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ALL COMPLAINTS AGAINST THE NEW SCHEDULE WITHDRAWN

Commission is Powerless Says News and Observer's Attorney

GIVES UP FIGHT ON SCHEDULE OF NO. 111

Southern Railway Indignantly Denies That Operation On New Schedule Was in Any Contempt of Corporation Commission's Order—Railway Always Ready to Obey Law and Valid Orders of Commission—Railway Withdraws Its Federal Court Injunction—An Unexpected Ending.

All complaints and petitions before the corporation commission against the new schedule of train No. 111 on the Southern Railway were today withdrawn.

Mr. R. T. Gray, attorney for the News and Observer, in a statement before the commissioners this morning declared "Your petitioners see no good in further pressing the matters now before this commission."

The attorneys for the Southern accepted this capitulation of the complainants with a smile, expressed esteem and respect for the corporation commission and declared if no suit was to be instituted to collect the \$500 a day penalty then proceedings in the federal court will be dropped.

The corporation commission had fixed this morning at 11 o'clock as the time when they would take up the protests against changing the Raleigh schedule of No. 111 from 1:40 a. m. to 11:50 p. m. and would then set a time for the hearing on the previous order of the commission. But when the commission met today matters took an unexpected turn.

Mr. R. T. Gray, the only counsel for the petitioners present, withdrew every complaint filed against the change of schedule. This ends the proceedings for there are now no petitions or complaints before the commission on which that body can act.

The Southern Railway was represented at the session by Col. W. B. Rodman of Charlotte, Mr. E. H. Busbee, Mr. Jas. H. Pou and Mr. A. B. Andrews, Jr. After Mr. Gray's withdrawal, Col. Rodman, on behalf of the railway, disclaimed any commission or disrespect towards the commission on the part of the railway in disregarding the Saturday night order of the commission against putting into effect the new schedule of No. 111.

Colonel Rodman explained that June 2, when the order was served on the railway, the company had ten days to file answer, and in this case it was necessary to wait the ten days allowed in order to ascertain certain material facts. The Southern Railway had published that the new schedule would become effective Sunday night. At 9:15 Saturday night an order was served on the railway not to operate the train on the new published schedule until the hearing on the previous order of the commission. At the time of the second order none of the law department officials of the road were here and the superintendent in this division had to very hurriedly decide whether or not opportunity for consideration whether he would obey the order from the railroad superintendent or the order of the commission. He had no power to disregard the schedule his superior had sent him. Colonel Rodman declared that the officials of the Southern Railway had the highest respect for the commissioners and he resented the charge that the road treated with contempt or disrespect any order of the commission or law of the state.

Mr. F. H. Busbee, for the railway, said that, in view of the answer filed by the defendant company last Tuesday, he was not in the least surprised at the course the petitioner had now taken. He further declared that the Southern Railway stood willing and ready, upon an intimation from the commissioners and petitioners that suit would not be instituted to collect a penalty from the railway, to withdraw the action pending in the federal court to restrain the institution of suits to collect this penalty. The hearing in the federal court was to have been held June 21.

The corporation commission received the request of Mr. Gray for a withdrawal of the complaints, permitted the attorney for the Southern Railway to file an answer which sets forth the position of the company and explains fully why No. 111 was run on the new schedule Sunday night. Then Chairman Franklin McNeill stated that the

commission would take the matter under consideration and make known its decision later. Commissioner E. C. Beddingfield was the other member of the commission present since Commissioner S. L. Rogers has not returned to the city.

Petition Withdrawn.
Mr. R. T. Gray, attorney for the News and Observer, made this statement when the commission met: "May it please the Commission: 'As attorney and on behalf of and with the concurrence of counsel for petitioners in this proceeding it now becomes my painful duty to state that no further steps will be taken at this time by them to enforce the rights to which they are entitled in this matter and for the following reasons:

"The corporation commission act, as construed by the commissioners, does not authorize the issuance of any writ to give effect to an order made by it. Therefore, an order made by the corporation commission without power to enforce the same, is of no service in this matter. In addition to this if it should decide this matter in favor of the petitioners the Southern Railway Company would at once remove the proceedings to U. S. court for review.

"A short history of this proceeding will fully demonstrate the truth of this statement. Your petitioners, following the decision of the supreme court of North Carolina in the Selma connection case, 137 N. C., 1, filed a petition asking this commission to preserve a certain connection at Raleigh. Thereafter this commission directed the said railroad not to break said connection. Out of that petition have grown matters of the most stupendous character. In the first place the Southern Railway deliberately refused to obey the order of this commission requiring it to preserve the connection which had been in force for many years until the petition could be heard. The Southern Railway not only treated this order with absolute contempt and violated the same in letter and in spirit, but it also applied to Judge Parnell of the U. S. circuit court and obtained from him an order which practically transferred this entire matter into his court. By the order of Judge Parnell the corporation commission, in the teeth of sec. 729 of U. S. Revised Statutes, is restrained from enforcing any penalty against the Southern Railway Company for this high-handed violation of its order, and the commission itself has decided by its non-action that it has no power to punish the Southern Railway for this act of supreme contempt. Under these circumstances, with a commission powerless to enforce its order upon the one side and an all-powerful U. S. court upon the other, your petitioners see no good in further pressing the matters now before this commission. They are men of limited means; they are interested in this matter only as other persons making the connection at Raleigh are interested and they must, therefore, wait for other times and other days when a legislature will convene in North Carolina and will pass such a corporation commission act as will enable the commissioners serving under the same to enforce its orders.

"All the petitions are, therefore, withdrawn."

The Order Asked.
Mr. Gray then submitted the following: **WITHDRAWAL OF PETITION.** State of North Carolina on Relation of the Corporation Commission, Citizens vs. Southern Railway Co. The petitioners in this case come into court through their attorneys and withdraw all petitions from the consideration of the commission, and request the said commission to enter an order accordingly, this June 15, 1906. (Signed) SEAWELL & M'IVER, (Signed) E. J. JUSTICE, (Signed) WINSTON & BRYANT, (Signed) R. T. GRAY.

Bill of Exceptions. Attorneys for the Southern Railway filed the following bill of exceptions with the Corporation Commission at 11 o'clock today: **ORDER.** On the Relation of the Corporation Commission.

State of North Carolina, vs. Southern Railway Company. The Southern Railway Company, a corporation originally created and now existing under and by virtue of the laws of the State of Virginia, with its principal and home office in the city of Richmond, in the said State of Virginia, and a citizen and resident of the State of Virginia, and not a citizen and resident of the State of North Carolina, excepts and files with the Corporation Commission of North Carolina, this its exceptions to the order of the Corporation Commission of date June 9, 1906, served upon the Southern Railway Company at 9:15 p. m. June 9, 1906, relative to the schedule of train No. 111 of the Southern Railway Company, and

states the grounds of objection to the said order as follows:

EXCEPTION I.
For that under the laws of the State of North Carolina, Railroads are given the power and are required to fix schedule for their trains and to publish such schedules and to observe the same as near as can be, and the Corporation Commission has no power, under the laws of North Carolina, or authority to compel railroads to desist from running its trains upon schedules so published; and the Southern Railway Company exercising said power so given it in common with other railroads under the laws of North Carolina, had published a schedule for its train No. 111, and the Corporation Commission had no power to compel the Southern Railway Company to desist from putting said schedule into operation.

EXCEPTION II.
The Corporation Commission has no power to order a railroad company to refuse to carry out a schedule which it has published that it will run its train on; especially has it no power to make such an order just on the eve of the time the schedule goes into effect, and without giving the railroad company an opportunity to publish such change of schedule to the traveling public, as is by law required; and the said order was made at night, and served at 9:15 p. m. on Saturday night, less than thirty hours before the schedule, which has been published, would go into effect, and without giving the railroad company any opportunity to publish notice of the change to the traveling public, or to except to the order.

EXCEPTION III.
For that the Corporation Commission has no power or authority under the laws of North Carolina to order a railroad company to refuse to carry out a schedule, which it has published, until after full investigation and an opportunity to the company to be heard and to give notice to the traveling public of the proposed change from the schedule as published.

EXCEPTION IV.
For that the order of the Corporation Commission was made in violation of its own rules, which allows to a common carrier ten days within which to answer any complaint that may be made against it, and which rules provide for a hearing of said complaint upon testimony, when both parties can be present, and the common carrier can see and confront its accusers, hear the ground of complaint, offer testimony to rebut the same; and said order, was made without any hearing or without giving the Southern Railway Company any opportunity to be present and confront its accusers.

EXCEPTION V.
For that the said order was made without any notice to the Southern Railway Company, and without giving it an opportunity to be heard and denied to it the right to confront its accusers, and the right to hear the evidence upon which it was charged, and denied to it the right and privilege to answer such testimony with competent and proper testimony, and denied to the Southern Railway Company a hearing, which is guaranteed to it by the constitution and laws of the State of North Carolina, and was the taking of property of said company without due process of law, in violation of the constitution of the State, and the fourteenth amendment to the constitution of the United States, and denied to the said company the equal protection of the law, as guaranteed to it by the constitution of the United States.

EXCEPTION VI.
For that the Corporation Commission has no power to issue restraining order and injunction, and it was beyond the power of the Corporation Commission to issue a restraining order restraining the Southern Railway Company from carrying into effect a schedule for one of its trains, which said company had published would go into effect on the 10th inst.

EXCEPTION VII.
For that the said order does not contain the names of any person acting as complainants, and does not show upon whom motion or request said order was made, and appears to be an ex parte order of the Corporation Commission, and said order was not supported by any testimony so far as it appears, was not supported by any affidavits of any kind, no person was made a party plaintiff, to whom the defendant could look for redress in the event said order should, or might have been held to have been wrongfully issued; no bond or security was given to secure and indemnify the Southern Railway Company for any loss or damage the said Company might sustain by

ABOUT THIRTY JEWS MASSACRED

City in Possession of the Soldiers Today

MOB RAGED FOR HOURS

No Resumption of the Killing This Morning—A Bomb Thrown Into Nthe Corpus Christi Procession Caused the Trouble, It Being Thought to Be the Work of a Jew.

(By the Associated Press.)
Bialystok, Russia, June 15.—So far as can be ascertained thirty Jews were killed during yesterday's outbreak here. The hospitals are filled with wounded, but it is impossible to ascertain the correct number of the casualties, as many of the injured are hidden in private houses. All the Jewish shops on the four principal streets were sacked. Military and police patrols now guard the streets, and no civilians are allowed to leave their houses. A sort of armed truce has been established pending the complete restoration of order.

(By the Associated Press.)
Bialystok, Russian, June 15.—When the Associated Press correspondent arrived here at 4 o'clock this morning the city was in possession of the soldiers belonging to the Vladimir regiment. The streets and railroad station were occupied by military detachments and entrance into the town was prohibited. The population was greatly excited, and the Jews were terror-stricken, but there was no resumption of the killing of Jews up to noon.

According to the information obtained the attacks on the Jews were provoked by the throwing of a bomb into a religious procession, that of Corpus Christi, yesterday, seriously wounding a priest, Father Fedoroff, who was at the head of the procession, and several of his assistants. This aroused the Christian population, and although the perpetrators of the outrage were unknown, the responsibility was promptly placed on the Jews. A mob was soon formed, and for several hours ravaged the Jewish quarter, Novoschoolna, Lipova, Memletzka and Alexandrov streets, pillaging the shops and burning down and beating their occupants. About twenty persons were killed and eighty were wounded. For hours the bodies of the dead and wounded lay unheeded for in the streets. The Jews concealed themselves in cellars and attics in order to escape the fury of the mob, and many fled from the city.

The governor of Grodno arrived here at midnight, and today is taking all the measures necessary to calm the population.

WILL EXPEL A LEGISLATOR

Bribery Charge in Massachusetts House

COMMITTEE'S REPORT

Frank G. Gethro of Boston, the Report Finds, Approached Other Members and Suggested Money Reward for Their Votes Against Bucket Shop Bill.

(By the Associated Press.)
Boston, Mass., June 15.—The expulsion of Frank G. Gethro of Boston, representative from the ninth Suffolk district, from the membership of the Massachusetts house of representatives is recommended in the report-made public today of the house committee on rules, which has been investigating charges of bribery during the present session. The committee finds that Gethro approached other members of the house and tried to influence them improperly by suggesting a money reward for their votes against the so-called "bucket shop bill," which was defeated at the present session.

The committee find that there is no evidence to show that any member of the house of representatives accepted a bribe. Representative Simon Swig of Taunton is recommended for censure by the house for having made conflicting statements with reference to the bribery charges.

The report condemned those who made wholesale charges that members had been bribed, and who either failed to appear before the committee or declared that they could give no evidence, upon oath, showing corruption in the legislature.

An assumption that the freedom of the press is "license to plunder the character of the legislature or the individual members thereof" was noted, and was characterized by the committee as "a kind of newspaper influence that seriously threatens future legislation in this state, as a menace to good government" and as a "pernicious misuse of the newspaper proper function," which needs restraint.

William's Visit.
(By the Associated Press.)
Christiana, June 15.—Emperor William will arrive at Travindjen July 8 on an official visit to King Haakon.

TO WRECK THE TRAIN

Lock Broken and Switch Opened South of Hamlet

Passenger Train No. 66 Was Derailed But No Passengers Injured—Capt. Gill Had Arm Broken And Was Bruised About the Shoulders—

Seaboard passenger train No. 66, northbound, ran into an open switch just south of Hamlet this morning and Engineer John Gill of this city was painfully injured in jumping from the train, his left arm being broken and painful bruises received about the shoulders. None of the passengers was injured, nor were either engine or cars damaged save in derangement.

The Seaboard authorities said today that the switch had not been used by any of the trains during the day and an investigation showed that the lock had been battered off and the switch evidently set for the malicious purpose of causing a wreck. Engineer Gill saw that an accident was coming, but it was too late to stop the train and he jumped, with the result as stated above. The fireman also jumped, but was not hurt. The train was running three hours late and the accident at Hamlet belated it forty-five minutes more. The scene of the accident was about a third of a mile south of Hamlet.

Every effort will be put forth to discover the culprit who opened the switch.

News of the Dewey.
(By the Associated Press.)
Washington, June 15.—The navy department today received a dispatch from Commander Hosley, announcing that the drydock Dewey passed the island of Sumatra June 13.

ASSEMBLY ENDS THIS EVENING

Supt. Gregory and Dr. Snyder Speak Tonight

COUNTY SUPTS. MEET

Reports Tomorrow On Work of Woman's Association for Public Schools—City Superintendents in Session—Bishop Rondthaler to Preach Sunday Morning—Summer School Begins.

The twenty-third annual session of the North Carolina Teachers' Assembly will be brought to a formal close with the exercises tonight, although Sunday morning at 11 o'clock in Pullen hall Rt. Rev. Edward Rondthaler, bishop of the Moravian church, will preach the annual sermon before the body. Tuesday work begins in the summer school and hundreds of teachers will be here.

The teachers are having a busy day, since much work is being accomplished in the closing meetings. This morning when the body of 500 educators and their friends assembled in Pullen hall a paper on "Ethics in the school room" was read by Prof. F. C. Woodward of Richmond College. This was followed by a very helpful address by Supt. E. C. Gregory of the Chelsea (Mass.) city schools. Shortly after noon the teachers visited the hall of history in the state museum and Col. F. A. Olds, in his own inimitable and pleasing way, lectured on the various relics of historic interest.

This afternoon the city school superintendents held their session and an address will be made before the body by Supt. B. C. Gregory of Chelsea, Mass. "Home study of pupils" will be discussed by Supt. W. S. Snipes of Winston-Salem. A special feature will be the round table discussion of various topics.

The woman's association for the betterment of public school houses, Mrs. W. R. Hollowell of Goldsboro president, in a session this afternoon in the hall of representatives at the capitol. The reports of officers, showing the work accomplished are being presented, reports are received from the prize winners in the competition and officers for the year are elected.

The Session Tonight.
The closing session of the assembly will be held tonight at 8:30 in Pullen hall when addresses will be delivered by Supt. B. C. Gregory of Chelsea, Mass., and by Dr. Henry N. Snyder of Wofford College.

There will be a short recital of voice, violin and piano music before the assembly this evening.

A number of the most gifted musicians of Raleigh will appear, among them being Mrs. H. R. Dowell, Miss Tarbot of Nashville, Tenn., Miss Ellen Durham, Miss Mary Carter Ray, and Mr. Will Pace, vocalists; Miss Hattie Poe Johnson and Mr. James Thomas, violinists; Miss Beattie Sams, pianist; Miss Sadie Duncan and Miss Hannah Baird, accompanists.

County Superintendents.
The fifth annual session of state association of county superintendents convenes tomorrow at 10 o'clock in Pullen hall. The program follows: Joint session with the Woman's Association for the Betterment of Public School-houses in North Carolina. Address: Dr. Charles D. McIver, President State Normal and Industrial College.

What the Betterment Association Has Done in Cumberland County—Superintendent B. T. McBride. What the Betterment Association Has Done in Wayne County—Superintendent E. T. Atkinson. Short Talks on Betterment Work by County Superintendents. Saturday afternoon, 3:00-5:00. Uniform examination, graduation and certification of teachers: a. Central Examining Board, b. Life Certificate, c. Teachers' Salaries. 8:30-10:30. The problem of getting children into schools and keeping them there: a. Taking the Census, b. Locating Illiterate Children of School Age, c. What Can Be Done. 1. By the county superintendent and county board of education. 2. By teachers and committees. 3. By compulsory attendance legislation. Monday morning, 10:00. Township high schools. Address: Hon. O. B. Martin, state superintendent public instruction of South Carolina. Reports of special committees. Monday afternoon, 3:00-5:00. What some efficient county superintendents employed for their full time have accomplished: a. Increasing the school fund, b. In the training and improvement of teachers, c. In supervision of schools, d. In building and equipping school-houses, e. In cultivating public sentiment for education. Monday evening, 8:30-9:15. Address: Dr. Henry N. Snyder, president Wofford College, S. C.

TWO YOUTHS ROBBED EXPRESS COMPANY

(By the Associated Press.)
New York, June 15.—Louis Grossman, a 15-year-old helper on a wagon of the United States Express Company, was arrested in this city today, charged with having devised and operated a system whereby he and his brother William Grossman robbed the express company of nearly \$10,000 worth of goods. William was also arrested. The police allege that the goods were shipped to Youngstown, Ohio, and that William Grossman went there to receive them. Most of them have been recovered.

According to the police Louis confessed the details of the scheme. His story, as told by the police, is that he pasted bogus labels over the original ones on all likely packages coming to his wagon. These he re-addressed "W. Bennett, Hotel Savoy, Youngstown, Ohio," where his brother had gone to receive them. This continued, Louis said, until he misdirected one package to Youngstown, and it was returned to the sender. Suspecting detection Louis went to Youngstown, and with William brought the alleged stolen goods to New York where they were recovered today. In William Grossman's room the police say they found 112 men's suits and much other clothing. The two brothers were held in \$1,500 bail.

LIMIT TRAINMEN'S WORK HOURS TO 16

(Washington, June 15.)—The house committee on interstate and foreign commerce today authorized a favorable report on the senate bill making the maximum number of hours of continuous labor for railway trainmen sixteen to be followed with a rest period of ten hours. The committee had previously reported a bill on the subject and it is understood the senate bill was substituted in the interest of furthering the prospect of completing the legislation at the present session.

CHAMPIONS OF LOCK CANAL IN HOUSE

(By the Associated Press.)
Washington, June 15.—In the house today Mr. Littauer (N. Y.), a member of the committee on appropriations, offered an amendment to the paragraph in the sundry civil bill appropriating \$25,000,000 for the continuation of the Panama Canal, and providing that no part of the sums appropriated shall be used for the construction of a canal of the so-called sea level type. Mr. Bartlett (Ga.), reserved a point of order against the amendment.

Mr. Burton (O.) was recognized for one hour for a speech in favor of a lock canal.

CREDIT MEN'S ASSOCIATION MEETING IN BALTIMORE.

(By the Associated Press.)
Baltimore, June 15.—President O. G. Fessenden of New York called the convention of the National Association of Credit Men to order today, and an invocation was offered by the Rev. Anthony Bilukovsky of Baltimore. A number of communications and announcements were read by the secretary.

David S. Ludlum of Philadelphia read the report of the special committee on adjustment bureau.

The report of the committee on fire insurance was submitted by Chairman James L. McWhorter of Nashville, Tenn.

THIS WAS BOONE DAY

Daniel Boone's Statue Unveiled in Louisville

Great Floral Parade—Reproduction of Attack by Savages On Fort Boonesborough and Rescue By Boone at Head of Band of Pioneers—Open Air Dancing of Old Time Dances.

(By the Associated Press.)
Louisville, Ky., June 15.—As yesterday was given over by the "home coming" jubilee to the memory of Stephen C. Foster, so today was for the greater part devoted to Daniel Boone. The great floral parade, which had been postponed because of rain, took place today.

Many of the carriages and automobiles in the procession were elaborately decorated with paper flowers. The glorification of Daniel Boone came later in the day in Cherokee Park. There was a re-union of the descendants of Daniel Boone in the park pavilion, about a dozen lineal descendants of the local pioneer being present.

The statue of Boone, modeled by Miss Emil Yandell of Louisville and presented to the city of Louisville by C. C. Bickell, was unveiled.

The statue stands half-way up a densely wooded knoll, in a charming portion of the park. Breckenridge Castleman of Louisville made the presentation address for Mr. Bickell. Acceptance for the board of park commissioners was made by Colonel R. D. Durrett. The statue was unveiled by Miss Helen Stewart of this city.

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