

IN VIOLATION OF LAW

Kentucky's Railroad Commission Files Charge Against Several Railroad Companies

The Complaint Asks the Inter-State Commerce Commission to Investigate These Roads, Their Contracts, Agreements, Etc. Alleging That the Combination Recently Concluded is Unlawful and Against the Interests of the State—The Tendency is to Put Entire Charge of Freight and Passenger Traffic Into the Hands of a Few—The Hearing Will Be Given in December.

Washington, October 20.—The Inter-State Commerce commission today made public the complaint of the railroad commission of Kentucky against the Atlantic Coast Line Railroad Company, the Louisville and Nashville railroad, the Southern railway, the Southern railway in Kentucky, the Southern railway in Indiana, the Cincinnati, New Orleans and Texas Pacific Railway Company, the Cincinnati-Southern Railroad Company and the Chicago, Indianapolis and Louisville Railroad Company, involving allegations of unlawful combination.

The complaint asks for an investigation of these roads by the commission, an examination of the contracts, agreements, etc., the production of books, papers, tariffs, contracts, etc., the issuance of subpoenas for witnesses, an inquiry into the management of the business of these roads; an inquiry as to whether their contracts, etc., constitute an unlawful combination and a conspiracy to pool the freights of the different and competing roads and a device to enable the roads to divide the net proceeds of the earnings, so as to equalize the earnings of each of them, and the general results of the arrangements made on the commerce of the section involved.

The complaint says these roads cover all important railroad points and all railroad lines in their territory, aggregating 25,000 miles of railway with an operating income of over \$30,000,000 annually and charges that J. P. Morgan & Co. has secured practical control and management of the affairs of all these lines. That the respective facilities of this territory, the complaint charges, practically will become one system operated by a few individuals and will control the commerce of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia and Maryland.

The capitalization of the defendant roads is stated to amount to at least a billion dollars. One man or firm, with a few associates, controlling the "Southern Railway," the complaint alleges, "has now secured control of the stock of the Louisville and Nashville railroad and later, of the stock of the Atlantic Coast Line Company and the Atlantic Coast Line Railway Company, and has secured entrance into St. Louis and Chicago through lines by which it would be able to forcibly compel other lines out of St. Louis and Chicago into that territory to make rates such as it should dictate and to dictate schedules, terms and rates of every kind to all smaller roads. The complaint alleges that this purchase, consolidation and ownership means the placing of the commerce of that entire section under the control and operation of a very few men, dominated by the firm of J. P. Morgan & Co.

A FAIR AND JUST CONSTRUCTION.

Congressman Poir in an Interview on Constitutional Amendment.

(Special to The Messenger.) Raleigh, North Carolina, October 20.—Your correspondent asked James H. Poir, Esq., whether it was the policy of the democratic party to enforce the amendment harshly and technically. He said "No, our purpose is to execute the amendment in a just and fair spirit. Every negro entitled to register should be allowed to register. Three classes of negroes are entitled to registration under the Grandfather clause.

1. Old issue free negroes who voted in this state prior to 1835 and their descendants. 2. Negroes or the descendants of such who lived prior to 1867 in states which permitted negroes to vote, and who voted in said states. 3. Negroes born of white mothers. Such negroes are entitled to registration regardless of any inability to read or write. Then, every negro man not convicted of felony, a citizen of this state, for two years, is entitled to register, if he can read or write correctly any section of the constitution. We hold that this means what such words ordinarily import—a substantial compliance, not absolute perfection, nor technical and exact accuracy. The misspelling of a word, when it is plain what the word is, mistakes in punctuation, capitals, etc., will not deprive a man of the right to register. Such mistakes are not permitted to avoid a will or even an act of the general assembly. For generations the doctrine of Idem Sonons has cured such errors. Such trifles should not deprive a man of his vote.

The payment of poll tax is a prerequisite for voting, but a man may register who did not pay his poll tax, provided he is otherwise qualified. No doubt the enemies of the amendment would like to see us enforce it in a rigid and harsh manner. They believe such a course on our part would make the amendment unpopular, and that its position, legally and morally, if systematically denied registration to men entitled, some of our members of congress might have ugly contests on the hands. Our policy is to let every man register and vote who, under a fair and just construction of the constitution, is entitled to register and vote.

FIGHT ENDS DISPUTE

A Street Encounter Between Prominent People in Pensacola.

Pensacola, Fla., October 20.—In a street fight today growing out of a dispute over a lawsuit, W. C. O'Neal, president of the American National Bank stabbed Adolph Greenhut, a wholesale grocer, under the left ear near the large artery, also in the back and on the arm, the wound in the neck being serious.

O'Neal was arrested on a warrant charged with assault with intent to kill and was released on \$3,000 bond. Greenhut is resting easy tonight, but is not yet out of danger.

A DRAMATIC INTERRUPTION.

Man Supposedly Dead Enters Court Room as Case of His Supposed Slayer is Called.

Knoxville, Tenn., October 20.—While the supreme court was in session in this city today, a man claiming to be Silas Hulin entered the court room unannounced and addressing Chief Justice Beasly, said:

"I am Hulin, who was not killed by Clarence Peak." Young Peak's case, charging the murder of Silas Hulin at Clinton Tenn., was about to be called before the court. Peak, who is the son of a prominent family, had been sentenced in the lower court to ten years in the penitentiary. Peak is now in the insane asylum near here, a raving maniac, caused by this case. Hulin claims that Peak shot another man, whose name is now unknown, and that he (Hulin) escaped on the first train and went to Colorado, from which state he came back here to prove he was not dead. Hulin was a stranger at Clinton at the time of the shooting.

THE TRIAL BEGINS

Jury Completed in Molineux Case and Evidence is Taken.

New York, October 20.—The jury for the trial of Roland B. Molineux, charged with the murder of Mrs. Katharine J. Adams, was completed today. Assistant District Attorney Osborne this afternoon made his opening address for the state, after which the taking of evidence commenced. The Assistant District Attorney after explaining the nature of different persons, was advancing a theory as to the deductions you want them to draw.

"You can tell the jury," Justice Lambert said, "what you will prove and not the deductions you want them to draw." "I expect to prove these facts, your honor," Mr. Osborne replied. "Very well," ruled the court, "prove them and let the jury draw their own deductions." At the conclusion of his address which had occupied an hour and a half, Mr. Osborne asked for an adjournment until tomorrow morning, which was denied. He then called Dr. Edward F. Hitchcock, the first physician to see Mrs. Adams after she was taken ill. The doctor said he saw a "suspicious appearance" in the throat of the dying woman and administered whiskey but without effect. He put about one-sixth of a grain of the stuff from the bromo seltzer bottle to his tongue and detected hydrocyanic acid. There was traces of mercurial poisoning on Mrs. Adams' lips. Dr. Hitchcock identified a piece of paper as the one that Cornish gave him as the wrapper that enclosed the bottle and holder when it reached him at the Knickerbocker Athletic Club. It was admitted in evidence. The bottle holder and bottle were also admitted after the witness said he saw them on the dining table in Mrs. Adams' flat. The witness said he was sure one of the cyanides caused the death of Mrs. Adams.

Dr. Hitchcock said he gave Cornish no antidote for the poison but nitrate of bismuth to relieve the stomach irritation complained of. Cornish was sick when he reached the street, the air relieving him.

Harry F. Cornish told of the receipts of the poisoned package at the club house on December 20, 1894. It was put on his desk by one of the clerks. He tore off the wrapper and threw it away. Later at some one's suggestion he picked the package again. Then he told of speaking of the anonymous gift arrangement of the wrapper and Mrs. Rogan suggested that he bring it home and give her the holder, the description of which seemed to match the silver on her toilet table. The trial was adjourned until tomorrow.

WAR BETWEEN RACES

Trouble Arose Over Attack of a Woman By Several Negroes.

Birmingham, Ala., October 19.—Three white men and eight negroes are reported to have been killed in a race riot at Littleton, La., a little town 25 miles southwest of this city tonight. The number of wounded has not yet been ascertained. A special train carrying Sheriff Andrew W. Burgin and 10 deputies left for the scene of the riot. The riot is said to have been caused by a crowd of negroes attacking a white woman who was passing over a railroad bridge en route home from a visit to a neighbor. As soon as the white citizens of the town learned of the attack they immediately began their search for the woman's assailants. The negroes refused to deliver the woman's assailants and armed themselves to protect their leaders. When the posse arrived the negroes opened fire, killing three of the officers. The deputies returned the fire, killing eight negroes. Owing to the large number of negroes, who outnumbered the whites 10 to 1, the posse was forced to retreat. The negroes are reported to be in complete possession of the town and have entrenched themselves. The negroes have captured a powder magazine, the property of a coal company, and are strongly fortified.

Birmingham, October 20.—News from Littleton, Ala., the scene of the riot last night between negroes and white men, develops the fact that everything is quiet there now, the negroes having gone to their homes and no further trouble is apprehended. Ira Creel, the white man who was reported to have been killed, appeared in Littleton safe and sound today, having spent the night in the woods, but Joe Thompson, white, who was seriously wounded, died, while being brought to this city.

Joe Baer, one of the wounded negroes, is doing well and is expected to recover, but Will Tolbert, the other negro who was shot and was the originator of the fight is missing and is known to be seriously wounded.

Farmers' Mutual Fire Insurance Co.

(Special to The Messenger.) Raleigh, N. C., October 20.—The state charters the Farmers' Mutual Fire Insurance Company, of Rowan county, C. M. Pool president. It is an assessment company and has no capital stock.

A Loving Cup for Admiral Schley.

Dallas, Texas, October 20.—Admiral Schley was presented with a handsome loving cup today. The cup was given by the city and was tendered to the admiral in short address by General M. M. Crane.

BIG FIRE IN HAMLET

Cotton Compress and Ice Plant Destroyed and a Man Cremated.

(Special to The Charlotte Observer.) Hamlet, October 19.—Fire which broke out at the cotton compress here at noon today destroyed property valued at \$200,000 to \$225,000 and caused the death of Mr. J. M. Wilson, of Clarksville, Ga., book-keeper at the compress, and a nephew of Mr. George E. Wilson, of Charlotte.

The cotton compress, which was the property of the Seaboard Air Line railway and was leased by C. E. Johnson, of Raleigh, together with the ice plant, one of the largest in the state, and 2,400 bales of cotton, a vast quantity of barrels and bagging, was entirely consumed.

The railroad authorities succeeded in saving the car-shed, a short distance away, with engines and a bucket brigade, and many cars on the sidetracks near the press were saved, but six empty cars alongside the press platform were burned.

When the fire started, from a cause yet undetermined, Watchman Gibson, of Hamlet, was on duty in the middle of the building and says he threw on buckets of water, placed close by and all around the building for safety, while Mr. Wilson, the book-keeper, attached a hose and played on the fire, but so rapidly did the flames spread that the watchman cried: "We can do nothing, run for your life!" The fire was coming so fast that the watchman ran through the office and jumped through a raised window, but Wilson was caught in the flames and burned beyond recognition. His body was found this afternoon about 5 o'clock within a few feet of a rear entrance to the building. His head, limbs and shoulder had been consumed and only a charred mass remained. He was identified by his watch, keys and his boots.

Mr. Wilson was a son of the late James Wilson, of Clarksville, Ga., and was a grandson of the late Harvey Wilson, of Charlotte, and a nephew of Mr. C. M. Johnson, of Raleigh. He had only been in Hamlet this season, but in his short stay had by his quiet, dignified and gentle bearing endeared himself to our people. His uncle, Mr. C. M. Johnson, of Raleigh, will arrive tonight. Until then I do not know what disposition will be made of his remains.

The compress covered five acres of land and in season did a large business. It furnished employment to about 75 people, most of whom own homes here. It is not known whether the compress will be rebuilt.

FATAL S. A. L. WRECK

Vestibule Runs Into Switch, Striking Two Freight Trains.

(Special to The Charlotte Observer.) Rockingham, October 19.—This town was excited this morning by a rumbling noise which was soon discovered to be a collision of three trains on the Seaboard Air Line, resulting in the death of Flagman Holland and the probable fatal injury of Engineer Jim Robertson and a colored brakeman named Crump. As the vestibule train came in from Hamlet it ran into an open switch and struck a freight engine and one car. This engine in turn struck another engine which had a number of freight cars behind it, and badly damaged it. The engine of the vestibule is doubtless damaged beyond repair with the first engine it struck is not quite so bad, but the tender is torn to pieces. The mail cars on the vestibule were rained to splinters. The white passenger car was not damaged very much. The mail clerk saw the danger and jumped, and only received a few flesh wounds.

Charles Holland, of Sanford, flagman on the extra freight train, was killed and Charley Crump, a colored brakeman on the same train, was dangerously hurt. These two men were asleep in their cab. Jim Robertson, engineer on the vestibule, was also badly hurt, and it is not thought either he or the negro will live. The flagman on the vestibule saw what was going to happen and climbed out the window, while the engine went down a space of 25 feet on a hill. No passengers on the vestibule were seriously hurt but several were bruised and badly shaken up. This was the worst wreck the people of this community ever witnessed and many have visited the scene today.

Rockingham, October 20.—As a result of the wreck on the Seaboard here yesterday, there has been one dead, H. L. Holland, of Raleigh, flagman and it is thought the other injured will recover. Engineer Jim Robinson, the worst injured, has a fractured skull, but it is thought he will recover. He went down with his engine, which was completely wrecked, and his escape is remarkable.

CREDITABLE DRESS PARADE.

A. and M. Cadets Turn Out for First Time.

(Special to The Messenger.) Raleigh, N. C., October 20.—Cadet corps of Agricultural and Mechanical college after five weeks drill had first dress parade today and the ceremony was very creditably performed. There were 240 cadets in line, with a band of 24. L. D. Boney, cadet major, was in command, while Cadet Bogart acted as adjutant. About one hundred cadets are yet to be uniformed. Uniforms will arrive Wednesday. Cadets and their band made a tour of Raleigh tonight, celebrating the victory of their football team.

MINERS TAKE NO ACTION

Convention Met But Did Not Reach a Vote on the President's Proposed Plan of Arbitration

Over Six Hundred Delegates Were Present. Most of Whom Were Entirely Free in Their Votes—The Convention Almost Adopted President's Plan of Arbitration, But the Steam Men's Plan Was Too Earnest and the Vote Went Over Till Today, When It is Almost Certain to Adopt the Plan by a Big Majority.

Mr. Mitchell Makes a Short Speech. Committee on Resolutions Appointed by the President.

Wilkesbarre, Pa., October 20.—The anxiously awaited convention of 145,000 striking miners met today, but did not reach a vote on the proposed plan of settlement. It is expected to do so tomorrow. There were 662 delegates present in the Nesbit Theatre where the convention was held and they were empowered by their local unions to cast 861 votes for or against President Roosevelt's proposed plan of arbitration. The great majority of the delegates were unrepresented, the few who were, being engineers, firemen and pumpmen who fear that the 5,000 strikers of those classes may not get back to their old places now held by non-union men.

This question of the engineers, firemen and pumpmen moved the only voting block in the way of almost immediate adoption of the president's plan, which carries with it declaring the strike off and a general resumption of work through the 175 mile strip of the hard coal mining region.

At one time today it seemed certain that the convention was about to adopt the recommendation of President Mitchell to end the strike, but the steam men's plea was too earnest, the final vote went over till tomorrow, when it is next to certain the vote to declare the strike off will show a big majority for it. The leaders of the strike, except Mr. Mitchell, were hardly heard at all in the convention today, the anxious engineers being allowed to give full expression to their feelings. But tomorrow, it is predicted, the leaders will be heard, and one of them, a half district officer, said today there would not be more than fifteen votes recorded against the plan which the president of the United States has proposed to advocate its adoption, and the officials of the mine workers in this region earnestly have recommended.

There were two sessions, forenoon and afternoon, today and the net result as regards the progress of the convention towards its great object, was a permanent organization with Mr. Mitchell in the chair, his speech laying the president's plan before the delegates, the eloquent impromptu speech of the president, and the appointment of a committee of resolutions. This committee, as Mr. Mitchell said to the delegates, would prepare a formal statement to the public, telling fully and carefully why the convention decided to continue the strike, if it should so decide, and why the strike was declared off, if that was the outcome of their deliberations.

The question before the convention, when adjourned for the day, was the adoption of the resolution embodied in President Mitchell's opening speech, to call off the strike and leave all questions to the president's commission. The surprise of the convention today was the decision to admit newspaper men to all the sessions, open or executive, when even union miners, eagerly waiting by the hundreds out in the streets, could not get into the theatre. Twice the newspaper men won a victory by big majorities. First, when, on a petition from them asking to be allowed to remain, a motion to grant the request was carried; and when a motion was made to reconsider the first vote to admit, the pleas which were made that the reporters represented the people, that public opinion had helped the strikers and that the best way to get an accurate report of this convention of immediate and vast national importance was to let the press representatives stay there on the spot. Even the suggestion of a press committee of delegates to give the news to the correspondents was turned down by the convention.

District President T. D. Nicholls, of Scranton, called the convention into session at 10:20, twenty minutes after the time set for its beginning. On account of pressure of business at strike headquarters, President Mitchell was unable to be present until the afternoon session.

The morning session was taken up with reports on credentials and adjourned at 11:45 until 2 p. m. The afternoon session began at 2:10 o'clock with only the accredited delegates and a small army of newspaper men present. The proceedings for awhile moved rapidly. Without any speech-making, Mr. Mitchell was elected permanent chairman and national secretary. Just as the cheering for the election of the two officials was ended, President Mitchell walked on the stage. The instant the delegates saw him they rose en masse and cheered their leader for several minutes.

The first question to come up was that of admitting reporters, and when that had been settled, the strike leader began reading his carefully prepared opening address. Mr. Mitchell said in part: "With all the earnestness of which I

am possessed, I urge that you give your approval to the action of your executive officers, who have recommended acceptance of the proposition that the strike be declared off and all men are then to return to work in the positions and working places occupied by them prior to the inauguration of the strike and that all questions at issue be submitted for adjustment by the tribunal selected by the president of the United States.

The address was followed with the closest attention by the delegates. At various stages of the reading, Mr. Mitchell was applauded, but when he urged the delegates to adopt the recommendations of the executive board to call off the strike and "all men are then to return to work in the positions they occupied before the strike was inaugurated," tremendous applause greeted the remarks. The moment he finished a Wilkesbarre delegate was on his feet and moved that the recommendations contained in President Mitchell's address be adopted. If this had been acted upon at once the strike would have been off and the conventions work done, but those in opposition would not have it that way. They wanted to and did debate the matter until the adjournment after 5 o'clock. A Panther Creek engineer was the first to take the floor in its opposition to accepting the plan until he and his colleagues had some assurance that they would be reinstated in their old positions. The companies have said, he continued, that they will not dismiss the men now employed by them and place strikers in their positions. A number of other delegates spoke along the same line and then confusion resulted over the presence of persons who were not delegates. President Mitchell straightened this out by requesting outsiders to leave the hall tomorrow morning.

About half of those present retired. A dozen speeches were made for and against the question of obtaining specific assurance that the men would get back their places if they returned to work.

Finally a delegate arose and asked President Mitchell to express his views on the subject. He immediately responded and made one of the most important addresses he has been called upon to make during the past five months. His remarks were greeted with applause. Another delegate made a speech against ending the strike without definite assurance of reinstatement and Mr. Mitchell was again called upon for an explanation of the status of the arbitration plan as it now stands.

After further debate on both sides, it was decided to let the question go over until tomorrow morning. A committee on resolutions was then appointed and at 5:18 p. m., the convention adjourned until 10 o'clock tomorrow morning. The committee is composed of the following delegates of the union:

President Mitchell, Secretary Wilson, District President Nicholls, Duffy and Fahy; Delegates P. F. O'Hara, of Dunmore; Adam, Rescavage, Plymouth, John L. Jones, Plymouth; John Gallagher, Hazelton; Thomas McElhenry, Coaldale; Andrew Matty Hazelton; Thomas Thomas, Minersville; Paul Puskasi, Mt. Carmel and Louis Cunn, Pottsville.

The resolutions committee met tonight and outlined a set of recommendations to be presented to the convention tomorrow. Nothing of tomorrow is given out tonight as to what they will contain. It is probable they will recommend the acceptance of the arbitration plan, that all grievances be submitted to the commission appointed by President Roosevelt; that all men who should not find immediate employment should be taken care of by the union until they get positions, and that organized labor throughout the world and other organizations and individuals be thanked for the assistance given the mine workers during their struggle.

EDWARD BUTLER INDICTED.

Millionaire Charged With Paying Bribe to a Delegate to Pass Lighting Bill.

St. Louis, October 20.—The millionaire politician, Edward Butler, was indicted by the grand jury this afternoon on the charge of paying to delegate Charles F. Kelly, a \$47,500 bribe for members of the house of delegates combine, who passed the ten year city lighting bill, November 25, 1899. The witnesses whose names appear on the back of the information are: J. K. Murrell, E. O. Murrell, George F. Robertson, Otto Schumacher, John Helms, William M. Tamblin, Joseph N. Judge and George F. Mockler.

The last two named are formal witnesses, Judge being clerk of the present house of delegates and Mockler secretary of the present council. The other six members are members of the combine, which included the recipients of the bribe. Butler was later released on a bond of \$20,000, signed by John A. Robb. A. and M. in Fighting Foot Ball Game. Roanoke, Va., October 20.—North Carolina A. and M. College football team, defeated the St. Albans eleven here today by a score of 5 to 0, in one of the hottest contested games ever seen on Roanoke's field. In the last half there were many choking matches and fist fights among the players. The police were called to the field. After the game the fist fights were renewed.