## HE BRINGS THE

PERMISTHE USE OF THE NAME OF THE STATE.

## PROCEEDINGS BEGUN AT ONCE.

Judge Schenck Files a Writ Asainst the North Carolina Railroad Company .- Proceedings for the Annuls ment of the Charter -- The Attorney-General States the Situation. - Judge Schenck is Radiant.

ney-General to a Ne reporter last night status of affairs:

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The Attornal and Observer reporter last and Observer reporter last plained the exact status of affairs "Judge Schenck's clients, who "Judge Schenck's clients, who to the Attornal to the Atto are embers Populists, a of the Far s, applied Alliance and Populists, applied to the Attorney-General, in writing, requesting him to bring action against the Southern Railway Company, to enjoin it from taking possession of the property of the North Carolina Railroad, under a lease which had be f the N a lease under a lead by it to th lease which had been made the Southern Railway Com-ne lease goes into effect Janpany. The re-uary 1st, 1896. "The Attorney-General

action as requested, and as-a reason that he believed ease was valid, and before a restraining bring signed signed as a reason that he believed that the lease was valid, and before obtaining a restraining order, he thought it necessary for him to allege that the lease was invalid, and this he

could not do.
"Judge Sc
further to t "Judge Schenck's clients applied further to the Attorney-General, to bring an action to dissolve the charter of the North Carolina Railroad Com-

nis the Attorney-General upon leave granted by to of the Supreme Cuort, sig Chief Justice, and Assoc Clark and Monton pany. "To To this sented, up by three rt, signed Associate upon Justices of th by the Chief

Justices Clark and Montgomery.
"The Attorney-General stated that he did not consider it necessary in this he did not consider that the lease consider it necessity, to allege that the lease or that the North Carolina or the Nor void, or that the re-road Company had no e a lease of ninety-nine; inesmuch as that que vas Railroad

Railroud make a lease of ninety make a lease of ninety "But inasmuch as that question never been settled by a decision of the Supreme Court of this State, and there were decisions of other courts seem such leases void, it Supreme courts.

were decisions of other courts seemingly declaring such leases void, it
was his duty to lay the matter before
the Supreme Court, in order to obtain
a decision upon upon the matter."

Leaturned to Greensa decision upon upon the matter."

Judge Schenck returned to Greensboro yesterday afternoon.

The Judge made this statement of the mass.

the case:
"At no

At noon to-day the Atto I decided to grant the at the name of John Gra ers, to bring suit against to colina Railroad Company the Attorney-Gen-nt the application ohn Graham and eral others, the Carolina for annulment of "The Attorn ent of its charter. Attorney-General

"The Attorney-General filed his application for leave to bring suit, before the Supreme Court, and leave was granted, being signed by Judges Faireloth, Clark and Montgomery.

"The Attorney-General then gave leave to us to bring the suit in the name of the States.

leave to us to bring the su the name of the State of North ( lina, on relation of John Graham. "The counsel were not long in ing advantage of their position, immediately filed a writ against North Caro

in tak a writ against Railroad Comp the North (There is Company. Carolina no other defendan

here is no other defendant.
Judge Schenck was radiant.
He was confident of having won the
rst skirmish. It was preliminary,
at he was happy in seeing the battle

Mr. John Graham, whose name a pears as prosecutor, was with him.

Mr. Graham is one of the leading A member of the State, and a member of the state. ap-Altate, and a member committee. He is liancemen of the State, of the executive com le is High

of the executive committee. He is principal of the Ridgeway High school, in Warren county.

If a suit had been brought for the purpose of obtaining an injunction, the probability is that a bond of \$50,000 would have been required of the plaintiffs. It was well known that they could give no such bond, and it was not thought probable that the Attorney-General would aid them in doing so.

Attorney Go.

doing so.

The friends of the railroad do
think the lease will be invalidated,
hoot at the idea that the charter of
North Carolina road will be annu
the stock has to not ed, and of the North Carolina road will be annulled.
But all the same, the stock has taken annulled.

tumble. A prominent who has been railroad said ecline of twe nected with the railroad said he expected to see a decline of twenty-five per cent. in North Carolina railroad

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