

TESTIMONY IN LISLE CASE

First Witness Tuesday Corroborates Evidence of Prof. D. H. Thompson That Was Given on Monday.

The taking of testimony in the Lisle will case was begun Monday afternoon. After the attorneys for both sides had stated the case to the jury, a recess was taken until 3:30 o'clock in order that Col. John R. Allen, of Lexington, one of the leading attorneys for the contestants could arrive. Prof. D. H. Thompson was the first witness called to testify. He was called by the defendants who had to prove that the will was properly executed. Prof. Thompson was one of the witnesses to Mr. Claiborne Lisle's signature and testified as follows:

"I live in the city of Winchester I have been teaching school for 30 years. I was acquainted with Claiborne Lisle. Knew him for 30 years. The signature signed to this will and codocil is that of Mr. Claiborne Lisle. I saw him sign them at his home in the county. I witnessed the will and this is my signature. Mr. Claiborne Lisle and J. D. Eubank were present. I was requested to attest the will by Mr. Lisle. We signed this will and only three of us were present, Mr. Lisle, Mr. Eubank and myself."

Cross examination: "It was Monday evening about 5 o'clock. We left Mr. Eubank's house and went to Mr. Lisle's house together. Mr. Lisle and Mr. Eubank were firm friends. I went to the home of Mr. Lisle upon his request. Mr. Eubank and I had been sitting up at night in his last illness previous to the making of the will. I do not mean to say I had been sitting up with him, but with Mr. Sam Hodgkin, so I was informed, asked Mr. Eubank and myself to come over. It might have been about 5 o'clock when we started for the house. Mr. Phil Lisle went with us. I had never seen the will before going to Mr. Lisle's home. At the home of Mr. Lisle was Mrs. Hodgkin, Mr. Sam Hodgkin, Mrs. Oliver. When we went on this occasion I do not know where they were when Mr. Jesse Hodgkin met us at the door and took us to the dining room. I was at the house about an hour and a half. We sat in the dining room some time, but we did not discuss the will. We were in the sick room about an hour. I saw both Mrs. Hodgkin or Mrs. Oliver at the home and believe both were in the sick room when Mr. Sam Hodgkin took us in. He was in the room most of the time. I did not see the will until Mr. Clay Hodgkin brought it in. We had been in the room a few minutes when Mr. Clay Hodgkin brought the will in. We did not say anything to Mr. Claiborne Lisle about the will."

"When Mr. Hodgkin arrived he took the will out of his pocket and said: 'here is a writing Mr. Jim Winn sent you.' It was in an envelope sealed. Mr. Clay Hodgkin opened the envelope. At the time Mr. Hodgkin handed him the will Mr. Lisle was sitting up in the bed. He was very weak. He took the will out and read it."

"Mr. Clay Hodgkin left the room while he read the will. I am not quite sure but I think Mr. Phil Lisle remained in the room while he read the will. I saw him read the codocil. He did not read the codocil before signing the will. When he got ready to sign the will he said: 'If you think I have sense enough to make this writing I want you to witness it.'"

"After signing the will he read the codocil and then asked where Clay was. Clay was called and Clay came in. He asked Clay if Jim sent any word. He said there should be another paper and that paper would explain what the attesting clause of the codocil. I do not know what became of that paper. When the will was signed Clay brought an envelope and the will was put into the envelope by Mr. Claiborne Lisle and it was sealed. He told Clay to take it the next day and put it in his box."

"After this nothing was said about the will."

Redirect examination: "I think Phil Lisle was in the room and remained in the room until the will was read. He began reading the will without glasses. After reading the will he called for pen and ink and I furnished a fountain pen. There were no others present besides Mr. Eubank, Mr. Claiborne Lisle and myself."

The first witness in the Lisle will case Tuesday was Mr. James Eubank. He with Prof. D. H. Thompson attested the will of Mr. Lisle. He corroborated the testimony of Prof. Thompson that was given on Monday. The first witness for the contestants was Mrs. Esther Couchman, a granddaughter of Mr. Claiborne Lisle. Shortly after her testimony was begun, the presiding judge was asked for a ruling on testimony proposed to be introduced to show that undue influence was exercised on Mr. Lisle in the execution of his will. The jury was retired while the attorneys presented authorities bearing on the subject.

The testimony of Mrs. Frank Couchman was finished at 11:30 and Jack Lisle was the next witness for the contestants called and he was on the stand when court adjourned for noon recess. Mrs. Couchman who was Miss Duckworth before her marriage, testified as to who cared for her after her parents' death and also who paid for her schooling and other necessary expenses. Her uncle, Mr. Marcus Lisle for the greater portion of the time was her guardian, and her grandfather, Mr. Claiborne Lisle assisted her very little. Mrs. Couchman testified that one or two occasions before her grandfather's death that she was at the home of Mrs. Hodgkin, where he was, and that on each occasion some member of the Hodgkin family was in the room while she was there.

Mr. Lisle in his testimony also stated the same facts and also stated that his grandfather had threatened to cut him out entirely if he did not quit being so extravagant. He said that while at school his grandfather corresponded with him and seemed to think a great deal of him. He often consulted with him in regard to business matters. Both Mrs. Couchman and Mr. Lisle stated that before Mr. Lisle's death he was very weak and in their opinion was not capable of making a will.

ROOF PUT ON NEW CHURCH

Work is Progressing Rapidly and Completion of Building With the Specified Time is Assured.

The new St. Joseph Catholic church will be under cover the latter part of this week. The work on this new building has progressed rapidly and there is very little danger now of it not being completed in the time given the contractor, Mr. N. A. Powell. Most of the slate roofing has been put on and the work on the inside of the building has begun.

"OLD LIM JUCKLIN" AT K. W. COLLEGE

Opie Read, Who Sways Audiences at His Will, to Appear in This City at Early Date.

Opie Read, famous lecturer, philosopher and author, will speak at the college on the evening of November 4 on the subject: "Old Lim Jucklin."

Opie Read is like no one else in the world. His very presence lends a strange enchantment to his stories. You may have enjoyed his books in the "shelving" of your library; perchance you have been stirred by his plays; or spent delightful half-hours in the reading of his clever character sketches; but unless you have sat within the sound of his voice, and heard from his own lips the quaint tales that originate in his brain, you do not fully appreciate the splendid genius of the man. On the platform Mr. Read shines with a brilliance all his own. Everywhere he is received with enthusiasm. The indescribable witchery of his words, the charm of his voice and manner, the influence of his personality, combine to weave the magic spell that holds his hearers enthralled. One minute roaring with laughter at some humorous bit, the next staring at the speaker through hot, blinding tears, with a feeling that you will never smile again—only to break into fresh screams of laughter immediately after—you realize that this remarkable man has the power to sway his audience at will. Mr. Read is always entertaining. His program is varied and each number is a gem. In all his readings, he shows himself to be a wonderful delineator of character, and an artist in the interpretation of his own work.

QUIET ON HALLOWEEN

Many Pranks Were Played But No Serious Damage Was Done on Monday Night.

Halloween was quietly observed in the city Monday night. Little bands of men, women and children promenade the streets in costumes and many were the pranks played.

Owing to the strict watch kept by Chief of Police McCord and his policemen very little property was damaged. A policeman was in each end of the city and one on Main street. Early in the night several boys with their buckets of paint were caught and taken to the police station. The paint was taken away from them and they were warned by the Chief that if any defacing of property was done by them again they would be put in jail and this had its desired effect.

In the suburbs gates were removed benches and lawn swings carried away and other loose articles moved.

NEGROES FORM BYRD CLUB

Many Meet at Orren Bates' Store and Declare Unanimously For Mr. Byrd For Congress.

That many of the negroes of the city are not going to support Mr. Langley this time was evident Monday night when a large number of the negro citizens met at Orren Bates' store in Poyntersville and by a unanimous vote declared for Mr. A. Floyd Byrd, the Democratic nominee.

The organization that met was the Independent Colored Club composed of some of the leading colored citizens. The club has been meeting for several nights last week and will probably hold an open meeting towards the close of the week and several orators will be on hand. Orren Bates presided at the meeting and Jim Nickels and Dennis Daniel acted as secretaries.

K. W. C. BEATS MT. STERLING

Score is 45 to 0 in Favor of the Winchester College's Husky Eleven.

In a one-sided game of football, void of any sensational feature, play Kentucky Wesleyan College Monday defeated the Mt. Sterling Collegiate Institute team of Mt. Sterling by a score of 45 to 0. The line-up was as follows:

Mt. Sterling—Moss, Hall, center; Williams, Ledford, right guard; Bevins, right tackle; McCormick, left tackle; Ramsey, right end; Ralph Greene, left end; Roger Greene, quarterback; Bogie, right halfback; Tom Greene, left halfback; Cravens, fullback.

Wesleyan—Hunt, center; Spoonamore, right guard; Clark and Holdrock, left guard; Cockrell, right tackle; Armstrong, left tackle; Day, right end; Eagle and Peake, left end; Lane and Johns, right halfback; Henry and Crockett, left halfback; Spradling, fullback; Hendricks, quarterback.

BALDWIN WANTS A RETRACTION

Says That Col. Roosevelt Has Misrepresented His Position on the Labor Question.

NEW HAVEN, Conn., Nov. 1.—Judge Simeon E. Baldwin, Democratic candidate for Governor, sent a letter to former President Theodore Roosevelt, in answer to the recent letter of the latter relating to Judge Baldwin's stand on certain labor legislation. The letter in part says: "I have received your two answers to my letter of October 24. Apparently you have misunderstood the point of my communication. In that I referred to the fact that, in a public address in New Hampshire, you had charged me with holding a certain view of a point of law. I then stated that I did not hold that view and never had, and requested that you retract your charge."

"The view which you describe as that of the Republican party, is the view which is generally taken by courts and lawyers, and was explicitly taken by me in my work on American railroad law, in a passage to which I refer you, in my letter of October 24."

"It is a part of the general American common law, resting upon principles of right and justice, that have been generally accepted by the people of the United States."

"I did not complain in my former letter, nor do I now, of your characterizing me as having been a 'retrogressive.'"

"You have stated in public that I took the view that it was competent for the workman, when driven to accept any employment, to bind himself not to be compensated if he would lose his life or limb in that occupation. I have denied that I ever took such a view."

"I will add that I have long been in favor of the principle of workmen's compensation acts, though not unaware of the constitutional difficulties in applying it in this country, and was nominated to the office to which you referred by a party which called for such legislation in its platform."

"I now repeat my request that you retract the statement of which I complain. I ask it as a matter of fairness to one whose reputation as a lawyer is of value as well as in the interest of the truth."

"It would seem to me that in your reference to the Hoxie case in your second undated letter that you not only go wide of the question, but write under a misrepresentation of the rules which govern the decision of legal actions."

"The main question in the Hoxie case was whether a Federal statute had altered the common law, as administered in the statutes of Connecticut. That the fellow-servant rule was part of this common law in Connecticut was not questioned by any of the able counsel who took part in the argument."

ROOSEVELT ON MANHATTAN

NEW YORK, Nov. 1.—Colonel Theodore Roosevelt swept almost from end to end of Manhattan Monday night, delivering nine speeches in behalf of Henry L. Stimson, the Republican nominee for Governor. At the nine stops he spoke fifteen minutes at each, following close on the trail of Stimson, who had preceded him with an equal number of brief campaign talks. Both made Tammany Hall the brunt of attack.

At his second stop on the lower East Side, Colonel Roosevelt charged that those who are supporting Tammany Hall and the Democratic ticket "are the men who have been foremost in endeavoring to nullify the child labor law, and who have protested against the regulation of the hours of labor."

HOUSE OF A THOUSAND CANDLES.

Three hours of mystery intermingled with many laughs and with real enjoyment is the peculiar mixture offered by "The House of a Thousand Candles" that will be the attraction at Winchester opera house on Saturday evening. Just as "The Old Home-stead" has the rural atmosphere, "The Lion and the Mouse" the financial atmosphere, as "The Man of the Hour" is based on politics so "The House of a Thousand Candles" has its own original air of the weird and the unusual. This can best be described by its synopsis which runs as follows: Act 1—At the Gate. The first apparition of old Glenam. The mysterious shot. Act 2—Room in the house of a thousand candles. The unknown and unlooked for. The declaration of Bates. Act 3—The door of bewilderment. The attack on the mysterious house. The ghost of old Glenam. Act 4—The gate again. The joke that was on Pickering.

SOLD HOUSE AND LOT.

Tracy and Stokely agents for Alfred Patton sold his house and lot on Sycamore street in North Park Addition to Logan Edge, of Estill county, for \$600 and other considerations. Mr. Edge will move here about November 1st.

POOL WILL BE VOTED OFF

At Meeting of the Burley District Board to Be Held in Lexington Tuesday.

LEXINGTON, Ky., Nov. 1.—The District Board of the Burley Tobacco Society met here Monday afternoon and Tuesday sessions will be held in the courthouse. The undertaking to pool the 1910 crop officially ends with this meeting and this is the matter of first importance to come up.

By resolution passed at the July meeting, the Board vested the power of declaring the pool off or in effect in the individual growers, their vote to be by the ballot. Three weeks ago, when an army of buyers created a selling stampede among non-pool growers, it became imperative for the Board to release those who had signed their tobacco, but sole power to finally vote the pool off remained with the growers.

Ballots have been furnished all counties, and Tuesday the pool will be technically voted off, and the Board take action under the following resolution adopted October 7:

"That we set the date for voting the 1910 pool on or off at the various precincts in the different counties for the first day of November, 1910, from ten to twelve a. m., and that each county chairman or county secretary be requested either to telephone or telegraph us the vote of his county as soon thereafter as possible and not later than 6:00 p. m. of that date, so that the District Board may declare the pool on or off per vote taken."

AUDITORIUM.

After witnessing the best performance of the season at the Auditorium theatre Monday night, it would be quite difficult to decide which of the two acts was the featured. The opening act on the bill was Lillian Carson and Company who is presenting the Maid of the Gratto in spectacular and transformational dancer. The special scenery, gorgeous electrical effects and magnificent costumes was undoubtedly the greatest that has ever appeared at the Auditorium. Paris Bros., who closed the show in their comedy sketch entitled Noodle, Noodle is the best comedy team that has amused an audience at the Auditorium for some time. Their act is fast and funny throughout, intermingled with plenty of good singing and talking. These two splendid acts in connection with two new reels of pictures are on the program again for Wednesday night.

PUT TO SLEEP BY HYPNOTIST

Earl Faulkner Lies Unconscious Under Spell of Gallano, the Mental Marvel, in Show Window.

Earl Faulkner was put to sleep by Gallano, the hypnotist Monday night and will remain until Tuesday night when he will be awakened on the stage. He is in the vacant room in the opera house block and is attracting large crowds as they pass the room.

FAMOUS STARS TO VISIT WINCHESTER

When the Sheehan English Grand Opera Company comes to the Winchester opera house Thursday evening, November 10th for an all star performance of Verdi's famous "I Trovatori" there will be heard in this city more renowned artists than have ever appeared here before at one time.

First and foremost of these stars is Joseph F. Sheehan acknowledged the greatest of all American tenors. His head was almost severed. He was a country boy, having been to town enjoying the Halloween celebrations. The car was in charge of Motorman James Rhorer and Conductor J. R. Jordan, both of Versailles. The car was passing Station No. 74, between the Daly and Asylum switches on the outskirts of Frankfort. As it slowed down Hall deliberately left the pike and dived under the car. His skull was fractured.

prices will prevail in order to give all an opportunity of hearing what will no doubt prove to be the biggest attraction of the season.

NEW RECORD FOR ALTITUDE

Little 35 Horse-Power Machine Makes Flight 9,714 Feet in the Air Exceeding All Former Attainments.

NEW YORK, Nov. 1.—A "baby" Wright roadster with Ralph Johnstone at the wheel glided to earth in the twilight at the close of the international aviation meet at Belmont Park Monday evening with a new world's record for altitude. The little machine of only 35 horse-power, had been up 9,714 feet, exceeding by 528 feet the height attained in France on October 1, by Henry W. Wymalson of Holland.

But Johnstone's stay climbing feat was not the only notable incident of the closing day. Grahame-White, the Britisher, who carried away the Gordon Bennett trophy, sharpened the sporting appetite with a challenge to John B. Moissant, of Chicago, for another race from the park around the statue of Liberty. Moissant, who won \$10,000 for the fast flight around the statue Sunday, ignored the challenge.

Then Grahame White, denied another chance for a visit to Miss Liberty, sent a thrill through the spectators when, at the close of a speed race with McCurdy of the Curtiss team, his propeller snapped, his monoplane dug into the ground in front of the grand stand, turned turtle and buried the aviator underneath. He was uninjured and won the race.

Moissant's winning of the \$2,000 distance prize offered by the Aero Club of America was the other big event of the day. He traveled about 87 1/2 miles in two hours. In landing after winning the event, he smashed his propeller and broke a running wheel, but escaped unscathed.

The Wright brothers were jubilant at Johnstone's success. It was the first time he had ever flown their tiny roadster and he had set a new mark for aviators of the world.

As the crowds about the judge's stand cheered the announcement of Johnstone's wonderful air feat, J. Armstrong Drexel swooped down to the earth. He had been battling in the clouds with the Wright pupil, but had attained only 8,370. Johnstone had easily won the grand altitude event with its \$5,000 prize.

BUYS RESIDENCE.

Mrs. W. A. Beatty bought Tuesday from Mr. T. W. L. VanMeter the handsome residence on Maple street. The family will move there sometime this month.

YOUNG MEN WANTED.

Government Pays Railway Mail Clerks \$800 to \$1,400 a Year—Free Scholarships Are Offered.

Uncle Sam holds examinations for railway mail clerks, postoffice clerk or carrier, custom house and department clerks. Prepare at once for the coming examinations. Thousands of appointments are to be made. Common school education is all you need; city and country people have equal chance. Start to prepare now—free information. Free scholarships this month. Write immediately to Central Schools, Department A. 38, Rochester, N. Y.

INSTANTLY KILLED BY INTERURBAN CAR

Clay Hall, 23 Years of Age, Has Head Almost Severed, Following Halloween Celebration.

FRANKFORT, Ky., Nov. 1.—Clay Hall, 23 years of age, fell in front of interurban car No. 116 here Monday night and was instantly killed. His head was almost severed. He was a country boy, having been to town enjoying the Halloween celebrations. The car was in charge of Motorman James Rhorer and Conductor J. R. Jordan, both of Versailles. The car was passing Station No. 74, between the Daly and Asylum switches on the outskirts of Frankfort. As it slowed down Hall deliberately left the pike and dived under the car. His skull was fractured.

92 HAVE NOW REGISTERED

Up to Tuesday Noon 58 Democrats, 32 Republicans and 2 Independents Added to Roll.

Ninety-two had registered at the supplemental registration up to Tuesday noon. There are a larger number of Democrats registering than Republicans and the regular registration which fell some short will be greatly increased. Fifty-eight Democrats have registered, thirty-two Republicans and two Independents. Wednesday yet remains for those who were unable to register at the regular time to do so and both sides are working hard to get out the voters.

FATAL CUTTING IN SALOON

James C. Townsend Stabs William Henderson Twice in Fight Tuesday Noon.

Mr. William Henderson, a farmer living near Logan Lick Springs, this county, was cut seriously and perhaps fatally Tuesday at about 12:30 by James C. Townsend, also a farmer in the saloon of Jones and Black.

Both men are said to have been under the influence of liquor and became involved in a political argument which finally resulted in a fight.

Henderson was cut twice in the side. Dr. Isaac Browne was called in and dressed the wounds. They were so serious that Henderson was immediately taken in an automobile to the hospital at Lexington. Townsend has given bond before Judge Evans in the sum of \$2,000.

MR. JAMES O'NEILL SINKS TO LAST REST

Lexington's Oldest Citizen Dies at His Home Monday Night of Bright's Disease.

LEXINGTON, Ky., Nov. 1.—Mr. James O'Neil died Monday night at 10:30 o'clock at his home at the corner of Mechanic and Limestone streets as the result of an attack of Bright's disease. The funeral will be held Wednesday morning at 9 o'clock at St. Peter's church, the family requesting especially that no flowers be sent.

Mr. O'Neil was in his ninety-third year and had been hale and hearty until comparatively a few months ago when the dread disease, which on account of his advanced age, assumed a malignant form.

The end came peacefully and apparently without pain.

WINCHESTER BOY HYPNOTIZED.

Prof. Gallano the Mental Marvel, who will open his two night's engagement at the opera house Tuesday, hypnotized Earl Forkner (better known as "Patty") Monday night at 7:35 in the empty store room underneath the opera house. Prof. Gallano carries with him a young man for this purpose, but upon his arrival in town he made it known that he would prefer a young man of Winchester. So the young man volunteered and Prof. Gallano hypnotized him. He is before the public and Prof. Gallano issues a cordial invitation to the doctors of the town to examine him.

Professor Gallano presents a mental performance Tuesday night in the opera house consisting of mind reading, mental telegraphy and hypnotism. The Professor has 2000 feet of motion pictures which he will run in between the acts and there will be not a dull moment of the two-hour program. Tuesday night at 7 o'clock Prof. Gallano will give his famous blind-fold-carriage drive allowing four citizens to ride two different articles in two different places, while the committee is out the professor will announce who hides the first article.

From the report of his work in other localities, the people of Winchester should not miss seeing this performance. His prices will be within the reach of all—15 cents for children and 25 cents for adults to any part of the house.