, the fact that the government is taking such drastic measures gives rise to the belief that the rebellious movement has not been

entirely crushed. Many prominent politicians of the opposition party are being closely watched by the police under orders from the government. The crews of the battle ships San Paulo and Mines Geraes sent a wireless message to the president saying they feared they were to be attacked by destroyers. The government replied that this fear was unfounded, but later the sailors aboard these two battleships, with their officers, came ashore and have been sent to Villegacion Island.

The multi-ton marines on Cobras Island have formally surrendered to the government troops occupying the barracks. The government replied that this fear was unfounded, but later the sailors aboard these two battleships, with their officers, came ashore and have been sent to Villegacion Island.

Asheville Wins Important Paving Case In the North Carolina Supreme Court

The Case Was That of Schenck and Johnson Against the City of Asheville and Had to Do With Southside Avenue Paving—Court Dismissed Suit

\$80,000 to \$70,000 Involved.

In dismissing the action of Schenck and Johnson yesterday, involving the validity of the Southside avenue paving, the Supreme court handed down an opinion of great importance to the city of Asheville since about \$60,000 to \$75,000 was involved in this particular case, but had the opinion of Judge Justice been affirmed, other litigations involving other paving assessments might have followed in quick succession. The litigation was started about six months ago by some of the Southside avenue property owners who alleged that the petition upon which the board acted in ordering the pavement was defective and therefore the city was without authority to make the improvement on account of the statute requiring a petition from owners of a majority of front feet on the street before any improvement is made. The plaintiffs took the position that this was a jurisdictional matter and in the absence of a valid petition the board of aldermen was without authority to make the improvement and therefore the assessments were void. The city was ably represented by City Attorney S. G. Bernard who, in

perhaps the most important case the city has had in many years, proved himself fully capable to handle the situation. He contended that the petition was valid on its face and if it was defective in any respect, the plaintiffs should have taken advantage of that fact by appeal from the action of the board in adopting the report of the city engineer at the time, and upon their failure to prosecute such an appeal, they were barred from any recovery thereafter. In other words, the legislature having conferred jurisdiction upon the mayor and board of aldermen, the question of whether or not they had jurisdiction to make the improvements on Southside avenue was a question of fact to be determined by them and when so determined, no appeal having been taken from such decision at the time, all parties are estopped to collaterally attack their judgment. A special from Raleigh to The Gazette-News today says relative to the opinion: In the suit of Schenck and Johnson vs. Asheville in which the plaintiffs sought to prevent the city from collecting assessments against their property for street paving done two years before without their protest and in which other property owners had paid

their assessments, the Supreme court, Judge Clark writing the opinion holds there was error below in granting the restraining order against the city and dismissed the action, declaring that "Having been silent when they should have spoken, they cannot now be heard when they should be silent." The court declares that especially are the plaintiffs without equity when for five years they have stood silently when the street before their doors was being improved to the enhancement of value of their property. Having made no complaint until after the work was finished the cost thereof cannot now be shifted upon the shoulders of all the citizens of the town, many of whom have already paid their own assessments for similar street improvements by their own property. The court holds that even though there was a jurisdictional defect through certain property owners having signed the petition for paving through "agents," the plaintiffs made no objection to the order at the proper time and have forfeited their rights by such long acquiescence. The property signed for through "agents," above referred to is the Smith estate property for which C. H. Miller signed for the rest of the estate.

BANDIT, SINGLE HANDED, LOOTS PARADISE BANK

He Forced Cashier to Unlock Safe; Then Tied Him and Four Others.

Salina, Kan., Dec. 15.—A bandit, single-handed held up the state bank at Paradise today securing \$25,000. He forced the cashier to unlock the safe. He tied the cashier and four other men with rope before he left with the loot.

Canadian Farmers Demand Better Relations With U. S.

Ottawa, Ont., Dec. 15.—One thousand prosperous Canadian farmers assembled here today to formulate demands on the federal government. The initial demand is for the abolition of customs duties on agricultural implements and for better commercial relations with the United States.

Steamer Colorado Unmanageable at Sea.

New York, Dec. 15.—The steamer Colorado of the C. & G. Line sent word by wireless this afternoon that she was unmanageable in a gale off the coast on her way to this city from Boston.

Representatives Cook Dead

Philadelphia, Dec. 15.—Representative Joel Cook of Philadelphia died this morning as the result of a second stroke of apoplexy, suffered in Washington several days ago. He was 69 years old.

BIG INVESTMENT CONCERN RAIDED BY GOVERNMENT

A Part of General Movement to Stop Operations of Get-Rich Quick Concerns.

Chicago, Dec. 15.—Secret service officials today raided the offices of the Capital Investment company. The main office and four branches were visited and papers and records were confiscated. Simon McHie, chief owner of the company, it is said is in Florida.

Standard Oil Hearing Continues.

Gazette-News Bureau, Chamber of Commerce Rooms, Holleman Building, Raleigh, Dec. 15. Prohibition leaders here are insisting that the legislature must, when it meets in January, patch up a loophole in the state prohibition law developed in the opinion of the Supreme court in the Colonial club case of Charlotte, delivered yesterday, in which the court reverses a \$500 fine of Judge Long against the club for holding in indiscriminate storage and dispensing to members through a coupon book system beer or other intoxicants—co-operative bar-rooms, as Chief Justice Clark and Justice Hoke term them in dissenting opinions. Prohibitionists are asserting that as long as the majority opinion of the Supreme court stands as a law in this state the prohibition law is not worth the paper it is written on.

Ten Days to Christmas.

Recall That Riot About the Gift For Father?

DECEMBER 15.

PROHIBITION'S SWATTED HARD

Both Sides Seem to Agree That That is the Temporary Effect, at Least, of Decision of the Supreme Court.

ASSEMBLY MAY BE ASKED TO ENACT ANOTHER LAW

Both Sides Keenly Interested—Prohibitionists in Raleigh Say Law is Not Worth the Paper it is Written on.

NEWS of the decision of the Supreme court of North Carolina in the case of the Colonial club of Charlotte, handed down late yesterday afternoon, was received here by the prohibitionists and the anti-prohibitionists this morning with feelings of sorrow or joy as the case might be. The decision, with the court divided, was distinctly in favor of the "morally stunted." The court held in effect "that there is no violation of the state prohibition laws for a club to be the medium for the purchase of beer in quantities for members; receiving the beer for members; storing it in a club; and dispensing it on coupon books held by members to the amount of beer each has in storage." In short, that a club, formally organized and conducted as a club, may receive and store quantities of beer—presumably both intoxicating—for its members and that these intoxicants may be served to members holding coupon books.

Wishes to See Full Text.

This latest decision of the highest court in the state about the prohibition question was of keen interest to both the prohibitionists and the "anti's." In the "anti" circle there was joy while among the prohibitionists all was gloom. One anti-prohibitionist declared after reading the decision: "I feel like one who trends alone some banquet hall deserted." He declared that he had no comment to make on the newspaper reports until after he had seen the full text of the opinion. The "anti's" were in high feather. One of them, acting like a school boy at vacation time, said that the Supreme court was right in its holding and that sooner or later the people would come to realize that prohibition is a snare and delusion. A Prospective Reveal.

One prominent member of the Asheville bar advanced the opinion that since the court was divided and that since Justice Manning had cast a vote in favor of reversing the lower court there might be a reversal of the court's decision when Judge Allen succeeds Justice Manning on the bench. It is said that Judge Allen holds a distinct and pronounced prohibition view and that when he succeeds Justice Manning another test case along the same line as that of the Colonial club other prominent democrats said that he expected the legislature to take cognizance of the decision and enact some law that would prevent and prohibit a club dealing in or handling beer for its members. One prohibitionist declared that morning that the Supreme court had evidently created an irregular blind tiger to take the place of a regular barroom. While the Supreme court decision is being discussed pro and con it is pointed out that the decision is now the law and that in the event the court should reverse itself this could not be done before some time next year and that in the meantime "social clubs" may be organized at the pleasure of the promoters.

Talk of Legislative Action.

Gazette-News Bureau, Chamber of Commerce Rooms, Holleman Building.

House Adjourns Out of Respect to Mr. Cook.

Washington, Dec. 15.—After a brief session the house adjourned out of respect to the memory of Representative Cook, who died this morning in Philadelphia.

Reprint of Report on White Slave Trade Ordered.

Washington, Dec. 15.—The senate today ordered a reprint of the immigration commission's report on the white slave traffic. The reprint was ordered on Senator Lodge's motion.

Aeroplane Meet Opens at Atlanta.

Atlanta, Dec. 15.—An aeroplane race between Ely and McCurdy over a 12-mile course featured the opening of Atlanta's aviation meet this afternoon. The meet continues three days, under the Atlanta Journal's auspices.

Go Into Politics is Roosevelt's Advice.

Cambridge, Mass., Dec. 15.—Seven hundred Harvard students listened to Theodore Roosevelt's address on "Politics" today. The colonel advised the students to go into politics when they graduate.

Killed His Wife and Then Suicided.

New York, Dec. 15.—John F. Haines shot and killed his wife, Josephine, at his Long Island home today and then cut his throat with a razor, dying afterwards.

President of Georgia Central Dead.

Atlanta, Ga., Dec. 15.—Major John F. Hanson, president of the Central of Georgia railroad, one of the best known railroad men in the south, died this morning of heart failure.

President Taft's New Appointees



Washington, Dec. 15.—Edward Douglas White, who has been appointed Chief Justice of the United States Supreme court; Willis Van Devante, an associate justice; William Hunt, who with C. C. McChord and Martin A. Knapp, have been appointed to the new Court of Commerce. The appointments have just been announced by President Taft. Associate Justice White takes oath as chief justice next Monday. Court then adjourns for a two weeks' recess.

TWENTY-FOUR LIVES LOST; STEAMER IS TOTAL WRECK

German Vessel Went Down off West Coast of Spain, Probably in Sunday Night's Gale.

London, Dec. 15.—The German steamer Palermo is a total wreck off Cape Corrubedo on the west coast of Spain. Fifty passengers and the crew of 19 are lost.

Advice indicates that the vessel struck and went to pieces during a fierce gale Sunday night.

Petition For Morse Pardon Before Department.

Washington, Dec. 15.—The petition for the pardon of Charles W. Morse, the convicted New York banker now in the Atlanta penitentiary was laid before the department of justice today.

House Adjourns Out of Respect to Mr. Cook.

Washington, Dec. 15.—After a brief session the house adjourned out of respect to the memory of Representative Cook, who died this morning in Philadelphia.

Reprint of Report on White Slave Trade Ordered.

Washington, Dec. 15.—The senate today ordered a reprint of the immigration commission's report on the white slave traffic. The reprint was ordered on Senator Lodge's motion.

Aeroplane Meet Opens at Atlanta.

Atlanta, Dec. 15.—An aeroplane race between Ely and McCurdy over a 12-mile course featured the opening of Atlanta's aviation meet this afternoon. The meet continues three days, under the Atlanta Journal's auspices.

Go Into Politics is Roosevelt's Advice.

Cambridge, Mass., Dec. 15.—Seven hundred Harvard students listened to Theodore Roosevelt's address on "Politics" today. The colonel advised the students to go into politics when they graduate.

Killed His Wife and Then Suicided.

New York, Dec. 15.—John F. Haines shot and killed his wife, Josephine, at his Long Island home today and then cut his throat with a razor, dying afterwards.

President of Georgia Central Dead.

Atlanta, Ga., Dec. 15.—Major John F. Hanson, president of the Central of Georgia railroad, one of the best known railroad men in the south, died this morning of heart failure.

IS AFTER TIGER HEADS AND SKINS

Col. Lusk Undertakes ad Testificandum Proceedings and Involuntary Witnesses Are Summoned to Court.

COURT SETS THE HEARING FOR SATURDAY MORNING

It Was to Have Been Today, But a Witness Was Ill—Second Attempt Here to Test Section 3721 of the Revised of 1905.

SOMETHING of a sensation was sprung here last night when nearly one dozen men, including prominent citizens of the town, were served with subpoenas citing them to appear before Judge Cooke in city police court this morning and give evidence under oath as to what they know or do not know about the alleged sale of intoxicating liquors at a place in the city designated as the northwest corner of Lexington avenue and West College street, commonly known as the Blomberg building. The affidavit on which Judge Cooke issued the subpoena was furnished by Col. V. S. Lusk, head of the Law Enforcement League. Judge Cooke, however, before issuing subpoenas under section 3721 of the Revised of 1905, giving the police court justice the power to issue subpoenas in proceedings in ad testificandum, required additional information than the naked affidavit of Col. Lusk or any other one citizen, and Col. Lusk promptly came to the bat with information on oath secured from business men, business managers, government employes and police officers of the city. "That government employes and city employes and business men of the town were credible witnesses was not to be disputed and the police court justice promptly issued the subpoenas for the gentlemen named in the affidavit of Col. Lusk. The matter was called up in police court this morning but on account of the inability of one of the witnesses summoned to be present on account of illness the hearing was continued until Saturday. Involuntary Witnesses. The proceedings inaugurated by Col. Lusk are interesting. The colonel is determined if possible to stop the sale of whiskey in Asheville. In giving the names of men who were summoned to tell of the place on West College street it is stated that they were involuntary witnesses. Once before, about two years ago, a similar proceeding was instituted. At that time the information was not supported by affidavit and while the police court justice held with the prosecution, one of the witnesses, Dr. B. Westray Battle, surgeon general of the North Carolina national guard, refused to testify and was held for contempt of court. It was agreed to make a test case of the affair and Dr. Battle was fined \$25 and costs. Appeal was taken to the Superior court and the court reversed the police court justice, holding that the proceedings had not been properly instituted. In this connection it is interesting to note that Col. Lusk has followed the statute minutely. The result of the investigation will be watched with keen interest here. It is probable that the proceedings will finally go to the Supreme court for determination. This is certain in the event that any of the eight or ten witnesses subpoenaed to tell what they know, if anything, about the sale of liquor at the West College street place, refuses to testify.

The Affidavit.

In the course of his affidavit Col. Lusk says that he is informed and believes that liquors are being sold at the northwest corner of Lexington avenue and West College street; that affiant further swears that he is informed and believes that divers good citizens residing in Asheville and Buncombe county have knowledge of the establishment and existence of the place where intoxicating liquors are sold and that such persons are not minded to make voluntary information thereof on oath; that the information upon which the foregoing statements are predicated, aside from personal observation, came to the knowledge of affiant from statements of divers good citizens of the city; from members of the police force; from creditable citizens and from employes in the service of the United States government, known to affiant to be persons of truth and veracity; that in addition to the foregoing, affiant further swears that a government retailing liquor license has been issued to one Lawrence Bacon on October 1 to do business at West College street and that affiant believes the place to be the same place heretofore. (Continued on page 5)

Hattie LeBlanc Tendered a Dinner; Money Given Her

Cambridge, Mass., Dec. 15.—Hattie LeBlanc, a fashionable apartment hotel last night. Following the dinner Hattie held an impromptu reception. Generous persons contributed several good-sized checks to a purse made up for the girl.