

THE RALEIGH EVENING TIMES.

VOLUME 27.

TWELVE PAGES TODAY.

RALEIGH, N. C., SATURDAY, JANUARY 26, 1907.

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PRICE 5c.

THE ARGUMENTS OF THE RAILROADS ON REVENUE REDUCTION

Evidence Given by Messrs. Thom, Ryan and Anderson to Committee.

NIGHT HEARING AFTER A LONG TIRING DAY

Now the Southern, the Seaboard Air Line and Atlantic Coast Line Have Been Heard—The Committee Will Meet Again Tuesday Afternoon—Mr. Thom Urges Law to Punish Operatives Whose Criminal Negligence Cause Loss of Life.

Mr. A. P. Thom, general counsel for the Southern Railway, continued his remarks before the joint committee on railroads and public service corporations yesterday afternoon in the senate chamber until the close of the day's hearing, six o'clock, having spoken altogether more than two and a half hours.

The first part of his speech was reported in The Evening Times yesterday. Pursuing his line of argument against a reduction of the earning power of the railroad, which would impair or destroy the credit of the company and so prevent the road from getting the money necessary to improve the transportation facilities, the need of which was the universal cry, Mr. Thom said:

"Before you strike at the credit of these carriers, it is your duty to study what will be the result of the legislation you propose on the credit of the carriers and in the reduction of their revenues."

A 2 1/2% passenger fare throughout the system would cut off about \$976,500 from the earnings of the passenger department alone. After paying the dividends last year the road had left \$2,229,000. That less the 1976,500 would leave about \$1,252,500.

The increase in gross earnings in the five months ended last November was \$1,400,000, and the increase in expenses \$2,100,000. And the unions of trainmen were now demanding an increase of wages that would amount to \$750,000, while with an increased traffic in the period mentioned the earnings fell \$700,000 behind the year previous.

Mr. Thom read figures showing that in 1905 the net earnings of the road were \$2,012,06, and ten years later, in 1905, \$2,054,97 per mile, notwithstanding all the growth and development of the section during that time.

On the subject of density of population statistics gave Massachusetts 370 to the square mile, North Carolina 40, Ohio 105, Wyoming 1. Was it to be supposed that the one man in the Wyoming square mile would ride enough times with reduced fare to make up for the decrease in earnings of that mile.

Replying to Chairman Graham's question as to the probable increase of travel in this state in case of fare reduction, Mr. Thom said that experience of railroads in Ohio, where within the last year the rates had been put down to 2 cents, was that in those parts of the state where the population fell below 70 to the mile, there was loss of revenue.

Representative Yount, who is acting chairman of the house committee in the absence of Mr. Manning, asked if the rates could not be reduced if the salaries to officers were not so large.

Mr. Thom said there were reasons internal why the company did not desire the salaries to be known. They made arrangements with each

officer without telling him what his neighbor was getting. The matter had come up in Virginia, and the committee there had decided it was legitimate evidence. He had gone to the attorney for that committee and had told him what the salaries were, and that attorney had said it would have no bearing on the case, and expressed his surprise at what they were. This committee had North Carolina's proportion of those salaries in their commission's report, and could get the entire aggregate of the salaries paid from the report of the interstate commerce commission at any time they desired it.

Mr. Preston asked Mr. Thom to state what that aggregate was. Mr. Thom said he did not know it.

"Can't you get it?" "I can get it where you can get it, from the books of the interstate commerce commission."

"I thought you came here to give us information."

"Yes, but we probably had different ideas of the questions that would be asked."

"But was that question not put in Virginia?"

"It was, but I did not carry the figures in my mind. If the committee wants that information, it can get it."

Senator Holt asked why the people of all states were asking for reduction of rates.

"It is due to the desire of all people to get something for nothing, and a lack of appreciation of the conditions and want of knowledge of what the companies are earning."

"Whose fault was that?"

"It may be the fault of the railroads, but if a railroad man were to try to reach the people in a state campaign, he would be driven from the face of the state, and the feeling would be more bitter than ever against the railroads."

Mr. Yount asked to what that spirit was due.

"To the bad service the people are getting," Mr. Thom said frankly.

"If that is so, how about the policy of keeping other roads out?"

"You heard President Finley say yesterday that was not the policy of the Southern Railway."

"In former days," continued Mr. Thom, "there were great railroad fights, but that was due to the limited amount of business. The policy now is to give the people the facilities they want."

Senator Holt asked if there were not some sort of understanding among the roads about division of territory.

Mr. Thom said all he knew about that was that no road wanted to do anything that might be unneighborly.

This phase of the discussion brought up the Barr letter, and Mr. Thom said he had been informed by the general counsel for the Seaboard Air Line that Mr. Barr simply meant that he would expect reprisals, but he did not mean to say that anything had been said by the Southern about it.

Mr. Thom spoke at length on the subject of penalizing the roads for non-performance of public obligations. The road paid 80 per cent of all claims on presentation. There was now outstanding a fund of \$240,000 on claims where it was not known where the fault was theirs or some other road's.

With contracts out for cars and way behind time, with contracts out for double tracking and no labor to get, here comes a state and says cars must be moved 50 miles a day under penalty. The average movement is 23 miles a day. Result, preference must be given to do it, take facilities from a neighboring state to give to the other. Would not that be a mere race of greed?

And with this partial treatment what becomes of the interstate traffic that always means more to a state than is intrastate traffic.

"When you fine us, you don't build a mile of track or a locomotive or a freight car, but just take out of the resources of the road power to furnish increased facilities. When the failure to move freight is willful or negligent, it is within the morality of the law to take the fine. Otherwise it is unfair treatment, unwise in politics, unjust in law. When the failure is involuntary, it should be a question of damages only. Now we have to pay four, five, six, seven and eight times the value of a shipment in a penalty."

(Continued on Eighth Page.)

WOMEN WANT REFORMATORY

Club of Raleigh Has Bill Introduced in Senate.

TO SELL WATER PLANT

Bill to Authorize Towns Having Municipal Ownership Properties to Sell Out When They Are Not Profitable—Demand for Half of Records Calls for Legislation.

After the lieutenant governor called the state senate to order at 11 o'clock, the opening prayer was delivered by Senator Brown of Yadkin.

The journal of Friday was approved on the certification of the committee on the journal.

Senator Graham of Orange read and sent forward a letter addressed to him by his kinwoman, Mrs. M. A. Jackson, widow of the immortal General "Stonewall" Jackson, respectfully declining the proffered pension of \$100 a month, as recited in a petition presented several days ago through the senator from Watauga, Mr. Lovell.

(The text of this letter and the disposition made of it, and the request it contained, will be found printed in another column of this issue of The Evening Times.)

A number of standing committees reported back bills that were referred to them and they were placed on the calendar to be disposed of later on in the day as reported further on in this account of the day's work.

Among those was the bill to require judges of the state superior courts to open terms of courts in the various counties of their several districts promptly on Monday morning, under a penalty of \$50. The bill was reported unfavorably by the judiciary committee, but it was again placed on the calendar at the request of its author, Mr. Hicks.

Leaves of absence were granted Senators Redwine of Union, Mitchell of Beaufort.

Petitions, Memorials and Resolutions
From the Salisbury fire department a resolution asking the passage of the bill which provides for privilege tax on fire insurance companies for the benefit of disabled firemen.

From citizens of Warren, a petition asking the erection by the state at Raleigh of a hall of records.

By Mr. Turner: Petitions from ladies of Pasquotank county and Elizabeth City in reference to the practice of Polygamy. Referred to Committee on Federal Relations.

By Mr. Drewry: Petition from the Woman's Club of Raleigh for the establishment of a state reformatory for youthful offenders against the statute laws. Penal Institutions Committee.

Railway Hearings Next Week.
Senator Graham of Orange, chairman of the senate committee on railroads, announced verbally a report to the effect that this committee will continue to hear representatives of railway interests as follows:

Tuesday afternoon at 2:30, representatives of the smaller short line companies.

Wednesday at 3:30, attorneys and officials of the Seaboard Air Line will have their hearing continued. Other appointments will be announced later.

New Bills Introduced.
The following new bills were introduced in the senate today:

By Mr. Burdon: To validate marriages heretofore performed by unauthorized ministers of the Gospel. Judiciary Committee.

By Mr. Klutz: To amend chapter 100 of the revised relative to fire insurance companies and losses thereunder. Insurance Committee.

By Mr. Klutz: To amend section 3522 of the revised relating to water supplies. Public Health Committee.

By Mr. Klutz: To amend section 109 of the revised relating to fire insurance companies and losses thereunder. Insurance Committee.

By Mr. Webb: To amend section 2598 of the revised, chapter 61, relating to public roads. Judiciary Committee.

(Continued on second page.)

LET IT SUPPORT THE PRESIDENT

Sims of Tennessee Wants House on Record

DISCHARGE OF TROOPS

The Tennessee Legislature Has Endorsed Roosevelt's Action, Says Sims, and Adds That He Wants the House to Take the Same Step, Making Its Position Clear.

(By the Associated Press.)
Washington, Jan. 26.—Representative Sims of Tennessee wants the house to get squarely on record in favor of the president for his action in dismissing three companies of the Twenty-fifth Infantry from the military service of the United States. He said today in the lower branch of congress that by a unanimous vote of the Tennessee legislature the president's course was endorsed, and he had therefore introduced a joint resolution commending the president in his position. He said the resolution had been referred to the military affairs committee, which he believed would act upon the resolution. If it should not be so, he would ask that the committee be discharged and he would bring the whole matter before the house for discussion.

"In another body of congress," Mr. Sims asserted, "an ambiguous resolution has been passed which challenged the authority of the president to take the action he did. In the debates his constitutional authority had been challenged."

If the president had exceeded his constitutional authority, said Mr. Sims, he was subject to impeachment, and such proceedings must be commenced in the house of representatives.

In view of the resolution passed by the senate, neither admitting nor denying the president's authority, but simply providing for an investigation of the facts, Mr. Sims thought it proper that the house should express itself.

GOVERNMENT SCORED IN THE REBATE CASES

GLYDE LINER HELD FAST IN THE SAND.

(Special to The Evening Times.)
Wilmington, N. C., Jan. 25.—The big Clyde Line steamship Navahoe, which went aground in the Cape Fear river yesterday near Big Island, is still held fast in the mud and sand. The Navahoe was returning to Wilmington from Georgetown, S. C., when she ran out of the river channel and went aground.

NEW YORK CENTRAL ISSUES FIFTY MILLION IN BONDS.

(By the Associated Press.)
New York, Jan. 25.—Announcement was made today that three-year five per cent notes aggregating \$50,000,000 have been issued by the New York Central and are being offered for sale by J. P. Morgan & Company. The New York Central's share of the notes amounts to \$25,000,000 that of the Lake Shore and Michigan Southern to \$15,000,000 and the Michigan Central to \$10,000,000.

FRED MARRIOTT WILL PROBABLY RECOVER.

(By the Associated Press.)
Ormond, Fla., Jan. 25.—Fred Marriott, who was seriously injured yesterday when his racing automobile was wrecked while racing along Ormond-Daytona beach at a speed of nearly 125 miles an hour, passed a fairly comfortable night and probably will recover.

SOLICITORS' PAY STIRS HOUSE

Lawyer Members Nearly Fall Out Over It

STUDY DRINK EFFECTS

Bill by Mr. Dowd to Have Instruction in Schools on Alcoholic Beverages and Narcotics—Appropriate Revenues From Liquor Traffic to Public Schools of State.

The house at 10:30 this morning was called to order by Speaker Justice for the fifteenth day's session. Rev. Dr. W. C. Tyres, pastor of the First Baptist Church of this city, offered prayer.

A petition was sent up by Mr. Vestal from citizens of Edgecombe for an appropriation for the North Carolina State Firemen's Association.

Bills Introduced.
To appropriate revenues from liquor traffic to public schools of the state. Mull.

Appoint Joseph A. Pool justice of peace in Rowan. Murphy.

Incorporate Washington Trust Company. Hooker.

For bond issue for Maxton. McRae.

Incorporate town of Clarendon in Columbus. McRackan.

Amend charter of People's Banking and Trust Company of Salisbury. Julian.

Amend 3324 Revisal, defining intent to commit burglary. Parsons.

Put state and defendant on equality in selecting jury. Parsons.

Amend Revisal, prescribing time of hunting deer and quail in Richmond. Parsons.

Regulate hours of labor in factories and prevent child labor at night. Parsons.

Provide for better working of roads of Caswell. Johnson.

Provide instruction in public schools as to nature and effect of alcoholic drinks and narcotics. Dowd.

Amend 1377 Revisal, relative to duties of justices of peace. McNeill.

Divide net proceeds of Vanceboro dispensary in Craven. Brewer.

For relief of Thomas S. Wright, ex-sheriff of Richmond. Peete, by request.

Appropriate, consolidate and reimburse Moore's Creek Battleground Association. Wells.

Prevent throwing of acids and other deleterious substances in the waters of North Carolina. Sticklely.

Increase pay of jurors in Montgomery. Burton.

Establish graded public school in Highland. Catawba. Yount.

MRS. JACKSON DECLINES IT

Letter From Her Read in The State Senate Today.

OTHERS NEED IT MORE

She Thinks, and Suggests That It Be Applied to the Widows of Confederate Soldiers Who Are Suffering the Hardships of Poverty—A Noble Letter to Her Cousin, Senator Graham.

Maj. John W. Graham, senator from Orange, immediately after the senate was formally opened, read to the state senators the following letter, which fully explains itself:

"306 W. Trade St.,
Charlotte, N. C.,
January 25, 1907.

Maj. John W. Graham,
"My Dear Cousin: Yours of the 24th apprising me of the introduction of a bill in the legislature to allow me a pension of \$100 a month was certainly a very great surprise.

"I most warmly appreciate this patriotic and loyal tribute to the name of hero-husband, and tender my heartfelt thanks for the proffered honor and benefit, but I do not feel that I would be justified in accepting it.

"I am informed that the laws of North Carolina limit all pensions to those who have not \$500 of personal property, and as I do not come under this law, I respectfully request that the bill be withdrawn.

"I would also suggest that the pension which has so magnanimously been proposed in my behalf, be appropriated to the relief of the destitute widows of Confederate veterans.

"It would also please me far more to see our honorable general assembly take measures for the establishment of a reformatory for the good of the state.

"Trusting that I have not been ungrateful or unappreciative, I am, with love, your affectionate cousin,
(Signed) "M. A. Jackson."

Maj. Graham then moved that the petition for the pension be withdrawn. The senator from Watauga, Mr. Lovell, who introduced the petition, giving his consent, that course was pursued, after the adoption of the suggestion of Senator Webb of Buncombe that the letter of Mrs. Jackson be spread upon the senate journal and be made a part of the official records of the state.

THE LAST TRIBUTE IS PAID TO ALGER

(By the Associated Press.)
Washington, Jan. 25.—In accordance with the wishes of himself and family, the funeral services for the late Senator Russell A. Alger, of Michigan, held at the family residence in this city at 2 o'clock today were simple but impressive. The ceremonies were conducted by the late senator's friend and former pastor, the Rev. Dr. Wallace Radcliffe of the New York Avenue Presbyterian church in this city, and Rev. Dr. Everett Hale, the venerable chaplain of the United States senate.

Representatives of official diplomatic and social Washington and many friends from Michigan were present. The executive branch of the government was represented by the president and his secretary, Mr. Loeb, the war department by Secretary Taft and officers of the army, the navy department by Assistant Secretary Newberry, and members of the grand army and other military organizations with which the dead senator was affiliated.

After the funeral services the body was escorted to the station by a squadron of cavalry. At four o'clock it left for Detroit. The funeral party consisted besides the family of committees from the senate and house of representatives. The body which will reach Detroit Sunday morning, will lie in state at City Hall during the afternoon. On Monday after services at the family residence the body will have a military escort to the grave.

NEGRO BURNS A WOMAN TO DEATH.

(By the Associated Press.)
Gulfport, Miss., Jan. 25.—At Sofia City, near here, William Smith, colored, was last night arrested charged with having burned to death "Pinchey" Tig, with whom he formerly lived. Neighbors attracted by the cries for help coming from the woman's house, found the building in flames but were prevented from rescuing her by Smith, who stood guard in the doorway until the wall began to totter. The dead woman is thought to have been tied. She continued to scream for help until the flames reached her.

SEVEN JURORS NOW SECURED

Two Hundred Talesmen Remain to be Examined.

NOTHING DONE TODAY

The Work of Securing the Five Men Necessary to Complete the Jury Will be Taken Up Monday—Jurors of Disagreement Among the Thaws Are Afloat.

(By the Associated Press.)
New York, Jan. 25.—Three days of the trial of Harry K. Thaw for the murder of Stanford White have passed, and the net work of all this time has been the selection of seven jurors. The court adjourned yesterday until Monday morning.

To get the seven jurors one hundred and one talesmen, half of the panel drawn have been examined. While the examination of individual talesmen consumes less time than was taken in the early stages of the trial, the talesmen have become more wary, apparently, and the excuses put forward for not serving are varied and ingenious.

It is possible that the remaining five jurors needed will be found in the one hundred talesmen still awaiting examination, but if yesterday's proceedings are any criterion this is doubtful.

Fifty men were examined yesterday, and from this number two jurors were secured. Five were drawn from the first fifty talesmen examined.

The chief reason for the general desire not to serve is probably found in the order of Justice Fitzgerald, practically locking up the jurymen from the time they are drawn until the trial is over. This is an unusual proceeding, and as most of the talesmen are active business men it involves possible financial loss besides the hardship.

Every letter that is sent to the jurors is opened and read by Justice. Captain William J. Lynch who has immediate personal charge of the jury men. This is not done with the mail of prisoners in the Tombs. From newspapers Captain Lynch cuts out those parts that refer to the case. Even the books and magazines are subjected to the same sort of scrutiny.

The men are comfortably housed at the hotel, seventeen rooms with baths and a private dining room having been engaged for them. The jurors so far selected are accepting the situation in a philosophical manner.

Plans of the Defense.
The plans of the defense, while they have not definitely developed, are believed to be as at first supposed—emotional insanity and an appeal to the so-called "higher law." Only the faintest indication in this direction has appeared at the trial thus far, and that was yesterday when Clifford W. Hartridge, chief counsel for Thaw, asked a prospective juror this question:

"Would you, take into consideration all the evidence tending to show the condition of this man's (Thaw's) mind at the time of the killing of Stanford White?"

There were rumors in the court yesterday that there had been a serious disagreement among the members of Thaw's family. The reports started when Harry Thaw's wife and Miss McKenzie, her constant companion, arrived at the court house some time before Mrs. William Thaw and Mrs. Carnegie, mother and sister of the prisoner. The gossip was intensified when it was noted that though Mrs. William Thaw sat near her daughter-in-law, the two apparently took no notice of each other all through the day.

Lawyer Hartridge when his attention was called to the gossip, took occasion to deny that there had been disagreements between members of his client's family.

Object to Chorus Girl.
Rumors of differences between Mrs. Harry K. Thaw on one side and Mrs. William Thaw and the countess of Yarmouth, mother and sister, respectively, of Harry K. Thaw, on the other, continued to be circulated today, despite a denial by Thaw's counsel that any such differences have arisen over the continued presence in the court room of Miss May McKenzie, the former chorus girl, who invariably accompanies Mrs. Evelyn Thaw and sits by her during the session of the court. Miss McKenzie is said to have been the younger Mrs. Thaw's constant companion since Harry Thaw shot Stanford White.

It was reported today that Delphin M. Delmas, the San Francisco lawyer who came east to defend Thaw, went to the Hotel Lorraine, where the relatives of Harry Thaw are staying, in the hope of reconciling any differences which might have arisen between the women. It was said that Evelyn Thaw made the first step to

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