

## DURHAM AT LAST SEES LIGHT ON UNION DEPOT

### The Southern and Seaboard Come to an Agreement After an All Day Session Taking Testimony

Durham, N. C., July 17.—Special. Light broke on the union depot situation in Durham this afternoon when the Southern and Seaboard reached an agreement before the corporation commission. After nearly an all-day session the attorneys were about to enter into an argument of the case.

A proposition was submitted by Judge Watts to the effect that the Seaboard would join the other roads in the construction of a depot and pay one-third the cost, provided they were allowed to get to it, the site to be near Roxboro street or at the old market place. The Seaboard also have one track through Peabody street to Duke's factory and pay a price for such right to be fixed by a board of arbitrators chosen in the usual way.

Colonel Henderson, speaking for the Southern, at first agreed to this proposition not understanding that part of the proposition dealing with the Peabody street right-of-way. When that was explained the Southern made a modification in its acceptance to the effect that the right-of-way in Peabody street be left to adjudication by the courts. Judge Watts then agreed to the proposition of Colonel Henderson, the depot to be located between Mangum and Roxboro streets. It is thought the market place selected by the peace commission will be chosen.

The attorneys are engaged tonight in drawing up the agreement, which will be submitted to the corporation commission tomorrow morning. Durham is jubilant over the ending of this vexed question.

**Mr. Southgate on the Stand**

Durham, N. C., July 17.—Special. The hearing of the Durham union depot question was continued in this city today before the North Carolina Corporation Commission. The commissioners came up on the morning train from Raleigh, accompanied by Clerk Brown. A committee of Durham gentlemen, accompanied by counsel representing the various factions, met the commissioners at the station. Col. A. B. Andrews, first vice president, and Col. W. A. Henderson, chief counsel, and Mr. F. H. Busbee, state counsel, of the Southern Railway, and General Manager J. M. Barr and Judge Watts, chief counsel, and Judge Winston, local counsel for the Seaboard Air Line Railway, were present. The petitioners, the city of Durham, were represented by Hon. H. A. Foushee, Victor S. Bryant and J. Crawford Biggs.

An hour was spent in making a tour of inspection of the various proposed sites for the union depot. One of the sites is the old market house place, corner of Church and Peabody streets. Another is alongside the present depot and on the property now occupied by the Seaboard track in Peabody street. Another is at the corner of Chapel Hill and Peabody streets. Still another proposed site is north of Main street, next to the American Tobacco Company's warehouse, on property owned by the Norfolk and Western Railway. From talking with a number of gentlemen it appears the consensus of opinion is in favor of the old market house location, which is just two blocks east of the present depot and one block south of Main street.

The commission met in the court house at 11 o'clock. A large number of citizens were present, manifesting the interest of the people of Durham. Mr. Victor S. Bryant stated that the petitioners would not introduce further testimony at present.

Mr. F. H. Busbee read the answer of the Southern Railway, also a number of letters and propositions, heretofore published, in connection with the differences existing between the railroads and the petitioners. One letter, not heretofore published, from President Williams of the Seaboard to Colonel Andrews, denied that three courts have held that the Seaboard has no rights to Peabody street after 1901, as construed by the counsel for the Seaboard. Mr. Williams stated the Seaboard does not intend to yield anything in Peabody street until every legal remedy has been exhausted. Meanwhile, Mr. Williams said, there is no reason why matters may not be adjusted so that the immediate construction of a union depot may be proceeded with.

The reading of these letters concluded the pleadings of the Southern Railway. Mr. Victor S. Bryant moved for the petitioners to strike out the correspondence read between the officials of the Seaboard and Southern.

Judge Watts said the Seaboard desired to make the same motion, stating the letters had no connection with the matter before the commission and it was entirely irrelevant and should be stricken from the records. Colonel Henderson said the Southern wished to reply to the statements of counsel but did not regard this as the proper time.

The first witness sworn was Mr.

James H. Southgate, chairman of the peace commission. He was examined by Colonel Henderson.

Mr. Southgate said he had lived in Durham about twenty-five years. He said the peace commission has not been discharged by the board of aldermen. Mr. George W. Watts, one of the other members of the commission, is out of the city. Other members are T. B. Fuller, W. A. Slater, M. E. McCowan, E. N. Duke, L. A. Carr, all influential and representative business men and citizens of Durham. Mr. McCowan was mayor of the city and Mr. Fuller a city alderman when the peace commission was formed.

Colonel Henderson desired to know if Mr. Southgate had any documentary reports of the work of the peace commission. Mr. Bryant, for the petitioners, objected to allowing Mr. Southgate to tell the action of the committee.

Continuing, Mr. Southgate said that since March the committee had held several consultations looking to the establishment of a union depot. The matter has been generally talked about by the people of the city. There is no dispute about the right of the Seaboard as far as Roxboro street.

Mr. Southgate said he had heard no special objection to locating the depot on the site of the present station, but the trouble seemed to be the difficulty in all the roads reaching that point. "Our committee did not consume time in discussing the various sites; but we centered and agreed upon the old market house site because of its central location and the accessibility of the point to all the railroads."

Mr. Southgate described the various sites suggested, and declared from his knowledge of the situation that the present location or the market house lot would give general satisfaction to the people of Durham. In his opinion Mr. Southgate said the places known as the base ball lot or the Green lot would not do. It would necessitate crossing Peabody and Main streets for the Southern to get into the base ball lot. He thought the Seaboard would also find it a very inconvenient location. There is no place in the city where the three railroads have physical connection except through the use by the Seaboard of the disputed right-of-way in Peabody street.

Mr. Southgate said he did not recall a single passenger going through Durham and having to cross the city from one depot to another to continue his journey. In his opinion the Southern Railway does the bulk of the passenger business in Durham. The present depot was built twelve or fifteen years ago, and since that time the population of the city has more than doubled. The Seaboard depot is also a small one, with two rooms, not quite so large as the Southern depot. The Norfolk and Western depot is still smaller, a two-room wooden structure. Many of the Seaboard passengers get on and off the trains in Peabody street near the Southern depot, where there is no house at all. Mr. Southgate did not know if this was a universal practice, but it was pretty generally the case.

Mr. Southgate was cross-examined by Judge Winston, who called attention to the fact that the railroads have physical connection at the base ball lot by the use of the belt line; also at the Green lot. Mr. Southgate was not in possession of information that this is true. The Southern runs within fifty or sixty feet of the Green lot, and not far from the base ball lot by the Duke factory. The trains on the three roads all pass each other at a point near Rowland street toward East Durham.

Judge Winston asked if the correspondence by the peace commission was to compromise the matter. Objected to by Mr. Bryant, for the petitioners. Judge Winston insisted, and Mr. Southgate said the efforts of the commission have been to get the matter in business shape so that it can be handled.

Examined by Mr. Bryant for the petitioners, Mr. Southgate said he thought perhaps the Seaboard road could reach the Farmers' Warehouse property and the old market house at the junction of Church and Peabody streets without coming on the disputed land or right-of-way in Peabody street.

Mr. Rogers suggested the question as to whether a depot on the market house lot or warehouse site would leave Peabody street open to the public as it is now used. Mr. Southgate said he thought it would be more or less of an obstacle to traffic on that street, but thought the same condition would result at almost any other point that could be selected. If the depot is built at the site near the rock crusher lot called the Carr street location it would necessitate putting part of the building on the disputed territory in Peabody street. Placed on the Main street side of the Carr street location, the depot would be near the center of population. It would also be off the disputed right-of-way.

The roads could come together at the Green residence property, but at very great risk to life. The streets so converge there that much travel comes together at that point. The street cars also cross there, and a great deal of freight traffic is handled about that point. Mr. Southgate did not recall that any member of the committee had favored that locality. If the depot was built on the base ball lot there would be plenty of room for carriages. It is west of the center of town.

Judge Winston recalled the matter of the transfer of passengers, and Mr.

Southgate said in the case of through passengers it is necessary to cross the city. The present stations are very inconvenient and pretty well scattered.

On further examination by Mr. Busbee, Mr. Southgate said the Southern and Seaboard would both have to reach the base ball lot by means of a very sharp curve in Cigarette street and would then have to run trains in and out from the station backwards. It would not be as near the center of population as the Carr street, Corcoran street or Church street sites. At Carr street the people of the southern part of the city could reach the depot without the danger of crossing the railroad tracks, as the street runs under the road at that point.

Questioned by Colonel Henderson, Mr. Southgate said the Seaboard could not reach the rock crusher or the base ball lot without the track in the disputed right-of-way in Peabody street. The hearing adjourned until 3 o'clock.

**Examination of Witnesses Proceeds**

At the beginning of the afternoon session Mr. W. A. Slater, a member of the peace commission, was examined by Col. Henderson. Mr. Slater said that of all the places suggested for the depot, he personally preferred the old market house. He thought that would best subservise the interest of the public. One reason he had for preferring this location was that he did not see that the pending litigation would interfere with the depot being built at once. One objection to the rock crusher lot is that it is near the freight terminal of the Seaboard Air Line. The depot at Corcoran street would necessarily block the street, and traffic there would be congested. The base ball lot would be the most dangerous that has been suggested, as two streets would have to be crossed on a very sharp curve.

Mr. R. H. Wright, president of the Durham Traction Company, was next examined. He said he had understood

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## PORT ARTHUR

### Russians Intend to Make It an Impregnable Fortress

St. Petersburg, July 17.—A dispatch from Port Arthur says that in an address at the laying of the foundation stone for the cathedral at that place, General Kouropatkin, Russian minister of war, expressed the conviction that Port Arthur would become a fortress so strong that it would be inaccessible to all the enemies of Russia, no matter how large their numbers, or where they came from.

According to intelligence from Peking, China has concluded a loan of 2,000,000 taels with the Russo-Chinese bank, which, in lieu of interest, is granted certain privileges in Chinese Turkestan.

## TAR AND FEATHERS

### Heroic Treatment Administered to a Wife Beater

Ithaca, N. Y., July 17.—A coat of tar and feathers was administered to Theodore Underwood of Pureville, near Ithaca, in the early hours of the morning yesterday by a number of men, presumably his neighbors. For some time Underwood has been mistreating his wife cruelly, and has also beaten his children. This angered his neighbors. For some days Underwood has been on a drunk. Three days ago his wife fled in terror from her home, for her husband had threatened to take her life. Wednesday her neighbors told her to go back and they would guarantee her protection. She did this but as she entered the doorway Underwood drove her away.

When the neighbors heard of this they prepared for action. Leaders were appointed, a big barrel of tar was procured, and the good housewives gave up the feathers which they had saved for beds for months. A bonfire was built and the tar heated. Then a committee was sent after the victim. Fighting, he was dragged to the spot, and the tar and feathers were smeared on his skin. The crowd then quietly disappeared, leaving Underwood suffering intense pain from the hot tar.

## COREA'S DILEMMA

### Pressed by Japan on One Side and by Russia on the Other

Peking, July 17.—The Japanese and Korean ministers are both urging China to instruct her representatives at Seoul to consent to the opening of the port of Wiji by Korea to foreign trade. Representations have been made by Japan at Seoul in order to place the sole responsibility on Korea, but that country is afraid of Russia, and also thinks that the treaty obligations to China in regard to the opening of cities on the Chinese border will prevent any such action.

The Koreans on the Yulu are in a bad way. They are harassed by Russian encroachments and are afraid of

war. It looks as if their barley crop would be very short and they are already distressed by the total failure of the rice crop.

In reply to the circular of the Gen of the diplomatic corps, calling attention to the fact that the agreement in the protocol that China would not import arms for a term of two years is about to expire, and asking if an extension of this term was desired, the ministers have unanimously replied in the negative. The traffic in arms is steadily increasing. The Japanese lately entered heavy guns and rifles for the use of Viceroy Yuan Shih Kai under a declaration that they were for Japan's own defense.

## Spencer's First Lawyer

Salisbury, N. C., July 17.—Special. Mr. Pritchard Carlton of Warsaw has located in Spencer for the practice of law. He is a graduate of Wake Forest College and of the law department of that institution, having secured his license in February last. This will be Spencer's first lawyer. Heretofore this town, which has a population of about 3,500, has enjoyed the distinction of being without a lawyer, an undertaker, a cemetery, an old maid, a saloon, or a colored family living within its corporate limits.

## A MOTHER'S DEATH CAUSED BY GRIEF

### Wayward Sons Responsible for a Premature Grave in Madison County

Asheville, N. C., July 17.—Special.—A telephone message was received here during the forenoon announcing the death, in Madison county, of Mrs. Margaret Murray, wife of Isaac Murray. Mrs. Murray was related to two or three well known Asheville families. She was known as one of the best women in Madison county. The announcement of her death will lead the minds of many to dwell upon a story having in it a large measure of human interest. It will be a premature grave in which the remains of this good woman will rest.

She was the mother of Augustus and John Murray, who are charged with the murder of James Rice. The men had differences, and one day when old man Rice heard the Murray boys approaching his house he planted himself in the road with a gun. The boys opened fire on the old man, but before he expired he fired at Gus Murray. With his gun filled with slugs, the scraps of iron and lead tore away some of the young man's fingers, and literally tore the breech from the gun. John Murray, being unhurt, escaped, but Gus was captured and locked up in Marshall jail, from which he escaped several months ago, together with four other men, all charged with murder. The waywardness of the boys weighed very heavily on the mind of their mother, until her mental faculties gave way under the strain. A short time ago it became apparent that the body as well as the mind had become affected. The end came this morning.

## THREE ON ONE

### A Virginia Farmer Makes a Brave Fight Against Odds

Richmond, July 17.—An attack on Walter Vaden, a farmer, at Winter-pock, occurred yesterday. Vaden was at work with his son ploughing corn when three young men—Edward, Robert and Linwood Webster—came upon them and began to talk to them. Just what the conversation was about is not known at present, but a few moments afterward when Vaden's son left him and went to work in another part of the field, Robert and Edward Webster attacked Vaden with rocks. Vaden drew his knife and slashed Robert Webster in the throat, making a gash about three inches long and as deep as the neck bone and severing the arteries and the jugular vein. The man fell and expired almost instantly.

Edward Webster then clinched with Vaden and received an ugly cut in the face from the old man as the two fell to the ground. While the struggle was going on Linwood, the youngest of the three, remained at safe distance from the combatants, throwing rocks at Vaden. After the fight between Vaden and Edward Webster Linwood landed with a huge rock on Vaden's head which knocked him senseless.

Edward is badly hurt. Vaden is 45 years old and has a wife and five children.

## Receiver for Car Company

Trenton, N. J., July 17.—The Standard Steel Company of Pennsylvania has secured from Judge Andrew Kirkpatrick of the United States circuit court an order appointing Thomas A. Gillespie of West Orange, receiver of the Southern Car Company, which has an authorized capital stock of \$3,500,000. The Southern company operates plants at Gadsden and Anniston, Ala., and at Memphis and Lenoir, Tenn.

Counsel for the complainant company are now on their way south to secure the appointment of auxiliary receivers in Alabama and Tennessee, to prevent, if possible, the attachment of the company's property in those states.

## The Pope Lives on Though Ready to Die

### Days or Weeks May Be Added to His Span of Life. In Sleep He Appears as One Already Dead

Rome, July 17.—3 p. m.—The following bulletin has just been issued:

"The day has been passed calmly enough. The august patient had intervals of rest and his general condition is a little less depressed. Pulsation 63, respiration, which is less superficial, 22; temperature 36.6 centigrade.

"LAPPONI, "MAZZONI."

Rome, July 17.—Dr. Mazzoni entered the pontiff's bed room at 8.30 this morning, after Dr. Lapponi had reported to him how his holiness had passed the night. He found the patient, as the pope himself said, "unrefreshed and tired."

The pontiff prefers to sit up in bed, as in that position he feels less oppression on his lungs and can breathe more easily. Dr. Mazzoni spent much time in examining him. As his holiness is reduced almost to a skeleton, if a new operation is decided upon it will not be because of any hope of saving the patient's life, but simply for the purpose of rendering the death agony less acute.

During the night, as well as throughout the morning, the pope continued calmer and his breathing was better. While he does not want any one constantly in the room, the pontiff rings frequently for trivial causes, thus showing beyond doubt his desire for company. He takes very frequent sips of meat broth, alternated with half spoonful of chicken gelatine. His urine continues scarce, amounting in the last 24 hours to 36 cubic centimeters.

When asleep the pontiff appears to be dead. His cheeks are sunken, his eyes are hollow and his jaws are exceptionally prominent, the skin being tightly drawn across the bones. When awake the pope usually appears to retain life only in his brilliant black eyes, though he recovered the lucidity of his mind this morning and gave proof of his wonderful memory, saying:

"Today is the fete of St. Leo. I have never failed to assist at mass since, when almost a boy, I came to Rome to participate in the jubilee of Leo XII. I wish to hear mass today."

The pontiff's desire was immediately gratified by Mgr. Marzolini celebrating mass as he did yesterday in the chapel adjoining the sick room.

After the visit of the doctors the pope said he could not stay in bed, as it made him restless. His limbs were uncomfortable and he felt pains all over his body. Therefore he wished to go back to his arm chair. No opposition was made, as the doctors think that nothing now can do the pope much harm, but to the pontiff's astonishment he found he could not dress himself as he did some days ago, or walk to his chair; so his ever watchful valet, Pio Centra, assisted by Seneca, another valet, clothed the pope and almost carried him to the arm chair, the pontiff frequently thanking his servants and remarking that they must be very tired.

The pope understands the gravity of his condition and says he is ready to die, but he does not realize the imminence of his danger. The doctors really think that, unless a complication arises, the pope may live for days and even weeks longer.

The Observatore Romano and the Voce Della Verita, both Vatican organs, give prominence to their latest issues to the news that prayers for the recovery of the pope have been offered in American Protestant churches. The Voce Della Verita refers to it as "a fact truly symptomatic."

## Doctors Silent as to Cancer

Rome, July 17.—The weather today was beautiful and the heat was less oppressive. The bulletin issued this morning re-established the optimistic views in regard to the pope's illness. There was no sign in Rome this morning that anything unusual was going on. The curious watchers outside the Vatican had disappeared.

Today it became known in Rome for the first time that the pope was dying of cancer. The reported denial of this statement, even if it was ascribed to one of the pope's physicians, can be disregarded. Absolute proof of the fact that his holiness is dying of cancer has been furnished by the highest possible authority on the subject, but permission to publish his name has not been granted. When the correspondent asked Dr. Rossoni if he would state frankly what disease the pope was suffering from, the doctor replied that the physicians of his holiness have agreed to make no statement for the present in regard to the matter. When asked if the present malady of the pontiff had any relation to the tumor which was removed from his side in 1896, Dr. Rossoni replied that that was the precise point on which the doctors had decided to maintain silence for the present. He added that there was no

reason to expect that the holy father would die for the next day or two.

Dr. Lapponi informed one of the pope's nephews today that he would, if necessary, perform another operation on his holiness, as his general condition was much stronger than a week ago.

Several cardinals visited the holy father today and they said afterwards that he was bright and cheerful.

The criticism of Cardinal Gibbons of Baltimore at the Vatican a week ago because he started for Rome before the death of the pope seemed absurd today when workmen, under the direction of the Vatican authorities began the preparation of St. Peter's for the lying in state of the pope's body. Considerable work is necessary in order that the great crowds may be handled, and the erection of barriers, etc., is proceeding.

One of the newspapers here yesterday published a full biography of the pope, explaining that the recovery of the holy father was hopeless.

## The Pope's Malady Explained

Rome, July 17.—The pope has had the most comfortable day today since his illness began. He is passing one of those respites, or rallies, which are peculiar to the last stages of cancer, for there is no longer the slightest doubt that that is the malady from which he is suffering. The following medical statement of the case may be accepted as accurate:

In 1899 a skin tumor on the pope's right side was extirpated by Dr. Mazzoni. Its nature could not be ascertained because the pope did not wish it examined, but he kept it himself for some time and then threw it away. His present illness was at first diagnosed as pneumonia. Dr. Rossoni, when he was called in consultation, thought it was pleurisy until the pleuric fluid was withdrawn. Then the physicians found that it presented

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## BEAVERS INDICTED

### Courts Are After the Head of the Promotion Syndicate

New York, July 17.—George W. Beavers, former chief of the division of salaries and allowances of the post office department at Washington, has been indicted by the federal grand jury at Brooklyn. It is believed that a warrant has been issued for his arrest. It was said tonight that Beavers would probably surrender tomorrow or Monday to United States Commissioner Shields in Manhattan. He may demand a hearing which will compel the Brooklyn authorities to produce whatever evidence they have against him.

Beavers is in Manhattan. He refused to make any statement tonight. The report that he had turned over would turn state's evidence was denied by his friends. Beavers has been called the head of the "promotion syndicate," which post office inspectors have been investigating for some time. There are said to be two indictments against him. In one he is accused of receiving \$480 from ex-Congressman Driggs, who is under indictment in connection with the sales of automatic cashiers to the post office department. Mr. Driggs does not deny that he got \$12,500 from the company for acting as its agent in procuring a contract with the post office department for two per cent. of the machines.

## CALLED TO THE DOOR

### Two Negroes Killed in the Road by Whites

Columbia, S. C., July 17.—As the result of an assault on William Hall, postmaster at Cinquepin, Aiken county, Wednesday, two negroes were killed by a mob of whites last night. The mob is still scouring the country for other negroes, said to have been in the conspiracy to kill Hall.

Dennis Mead, one of the negroes, was called to his door last night by two men and asked for a drink of water. They seized him and Jesse Butler. Later shots were heard in the road and Mead's body was found. Butler was also killed.

## WOMAN TOTED A GUN

### Remarks About Her Cost a Young Man His Life

Pottsville, Pa., July 17.—J. Lawler of Donaldson is dying at the Pottsville hospital as the result of a bullet wound one inch below his heart. Lawler, who is only 18 years old, was shot by Mrs. Bessie Witmer of Marshfield. While Mrs. Witmer was passing a crowd of young men some remarks were made about her. Without any warning the woman reached into her dress, drew out a revolver and fired point blank into the crowd. Lawler fell to the ground, fatally wounded. Mrs. Witmer was arrested. Ball was refused and she was placed in the county jail.