

Mr. Fuller's Union Depot Bill Under Fire

Arguments Before the Senate Committee on Railroads and Railroad Commission—Action Deferred

Representative Fuller's bill to empower the corporation commission to compel the erection of union depots where two or more railroads enter a town if the commission deems a union depot practicable, was up for discussion before the Senate committee on railroads and railroad commission yesterday afternoon, it having come over from the House and been referred to this committee, of which Senator Justice is chairman.

The arguments in favor of the bill were by Representative Fuller, Mr. H. A. Forshee and Mr. J. Crawford Diggs that against the bill was by Mr. H. W. Miller of the Southern Railway Company. After hearing the argument a motion by Senator Pritchard that the bill be reported favorably was withdrawn and action deferred until next Tuesday afternoon at 3 o'clock when there will be discussion only among the committee members and action will be taken as to favorable or unfavorable recommendation.

The arguments before the committee were much along the same line as those presented before the House committee when the bill was under consideration in that wing of the assembly. It was agreed that the advocates of the bill should open and close the argument yesterday. Messrs. Fuller and Forshee treated at length the grounds on which the bill is urged, insisting that it was just and fully within constitutional bounds, not conferring any unusual authority on the commission. Mr. Forshee reviewed the powers now conferred on the commission in substantiation of this argument. He denied that the Peabody street right of way fight had anything to do with the pending bill. They, the advocates of the bill, merely wanted this court, corporation commission, clothed with authority to compel two or more roads to join in union depots in cases where they deem such depots practicable.

Mr. H. W. Miller in presenting the argument against the bill requested that he be heard alone. Mr. Kenly, executive officer of the Atlantic Coast Line he said was with him before the House committee, but found that he could not come to Raleigh this week and he (Mr. Miller) would not ask the committee to postpone the hearing, preferring rather to make the fight single handed. He said the bill under consideration was considered by the railroad interests of the state entirely too broad. They thought the powers that control them should at least have some sort of a string to the bag at the top. He took exception to claims by Mr. Forshee that the present statutes relating to the corporation commission give larger powers than the Fuller bill proposes to confer and pointed out restrictive clauses with which important acts of this character were safe guarded notably the act in regard to regulating freight, passenger express charges in which Senator Justice at that time a member put through an amendment that in fixing these rates the operating expenses and other pertinent matter shall be considered. Also that the courts have established the rule that the commissions shall not impose a lower rate than the operating expenses will bear. This bill, though allows the corporation commission to enforce the erection of union depots no matter what the conditions may be or how much it may cost either in buildings or procuring rights of way.

He directed attention to the large number of the larger cities that have no union depots, arguing that they are not necessary and in many instances not at all expedient. He mentioned Boston, New York, Jersey City, Philadelphia, Washington, Cleveland, Cincinnati, Chattanooga and others as having no union depots. St. Louis, Atlanta, Savannah have them. In some cities there are 1,000 or more transfers from one road to another, where there is one in Durham.

Mr. Miller argued that union depots are only for the convenience of passengers who transfer from one road to another and there was no advantage to speak of to the local travel. He reviewed again the history of the Durham right-of-way fight and said that of course the N. & W. and S. A. L. roads are willing to join in the union depot. They want to put it on the grounds of the North Carolina Railroad Company's property and that, without paying for their part of the gain in location. The Southern, he said, could not afford to invest extensively in a depot with their title to the property in question. We would, he said, put in an ample depot if we had our property back. The right of the state as a municipality to take property for street purposes he conceded, but it is something else to take property of the North Carolina Railroad Company and turn it over to competing lines. We said Mr. Miller, the North Carolina Railroad Company, cannot give up the right to that property before Durham was there. The town built up around the railroad; we as a municipality, allowed the people to use the right of way until we should need it. We let far more use our right-of-way, right up to the tracks.

Mr. Miller told of the start of the right-of-way fight, when Durham wanted to get the D. & N. and the S. A. L. The full effort of the D. & N. to condemn property after their

terminal was established. How the track was put down on the North Carolina Railroad's right-of-way, then, ceased by the Richmond & Danville by night. Part of it was torn up by the negro laborers of the R. & D. and a truly hot time was on in Durham for a while. The decision of the courts that the Richmond and Danville had forfeited their right to hold the right-of-way, but that the original owners, the North Carolina Railroad had not, was reviewed, the court holding that the North Carolina road would be in full control after the expiration of the R. & D. lease in 1931.

Continuing Mr. Miller said that the Seaboard Air Line people went to the authorities of Durham, obtained permission to use the name of the city and bear all expenses in an injunction against the North Carolina Railroad and the Southern and now this is to come up for a hearing February 5th.

Mr. Miller declared that at the time this injunction proceeding was sprung and their right-of-way title jeopardized the Southern Railway was ready to build ample depot facilities in Durham but with this suit pending it would be impossible to proceed until the courts decided the matter on questionable property. It was true Durham offered to quit claim in the matter, but that quit claim was conditioned on letting in the two competing roads, in fact, it amounted to giving a large part of the North Carolina Railroad and Southern property to these competing lines gratis.

Mr. Miller did not think it would be right to force a joining of hands in a union depot with probably others that would be disagreeable. He explained that matters of union depots were purely reciprocal arrangements between railroads. He emphasized the point that in making agreements with the N. & W. and S. A. L. for a union depot as they were willing to do when property rights were settled it would be impossible for them to charge these competing lines more than their just proportion for the reason that if they did then these roads could come back at them in union depot arrangements at other places. For instance the N. & W. could put up expense on the Southern in union depot relations at Lynchburg.

The depot situation at Washington was referred to and the fact pointed out that Congress proposed to defray the expense of procuring rights-of-way for converging the railroad lines for union station purposes and would pay the roads \$1,000,000 in addition, after allowing them to use their property, the present station, all these years. And yet in Durham it was proposed to take the North Carolina Railroad's property from them, force them to buy rights-of-way to some union station point to be dictated by the commission or else take from them the property rights and advantages of location for which they had paid and give them to competitors on a basis totally unfair to the state road and its lessee, the Southern. The Charlotte depot situation was commented on by Mr. Miller. He said that to force a union depot at Charlotte meant to compel the Southern to sacrifice at least \$150,000 worth of property on the part of the Southern and a large amount on the part of the Seaboard, who also have valuable and adequate facilities there.

Mr. Miller said he hoped the committee would decide on an unfavorable report for the bill, but in case they did not some amendments were badly needed as safeguards against too free exercise of authority in ordering the erection of union stations. In this connection he offered the following two amendments: "Resolved, that nothing in this act shall be construed to authorize the commission to require the construction of union depots upon railroad companies now have separate depots which are adequate and offer suitable accommodations for the traveling public."

"And provided further, the commission shall not have power to compel the construction of union depots should the expenditure necessary to provide such union depot exceed the sum of \$50,000."

Mr. J. Crawford Diggs speaks Mr. J. Crawford Diggs spoke the argument for the bill. He reviewed the present powers of the Corporation Commission with a view to showing that there was no great extension of power in vesting them with authority to order the construction of union depots, declaring it to be a proper power for the commission to exercise. He cited a number of authorities to show that the proposition is sound from a legal viewpoint. He said union depot corporations were formed in many states, but admitted on cross-questioning by Mr. Miller that these were purely agreements between roads to regulate equalization of expense and have nothing to do with coercing roads into union stations.

Mr. Diggs denied that the Durham situation was the principal impetus behind the bill, but said it was a local condition which focused the crying need and forced legislative interference. He said Mr. Miller had spoken of small transfer travel at Durham, but he had it from a Seaboard official that during December 500 passengers were transferred between the Seaboard and Southern.

Mr. Diggs directed the attention of the committee to the fact that only Mr. Miller was present to oppose the bill claiming that this showed that the other railroads, the Seaboard Air Line, Atlantic Coast Line and Norfolk and Western, other principal systems of the state, did not

regard the bill as very dangerous to them.

Mr. Miller was recognized again and re-stated the fact, in defense against the charge of Mr. Diggs as to the attitude of other roads, that Mr. Kenly of the A. C. L. was here in opposition to the bill when it was before the House committee, but could not get back this week and a postponement could not be asked on that account. He said the S. A. L. had been notified of the hearing, and read telegrams showing from Seaboard officials showing a peculiar situation. The answer to the first notification of the hearing was that they would have a representative in Raleigh to oppose the bill. The next was a telegram stating that after a conference the officers of the Seaboard had decided not to have a representative in Raleigh. We would suggest the telegram added, that there be some amicable settlement of the Durham depot difficulty as this would doubtless cause the withdrawal of the pending bill. We think the only solution of the situation is to meet the demands of Durham people. We regard the pending bill dangerous but with present conditions at Durham to oppose it would be useless.

Mr. Miller called attention to the fact that these telegrams were from the Seaboard, the road leading the fight against the North Carolina road and Southern in the Durham right of way matters, and declared, too, that he did not believe Mr. Fuller was being actuated solely by the Durham fight or that he would agree to a withdrawal of the bill in case there was a settlement of the Durham controversy.

Mr. Fuller made a statement also disclaiming any such attitude, declaring that he would still urge the passage of the bill even if the Durham fight were completely removed.

There was some discussion among committee members as to what action should be taken to discuss the bill among themselves was expressed by several, and adjournment taken until next Tuesday afternoon with the understanding that there would be no further argument by outside parties.

Election to Vote Bonds New Bern, N. C., Jan. 31.—Special.—At a meeting of the board of aldermen of the city of New Bern last night the proposition to subscribe fifty thousand dollars to the Pamlico, Oriental and Western Railroad Company was acted upon favorably, and an election was ordered to be held in the city Tuesday, March 24th, to ratify the action.

This is quite an important step for this place, and it confidently expected and believed that the election will be carried. There is very little opposition to the measure. The action of the board of aldermen is very heartily approved by all the citizens.

Philippine Constabulary Washington, Jan. 31.—The president has signed the Philippine constabulary bill, providing for the detail of officers of the regular army as officers of the Philippine constabulary, the chief of the constabulary organization to have the rank and pay of brigadier general. The present chief of the organization is Captain Henry T. Allen of the sixth cavalry, under whose direction the constabulary has been brought up to a high standard of service. At a conference today between the president and Secretary Root it was decided to re-promote Captain Allen chief, with the rank and title of brigadier general.

PATENT STATISTICS Washington, Jan. 31.—The commissioner of patents today transmitted to Congress his annual report showing that in the year 1932 there were filed 48,320 applications for mechanical patents, 1,170 for design patents, 151 for re-issue of patents, 2,632 for registration of trade marks, 1,121 for registration of labels, and 26 for registration of prints. There were 27,776 patents issued, the largest number in the history of the office. The number of patents that expired during the year was 22,231.

In proportion to population more patents were issued to citizens of the District of Columbia than to those of any of the states or territories—one to every 1,680. Next in order is Connecticut, with one to every 1,420, New York is seventh with one to every 1,764, and South Carolina is last with one to every 10,173 inhabitants.

A Basin Harbor Flood Washed down a telegraph line which Chas. C. Ellis, of Lisbon, Ia., had to repair. "Standing waist deep in icy water," he writes, "I gave me a terrible cold and cough. It grew worse daily. Finally the best doctors in Oakland, Neb., Sioux City and Omaha said I had Consumption and could not live. Then I began using Dr. King's New Discovery and was wholly cured by six bottles." Positively guaranteed for Coughs, Colds and All Throat and Lung troubles, by all druggists. Price 50c.

Better Than Expected Colon, Jan. 31.—Since the publication here of the terms of the canal treaty with the United States approbation has been expressed in many quarters. It is learned that the terms obtained by Colombia are better than were outlined in the first cable dispatches. The chances of the treaty being ratified by the Colombian congress are apparently improved.

Tamaqua, Jan. 31.—Two men were killed and a number injured in a head-on collision between the Lehigh Valley fwyer, running between Hazleton and Pottsville, and a freight engine drawing a caboose, at Malone's curve, about ten miles west of Hazleton, at 7 o'clock last evening.

All Business Prosperous Except Speculative Trade

Demand is Good in All Industrial Lines—Bank Situation Improving—Transportation Facilities Overtaxed

New York, Jan. 30.—Dun's review of trade today says:

Wall street continues to be the only dull point in the country, and even speculation activity is not accompanied by any evidence of weakness. This stagnation in the face of right trading is a good sign, as business usually brings a downward tendency. Financial conditions are exceptionally satisfactory, rates for money are low, in response to increased reserves in the associated banks, while funds return from the interior on a large scale. Cotton returns from foreign banks abroad indicate that there will be no immediate pressure for gold exports, and the collapse of wheat speculation liberated funds besides improving the outlook for large exports.

The re-handling movement from this port for the last week showed an increase of \$3,336,156 as compared with the same week last year. Domestic trade and industry continue to prosper, while the fuel situation has grown less disturbing through the special efforts of transporters, aided to no small degree by mild weather. Distribution of other products has been restricted by the discrimination in favor of coal, and shipments are unimportant. Clearance sales are about ended, leaving only small stocks of winter goods. Advance business in spring deliveries is very heavy, and fall contracts are also placed liberally.

Favorable returns of railway earnings are constantly issued, figures thus far available showing an increase of 5.5 per cent over last year and 17.9 per cent over 1931.

Miles of loaded cars and thousands of tons of coke piled in the yards at

Connellsville tell the story of conditions in the iron and steel industry. Furnaces are closing because of the fuel shortage which at many points is now more acute than at any previous time. By giving coal, live stock and perishable goods precedence over all other freight, the railroads helped consumers everywhere, but at the expense of the leading manufacturing industries. It is stated that deliveries of pig iron to the leading consumers are several months behind, and spot bessemer has risen sharply, yet there is much irregularity, as evidenced by the decline in cast pipe.

Footwear is firm with an advancing tendency, although leather prices are without change. Many dealers are making deliveries of spring goods of this January shipments through Boston exceeding last year's. New business is light. A better inquiry is noted for cotton goods, yet sales are not materially increased, owing to the disposition of sellers to accept contracts. A number of lines have advanced in price, the upward movement of raw cotton having a natural effect. Men's wear, woollens and worsteds to fall are now fully opened, and buyers operate more freely.

Irregularity has marked the course of the leading cereals during the past week, and there was a conspicuous absence of the customary union in price changes. At the start everything advanced sharply, light supplies and brisk export inquiries furnishing ambrisk support for the campaign on the long account, but as to wheat there followed a sudden reversal of opinion, precipitated by the rumor that a prominent western operator was liquidating contracts exceeding ten million bushels. As to corn, the closing days of January brought sensational developments in the current month's option, and consequently in spot grain. Light supplies put the short interest in a bad position, and in an effort to cover contracts prices were forced up far above normal figures.

Figures for the week numbered 243 in the United States against 301 last year, and thirty in Canada against 40 a year ago.

Claim to Preference Arouses Opposition

Diplomatic Circles Entertain Hopes of a Favorable Outcome of Negotiations Between the Allies and Venezuela

Washington, Jan. 30.—The developments in the Venezuelan negotiations today were such as to hold out a faint hope that an understanding between Minister Bowen and the representatives of the allies in Washington would be reached. This hope was based on efforts which the ambassadors of Great Britain and Italy and the German charge d'affaires were making to postpone a positive refusal by their governments of Mr. Bowen's plan of settlement until it can be discussed in all its phases and the opportunity given for the presentation of new suggestions which may clear the way to complete accord. It was expected that another communication from their foreign offices would be handed to Mr. Bowen today by signor Mayer, Emmanuel Hebert and Count Quadri, but this was not done. While the three European embassies are acting under an agreement to furnish no information to the press, it is understood that they have not received additional instructions from home, London and Berlin.

The French government is very much in earnest in its desire to bring pressure to bear on the allies to induce them to abandon their demands for preferential treatment, and it is known that the United States government, while it has not committed itself in the mat-

ter, is in sympathy with France. That the representatives of the allies regarded this movement as of considerable importance is evidenced by the fact that they have communicated to their governments on the subject, using this information apparently to strengthen their view that an ultimatum demanding preferential treatment should be withheld for the present. Holland and Belgium are ready to join the concerted movement suggested by France. The United States government is hoping that the present negotiations will not be fruitless, and is not willing to commit itself to the French suggestion until they come to a disappointing ending.

Baron Speck von Sternberg, the new special minister of Germany, arrived in Washington at 11 o'clock tonight accompanied by the baroness. They were met at the railroad station by Count Quadri and other officials of the German embassy. The haste of the minister in coming to Washington is regarded as evidence that he has instructions to assume immediate charge of the negotiations of his government with Mr. Bowen. Whether he may do this has not been revealed. President Roosevelt is expected to be in Washington at 11 o'clock tonight accompanied by the baroness. They were met at the railroad station by Count Quadri and other officials of the German embassy. The haste of the minister in coming to Washington is regarded as evidence that he has instructions to assume immediate charge of the negotiations of his government with Mr. Bowen. Whether he may do this has not been revealed.

WAITING ON GASTRO

The Allies Want to Know What He Will Decide to Do

London, Jan. 31.—President Castro's decision regarding the division of the Venezuelan customs is still awaited. The opinion expressed in the German embassy and endorsed at the foreign office here is that if the president were as anxious as the powers to end the difficulty he would agree to give them the preference demanded.

No protests on the subject of the preference demanded by the allies have been received here from the other powers. It is said that a friendly interchange of opinions between the various European governments would undoubtedly dispense any misunderstanding over the allies' claims. Recently, it is asserted, France arranged that her Venezuelan customs grant of 13 per cent should be respected by the allies.

DYNAMITE WENT OFF

Attempt to Burn the Stuff Resulted Disastrously

Pensacola, Fla., Jan. 31.—An explosion at Fort Pickens, ten miles from here, Friday afternoon, of five tons of dynamite struck the city to such an extent that plastering in residences was cracked and glass was broken out of the windows, and the entire city was so jarred that many of the residents were alarmed for a few minutes.

The explosion was caused by the burning at the fort of this amount of dynamite which had been condemned, it being thought that it would be consumed without exploding. The dynamite had been carried to a point down the beach about one mile from the battery and residences, and as soon as the torch was applied every one sought cover. The glass in a number of the buildings at the post, which is extra

HAPPY AND HEALTHY.

A Beautiful Canadian Girl Saved From Catarrh of the Lungs by Pe-ru-na.



MISS FLORENCE KENAH.

Miss Florence E. Kenah, 421 Maria street, Ottawa, Ont., writes: "A few months ago I caught a severe cold, which settled on my lungs and remained there so persistently that I became alarmed. I took medicine without benefit, until my digestive organs became upset, and my head and back began to ache severely and frequently. I was advised to try Peruna, and although I had little faith I felt so sick that I was ready to try anything. It brought me blessed relief at once, and I felt that I had the right medicine at last. Within three weeks I was completely restored and have enjoyed perfect health since."

"I now have the greatest faith in Peruna." F. E. KENAH. WOMEN should beware of contract coughs. The cold wind and rain, sleet and mud of winter are especially conducive to catarrhal derangements. Few women escape. Upon the first symptoms of catching cold Peruna should be taken. It fortifies the system against colds and catarrh. The following letter gives one young woman's experience with Peruna: Miss Rosa Gerbing is a popular society woman of Crown Point, Ind., and she writes the following: "Recently I took a long drive in the country, and being too thinly clad I caught a bad cold which settled on my chest, and which I could not seem to shake off. I had heard a great deal of heavy and thick on account of the frequent firing of big guns, was broken and the men stationed there were painfully jarred, but no one was injured. A hole large enough to hide a house in, it is said, was blown in the beach. It was thought in the city at first that one of the thirteen-inch disappearing guns at Fort Pickens had exploded, and there was considerable excitement for some time as there is no communication with the fort."

ROMANTIC MYSTERY

An Elopement Story with Frills on It

Pittsburg, Pa., Jan. 31.—A young pair who eloped from Lincoln, N. C., last Christmas died here within a day of each other. The circumstances are mysterious and will be investigated. The elopers were John Steel and Miss Mary Hotchkiss. The young couple's father is C. W. C. Hotchkiss, a wealthy tobacco planter. Mr. Steel was a member of the bar of North Carolina and was wealthy. They had long been friends, and it was understood that they were to marry. Miss Hotchkiss was too young, Miss Hotchkiss was but eighteen and a good beauty. It was Christmas morning that they disappeared. Neither left any word behind. A week later a friend told their families he had seen them in Pittsburg and that they had told him they had been married. Their deaths occurred two weeks ago and the facts have only just become known.

Steamer on a Rock

San Francisco, Jan. 30.—The steamer Crescent City went ashore on Fish Rock, near Qualia, on the Medocoro coast, early this morning in the severest storm known in years. Luckily the steamer was carried so far up on the rocks that the passengers easily clambered off. There they were exposed to a fierce gale and rain for hours, but this afternoon the women and other passengers were taken off. Fifteen of the crew were left on the island, but will probably be taken off tomorrow when the sea subsides.

New Orleans, Jan. 31.—An emphatic denial is made here of dispatches sent out to the effect that on account of President Roosevelt's attitude on the negro question a local organization, the Seven Wise Men, had refused to issue invitations to Miss Alice Roosevelt to attend a Mardi Gras ball.

Rome, Jan. 31.—The government announced officially today that it would be unable to participate in the Louisiana Purchase Exposition at St. Louis next year. It would, however, give every assistance in its power to Italian exhibitors.

London, Jan. 30.—The first attempt to supply incoming steamers with news service was made today, when Reuters's Telegram Company filed with the Marconi Wireless Telegraph Company, 100 words of news for the New York and London line steamer, which left New York Saturday last, and which is due to arrive at Queenstown today or tomorrow.

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RALEIGH IRON WORKS CO. FOUNDERS AND MACHINISTS.