

A DISTINCT DECISION

Made by the Inter-State Commerce Commission in Regard to

THE PRODUCTION OF EVIDENCE.

Books and Papers of Common Carriers May be Secured When

SUCH A PROCEEDING IS REASONABLE.

Good Grounds Must be Shown to Get the Documents of Private Parties.

A ruling has been issued by the Inter-State Commerce Commission concerning the steps which must be taken to place certain evidence before the court.

St. Louis, Sept. 20.—Judge Schoonmaker, Judge Bragg and Mr. Vasey, of the Inter-State Commerce Commission, have issued in St. Louis the past few days, and will leave here for Kansas City to-morrow, where they have several cases to hear.

In an opinion rendered by Commissioner Bragg, on application for subpoenas for the production of books, contracts, vouchers, accounts and papers in the suit of George Rice versus various Western railroads, oil companies, etc., that gentleman lays down the following rules to be observed in such cases:

First—In laying down rules upon the subject of what an applicant must obtain for the compulsory production of books, papers, tariffs, contracts, agreements and documents, relating to any matter under investigation, the commission is governed by the provisions of the act to regulate commerce, and the

OBJECTS AND PURPOSES of this statute, but in connection with these, will also consider the practice in the courts of the United States, as well as the rules promulgated by Federal judges in proceedings which seem to be most nearly analogous to proceedings in which such applications to the commission are made.

Second—In proceedings between parties, when such an application is made to the commission, to compel the production of books, papers and documents, or others who are strangers to the proceeding, to produce books, papers and documents, the application should be in writing, addressed to the commission, and should specify as nearly as possible the nature of the production which is desired, and they be accompanied by an affidavit, sworn to by the applicant, or under his control, and should set forth facts which indicate that material and necessary to the party seeking their production is in the possession of, or under the control of, the party from whom they are sought, and that the production of such books, papers and documents is necessary to the party seeking their production.

Third—Where the application is made to compel one who is a party to the proceeding, and who is a carrier engaged in the interstate commerce, to produce its books for the purpose of evidence, the application, if made in writing in general way, what books of the carrier should be produced, and what the applicant desires to believe, and that the applicant does believe, that in the course of the hearing they will become of service on account of the

LIGHT THEY WILL THROW upon the questions in controversy in the proceedings, and as an evidence of good faith, in making the application, the applicant should make an affidavit, as part of the application, that such application is made in good faith, and not for the purpose of harassing the defendant; and upon such a showing, as a general rule, the process should be issued, unless the number of books called for should be so large, or from other exceptional circumstances, the commission should order the testimony to be taken at such place as would avoid oppression in producing the books at a far distant hearing, and expedite the progress of the investigation.

Fourth—The difference that exists in what should be a prima facie showing of the necessary process for the production of books, papers and documents as between parties not engaged as carriers in interstate commerce, or strangers to the proceedings on the one hand, and on the other hand, carriers who are engaged in interstate commerce, and who are very familiar with the books of carriers engaged in interstate commerce, whether made up from shipping tickets, receipts, bills of lading, or otherwise, are supposed to give the exact particulars of the consignments, showing the weight, rate and amount of charges to be paid the company's agent, and are put in this enduring form at the time of the transaction upon rates that the law requires to be

OPEN AND PUBLIC, and thus give a history of the details of the transaction, and are in the nature of a semi-public record. Shippers, consignees, and others in the public may well have an interest in certain circumstances, in the evidence these records afford as to rates, charges, facilities furnished and the general movements of freight. The books of carriers, therefore, are in interstate commerce, do not necessarily occupy any such relation to these transactions, though there may possibly be such an interest as would make them material and competent evidence in the proceedings in which these transactions come in question.

Fifth—There are several modes of procedure by which the inconvenience to the defendant carriers of producing books, papers and documents of going over their entries, might be avoided by petitioner. For example, if one or more witnesses could be produced, who had different companies proceeded against, and a notice should be served with the subpoena requiring the witness to produce the books, and the published rates and tariffs of such company for a specified period, and also requiring the witness to furnish the actual charges made, and car facilities furnished during such period to the Standard Oil Trust, and the others named in the subpoena, if different from the published tariffs and schedules, it would probably be sufficient for the purposes of the proceeding, or if the parties would take depositions by consent in advance of the hearing it would answer the same purpose.

Sixth—In proceedings taken enough to show the rate is actually charged, if there are or have been no certain shippers, or consignees different from the carrier, and the carrier has preferred facilities, if any such are furnished by the defendant to some shippers, or consignees and not to others, or the comparative rates on the different commodities named in the complaints, and from and to designated points. Innumerable shipments with all their minutiae of details have been made for many years before the act to regulate commerce took effect, as well as since that date, and the names of the consignees and many different points through these long periods of time, seem to be immaterial, and the act to regulate commerce for all the purposes of these cases to show the rates published, the rates actually charged, and the facilities furnished from and to designated points since the act to regulate commerce went into effect, and for whatever light these may be thrown upon the question of the reasonableness and justice of the rates, if any, and the fairness of the facilities afforded by way of comparison, when these were for a reasonable time, for example, for a period of 12 months before the act to regulate commerce went into effect.

Seventh—The books of the defendant carriers as to the rates charged, facilities furnished and general movements of freight, being in the nature of semi-public records, and being such that they can fairly and justly be exposed, ought to give such statements and ought to do so as promptly as may be found.

REASONABLY PRACTICABLE. Much unnecessary controversy, inconvenience and delay might be avoided, in the first instance, as well as in the subsequent stages of proceedings if carriers would exhibit without technical objection, what their books show in reference to a transaction, and refer to anyone who calls for the information in good faith, believing, perhaps, erroneously, that it is, or may be, important to the carrier, and when the application is seasonably and properly made, with a due regard for the convenience of the carrier, agents or officers, and the nature of the carrier's business, and the fact that they can fairly and justly be exposed, ought to give such statements and ought to do so as promptly as may be found.

A MISSING MASON.

One of the Most Prominent Members of the Order in the West Has Disappeared—A Vigorous Search Instituted—A Clue at the Metropolis.

NEW YORK, September 20.—Masonic circles throughout the country are greatly excited over the mysterious disappearance of one of the foremost members of the order in the West, and to-day an alarm was sent out from police headquarters for the missing man. The wanderer is John A. Greenleaf, of Kearney, Neb., whose rank in Masonry is one of the highest in the country, and who is, perhaps, the best known member of the order in the section of the country in which he lived.

He is 24 years old, a member of Richmond Lodge 38, of Kearney chapter 23, of Mount Hebron Commandery 12, and is also Noble of Lesotter, of Lincoln, Neb. On May 6 last the missing man left Belle Plaine, Ia., for Des Moines, in the same State, intending to go to his home in Kearney. Since he left Des Moines he has disappeared and all traces are lost. All the lodges in this city were notified. Photographs were also forwarded. Circulars were sent out signed by F. French, Secretary of Robert Morris Lodge No. 48, of Kearney, Neb. J. H. Thome, of 533 Bowers, gave one of the circulars and the photograph. He recognized the man as one who called on him September 16 in ragged clothes and asked for 5 cents to pay for his lodging.

The stranger said: "I would tell you more, but I don't know that you are a Mason." While speaking the stranger continually pressed his hand to his forehead. He said he came from a foreign country, and that his money there was worth only 30 cents on the dollar. After Mr. Thome helped the stranger the latter left.

HE JUMPED TO CONCLUSIONS. A Chicago Woman Has a Strong Case Against Her Husband's Employers.

CHICAGO, September 20.—Henry A. Alioth, a member of the New York jewelry firm of Ury & Alioth, was sued for \$10,000 damages to-day by Mrs. Annie L. Helfenstein, the wife of Charles Helfenstein, one of Ury & Alioth's traveling men. Helfenstein had \$5,000 worth of samples belonging to the New York firm, and being unavoidably delayed in returning to Chicago, Alioth became alarmed for the safety of his jewelry and came to Chicago to investigate.

While Helfenstein was waiting at the Palmer House to see him and explain, Alioth, it is said by Shuman & Deffen, attorneys for Mrs. Helfenstein, went to the latter's house with a search warrant and Pinkerton men, and tore up the house from cellar to garret.

The New York man, it is alleged, struck Mrs. Helfenstein and also flashed a pistol in her face and, going away, returned with two women who stripped Mrs. Helfenstein and searched her for rings and diamonds. None were found, either on her or in the house, for the reason that Helfenstein was at that very time at the Palmer House with the jewelry. The samples have been returned and Helfenstein has resigned and expressed his opinion of Alioth in various terms. Before the New York man's chat could get away he was served with the papers in Mrs. Helfenstein's \$10,000 suit.

THE CARNegie CURFEW. A Magnificent Timepiece to Guide Movements of Alleghenians.

The electric clock in the shapely tower of the Carnegie Free Library building commenced its task of time measurement yesterday chiming the hour of noon upon a huge bell. The clock mechanism was manufactured in Boston by the Howard Clock Company, and is unusually elaborate for a tower clock.

The hour, half hour and quarter hour will be sounded upon three bells from the McShane Bell Foundry, which struck 2,000 pounds and sounds "C"; the second in size weighs 1,500 pounds and sounds "G"; a fifth above the first, and the third bell weighs half a ton and sounds the octave notes. Before the New York man's chat could get away he was served with the papers in Mrs. Helfenstein's \$10,000 suit.

SUPPLIES FOR NICARAGUA. The Canal Company is Preparing to Push Matters in Proper Shape.

NEW YORK, September 20.—By the steamer Honda, which leaves this port to-morrow morning, additional reinforcements of men and material will be sent to San Juan del Norte (Greytown) by the Nicaragua Canal Construction Company. In addition to a party of engineers, the company ships a large portable barracks or employes' quarters, including a New York man, three stories high (the first story forming a large store house), and considered the largest portable building ever transported by sea. This building, containing quarters for about 100 employes, was made in Chicago and was brought from that city loaded on ten freight cars.

Two additional miles of water pipe for the canal company's aqueduct and some 40 tons of provisions, etc., are also on board the Honda.

SEVEN SAILORS SINK. A British Cruiser Strikes a Rock and Goes to the Bottom.

St. Johns, N. F., September 20.—The British war ship Lily struck a rock off Point Armor, and sank. Seven of her crew were lost. The vessel is a total wreck. Considerable money and valuables were down with her. Nothing whatever was saved. The Lily was a composite gun vessel of 720 tons burthen and 830-horse power, and carried three guns. She belonged to the North American and West Indies stations.

GRAPES ARE ALL RIGHT. The Fruit Crop From Many Causes Fails to Come Up to the Standard.

The fruit of this season is said not to come up to the standard, and a tour of the commission houses confirms this view. Grapes alone are plentiful and luscious. The daily average receipts of grapes this week has been 2,000 baskets. The rainy weather has resulted in making the peaches soft, and they decay very easily. The high prices entertained of the fruit generally at the beginning of the season have been blasted.

LATE NEWS IN BRIEF.

Snow whitened the hills at Gulf Summit, Broome county, N. Y., yesterday morning. The bodies of three more victims of the yacht disaster on Lake Erie have been recovered, including that of the engineer. Nothing of any moment transpired at the trial yesterday, and the hearing was adjourned until Monday. The case will be again examined. The case will then be given to the jury.

The State Department has called Minister Lincoln, at London, requesting to him to refer thanks to the British Government for the ready action of the commander of the British naval vessel which went to Navassa to quell the reported riot, at the request of United States Consul Allen at Kingston. The Statehood Convention of Wyoming Territory yesterday adopted as part of the Constitution a suffrage clause. Female suffrage is to vote. The severest qualifications are requirements that electors shall be able to read English, shall be full-blooded citizens of the United States, and shall be of legal age. This stipulation was opposed vigorously by a couple of corporation attorneys.

The Sovereign Grand Lodge of Odd Fellows decided to hold the next session in Topeka, Kan., on the second Monday in September, 1890. All restrictions on withdrawal from the old patriarchal circle was removed and they can now be admitted to the order. The Executive Committee reported that \$2,314.60 had been contributed and disbursed by the Odd Fellows among the afflicted.

Wednesday morning with Mr. David H. Piaster was driving a loaded wagon with a party of five over Beaver dam road, near the college, when the horse became unmanageable. Miss Susie Cator, of Georgetown, Ia., was riding in the wagon. She was thrown out and killed. The horse was shot and killed. The driver was not injured. The horse was shot and killed. The driver was not injured.

The residence of Wm. Paine, at Cedar Falls, Ia., was found to be on fire. The house was destroyed, and upon entering the house the dead body of Mr. Paine was found on the floor, and by his side was a double-barreled shotgun with one barrel discharged. The charge had taken effect in his abdomen, and probably that his money there was worth only 30 cents on the dollar. After Mr. Thome helped the stranger the latter left.

The Secretary of State has received a dispatch from the United States Minister at the Hague inviting the Netherlands Government to levy duties on imported breadstuffs. A bill to that end is now pending in some prospects of becoming law. It is distinctly asserted in a memorial accompanying the bill that the exceedingly favorable conditions which prevail in the United States is one of the main causes of the decline of the agricultural interests in Holland. The bill is also argued by the advocates of the measure that unless Holland follows the example of France, Austria, Hungary, Sweden and Norway in protecting themselves against American breadstuffs her agricultural industries will soon fall into a decline.

Mrs. McGOWAN, representing Best & Co., of New York, will be at the Anderson for the next four days, September 21, 22, 23, 24, with a choice line of boys, girls and infants' wear, including all the latest novelties. The ladies of Pittsburgh and Allegheny are respectfully invited to call.

Public Notice. Before selecting your wall paper examine the stock handled by John S. Roberts, 414 Wood street.

PITTSBURGH beer, brewed by Frauenheim & Vilsack, is a product of home industry. Call for it. Drink it. Telephone 1183.

Geo. H. Bennett & Bro., 135 First avenue, Pittsburgh, are the largest holders of pure rye whiskey in the city.

They Are No Fraud. Tickets issued by Hendricks & Co., photographers, 68 Federal street, Allegheny, are good for just what they call for, regardless of what others say. If you hold a ticket bring it in before October 1. Come and see for yourself.

Until October 31. Mothers, bring children to Aufrecht's Elite gallery, 516 Market street, Pittsburgh. Use elevator. Cabinets \$1 per dozen, proof shown.

Its superior excellence proven in millions of homes for more than a quarter of a century. It is used by the United States Government, and by the heads of the great universities as the Standard. Fine wines and liquors at Dr. Price's Cream Baking Powder does not contain Ammonia, Lime or Alum. Sold only in cans. PRICE PER CAN, 10 CENTS. NEW YORK, CHICAGO, ST. LOUIS, N.Y. 52-7278000

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LETTER FROM A CLERGYMAN

Grateful Acknowledgment of Cures by the Cuticura Remedies. A minister and his little boy cured of obstinate skin diseases by the Cuticura Remedies. Praises them everywhere—in the pulpit, home and in the street.

For about 13 years I have been troubled with eczema or some other obstinate skin disease which all remedies failed to cure. Hearing of the CUTICURA REMEDIES I resolved to give them a trial, and purchased one bottle of CUTICURA RESOLVENT, one box of CUTICURA and one cake of CUTICURA SOAP. I followed the directions carefully, and it afforded me much relief. I would not have believed that I could be cured so soon. In addition to my own case, my baby boy, then about 8 months old, was suffering with what I supposed to be the same disease as mine, such an extent that his head was coated over with a solid scab, from which there was a constant flow of pus which was sickening to look upon, besides two large tumor-like kernels on the back of his head. Thanks to you and your wonderful CUTICURA REMEDIES, his scalp is perfectly well, and the kernels have been scattered so that there is only one little place by his left ear, and that is healing nicely. Instead of a coating of scabs he has a fine coat of hair, much better than that which was destroyed by the disease. I would that every world of sufferers from skin and blood diseases knew the value of your CUTICURA REMEDIES as I do.

The CUTICURA SOAP and CUTICURA RESOLVENT are each worth ten times the price at which they are sold. I have never used any other toilet soap in my house since I bought the first cake of your CUTICURA SOAP. It would be inhuman as well as ungrateful should I fail to speak well of and recommend your CUTICURA REMEDIES to every sufferer who came in my reach. I have looked up and still continue to speak of it from the pulpit, in the streets, and in the streets. Praying that you may live long, and do others the same amount of good you have done me and my child, I remain, your grateful admirer, (REV.) C. M. MANNING, Box 28, Aconing, Ga.

Cuticura Remedies. Are sold everywhere. Price: CUTICURA, 50 cents; RESOLVENT, \$1. Preparing for the POTTER DRUG AND CHEMICAL CORPORATION. Send for "How to Cure Skin Diseases," 61 pages, 50 illustrations, and 100 testimonials.

Old Folks' Pains. Full of comfort for all pains, inflammation and weakness of the aged. The first and only pain killer. Strengthening Plaster. New, instantaneous and infallible. U. E. LIPPENCOTT, 329 Smithfield street, Pittsburg.

Distiller and wholesale liquor dealer. Our specialty is Lippencott's Nectar, a pure old-fashioned rye whiskey, 3 to 15 years old, at 50c to \$1.75 per quart. Fine wines and liquors at lowest prices. Orders by mail attended to. Cincinnati and Milwaukee bottled beer constantly on hand.

Latest Improved Spectacles and Eye-Glasses; will fit any nose with ease and comfort. The largest stock of Optical Instruments and Artificial Eyes. KORNBLUM, Theoretical and Practical Optician. No. 50 Fifth avenue, near Wood street. Telephone No. 1083. self-nsu

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VISITORS FROM POINTS OUTSIDE THE CITY are requested to look for our exhibit of WALL PAPER AT THE EXPOSITION. We are showing some designs which are entirely novel, possessing decided merit. WM. H. ALLEN, 517 Wood Street, WM. TRINKLE, MANAGER. self-nsu

CURRY Business College. SIXTH ST., being the only college in Pennsylvania that belongs to or can be admitted to the "Inter-State Business Practice Association of America," offers advantages for securing a practical business education possessed by no other college in the State. Rapid writing, rapid calculations and practical bookkeeping are specialties. Shorthand and Typewriting Departments provide the best training possible in these branches. Send for catalogues. JAMES C. WILLIAMS, A. M., Pres't. self-nsu

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NEW CLOAK! Our stock in this department is simply immense, and we think, for variety and cheapness, is unapproachable. Look at the beautiful real Seal Plush, Satin-lined Jackets at \$9.50 and \$11.75. Cheapest ever offered in America. Elegant Seal Plush Sacques, \$16, \$18, \$20 and \$25 worth 50 per cent more. Best values ever offered. High Novelties in Parisian and Berlin Tailor-made. JACKETS, NEWMARKETS and BRAIDED WRAPS. At prices that cannot be undersold. We mean to save you money. Perfect fit guaranteed. Our new Bon Marche Kid Gloves!

Five hooks, 85c; seven hooks, \$1. Every pair warranted, and our real French Kid, real Foster hooks; Premier, Superior and Sublime are the best real Kid Gloves for the money ever offered. We have the sole agency for Pittsburgh. Our lines of Natural Wool Merino and Scarlet Underwear are now complete and prices lower than ever. Look at the fine Ribbed Wool Vests at 75c; the Natural Wool at 45c, 65c and 75c, all excellent values. Dress Trimming Department overflowing with New Goods. Call and examine.

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RAILROADS. PENNSYLVANIA COMPANY'S LINES. May 12, 1888, Central Standard Time. TRAINS DEPART. As follows from Union Station: For Chicago, 4:15 a. m.; 4:25 a. m.; 4:35 a. m.; 4:45 a. m.; 4:55 a. m.; 5:05 a. m.; 5:15 a. m.; 5:25 a. m.; 5:35 a. m.; 5:45 a. m.; 5:55 a. m.; 6:05 a. m.; 6:15 a. m.; 6:25 a. m.; 6:35 a. m.; 6:45 a. m.; 6:55 a. m.; 7:05 a. m.; 7:15 a. m.; 7:25 a. m.; 7:35 a. m.; 7:45 a. m.; 7:55 a. m.; 8:05 a. m.; 8:15 a. m.; 8:25 a. m.; 8:35 a. m.; 8:45 a. m.; 8:55 a. m.; 9:05 a. m.; 9:15 a. m.; 9:25 a. m.; 9:35 a. m.; 9:45 a. m.; 9:55 a. m.; 10:05 a. m.; 10:15 a. m.; 10:25 a. m.; 10:35 a. m.; 10:45 a. m.; 10:55 a. m.; 11:05 a. m.; 11:15 a. m.; 11:25 a. m.; 11:35 a. m.; 11:45 a. m.; 11:55 a. m.; 12:05 p. m.; 12:15 p. m.; 12:25 p. m.; 12:35 p. m.; 12:45 p. m.; 12:55 p. m.; 1:05 p. m.; 1:15 p. m.; 1:25 p. m.; 1:35 p. m.; 1:45 p. m.; 1:55 p. m.; 2:05 p. m.; 2:15 p. m.; 2:25 p. m.; 2:35 p. m.; 2:45 p. m.; 2:55 p. m.; 3:05 p. m.; 3:15 p. m.; 3:25 p. m.; 3:35 p. m.; 3:45 p. m.; 3:55 p. m.; 4:05 p. m.; 4:15 p. m.; 4:25 p. m.; 4:35 p. m.; 4:45 p. m.; 4:55 p. m.; 5:05 p. m.; 5:15 p. m.; 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