heNews and Observer.

THE WEATHER TO-DAY. For the City.

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RALEIGH, NORTH CAROLINA, WEDNESDAY MORNING, NOVEMBER 8, 1905.

Price Five Cents.

North News Carolina Dailies

LL HIDDEN IN HEARST TORNADO

Both Candidates for the New York Mayoralty Lost in the Whirlwind as They Dash for Goal.

SEEMS AHEAD

on Record, With McClellan Possibly

in the lead. There is a Similar in the Lead. There is a Similar sixth avenue tanor shop in the assembly district. His home is two blocks by district. His home is two blocks by only one Race Between Jerome and Osborne. away and accompanied by only one Latest Bulletins Favoring Jerome, voting place. Ohio is Reported to Have Been Swept by a Democratic Tidal Wave. The Reform Party Wins by an Overwhelming Majority in Philadelphia. The Result in Maryland Unknown.

and sixty election districts of 1,100 give Jerome a plurality of 3,636 over Osborne.

Osborne, Osborne

Baltimore, Md., Nov. 7.—One hundred and eighteen precints out of 323 voted in a basement barber shop in give the amendment 8,157, against the lower Eastside after which the

Cleveland, Ohio, Nov. 7.—Thirty precincts in Ohio outside Hamilton, Cuyohoga, Franklin and Lewis counties show Democratic gains of 27 to the precinct.

York. Nov. 7.—Today's elec- street. Thomas is the head of the tion resulted in such a close vote that Municipal Ownership League commitat ten o'clock tonight the mayoralty He had asked an election deputy to of Greater New York and the district arrest a voter at the Monroe street attorneyship in New York county are booth when he was knocked down and in doubt. Hearst, for mayor, has kicked about the body several times. carried Brooklyn by about 15,000 and saulted him were supporters of Tamthe latest returns indicate that McClel- many Hall. lan will have a plurality in Manhattan and the Bronx of probably more than 16,000. One hundred and seventy-five Pennsylvania's Appointee Re-elected districts are yet to be heard from in Manhattan and the Bronx and of course may change McClellan's piurality. Hearst carried Queens Borough by 782 and McClellas carried Richmond Borough, figures not yet election in Pennsylvania. Judge John

The earlier returns indicated that Pennypacker, was re-elected associate Osborne, Democrat, defeated Jerome, Independent, for district attorney but the later figures showed gains for Jerome and threw the result in doubt.

Max Ihmsen, of the Municipal Ownership League, said tonight that the

ership League, said tonight that the elected for a term of ten years. John has evidence of 50,000 illegal B. Head, Democrat, was also elected a votes having been cast. He said that frauds have been discovered in all Peter P. Smith, the minority member boroughs and that the law committee of the league is gathering all nation,

Mr. Ihmsen also announced that all contest for State Treasurer for which the candidates in all boroughs on the Municipal Ownership ticket had been Plummer, nominee of the Republican asked to assemble at Mr. Hearst's office in the Hoffman House for an allnight conference on the situation.

Two Democratic Mayors.

(By the Associated Press.) Rome, New York, Nov. 7 .- Albert R. Kessinger, Demo., was elected to-day by 171 majority over T. G. Nock, Rep., the present mayor. Mr. Kessin-ger is managing editor of the Rome

Buffalo, N. Y., Nov. 7 .- J. Adams, Dem., is elected mayor by 8,-981 majority.

Republicans Carry Syracuse.

(By the Associated Press.) Syracuse, N. Y., Nov. 7.—The Republicans carried this city today by nearly 6,000 for mayor Alan C. Forbes. This is the record majory of this city

INCIDENTS OF THE DAY. Significant Statement by One of

Hearst's Editorial Writers (By the Associated Press.) New York, Nov. 7 .- William R. Hearst, candidate for mayor on the Municipal Ownership League ticket, voted before taking breakfast. His ballot was cast at 6:45 o'clock in a ballot was cast at moderate ship. polling place in an undertakers ship in East Twenty Ninth street. Even at the Republicans. In many cases they that early hour and despite the fact ordered the police away from the pollthat Mr. Hearst started alone for the polling booth a large number of his supporters had seen him and had formed an enthusiastic cheering procession to escort him to the booth. A development of interest this morning was the publication of a signifi-cant statement by Arthur Brisbane, The storm center of the day was in one of Mr. Hearst's editorial writers, the fifth-ward, where election day usual, though the weather was fair who declared that his employer was seldom goes by without trouble. To-looking for greater things than the day this ward, within whose bound-

court. The judges instructed the elec-tion board to return and open the polls. This they refused to do and a curbstone election was held for a selection of a new board while several hundred people looked on.

The voting place was then opened with the new board under the protec-tion of a cordon of police. Many Re-publicant it is said refused to vote struggle was the arrest of harbor master, Samuel G. Maloney, on the charge of conspiracy to hold an illegal election. He is the Republican leader of the ward, and his followers were ready

Mr. Ivins rode in a carriage to his

of the 25th assembly district. Mr. Ivins said he voted for Jerome. He

said he thought Jerome's chances for

election are particularly good. Today's vote was cast at 1,948 poll-

cheering crowd escorted him to a street car.

Joseph Thomas, one of the Hearst

to cause the arrest of a voter just out-

Associate Judge of Supreme Court.

(By the Associated Press.)

which there was a contest at today's

T. Stewart, an appointee of Governor

Superior Court judge to succeed Judge

of that body who failed of renoni-

The public interest centered in the

and Citizens parties, and William H.

Berry, the candidate of the Demo

cratic, Prohibition, Lincoln and Inde-pendent parties. Berry was also the

was never formally endorsed by that

party on the ground that it was pure-

Contrary to general expectation there was no serious disturbance in

the city today. There were, however, many small scrimmages at polling

places, especially in the more thickly settled wards where the Republican

organization is very strong and where

the City Party put up a most deter-mined fight. The police department

mined fight. The police department was at all times master of the situa-

tion and whenever trouble was started

t was quickly stopped. Some of these

Never in the history of the city were

ing places there were from one to six police stationed at each one of these

places. The orders were explicit, and the numerous squabbles beetween po-

on and election officers

cers principally those affiliated

ing places and upon the refusal took the matter to court fhere the differ-

ences were patched up. The election officers also complained bitterly of po-

lice interference with legal organiza-

The storm center of the day was in

tion voters and assert that in many in-

local organization.

eriously wounded.

to storm the the police to storm the police station if he was not released. He secured bail and will be given a further hearing. Police Magistrate Fealey was also arrested for interferring with a policeman and was released on bail.

cast until 5 o'clock in the afternoon. The election board refused to open the polling place until the police left the

and the whole party was hauled into court. The judges instructed the elec-

The policemen refused

Similar scenes were enacted in the seventh ward, the home of Israel W. country is hard up for rich, intelli-Durham, the leader of the organiza gent, and powerful men."

Mayor George B. McClellan, Demotion, and in the eighth, where United States Senator Penrose resides. The polling place where the Senator voted was closed for several hours because the election officers claimed the police interfered.

> thickly populated wards the city was comparatively quiet.
>
> The number of arrests made up to a

other person the mayor walked to the late hour tonight for election frauds was about 500. Police Magistrates were on duty in all parts of the city voting place, the 18th election district.

Were on duty in an particular voting place, the 18th election district giving the prisoners hearings. The scene at the central police station at City Hall was without precedent. More than 200 prisoners were given hearings there for alleged fraud against the ballot. All day several hundred ing places. The total registration was 646.871. The polls closed at 5 p. m.
At the Hearst headquarters today Max Ihmsen, one of Mr. Hearst's lieupersons were gathered in the court yard watching the prisoners arrive in wagon loads. Every batch of prison-ers hissed or hooted as they were led into the City Hall.

THE LATEST BULLETINS.

(By the Associated Press.)

New York, Nov. 7.—One thousand eight hundred and nine election districts out of 1,948 in Greater New York give McClellan a plurality of 2,-098 over Hearst.

New York, Nov. 7.—Seven hundred of our captains having de
tenants, said:

"A great many Hearst watchers and captains have been bought off by Tammany Hall and have deserted us whave sent out volunteers wherever we have sent out volunteers wherever we appear to be all over the city."

Mr. Hearst said:

"We are handicapped by not having an organization back of us and by some of our captains having de
tenants, said:

The hearing room was crowded with party workers, lawyers, bondsmen and other. As quickly as a prisoner was brought in he was given immediate hearing, held in bail for further hearing nearly workers, lawyers, bondsmen and other. As quickly as a prisoner was brought in he was given immediate hearing, held in bail for further hearing nearly workers, lawyers, bondsmen and other. As quickly as a prisoner was brought in he was given immediate hearing, held in bail for further hearing nearly workers, lawyers, bondsmen and other. As quickly as a prisoner was brought in he was given immediate hearing, held in bail for further hearing nearly workers, lawyers, bondsmen and other. As quickly as a prisoner was brought in he was given immediate hearing, held in bail for further hearing nearly workers, lawyers, bondsmen and other. As quickly as a prisoner was brought in he was given immediate hearing, held in bail for further hearing nearly workers, lawyers, bondsmen and other. As quickly as a prisoner was brought in he was given immediate hearing, held in bail for further hearing nearly workers, lawyers, bondsmen and other. As quickly as a prisoner was brought in he was given immediate hearing hearing nearly workers, lawyers, bondsmen and other hearing ne

UNION LABOR WINS

Francisco Has Again Elected Eugene Schmitz Mayor.

(By the Associated Press.)
San Francisco, Nov. 7.—(6:30 p. m.)
—The indications are that Eugene Schmitz, the Union Labor candidate Joseph Thomas, one of the Hearst leaders, was beaten and perhaps fatally injured today by twelve men to hear from, the count stands: who assaulted him when he attempted Schmitz, 42,202; Patridge, 28,108.

side of an election booth in Monroe Good By, Boss Cox. Thank the Lord.

(By the Associated Press.) Cincinnati, Ohio, Nov. 7 .-- George leader, tonight gave to the Associated Democrat, for Governor, has the same Press the following statement, with- plurality, drawing from active service in the Re-

publican party: "Now that the election is over and the people have signified their choice for city, county and State officials and bate judge will probably be the only for city, county and State official and CONTEST FOR STAT TREASURER. sincerely trust they have selected wisely, I wish to announce to the public that from this day, after twentyfive years of active service in the ranks of the Republican party, my personal activity in politics shall cea 1. I will Philadelphia, Pa., Nov. 7 .- State continue to vote the Republican Treasurer was the only State office for

et, but others must bear the burden of future campaigns. To the Republican organization and the many friends that have stood with us in the past, I tender most grateful thanks for their unswerving loyalty and sup-I hope for their future good will.

"Respectfully yours "GEORGE B. COX."

REFORM SWEEPS PHILADELPHIA A Majority of 75,000 or More for the City Park.

(By the Associated Press.)

Philadelphia, Nov. 7 .- City Chairnan Edmons tonight sent the following telegram to President Roosevelt: "Philadelphia has risen to her top and stands redeemed. The principle of honesty in government so effectively exposed by you has won an overchoice of the City pany leaders of Philadelphia, although his nomination whelmingly triumph. Our majority approximates 75,000."

To Secretary Root the following was telegraphed: "The masquerade is over. The criminal and corrupt combination

been driven from power by the righteous indignation of a great Republican city. We have only begun. Our thanks to you for your splendid aid.' Philadelphia, Pa., Nov. 7.—At 8:30 . m.—Chairman Edmons, of the City Party, claims 70,000 plurality for the Reform ticket in Philadelphia.

Scattering returns from polling plaes all over the city show extraordinary Republican losses as compar disturbances blossomed into small ed with last year's election. The 15th riots, but after the smoke had cleared ward, a Republican stronghold, away it was found that no one was claimed by the City Party by 2,000. In the 14th division of the fortieth Besides the large number of watchers and overseers located at the 1100 polling places there were from the control of the contr

Rhode Island.

Democrats claim to have elected

Case.

Garvin Governor. VIRGINIA IS DEMOCRATIC. But the State is Carried by a Smaller Majority then is Usually the

(By the Associated Press.) Richmond. Va. Nov. 7.—The indi-cations are that the Democrats have carried the state, but by a very much smaller majority than usual. They have won all along the line, but the vote has been very much smaller than everywhere. In Richmond of a total vote of about 7,000. only about 3,500 that would I mayoralty of New York. Mr. Brisbane said:

"Mr. Hearst is built for greater things even than the mayoralty of this city, and he's going to get them. This The Democratic major- handling of

of His Injuries.

Fight Was a Regular Battle in the Ring With Sec-

onds.

(By the Associated Press.) Annaolis, Md., Nov. 7. Midshipmar James R. Branch, son of James R. Branch, of the Hanover Bank of New York City and secretary of the Amerseriously injured in a fist fight with another midshipman, died today. Midshipman Branch died from in-juries he had received in a fight with

Midshipman Minor Merriweather, Jr. of Lafayette, Ill. The fight took place Outside of the centrally located and by arrangement on Sunday night and was a regular pitched battle with a ring and second. It lasted 23 rounds and ended when Branch was knocked down and struck the right side of nis head against the floor.

Merriweather is in the hospital as result of the injuries he received n the fight and for that reason the authorities have not put him under arrest. The question of his accounta-bility to the civil authorities on a charge of manslaughter has also been discussed.

It is understood that the fight took place because Branch had, in his line reported Merriweather for a breach of discipline. No one is allowed to see the latter, but it is rumored that he feels the matter most keenly.

DEMOCRATS CLAIM OHIO.

Entire State Ticket Headed by Partison Said to Have Won by Large Plumlity.

(By the Associated Press.) Columbus, O., Nov. 7 .- Democratic hairman Garber issued a statement 7:30 claiming the election ison and the entire state ticket by arge plurality.

precincts returned to the board of election it is estimated that the Demo-Cincinnati, Ohio, Nov. 7.—George crats have carried the city and country ty by about 8,000 and that Pattison

Cleveland, O., Nov. 7 .- At 8:40 p. m. Chairman Hy Davis, of the Republi-Republican county candidate to survive the Democratic tidal wave.

Cleveland, O., Nov. 7—Returns from 21 out of 240 precincts, indicated that Pattison (Dem.,) for Governor, has carried the city by 6,000 plurality Johnson, (Dem..) for Mayor, will present rate of gain is maintained ave 5,000 plurality.

Cincinnati, Ohio, Nov. 7.—George B. Cox at 7: p. m., concedes Demp-sey's election as mayor by 14,000 and that Pattison carries Hamilton county by 12,000. He says Pattison, (Dem.) has carried the State by 60,000.

The Votine in Maryland

(By the Associated Press.)

Baltimore, Nov. 7.—7:55 p. m.-Democratic Chairman Murray Va diver issued a claim that Atkinson. (Dem.), has been elected State Comp-

Maltimore, Nov. 7 .- The News, an independent paper, claims that the proposed constitutional amendment to estrict the suffrage and exclude the egro vote has been defeated by a deisive majority.

Baltimore, Nov. 7.—Seventeen pre-cincts out of 323 give 349 majority against the suffrage amendment.

Baltimore, Nov. 7.—The News, indeendent announces that Baltimore ity has given a majority of 5,000 for McCullough, Republican, for comp-troller; 15,00 majority for Chief Judge Harlan, Democrat, and a majority of

about 25,000 against the suffrage amendment. Baltimore.—Twenty-seven precincts out of 323 give Atkinson, Democrat, 300 majority for the amendment, 1608; against 2,676. This indicates a majority against the amendment of

about 12,000. All Democratic in Kentucky.

(By the Associated Press.) Louisville, Ky., Nov. 7.—Sixty pre-incts out of 173 in the city of Louisville give Barth, Democratic candidate for mayor 4,071; plurality over O'Neal, Fusion. The election of the O'Neal, Fusion. entire Democratic city and county ticket and 10 Democratic members of the legislature is generally conceded. Pluralities ranging from 3,500 to

MATINEE AND EVENING.

Splendid Performance at the Academy of Music-Program Today.

At the Academy of Music last night the Woods-Browning Stock Company presented the rollicking musical come-dy, "A Hot Old Time." It must be would do well to follow. last night was a clean, bright comedy. full of laughable cituations and one nost anyone. The ts wes splendid. dash and scenes il stage direction arity on the part

Midshipman Branch Dies Adams and Sawyer Awaiting Judgment.

publicans, it is said refused to vote. One of the incidents of the fifth ward His Opponent is in the Hospital. The Henry Scott, the Third Mutineer, Has Now Been Placed on Trial in Federal Court for His

Life.

(By the Associated Press.) Wilmington, N. C., Nov. 7.—Arthur Adams and Robert Sawyer, two of the three mutinous sailors from the schooer Harry A. Berwind, were found ican Bankers Association, who was guilty of murder on the high seas in the Federal Court today and judgment was reserved until tomorrow morning, pending argument by counsel of a motion for a new trial upon the grounds contained in a bill of exceptions filed. Today's proceedings consisted largely of argument upon a motion by fence to exclude the log book of the schooner which the district attorney at length withdrew, argument by counsel to the jury and his honors charge, which was regarded as eminently fair to both sides. The jury deliberated upon the case less than two hours. This evening Henry Scott, the third of the mutineers, was placed on trial for his life. Attorney William J. Bellamy

appearing for the defence.
Attorney Peschau for the defence, stated tonight that he had not yet definitely decided to appeal the case; that all would depend upon the ruling of Judge Purnell, upon the bill of excep-

The prisoners received the verdict with the utmost composure and were not visibly affected. District Attorney Skinner's conduct of the case has been admirable. He has been strong in the presentation of the facts and skilful in publicans have a representation in the present Legislature on joint ballot of about 16. In the next Legislature they will apparently have about 25.

DEMOCRATS CLAIM OHIO. Only one juror. Henry Clay Wall, of Rockingham, had been agreed upon to try the case of Scott when cour took a recess this evening until 9:3

FIRE AT CARTHAGE.

The Graves Stables Suffer a Loss of

Abou. \$5,000.

(Special to News and Observer.) Carthage, N. C., Nov. 7.—An alarm fire was given this morning at about 9:30 and the blaze proved to be in the livery and feed stable of Mr. G. C. Graves. It is supposed the stables caught from a cigarette in the hands of some of the boys employed there There were forty-three horses in the stabel but these were all gotten out safely, and a great many of the vehicles down stairs were saved; but there were quite number of wgons nd buggies in his show room up stairs tht were impossible to save.

The loss on building and stock burned is estimated at about five thousand dollars. By heroic effort the old Shaw Livery Stable just across the stree was saved, it hving caught several times. If this had burned it would possibly have carried with it the Ham-Mr. Graves carried no insurance.

NEITHER SIDE SCORES.

A Warm Game of Football is Pulled Off at Oxford.

(Special to News and Observer.) Oxford, N. C., Nov. 7.—The Henderson Athletic Club played the first of their series of football games this afternoon versus Horner's Mili-tary School, the score being 0 to 0. The line up of the Henderson team was by far heavier than that of the Horner School team being all boys under 19 years of age and weighing on

an average of 18 pounds less. The ball was contested for within 10 yards of the center of the field throughout the entire game. A large attendance; and many young people from Henderson came over. Star players for Henderson, Howard and Peace and for Horner's, Coacher Taylor, Hill

FOUR MEN ARE KILLED.

The Result of a Head-On Collision on the Rome, Watertown and Ogdensburg Railroad.

pleasant, very pleasant indeed. With (By the Associated Press.) it I have now spoken in every state and territory in the Union and now I am through. Let some one else do Syracuse, N. Y., Nov. 7.—A passen-er train on the Rome, Watertown and Ogdensburg Railroad, mound for the talking." The President received ballot No. 61 on which he voted for Watertown today collided head-o with a locomotive drawing two freight Assemblyman, county judge and cars, near Liverpool, six miles from here. Four men were killed and one school director. After returning to the street the President stopped and seriously hurt. Milton F. Toms, Lyndonville, mail clerk, is one of the men killed. The other dead were members of the engine crews. No Secretary Loeb voted. While waiting for Mr. Loeb, the President talked with some of the towns-people and passenger was hurt

DEEP INTEREST FELT.

Asheville's Eyes Will be Turned on Greensboro During the Conference.

(Special to News and Observer.) Asheville, N. C., Nov. 7 .- Asheville people are perhaps more interested in the annual session of the Western North Carolina Conference which convenes at Greensboro tomorraw than in any meeting of that body for several said for this company that their performances show originality and ideas that many popular priced companies would do well to follow. The play station and a new pastor sent here There is much speculation as to who will get this assignment and the Bishop's appointments are awaited with much interest.

Mr. Siler has made a most efficient new novel, "Fenwick's Career," pastor here and is much esteemed and canning in the November Century oved by his congregation

To him a large part of the credit is beautiful historic spot.

due for the magnificent new building recently erected by the congregation of Central church. The Methodist pastors and lay delegates who left today for Greensboro include Rev. A. W. Plyler, presiding elder of this district; Rev. Frank Siler, Rev. A. T. Bell, Rev. J. W. Crutchfield, Rev. J. W. Moore, and Rev. L. B. Abernety, president of Weaverville College. The lay delegator

district and poined other

BLOODY WORKS OF MOBS.

Thousands Wounded.

(By the Associated Press.)

pletely devastated, plundered and burned all the Jewish houses in the

suburb of Dalnik. In the large villa-

ges of Severinovka and Anatolieta and the towns of Ovidipol, Maiaki,

Akkerman, Ataki, Olivipol and Winit-

a, many hundreds of persons are

reported to have been killed and

The details of last weeks massa-

cres at Odessa are gradually leaking out, and only serve to add to the horrors. It appears that the soldiers ruthlessly slaughtered the denfenders

railway workmen who were defending

At the Jewish Agricultural School the rioters first secured a large sum

of money from the principal as a guarantee of his safety and afterwards

returned and demanded more. Failing in obtaining it they slaughtered a

number of the pupils. The rest es-

In another case under horrible tor-

ture rioters forced a Rabbi to surren-der the key of his safe containing \$1,.

100 deposited in his keeping and then

Military Break up Meeting.

(By the Associated Press.)

Warsaw, Russian Poland, Nov. 7 .-

A meeting of 5,000 employes of the Vienna-Vistula Railroad was dispers-

ed this morning by the military. It is remored from St. Petersburg that

Monument.

at Richmond by the United

Daughters of the Con-

federacy.

(By the Associated Press.)

Richmond, Va., Nov. 7.—Ground

yas broken here today for the monu-

ment to Jefferson Davis to be erected

by the United Daughters of the Con-

federacy and to cost \$50,000. Mrs. S

chairman of the monument commit-

. McCullough, of Staunton, Va.

tee, presided at the ceremonies, which

were simple in the extreme and were

1907 and are expected to be highly

elaborate, the whole South participat-

PRESIDENT AT OYSTER BAY.

generally known at what hour

This was a hall over a Chinese laundry and a fish market. There was

"I have just completed a Southern

A letter just received in New York

there. Later chapters of Mrs. Ward's

he remarked. "It was very

with everyone.

Oyster Bay.

of the building committee only.

unveiling ceremonies are fixed

killed the Rabbi and his wife.

Governor Skallon has been disn

of Jewish houses. In one case

thousands wounded.

Jews were shot.

Odessa, Nov. 7 .- The mobs com-

The lay delegates are Dr. J. A Reagan, of Weaverville; S. T. Hodges **Decisions** Digests of Hendersonville; and George L. Hackney and J. A. Wild, of Asheville. Dr. Lewis Elias, who now resides here is a representative of the Franklin Rendered Yesterday. from that district here this afternoon

COMMENT ON LIQUOR Many Hundred Killed in Villages and

In State vs. McIntyre, Judge Hoke Delivers Interesting Dicta. Gattis vs. Kilgo and Saloon Mandamus Fail to Appear in Conrt.

The Supreme Court handed down opinions yesterday in nine cases, none of great importance.

Gattis vs. Kilgo was expected, but the decision was not forth-coming. Although it was only argued last week there was some expectation of a deof the Court in the matter the Saloon election mandamus in the case of the Board of Aldermen of the

City of Raleigh, but that also failed. Possibly the most interesting feature of the day's opinions is dicta of Justice Hoke in the case of State vs. McIntyre, already referred to in these columns as involving a possible extension of the principle land down in the famous liquor case referred to as the "Union County case." court does not follow the reasoning of the lower court in the matter of the Cumberland County law, arresting judgment in favor of the defendant. who was convicted solely of having in his possesion two gallons of whis-

After out-lining the reasons for the opinion of the court in the particu-"We are confirmed in this conclusion by the consideration that there is grave doubt if it is in the power of legislature to make the mere ownership or possession in a given amount of whiskey in itself a crime. The right to own property is ordinarily one of the rights regarded as fundamental, to be forbidden, forfeited or in terfered with by the Legislature only Ground Broken for the n the assertion of eminent domain or in the exercise of the police power. Only in the rarest instances can the police power be called on to regulate trol the conduct of individuals in the privacy of their own homes, or when not involving any relation-

ship to others or the public.
"It is true that the Supreme Court The Memorial Which is to be Reared of the United States in Mugher vs. Kansas, 123 U. S. 62 and in many cases since that time, has given decided intimation that the police power can lawfully be extended to almost any phase of the use of spiritous liquors, and that the Legislature must determine the extent of such exercise.

"At the same time, no legislation, so far as we recall, has yet gone to the extent of making the mere owngrship or possession of whiskey crime, except, perhaps, in furtherance of a State monopoly when in aid of the State's revenue. They have all stopped short of dealing with private consumption of whiskey says a recent writer on the subject. The witnessed practically by the members only one we have discovered which approaches the extent claimed for the present law, was one in the State of West Virginia, making it a crime to keep in possession spirituous liquors ing through prominent representatives. for another, and this was declared un-constitutional by the Supreme Court of that State. State vs. Gilmore, 33 W. Va., 146."

Digests of Opinions. He Casts His Vote There and Returns Digests of opinions filed yesterday to Washington. Misenheimer v. Ritchie, from Stanly, (By the Associated Press.)

Oyster Bay., L. I., Nov. 7 .- There per curian, affirmed. State v. Thompson and State v. vere only a few persons at the rail-Morton, from Stanly, per cariam, no road station when President Rooseerror-both cases by authority in re velt arrived here to vote as it was not Gorahm, 129 N. C. 482 and in re Young, 137, N. C. 552. would reac here. After shaking hands with everybody in the station the President was driven in a carriage to the polling place in the fifth district.

State vs. William McIntyre, appellant, from Cumberland. Judgment Arrested.

The defendant was indicted under the law regulating the sale of intoxieating liquors in Cumberland county. a good sized crowd at the polling place and the President shook hands he having in his possession and under his control more than two gallons of whiskey at one time with intent to sell the same. The defendant was indicted under chapter 125 Laws, 1903, and Ch. 800 Laws of 1905.

Held, 1. Chapter 125, Laws of 1903, making it unlawful to rectify, manufacture, sell or otherwise dispose of for gain intoxicating liquors, etc., tains no provision making it indictable to have in possession whiskey with intent to sell.

chatted with some neighbors and then drove to the town hall where secretary Loeb voted. While wait-posing punishment for its violation reads: which in a subsequent section reads: "That it shall be unlawful for any

a number of children who gathered around the carriage. When Mr. Loeb person to have in his posession, or his or her control, more than two returned the President drove to the gallons of spirituous liquors or more railroad station, where quite a crowd than five gallons of malt liquors at had assembled. The President greet-ed everybody in a friendly fashion and after a stop of ten minutes boarded the special train which left at 9:30 gaged in the illegal sale of of liquor,"is dealing merely with the administra-Washington, Nov. 7 .- President tive features of the law and the lat-Roosevelt reached Washington from ter part thereof "shall be prima facie Oyster Bay at 4:40 o'clock this af-ternoon, having been on the road since 12:30 last night, with the exception of the twenty minutes he spent at mentioned—which can only be interpreted as giving such possession evidential force in the charge of illegal sale and not as creating a distinct from Mrs. Humphry Ward was dated and substantive criminal offense,

at Versailles and spoke enthusiastically of the beauty of the fall days New Trial.

Action of ejectment to recover two tracts of land, one of 5 1-2 and the shift the scenes of the story to this other of 35 acres, the former under (Continued on Page Five.)