

The Only Associated Press Newspaper in Western North Carolina

ENRICO CARUSO FAMOUS TENOR FOUND GUILTY AND WAS FINED TEN DOLLARS

Defendants Counsel Will Take
An Appeal To Court of
Special Sessions.
**STRONG LANGUAGE IN
COUNSELS' SPEECHES**
Spectators Disapprove of Part
of Mathot's Speech Refer-
ring to Them.

(By Associated Press.)
NEW YORK, Nov. 23.—Enrico Caruso, the famous grand opera tenor, was found guilty today of having annoyed women at the zoological garden in Central Park. He was fined \$10 by Magistrate Barker.

Caruso's counsel announced that they would appeal. The appeal will take the form of a writ of certiorari, procuring a review of the case by the court of special sessions. Former Judge Dittenhoff, for his client, will seek to expedite the appeal because Caruso is billed to sing at the Metropolitan Opera House next Wednesday. Tonight Director Conried declared that the conviction would not interfere with Caruso's appearance.

In a quiet manner Magistrate Barker endorsed the affidavit "guilty fine \$10" and handed it to a clerk of the court. He then ordered that Frederick W. Spierling, of the counsel for Caruso, be informed of the decision so that he might come to the court and pay the fine.

There were comparatively few people in the court at the time. Former Judge Dittenhoff expressed surprise when told the decision was against his client. He said: "If Caruso was guilty of the conduct Cain in his testimony charged him with, but which was absolutely refuted, he should have been punished severely. If on the other hand, he was innocent, he should not have been fined at all."

"The non-appearance of Hannah Graham, the woman who Cain alleges was insulted by Caruso, in itself stamps the case with so much suspicion that it should have been dismissed on that alone."

Mr. Conried said: "I have not even contemplated making and change in the arraignment for next week as a consequence of the verdict. Nothing short of the absolute inability of Mr. Caruso to sing will prevent his appearance, as announced, on Wednesday next, at Rodolfo, in 'La Boheme'."

FORTY-THIRD CHILD OF PRES. JOSEPH SMITH

Mormon Prophet Gets In Bad
Over the Arrival of His
Youngest.

TWO HUNDRED DOLLAR FINE IS IMPOSED

Judge Ritchie Imposes Maxi-
mum Fine But Does Omit
the Jail Sentence.

(By Associated Press.)
SALT LAKE CITY, Utah, Nov. 23.—Joseph Smith, president of the Mormon Church, this afternoon appeared in the district circuit court before Judge Ritchie, pleaded guilty to a charge of unlawful cohabitation and a fine of \$200 was imposed.

The charge under which the Mormon prophet was arrested and fined was based on the recent birth to President Smith's fifth wife, of his forty-third child.

President Smith addressed the court, saying that his latest marriage occurred in 1854. All his marriages, he said, were entered into with the sanction of his church, and, as they believed, with the approval of the Lord. According to his faith unions were eternal. He continued: "So far as my case is concerned, I like others who had entered into solemn religious obligations, sought to the best of my ability to comply with all requirements pertaining to the trying position in which we were placed. I have felt secure in the protection of that magnificent sentiment which was extended to me as an olive branch in 1839, and subsequent years, to those old cases of plural family relationships, which came within its public view, as did mine."

"When I accepted the manifesto issued by President Wilford Woodruff, I did not understand that I would be expected to abandon and discard my marital and obligations which I had assumed by reason of those marriages. I have conscientiously tried to discharge the responsibilities attending them without being offensive to anyone. I have never flaunted my family relations before the public, nor have I felt a spirit of defiance against the laws, but on the contrary I have always desired to be a law-abiding citizen."

SQUARE DEAL ASSURED FOR THOSE TRIED

Clerk Erwin Charged Fifteen
Cents Less Than Allowed
Him by Law.

JUDGE SAYS SOLICITOR CHARGES ARE ILLEGAL

Matter Will Probably Be Taken
to Supreme Court By
Brown and Lusk.

The board of aldermen last night held a brief business-like session, the feature of which was the passage of a resolution introduced by Alderman Stickleather, calling upon the mayor to send a telegram to President Samuel Spencer of the Southern Railway, asking him to intercede for Asheville and assist in securing a coal supply. The resolution briefly showed the dire necessity in which Asheville stands for fuel. Alderman Stickleather said he had been reliably informed that two hundred cars of coal were on the way to Asheville but had been delayed.

The matter of blasting by the Southern Railway in double tracking was brought up and referred to the chief of police. Sanitary Inspector Garrison stated that by the explosion which injured Dick Bishop had thrown the entire mass of rock either across or into the river. He said one rock, weighing one hundred and fifty pounds, had been hurled through one of the post houses. Bishop's injuries, he said, were serious, a rock cutting through the flesh of his leg to the ground and burying itself in the ground on the rebound.

The water committee recommended that the Asheville Library association be given free water service. Adopted.

The light committee recommended that an arc light be placed on Haywood street, half way between Ann street and Patton-avenue.

PRES. SPENCER WILL BE ASKED TO INTERVENE

Mayor Barnard Instructed to
Appeal For Coal For
City Consumers.

TWO HUNDRED CARS HAVE BEEN SHIPPED

So Alderman Stickleather
Says He Has Been Inform-
ed—Routine Work.

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YALE-HARVARD TEAMS READY FOR CONTEST

New Haven Full of Football
Enthusiasts Ready For
Tomorrow's Game.

SPIRITED BETTING IN YALE'S FAVOR

Partisans of the Blue Very
Confident and Offer Odds
of 5 to 4.

(By Associated Press.)
NEW HAVEN, Conn., Nov. 23.—The advance guard of the host which will invade this city tomorrow to witness what promises to be the greatest battle on a college gridiron in many years, the contest between Yale and Harvard, took possession of the University community tonight.

Such a night before the battle New Haven has not seen in many years. The streets of the city had much the appearance of reunion days at commencement time except that the fantastic garb of the classes was absent. Blue was the prevailing color, of course, but there was enough of the Harvard crimson to be seen to show the interest and enthusiasm of her supporters.

The general feeling over the game is that it will be unusually hard fought. The whole college is football mad and the enthusiasm that will be carried to the field will be far greater than ever before.

Betting on the game is becoming spirited and many Yale men are offering 5 to 4 on their team. Most of the betting was done at 5 to 4, and 11 to 6, on Yale.

ADVANCE GRANTED BY MANUFACTURERS

Strike Prevented by Adop-
tion of the New Schedule
By Mill Owners.

(By Associated Press.)
FALL RIVER, Mass., Nov. 23.—Fall River cotton mill employees won a battle for an increase in wages today and on Monday next 30,000 operatives will come under a scale giving them 10 per cent more than the present rate.

The granting of the advance by the manufacturers prevented a strike, the workmen having voted at meetings last night to stop work in all mills next Monday if the new schedule was not accepted.

The new wage scale effects seventy corporations, operating ninety-two mills, besides the Iron Works plant. The manufacturing association's agreement to pay the increase for a period of 6 months, but provision is made for extending it. Between November 1903, and July 1904, the Fall River operatives suffered reductions aggregating 22-1/2 per cent. Last spring a part of the cut was restored, and in view of the continued prosperous business conditions, the operatives demanded a complete resumption of the 1903 scale. It is considered probable that other cotton mills in New England will follow the lead taken in this city, and that thousands of outside mill hands ultimately will be benefited by the determined stand taken by the Fall River unions.

(By Associated Press.)
ROCHESTER, N. Y., Nov. 23.—The Post-Express announces this afternoon that the Rev. Algernon Sidney Crapsey has decided to resign from the ministry of the Protestant Episcopal church in this city for twenty-eight years and is one of the oldest canonically-resident Episcopal clergymen of the diocese of Western New York.

His Counsel's Statement.
NEW YORK, Nov. 23.—Edward M. Sheppard counsel for the Rev. Dr. Crapsey, said today concerning his report published in Rochester that Dr. Crapsey had decided to withdraw from the Protestant Episcopal church.

Silent Witnesses Against Gil- lett Are Sworn In Court By the Prosecution.

DISTRICT ATTORNEY
ADVANCES THEORY
Contents That the Girl Was
Was Struck Down in the
Boat By Prisoner.

(By Associated Press.)
HERKIMER, N. Y., Nov. 23.—The 12-foot strip cedar rowboat, sharp at both ends, a typical pleasure craft of the better class, in which Chester Gillette and Grace Brown ventured upon Big Moose Lake last July, the girl never to return alive, was the most important and interesting witness introduced against Gillette today at his trial here on the charge of murder. Clinging to the cleats in the bottom of the boat at the stern, and twining about the braces which hold the rear seat in place were a score of strands of long, dark hair. The man who found the boat floating bottom-up on the lake testified that he had removed enough hair from the cleats and braces to make a lock the size of a lead pencil. The hair was also introduced in evidence.

Then immediately followed a dramatic appeal. The prosecutor called to the stand Francis Brown, a sister of the dead girl. She had brought with her a lock of hair cut from her sister's head after her body was brought home. It was placed in evidence and attached to a piece of paper side by side with the hair taken from the bottom of the boat. Then the paper was passed to the jury.

The defense fought the introduction of the two samples, denouncing what was termed the improper procedure of the prosecuting officer. Judge Devendorf over-ruled all the objections.

District Attorney Ward contends that the girl was struck down in the boat and her hair entangled in the cleats and braces. Then the hair pulled out when the body was picked up and thrown overboard.

The placing of the boat on view before the jury and the testimony of Robert Morrison as to the discovery of the long wisps of hair in the craft created quite a stir in the crowded court room. The jurors left their places in the box to make a close examination of the boat and the hair which still remains in it.

SHOOTS AND KILLS HER HUSBAND AND THEN COMMITS SUICIDE

(By Associated Press.)
CHICAGO, Nov. 23.—James F. Delaney, president of the American shipping company, was today shot and killed by his wife, who immediately afterward committed suicide.

NEEDS THE MONEY, SAYS MRS. HARTJE.

(By Associated Press.)
PITTSBURGH, Pa., Nov. 23.—Mrs. Mary Scott Hartje, one of the principals in the divorce case, filed a petition in the courts today through her counsel asking for the allowance of alimony pending litigation, counsel fees and expenses that have been incurred in preparing her defense in the divorce suit.

PLEA OF EMOTIONAL INSANITY OFFERED

Evidence to That Effect
Makes Little Impression
on Crowd of Spectators.

(Continued on page four)

DR. CRAPSEY WILL OFFER RESIGNATION

Will Not be Necessary to
Pass Sentence of Sus-
pension Against Him.

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FOUND GUILTY OF SHANGHAISING

(By Associated Press.)
NORFOLK, Va., Nov. 23.—Captain Andrew Crockett, of the Chesapeake Bay Oyster schooner dredger, James A. Whiting, indicted under the new federal law against shanghaiing, was today found guilty and sentenced to pay a fine of \$100 by December 1, or serve six months in jail.

Judge Waddell said he imposed a fine because this was the first conviction under the law. All other offenders, he said, would receive jail sentences following conviction, whether able to pay fines or not.

A "HOG KILLING" IN GEORGIA.

(By Associated Press.)
MONTICELLO, Ga., Nov. 23.—L. C. Edwards came in this morning to give up to the sheriff, stating that he had shot and killed John Gray. The trouble was about some logs getting into Gray's field. Gray went into the field where Edwards was working, with a shot gun, and Edwards shot him. All details are not known, but Edwards seems confident of being justified in shooting Gray.

His Counsel's Statement.
NEW YORK, Nov. 23.—Edward M. Sheppard counsel for the Rev. Dr. Crapsey, said today concerning his report published in Rochester that Dr. Crapsey had decided to withdraw from the Protestant Episcopal church.

FAIR WEATHER.
WASHINGTON, Nov. 23.—
Forecast for North Carolina:
Fair Saturday and Sunday;
light to fresh north to north-
west winds.

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