

## Craig Act Argued in Supreme Court

### Validity of the Act at Issue in the Allison Case Which Was Appealed From the State Courts

Washington, April 8.—The validity of the Craig act, passed by the North Carolina Legislature of 1899, which requires foreign corporations to become domestic corporations and provides the manner in which they shall do so, was argued before the supreme court of the United States today. The case at issue was that of the Southern Railway vs. John H. Allison of McDowell county, who brought suit for damage in the state court as the result of alleged negligence in an accident.

The question of jurisdiction is the one which involved the constitutionality of the Craig act. The railroad sought to transfer the case to the federal court, alleging local prejudice and inability to secure justice in McDowell county among other things. The railroad, having complied with the provisions of the Craig act, the defendant claimed that the state court had jurisdiction. The ground of diverse citizenship and local prejudice, it was contended by the railroad, nullified the effect of the act so far as the jurisdiction of state courts was concerned. On the other hand it was contended by Mr. Justice that a railroad may be a corporation of two or more states. He maintained that domestication under the Craig act chartered and did not license a corporation, and that when sued by a citizen of the state it was subject to the jurisdiction of the state courts.

The hearing was before seven justices of the court, the two absentees being Justices McKenna and Day. The argument was opened by Colonel W. A. Henderson for the railroad, who was followed by Mr. E. J. Justice for the defendant in error. Mr. F. H. Busbee

submitted the concluding argument for the plaintiff.

The arguments were technical from a legal standpoint, dealing largely with citations from federal court decisions with respect to cases involving similar questions. The learned members of the court had some difficulty in arriving at an understanding of the facts involved in the case, which were agreed upon, and they fired a volley of questions at the attorneys for the purpose of obtaining light, especially in relation to the opinion of the supreme court of North Carolina in this case and as to the Craig act. This is the general custom of the court and no special significance is attached to it. But the court evinced a decided interest in the North Carolina case and listened attentively to the elaborate argument made by both sides. Every one of the justices present had a series of questions to propound, many of which were technical. Chief Justice Fuller and Justices Harlan, White and Holmes were the principal cross-examiners.

The staid members of the court were smiling on several occasions, principally when Mr. F. H. Busbee was interjecting pleasantry with reference to railroads and the courts. One of the first questions propounded came from Chief Justice Fuller, who wanted to know if the James case was considered by the supreme court of North Carolina in passing upon the questions involved. Mr. Busbee replied that quotations from the James case were given, but in his opinion the apropos and material features of that case with reference to the one at issue had been ignored.

Justice Harlan's question was directed for the purpose of ascertaining whether or not the Craig act was in violation of the interstate commerce laws. Justice White's queries referred to the right of a state to compel foreign corporations to become citizens of the state and comply with its laws when they entered that state and sought to do business there. A number of questions along this line were put to Mr. Busbee.

## The President Out for Two Weeks of Fun

### He Will Spend the Time in Yellowstone Park—Various Camps Are to Be Visited and Trails to Be Traversed

Cinnabar, Mont., April 8.—The president has gone up the Yellowstone park for his two weeks fun. There is every indication that he will have every opportunity for enjoyment. Trails have been broken through most parts of the park. He will make his headquarters at a camp not very far from the army post at the Mammoth Springs hotel. Other camps have been established at different points in the park selected for the frequency with which various sorts of game appear in them. With John Burroughs the president will visit all of these camps for several days. Two weeks from today he will come back to Cinnabar and lead an excursion of all of the rest of his party, now living in the special train on a Cinnabar siding, through part of the park.

The president reached Gardner, which is three miles from Cinnabar and inside the park limits, at half past 12 o'clock today. Major Pilcher of the 3rd cavalry and Captain Letcher of the engineer corps were there to meet him with a troop of cavalry and several ambulances. The president addressed the populace who had gathered to the extent of a hundred or more, including a noisy squad of cowboys. He then mounted a horse and headed the procession up the trail into the mountains. An ambulance following carried Mr. Burroughs, and he in turn was followed by another ambulance in which were Dr. Rixey, Secretary Loeb, ex-Senator Thomas Carter, Assistant Secretary Barnes, President Mellen of the Northern Pacific and some other officers of the Yellowstone Hotel Company. They all lunched at Major Pilcher's house and returned to Cinnabar.

All except Mr. Loeb and Mr. Barnes, boarded Mr. Mellen's private car on their return and went back to Livingston. Surgeon General Rixey will go directly to Washington and resume his regular duty for ten days, coming back here to join the president April 24 for the rest of his trip to the Pacific coast.

The presence of the president's party has nearly doubled the population of Cinnabar. It is a little town on a flat between two ragged backed, snow topped mountain ranges. The Yellowstone river runs down one side of the valley, and sage brush, two saloons and a so-called frame hotel and four or five cabins make up the rest of the landscape. The party has both telegraph and telephone communication with Major Pilcher's house.

This has been the warmest day the Cinnabar flat has known for nearly a year. Shirt sleeves have been com-

fortable in the sun; but two horses were killed up in the park yesterday in the effort to break through a trail for the president.

### Animals for Filipinos

Manila, April 8.—Governor Taft has planned for the expenditure of \$3,000,000 of the \$3,000,000 appropriated by Congress for the relief of the impoverished provinces. In the purchase, transportation and immunization of farm animals which the recent epidemic of rinderpest almost exterminated with the result that agriculture has since been practically paralyzed. These animals will be distributed by the provincial officials at cost after they have been immunized at the government farms.

### Mutiny in Jail

Denver, Col., April 8.—The police and fire departments were called to the county jail today to quell a mutiny. Four prisoners, armed with revolvers, overpowered Guard Murphy and secured his keys. One shot was fired at Murphy, but he was not injured. Being unable to open the outer doors, the prisoners surrendered. It is not known how they obtained the weapons.

### MOODY MOVING

#### He Will Extend His Trip up the Mississippi

Washington, April 8.—A telegram received at the navy department today from Lieutenant Commander Storey of the dispatch boat Dolphin, at Cape Haytien, gave rise to the belief that Secretary Moody, Postmaster General Payne and the public men who are cruising in the West Indies on the vessel intend to make a trip up the Mississippi river before returning to Washington. It is surmised that they will go to St. Louis to attend the dedication of the Louisiana Purchase Exposition April 30, when President Roosevelt will be there. The telegram directed that charts of the Mississippi should be sent to the Dolphin at Pensacola, Fla.

The Dolphin left Cape Haytien today for Mole St. Nicholas and Nipe, Cuba.

### ARMY GENERAL STAFF

Washington, April 8.—An order was issued at the war department this evening by the secretary of war organizing the first general staff under the recent act of Congress. The board appointed to recommend officers for detail to the general staff presented its report to Secretary Root, and it was immediately approved. This board consisted of Major General S. B. M. Young, Major General Adna R. Chaffee, Major General John C. Bates, Brigadier General William H. Carter, Brigadier General Tasker H. Bliss, Brigadier General Wallace Randolph, chief of artillery,

and Major Henry A. Greene, recorder. The law providing for the general staff limits its membership to forty officers with rank below that of brigadier general.

### Peruvians in the Navy

Washington, April 8.—At the request of the Peruvian government acting Secretary of the Navy Darling has granted permission for six graduates of the Peruvian naval school to serve as midshipmen in the United States navy. Peru will bear the expense of their maintenance and instruction. Application was made in behalf of twelve Peruvian cadets, but the navy department found that it could not provide for that many.

### STRIKING A CRIME

#### Drastic Legislation in the Holland States General

The Hague, April 8.—In the second chamber of the states general today the debate on the anti-strike bills was resumed after a vote in favor of referring Holland's claim against Venezuela to arbitration had been taken. The House was crowded and great excitement prevailed. The socialistic members demanded a suspension of the debate and a tumultuous scene followed. Jonker Schaper denounced the attitude of the majority as knavery. The chamber finally rejected the proposition of the Socialists and resumed the debate on the clause of the bill which makes it a criminal offense for an employee of the state railroads to go on a strike or to prevent any other person from working during a strike.

At four o'clock the second chamber adopted the first criminal clause of the anti-strike bill, regarding violence and intimidation, by an overwhelming majority.

### PRONE TO STRIKE

#### Coal Miners in a State of Dissatisfaction

Mahogany City, Pa., April 8.—President John Mitchell is greatly alarmed by the numerous strikes that are occurring throughout the anthracite region, and the unrest and dissatisfaction that seems to prevail among the men. Today he sent orders to his lieutenants to make an effort to placate the men in some way and to induce those on strike to return to work.

This evening representatives from thirteen collieries in the upper part of Skykill county, representing between 12,000 and 13,000 men, met at Mahogany City for the purpose of abating the numerous dissensions and strikes that are occurring at the collieries daily. The plan will be to appoint a committee to visit each colliery where there is any trouble that threatens to be of a serious nature, and to bring about a compromise if such a thing is possible.

### A TEXAS DEFAULTER

#### A State Official Short and Missing

Austin, Texas, April 8.—The state board of penitentiary commissioners held a meeting here today and discussed the subject of the shortage of A. S. Busby, former assistant financial agent of the penitentiary system. It will be some time before the investigation of his accounts is complete. It is said the shortage will exceed \$100,000. Every possible effort is being made to effect his capture. It is reported that he was last seen at Mobile, Ala., where he is believed to have caught a fruit steamer and gone to Honduras, with which country the United States has no extradition treaty covering the offense with which he is charged.

### BUST OF WASHINGTON

#### Proposed Gift by Three Notable Frenchmen

Paris, April 8.—A committee has been formed, consisting of Marquis De Lafayette, the Marquis De Grasse and Count De Rochambeau, descendants of three notable figures in the American Revolution, to offer a bust of Washington to the United States. It will be a replica of the famous bronze bust by David D'Angers, which was once in Washington, but was destroyed by fire. The daughter of the sculptor has placed at the disposition of the committee her father's original plaster casts from which the new bronze sections will be made.

A public subscription has been opened. The Count De Rochambeau is chairman of the committee.

### Another Raid in Durham

Durham, N. C., April 8.—Special.—Last night, or rather between midnight and day this morning, Deputy Collector S. P. Satterfield and posse captured another illicit distillery in this county. The capture was made about two miles from Galveston and eight or nine miles from Durham. The still was a copper one of about ninety gallons capacity. Six hundred gallons of beer was poured out and the stands cut down. No arrest was made as the "moonshiner" had gone to his home be-

fore the arrival of the revenue officers. There were stands for two thousand gallons of beer, but the run was nearly through, and this accounted for there being only six hundred gallons on hand. This makes five stills that have been destroyed in this county in less than two weeks.

### VASQUEZ AT THE GATE

#### Three Revolutionary Generals Killed in Battle

Cape Haitien, Hayti, April 8.—A special messenger of the government who arrived yesterday at Cotuy, Hayti, from Santo Domingo announced that three thousand Dominican government troops are at the gates of San Domingo City; that they have captured the suburbs of San Carlos, and that three revolutionary generals have been killed, including Perico Pegin, one of the principal leaders of the revolution. President Vasquez was preparing to attack San Domingo when the messenger left.

The inhabitants of the districts of Monte Christi and San Lorenzo de Guayubin, Santo Domingo, have taken up arms against the government, but President Vasquez believes the revolutionary groups will easily be dispersed if the government forces regain possession of the capital.

### KING OF YAP

#### A Georgia Man Leaves a Fortune in the Pacific

Washington, April 8.—The United States naval collier Justin left Cavite today for the Isle of Yap in the Carolines, taking as a passenger Mr. Hartridge, a Savannah attorney, who represents the widow and daughter of David O'Keefe, an American mariner, better known as King O'Keefe of the Isle of Yap. O'Keefe, who was the principal chief among the natives in Yap, was reputed to have left property valued at more than two million dollars, and Mr. Hartridge will claim this, if it exists, for Mrs. O'Keefe and her daughter, who live in Savannah. No regular steamers ply between Yap and the outside world. After trying in vain to get a vessel to take him there Mr. Hartridge, through the efforts of the Georgia senators, secured the use of the Justin.

### TRAIN WRECKERS

#### Southern Railway Detectives on the Trail of Two Men

Charlotte, N. C., April 8.—Special.—The train wreckers who succeeded in derailing No. 97, the Southern's fast mail train, one mile below Blacksburg one week ago today, are known to Detective Haney of the Southern Railway. The evidence pointed strongly to the guilt of two white men who reside near the knitting mill at Blacksburg. Mr. Haney and another detective of the Southern went to the homes of the men who were suspected and ascertained that they had gone. As soon as these two men learned that the cause of the wreck of No. 97 was being investigated they became very nervous, and in more than one instance displayed some knowledge of the affair. The Southern refuses to divulge the names of either of the men who are suspected of both has been sent out, and if possible the Southern will bring them to trial.

### STATE GUARD SERVICE

#### Important Ruling Made by the Secretary of War

Washington, April 8.—The secretary of war has issued a circular in which he states that an enlistment in the army does not operate as a discharge from the organized militia or national guard, and a member of the national guard in his state who enlists in the regular army repudiates his engagement in said state troops, and by so doing becomes and remains liable to such penalties as may be authorized by the laws of the state in whose military service he has been enlisted. The circular directs that men who present themselves for enlistment in the army shall be interrogated as to service in the national guard, and in the event that they have served in such state troops they shall be required to present satisfactory evidence that they have been honorably discharged therefrom, or if unable to do so, enlistments shall be refused.

### Lawrence Mill at Work

Lowell, Mass., April 8.—There was no trace of last night's disturbance today when the Lawrence hosiery mill opened as usual. The ring spinners went to their work with the other operatives, numbering about three thousand in all. Some Greeks had gathered near the mill gate, but police were on hand to prevent any trouble, and there was no demonstration. The board of arbitration will meet here tomorrow to investigate the strike and the dispute leading to it.

## Trial of Tillman Continued Till July

### Absence of Important Witnesses Alleged as the Ground for Application--The Judge Criticised

Columbia, S. C., April 8.—J. H. Tillman was not arraigned today. Before this point in the proceedings was reached an application was made for a continuance and was granted out of hand by Judge Klugh. The defense seemed to have evidence last night that this would be the result of their application. The continuance was asked on the ground of sickness of one of the witnesses, J. M. White, who is partially paralyzed, and the absence from the state of Julia Roper, a trained nurse and near relative of Tillman.

White's affidavit was that a man said to be N. G. Gonzales, but unknown to him, remarked to him two days before the shooting that he had made Tillman show the white feather and would do so again.

Miss Roper's affidavit is that, while in her official capacity of trained nurse and administering at the death bed of Mr. Gonzales' uncle last June, she heard Mr. Gonzales tell his uncle that he would make Tillman show the white feather. Miss Roper has been absent from the state, out of the way of process of summons as a witness. No effort was made to secure her attendance.

The judge did not inquire if the witnesses could be expected at the next term. White it is a paralytic. The prosecution offered to admit all that the absent witnesses had sworn to. The defense said both wished to give new evidence; that Miss Roper had told her relatives she had some new evidence. The continuance was then granted.

The proceedings and arguments lasted a considerable time this morning and the court room was crowded with interested spectators. The prisoner was brought up from the jail in a closed carriage by Sheriff Coleman, and came into court accompanied by his uncle, Senator Tillman. The two seated themselves just back of the solicitor. The prisoner looked cool and unconcerned, but the effect of three months' confinement could be seen.

Immediately upon the calling of the case Colonel Croft, for the defense moved for a continuance of the case on the ground that two of the most important witnesses were absent. Solicitor Thurmond and Mr. Crawford both objected upon the ground that the rule of court in regard to asking for a continuance had not been complied with. The state had not been furnished with copies of the affidavits, and the affidavits, if submitted, should set forth what facts there were that would be proved that would materially aid the defense. The defense at once submitted another affidavit from Colonel Croft, stating that Miss Roper would testify to further threats that had been made against the defendant by Mr. Gonzales and that White had oth-

er facts to bring out as to the conversation with Mr. Gonzales.

Mr. Nelson, also of counsel for the defense, then stated that they had tried in every way possible to secure these witnesses and that their absence was unavoidable. He also thought the state had been advised as to what the testimony of those two witnesses would be, they having seen copies of the affidavits when the application for bail was made.

White's affidavit was read. It is to the effect that he saw a man, who he was informed was Gonzales, talking to Richard Holzenbach, and after a few minutes conversation with him simply turned off. The affidavit contained a statement of the conversation. White said that he had been with Gonzales the day before the shooting and described the position of the men at the time of the shooting.

Miss Roper's affidavit was also read. It is alleged that she, while nursing Captain Elliott in Spartanburg about two years ago, heard Mr. Gonzales remark that he had made Jim Tillman show the white feather and would do so again.

Mr. Nelson said there were further threats which Miss Roper would testify to and that she had so notified members of Tillman's family.

Colonel Croft pointed out that the defendant was now in jail and that if the defense was forced to submit the affidavits as evidence it would be certain to have the same effect as the personal appearance of the witnesses. Judge Klugh, in continuing the case, said that while undoubtedly the technical rules of the court had not been complied with, in a grave case of this kind the practice is not binding. In order to arrive at the facts in a case the jury must determine upon the credibility of a witness, and in addition to this the affidavit of Miss Roper sets forth that there were further threats which the witness would testify to, and these might not be set forth in the affidavits. Therefore the motion for a continuance was granted.

Solicitor Thurmond asked that the prisoner be arraigned for trial anyhow, but the judge decided that this would not be of any special advantage either to the state or the defense in this procedure. The case was then closed and shortly after the prisoner was taken back to jail by the sheriff.

Colonel Nelson said that an application would be made for bail and that the defense would be ready for trial at the next term of court in June.

Tillman's restlessness in jail being well known, the application for postponement was a surprise, as there is no chance for obtaining bail. The action of the judge in granting the continuance in violation of the rules of the court in such matters, which are stringent here, is occasioning much comment. The rules require evidence to show that the witnesses are absolutely material, that every effort has been made to reach them, that they would be produced at the next trial, and that their absence is not for the purpose of delay. Although it was stated that Miss Roper was at a certain hospital in New York it was admitted that no effort to get her here had been made. A notice of subpoena was sent to her home in Spartanburg

## Turmoil and Trouble in Republican Councils

### State Making and State Breaking Going on at Greensboro—Rollins for Chairman Losing Ground

Greensboro, N. C., April 8.—Special.—A great many prominent Republicans from all over the state are here tonight and all evince the deepest interest in the meeting of the state committee tomorrow. The hotel lobbies are crowded with office holders and other politicians who are discussing the situation, while a half dozen rooms are filled with as many men engaged in earnest caucus. States are being made and broken with such rapidity as to give rise to the belief that there will be an upheaval before the meeting of the executive committee is over.

A member of the committee said tonight that no man could tell what the result would be. Elements which have before lain dormant are making themselves felt, and a big row may be the result. It is evident that the machine is going through great travail and labor, and some of those who hold lucrative offices are trembling in their boots.

Much of the talk tonight is centered around the selection of a man for national committeeman, for which position there are a number of aspirants. Those whose names are most prominently mentioned in this connection are ex-Congressman Blackburn, Judge Robinson, Judge Timberlake, Zeb Waiser, J. E. Holt, B. F. Mebane and James N. Williamson, Jr. Twenty Alabama Republicans met tonight and launched a boom for the latter, and it is said that he will have some strong support in the committee. A member

of the committee says that Judge Robinson is still in the lead.

It seems to be settled that Rollins will not be made chairman though events tomorrow may again turn the current in his favor. Tonight C. G. Bailey, who is on the ground, appears to be in the lead, while the friends of Maj. Joe Alexander say he has a good showing. There is again talk of Zeb Waiser, and his name may be presented to the committee.

### No News is Good News

London, April 8.—Perhaps the most significant fact in connection with the Balkan situation is that there has been no news of cardinal importance regarding it for some days. Reports of conflicts between Turkish troops and insurgents in Macedonia grow fewer daily, and the alleged success of the sultan's pacificatory mission to the Albanians is practically the only new happening there.

### Mill Strike at Fitchburg

Fitchburg, Mass., April 8.—The power was not started at the Park Hill cotton mills here today on account of the strike of the weavers and loom fixers in mill C, the weavers in mills A and B having been out since the middle of last month. In all 1,200 cotton mill employes are now out of work. The weavers of mill C objected to doing work left unfinished in the other mills by the original strikers.

### Orange Presbytery

Greensboro, N. C., April 8.—Special.—The spring session of Orange Presbytery will convene in Mt. Airy tonight. Several Presbyterian ministers and laymen left Greensboro this afternoon to be in attendance. The Presbytery will be in session throughout the remainder of the week.