

The News and Observer.

Weather Yesterday
Maximum temperature, 74 degrees; minimum temperature, 60 degrees; total precipitation for 24 hours ending 8 p. m., 0.30 inch.

Weather Today
Forecast for North Carolina: Fair in west, rain in east portions. Tuesday: colder; Wednesday: fair and cooler; breeze to shifting winds on coast.

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RALEIGH, N. C., TUESDAY MORNING, OCTOBER 12, 1909

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Leads all North Carolina Dailies in News and Circulation

HURRICANE OFF COAST OF FLORIDA

Velocity of Wind is 70 Miles an Hour

FEAR FOR WORKMEN AT KEYS

Between 2,500 and 3,000 Are at Work on Railway Construction and There is Slight Opportunity for Protection Against Fury of the Storm—Which is Sweeping Northeastward—Does Small Damage to Shipping at Jacksonville.

(By the Associated Press.)
Miami, Fla., Oct. 11.—The storm, which has prevailed here since yesterday afternoon increased in intensity this afternoon, the rain coming down in sheets, driven by strong winds from the south, people are fortifying their houses and vessels in the harbor against the hurricane, which is expected to arrive tonight.
The sky is overcast with sulphurous yellow; houses are being unroofed and limbs blown from trees. The fury of the storm is on.
At 6 p. m. the storm is growing more furious here and the wind is driving from the south at a great rate.
All efforts of the officials of the Florida East Coast Railroad here to get into communication with the workmen at work on the road's extension on the keys of the extreme southern peninsula have been in vain. Between 2,500 and 3,000 workmen are employed on the construction work on the lower keys where the extension of the road is being pushed forward. Grave fears are entertained for the safety of these men, the apprehension being intensified by recollections of the hurricane of 1905, when 140 men lost their lives and a considerable amount of property was done in that section. It is said that the construction camps are being notified now, and it is known that the men along with the work here are preparing for a big blow for a number of days past. In spite of this, however, the exposed location of the keys, which straddle the very tip of the ocean, stretches of the massive concrete columns even being out of sight of land, leads to grave concern for the safety of the workmen.

Damage to Shipping.
Jacksonville, Fla., Oct. 11.—At this hour (7:15 p. m.) heavy clouds are coming up from the south. On board the Clyde steamer, the wind is blowing a velocity of 25 miles, while at 5 o'clock this afternoon the barometer in the office of the Clyde line registered 29.51.

The storm was central at Key West a noon today, the wind reaching a velocity of seventy miles an hour, and doing considerable damage to small shipping in the harbor. At 3 o'clock this afternoon the barometer registered to midway between Key West and Jupiter and was moving northwest with increasing violence. The weather observer here calculates that there is danger of the storm striking Jacksonville sometime between midnight and dawn.

Savannah, Ga., Oct. 11.—At this hour (8:45 p. m.) the entire sky is obscured here by a heavy overcast, the barometer at 29.55. The wireless station here for hours has been warning vessels at sea.

Warning Along Coast.
St. Augustine, Fla., Oct. 11.—At 3 o'clock advices from Marathon, a station on the Florida East Coast Railroad, stated that a sixty-mile gale was blowing there. Warning has been given the people along the shore below Marathon to get to higher ground. Jacksonville a fast launch left here at 3 o'clock this afternoon to warn residents along the coast lowlands for a distance of 20 miles south of the approach of a storm and of danger to life and property.

Situation at Tampa.
Tampa, Fla., Oct. 11.—Barometer is going up here, now reading 29.66. Local weather is clearing clouds, probably over eastern coast of State, sweeping towards coast, probably taking Jacksonville and Savannah.

Precautions at Wilmington.
Wilmington, N. C., Oct. 11.—While the barometer reading here is somewhat low and vessels have taken the precautions prompted by the weather bureau warning, there is indication of a hurricane along the coast tonight. The Clyde liner Navaho reached here at 6 o'clock this evening, having been delayed by heavy winds, but otherwise there was no indication of a hurricane north of here.

Storm Covered Small Area.
Washington, D. C., Oct. 11.—Owing to wire conditions reports of the progress of the storm prevailing along the southeast coast have not been complete to the weather bureau officials and tonight they could not determine the progress of the storm north of the fact that it is traveling northeastward. In order to be on the safe side the officials have ordered storm warnings displayed up as far as Norfolk and the shipping has been warned to be as cautious as possible until the danger is over.

The principal report missing tonight was that from Jupiter, Fla. The report from Key West says that a number of houses were blown down but shipping is secure. From 9 o'clock until 12 this morning the wind at Key West blew 12 miles an hour. The storm was centered at that place at 11:45 a. m.
The storm, according to the bureau, only covered a small area and touched only a small portion of Florida.

DECISION AGAINST MORSE, "ICE KING"

District Court Upholds the Lower Court

10 COUNTS SUSTAINED

He Was Convicted of 53 Indictments in Lower Court and Defendant Gets Some Solace Out of Decision—Case Will Be Rushed to Supreme Court—District Court Grants Stay of Forty Days.

(By the Associated Press.)
New York, Oct. 11.—Under the supreme court of the United States reverses the decision of the President of the United States interferes, Chas. W. Morse, one time "ice king," coastwise steamship line organizer, banker and capitalist, will serve 15 years at hard labor in the Federal prison at Atlanta, Ga. After having been at liberty under \$125,000 bail since June 17th, last, he is back in the toms prison tonight where he contemplates the decision of the United States Circuit Court of Appeals, rendered today, sustaining the judgment of the lower Federal court, which found him guilty in November last of violating the National banking laws.

There was solace in the decision of the court of appeals today, however, in that only ten of the fifty-three indictments on which he was convicted were sustained, and on the strength of this, his counsel, Martin W. Littleton, will immediately carry the case before the United States Supreme Court on a writ of certiorari. This end the United States Court of Appeals has granted a forty days stay of execution and pending a decision by the supreme court application again admitted to bail.

Morse took today's decision calmly, and perhaps surprised, Mrs. Morse was with her husband in the Marshall's office during the entire evening. When word came that the decision was against him she said: "I am glad to hear it. I have been sure that a new trial would be granted. The decision today came as a surprise to us. But my husband is brave and will continue to struggle to the end."

One of Morse's keenest regrets at being forced to return to prison is the interruption of his heaver-like struggle to rebuild his fortune. Since his liberation he has been in the employ of the Metropolitan Steamship Company, a New England corporation, and of the Hudson Navigation Company, operating a line of boats along the coast. He has been elected president of the Metropolitan Steamship Company, and of the Hudson Navigation Company, operating a line of boats along the coast. He has been elected president of the Metropolitan Steamship Company, and of the Hudson Navigation Company, operating a line of boats along the coast.

CASE AGAINST SHERIFF SHIPP AND OTHERS.

Attorney Cliff, of Tennessee, Presents Briefs Before the United States Supreme Court in Noted Case.

(By the Associated Press.)
Washington, D. C., Oct. 11.—Attorney A. H. Cliff, of Tennessee, today presented to the Supreme Court of the United States the last of a number of briefs bearing on the petitions of Joseph F. Shipp and a number of other persons who were convicted and charged with complicity in lynching a negro, F. Johnson, after the Supreme Court had taken cognizance of his case.

There were originally about twenty-five of the defendants, but the number was gradually reduced until the last term of court when seven or eight of them were pronounced guilty. These included Mr. Shipp, who was sheriff of the county and his deputy, Jeremiah Gibson, who was the county jailer.

In his brief Mr. Cliff charges that the court erred in many respects in reaching its conclusions, and he especially asserts that when Johnson's lynching occurred he was not in the custody of the federal court but of the State authorities. Mr. Cliff especially sets up in his brief that he appears as the friend and not as the paid attorney of his clients. He speaks of them as "old Confederate soldiers and men of high standing" in their community.

JOHN P. POE CRITICALLY ILL.

Framer of Poe Amendment Which Was Defeated.

(By the Associated Press.)
Baltimore, Md., Oct. 11.—John P. Poe, one of the leading lawyers of the State, is critically ill at the residence of his daughter, Mrs. Alfred Tyler, at Ruxton, Baltimore county, Md. Mr. Poe suffered a stroke of apoplexy yesterday.

Ordered to Yorktown.

THERE ARE COOKS AND COOKS.



—The Washington Herald.

MR. WILLIAMS AND THE S. A. L. SYSTEM

His Friends Misunderstood Matte

NOT VICTORY NOR DEFEAT

No Fight Since the Receivership, and Recent Action is for Purpose of Harmonizing All Interests and Insuring Peace and Effective Work—The Presidency a Matter to Be Considered After Ending of Receivership—Roads Merged.

(By the Associated Press.)
Richmond, Va., Oct. 11.—John Skelton Williams was in his office here today, having just returned from the meeting of the reorganization committee and the board of directors of the Seaboard Air Line Railway system in New York.

Mr. Williams said that while it had not been heretofore announced publicly, it is a fact that the Atlanta and Birmingham Air Line Railway, operating 237 miles; the Florida West Shore Railway, operating 70 miles; the Plant City, Arcadia and Gulf Railway, operating 19 miles; the Catawba Valley Railway, operating 22 miles; and the Tallahassee and Southeastern Railroad, operating 39 miles, were merged with the Seaboard Air Line Railway as of September 29 and 30, 1909.

This increases the operated mileage by nearly 400 miles, so that the mileage operated, or owned by the Seaboard Air Line, from October 1, 1909, will be just 2,910 miles. These several subsidiary roads have been controlled heretofore, but have been operated separately. Their operations hereafter will be included in the operations of the Seaboard system proper.

Following this statement Mr. Williams added: "I regret to see that some newspaper which did not entirely understand the situation and some of my enthusiastic friends are too much disposed to herald the recent action at New York in electing myself and some of my friends to the Seaboard directors as a Williams victory. This is the wrong view. The action is a victory or a defeat for anybody and was not so intended. There has been no fight since the receivership. It was simply a case of those most heavily and directly interested in the Seaboard getting together to harmonize all interests and to insure peace and effective work."

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CARRIER NABBED FOR RIFLING MAIL

Will be Given a Hearing Tomorrow

A WOMAN IN THE CASE

N. W. Fain, One of the Oldest Carriers at Asheville, the Man Charged With Intercepting Mail—Has Been Held in High Esteem and His Arrest Caused Great Surprise in Community.

(Special to News and Observer.)
Asheville, N. C., Oct. 11.—N. W. Fain, one of the oldest letter carriers in service at the Asheville postoffice, was late today placed under arrest by a United States postoffice inspector on the charge of rifling the mail of a woman who resides on Southside avenue. He was later released on a \$500 bond to await the hearing before United States Commissioner McCall Wednesday and has been suspended from service, pending the investigation. About the middle of last week a complaint was registered with the postoffice inspector by an out-of-town man that his mail to this woman in Asheville was being tampered with, and that he had written letters which she had never received. Mr. Fain has been in the employ of the postoffice for nineteen years, and was held in the highest regard by his employer, so much so that when this complaint was presented to the postoffice inspector, he almost laughed in the man's face, believing such a thing impossible. However, referring to this city hurriedly and unexpectedly, and in total ignorance to the employes of the postoffice, he last night began the investigation which led to the arrest of Mr. Fain. The immediate undoing of him, it seems, it was a letter which was here before midnight last night from Hendersonville and addressed to the woman in question. It was guarded by the mail clerks until this morning about 10 o'clock, shortly before the arrival of Mr. Fain, and then placed in a stack of letters on the proper carrier's desk. Mr. Fain, who makes his early delivery in the business section and coming into the postoffice, is alleged to have searched through the pile of letters lying on the desk of the carrier who delivers the mail to the Southside section, found this letter and it is alleged he broke it open. When approached this morning by the inspector, he first denied having anything to do with the broken letter, but later admitted it. As best it can be learned it seems that jealousy must have been the cause of his actions, and not any hope of getting money. Fain is a married man, and has several children. His wife is an invalid. Rumors have been paying attention to the woman; that a great jealousy has arisen between them, and that he took this means of outwitting the other man. The arrest has caused a great surprise in Asheville; as the people held him in utmost esteem and confidence. He is a very prominent member of the St. G. A. M., being district deputy of the Seventeenth district which covers Western North Carolina and has held this position for several years. He is a man about 35 to 40 years of age, and was appointed a letter carrier when the city free delivery was established about nineteen years ago. He was well liked, and great sympathy is expressed for his family.

BALES OF COTTON LIGHTER

SECRETARY HESTER ISSUES A STATEMENT OF WEIGHTS DURING SEPTEMBER.

(By the Associated Press.)
New Orleans, Oct. 11.—Secretary Hester has just issued a statement of weights of 1,024,680 bales of cotton handled at outports and across the Mississippi, Ohio and Potomac rivers, overlaid to American manufacturers outside of the cotton belt during the month of September, showing an average per bale of 518.65 against 525.40 pounds for the same period last year.

AUTO RUNS DOWN BOY

SERIOUS ACCIDENT HAPPENS TO ASHEVILLE BOY—MR. LIPINSKY'S MACHINE.

(Special to News and Observer.)
Asheville, Oct. 11.—While going down South Main street shortly before dark to-night Whit Lipinsky, driving an automobile, ran over and very seriously injured the nine-year-old son of a Mr. Barnett, close to the latter's house.
The boy's face was badly cut, his head bruised and left collar-bone broken and left leg badly injured.
Mr. Lipinsky claims that the boy, stepped in the way of the approaching machine and that he could not stop the machine, which was running at a low rate of speed, in time to avert the accident. The mother of the boy, the two returning from the circus, claims that the boy had gotten off the car before her and was more than fifteen feet ahead of the approaching automobile, and that the driver of the machine could have avoided him. Mr. Lipinsky at once went for Dr. L. B. McBrayer, and later other physicians were summoned in an effort to save the boy's life.
Mr. Lipinsky is a son of S. Lipinsky, a former alderman of Asheville, and a prominent business man.

SEVERAL DOCTORS TO BE ARRESTED

Too Free in Giving Whiskey Prescriptions

POKER PLAYERS PULLED

Arrested in Greensboro, But Were All Out-of-towners—Owing to Absence of District Attorney Holton, the Case Against Lee H. Battle in Federal Court May Be Postponed—Assistant Coble Prosecuting Cases.

(By ANDREW JOYNER.)
Greensboro, N. C., Oct. 11.—Federal court opened again this morning, the day being devoted to clearing the docket of bond distilling cases. In the absence of District Attorney Holton, assistant District Attorney Coble prosecuted the cases, and had unusual success. The case against Lee H. Battle, cashier of the City National Bank, indicted for the alleged misappropriation of funds, has been set to begin tomorrow, but it looks now as if the case might be continued on account of the absence of the District Attorney, whose son was accidentally shot Saturday, and who is now reported to be in a critical condition. The District Attorney sent a messenger early this morning that he hoped to get here by noon, but since then it has been reported that his son had taken a turn for the worse, preventing Mr. Holton from coming today, and if the boy continues in his present condition, it will be impossible for the case to be tried at this term of the court, even should the defense be ready for trial, for the District Attorney has the usual preparation of the government's side of the case.

A non-resident gambling fellow played a very scurvy trick on four other non-resident gambling gentlemen here Saturday night. The five were having a "little game of poker" in a private room of their hotel, when this fellow getting the worst of it got angry and left the room. He went straight to the police station and peached, the officers going to the room designated and finding the party playing the game arrested the whole bunch. Bonds were given for appearance in court, but the peaching and impeaching witness failed to show up, so the case was continued until he can be found and brought to court.

Albany, that several physicians here have violated the prohibition law which limits the giving of prescriptions for whiskey to any except "regular" patients, the police have been instructed to have warrants served on all physicians who gave prescriptions last month to those who are not their regular patients.

The annual chrysanthemum show, which is generally held here the second week in November, will be held the first week, November 4-5, this year, owing to the fact that this lovely "autumn rose" gives promise of blooming earlier than usual. The event is always of great local interest, and there is the best prospect now for fine specimens that have been seen for several years.

LITTLE HOPE FOR JOHN HOLTON

The Son of District Attorney Holton Who Was Accidentally Shot by His Brother.

(Special to News and Observer.)
Winston-Salem, N. C., Oct. 11.—John Holton, the eleven-year-old son of District Attorney A. E. Holton, who was accidentally shot in both legs by his brother Frank on Saturday, has been unconscious all day and a little hope is entertained for his recovery. Tonight the left limb was removed as a last resort for saving the boy's life. District Attorney Holton is at home and it is quite probable that his absence will necessitate a delay or continuance of the trial of Lee H. Battle, cashier of the City National Bank of Greensboro, who was indicted to begin in the Federal Court at Greensboro tomorrow. Mr. Holton is the government's leading counsel for the prosecution.

DEATH OF MR. P. D. PRICE.

Prominent Business Man of Greensboro and Madison Dies at Wilmington.

(Special to News and Observer.)
Wilmington, N. C., Oct. 11.—Mr. P. D. Price, for many years a prominent business man of Madison and Greensboro, N. C., died here this afternoon at the home of his daughter, Mrs. Percy R. Albright, after a lingering illness of several weeks, during which he came to Wrightsville Beach and Wilmington with the hope that the change would be beneficial to him. He was in the 73d year of his age and is survived by his wife and one daughter, Mrs. P. R. Albright. After a short funeral service from the residence to-morrow evening at 6 o'clock the remains will be taken to Greensboro for interment.

TABLE MEN TO VISIT DURHAM

Agriculturists will Visit Tobacco Factories

NEGRO TRAINING SCHOOL

Second Week of Superior Court On—The B. L. Duke Suit to Come Up—Mr. W. L. Foushee Sworn in as Attorney—Eno Club Getting Ready—Alleged Moonshiners Bound Over to Federal Court.

(Special to News and Observer.)
Durham, N. C., Oct. 11.—The National Farmers' Association which is to be in session in Raleigh next week has determined to honor Durham a day on its return and as the guest of Col. Benahan Cameron will stop in this city immediately after adjournment in Raleigh.
The agriculturists, hailing largely from the West, mean to spend the time in the tobacco factories, many of them being a stranger to the weed which made Durham famous. They will be taken over the whole city and will be directed by Colonel Cameron. They go from here to Winston-Salem, where they enjoy a day in the factories of that city.

This will make the second national meeting in the city within a week, preparations now being in order to entertain the National Religious Training School and Chataqua for the Colored Race, which meets here Wednesday night of this week.

The merchants are to be the hosts of this distinguished gathering. The first address will be Wednesday night by Rabbi Abram Simon, of Washington, whose subject is "A Plea for Leadership in New Orleans." The other special addresses by Judge Jeter C. Prichard, Rev. Thomas B. Shannon, and Rev. William G. Chapman, of Newark, New Jersey; Dr. James H. Dillard, of New Orleans; E. A. Tompkins, Charlotte, and perhaps others. While Bishop Strange, of Wilmington, Dr. Charles H. Parkhurst, of New York city, and Rev. Dr. J. C. Masses, of Chattanooga, have indicated the intention of coming here, they are not down for addresses.

The board meets at noon and holds until 2:30. It then goes into executive session, as expected to settle the question at that time of the style of architecture and the number of buildings with the awarding of contracts. Two buildings will in all probability be erected, the style of architecture and the number of buildings will in all probability be erected, the style of architecture and the number of buildings will in all probability be erected.

The reception to the visitors follows at the Y. M. C. A., where the merchants and the ladies of the city will entertain the guests. The Y. M. C. A. will preside. He is treasurer of the association and with him there is another member, General B. W. Green, of Little Rock, Arkansas.

The Associated Press has made arrangements to cover the event, and will have a special representative here.

The second week of Durham civil court is now in session, and today there was heard an interesting appeal case of the Anderson Tool Company, Bank of Dallas, Texas, Inc. vs. B. L. Tyree, wholesale grocery company. The first case was heard before Justice R. C. Cox, who awarded a judgment for \$102.50. Mr. Tyree appealed, bringing out in counter-claim. The issues seem to have arisen over the sale of some oil tanks that gave no satisfaction and were to have been returned. The guarantee upon these covered the shipment of new tanks and the exchange of the old, but when Mr. Tyree asked for shipping instructions, he says he did not get them. His counter-claim covered the first judgment. The point of law is which oral contracts figured as well as written ones, is interesting.