## UNDER ORDERS, CLERKS SAY SIGNED FALSE WAY BILLS

### Letters Are Read That Passed Between Gilbert and Seaboard Line Freight Agent.

RICHMOND, VA., Nov. 28.—At half past twelve o'clock this afternoon Judge Lewis, who with Attorney John Marble, is prosecuting A. P. Gilbert, assistant general freight agent of the Chesapeake & Ohio railroad, on the charge of granting rebates, stated to the court that the prosecution had concluded its case so far as taking evidence was concerned and were ready for the introduction of witnesses for the defense. The announcement came as a great surprise to the attorneys for the defense, and in fact to all who were present in the court, as it was thought that the prosecution would not conclude until Monday evening at the earliest. Hill Carter, for the defense, asked for an adjournment of the court until half past two o'clock in order that the attorneys for the defense might confer. The request was granted and the court adjourned until half past two o'clock.

The hearing was continued this morning with J. E. Jones, former billing clerk in the Ninth street Chesapeake and Ohio station, on the witness stand. Mr. Jones is a resident of New York state at present, but was, up to a short time ago, in the employ of the Chesapeake and Ohio for six years.

Mr. Jones was first questioned in regard to the claims brought on account of grain shipped by W. R. Johnson and Company. He said that while he was billing clerk he hardly knew what to do with the claims that came in in this regard and always turned them over to H. O. Gates, who settled them personally.

In regard to the reconsignment of cars, Mr. Jones said that he acted entirely on orders from the office of the general freight agent, in the form of either the signature of E. D. Hotchkiss or of Alexander P. Gilbert. He could not say whether Gilbert ever signed Hotchkiss's name or not. He merely acted, without question, on orders. He stated that Gates was in the freight office every day and attended personally to the shipping of W. R. Johnson and Company.

After Mr. Jones Williams M. Anderson was called to the stand to explain a question as to rates after which he was dismissed.

Then Gilbert T. Swain, cashier in the Chesapeake and Ohio Ninth street station, was called to the stand to tell of his part in the reconsignment of cars. He stated that he endorsed a number of bills of lading and transfer slips which he could see on first inspection were irregular. He said a portion of the expense bill was taken from genuine bills of lading and a portion was taken from forged bills of lading. He knew that these expense accounts were irregular but signed them.

"Why did you endorse those bills you knew they were not genuine," asked Mr. Marble.

"I was acting under orders from my superior officer," answered Mr. Swain.

"Have you ever had a conversation with Mr. Gilbert relating to the reconsignment of W. R. Johnson and Company's cars?" asked Mr. Marble.

"Yes, I have," answered Mr. Swain when L. B. Johnson (who worked up a great part of the evidence on which the prosecution is based), came to the office to look over the files. I told Mr. Gilbert of it and Gibert told me to keep the matter quiet." Mr. Swain was then relieved and E. M. Gregory, correspondent clerk in the freight agent's office, was called. Mr. Gregory was asked to produce certain letters which were read.

The first letter read was written by A. P. Gilbert and was in regard to "certain irregular transaction in the reconsignment of cars over the Seaboard Air Line railroad." In this letter Mr. Gilbert wrote that the practice had just come to his notice and that he had unwillingly become a party to this unlawful practice. In the letter was enclosed the statement showing the cars reconsigned since August, 1907, and Mr. Gilbert proposed to settle the matter with that as a basis and to pay the Seaboard Air Line the amount of the undercharge during that time. A letter from Charles R. Capps, general freight agent of the Seaboard Air Line railroad, in answer to the first letter was next read in which Mr. Capps stated that, as he understood the matter, the Chesapeake and Ohio, and Seaboard Air Line settled the difference between the local and through rates from Richmond to points in the South on cars reconsigned as stated in the letter. In view of the fact that the practice had certainly been going on for some time Mr. Capps did not think the statement covered the whole case and suggested that Mr. Gilbert prepare a statement covering at least several years.

A letter was read from the general freight agent of the Atlantic Coast Line road in which he asked for more information in regard to the practice of reconsignment as carried on by the Chesapeake and Ohio. The Coast Line official refused to consider the matter until he knew more about the matter. After the reading of the letters Mr Gregory was relieved and Charles R Capps, general freight agent of the Seaboard Air Line was called.

Mr. Capps, after corroborating former evidence in regard to rates, stated that all the Seaboard Air Line officials had to guide them in regard to the reconsignment of cars was the transfer slips issued from Mr. Gilbert's office. On this account he was unable to tell anything of the reconsignment of cars except that the Seaboard Air Line carried a large number of cars so reconsigned to points in the South.

After Mr. Capps, J. W. Perrin, general freight agent of the Atlantic Coast Line railroad, was called to the stand, but as the defense admitted that he received a letter similar to that written by Gilbert to Capps, and that his answer to that letter in which he refused the settlement as preferred was never answered, he was not put on the stand, and O. D. James, auditor of freight receipts of the Ninth street Chesapeake and Ohio station, was called. Mr. James was unable to answer the questions without refreshing his memory and was allowed to go to his office to look over his books, with the understanding that he return within the hour.

Judge Lewis rose at this point and stated that in order to expediate matters the counsel in the case had agreed that it would be unnecessary for the prosecution to bring forth evidence to show that cars had been shipped or that the roads concerned were common carriers. This was done merely as a matter of form in order to cut short the evidence as far as possible.

## SWINDLER AT 80.

### Dupes Victimsized by Aged Ellen Peck.

NEW YORK, Nov. 28—A little gray-haired woman, dressed in decent black and wearing the bonnet of our grandmothers, was locked up at police headquarters yesterday afternoon on the charge of getting $2,000 on false pretenses from the promoting firm of Norwood & Wilson, of No. 1 Madison avenue. Only a few of the older detectives recognized the quiet, mannered old woman as Ellen E. Peck, the "confidence queen" of twenty years ago, about whom columns have been written and to whom Inspector Byrnes devoted several pages in his "Professional Criminals of America." She gained her first notoriety 30 years ago, when she succeeded in swindling B. T. Babbitt, the soap manufacturer, out of $19,000.

Mrs. Peck now owns to 79, but many who know her declare that she is over 80. Although arrested many times, she has served but one prison sentence, and little has been heard from her since eleven years ago, when she was arrested for robbing a jeweler of $391.

#### From Colonial Times.

Two weeks ago Assistant District Attorneys Kresel and Bosler were asked to investigate an alleged swindling scheme, which had been worked on the firm of Norwood & Wilson by a woman calling herself Eliza Knight, Mrs. Peck's favorite alias. The story they unearthed, and which resulted in Mrs. Peck's arrest yesterday, had its beginning away back in 1795, when James Monroe, later President of the United States, was governor of Virginia.

In that year Gov. Monroe, granted to Alexander Kalcott 650,000 acres of land, then supposed to belong to the State of Virginia. Subsequent to this grant the States of Virginia and Kentucky appointed a commission to fix the boundary line between the two States, and it was decided that the lands granted to Walcott lay within Kentucky. In 1850 the Supreme Court of Kentucky declared Walcott's title to the land invalid, and that persons to whom Walcott or his heirs had sold portions of the tract had no title.

#### Conveyed the Lands.

In spite of this decision the invalid deeds to the Walcott tract passed through the hands of many persons, and came at last into the possession of Amelia O. Schelling, who conveyed her rights to Eliza Knight in 1892. The deed was put on record in Kentucky by Mrs. Knight, who, as it turned out in the investigation, is Mrs. Peck.

Between 1892 and the present year Mrs. Peck made conveyance of parts of the Walcott tract to various persons. Last September she went to the office of J. E. Normand and W. R. Wilson and proposed that they form a corporation to develop a tract of 225,000 acres in Kentucky. She showed Norwood & Wilson what seemed to be an abstract of title showing that the land had been conveyed to her by Mrs. Schelling.

Mrs. Peck agreed to turn over to the corporation to be formed with her by Normand & Wilson the title of the land and to take the purchase price in stock. This was agreed to.

#### Makes a Confession.

The following day Mrs. Peck returned to Normand & Wilson's office and offered to mortgage her property for $2,000, saying that she was in urgent need of money. Representing herself as Eliza C. Knight, of Aparkill, Rockland county, N. Y., she made a mortgage to Paul Edward Schubert, who is in the firm of Normand & Wilson. The mortgage described the properties in detail as being in certain counties of Kentucky and lying between the forks of Sandy River.

She got the $2,000, and later $1,500 more on the same representations. Investigation proved that the title to the land was worthless. District Attorney Bosler dug out the story bit by bit, and when Mrs. Peck was confronted with the evidence today she confessed at once. She admitted that she knew that the supposed title to the Walcott tract was worthless.

## JAPS ARE ACCUSED.

LOS ANGELES, Cal. Nov. 28.—W. S. Halloway, of London, who for five years has had charge of the British concessions in Korea and who will return to Korea after a short absence, is now in this city. He said that it privileged to speak he could tell a tale of cruelty on the part of the Japanese in their treatment of the Koreans which would make every member of the white race rise in arms against the Japanese.

"I am going to return to Korea," said he, "or I would talk. It would be one of the most startling stories ever published if a competent newspaper man was sent to Korea and the real condition of Japanese oppression told to the world. It would make every white man revolt and turn against the Japanese.

"I could tell how the Japanese surrounded the Korean Emperor's palace with maxims even after they had secured what they wanted in the way of abdication, and no life was safe. Neither the United States nor England knows of the dishonesty and lack of principle of the Japanese."

#### Mr. Old on Oyster Legislation.

Editor of The Times-Dispatch:

Sir,—As a member of the House Committee on the Chesapeake and its Tributaries during the last session of the General Assembly of Virginia, I will undertake to answer briefly the question propounded by you to Mr. W. McDonald Lee as to why no oyster legislation was enacted by the said General Assembly.

On January 31, 1908, upon the request of the Board of Fisheries, I introduced in the House a bill providing for the codification of the oyster laws of Virginia, and containing many material amendments, which bill, when printed, contained ninety-eight pages. This bill has been drawn with much care by Mr. Lee and those associated with him, and the oyster laws of other States were considered in its preparation.

The House Committee on the Chesapeake and its Tributaries met day after day and night after night for the purpose of considering this bill, but, owing to the many investigations, necessitating the appearance of members of the committee at other meetings, the shortness of the session, the multitude of bills on the calendar, each one of which was considered by its patron to be important, and opposition to certain portions of the bill itself by certain members, it failed of passage in the House, but, in all probability, by lack of time. A similar bill was introduced in the Senate by Senator Keezell. Mr. Lee worked in season and out of season in its behalf, and its passage would have given the board better facilities for enforcing them, and would, no doubt, have remedied many of the evils which your paper now claims exits. Should not Mr. Lee, under those claims existdin Mr. Lee, under those circumstances, be commended for his untiring efforts rather than censured for the non-passage of the bill itself

This now brings me to the bill changing the name of the Board of Fisheries to the Commission of Fisheries, providing for a fund for carrying out the purposes of the act, outlining the duties and powers of the commission, and incidentally increasing the salaries of certain members of the board. This bill, after full and careful consideration in committee and on the floor, passed the House by a vote of 55 to 3, and the report of the conference committee was adopted by the House by a vote of 63 to 2, and by the Senate by a vote of 27 to 5. These votes in themselves ought to be conclusive evidence of the fact that the bill was a meritorious one. And any thoughtful person, in examining the oyster codification bill, ninety-eight pages long, making changes in the existing laws, and the Commission of Fisheries bill, only four pages long, recognized to be of merit, can easily understand why the latter became a law and the former failed of passage. And it is only fair for me to state that Mr. Lee told me again and again, and, no doubt, other mebers of the committee also to use every effort to have passed the codification bill, even though by so doing the Commission of Fisheries bill failed of passage.

And his every action, so far as I observed, proved his sincerity in making this statement.

I would also like to call attention to H. B. 386, directing the Board of Fisheries to rearrange the lines of the Baylor Survey in Warwick county; the resolution introduced by Mr. Featherston, of Campbell county, providing for the appointment of a commission to make an investigation of the State's interest in and relative to the fish and oyster industries, and the Potomac River bills, all of which had his approval and support.

It is my intention in writing this letter, and I do so voluntarily, to give to Mr. Lee the credit he deserves; and I sincerely hope that this statement of facts, which can easily be verified by other members of the committee, will convince you that Mr. Lee did do his best to have enacted oyster legislation considered by those who examined the bills themselves to be wise, proper and necessary.

Yours very truly,

WM. W. OLD, Jr.

Norfolk, Va., November 23, 1908.

The Times-Dispatch is very glad to print Mr. Old's explanation of the failure of the bill touching oyster laws and the passage of the bill increasing the salaries of the late Board of Fisheries.

This paper is not advancing the interests of any party of parties, but advocates earnestly legislation which will protect the oyster industry, and which will bring to the State increased revenues from one of her most valuable possessions.

That much legislation is necessary no one denies; that crying evils exist is acknowledged; that present conditions are a disgrace to the State is evident, and that greatly increased revenues should result is apparent.

The Times-Dispatch points out the present conditions of the oyster industry so that all the people of Virginia—for it is to all the people that this great source of revenue belongs—may appreciate and understand the situation.

Mr. Old does not state, however, the character of the legislation proposed. Because The Times-Dispatch believes the present laws are entirely unsatisfactory it is continuing to agitate this question and direct attention to the menacing condition to which the oyster industry has been reduced.—Editor of The Times-Dispatch.

## INQUIRY BUT NO ARRESTS IN RICHMOND SENSATION

### Richmond Authorities Seek to Fix Responsibility for Death of Young Immigrant Girl.

RICHMOND, VA., Nov. 28.—Coroner Taylor's formal inquiry into the pitiful death of Mary Murphy, who was found lifeless in a carriage at at the gate of the Retreat for the Sick last Wednesday noon, was adjourned at half past one today till Thursday at 9:30 a. m.

The police authorities requested, for reasons of their own, that it be interrupted right there after John Kennedy, Mrs. James B. Dugan, Mrs. Agnes Hermance, Mrs. Bernhard, the girl's employer; Dr. Charles R. Robins, William Vaughan, Dr. A. B. Cosby and John B. Billey had testified.

The police feel that they have narrowed responsibility for the girl's death down to Archie Musgrave Vaughan, the girl's lover, who is a fugitive, to a colored midwife, whom they know, to Dr. A. B. Cosby, who attended her, and to Mrs. Agnes Hermance, whose house is a private lying in place.

#### May Arrest Suspect.

It may be said, on the best police authority, that the arrest of either or all of the four persons mentioned may follow at any moment.

The evidence given the coroner was taken, without any striking occurrences, in his office in the city hall and he was assisted in his questioning by Commonwealth's Attorney Folkes, Mayor Richardson and Chief of Police Werner. Detectives McMahone, Wren, Wiltshire and Bailey listened intently to the testimony. An expert stenographer took it down.

The case assumed proportions that have drawn in all the high police authorities of the city and promise to make it a cause that may lead to drastic reforms in the matter of private hospitals, or lying-in resorts.

#### Officers Busy.

Commonwealth's Attorney Folkes, Chief Werner, members of the detective force and Mayor Richardson are also in attendance, and everything is being done to get at the perpetrator of the criminal operation on the girl. The police believe they know the name of the negro woman who performed the operation, and they believe that she has figured in more than one case recently. So far the woman's name has not been mentioned, but there is good reason for the belief that she performs the operations and send the victims to other places for treatment.

The detectives are working on the case in a manner that may result in an arrest at any time. When a witness leaves the jury room he or she is taken in hand and closely questioned on points that may have been overlooked.

There are some who incline to the belief that Miss Murphy was dead when she was taken from the Hermance home by Mrs. Hermance and placed in a carriage to be taken to the Retreat, but nothing to establish this fact has yet been brought out before the coroner's jury.

#### Dr. A. B. Cosby.

Dr. Arthur B. Cosby was asked to tell all about it so far as he knew. He said Archie M. Vaughan came to his office Friday night, Nov. 20, and told him of a woman upon whom a criminal operation had been performed and asked him to come and remedy the defects of the operation. He demurred at taking any such case, but finally consented to do what he could. He told Vaughan to take her to Mrs. Hermanace's, who, he said, advertises private midwifery. He found her there Saturday with a temperature of 101 and a pulse of 120. The young woman was pretty far gone. He asked who had performed the operation and the girl said "a colored woman" without saying who the woman was or where she lived. He called again Sunday and found the woman's condition so alarming that he felt obliged to consult the highest gynecological authority in Richmond, Dr. Charles R. Robins. His testimony confirmed that given by Dr. Robins.

Dr. Cosby, who was flushed and manifestly distressed, said he had consulted Dr. Garcin, a member of the board of health, about notifying the coroner and that Dr. Garcin had said he did not think it necessary if Dr. Cosby could sign a certificate of death from puerperal septicemia. Yes, witness said, he had informed Dr. Garcin of the criminal features of the case.

He had attended a Mrs. Matthews and a Mrs. King at Mrs. Hermance's. Answering the coroner, he admitted having been involved in a police court case (the Butler affair, but had been exonerated.

Dr. Cosby said he called up Vaughan and his brother told the doctor that Archie Vaughan had departed for parts unknown. Dr. Cosby advised that Archie Vaughan be brought back by any means and tell who was the colored woman that had performed the operation.

The chief of police asked pointedly what had become of the babies born to Mrs. Matthews and Mrs. King. Witness replied that Mrs. Hermance told him the King baby was born dead and that the Matthews baby was taken home.

The general impression was that Dr. Cosby had come out of his ordeal very well.

#### William K. Vaughan.

Archie Vaughan's brother William K. Vaughan, took the stand. He was haggard, pale and his voice was husky. He sat with clasped hands while testifying and seemed deeply depressed. He said he and his brother were pharmacists; that he owned the store and they shared profits.

He had never seen his brother with Mary Murphy, nor had his brother spoken to him of her. He heard rumors of their intimacy from others, but was unaware of the criminal situation till Saturday afternoon when a boy brought him a note from his brother, written on wrapping paper, saying he was in trouble and had gone away to return in a week. He said Mr. Kennedy and a policeman called that evening and demanded to know where his brother was. He could not tell them. The policeman, he said, choking with emotion, was very gruff and left declaring he would find out where he was.



## MILLIONS OF DOLLARS EXPENDED IN BARRELS

### The Stave Plays Important Part In Country's Industrial and Farming Pursuits.

WASHINGTON, D. C., Nov. 28.—The farmer with his potatoes and his apples, the hardware man with his nails, the cement manufacturer, and the many other users of the faithful slack barrel, that combination of staves, hoops and heading, which is not intended to hold water or something stronger to hold water or something stronger in fluid form, used forest products last year having the enormous value of $15,800,253.

The average man would little suspect that the humble barrel plays so important a part in the expense accounts of the American farmer and manufacturer, yet figures compiled by the Census in co-operation with the United States Forest Service develop this interesting truth. Moreover, statistics taken directly from reports from 930 cooperage mills in all parts of the United States show an increase of $1,569,683, or 11 per cent, in the value of last year's product over that of the previous year.

In distinct contrast to tight cooperage stock, which in the main requires oak timber for its raw material, slack cooperage stock, particularly staves and heading, utilized in greater or less degree, most of the commercially important trees in the country, and for this reason its manufacture was far more widey distributed than is the case with that of tight cooperage stosk. Twenty-one species of wood contributed to the total slack production last year. Nearly two-thirds of the output, however, was manufactured from the four species, red gum, pine, elm, and beech, in the order named.

The figures disclose an interesting movement in the industry in the substitution of less expensive woods for those which for many years were drawn upon most heavily for slack stave material, but which, owing to growing scarcity of advancing cost, are rapidly being displaced. In 1906 elm staves were manufactured in larger quantities than those from any other wood, and contituted nearly one-fourth of the total production for that year, with pine and red gum occupying second and third places, respectively. Last year gum jumped to first place, pine to second, while elm, with a falling off of 26 per cent in production, dropped to third place. Beech, maple, spruce, chestnut, and ash followed in the order named.

While slack stave and heading production was reported last year from practically all the states engaged in the manufacture of lumber, a considerable percentage of the stock, in fact, being turned out as a by-product of lumber, the industry was to an extent localized, the five states of Pennsylvania, Missouri, Michigan, Arkansas, and Virginia, in the order named, contributing 56.8 per cent of the total production. The distribution of the industry of hoop manufacture is much more limited than that of staves and heading, and is due primarily to the fact that this commodity is made chiefly from elm timber. Ohio led in the quantity of hoops manufactured, closely followed by Indiana, the output of these two states forming 67.3 per cent of the total production.

#### The Glass-Blower and Science.

The art of the worker in glass has been brought to the aid of the naturalist in a way which will give us a knowledge of the under sea and its denziens never before afforded. They will be shown to us in their identical proportions with even the exquisite coloring which so many of them have when in life. This is a new art, which in the past have made the Bohemian famous for his fashioning of the crystal substance. Considering the innumerable shapes in which marine life exists, it would seem impossible faithfully to model each branch, tendril and filament which form so much of each organism; but it is being done, successfully, at the American Museum of Natural History in New York, where already the blow-pipe has sculptured perfect models of some of the most interesting of the submarines atoms of life.

How the sculptor in glass shapes it so deftly an accurately is worth the telling. The creature to be imitated artificially is placed upon the microscope table and its size enlarged to the desired dimensions. Then with his eye to the lens of the instrument, the draughtman outlines bit by bit every portion upon the paper, or a model may be worked out of clay. The dimensions as seen through the microscope give an accurate gauge by which to work and the design or model is in exact proportion to this. With the drawing to guide him, the sculptor takes his glass and blow-pipe and shapes the image, building it up, piece by piece. Such is the simplicity of the operation that one can scarce believe the object was so created.—Day Allen Willey, in December Van Norden Magazine.

#### Another Leap-Year Hint.

He—B-r-r! I am positively shivering. I think I'll take something warm."

She (with a sly glance)—I'm warm as toast.—Boston Transcript.

#### Give Him Time.

Lady (on Pullman)—Boy! Where are the porter's quarters on this train?

Candy Kid—In the passengers' pockets yet, Miss.—Boston Transcript.

#### General Knowledge.

"Now, what makes the sea salt?"

"The blisters, Miss."—Punch.