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OFFICIAL from WASHINGTON.—Fair Wednesday, Thursday Increasing Cloudiness, light to Fresh South Winds.

The Pensacola Journal.

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EFFORT TO KNOCK OUT GEORGIA PROHIBITION: A RULING EXPECTED TODAY

Federal Court Asked at The Last Hour to Nullify Will of People.

Unconstitutionality Is Alleged, and Petitioners Want Decision Today.

BREWERS HOLD THAT SALE OF LIQUOR IS SPECIALLY PERMITTED IN ARTICLE SPECIFICALLY DEDICATING TO THE SCHOOLS A CERTAIN SHARE IN INCOME FROM TAXES ON SALES OF MALTS AND SPIRITS.

By Associated Press.

Atlanta, Dec. 31.—A bill was filed in the federal court here tonight, asking that the Georgia prohibition law be declared unconstitutional. Judge Newman has taken the matter under consideration, and will render a decision probably tomorrow.

Brought by Brewers.

The action was brought this afternoon in behalf of the Christian Moerlein Brewing Company of Cincinnati, and the Chattanooga Brewing Co., of Chattanooga, Tenn. The respondents are the sheriff and other state and city officers charged with enforcement of the law.

Judge Newman tonight indicated he would render a decision some time tomorrow, but this decision will not have the effect of opening the saloons in Georgia.

It is understood the judge can either grant an order to set down for early hearing the constitutional question involved, or let the case go in the regular course of court procedure.

Grounds of Action.

Briefly stated, the petition alleges that the prohibition act is unconstitutional in that the constitution of the state makes it mandatory on the part of the legislature to set aside a certain sum for educational purposes from the taxes on the sale of malt and spiritous liquors, and that this mandate was a recognition of the right to sell malt and spiritous liquors.

John C. Hart, attorney general of Georgia, in an interview with the Associated Press tonight, said he had not seen the bill, but from his information believed the law could not be effectively attacked, and that in his opinion, it was constitutional.

Atlanta was quiet tonight on the ringing of the final bell on the sale of liquor. There were a few minor disturbances, but nothing of any serious character.

A SOUTHERN IMMIGRATION ASSEMBLAGE

Gov. Broward Calls General Southern Convention For Feb. 12 at Tampa—Wide Range of Representation.

Special to The Journal.

Tallahassee, Fla., Dec. 31.—Governor Broward today issued a call for an immigration convention of southern governors and delegates from southern states and commercial labor organizations, to meet in Tampa on Wednesday, Feb. 12.

The Call.

In his call, Governor Broward says, in part:

"Whereas, The legislature of several of our southern states, realizing the pressing need of bringing into their borders immigrants of a desirable class, in order that the rica agricultural, mineral, industrial and other resources of our incomparable land may be developed to their bountiful capacity, have enacted laws and appropriated money for the purpose of aiding and promoting immigration; and

"Whereas, The need of the better class of immigration is by no means confined to agricultural, mineral and other rural localities, but is equally great in our fast-growing cities and towns, where the call for skilled and brawny artisans is ever on the increase and in many instances unanswered; and

"Whereas, The need of skilled workmen to lend assistance in our grand era of upbuilding is no less recognized by labor than by capital, both of which are justly and sensibly opposed to the importation of immigrants of such character that they could never measure up to the standard of true American citizenship;

"Therefore, I, Napoleon B. Broward, governor of the state of Florida, do hereby call upon the governors of all the southern states to attend in person, and appoint ten delegates from each state to attend, a convention to be held in the city of Tampa, in the state of Florida, on Wednesday, the twelfth day of February, 1908, for the purpose of discussing immigration in its every important detail. I also urge upon the governors of all the southern states that they issue an invitation to the various commercial and labor organizations of their several states, requesting each of them to send to said convention three delegates, with authority to participate in the deliberations thereof.

"I also cordially invite and urgently request the immigration commission appointed by the president of the United States to investigate the subject of immigration in foreign lands, to be present at said convention, to relate their experiences, give their conclusions, and make such recommendations as their investigations warrant.

"Each commercial and labor organization in the state of Florida is also cordially invited to send three delegates to participate in said immigration convention."

WILL RESIST TO THE LIMIT

Roosevelt and Bonaparte to Combat the Decision of Judge Lewis.

It Is, That No Law Prevents Alleged Conspiracy in U. S. Land Grabs.

A CABINET MEETING DECISION TO APPEAL THE QUASHING OF INDICTMENTS AGAINST THE MEN ACCUSED OF COLLUSION AND FRAUD BECAUSE OF A RESORT TO "DUMMIES."

By Associated Press.

Washington, Dec. 31.—At the last cabinet meeting of the present year, the decision was reached by the president and Attorney General Bonaparte that the government will use every means in its power to bring about in the higher courts disapproval of the decision rendered in Colorado yesterday by Judge Lewis, that there is no law against citizens agreeing in advance to purchase coal or other public lands that may be acquired by others under what is known as the "dummy" system.

Attorney General Bonaparte said after the meeting that it is fortunate congress last year passed a law giving the government the right to appeal in criminal cases, as undoubtedly the government would appeal to the fullest extent against the decision quashing indictments against the men charged with illegally acquiring coal lands by alleged conspiracy.

FIFTY ALABAMA COUNTIES RECORD DEATH OF SALOON TRADE WITH DEATH OF 1907.

By Associated Press.

Birmingham, Jan. 1, 1908.—(12:15 a. m.)—With shrill shrieks of hundreds of whistles announcing the advent of the New Year, every saloon in Jefferson county closed its doors sine die.

Crenshaw county was added to the prohibition ranks by a local option election yesterday (Tuesday) afternoon, making exactly fifty counties in the state which closed the saloon doors last night.

Seventeen counties remain in the state in which liquor can be sold for another year. Only four of the remaining wet counties are exclusively saloon counties, twelve being exclusively dispensary counties. Marengo county has both dispensary and saloon.

Although more liquor was sold yesterday than at any time in the history of Birmingham, there was less drunkenness noted than for many months. This was probably due to the fact that most of the liquor sold yesterday went to householders, who were supplying themselves against any future necessity.

DEATH OF WIDOW OF A NOTED MAN.

By Associated Press.

Houston, Tex., Dec. 31.—Mrs. Anson Jones, widow of Dr. C. Anson Jones, late president of the republic of Texas, is dead at the home of her daughter, Mrs. R. G. Ashe. She was 86 years of age.

DISPENSARY FUNDS HELD UP

Injunction Issued Prohibiting Disposal of Moneys of S. C. Institution.

By Associated Press.

Asheville, Dec. 31.—As a result of creditors' bills filed today on which Judge Pritchard issued an injunction, claims involving several hundred thousand dollars against the Old State Dispensary in South Carolina are involved, and a big legal fight will ensue in the federal court.

The bill was filed in Charleston yesterday afternoon before it was presented to Judge Pritchard. The injunction issued restrains the state board which is charged with the duty of distributing the funds from the old dspensary machine, from paying out any money either to individuals or the state treasurer as theatened, until further orders. The bill was filed on behalf of the Wilson Distilling Company.

TAFT ON TO WASHINGTON

By Associated Press.

Millbury, Mass., Dec. 31.—Secretary of War Taft, who visited his aunt, Mrs. Delia C. Torrey today, left here this afternoon for Washington.

SAYS HE IS NOT SO SURE

By Associated Press.

Providence, R. I., Dec. 31.—Secretary Taft arrived here at eight o'clock tonight and after a luncheon at the Hope Club, left at 9:07 for Washington. He was greeted at the station by a small crowd.

When a Spanish war veteran welcomed the secretary as "next president," Mr. Taft rejoined: "I thank you for your greeting, but don't know about your prophecy."

NEW OFFICERS ARE CHOSEN

Joppa Lodge, No. 6, I. O. O. F., Had Its Annual Election.

Joppa Lodge, No. 6, I. O. O. F., held a largely attended meeting at Rafford hall last night, when officers to serve the ensuing year were chosen. The new officers are as follows:

N. G.—D. Kugleman.
V. G.—R. C. Forrest.
Secretary—John May.
Recording Secretary—A. S. Cox.

Thursday night the new officers of the lodge will be installed, when there will be a joint meeting and installation of the two lodges.

A. C. L. MAY COMPROMISE

Postponement of Hearing of Carolina Rate Cases Indicate This.

By Associated Press.

Raleigh, N. C., Dec. 31.—The hearing of the complaint of the Atlantic Coast Line in the railway litigation which was set to begin Jan. 8, at Wilmington, before Master Montgomery, was by an agreement of the opposing counsel today indefinitely postponed.

The Atlantic Coast Line recently refused to accept a compromise suggested by Governor Glenn, and which was accepted by the Southern Railway, Seaboard Air Line Railway, and other roads in the state.

The postponement is regarded here as an indication that the Coast Line is now considering the acceptance of compromise rates. That the special session of the legislature will make the new rate a law now seems a certainty.

AWARDED $456,746

Federal Court in California Gives a Huge Verdict In a River Case.

By Associated Press.

Los Angeles, Cal., Dec. 31.—Damages to the amount of $456,746 were awarded to the New Liverpool Salt Company by Judge Olin Wellborn, in the federal court against the California Development Co., on account of the destruction of property, caused by an overflow of the Colorado river, resulting, it is alleged, from the construction of canal intakes by the development company.

This is the largest verdict for damages ever returned in a district court of this jurisdiction. The company sued for $525,000, but the court disallowed a part of the claim.

FLAGLER'S "OCEAN GOING" RAILROAD IS INSPECTED

Official Party by Train to Knight's Key, Whence the Steamers Will Begin To Leave for Havana Jan. 16.

Special to The Journal.

Miami, Fla., Dec. 31.—Henry M. Flagler and party today made a preliminary trip of inspection over the Florida East Coast railway extension, the "seagoing" road which Mr. Flagler has been building for the past three years across the Florida Keys, and which is to be opened to traffic over its completed portion early next month.

On the special train with Mr. Flagler were Vice-President J. R. Parrott and General Superintendent R. T. Goff, of the East Coast railway; Senator James P. Taliaferro, of Florida, General John R. Brooke, U. S. A.; J. V. Porter, of Jacksonville, and Captain A. M. Marcotte, of St. Augustine. From Miami the party traveled down over the extension to the beginning of the famous ocean viaduct at Long Key, the last arch of which was finished last week. Here they were joined by Chief Constructing Engineer J. C. Meredith, and after inspecting the viaduct the whole party proceeded by boat to Knights Key, the temporary terminal, where the ocean wharf from which steamers will leave daily for Havana and Key West, was inspected.

Mr. Flagler and his guests returned to Miami this evening expressing themselves as much pleased with the extent to which preparations for the formal opening of the extension, scheduled to take place on Jan. 16, have been pushed. After that date it is expected that the traveling time between New York and Havana will be shortened half a day by the new route.

MORE MINERS MEET DEATH

Explosion in Far West Results in Nine Dead and Five Injured

By Associated Press.

Alburquerque, New Mexico, Dec. 31.—As a result of an explosion of coal dust in a mine owned by the Carthage Fuel Company, nine dead bodies have been taken out tonight. About 50 men are employed in the mine, and all but those killed and five others who were injured, had gone to dinner; otherwise it is believed that fatalities would have been greater.

Carthage is a small town, about 20 miles from San Antonio. All the dead men were apparently killed instantly. Some of the bodies were mangled beyond recognition.

WIDOW OF GEN'L. HARRY HETH DEAD

By Associated Press.

Washington, Dec. 31.—Mrs. Harriet Seldon Heth, the daughter of the late Miles Cary Selden, of Virginia, and widow of General Harry Heth, formerly captain in the United States army, and major general in the Confederate army during the civil war, died today at her residence here. She had been ill several months.

CITY TODAY TAKES CHARGE OF THE LOCAL WATER WORKS

Transfer of Cash and Bonds Vindicatory to City Ownership.

Old Water Rates to Remain in Force Pending Any Reorganization.

TRANSFER OF THE PROPERTY WAS TO HAVE OCCURRED IN NEW YORK YESTERDAY, DILLON & HUBBIRD REPRESENTING PENSACOLA IN THE TRANSACTION.

Pensacola will make its first step today toward municipal ownership of public utilities, when it assumes possession of the water plant and properties of the Pensacola Water Company. The transfer of the property was to have occurred in New York yesterday, and in the absence of any advices to the contrary, it is taken for granted that the transfer was made.

Price $187,000.

The price had already been agreed upon a $187,500, and Dillon & Hubbird, the noted bond attorneys of New York, were to represent Pensacola in the transaction, which was to occur in the Farmers' National Bank, where the bonds of the local water company are held.

In purchasing the plant, the city did not purchase the bonds of the company, but the plant free from all incumbrance, and the water company was prepared, several weeks ago, to turn over the plant.

To Be Improved.

It is the intention of the city to make many improvements in the property. There will be about $60,000 left of the $250,000 worth of bonds sold after paying for the plant, and it is intended to devote this sum to improving the property and extending the water mains to give service to sections of the city which are now without city water or fire protection.

Under City Control.

Under city control, the waterworks plant will be temporarily operated as at present. The same employes are to be retained by the water and gas committee of the council as employed by the old company, and the members of the council committee will acquaint themselves with the business before attempting any changes or improvements from the custom of the old company. A superintendent will be later elected by the council, and by that time it is expected that the three members of the committee will have become acquainted with the business and can intelligently pass upon any changes that they might think necessary for a better service. Private rates will remain in effect for the present.

New Year's Greeting of Pensacola's Mayor

I wish to extend to the citizens of Pensacola and this community greeting of the New Year, which we are now entering upon.

This is going to be the most important year in the history of our city, and we can make it the most prosperous one by putting forward our best efforts. Every citizen should resolve today to do everything in his power to make this city grow in wealth and population, and each of us should assist in making Pensacola the most beautiful city of the gulf coast.

This movement is growing very rapidly here, and I am very much pleased with the results that have already been accomplished. But do not stop in this good work—assist the park commissioners in the parks in your neighborhood, assist the school improvement committees in carrying out their work, and last, do what you can to beautify your own home.

This will attract the attention of the northern tourists, who are now beginning to come into our city, and what we should do is to convince them that this is the garden spot of this country.

During this year, our city will accomplish more in the way of public improvements than in any previous year. This in itself will greatly assist in making 1908 a prosperous one.

Wishing all the citizens of Pensacola a prosperous and happy New Year, I am, yours respectfully,

C. C. GOODMAN.

W. S. M'CHESNEY DIES AFTER A SHORT ILLNESS

Owner of the Former Famous Racer McChesney Expires Here.

CAME HERE ABOUT TEN DAYS AGO AND HAD APARTMENTS AT MANHATTAN HOTEL—HIS SON, WHO IS PRESIDENT OF THE ST. LOUIS TERMINAL CO., HERE FOR THE BODY.

W. S. McChesney, father of W. F. McChesney, president and general manager of the St. Louis Terminal Co., and owner of the once famed racer McChesney, died in Pensacola Monday night, at the Manhattan Hotel, after a short illness of pneumonia.

The home of the deceased was in Lexington, Ky., near which place he bred many fine horses. He came to Pensacola about ten or twelve days ago, taking apartments at the Manhattan Hotel, and a few days later was tken ill. Although he had every attention, his advanced age of 82 years prevented his recovery, and he died on Monday night, the body being taken to the undertaking parlors of Northup & Wood. There it was prepared for burial, but telegrams came from the son, who had learned of the death of his father here, requesting that it be held until his arrival, as he desired taking it to Lexington for burial.

Yesterday afternoon the son reached here, and last night took the body to Lexington.

W. F. McChesney is among the most prominent of railroad men in St. Louis, and while here was shown every possible courtesy by local railroad officials, who made all arrangements for shipment of the body.

The elder McChesney had reached such an advanced age that he had become eccentric, and it is stated that during his illness several days elapsed before he would reveal his identity. It was for this reason that the son was not advised of his father's serious illness until just before his death.

RECEIVERS APPOINTED

Carter H. Harrison, et al., Take Over C. & M. Ry. On Petition Filed.

By Associated Press

Chicago, Ill., Dec. 31.—Carter H. Harrison, former mayor of Chicago, Charles G. Dawes, former comptroller of currency, and Gordon Ramsay, vice-president of the Chicago and Milwaukee Electric Railroad Company, were today appointed receivers for that corporation on a petition filed by Charles J. Monahan, a stockholder.

Monahan charges fraud in the management of properties whereby A. C. Frost, president of the company, is alleged to have gained control. The road is about 75 miles long and is operated by the Chicago and Milwaukee Railroad company and the Milwaukee Electric Railway company, which are Illinois corporations, and two Wisconsin corporations of the same name. It is claimed that the Illinois corporations own the Wisconsin companies and that the receivers will therefore have control of all the property.

THE DUMA CONVICTED

With the Exception of Two Members All of 169 Are Sent to Jail.

By Associated Press.

St. Petersburg, Dec. 31.—The trial of 169 members of the first duma who signed the Viborg manifesto, was concluded today. One hundred and sixty-seven of them were convicted and sentenced to three months' imprisonment, while two were acquitted, on the ground that they signed the manifesto under a misapprehension. The sentence carries with it a loss of all political rights. Unless an appeal from the decision of the court is taken the sentence will be effective January 20, until which time the former dpeuties will remain at large without bail. It is generally believed that the prominence of the accused induced the government to exercise leniency. Sentence has been withdrawn in the cases of the foremost liberal leaders in Russian politics in the constitutional movements for several decades past among them being Ivan Petrukevich, who framed the first demand upon the emperor for a constitution.

COTTON MILLS CUT DOWN TIME

By Associated Press.

Nashua, N. H., Dec. 31.—Beginning next Monday the cotton mills of the Nashua Manufacturing Co. and Jackson Company of this city will go on a 40 hour a week schedule. The mills will be run eight hours a day, five days in the week, closing all day Saturday. About 4,000 operatives are affected.

MRS. OERTING PASSES AWAY

Died Unexpectedly Just Before Midnight Last Night.

The many friends of Mrs. Oerting, wife of Niels McKenzie Oerting, will be shocked this morning to learn that she died just before the midnight hour last night. She had been ill only about a week with pneumonia, and her death was unexpected, although her condition for the past few days has been considered quite serious.

The deceased had many friends in Pensacola, with whom she became acquainted during the past three years. She wedded Mr. Oerting in Denver about three years ago, and they have made their home in Pensacola, where Mrs. Oerting soon became acquainted.

She had reached the age of 42 years, and is survived by a loving husband and several children. The funeral services are to be conducted this morning at 10 o'clock at the family home, corner of Jackson and Davis streets, and the interment is to be made in St. John's cemetery.

OWNERS OF PERSONAL PROPERTY

They are Not Hereafter to Escape From Taxation By the City.

AN ASSISTANT TAX ASSESSOR HAS BEEN NAMED, WHO WILL LOOK AFTER THOSE WHO HAVE NOT HERETOFORE BEEN PAYING TAXES TO THE CITY

Those who have been escaping taxation by the city will probably not have another opportunity during their residence in Pensacola, for the city authorities will hereafter make a more rigid inspection of property, assessing all that comes under taxation.

Mayor Goodman recently took up the matter, and after an investigation and consultation with Tax Assessor Johnson found that large numbers of persons are each year escaping personal taxation, and the city is therefore deprived of considerable money.

The council at its meeting of Monday night appropriated sufficient money for the employment of an assistant to Tax Asessor Johnson, who is unable to handle all of the work, and yesterday Mayor Goodman appointed C. J. Bell to the position. It is figured that an assistant will be necessary for only two months, January and February, as all assessments are then made. Mr. Bell will commence work today.