

For North Carolina: Fair

# THE MORNING POST.

Temperature for the past 24 hours: Max. 44; Min. 26.

Vol. XIII RALEIGH, N. C., TUESDAY DECEMBER 8, 1903 No. 7

## PRESIDENT'S MESSAGE TO REGULAR SESSION

### Annual Review of the Various Interests of the Government

#### CORPORATIONS CLAIM FIRST CONSIDERATION

#### Panama Canal Comes Last in Order but First in Importance

#### TREATY THAT FAILED

#### Birth of the New Republic and the Relations of this Country to It

#### Frauds Upon the Naturalization Laws—Graft in the Post Office Department, Alaska and Venezuela, Arbitration of International Differences—Irrigation and Forest Preservation—Civil Service—Military and Naval Affairs—Many Minor Matters Treated Briefly

to the Senate and House of Representatives:

The country is to be congratulated in the amount of substantial achievement which has marked the past year with its regard for foreign and its regard for domestic policy.

With a nation as with a man the most important things are those of the household, and therefore the country is especially to be congratulated on what has been accomplished in the direction of providing for the exercise of supervision over the great corporations and combinations of corporations engaged in interstate commerce. The Congress has created the Department of Commerce and Labor, including the Bureau of Corporations, with for the first time authority to secure proper publicity of such proceedings of these great corporations as the public has the right to know. It has provided for the expediting of suits for the enforcement of the Federal anti-trust law; and by another law it has secured equal treatment to all producers and transportation of their goods, thus taking a long stride forward in making effective the work of the Interstate Commerce Commission.

The establishment of the Department of Commerce and Labor, with the Bureau of Corporations thereunder, marks a real advance in the direction of doing all that is possible for the solution of the questions vitally affecting interests and wage-workers. The act creating the department was approved on February 14, 1903, and two days later the head of the department was nominated and confirmed by the Senate. Since then the work of organization has been pushed as rapidly as the initial appropriations permitted, and with due regard to thoroughness and the broad purposes which the department is designed to serve. After the transfer of the various bureaus and branches to the department at the beginning of the current fiscal year, as provided for in the act, the personnel comprised 1,289 employees in Washington and 8,336 in the country at large. The scope of the department's duty and authority embraces the commercial and industrial interests of the nation. It is not designed to restrict or control the fullest liberty of legitimate business action, but to secure exact and authentic information which will aid the executive in enforcing existing laws, and which will enable the Congress to enact additional legislation, if any should be found necessary, in order to prevent the few from obtaining privileges at the expense of diminished opportunities for the many.

**BUREAU OF CORPORATIONS.**

The preliminary work of the Bureau of Corporations in the department has shown the wisdom of its creation. Publicity in corporate affairs will tend to do away with ignorance, and will afford facts upon which intelligent action may be taken. Systematic, intelligent investigation is already developing facts the knowledge of which is essential to a right understanding of the needs and duties of the business world. The corporation which is honestly and fairly organized, whose managers in the conduct of its business recognize their obligation to deal squarely with their stockholders, their competitors, and the public, has not to fear from such supervision. The

purpose of this bureau is not to embarrass or assail legitimate business, but to aid in bringing about a better industrial condition—a condition under which there shall be obedience to law, and recognition of public obligation by all corporations, great or small. The Department of Commerce and Labor will be not only the clearing house for information regarding the business transactions of the nation but the executive arm of the government to aid in strengthening our domestic and foreign markets, in perfecting our transportation facilities, in building up our merchant marine, in preventing the entrance of undesirable immigrants, in improving commercial and industrial conditions, and in bringing together on common ground those necessary partners in industrial progress—capital and labor. Commerce between the nations is steadily growing in volume, and the tendency of the times is toward closer trade relations. Constant watchfulness is needed to provide for doing away with the chance to participate to the best advantage in foreign trade; and we may confidently expect that the new department will justify the expectation of its creators by the exercise of this watchfulness, as well as by the businesslike administration of such laws relating to its internal affairs as are entrusted to our care.

In enacting the laws above enumerated the Congress proceeded on same old conservative lines. Nothing revolutionary was attempted; but a common-sense and successful effort was made in this direction of seeing that corporations are so handled as to subserve the public good. The legislation was moderate. It was characterized throughout by the idea that we were not attacking corporations, but endeavoring to provide for doing away with any evil in them; that we drew the line against misconduct, not against wealth; gladly recognizing the great good done by the capitalist who alone, or in conjunction with his fellows, does his work along proper and legitimate lines. The purpose of the legislation, which purpose will undoubtedly be fulfilled, was to favor such a man when he does well, and to supervise his action only to prevent him from doing ill. Publicity can do no harm to the honest corporation. The only corporation that has cause to dread it is the corporation which shrinks from the light, and about the welfare of such corporations we need not be over-sensitive. The work of the Department of Commerce and Labor has been concentrated upon this theory, of securing fair treatment alike for labor and for capital.

**CAPITAL AND LABOR.**

The consistent policy of the National government, so far as it has the power, is to hold in check the unscrupulous man, whether employer or employee; but to refuse to weaken individual initiative or to hamper or cramp the industrial development of the country. We recognize that this is an era of federation and combination, in which great capitalistic corporations and labor unions have become factors of tremendous importance in all industrial centers. Hearty recognition is given the far-reaching, beneficent work which has been accomplished through both corporations and unions, and the line as between different corporations, as between different unions, is drawn as it is between different individuals; that is, it is drawn on conduct, the one does well, and the other does nothing save that the interest of each shall be brought into harmony with the interest of the general public, and that the conduct of each shall conform to the fundamental rules of obedience to law, of individual freedom, and of justice and fair dealing towards all. Whenever either corporation, labor unions, or individual disregards the law or acts in a spirit arbitrary and tyrannical interference with the rights of others, whether corporations or individuals, then where the federal government has jurisdiction, it will see to it that the misconduct is stopped, paying not the slightest heed to the position or power of the corporation, the union or the individual, but only to one vital fact—that is, the question whether or not the conduct of the individual or aggregate of individuals is in accordance with the law of the land. Every man must be guaranteed his liberty and his right to do as he likes with his property or his labor, so long as he does not infringe the rights of others. No man is above the law and no man is below it; nor do we ask any man's permission when we require him to obey it. Obedience to the law is

demanded as a right; not asked as a favor. We have cause as a nation to be thankful for the steps that have been so successfully taken to put these principles into effect. The progress has been by evolution, not by revolution. Nothing radical has been done; the action has been both moderate and resolute. Therefore the work will stand. There shall be no backward step. If in the working of the laws it proves desirable that they shall at any point be expanded or amplified, the amendment can be made as its desirability is shown. Meanwhile they are being administered with judgment, but with insistence upon obedience to them; and their need has been emphasized in signal fashion by the events of the past year.

**RECEIPTS AND EXPENDITURES.**

From all sources, exclusive of the postal service, the receipts of the government for the last fiscal year aggregated \$569,296,574. The expenditures for the same period were \$506,099,007, the surplus for the fiscal year being \$63,197,567. The indications are that the surplus for the present fiscal year will be very small, if indeed there be any surplus. From July to November the receipts from custom were, approximately, nine million dollars less than the receipts from the same source for a corresponding portion of last year. Should this decrease continue at the same ratio throughout the fiscal year, the surplus would be reduced by, approximately, thirty million dollars. Should the revenue from customs suffer much during the fiscal year, the surplus would vary. A large surplus is certainly undesirable. Two years ago the war taxes were taken off with the express intention of equalizing

#### INGRAM IN JAIL

**A Guilford Murderer Arrested in Pennsylvania**

Greensboro, N. C., Dec. 7.—Special. Chief of Police Scott received a wire today from Harrisburg, Pa., saying that William Ingram, colored, was in jail there awaiting an officer from this state. July 4th, 1903, Ingram shot a negro named Scott, a white man named Battle, and a white woman named Battle, killing them instantly and making his escape. Officers here located Ingram two weeks ago and sent a warrant for his arrest.

#### WAGES LOWERED

**Cotton Mill Operatives Will Work for Reduced Pay**

Boston, Dec. 7.—The wages of 15,000 cotton mill operatives were reduced about ten per cent today in New Bedford, Balto, Conn., Taftville, Conn., Fisherville, Mass., and Pawtucket, R. I.

The total number of mill hands who have had their pay reduced to the present time is about 80,000. Five thousand additional operatives in Berkshire county have been given notice that their pay will be cut next week.

Most of the mills which have participated in the cut to date follow the course of the Fall River schedule adopted November 30. Of the operatives affected by today's notice about 12,000 are employed in New Bedford.

#### SUNDAY SCHOOL BUILDING OPENED

Greensboro, N. C., Dec. 7.—Special. The exercises yesterday marking the formal opening of the Smith Memorial building, the fine structure adjoining the First Presbyterian church, erected for the Sunday School and other purposes, were impressive and appropriate to the occasion. The program as published in this correspondence last week was carried out and at each of the three services held the auditorium which has a seating capacity of nearly 2,000 was filled to the limit.

The celebration was continued tonight with an elaborate banquet given to the members of the congregation in honor of the opening of the new building and the tenth anniversary of the pastorate of Rev. Dr. Egbert W. Smith.

#### MORPHINE DID IT

**John Sheehan Found Dead in His Bed at Spencer**

Salisbury, N. C., Dec. 17.—Special. Mr. John Sheehan, a former resident of Wilmington, who has been spending some time in Salisbury and Spencer in the interest of his health, was found dead in his bed Sunday morning at the home of Mr. C. H. Naylor of Spencer with whom he was stopping for the night. The deceased had been addicted to the use of morphine for some weeks and was deeply under the influence of an opiate when he went to the home of Mr. Naylor for lodging. He was shown a room and a fire was kindled for him. He immediately took to his bed and the family thought he was sleeping soundly at a late hour when they retired. Upon visiting the room early yesterday morning it was found that he had been dead some time, and the physician who was summoned is of the opinion that death resulted from the excessive use of morphine. It is not believed that deceased had suicidal intentions, though the facts are not known. He had been drinking periodically for some weeks and at times showed signs of mental depression. Mr. Sheehan is said to have been at one time a successful druggist of Wilmington and has relatives there. His remains were turned over to Sheriff Julian, who shipped them to Wilmington.

#### TORN BY LIONS

**Tamer Rent in Pieces Before a Great Throng**

Dessau, Germany, Dec. 7.—Frau Fischer, a lion tamer, was torn to pieces today by four lions in a menagerie cage and in sight of a great crowd of people. She was trying to make a lion spring through a hoop and struck it with a whip, whereupon the animal leaped upon her and disemboweled her at one stroke. The woman shrieked once and the three other lions joined in the attack on her and fought among themselves for fragments of her flesh. There was a frightful panic among the spectators and many persons were injured.

#### DURHAM COURT

**Two Capital Cases Are for Trial This Week**

Durham, N. C., Dec. 7.—Special.—It is court week in Durham. Judge O. H. Allen is on the bench. The term is for one week and for the trial of criminal cases only. When court convened this morning there were about eighty-five cases on the docket. Among the number are two capital cases, T. J. Armstrong, white, is charged with killing Harry Kelly, both of whom were confined in the city lock-up at the time of the homicide. Armstrong

was in the lock-up under charge of being drunk and disorderly. As soon as Kelly was placed in the cage, being charged with drunkenness, Armstrong seized and began to beat him. The result was that Kelly was so fearfully beaten before the arrival of an officer that he died that night. The other capital case is against Joseph McKinsie, colored, who is charged with criminally assaulting his step daughter, a small girl. Most of the other cases are for small violations of the laws.

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## Supreme Court Reverses a North Carolina Decision

### The State Cannot Tax a Chicago Firm That Sends a Sewing Machine C. O. D. to a Purchaser Here—The Reasons Given

By THOMAS J. PRYOR

Washington, Dec. 7.—Special.—The supreme court of the United States upset another decision of the North Carolina supreme court today. The case was one involving a license tax levied by the legislature which a county sheriff attempted to enforce on a C. O. D. shipment from a foreign state. This action was held to be in violation of interstate commerce regulations relating to original packages. The opinion was written by Justice Brown and was concurred in by all the members who sat on the case. Justice Holmes was not present at the hearing.

The action was a controversy between Sheriff Smith, of Person county, and the Norfolk and Western Railway and Mrs. O. L. Satterfield on the other side. Mrs. Satterfield ordered a sewing machine from a Chicago firm which was shipped C. O. D. via the Norfolk and Western Railway. The sheriff insisted that the railway agent could not deliver the sewing machine without paying the license tax of \$350 imposed on sewing machine agents by the legislature of North Carolina. The supreme court of North Carolina held that the Chicago firm was indebted to the state for the license tax and that the levy upon the machine was lawful and valid and the plaintiff was ordered to sell the machine and apply the proceeds to the payment of the tax.

The decision of the court today was no surprise, having been anticipated by members of congress who heard the argument. Justice Brown, who wrote the opinion of the court, said: "To the ordinary mind it seems a somewhat startling proposition that a manufacturing corporation, located and doing its main business in a distant city, having no manufactory in North Carolina, no stock in trade, no place for the sale of its goods there, and no agent authorized to sell them, can be compelled to take out a license required of all those engaged in the business of selling from the mere fact that it had done what hundreds of others were doing—sent a single machine there upon a written order of a customer and under an ordinary C. O. D. consignment. If this may be done the revenues of every state may be largely increased by adopting a similar system, since a large part of the business of retail shops in the principal cities is done by orders received and the goods delivered in the same way. If this were the law it would also follow that the consignor of every cargo of wheat sent to New York for export under a bill of lading accompanied by a draft for the payment of the money in the usual method might be compelled to take out a license in the state of New York as a dealer in produce notwithstanding that all the real business was done in Chicago or North Dakota."

Evidencing the error of the North Carolina decision the supreme court says further: "So too, what the state may do directly, it may authorize its municipalities to do, and if, under legislative authority, each of the large towns in the state of North Carolina saw fit to adopt a similar license tax, the consequence would be, not a simple interference with interstate commerce, but a practical destruction of one important branch of it."

The court declares also: "While it may be entirely true that the property in the thing sold does not pass under a C. O. D. consignment until the delivery of goods, and hence it may be said that the sale is not completed until then, yet as a matter of fact the bargain is made and the contract of sale completed as such when the order is received in Chicago, and the machine shipped in pursuance thereof."

The court says the substance of the sale is the agreement to sell and its acceptance. Referring to the words, "engaged in the business of selling the same within the state," the court declares further, "it is evident the state courts could not give it a construction which would operate as an interference with interstate commerce and that upon this question the opinion of this court is controlling."

Justice Brown says that the cases relied upon by the state do not support the contention. The court declares that "for the past seventy-five years and ever since the original case of Brown vs. Maryland (12 Wheat, 419) we have uniformly held that states have no power to tax directly or by license upon the importer, goods imported from foreign countries or other states, while in their original packages, or before they have become commingled with the general property of the states and lost their distinctive character as imports."

After citing a long list of cases the court says: "Finally, in *Caldwell vs. North Caro-*

lina (187 U. S. 622) another of the same line of cases, it was held that a city ordinance imposing a license upon any person engaged in the business of selling or delivering picture frames, etc., was an interference with interstate commerce so far as applied to picture frames made in other states and shipped to an agent in the state of North Carolina."

Concluding its lengthy opinion, the court declares:

"Indeed the cases upon this subject are almost too numerous for citation, and the one under consideration is clearly controlled by them. The sewing machine was made and sold in another state, shipped to North Carolina in its original package for delivery to the consignee upon payment of its price. It had never become commingled with the general mass of property within the state. While technically the title of the machine may not have passed until the price was paid, the sale was actually made in Chicago, and the fact that the price was to be collected in North Carolina is too slender a thread upon which to hang an exemption from the transaction from a rule which would otherwise declare the tax to be an interference with interstate commerce."

"The judgment of the supreme court of North Carolina is therefore reversed and the case remanded to that court for further proceedings not inconsistent with this opinion."

[The decision reversed was rendered by the fusion supreme court in 1902. The opinion was written by Justice Clark and was the unanimous opinion of the court.]

#### Woman Wanted Revenge

Winston-Salem, N. C., Dec. 7.—Special.—Sidney Moore, colored, arrested for attempting to commit the nameless crime upon Miss Claude Pegrum at her father's spring, three miles northwest of town last June, was given a preliminary trial today. Miss Pegrum, after identifying the negro in the court room, exclaimed in a determined voice: "If I had my way you would never get out of here alive. Moore was ordered to jail without bail to await trial at the February term of court."

#### Changes in Railroad Circles

Asheville, N. C., Dec. 7.—Special. It is rumored here today that General Superintendent McManus of the western district of the Southern contemplates soon going to the M. and O. and that he will be succeeded by Superintendent Loyall of the Knoxville division, who in turn will be succeeded by Superintendent Ramsey of this division, with the promotion of Trainmaster Simpson to Mr. Ramsey's place. Superintendent Ramsey said today that he had heard the rumor but did not believe that officials of the Southern would shove him around over the country without first telling him about it. The opinion prevalent among railroad men, however, is that Mr. Loyall is slated for McManus' place.

#### ELKS SURPRISED

**Roast for the Living Instead of Eulogy for the Dead**

Charlotte, N. C., Dec. 7.—Special. Charlotte Elks were treated to a genuine surprise yesterday afternoon at their lodge of sorrow. Several hundred Elks and many of their friends gathered at the academy of music, according to annual custom, to pay tribute to the departed. A sensation was sprung when Dr. Martin D. Hardin, pastor of Second Presbyterian church, the speaker of the occasion, instead of eulogizing the dead Elks, launched a flow of criticism in the living.

In the course of his address Dr. Hardin spoke plainly of what he considered some of the dangers threatening the Elks, suggesting that the order was not doing what it should to exert a good influence on the outside world. Dr. Hardin prefaced his remarks by stating that he was not very familiar with the order of Elks and that he consented to deliver the address on condition that he select his subject and say what he pleased. While the speaker admitted that the Elks comprised a great fraternal order and emphasized high principles, he contended, speaking on information that the Elks were doing much to draw men away from the churches. If this were true, said Dr. Hardin, the order must be condemned.

To say that the Elks as well as their friends were surprised expresses it mildly. They had been abused publicly in Charlotte by an evangelist, but Dr. Hardin's criticism was something new and startling.

#### Court Denies Motion

Washington, Dec. 7.—The United States supreme court today denied for the present the motion to dismiss the case of the state of Minnesota vs. the Northern Securities Company and postponed further consideration of the question until the case shall be heard on its merits.

Mr. Wm. King of Cary spent the day here.

## RECESSAPPOINTMENTS

### The President Renominates Wood and Crum and All the Rest

Washington, D. C., Dec. 7.—President Roosevelt today sent to the Senate the nomination of Gen. Leonard Wood to be a major general of the army and the nomination of 157 other army officers, whose promotion is dependent on that of General Wood. Accompanying these nominations were those of twenty-five civilian appointees, including that of Dr. W. H. Crum, to be collector of the port of Charleston, S. C., and some others whom the president nominated in the last recess.

The appointments are considered by the president and his advisers to be recess appointments. The question of their status has been discussed thoroughly by the president with the best lawyers concerned with the administration. The conclusion has been reached that between the time of the falling of President Fry's gavel, signifying the conclusion of the extraordinary session and the calling to order of the Senate in the regular session of congress, an appreciable lapse of time occurred. In this time the appointments technically were made. They are regarded by the administration as recess appointments and the appointees, therefore, will receive the pay and exercise all the authority of the rank to which they are promoted.

The commissions of the army officers have been made out on this understanding. All of them are dated back to the time last summer when the appointments originally were made. With a view to securing a legal decision, however, Secretary Root has authorized the paymaster general to make a test case and bring it to the attention of the comptroller of the treasury at the earliest possible moment.

## CONFEDERATE PEN-SION WARRANTS

### Will Be In Hands of Clerks of Superior Courts for Distribution Dec. 15th

Major B. F. Dixon, state auditor, announces that he will have the pension warrants for all the Confederate pensioners in the state for the ensuing year in the hands of the clerks of the superior courts of the several counties on December 15th, so that the old soldiers can call on the clerks in their respective counties on that date and get the amounts due them or at least the warrants on the state treasurer for the amounts, and these can be cashed by the banks any where in the state. Herebefore these warrants have been sent to the registers of deeds for distribution, the last legislature having made the change to the clerks of the superior courts. The warrants will be mailed out from the state auditor's office in ample time to reach the most remote county seats before December 15th, the date for distribution to the old soldiers.

## Col. Robinson's Eloquence

New Bern, N. C., Dec. 7.—Special. New Bern Elks held a lodge of sorrow yesterday at the Opera House. The orator was Col. Jos. E. Robinson of Goldsboro and his address was magnificent. The teachings of the order were impressed so strongly and his effort was considered by everybody as the finest of the kind ever heard here. The vocal solos by J. E. Benton and J. W. Watson were well received. The exercises were closed by "Thanatopsis," in a splendid interpretation of Tom C. Daniels. The beautiful reference to the departed dead by Col. Robinson brought tears to many eyes.

## Used a Shotgun

Richmond, Va., Dec. 7.—James M. Reeves, fifty-one years old, committed suicide in Petersburg, Va., last night about 8 o'clock in his home in Hickory street, by shooting himself through the chest with a shotgun. No one was in the house at the time, his wife having gone to attend service at church. Reeves had been drinking much of late and his act is attributed to his recent intemperance. He was a native of North Carolina and a tailor.

## Elizabeth City Will Be Dry

Elizabeth City, N. C., Dec. 7.—Special.—The aldermen of Elizabeth City have refused to grant liquor license by a vote of 4 to 3. Nash, Parker and Williams voted yes. LeRoy, McAdoo, Williams and Fearing voted no.

Charleston, W. Va., Dec. 7.—John Blackford, comedian with A. G. Fiddler's minstrels, died here today of apoplexy. He was known in England and America as "the oon from Arkansas." He was engaged in writing to his children when he was stricken.