

Leads all North Carolina Dailies in News and Circulation

THE DECISION IS FOR SOUTH DAKOTA

The Opinion in the Suit of this State Against North Carolina is Rendered by Justice Brewer.

THE COURT IS DIVIDED

The Chief Justice and Justices White, McKenna and Day Unite in a Dissenting Opinion, Leaving Five Favorable to the Contentions of South Dakota.

(Special to News and Observer.) Washington, D. C., Feb. 1.—North Carolina has lost the South Dakota bond suit.

The United States Supreme Court handed down its decision today. The opinion is written by Justice Brewer and concurred in by Justices Peckham, Harlan, Brown and Holmes.

A dissenting opinion is written by Justice White and concurred in by Chief Justice Fuller and Justices McKenna and Day. It will be seen, therefore, that the court was pretty equally divided, being 5 to 4.

Although the State loses the case, the decision is in one respect a victory for it. The State of South Dakota is adjudged entitled to recover \$27,400—amount due on ten bonds of \$1,000 each and the attached coupons—but the action as to the individual holders of stock, who were represented by Butler and Russell, is dismissed.

The decision of the court is based on three leading cases: Chisholm vs. Georgia, which was an action of assumpsit; United States vs. North Carolina, which was an action of debt, and United States vs. Michigan, which was a suit for an accounting.

"A decree will, therefore, be entered, which after finding the amount due on the bonds and coupons in suit to be \$27,400, no interest being recoverable, and that the same are secured by one hundred shares of stock of the North Carolina Railroad Company, belonging to the State of North Carolina, and directs that the said State of North Carolina pay said amount to the State of South Dakota and that in default of such payment an order of sale be issued to the marshal of this court, directing him to sell at public auction all the interest of the State of North Carolina in and to one hundred shares of the capital stock of the North Carolina Railroad Company, belonging to the State of North Carolina, and directs that the said State of North Carolina pay said amount to the State of South Dakota and that in default of such payment an order of sale be issued to the marshal of this court, directing him to sell at public auction all the interest of the State of North Carolina in and to one hundred shares of the capital stock of the North Carolina Railroad Company, such sale to be made at the east front door of the Capitol building in this city, public notice to be given of such sale by advertisements in some daily paper published in the City of Raleigh, N. C., and also in some daily paper published in the City of Washington."

cause it is held by such corporation, not as a part of its private assets, but as a trustee for public purposes. "There is in this case a mortgage of property, and the sale of that property under a foreclosure may satisfy the plaintiffs claim. If that should be the result there would be no necessity for a personal judgment against the State. That the State is a necessary party to the foreclosure of the mortgage was settled by Christian vs. Atlantic and North Carolina Railroad Company. Equity is satisfied by a decree for a foreclosure and sale of the mortgaged property, leaving the question of a judgment over for any deficiency, to be determined when, if ever, it arises. And surely if, as we have often held, this court has jurisdiction of an action by one State against another to recover a tract of land, there would seem to be no doubt of the jurisdiction of one to render a decree for the sale of personal property."

The bonds were presented to South Dakota for the aid of the State University and with the end in view of prevailing upon that State to bring an original action in the Supreme Court, which action has now proved successful. There are about \$250,000 worth of other bonds outstanding.

In the dissenting opinion, which is a very lengthy and exhaustive decision of the whole question, two reasons are assigned for dissent from the opinion of the court. 1.—The absolute want of power in the State to render a decree between the two States on the cause of action sued on. 2.—The want of power to render the decree which is now directed to be entered, because of the absence of essential parties whose presence would cut jurisdiction and the impotency to grant any relief whatever in the absence of such parties.

The decision of the court was the subject of much comment today on the part of North Carolina Senators and Representatives. Through the individual holders of stock, and only the State of South Dakota is adjudged entitled to recover, all the outstanding bonds of this sort. Though the amount to some seven hundred thousand dollars, it is known that they can be compromised for much less.

Though North Carolina has in the present Congress twelve persons elected to represent her, there are five others who are natives of the State, as follows: Senator Joseph Roswell Hawley, (Rep.), of Connecticut. He was born at Stewartville, Richmond county, October 31, 1828. Speaker of the House Joseph G. Cannon, (Rep.), of Illinois. He was born at Guilford, May 7, 1836. Joseph Moore Dixon, (Rep.), representative at large from Montana. He was born at Snow Camp, July 31, 1867. Francis Emanuel Shober, (Dem.), representative from the 17th New York district. He was born at Salisbury, October 24, 1860. Representative Rice Alexander Pierce, of Tennessee, received his law education in North Carolina (under Judge Coingland, of Halifax), but is not a native of the State.

All of North Carolina's delegation of 12—two Senators and ten Representatives—are natives of the State, except Representative Edward William Poy, of the Raleigh District, who was born at Tuskegee, Alabama, September 9, 1865. Two of them were born in Rowan county—Senator Overman and Representative Kluitz. When there is added Representative Shober, of New York, who also claims Rowan as his native place, that good county has three sons in the present Congress.

FABIUS FEARS "OLD RELIABLE"

He Secures Delay in Parker Damage Suit.

ADVERTISES FOR US

State Treasurer Lacy Summoned Only Fifteen Minutes Before Train Time Is Declared to Be the Witness Whose Testimony Was Necessary.

A great many men went to Goldsboro as witnesses yesterday morning. Just as many came back yesterday afternoon without having sworn there was a "rotten" wreck.

A HIGHER FLIGHT

July and May Pass Mark Made Twenty-nine Years Ago.

(By the Associated Press.) New York, Feb. 1.—The speculation in the cotton market carried May and July cotton options above seventeen cents a pound on the local market today for the first time in twenty-nine years.

The market opened excited and higher. Notwithstanding the sensational advances of Saturday Liverpool again cabled higher prices than expected, and the opening here was strong at an advance of 66 2/3 points, carrying July through the 17 cent mark and making new high records for the season. Following the call the market advanced still further, though in a somewhat irregular fashion.

OF UNSOUND MIND.

A Board of Five Doctors Say This of A. W. Rivenbark.

(Special to News and Observer.) Wilmington, N. C., Feb. 1.—A. W. Rivenbark, confined in the county jail here upon verdict of a commission of lunacy yesterday a week ago, must remain under the authorities of the law, habeas corpus proceedings instituted Saturday having failed him this afternoon before Judge Ferguson, to whom the unfortunate man addressed a letter which was construed by the court as a lawful petition for the writ by which he hoped to gain his liberty.

They declared the patient of unsound mind, but upon their recommendation he will be given the widest latitude possible. Later it was stated under favorable conditions he might be allowed to visit his old home in Duplin county. As no place can be found for him in the State institution at Raleigh, he will be made comfortable in a few days at the county home. It is said that combined with others, one cause of the unfortunate man's mental condition was the excessive use of bromo seltzer.

For Sanford and Windsor Offices.

(By the Associated Press.) Washington, Feb. 1.—The Senate today in executive session confirmed the following nominations:—North Carolina: Samuel M. Jones, Sanford; William P. King, Windsor.

MEN OF THE FIELD

Yeomanry of the East in Council. Enthusiasm Defies Weather.

(Special to News and Observer.) Elizabeth City, N. C., Feb. 1.—An enthusiastic agricultural meeting was held here today. Inclement weather had little effect on the attendance, which was large and represented all parts of the State. Great interest was manifested and the meeting consumed the entire day.

RALEIGH WOMAN LNSANE.

Anna Stevens Jackson Placed in an Asylum at Rome.

(By the Associated Press.) Rome, Feb. 1.—Anna Stevens Jackson, of Raleigh, N. C., who, on January 15, after escaping from a house of detention, was found on the railroad track, three miles out from Rome, has been placed in an asylum for the insane, pending inquiries, which are being made in the United States concerning her identity.

HIS VICTIMS STILL ALIVE.

Over Twelve Hundred Dollars on the Head of this Negro.

(By the Associated Press.) Roanoke, Va., Feb. 1.—The city council today offered a reward of \$1,400 for the capture of the negro who, on last Saturday assaulted Mrs. George J. Shields and her little daughter, with a razor and hatchet in their home and left them for dead. Citizens have added \$250 to the Council's reward, and this will be increased by the State. It is said two suspicious negroes have been arrested at Bluefield, W. Va., and another at Portsmouth, Ohio, but it is not known here that there is any evidence against them. The military companies are still being held in their armory subject to further orders from the mayor. The negro's victims are alive.

Assignment at Dunn.

(Special to News and Observer.) Dunn, N. C., Feb. 1.—The Dunn Hardware and Furniture Company have assigned, Mr. H. C. McNeil being made trustee. The nominal assets are about \$11,000; the real assets are estimated to be about \$7,000. The liabilities are about \$10,000.

Guy Rope Broke, Big Gun Fell.

(By the Associated Press.) Norfolk, Va., Feb. 1.—A guy rope attached to the gear of a derrick, being used in hoisting one of the "monitor" Arkansas' big guns aboard her, broke today and sent the gun crashing upon the deck of the monitor. In its descent it damaged the ship's bridge to a considerable extent and knocked a laborer unconscious.

DIETRICH ASKS INVESTIGATION

The Senate Then Appoints a Committee.

MORGAN ASKS LIGHT

He Demands That the Bulls' Eye of the Senate Committee on Foreign Relations be Turned Upon the Panama Revolution.

(By the Associated Press.) Washington, Feb. 1.—In the Senate today Mr. Dietrich, of Nebraska, made a request for an investigation into the charges upon which he was recently tried by a Federal court in his own State, and the Senate granted the request, the President pro-tempore, appointing a committee consisting of Messrs. Hoar, Platt, of Connecticut, Spooner, Cockrell, and Pettus, to make the inquiry.

Over Twelve Hundred Dollars on the Head of this Negro.

(By the Associated Press.) Roanoke, Va., Feb. 1.—The city council today offered a reward of \$1,400 for the capture of the negro who, on last Saturday assaulted Mrs. George J. Shields and her little daughter, with a razor and hatchet in their home and left them for dead. Citizens have added \$250 to the Council's reward, and this will be increased by the State. It is said two suspicious negroes have been arrested at Bluefield, W. Va., and another at Portsmouth, Ohio, but it is not known here that there is any evidence against them. The military companies are still being held in their armory subject to further orders from the mayor. The negro's victims are alive.

Assignment at Dunn.

(Special to News and Observer.) Dunn, N. C., Feb. 1.—The Dunn Hardware and Furniture Company have assigned, Mr. H. C. McNeil being made trustee. The nominal assets are about \$11,000; the real assets are estimated to be about \$7,000. The liabilities are about \$10,000.

Guy Rope Broke, Big Gun Fell.

(By the Associated Press.) Norfolk, Va., Feb. 1.—A guy rope attached to the gear of a derrick, being used in hoisting one of the "monitor" Arkansas' big guns aboard her, broke today and sent the gun crashing upon the deck of the monitor. In its descent it damaged the ship's bridge to a considerable extent and knocked a laborer unconscious.

DIETRICH ASKS INVESTIGATION

The Senate Then Appoints a Committee.

MORGAN ASKS LIGHT

He Demands That the Bulls' Eye of the Senate Committee on Foreign Relations be Turned Upon the Panama Revolution.

(By the Associated Press.) Washington, Feb. 1.—In the Senate today Mr. Dietrich, of Nebraska, made a request for an investigation into the charges upon which he was recently tried by a Federal court in his own State, and the Senate granted the request, the President pro-tempore, appointing a committee consisting of Messrs. Hoar, Platt, of Connecticut, Spooner, Cockrell, and Pettus, to make the inquiry.

Over Twelve Hundred Dollars on the Head of this Negro.

(By the Associated Press.) Roanoke, Va., Feb. 1.—The city council today offered a reward of \$1,400 for the capture of the negro who, on last Saturday assaulted Mrs. George J. Shields and her little daughter, with a razor and hatchet in their home and left them for dead. Citizens have added \$250 to the Council's reward, and this will be increased by the State. It is said two suspicious negroes have been arrested at Bluefield, W. Va., and another at Portsmouth, Ohio, but it is not known here that there is any evidence against them. The military companies are still being held in their armory subject to further orders from the mayor. The negro's victims are alive.

Assignment at Dunn.

(Special to News and Observer.) Dunn, N. C., Feb. 1.—The Dunn Hardware and Furniture Company have assigned, Mr. H. C. McNeil being made trustee. The nominal assets are about \$11,000; the real assets are estimated to be about \$7,000. The liabilities are about \$10,000.

Guy Rope Broke, Big Gun Fell.

(By the Associated Press.) Norfolk, Va., Feb. 1.—A guy rope attached to the gear of a derrick, being used in hoisting one of the "monitor" Arkansas' big guns aboard her, broke today and sent the gun crashing upon the deck of the monitor. In its descent it damaged the ship's bridge to a considerable extent and knocked a laborer unconscious.

DIETRICH ASKS INVESTIGATION

The Senate Then Appoints a Committee.

MORGAN ASKS LIGHT

He Demands That the Bulls' Eye of the Senate Committee on Foreign Relations be Turned Upon the Panama Revolution.

(By the Associated Press.) Washington, Feb. 1.—In the Senate today Mr. Dietrich, of Nebraska, made a request for an investigation into the charges upon which he was recently tried by a Federal court in his own State, and the Senate granted the request, the President pro-tempore, appointing a committee consisting of Messrs. Hoar, Platt, of Connecticut, Spooner, Cockrell, and Pettus, to make the inquiry.

Over Twelve Hundred Dollars on the Head of this Negro.

(By the Associated Press.) Roanoke, Va., Feb. 1.—The city council today offered a reward of \$1,400 for the capture of the negro who, on last Saturday assaulted Mrs. George J. Shields and her little daughter, with a razor and hatchet in their home and left them for dead. Citizens have added \$250 to the Council's reward, and this will be increased by the State. It is said two suspicious negroes have been arrested at Bluefield, W. Va., and another at Portsmouth, Ohio, but it is not known here that there is any evidence against them. The military companies are still being held in their armory subject to further orders from the mayor. The negro's victims are alive.

Assignment at Dunn.

(Special to News and Observer.) Dunn, N. C., Feb. 1.—The Dunn Hardware and Furniture Company have assigned, Mr. H. C. McNeil being made trustee. The nominal assets are about \$11,000; the real assets are estimated to be about \$7,000. The liabilities are about \$10,000.

Guy Rope Broke, Big Gun Fell.

(By the Associated Press.) Norfolk, Va., Feb. 1.—A guy rope attached to the gear of a derrick, being used in hoisting one of the "monitor" Arkansas' big guns aboard her, broke today and sent the gun crashing upon the deck of the monitor. In its descent it damaged the ship's bridge to a considerable extent and knocked a laborer unconscious.

A HEART TRAGEDY

Silent, Brave, She Toiled for Self and Child.

At Last the Destroyer Took Her. Left by the Husband to the Care and Support of Kind Strangers.

(Special to News and Observer.) Greensboro, N. C., Feb. 1.—Mrs. J. E. Henderson died here today of consumption and will be buried from the Catholic church tomorrow. She came to Greensboro from Kentucky four years ago with a small girl child. She was an intelligent, modest, brave little woman. For something after coming here she seemed to have the means of a modest support, sent by her husband, who she said was a traveling man. After awhile it became evident that she was in distress for the necessities of life. Her health was very frail, and kind benevolence in a delicate way provided a room and sustenance for her and the little girl.

CURRITUCK SOUND FROZEN OVER.

Farmer's Institute—Rather Poor Season for Game, Good for Fishing.

(Special to News and Observer.) Currituck, C. H., N. C., Feb. 1.—If the weather had not been so disagreeable we are sure that hundreds of people would have been here in attendance at the Farmers' Institute. Notwithstanding the very bad weather several were here and showed great interest in the subjects very ably discussed by the State Chemist, Dr. B. W. Kilgore, Mr. C. B. Williams and Dr. T. A. Butler, the State Veterinarian. Those gentlemen made a fine impression on our people, not only the farmers but all who heard them. It is a source of regret that the weather was so that our farmers, especially as a whole, could not be here to hear them. The people in our county, especially on the farms along Currituck Sound and its bays and tributaries, did exceedingly well last year in trucking, the Irish and sweet potatoes being the principal crop and information such as gained today will be of great value to them. Currituck Sound has been frozen over twice this winter with the ice hard enough to walk across it. That is something that does not often occur. During a freeze like those the game, such as duck, geese and swan get quite poor, but it does not take long for them to get back to their normal condition. This season for game has been rather a poor one, but the fishermen, as a rule, have done exceedingly well. Our people did exceedingly well farming last year and are looking to this coming season with much interest. Mahanoy City, Pa., Feb. 1.—By an explosion of gas in a mine cage, five dockmen were killed while being hoisted to the surface.