

BULLER CLAIM IS SCANDALOUS

Declares Saunders of Committee, to Which Appropriation for Buller and Associates Has Been Returned.

RECEIVED FOR \$20,000 IN FULL TO THE INDIANS

Notwithstanding This, He and Others Are Now Endeavoring to Get Big Part of \$100,000 Which They Claim to Have Earned.

Gazette-News Bureau, Hotel Hamilton, Washington, Feb. 21.—LEGISLATION respecting the claim of Marion Buller and associates in what is known as the Coville Indian reservation case has taken a somewhat sensational turn. The senate amendment carrying the appropriation has been thrown back into conference and Representative Saunders of Virginia told the writer that the claim of Buller and others is without merit to a degree not only flagrant but scandalous.

He says Buller got \$20,000 personally, giving a receipt in full for services rendered the Indians, and is now endeavoring to get the biggest part of \$100,000 which Buller and other lawyers claim they have earned in this Indian practice.

Judge Saunders, who is a member of the conference committee, declared that he would never consent to allow this sum or any part thereof.

Congressman Morehead claims that the treasury department has accepted a new bond from Collector Brown of the Western Internal Revenue district, and that this may be regarded as equivalent to a reappointment. The president, however, has not said what he would do.

W. A. H. THE PRESIDENT, IT IS FEARED, MAY VETO THE FOREST BILL.

There is some fear that President Taft may veto the forest reserve bill. There has been some suggestion of a conflict between the war department and the geological survey, over which department will supervise the work of field agents.

Mr. Taft, who is not over friendly to the bill anyway, has, it is believed, referred the matter to the war department. At any rate, the bill is there, and Brundage, Gullinger and the North Carolina senators, alarmed over the failure of the president to affix his signature, have planned to visit the department with a view to ascertaining the cause of delay.

IF EXTRA SESSION CALLED TARIFF WILL BE REVISED

Representative Underwood Declares That Democrats are Pledged and Tariff Will Be Revised.

Washington, Feb. 21.—If an extra session of congress is called following an adjournment March 4 the house democrats will begin immediately to revise several schedules of the Payne-Aldrich tariff act. An authoritative statement was given out by Representative Underwood of Alabama, prospective chairman of the new ways and means committee. It was made to correct an erroneous report in circulation during the past few days.

Underwood said that if an extra session is called the democrats in the house will not begin the work of revising the tariff is absolutely unfounded.

Democrats are pledged to revise the tariff and if we go into extra session, the house unquestionably will pass some tariff bills revising some schedules of the Payne act downward before it adjourns.

FIFTEEN HUNDRED IDLE ON LAKE SHORE RAILROAD

Roller-Makers Responded Promptly to Order for Strike—Prospect for Settlement Good.

Kansas City, Feb. 21.—Fifteen hundred roller-makers are idle, because of a strike on the Lake Shore Michigan Southern line of the New York Central, according to a statement by President Franklin of the Roller-Makers International union. Reports from the strike zone show the men responded promptly to the strike order. Outlook for settlement seems good.

Most Adopt a More Reasonable Course

Washington, Feb. 21.—As a result of protest registered by the British consul-general at Port Au-Prince against the reign of terror in Haiti, the state department has made representations to the Haitian government on the whole sale execution of revolutionary prisoners, advising the authorities to adopt more reasonable course.

A LODGED SHELL PREVENTS MURDER

Negro Placed Rifle at Ernest Paxton's Head and Pulled Trigger—Trial Is Continued.

Ernest Paxton, an assistant foreman at the Hans Rees tannery, came near losing his life at the hands of a negro named Frank Carver, alias Frank Williams, last evening. But for the fact that a cartridge became lodged in a rifle in the hands of Carver at Williams' elbow, certain that the assistant foreman today would be a dead man. Incidentally after the rifle, placed hard against Mr. Paxton's head, failed to fire the assistant foreman used a club, mallet or some other hard instrument on the negro's head, since the negro appeared in court this morning with blood-stained hands about the head and evidence of severe hurts.

The evidence was not taken this morning. It appears, however, that Carver or Williams was drinking, that he and Mr. Paxton disagreed over some matter and that the negro immediately brought into play a rifle containing several cartridges. To throw a cartridge into the chamber and press the gun against Mr. Paxton's head pulled the trigger. In some manner the cartridge became lodged and the rifle failed to fire. Mr. Paxton it is alleged then used some hard instrument on the negro's head. Both the negro and Mr. Paxton were charged with an assault one upon the other. They were both in court this morning, the negro in the prisoner's dock. Judge Carter of course for the defendant Carver or Williams, asked for a continuance, which was granted. The cases will be tried tomorrow.

Just what started the row is not definitely stated.

PEOPLE MUST GET BUSY IF BONDS ARE ISSUED

Time Is Short and if People Favor Road Bonds They Should Speak up.

The question of getting the legislature to allow the Buncombe county commissioners the right to issue \$100,000 in road improvement bonds to improve the highways of the county as outlined by the Good Roads association is a question which should attract the immediate attention of all the people of the county, as the legislative session is drawing to a close. The representatives of the county are in a position to feel that this matter should receive the freest possible discussion among the citizens and they should at once notify them how they stand on the question. The fact that but little time remains in which to act makes it important for them to be informed at once.

The roads proposed to be improved are the Asheville-Hendersonville, Asheville-Patrickville, Asheville-Swananoah-Black Mountain road, Asheville-Ivy road, Asheville-Alexander, and Asheville-Turnpike road, making a series of important roads leading out to all parts of the county as far as the county line. The representatives, it is believed, will pass the enabling act at this session if the people desire it. In fact, there seems to be a general disposition on the part of the people of the county to close these roads. The farmers are awake to the benefits of good roads; the good roads association are in favor of the bond issue, as are the board of trade and Retail Merchants association. The issue, it is explained, can be effected with no increase of the tax rate and the roads built at once without the long delay construction entirely with convicts would necessitate.

MRS. SUTLEYRE

Death of Well Known Lady of Catawba County—Paralysis the Cause of Death.

Special to The Gazette-News, Hickory, Feb. 21.—Mrs. Fannie M. Sutleyre, wife of G. Phil Sutleyre, one of the most prominent citizens of Catawba county, died at her home in the northwest corner of the county last Friday and was buried from Holy Trinity church Saturday, of which she had been a member almost from the time its first structure was built.

Mail Subsidy Bill Favorably Reported

Washington, Feb. 21.—The ocean mail subsidy bill, which has already passed the senate was ordered favorably reported by the house postoffice committee by a vote of seven to six. It was amended so as to omit trans-Pacific lines and making it apply only to South America.

Col. Roosevelt Is Busy.

Chicago, Feb. 21.—Theodore Roosevelt, who arrived this afternoon, faces 38 busy hours. He attended two receptions and delivers an address at the Harvard club's annual banquet tonight.

Will Unveil Tablet.

Savannah, Ga., Feb. 21.—A tablet marking the place where one of the most sanguinary battles of the Revolutionary war was fought, will be unveiled tomorrow.

HAVE FAITH IN CITY'S GROWTH

Asheville Electric Company and Asheville Telephone and Telegraph Company Preparing to Spend Much Money.

TOTAL EXPENDITURE WILL PROBABLY REACH \$250,000

New Material Being Placed and Lines Extended by Telephone Company While Electric Co. Is Likewise Extending Lines.

THE public service corporations in Asheville are exhibiting great faith in Asheville's future by the expenditure of several hundred thousand dollars for improvements in their property in Asheville. The Asheville Electric company is spending and will spend during the present year more than \$150,000 in a general overhaul of its system in the city; laying heavy rails instead of the light ones; extending turnouts and construction of the proposed West College street line; and the construction of its West Asheville line. The Asheville Telephone and Telegraph company is expending, upwards of \$100,000 in this vicinity in a general extension of its cable lines, putting in new material and enlarging the switchboard capacity in the Asheville exchange. Both of these companies are planning ahead of the actual needs and the fact that they are two of the greatest corporations in the United States in their lines, and that they do not spend money where they see it will not be a good thing in the way of an investment, it means that these companies see in Asheville within no distant time a great commercial development.

In the local exchange office the telephone company is to install a switchboard with a capacity for 500 new lines, giving the office a full capacity of 4000 lines. The cable lines are being extended into West Asheville, taking the side of the street opposite that occupied by the new car line so as to let the telephone wires out of the way of the car line. All the open wires in West Asheville are being removed and replaced with cable. This will give a greatly improved service to that section and will in a way prevent much of the disturbances caused during the summer by lightning. Throughout the city cable lines are replacing the open wire lines where there are 15 or more such wires, while the cable lines are being constructed far beyond the city limits where there is a demand.

The Asheville office is now in direct connection with Hot Springs, N. C., through Bluff, N. C., and with the Bryson City Telephone company at Bryson City. The Murphy toll line recently completed, has now been equipped with its full number of toll stations and it is said that business is so good on this line that the company is planning to build a second line to Asheville from Allmon where connection is made with the Franklin Telephone company's line. When completed this line would place Asheville in direct communication with all points on the Franklin line. The recent deal by which the Western Union Telephone company and the Southern Bell Telephone and Telegraph company came under the same group of capitalists has greatly facilitated the construction of telephone lines by the use of the Western Union poles.

The Fairview Telephone company with a trunk line from Asheville to Fairview will install a complete exchange at Fairview and serve about 50 subscribers in that section. The Fairview company is owned by local capital and its improvements will be of great benefit to that section.

The North Buncombe Telephone company has installed switchboards at Morgan Hill and Mars Hill, with a trunk line into Asheville connecting with the Asheville exchange. This gives good service to the north Buncombe section. It is understood that the company will soon begin work on a new toll line from Marion to Johnson City, following the line of the C. C. & O. railway. On this line it is estimated that about 12 local stations will be installed. This line will connect with the main line of the Southern Bell Telephone and Telegraph company at Marion and thence with the Asheville Telephone and Telegraph company over whose lines connection will be made with all parts of the county. This new line by Marion, it is believed, will open up this section. At least telephone communication with Burnsville and Baker's Cove, two points which it is now practically impossible to reach by wire with any rapidity.

The Asheville Telephone and Telegraph company has just completed the Hendersonville exchange at a cost of about \$30,000 and that town now has a service which is the equal of Asheville's and other points. The system has been changed from a magneto one to common batteries. The plant is new throughout, none of the old material of any kind was used in the new work, not even furniture in the offices. It is a thoroughly up-to-date plant.

King George's First Leave.

London, Feb. 21.—King George gave the first leave of his reign today, mainly to diplomatic and official circles. Secretary Phillips and other members of the American embassy were present.

DAMAGE TO FRUIT CROP IS REPORTED

Thermometer Goes to 10 Above in the Panhandle Section—Damage in Mississippi.

Dallas, Tex., Feb. 21.—Freezes are reported from many sections of Texas. The thermometer went down to ten degrees above zero at Amarillo in the Panhandle. Grave fears are entertained for the safety of the fruit and vegetable crops. It is generally believed much damage resulted.

Severe Loss in Mississippi. Vicksburg, Miss., Feb. 21.—Freezing temperature last night is expected to destroy the fruit crop. Truck farmers probably will suffer a severe loss.

MAN WHO KILLED NEGRO GIVEN A HEARING TODAY

Allen, Wadesboro Man, Expects to Show That Hammond Had Threatened His Life, and Had Bad Reputation.

Special to The Gazette-News.

Wadesboro, Feb. 21.—The preliminary hearing of James Allen, who shot and killed Thez Hammond, a negro, Saturday afternoon will be held this afternoon. Mr. Allen is still in jail held by the coroner on the charge of murder. Hammond bore a bad reputation and it appears that Mr. Allen can show that the negro had repeatedly threatened his life. The witnesses to the shooting all agree that three shots were fired, the last two after Hammond had started away from Allen. The examination of the body of the dead man shows that two shots took effect, one, however, was merely a surface wound and the other struck the man in the center of the back, passed through the lung, producing death in a few minutes. Mr. Allen immediately surrendered to the sheriff. The shooting took place on one of the busiest streets and at a time when the sidewalks were crowded with shoppers.

BURLEY TOBACCO SOCIETY VOTES TO "CUT OUT" CROP

Action May Result in a Resumption of Night-Riding—Vote Was Unanimous.

Lexington, Ky., Feb. 21.—Contrary to expectations the convention of the Burley Tobacco growers in session yesterday voted unanimously for a "cut out" of the crop this year. Practically every delegate to the meeting bore instructions to support the movement. The amount of acreage that can be pledged to the movement is doubtful because of the present indifference of the Burley Tobacco society. A communication was sent to the other organization asking it to call a convention of its members in Kentucky, Indiana and Ohio to endorse the vote. The result of the meeting is regarded in some quarters as presaging a resumption of night riding and similar disorders, as reports received show that the tobacco growers generally are inclined to the belief that a crop should be raised this year and none in 1912.

TWENTY INJURED IN WRECK ON THE SOUTHERN PACIFIC

Seven Cars Left Rails and Tumbled About in a Confused Wreck—The Cause.

Elko, Nev., Feb. 21.—More than 20 passengers were injured, several fatally, in a wreck of the Southern Pacific train No. 10, eastbound, last night. Seven of the cars left the rails, tumbling about in a confused wreck. A broken rail it is believed caused the wreck.

Pittsburg May Have Street Car Strike.

Pittsburg, Feb. 21.—Whether Pittsburg will have a street car strike will be decided at the union officials meeting tonight. Relations between men and Pittsburg Railways company are strained to the breaking point. Trouble resulted over the dismissal of 129 shop employees at one local car barn last October. Employees claimed their dismissal was the result of their union affiliations.

Will Increase Output.

Hartford, Conn., Feb. 21.—About 2000 acres in the Connecticut valley tobacco growing section will be devoted to the "shade grown" products this year against 500 acres so cultivated last year. Growers say the expansion is due to supplying an increased demand for such tobacco.

Manila's Annual Carnival Opens.

Manila, Feb. 21.—Manila's annual carnival is opened. Thousands have come in from the provincial districts. The most novel feature was the first flight in the orient made by "Bud" Mack, New York aviator, who sailed aloft in a Baldwin biplane.

TO PROVIDE FOR STATE BUILDING

Practically Certain That General Assembly Will appropriate not Less Than One-Half Million.

EFFORT TO MAKE \$300,000 MAXIMUM SUM VOTED DOWN

Bonds Must Not Be Sold for Less Than Par—Suitable Site to Be Purchased—Other Legislative News of Interest.

Gazette-News Bureau, Chamber of Commerce Rooms, Holleman Building.

Raleigh, Feb. 21.—It is practically certain that the state administration bill will be passed at the present session of the general assembly in some form. It is not probable, however, that the Hayden measure providing for an appropriation of \$1,000,000 will be passed. The measure was in the senate yesterday afternoon for the third time. All amendments but two were voted down. One of the amendments cut the proposed appropriation in half thus making the expenditure \$500,000 instead of \$1,000,000; the other authorized the building commission to erect a fire proof building or buildings on a suitable site. It is provided that the bonds shall not be sold for less than par. The minority sought to have the amount reduced to \$300,000 but this amendment was voted down.

The House. Representative Commer, as speaker pro tem, called the house to order at 11 o'clock. Prayer by Rev. Dr. Vann of the Meredith college.

Representative Grier presented three largely signed petitions from Mecklenburg county against near beer and liquor in clubs.

Among bills reported favorably from committee were: Amend article ten of the state constitution so as to allow waiver exemption of homestead. Amend charter of Goldsboro Traction company. Incorporate Carolina Collegiate and Agricultural Institute. Amend the charter of the Randolph railroad company. Amend the law relative to the treasurer of Mecklenburg county. Allow Greensboro to turn over surplus fund to the general fund of the county.

New Bills Introduced. Sikes: Amend the law as to chain gang in Union county. Fix salary of surveyor in Union county.

Green: Repeal the law of 1908 as to Scotland Neck graded schools. Ballew: Amend the revisal relative to actions against foreign corporations. Devin: Provide for primary elections by political parties. Williams of Buncombe: Prohibit (Continued on page 3)

DISCRIMINATION CHARGED BY TEXAS COTTON BUYERS

Concentration of Cotton Accorded Shippers of Houston and Galveston; Denied San Antonio.

Washington, Feb. 21.—Discrimination against cotton buyers and cotton shippers of San Francisco and Texas is alleged in a petition filed with the interstate commerce commission by Bennett-Millette company of San Antonio against the Galveston, Harrisburg and San Antonio railway. By provision of tariffs of Houston and Galveston, while it is denied to those of San Antonio. The complainant claims it is obliged to pay local rates from points of origin to San Antonio in addition to charge exacted for out-bound shipments instead of through rates to final destination. The commission is asked to order a refund of local inbound rates and restore San Antonio's status in cotton tariff.

DR. E. R. RUSSELL BUYS PROPERTY IN HICKORY

Will Erect a First Class and Modernly Appointed Office Building—The Consideration.

Special to The Gazette-News, Hickory, Feb. 21.—Dr. and Mrs. E. R. Russell of Asheville, were in the city last week for a visit of a few days and while here Dr. Russell purchased the A. E. Abernathy business lot on the corner of Fourteenth street and Eleventh avenue, paying therefor about \$4200, which includes street improvements.

Dr. Russell says he will build here a first-class, modernly appointed office building which will fill a need in Hickory. The building will have electric lights, be steam heated and in every way up-to-date.

Russian Troops Close to Chinese Frontier.

St. Petersburg, Feb. 21.—Harbin dispatches say Russian troops are being concentrated at Klakhta, settlement in Siberia, close to the Chinese frontier and opposite the Chinese town of Malmachin. Orders were issued to strengthen the watch on the frontier.

KELLEY HOMICIDE CASE IS ON TRIAL

Evidence Introduced Relative to the Alleged Killing of Wayne Kelley by Walter Pressley.

When Superior court opened this morning after adjournment from Friday afternoon the trial of Walter Pressley for the killing of D. Wayne Kelley was taken up as agreed and the work of selecting a jury was begun. It did not take very long for the counsel to agree on jurors and about 10:30 o'clock the taking of evidence on the part of the prosecution began.

The outcome promises to be very interesting. The evidence that has been introduced so far, goes to show that the killing was simply the result of a drunken row; that both men were drinking and one minute were very friendly and the next were disposed to quarrel. Evidence was to the effect that the men were drinking and had started home when they stopped by the side of the road for no apparent reason and that the quarrel began while Pressley was trying to get Kelley on the horse with him in order to take him home; that Kelley was unable to get on the horse and began to jerk the rein and that Pressley jumped off his horse and started at Kelley who ran. Pressley pursued and caught up with him and pushed him and both men fell to the ground. Pressley afterwards rose and left Kelley in the field where the encounter took place. Two of the witnesses testified to the presence of a third man. The first three witnesses did not know much of the killing. Mr. Burnett, who was with the men for a while, said that they were drinking and that he took a drink with them and went away.

Lois Murdock, a negro girl, near whose home the tragedy occurred, gave some very interesting testimony and went through a rather sharp cross examination. She told of seeing the men come up near where she lived and that they stood there and talked for a time; that Pressley was on a horse and rode away with another man but that Pressley returned alone. He then proposed to take Kelley home but Kelley replied that "home was the last place he wanted to go." Nevertheless Pressley tried to get him on the horse and when Kelley could not get on he began to jerk the horse, when Pressley jumped down and started at him with the result stated above. She testified that some time during the dispute that Kelley struck Pressley's horse but Kelley said that he did not mean to do it. She also said that after the men fell to the ground she could not see what they were doing as there were some weeds between her and the men. She said she did not see Pressley hit Kelley but saw his push him when they both fell.

The testimony of the girl's father was to the same effect as that given by the girl in the important particulars. The defense did not put up any testimony and the taking of evidence was concluded before adjournment this morning and the arguments began with the opening of court this afternoon.

HOBSON PREDICTS WAR IN A VERY SHORT TIME

Says That America is Unprepared for War With Japan Which is Certain to Come.

Washington, Feb. 21.—Representative Hobson of Alabama, inferentially referring to Japan, declared in the house yesterday that the United States might be involved in war within ten months.

Mr. Hobson declared: "You can count on the fingers of your two hands the number of months before the United would have a war on its hands. This nation is not going to prepare and the day is coming when it will be struck by a nation that is prepared."

"War is a visible certainty?" asked Mr. Driscoll of New York.

"Yes, and very far off." "In event of war between Russia and China would not Japan be forced to intervene and would not the interests of the United States compel our intervention by arms or otherwise?" queried Mr. Henshaw. Mr. Hobson replied that when Russia invaded Manchuria and occupied Port Arthur, America protested and called on Russia to evacuate and sent the American consul but we did not have any feet in Pacific ocean and Russia laughed in our face and we had to stop our consuls in Japan before they got to Dainy and Mukden.

"Whether we are struck from the side of the Atlantic ocean or the Pacific," Mr. Hobson said, "we are going to find ourselves at a remarkably early stage of the war absolutely helpless."

The house had under consideration the naval appropriation bill and Mr. Hobson was speaking of the necessity of the United States adopting a definite military policy.

MAY ABOLISH VETO POWER OF HOUSE OF LORDS

London, Feb. 21.—The government bill, abolishing the veto power of the house of lords, which, if passed, will accomplish a historic change in Great Britain's parliamentary system, was introduced in the house of commons by Premier Asquith.

GENERAL BILLS ARE NEGLECTED

Two Weeks of Legislative Term Left and but Little Legislation of State-Wide Importance Has Been Finally Acted Upon.

CONSIDERATION TOMORROW OF ALL ANTI-TRUST BILLS

Gen. Carr's State Tax Commission and Board of Equalization Bill is Attracting Considerable Attention—Provisions of the Measure.

Gazette-News Bureau, Chamber of Commerce Rooms, Holleman Building.

Raleigh, Feb. 21.—THE 60 days allotted by law for the session of the general assembly are slipping by and although the session is due to close just two weeks off, March 4, remarkably little legislation of state-wide importance has been enacted. There are 69 bills of general interest on the calendar of the house and nearly as many important measures pending in the senate. The usual rush has begun and from now until final adjournment there will be no time wasted, sessions being held night and day by both houses, rushing the legislative clerks and newspaper men to the limit of human endurance. So far nothing has been reported from the committee on constitutional amendments. When the Stokes house bill for a constitutional convention was killed early in the session it was with the understanding that the committees would prepare amendments for ratification by the voters at the next general election, but up to this time it has been impossible to get even a quorum at the several meetings announced for the committees on constitutional amendments.

Charters Granted. A charter is issued to the Tripp-Hart company of Ayden, Pitt county, to do a general mercantile business, authorized capital \$50,000, to begin business with \$10,000 by J. H. Tripp and others. The Stokes Supply company of King, Stokes county, receives a charter to engage in a general mercantile business with \$100,000 authorized capital and to begin business with \$25,000 by W. T. Bulliam and others. A charter is granted to the Highlands Publishing company of Shelby, authorized capital \$25,000, \$3,500 paid in by Brouder H. DePriest and others of Shelby. The Harris-Young company of Henderson, is chartered to engage in leaf tobacco warehouse business with \$10,000 authorized capital and \$3,500 paid in by S. R. Harris and others. The Atlantic Gas Machine company of Charlotte, amends its charter, the authorized capital to be \$150,000 and business to begin with \$10,000.

Anti-Trust Hearing Tomorrow. The judicial committees have announced Tuesday afternoon as the time for a hearing on all the anti-trust bills introduced. Representative Koonce, who has been the most insistent for anti-trust legislation, says he will make a fight to have a committee appointed to draft a composite effective anti-trust bill.

New counties have claimed much attention since the present session opened and now that Piedmont has been killed and Hoke created, interest centers in Avery county, the bill having passed the senate and set for special order in the house Tuesday night. The bill to create Ransom county out of portions of Wake, Johnston, Wilson, Nash and Franklin will be heard before the joint committees on counties, cities and towns Tuesday afternoon.

Those who are familiar with the workings of previous legislatures say that it will be impossible for the present general assembly to finish its work within the 60 days and may remain in session another week.

Gen. Carr's Tax Commission Bill. The bill that has been introduced by Gen. J. S. Carr for the creation of the state tax commission and board of equalization and which is attracting considerable attention provides for the appointment of a state tax commission and a board of equalization composed of the member from each of the ten congressional districts. The commissioner is to devote his entire time to the work of directing the assessment of property for taxation through the local boards of assessors and the general tentative equalization of tax valuations as between the counties and these matters are subject to complete review by the board of equalization which would receive \$10 per day compensation for the time they are in session.

Drastic Proceedings Instituted. Columbus, O., Feb. 21.—Acting under the provision of the Sherman anti-trust law Attorney General Hogan has instituted quo warranto proceedings in the Circuit court to oust from the state the Hocking Valley and Kanawha and the Michigan, the Nashville and Western, the Lake Shore and Michigan Southern and the Chesapeake and Ohio railroad companies. Excepting the Chesapeake and Ohio all the roads are Ohio corporations. Their dissolution is asked and also the appointment of trustees to wind up their affairs. In the case of the Chesapeake and Ohio its exclusion from the state is petitioned.