

The Paducah Daily Sun

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L FIGHT CASE

Marcum's Attorneys Take Out Habeas Corpus.

They Claim That Violation of Parole Is Not Extraditable Offense.

JUDGE HUSBANDS TO HEAR IT

"Red" Marcum, alias John Hollaway, alias "Red" Johnson, who was committed to jail yesterday to await a requisition from Illinois, wants to get out. This morning Attorneys Campbell and Campbell, for the prisoner, took out a writ of habeas corpus before Judge Husbands, and when the requisition arrives there will be a lively legal fight to see whether he shall be taken to Illinois to serve the remainder of his sentence, or liberated.

Marcum is charged with being a fugitive from justice from the state of Illinois, wanted for violating his parole. He was paroled in 1899 at Chester, where he was serving a sentence for larceny.

His attorneys claim that violation of parole is not an extraditable offense and that he cannot be carried from Kentucky to Illinois for it. The commonwealth will claim that a person may be extradited for any offense provided the governor of a state makes a requisition on the governor of another state and it is granted.

By agreement the writ will not be argued before Judge Husbands until after Christmas, by which time it is expected the Illinois officer will be here with a requisition for him. It will be the first case of its kind heard in the local courts, and attorneys are much interested in the outcome.

A FLOATER FOUND

A body of a man was found floating in the river this morning at Livingston Point on the Ohio river side, by a fisherman and brought to the city today at noon.

The body had lodged in a lot of drift and probably had been in the water for weeks, as all the flesh was eaten off the arms from the elbows to the shoulders. The bones of the forearms were gone from the body. The legs of the floater were enclosed in pants and the shoes were still on the feet. Nothing was found in the pockets. The hair and all flesh of the face were gone. There was no way to determine the color but Justice Young, who is acting in the place of Coroner William Peal, who is ill, thinks the man was white, judging from the shape and size of the shoe found on his feet. The body was packed in a wooden box and buried in the potter's field. No inquest was deemed necessary.

ARRESTED ON A BENCH WARRANT.

Otis Blick, white, was arrested this morning by Officers Dugan and Rogers on a bench warrant from Lyon county charging breach of the peace. The marshal of Lyon county had been after them for several days, and after chasing him through Marshall county landed him here and effected his arrest. He left at noon with his man for Eddyville.

The daughter of Mr. Clarence Hamilton of 1230 S. 7th Street is ill of malaria.

THE MARKETS.

FURNISHED BY ARNE & GILBERT OF THE PADUCAH COMMISSION CO.

	OPEN	CLOSE
WHEAT—		
December.....	75 1/2	74 1/2
May.....	77 1/2	77 1/2
CORN—		
December.....	48 1/2	48 1/2
May.....	43 1/2	43 1/2
OATS—		
December.....	33 1/2	33 1/2
May.....	31 1/2	31 1/2
PORE—		
January.....	16 67	16 60
May.....	16 22	16 20
PRD—		
January.....	9 87	9 80
May.....	9 37	9 44
KIBS—		
January.....	8 45	8 45
May.....	8 62	8 37
STOCKS		
E. C. N.....	124	123 1/2
E. C. S.....	145	144
U. S. S. P.....	84 1/2	84 1/2
U. S. S. O.....	85 1/2	84 1/2
U. S. S. G.....	106 1/2	106 1/2

WENT FOR PINCKNEY

Attorney Attempts to Get Him From the County Jail.

Judge Husbands Says There Should Have Been a Jury. But There Was Not One.

IT IS AN IMPORTANT CASE

Pinckney Childers will spend Christmas in jail, after all. He has been a boarder of Jailer Jones for the past several months, serving a twelve months' sentence for selling off a lot of furniture belonging to a man at whose house he had been living. The charge against him was petty larceny, and when County Judge Lightfoot tried him he made an example of Pinckney by giving him the limit, twelve months.

Judge Lightfoot announced soon after going into office that he would make petty thievery a serious thing for the offenders when they came before him, and he has kept his word. He seldom gives them under three months, and has imposed several six month sentences.

Last night Attorney J. S. Ross, for Childers, sued out a writ of habeas corpus in Judge Husbands' court for the purpose of releasing Childers. He claimed that Judge Lightfoot should have tried Childers by jury, and did not do it. On this plea he hoped to free the prisoner.

Judge Husbands decided that Judge Lightfoot should try all persons charged with misdemeanors by jury, and while Childers was not tried by jury, his redress was in an appeal to circuit court, which should have been taken within sixty days and was not. Judge Husbands therefore declined to grant the writ or release Childers, but his decision is of great importance in the city, as it will necessitate all petty larceny cases hereafter tried by the county judge being tried by jury, and is the first time the question has ever been passed on.

The law prescribes that when prisoners charged with misdemeanors do not get a trial in circuit court, the cases may be transferred to the county court for trial before the county judge, and Judge Husbands says this should be by jury.

In most cases tried by Judge Lightfoot, however, the prisoner is held over from police court, and rather than remain in jail for perhaps months, until circuit court convenes, he is allowed to go before the county judge and plead guilty, waiving all rights, among them jury rights.

Judge Lightfoot said today in regard to the cases that the prisoners when he tried them waived jury rights.

Childers, the man who received twelve months for selling four dollars worth of furniture has been pardoned from the penitentiary once, and has been in twice, and was recently refused a pardon for the offense for which he is now doing time. His attorney says he may take out a writ of habeas corpus in another court, presumably federal court.

LOOKING FOR SANTA CLAUS

BOY GOT LOST AND WAS NOT FOUND FOR SEVERAL HOURS.

Forrest Anderson, the little son of Mrs. J. A. Anderson, of Eleventh and Clark streets, slipped away yesterday afternoon late and started down town "to see Santa Claus." He didn't know the way and wandered about quite a great deal until he was found at Fourth and Adams street by a young man who took the little fellow to the court house, where fortunately he found some one who happened to know him and take him home.

CHARGED WITH LARCENY.

A farmer was arrested this afternoon by Officers Evitts and Johnson for theft, and being drunk and disorderly. He was caught stealing, it is alleged, in the Noah's Ark store on Broadway. He was too drunk to give his name, but a receipt was found on him bearing the name Arthur Storrie.

PUPILS MAY STRIKE

They do not Like the Idea of no Holiday Tomorrow.

It Is Said They Will Go to School and Then Leave in a Body.

REBUKE TO THE SCHOOL BOARD

A strike of school children is something that has occurred a few times in this country recently, but there was never anything like it in Paducah. The prospects for one tomorrow, however, if reports are true, are good. It has been customary for the school board to give the schools a holiday on Christmas eve, and is claimed by some of the older members that seldom, if ever, did the board refuse to allow the children the day before Christmas to prepare for what is one of the principal events of childhood. Last night there were seven members of the board present, and a majority voted down the proposition to give the usual Christmas eve holiday. As a result the children are mad, and Trustee Weille, who is in favor of allowing the holiday, is mad too, and stated today that there was talk of a general strike at all the schools of Paducah tomorrow.

"Some of the trustees" he declared, "seem to have forgotten that they were ever children. Christmas eve is almost Christmas itself. With the busy times incident to Christmas, the happy anticipation, and the general good feeling which takes the minds of the children off their studies and makes school practically useless, it seems to me that they should have been granted a holiday tomorrow, and if I had time I should go out myself and organize them into a strike and march them down town in a body."

Many expressions of disapproval at the action of the board were heard today on the streets, and it is not at all unlikely that the children, if enough go to school tomorrow, will boldly march out and defy the powers that be.

If they do it will be Paducah's first school children strike.

PROMINENT MAN

ARCHBISHOP OF CANTERBURY IS DEAD.

London, Dec. 23—Most Rev. Frederick Temple, archbishop of Canterbury and primate of all England, who has been ill for some time past, is dead. Archbishop of Canterbury passed away quite peacefully at 8:15 o'clock in the presence of his wife and two sons.

BODY ARRIVES FROM TEXAS.

The body of Mrs. Joseph Kiser arrived at noon from Guffey, Tex., and will be buried this afternoon at 8:30 o'clock from the residence of Mr. Jake Oehlshlaeger at Tenth and Jackson streets. Interment will be at Oak Grove.

ELUDED THE FATHER

Prominent Citizen of Fulton County Is Badly Injured.

Pursued His Daughter to Prevent Her Marriage and May Die From Hurts.

THE COUPLE WAS MARRIED

Mr. John C. Browder, one of Fulton county's most popular, wealthy and highly esteemed citizens was seriously injured near Fulton while pursuing his daughter who was eloping with a young man to Fulton to be wedded, says the Fulton Leader.

Mr. Browder was hurt internally and is in a critical condition and may die from his wounds.

Sunday morning he and his family were attending the meeting at Union church. Just before preaching his eldest daughter, Miss Anthony, who is quite young, and Mr. T. E. Williamson, quietly eluded the crowd and jumped into a buggy and started at a fast speed to Fulton to be married. The father of the young lady saw the couple start and suspecting the elopement, hastened to his buggy and with Mr. Bert Milner started in hot pursuit.

His buggy soon broke down and not to be thus outwitted, he unhitched his horse and started on a full run on horseback after the couple.

He was gaining rapidly and would have overtaken them, but fate was against him and his horse stumbled and fell near Jeff Pewitt's residence. Mr. Browder was thrown against a tree and sustained internal injuries which may result in his death.

He was picked up and removed to Mr. Pewitt's residence where physicians were hastily summoned. They found no bones broken but state that he is in a critical condition. Mr. Williamson and Miss Browder drove on to Fulton and were united in marriage at 11:30 o'clock in the morning by Esq. Roberts in South Fulton.

BIG TOBACCO SALE.

LOUISVILLE CONCERN TO SELL OUT FOR OVER TWO MILLION.

Louisville, Dec. 23—Harry Weisinger and John S. Middleton, president and vice president respectively, Parry Weisinger Tobacco company, are in New York to close a deal for sale of their plant to New York capitalists. Negotiations for the purchase of the plant have been under way for some time. Only the final details remain to be passed on today and the price is said to be in the neighborhood of \$2,500,000.

BROKE AN ARM.

Effie Smith, aged 10 years, fell from a door at Fourth and Jefferson this afternoon and broke both bones in her right arm. Dr. Coyle attended her.

COAL MEN BACKING IT

This is What an Indiana Congressman Claims Now.

Says Six Feet of Water Is All Needed in the Ohio River.

DOES NOT FAVOR NINE FEET

The opposition to a nine foot stage in the Ohio river seems to be growing, and prospects are just now not very bright for any early action on the gigantic project.

In a statement made yesterday Congressman W. T. Zenor of Indiana said he believed the Pennsylvania coal interests were behind the movement to give the Ohio river a nine foot stage of water the year around and declared that it was a step towards securing a monopoly of the coal business, to the disadvantage of Kentucky and other states touching the river, says yesterday's Courier-Journal. Mr. Zenor advocates a six foot stage. His position is unique and he is the first congressman of Kentucky or Indiana to take this stand.

Congressman Zenor was at Rufers' hotel yesterday. He says the action of the Ohio Valley Improvement association in asking for an appropriation to make the stage nine feet may endanger the chances of securing an appropriation for any improvement. He says there is not a boat on the river that draws over three and one-half or four feet of water, and that a stage of six feet will be ample.

"It looks like the coal men of Pennsylvania are behind the movement advocated by the Ohio Valley Improvement association," said Mr. Zenor. "For this reason several of the congressmen from the Ohio valley do not look with as much favor upon the proposition as they otherwise would. A water stage of nine feet would almost give them a monopoly in the coal business, and in my opinion this is just what they are looking for. They would have great coal barges built that would draw seven or eight feet of water and put thousands of tons of coal upon them. Thus Kentucky and other coal states on the river would be discriminated against, for the tributaries to the Ohio have been improved only for a stage of six feet. The coal people in these states would have to have much smaller barges than those in Pennsylvania, and consequently would have to ask a higher price for their coal. Mr. Bromwell of Cincinnati is one of those who look with disfavor upon the proposition.

"The river has been improved to Cincinnati, and has a depth of six feet. Now, according to the present proposition, the locks and dams already made would have to be improved. There would be no end to the cost, and it is doubtful if congress will agree to give the money. I think if the people of the Ohio valley are reasonable money will be provided for improving the river. It will cost about \$40,000,000 to provide a stage of six feet from Pittsburg to Cairo, and to provide a stage of nine feet would, of course, take a great deal more. In fact, no estimate has been made of the cost, and those behind the movement want several appropriations, making the improvement gradually."

FOR EDDYVILLE

PRISONERS WERE TAKEN AWAY TODAY.

Deputy Sheriffs William Lydon and H. F. Lyons assisted by Messrs. Will Wesson May Trice, John Hall and Sam Beadles, left at noon for Eddyville with the following prisoners convicted in this term of criminal circuit court: White prisoners are Eli Hutchinson, Fred Edmonds, Tobe Dennis, Jim Riley, Joe Bennett. Hutchinson got eleven years, the heaviest sentence. Colored prisoners are Will Hamilton, Jim Anderson, Sardus Hart, Jerry Cook, C. W. Wilson, Harman Matthews and Andrew Petty.

Mr. Alex Patton, the constable, is better today.

IS UNPRECEDENTED

The Retail and Wholesale Trade in Paducah is Enormous.

The Increase Is From 30 to 75 Per Cent. Over Last Year's Record.

EVERYBODY IS JUBILANT

Yesterday and today have been the best shopping days Paducah merchants ever had. The Christmas buying is at its climax and is the best in the history of the retail trade. At the principal stores yesterday and today it has been a hard matter to get waited on. The shoppers had simply to call on their stock of patience and wait their turn.

A very noticeable feature of this holiday shopping is the great volume of the better grade of goods being purchased. The furniture people and the jewelry houses especially coming in for a big proportion of the business. The Paducah Furniture company report their business, so far, just double that of last year at the same time, and the Rhodes-Burford company, give the same report. Wolfe, Nagei and Bleich, all report their business surpassing last season by about 30 per cent.

With the big dry goods houses it is the same way. Our business, said Mr. Phillips, of the Rudy, Phillips and Co., "is the biggest we have ever done. We are satisfied indeed. A gratifying thing to us is that we have yet to have a month, since seven years ago, when our business was not ahead of the same month in the year preceding."

Mr. Rieke, of Ogilvie and Co., Mr. Eley of the Eley Dry goods Co., and Mr. Schwab of T. Schwab give the same cheering reports.

But this is not the case with the larger houses only. One finds it the case with all lines of trade, the little fellows and the big ones. In wholesale circles the report, the universal one, is that never before have Paducah houses sold the goods they have this season. This is certainly good news to all Paducahians. It speaks well for the hustling abilities of our merchants, retail and wholesale, and shows as well the prosperity of Paducah and West Kentucky.

2500 KILLED

AND MANY HOUSES ARE DESTROYED BY AN EARTHQUAKE.

London, Dec. 23—A dispatch from New Marghelan, Russian Turkestan, reports that the earthquake at Andjan killed 2,500 people, in and near that city and destroyed 16,000 houses. The rumblings continue. The authorities so far have not been able to cope with the destitution of the starving, unsheltered people.

BACKED FROM BRIDGE.

Dyersburg, Tenn., Dec. 23—Captain Young, a young man from the First district of the county, came in to town and after buying a new buggy as a Christmas present for his wife and four jugs of warm whiskey for himself, started out for home somewhat under the influence of liquor. After going out from town about two miles he met a large herd of cattle on Pond creek bridge and his horse became frightened and unmanageable and jumped or backed with him from the bridge into the seething waters of Pond creek, now full to overflowing from the recent freshets. The horse and man were both drowned. The body of Young has been recovered and will be buried tomorrow at 3 o'clock. Captain Young was a popular and well connected young man.

KENTUCKY COAL MINES.

Louisville, Dec. 23—Negotiations have practically been consummated whereby an Eastern syndicate, which J. Pierpont Morgan is a member, has obtained control of the coal mines and coal properties along the Green river in Kentucky except owned by the St. Bernard company. The consideration is \$1,000,000.

IS U CEED HART'S BABY

IT'S ORFUL PURTY

The Kutest Kind of Doll Babies at Tinesy Whynsy Prices

Hart's Xmas Goods

are the cream of the foreign markets. "Perfect Gems" in their class. These novelties will adorn any home. In the line are beautiful Baskets for all purposes. large and instructive toys for boys and girls.

Karving Sets Plated Ware

GEO. O. HART & SONS CO.