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PETITION IN TOBACCO CASE

Independent Tobacco Dealers File Petition to Intervene In Trust Suits

TO GO TO HIGHER COURT

Should Independents' Petition be Granted by the Circuit Court the Case Will be Taken to the Supreme Court by the Protestants, Who Will Then Become Parties to the Suit—If Petition is Denied Independents Will Go to the Higher Court Anyway—Recites That They Are Virtually Interested in the Dissolution of the Tobacco Trust.

New York, Nov. 15.—The filing today by the independent tobacco dealers of a petition to intervene in the government's dissolution suit against the tobacco trust makes certain an appeal from the plan of the United States supreme court and may delay disintegration of the trust in the opinion of counsel in the case.

Should the independents' petition be granted by the circuit court, the case will be taken to the supreme court by the protestants, who would then be parties to the suit, their counsel Felix H. Levy, declared should the circuit court deny the independents their plea, he added, they will take it to the higher tribunal notwithstanding. In addition, the petitioners suggest, "as friends to court," that the circuit embody in the forthcoming decree a clause that the decree shall be brought as speedily as possible before the supreme court for review. The petition bears the signatures of the National Leaf Tobacco Association and Cigar Manufacturers' Association of America. It is directed against District Attorney Wise, representing the government; various defendants counsel in the government suit, and Charles R. Carruth, counsel for R. P. Richardson Jr. & Co., who already have settled their differences with the trust.

MISS ELLISON DEAD.

Teacher at Fayetteville Died Suddenly at Her Home There.

(Special to The Times.)

Fayetteville, N. C., Nov. 15.—Miss Annie Ellison of this city died suddenly at her home on Dick street last night. She taught her pupils in her private school yesterday. Miss Ellison was a native of Washington, North Carolina, and leaves one sister, Miss Margaret Ellison.

Three More Jurors Added.

Los Angeles, Cal., Nov. 15.—It was believed three more permanent jurors would be obtained when the McNamara trial was resumed this morning. The privilege of peremptory challenge against Talsmen was expected to be invoked in some cases.

CONDEMNS PRESIDENT FOR ISSUING PARDON

Boise, Idaho, Nov. 15.—Governor James H. Hawley, has issued a statement, addressed to the people of Idaho, condemning President Taft's action, granting a pardon, yesterday to Clarence W. Robnett, a book-keeper in Lewiston National Bank, Robnett was convicted of embezzling funds and was sentenced to ten years imprisonment.

BAKERIES REPORTED FILTHY.

Shockingly Unsanitary Conditions Reported in New York Bakeries. New York, Nov. 15.—The existence of shockingly unsanitary conditions in New York bakeries was revealed by the state commission investigation. Of two hundred visited ninety percent were reported filthy.



Mrs. Ellen Alger (above), a dashing matron of Boston, Mass., who is being sued for \$10,000 damages for defamation of character by Dr. William M. Anderson (below), of Hand-donfield N. J. The suit was brought in Boston, where Anderson, as a Harvard student, was a friend of Mrs. Alger. Dr. Anderson was married recently, and he claims that Mrs. Alger has been writing offensive letters to his wife, due to jealousy. Mrs. Alger is separated from her husband. Dr. Anderson said that his relations with Mrs. Alger in Boston were merely friendly and never made love to her, or ever gave her any cause to be jealous of him. His wife says she has entire confidence in him.

BEATTIE MUST DIE

Governor Will Not Interfere In Case

Says to Grant a R. Suite Would be to Temporarily With Law and Encourage Appeals for the Sole Purpose of Gaining Time—Believes Beattie Was Properly Convicted and Sentenced.

Richmond, Va., Nov. 15.—Governor Mann declined to interfere in the case of Henry Clay Beattie, Jr., and the young wife murderer's last hope of escaping the electric chair Friday, November 24, was swept away.

Attorneys for the condemned man held the last conference with the governor during the morning. The governor announced his decision just before noon, not to interfere in any way with the decree of Chesterfield court, which was sustained by the supreme court of appeals of the state. A petition had been presented to the governor praying for a respite of at least thirty days for spiritual preparation.

In a signed statement Governor Mann said:

"While I sympathize very profoundly with the father of H. C. Beattie, Jr., and would be glad to help him if I could, with proper regard for the public interests, I cannot with any consideration for those interest interfere with the due execution of the court's sentence."

"I followed the case during the trial and as its horrible facts were developed regretted that a crime so cruel and malicious should have occurred within the confines of this state. In the decision of every question presented to the able, impartial judge, who presided at the trial, he was careful to give the benefit of every reasonable doubt to the prisoner; his instructions were as favorable as the prisoner's counsel could have expected; that he did not err in admission or exclusion of evidence, or in his instructions to the jury, is shown in the refusal of the supreme court of appeals to grant a writ of error."

(Continued on Page Seven.)

RAILROAD DEALS NOW FLOATING

Wild Rumors Are Now In the Air About Recent Railroad Deals

STORY LOOKS GOOD

Newspapers Can Only Get the Wild Rumors That Are Going the Rounds, But the People Will Soon Learn the Truth in Them—Norfolk and Western to Enter Raleigh Through Raleigh and Southport—Is Raleigh and Southport Sold as Talked?

(Special to The Times.)

Durham, Nov. 15.—The recent railroad deals have taken fire in the air and having assumed, through the recent story in the Raleigh papers that the main line of the Seaboard is to come here, Durham is proceeding to chain every main line and it wouldn't be surprising if the revival of the act of boosting will soon have the Pennsylvania and the Lehigh Valley running through Durham on to Charlotte.

Nevertheless, there is hope for the Seaboard and it is being talked here on the streets today that the Raleigh and Southport has been sold to the Norfolk and Western and the Durham and Charlotte to the Seaboard. The story looks good on paper. It is figured that the changing of the Seaboard from Henderson-Raleigh and Bond, to Henderson, Durham and Bond, will eventually run into the Durham and Charlotte between Gulf and Troy and that the line will go on to Charlotte. There would be cut off about fifty miles on this route.

There is nothing but rumor in this story. Nobody can be found who will make any announcement where by newspapers can print the truth rather than the vagrant stories that one person can easily get as another. The route of the Norfolk and Western, the story goes, is from Lynchburg to Durham, thence to Raleigh over the Durham and South Carolina on to Raleigh, and ending at Southport, by way of Fayetteville.

These rumors have a great deal of interest locally and the real truth about them is going to be found out one of these days. They just won't down, but somebody is going to see what is in them and how much right we have to hope here.

COL. JOHN NICHOLS WAS 77 YEARS OLD YESTERDAY.

Friends of Col. John Nichols, United States commissioner, will be glad to learn that he was strong enough to come to his office today. He has been sick since Saturday, November 4, and although he is not well yet, he is much improved. Not before in 28 years had Col. Nichols called in a physician to attend him and until his present illness had not missed a day from his place of business on account of sickness in that entire time. He still has a robust constitution and is as sound as a much younger man. He was 77 years old yesterday.

Honest, now, did you ever mail a postal card for a friend without reading it?

HAVE NOT KEPT PACE IN USE OF AEROPLANE

Washington, Nov. 15.—General James Allen, chief signal officer, of the army, declares, in his annual report that although the United States was the first nation to recognize the aeroplane for military purposes and carried out the first official test of that invention at Fort Meyer in 1908 such phenomenal progress in this science has been made, that the United States "has been left far behind in securing practical equipment and organization for the use of this indispensable adjunct of war."

The failure to find the necessary officers to be trained as aviators and the lack of funds, it is said, furnish the explanation for this situation.

Aviator Killed. Berlin, Nov. 15.—Herr Pletschker, fell while making a flight over Johannisthal field was killed. His neck was broken.



NEW CANADIAN PREMIER.

Ottawa, Nov. 15.—The new Canadian Parliament assembled here today. Premier Robert Laird Borden, who succeeded Sir Wilfrid Laurier as leader of the majority received a great ovation. The Conservatives under the leadership of Premier Borden, it is believed, will repeat the former government's fiscal bill and submit the whole question to a plebiscite.

MR. STAUDT TO BUILD BAKERY

Mr. Fred Staudt will build next month at the corner of Hillsboro street and Fayetteville building a two-story, six-room building of brick, concrete, containing a dwelling and a store, with a modern bathroom. The bakery will have a concrete floor and be heated with tiles, and will be one of the most up-to-date in the state.

LOWER RATES GOT BUSINESS

Norfolk & Western Admitted Large Increase in Freight Shipments

Mr. Franklin M. M., chairman, and Mr. A. J. W., chief of the interstate commerce commission, have returned from Washington where they heard evidence in support of the Norfolk and Western Railway Co. and the Southern Railway and Seaboard Air Line from the order of the interstate commerce commission reducing freight rates on certain classes and commodities from Roanoke to Durham and from western points to these two towns. The Norfolk and Western was the main defendant in the order, though the Southern and Seaboard asked to be made parties to the suit.

The appeal was heard by the new commerce court and Mr. Gen. T. W. Bickett assisted the lawyers of the interstate commerce commission in presenting their case. A place of the evidence that shows those who attended the hearing as unusual was the admission of the Norfolk and Western that since the lower rates had gone into effect its business to Winston-Salem and Durham had increased approximately fifty per cent, whereas the Southern and Seaboard, whose rates were not reduced, lost a part of this business.

The order of the interstate commerce commission went into effect June 15, last.

Fushimi Starts for Slam. Tokyo, Nov. 15.—Prince Fushimi left today for Slam to attend the coronation of King Maha Vajiravudh at Bangkok, the ceremonies in connection with which begin Dec. 1.

Hotel Block Burys. Huntsville, Ala., Nov. 15.—Fire destroyed the Huntsville Hotel block today. The loss is estimated at \$200,000.

REPUBLICANS MAKE GAINS

The Chinese Revolutionists Keep Extending Their Grip On the Country

NO PREMIER YET

Rebellion in Army Against Republican Cause to Remain Serious and Assume That Their Liberty Rights Will be Protected—Anti-Chinese Party Destroyed and Rough Element in Canton—Yuan Shi Kai Has Not Yet Accepted to Request That He Take the Presidency.

Almy, Canton, Nov. 15.—The republicans who are, formal possession of the city yesterday, have been sent an address to request complete resignation of the army and navy and giving assistance that their property will be protected. "If it were possible," it is said, "the army would be the revolutionists." The revolutionists were taken possession of Canton from the fact that the anti-Chinese party had been destroyed. The revolutionists are in control.

Peking, Nov. 15.—The imperial government was understanding to have the plenipotentiary Yuan Shi Kai, China's strong man in the anti-Chinese revolution, with the Prince Regent, the acting president, and a number of members of the imperial cabinet, to discuss the question of the retention of which depends upon the signing of the national assembly, Yuan Shi Kai, if he accepts the presidency at all, he will be a puppet ruler, and will be able to obtain this through the national assembly, which would be bound to accept his resignation.

In the opinion of the press, it would not be difficult to recognize the revolutionists as a desirable change.

Continued in next page.

PACKERS CASE TO BE HEARD TOMORROW

Chicago, Ill., Nov. 15.—Counsel for the government and the packers under indictment for violating the Sherman anti-trust law, who yesterday surrendered themselves to the federal authorities and, through their lawyers obtained a writ of habeas corpus, today began the preparation of the arguments they will present when the case is called tomorrow before Judge Kohlsaat in U. S. circuit court.

Work on Battleships.

Washington, Nov. 15.—All four battleships the United States is now building advanced approximately three per cent during the past month. The Wyoming is 83.9 completed, the Arkansas 78, the Texas 39.4, New York 12.1. Good headway was also made on other government vessels.



The Rev. Dr. George R. Linn (above) pastor of the Congregational Church and Socialist leader, who was elected mayor of Raleigh, N. C., and before the new socialist assemblyman, the first in the state of North Carolina, Herbert M. Adams, to sit in the Empire State Legislature. Dr. Linn says that he will be glad to see the new socialist assemblyman, promising to save himself from...

BLIND TIGER RAIDS

Officers Acting Under Inspection Ordinance Make Raids

Determined Effort on Part of Officers to Break Up Wholesale Operations of Thieves—Seizure of Large Quantity of Goods from Fire—Supt. Capt. L. D. Water Power Co.

Wilmington, Nov. 15.—It was announced yesterday that the police department has made a raid on a wholesale operation of thieves, resulting in the seizure of a large quantity of goods from a fire. The raid was conducted by officers acting under inspection ordinance.

HELD IN JAIL HERE FOR ROBBING OFFICE

J. L. Baker, a negro boy 17 years old, was committed to Wake county jail today by Col. John Nichols, United States commissioner on the charge of entering and robbing the Youngsville postoffice Sunday night of stamps, money, etc., to the amount of \$50. Baker admitted the crime and waived a preliminary examination. He was arrested yesterday at Youngsville by Deputy Marshal J. B. Jordan. Baker could not raise the bond of \$1,000 required by the commissioner.

Troops Guard Negro in Jail.

Tampa, Fla., Nov. 15.—Fearing an attempt would be made to take Leo Armistead, a negro who shot two policemen at Plant City Friday, out of a local jail, a company of militia was ordered by Gov. Gilchrist to guard the jail.

THANKSGIVING PROCLAMATION

Governor Kitchin Sets Aside Thursday November 30, As Day of Praise

PEOPLE ARE BLESSED

People Should Cease Work and Assemble in Their Accustomed Places of Worship—State Has Enjoyed Freedom From Calamity and Disaster and Has Been Blessed With Material Things—Should Not Forget the Poor—The Proclamation.

Governor W. W. Kitchin last evening issued a proclamation setting aside Thursday, November 30, as a day of Thanksgiving and calling on good people to observe this day as it has been observed since the day when the early Pilgrims gathered to offer up prayers to the Almighty for the blessings which they had enjoyed. Governor Kitchin says that North Carolinians have enjoyed freedom from calamity and disaster and have been blessed with harvest and material comforts and he requests that the needs of the poor and unfortunate not be overlooked.

President Taft issued his proclamation from Chicago several days ago and the governors of all the states have followed or will follow the example of the president of the United States. Governor Kitchin's proclamation is as follows:

Thanksgiving Proclamation. In obedience to law I hereby proclaim Thursday, November 30, 1911, a day of Thanksgiving so that the people may cease from work and assemble in their accustomed places of worship and return thanks to Almighty God for the blessings which they individually and as a people, have enjoyed during the year. In our thanks let us forget not with our charity the poor, needy, and afflicted. We have enjoyed freedom from calamity and disaster; we have been blessed with harvests and material comforts sufficient for our needs, and progress has been made in uplifting the public conscience to a higher sense of moral responsibility and civic duty. In our gratitude let us determine to strive in the coming year not only for the products of the soil and the fabrics of the loom, but also to more deeply realize our dependence upon the Almighty and our solemn duties to Him and to all His creatures. In witness whereof, I, William W. Kitchin, governor of North Carolina have set my hand and caused the great seal of the state to be affixed, this 15th day of November, 1911. W. W. KITCHIN, Governor. ALEX. J. FRIED, Private Secretary.

Acquitted of Killing Men.

Deerfield, Ala., Nov. 15.—William Wigginton, on trial for killing three men, was acquitted here yesterday. He pleaded the unwritten law. Wigginton and his wife conducted a boarding house. He accused some of the boarders of insulting her, fired into a crowd of men and killed three.