

ATTACKS TREATY MAKING POWER

Important Case Before Supreme Court of United States

ESTATES OF FOREIGNERS

The Question to be Settled is Whether the State or Native Government of a Foreigner has the Right to Settle Estates of Aliens Dying Without Leaving a Will.

Washington, Sept. 4.—One of the most serious attacks ever made upon the treaty-making power of the United States will mark the opening of the coming term of the supreme court of the United States next month.

The Italian government through its consul general on the Pacific coast, will argue that the United States possesses broad enough treaty making power to deal with the settlement of estates of foreigners who die in this country without leaving wills. Public officials from California will contend that the federal government has no such power and will ask the court to do what it never yet has done, declare a treaty constitutional. More than twenty nations with treaties similar to this one between the United States and Italy will await the decision of the court. In many respects the question involved resembles the Japanese school question in California, during the Roosevelt administration, and it is said the decision would control the latter question should it arise again.

The case, which the supreme court will be called upon to consider arose over the settlement of the estate of Giuseppe Ghio, an Italian who died in San Joaquin county, California, without a will but with \$1,964 in bank. Salvatore L. Rocco, Italian consul general in California, claimed the right to settle the estate. So did Geo. F. Thompson, public administrator in San Joaquin county. The supreme court of California decided against the Italian official.

A long array of counsel for the Italian cause has presented a brief of its argument. This brief points out that the present case was in litigation in California about the time the Japanese school question was of paramount interest. It adds:

"While it is not intended to intimate that this may have influenced the decision in this case, which is not put on the ground of the unconstitutionality of the treaty clauses referred to, yet possibly the atmosphere of the state of California may have inescapably caused its learned courts to gravitate toward a view of state rights which seems inconsistent with the later developments of our constitutional law, and even irreconcilable with prior decisions of the supreme court of the state of California itself."

Counsel for Thompson, in a brief filed, dwells at length on the power of the United States to make such a treaty. It is asserted that if the treaty-making power can take away from the state the right to provide for the administration of estates within its territorial jurisdiction, "then there are no reserved rights in the states as against the treaty-making power and the treaty-making power may overturn our entire scheme of government." The brief declares that such broad treaty-making power would reduce the states to administrative departments or provinces of the federal government, and reduce the federal government itself to a president and a senate possessing the treaty-making power.

GOVERNOR DEENEN INJURED

IN AN ATTEMPT TO PREVENT A COLLISION BETWEEN HIS AUTOMOBILE AND A VEHICLE

Springfield, Ill., Sept. 4.—In an attempt to prevent a collision between his automobile and a two-seated conveyance near Glenarm, about fifteen miles from this city, Governor Charles S. Deenen was seriously injured yesterday, when he fell, breaking both bones of his ankle.

The governor, seeing that a collision was unavoidable, sprang on the running board of the machine in which he was riding to grasp the bridle of the horse.

He was hurled to the city and is confined to his room in the executive mansion. Doctors Taylor and Patton, who were called, said the governor would be unable to leave the room for five or six weeks.

Fay Shearer Improving.

Little Fay Shearer, the 5-year-old son of Mr. and Mrs. D. F. Shearer, who lives on Markham street was greatly improved this morning and before many days the doctors think that he will be well enough to be carried home from the hospital.

This afternoon Rev. Thomas L. Trott christened the boy, this being the mother's wish.

Mr. Morehead Returns.

Mr. J. Lathrop Morehead returned to the city Sunday after an extended vacation trip to Bar Harbor, Maine, Atlantic City and other fashionable watering places.

MURPHY SAYS HE WAS NOT THERE

Raleigh Man Charged With Participating in "Badger" Game

Raleigh, Sept. 4.—There is much interest here in the remarkable case of W. J. Murphy, the well known extra freight conductor of the Seaboard Air Line, who is accused in Albany, Ga., of having been there August 12 and participated in a "badger" game at Hotel Nicholas in which F. M. Bass, a prominent turpentine operator, was held up for all the money he had on his person—\$90.00.

Murphy is resisting extradition on the ground that he was in Raleigh on the very day and night that the alleged badger game was pulled off in Albany. At the hearing on habeas corpus Saturday evening numbers of reputable witnesses, including six railroad conductors and a number of other railroad men and others testified positively to having seen and been with Murphy here on the afternoon and night of August 12, that being the date of the noted Bass murder.

Associate Justice W. A. Hoke, of the supreme court is hearing the case and has given counsel until this afternoon at 3:30 o'clock to bring from Albany persons who, it is claimed will identify Murphy as having been in Albany, and to bring a suit case and clothing that they pledge to prove were left there by Murphy and are in reality his clothes. A big crowd attended the hearing Saturday afternoon and a still larger one is probable this afternoon.

THE TRINITY LAW SCHOOL

PRESIDENT FEW ANNOUNCES THE ADDITION OF JUDGE J. CRAWFORD BIGGS TO FACULTY.

President Few of Trinity College, has made this important announcement.

Judge J. Crawford Biggs, formerly professor in the University of North Carolina and for the last five years one of the most distinguished judges in the superior court in the state, has resigned his judgeship and accepted a professorship of law in Trinity College. Judge Biggs has behind him a brilliant record as student, teacher, attorney, supreme court reporter, and judge. The bringing to the school of so learned and accomplished a lawyer is regarded as a most valuable acquisition.

With Dean Samuel F. Mordcael, LL. D., Judge Biggs, and R. P. Reade, LL. B., the school is equipped with a faculty that will enable it to carry forward the great objects for which it was seven years ago established. This was the first southern law school to maintain adequate admission requirements, the first to introduce the case-system, and the first to write its own text books. Under the brilliant leadership of Dean Mordcael the school continues to hold this primacy. In face of the disorganized state of legal education in North Carolina the school stands firm for higher standards and better methods of instruction and it goes steadily on putting out books that meet the approval of the highest authorities in the country.

In this movement to raise and invigorate one of the learned professions, Trinity college is making substantial contribution to that moral and intellectual leadership for which every great college in part exists:

BALLOONIST IS DROWNED

FELL FROM BALLOON INTO LAKE AT CHARLOTTE PARK SATURDAY NIGHT.

Charlotte, Sept. 4.—His parachute failing to work at the proper moment, H. C. Brown, a balloonist, of Saginaw, Mich., abandoned the usual method of descent Saturday night and dropped from his balloon several hundred feet into the shallow pond at Lookwood park, where he drowned before help could reach him.

Brown has been giving exhibitions at Lookwood, a suburban resort, for several weeks, and was advertised to give an ascension Saturday night with a pyrotechnical display at a high altitude. The ascension and the display of fireworks from the air craft were carried out according to program, but when he started to descend the parachute failed and Brown decided to abandon his balloon and dropped, falling into the lake. His cries for help were heard by thousands of spectators and a number of boats put out to the rescue, but the aviator disappeared before help could reach him. The balloon, with the parachute attached, descended in the woods near the lake.

New Portuguese Cabinet Formed.

Washington, Sept. 4.—President Arrington of Portugal has reorganized his cabinet with Senor Chagas, now minister at Paris, as premier and minister for the interior. The state department was advised yesterday that Senor Vasconcellos, minister at Madrid, has been appointed minister for foreign affairs.

Read the "Want Ads" and see if your free tickets of admission to the Edsonia appear as a candidate for two seats.

SUN DICTIONARY OFFER DRAWING

The Office is Crowded With Delighted Purchasers

The Sun office was crowded all day Saturday with people who came for copies of Webster's New Standard Dictionary in response to the remarkable money-saving offer repeatedly announced in the columns of this newspaper.

The Sun, in all modesty, takes this evidence of public appreciation as a sincere compliment. All that was asked was that people come and see this dictionary. But those who came to see almost without a single exception departed with a copy of the work which is now offered to everybody in return for six consecutive coupons and the cost of handling.

Of course there were many of our visitors who had not saved the necessary coupons, but they went home with the firm intention of doing so. One caller at the office Saturday afternoon in the morning, looked at the dictionary, said "Wait, I'll be right back," and reappeared in half an hour with six dictionary coupons taken from copies of the paper which he had saved. It is presumed that this person came to the office in a skeptical frame of mind, else he would have brought his coupons along in the first place. The Webster's New Standard Dictionary under the Sun's unprecedented offer, is the doom of skepticism. Comments were enthusiastic in praise of the compact but comprehensive volume which had leaped into such unparalleled popularity.

The most popular of three styles offered is the style No. 1, the flexible leather-bound, Bible paper edition, which goes to anybody for six consecutive coupons and 98 cents expense bonus. The cash charge is merely to cover the cost of handling and distributing the books.

It is safe to say that no more useful offer was ever made in Durham by a newspaper. The dictionary obtainable at such an astonishing rate is really the most up-to-date, the handiest, the best-typed dictionary on the market today.

It contains all the latest words that have come into the language—and there are many of them that have grown out of the progress of aviation and the many discoveries of science. It also contains up-to-date charts of statistics concerning crops, commerce and all the important figures of the past year. There are thirty-two pages of plate color, authoritative and informative. In short, it is an encyclopedic dictionary full of accurate information on hundreds of interesting topics.

There are three styles of these dictionaries. One of them may be obtained for six coupons and 48 cents. The second style is obtainable for six coupons and 51 cents. The difference between the 55-cent and the 51-cent book is only in the binding. Some of the illustrations are omitted from the 48-cent dictionary.

COUNTY COMMISSIONERS

TRANSACT ONLY ROUTINE BUSINESS AT MEETING THIS MORNING.

The board of county commissioners are holding their regular monthly meeting at the court house today. Only business of a routine nature has been transacted, the paying of bills and other minor matters of business having taken up the entire time of the board.

At this meeting the board will take up the matter of removing the court house and there will likely be a vote late this afternoon or tomorrow morning favoring the Parish warehouse property as a site for the new building. Under the provisions of the recently discovered law, notice of this decision must be published 90 days before final action is taken at the December meeting.

Washington Feels Earthquake Shocks

Washington, N. C., Sept. 4.—A slight earthquake visited this city Saturday night and two distinct shocks were felt by citizens in different sections of the city between 9 and 10 o'clock. The first shock occurred about 9:30 and the second shock came a few minutes afterwards. The shocks seemed to be very mild and did no damage to property, but several houses were shaken and the rattling of the doors and windows caused the occupants to think burglars were trying to effect an entrance. Accordingly, the police station was besieged with telephone calls until it was learned that the disturbance was due to an earthquake. The shocks were very distinct and lasted for two or three minutes.

Miss Green at the Edsonia

During the absence of Miss Inez Brice, who will be away from the city for several days on her vacation, Miss May Green will take her place at the ticket window of the Edsonia theater.

Miss Green is very attractive and is one of the most popular young ladies of the city and her many friends will no doubt patronize the Edsonia for several days.

COUNTY SCHOOLS BEGIN SESSIONS

East Durham and Lakewood Schools Open Fall Term

This morning several of the schools in the county had their opening and had one of the largest enrollments that they have had for several years. The schools of special importance that opened were East Durham and Lakewood schools.

The East Durham school opened with one of the biggest enrollments that they have had for years and many are expected to enroll during the ensuing week. The total enrollment for the day was 442. The East Durham school is one of the best and most fully equipped county schools in the state and the people of East Durham and the country nearby are taking advantage of the school's extra fine equipment.

The teachers are of the best and have been picked from a large number. With the exception of one or two the teachers have a large amount of experience in school work. The principal, Professor Barber, thinks from the standing of things at present that this will be a record breaking year for the East Durham school.

The Lakewood school opened this morning with a large attendance and many young pupils enrolled for the first grade. This grade always having a large number.

The first day was spent in breaking the children into the school life and tomorrow the real work of teaching begins. This morning the pupils were assigned to their rooms and given the list of books that were needed to begin with.

Lakewood has three experienced teachers this year and Professor Fisher, principal of the school, is a graduate of Trinity College, and has many friends in the city.

HENRY BEATTIE TELLS HIS STORY

(Continued From Page One)

Watson interfered and put an end to the discussion.

It has been evident that the purpose of the commonwealth in withholding the Binford girl from the stand has been to await the testimony of the prisoner himself regarding the girl whom the prosecution points to as the motive for the murder of Mrs. Beattie.

The most dramatic moment of the trial however, is expected to be reached when the commonwealth confronts the two counsel, Paul and Henry, with one another and the prosecution puts forth its questions concerning the alleged purchase of the gun by Paul, and its supposed, transfer to Henry.

Another tale of a mysterious man with a shotgun was introduced Saturday by F. K. Clements. He declared the man had "a whitish" beard, thereby adding a third variety of color to the "sandy and straggly" and "gray beards" already testified to by other witnesses, covering the face of the mysterious man.

On cross examination Prosecutor Wendenburg drew forth the admission that it was not an unusual sight to see a man with a gun on his shoulder during the hunting season or after its close when rabbits were plentiful in the surrounding woods.

Interesting testimony was presented by William H. Sampson, a chum of the accused, and his companion on many pre-accusatory hours of dissipation. He declared Henry Beattie never really loved the Binford girl, but when their relations were "accidentally renewed" shortly before the murder it was merely a passing escapade.

Pointed Paragraphs

Some people are always taking offense, but somehow the supply never becomes exhausted.

Every city woman thinks she could make a fortune in three years if she had a place to raise chickens.

When a man knows he is in the wrong he can nearly always prove that he isn't by arguing the matter with his wife.—Chicago News.

Is Cleaner than Carpet.

Paint your floor around the border of the room with L. & M. Floor Paint. Costs about 50 cents.

It gives a bright varnished finish. Cover the center of the room with your home made carpet rug. Looks splendid.

Get it from W. A. Mabry.

HOW'S THIS?

We offer One Hundred Dollars Reward for any case of Catarrh that cannot be cured by Hall's Catarrh Cure.

F. J. CHENEY & CO., Toledo, O.

We, the undersigned, have known F. J. Cheney for the last 15 years, and believe him perfectly honorable in all business transactions and financially able to carry out any obligations made by his firm.

WALDING, KINNAN & MARVIN, Wholesale Druggists, Toledo, O.

Hall's Catarrh Cure is taken internally, acting directly upon the blood and mucous surfaces of the system. Testimonials sent free. Price 75c per bottle. Sold by all druggists. Take Hall's Family Pills for constipation.

TO PUSH SALES BYRD KNOTTER

(Continued from Page One)

of the machines have already been put into use in a number of the cotton mills and they have been very successful. The new Erwin mill has a number that have been in use for some time, and they have proved to be very practical.

A corporation has been formed to handle the patent in which Durham capital is largely interested. Mr. J. Harper Erwin is president of the company and Mr. W. J. Griswold is secretary.

A MOB ATTACKS GENERAL REYERS

(Continued from Page One)

put on the road and the sale of the machine will be pushed. A number and cartridge belts filled they presented no reassuring aspect.

In an effort to clear Avenida Juarez and San Francisco into which the rabble had fled, the troops were set marching up and down the thoroughfares. Respectfully the rioters gave way before their advance, closing in immediately behind them, leaving for the police the unpleasant duty of charging and receiving each time a shower of missiles. At one point in Avenida San Francisco the popular favor for the army was shown by occupants of galleries, who threw upon the passing column quantities of flowers.

Early in the afternoon the main body of rioters was broken into small groups which paraded through the streets, halting at intervals to listen to a harangue by some member.

Letter Carriers at Rochester.

Rochester, N. Y., Sept. 4.—For the last twenty-four hours there has been an almost continuous line of letter carriers arriving in Rochester. They came from all parts of the country to take part in the Labor Day parade today and the eighteenth annual convention of their association, which holds its opening exercises in Convention Hall tonight.

Employing Printers Meet.

Denver, Col., Sept. 4.—Representing the printing industry of the entire country, delegates to the twenty-fifth annual convention of the United Typographers of America assembled in Denver today. In connection with the convention will be held the third International Printers' Cost Congress, the sessions of which will begin Tuesday.

NOTICE OF SUMMONS Superior Court.

NORTH CAROLINA DURHAM COUNTY

Elia Brown

vs.

Albert Armstrong, et al.

To Glennis Terry.

You will take notice that an action entitled as above has been commenced in the Superior Court of Durham County. To remove a cloud on the title of some real estate wherein you claim to have some interest, and same being situated in the City of Durham near the Whitfield Graded School, and you will further take notice that summons has been duly issued for you by the Clerk of Superior Court of Durham County and the same has been returned by the Sheriff of Durham County endorsed after due diligence, Glennis Terry is not to be found in Durham County; and it further appearing to the Court that you are a non-resident of the State of North Carolina and reside in the State of New York, an order was duly made by the said Superior Court requiring you to appear at the next term of said court to be held in the court house in the City of Durham, North Carolina, on the fourth Monday after the first Monday in September, to-wit: October 24, 1911, at which time you are required to answer or demur to the complaint of plaintiff or the relief prayed for will be granted.

This 25th day of August, 1911.

C. B. GREEN,

Clerk Superior Court.

8-30 Sept. 6-13-20

ADVICE TO MOTHERS—Mrs. Winslow's Soothing Syrup should be used for Children's Teething. It soothes the child, softens the gums, allays all pain, cures wind colic, and is the best remedy for Diarrhoea. 30c a bottle.

Our Anniversary

Tuesday, September 5th, is our 20th Birthday. On that date, 20 years ago, Mr. T. J. Lambe and others started business in Durham. Since that date, the firm and the city have kept pace in wonderful development. From its beginning Mr. T. J. Lambe has been a constant factor and familiar figure in the management of its affairs. During all that time we have maintained a conservative policy, making an effort to give value received in all cases and handling the better class of clothing, shoes, hats and furnishings.

Call and see us and see the well selected stock of clothing, etc., we have for the Fall Trade.


T. J. Lambe Sons & Company

Phone 51 :: :: 119 W. Main St.

THE Mighty Haag Show

Durham, Thursday, September 14

See the Hippotragus Equinus. Hear that Elephant Band that plays real music.



REVIVAL OF SPORTS AND PASTIMES OF ANCIENT ARABIA

The Millers Peers of the Equestrian World, wonderful, the expression of all the highest class shows ever attempted by any amusement enterprise.

See the Parade and be convinced. The Show that made the Trust King back the good old Street Parade.

STATE MUTUAL

Policies provide for premium loan on signature of the insured :: :: "Let's Talk It Over"

A POLICY IN THE STATE MUTUAL IS BEST

We offer One Hundred Dollars Reward for any case of Catarrh that cannot be cured by Hall's Catarrh Cure.

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Read the "Want Ads" and see if your name appears as a candidate for two free tickets of admission to the Edsonia theater.

S. W. SPARGER, General Agent

J. W. UMSTEAD, Jr. Local Agent

STATE MUTUAL LIFE ASSURANCE CO., OF WORCESTER, MASSACHUSETTS Incorporated 1844