

GLENN VICTOR

Railroads Agree to Obey State Rate Law.

SIGN COMPROMISE

North Carolina Courts to Review Pending Cases.

PRITCHARD IS IGNORED

Roads' Conferees Agree to Oppose Any Arrests for Contempt of His Injunction—Agreement Follows Arrest of President Finley and Governor's Repeated Threat to Have Legislature Revoke Charter of the Railroad Corporation in the State.

Raleigh, N. C., July 27.—The Southern Railway and Atlantic Coast Line this afternoon, after a conference with Gov. Glenn, agreed to let the 2 1/2-cent rate law go into effect on August 8, the earliest date, the railroad men said, that they can arrange their tariffs and other matters to make the rate law effective.

The other matters of agreement reached were in harmony with the terms indicated by Gov. Glenn in his telegram to Solicitor Mark Brown at Asheville, after his interview with Assistant Attorney General Sanford.

The railroad and Asheville cases will be prosecuted to a speedy determination in the highest courts, and in the meantime there is to be a truce as to other proceedings in the court.

Averts Physical Clash. The agreement does not mean that the railroad rate fight is ended. It does imply, however, that there will not be a physical clash, as seemed likely until a late hour to-day. The agreement provides for the following course of action:

The State is to appeal from United States Judge Pritchard's order obstructing enforcement of the new rate law, and to carry its case in order to the Federal Supreme Court.

The Southern Railway is to appeal to the Supreme Court of North Carolina in the Wake County case, which resulted in a \$50,000 fine against the railroad.

The State's case is decided against the railroad, the suit will be carried on a writ of error to the Federal court.

Both sides are to co-operate in having the cases advanced, argued together, and speedily determined.

All impending indictments and prosecutions are to be postponed, and no further suits are to be brought by the State against railroad agents or officials, pending final settlement of the litigation.

No Arrests for Contempt. The railroad is to do its best to prevent further arrests for contempt of United States Judge Pritchard's court.

Gov. Glenn is to advise individuals against suing the railroad for penalties under the new railroad law, and ask the people, as a whole, to acquiesce in the terms of the agreement.

The new 2 1/2-cent rate is to become effective throughout the State not later than August 8, and to remain in force unless decision adverse to the State is rendered as a result of the pending litigation.

The railroad's suit pending before United States Judge Pritchard is to be diligently prosecuted, but the State is to waive no question of jurisdiction.

The agreement bears the signatures of Gov. Glenn and Attorney A. P. Thom and A. P. Humphrey, counsel for the Southern Railway.

The railroad attorneys incidentally pledge themselves not to inaugurate contempt proceedings on account of anything done by the State officials in connection with the rate litigation.

Terms between the warring interests were reached as a result of a lengthy conference between Gov. Glenn, his special counsel, former Gov. Aycock, and Speaker Justice, as the State's representatives, and the railroad attorneys, speaking for the Southern system.

Persons familiar with the points at issue say it is a decided victory for the State and Gov. Glenn.

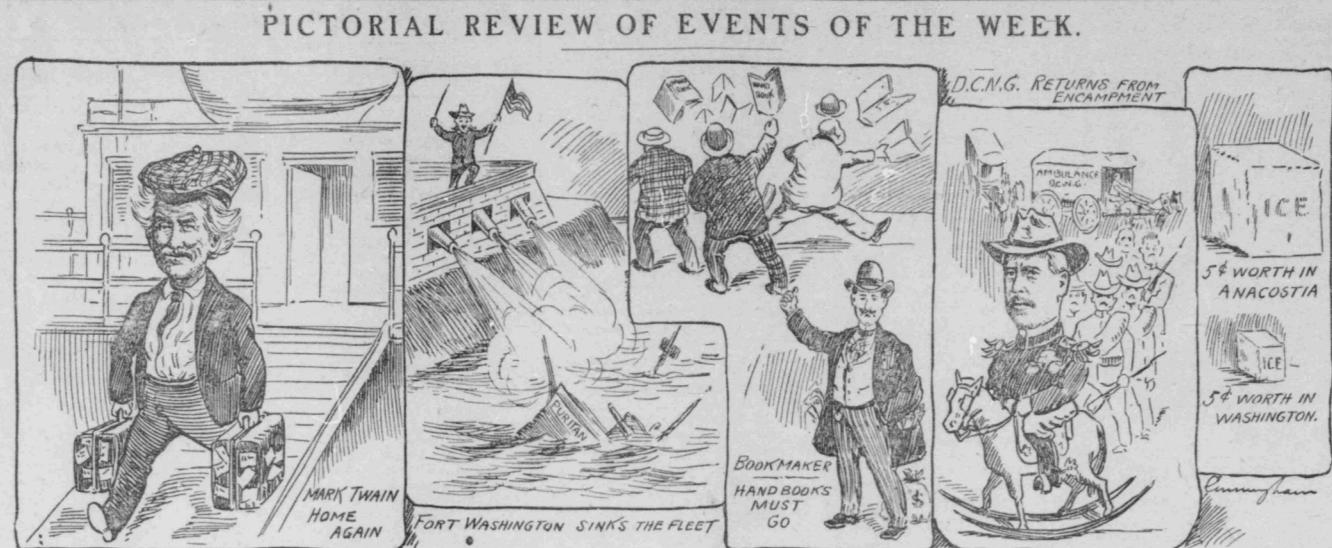
President Finley will remain in North Carolina indefinitely, it is said, as his departure at this time might give the impression of flight. He has already cancelled a New York engagement, so he may not be compelled to leave the State while the rate fight is pending.

FINLEY'S ARREST THE CLIMAX. Judge Pritchard Has Him Taken from State Officer's Custody.

Asheville, N. C., July 27.—The climax in the railway rate matter was had this morning, when W. W. Finley, president of the Southern Railway Company, was served with a warrant at the Battery Park Hotel, charging him with aiding and abetting in the violation of the North Carolina passenger rate law. The warrant for President Finley's arrest was sworn out by Police Captain Lyster, at the instance of Police Officer C. S. Reynolds, and was served by Police Officer Branch Williams, of the police department of Asheville.

President Finley, however, did not pay a visit to the city police court, as was intended. Before the officer serving the

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An Example to States, Says Gov. Glenn.

Raleigh, N. C., July 27.—At midnight Gov. Glenn made a statement for the press in regard to the result of the conference to-day with representatives of the railroad, as follows:

"The Governor considers the victory in the matter of the State against the railroads one for State rights and the people. There were many things that added to victory.

"First—The righteousness of the cause, the determination of the people, through their officers, no longer to submit to the oppression of the railroads or the interference of the Federal courts.

"The Governor feels that it is a great step forward for State rights, and that if all the other States of the Union will continue the fight already begun in North Carolina, and insist upon their Senators and Representatives in Congress trying to curtail the growing power of the Federal courts, in the future there will be no trouble to control and direct railroads and other corporations.

"It is a great victory for State rights against Federal interference. It will teach utilities corporations that while the State will treat them fairly, it will not tolerate their trying to control the State."

Further, the Governor said: "I never defied the Federal power, as has been stated, but simply tried to carry out the law as I saw it under the constitution."

President Finley on the witness stand stated that Officer Williams informed him when he served the warrant that it was the officer's purpose to "remain with me and take me to the Police Court under arrest."

"And were you actually in a police officer's custody?" he was asked. "Yes, sir; and so much so that I explained to him that I wanted an opportunity of getting my breakfast, which I had not had, and he kindly consented; and I had it in my room with the officer present."

On cross-examination of President Finley, counsel for the State undertook to differ with the writ of the habeas corpus had been procured before Police Officer Williams made the arrest. The writ was procured before President Finley left his room at the hotel. Policeman Williams went to Mr. Finley's room, read the order and handed him a copy of it, and waited about the hotel until the habeas corpus was procured from Judge Pritchard and served. If Finley was under arrest at all, State counsel argued, it was purely a technical arrest, and he insisted that it did not amount to much.

Judge Pritchard stated that he widely differed with State counsel. President Finley was discharged without argument upon the grounds stated by Judge Pritchard when he discharged Wood and Wilson, ticket agents, last week.

Half Hour to Get Writ. Judge Pritchard stated that the return made by Policeman Williams was not a satisfactory return. This return stated that the policeman read the warrant to Mr. Finley, and that respondent was advised and believed that the Southern Company was a State corporation, in so far as its franchise to operate a railroad from Salisbury westward to the Tennessee and Georgia State lines was concerned. President Finley stated, on cross-examination by Judge H. Merrimon, that it was about fifteen or twenty-five minutes from the time that he swore to his petition for a writ of habeas corpus until it was served upon the policeman who arrested him.

Wilson was arrested while selling tickets, and forced to leave his office, which was thronged with patrons. In the police court his hearing was set for Monday. Judge Reynolds announcing that he would take personal charge of the prisoner, presumably that he might be on hand in case of an effort to secure the agent's release on habeas corpus proceedings a second time.

Judge Reynolds was understood to be acting under instructions from the State authorities here.

Could Revoke State Charter. Notified of Finley's release, Gov. Glenn reiterated his declaration that a continuation of the fight would mean a prompt call for an extra legislative session to annul the Southern Railway's charter.

The State Supreme Court, having recently decided that the company does business as a North Carolina corporation

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HAYWOOD VERDICT STILL IN BALANCE

Jury, Unable to Agree, Pass Night in Debate.

MISTRIAL MAY RESULT

Eight Said to Favor Second Degree Manslaughter.

Jurors, Out Since 11 a. m., Call for Evidence Bearing on Letter and Telegram to Orchard—Haywood's Attorneys Characterize Judge's Charge as Fair—Wife and Father of Accused Thank Senator Borah.

Boise, Idaho, July 27.—The jury in whose hands rests the fate of W. D. Haywood has been out since 11 o'clock (mountain time). After a strenuous night, they are still locked up in the jury room. One juror that escaped from this room to-day is that Samuel T. Russell had been elected foreman. Another is that the jury on first ballot stood seven for acquittal and five for conviction.

To-night it is rumored that the jury stands eight to four for a verdict of murder in the second degree.

Each of these rumors, however, is impossible of confirmation, as the utmost precautions were taken by the court officers to prevent any news of the jury's deliberations from becoming public. Guards were stationed to keep any one from getting to the floor of the jury room, and no one was allowed to approach that side of the building on the 6th floor.

Jurors Suffer from Heat. Occasionally one of the jurors could be seen from the street standing or sitting at one of two little windows that open upon the jury room. Just before it got dark Levi Smith took up his position at one of these windows. He was in his shirt sleeves, and was pulling at his pipe and gazing out of the window to the southwest to Denver. He had the air of a man whose mind was made up, and was content to let the others do the fighting.

The jury room is a box of a place, and as the thermometer stood all day in the nineties, the jurors must have suffered tortures, especially as many of them are well along in years. Juror Robertson, one of the two Scotchmen on the jury, seemed to be very feeble, and another juror had to help him up and down stairs. Two hours later Judge Wood ordered the jury moved to a larger room down stairs, where he thought they would be more comfortable.

The case went to the jury a few minutes after 11 o'clock this morning. Judge Wood read his charge when court reconvened at 10 o'clock, and as soon as he had finished the jurors tramped across the hall and were locked in.

Call Judge's Charge Fair. The lawyers for the defense followed the reading of the charge with the closest interest. As it proceeded their faces brightened, and at its conclusion they were obviously little less than jubilant. After court had declared a recess until 2 o'clock, both Richardson and Darrow told the reporters that they had no complaint to make, and that they considered Judge Wood's charge one of the fairest they had ever heard.

It was clear that this was an underestimate of their real feelings. Throughout the ranks of the Federation sympathizers here a feeling of hope prevails that did not exist before the jury was charged. When Senator Borah closed his address last night Haywood's lawyers were pretty blue, but they felt much better to-day after Judge Wood got through.

That part of the charge which is supposed to be particularly favorable to the defense is the one relating to the credit to be given to the testimony of an accomplice and the consideration to be given to the treatment he has received at the hands of the State. The testimony relating to a possible promise of immunity was also commented on by the judge, much to the joy of the defense.

Whiskered Juror Wants to Know. As the day passed away and no word came from the juryroom, the hopes of the defense increased. They argue that this indicates a disagreement, which is the most they have hoped for.

It took Judge Wood almost forty-five minutes to read his instructions. He was interrupted once by Juror Sam Russell, who has those joy-bringing whiskers. Russell wanted the court to repeat the reading of the passage dealing with the

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WEATHER FORECAST

For the District of Columbia and Maryland—Partly cloudy and slightly warmer to-day. Tomorrow probably showers; variable winds.

HERALD NEWS SUMMARY.

Pages. TELEGRAPHIC. 1—North Carolina Wins Rate War. 1—Foraker Strikes Out at Taft. 1—Senator Pettus Is Dead. 1—Haywood Case in Hands of Jury. 1—Wreck on the Southern Railway. 3—Seven Dead in Steamer Fire. 3—Koreans Attack Japanese. 6—Clagett Forces Win in Maryland. 7—Camp Ordway Troops Return To-day. 7—Maryland and Virginia. 7—The Hague Dispatches Business.

LOCAL. 2—Japanese Diver Nearly Killed. 2—Dance at Forts Hunt and Washington. 2—Mrs. Thomas Still Hopeful. 2—New Naval Danger Feared. 3—Facts About Rate War.

OIL KING OWES TAXES. Cleveland, Ohio, July 27.—John D. Rockefeller is made a delinquent on the county's tax books. He failed to pay \$75 due to the county as taxes upon a personal return of \$3,800 of property at his Forest Hill home.

FATAL WRECK ON SOUTHERN

Engineer Ballard Killed and Thirteen Receive Injuries. Shipman, Va., July 27.—Engineer W. O. Ballard, of Washington, was killed and thirteen others, including passengers, were injured near here this evening when train No. 36, on the Southern Railway, derailed in Washington at 11:30 p. m., was derailed by a split switch. The injured are: W. M. Johnson, fireman, Alexandria, Va., cut about head and right leg; not supposed to be serious. C. L. Burgess, white passenger, back and legs injured, not serious. William Clark, trackman, seriously injured about head. White tramp, name unknown; not supposed to be serious. H. Bingham, postal clerk, not serious. H. N. Lisle, side injured. J. M. Rich, postal clerk, knees and hand injured. W. F. Marston, wrist badly injured. S. E. Davis, left arm slightly injured. J. Cary, postal clerk, hand cut and bruised. L. W. Keshagen, slightly cut. R. F. Finkhouse, head cut, hands and thigh bruised. Charles Garfinkle, shoulder bruised.

The wreck occurred at 3:45 p. m. The engine, tender, and all the cars, except the sleepers, left the track, the engine and postal car being badly damaged. The remainder of the train was replaced on the track after several hours' work, and proceeded to Washington, drawn by another locomotive.

The exact cause has not been officially stated, but observers say that a broken switch was responsible.

A wrecking train from Alexandria, with a number of physicians and surgical supplies, reached the scene shortly after the wreck was reported, and the injured were speedily cared for.

Engineer Ballard died of his injuries shortly after the accident occurred.

William O. Ballard came to this city from Alexandria, Va., five years ago and took up his residence at 1209 H street northeast. He was well and favorably known. He moved last spring to 53 G street northwest. He was thirty-four years old, and leaves a wife and two children.

The children are spending the summer in Charlottesville, while Mrs. Ballard has been forced by sickness to remain in this city. She has been confined to her bed for some weeks, and her condition is such that it was thought dangerous to break the news to her last night.

WRECK ON COAST LINE.

Engineer and Fireman Killed and Passengers Hurt. Petersburg, Va., July 27.—A most disastrous wreck occurred to-night near Stony Creek, on the Atlantic Coast Line Railway, about forty miles from Petersburg, caused by a collision between south-bound passenger train No. 55, which left here about 8 o'clock to-night, and a north-bound vegetable train.

The engineer and fireman of one of the trains, whose names were not learned, were killed, and several of the passengers were injured. It is reported that one of the mail clerks was killed. Both of the locomotives and several of the cars were badly wrecked and the track was torn up for some distance.

P. M. C. & O. Train Week Days. Effective Sunday, July 28, train leaving Washington 2 p. m., via Chesapeake and Ohio Railway, will run week days only.

SENATOR PETTUS IS CLAIMED BY DEATH

Paralytic Stroke Results Fatally to Statesman.

ALL ALABAMA MOURNS

The Aged Lawmaker Popular Throughout Home State.

Unconscious for Several Hours Before Demise—Was at Hot Springs, N. C., Under Care of Physician. Stricken Friday Morning Shortly After Arrival from Tate Spring. Once Asked Pugh for Judgeship.

Hot Springs, N. C., July 27.—Senator Pettus, of Alabama, died at 9 o'clock to-night.

Edmund Winston Pettus.

Born in Alabama in 1821. Received a common-school education, studied law, and was admitted to the bar. Married in 1841. His wife still lives. Lieutenant in the Mexican war. Crossed the continent in 1850 to California, traveling on horseback. Joined the Confederate army at the outbreak of the civil war and was a major during the siege of Vicksburg.

Was first elected to the United States Senate in 1867, at the age of thirty-seven. Was re-elected in 1883, and for a third term beginning in 1903.

Gen. Pettus was credited with having the best knowledge of the life of any member of the Senate.

Was six feet four inches tall. He was one of the tallest men who ever occupied a seat in the Senate.

Gen. Pettus' Career.

Edmund Winston Pettus, of Alabama, the oldest member of the United States Senate, was eighty-six years old. He was born in Limestone County, Alabama, in 1821. He received a common-school education, went to college, and became a lawyer. He was married in 1844, and his wife is still living. He called her sweetheart after sixty-three years of married life.

In 1850, after he had fought as a lieutenant in the Mexican war, the young lawyer caught the California gold fever and crossed the prairie on horseback. He came back two years later with his scalp, but no gold.

When the war broke out he joined the Confederate army. As major at Vicksburg he led what looked like a forlorn hope with such gallantry that he carried the works his men attacked.

After the war he went back to Alabama and practiced law until he was elected to the Senate, at the age of seventy-seven.

Senator Pettus was six feet four inches tall, and still threw back his shoulders. In Washington he was known as honest beyond any possibility of suspicion. The people of his State have always known the same thing. There was no more popular man in Alabama.

The Senator chewed tobacco, drank liquor moderately, loved flowers, carried a red bandanna, and enjoyed poker.

Gen. Pettus was first elected to the Senate in 1867, and re-elected in 1883. He had since been re-elected to a third term beginning in 1903. His colleague, Gen. Morgan, died a few weeks ago.

Why He Dropped Humor. Some years ago Senator Pettus told the story of his determination to avoid the role of the humorist. When a very young man he was elected solicitor for the Seventh circuit of Alabama, and in a short time he found himself in a predicament that many another young lawyer has known.

At the age of twenty-three, and just launched in a career of law, he was forced to antagonize older men at the bar in his capacity of solicitor. The older men were able at first to play mental football with the young official. The

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Notice of Change of Time Card on Southern Railway, Bluemont Branch. Effective next Monday, July 29, train No. 125, which is the Parlor Car train, at this time leaving Bluemont at 8:30 a. m., will on and after that date leave Bluemont at 7:30 a. m., arriving Washington 7:15 a. m. This train is daily, except Sunday.

HITS AT TAFT

Foraker Declares His Opponent Has Lockjaw.

IS AGAINST BURTON

Also Declares "Big Stick" "Won't Work in America."

ATTACKS REVISIONISTS

Speaks at Bellefontaine, Ohio, and Scores Many Public Men—Will Be Careful for Whom He Votes—Tells Audience Tillman Is Not Representative of Southern People—Compares Roosevelt to Jackson—Not a Candidate for Any Office, He Says.

Bellefontaine, Ohio, July 27.—If a public man's head escaped a crack at Senator Foraker's hands to-night it was because the Senator failed to see it.

Roosevelt and his "big stick," Taft and his Presidential candidacy, Tillman and his race antipathies, and Burton and his Senatorial aspirations, received especial attention.

Foraker has refrained thus far from any direct reference to the talk of Taft as a Presidential possibility. In his speech here to-night he made it very clear that he not only proposes to fight vigorously for his own political life, but will do all in his power to see that Taft falls of the Presidential nomination.

"The big stick," he said, "won't work with any free-born American, nor will it do any good to sugar it with a post-office job."

Turns on Taft. Then he turned to Taft: "I'm not a candidate for office," he said, "but if I should be I wouldn't get the lockjaw. I don't have to hold office to live. Secretary Taft is reported to have said no longer than day before yesterday that he wanted tariff revision. Former Gov. Herrick said he wanted it, too. I don't wonder. Congressman Burton, who is said to want my place in the Senate, is another who wants revision.

"I'd like to know where these men who want to be candidates are to begin to revise. They say Taft is going to run for President. I understand he has come to Ohio to make a speech at Columbus. I hope he'll tell us how he is going to revise his tariff.

Will Not Support Them. "These aspirants for office must take positions on the nation's great problems before I vote for them. I'm beginning to be particular for whom I vote."

Then the Senator turned to Tillman, arguing that the fourteenth and fifteenth amendments to the Constitution were made necessary by the situation created by secession. Men like Tillman and Vardaman do not voice the South's true sentiment. Andrew Jackson, he remarked, and here, by innuendo, he rapped Roosevelt again, was one of the Presidents who believed in executive power everything, and undertook reconstruction without consulting Congress.

MORGAN AND CROKER CHAT. Financier Meets ex-Tammany Chief-tain at Liverpool.

Liverpool, July 27.—Richard Croker and J. Pierpont Morgan had a friendly chat here to-day. Whether they discussed finance or politics, neither would tell.

The meeting was quite accidental. Croker was just taking his auto for Harrogate when Morgan passed, recognized the former Tammany chieftain, and stopped to exchange greetings.

Croker's trip to Harrogate was taken as a result of a recurrence of Croker's old kidney trouble. He has found the Harrogate waters beneficial to the complaint.

He made no attempt to conceal his disappointment at the defeat of his horse Orby yesterday, adding that Jockey Bullock's riding was very unsatisfactory.

BRYAN GOING TO INDIANA. Plans to Soon Open Campaign in Fairbanks State.

Lafayette, Ind., July 27.—Because of several requests from Democrats of the Ninth Congressional District, James E. Risk, district chairman, recently sent a letter to William J. Bryan, asking him to address the Democrats of the district at any early date.

He has just received a reply from Mr. Bryan saying that he will make his first important speech of the campaign of 1908 in this city at no distant day.

Chairman Risk is now preparing to have a large number of prominent Democrats present and proposes to make the meeting a State affair instead of a mere district meeting, as originally intended.

It is not known what Risk said in his letter, but many Democrats have urged upon him the expediency of having Bryan define his position fully in Indiana before the selection of delegates or party reorganization begins.

The new committees are usually elected in January and Bryan's friends, who recognize that there is a tendency of Democrats to look for other candidates, believe that his appearance in Indiana will assist them materially in getting an organization in sympathy with his candidacy, especially if he will define the issues to be made in 1908, and place himself on a conservative platform.

Washington-Exposition Special. Solid vestibule train with parlor car will leave Washington 12:30 p. m. week days, commencing August 5, and run through without change to Old Point, arriving 6 p. m. Ferry connection for Exposition Pier and Norfolk. Tickets at C. & O. Offices and Pennsylvania Station.