

Weather.

Washington, Oct. 5—Forecast for North Carolina for tonight and Wednesday: Fair, no change in temperature.

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WALSH MUST SERVE FIVE YEAR SENTENCE

Circuit Court of Appeals Affirms Decision of the Lower Court

MISAPPLIED FUNDS

John R. Walsh Must Serve a Sentence of Five Years in the Federal Penitentiary at Fort Leavenworth for Misapplying the Funds of His Bank—Decision of the Circuit Court Confirms the Decision of the Lower Court—An Appeal Will be Taken to the Supreme Court But That Body May or May Not Review the Case—Fight On Walsh Was Begun in 1905.

(By Leased Wire to The Times.) Chicago, Oct. 5—John R. Walsh must serve a sentence of five years in the federal penitentiary at Fort Leavenworth, Kas., for misapplying the funds of his bank, according to a decision handed down today by the United States circuit court of appeals. The decision confirms the sentence of Judge Anderson, imposed after Walsh had been found guilty by a jury in his court and denied a new trial.

The only recourse now left for Walsh is an appeal to the United States supreme court. It is certain that the appeal will be taken. Whether the highest tribunal in the country will pass upon the finding of the court is a matter for it to decide upon. It is possible that the supreme court will not review the decision. The decision marks the end almost if not quite of the fight that began against Walsh in the open when in 1905 the National Bank examiner closed the doors of the Chicago National Bank and the Equitable Trust & Savings Bank, declaring that Walsh had lent too much of the funds of the bank to his own companies. Walsh made a bitter fight but it failed at every point.

The decision of the court today was rendered before a court room into which more than 500 people had crowded to hear the decision—friends of Walsh, attorneys, attaches of the district attorney's office and others. It was half an hour and more after the scheduled hour—10 o'clock—before the three judges, after a conference with Judge C. C. Kohlsaat, who had been sent for, mounted the bench and handed down the decree.

District Attorney Sims, in discussing the case, said:

"The American people are a commercial people. The backbone of the people is the banks of the country. If the people feel satisfied that he who misapplies the funds of such an institution will be seriously punished, confidence is maintained.

"If the banker has before him the prospect of imprisonment and the awful moral disgrace of being convicted like a common felon, he will not touch a dollar of the people's money wrongfully.

"The commonwealth is learning a severe lesson. The individual suffers, but he suffers because he has violated trust and confidence and the punishment of the violation of such sacred sentiments cannot be over-estimated.

"I expected the decision. It could not be otherwise. The evidence was such that no court scarcely could have viewed it in any other light."

HARRY WHITNEY REFUSES TO TALK

(By Leased Wire to The Times.) New Haven, Conn., Oct. 5—Harry Whitney, the Arctic hunter, arrived in this city at 4:30 o'clock this morning and went to his home on Whitney ave. He arose about 8 o'clock and stated to reporters he would not discuss any points of the Cook and Peary controversy. He said that he would believe both men until their statements were disproved, but he would answer no questions relating to the discovery of the pole. He will leave this winter to hunt in the south and will go next year to hunt in Africa.

Rev. Milton A. Barber has gone to Charlotte in fulfillment of a promise to Rev. Francis Osborn that he would conduct a series of services this week at St. Martin's Mission.

REVOLT DAILY GROWING WORSE

(By Leased Wire to The Times.) Buenos Ayres, Oct. 5—A dispatch from Asuncion, Paraguay, says the revolt situation is becoming worse daily. A lively encounter began on Saturday near Laureles. The revolutionists received important reinforcements and inflicted heavy losses on the government forces.

Colonel Elias Ayala, with 630 men is camped near Villarca, and it is feared he may attack Asuncion. The situation in the north is equally bad. Many armed bands are there. The departure of the minister of war, General Jora, for Humanita, is confirmed.

All men between the ages of 18 and 35 have been seized by the government and enrolled. An Argentine steamer was detained near Concepcion and the skipper was compelled to deliver to the government the official part of the cargo. The agent of the steamship has filed a claim with the consulate.

FANATICS ARM AGAINST SPAIN

(By Cable to The Times.) Gibraltar, Oct. 5—A holy war has been declared against Spain in Morocco. The Mohammedan hierarchy has come to the aid of the Rif tribesmen and hurled the cause of the Koran against that of the Bible to accentuate the bitterness of the strife that had its origin about Melilla.

This is accepted to mean that the Hinterland of Morocco will pour its hordes into the seacoast territory to engage in a desperate and long-drawn-out struggle with General Marina's forces. The Arabs are arming and rushing to the front, according to reports, and the Spanish commander will be confronted by a fanatical horde of 50,000 or more warriors within a week, unless he wins an early and decisive victory over the force that is now beleaguering the Spanish position in Melilla and the outpost on Mount Guruga.

The sultan has not yet declared himself, but it is generally believed that the campaign has his sympathies. Spain will demand an indemnity of \$20,000,000, a physical impossibility for the impoverished treasury of Morocco to meet.

DOCTOR COOK THE GUEST OF PITTSBURG

(By Leased Wire to The Times.) Pittsburgh, Pa., Oct. 5—"It probably will be six months or more before final proof of my discovery of the north pole is established," said Dr. Frederick A. Cook, the Arctic explorer, today at the Hotel Schenley.

Dr. Cook is here to deliver a lecture tonight at Duquesne Garden on the discovery of the pole. He arrived at 9 o'clock from Baltimore and notwithstanding that a large force of foot and mounted police had roped off the path from the union station, so great was the enthusiasm that a crowd of several thousand broke the lines to shake hands with the explorer.

Dr. Cook was met by a delegation of prominent citizens headed by President Smith of the chamber of commerce and the opinion of Pittsburgh in the Cook-Peary controversy was enthusiastically voiced by the noted astronomer, Prof. John A. Brashear, who shouted: "There is only one opinion here."

Amid great cheers the explorer was driven to the Hotel Schenley. After a complimentary dinner at the Duquesne club he will hold an informal reception in the chamber of commerce rooms and then rest up for the lecture tonight.

NEGRO SHOTS ANOTHER.

Quarrelled Over Whiskey and One of Them is Fatally Shot. (Special to The Times.) Fayetteville, N. C., Oct. 5—In the southwestern suburbs of the city last night two negroes, in a hot discussion over a drink of "moonshine" whiskey with which they were already pretty well steeped, felt it blows which resulted in one receiving the entire contents of a shotgun in the abdomen at close range and he is now in a dying condition. His murderer is still at large.

BATTLE OF SLUGGERS TAFT IN CALIFORNIA

Two of the Greatest Hitting Teams in History Battle For World's Championship Between Detroit and Pittsburgh a Battle Between Two Great Hitting Teams—Game Will be Played Friday Afternoon—Plans of the Teams.

Pittsburg, Pa., Oct. 5—The world's series this year will be a battle of sluggers and two of the greatest hitting teams in the history of baseball will hook up when the Detroit Tigers clash with the Pittsburgh Pirates at Pittsburg Friday afternoon.

The Tigers have won three successive pennants in their league, but they have failed twice to win the world's championship, being beaten by the Chicago Cubs.

Now that the Cubs are out of the way, Manager Jennings, of the Tigers, believes that his chance has come, and is confident, as is the Pirate manager, Fred Clarke, that he will win the highest honor in baseball, the world's championship. The Pirates won three pennants in 1901, 1902, and 1903, but could not finish first in the National League in the five years following. Now, with an entirely reconstructed team—in which are only five members of the old championship crowd—Manager Clarke swept the field in the National League and is ready for the world's series.

Interest in the series is intense, and enormous crowds are predicted. Preparations have been made to seat 40,000 people in Forbes field, Pittsburg, and tucked away 10,000 more without seats.

There are seats for only 10,000 in Bennett Park at Detroit, but the Detroit management has put in extra temporary seats and it is believed that 15,000 to 20,000 people will see each of the games there.

Both teams have been greatly strengthened this year, and while the Pirates are favorites in the betting, odds of as high as 2 to 1 and even 3 to 1 to 5 having been offered in Pittsburg, many baseball men believe the Tigers have a good chance.

The Tigers are a much different team from last year. The outfield is the same. Either Davy Jones or McIntyre will play left, Crawford center, and the sensational Tyros Cobb right field. The pitching staff will be the same, Manager Jennings depending on Pitchers Mullin, Donovan, Summers, and Willets. The catching staff has been strengthened by the addition of Strange, an able recruit, though Schmidt will probably bear the brunt of the fight. The infield is new.

Rossman at first has been succeeded by Tom Jones, obtained from St. Louis in trade for the first sacker.

At second is Delehanty, who was obtained from Washington in trade for Herrman, Schaefer and, and Kilfliter. At short is Bush, who played the last month of the season of 1908, but was ineligible in the series of that year. At third is Moriarity, obtained from the New York Highlanders at the start of the season.

The team as a whole is greatly improved, both in batting and fielding, and should give a good account of itself. The Pittsburgh team presents a changed outfield, Leach having been switched from third base to center field this year. Clarke is still in left and Wilson in right. Abstein, a recruit, made good on first base, and Miller, another newcomer, proved the infielding find of the season, playing a sensational second base and batting hard.

Wagner, the great, is at short and Byrne, obtained from St. Louis, is at third.

The pitching staff has been strengthened by the addition of Adams, a brilliant youngster, while Camnitz, Maddox, and Willis are as good as ever. Gibson is still behind the bat, hitting hard and throwing well.

KETCHEL-JOHNSON MATCH POSTPONED

San Francisco, Cal., Oct. 5—Jack Johnson has at last agreed to a postponement of his contest with Stanley Ketchel in a way the parties interested have fixed on a compromise date for the two men who will be sent into the ring at Cofroth's arena on Saturday, October 16. The match was arranged originally for October 12, Discovery Day, but when Promoter Cofroth and Manager Britt discovered that the labor union would not observe the new holiday to any extent, they clamored for another date. Johnson was asked to postpone until October 23, but held out against any such change.

UP STATE TOWNS ARE CELEBRATING

(By Leased Wire to The Times.) Poughkeepsie, N. Y., Oct. 5—The Half Moon and the Clermont and the escorting fleet left Poughkeepsie early today and moved up to Kingston where the second day of the up-state Hudson-Fulton celebration began. There were fully 10,000 visitors in town. The decorations, public and private, were never before so elaborate.

The celebration today centers in the five towns along the Hudson which were conspicuous in yesterday's program. These towns are Hudson, Kingston, Catskill, Poughkeepsie and Yonkers. The arrival at Kingston of the Clermont and the Half Moon will be followed by a military and civic parade. Governor Hughes is to deliver an address at Kingston, and a luncheon will be served to the city's guests. The days festivities will close with a reception to the governor.

ST. LOUIS HAS GREAT CROWDS

(By Leased Wire to The Times.) St. Louis, Mo., Oct. 5—The events of the third day of centennial week were ushered in by a vast assemblage of small river craft, headed by the four United States torpedo boats, McDonough, Tangey, Thornton and Wilkes, at the merchants bridge, when the great river pageant, one of the most spectacular features of the week's program began today.

Visitors are still arriving and a record-breaking crowd is expected to view the veiled propnet parade tonight.

The boats were reviewed by Mayor Keyesman, former Governor Francis, chairman of the reception committee, the 500 or more visiting mayors and the city officials.

Following the parade of the river pageant, the mayors marched to the Merchants Exchange, where they were the guests of the exchange at a luncheon and reception which lasted until 1:30 p. m.

MINISTER CRANE CALLED TO WASHINGTON

(By Leased Wire to The Times.) San Francisco, Cal., Oct. 5—Charles R. Crane, newly appointed minister to China, has been recalled to Washington on the eve of his departure for his new post and will remain in San Francisco to meet President Taft. He declares his recall by Secretary Knox is merely an incident.

"I am going back to Washington merely to receive some additional information from the state department," he said. "That's all. Secretary Knox was out of town when I left Washington and I did not see him. Mr. Knox wants me to return for a brief meeting with him, in which information as to my new duties will be given. This is merely a matter of routine in connection with my starting away on the new mission."

"You expect to go to China though now recalled to Washington?" he was asked. "Oh, yes," answered Dr. Crane. "I expect to leave for China immediately after my arrival in Washington. I expect to stay in Washington only one day. I have already made plans to sail from San Francisco on October 20."

Officials in the Dark. Washington, Oct. 5—State Department officials seem to be in the dark regarding the recall of Minister Crane to Washington.

Secretary of State Knox is not in Washington but is expected this week. It is believed he sent instructions to Mr. Crane personally, in view of the apparent ignorance of other officials of the move.

It was said at the department yesterday that the recall of Mr. Crane was known, that Secretary Knox on his return expected to take up the Hankow railroad loan question and the reorganization of the bureaus of the department and to decide whether the United States should protest against the two treaties recently negotiated by China and Japan involving Manchurian issues.

President Knows Nothing About It. Sacramento, Cal., Oct. 5—Captain Archibald Butt, the president's military aid, after he had submitted to the president the dispatch announcing the sudden recall of Minister Crane to Washington on the eve of his departure for China said that the president did not know anything about the matter.

WELCOMES THE NATION'S RULER

(By Leased Wire to The Times.) San Francisco, Oct. 5—California's welcome to the president has been the most strenuous that he has yet experienced. A large crowd was on hand to greet the presidential train when it pulled into Oakland at 7:18 this morning. The reception given the president was just as wholesome as the one accorded by the 49ers in Sacramento.

The president was immediately taken in hand by the Oakland reception committee and after breakfast the party left for Berkeley, where, after an automobile tour through the principal streets of the city the president was whisked to the Greek theatre. Here he made a brief address. He again touched on the topic dearest to the hearts of the people of this vicinity—the ship subsidy.

Leaving Berkeley the presidential party returned to Oakland, where a reception was held at the Key Route Inn Garden. The second speech of the day was delivered on the shore of Lake Merritt, at the conclusion of which he was taken aboard the revenue cutter Golden Gate and the start made for San Francisco, which was reached at 12:30. Luncheon was served on the Golden Gate during the trip up the bay, which consumed 35 minutes.

A royal reception was given the president on his arrival at the transport dock here, where a crowd of 25,000 persons had gathered to welcome him. After a parade, which covered the principal business streets, the president was taken to the site of the new Y. M. C. A. building on Van Ness avenue, where he took part in the ceremonies incident to the laying of the corner-stone. At 3:00 p. m. a reception will be given him at the Union League Hotel, and at 4:00 p. m. he will attend a reception at the St. Francis Hotel. At 6:15 he will attend a reception and banquet at the Fairmont Hotel, and at 10:30 will be the guest of the San Francisco Press Club, of which organization he will be made a life member. He will return to the St. Francis Hotel, where he will pass the night.

Customs Court Attorney. Washington, Oct. 5—The treasury department announced today that D. Frank Lloyd, of New York City, has been appointed deputy assistant attorney general of the customs court of appeals. His office will be at 641 Washington street, that city. The collector of customs of the port of New York has ordered that hereafter all evidence in custom appeals cases be forwarded to Mr. Lloyd.

WICKERSHAM IN TOBACCO CASES

(By Leased Wire to The Times.) Washington, Oct. 5—Attorney General Wickersham will appear in person before the United States supreme court this fall as the chief prosecuting officer against the American Tobacco Company on the hearing of that company's appeal from the ruling of the lower court that it is a combination in restraint of trade.

Mr. Wickersham, according to present plans, will return to this city tomorrow and begin conferences regarding this and other prosecutions now pending. The tobacco case will be the only one in which he will appear in person at court. He will be assisted by Special Attorney McReynolds.