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TWELVE PAGES TODAY.

RALEIGH, N. C., SATURDAY, JULY 27, 1907.

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PRICE 5c.

NEW RATE INTO EFFECT AS SOON AS SCHEDULE OF RATES CAN BE PREPARED

The 2 1-4 Cent Rate on The Southern and Coast Line By August 8th.

At half past six o'clock the conference was over and Governor Glenn dictated the following terms of the agreement reached to the members of the press:

1. The railroad puts the 2 1/4 cent rate into effect not later than August 8, 1907.
2. The state to appeal from the order of Judge Pritchard discharging the parties in Asheville on a writ of habeas corpus.
3. The Southern Railway to appeal to the supreme court of North Carolina in the Wake county case, and if the case there be decided against them, to take the case by writ of error to the supreme court of the United States.
4. That both sides co-operate to have both of said cases advanced and argued together and speedily determined.
5. The state at its option to indict the Atlantic Coast Line in one case.
6. All indictments and prosecutions now pending to be dismissed and no other indictments or prosecutions to be instituted for any alleged violation of law up to the time the new 2 1/4 cent rate is put into effect under this arrangement, as far as the governor can control the same.
7. The governor advise all people against bringing penalty suits pending final determination of the questions involved, and ask the people as a whole to acquiesce in this arrangement.
8. The suit pending before Judge Pritchard be diligently prosecuted without the state, however, waiving any question of jurisdiction.

(Signed)
ALFRED P. THOM,
ALEX. P. HUMPHREY,
Counsel for So. Ry. Co.
R. B. Glenn,
Governor.

Messrs. Thom and Humphrey also as counsel for the Southern Railway Company undertake that the Southern Railway will not inaugurate contempt proceedings because of anything heretofore done by any of the state officers in connection with the rate litigation and will do what it can to prevent the inauguration of any such contempt proceedings.

This arrangement between the Southern Railway and R. B. Glenn, governor, is also assented to by George Rountree for R. Nelson Buckley and others, complainants, and Alexander Hamilton, general counsel for Atlantic Coast Line Railroad Company, except that they do not consent that the A. C. L. R. Co. shall be indicted in one case, but as to that leaving the state at liberty to do as its sense of duty may dictate.

On Monday the governor will issue a letter in accordance with this agreement asking the judges that all indictments be dismissed and the people to refrain from bringing penalty suits, and until said letter is received all proceedings to be held up.

Ex-Governor Aycock's train was a half-hour late, so that he did not reach the capital until 3.25. This threw the conference a little behind the scheduled time.

The railroad party arrived at 3.30. They were General Counsel A. P. Thom of the Southern, General Counsel Alex. Hamilton of the Coast Line, George Rountree, representing the stockholders of the Atlantic Coast Line, Judge Alex. P. Humphrey, general counsel of the Southern at Louisville, and Assistant General Counsel Geo. E. Elliott of the A. C. L.

Governor Glenn asked if they objected to the presence of newspaper reporters and others.

Mr. Thom replied that they had come to confer with the governor and he must regulate the attendance.

After a whispered conference, the governor requested all not concerned to retire.

Governor Glenn told a representative of The Evening Times today that there had been no change in his views as expressed yesterday; that he had thoroughly examined the law and the

THE ISSUE IS SQUARELY UP TO JUDGE PRITCHARD

(By Leased Wire to The Times.)
Washington, July 27.—Assistant Attorney General Sanford returned to Washington this morning to consult with officials of the department of justice. He has been in North Carolina trying to straighten out the tangle in the railroad rate war. Judge Lyon's action, in the state superior court at Marion, in causing the indictment of the Southern Railway ticket agents at that place and Old Fort, it is held here, puts the issue squarely up to Judge Pritchard of the federal court, whose order of June 29 enjoined the officials of the state and all other persons from instituting prosecution or attempting to impose penalties for failure to put the provisions of the new state railroad law into effect.

DECLARES ACT OF JUDGE PRITCHARD AN OUTRAGE

(By Leased Wire to The Times.)
Kansas City, Mo., July 27.—The action of the United States Judge in North Carolina, whereby he freed employees of a railroad after they had been convicted of breaking the state laws and had been placed in jail, is an outrage. It is the most big-handed act I ever heard of a judge performing.

AN EXTRA SESSION MAY RESULT IN COMPROMISE

(By Leased Wire to The Times.)
Washington, D. C., July 27.—Those in Washington familiar with the rate situation in North Carolina claim that Governor Glenn's threat to call an extra session of the North Carolina legislature to deal with the Southern Railway will result in a final compromise of the whole situation.

MAN AND WIFE FOUND IN ROOM, KILLED BY BULLETS

(Special to The Evening Times.)
Charlotte, N. C., July 27.—The bodies of Harry Powers, a groceryman, and his wife, Margaret, were found in their room on East Morehead street, early this morning, both shot through the head. Powers was still alive, but mortally wounded and unconscious. It is almost positively known that Powers was drinking and shot his wife and then himself last night about 9:30.

A reporter made a visit to union depot this morning and found under the shed the private cars of Col. A. B. Andrews, first vice president of the Southern Railway, and President T. M. Emerson of the Atlantic Coast Line. The officials of both roads came in by special trains during the night, to confer with their attorneys, who met them here, and with Governor Glenn.

Neither President Finley nor First Vice President A. B. Andrews came, these two officials remaining at Asheville, so it was stated by one of the party, until the return of the car. On Col. Andrews' private car No. 101 came Mr. Alfred P. Thom and Judge

Glenn. The railroad party had their own counsel along with them, and that

CHARGE TO THE HAYWOOD JURY

Much of the Evidence is Set Aside

ORCHARD'S TESTIMONY

This Testimony, the Judge Declares, Must be Considered With Care—The Question is Whether Haywood or Inmate Others to Kill Steunenberg or is He Innocent.

(By J. S. DUNNIGAN.)
Boise, Idaho, July 27.—The conclusion of Senator Borah's summation in the Haywood trial brought the case up to its most interesting point. The laws of Idaho are considerably different in some respects, as regards criminal cases, from those of other states, and the interest today centered in the instructions of Judge Wood to the jury. The court room was well filled and the charge which brought the case finally to the jury was closely watched by spectators, especially by those with legal knowledge.

Judge Wood, after congratulating the jurors on the discharge of their duty, instructed them as follows: "In your consideration of this case it is your duty, under oath as jurors, to accept the law as given by the court, without limitation or reserve. It is your duty to apply the law given by the courts to the facts shown by the evidence. At the same time you are exclusive judges of the facts, of which it has been proven in the case, and of the weight to be given to the testimony of each and all of them.

"In determining the question of the guilt or innocence of the defendant you will only consider such evidence as has been admitted by the court. You will not consider as evidence any statement made by counsel for either the state or defendant, nor should you consider any testimony which has been objected to and excluded or stricken out of the trial of the case. You should adhere strictly to your duties as jurors to try the issues in this case upon the evidence and find a verdict in accordance therewith."

The court then instructed the jury entirely to dismiss and disregard the testimony of Orchard wherein he related that Pettibone told him that Steve Adams said that he (Adams) had killed a man in northern Idaho. The state failed to connect this murder with the conspiracy alleged.

The Evidence Thrown Out.
Resuming, the court said: "I instruct you that in considering this case you will entirely disregard all evidence introduced by the defense and upon rebuttal in relation to the deportations of miners and other persons in Telluride county, as well as all evidence relating to the destruction of property belonging to the Western Federation of Miners in the same county. You will also disregard all evidence introduced by the defense and upon rebuttal in relation to deportations of miners and other acts of violence, including the destruction of property belonging to the local unions of the Western Federation of Miners in the Cripple Creek after the explosion of the Independence depot, as testified to in this case. And you will further disregard all evidence introduced by the defense relating to detectives of the Pinkerton agency having been placed in the local unions of the Western Federation of Miners.

"The defendant at the outset of the trial is presumed to be an innocent man, and he is not required to prove his innocence; this presumption of innocence has the weight and effect of evidence in the defendant's behalf, and should continue until it is overcome by competent evidence which displaces any reasonable doubt which you might otherwise have of the defendant's guilt.

"Mere probabilities are not sufficient to warrant a conviction, nor is it sufficient that the greater weight or preponderance of the evidence supports the allegations of the indictment.

"If you believe from the evidence in this case that the state has failed to make out a case against the defendant beyond a reasonable doubt, you have no right to convict the defendant for a failure to produce proof of innocence upon his part, or for the absence of the testimony upon his part. If, however, it appears that

either party has failed to produce any material evidence which would meet, explain or rebut material evidence which has been introduced against him, the failure to produce such evidence may be considered by the jury in determining the guilt or innocence of the defendant.

ARREST OF PRESIDENT FINLEY--RELEASED ON WRIT OF HABEAS CORPUS

BUT TWO THIRDS CROP OF WHEAT?

(By Leased Wire to The Times.)
Washington, D. C., July 27.—That there will be little more than a two-thirds crop of wheat in the United States, and that wheat will reach \$1.25 a bushel this fall is the prediction of George C. Howe of Duluth, Minn., one of the largest wheat growers of the great northwest. Mr. Howe is in the east on business. He said:

"In Minnesota the crop is probably two-thirds what it usually is, and the same conditions prevail in North and South Dakota.

"Kansas will this year make no more than 60,000,000 bushels, which is about three-fourths of the usual output. These are the vital states when it comes to the production of wheat. The output of Argentina is not yet known, and the crop in South America will exert a strong influence on the market and be of much importance with the year's output. It cannot, under the most favorable conditions, however, be sufficient to prevent wheat reaching a price it has not reached for a number of years."

INVESTIGATING THE COTTON EXCHANGES

(By Leased Wire to The Times.)
Washington, July 27.—The result of the investigation being conducted by the bureau of corporations into the operations of the cotton exchanges of the country will not be known for several months yet.

The investigation has been under way for about three months. Commissioner Smith, of the bureau of corporations recently spent some time in New Orleans giving personal consideration to the investigation. Two men have been assigned to make an investigation of the exchanges in New York, and six agents have been working in the south for the last two months. It being the purpose of the department to get the work well under way there before the warm season. These men have all returned to the bureau, and their reports are being compiled, although there yet remains, it is stated, considerable field work yet to be done.

The investigation so far made has extended from Texas to North Carolina in the south. It is stated, however, by an official of the department of commerce and labor, that the investigation has not progressed far enough to give any definite indication of what the report will show. The report, when completed, will first be submitted to the president, who has the disposition of same.

The Testimony of Orchard.
When the proof of a conspiracy is circumstantial a defendant's connection with it must be established by evidence of his own acts and declarations—not those of others. "It is said the judge, 'you believe from the evidence herein that the witness Harry Orchard was induced or influenced to become a witness and to testify in this case by any promise of immunity from prosecution or punishment, or by any hope held out to him that if he testified against the defendant he would not be prosecuted or punished, then the jury should take such facts into consideration in determining the weight which ought to be given testimony so obtained.'"

"Such testimony should be received by the jury with caution and scrutinized with great care."

In conclusion, Judge Wood said: "Under the indictment in this case the defendant may, if the evidence warrants it, be convicted of murder in the first degree, murder in the second degree, manslaughter, or you may find him not guilty.

"A reasonable doubt as to whether or not the defendant killed and murdered Frank Steunenberg as charged in the indictment or aided and abetted such killing, if so, you should find him guilty; if not, you should find him not guilty."

O. C. Wilson is Again Arrested and the Federal Judge Defied

MR. FINLEY'S ARREST HAD BEEN FORESEEN

And His Attorneys Acted Promptly. Securing the Writ of Habeas Corpus from Judge Pritchard and Placing It in the Hands of a United States Deputy Marshal, Who Served It Upon the State Officer Immediately After the Arrest of the President of the Southern.

Asheville, N. C., July 27.—Ticket Agent Wilson is still held in the personal custody of Judge Reynolds. The writ of habeas corpus on which President Finley gained his liberty did not affect Wilson's status.

MR. WM. WOOLLCOTT DIED AT 5:30 TODAY

Mr. William Woolcott, after an illness of two months, died at Box Hospital at 5:30 this afternoon from a complication of diseases. He was operated on Thursday.

Mr. Woolcott had been in feeble health for the past year, but was able to attend to his business until two months ago. Since he was taken to the hospital, his condition continued to grow worse until the end came at 5:30 this afternoon.

Mr. Woolcott was a native of London, and was 67 years old July 14. He emigrated to America when he was 20 years of age. For thirty years he was a prominent business, fraternity and churchman of this city and was an excellent Christian gentleman. He was a member of Seaton Gates Lodge, No. 64, I. O. O. F., and was a member of the Church of the Good Shepherd. He is survived by a wife and three children—Messrs. Walter and Fred Woolcott and Mrs. J. C. Ellington, Jr.

The funeral services will be conducted from the Church of the Good Shepherd at 6 o'clock tomorrow afternoon.

Securing the Writ of Habeas Corpus from Judge Pritchard and Placing It in the Hands of a United States Deputy Marshal, Who Served It Upon the State Officer Immediately After the Arrest of the President of the Southern.

Asheville, N. C., July 27.—The sentence of the railway rate matter was sprung this morning, when President Finley of the Southern Railway was served with a warrant, issued from the city police court, and arrested at the Battery Park Hotel by Patrolman Williams of the city police department.

A warrant was also issued for O. C. Wilson, ticket seller, who was this week released by Judge Pritchard on a writ of habeas corpus. Wilson was taken immediately before Judge Reynolds in the police court, but President Finley will not see the inside of the city court. Information that a warrant had been issued for Finley was conveyed to the president of the Southern and the railroad attorneys, and they acted promptly.

Papers were hurriedly prepared, and a writ of habeas corpus secured from Federal Judge Pritchard. The writ was placed in the hands of United States Deputy Marshal Ramsey, and scarcely had the police officer placed President Finley under arrest when the marshal served the writ and took the president out of the custody of the state authorities.

President Finley, accompanied by the marshal and the police officer, went to the United States federal court. They are there now, awaiting action by Judge Pritchard.

Details of the Arrest.
The arrest of President Finley at Battery Park was effected by Patrolman Williams a few minutes after 9 o'clock. When the officer put in an appearance the Southern Railway president was in the dining room of the hotel enjoying his morning meal. The blue coat entered the room, and going to the table where Mr. Finley sat, served the warrant.

President Finley requested that the officer wait until he had finished his breakfast. The request was granted, and the president, as though nothing had happened, continued with the meal.

Incidentally, however, something was happening while the president consumed his breakfast. Attorneys were informed of the warrant and Judge Pritchard speedily communicated with a writ from the United States circuit court was issued and placed in the hands of a deputy marshal, who was dispatched post haste to the Battery Park Hotel. The writ commanded that the prisoner be given into the custody of the marshal.

Before the marshal could reach the Battery Park, however, some time had been consumed and Mr. Finley had finished the meal. Police Officer Williams could not wait longer, and the officer and Finley started for the city police court, walking. At the foot of the Battery Park Hill they met the deputy marshal, who promptly served the writ on the police officer and took charge of Finley.

The prisoner and the officers then went to the federal court building, where at 11 o'clock the preparation of the writs was in progress. Cpl. Andrews and Constable Plant of the Southern are with President Finley in the court room. Wilson is in the personal custody of Judge Reynolds.

Later—Judge Pritchard has ordered the release of President Finley. Finley testified in his own behalf, saying:

"I was in the dining room of the hotel when the police officer came and served me with a warrant. I finished my breakfast and then the officer came and served me with the warrant. I was then taken to the city police court, where I was held in custody until I was released by Judge Pritchard on a writ of habeas corpus."

"I was then taken to the federal court building, where I was held in custody until I was released by Judge Reynolds on a writ of habeas corpus. I was then taken to the city police court, where I was held in custody until I was released by Judge Reynolds on a writ of habeas corpus."

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