

COURT SITS ON A FOOL HORSE CASE

Decision of Majority Sustains Nonsuitt of the Plaintiff.

CHIEF JUSTICE CLARK DISSENTS VIGOROUSLY

He Brings Forward King John and the Barons to Sustain the Argument That the Issue Should Have Gone to the Jury.

Special to Daily Industrial News. Raleigh, N. C., Nov. 16.—Among the decisions handed down by the Supreme Court last evening was Keans vs. the Railway, in which the court, by a vote of three to two, sustained the Superior Court in nonsuitt of the plaintiff.

The facts in the case are that August 17, 1902, the plaintiff, driving his horse and top buggy across the defendant's track in the town of Thomasville, after he had gotten across and was thirty-five or forty feet from the crossing and about the time the engine passed the crossing, the horse began to back and continued backing and backed into the cars, about the second or third coach.

The witness said that he could see the engineer looking out of his window. "He was going very slowly, looking at this man. He stopped the train very quickly. He went about ten or fifteen feet, apparently holding his train under control, looking at this situation."

In the Superior Court Judge Long, after hearing the evidence, said that the plaintiff had failed to make out a case of actionable negligence against the railroad, and entered a nonsuit.

Two dissenting opinions were filed, one by Justice Hoke and one by Chief Justice Clark. Justice Hoke holds that while no serious question is involved that it is only in clear and exceptional instances that the question of approximate cause should be withdrawn from the jury and determined by the judge.

WASHED UP BY WAVES

Body of a Colored Convict Found Near Hatteras. Special to Daily Industrial News. Elizabeth City, N. C., Nov. 16.—The body of Hawkins Patterson, colored, was found Tuesday on King's Pilot, near Hatteras, where it had been washed up by the terrific storm which swept over that section that day and in which he met his death. On the beach about half a mile further down was found the wreck of a small boat in which he was making for his home some distance west of Hatteras. Patterson escaped from the chain-gang here several weeks ago, when working in the upper part of this county, and has not been seen since, until his body was found by the patrol of the life-saving station Tuesday.

SONS OF THE REVOLUTION.

Banquet Follows Annual Meeting and Election of Officers. Raleigh, N. C., Nov. 16.—The twelfth annual meeting of the North Carolina Society of the Sons of the Revolution was held last evening in the Supreme Court building and was followed by a banquet at Giersch's. The officers elected for the year were: President, Thomas S. Kenna; vice-president, F. H. Busbey; secretary, Marshall Detamony; lawyer assistant secretary, B. C. Beckwith; registrar, D. H. Hill; treasurer, H. W. Jackson; chaplain, Rev. Dr. R. B. Drane; board of managers, S. A. Ashe, G. B. Curtis, J. S. Carr, C. H. Johnson, Collier Cobb, J. B. Grimes, A. H. Andrews, Jr., General G. A. Woodruff, and the officers. The deaths reported for the year were General J. D. Glenn and Lieutenant W. M. Walton.

BISHOP AND PASTOR.

Asheville Methodists Will Give Smith and Siler a Send-Off. Special to Daily Industrial News. Asheville, N. C., Nov. 16.—The reception to be given Bishop A. Coke Smith and family and Rev. Frank Siler and family tomorrow evening by the congregation of Central Methodist Episcopal Church, South, promises to be one of the most interesting church functions of the season. The ladies of the congregation are making elaborate preparations for the affair, and it is expected that a large portion of the church membership will be in attendance. The reception will be held in the Sunday school rooms of the new church, and during the evening, sandwiches, coffee, cakes and fruit will be served. The church annex will be handsomely decorated for the occasion with palms and potted plants. A programme of vocal and instrumental music and readings will be a feature of the evening's entertainment. This will be the church's farewell reception to the pastor, Mr. Siler, who will go to Statesville as pastor of the First church of that place.

New Durham Industries.

Special to Daily Industrial News. Durham, N. C., Nov. 16.—In connection with the coming to Durham of the new Durham and South Carolina railroad, there is now being erected below East Durham a sawmill plant that will mean the employment of a large number of hands. In addition there will be a spoke and handle factory that will give employment to many people. The buildings are now being erected, and it is expected that the mill will be in operation by the beginning of the new year. The new Durham and South Carolina road will be putting trains into Durham by the holidays.

Action of Students Averts Expulsion.

Lexington, Va., Nov. 16.—Governor Montague, accompanied by former Lieutenant-Governor Joseph E. Willard, Henry Wickham, of Richmond, and James E. Elliott, of New York, and Richmond, visited the Virginia Military Institute today, and as the result of their interviews with the "seath-bound thirteen" and other students of the third class accused of insubordination, the whole class signed a paper prepared by the Governor. This paper, which is said to be acceptable to the board of visitors, meets the demands of the board without the expulsion of the offending boys.

New Yorkers Hunting.

Special to Daily Industrial News. High Point, N. C., Nov. 16.—A party of New York capitalists, three of whom are millionaires, are at Fairview for a week's hunt. Among those comprising the party are: Messrs. W. Gould Brooks, owner of the palatial hunting reserves known as Fairview Lodge; M. H. Harriman; J. Searle Barclay; Y. Carnegie and H. S. Page. Mr. Brooks has his country estate stocked with pheasants, deer and quail. His friends from the North will find plenty of game to interest them.

Touching Up for Conference.

High Point, N. C., Nov. 16.—The Methodist Protestant church building is being painted and otherwise beautified for the reception of the North Carolina Conference of the Methodist Protestant Church of the Methodist Protestant Church of the next week. There will be about 200 delegates in attendance and the Conference will be in session from Wednesday to Monday.

Results of Winston Revival.

Winston-Salem, N. C., Nov. 16.—The revival services, which have been in progress at the Methodist Protestant church for nearly six weeks, closed last night. In all were over 200 conversions and 88 accessions to the church. At the closing service five persons professed faith in Christ. The meeting has been, perhaps, the most successful of any ever held in Winston-Salem.

Havana Papers Indulge in Satire.

Havana, Nov. 16.—A satirical telegram is published here today describing an alleged meeting of 17,000 Cubans, residing at Key West, at which, after it was declared that Key West was a territory of Cuba, territorial officers and a delegate to the Cuban Congress were elected.

Carpenter Gets a Bad Fall.

Special to Daily Industrial News. Raleigh, N. C., Nov. 16.—Nathan I. Spence, a carpenter, who was at work on the house ex-Mayor A. M. Purnell is having built on West street, fell today from a scaffold on the porch. His hip was badly injured by striking a piece of lumber.

PEOPLE CALLED TO GIVE THANKS

Governor Glenn Issues His Proclamation For Observance of Thanksgiving Day.

ALL CITIZENS SHOULD GIVE EXPRESSION TO GRATITUDE

Attention Called to the Prosperity of the Commonwealth—Peace and Good Will Exist Between Employers and Employees—Schools Flourishing.

Special to Daily Industrial News. Raleigh, N. C., Nov. 16.—Governor B. R. Glenn today issued his Thanksgiving proclamation as follows: State of North Carolina—Executive Department.

Thanksgiving Proclamation: It oft behooves a State, as well as an individual, to look at the past, and that it may realize the mercies for which it has to be thankful, and to give expression to its gratitude by words and acts of praise.

If our State will take this backward glance, it will find that during the last year the measure of our mercies has been full to overflowing, and that our need of praise should be given without stint.

In agricultural pursuits we have been blessed with fair crops, and prices for farm products have been above the average, until the farmer is enjoying a prosperity seldom before possessed. He is also gradually learning the lesson of diversifying his crops, making his own supplies, and thus being able to hold his products for increased prices.

In industrial enterprises the growth of the State has been phenomenal, over one hundred more new plants being incorporated this year than last, and many of them capitalized for very large amounts. Good dividends have likewise been declared on these investments, labor has been paid for wages and given reasonable working hours, and prosperity abounds.

The settlement of our outstanding debt upon a just and honorable basis is indeed a great reason for thankfulness, as no unpaid obligations, that are honest, now remain.

There has been no strife between capital and labor, but peace and good-will exist between employers and employees. With only one exception, good order has been maintained throughout the State, and the majesty of the law has been upheld by the people and the courts.

No scourge of disease or pestilence has to any great extent visited our State, but, blessed with unusual health, we have been happy and prosperous.

Our colleges and schools were never in a more flourishing condition, and the educational awakening that now exists is but an earnest of greater power and wealth yet to be enjoyed. Temperance and sobriety in all things are being practiced by our citizens, thus insuring industry, and the high morale of the State is a blessing beyond estimation. No graft either in public or private business has cursed our State.

These extended mercies, shown in every department of business, have made our growth a marvel and wonder to all, for our percentage of increase in population, agriculturally, educationally and morally has equaled, if not exceeded the increase of any other State in the Union.

For the mercies so lavishly bestowed by a bountiful Creator, it is our duty to return heartfelt and grateful thanks and to praise and magnify the name of the Author of our good.

To the end, therefore, that all shall have an opportunity of showing their love and gratitude, I, R. B. Glenn, Governor of North Carolina, do join with the President of the United States in setting apart and fixing Thursday, the 30th day of November, 1905, as a day of general thanksgiving, prayer and rejoicing, during which day praise for the past mercies received, and guidance for our future, may be given and asked.

On this day I therefore earnestly request that all business of every kind be suspended and a general holiday granted, and that throughout the entire State the people gather in their accustomed places of worship and render thanks unto the Most High God for His manifold blessings during this year, and to consecrate ourselves anew to a life of industry and honor, and to His service.

I further specially recommend that on this day that all our people, as God hath prospered them, shall of their substance give to charitable and benevolent institutions, and especially to the widows and orphans. I also beseech every one on this Thanksgiving Day, after they have given thanks, and while enjoying this holiday, that they do nothing unworthy of the reputation of the State, or that will dishonor God, but that they deport themselves as becometh good citizens and a Christian people.

In witness whereof, I have hereunto set my hand and caused the great Seal of North Carolina to be affixed. Done in our city of Raleigh, this 14th day of November, 1905, and in the one hundred and thirtieth year of our American independence.

By the Governor: R. B. GLENN, A. H. Arrington, Private Secretary.

FALSE EMPEROR ARRIES IN RUSSIA

(Continued From Page One.)

STRIKE CONTAGION NOT VERY SERIOUS

St. Petersburg, Nov. 17.—2:20 a. m.—Though the industrial tie-up in St. Petersburg yesterday was even more complete than it was Wednesday, and though no break was manifested in the ranks of the workmen and strikes have broken out at Moscow and Revel, the most important feature of yesterday's developments was the failure of the walkout to spread generally outside the capital.

The moment apparently lacks the spontaneity and contagiousness of the last great strike which broke out at Moscow, and dispatches received from the industrial centers of Russia up to this hour show little inclination on the part of the workmen to take up cudgels in behalf of Poland.

The factory strike at Moscow, which has assumed considerable proportions, probably 45,000 men being out, has no direct connection with the St. Petersburg walkout, and dispatches from the latter city say that the railroad men received the request of the St. Petersburg strike committee coldly. The whole great network of railroads centering in Moscow, except the St. Petersburg line, is still in operation. At Revel the employees of the railroad shops struck, but the reason for the strike is not stated.

In St. Petersburg yesterday passed with complete order. Patrols were visible in all the industrial quarters and Cossacks were trotting up and down the Nevsky prospect among the swiftly-dashing carriages and sleighs, but the workmen, in obedience to the orders of the strike committee, kept generally indoors and did not attempt demonstrations, so that there was no occasion for a resort to force to avert trouble.

The strikers forced the closing of the Moscow railroad station early yesterday afternoon, stopping outgoing traffic for Moscow, and at 10 o'clock last night they finally succeeded in closing all electric stations and in cutting off light from the city. Committees were sent to all the theatres and succeeded in stopping the performances in several of them, and in the outlying districts they went from drug store to drug store ordering the pharmacists to close and threatening them with the destruction of their stocks if they refused. Other stores were not interfered with.

At a meeting of the strike committee last night the question of the termination of the strike was not brought up, but the Associated Press noticed an expectation on the part of many of the delegates that the strike would end Saturday night. The principal question under discussion at the meeting was the formation of a strike treasury by gathering funds to be used in future walk-outs, and after long consideration it was decided to ask the workmen to contribute one per cent. of their wages for this purpose.

There is no bitterness of the agrarian conditions. Dispatches from Kursk, Poltava, Riazan, Samara and other provinces continue to report the spread of disorders, which in Poltava are taking an anti-Jewish turn. However, the imperial manifesto regarding the distribution of the crown domains, which by strenuous work was finished last night, will be issued early this morning, and will tend to pacify the peasants and have an important tactical effect on the contest struggle with the Socialists and its anti-government forces in the elections for the Duma.

WITTE APPEALS IN VAIN TO WORKMEN

St. Petersburg, Nov. 16.—Count Witte decided today to make a personal appeal to the workmen and drafted the following, which was sent to all the factories, mills and other works and posted throughout the industrial section:

"Brother Workmen—Get to your work. Cease making disturbances and have pity on your wives and children. Do not listen to bad advice. The Emperor has ordered us to devote special attention to the labor question. For this purpose His Majesty has created a ministry of trade and commerce, which especially seek to establish just relations between workmen and employers. Have patience. All that is possible will be done for you. Listen to the advice of a man who sympathizes with you and wishes you well." (Signed) "WITTE."

When the appeal was read to the workmen at the Westinghouse works the leaders replied: "Witte promises us a soft bed, but in the meantime we must sleep on a hard one."

PEASANTS OBTAIN LAND CONCESSIONS

London, Nov. 17.—A dispatch from St. Petersburg to Reuter's Telegram Company says that an Imperial manifesto granting land concessions to the peasants was issued this morning. By its terms the land redemption tax payable from January 14, 1906, will be reduced by one-half and from January 14, 1907, the payments will be abolished. At the same time the capital of the Peasants' Bank is granted additional loan privileges, with the object of facilitating to the utmost the purchase of lands by peasants. It is estimated that the amount of taxation thus limited from the peasants by the manifesto will aggregate \$40,000,000, while the extension of the field of operations of the Peasants' Bank will enable vast tracts of crown and private lands gradually to become the property of the peasants.

TO GET A SHARE OF IMMIGRATION

(Continued From First Page.)

Contract for Winston Public Building.

Winston-Salem is at last about to realize the oft-expressed hope for a new public building. This afternoon the contract for the construction of the new government quarters in that city was awarded to the General Supply and Construction Company, of New York.

The contract price is \$47,000 and the building must be completed by February 15, 1907. The contract includes construction, plumbing, heating and wiring. When completed the building will be a very handsome one. It will be two stories in height and the exterior finish will be in dark-red brick. The architectural design will be semi-classic colonial, the general style adopted by the supervising architect of the Treasury for all new public buildings of this class.

Reed Smoot Case to Come Up. One of the most interesting subjects that will come before the Senate at this session will be the fate of Reed Smoot, the Mormon Senator from Utah. The announcement was made today by Chairman Burrows of the Committee on Privileges and Elections, that hearings in the Smoot case would be resumed after the holidays. Senator Overman is a member of this committee and was prominent in the conduct of the hearings held last winter. It has been definitely decided that the committee will not visit Utah.

House Cauduces Called. Washington, Nov. 16.—The Republicans and Democrats of the House of Representatives have each called cauduces for the nomination of officers of the House. The Democrats will caucus on the afternoon of Saturday, December 24, and the Republicans in the evening of that day, both in the hall of the House.

Explosion Kills Two Men. Peoria, Ill., Nov. 16.—An explosion this afternoon at the Buckeye Powder Works at Edwards Station, northwest of Peoria, killed two men and injured several other employees. The cause of the explosion is not known. Three explosions occurred in quick succession in the press department. The men were thrown into the air.

Announcement of a Wedding. The engagement has just been announced of Miss Eleanor Kearny Carr, daughter of the late ex-Governor Elias Carr, of North Carolina, to Captain Hugh Lovell Matthews, United States marine corps. The wedding, which is hastened on account of Captain Matthews' recent orders to Panama, will take place early in December.

Fourth-class postmasters were named today as follows: Edipse, McDowell county, Sadie C. Bright; Nashville, Nash county, Leticia C. Cooper; Porter, Stanley county, Richard G. Foreman; Forsyth Sound, Pender county, Joseph R. Avery.

Rural carriers and substitutes were appointed on the following new routes today: From Edward, Sylvester H. Boyd and William H. Boyd; from Love-lace, James L. White and Sylvester Henderson; from Teer, Seymour E. Teer and Gaston W. Stanford.

Ex-Congressman H. P. Cheatham is here and was at the departments today.

The New York Mayorality contest has resolved itself into this question: "The Yellow Kid or the Tiger?"—Baltimore Sun.

MUTUAL BENEFIT IS BEST.

If It's Quality This Is Your Store.

We put QUALITY ahead of everything else and with it we give you all the NEWEST STYLES and SHAPES. We are exclusive agents for many of the leading brands of shoes, such as Queen Quality for Women, The Nettleton and Ralston for Men.

We have also a big line of SUIT CASES which it will pay you to see.

Peebles Shoe Co. 216 S. Elm St.

Charlotte Furnishing & Decorating Agency, CHARLOTTE, N. C.

Interior Decorators and House-Furnishers.

Wall Papers, Frescoing, Painting, Hard-wood Finishing, Etc. We constantly employ a high-class artist for decorating churches and residences. We cover North and South Carolina and Virginia. Prices and samples on application.

BOIL CAUSE OF DEATH

Young Man From Reidsville Died in School at Charlotte. Charlotte, N. C., Nov. 16.—After an illness of only twelve hours, with blood poisoning, Wheeler Hancock, 20 years old, a student at the Piedmont Industrial School, died at 4 o'clock this morning. The blood poison developed from a small boil on his upper lip. It had bothered him very little till yesterday morning, when it began to increase in size. He became desperately ill about night and all efforts of physicians to save him were futile.

Hancock came from Reidsville in September to enter the Piedmont school and was a good student. He was a son of J. W. Hancock. Attempts to reach his father by wire last night were unsuccessful. The body, accompanied by Rev. J. A. Baldwin, principal of the school, and Miss Isabel Woodley, a teacher, was taken this morning to Reidsville for interment.

College Student Dies.

Savannah, Ga., Nov. 16.—John Weaver, a freshman at the A. and M. College, died last evening of typhoid fever. He contracted the disease less than three weeks ago. Mr. Weaver was 21 years old, the son of A. F. Weaver, of Thermal City, Rutherford county. The body was taken to the home place early this morning for burial. There are three other cases in the college hospital, but they are all doing well.

Receiver For Transportation Co. Savannah, Ga., Nov. 16.—The Southern Transportation Company was thrown into the hands of a temporary receiver by Judge Cunn in the Superior Court today upon application of creditors represented by Lamar & Galloway. These creditors were the August Grocery Company and others, representing claims of \$2,238.22. The total indebtedness is said to be \$6,528.28. John L. Nixon, of Augusta, was made receiver.

The company operates a line of steamers between Savannah and Augusta.

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FLOWER QUOTATIONS

"Flowers are love's truest language." "That when we call a rose by any other name would smell as sweet." "The rose that lives its little hour is prized beyond the sculptured flower." "Out from its sunned and sheltered nooks The blue eye of the violet looks."

WE SELL FLOWERS. Write us for prices on your wedding flowers. Telegraph or telephone us for floral designs.

J. VAN LINDLEY NURSERY CO., Pomona, N. C.

MEDIUM PRICED OVERCOATS FOR WINTER.

The essential qualities in a good Overcoat are four: style, fit, quality and price. It is not often that you find the first three combined at the right price, and that is why our medium-priced Overcoats are such unusual offerings. Their coming from Schloss Bros. & Co., of Baltimore, ensures their quality, for everything bearing the Schloss label is Hand-Tailored, and therefore far superior to the ordinary machine-made garment. The fitting qualities will astonish you when you see the coat reflected in a mirror—it is the perfect draping to be expected from a high-priced custom-tailor and seldom found elsewhere. And when it comes to style—judge for yourself! Whether your taste inclines to the conservative Box-Coat, the warm Belt-Coat or the ultra-fashionable Paddock—whatever it is—we'll show you a cut and pattern pronounced the best of style by the foremost judges of good fashion in the land. Come in today or this week sure and let us show you some of the new styles we have just received.

Overcoats, \$3.00 to \$30.00. Suits, \$4.00 to \$25.00. They All Say We Have the Best Stock in North Carolina.

VANSTORY CLOTHING CO., THE ONE PRICE CASH STORE. 236 and 238 South Elm St., Greensboro, N. C.

Eye Troubles

have a distinct influence upon bodily health, and frequently manifest themselves in headache, nervousness and other symptoms, the true cause of which is often unsuspected. For that reason, every one who is not wholly well should have their eyes examined, even though they can apparently see as well as ever. Our instruments will tell exactly what condition your eyes are in—no charge for that.

If they are all right, we will tell you so; if they need medical treatment, we will send you to a physician; if glasses are needed, we are prepared to supply them and to positively guarantee satisfaction in every case.

R. C. BERNAU, Jeweler and Optician. Next Door to Benbow Hotel Entrance.

DON'T WORRY OVER YOUR COAL BILLS!

Burn C. C. B. Pocahontas, The Most Economical Fuel in Town. ...FOR SALE BY... GREENSBORO ICE & COAL COMPANY.

KAUFMANN, 306 SO. ELM ST.

Adler's Kids, Dressed and Undressed, \$1.00 and \$1.50

Scotch Gloves, all Colors, 50c.

New Style Washable Fancy Vests, \$1.50 to \$5.00.

S. J. Kaufmann 306 South Elm Street ONE PRICE CASH ONLY

Want a boarding place? Put an "ad" in the Daily Industrial News.

MUTUAL BENEFIT IS BEST.