

The Fairmont West Virginian.

FAIRMONT, WEST VIRGINIA, FRIDAY, DECEMBER 28, 1906.

NUMBER 214.

VOLUME III.

THERE IS ONLY ONE PA-
PER IN FAIRMONT THAT
PROVES ITS CIRCULATION.

ADVERTISERS LIKE THE
WEST VIRGINIAN BECAUSE
THE PEOPLE DO.

DAMAGE SUITS INSTITUTED IN THEATRE CASE Outcome Will Be Closely Watched

John W. Sands, Francis V. Ruckman and Thomas J. Powell have each instituted a suit against Manager Herndon of the company of "A Good Fellow" for being ejected from the Grand Opera House last night. The young men claim that they were wronged in the action of Mr. Herndon and are seeking redress in the courts. They claim that their conduct was not out of the ordinary, that they did laugh and talk but this is expected in attending a theatre. They also claim that they left the room to avoid violence or even the appearance of violence.

Deputy Sheriff Walter Furbee and James A. Watson were at the station today to serve writs upon Mr. Herndon. The officers were at the station to meet No. 14, which arrives here at 11:30. The show people left this city at 11:51, so they failed to get service on Mr. Herndon. But the young men were not to be fooled in this. They returned to the sheriff and advanced him a fee to cover the cost in serving the writs and had them forwarded to the sheriff of Taylor county, where they will be served to-night.

The outcome of this matter will be watched with interest. W. S. Meredith represents the plaintiff in the three suits.

PRESIDENT A. J. CASSATT DEAD

HEAD OF PENNSYLVANIA RAIL- ROAD COMPANY DIED SUD- DENLY THIS AFTER- NOON.

PHILADELPHIA, Dec. 28.—President Cassatt, of the Pennsylvania railroad, died suddenly this afternoon. Alexander Johnston Cassatt was born in Pittsburgh December eighth, eighteen thirty-nine. He had been in poor health for some time. Gave up business activities many weeks ago, owing to a severe attack of whooping cough, from which he never fully recovered. His real physical condition was carefully kept from the public. Only his most intimate friends knew his real seriousness. He died suddenly to-day from what is believed to be a sudden heart weakness. He was elected president of the Pennsylvania Railroad Company in eighteen ninety-nine.

DIED WHILE HERE ON VISIT

MR. SMITH IRWIN PASSED AWAY AT HOME OF HIS DAUGHTER LAST EVENING.

Mr. Smith Irwin died Thursday evening at half after seven o'clock at the home of his daughter, Mrs. S. A. Hull, on Walnut avenue. He was 71 years of age and his death was caused by paralysis. Mr. Irwin's home was in Wilkesbarre, Pa., and he was here on a visit to his daughters in this city when he was stricken with paralysis. Three daughters survive, Mrs. S. A. Hull and Mrs. F. J. Reed, of this city; Mrs. M. Sage, of Brooklyn, N. Y., and a son, Mr. Arch Irwin, of Wilkesbarre, Pa. This evening at 7:00 o'clock at the residence of Mrs. Hull, on Walnut avenue, funeral services will be conducted by Rev. J. C. Broomfield, of the M. P. Church. The remains will be taken to Wilkesbarre, Pa., on No. 4, where they will be interred.

OVER THE FALLS

BUFFALO WOMAN JUMPED INTO RIVER AT NOON TO-DAY AND WAS DROWNED.

NIAGARA FALLS, N. Y., Dec. 28.—A woman supposed to be Mary Hagan, of Buffalo, succeeded at noon to-day by jumping into the river five hundred feet above the American Falls. She was swept over the brink before the eyes of many people gathered at Prospect Point. Her deliberate preparations for the plunge were witnessed, but owing to the distance could not be prevented.

EVA TANGUAY'S MANAGER FINED FIVE AND COSTS

Nihilist Plotters Come to Chicago

THE WINDY CITY IS BECOMING A NEST FOR THE ENEMIES OF THE CZAR.

CHICAGO, Ill., Dec. 28.—A Nihilist plot to carry war into Russia and attack the palace of the Czar, said to have been hatched in Chicago, has caused a flurry in Russian official circles. Spies of the Russian government have flocked to Chicago to watch revolutionists who have taken refuge here. Coupled with the announcement of preparations for the arrival in Chicago of Gregori Gerschunin, leader of the Russian Terrorists, who escaped from Siberia in a sauer kraut barrel and landed in San Francisco recently, warning was issued from the office of the local Russian consul, Baron A. A. Schippenbach, that this city is fast becoming the center of Russian Terrorists and Nihilist agitation and plotting.

Advices from Washington say that one of the purposes of the visit to that city of Baron Schippenbach was to secure the co-operation of Ambassador Rosen in plans that have been started looking to the deportation of Gerschunin, who plotted the death of several leaders of the Russian regime before being sent to Siberia, under a sentence to life imprisonment.

For weeks meetings in the interest of the Russian revolution have been held in Chicago, and thousands of dollars have been contributed for the purpose of bribing Russian officials and buying arms and ammunition for the coming uprising in the land of the Czar, which is scheduled for next spring.

Anna Strunsky Walling, the Russian writer, and her husband, William English Walling, have admittedly taken a prominent part in this agitation and paved the way for Gerschunin's coming to the city. Gerschunin is expected here from New York January 5, and will address a mass meeting of his countrymen the following day.

MAY HAVE TO TURN OVER THE MONEY

CONGRESSMAN HUFF WILL BE CALLED UPON FOR MONEY REALIZED ON RINEHART'S COAL LANDS.

WAYNESBURG, Dec. 28.—Congressman Huff is likely to be served with legal papers in connection with the recent suit as entered against Rinehart of the Farmers and Drivers' bank in connection with the two notes on the Greensburg Trust Company for ten thousand dollars each. It was alleged that these notes bore forged signatures and as soon as the bank failed Congressman Huff made information against Rinehart, charging him with being a suspicious person, so it is stated. It is now ascertained that Rinehart is practically in a bankrupt condition and if this is correct Huff will be asked to turn over into the bank the twenty thousand dollars that was realized through the purchase by J. V. Thompson, of Uniontown, of the two hundred acres of Rinehart's coal lands which were held at one hundred dollars an acre.

Cyrus Stillwell, a farmer of Deer Lick, 10 miles from here, came to Waynesburg and stirred a flutter of excitement by announcing to D. F. Walton, president of the closed Farmers' & Drivers' National Bank, that he would hold Walton personally responsible for \$2,100 which he had deposited in the bank, \$800 which his sister, Mrs. Lizetta Jones, had deposited, and \$400 deposited by his son, John Stillwell.

Stillwell, who is 60 years old, declared that no matter what might be the disposition of the bank's affairs he would hold Walton individually responsible for the return of the money. He says that several months ago he heard disquieting rumors regarding the bank's condition and that he came to Waynesburg to withdraw all three accounts. He alleges Walton and former Cashier J. B. F. Rinehart told him the reports he had heard concerning the bank's condition were groundless, that the institution was entirely safe and that it faced no financial difficulties whatever. Stillwell says he was thus persuaded to let the deposits stay in the bank. The money represents all the cash the three depositors possessed, and the aged farmer declares he proposes to recover it.

John Stillwell, the son, had completed arrangements to be married, but when the bank was suspended the wedding was indefinitely postponed.

MUCH INTEREST IN CASE HEARD IN 'SQUIRE SWINDLER'S COURT TO-DAY

THE YOUNG MEN ADMIT ANNOYANCE OF ACTRESS Manager Took Wrong Course

R. G. Herndon, manager of the show, "A Good Fellow," was fined five dollars and costs this morning in Justice Swindler's court for assault on John Sands, of Wheeling, in the Grand Opera House last night. John Sands, of Wheeling, Thomas Powell and F. V. Ruckman, of Monongah, were plaintiffs in the suit.

At the trial this morning the young men admitted that they were laughing and talking during the performance, but said that any annoyance on their part was unintentional. They said that the butt of their laughter and talk was a joke on one of their party. An explanation of the joke was attempted in court, but for no assignable reason was not finished.

Manager Herndon said that the same statement was made to him last night and he hoped that it was true. When Mr. Herndon was asked why he did not get an officer to eject the young men if they were annoying the actors and disturbing the audience he said that there was not time for all that.

The unfortunate occurrence brings very prominent young men of good families into it. By sustaining their allegations before the justice they have vindicated themselves.

The witnesses for the plaintiff were John Sands, Thomas Powell and F. V. Ruckman, who told substantially the same story and Ned Smith who said that he knew of no disturbance until Miss Tanguay spoke from the stage. The plaintiff was represented by Attorney E. M. Showalter. Manager Herndon told his story without any assistance; he had no witnesses. Not even Miss Tanguay. Neither did he have any counsel.

The affair created a great deal of comment. Nothing like it has taken place in this city for a long time.

TO EXHUME BODY OF FEMALE MAN

CZAR'S REPRESENTATIVES AND EXECUTORS WANT THE QUESTION OF SEX SET AT REST.

CHICAGO, Dec. 28.—Following the circulation of rumors that the woman who died recently at Phoenix, Ariz., under the name of Nicholas de Raylan was not really De Raylan at all, the body is to be exhumed and brought to Chicago for positive identification. Both the DeRaylan executors and the Czar's representatives want more certain information than they possess at present.

Suspicion has been increased by the arrival here of papers indorsed as having been signed by De Raylan at Phoenix, Ariz., at two o'clock on the afternoon the Russian is reported to have died. Though the signature is plainly by De Raylan and written boldly and firmly, the Phoenix Hospital records show that the woman died at three o'clock in the afternoon and was unconscious for an hour, before her death.

In view of the serious charges against De Raylan it is hinted that, though he left Chicago dressed as a man, he may have found it convenient to don woman's attire later and to induce the woman who died in Phoenix to assume his name.

At the Russian Consulate it is remarked that if the real De Raylan is alive he is still amenable to prosecution. In explanation of the fact that the woman who posed as Mrs. De Raylan was a woman, it is suggested that she may be acting on instructions from her husband, who may deem such a course least likely to be found by investigation.

Largest stock of watches in the city at Fisher's.

Instructions In Use of Coke

GENERAL SUPERINTENDENT OF PITTSBURG DISTRICT SENDS INSTRUCTIONS TO B. & O. MEN.

Instructions that have just been issued by Mr. J. E. Muhlfeld, general superintendent of motive power of the Baltimore and Ohio railroad, to all master mechanics, road foremen of engines, assistant road foremen and engineers and firemen in the Pittsburgh district of the road governing the use of coke in locomotives in that territory is of general interest in showing the extent of the economic use of coke in firing locomotives. The charter of the Pittsburg Junction railroad requires that coke be used as fuel in all locomotives on this line; and it is believed that, by closely following the instructions issued to them, the engineers and firemen will not only be able to handle their trains with greater economy than heretofore, but will obtain the highest degree of efficiency in the use of steam in their engines.

The Baltimore and Ohio has been and is now expending considerable money in putting the machinery, boilers, fireboxes, flues, grates and other appliances of its locomotives in the best possible condition for service, and all adjustments and repairs that may be found necessary must be promptly and properly made. The purpose is to get the best maximum service out of the locomotives.

The preparation of the coke fire must receive careful attention. Wood and semi-bituminous, low volatile soft coal is first applied to the grate, which will assist in igniting the coke and preventing it from clinkering over the grate surface. After the coal is thoroughly ignited the coke is introduced until the firebox is filled, the steam blower then being used until the coke is well burned through and makes a solid body of fire. The fire is then left in this condition until the locomotive has commenced work and until 15 or 20 miles have been run, then at the first opportunity, usually when the steam is not being worked, the firebox is re-filled with coke. In his instructions, Mr. Muhlfeld says the most successful firemen are those who can maintain the working steam pressure within a range of ten pounds variation and with the smallest amount of fuel and the least waste of steam.

J. HOP WOODS IS NEW PRESIDENT BAR ASSOCIATION

Lawyers in Session At City of Elkins

ELKINS, Dec. 28.—A large attendance of lawyers from all parts of the State was present at the opening of the twenty-second meeting of the West Virginia Bar Association in this city yesterday. Every county in the State is represented and the meeting so far has been a success in every particular. The sessions yesterday were presided over by the president, Hon. John W. Davis, who delivered an interesting address on "The Growth of the Commerce Clause."

After the report of President E. D. Talbot, of the committee on admissions, the election of members took place. Several new members were qualified. Appointment of committee on nominations was then made, followed by the report of the secretary, W. G. Peterkin, of Parkersburg. The report showed the association to be in excellent condition and steadily growing. W. N. Miller, treasurer, also delivered a very flattering report. W. F. Willey, chairman, reported for the executive council.

An interesting address was delivered by Hon. J. T. Cooper, a member of the legislature from Wood county, on "Directing Primary Nominations." In his address he outlined a bill covering the subject he will present to the next session of the legislature.

An interesting number was an address on "The Third International Conference of the American States," by ex-Governor A. J. Montagu, of Virginia.

The speaker graphically described the events in connection with the journey as a delegate to the Pan American conference.

Officers were elected as follows: President, J. Hop Woods, Phillips; vice president by congressional districts, First, Nelson C. Hubbard, Wheeling; Second, Robert W. Dalley, Romney; Third, C. W. Osouton, Fayetteville; Fourth, H. M. Willis, West Union; Fifth, George Poffenbarger, Pleasant; secretary, W. G. Peterkin, Parkersburg; treasurer, Charles A. Kreps, Parkersburg; executive council, including president and secretary, F. P. Willey, Morgantown; H. M. Russell, Wheeling; B. M. Ambler, Parkersburg; Elliott Northcott, Huntington; E. L. Nichols, Fayetteville, W. Va.; delegates to American Bar Association, J. J. Coniff, Wheeling; W. N. Miller, Parkersburg; Charles E. Hogg, Morgantown.

John W. Davis, retiring president of the West Virginia Bar Association, in dealing with the subject, "Growth of the Commerce Clause," declared that the federal government had transcended its power under the constitution of regulating interstate commerce and had encroached upon the rights of States.

Much interest is manifested in this year's meeting of the association, because of the reports of the legislative committee of the organization. The committee is expected to present a draft of a law that is hoped will meet the natural gas situation in West Virginia. It is intimated that a law has been devised which will endeavor to limit, to some degree, the sale of natural gas outside the State.

IMPORTANT LOOP

IN TELEPHONE LINE BETWEEN MORGANTOWN AND GRAFTON IS BEING PUT IN.

A very important loop connecting the telephone lines that are now in use between Morgantown and Grafton is being constructed by the Bell Telephone Company. The work is being done in Winfield district. The line that is to be built is about four miles long and requires 132 poles. The work is in charge of Foreman F. M. Lincoln, of Pittsburg, assisted by E. M. Brown.

The following list of workmen was taken from the register of the Turners: Elmer Brown, Harry Gardner, H. E. Robinson, James Storms, Emory Horton, Chester Horton, John Geniford, Pat McGinty, George Claycomb, Ben Boyd, William Coffman, Harry Mc-Budd, Ord Cressley, Stuart Custard, Dan Brown, Geo. Gregory, Irwin Holgerman, Virgil Ploughman, Thomas Reed, Thomas Reitz, John B. Rokey, Dan Schanes, Walter Smith, George Kulcutt, William McCallahan, Osa Bassett, George Miller, Harry Edwards.

ONE OF TEN

WESLEY SCHULTZ, A WEST POINTER, GRANTED LEAVE TO VISIT PARENTS IN WHEELING.

WHEELING, Dec. 28.—Wesley Schultz, a cadet at West Point, who has been visiting his parents on the South Side during the holidays, returned to resume his duties last evening. He has been at West Point for the past three years and has eighteen months left yet in which to complete his term.

As is the custom the ten students of highest standing each year are granted a leave to visit their homes. Mr. Schultz was one of the lucky ten, which speaks highly for his conduct at West Point. Another Wheeling young man who is forging ahead at the United States military academy is Chauncey Devore, whose home is on the Island.

SMOOTH SCHEME

PARKERSBURG GROCERY ROB- BED WHEN PROPRIETOR WAS ON WILD GOOSE CHASE.

PARKERSBURG, Dec. 28.—The store of D. A. Beatty, a Sixth street grocer, was robbed of \$125 in money and some goods. About dark a little negro boy came running into the store and told Beatty his son had fallen in the alley adjoining. Beatty, of course, hurried out, where sure enough, he found a man lying on the ground moaning. Beatty helped the man to his feet, when he limped away saying he would try to get home without assistance. In the meantime Beatty's pocketbook, containing over \$100 had been taken and the money drawer robbed.

All Perished But One.

CORUHNA, Spain, Dec. 28.—The Spanish steamship Primrose has foundered off the coast. Only one person on board was saved.

DILLON BEGINS IMPORTANT SUIT

STATE TAX COMMISSIONER SEEKS TO DETERMINE POINTS ANENT SHERIFF'S COM- MISSIONS.

CHARLESTON, Dec. 28.—Suit was commenced yesterday in the court of Judge S. C. Burdett by the State of West Virginia, ex rel. C. W. Dillon, tax commissioner, and S. B. Avis, prosecuting attorney, against the Kanawha county court, by which it is sought to determine certain disputed points as to the construction of certain statutes relating to the commission of sheriffs. The prayer of the petition is that a writ of certiorari be issued against the county court compelling it to appear before the Circuit Court with its records of the settlement with the sheriff.

It is likely that Tax Commissioner Dillon and Prosecutor Avis will appear as counsel for the State and Attorney Will Byrne as counsel for Sheriff Melton. Sections 7 and 8 of Chapter 4, acts of 1904, and chapter 48 of the acts of 1905, deal with the matter of sheriff's commissions, and the courts will be asked to determine three points, as follows:

"First, who is entitled to the discount on taxes paid during the discount months of October and November, the sheriff or the taxpayers?"

"Second, what is the sheriff entitled to on taxes collected during the discount months, 2 1/2 or 5 per cent?"

"Third, who is entitled to the interest on taxes collected after January 1, the sheriff or the fund for which the taxes are levied?"

Relying upon the opinion from Attorney General May, the county court allowed Sheriff Melton a straight commission of 5 per cent and other county courts throughout the State followed this example. This will be a test case, and will, no doubt, reach the Supreme Court of Appeals. Tax Commissioner Dillon did not coincide with the opinion of the attorney general, hence the suit.

GUN CLUB

PLANS EVENTS OF SPECIAL IN- TEREST FOR ALL THE MEM- BERS OF THE ORGANI- ZATION.

The regular weekly shoot of the Fairmont Gun Club will be held Saturday afternoon on their grounds on the Coogle farm beginning at two o'clock. There will be four events of fifteen birds and two events of twenty birds making a total of 100 targets.

On New Year's day will be held the regular annual shoot of the Fairmont Gun Club. There will be ten events of twenty birds each a total of 200 targets for the programme. All targets will be trapped for one cent each, with optional sweep. Lunch will be served at noon and comfortable quarters for all shooters. Shooting will commence at ten o'clock and continue as long as there are any shooters to shoot or shells to be shot.

On Thursday, January 3d, will be held in the office of Dr. J. O. McNeely, on Main street, the annual election of officers of the Fairmont Gun Club. A large attendance is desired as matters of great importance to all shooters will be brought before the club.

SNOW STORM

THE WORST IN THIRTY YEARS IS RAGING ALONG THE SCOTTISH BORDER.

EDINBURG, Scotland, Dec. 28.—The worst snow storm in thirty years is raging along the Scottish border and has caused much damage and hardship. The snow began falling Christmas day and the storm continues unabated. Railway traffic in many directions is suspended and the whole country is snow-bound.

Soon Ready for Business.
The shoe shining parlors at Eding's drug store will soon be ready for business. The furniture has arrived.

SHOT IN THE LEG

MARTINS FERRY WOMAN WOUND- ED AND MARTIN SAAS SAYS IT WAS AN ACCIDENT.

WHEELING, Dec. 28.—Mrs. Alex. Marti, wife of a Main street saloonist, was shot in the leg yesterday afternoon by the discharge of a revolver in the hands of Martin Saas, a boarder, at the house. Mrs. Marti was preparing dinner, when the report of the gun was heard and the bullet entered the leg, causing only a slight flesh wound. Saas was standing in the room waiting for his meal and had the revolver in his hands.

Officer Redy was called by other members of the household and Saas was locked up. He claims his innocence and says that the affair was purely an accident, as he was handling the gun. From all circumstances his story seems plausible as no trouble occurred between him and the woman previously. He was released last night upon putting up twenty dollars and he will be arraigned before the mayor this afternoon at 3:30 o'clock.

WANTS TO KNOW

SECRETARY WILSON VISITS DIS- TILLERIES TO FIND OUT HOW LIQUORS ARE MADE.

WASHINGTON, Dec. 28.—Secretary Wilson, of the Department of Agriculture, and Solicitor McCabe left early to-day for Baltimore to visit the distilleries. The secretary's object is a personal inspection to ascertain just how the various brands of liquors are made, so that he may decide how they should be labelled under the pure food law, which goes into effect next Tuesday.

Why pay a big price for cab work?
McCray Livery will do it cheap. Always ready.

Special prices on watches at W. A. Fisher's.