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A GREAT BOND ISSUE BY SOUTHERN RAILWAY COVERS DOUBLE TRACK

Ask Stockholders to Authorize Issue of \$200,000,000
Four Per Cent. Bonds
\$15,000,000 TO BE
SOLD IMMEDIATELY

For the Double Track \$6,536,230 is to be used, including revision of grades, new yards, shops—\$4,982,774 to refund payments for equipment—\$3,500,000 to refund investments in securities for advances to subordinate companies.

(By the Associated Press.)
New York, Feb. 10.—Announcement was made today that the Southern Railway Company has decided to ask the stockholders to authorize an issue of \$200,000,000 development and general mortgage 4 per cent. bonds.

Of this amount \$15,000,000 will be issued immediately for the following purposes: \$4,982,774 to refund payments to equipment heretofore made and charged to capital; \$3,500,000 to refund investment in securities for advances to subordinate companies heretofore made and for the acquisition of property not heretofore funded, and \$6,536,230 for double track, revision of grades, new yards, shops, etc.

The balance of \$185,000,000 will be reserved for the following purposes: \$21,158,000 to retire divisional prior lien bonds on properties acquired for which no provision is made for the consolidated mortgage; \$16,000,000 to retire not later than April 1, 1909, collateral trust 5 1/2; \$18,000,000 to retire, as they mature in the next fifteen years, equipment capital obligations; \$10,000,000 to acquire capital stocks of certain leased lines; \$10,000,000 to pay not later than July 1, 1906, for the eastern division of the Tennessee Central and immediate improvements.

After provisions for the foregoing obligations are made there will be \$32,842,000, which will be used to provide for future acquisitions and betterments.

President Samuel Spencer of the Southern Railway Company, in a communication to the voting trustees of the capital stock of the company relative to the proposed bond issue, says that the existing financial condition of the company is such as to justify the creation of the new mortgages and the immediate issue of \$15,000,000 of the new bonds as proposed without disturbance of the full dividend now paid on the preferred stock.

SURPRISE IN SAMUEL CASE

(Special to The Evening Times.)
Greensboro, N. C., Feb. 10.—In the Samuel case this morning Judge Bryson, in a powerful legal argument to Judge Boyd, contended that there was a fatal variance in the bill of indictment, and the proof that Samuel was charged with having committed offenses as an officer, agent or special employe of government.

He read the revised statutes and decisions of the supreme court showing that Samuel was neither officer, agent nor special employe, and was a simple hireling of Revenue Agent Chapman under a special statute authorizing employment of detectives, and that he only acted as such and could not be convicted under the bill of indictment.

Judge Boyd said he was inclined to the same opinion and discharged the jury until Monday, by request of Solicitor General Hayes, when the district attorney can be present. He said he had carefully examined into all the points raised by Judge Bryson before drawing the bill of indictment, and was prepared to defend it successfully.

To spectators the denouement came as a sensational surprise, and the release of Samuel is freely predicted. Judge Bryson spoke for two hours, and his argument was masterful.

NO MORE BODIES TODAY Fifteen Believed to be Still in Mine

Among Them is the Mine Foreman—Rescuing Party Has Only Been Able to Go 300 Feet Owing to the After-Damp—Several Extra Pans Used.

(By the Associated Press.)
Hinton, W. Va., Feb. 10.—The after-damp continues to hamper the efforts of rescuers in the Parrel mine, where thirty or more men were killed or entombed by an explosion of gas on Thursday.

No more bodies had been found up to this morning, and it is believed that fifteen men are still in the mine. The six bodies taken out yesterday were found in the east side of the mine, where the explosion occurred, 115 feet from the bottom of the pit.

Like Speers was found with his mouth held against an air hole, evidently trying to escape the effects of the after-damp. George Morris had been blown into several pieces by the force of the explosion, his head being found several feet from the other parts of the body. The other four men were lying with their faces on the ground and their bodies were severely burned. Of those still missing, six are known to be in the east side of the mine and their bodies have not yet been recovered. Among them is Miles Pratt, mine foreman.

The rescuing party has only been able to proceed 300 feet in the mine on account of the after-damp. The shaft is 600 feet deep and several extra fans have been put in use every effort being used to get circulation of air through the mine. The damage to the

(Continued on Page Five.)

A BIG CLAIM SETTLED Southern Pays Mrs. Augusta Bullock \$7,250

Husband Was Running a Shifting
Engine and Was Killed by a Run-
away Locomotive in August, 1905.

(Special to The Evening Times.)
Sallisbury, N. C., Feb. 10.—One of the largest claims ever settled by the Southern Railway at Spencer was that of Mrs. Augusta Bullock of Spencer for the killing of her husband, H. Bullock, in August, 1905.

It will be remembered that Mr. Bullock was running a shifting engine as was at his post when a wild one came from Spencer towards Salisbury at a 75-mile speed. Mr. Bullock was caught between the cab and tender and crushed to death. Messrs. Ruark and McCray of Lexington effected the compromise whereby Mrs. Bullock receives \$7,250.

It is also recalled that the wild engine whose runaway has never been explained was followed by an other shortly afterwards and dived before it did any harm.

The Southern Railway has been observing the nine-hour day for several weeks. The numerical force is also increased and the demand for every available mechanic is great. Owing to this fact it is very probable that three or four hundred extra dwelling houses will be erected.

HEARING ON COTTON THURSDAY.

(By the Associated Press.)
Washington, Feb. 10.—The house committee on agriculture has arranged a general hearing on cotton statistics beginning Thursday, February 15. The department of agriculture, census bureau, cotton manufacturers, planters and others interested in the cotton industry will be given an opportunity to be heard.

THE FRISCO TO SIBERIA Russian Line of Steamers to Be Operated

Next Vessel Will Arrive About June 1—Fly Between San Francisco and Vladivostok—At First Only For Freight—Later Passengers Will be Carried.

(By the Associated Press.)
San Francisco, Cal., Feb. 10.—A Russian line of steamers is to be operated between this port and the Siberian coast, and the first vessel will arrive here about the first of June.

Lieutenant Pavlov of the Russian navy has arrived here on his way to St. Petersburg to complete the organization of the company that is to operate the steamers. The vessels will ply between this port and Vladivostok, and at first will engage exclusively in the freight trade. Later on passengers will be carried by the steamers.

The company which Pavlov represents owns two vessels, one of 1,600 tons capacity and the other of 5,500 tons burden. These vessels are at present plying between Vladivostok and Odessa.

It is the plan of the new company to build ten steamers to engage in trade between Vladivostok and this port en route to Australia. It will be the first line of freighters ever established between this port and Vladivostok.

More Gastonia Deals.

(Special to The Evening Times.)
Gastonia, N. C., Feb. 10.—Deals in real estate to the amount of \$25,000 were consummated in Gastonia yesterday. The J. A. Glenn Company sold two of the three store rooms purchased from the Love Trust Company yesterday to El Kendrick and R. P. Rankin. J. A. Glenn sold the H. H. Rankin residence to E. H. Rankin. Mr. Rankin sold his interest in the Gastonia Roller Covering Company to W. C. Moore of Dallas. The Love Trust Company sold the 90 foot brick factory building on Main street to Chick site parties. R. A. Love sold a block of land on Marietta street to S. N. Joyce, L. C. Peggam and E. G. McJurd.

PITTSBURG MINERS STILL STORMING

(By the Associated Press.)
Pittsburg, Pa., Feb. 10.—A brief hearing of the temporary injunction secured yesterday by President Patrick DeLo of the Pittsburg district miners against 29 delegates attending the district convention, restraining them from interfering with his powers as president, was held before Judge Frazer in common pleas court No. 2. Additional time was requested by the defendants, and Wednesday afternoon at 2 o'clock was fixed by the court for the final hearing.

A session lasting one hour was held by the convention this morning previous to going to court in a body. It was the stormiest meeting yet held and here was opposition to every matter presented by President Dolan. (Natio-) Vice President Lewis announced that President Mitchell had instructed him to remain in Pittsburg for a few days. Mr. Lewis also read a telegram from President Mitchell advising the executive board of the Pittsburg district miners that they were permitted to draw on their treasury for funds to retain legal talent in the injunction proceedings.

"I personally am paying my attorney," shouted Dolan to Lewis and the delegates, "and the executive board will do likewise. No money will be taken from the treasury for this purpose if I can help it."

The convention adjourned until this afternoon.

PILOTAGE BILL GETS FAVORABLE REPORT

(By the Associated Press.)
Washington, Feb. 10.—By a vote of eight to five the house committee on merchant marine and fisheries agreed today to make a favorable report on the Littlefield bill, which does away with compulsory pilotage on sailing vessels engaged in coastwise trade.

The votes in favor of the bill were: Representatives Minor (W. Va.), Greene (N. Y.), Fordway (Mich.), Wachtel (Md.), Littlefield (Ms.), Flock (N. Y.), McDermott (N. J.), Humphrey (Wash.). The negative votes were: Representatives Spight (Miss.), Sharkey (Ky.), Patterson (N. C.), Goulden (N. Y.), Maynard (Va.).

FOOLED AN INSURANCE CO.

Supposed Dead Man Has Been
Arrested

ONLY AFTER A FIGHT

Unearthed Body of Man Killed Two Days Before, Took it to Tunnel Where He Worked and Blew it to Pieces With Giant Powder—Lynchings Threatened.

(By the Associated Press.)
Victor, Colo., Feb. 10.—J. McEachern, whose death was reported on January 22, and life insurance policies issued, was arrested at the home of his sister by City Marshal Naylor, after a fight in which McEachern was wounded by a bullet.

McEachern was reported to have been killed by the accidental discharge of giant powder, but investigation by fraternal societies in which he was insured disclosed that the body of Robert Speed, who was killed two days previously in a mine, had been unearthed, taken to the tunnel in which McEachern was working and blown to pieces with giant powder.

The authorities were informed that McEachern was the victim of the blast and an old line life insurance company paid a policy on his life. A deeper investigation by fraternal societies resulted in finding McEachern alive and his arrest followed.

Jack Cowley, who worked with McEachern, was also placed in jail. The treatment of the body of Robert Speed greatly increased his friends and lynchings were threatened. In order to better protect McEachern he has been removed to the county jail at Cripple Creek and a heavy guard placed around the prison.

AN INFORMAL HANGING

Gallows Hurried to County Jail on a Sleigh

Governor Stokes Issued Orders Last Night for Ross's Execution Today and Midnight Preparations Were Made for the Event—Killed an Italian.

SMALLPOX IN A STATE PRISON

(By the Associated Press.)
Pittsburg, Pa., Feb. 10.—It became known today that a convict in the western penitentiary was recently attacked with smallpox. The patient has been isolated in the infirmary and every precaution is being taken by the authorities to prevent a spread of the disease among the 950 inmates from the prison. All the prisoners have been vaccinated and the sanitary condition of the place is considered almost perfect. The case was reported to the bureau of health.

SERIOUS FIRE IN WILMINGTON.

(By the Associated Press.)
Wilmington, N. C., Feb. 10.—Fire of unknown origin which broke out shortly before midnight totally destroyed the Willard Bag and Manufacturing Company, Germania Hall building and several warehouses and badly damaged adjoining property. In one of the principal business blocks of the city this morning. The loss is between \$75,000 and \$100,000, pretty well covered by insurance. The loss in the bag and overall factory alone is \$40,000.

WOMAN ASSASSIN'S BULLETS MAY NOT KILL CHOUKININ

(By the Associated Press.)
St. Petersburg, Feb. 10.—The admiral's staff has received a report from the surgeon in charge of Vice Admiral Choukinin, who was shot by a woman in his office in Sebastopol yesterday, to the effect that his wounds are not dangerous. Rear Admiral Grigorovich has assumed command of the Black Sea Fleet in succession to Choukinin.

According to the morning papers and subsequent dispatches from Sebastopol concerning the press accounts the admiral's staff are confident that Choukinin will recover. The most severe wound is in his breast, from which the bullet has not been extracted.

His assistant, who was shot and killed by an orderly, who rushed to the admiral's assistance, is believed, like the murderer of Lieutenant General Sakharov, the former war minister and the assassin of General Shvaboff, prefect of police of Moscow, to have been an emissary of the St. Petersburg group of terrorists.

The woman has not been identified, but it is known that she arrived at Sebastopol February 7 and registered at

a hotel under the name of Kuznetsov. She was well dressed, was calm in her manner and attracted attention. At 2 o'clock yesterday afternoon the woman appeared at the official residence of Admiral Choukinin and went to his study, where she was a daughter of a poor widow who was an old acquaintance of Choukinin at St. Petersburg and requested an interview. Upon entering the admiral's office she drew a rapid fire pistol and fired four shots at Choukinin with deliberate aim, each bullet making the mark after the other, until he fell, but was killed by the orderly. Choukinin exhibited remarkable nerve and continued to issue orders even while being carried to bed and during the examination by the surgeons. Later he received personally friends who came to sympathize with him.

The news of the attempt on Choukinin's life created great excitement among the sailors at Sebastopol, a large portion of whom are sailors and continue on the verge of mutiny. The revolutionaries at Sebastopol attempted to organize a demonstration but were unsuccessful.

ONE CONSUL HAS TO RESIGN BECAUSE OF SMALL PAY

(By the Associated Press.)
Washington, Feb. 10.—Opposition in congress to an improved consular service with permanent tenure of office has caused the loss to the consular service of one of its most efficient and experienced officers by the resignation announced with regret by the department of state today of James D. Davidson, consul to Antung, Manchuria, who, after a service of nine years, retires because of his inability to longer draw on his private income to maintain the consulate. In his letter of resignation Mr. Davidson says:

"The salary of my post as consul to Antung is insufficient, even with the increase which the new consular bill now pending in congress provides, to maintain any consulate in the Orient with becoming dignity and efficiency in view of the necessity of competing with the consulates of other powers which, owing to the importance of this great and growing field of commercial and political activity, have large sums expended upon them by their respective governments."

Mr. Davidson adds that the salary at each of the consulates he has served has been too small to conduct in a satisfactory way the several offices he has held and had he not possessed some private income obtained from literary work it would have been impossible for him to have continued in the service his long life concludes.

"My relations with the department of state have been so pleasant and I have found consular work so interesting that I take this step with great regret. I have postponed this action for some time, feeling that congress would soon recognize the necessity of a reorganization of the service with salaries commensurate to a degree to the importance of the position and the work required."

Had it been possible to retain Mr. Davidson by transfer to a more lucrative post the department would have done so, but the offer he has had in view so far in excess of what he could receive in the consular service that the department has been forced to accept his resignation. Mr. Davidson entered the service as a consular agent at Tamsen in 1896 and has served successively as consular agent at Shanghai, Nanking and Antung.

ARGUING DURHAM INJUNCTION CASE

(Special to The Evening Times.)
Durham, Feb. 10.—Argument in the injunction case of the city of Durham against the Eno Cotton Mill Company of Hillsboro is still in progress at 3 o'clock this afternoon. The reading of affidavits and depositions began at 10:30 o'clock and after this the argument of counsel.

The attorneys are R. B. Boone and Fuller & Fuller for the city, S. M. Gattis, J. W. Graham and Frank Nash for the mill people. The argument will not be completed before late in the afternoon. The general opinion now is that the injunction will be continued.

RUMORS OF COMPROMISES

Senate Committee Wrestling
With Rate Bills

THE COURT FEATURES

Opponents of House Bill Have Suggested Another and More Moderate Amendment Providing That Courts May Determine Lawfulness of Rate Fixed by Commission.

(By the Associated Press.)
Washington, Feb. 10.—With all sorts of compromises rumored the senate committee on interstate commerce today resumed consideration of railroad rate bills under the agreement to meet daily until February 16, when a vote will be taken. The chief variance concerns the court feature and involves the right of the railroads to have the rates fixed by the commission reviewed by the courts before they become operative.

Certain opponents of the house bill, who have been contending for a specific recognition of that right, have suggested another and conceded a more moderate amendment. This provides that the courts may determine the lawfulness of a rate fixed by the commission, which would amount to a test proceeding and have a bearing on all subsequent orders of the commission.

In effect this would mean that after the constitutionality of the powers given the commission had been determined by the highest court, nothing would stand in the way of the execution of further orders issued by the commission in accordance with this construction. The railroads, of course, would have the right of any litigant to contest orders which they believed to be just, but this would not obstruct the continuance of the orders on any ground except their lawfulness. Courts would review the reasonableness of rates in the manner permitted by the house bill.

BOUGHT A BRUSH HEAP, SAYS GILLETTE

(By the Associated Press.)
Savannah, Ga., Feb. 10.—Major Gillette resumed the stand in the federal court today and gave further evidence against Greene and Gaynor, who are charged with having defrauded the government out of some \$2,000,000. Major Gillette described conditions as he had found them when he came to Savannah to succeed O. M. Carter in charge of the district. He made inspections of the work under construction by Greene and Gaynor, and it was what he then discovered that induced him to make the reports that resulted in the abrogation of the contracts, the preferring of charges against Carter, his court martial and conviction and the present trial of the contractors.

"Without any authority Carter purchased a brush heap and paid for a properly constructed mattress of eight courses," said Major Gillette.

E. R. Conant, Brunswick, Ga., who was an inspector under Carter, identified certain tri-monthly reports upon the river and harbor work.

DREADNAUGHT FLOATED King Edward Touched the Button In Person

(By the Associated Press.)
Portsmouth, Eng., Feb. 10.—The monster battleship Dreadnaught, which when finished will have cost \$7,500,000 was launched here today by King Edward.

The ceremony was the most simple imaginable, the king having vetoed all decorations and pageantry on account of the death of his father-in-law, King Christian. There was a moment of suspense after the king touched the electric button removing the last block, as the huge ship hesitated and appeared reluctant to take the water. But ultimately she glided down the ways in safety.

Among the occupants of the royal stand were the American naval attaché, Lieutenant Commander John H. Gibbons and the other attaches, the admiralty officials and a few privileged persons.

Governor Glenn in Asheville. (Special to The Evening Times.)
Asheville, N. C., Feb. 10.—The event in local Y. M. C. circles here was the address last evening of Governor Robert B. Glenn. The occasion was the New Year's reception of the local association. The auditorium of the building was crowded with people to hear the governor. The governor told of the great work that the Y. M. C. A. all over the country was doing and pledged to those interested in the cause of young manhood his heartfelt sympathy. Governor Glenn's remarks were received with much applause.

Navigation at Last Closed. (By the Associated Press.)
Duluth, Minn., Feb. 10.—Navigation at the head of the lakes has closed, after lasting continuously for 318 days or from March 30 of last year.

FOR TUGS AND CUTTERS.

(By the Associated Press.)
Washington, Feb. 10.—Captain W. I. Ross, chief of the revenue cutter service, appeared before the house committee on interstate and foreign commerce today to explain bills relating to that service. He urged the necessity for appropriations to build a cutter for use at Savannah, Ga., a sea-going tug to be stationed at New Bedford, Mass., for assistance of hiping interests endangered by the Nantucket Shoals, which he said are more dangerous than any other part of the Atlantic coast; and a new cutter in Puget sound.

CHIEF JUSTICE DIES ON TRAIN.

(By the Associated Press.)
New Orleans, Feb. 10.—Judge Thomas N. McClellan, chief justice of the supreme court of Alabama, died in a private car this morning as the Louisville & Nashville train from Montgomery was entering New Orleans.

Justice McClellan had been in failing health for some time and was on his way to San Antonio. Death was caused by heart failure. The body will be sent to Athens, Ga., for interment.

ONLY WAIT FOR MITCHELL.

(By the Associated Press.)
Wilkesbarre, Pa., Feb. 10.—A sub-committee of the anthracite scale committee composed of district Presidents Fahey, Dettrey and Nichols held a secret meeting today. President Fahey said that the sub-committee would report to the full committee later in the day, but declined to say what the nature of the report would be. It is said that the demands to be presented to the operators have been agreed upon and now await the endorsement of President Mitchell. The national president has been kept informed daily of the work of the scale committee.