

## WANTS TO SUE NORTH CAROLINA

### South Dakota Files a Complaint Which Speaks of Receiverships and Injunctions Among Other Things

Washington, Nov. 11.—The State of South Dakota desires to sue the state of North Carolina, and today filed a brief in the United States Supreme Court setting forth that request. It was filed by Attorney General Doyle of South Dakota. Through two other parties South Dakota was given for school purposes ten bonds of the state of North Carolina issued for the Western North Carolina Railroad. They are for \$1,000 each, second mortgage bonds, of date July 1, 1889. It is alleged that the first mortgage bonds were extended to the depreciation of the second mortgage bonds, and North Carolina having

refused to pay the second mortgage bonds, request is made that this suit may be brought by South Dakota, which holds ten shares as a gift. The court took the matter under advisement. The complaint alleges that \$30,000 shares of railroad stock are owned by the State of North Carolina, that the State is receiving large dividends from the stock, that the mortgage bonds issued upon the stock of which \$30,000 are held by the State of South Dakota are now due and together with interest coupons have not been paid. It is asked that so much of the stock be sold under direction of the court as will be required to pay off the mortgage bonds and interest due; that during the pendency of this suit a receiver be appointed by the court to take charge of the thousand shares of stock held by the State and that an injunction be issued prohibiting and enjoining the State of North Carolina from collecting or receiving the dividends on thirty thousand shares of stock in question. The bonds held by the State of South Dakota were part of a donation made to the State University.

## Facts to Be Embodied in Mr. Root's Report

### Secretary of War Has Made Searching Inquiries Regarding All Branches of Military and Naval Operations

Washington, Nov. 11.—Secretary Root left Washington this morning for a short trip to New York, and is expected to return here tomorrow and resume work on his annual report, which has been in course of preparation for more than a week past. The Secretary of War is giving much time to the construction of this report, as it covers many very important subjects, including the reorganization of the army along lines adopted by Congress at its last session; the introduction of a civil government in the Philippines, with an account of the progress made by the military and civil authorities in the islands, and also a description of the work of the government of intervention in Cuba under General Leonard Wood. Before he began the preparation of the report, Secretary Root called upon the different branches of the War Department for statements on the subjects which he had under consideration, and upon the adjutant general of the army for information as to the personnel of the army and the working of the new organization bill. He had a statement prepared by the quartermaster general showing the operation of special features of that service. General Miles was asked to state any recommendations he had to make, and from General Corbin Secretary Root secured a brief synopsis of the reports of the commanders of the military departments in the United States. He also requested the Philippines Commission to supply him with data as to the progress made in the Philippines and asked General Wood for information as to the work in Cuba. Already he has outlined the report, and nearly all the information desired is at hand and ready for his review. Some features of the report are now prepared so that it is known to some extent what Secretary Root will say. The report will open with a statement of the strength of the army and its distribution in the United States and in foreign territory. In reviewing the work of the Philippines Commission the report will tell of the transfer of civil authority to the commission and Governor Taft by General MacArthur, who up to the first of July exercised the dual functions of civil and military governor. It will be pointed out in the report that the maintenance of civil government by the Philippine Commission is under the military power of the President and in this connection Secretary Root will refer to the decision of the Supreme Court in the insular cases and its effect upon the conduct of affairs in the Philippines. He will describe at some length the improved conditions in the Philippines, the establishment of schools by the commission, the sending of American teachers to Manila, the improvements ordered by that body of a code of civil procedure, a code of criminal procedure, and the promulgation of a new tariff framed upon lines suggested by the Philippine Commission. There will be some reference to the condition of the seacoast defenses, and Secretary Root will urge the laying of a Pacific cable from San Francisco to Manila. The army service will be commended upon a plan suggested for gradually reducing the transport fleet and using commercial steamers for the carrying of mail to Manila, the shipment of stores and soldiers.

## Governor Beckham Writes a Hot Letter

### Governor Durbin Charged with Violating His Oath of Office to Protect Criminals

Frankfort, Ky., Nov. 11.—Governor Beckham today mailed a letter to Gov. Durbin, of Indiana, in reply to the latter's statement in regard to his refusal to honor the requisition for Taylor and Finley, who are under indictment and wanted in Kentucky for the Goebel murder. Governor Beckham is incensed over Durbin's strictures, and in his letter says: "Your refusal to honor the requisitions some time ago sent you by me, asking for the extradition of W. S. Taylor and Charles Finley, fugitives from justice from this state, charged with being accessories of the murder of Wm. Goebel, was not unexpected, but the remarkable letter with which you accompanied the return of the papers was indeed a surprise to me, and I sincerely regret the necessity of this reply. It is true I had been reliably informed that you had incurred campaign obligations which committed you to the protection of these two valuable adjuncts to your political fortunes, and that they had been promised immunity from arrest under requisitions from the Kentucky authorities in the event of your election as governor. This information has been confirmed by your conduct and by the complete sense of protection which these two men seem to have received since your incumbency of the office. You are at least entitled to

the credit of having faithfully carried out your reputed agreement with them, however much in doing so you have violated your oath of office and brought discredit upon the high office you hold. "But even with this understanding of your embarrassing position, confronted, as you were, on the one side by the law and justice and on the other side by a miserable political bargain, I could not believe that you would so far forget the dignity and obligations of your office and the courteous relations that exist among the chief executives of the various states as to go out of your way to offer gratuitous insult to the people of Kentucky and cast a reflection upon the courts and public officials of the state. "If these slanderous charges had come from you as an individual they would be treated with the silent contempt they so justly deserve, but as they come from you as the governor of a great state, I shall not hesitate to hold you up to public scorn and show how unjust and unfounded are the wilful and inexcusable misrepresentations in your letter." Governor Beckham quotes from the United States constitution and supreme court decisions, showing that a governor has no discretionary power in such a matter and "shall issue the requisition upon demand." He says Durbin violated his oath when he refused the requisition. In concluding his very caustic letter Governor Beckham says: "The brothers and friends of the murdered governor simply demand the punishment of those who conspired to kill him. No political advantage could be gained by any one or any party in convicting the two self-confessed criminals now basking in the smiles of your protecting care."

## Crime Committed in the Name of Science

New York, Nov. 11.—As a result of his efforts to prove that tuberculosis is transmissible between man and beast, Dr. George D. Barney may find himself in a legal difficulty. When Dr. Barney inoculated a cow with tuberculosis germs from a human being in order to demonstrate that Prof. Koch was wrong in declaring that the disease was not transmissible, the Brooklyn Board of Health did not object. When, however, the board learned that Dr. Barney had reversed the experiment and inoculated Miss Emma H. King, it decided that action must be taken. According to the story told by Dr. Barney himself, he inoculated a perfectly healthy girl at his home at Third street, with the serum from the diseased cow Saturday morning. He

now has her under observation waiting for the disease to develop. Miss King declared she was a willing subject in the interest of science. She is willing, she says, to die if necessary to help find a cure for the disease, but she believes that if she becomes infected Dr. Barney will be able to cure her. Dr. Robert Black, superintendent of the Brooklyn Board of Health, said today: "The board will begin action today, if possible, against Dr. Barney. If Dr. Barney has inoculated a healthy girl with tuberculosis serum, he is, in my opinion, liable to criminal prosecution. I shall lay the matter before the council of the health board." Dr. F. A. Jewett, chief of the department of contagious diseases, also believes that the Brooklyn physician has laid himself open to criminal prosecution.

## Unknown Schooner Goes Down in the Waves

### Her Crew of Six or Eight Men Believed to Have Perished in the Storm

Chatham, Mass., Nov. 11.—An unknown three-masted schooner was wrecked on Little Round Shoal during last night, and her crew of six or eight men are believed to have perished. Captain Eldridge and crew of the Monomoy life-saving station went off to the wreck this forenoon, but were unable to find anything by which the vessel could be identified. Just before dark last evening a large coal-laden schooner came driving down over the shoals before the gale, under close reef. She had evidently carried her sheet anchor chain off Highland light, forcing her to seek a position under the lee of the Chatham shore, where her smaller anchor would hold. Before rounding Pollock her sparker was blown to ribbons and the skipper

then tried to work back under Monomoy. Wind and tide drove her steadily off shore, however, and as night came on she was seen drifting towards the breakers under her lee. This morning three masts were seen protruding above the water of Little Round Shoal, and, seeing what looked to be men in the rigging, Captain Eldridge and his crew put off in the lifeboat. The trip was a perilous one for the life-savers, but they came through in safety, reaching shore late this afternoon. Captain Eldridge says that no one was in the rigging when he reached the sunken vessel, but that a boat about half full of water was made fast to the mizzen rigging. During the early morning a large schooner was seen under the lee of the shoal, and it is possible that the shipwrecked men were rescued. The latter vessel is far off shore, anchored for the night. Captain Eldridge says the sunken craft probably put down her last anchor as soon as bottom could be found, and that the ebb tide caused her to smash her hull on the shoal.

## Neglect of Duty and Oppressing Policemen

### Bring a Deputy Police Commissioner Under Amenability to the Criminal Law

New York, Nov. 11.—Justice O. C. Gorman of the Supreme Court decided today that Deputy Police Commissioner Devery is not exempt from amenability to the criminal law for misdemeanors in his judicial capacity at police trials, and that Justice Jerome, who issued a warrant for his arrest for neglect of duty and oppression in the police trial room, is not disqualified by prejudice from examining Devery on those charges. Justice Jerome, however, now that he has been elected district attorney, will transfer the examination of Devery and the examination of all police and vice cases to some other magistrate.

Devery was accused of oppression of Policeman O'Neill and other policemen when they were on trial before him, and of neglect of duty on failing to hear O'Neill's witnesses and on reprimanding another policeman for enforcing the Sunday law. He got writ of prohibition to prevent Justice Jerome from conducting the examination. This writ is now dismissed. Mr. Devery's opinions on the decision could not be learned today, because Mr. Devery is ill again. He has been ill since the returns began to show the results on election night, and he has not been near police headquarters since 10:30 o'clock of that night, when he went away looking very sick. Mr. Devery's illnesses have been interesting on account of the performances of his double on those occasions. Justice Jerome is in excellent health. The justice returned today to his place on the social sessions bench. He sat between Justices McKean and Wyatt, Tammany appointees. Many of the court attendants congratulated him, and there was a greater crowd than usual in the building.

## Americans Prepared for Insurgent Attack

Manila, Nov. 11.—Major Pitcher, who commands the American troops in the Island of Mindoro, reports that the rebels made an attack on the garrison of Abra de Elog similar to that on Company C of the Ninth Infantry at Balangiga, Samar, some weeks ago. The garrison was prepared, however, and killed five riflemen. The Americans had one man wounded. Lieut. Noyes, of the Thirtieth infantry, who with 500 men is pursuing the rebels, has captured a deserter by the name of Richter, who was dressed in the uniform of the rebel artillery.

Major Pitcher reports that the insurgent leaders who have surrendered shall return from the interior. It is reported that the insurgents have been concentrating in Northern and Central Samar since Tuesday in obedience to Lukban's proclamation. It is said that they are considering making a complete surrender, but this is very doubtful. The peace commissioners have made no arrangements for the acceptance of surrenders from scattered commands owing to the Lukban's threat to kill all who communicate with the Americans. The blockade is causing a terrible famine in the interior. Generals Hughes and Smith have arrested 200 head men in Samar and Leyte on suspicion that they were conspiring against the Americans.

## "Political Brigands and Ward Heelers"

### Prison Problems Discussed by Men Who Are Deeply Concerned on the Subject

Kansas City, Nov. 11.—Interest in the Congress of the National Prison Association is increasing. The session this morning at the Grand Avenue Methodist Church was well attended by laymen and by women who are interested in prison work. Only routine business was transacted by the congress proper, the wardens' association being given the right of way on the program. In his annual address, Otis Fuller, president of the wardens' association, scored "political brigands and ward heelers." Mr. Fuller is the superintendent of the Michigan reformatory at Ionia. He said: "I refer now to the political brigandage which is still prevalent in a few States, the brigandage which ruthlessly seizes, not only the prisons, but all the other public institutions, and holds them for political ransom. Honest, efficient, wise and humane prison management cannot reach its highest stage of development until the outraged tax-payers and the humani-

arians take take the ward-heeler by the throat." Warden Garvin, of Connecticut; General Brinshaw, chairman of the Ohio State board of charities and corrections; A. W. Butler, secretary of the Indiana State board of charities, and S. C. Stiers, secretary of the Michigan State board of charities and corrections, participated in the discussion that followed Mr. Fuller's address. All agreed that in the management of the penitentiaries, prisons and reformatories politics should be eliminated, and denounced the fee systems in vogue throughout the country. Charles G. Baker, assistant superintendent of penitentiaries of New York State, reported the progress of the Bertillon system bureau connected with his office. One year ago at the Cleveland meeting the wardens agreed to contribute to the bureau and Mr. Baker called many of them to task for not complying with the understanding then had. There are now 44,000 cards in the bureau, said Mr. Baker, and the mails are increasing the number from 800 to 1,200 a day. H. F. Mills, sales agent for the New York penitentiary, told of the success of prison labor in the penal institutions of the Empire State. "The product last year," said he, "was valued at \$500,000 and the earnings were at least \$60,000." There are no prison contractors. The goods are furnished to cities, counties and townships for use in public institutions, but not to private parties. The system in no way interferes, said Mr. Mills, with free labor.

## Down Four Stories from a Back Window

New York, Nov. 11.—Richmond Mayo-Smith, who had been professor of political economy and science at Columbia University for fifteen years, was killed tonight by a fall from a rear window in the fourth story of his home at 305 west 77th street. The police reported the accident. He had been feeling indisposed for some time, and at his home it was said his condition was that of a man bordering on nervous prostration. He had not filled his duties at the University for several weeks. Prof. Mayo-Smith spent this afternoon at his home. At 6 o'clock he told his wife he was feeling ill and was going to the library on the fourth floor to lie down. She answered that a short rest would probably do him good, and assured him that she would call him when dinner was ready. The professor went up to the library, which is in the rear of the house.

It is a room in which he spent a great deal of his time. A few minutes later, according to the information given to the police the butler, Paul Gobert, saw his master's body falling down past the rear window. Dr. Mendelssohn was called in and he said the professor probably died instantly or almost immediately. The police did not learn of Prof. Mayo-Smith's death until after 10 o'clock tonight. Detective Donohue, of the West 68th street station, went to the home. He was told the professor's health was undoubtedly a accident. Prof. Mayo-Smith was born in Ohio in 1854 and graduated from Amherst in 1876. He was an honorary fellow of the Royal Statistical Society of Great Britain and a member of the National Academy of Sciences. He was the author of several works on economic subjects. He had been professor of economics at Columbia since 1878.

## Proposed Divorce Reform in Georgia

Atlanta, Nov. 11.—A bill introduced in the Georgia legislature by Representative Thomas of Pierce county, seeks to absolutely abolish divorce cases in this state. The bill is short and sweeping and does not admit of any misrepresentation. Its text is as follows: "Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, that from and after the passage of this act there shall be no more divorce cases in Georgia for any cause."

"Be it further enacted, that all laws and parts of laws in conflict herewith, and the same are, hereby repealed." From conversation with members of the House it is safe to predict that the bill will not pass. A small percentage of representatives would favor the bill; others believe that divorce should be granted for a limited number of causes, and still others that, even should the bill become a law, it would not accomplish its purpose. Its author is deeply impressed with the righteousness of his measure.

## Absorbed by the Fertilizer Trust

Winston-Salem, Nov. 11.—Special.—A controlling interest in the plant of the Southern Chemical Company in this city has passed into the hands of the Virginia-Carolina Chemical Company, known as the Fertilizer Trust. Dr. H. B. Battle, who has been president of the local company since it was organized, has disposed of his stock and tendered his resignation, which has been accepted. The Southern Chemical Com-

pany had a capital stock of \$200,000, and it has done a large and satisfactory business ever since the plant was established. The management will of course be left with the Virginia-Carolina Company. It is reported that Mr. W. T. Brown retains an interest in the business and will probably be the local manager for the new owners. He has been an officer in the company ever since it was organized.