

OCALA EVENING STAR

Volume 13, Number 270

OCALA, FLORIDA, SATURDAY, APRIL 18, 1908.

Fifty Cents a Month; \$5 a Year

ARE YOU HUNGRY

We will Satisfy your wants

Service excellent. The Best of everything

Keating's Cafe

R. D. FULLER, DENTAL SURGEON

Office over Munroe & Chambliss Bank.

OCALA - FLORIDA

TERMS, CASH.

J. E. CHACE

DENTAL SURGEON

Rooms 9, 10 and 11, Second Floor, Holder Block, Ocala, Florida.

TERMS, CASH.

L. F. BLALOCK DENTIST

Office Over Commercial Bank

Phone 217

TERMS, CASH.

YOU CAN

BANK

ON VAN CAMP'S GOODS

There Are None Better

Pork and Beans..... 10c & 15c
Soups: Vegetable, Tomato, Etc..... 10c
Whole Beets, 3 lb. Cans..... 15c
Squash, 3 pound Cans..... 15c
Big Hominy in 3 lb. Cans..... 15c
Red Kidney Beans 2 lb. Cans..... 15c
Tomato Catsup..... 15c & 25c. Bot.
Worcester Sauce..... 15c. Bot.

O. K. Grocery

Clark Bros, Proprietors

PHONE 174

WEIHE Fred G. B. WEIHE

THE LENS AND OPTICIAN

We have the Largest, Most Complete Stocks of

OF ALL KINDS

OF SQUARE

OF SQUARE

OF SQUARE

OF SQUARE

OF SQUARE

OF SQUARE

OF SQUARE

OF SQUARE

OF SQUARE

OF SQUARE

OF SQUARE

OF SQUARE

OF SQUARE

OF SQUARE

BERBERS BADLY BEATEN

Desperate Battle in Morocco Between French Troops and Natives of the Country

Colomb Bechar, Algeria, April 18.—The French column on Talza Hill, which commands the plain of Tamlet, were attacked yesterday by a number of Berbers. Although surprised, the French force fought desperately, and not only beat off the adversaries, but pursued them for a distance of six miles.

The French victory was costly, twenty-eight men, including an officer, being killed, and one hundred men, including ten officers, were wounded.

The losses were greatest in the foreign legion. The Berger losses were much greater, no less than one hundred and twenty-five dead bodies having been found by the French troops.

RAILROAD COMMISSION REPLIES

To Complaint of Attorney General Ellis in Atlantic Coast Line Case

Tallahassee, April 11, 1908.

Mr. T. T. Monroe, President Ocala Board of Trade, Ocala, Fla.

Dear Sir:

Your letter of April 1st was received and would have had earlier attention but for the fact that the Commission has been over run with important work which prevented earlier attention being given to your communication.

We note that you say you are requested by the Board of Trade to ask the loan of our engineer to the Attorney General in order that he may make an examination of the physical condition of the Atlantic Coast Line Railroad, his testimony to be used by the Attorney General in the suit now pending before the Supreme Court. The Attorney General has already made this request upon the Commission, as you may have been informed by him.

The Mandamus Proceedings in the Supreme Court of Florida must be referred back to January 11th, 1907, when his writ issued, and times prior thereto—fifteen months and more ago, and the Act of the Legislature giving the Railroad Commissioners jurisdiction of the physical condition of the roadbeds, rights-of-way, tracks, depots, rolling stock and other fixtures and equipment of railroads in this State was approved May 27th, 1907, and the engineer employed by the Commissioners under this Act assumed his duties July 1st, 1907. Any inspection that would have been made after his appointment up to the present time would only show a present condition of affairs and could prove nothing of the conditions alleged by the Attorney General in his mandamus proceedings.

The Commissioners have declined the request of the Attorney General to turn over this engineer to him for the purpose of inspecting certain parts of the Atlantic Coast Line Railroad for the reason that they have no proof before them that the present condition of the roadbeds named by the Attorney General are in a present dangerous condition, and in-as-much as the Commissioners have some four thousand miles of track for this engineer to look after in the state of Florida, it is their judgment that the time of the engineer shall be used in inspecting roads or parts of roads, without regard to what roads they are, where the public safety most demands that inspection shall be made first. It must be apparent, as all the lines cannot be inspected at once in their entirety, that good judgment would dictate that this is the only method to pursue until every line of railroad in the State has been inspected. The engineer's time has been used from the beginning of his employment in such work as in the judgment of the Commissioners should be done first, and he is now engaged on a piece of work that in a very short time he will have to go upon the stand and testify to.

The Attorney General's case is pending before the Supreme Court of Florida, and has never been taken on, and the whatever the Attorney General may desire to do, he must first get a writ of habeas corpus from the Supreme Court of Florida, and then he can take the engineer and the facts in the alternative writ, and examine a number of witnesses, prior to the filing this petition, in the city of Ocala. He must have known what he could prove by these men or no doubt he would never have filed his petition.

This being so, the Attorney General has been in position to compel these witnesses to appear and testify before the Supreme Court of Florida any time since the 21st day of May, 1907, when the Court handed down its last opinion in this case, the closing language of which is as follows, (the bracketed words are ours) and will be found on page 237, 44 So. Rep: "The motion to strike the entire answer to the alternative writ is denied. The motion to strike portions of the answer is granted in the particulars indicated in this opinion. The relator (the Attorney General) is allowed five days to join issue, whereupon appropriate orders will be made for taking testimony."

The excuse set up by the Attorney General that his Department had no funds will not hold because he could have applied to the Supreme Court of Florida at any time after this decision

to issue subpoenas for any witnesses that he desired to prove his case with, and it is not a question of the Attorney General having an appropriation himself, because the Court has the right to have its orders carried out. It must be apparent that he has to prove his case by witnesses who can testify to the condition that prevailed at the time he filed his petition and dates prior thereto and not by an inspection made twelve to fifteen months afterwards by some one else who knew nothing of the conditions prevailing at the time the allegations were made,—therefore the Attorney General having failed to do his plain duty is seeking now to exonerate himself by placing the blame on another Department of the State Government and as has already been done in the case of the Attorney General, this Board hereby declines to comply with the request of the Ocala Board of Trade in supplying the Attorney General with the service of the Inspecting Engineer.

This Committee had no authority over the physical property of railroads in this State prior to the Act of the Legislature approved May 27th, 1907, and yet for more than a year prior to the filing of the Attorney General's petition in the Supreme Court of Florida, the Commission was after the Coast Line officials from the local Superintendents to the President of the line, urging that they should make improvements in their Florida property, and this office is in possession of files on this subject that would make a pamphlet of 100 to 125 pages on that subject which shows that the Commission was alert in this direction even at a time when they had no authority under the law to do one thing. They carried these matters over the heads of Florida officials repeatedly and have letters from him giving us information as to what endeavors they were making to better the conditions. These files are open to the inspection of any who desire this knowledge, and we regret very much that they are too voluminous to be copied and sent to you, but even if this were done there is so much of it that those of you who feel that you are interested would not, in all probability, wish to take the time necessary to the reading of same.

As a sample, we wish to call your attention to the enclosed letter from Mr. T. M. Emmerson, President of the Atlantic Coast Line Railroad Company, under date of November 30th, 1906, also a copy of a statement rendered by him to this Commission of equipment received during the year ending June 30th, 1906, and orders for equipment placed by the same company for other deliveries showing date they were due, date they were promised and when they were being received. You will remember that a great many deliveries were made during the month of January, 1907, about the time the Attorney General filed his petition to the supreme court and shortly thereafter. It must be apparent to your Board that the orders for this equipment delivered at that time must have been made six to eighteen months prior thereto and could not have been as a result of the Attorney General's suit.

The Railroad Commissioners are familiar with the railroad conditions in this State, probably more so than any other persons, and they are charged under the law giving them jurisdiction of the physical property of railroads with the authority to employ an inspector to make inspections and estimates under their direction and in such manner as they may direct, and being charged with this duty they intend to be the judges of when, where and how this work shall be done, and do not intend to be dictated to in the premises by the Attorney General, and therefore, as stated above, we respectfully decline your request for the loan of this Inspector to the Attorney General.

We are also sending you a copy of letter addressed to Governor Broward February 14th, 1908, on this subject. This letter was written to Governor Broward because this board had information that the Attorney General had been taking his troubles to the Governor and Cabinet and had said to the Governor that he should make the demand upon the Railroad Commissioners to furnish him with this engineer and in the event that they refused the request, to remove the Commissioners from office. Therefore, instead of replying to the last letter of the Attorney General, which he gave you for publication when in Ocala last, the matter was taken up direct with the Governor who has not made us a reply and which is taken by this Commission to mean that he regards the position taken by the Commissioners as a correct one.

In addition to the above, we wish to state that we are reliably informed that the Superintendent of the Atlantic Coast Line Railroad Company made a proposition to the Attorney General that they agree upon some competent person to go over their lines, making a thorough inspection of same, such person to be used as a witness in this case, and that the Atlantic Coast Line would furnish an engine and car free of expense to the state, and the Attorney General was invited to go with the person selected to make the inspection, and also agreed that the car would be stopped at any point or points and run at any speed that was desired in order that this inspection might be made. A person was selected and agreed to by the Superintendent of the road and Attorney General Ellis, but for some reason after this the Attorney General has declined to avail himself of

this proposition. This, remember, was last May, 1907. R. Hudson Burr, J. L. Morgan, N. A. Blitch, Commissioners. February 14, 1908.

(Copy.)

Hon. N. B. Broward, Governor, Tallahassee, Fla.

Dear Sir:

We are in receipt of a letter from Hon. W. H. Ellis, Attorney General, a copy of which is enclosed, demanding that we shall take our engineer from work which he is doing under our instructions, and assign him to work designated by the Attorney General.

The Railroad Commissioners are chosen by the people of Florida and are charged with the duty of carrying out the provisions of the Railroad Commission laws of the State. In doing so, they have, as a matter of course, to use their best judgment in deciding what shall, or shall not be done regarding railroads and other common carriers in this State. In our opinion, it was never intended that the Commissioners, being charged with and held responsible for this important branch of the State Government, should at the same time be required to sub-ordinate their judgment to the dictates of any other Department of the Government.

By the Act of May 27, 1907 (Chapter 5622 Laws) jurisdiction of the physical condition of the railroads, rights of way, tracks, depots, rolling stocks and other fixtures and equipments of railroads in this State, was, for the first time, given to the Railroad Commissioners, and they were required by the Act to employ a competent inspector who should make the necessary investigations and inspections of such matters, as well as the cost of reproducing the same, and report to the Commissioners, at such times and in such manner as they might direct. The manner, time, and place of doing such work is placed in the discretion of the Commissioners, and we fail to see wherein the Attorney General is vested with any discretion or authority in the matter.

The Inspecting Engineer of the Commissioners was appointed by them to assume his duties on July 1, 1907, and since that time they have had his work done where present conditions most urgently demand. He has been almost constantly engaged on the L. & N. R. R. because this Commission is enjoined by the Federal Court from enforcing an order for 3c passenger fares, made in 1903, and the Commissioners were long ago advised that such work was necessary to sustain their order. Until the appointment of the Engineer was authorized, the Commissioners were without means to have this work done, and they felt that justice to the people of the territory through which the L. & N. R. R. runs, required that the case should be first taken up.

In addition, whenever they have had sufficient reason to believe that a portion of the track, or any structure, of a railroad is in a present unsafe condition, they have directed an inspection to be made for the purpose of requiring it to be repaired. It is impossible for the engineer to make a thorough inspection of the 4000 miles of railroad trackage in this State in any reasonable time. For a general inspection, the best he could do at present would be to ride in the trains, and form some idea of the conditions in that way; therefore, to our minds, his most important duty, at present, is to inspect the worst pieces of track in the State, without reference to what particular railroad they belong to.

The condition of portions of the Atlantic Coast Line's tracks, as stated by the Attorney General in his alternative writ of mandamus, must be referred back to January 11, 1907, when his writ was issued, and times prior thereto, thirteen months and more ago. We are not aware that these parts of the Atlantic Coast Line's tracks are now the most dangerous in the State; on the contrary, we know, of our personal knowledge, that considerable work has since been done on them. This, we believe, the Attorney General will admit. We know therefore no reason why this work should receive attention before other work which we deem to be equally or more urgent. It moreover occurs to us that any present inspection of the track would merely show its present condition, and not that in which it was reported to be more than a year ago. We assume that the Attorney General made his allegations upon the statements of competent witnesses made to him at the time, and we do not understand why he cannot summon them by subpoena from the supreme court, to give their evidence in the case. In short, we see no good reasons why the time of the engineer should, in this matter, be taken up with work provided by the Attorney General who is not charged with the responsibility nor the duty of having it done.

Nevertheless, you, as the head of the State Government, are charged with the execution of all the laws, and have peculiar opportunities for determining what the best interests of the whole State require. If, in your judgment, the discretion of the Railroad Commissioners vested in them by law as to the physical condition of the railroads, should be taken away from them, in this matter, on the demand of the Attorney General, and the Inspecting Engineer should be taken from work assigned him by us, to perform other work designated by the Attorney General, we will respect your wishes, and exercise our discretion by assigning the engineer to the particular work.

Yours very truly,
(Sd.) R. Hudson Burr, Chairman.

ALDRICH BILL IS ALL IN

Committee Voted to Lay It on the Table—Plan for a Substitute Offered Today

Washington, D. C., April 18.—The house committee on banking and currency voted unanimously yesterday to table the Aldrich bill. The committee also decided to give a hearing today to Representative Vreeland of New York, who recently introduced a financial bill which is looked upon as being nothing more than a substitute for the Aldrich measure.

Beware of Ointments for Catarrh that Contain Mercury

as mercury will, surely destroy the sense of smell and completely derange the whole system when entering it through the mucous surfaces. Such articles should never be used except on prescriptions from reputable physicians, as the damage they will do is tenfold to the good you can possibly derive from them. Hall's Catarrh Cure, manufactured by F. J. Cheney & Co., Toledo, Ohio, contains no mercury, and is taken internally, acting directly on the blood and mucous surfaces of the system. In buying Hall's Catarrh Cure be sure you get the genuine. It is taken internally and made in Toledo, Ohio, by F. J. Cheney & Co. Testimonials free. Sold by druggists. Price, 75c. per bottle. Take Hall's Family Pills for constipation.

SAVED A BILLION

Committee Killed a Scheme to Have the Government Buy a Gigantic Forest Reserve

Washington, April 18.—With an adverse report, the house committee on the judiciary yesterday killed the plan to have the government buy blocks of mountains from New England to Florida and convert them into a gigantic national forest reserve.

Had the project been consummated, it would have cost more than a billion dollars.

The report denies outright that Congress has authority to go into the states affected and acquire lands for such purposes, saying if this is done, the "bars could be let down" and all powers and rights of state could be dispensed with.

SILVER ALUMINUM JELLY MOULDS FREE

Individually Molded desserts are now considered the proper thing. The moulds are hard to get outside the large cities, but users of JELL-O, The Dainty Dessert, can get them absolutely free. Circular in each package explaining and illustrating the different patterns. JELL-O is sold by all good grocers at 10c. per package. Do not accept a substitute or you will be disappointed.

BUSY MR. GOODRICH

The Green Springs correspondent of the Tampa News writes the following about Mr. O. M. Goodrich, who is well known and much liked in this city:

"O. M. Goodrich, who is the leading real estate dealer and also justice of the peace for the thirty-fourth district, is one of the most progressive citizens of our city. Besides being secretary of the Springs Improvement Society and the local democratic club, his office is a general bureau of information for all parties who desire information relative to Esprit Santo Springs or the surrounding country."

Suffering and Dollars Saved

E. S. Loper, of Marilla, N. Y., says: "I am a carpenter and have had many severe cuts healed by Bucklen's Arnica Salve. It has saved me suffering and dollars. It is by far the best healing salve I have ever found." Heals burns, scalds, ulcers, fever sores, eczema and all skin diseases. 25c at all drug stores.

Odd Fellows meet Tuesday night.

SWEARING IN DEPUTY SHERIFFS

Pensacola will be Guarded by Hundred of Prominent Business Men

Pensacola, April 18.—All hope of a peaceful settlement of the strike by Adjutant General Foster is abandoned. The governor has instructed the city officials to prepare to protect the city on the withdrawal of the troops. The sheriff has summoned several hundred prominent business men to report to the county jail immediately on the withdrawal of the state troops. No disturbance of any kind is reported, but only the presence of the soldiers keeps down disorders. Prominent citizens have joined in a telegram to the governor, asking him to come here at once and try to settle the matter. The troops will probably be withdrawn by degrees.

A WOMAN TELLS HOW TO RELIEVE RHEUMATIC PAINS

I have been a very great sufferer from the dreadful disease, rheumatism, for a number of years. I have tried many medicines but never got much relief from any of them until two years ago, when I bought a bottle of Chamberlain's Pain Balm. I found relief before I had used all of one bottle, but kept on applying it and soon felt like a different woman. Through my advice many of my friends have tried it and can tell you how wonderfully it has worked.—Mrs. Sarah A. Cole, 140 S. New St., Dover, Del. Chamberlain's Pain Balm is a liniment. The relief from pain which it affords is alone worth many times its cost. It makes rest and sleep possible. For sale by all druggists.

MAURETANIA'S CLOSE MARGIN

She Broke the Record by Just One Minute

New York, April 17.—By a remarkably close margin of one minute, the big Cunard liner Mauretania arriving here yesterday established a new record across the ocean over the long route. Her time for the passage was 4 days 23 hours 59 minutes. The former record was made by the Lusitania. The Mauretania's average speed was 24.08 knots. On the last day of the trip she maintained a speed of 26 knots for hours.

ROGERS LIVERWORT TAR AND CANCHALAGUA

For the complete cure of coughs, colds, asthma and bronchitis and all lung complaints tending to consumption. Liverwort, Tar and Wild Cherry have for ages maintained an established reputation as a standard cough remedy. It contains no opium or harmful drug. Can be given with safety to children. Price \$1. Sold by druggists. Williams' Manufacturing Co., Props., Cleveland, O. Sold by the Anti-Monopoly Drugstore.

ACME STAPLER FOR SALE

The Star, Ocala, Fla., has for sale a \$35 Acme Staple Binder, almost as good as new with lot of staples, \$15. Lot of 10-em mailing galleys, almost new, at half price. A rotary lead and rule cutter, \$30 for \$10. Mustang mailer in good shape for less than half price.

A BABY SHOW IN OCALA

Would have many contestants; but it's safe to say that the healthiest baby would win the prizes. No baby can be healthy who suffers from worms and most babies do unless they are kept free from them with White's Cream Vermifuge. Acts quickly, yet mildly—is its own purgative. Mothers don't attempt to raise children without White's Cream Vermifuge. Price 25 cents. Sold by Anti-Monopoly Drug Company.

IMPORTANT NOTICE

To Whom It May Concern: Parties indebted to the city of Ocala for personal taxes for 1907 are hereby notified that after five (5) days I will levy on property for all unpaid taxes without further notice.

W. C. Bull, Marshal.



Here's The Point A B
Sum
Are y
are no
CITI
Office: Room