

WILL BE TRIED IN TENNESSEE

Judge Waddill, Sitting in the Fertilizer Cases, Decides for the Government.

DEFENDANTS MUST GIVE BAIL

Case Will Be Concluded By Prepara- tion of Record—Numerous Ar- ray of Counsel for Fertil- izer Companies.

Richmond Times-Dispatch.
The proceedings in the case of the United States against the Virginia-Carolina Chemical Company and others in the United States District Court yesterday, Judge Waddill presiding, were intensely interesting.

It having been published that at 11 o'clock yesterday morning the United States government, through its special Assistant Attorney-General, Edward L. Sanford, of Knoxville, Tenn., would ask Judge Waddill for warrants of arrest of certain prominent citizens of Virginia and their removal to the Middle District of Tennessee for trial on indictments for conspiracy in restraint of trade and commerce, a large company of legal luminaries and private citizens were on hand in the Federal building yesterday morning to take note of the unusual proceedings.

Some weeks ago a grand jury of the United States District Court for the Middle District of Tennessee, sitting at Nashville, after weeks of careful investigation, brought in a lengthy indictment against a half dozen or more fertilizer companies, supposed to be in a fertilizer combine, and against about thirty officials of the companies named, charging them with various and sundry violations of the Sherman anti-trust act of Congress.

This indictment, a certified copy of which was put on file yesterday morning in Judge Waddill's court, is a lengthy document, covering seventy-four closely printed pages.

The indictment charges nearly all of the fertilizer companies doing business in the South with being in a combination in restraint of trade, and calls upon them as companies to stand trial in the United States courts for that violation of the law. It also charges various and sundry officers of such companies with criminal effort in violating the Sherman law. These indicted fertilizer makers and dealers are scattered throughout the Southern States, and some of them are in Northern States.

It may be said that they are scattered from the Gulf to Canada, and the object of the government now is to have them all arrested and removed to the middle district of Tennessee to answer the indictments there found against them.

Eight of the indicted men happen to reside within the jurisdiction of Judge Edmund Waddill, the Judge of the United States District Court for the Eastern District of Virginia. Hence these proceedings in Richmond. The indicted men who reside in Judge Waddill's district are Samuel T. Morgan, of Richmond, president of the Virginia-Carolina Chemical Company; Fortescue Whittle, of Petersburg, vice-president of the same; J. Rice Smith, of Richmond, agent and manager of the Virginia-Carolina Chemical Company and of the Georgia Chemical Company, a subsidiary concern of the Virginia-Carolina Company; J. G. Tinsley, of Richmond, president of the Tennessee Chemical Company, a branch of the Virginia-Carolina Company; F. S. Royster, of Norfolk, president of the F. S. Royster Guano Company; Charles F. Burroughs and Frank E. Wilcox, of Norfolk, vice-presidents of the Royster Guano Company, and Frank B. Dancy, of Norfolk, manager and agent of the Virginia-Carolina Company.

The Special Assistant Attorney-General came here to ask:

First, that Judge Waddill issue a warrant for the immediate arrest of these indicted parties; and, second, that they be removed to the Middle District of Tennessee for trial on the indictments there found, or that they be required to give a sufficient bond to guarantee their appearance in Nashville when wanted for trial.

Judge Waddill announced his decision in the following language:

"The conclusion reached by the court is that in a proceeding for the arrest and removal of persons charged with a violation of the laws of the United States, pursuant to section 1014 of the Revised Statutes of the United States, before a United States district judge, sitting in the State of Virginia, in which State there no longer exists the right of a preliminary examination upon a criminal charge prior to the trial upon the merits, when such judge is called upon to act as well in the matter of the apprehension of such persons as in their removal to the jurisdiction in which they have been indicted, that upon the government's presentation of a sufficient indictment, regularly found by a grand jury in a court of the United States, properly charging the commission of an offense within the district in which such indictment is found, coupled with proof of the identity of the person indicted, it is its duty to properly bail such person for appearance before the court in which he is indicted, or cause him to be removed thereto."

Immediately upon the rendering of the decision Mr. Sanford asked that the court fix the bail of the indicted parties and issue warrants for the arrest of the other seven. The coterie of lawyers for the defense asked for time for consultation. After consultation it was agreed that the court shall meet at 11 o'clock this morning to make up the record, and in the meantime warrants were issued for S. T. Morgan, Fortescue Whittle, Frank E. Wilcox, Frank S. Royster, J. Rice Smith, Frank B. Dancy and Charles F. Burroughs, and the same were placed in the hands of United States Marshal Morgan Treat for execution.

In the meantime lawyers for the defense will have the record perfected according to their motion, with the view of taking the cases to the Supreme Court of the United States, and thus the whole matter of all the anti-trust laws enacted by Congress, especially the Sherman law of 1900, will come squarely before the Supreme Court of the United States, and get there squarely for the first time since the Congress has undertaken to make laws to reach combinations "in restraint of trade and commerce."

Taken altogether, yesterday's proceedings before Judge Waddill, short as they were, probably constitute the most important and far-reaching litigation that has come up in Virginia for many years.

CHEAP RATES.

A Cheap and Convenient Method of Traveling.

The Atlantic and North Carolina Company has, effective June 1st, 1906, placed on sale at its principal ticket offices, Interchangeable Mileage Tickets, good for transportation for one thousand miles, at rate of \$25.00 each. These tickets are good for transportation over the following, comprising about 15,000 miles of railway and steamship lines:

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Chesapeake Steamship Company
Coast Line Steamboat Company
Columbia Newberry & Laurens R R

Florida Western Shore Ry
Frisco System (Lines East of Memphis)

Georgia R R
Independent Line Steamers
Louisville & Nashville R R
Louisville, Henderson & St Louis Ry

Macon, Dublin & Savannah R R
Nashville, Chattanooga & St Louis Ry

Norfolk & Southern R R, Steamer and Electric Lines.

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Richmond, Fredericksburg & Potomac R R

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H. C. HUDGINS,
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Buy matting and rugs of Andrews & Waddell.

Deeds of Heroism

Courageous Acts In the Rescue of Men Imprisoned in Tunnel.

Workmen Who Thought Them- selves Entombed, Built Dam and Saved Fellow Labor- ers From Drowning.

History has never recorded greater deeds of bravery and valor than have been enacted in the drama at the portal of the Gunnison tunnel in the attempt to rescue the men who were bur-



IT WAS IMPOSSIBLE TO GET CLOSER TO HIM.

ied by the recent cave-in, says the Pueblo (Colo.) Chieftain. Nineteen men voluntarily built a dam that caused the water to rise around them to fill the cell in which they were entombed that seven others might not suffer death by drowning after having been pinned under timbers and debris. Two hundred men working with might and main risked their lives every minute in an attempt to rescue the imprisoned men. H. C. Steele, one of the entombed men, asked for a cigarette as his first request, and another one, Benjamin Taylor, lay flat on his back with his neck across a railroad rail, four heavy timbers resting on his shoulders and legs and his feet imbedded in water. He was only able to move one hand, yet with the rescuers within two feet of him and unable to come nearer for fear of bringing down other timbers he said he was doing first rate.

Nineteen men were taken out alive. Two men, Taylor and Steele, though crushed between timbers, were close enough to their rescuers to converse with them, but the character of the dirt and timbers around them was such that it became necessary to start a new shaft and sink it to a point below the men and take them out from the bottom. Any attempt to reach them from the top would probably have resulted in a settling of the timbers, causing death to both. It was at their suggestion that the plan to tunnel under was agreed upon.

The last man to die was Fred Gross. The rescuers had been within two feet of him all day, and the light from their lanterns showed that his body was bent back across some heavy timbering. He complained of his cramped position and urged the men to push the work of rescue as rapidly as possible. But it was impossible to get closer to him, because every time it was attempted the dirt would slide in from the top. It was noticed that his voice grew weaker. The rescuers peered rough the timbers, and it could be seen that the rock and mud from above had sunk and were gradually bending his back almost double. A beam had caught his chin so that he could not utter a sound, and his body gradually ceased its quivering and was apparently lifeless. The rescuers were frantic, but could do nothing. His suffering must have been terrible, but timbers across his chin forbade him making it known.

Edward Schuler was supposed to have been pushed in a similar manner. He and Charles Smidley were side by side when the cave-in occurred. The force of the falling dirt rendered Smidley unconscious. When he revived he was clasping Schuler's hand. He pressed it, and Schuler answered. Smidley spoke to Schuler, but received no reply. He then tried to run his hand up Schuler's arm to the latter's face, but broken timbers and dirt interfered. The man's head was literally held in one position by twisted timbers and rock. Smidley says that Schuler's hand pressure became less and less for about two hours, and finally the hand dropped to the side of the body, limp and lifeless.

The rescue of Theodore Grasser and Charles Smidley was a feat of heroism.

of the thrilling pages of Colorado's history of brave men. After Smidley noticed that Schuler was dead he began an attempt to rescue himself. At 12 by 18 inch boxing runs along the lower dorrer of the tunnel at this point for air purposes. He managed to turn around and work himself down to this boxing and noticed that it was broken and had filled up with mud and water. Knowing that there was an opening in the boxing twelve feet further on toward the inner portion of the tunnel, he closed his eyes and held his breath and literally crawled the twelve feet through the mud, slush and sand until he reached the other opening, where he was enabled to emerge into a small space made by the cave-in, and where he secured a little fresh air and breathing spell. Here he found Grasser held by some fallen timbers and dirt. He managed to pull these apart and rescue his imprisoned companion, and the two men began to call through the boxing. The seventeen men on the inside of the tunnel responded. The two men tapped on the wooden boxing and the seventeen shoved a gas pipe through to the prisoners. Grasser was the first to catch hold of the pipe, and he was literally dragged through the mud, water and the sand to the other side of the cave-in. Again the gas pipe was pushed back, and Smidley clutched it and was rescued in a similar way.

When the cave-in took place the seventeen men not directly under the slide realized that the seeping water would, if allowed to run through, drown all those not already dead who were under the pile of dirt and timbers. They noticed that the seepage was from above their own room. Knowing full well the death it probably meant to them, but in order to assist in saving their more unfortunate comrades, they set about and erected a dam across the tunnel near the cave-in and continued building it higher and higher as the seeping water rose in their own prison cell. They used the loose timbers and rock, filled the cracks with mud and even slipped off their own clothing to stop up crevices. When the shaft from above was finally sunk to them the water was up almost to the shoulders of many of the men and was above the hips of them all. No sooner had they been placed on the ground above them than they joined the army of volunteers working so valiantly to rescue the two imprisoned men.

The rescuers found the nineteen men in good spirits. Theodore Grasser was the first man extracted. He was very weak from exhaustion and bruises received by being caught in the cave-in. At 4 o'clock in the afternoon the rescuers came to a point where they could talk with Steele. They could see him standing between four timbers and hemmed in in such a manner as to be able to move only one hand. "Are you hurt?" said Resident Engineer McDonnell.

"No, but terribly crowded. Give me a cigarette," was Steele's reply. McDonnell lighted a cigarette and stuck it through a crack, and Steele took it



HE WAS DRAGGED OUT THROUGH THE MUD.

with one hand and smoked it. A little later they got within talking distance of Taylor. He reported that he was lying flat on his back.

The scenes around the mouth of the tunnel beggared description. The relatives of the imprisoned men were held back by ropes stretched around the places where the rescuers were at work. When the shaft was completed and as one by one the nineteen men were lifted out in many cases their relatives fainted with joy upon seeing them alive.

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For men, Tuesday's and Friday's.

STATEMENT

ROYAL BENEFIT SOCIETY OF WASHINGTON, D. C.

Condition December 31, 1905, as Shown by Statement Filed.
Amount of net ledger assets December 31st of previous year...\$ 8,085.01
Income—from policyholders, \$113,753.10; miscellaneous, \$279.49; total..... 114,032.59
Disbursements—to policyholders, \$83,957.08; miscellaneous, \$57,507.14; total..... 141,464.22
Business in force at beginning of year—number of policies, 9034, amount..... 1,681,600.00
Written during year—number of policies, 6564, amount..... 1,176,400.00
Business in force December 31, 1905—number of policies, 10,541; amount..... 1,867,600.00
Losses—unpaid at beginning of year, \$1,125.00; incurred during year, \$14,993.00; paid..... 15,458.00
Losses unpaid end of year, \$1,160.00. Assessments collected during year..... 113,726.40

ASSETS.

Loans secured by pledge of bonds, stocks and other collateral...\$ 400.00
Cash in home office and deposited in banks..... 9,330.58
Assessments actually collected and held by subordinate bodies, not yet turned over to supreme body..... 4,412.00
Due from lodge collectors..... 872.80
All other assets, detailed in statement..... 500.00
Total.....\$ 15,515.38
Less assets not admitted..... 900.00
Total admitted assets.....\$ 14,615.38

LIABILITIES.

Losses in process of adjustment or reported.....\$ 1,160.00
All other liabilities as detailed in statement..... 350.00
Total liabilities.....\$ 1,510.00
Balance on hand to protect contract in addition to right of assessment, under following funds:
Mortuary.....\$2,970.99
Expense..... 7,632.39—\$ 10,603.38

BUSINESS IN NORTH CAROLINA IN 1905.
Policies or certificates in force December 31 of previous year, number 2918; Amount.....\$ 507,925.00
Policies or certificates written or revived in 1905, number 1194, Amount..... 229,600.00
Policies or certificates decreased or ceased in 1905, number 1601, Amount..... 296,640.00
Policies or certificates in force December 31, 1905, number, 2511, Amount..... 440,885.00
Losses and claims unpaid at beginning of year; No. 3, amount.....\$ 775.00
Losses and claims incurred during the year, No. 37; amount..... 4,535.00
Losses and claims paid during the year, No. 36; amount..... 4,820.00
Losses and claims unpaid Dec. 31, end of year, No. 4, amount..... 490.00
Total amount premiums or assessments collected or secured during the year.....\$ 30,518.27

S. E. TOMLINSON, Secretary. D. F. PENNINGTON, President.
Home Office 902 F. street, N. W., Washington, D. C.
Attorney for service, Insurance Commissioner, Raleigh, N. C.
Business Manager or Organizer for North Carolina, Home Office, STATE OF NORTH CAROLINA—INSURANCE DEPARTMENT, Raleigh, N. C., July 9, 1906.
I, James R. Young, Insurance Commissioner, do hereby certify that the above is a true and correct abstract of the statement of the Royal Benefit Society, a Fraternal Order, of Washington, D. C., filed with this Department, showing the condition of said Company on the 31st day of Dec., 1905. Witness my hand and official seal, the day and date above written.
James R. Young, Insurance Commissioner.

The Eternal Question

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