

NORTH CAROLINA SOUNDLY REBUKED

Federal Judge Delivers Opinion to the Effect That State Cannot Keep Case Out of the U. S. Court.

ASHEVILLE, N. C., Aug. 27. — Judge Pritchard, in the United States Circuit court, in a long-expected opinion announced today in the rate case of the Southern Railway against the corporation commission, and the attorney general of North Carolina, upheld the jurisdiction of his court in the issuance of the recent injunctions against officials during the railroad rate controversy, and declared that the suit is not one against the state within the meaning of the 11th amendment of the federal constitution. That amendment holds that the judicial power of the United States shall not extend to any suit against a state by the citizens of another state. The decision says that a state legislature cannot so frame an act as to deprive a citizen of a right vouchsafed him by the federal constitution, and it does not possess the power "to deprive this court of its jurisdiction, and the sooner these questions are definitely determined the better it will be for all parties concerned."

The decision holds that the corporation commission are still charged with making rates, the only limitation upon their power being "that they shall not make a maximum rate in North Carolina in excess of 2 1/2 cents per mile. The corporation commission and the attorney general are 'specially charged' with the duty of securing the enforcement of Section 4, of the passenger rate act, which provides heavy penalties and fines for a failure of railroads and their officials to comply with that act."

All laws in existence on the passage of that act bearing on supervision and control of railroads, etc., are to be construed in connection with the rate act.

"It is inconceivable," the decision says, "that a circuit court of the United States in the exercise of its jurisdiction should be powerless to afford a remedy to one who seeks to assert a right which is guaranteed by the constitution of the United States. This is in no sense a suit against the state, nor can it be successfully contended that the state is in any wise a party in interest, insofar as the merits of the controversy are concerned. It cannot be reasonably insisted that this is a suit to prevent the state from enforcing any right which it possesses, nor can it be said to be a suit to compel the performance of an obligation of the state, nor does it in any wise involve a matter in which the state has a pecuniary interest being complainant on one side, and the traveling public on the other."

Therefore, the questions presented are not such as to warrant the assumption that this court is without jurisdiction, and a careful study of the circumstances attending the adoption of the 11th amendment, as well as the end to be obtained by the adoption of the same, show conclusively that those who were responsible for its adoption never dreamed that it could be used as a means of depriving an American citizen of a substantial right conferred upon him by the constitution of the United States. The 11th amendment, being a part of the constitution, must be construed so as to give full force and effect to every provision of the instrument of which it forms a part. Any other construction of this amendment would practically nullify that clause of the constitution which provides that no state shall pass any laws impairing the obligations of contracts as well as the 14th amendment."

The opinion shows that the laws of North Carolina especially provide upon what terms an injunction shall be granted to suspend rates, pending litigation, or involving the confiscatory nature of such rates; that the statutes of North Carolina expressly authorize the course pursued by the courts when freight rates are involved, but do not even require a bond for such injunction when passenger fares are in litigation.

UNITED STATES HAS NEW SCHEME

Four Judges For All American Republics Proposed by Joseph H. Choate for American Delegation.

THE HAGUE, Aug. 27.—Joseph H. Choate and James Brown Scott, for American delegation to the peace conference, have drawn up a new proposition with respect to the allotment of judges for the International High Court of Justice. In this proposal the United States announces the willingness of all the countries of the American continent, including the United States, to have altogether four judges, to be appointed for the twenty one countries comprising the continent, on the understanding, arrived at through diplomatic channels, that this will reduce the number of judges to fifteen.

The proposal does not go any further, but it is understood that the Americans hope the other continents will take similar action, that Asia will be allotted two judges and Europe nine.

DAUGHTERS OF LIBERTY IN NATIONAL COUNCIL.

PORTLAND, Maine, Aug. 27.—The 20th annual convention of the National Council, Daughters of Liberty, was convened today for a two days session. There are 14 state councils, 679 subordinate councils, and a net membership of 56,331 sisters and 13,208 brothers, a net gain for the year of 4,889 members. The total cash assets of the councils are given as \$434,070, a net gain for the year of \$36,736. The amount paid for relief and benefits during the year was \$176,057.

NOTABLE FRIENDS OF THE BLIND IN CONVENTION.

BOSTON, Aug. 27.—The ninth convention of the American Association of Workers for the Blind, which was opened here today, had in attendance many persons prominent through their work in the interests of the blind, some of them sightless themselves. The feature of the morning session was a discussion on a paper delivered by Dr. C. F. Fraser, superintendent of the Heafax, N. S., school for the blind. Among those who participated in the discussion of Dr. Fraser's paper which was on "The needs of our schools for the blind," were Miss Christine Le Barreque, the first blind woman barrister in the United States, and Dr. F. J. Campbell, the sightless founder and superintendent of the Royal Normal College and Academy of Music for the Blind at London, Eng.

Miss Helen Keller, one of the most prominent blind persons in this country, and General F. H. Appleton, superintendent of the Perkins Institution for the Blind, welcomed the delegates at the opening of the convention.

ALMOST MUTINY ON U. S. CRUISER

Men Refused Shore Leave for Two Months And Are In Rebellious Frame of Mind.

HONOLULU, Aug. 27.—The officers and men of the United States cruiser Raleigh complain of having no shore leave for the past two months. As a result there has been almost a mutiny on board, and the coaling of the cruiser has been delayed.

THREATENED STOCK YARDS STRIKE IS SETTLED.

CHICAGO, Aug. 27.—Danger of a strike in the stock yards was removed last night when the packing house teamsters accepted an offer from the packers on all except two points.

The packers offered an additional advance in wages to that previously presented, and also changed working conditions. They agreed to give all teamsters one cent an hour increase instead of the 1 1/2 cent advance offered before to sixty percent of their number. This was accepted.

PACIFIC TRIP FOR PRACTICE

PROPOSED LONG VOYAGE OF BATTLESHIP FLEET MIGHT HAVE BEEN MADE BY SUEZ MORE EASILY, BUT WITH LESS BENEFIT

NEW YORK, Aug. 27.—Congressman Ernest W. Roberts, of Massachusetts, a member of the house committee on naval affairs, who is here with fellow members of the committee investigating the needs of the Brooklyn navy yard, said that the trip of the battleship fleet through the Straits of Magellan is for tactical reasons alone.

"We have read with interest the discussion of the two routes," said Representative Roberts. "Now there is not one of us who does not believe the Suez route is both easier and cheaper. But the navy wishes now to work out some tactical problems while we are at peace, problems that might become strategical ones in time of war."

"It is best that they should go by the hard route, if we wish to so designate it. Not only will the ships be tried out on the long run, but the voyage will determine some of our needs in the Pacific, particularly in the way of coaling stations on the mainland. I have not the slightest doubt that \$1,000,000 will be used up in the Pacific route. It will be costly, but if the naval tacticians wish to determine certain things now is the time."

Representative Foss, of Illinois, chairman of the committee, made the announcement that the committee would probably ask for four more battleships at the next session of congress. He said:

"We may as well make up our minds now that it is necessary to maintain a large fleet in the Pacific. Our interests are too great on that coast to do otherwise."

"It is probable that the committee will ask for four battleships, to be of more than 20,000 tons and 25,000 tons if practicable. Of course what the temper of the four hundred members is, is yet conjecture, but we feel that at least two great ships will be built."

The committee will leave New York on the Dolphin at 3 o'clock this afternoon for London. Then the members will go to Newport, Portsmouth, and Boston in turn.

SULTAN AGREES TO SEND A PEACEFUL DELEGATION

CONSTANTINOPLE, Aug. 27.—The Persian legation having protested against the continued occupation of Persian territory by Turkish troops and the atrocities committed by Kurds in the disputed frontier districts, the porte has decided to send a commission to the frontier with instructions to make inquiry co-jointly with Persian delegates, and to order the withdrawal of the Turks immediately if it is found that they are on Persian territory. This decision seems to promise a satisfactory solution of the difficulty.

AMERICAN GIRL MARRIED TO A BRITISH OFFICER

LONDON, Aug. 27.—There was a large gathering of British military men and American at Christ church, Mayfair, this afternoon, for the marriage of Miss Mary Latrobe, daughter of the late R. Stewart Latrobe, of Baltimore, Md., to Colonel Arthur P. D. Harris, of the Fifth Light Infantry, Indian army. After the ceremony there was a reception attended by intimate friends.

Colonel and Mrs. Harris will proceed in October to India, where the colonel will resume command of his regiment.

GOLD FOR EXPORT

NEW YORK, Aug. 27.—Muller, Schall & Company today announced an engagement of \$500,000 in gold for export.

WAR AGAINST BLACK HAND

PENNSYLVANIA AUTHORITIES GETTING A GRIP ON THE ITALIAN SECRET ORGANIZATIONS THROUGHOUT THAT STATE

HARRISBURG, Pa., Aug. 27.—Effective war, it is announced, is being waged against the Black Hand throughout Pennsylvania by the state constabulary. The state police authorities are in possession of information that Black Hand operations are directed from central headquarters in New York, and that the agents actually engaged in the work of intimidation are not all foreigners, some Americans being implicated.

For several months the state police department has been directing its attention largely to these operations, and today it is said to be in possession of a mass of information which will lead to the arrest and conviction of the ringleaders.

More than fifty arrests have been made by the state police in the last six months in connection with the Black Hand operations. Nearly all these persons have been fined or imprisoned, though some are still awaiting trial.

IRISH M. P. IS ARRESTED

JAMES P. FARRELL, NATIONALIST MEMBER AND POLITICIAN ACCUSED OF TAKING PART IN RIOTOUS ASSEMBLAGE

LONGFORD, Ireland, Aug. 27.—James P. Farrell, Irish Nationalist member of parliament for North Longford, and forty other persons were arrested early this morning, and are now being tried by special court, convened for the purpose, on the charge of taking part in "an unlawful assembly likely to cause a riot." Mr. Farrell had been holding meetings throughout his constituency, at which exciting scenes occurred between Nationalists and members of the Sinn Fein society. In addition, many cattle have been driven from the grazing lands district, which the prosecution alleges was encouraged by Mr. Farrell and other speakers. Large forces of police are being despatched here, trouble is anticipated.

Mr. Farrell is the editor and proprietor of the Longford Leader, a Nationalist newspaper circulating in the counties of Longford, West Meath, Roscommon, and Leitrim, and is the author of a "History of the County of Longford," and other books. At the general election of 1900, Mr. Farrell was returned unopposed from North Longford, succeeding Justin McCarthy, who resigned.

TEXAS CROWD STARTS RIOT OVER A "SCAB"

Striking Telegraph Operators Said to Have Been Concerned in Dallas Affair.

DALLAS, Texas, Aug. 27.—Rioting whom were recognized as striking by a mob of 40 men and boys, many of telegraph operators, occurred here last night. The crowd surrounded a man carrying a bundle of laundry and the leader accused the victim of being a "scab." This was indignantly denied, the man declaring that he was in the employ of a laundry. The leader refused to believe this, and, falling on the victim, bore him to the ground. Regaining his feet, the laundryman cried, crying for help at every step. Some of the mob cried out that mounted men were coming and the leader hastily boarded a car and disappeared. The laundryman then escaped. No arrests were made.

BRAZIL LEADS THE LITTLE NATIONS AT THE HAGUE

RIO JANERIO, Aug. 27.—It is officially announced here that Belgium, Switzerland, Roumania, Denmark, Greece, Servia, China, Persia, Argentine, Bolivia, Chili, Ecuador, Mexico, Paraguay, and Uruguay, will support the Brazilian proposition regarding the organization of the International High Court of Justice at The Hague.

INJURED BOY CRUSHED IN COGS, ON RETURN TO WORK

PATERSON, N. J., Aug. 27.—After three weeks' idleness due to having three fingers of his hand crushed off at the Passaic Steel Works, James Butler, sixteen years old, yesterday returned to work and was not long at his machine when his trousers caught in the wheels. The boy's leg was crushed in the cogs, and while endeavoring to save himself his left arm was drawn into the machinery, too. Both were amputated.

FRENCH PRESS CLAIMS FAVORS

PARIS PAPERS ASSERT THAT GERMANY HAS GIVEN THE REPUBLIC A FREE HAND TO GO AHEAD IN SUBJUGATING MOROCCO.

PARIS, Aug. 27.—The French newspapers are energetically occupied with discussing the recent interview between the French ambassador to Germany, Jules Cambon, and Prince Von Buelow, the imperial chancellor, at Norderny, which is now deemed to have been of the greatest import to Germany and France. Extensive speculations are made regarding the scope of the interview, and its probable effect on the relations between the two countries. The majority of the papers express the opinion that there was something more specific behind the meeting than an exchange of amicable sentiments, as alleged in the official note on the subject, and it is intimated that an understanding was reached between the two statesmen on the subject of Morocco.

The Journal avers that in spite of diplomatic notes the "skeleton of Algeiras rattles in every joint under the irresistible pressure of circumstances."

The Matin and the Petit Parisien say they consider the interview to be a happy augury for general accord, and the Echo de Paris, after admitting that it is in the dark on the subject, asks what definite arrangements relating to Morocco could have been made, adding:

"Our relations to Germany could only permit of a business pact."

The consensus of opinion appears to be that Germany probably has agreed not to oppose France being given a free hand in Morocco should the situation warrant it.

Dispatches received here from Madrid today says that the Spanish cabinet has taken action on the subject of Morocco but add that the step taken is of such a "delicate character" as to render it impossible to publish its nature.

Vice Admiral Philibert cables from Casablanca under yesterday's date that all the Moroccan ports remain calm, that there has been no further fighting at Casablanca, and that the French scouting parties are not encountering any resistance.

The Europeans who presumably left Pez August 24 for El Ararrah will on their arrival there be taken on board the French cruiser Du Chayla.

KAISER THINKS SWORDS HAVE KEPT THE PEACE.

BERLIN, Aug. 27.—Kaiser Wilhelm, in replying to an address of welcome by the Burgomaster of Hanover yesterday, said:

"We have to thank the gracious dispensation of Heaven and also the swords of our trusty troops that it has been possible to maintain peace so long."

CLASH AT IRON MINES.

SUPERIOR, Wis., Aug. 27.—A demonstration by the striking members of the Western Federation of Miners occurred at Elevette yesterday afternoon, and it is thought that about 100 miners were prevented from going to work before Chief Kent and Deputy Sheriffs arrived upon the scene and dispersed the strikers. Several of the latter were injured in the clash with the officers.

SOLDIER ACQUITTED

SAULT STE. MARIE, Mich., Aug. 27.—The court martial held here to try Private Cyrus Giffette, of Fort Brady, who accidentally shot and killed Miss Elizabeth Caddenhead, of Ferguson, Ont., last July, has returned a verdict of acquittal. An effort will be made to serve a warrant on Giffette and have him tried in the state courts on the charge of manslaughter.

BODY OF MISSING TEACHER IN LAKE

Mystery of Vanished Brooklyn Young Lady Solved by the Finding of Corpse Floating in Lake Hopatcong.

PATERSON, N. J., Aug. 27.—The body of Miss Agnes Maguire, the Brooklyn school teacher who mysteriously disappeared from a carriage at Nolan's Point, Lake Hopatcong, N. J., on Saturday night, was found in the lake today. Parties have been searching for her ever since her disappearance.

NEW YORK, Aug. 27.—The disappearance on Saturday night of Miss Agnes Maguire, the Brooklyn school teacher, in the woods at Lake Hopatcong, N. J., remained a mystery last night. All day her relatives searched frantically for her, aided by the campers in the immediate vicinity and friends from Dover. When evening came not one reliable clue had been discovered that would show how the girl left the buggy in which her cousin had left her for a few minutes or what course she took when she disappeared in the storm that was raging.

Although a majority of the summer colony around the lake are inclined to believe the mystery eventually will be cleared up by the finding of Miss Maguire's body in the lake the girl's father and her other relatives seem to think that it is more likely that she was overtaken by some other fate. They fear that she was assaulted by some disreputable men who are not unknown to that region or that she wandered into the woods and either died from fright or was struck by lightning.

Lake Very Shallow—

These fears are strengthened by the fact that the lake where she probably would have approached it from the camp where she was last seen is very shallow. The banks are not precipitous and for many yards from the shore the water is not more than two feet deep. It has not been necessary to drag the lake. Boatmen and campers have rowed all over it, watching the bottom through the clear water. Furthermore, a strong wind has been blowing inshore for the last two days. Men familiar with the lake say that it surely would have brought the girl's body to shore had she been drowned anywhere near this spot. The young woman might have reached the lake at another spot where the water is deeper. But this would have been only after a walk of a quarter of a mile over stones and through brush.

EARL OF DUNMORE DEAD. AFTER SUDDEN ILLNESS.

LONDON, Aug. 27.—The Earl of Dunmore, (Charles Adolphus Murray), the most prominent Christian Scientist in England who last December visited Mrs. Mary Baker G. Eddy at Concord, N. H., died last night at Trimley Manor, near Canterbury. He had not complained of being ill and was suddenly attacked by illness, and died before a doctor could be summoned.

The deceased, who was the seventh Earl of Dunmore, a title created in 1686, was born in 1841. He married a daughter of the second earl of Leicester, and leaves one son, Viscount Fincastle, a major of the Sixteenth Lancers, and five daughters. He was honorary colonel of the Fourth Battalion of the Queen's Own Cameron Highlanders, and owned 78,800 acres of land.

CAROLINA PASSES THROUGH AMBROSE CHANNEL SAFELY.

NEW YORK, Aug. 27.—Ambrose Channel, the new deep waterway leading from Sandy Hook over the shoals of the lower bay to New York Harbor, was tested for the first time by one of the big trans-Atlantic liners today, when the Cunard liner Caronia safely passed through it on a voyage to Liverpool.

The new channel crosses the shoals in a straight line, and will eliminate the devious turnings of the ship channel now used by the liners in which they frequently go aground. It is seven miles long and when completed will be 2,000 feet wide and 40 feet deep at low water. At present it is about 800 feet wide and thirty two feet deep at low water.

CZAR IS THANKFUL.

ST. PETERSBURG, Aug. 27.—In telegraphing congratulations to Premier Stolypin on the anniversary of the attempt of blow up the villa of the prime minister with bombs, the czar said: "I offer a thankful prayer to God, who saved your life that he may crown your work with success."

essary to drag the lake. Boatmen and campers have rowed all over it, watching the bottom through the clear water. Furthermore, a strong wind has been blowing inshore for the last two days. Men familiar with the lake say that it surely would have brought the girl's body to shore had she been drowned anywhere near this spot. The young woman might have reached the lake at another spot where the water is deeper. But this would have been only after a walk of a quarter of a mile over stones and through brush.

Girl Feared Lightning—

Members of the girl's family say that she had been suffering with a nervous trouble for about two years. They deny, however, that she had symptoms of melancholia. She went to her uncle's house on Thursday to recuperate and on Saturday afternoon took a trolley ride with relatives. On the ride she laughed and talked so that they commented on her spirits. There was one thing she had a particular dread. That was lightning.

According to her cousin Charles, who left her in the buggy at the camp the lightning had just begun when he hitched the horse right behind the old barn. Miss Maguire had expressed some fear of it. He says that he asked her to get out, but she preferred to remain in the buggy because when she had left home her relatives had advised her not to get out at the lake.

GUARD NEGRO FROM THE MOB

PENNSYLVANIA AUTHORITIES FEARED LYNCHING BY MINERS OF BLACK MURDERER OF POLICEMAN WHO TRIED TO ARREST HIM.

EASTON, Pa., Aug. 27.—There was much excitement about the county jail early this morning due to a rumor from South Bethlehem that a party of determined iron workers had left that borough in an automobile to come to the county seat and take William Handy, a South Carolina negro, from jail and lynch him. The negro was arrested several hours earlier for the murder at South Bethlehem, last night, of Policeman Shuman. Warden Collins took no chances, and aroused and armed all the deputies, put double bars on all the entrances to the prison, and had the entire police force stationed about the jail. The prisoner was taken from his cell and hidden in a remote corner of the prison cellar. After waiting until dawn for the arrival of the supposed lynchers, the officers were dismissed.

Shuman had heard of a negro insulting women in a lonely section of South Bethlehem and went to that quarter to make an investigation. He found Handy, and when he attempted to place him under arrest the negro opened fire. Two bullets entered the policeman's body and he died soon afterward. Handy was arrested and hurried to jail in an automobile.

PRINCE BUMPED WAGON

HANOVER, Prussia, Aug. 27.—Crown Prince William while riding in an automobile near Brunswick, thirty-five miles from Hanover today collided with an empty wagon slightly damaging the prince's car. Nobody, however, was injured as a result of the collision.