

# OCALA EVENING STAR

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OCALA, FLORIDA, MONDAY, AUGUST 24, 1908.

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Best Quality Prompt Service Lowest Price  
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Undertakers and Embalmers  
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Fine Caskets and Burial Robes  
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VAUGHN & LANE  
Blacksmithing, Wheelwrighting and Horse Shoeing  
We do all kinds of repairing on Wagons and Buggies. Wood Work and Painting at Low Prices. Horse-shoeing a specialty. All work guaranteed.  
North Magnolia Street, Opposite Carmichael's Bar, Ocala, Fla.

**Foley's Kidney Cure**  
Cures kidneys and bladder right

**COMING ORANGE CROP**  
S. J. Sligh Estimates the Product at Three and a Half Million Boxes  
(Tampa Times, 22nd.)

S. J. Sligh, president of the Florida Fruit and Vegetable Exchange, has received a number of letters from leading commission merchants and publications throughout the great markets of the north which indicate that highly erroneous impressions prevail regarding the present orange crop and the status of the citrus fruit industry in Florida. He has been informed that the crop is rated in the north at as high as 5,000,000 boxes, and that it is generally understood we will have no good fruit to ship until January 1st.

Realizing that these reports would work great injury to the growers of the state, Mr. Sligh has been at great pains to personally investigate conditions throughout the state, and to submit an authoritative and exact report of conditions. He has written a letter to every important fruit journal in the north, explaining the true state of things, and shipping them samples of fruit to substantiate his statements.

Mr. Sligh is, by reason of his position as president of the fruit exchange, eminently qualified to speak on these subjects, and his statements, being the result of careful investigation, are absolutely authentic. The text of his letter is as follows: "Gentlemen: We are having so many inquiries regarding the present orange crop, until we have decided to make a report to you. It is very amusing to read some of the reports that are going out, and letters we are getting from a good many reliable houses, and their report on same.

"Some think that we will not have any fruit until January 1st. I am mailing you an orange under separate cover, which will show you just about the condition at this writing. Fruit is as sweet now as it was last season at the first of November, and is much larger. It is six weeks earlier. I have visited a great deal of the state and personally inspected the orange groves and condition of fruit. The orange crop is about the same size as last season. The grapefruit crop is anywhere from 30 to 40 per cent larger. There is considerable rust in some sections, and also considerable white fly, much more than last season, but barring out the white fly, which is only in spots, I have never seen an earlier or better quality of fruit in the state, and we will have 3,500,000 boxes and perhaps a little over. The increase over last year's crop will be on account of grapefruit, and for your information we will give you the correct shipments for last season, which includes both, express and freight.

"The A. C. L. handled 2,094,000 boxes—S. A. L., 800,000—the F. E. C. and St. Johns river, 450,000 boxes, making a total of 3,344,000 boxes.

"Now, considering that our fruit bloomed in February, the markets can depend on getting just as good a grade of fruit as our state has ever shipped, and we will begin in good shape to ship by October 1st."

**HAD AN AWFUL TIME.**  
But Chamberlain's Colic, Cholera and Diarrhoea Remedy Cured Him  
It is with pleasure that I give you this unsolicited testimonial. About a year ago when I had a severe case of measles I got caught out in a hard rain and the measles settled in my stomach and bowels. I had an awful time and had it not been for the use of Chamberlain's Colic, Cholera and Diarrhoea Remedy, I could not have possibly lived but a few hours longer, but thanks to this remedy I am now strong and well. I have written the above through simple gratitude and I shall always speak a good word for this remedy.—Sam. H. Gwin, Concord, Ga. For sale by all druggists.

**MULAI HAD THE BEST MEN**  
Army of Abdul Aziz, Sultan of Morocco, Beaten by that of the Pretender  
Paris, August 23.—Government advices received last night confirm the report from Tangier that the forces of Abdul Aziz, the recognized sultan of Morocco, were defeated by Mulai Hadid, the usurping sultan. Advices further state that Abdul Aziz, who is now in full retreat with the remnant of his forces, is being hotly pursued by local tribes. Several were captured in the engagement.

**MEN PAST SIXTY IN DANGER**  
More than half of mankind over sixty years of age suffer from kidney and bladder disorders, usually enlargement of prostate glands. This is both painful and dangerous, and Foley's Kidney Cure should be taken at the first sign of danger, as it corrects irregularities and has cured many old men of this disease. Mr. Rodney Burnett, Rockport, Mo., writes: "I suffered with enlarged prostate gland and kidney trouble for years and after taking two bottles of Foley's Kidney Cure I feel better than I have for twenty years, although I am now 71 years old." Sold by all dealers.

**A SHOCK**  
Is something awful. There is no danger of being shocked if I do your electrical work. "Everything electrical." Drop a card. W. H. Morris, 159 Magnolia St.

**\$100 REWARD, \$100**  
The readers of this paper will be pleased to learn that there is at least one dreaded disease that science has been able to cure in all its stages, and that is Catarrh. Hall's Catarrh Cure is the only positive cure now known to the medical fraternity. Catarrh being a constitutional disease, requires a constitutional treatment. Hall's Catarrh Cure is taken internally, acting directly upon the blood and mucous surfaces of the system, thereby destroying the foundation of the disease, and giving the patient strength by building up the constitution and assisting nature in doing its work. The proprietors have so much faith in its curative powers that they offer One Hundred Dollars for any case that it fails to cure. Send for list of testimonials. Address: F. J. Cheney & Co., Toledo, O. Sold by all druggists, 75c. Take Hall's Family Pills for constipation.

**INCREASED TRAFFIC EXPECTED**  
Atlanta, Aug. 24.—T. J. Shore, of Quitman, a prominent lumberman, says that railroads generally are placing large orders for freight cars to prepare themselves to meet the immense traffic movements which are early expected. He bases his statement on the large numbers of orders for heavy timbers for car building, which his firm and others that he knows of have received from the car manufacturing plants.

**IF YOU KNEW**  
The merits of the Texas Wonder, you would never suffer from kidney, bladder or rheumatic trouble. \$1 bottle two months' treatment. Sold by druggists or by mail. Send for testimonials. Dr. E. W. Hall, 2926 Olive street, St. Louis, Missouri.

**PURE JERSEY MILK**  
FROM TESTED COWS  
Delivered every morning at your door.  
Milk, per quart.....10c  
Cream, per pint.....20c  
Buttermilk, per quart.....6 1/2c  
Call the "White Wagon" or Phone 114.

**Hiawatha Lake Dairy**  
**W. C. BLANCHARD CONTRACTOR AND BUILDER**  
Plans furnished on application.  
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E. P. THAGARD, Manager  
Phone No. 5.

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THE JEWELER AND OPTICIAN  
We Have One of the Largest, Most New and Complete Stocks of  
JEWELRY OF ALL KINDS  
WATCHES RINGS PINS  
EMBLEM PINS  
CHAINS FOBS  
HAIR ORNAMENTS, ETC., ETC.  
That has Ever Been Shown in this City.  
Cut Glass, Fine China, Sterling and Plated Silverware, Souvenir Postal Cards, Clocks, Etc., we do Not Acknowledge a Better Stock in this Section.  
ALL KINDS OF REPAIRING DONE SOUTH SIDE OF SQUARE

**IGNORANCE NO EXCUSE**  
For Violation of Law—And Who Believes the Standard Oil Company is Ignorant?—Bonaparte Dissects Judge Grosscup's Decision.

Chicago, Aug. 24.—The government's petition for a rehearing by the United States court of appeals of the case against the Standard Oil Company of Indiana was filed Saturday and represents, it is authoritatively stated, the administration's attempt to save the Elkins act and the interstate-commerce law from becoming futile.

Filing of the petition marked the appearance of Attorney General Bonaparte in the case as well as that of Frank C. Kellogg, who is special assistant to the attorney general.

The indictment in the case was for a violation of the Elkins act of February 19, 1903, making it a crime to accept a concession whereby any property is transported in interstate commerce at less than the published and filed rate.

It was proved at the trial that the Chicago and Alton Railway company transported to East St. Louis, Illinois, and St. Louis, Missouri, 1492 carloads of oil.

In all the dealings between shipper and carrier each carload was treated as a distinct transaction and handled as a distinct piece of business.

The published and filed rates on this business were eighteen cents per one hundred pounds to East St. Louis and nineteen and a half cents to St. Louis. The Standard Oil company actually settled on the basis of six cents to East St. Louis and seven and a half cents to St. Louis.

These facts were admitted.

The Standard Oil company interposed the claim in defense that the Elkins act was unconstitutional; that the tariffs had not been posted in two public places at the stations, and interposed many technical defenses.

On but a single point involved in the trial up to the return of the verdict of guilty are the rulings of the trial judge criticised by the court of appeals. In all other particulars his rulings are sustained.

The point on which the trial judge is reversed by the court of appeals relates to his rulings on evidence and his charge to the jury with reference to ignorance on the part of the Standard Oil Company of the lawful rate as a defense.

The court of appeals in its opinion has not correctly stated how the judge stated on this subject.

It is said in the opinion that he refused to admit evidence to the effect that the Standard Oil company did not know what the lawful rate was. The fact is, and the record so shows, that all evidence tending to show ignorance on the part of the Standard Oil company was admitted for the consideration of the jury.

This evidence was largely that of the traffic manager of the Standard Oil company, Bogardus, who swore to a conversation with Hollands, the rate clerk of the Alton, in which he said Hollands told him that the rate had been filed. The government met this testimony by a great array of circumstances which tended to disprove it and the jury found in favor of the government.

The trial judge ruled that ignorance on the part of a shipper of what the lawful rate was could be interposed, as a defense, but that the ignorance was the result of neglect on the part of the shipper or of wilful failure on the part of the shipper to resort to the sources of information which were available.

The government takes issue with the circuit court of appeals as to its proposition that a defendant cannot be fined more than the value of the property which he possesses and states that this rule is an innovation in criminal law and if applied would destroy the enforcement of most statutes.

The government claims that the facts before the court of appeals justify the imposition of the penalty inflicted by the trial judge.

It appears from the record in the circuit court of appeals that the net profit of the business of the Standard Oil company of Indiana, the corporation that Judge Landis fined, for the years during which the violations of the law for which it was convicted were committed and including the year in which it was indicted amounted to \$33,583,298.89.

On this point the petition states: "We respectfully call the attention of the court to the statement of the Standard Oil company of Indiana on file in this case, referred to by the court in its opinion and treated as proper for consideration in determining whether or not the penalty was excessive.

That statement shows, with reference to the assets and liabilities and profits of the Standard Oil company of Indiana, the following:

Year.	Gross Assets.	Liabilities.	Profits.
1899	\$15,154,408.16	\$5,004,821.05	\$ 4,195,750.54
1900	16,077,018.24	2,735,695.09	3,981,571.04
1901	16,435,213.71	2,962,417.01	5,379,948.55
1902	19,794,673.94	3,306,520.64	7,515,906.60
1903	21,277,619.70	4,535,206.12	8,753,410.28
1904	20,087,700.64	3,052,497.82	7,792,029.24
1905	20,743,361.97	2,435,957.62	6,521,676.53
1906	27,502,059.86	3,178,152.76	10,516,082.75

The punishment therefore is no more severe than that is inflicted upon a letter carrier who steals a letter and is sent to the penitentiary for three years, thereby depriving him of his earning capacity for that time. It is not nearly so severe as the minimum

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for others, the more you profit yourself.  
Somehow, satisfactory service to present customers, becomes known outside the bank's patrons. That's why our list increases.

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(INCORPORATED)  
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**8 Big Specials 8**  
FOR  
**Monday and Tuesday**  
**August 24 and 25**  
The prices tell in a nut shell what this will mean for your pocket book

40 inch white lawn, very sheer, worth 18c, only per yard	10c	Silk tissue, plain or dotted, our former price 19c, only	5c
90 inch iron frame mosquito bar, worth \$1.75, only	\$1.24	Mennen's talcum powders, violet or borated, only	12 1/2c
70 inch iron frame mosquito bar, worth \$1.50, only	98c	Armour's toilet soap, 3 wrapped cakes in box, only	10c for box

**ICE CREAM FREEZERS**  
Only a few, and they must go  
3 qt Arctic freezer for \$1.50 3 Quart White Mountain Freezer \$1.90  
4 qt Arctic freezer for \$1.80 4 Quart White Mountain Freezer \$2.20

Send and get samples of the White Lawn and compare with goods at twice the price.  
Look at the window and then come and save money on Monday and Tuesday.

**The Variety Store**

penalty of five years in the penitentiary imposed upon a banker who misapplies the funds of his bank.

The government claims that on account of the size of the fine alone, there is no necessity for a retrial of the case; that the circuit court of appeals may, itself, name the fine which should be imposed and calls upon the court to do so in case it adheres to the view that Judge Landis abused his discretion in imposing so large a fine.

That the ruling, stated in the opinion to the effect that a fine is excessive when it exceeds in amount the ability of the defendant to pay is an innovation in criminal law and if generally applied would prevent the practical enforcement of most criminal statutes.

That, in short, the opinion as it stands erroneously states material conflict with the language of the supreme court and with the previous language of the presiding judge of this court, and with the great weight of legal authority; and, if permitted to remain unmodified, will tend to encourage disobedience of the law, to impede the enforcement of salutary statutes and largely to defeat their purpose.

For the reasons stated we respectfully request that a reargument of this case be granted.

The petition is signed:  
Charles J. Bonaparte, Attorney General.  
Frank B. Kellogg, Special Assistant to Attorney General.  
Edwin W. Sims, United States Attorney.  
James H. Wilkerson, Special Assistant U. S. Attorney.

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Opens into the lobby of the Ocala House.  
Offers the very best service of skilled workmen with modern appliances. Strictly sanitary. Electric fans, electric massages.  
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