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GOVERNOR'S SUIT WILL SERVE AS A GENERAL EXAMPLE

Litigation Against the C. & O. of Indiana Will Result in Revision of Laws, Governor States.

IS AN OBJECT LESSON TO PEOPLE OF STATE

Defendant Road Has Had a Stormy Career Since Its Organization, One Trouble Following Another.

"This is, perhaps, the first time a concrete example has been presented to the people of this state of how stocks and bonds are manipulated on a tremendous scale. If I do not accomplish anything more I will present such a case as will result in the next legislature revising the laws of the state and preventing the formation of corporations in this state on wind and water. I am against the investment of wind and water as money."

Thus Governor Thomas R. Marshall declared himself Saturday to the Indianapolis correspondent of the Palladium on the alleged fraud practiced on the people in the transfer of the C. & O. L. railroad to the Chesapeake & Ohio railroad company and its reorganization as the Chesapeake & Ohio of Indiana.

The chief executive expects to show the people of the state in the prosecution of the suit to dissolve the C. & O. of Indiana that the corporation was formed for the purpose of stock jobbing and juggling.

A Pretended Organization.

He avers that it is merely a pretended corporation and that it was organized in the expectation that the state officials would think a foreign corporation, which the governor believes is the real owner, was acting in compliance with state laws. He said that the Chesapeake & Ohio was the real owner and that the stockholders as announced do not possess bona fide shares of stock. Among the number of stockholders named is Harry C. Starr, formerly of Richmond and elected vice president of the road at the organization meeting held in this city in July.

The state asks that the court dissolve the pretended corporation on the grounds that it is organized for fraudulent purposes in that its directors seek to evade the state laws and that it be restrained from exercising any of the powers allotted to legally constituted domestic corporations and from carrying out the purposes of the company as planned.

The road has had one of the most checkered careers that any commercial concern in Indiana has ever had. It has had a struggle from the time it was first proposed.

The glowing possibilities of compelling the Pennsylvania railroad company to reduce its freight rates to local shippers caused the builders to demand a bonus of \$225,000 from Richmond alone. The money was voted the company after a hard fight. The fight for the bonus here was much the same as elsewhere where the road entered.

Its Erratic Career.

For a few years the company enjoyed ordinarily good business. An occasional wreck stirred things up and then wrecks became more frequent.

Then a freight war with the Pennsylvania railroad company was started and while the company has won in many instances of the contest the matter has not yet been definitely settled.

Not having sufficient capital it is said the road was unable to stand the drain on its treasury which was caused by the panic of 1907, and the road was placed in the hands of a receiver. Upon its sale to the C. & O. railroad company its affairs reached a climax with the suit for dissolution which was filed in the Cass county circuit court on Saturday. The road was bid in at public auction in this city on June 22 by representatives of the C. & O. railroad company for over \$8,000,000. The amount actually paid over here was a little more than \$50,000 it is understood. The organization of the C. & O. in Indiana was then perfected and a few weeks later a suit was filed in the federal court at Cincinnati wherein a banking institution claimed it had a million as a result of the deal. This action is now pending. The company's officials recently filed a mortgage in favor of the Mercantile Trust company of New York City calling for a loan of \$40,000,000. This action prompted Governor Marshall's investigation and subsequent suit for dissolution.

For along time in English history white has been considered the unlucky color for coronations. Charles I. wore white vestments when he was crowned.

THE WEATHER.

INDIANA AND LOCAL--Showers; not much change in temperature.

SEND IN ENTRIES!

All exhibit and horse show entries for the Fall Festival should be made immediately with secretary Will W. Reller at rooms 20 and 21 Colonial building. It is important that the entries be made as soon as possible in order to maintain a system and assure the exhibitors of good positions.

HAS PITIFUL STORY

"Lake Erie Bill," Crossed in Love, Is Now Alleged to Be Unbalanced.

IS RELEASED FROM JAIL

"Lake Erie Bill," a professional hobo with a history, was released from custody at the county jail on Saturday by Sheriff Meredith on orders from Judge Fox of the circuit court. The tramp, who in his better days went by the name of Thomas McMahon, was charged with trespass, having broken into the cigar store of Harry Beard at Cambridge City on September 12. The man is mentally unbalanced and it was intended to make an effort to get him into the Eastern Indiana Insane hospital. When arraigned before Squire Bowmaster of Cambridge City he was found guilty but the sentence was suspended, as the man was also declared to be insane by the justice of the peace. Prosecuting Attorney Charles Ladd moved that the affidavit charging trespass be dismissed and gave as his reasons that as the man was insane he could not be guilty of the act in the eyes of the law.

During his confinement in the county jail the man sat in a corner removed from the other inmates and whistled and clapped his hands almost all the time. He became a tramp about twenty years ago when his sweetheart, a Columbus, Ohio, girl, married to another man. His home is at Cambridge City.

STILL AT LIBERTY

Vertha Hicks, who was recently declared insane by a lunacy commission of Squire Abbott's court and placed in the Home for Friendless, from which she escaped on Wednesday evening, has not been apprehended. The police have searched the city high and low for her. They are at a complete loss to account for her get-away. They expect that she is either visiting friends who have hidden her or that she is in the country. It is feared that she may suffer from exposure.

POSSESSION WANTED

Possession of real estate and damages in the sum of \$300 are asked in a complaint filed in the circuit court on Saturday by the attorney for Merle Richardson against Benjamin Miles and wife. The plaintiff also desires that the title to the property be quieted. The farm which consists of 82½ acres has been in the plaintiff's possession since 1899. The defendants have been in possession since 1907.

GAYNOR OUT OF IT

(American News Service.)

New York, Sept. 24.—"I am not a candidate for the gubernatorial nomination; I have authorized no one to present my name and I never have been a candidate," said Mayor Gaynor today at his country home at St. James.

The mayor had been asked for a positive expression upon his attitude toward the democratic nomination for governor.

EARLHAM IS NOW ONE OF THE BEST INDIANA SCHOOLS

Reports Submitted by the Institution to Indiana Yearly Meetings Pleasing to the Many Delegates.

COLLEGE HOWEVER IS NEEDING MORE MONEY

A Collection for the Institution Was Not Taken as a Personal Canvas Has Been Contemplated.

Saturday afternoon was Earlham afternoon at the Indiana Yearly Meeting of Friends. Reports from the president, board of trustees and treasurer showed that the college now ranks as one of the leading educational institutions in Indiana and that it was gravely in need of finances.

The fact that Earlham college is now recognized as one of the five best educational institutions in the state was emphasized in the address of President Robert L. Kelly before the Yearly Meeting yesterday afternoon. Dr. Kelly in a very earnest address, following his annual report, said that there were three organizations in this country, which pass upon the quality of work done by the educational institutions. These are the Carnegie Foundation, the General Education Board, endowed by John D. Rockefeller and the Indiana State Board of Education.

Earlham college, as an institution maintained by Friends, was not considered by the Carnegie Foundation. The General Education Board has made an investigation of all the leading colleges of the United States and has selected five in Indiana as reaching its standard and Earlham is one of the five. The state board of education has also made certain requirements for colleges wishing high standing and Earlham is one of the Indiana institutions conforming to these requirements.

An Educational Trust.

"There is a great tendency today to build up an educational trust," said the Earlham president. "Just now there is great danger for Earlham and all other institutions, for it is thought that certain educational institutions may be ground to powder, under the rolling machine of the big trust. The general education board has made a classification of colleges, saying which ones are good, which ones are poor and which ones are not worthy of life. Some colleges have already died as the result of this classification. Each college has today a life and death struggle," he continued, "such as it has never had before, especially if it is not on a good financial basis. I am gratified to think that we rank well as a college. One of the denominational colleges recognized by the general education board has already increased its endowment fund until it is twice that of Earlham. Two others have very much increased their endowments and today Earlham stands fourth in the standard as to the finances."

Debt is Now \$45,000.

President Kelly asked that the Indiana Yearly Meeting consider the conditions of Earlham and make it possible for the college to give the best education that any college can give, and subscribe to the fund to remove the debt of the college which is now about \$45,000.

A collection was not taken at the session yesterday afternoon because the authorities of the college wish to make a personal canvass of the members of Indiana and Western Yearly Meetings and secure subscriptions from people that have not contributed.

(Continued on Page Two.)

Two Earnest Workers For Earlham College



HAINS ASKS PARDON

Father of Convicted Army Officer Wants Him Restored to Liberty.

SENDS PLEA TO GOVERNOR

(American News Service.)

New York, Sept. 24.—Governor Hughes today notified District Attorney Frederick G. De Witt of Queens county that an application for the pardon of Captain Peter C. Hains Jr., the army officer, who shot and killed William E. Annis at the Bayside Yacht club in August two years ago, had been made by General Peter C. Hains, the prisoner's father.

Captain Hains on his conviction of manslaughter in the first degree, after his trial last fall, was sent to Sing Sing to serve a term of not less than eight years and not more than sixteen.

General Hains, in his appeal to the governor for a pardon, reviews the whole history of the Hains tragedy and pleads extenuating circumstances.

THEY MAKE SURVEY

M. S. Markle and L. R. Petry completed a survey of the Whitewater River gorge from the Main Street bridge to Test bridge last evening and found that the gorge was over one hundred feet deep at several points south of the city. Mr. Markle is an assistant in the department of Biology of Earlham College and Mr. Petry is a student at the University of Chicago and a graduate of Earlham. Their topographical survey of the gorge will be presented to the college.

ROAST KING'S ARMY

New York, Sept. 24.—A special cable to the Evening Post here today says:

"London, Sept. 24.—The British army maneuvers, it is admitted by papers of all shades of opinion, resulted in a frightful fiasco. The Express calls it a gigantic muddle. There was a confusion. Some battalions fired on their own allies in the fearful and wonderful tangle. The foreign attaches openly expressed their contempt for the British generalship. 'The aeroplanes, which were to do the scouting, couldn't fly.'"

NEW ATTACK MADE ON T. ROOSEVELT

It Centers About His Very Drastic Primary Law for the State.

TO BE A BITTER STRUGGLE

COLONEL SAYS THAT HE EXPECTS A HOT FIGHT BUT THAT EVERYTHING WOULD COME OUT ALL SATISFACTORILY.

(American News Service.)

Oyster Bay, N. Y., Sept. 24.—A new fight against Col. Roosevelt, centering around the drastic direct primary bill which he urges as a chief issue of the republican state convention developed today. This fight promises to be as bitter as the struggle over the temporary chairmanship and the wires started buzzing today towards the effecting of a compromise between the warring factions. At Sagamore Hill this afternoon Col. Roosevelt admitted that he had a new fight on his hands but declined to discuss it at length. He merely declared that some of the upstate delegations to the convention were dissatisfied with the direct primary bill which he is urging, and the enactment of which he wants pledged in the republican platform. The colonel said he believed everything would come out alright. The details were learned later today. Several delegations, among them Erie and Broome counties, it was said, sent word to Col. Roosevelt that, while they stood ready to vote for him for temporary chairman, they opposed the Cobb direct primary bill.

Hughes Also Favors It.

The colonel alighted upon the Cobb bill which would place every office from United States senator down at the disposition of the electors. Governor Hughes also favored this measure.

For a time the only opposition to this issue came from the old guard, but later delegations which endorsed the colonel began to announce their aversion to the Cobb bill. The criticism culminated in the ultimatum sent to Roosevelt from upstate leaders.

A compromise would be effected, it is believed that the colonel will grant concessions although he will still cling to the direct primary issue as a principal feature for the platform.

There is a possibility that the fight will be threshed out in the convention hall. However, it is generally believed that a compromise will be made before the convention opens.

Chairman Willcox, of the public service commission called on the former president today to enlist his aid in the movement to have telephone and telegraph companies put under the supervision of the commission. This may also be given a place in the platform.

PAINFULLY INJURED.

Charles Ackerman, a clerk at the Hoosier Mercantile company, painfully injured his hand yesterday when he moved a large box into the store, catching the flesh of one finger on a nail and tore his finger open to the bone. It was necessary for the physician to make several stitches before the wound was closed.

NOT A CANDIDATE.

For the information of my friends, I wish to state that I have never been, and am not now, a candidate for the office of county superintendent of schools. I greatly appreciate the kind solicitation of friends desiring me to be a candidate, but I feel compelled to decline the nomination.

A. L. Baldwin.

HIS ORDERS NOT OBEYED; SIX KILLED

Motorman on Traction Freight Car Did Not Wait at Right Switch and Collides with a Limited Car.

TWELVE ARE INJURED: FEW OF THEM FATALLY

Wreck at Tipton Saturday Afternoon Was the Second Traction Horror in the State the Past Week.

A GROOM-ELECT KILLED

BROOKLYN MAN, GOING TO HIS WEDDING, MEETS HORRIBLE DEATH, AS DOES HIS BROTHER, TO BE "BEST MAN."

(American News Service.)

Tipton, Ind., Sept. 24.—Six persons were killed, twelve injured, several probably fatally, in a collision on the Indiana Union traction line, two miles north of here today.

This was the second disaster on Indiana traction lines during the present week, the first having occurred on the Wabash Valley line at Kingsland Wednesday. The death of Clyde Brown of Warren, Ind., today brought the number of persons killed in that disaster to 41.

The two wrecks were brought about under circumstances almost identical. In both cases there was a mistake in orders. One of the trains over ran the station at which it was to stop and met the other on a sharp curve in a head-on collision.

The following are the names of those killed in today's wreck: Joseph Kaker, motorman, Logansport; Lewis Broo, Kokomo, Ind.; Dr. W. C. Holtzner, Brooklyn; Verdet Railback, Hymeria, Ind.; B. F. Welsh, Marshall, Mich.

List of injured.

The following are most seriously injured: J. E. Ballinger, Shelbyville, Ind.; A. E. Curtis and wife, Indianapolis; Charles Grave, Indianapolis; J. E. Hawkins, Indianapolis; Mrs. H. Hutchins, Alexandria; Mrs. Belle Jones, Greentown, Ind.; J. W. Montgomery, Elwood; Mrs. T. A. Moore, Elwood; Vincent Zantogile, Sharpville.

Dr. Holtzner was on his way to Kokomo where he was to have been married tonight. His brother, who was also killed, was to have been the best man at the wedding. The bride to have been was Miss Nellie Coxon, daughter of the secretary of the Great Western Pottery company, Kokomo. Miss Coxon was prostrated when she heard of the death of her fiancé.

The collision was between a north bound limited passenger train and a south bound freight. The south bound motorman had orders to wait at the first stop north of the crossing, it is said, but overran that point, thinking he could make another switch.

A clump of trees hid the approaching cars and they came together at the curve. The freight plowed through the front of the limited, demolishing the smoker. The motorman and all the passengers in the smoking compartment of the limited were killed. The motorman and conductor on the freight car jumped and were not injured.

"I guess we over ran orders," said Motorman Dan Lacey when he had fully recovered from the shock caused by jumping from the car. Conductor Seebree was equally dazed at the occurrence and could not explain why they had passed the switch.

Farm houses were opened for the reception of the injured and the bodies of the dead. Superintendent Swart sent out extra cars, with cots, and all of the dead and injured were later brought here.

ASK WALSH PARDON

Washington, Sept. 24.—George T. Buckingham, a lawyer of Chicago, filed a formal petition for the pardon of John R. Walsh, formerly president of the Chicago National bank, with the department of justice today. It is signed by several hundred thousand sympathizers. Walsh is now in Leavenworth, Kan., penitentiary having been convicted Dec. 13, 1906, on a charge of loaning himself \$25,000,000 while president of the bank.

CHANGE OF VENUE.

The case of Maggie Curney against John Clegg, to secure possession of real estate, and also secure damages for alleged illegal detention, will be tried in the Randolph circuit court. A change of venue was taken from Putnam.

Palladium's Daily Average Circulation

For Week Ending Sept. 24, 1910.
(Except Saturday)

TOTAL DAILY AVERAGE CIRCULATION

Including Rural Routes, Mail Circulation, Small Towns, Complimentary, City Circulation, Etc., Six Days--

5,981

AVERAGE CITY CIRCULATION

3,363

This Includes Regular Complimentary List.
This Report Does Not Include Sample Copies.

One of the Fall Festival Features



One of the many attractions at the Richmond Fall Festival Hippodrome will be the trained dog, pony and monkey show of Leon Morris. This is one of the best acts of its kind in the country. The diving monkeys furnish the feature performance of this act. There are numerous other acts booked for the Hippodrome, which promises to be one of the most popular places in the city during the big event. The hippodrome grounds are on South Fifteenth street between B and E streets. The hippodrome will be open all next week.

Charles M. Marsh, who managed the hippodrome at the Dayton Fall Festival which was such a splendid attraction will arrive in Richmond early in the week to take charge of arrangements for the hippodrome here during the Fall Festival. Much work is entailed in preparation for the hippodrome, which promises to be as good as that at Dayton, including acts which have made great hits wherever they have been given.

Mr. Kemper of the decorating firm has arrived and already outlined his plans for the stadium. He will begin work on the Midway on Monday.