

Miller & Rhoads

"The South's Largest Department Store"

Women's Cleverly Styled Coat Sweaters

Never a season when the demand for Coat Sweaters has been greater than right at present.

Consequently the market has been flooded, and many manufacturers grew slack in their methods, thinking that anything would go.

With this state of affairs existing the public was liable to be the loser, but we have guarded our customers' interests as zealously as ever.

Not a Sweater in our stock that is not correct in style—that is not up to the Miller & Rhoads quality standard. Your Coat Sweater purchased here means style, quality and a goodly saving in price.

- Medium Length Coat Sweater, single breasted, fastened down front with large pearl buttons; colors, red, gray and navy. **\$2.98**
- Long Coat Sweater, in single and double breasted, medium weight, fast colors of gray, white and red; excellent value at **\$5.00**
- Unusual Long Coat Sweater, closely woven of fine yarn, double breasted, fastened down front with two rows of large pearl buttons, gray and red; especially good for **\$6.50**
- Elegant Long Coat Sweaters, double breasted, two rows of pearl buttons; gray, red and white. These stylish models **\$7.50**

OFFICIAL TABULATION SHOWS PACE LED TICKET IN RICHMOND

James H. Pace, the Democratic nominee for City Treasurer of Richmond, led the entire ticket in this city in Tuesday's election, receiving 4,821 votes. The official count of Mr. Pace's vote shows that nearly 5,000 voters were cast, and that many voters who went to the polls did not indicate their choice for the governorship and for the other State offices.

The legislative ticket was led by Charles E. Wingo, who received 4,538 votes. However, Messrs. Cox and Curd were close behind him.

On the State ticket the leaders were Judge Samuel W. Williams, for Attorney-General, and George W. Kolmer, for Commissioner of Agriculture, each receiving 2,386 votes. This is nearly 300 more votes than were cast for Judge Mann.

Mr. Kent polled a larger vote than any other Republican nominee, his total being 815. John J. Redmond, the independent Republican candidate for City Sergeant, polled a total of 1,025.

City candidates whose names were not on the ticket ran for the most part about 1,000 votes behind those whose names were printed, with the exception of Colonel John C. Harwood, for the Legislature, who got about 700 less than the leaders in this contest.

Three magistrates were elected from each ward. None of the Democratic nominees had opposition. Only five of the twenty candidates for these offices were on the ticket, and the discrepancy of the vote between these and their conferees who neglected filing their names is very marked.

The official returns were inspected yesterday in the Hastings Court room by the City Commissioners of Election. The work consumed the entire day. While the poll books and certificates as returned by the judges of election were for the most part in good shape, several errors were found, and this necessitated sending for Judges and clerks to make the necessary corrections. It was 6 o'clock before the returns had been completed, and the ticketed and ready for filing in the office of the Secretary of the Commonwealth.

All of the commissioners of election were present, as follows: Andrew Keisue, A. Cavado, J. Baskie Cabell, Charles B. Gary and W. D. Seiden.

The official count is as follows:

For Governor.
 William Hodges Mann..... 3,694
 William P. Kent..... 815
 A. L. Dennett..... 37

For Lieutenant-Governor.
 J. Taylor Elyson..... 3,784
 J. L. Lincoln..... 665
 C. E. Good..... 64

For Attorney-General.
 Samuel W. Williams..... 2,386
 George A. Revercomb..... 646

For Secretary of the Commonwealth.
 B. O. James..... 3,712
 John B. Locke..... 558
 D. D. Harrison..... 100

For State Treasurer.
 Asher W. Harman, Jr..... 3,951
 Joseph L. Crupper..... 622
 B. W. Harris..... 80

For Superintendent of Public Instruction.
 J. D. Eggleston, Jr..... 3,876
 Frank P. Brent..... 621
 G. M. Dutton..... 95

For Commissioner of Agriculture.
 George W. Kolmer..... 2,386

James T. Robson..... 657
 O. J. Ross..... 81
For House of Delegates.
 James B. Casey..... 4,222
 Edwin P. Cox..... 4,620
 John A. Curtis..... 4,616
 Charles E. Wingo..... 4,536
 John S. Harwood..... 3,830

For City Sergeant.
 J. J. Redmond..... 1,025
 John L. Safford..... 3,636

For Commonwealth's Attorney.
 Minette Folkes, 4,791.

For City Treasurer—James B. Pace, 4,821.

For City Sheriff—J. Herbert Mercer, 3,784.

For City Auditor—Edward J. Warren, 4,009.

For City Collector—F. W. Cunningham, 3,840.

For City Constable—William H. Wyatt, Jr., 3,900.

For Magistrates.
 Marshall Ward—James E. O'Grady, 493; L. C. Pigg, 457; W. J. Gigg, 485.
 Jefferson Ward—James W. Gibbons, 239; Isaac Michael, 239; Joseph O. Phillips, 257.
 Madison Ward—George C. Corneil, 556; P. J. McCarthy, 361; James T. Connelly, 347.
 Monroe Ward—W. A. Graves, 264; Herman Nolte, 330; Thomas M. White, 312.
 Henry Ward—John Kain, 180; L. Hulcher, 180; A. Vorderlehr, 171.
 Clay Ward—B. A. Jacob, 225; J. B. Peters, 908; J. D. Lyke, 469.
 Lee Ward—C. D. Duke, 370; J. A. Purdie, 676; R. H. Hawk, 311.

Frock Coats and Vests Silk Hats

Both will be necessary for the coming social function, and our stock represents the best of each.

Gloves, Neckwear and all other requisites.

Gans-Rady Company

HUGH GORDON MILLER LOST CASE ON APPEAL

JUDGE MAY HEAR BANKRUPTCY CASE

Court of Appeals Holds That Jury Trial Is Not Legally Necessary.

Setting forth the right of a United States judge to hear and determine, without the intervention of a jury, all issues in cases of contested bankruptcy, an opinion of far-reaching importance was handed down by the United States Circuit Court of Appeals yesterday affirming the decision of the district court at Charleston, S. C., in the case of *W. C. Carpenter, bankrupt, vs. N. C. Curd*. A petition in involuntary bankruptcy was asked for against Carpenter and was granted by the district court on July 11, 1905.

The opinion alleged that he was a wage-earner, making \$900 a year, and that consequently he could not be placed in involuntary bankruptcy. It was shown in a hearing of the case that, although the defendant did not actually earn wages of more than the amount stated above, he had other interests which netted him a yearly income far in excess of \$900.

The opinion of the appellate court was that the court passed on the question of bankruptcy without a jury. The opinion of the appellate court was concurred in by Circuit Judges Goff and Pritchard and District Judge Morris, and was signed by Judge Goff. It is clear that it is the province of the judge to hear and determine, without the intervention of a jury, unless the alleged bankrupt shall make reasonable application for a jury trial, in which case a jury trial is required.

Under any act of bankruptcy alleged to have been committed by the defendant, may appeal to a jury for its decision, which, however, is not necessarily binding.

HAD ROW WITH CONDUCTOR

Motorman and Lineman Took Part While Lawyer Was Passenger on Car.

Hugh Gordon Miller, of New York, whose suit against the Norfolk and Portsmouth Traction Company involves the liability of a railway corporation for the conduct of its employees, was present, by counsel, in the courtroom of the United States Circuit Court of Appeals yesterday, when an opinion was handed down reversing the District Court at Norfolk, in which he was allowed \$3,000 damages. Mr. Miller, who is a well known lawyer, personally conducted his case.

The question arising is whether a corporation can be charged with punitive or exemplary damages for the illegal, wanton and oppressive conduct of a conductor of one of its trains toward a passenger. The declaration alleges repeated and gross insults by a conductor and motorman, culminating in an attack by a lineman, but fails to allege that the acts of the subordinates were authorized by the company.

Judge Waddill a Witness. The opinion in the lower court, as Judge Edmund Waddill, Jr., was a passenger on the car and a witness in the case, was rendered by the late Judge Purnell. In its reverse opinion, the Court of Appeals declares the question involved to be one of general jurisprudence, rather than of local law, and holds that there is nothing to show that the defendant company acted with indifference to its civil obligations.

It is stated further that punitive damages cannot be awarded by way of compensation to the sufferer, but only by way of punishment to the offender as a warning to others. "A principal, therefore, cannot be held liable for exemplary or punitive damages," states the opinion, "merely by wanton, oppressive or malicious intent on the part of the agents."

The case for the company was argued by W. H. Venable, of Norfolk, and Eppa Hunton, Jr. and Henry W. Anderson, of this city.

COURT DECIDES THAT COMPANY CAN'T RECOVER. The District Court at Greenville, S. C., was affirmed in an opinion handed down yesterday by the United States Circuit Court of Appeals in the case of the German Alliance Insurance Company vs. the Home Water Supply Company. The Home Water Supply Company entered into a contract to lay water mains, construct hydrants and install a certain degree of pressure. It is alleged that the terms of the contract were not complied with, and that as a result many houses were destroyed by fire, as there was no means of combating the flames. The houses burned were insured in the German Alliance Company. The opinion affirmed held that the company could not recover.

Married in Washington. Marriage license was issued in Washington yesterday to Robert H. Shepherd, of 301 East Leigh Street, and Miss Lottia B. Kirkley, of 129 West Cary Street, Charles W. Hanahan, of Barton Hotel, and Miss Goldie C. Dickens, of 2055 Hanover Avenue.

DISTRICT COURT AFFIRMED. The United States Circuit Court of Appeals yesterday affirmed the District Court at Charleston, W. Va., in the case of Abraham Acord et al. vs. the Western Pocomoke Lumber Corporation. No opinion was rendered, and the only comment of the higher tribunal was: "The case is fully stated and the facts applicable to the questions involved is correctly announced in the opinion of the court below."

Litigant Loses Damages on an Appeal to Federal Circuit Court. On the ground that C. L. Farmer was in the legal sense of the word, a fellow-servant, the United States Circuit Court of Appeals yesterday reversed the District Court of Eastern S. C., in awarding the plaintiff \$5,000 damages for injuries received while an employe of the Atlantic Coast Steam Railroad. Farmer was injured in 1903 while coupling freight cars, and sued for \$10,000. He claimed to have been directed to couple the cars by J. J. Brown, a foreman, who warned an engineer not to move until ordered by the foreman, in the performance of his duties, is to be regarded as a fellow-servant. Judge Morris dissented to the opinion rendered by Judge Goff and Pritchard, holding that the injured man had a right to look to the foreman for protection.

Steal a Peep! You'll declare that our Fall and Winter Suits and Top Coats are not just Clothes, but ART. Wonderfully graceful models this season, that drape and balance charmingly. All the advance fads and style-twists of the premier New York tailors. You needn't come to buy. Just come to browse, but come EARLY. \$12.00 to \$30.00.

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STUDY PISTOL SHOOTING

First Regiment Officers Will Strive for Army Badges. The officers of the First Battalion, First Virginia Regiment, are engaged in a course of study of pistol shooting under the direction of Captain Charles M. Wallace, Jr. This officer has been making an extensive study of the art and has had some practice. Captain Wallace believes that most of his class will soon qualify for instruction according to the regular United States Army standard, which requires a percentage of 80 per cent. under certain conditions and regulations. He thinks also that some of the men can reach the grade of sharpshooter, which requires an 80 per cent. mark. Sufficient progress has not been made to determine whether or not any of the officers can arrive at the standard of expert. To do this it is necessary to make 50 per cent. on a far more difficult test.

The War Department issues badges to officers of militia regiments making the different grades.

TURNBULL CANDIDATE. Brunswick County Man Wants to Succeed Lassiter. Formal announcement has been made by R. Turnbull, a well known attorney of Lawrenceville, Brunswick county, of his candidacy for the House of Representatives from the Fourth District to succeed the late Congressman R. H. Lassiter.

Mr. Turnbull is an earnest and active young Democrat of the district, and is well known to the voters.

There have been no further developments in the contest for the vacant seat. The Governor said yesterday that he had not determined on calling an election.

Choral Union at Beth Abahab. The Choral Society of Beth Abahab Synagogue will assist the regular choir at this evening's services at Beth Abahab, Dr. E. N. Calisch will preach at this service and in the morning. This evening his subject will be "The Unrepealable of Life," on Sunday morning, "An Ancient Message of Garcia." The public is welcome at all services.

Qualified as Executor. Mrs. Margaret A. Sizer qualified yesterday in the Chancery Court as executor of the estate of William T. Sizer. The estate is valued at \$12,000.

Official Vote in Henrico. The Henrico County Canvassing Board met yesterday at the school building and made the official count of votes cast in Tuesday's election. The figures are as follows: For Governor, Elyson, 52; Lincoln, 62; Secretary of the Commonwealth, James 494; Treasurer, Elyson, 494; Attorney-General, Crupper, 168; Commissioner of Agriculture and Immigration, Kolmer, 664; Robson, 172; Superintendent of Public Instruction, Williams, 257; Brent, 196; Attorney-General, Williams, 277; Revercomb, 183; Legislature, Throckmorton, 465; Wavter, 394.

Gave Piano to School. The Highland Park Mothers' Club last night presented to the school a piano. The instrument was presented by C. F. Cross and received on behalf of the school by George W. Blanton, Treasurer. The piano was given by Mr. Blanton. Music and readings were rendered by students of the school.

Fell Into Shockoe Creek. William Henderson (colored), after a perilous fall of thirty-five feet into Shockoe Creek, was rescued last night by two policemen. Henderson staggered off the embankment under the Chesapeake and Ohio viaduct, near Sixteenth Street. He escaped injury.

DELAY JAIL MATTER

Committee Will Consider Question Next Monday Night. The report of the City Jail Committee, which has been in the hands of the committee on Grounds and Buildings for some time, will not be taken up next night in the chamber calling a special meeting to be held Monday night for its consideration. At the same time, a recommendation is made to charges for the use of the Auditorium will be taken up. Chairman Don Levey last night suggested that charitable institutions using the building be charged at the rate of \$12 per night, and that others pay \$15 per night, or \$20 for two or more nights in succession. The resolution was laid on the table on motion of Councilman Luford.

Among bills presented for payment were those from the Richmond Coal Company for fuel furnished the City Hall, which, after some comment, were ordered paid. Inspector Beck stated that for the last two days this company had been delivering coal to the City Hall.

Engineer Smith said that as yet some of it had been tested, but that it looked better than that formerly delivered by the Richmond Coal Company.

MAY PRESENT MEDALS. Suggestion that Taft Visit Would Be Appreciated. It is being suggested by local military officers that the parade in honor of President Taft next Wednesday would furnish an appropriate occasion upon which to present the medals won by the Virginia riflemen in the recent national contest at Camp Perry.

These medals were offered by the Governor, the Adjutant-General and the State Military Board to the three Virginia representatives at Camp Perry, making the highest score. The winner of the Governor's medal for the best score was Lieutenant E. V. Peacock, Company K, First Regiment, of Staunton. The Adjutant-General's medal for the second best score was won by Captain Charles W. Walker, Jr., of Company C, First Regiment, of Richmond, while the third medal, presented by the military board, goes to Corporal Fisher of Company G, Second Regiment, of Petersburg.

BATTALION TO DRILL. Four Companies of First Regiment Will Turn Out To-Night. Under command of Major Hunsdon Cary the First Battalion of the First Regiment of Virginia Volunteers will have a battalion drill to-night at the First Regiment Armory at Seventh and Marshall Streets. The full battalion is expected to turn out.

After the battalion drill the officers' association of the First Battalion will have a meeting at headquarters. The officers have under discussion plans for the improvement of conditions in their commands.

Returns from West Virginia. Dr. Robert C. Bryan returned to Richmond yesterday from West Virginia, where on last Tuesday night he spoke before the Normal Medical Society of Charleston.

W. L. DOUGLAS
\$3.00 \$3.50 & \$4.00
SHOES

Wear W. L. Douglas comfortable, easy-walking, common sense shoes, the most complete stock in the city. Any of the styles shown, as well as many others carried in our stores, will give you solid comfort.

W. L. Douglas is the largest manufacturer and retailer of Men's Fine Hand-Sewed Process Shoes in the world. For comfort, style, fit and long service, W. L. Douglas shoes cannot be equalled. They are made upon honor, of the best leathers, by the most skilled workmen, in all the latest fashions, shoes in every style and shape to suit men in all walks of life.

W. L. Douglas \$2.00 and \$2.50 Shoes for Boys.
BEST IN THE WORLD.

CAUTION! The genuine have W. L. Douglas name and price stamped on bottom, which guarantees full value and protects the wearer against high prices and inferior shoes.

TAKE NO SUBSTITUTE.
 Fast Color Eyelets Used.

Wherever you live, W. L. Douglas shoes are within your reach. If your dealer cannot fit you, write for Mail Order Catalog. W. L. Douglas, Brockton, Mass.

RICHMOND STORE: 623 East Broad Street.

LINCOLN GLAD TO SERVE IN SENATE

Defeated Candidate Congratulates Mr. Elyson—Chairman Thanks Workers.

Not the least pleasant happening of the week to Lieutenant-Governor J. Taylor Elyson, who has been elected to succeed himself, was the receipt yesterday of a letter of congratulation from his friend and late opponent, State Senator A. T. Lincoln, of Marion. Senator Lincoln, the Republican nominee for the office, writes as follows:

"It gives me pleasure to congratulate you a second time, and to say that I shall be glad to serve in the senate with you as presiding officer."

Mr. Elyson, who is also Democratic State Chairman, yesterday expressed his appreciation of the hearty co-operation given him during the late campaign by the various county and city chairmen and committeemen and the precinct workers. Especially is he grateful for the ready response given to the request of the State Committee that the voters be instructed in marking out the name of D. Q. Eggleston and inserting that of Colonel B. O. James.

Secretary J. N. Brennan and to Hunter Mann, Mr. Elyson also gives his hearty thanks for their earnest and untiring labors.

"The newspapers of the State gave me loyal and efficient support," continued the State chairman, "regardless of their attitude prior to the primary, they rallied to the support of the nominees in a way that was invaluable to the party. They gave unparalelledly of their space to the candidates, and what at first seemed an embarrassing situation arising from the death of Mr. Eggleston. The Democratic papers of the State deserve the thanks of all Democrats."

"Those public speakers who loyally and unselfishly gave their time and talents and traveling expenses to aid the cause have my hearty thanks."

Expense Account Items. As an aid to all candidates in the recent election in complying with the law, Secretary of the Commonwealth R. O. James is sending them blanks to be filled out in reporting their expenses. He is not required to do this, but so much trouble and confusion has arisen in the past from this requirement of the law that Colonel James thought it would save trouble all around to make it easy for the candidates to comply with the statute. The law applies to every person who was an aspirant of whatever party or whether successful or unsuccessful.

Anti-divorce legislation did not seem to be in favor with the voters of the legislative district composed of Bristol and Washington county. It had been expected that this district, which has at present one Democratic and one Republican representative, would send two Republicans this time, but instead both Democratic nominees were elected—this in spite of the fact that the Republicans of the district, in their nominating convention, adopted the following plank:

"We hold the preservation of the purity of the family to be the duty of every Commonwealth. We therefore view with apprehension the alarming increase of divorce in our county, and State and favor the enactment of such laws as will render the marriage relation more permanent."

RECEIVER FOR CARRIAGE HOUSE

Rueben Burton Named by Chancery Court to Take Charge of Ainslie Company.

Rueben Burton was appointed yesterday by Judge Grinnan in the Chancery Court as receiver for the Ainslie Carriage Company, Incorporated, with factory at 7-9 South Eighth Street. The action grew out of a suit instituted by Mr. Burton for himself and others, in which it was alleged that the company had recently been losing money and is insolvent. Mr. Burton being a creditor to the extent of \$2,525 on a negotiable note for \$2,525, due in August, in the application for a receivership it was represented that the company had become embarrassed to such an extent that on November 1 a distress warrant was secured by the Noting state, owners of the building, for non-payment of rent, amounting to \$2,525.57, for which High Constable Wyatt attached the stock, office and factory fittings and machinery and vehicles in course of completion. The machinery was later raised by the company giving bond.

In the order providing for a receivership Judge Grinnan directs Mr. Burton to take charge of the factory and property and continue operations, completing existing contracts, and with due regard for economy, maintain the present machinery. The applicants state that it is their hope to get the property in satisfactory shape, deliver carriages now being manufactured, and eventually sell the property as a "going concern," rather than suffer the depreciation which would follow the closing down of completion. The machinery, an answer filed by the Ainslie Carriage Company, Incorporated, contests the receivership and asks the winding up of the affairs of the company.

DEPARTMENT CHANGES. Fire Commissioners Appoint Many Substitutes on Probation.

The Board of Fire Commissioners met in regular monthly meeting last night, with President Charles F. Taylor presiding. The following substitutes were appointed on probation:

C. M. Wheat to Engine Company No. 1, C. L. Atkinson and C. J. Wooddy to Engine Company No. 2, Mason J. Mills to Engine Company No. 3, E. C. Wade to Engine Company No. 4, Cornwalls Thompson to Truck Company No. 2, W. S. Simms to Truck Company No. 3.

J. E. Whitlow, substitute in Engine Company No. 8, having served his probationary term satisfactorily, was placed on the eligible list.

The resignation of L. T. Pemberton, fireman, grade C, of Engine Company No. 3A, was received and accepted, as was also the resignation of W. H. Lawrence, substitute in Engine Company 11.

J. L. Harriott was promoted from substitute to fireman, grade C, in Engine Company No. 5.

The board appointed the following lieutenants from the force: R. E. Wilkinson, of Engine Company No. 11, and A. Hall, of Truck Company No. 1, and W. J. Boto, of Truck Company No. 2.

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WILL BANQUET FORMER CAPTAIN. Company C, Richmond Blues, to Honor Lieutenant Tucker Saturday Night.