New Turn Taken in Dakota Bond Suit share of stock sold whether it is necessary to sell the rest or not. The claims of the individuals can be dis-

Leose From Individual Bondholders - A New Game to Be Developad Later On

BY THOMAS J. PENCE

Washington, D. C., April 15 .- Special. Wheeler H. Peckham, the attorney for South Dakota in the North Carolina bond suit, shifted his position in concluding his argument before the supreme court of the United States today, and practically cut loose from the individual bondholders whose claims, if allowed, would cost the state over

half a million dollars. The claims of the individuals can Dakota is not a trustee for the second out loose from the second mortgage thing. bondholders, realizing that it would be impossible to maintain a suit against neys representing North Carolina, and It cannot be said that he does not. mortgage bondholders.

Carolina would have to pay our a sum the speaker. \$10,000 with interest for something less the whole can protect itself from the to discern her name. Apparently she is

The belief is expressed that rathbond claimants, whose interests are the second mortgage · bondholders to the It was a bold move, but not without there is cause, but where uncollectible evidence of wisdom. The law was ap- bonds are voluntarily acquired that parently against the suit, brought in conjunction between a state and individuals. South Dakota, pressing her ciaim independent and alone, has a much better prospect of a favorable

With this shift of position is another game in contemplation which the prosecution hopes to be able to play later. With a judgment for \$30,000 the precedent will have been established and South Dakota can acquire all of the Schaffer bonds and bring suit for the full amount-something like \$600,000 or

its opinion in the case. The speech of Wheeler H. Peckham was a magnificent effort. It was complimented generally by those present. There were only two speeches today, moment not to address the court. Ex-Judge Shepherd concluded, and then result in petty wrangles.

he was followed by Mr. Peckham.

Indge Shepherd - peaks

fy the eleventh amendment.

the state to meet their full value. But- We made these individuals parties to by Lucy Huffines. It was proved that ville, Randolph county.

It Is Now Proposed to Cut ler, he said, was attorney for Schaffer Brothers, who conferred also with Wheeler H. Peckham, the attorney now representing South Dakota. There are 242 bonds. The Schaffers say they cannot sue for these because they are individuals, but a state can. When a state sues to foreclose a mortgage, the individual bondholders reasoned, they would be made defendants. The transfer of these bonds to Dakota was made for the purpose of evading the eleventh amendment to the constitution. When we have established this as a fact we

> Who is this man Rothschilds, mentioned as a defendant? He owns a in his peroration. few of these bonds, admits that he has never read the complaint in the case and says he left everything connected with the case to the Schaffers.

After ex-Senator Butler conferred with ex-Senator Pettigrew of Dakota The Steamship Minnesota Is an act was passed by the Dakota be dismissed for all we care. South Legislature enabling that state to acmortgage bondholders." Such was the cept the bonds. Then the suit followdeclaration of the learned New York ed. It is impossible that this thing lawyer this afternoon in concluding his could have , been without a motive. speach, and it is needless to say that Why all this preparation in advance it was a great surprise to all present; by the Schaffers? The donors generfor the day before, in opening the argu- ly leave these affairs to the donee. Why ment, he spoke as much for the indi- this consultation as far back as March vidual second mortgage bondholders as with Wheeler H. Peckham, the dishe did for South Dakota. In address-tinguished counsel in the case? He ing the court yesterday morning Mr. was one of the attorneys in the case of pany. She can carry a cargo that General Baldwin Says Both Peckham demanded a decree, foreclos- state of New Hampshire vs. Louisiana would fill a railroad train seven miles ing on the state's stock in the North and had sounded all the "depths and long, or 125 trains of twenty cars each. Carolina Railroad, the proceeds of shoals" of "the original jurisdiction." which he asked should be applied to All of these facts are true and cannot will carry 28,000 long tons of coal and meet the first and second mortgage be denied by counsel. Here we have 280,000 barrels of flour. bonds alike. Today's change of base a traffic in jurisdiction. It is an aton the part of South Dakota's attor-tempt to defraud the court and evade was interpreted by counsel for the eleventh amendment. The action North Carolina to mean that he had was begun to accomplish an unlawful

As long as Schaffer held these bonds a state in which individual citizens there was no suit. but when the transwere jointly interested. This idea has fer was made then the action began. been strongly advanced by the attor- He has still his interest in this suit. it is believed that it forced South Da- Judge Shepherd entered into a dis- ters of Staten sound rose to a higher "The inference from the interview in kota to fall back upon her own case cussion of the rights of a state, de- point at 11 o'clock today than at any question by which I am made to apseparate and independent of the second claring that it had supreme authority time in forty years according to all pear as disparaging the lives of the in the management of its affairs. The habitues of the water front. Much negro and Filipino soldiers is ridiculous, There is this difference in the sit- general government does not enter a damage resulted. The Heidritter Man- as my past record will sustain. As to nation. If, as maintained vesterday state and control its physical affairs, ufacturing Company was the heaviest the portion of the interview relative by Mr. Peckham, the court should is- The history of the constitution, giv- loser, one hundred thousand feet of to the Filipino and negro soldier being sue a decree of foreclosure on the ing authority to the general govern- lumber piled along South Front street disparaging, I was entirely misquoted.

estimated at from \$600,000 to \$700,000. Justice White put this question to In the stiff northeaster that swept up to express an entirely opposite senti- came in this morning with a prisoner. Should, however, the court go no fur- Judge Shepherd: "Suppose North Caro- the kills, a two-masted schooner was ment as to my feelings regarding the He said he found the man hanging ther than Mr Peckham urged today, lina or some other state should repu- blown against a pier of the Baltimore Filipino and negro soldier. I class both around within afteen miles of the presithat is, pay South Dakota's claim and diate a debt of Great Britain, and and Ohlo Railway bridge about ten as second only to the American sol- dent's camp, acting most suspiciously, was called today to the sensational dismiss that of the individual bond- Great Britain should make a demand o'clock and her bowsprit was broken dier, and I would venture any mill- It was discovered that the prisoner testimony of Frank Cecil in the trial holders, the state would not suffer as on the United States for settlement, off. She now lies with her bulkhead tary enterprise with either one of those was an employe of the hotel and trans- of James Howard at Frankfort which much. South Dakota's claim is for Must there not be a power whereby against the trestle so it is impossible nationalities.

action of one.' Replying, Judge Shepherd said the er than take chances on losing the motive must be considered. Is a councase, as it was first presented, the try going to war, he asked, because citizens purchase uncollectible bonds. same, decided to relegate the individual Is that a set principle of international laws? Such a contention ought to be rear in the final appeal to the court. resisted. Where tort is demanded

is different. The Closing Argument

Wheeler H. Peckham, who opened the argument Monday, was recognized and then concluded for the state of South Dakota in an hour's speech. He first entered into a description of the bonds, going over the details. Continuing, he suable for the bonds.

\$700,000. Schaffer would lose no time is no jurisdiction because of the mo- where the crops were destroyed the causing a loss which will reach high in holding up this picture to North tive, which is alleged to be bad. Much cultivated land has been manured by in the thousands. to Dakota because the owner could not that a crevasse, while preventing the will probably be several days before "When I draw my sword I want to will close the last of this week, when The argument in the case was com- collect. Schaffer thought South Da- oysters from being dredged, scatters a correct list of casualties can be ob- see blood and lots of it." He has been their present supply of cotton will be pleted this afternoon shortly before kota in a position to sue and that he the young and increase the area of tained. o'clock. The court may hand down might collect. Not that South Dakota growing oysters. a decision before adjournment four could collect for him, but that the state Wreks hence, or it may wait until the could profit by the gift, and here we fall term in October before rendering have counsel declaring bad the motive of a gift to a state unconditionally. The motive of a real transaction cannot be attacked. Has it come to this.

that the grant of judicial powers between states has to be fought out on the question of motive? If the motive ex-Judge Merrimon deciding at the last should be inquired into in every case brought in court the trial of all would

the jurisdiction of a state. Also that Congress to establish a European zoll-In his speech ex-Judge Shepherd said there has been collusion to give juris- verein against America says: that at the time of compromise of the diction. Where is the fraud and colstate's indebtedness North Carolina lusion in doing that which a man has practical accomplishment of such a was unable to pay interest on the first a right to do? If South Dakota had grandiose project are so grave and commortgage bonds when, if the North no power to accept and own these plex as to render it almost utopian. Carolina Railroad had been sold, it bonds, then the case cannot stand. If Would not have yielded enough to sat- it did, then it cannot be ruled out of been postponed until the next session able exponent of the McKinley policy, outstanding bonds were settled with lusion. The state of North Carolina postpone it still further. It is the property of the court by the charges of fraud and colthe exception of these 250 held by the has taken property pledged to us, is that could be done on the interested parties to this suit, who re-

should remember that there is some- that there is no jurisdiction now bething worse than an honorable settle- cause certain individuals were made sensitive on the subject, a reactionary others. ment of a debt. An attempt to prace parties to the suit. The state of South the commercial relations tice fraud on the jurisdiction of the Dakota owns ten of these second mortgage bonds. We have a lien upon old and the new world." With much clearness Judge Shepherd ten undivided shares of stock in the analyzed the evidence showing the mo- North Carolina Railroad. We ask that tive that prompted the transfer of the North Carolina meet these ten, and if bonds, the object of which was to nullify the to foreclose. The sale of these ten Rank, Frank and Lucy Huffines were turing Company and a chemical and was injured. Judge Shepherd recited the fact that undivided shares of stock might not tried at the special term for finding dyestuff concern, has been elected secSchaffer held the bonds for years and affect the other stock. South Dakota and feloniously concealing about \$700 retary and treasurer of the Worth made several futile efforts to induce is not a trustee for the individuals, which was found in a public highway Manufacturing Company, at Worth-

share of stock sold whether it is ne- words from Judge Long. missed for all we care.

Finally our learned friends say that no such case can be brought in this court. They are going back to old principles and talk about "the sove- Mrs. Annie Farriss Receives Macedonians Postpone a Gencannot be assailed. They employ this old expression, which has echoed in the walls of this court as often as in the halls of Congress.

Something Immense

built in America and the greatest cargo been lost. carrier in the world, will be launched tomorrow in the yards of the Eastern Shipbuilding Company's branch of the United States Shipbuilding Company at New London. The Minnesota is owned by the Great Northern Steamship Com-She and her sister vessel, the Dakota.

HIGH WATER

Much Damage Done in a New Jersey Town

Elizabeth, N. J., April 15.-The wa- statement: loaded with brick.

FLOOD IS FALLING

A Mississippi Crevasse Net an Unmixed Evil

New Orleans, April 15 .- The Mississippi river has fallen two-thirds of a foot and is falling rapidly. No further damage is expected from the high water now. The amount of damage done is much less than originally estimated, and less than in nearly all said North Carolina now has in her previous high water seasons. The topossession this stock for which it gave tal damage done by the flood in the these bonds. The state has since passed state is about \$870,000, or, with the acts recognizing these bonds. On the money expended in raising the levees merits of the case North Carolina is and closing crevasses, \$1,130,000. Even persons are known to have been killed this cannot be considered as an ab- and numerous barns, residences, fences It has been contended here that there solute loss, for on the plantations and outbuildings were swept away,

Combine of Europe Against America Will Not Work

Rome, April 15.-The Popolo Romano, commenting on yesterday's proposition Again we hear the talk of fraud on before the International Agricultural

Thee Huffines Disposed of

to understand that South Dakota is and the old man one year. The woman claiming these ten bonds and wants its was dismissed with kind and touching

AFTER MANY YEARS

Her Brother's Watch

Greensboro, N. C., April 15 .- Special. Mrs. Annie Farriss, of this city, has The historical origin of the eleventh just recovered a gold watch which was amendment to the constitution was the worn by her brother, Capt. H. C. Gorsubject of a very learned discussion rell of Company E. Second North Car- ization of Macedonia has lately made by Mr. Peckham. He maintained that olina regiment, in the civil war. Capt. an important change in its program. it was worth while to preserve this Gorrell was killed at the battle of Sev- The leaders, who have always been say it is the practice of a fraud on this jurisdiction between states in order to en Pines, June 18, 1862, and his watch reluctant to sanction a rising until all preserve peace. He quoted Marshall and a small Bible were taken from his the preparations were complete, and

Capt. Gorrell. When he learned that aid would be forthcoming from with- fice to raise the mountain army. "It Mrs. Farriss was a sister of the dead out. soldier he sent the watch to her and It is thought unlikely that Euro- to Power's office," he said. "The room

Are All Right as Soldiers

speaking disparagingly of the negro as eral rising the Albanians might make a soldier, says that his statements up their quarrel with the Turk and were misunderstood. In an interview join him in the extermination of unprinted in the News today the gen- believers. eral is credited with the following

"I consider the Filipino as susceptible, of the highest state of discipline, and that when brought to the test he would make magnificent fighting material. I would trust my chances for success and my reputation alone with the Filipino or the negro soldier."

SWEPT BY CYCLONE

Ten Reported Killed by a Storm in Alabama

dispatches from Evergreen, Ala., say that news has just reached there by phone of heavy loss of life and property in the neighborhood of Peterman and Burntcorn, wrought by a tornado which passed near there yesterday. Ten

within twenty-five miles of a railroad or telegraph station.

A FAIRBRNKS BOOM

The Nomination for Vice-President Will Do for Him

Indianapolis, April 15.-The name of Senator Charles W. Fairbanks will be the subject of discussion at West Baden Springs this week, where a conference of political leaders is arranged to boom. Senator Hanna, who has al-Further discussion of the question has ways regarded Fairbanks as a suitother side talked of repudiation, they We hear also from the other side aroused in the United States.

> Greensboro, N. C., April 15 .- Special. Mr. J. E. Williamson, formerly of Alamance county, but more recently con-

the suit so that if they should have the old man and woman were under the anything to say as bondholders they influence of Frank, whose character Money Offered Cecil if He Would Murder Goebel

GUERRILLA WAR

eral Insurrection

London, April 16 .- A dispatch to the Times from Sofia says it is stated in usually well informed quarters that the all-powerful International Organto this effect and elaborated this idea body by two union soldiers—George who strongly opposed the revolution-A. Bingham and his brother, of ary movements last summer and au-Charlestown, Mass. The watch pass- tumn, are now said to have resolved ed into the possession of some one in to abandon the project of a general ment and has been made a common-Maine, but recently it was purchased rising this year in view of the overby Mr. Bingham, who immediately whelming strength of the Turkish armade efforts to to locate relatives of my and the improbability that any meeting in the secretary of state's of-

wrote a very nice letter, in which he pean intervention would be obtained was full of men. They were appoint-New York, April 15.—The new steam- expressed his regret that he was unable by means of a rising unless wholesale ing captains over squads of men from ship Minnesota, the largest vessel ever to also return the Bible, which had massacres took place, and the leaders each county. I was appointed over apparently shrink from such a pros? the Bell county men." pect. Consequently it has been de- | Cecil said that his train load of men termined to prosecute a guerilla war- en route to Frankfort sang a song fare by means of detached bands, about "Going to Frankfort to kill Bill which will fall upon isolated bodies Goebel." Cecil said he went to Powof Turkish troops, and when possible ers' office January 29 and that Powers intercept communication by blowing and Henry Paynter were talking of the up railway bridges and stations. In contest. Paynter said some one ought this way it is thought the cause of to kill Goebel. Powers said nothing Macedonian freedom would be promoted then, but after Paynter left he said Denver, Col., April 15.—General Frank more effectually and with less sacri- that if some one did not kill Goebel D. Baldwin, commander of the depart- fice on the part of the population than the legislators would seat him in spite ment of Colorado, who has been asked by a general insurrection. It seems of hades. Powers said that a man by the war department at Washington not improbable that the uncertain at- was coming the next day who would to explain an interview in this city titude of the Albanians contributed kill Goebel if he came. Powers also recently in which he was quoted as to this decision, as in the event of gen-

The President's Guardians Are Very Suspicious

Cinabar, Mont., April 15 .- One of North Carolina road, the state of North ment by the states, was discussed by belonging to that concern, valued at\$20,- for the wording was of the harshest the cavalrymen who is on patrol duty his first testimony in this case, 000, having been swept into the sound. character. What I intended to say was in the park guarding the president, to make an explanation.

where between Soda Butte and Uncle am not surprised, however, at the tes-John Yancey's and that he will come timony, or in fact at anything that may. in to Fort Yellowstone to stay over night tomorrow night.

Birmingham, Ala., April 15.—Special Heusnerr Insists He Only Did His Duty

Berlin, April 15 .- The murder of Artilleryman Hartman by his old time schoolmate and lifelong companion, Ensign Huessner because Hartman failed ager of the Mt. Vernon Cotton Duck to salute him in a proper manner when Mills at Phoenix, Northern Central they met at Essen, whither they had Railway, was instructed from the main both returned to spend the Easter hol- office of the corporation not to take any idays, continues to be the sensation of more orders until the price of cotton 'arolina for the purpose of forcing a time has been consumed in the attempt the deposit of alluvium and the soil Several houses were demolished, the the moment. Huessner is calm and is reduced. The latter commodity is compromise on terms favorable to him- to establish this motive. There is just generally fertilized by the river silt timber falling on occupants, killing and remorseless. He claims that he acted now being sold between 10 and 12 self. This is the game in the event this about it: The bonds were given and sand, and experience has shown injuring all within the buildings. It as a Prussian officer should. He said: cents a pound. It is thought the mills

visited in prison by his mother, to about exhausted. It is expected that Peterman is in Monroe county just whom he said: "I have a clean con- mills at Mount Washington, Franklinacross the line from Conep, and not science. I did my duty as an officer." ville, Md., and several others in the mother, expressing sympathy with her If cotton continues high in price and in her loss, and adding: "I have no the mills are consequently closed it is ill feeling towards your son. It was not likely that operations will be re-

simply my duty as an officer to chas- sumed next September, when the new tise him." He asks Frau Hartman to crop is ready for use. forgive him, saying that if she pardons him nobody will have a right to condemn him. Popular feeling against Huessner is very bitter.

formally set afoot his vice presidential A Million Dollar Fire Among the Oil Wells

> this morning, did damage estimated at mob, was not and could not have been from \$800,000 to \$1,000,000. Two hundred the murderer. He was reported as Ed and sixty-five derricks were lost. Two Porter. He turns out to be Albert hundred rigs were on producing wells. Washington, from the Vance plan-The fire started from a lantern at the tation in Bossier, who had come Caldwell Oil Company's well. The fly- to Shreveport to find his wife, who had wheel of the engine struck the lantern deserted him. He was seen at the and ignited the derrick and the flames plantation at an hour that rendered it spread with tremendous rapidity, three impossible for him to have committed blocks being in ashes by 3 o'clock. No the murder, and in spite of the burning effort was made to extinguish the fire, of the body he was identified by a bag for it was impossible to get within a bearing his name found in his pocket

done by the fire.

Sensational Statement by a New Witness in the Trial of James Howard-Denial Made by Governor Taylor

Frankfort, Ky., April 15.-Frank Cecil of Bell county was the star witness today in the case of Jim Howard for the murder of Goebel. Cecil was named to Caleb Powers by Sheriff Broughton to get here with Jake Van Bibber and Seach Steele, as suitable men to kill Goebel. Cecil is now under indictwealth's witness. Cccli met Caleb Powers in January. He told of the was late in the afternoon when I got

wanted to shoot Goebel from a window, but that he would not allow it because he could not trust the man. Next day I was in Taylor's office and Taylor said: 'Goebel has to be killed or I'll be robbed. I have \$2,500 of the campaign fund, and I will give that and a free pardon to the man that will kill him.' I told Taylor I was not business. I asked h'm' if he thought I was a fool, and I turned and walked away."

Convict Henry E. Youtsey, who was Taylor's stenographer, will be placed on the stand tomorrow and will give All a Lie Bays Taylor .-

Indianapolis, April 15.-The attention of former Governor Taylor of Kentucky portation company on the company's was in effect that Taylor had offered business. The man said that every the witness \$2,500 to assassinate Govtime he tried to explain this to the ernor Goebel and that the offer was decavalryman he pricked him in the ribs clined. "The story is absolutely false," with a revolver and he had no chance he said, "and there is not so much as a shadow of truth on which to base it. The report tonight from Fort Yellow- L do not know Cecil and to the best stone is that the president is some- of my knowledge I never saw him. I be offered at the trial, but any statement that I offered Cecil or any one else any money or know anything of the killing of Goebel is a lie."

COTTON TOO HIGH

Mills Ordered to Close When Supply Is Exhausted

Baltimore, April 15 .- Today the man-Huessner has written to Hartman's southern states will also be affected.

WRONG VICTIM

AT BEAUMONT Herrible Mistake Made by a Louisiana Mob

New Orleans, April 15 .- It is now established beyond all doubt that the negro killed near Shreveport by the two police officers as the murderer of Mrs. Beaumont, Tex., April 15.-A fire on Frank Matthews and her little daugh-Spindle Top, which started at 1 o'clock ter, and whose body was burned by a It is estimated that two-thirds of the whose plantation Washington worked, companies in the burned district will says that the victim of the mob was be unable to recover from the damage a good negro in whom he had every