

# THE RALEIGH EVENING TIMES.

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## WHIRL OF SNOW BRINGS WINTER

### Ohio, Indiana and Kentucky Robbed in White

## RECORDS ARE BROKEN

### Cleveland is Blanketed by a Chilling Robe of the "Beautiful"—Fall of Four Inches at South Bend. The Mountains of Kentucky Are Empearled.

(By the Associated Press.)  
Cleveland, O., Oct. 10.—A heavy wet snow driven by a high wind fell here today. The storm is the most severe since that of October 5, 1902, and is general along the lake front.

Louisville, Ky., Oct. 10.—There was a light fall of snow here today and in the mountain regions of Kentucky. This breaks all records for early snowfalls in Kentucky.

South Bend, Ind., Oct. 10.—Four inches of snow fell here today. A snow storm raged for several hours at Marion and other Indiana points, the snowfall reaching as far south as Bloomington.

St. Louis, Mo., Oct. 10.—This was the coldest October day ever recorded in St. Louis, the temperature being 34 degrees. On October 9, 1875, the next coldest day registered forty degrees.

Norfolk, Neb., Oct. 10.—Last night the mercury dropped to 17 above zero, making a new cold record for this point for so early in the fall. It was the coldest October weather in 28 years.

## THE CAPTURE OF A WOULD BE WRECKER

(Special to The Evening Times.)

Hamlet, N. C., Oct. 10.—Saturday night a train on the Gibson branch track ran into a rail some one had placed across the track, but no damage was done. Tracks showed that the would be wrecker was barefoot. About three miles above this point, Engineer Gordon had put out a barefoot negro who was stealing a ride. On his return trip he was running with caution and at a very slow speed when he struck the rail. This was the only thing that prevented a serious accident.

Engineer Gordon caught the negro yesterday two miles in the country from Gibson and carried him to where the obstruction was put on the track and his foot prints tallied with those made by the person who had placed the rail on the track. He was taken back to Gibson and locked up. Today he made a confession and was brought to Hamlet by Engineer Gordon and committed to jail by a magistrate to wait the next term of criminal court. His name is Murray Smith.

## OFFICERS OF ATLANTIC COAST LINE COMPANY

(By the Associated Press.)  
Bridgeport, Conn., Oct. 10.—At the annual meeting of the Atlantic Coast Line Company of Connecticut, held here today, the following officers were elected: President, Michael Jenkins, Baltimore; vice president, Waldo Newcomer, Directors: Henry Walters, New York; Michael Jenkins, Warren Delano, Jr., East Orange, N. J.; Waldo Newcomer, Alexander Hamilton, Petersburg, Va., and N. J. James.

## CROWDS ARE IN LINE FOR NORDICA SEATS

There was a big crowd in line all the morning at the King-Crowell Drug Company store. They were the subscribers to the Nordica grand concert to be given here on the night of Friday, October 19, and they were on hand to select their seats. Many ladies were in line. Subscribers can secure their seats tomorrow, also, but after that all seats not called for will be sold to others. This promises to be one of the biggest events of its kind ever in Raleigh, and perhaps the most successful.

## LAST TROOPS FOR CUBA GO AT DAWN

(By the Associated Press.)  
Newport News, Va., Oct. 10.—The transport Admiral Schley sailed from this port today bearing the Seventeenth and Eighteenth batteries of mountain artillery. The City of Washington is loading the headquarters and first battalion of the eleventh infantry and will sail tonight. The last troops of the first expedition will sail at daybreak tomorrow on the transport Zealandia which will carry two squadrons and the headquarters of the 11th cavalry. The transport Patomec will sail tomorrow with animals and wagon trains. No orders have been received for other transports which are to carry about 2,500 animals remaining here.

## PLAGUE AND CHOLERA IN JAPAN AND CHINA

(By the Associated Press.)  
Washington, Oct. 10.—The marine hospital service has been informed through the state department of the appearance of plague at Osaka, Japan, and of cholera at Shanghai, China. The report in the first case from Consul General Sharp and in the second from Vice Consul General Boyd. Mr. Boyd states that the number of cases of cholera is unknown but that thirty-seven deaths occurred last week and fifty the week before.

## FROST HERE TONIGHT

### First Heavy Frost in Cotton Belt Last Night

It was at Memphis, Tennessee—Light Frost at Charlotte Last Night. Wind Will be Lighter Here and Frost Expected—Drop of 16 Degrees in Raleigh.

The first heavy frost in the cotton belt occurred last night, so Director Thompson of the Weather Bureau here told a reporter for The Evening Times today. It was at Memphis, Tennessee.

In the twenty-four hours ending at 8 o'clock this morning light frosts occurred at Charlotte, N. C., Knoxville and Chattanooga, Tennessee, and Oklahoma.

In the twenty-four hour period the temperature dropped 16 degrees at Raleigh, 20 at Wilmington, 16 at Charleston, 20 at Savannah and 22 at Jacksonville, Fla. The drop was only 6 degrees at Oklahoma, and it grew greater as the wave moved eastward till the change was most severe on the coast.

Tonight, Mr. Thiessen says, there will be frost in exposed places in Raleigh and the neighborhood. This will be the second night with clear skies, and the wind will be lighter as the high pressure area advances eastward, with the temperature about as it was last night.

## HEAVY SALES ON TOBACCO MARKET

There have been very heavy sales of tobacco on the Raleigh market every day for the past ten days. Farmers from several adjoining counties have sold at the two warehouses here. The prices have been very satisfactory and are going up all the time, notwithstanding the heavy sales. There are good breaks today at both houses, with prices on all grades of leaf strong.

## REBEL GENERALS ARE TO ASK TAFT FOR OFFICE

(By the Associated Press.)  
Havana, Oct. 10.—This being the thirty-eighth anniversary of the beginning of the Ten Years War for independence the day was observed as a national holiday. The celebration was not marked by any great enthusiasm. It is considered significant that the rebels who served under General Del Castillo have been instructed not to sell their horses, and it is feared that Del Castillo has a wild idea of enforcing his demand for a position under the provisional government.

## MARRIAGE LICENSE

Marriage license was issued today to Mr. James E. Branigan and Miss Ola Belle Pool of Raleigh.

## CONTROL OF THE CORPORATIONS

### Government Should Exercise it, Says Garfield

## REFERS TO BANKING

### Says Benefit of Government Regulation is Shown in the National System But Admits That This Regulation Might Be Improved in Some Ways.

(By the Associated Press.)  
Buffalo, N. Y., Oct. 10.—Governmental control of the corporations was the subject which Commissioner James H. Garfield of the bureau of corporations and industries of the department of commerce and labor chose for his address before the Westminister Club last night. Mr. Garfield said that organized labor was just as important a part of our organized industrial system as was organized capital and that organized labor was now going through the same conditions which organized capital had gone through for fifty years. He said that he had found among the leaders as well as the rank and file of organized labor men who represented the highest type of American citizenship and that because now and then a dishonest or unprincipled man was found among them it was unfair to criticize all organized labor from the same view point.

Mr. Garfield dealt at considerable length with the new rate bill which he said would throw light on the corporate interests.

It is now up to the government he continued, to see that experts are hired who will be able to go over the books of the railroad companies; men who will be able to trace every penny and who will be able to tell when a rebate is given, no matter in what form it is given.

"Under this system, the managers will be afraid to give rebates," he said. Continuing, he said the situation had simmered down to where it was simply a question of the government controlling the corporations or the corporations controlling the government. Rich men are good to have, but above all, we want men who have made their money honestly and not by financial jugglery and deceit. We don't want these sort of men even though they do build monuments. They are the men who look upon life as the seeking of more money. The problems of capital and labor will not be solved by these men.

Mr. Garfield said that the benefit of government regulation was shown in our national banking system. He admitted, however, that there could be some improvements in that.

## SENT TO JAIL FOR WORK DONE ON THE SABBATH

(Special to The Evening Times.)  
Statesville, N. C., Oct. 10.—Two painters, Messrs. W. M. Saunders and J. S. Gibbons, were in the mayor's court Sunday charged with Sabbath breaking. The men are Seventh Day Adventists and were arrested for working on a house being remodelled by Mr. Geo. Anderson on Sundays in defiance of the law. There were three cases against them and they were fined one dollar and the costs each in each case. The fines and cost for each totaled about \$10.50 and on refusing to pay, the men were sent to jail. They say they would rather go to the chain gang, but if they go won't work on Saturday, their Sunday.

## DRUM HEAD TO TEETH BROKEN IN HIS SKULL

(By the Associated Press.)  
Lodz, Russian Poland, Oct. 10.—Five terrorists, sentenced to death by a drumhead court martial were hanged this morning. The employees of the street railroads, the school teachers and the newspaper employees have joined the men in all the factories who went on strike yesterday as a protest against trials by drumhead court martials. At Bendzin yesterday five socialists were tried by drumhead court martial and shot for armed resistance to arrest.

## AN AERONAUT'S LEG BROKEN; FELL ON ROOF

(Special to The Evening Times.)  
Springfield, Mo., Oct. 10.—George Dillinger, an aeronaut who made an ascension here last night, narrowly escaped death, his balloon descending rapidly from a height of three thousand feet. The balloon lighted upon a house top. Dillinger's leg was crushed and he received internal injuries.

## RICHMOND-A. & M. GAME TOMORROW

### Visitors Said to Have Fairly Good Team

## USE VARIETY OF PLAYS

### Coach Heston Expects to Test What the Boys Can Do—How He May Shift After Game is Under Way. Will Be Played on New Field, Which Was Ready at Noon Today.

Tomorrow afternoon the second big football game of the season will be played here and it will be the first on the new athletic grounds just finished at the A. & M. College.

Richmond College will play the A. & M. team. A big crowd is expected, as there will only be two or three more games on the home grounds this year. The boys have done great work thus far, rolling up a score of 29 to 0 against Randolph-Macon and tying the University of Virginia on their own grounds, something that was never done before.

Richmond College is said to have a fairly good defensive team this year and by this time may have their offensive work up to such an extent as to make things interesting for the farmers of West Raleigh.

Coach Heston says he is going to use a variety of plays for the purpose of testing what the boys can do, and the experts also to make several shifts in the line-up after the game is well under way for the same reason. For instance, after the first few minutes of play he may shift the back field by putting Shuford at right half and Whitehurst at full back, taking Wilson out, then he may put Edwards at left tackle and Stroad at left end on the offensive, taking Thompson out, and on defensive shift Stroad to back up the line and put Temple at left end. Pat Harris may be tried at quarter too.

The line-up at the start will probably be as follows: Temple, c.; Sykes, l. g.; Perkins, r. g.; Stroad, l. t.; Beebe, r. t.; Thompson, l. e.; Stevens, r. e.; Eskridge, q. b.; Hardie, l. h.; Shuford, f. b.; Wilson, r. h. The game will be called at 3:30, and the same officials will act as in the Randolph-Macon game. Dr. Joel D. Whitaker, referee, and Dr. H. A. Royster, umpire.

The new field, which lies between the railroad track and the big barn on the college grounds, was ready by noon today, and there may be some practice on it this afternoon.

The Richmond team will arrive this evening at 6:15, and will be guests of the A. & M. team until Friday morning, when they will leave for Chapel Hill to play the University on Saturday.

The A. & M. team will leave Friday also for Lexington, where on Saturday they play V. M. I. and on Monday Washington and Lee. Coach Heston is looking for a hard game with V. M. I. There are four games in eight days, a very hard schedule.

## THE OPINION ON PETITION

### Supreme Court Passed on Ninety Day Provision

## NO LIQUOR ELECTION

### Only Point Decided is That Ninety Day Provision Applies to After as Well as Before Another Election. A General Misunderstanding of the Situation.

The opinion of the supreme court dismissing the proceeding in the mandamus granted by Judge Webb to compel the Raleigh board of aldermen to call an election to determine the question of prohibition in this city, which was reported in yesterday's Times may be disappointing to a great many people because it did not pass on the vital question at issue.

What folks want to know is whether or not they can ask for an election on prohibition in Raleigh under the Watts act, and that is of course not settled yet and cannot be settled now at least until after the legislature meets, if then.

People generally were of the opinion that the question at issue was whether or not an election could be held on the question of prohibition without submitting the questions of saloons or dispensaries.

However, it was contended by City Attorney Snow and admitted by Judge Montgomery and Col. J. C. L. Harris, counsel for the petitioners, that under the Watts Act the question of prohibition could not be voted on directly, but that the only way the board of aldermen could have called an election under the petition presented was to have submitted to the people the two questions of dispensary and saloons, that is, to have had printed two sets of ballots, as follows: "For dispensary," "Against dispensary," "For saloons," and "Against saloons." Then if the majority of votes had been against dispensary and against saloons the result could have been prohibition.

It is remembered that when Raleigh held its first election under the Watts Act in October, 1902, at which time saloons were in operation, the question submitted was only on dispensaries and dispensary, not on saloons; accordingly saloons were not voted out at that time.

Hence, to get prohibition under the Watts Act in Raleigh it will be necessary to vote saloons as well as dispensaries out.

In other words, prohibition is a negative proposition, and as such is not recognized in the Watts Act as one of the questions to be voted on. It can be established only by voting out all forms of selling liquor.

The only thing decided by Associate Justice Brown writing the opinion of the court handed down yesterday is that the provision in the act prohibiting liquor elections within ninety days of any general or municipal election applies to ninety days following as well as ninety days preceding such general or municipal election.

This makes it physically impossible for the election to be held at all under the provision offered by Rev. S. J. Betts, and the other signers, for the law says that the election must be within the year in which the petition is presented.

If conditions remain as they are now, another petition may be submitted some time next August.

The question of law argued before Judge Webb, whether the request in the petition was sufficiently designated to authorize the board of aldermen to call an election under the Watts Act, was not passed upon.

The text of the opinion follows: Text of Opinion. "It is contended by the defendant that the form of the petition presented to the board of aldermen, is not in compliance with the act in that it fails to designate the question which the petitioners desire to be voted upon upon at the election. In the view we take of the case it is unnecessary for us to pass on that contention. The writ of mandamus should have been denied for the reason that it is never granted to compel an unlawful or prohibited act. The statute is express in terms and unmistakable in meaning. The election petitioned for is required to be held in the same year in which the petition is filed. It cannot be held during the subsequent year. The statute also prohibits the holding of the election within ninety days of any city, county or general election. These provisions of the statute are as binding upon the courts as upon any other departments of the state government, and effectually bar the holding of the election petitioned for. The fact that the petitioners aver they were compelled to resort to legal proceedings to compel the defendant to order the election is immaterial. Had the mandamus proceedings been commenced much earlier,

## EVIDENCE OF ROCKEFELLER

### A Struggle Waged Over Its Competency

## 'TIS ADMITTED AT LAST

### In the Standard Oil Case Now on at Findlay, Ohio, the Prosecution Insist on Going Over Testimony Before Supreme Court in 1892 and 1897.

(By the Associated Press.)  
Findlay, O., Oct. 10.—It is the intention of the prosecution in the trial here of the Standard Oil Company of Ohio for conspiracy in restraint of trade to occupy the entire time today in the submission of documentary evidence. This evidence consists of the pleadings and testimony in the two suits against the Standard Oil trust before the supreme court of the state in 1892 and 1897, part of which was read to the jury yesterday.

## A PECULIAR BOYCOTT

### Circular Threatens Merchants Who're for Roosevelt

### These Circulars Apparently Mailed From San Jose, Costa Rica Intimate that Roosevelt is a foe to Existence of the Latin Republics.

(By the Associated Press.)  
New Orleans, La., Oct. 10.—Printed circulars threatening that South American countries will boycott the goods of American manufacturers who vote for President Roosevelt's principles in the next presidential election have been received by several New Orleans manufacturing firms. The circular, which is claimed to have been drafted in Caracas, Venezuela, on September 12, reads in part:

"American manufacturers who vote the Roosevelt ballot in the next presidential election will be excluded from South American trade.

"President Roosevelt has said in some recent speeches that the Latin American countries are bound to disappear for two reasons: first, because they are Latin, and second, because they are small."

The circular then says that the democratic party "is disposed to fraternize with us and treat us on an equal basis."

It says that 117 boycott stations already have been established, but does not explain what is meant by boycott station. The organization is claimed to be on a military basis entirely independent of South American governments and better organized than the Chinese boycott.

The circular calls this organization the "Sublime Brotherhood of Zaques."

Apparently the circulars were mailed from San Jose, Costa Rica.

## TWO KILLED BY AN EXPLOSION

(By the Associated Press.)  
Chicago, Oct. 10.—Two men are dead and five others injured as the result of an explosion of a blast furnace in the plant of the Illinois Steel Company last night. One of the men was killed instantly by the molten metal and the other died in the hospital early today. All of the injured will recover. The cause of the explosion has not yet been determined.

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