

THE RALEIGH EVENING TIMES.

VOLUME 30.

RALEIGH, N. C., WEDNESDAY, AUGUST 21, 1907.

PRICE 5c.

ALABAMA SURRENDERS TO THE FEDERAL COURT

State Judge Instructs Grand Jury Not to Find Any Indictments

RESPECTS INJUNCTION ISSUED BY JUDGE JONES

Circuit Judge Miller Tells Jury There Can Be No Criminal Prosecutions, Under the Circumstances, Till the Question is Settled by the Higher Court—His Charge Gave Much Relief and General Satisfaction—L. & N. Will Lose Business Meantime Because Other Roads Will Put on the Lower Rate.

(By Leased Wire to The Times.) Birmingham, Ala., Aug. 21.—State Circuit Judge B. M. Miller, who is the first to organize a grand jury since the Louisville & Nashville Railroad obtained its blanket injunction against solicitors, sheriffs and other state officers, amplifying an original injunction so as to prevent those officers from prosecuting the road for failure to put on the state's lower freight and passenger tariffs, has instructed his grand jury not to find indictments.

In no uncertain tones he charged the grand jury today that a court of competent jurisdiction had enjoined criminal prosecutions under certain acts passed by the recent legislature, and that until these injunction proceedings are passed upon by the courts of the land, there could legally be no prosecutions in the state courts.

Judge's Action a Great Relief. All those who heard the judge seemed relieved when he delivered this charge.

It is presumed that Judge Miller's example will be followed by other circuit judges, and that no effort will be made to find indictments against the Louisville & Nashville. That road's punishment, it would seem, will come through the loss of competitive business when the other roads put on the lower rates next month.

Attorney General Garber has declined to give out anything resulting from the conference held yesterday at the state capitol with the General of Georgia and Atlantic Coast Line with regard to their adopting the course of the Southern in agreeing to the lower freight and passenger tariffs.

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DISPATCHERS GIVE A BOND

Voluntarily Surrender in Raleigh Today.

WAIVE EXAMINATION

Justice of the Peace Separk Fixes Bail at \$1,000 for Ketchum and \$500 for Parvin—Rippey and Oakley May Come This Evening or Tomorrow.

Train Dispatcher B. P. Ketchum and Dispatcher Victor Parvin, of the Durham division of the Southern, two of the men held responsible for the Auburn wreck, came to Raleigh this morning from Durham and surrendered. Magistrate Chas. A. Separk then issued warrants charging them with manslaughter and placed them under bonds of \$1,000 and \$500.

Messrs. Ketchum and Parvin had learned of the warrants and voluntarily came to Raleigh, where the bonds were fixed. Coroner Separk, who is also a justice of the peace, issued the warrants as a magistrate in order to allow them to furnish bail. If he had not done this, they would have been turned over to the sheriff of Wake county and it probably would have been several days before a writ of habeas corpus could have been heard and the men released. It was to avoid the humiliation of going to jail that Justice Separk swore out the warrants as a magistrate.

Mr. A. J. Hill of Durham is the bondsman for Train Dispatcher Ketchum and the amount is \$1,000; William D. Vickers, also of Durham, has gone security for Dispatcher Parvin.

Mr. Ketchum has employed Mr. A. J. Hill to represent him; to represent Mr. Parvin Messrs. Branham & Brawley of Durham and Argo & Shaffer of this city have been retained. Engineer Rippey has also retained Messrs. Argo & Shaffer.

It was expected that Engineer Rippey and Conductor Oakley would arrive in Raleigh this afternoon, but they will probably come this evening or tomorrow. Their bonds will be fixed at \$1,000 each.

Messrs. Ketchum and Parvin waived examination today and it is thought that the other two men will do likewise.

DISCHARGE OF RAILWAY TELEGRAPHERS TODAY

They Refused to Transmit Commercial Messages and Got the Bounce.—Succeeded by Non-Union Men.—Grievance Sent Up and a Conference is Ordered for Tomorrow.—W. U's Orders to Railway Companies Probably Responsible.—Other Strike Developments Today.

(By Leased Wire to The Times.) Indianapolis, Ind., Aug. 21.—Two members of the Order of Railway Telegraphers at Rockport were discharged today by the Vandalla Railroad Company for refusing to handle commercial messages.

As a result, Chairman Wilson of the general committee of the Indiana division of the Order of Railway Telegraphers came here at once for a conference with Secretary-Treasurer Thompson and other strike leaders. The discharged men were succeeded by non-union telegraphers. A protest against the discharges has been filed and a conference with Superintendent Thompson of the Vandalla will be held at Logansport tomorrow.

A Conflict of Opinion.

(By Leased Wire to The Times.) New York, Aug. 21.—Although the officials of both telegraph companies claim they have all the men they want, an dare handling the usual amount of business, their statements are laughed at by the union leaders, who say the claims are not borne out by fact.

Union men declare there has not been one desertion from the ranks of the strikers; that in the main offices of both companies only a few of their old employees are at work, the remainder of the force being made up of branch office managers, chief operators and clerks who at one time have

worked at telegraphy. The few men on duty are about exhausted, being kept on duty until exhausted and fall asleep over their work.

No Danger of Violence.

The union leaders are telling with great zest of what they term the ridiculous statements of Belvidere Brooks, general superintendent and spokesman for the Western Union, who, in an interview, said that their only fear now was that of violence on the part of the strikers. The two or three policemen sent to guard the entrance to main offices of each office have nothing to do and are growing fat and lazy. The majority of the strikers have gone to their homes, announcing that they would not return until the strike has ended in their favor. Not one case of violence has been reported in this city.

Union leaders here today say they are satisfied with the situation and that the companies are not doing one-hundredth part of their normal business.

An employe of the bookkeeping department of the Western Union, whose duties consist in ascertaining and booking one thousand messages a day, when asked how many she did yesterday, replied: "Seven."

New Method of "Delivering" Telegrams.

(By Leased Wire to The Times.) New York, Aug. 21.—Just how

hard the telegraph companies are being hit by the strike of the operators and messenger boys was strongly illustrated today in a discovery made by a night elevator man in a downtown building.

Going to the doorway to get a breath of fresh air, he discovered a Postal messenger boy asleep on the sidewalk. The little fellow was clearly worn out from having worked twelve to fourteen hours. The elevator man decided not to bother him. A few moments later the lad awoke, realized that he was shirking his duty, and hurried away, leaving a package of telegrams on the sidewalk. The elevator man found these messages, and they show the heartless manner in which the messengers are being worked. They were for persons in every part of Manhattan, and this one boy was supposed to deliver all of them. Here are the names and addresses that were on the envelope: John H. Burke, 240 East Ninetieth street; H. C. Walker, 407 Madison street; Pierre, 453 South Ave.; Mrs. Reuser, 45 West One Hundred and Fifty-first street; Mrs. P. Conklin, 252 West Fifty-fifth street.

If any husbands who sent telegrams to their wives telling them why they would not be able to get home, are wondering why the messages were never delivered, here is an explanation of it.

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EUROPEAN RESIDENTS FLEEING FOR SAFETY

A YOUNG WIDOW DONE TO DEATH

A Fresh Criminal Mystery in New York

LAI IN WAIT FOR HER

No Motive Discovered, Nothing Being Stolen, But Police Have a Clue and Have Apprehended a "Material Witness"—Victim Dead Two Days Discovered This Morning.

(By Leased Wire to The Times.) New York, Aug. 21.—A strange crime that today is baffling the police of Greater New York was revealed when the body of Mrs. Lena Scham, a young widow, was found in her apartments at 109 Flushing Avenue, Brooklyn, with the skull crushed, with marks of a strangler's fingers on her throat and the blood stained and absconded room showing signs of a terrible struggle with the murderer.

All that the police know is that the slayer hid in wait for the woman and killed her a few minutes after she had parted from neighbors at the door of her house. There was no indication of robbery and no evidence has been found that would tend to show that the woman, who bore an excellent reputation, was a victim of jealousy.

Although half a dozen families occupy apartments in the same house, and there is plain evidence that the young widow made a desperate struggle for life, yet no person has been found who heard the slightest noise in the room, only a few feet distant from some of them. The woman had been dead two days before a neighbor, whose apartments are just across the hall discovered her death.

One man, an occupant of the same house, has been locked up by the police as a "material witness." His arrest was caused by the discovery of a stained knife in his room, but the police said today they did not believe he had any part in the crime.

A description of the supposed slayer has been obtained and the whole city is being searched for him. The motive for the crime, however, is a complete mystery to the police.

General Oriental War Expected With All of Its Awful Results

MOROCCAN SITUATION HAS GROWN MORE ACUTE

Opinion Prevails That France Will Not Be Able to Keep Within the Limits of the Algerian Convention, Brother of Sultan Proclaimed Ruler of Morocco—He is Organizing a Big Army to March Against the Invaders of Casa Blanca.

(By Cable to The Evening Times.) Casa Blanca, Aug. 21.—European residents of coast towns, as well as those of Morocco and Fez, are fleeing for safety. The situation has grown acutely worse, and a general oriental war with frightful results is expected to materialize at any time.

The attacks by the Moors continue with regularity. News of the proclamation of Mulai Hadid as sultan is viewed with alarm by most people, although the soldiers are glad of the opportunity for a campaign that will take them throughout Morocco and possibly in other African territory.

The opinion prevails that France will not be able to keep within the limits of the Algerian convention, although this means the opening of a long and costly war.

The New Sultan an Active Fighter. (By Cable to The Evening Times.) Tangier, Aug. 21.—The situation in Morocco is expected to become more acute than ever within the next few days.

It is officially reported that Mulai Hadid, brother of the sultan, was proclaimed sultan of Morocco. The new sultan is reported to be organizing a great army with the intention of marching on the invaders at Casa Blanca. He is said to have already 6,000 men in his forces. General Drade has telegraphed to the French government for more troops. Eight hundred sharpshooters and 100 native troops are now on their way to join his forces, but two battalions more are needed.

Jewish correspondents report that the Moors lost 2,000 men in the attack on the French, Monday. Shells from the warships did the greatest damage.

GLENN'S SUGGESTIONS NOT ACCEPTABLE TO THE RAILWAY PEOPLE

(By Leased Wire to The Times.) New York, Aug. 21.—If Wall street opinion is worth anything, there is no chance that the Southern Railway will accept suggestions of Governor Glenn of North Carolina that the Southern Railway withdraw its present action and wait for the decision of the supreme court of the United States on the rate question now pending in the state courts and the other in the United States circuit court, or that the road will give the rate law the "fair trial" suggested, and if it finds it will be confiscatory, that road could depend on the sense of fairness of the people to insure a change.

In Moral Fear of the Poor-House. One of the counsel for the Southern Railway said today:

"The papers have not made it clear that it costs us just eighty-six and thirty-five hundredths cents for every dollar's worth of business we do in North Carolina. If we accepted the reduced rates that the state law has provided for intrastate business, we would make a profit on our assessed tax valuation within the state of just 33 1-100 of one per cent.

"Within the state of North Carolina we pay taxes on a valuation of \$7,213,222.74. Under the present rate schedule our profits would be only \$28,097.47 on our tax valuation. This leaves out of consideration our capitalization and the percentage that should be due on our franchise value."

The Governor's Proposition. The following in the New York Times contains Governor Glenn's proposition:

Governor Robert B. Glenn, of North Carolina, had a conference in the Hoffman House yesterday afternoon with A. P. Thom, the general counsel of the Southern Railway, in the course of which he made some suggestions that, if adopted by the railroad officials, will bring to an end the taking of testimony in the suit brought by the Southern to have the North Carolina law and a quarter cent a mile rate law declared confiscatory and unconstitutional.

Mr. Thom told Governor Glenn that he would bring his suggestions to the attention of the Southern Railway officials and would let him know the result as soon as possible. The conference between the North Carolina ex-

ecutive and Mr. Thom was most harmonious, and just before leaving for North Carolina last night, Governor Glenn said that he believed the differences between the railroad and the state were in a fair way to be settled to the satisfaction of the people of North Carolina.

"My interview with Mr. Thom," Governor Glenn said, "was in the nature of a very pleasant chat, and was in the interest of good will and harmony, and to save the cost, now accumulating, in the hearing of the suit before Special Master W. A. Montgomery, in this city. I made two suggestions to Mr. Thom, the first of which was that we stop the taking of testimony until in the two suits, one from the United States circuit court, and the other from the state court, the supreme court of the United States could pass on the jurisdiction of the two courts, and that after this was done, each party could decide what course to take.

"My second suggestion was that the railroads stop their suits and try to live under the two and a quarter cent rate, and if after giving the law a trial they find that they cannot continue under it and live, then they should appeal to the justice and fairness of the people of the state of North Carolina to right the wrong and it would be done. Mr. Thom said he would see President Finley, of the Southern, and would inform him of my suggestions. What I said, however, it must be remembered, was only in the nature of suggestion."

"Are you a candidate for the democratic nomination for president?" a reporter asked Governor Glenn.

Governor Glenn laughed so long and loud at this question that tears dimmed his merry eyes.

"Not a bit of it," he answered, "for as I have said on several occasions, I do not think the time is ripe for the nomination of a southern man for president. I am for the nominee of the democratic party, whoever he may be, and North Carolina, as is her custom, will go to the nominee by a plurality of between 50,000 and 70,000 votes."

Governor Glenn said he would be back in New York in about two weeks. He spent his last afternoon in the city at the Polo Grounds, watching the baseball game between New York and Chicago.

Mansfield Recovers Health.

Lake Placid, N. Y., Aug. 21.—Richard Mansfield's brother declares that the actor will return to the stage.

PLOT TO KILL KING CARLOS

(By Leased Wire to The Times.) Lisbon, Portugal, Aug. 21.—What is supposed to be a plot to assassinate King Carlos and Premier Francisco was brought to light today through the explosion of a bomb in the tenement district of the city. Two persons were killed and two fatally injured by the explosion.

The police immediately began an investigation and as a result thirty republicans have been arrested and taken aboard the cruiser Adamastor, in the Tagus river, where they are now confined.

Jose Bettencourt, a medical student, is believed by the police to be the leader of the conspiracy. In the search of his room, where the explosion occurred, many incriminating papers were found which gave clues to other suspects. The thirty prisoners will be tried secretly.

Ever since King Carlos' last refusal to abdicate his throne at the demand of the republicans the revolutionary spirit has been spreading in Portugal, and the agitators have been growing bolder and more defiant. It is thought certain by the police that had not the accidental explosion taken place today the king would have been assassinated within a few hours.

NEGRO EDITOR SAFE IN JAIL

Norfolk, Va., Aug. 20.—J. D. Uzzell, the colored editor who is held responsible for much of the recent trouble on the eastern shore of Virginia, surrendered to Col. Nottingham of the Virginia Militia at one o'clock Monday and asked to be sent to a safe place, there being great danger that he would be lynched. He was brought here under strong guard and locked in the Norfolk jail.

TRIAL FOR CONSPIRING AGAINST LIFE OF CZAR

(By Cable to The Times.) St. Petersburg, Aug. 21.—Five women and thirteen men foredoomed to death, are on trial here today for conspiring against the life of Czar Nicholas.

The trial is held behind closed doors. The verdict is a foregone conclusion. Every one of the prisoners, men and women alike, will be sentenced to die and will be shot down in some military fortress prison.

The eighteen know their doom is sealed. They are without hope and without fear. They face their accusers and their judges calmly, cheerfully, refusing to talk, refusing to say a word

about the great revolutionary movement which they sought to bring to a successful termination by the death of the Czar of Russia. Only officers of the police and court were admitted to the grim closing trial room today. They were the witnesses against the eighteen prisoners. To comply with the form of law, the prisoners were allowed one lawyer to defend them. He is a man of their own choosing, M. Maklakoff, one of the principals of the drama. The eighteen prisoners were taken in a terrorist raid after a gigantic plot against the life of the Czar had been discovered.

BAD STATE OF AFFAIRS IN ISLAND POSSESSIONS

(By Leased Wire to The Times.) Washington, D. C., Aug. 21.—The war department has made public a long cable report from Governor Magoon, of Cuba, which startled the medical officers showing, as it does, that in the short period between the withdrawal of the American government of intervention and the re-assumption of American government by the Cuban Army of Pacification, there had been a world neglect of sanitary precautions, and an almost complete disregard of the treaty obligations under which the Palma government was placed to keep the island clean and healthful, so that it should no longer be a source of danger and infection to the United States and other countries.

The government's report also discloses that the fever in its last outbreak has not been confined to the hospital corps men, but has extended

to other soldiers. He also indicates that the evil sanitary conditions cannot be cured this year in spite of most vigorous effort on the part of the American authorities, in which it appears they are receiving little support from the natives. The report says there are three cases in town exclusive of soldiers. Twelve soldiers contracted the disease at the hospital and three of them died. No causes have appeared in soldiers' quarters.

"Outside Cienfuegos," says the report, "there are three cases of yellow fever, two in Matanzas, one in Aiacranse, near Matanzas. The remainder of the island is free from disease. The attention calls for prompt and vigorous attention and will receive it, but it is much better than it was last fall at this time, and I hope will not occasion continued alarm. The military authorities of the United States and all

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PRESENT CONDITIONS VIEWED BY MITCHELL

(By Leased Wire to The Times.) Washington, D. C., Aug. 21.—John Mitchell, the noted labor leader, who has been attending the meeting of the executive committee of the American Federation of Labor in this city, said in an interview:

"I don't believe the industrial conditions of the country warrant the lack of confidence that seems to exist in some business centres. The only thing in my opinion that would bring on a business depression would be overproduction, and there are no signs to indicate that at present. Labor is em-

ployed and freely spending its money, and as long as these conditions prevail there is no danger, in my opinion, of hard times, and I can see no reason why we should not have a continuation of several years of prosperity.

Generally speaking, the laboring classes are in better condition than ever. The workman lives better and enjoys more pleasures than he did in years past. Of course, it is possible for financial centres to bring on business depression by tying up money, but there is no good reason for that, because in doing so they would only be injuring themselves."

CHRISTIAN SCIENTIST WINS; SUIT WITHDRAWN

(By Leased Wire to The Times.) Concord, N. H., Aug. 21.—The suit against Mrs. Mary Baker G. Eddy brought by her "next friends" was today abandoned. The motion to withdraw the action was made before the masters immediately after the opening of the court today. The motion was granted. This brings to an end the fight against the aged head of the Christian Scientist Church, which was begun March 1.

Why Suit Was Withdrawn. Mr. Chandler said, in notifying the court of the withdrawal of the case:

"There are many reasons for this action and the principal one results from the consideration of the unprofitableness of any immediate results upon the issues as now framed, compared with the burdens and disadvantages incurred by both before and after the decision. It has been almost wholly altruistic in its nature and not a single dollar of the large fortune whose existence is disclosed, or which may be accumulated as a consequence of this suit can become

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