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MUCH INTERESTING DATA IN CORPORATION COMMISSION'S REPORT

Deals Fully With Railroad Conditions in North Carolina

GREAT ACTIVITY IN RAILROAD BUILDING

Freight Service Is Very Bad and Much Complaint as to Passenger Service—Gross Earnings of the Railroads Show Considerable Increase Over Previous Year—Several Disastrous Wrecks During the Year and Number of Deaths From This Cause Shows Increase—Difficult for the Railroads to Get Cars and Engines—No Longer Maintain Shops for Building Rolling Stock But Are Entirely Dependent on the Various Car Works.

In submitting its annual report for 1906 to the governor, the corporation commission says:

North Carolina Corporation Commission, Raleigh, N. C., Dec. 14, 1906. His Excellency, R. B. Glenn, Governor of North Carolina.

Raleigh, North Carolina. Sir.—We beg herewith to submit to you the eighth annual report of the corporation commission. Our report for the state tax commission will be handed to you under separate cover. This report contains a record of the cases disposed of during the year; copies of circulars and special orders issued by the commission; the annual reports of fifty-six railroad companies, two telegraph companies, nine street railway companies, and the Southern Express Company, as of June 30, 1906; and reports of 264 state, private and savings banks of the condition of business on the 12th day of November, 1905. This report also shows statistical tables giving the assessment of all properties required to be assessed for taxation by the corporation commission and a distribution of same to counties and towns; statistical tables showing the earnings and operating expenses of all railroad companies, both interstate and intrastate earnings, taken together and separately; tables giving the average daily wages of all railway officers and employes, from general officers to trackmen; also table showing accidents to persons.

Railroads. There are now in the state four great railway systems: Atlantic Coast Line Railroad Company, Seaboard Air Line Railroad, Southern Railway Company, and the Norfolk & Southern Railway Company, the latter being formed since our last report by uniting under a merger the following independent roads: Norfolk & Southern Railroad Company, Virginia & Carolina Coast Railroad Company, Suffolk & Carolina Railway Company, the Atlantic & North Carolina Company (under a lease to the Howland Improvement Company), the Raleigh & Pamlico Sound Railway Company, and the Pamlico, Oriental & Western Railroad Company. All of these systems are now engaged in constructing new railroads in different parts of the state. Perhaps at no time in the state's history has there been so much activity in railroad building as this year. There are now in operation in the state 3,991 miles of railroad against 3,859.09 miles last year and 3,803.09 miles in 1904. Of this amount 947 miles are operated by the Atlantic Coast Line Railroad Company, 612 miles by the Seaboard Air Line Railway, 1,320 miles by the Southern Railway Company, while the Norfolk & Southern Railway Company is operating 320 miles and has under construction about 120 miles more. Five new railroads have been put in operation since last year, namely: Durham & Southern Railroad Company, Blue Ridge and Atlantic Railroad Company, Carolina & Glenn Anna Railway Company, Raleigh & Pamlico Sound Railroad Company.

The proportion of expenses to net earnings is unusually large this year, and the following comparison is interesting: Gross earnings, 1905, \$22,441,705; 1906, \$25,638,552. Net earnings, 1905, \$8,470,483; 1906, \$8,717,116. Increase in gross earnings, 1905, \$2,653,766; 1906, \$3,196,847. Increase in net earnings, 1905, \$931,472; 1906, \$246,633. Notwithstanding the increase in the volume of business the profits have not increased in the same ratio. This is due in part, at least, to the fact that the railroad companies have not provided the necessary equipment and facilities for moving and handling the business until such a congestion in traffic has occurred that it has become more expensive to keep the freight moving, besides the heavy cost of the innumerable suits for damages and penalties for delays in transportation. This congested condition of business has been a factor in causing the extensive wrecks which have been so numerous this year.

(Continued on Second Page.)

The gross earnings on intrastate business only, for the year ending June 30, 1906, is \$6,965,486.40; and the net earnings for the same period, on intrastate business only, is \$1,803,467.57. The railroads are making an effort to relieve the situation. The Southern Railway Company and the Atlantic Coast Line Railroad Company are double-tracking their main line at the worst congested points, and all of the systems are enlarging their facilities and adding to their equipment, but they have by no means kept pace with the increase in traffic.

Physical Condition. There have been numerous complaints this year of the condition of road-beds and tracks in various parts of the state. These complaints have been investigated in all instances, and personal investigation was made on most of the railroads, including the following: Murphy Branch of the Southern Railway Company; High Point, Randleman, Asheboro & Southern; the Seaboard Air Line Railway (Carolina Central Division); the Pittsboro Branch; the Plymouth Branch of the Atlantic Coast Line Railroad Company; and the Nashville Branch of the Atlantic Coast Line Railroad Company. Unfortunately the commission has not power to require a railroad company to put its physical property in a safe condition, but wherever there was found to be need of it, they have urged that it be done and have pointed out to the railway officials the necessity thereof. The findings and orders of the commission relating to these matters appear elsewhere in this report. In some instances the railroad companies have responded to our efforts and have improved the condition of their property in others, the conditions are far from satisfactory. It is true that the weather conditions this year have been bad for keeping tracks in good order and the scarcity of labor has affected railroads as it has other corporations, but they should be required to keep their physical property in such condition as to move their trains promptly and with safety. Every wreck caused by bad road-beds entails loss on the company, temporary blocks and delays traffic, and indirectly affects every shipper on the line.

Accidents. There seems to have been an unusual number of wrecks of freight trains during the year and one disastrous wreck of passenger train No. 44 on the Seaboard Air Line Railway. This occurred about 8:30 p. m., July 22nd between Rockingham and Hamlet. It was a head-on collision of No. 44 with a freight train running from Hamlet as second No. 39. In this wreck twenty-two passengers were killed and thirty-five or more injured, some of whom afterwards died from their injuries. As soon as the commission learned of the disaster they at once began an investigation and examined witnesses both in Raleigh and Hamlet. This investigation satisfied the commission that this accident would not have happened if the "Block System" had been in operation between Rockingham and Hamlet. The officials of the road were urged to adopt the "Block System" on their main line at once, but up to this writing they have not done so.

Last year there were 114 killed and 787 injured by the movement of trains; this year there were 126 killed and 1,000 injured.

MISCONCEIVED POWER VESTED

Roosevelt Has No Constitutional Right, He Says

THE SPEAKER FORAKER

The Senator, Speaking of the Discharge of the Negro Troops, Adds That the President Also Misconceived the Testimony on Which His Action Was Based.

(By the Associated Press.) Washington, Dec. 20.—Immediately after the senate convened today Senator Foraker's resolution looking to an investigation by the senate of the president's discharge of the three negro companies of the Twenty-fifth Infantry was taken up and Senator Foraker addressed the senate in its support. He began with the broad declaration that "the president misconceived his constitutional power when he discharged the troops, and he also misconceived the testimony on which his action was based."

Mr. Foraker said that the president's constitutional power was simply to command the army and navy as commander-in-chief, while to congress the constitution gives power to raise armies and to make rules and regulations for its government. The regulations prescribed that no man could be summarily discharged without a right to be tried, and the articles of war, prescribe minutely how these trials are to be conducted. "That all discharges should be in accordance with the directions of courts martial. He contended after reading at length from the articles of war, that it was inconceivable that the president should be absolutely without restraint. The president, he said, stated in his message that these soldiers were guilty of mutiny and had been discharged for that reason. He followed this with the article of war providing that a court martial should direct this punishment. This was all to guard against the exercise of an autocratic power. Congress to provide against excessive punishment, had limited penalties. Mr. Foraker cited cases from the work of General Davis on military laws, where refusal to give testimony was an offense under the heading of "disorder" and was punishable by court martial.

Questioned by Lodge. Senator Lodge asked an explanation of the 352 discharges from the army "without honor" during the past year but Mr. Foraker contended that these discharges had not been ordered as a punishment. The men in these cases had been separated from the service in lieu of punishment by court martial, and in cases where the men would rather take a discharge without honor than remain in the service and take punishment. The case of the negro troops was altogether different. The negroes had desired to stay in the service. As to punishment in these cases he read the president's remark that he regarded the discharge as punishment wholly inadequate. Mr. Foraker agreed that if the men were guilty of murder the punishment was wholly inadequate, but if they were innocent the punishment was brutally harsh, "as these men go forth branded as murderers and conspirators and perjurers."

Taking up the individual records of the soldiers, Mr. Foraker said the first man on the list was a sergeant who had served twenty-six years. Each time his enlistment had expired his record was good and was characterized as "excellent," "good soldier," "character excellent," etc. "Why, Mr. President," declared Mr. Foraker, with great vehemence, "an atrocious crime has been committed if that man is not guilty. He goes forth branded as a murderer."

ABOVE ELEVEN MILLION BALES

Cotton Ginned Up to the Thirteenth Instant

REPORT OF THE BUREAU

The Figures Are: 11,000,001 For This Year and 9,297,818 for the Same Time Last Year, Showing an Excess Over Last Year of 1,801,183 Bales.

(By the Associated Press.) Washington, Dec. 20.—According to a bulletin issued by the census bureau today there has been ginned up to December 13 of this year cotton crop 11,000,001 bales against 9,297,818 at this time last year. The number of ginneries reported in operation this season prior to December 13 was 28,322. The number of bales of cotton ginned in the states of the cotton belt to December 13 was as follows: Alabama, 1,133,887; Arkansas, 670,423; Florida, 55,575; Georgia, 1,513,416; Indian Territory, 323,894; Kentucky, 1,204; Louisiana, 763,999; Mississippi, 1,187,714; Missouri, 34,016; North Carolina, 546,645; Oklahoma, 316,848; South Carolina, 837,793; Tennessee, 219,971; Texas, 837,793; Virginia, 12,114.

The sea island cotton for 1906, distributed by states is Florida, 21,880; Georgia, 20,794; South Carolina, 6,656. The last report showed 10,277,868 bales ginned to December 4, 1906.

ACTION AGAINST ICE TRUST BEGUN

Attorney General Mayer Presents Case for People

POINTS IN COMPLAINT

The Combination Enabled to Fix the Price in New York by Control of the Landing Depots—Independent Dealers Under the Thumb of the Trust.

(By the Associated Press.) Albany, N. Y., Dec. 20.—Attorney General Julius Mayer, in the name of the people of the state of New York, today began an action against the American Ice Company in the supreme court of New York county for the dissolution of the so-called "ice trust." A summons and complaint issued here last night was forwarded to the New York City representatives of the attorney general for service today upon the proper officials of the company. The complaint alleges as a principal feature of the "scheme an arrangement" by which the company secured a practical monopoly of the natural and artificial ice output and distribution especially in greater New York and the communities in that vicinity, that it secured control of the Maine ice field and caused a reduction there last year of the usual harvest from a million and a half tons to one-third of that amount. The other sources of supply are alleged to be similarly controlled.

The key to the ice situation in New York City is pointed out as lying in the company's control of the "ice bridges" or landing depots, by which means it is alleged the company is enabled to fix the price of ice, resulting last summer in an increase from \$1.20 a ton at the bridges to \$5 and \$6 a ton to the independent dealers, who are alleged to be controlled by the company, and who supply the retail trade. It is said that by the time the ice reaches the poorer customers it cost (Continued on Page Seven.)

BEN WILLIAMS' NECK BROKEN ON THE GALLOWS HERE TODAY AT HALF PAST TWELVE O'CLOCK

PATRICK SAVED FROM THE CHAIR

Sentence Commuted to Life Imprisonment

THE REASONS GIVEN

Governor Higgins Issues a Statement Showing Why He Takes Action in This Case Which is in Some Respects Without a Parallel in Our History.

(By the Associated Press.) Albany, N. Y., Dec. 20.—Governor Higgins today commuted to imprisonment for life the sentence of death under which Albert T. Patrick has remained nearly five years since his conviction of the murder of William Marsh Rice, the aged Texas millionaire in New York City.

In announcing the commutation Governor Higgins issued the following memorandum: "Albert T. Patrick has been convicted of the murder of William M. Rice and the judgment of conviction has been affirmed by a divided court. It is not claimed that Patrick committed the murder in person but that he procured the act to be done. He has been convicted principally upon the testimony of Charles F. Jones, who confessed that he murdered his master while he lay asleep, instigated thereto by Patrick, and Jones by his testimony has purchased his own immunity from trial or punishment. Neither this fact alone, nor the review of any of the facts already passed upon by the courts at some stage of these proceedings would seem to me to warrant interfering with the judgment of death sentence against the defendant, but three of the seven judges of the court of appeals were so strongly of the opinion that errors were committed at the trial which were substantially prejudicial to the rights of Patrick that I feel that the death penalty ought not, under all the circumstances to be inflicted.

"In view of these facts and the grave doubts expressed by these judges, I am satisfied that I ought to relieve the defendant from the extreme penalty of the law and commute his sentence to imprisonment for life."

Without a Parallel. The case of Albert T. Patrick is in many respects unparalleled. It is doubtful if ever before a convicted man has played so large a part in the conduct of his own case, even turning his narrow quarters in the "death cell" of a state prison practically into a law office. Rice died September 23, 1900; Patrick and Jones were arrested October 4th. Jones at first declared that Patrick himself had chloroformed Rice, but in other confessions, which varied materially, he said he killed his master at Patrick's instigation. This statement was the principal evidence to sustain the murder charge against Patrick. Jones was never tried either as a principal or as accomplice. He was released and is said to be living in Texas.

MANLY PAYS AND IS DISCHARGED.

(Special to The Evening Times.) Salisbury, N. C., Dec. 20.—William W. Manly, arrested on the charge of embezzling \$17,000 from the Robert Porter Brewing Company, who were running a branch beer establishment here, was discharged today upon the payment of \$1,200 to the Virginia company bonding him. No reward was given, as Manly's brother brought him to Salisbury.

FATAL QUARREL AT FULBRIGHT

(Special to The Evening Times.) Statesville, N. C., Dec. 20.—Last evening at Fulbright, fourteen miles from here and near Alexander county line A. B. Stewart and William Young engaged in a quarrel, and Stewart shot and killed Young. Stewart claims Young was advancing on him with an open knife and that he shot in self-defense. Stewart will be brought to Statesville this afternoon and the preliminary trial will be held.

BILL TO CALL A HALT IN PANICS

Claims Made for the Credit Currency Measure

REPORTED TO HOUSE

Chairman Fowler of the House Committee on Banking and Currency Submits the Report Which Sets Forth With Terse Vigor the Advantages of Currency Advocated.

(By the Associated Press.) Washington, Dec. 20.—Chairman Fowler of the house committee on banking and currency submitted to the house today his report on the credit currency bill agreed upon by the committee. The report reiterates the committee's assertions that bank book credits are identical with bank note credits, and that it should be at the option of a depositor of a bank to say whether he shall have current credit of the bank or a book subject to his check. The report continues:

"Your committee asserts that it is immaterial whether the obligations of a bank are in the form of deposits subject to check or of credit bank notes, providing that the reserves are ample and the same amount is required for the protection of each. With the same freedom on the part of the bank to issue its credit notes that it has to accept deposits subject to check the habits of a people will determine whether the deposits of a bank or its credit notes are the larger."

Advantages Claimed. The advantages of a credit currency are set forth by the report as follows: "It will lower and equalize the rates of interest throughout the United States. "It will make the rates practically uniform throughout the year. "It will give to the country districts as economical a form of credit as the cities enjoy where checks are chiefly used. "It will give to the mass of the people, who use currency in their smaller purchases, as economical a form of credit as those enjoy who use checks in their larger transactions.

"It will make it possible for the banks generally to serve such of their customers as may want currency without disturbing their reserves to the great injury of other customers who have loans which must be paid before the currency can be advanced; for it is immaterial to a bank whether it owes a depositor or a note holder. "It will almost invariably prevent any panic whatever and will always avert a ruinous crisis. "If at any time contraction of credits becomes necessary because too much of the commercial fund has been diverted and transformed into the investment fund, a credit currency will facilitate liquidation without that destruction of values incident to a fixed quantity of currency such as we now have."

The House Adjourns. (By the Associated Press.) Washington, Dec. 20.—The house has adjourned until January 3rd, 1907.

ACQUITTAL OF CHAS. PEACOCK

(Special to The Evening Times.) Smithfield, N. C., Dec. 20.—Charles Peacock, who has been on trial in the superior court here charged with the murder of Alonzo V. Jones, was acquitted at 8:30 last night, the jury returning a verdict of not guilty. Peacock was at once released amid applause, and was warmly congratulated by numbers of friends.

The Young Negro Went to His Death With the Utmost Calmness

FAREWELL STATEMENT THROUGH HIS ATTORNEY

Murderer of Alceek Clark Said He Felt No Malice Toward Any One, Was Very Thankful for the Many Kindnesses That Had Been Shown Him, and Desired to Meet All Present in Another Land—Made a Cheerful Farewell to His Fellow Prisoners as He Passed Out of the Jail, and Waved Hand to Friends Outside—Dropped Fell at 12:30, and Life Preserver Extinct at 12:40.

Ben Williams' neck was broken on the gallows in the jail yard here today at half-past 12 o'clock exactly, and ten minutes after he physicians pronounced life extinct.

The condemned man was calm to the last. There was no bravado about him, however. He was quiet and composed, as he had been all the time in his cell. When Williams was asked by the sheriff before the black cap was adjusted if he had anything to say, he motioned to Mr. Charles U. Harris, his attorney, who was upon the gallows platform with him, and Mr. Harris stepped to the front of the platform and said: "Ben Williams desires me to say for him that he bears in his heart no malice toward any one, that he feels thankful for the many kindnesses that have been shown him, that he feels that he has been justly dealt with according to law, and that he desires to meet you all in another land."

Then Deputy Sheriff Stell, assisted by Deputy T. E. Daniels, rapidly bound Williams' hands behind his back and tied his feet and legs together and placed the black cap over his head and fitted the noose around his neck as he stood on the trap of the scaffold. The only thing to show that the man was not perfectly at ease while this part of the proceedings went on was a slight swaying of his body after the cap had been put over his head.

Immediately that the noose was made fast about the man's neck the deputies stepped aside from the trap and Sheriff Sears released the trap. The body of Williams shot down till his head was just about even with the floor of the platform. There was a sickening thud as the rope tightened.

A few convulsive heavings of the legs and shoulders followed, and then the form hung tense for a few minutes, after which the muscles seemed gradually to relax. The man seemed to die so slowly that at first it was thought the neck was not broken, and that he was strangling to death, but a quick examination by Dr. James W. McGee, Jr., the county physician, Dr. W. C. Horton, Dr. Ralph Stevens and Dr. C. O. Abernethy, the acting city physician, showed that the neck had been broken. It is considered unusual for life to remain in a body as long as ten minutes when the neck is broken at the end of a rope.

Heard Death Warrant Calmly. It was about ten minutes after 12 o'clock when the sheriff and eight or ten of the township deputies and a few others, led by Jailer Parham, entered the jail and proceeded to the cell in the new tower, which has been assigned to the use of prisoners condemned to death, on account of its separation from the other cells, and which Williams has occupied for the past week, it having been hurried to completion so that he might have opportunity to get to himself and talk privately with the ministers.

When the party reached the cell Williams was talking with several colored ministers, among whom was Rev. James E. King, pastor of St. Ambrose Episcopal Church here, who was to go on the scaffold with him. Williams was neatly attired in a black sack suit, white low collar and small black tie. He greeted the jailer standing up and apparently perfectly calm. Jailer Parham opened the cell door and formally led Williams out into (Continued on Page Seven.)