

MINNESOTA STATE RATE LAW INVALID

Ruling of Supreme Court Almost Unanimous.

DECISION IS SWEEPING

Ruling Also Against the State of North Carolina.

Opinion Holds Railroads' Rights, Guaranteed by Constitution, Can Be Reviewed in Federal Courts, Despite Prohibition of Suits Against States—Justice Harlan Alone Dissents—Critiques Arrest of Official.

A sweeping decision affecting every State which has adopted drastic anti-railroad legislation was handed down by the United States Supreme Court yesterday.

The Minnesota railroad law was declared unconstitutional. In a shorter opinion the court made a similar declaration with reference to the North Carolina railroad law.

Eight of the nine justices joined in these rulings of the court. The court's opinion is regarded in some quarters here as pointing directly to the unconstitutionality of the Federal railroad-rate act.

Harlan Alone Dissents.

By a bench unanimous, except for Justice Harlan, the court held that where such laws affected the rights of the railroads or their stockholders, guaranteed by the Constitution of the United States, the subordinate Federal courts had authority not only to hear the claims raised, but also to stay the execution of such laws, notwithstanding the prohibition contained in the eleventh amendment against the institution of suits against a State.

In other words, the court decided in unequivocal language that as between the prohibition of the eleventh amendment, behind which the States had taken refuge in enacting such legislation, and the property rights protected by the fourteenth amendment, the latter was paramount where such rights were invaded.

Effect of Decision.

The decision will have the effect of bringing to the courts for review any so-called confiscatory railroad rates enacted by the States, despite extraordinary penalties in some cases laid down to prevent such a review. Local Federal courts will have the power to suspend the operation of such State laws pending a judicial inquiry as to their legality.

It is a pronounced setback for the extreme advocates of State rights, who have contended that the Federal courts, in view of the eleventh amendment, were without jurisdiction to interfere with the execution of State laws.

Yesterday's decision, while primarily upon the rates fixed by Minnesota for the transportation of certain commodities within that State, also carried with it a somewhat similar case involving the rate law of North Carolina. In the latter summer, the conflict of authority between the State and Federal courts was so acute that there were threats by Gov. Glenn to call out the State troops to enforce its law.

Minnesota Rate Law Case.

In the Minnesota case the controversy arose over the enactment, first, of the 2-cent rate law and the excessive penalties that were provided against the railroads or their officers who refused to comply with its terms—\$5,000 fine and five years imprisonment for each refusal to sell a ticket at the rate named.

Then followed what were known as the commodity rates, to have gone into effect June 1 last, reducing substantially the rates on certain merchandise and prescribing the minimum weights for carloads.

Before that date, however, certain stockholders of the Northern Pacific road brought suit in the Federal court for the district of Minnesota to enjoin the attorney general of the State from putting the rates into effect.

That official appeared for the special purpose of objecting to the jurisdiction of the court, claiming it was without authority, because the suit was, in effect, one against a State, prohibited by the eleventh amendment. This demurrer was overruled.

Attorney General Arrested.

An order was issued enjoining the enforcement of the rates until it could be determined judicially whether or not they were confiscatory, as claimed by the stockholders.

Attorney General Young, however, paid no attention to the injunction. The next day he instituted in the State courts proceedings to compel the Northern Pacific to adopt the commodity rates prescribed.

When this action was brought to the attention of the Federal court Young was arrested. After a hearing, in which he again set up his immunity under the eleventh amendment, he was adjudged in contempt of the Federal court, fined \$100, and committed to the custody of the United States marshal until paid and he should purge himself by withdrawing the suit from the State court.

Applied to Supreme Court.

Instead he applied to the Supreme Court for a writ of habeas corpus for his release. The case was argued in December and attracted wide attention. It was the first of the cases involving the Federal courts to interfere with the execution of State laws affecting railroad rates.

Attorney General Hadley, of Missouri, took part in the arguments. Briefs were filed in the case of the Southern Railway, because of the similar questions involved in its controversy with the State of North Carolina, and by the public service corporation of New York, on account of the 8-cent gas case which has been decided in the interim.

The opinion of the court yesterday delivered by Justice Peckham stated the case with minuteness. Justice Harlan delivered a vigorous dissent. The action of the Federal court in laying violent hands upon the attorney

WEATHER FORECAST.

For the District of Columbia and Maryland—Fair to-day and to-morrow; fresh westerly winds.

HERALD NEWS SUMMARY.

- Pages. TELEGRAPHIC. 1—Koreans Attempt to Kill Stevens. 1—Tornado Sweeps Southern States. 1—Big French Swindle Alleged. 1—Taft Speaks at Trenton. 3—Prince Helle de Sagan Not Located. 3—Foreign Fleets Awe Haiti. 3—Maryland Democrats Name Smith. 3—News of Maryland and Virginia.

LOCAL.

- 1—Death Blow Given Race-Track Evil. 1—Plan to Block House Legislation. 1—Declare State Rate Law Invalid. 2—Bookies Find Victims at Benning. 2—Paolucci Pays Penalty of the Law. 3—Bradfield Before Central Labor Union. 4—Would Amend Sherman Act. 4—Arrange for Bryan Funeral. 4—Arrange for the Knox Reception. 5—Faker Drawings Sold at Gallery. 5—A. F. of L. Is Permanently Enjoined. 9—Meeting of the Eckington Citizens. 12—Chief Belt Orders Church Exits. 12—Bucket Shop Trial Is Started. 12—Mrs. Sousa Loses Her Pension Suit.

PENROSE NOT SO WELL

Senator's Condition Causing Anxiety to His Physicians.

Philadelphia, March 23.—The condition of United States Senator Penrose, who is suffering from erysipelas, and bronchitis, is not satisfactory to his physicians. They have not been able to reduce the patient's high fever, and are keeping a close watch.

While they will not say his condition is alarming, the doctors admit the Senator is a very sick man.

TAFT BLAMES STATES

Failure to Perform Functions Allows Congestion.

MAKES SPEECH AT TRENTON

Oriental Commerce, Rumors of War with Japan, and Indorsement of Ship Subsidies Are His Subjects.

Baron Takahira Also Addresses Legislature—Public Reception Held.

Trenton, N. J., March 23.—Secretary Taft brought his Presidential campaign to Trenton on a brief, personally conducted tour. He was accompanied by Baron Takahira, the Japanese Ambassador to the United States, who, with the Secretary, had been invited to speak at the annual dinner of the Trenton chamber of commerce.

Taft not only fulfilled this engagement, but attended a public reception in the executive chamber, addressed the legislature in joint session, and gave a private audience to the legislative correspondents.

Taft's Subjects.

In addressing the chamber of commerce, Taft dealt principally with the commercial possibilities between this country and the Orient, though he spoke at length about the rumors of trouble between the United States and Japan, and came out strongly for ship subsidies.

In speaking to the legislature he dealt with the duty of legislators generally and deplored a too great centralization of power in the Federal government. This he was inclined to attribute, not entirely to arrogation of power by the Federal government, but to failure on the part of State legislators to perform their proper functions.

Secretary Taft and Baron Takahira arrived in Trenton at 5 o'clock, and later were escorted to the Statehouse, where a public reception was held.

Callers at Reception.

Among the callers were ex-Gov. Griggs, ex-Gov. Murphy, ex-Gov. Stokes, ex-United States Senator Dryden, members of the senate, assembly, State officials, and politicians, big and little, from all sections of the State.

After half an hour of hand-shaking, the guests were escorted by Gov. Fort to the assembly chamber, where the legislature had convened in joint session. The galleries were crowded, and the reception was cordial.

Baron Takahira referred to the traditional relations which had existed between the two countries, and said they would be strengthened by a promotion of commercial interest of each.

ASK FOR MARTIAL LAW.

Kentuckians Will Petition Government to Suppress Night Riders.

Lexington, Ky., March 23.—There is a movement on foot here to have martial law declared in this State, or, at least, in the sections of it infested by the night riders. The offering of heavy rewards by the State authorities and law and order leagues has had no effect in stopping the outrages, but, in fact, during the past ten days they have increased.

Today petitions were prepared which are to be circulated for signatures, asking the governor to appeal to the United States authorities for help.

MRS. CISCO A SUICIDE.

Daughter-in-law of Former Assistant United States Treasurer.

New York, March 23.—Mrs. John A. Cisco, daughter-in-law of John J. Cisco, former Assistant Treasurer of the United States under Presidents Peirce, Buchanan, and Lincoln and well-known in the finance of the country in the time of the civil war, committed suicide in the bathroom of her home, 15 East Fortieth street, this afternoon by inhaling illuminating gas.

John A. Cisco has been seriously ill with pneumonia for ten days past and the family believe the strain of his sickness caused a momentary derangement of her mind. She was seventy years old.

The Exhibition of the de Souhamil collection continues at Sloan's, 1407 G st., to-day, from 10 to 6 o'clock to to-morrow, 3 p. m. This collection is well worth visiting, comprising, as it does, many rare and beautiful pieces not picked up in the ordinary course of trade.

Frank Libbey & Co. say it is getting worse and are cutting prices.

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Baltimore and Ohio to Chicago.

Two fast through trains, without excess fare, at 1:22 and 5:30 p. m. Dining cars serve all meals.

Some lumber firms say times will soon be better and are holding up prices.

KOREANS ATTEMPT TO KILL STEVENS

American Adviser Shot Down in San Francisco.

CALL HIM JAPAN'S SPY

Viciously Attacked When Starting for Washington.

One Man Pounds His Face, While Another Fires Shots from Revolver, One Bullet Entering the Lung and Another the Groin—Wounds Serious, but Doctors Say Not Fatal. Wounded by Companion's Pistol.

San Francisco, March 23.—Durham W. Stevens, adviser to the Korean council of state, was shot twice to-day at the Ferry Building by I. Wong Chaeng, a local Korean. Stevens was attacked by Chaeng and M. W. Chun, a fellow-Korean, as he stepped from an automobile in which Japanese Consul General Koike was sitting. Chun attacked Stevens with his fists, while Chaeng fired three shots from a revolver which was hidden under a handkerchief.

Two bullets hit Stevens, one penetrating his lungs and the other entering the groin, but doctors say he will recover. The third bullet hit Chun, mortally wounding him. Chaeng, after his arrest, declared Stevens pulled a revolver and shot Chun, but this is false, as Stevens was unarmed, and all eyewitnesses agree that no one did any shooting except Chaeng.

The attack grew out of an interview Stevens had given upon his arrival on the Nippon Maru on Friday afternoon, praising the policies of Japan in Korea and accentuating the benefits growing from Japanese occupation. He was visited by a delegation of Koreans last night at the Fairmont Hotel, and when he stood firmly sponsor for the quoted interview, he was set upon and beaten in the lobby.

Admits Murder Was Meant.

Chaeng, at police headquarters, frankly admits that the murder of Stevens was carefully planned by himself and Chun, who decided to sacrifice themselves to what they felt was their country's necessity. They resolved to do away with the American diplomat at any cost, and secretly hatched the conspiracy which had its bloody development to-day.

The fact that Stevens was recently decorated by the Mikado, that the automobile which carried him on his fatal journey was also occupied by C. Koike, Japanese consul general at San Francisco, and that he was on his way to Washington to meet Ambassador Takahira, all served as motives for the crime. Local Koreans here declare that they have become convinced that Stevens is a traitor to Korea and is subsidized by Japan. This charge was repeated to-day by the two Koreans.

Lay in Wait for Victim.

Chun and Chaeng evidently had all arrangements made for the attack. They were waiting at the ferry when the auto containing Stevens and Consul General Koike came up. As the diplomat emerged from the machine, Chun stepped forward and struck him a blinding blow with his fist beneath the eye, which split open the flesh.

As the victim started toward his assailant, Chaeng immediately opened fire with a revolver which he carried wrapped in a handkerchief. The first bullet entered Stevens' shoulder from the rear, beneath the scapula, and pierced his lung. This swung him around toward the assassin, and the second missile found lodgment in his groin. A third shot pierced the abdomen of Chun, and flung him writing on the pavement, fatally hurt.

Twice more Chaeng's revolver was discharged, but the shots went wide. With the smoking pistol still in his hand Chaeng rushed into the ferry building and sought to make his escape through one of the wings. He was followed by Sergt. Mahoney, several ferry police who had witnessed the murderous assault and a crowd of fully 500. He was finally intercepted, caught, disarmed, and turned over to the police.

Attack Entirely Unexpected.

Stevens was at once removed to the harbor emergency hospital. He was suffering considerably from his wounds, but did not become unconscious. He said: "I was not expecting any such attack and carried no gun. I am on leave of absence and on my way to visit my sister, Miss Kate Stevens, who lives in Atlantic City. I expected to stop at Washington on the way."

On account of the pain Stevens was unable to say very much, but his head reeled.

Continued on Page 4, Column 4.

LIFE LOST IN STORM

Tornado Sweeps Over Three Southern States.

THIRTY HOUSES BLOWN DOWN

Heavy Rainfall Adds to Damage in Mississippi, Louisiana, and Alabama—Wires Down and Railroad Communication Cut by Washouts. Lumber Mills Are Destroyed.

Jackson, Miss., March 23.—Thirty dwellings were demolished, two lives are reported lost, and hundreds of head of live stock are dead as a result of a windstorm which swept Silver Creek village to-day. Rain caused thousands of dollars damage in Southern Alabama.

Telegraph and telephone service is badly crippled, but from reports reaching here the storm is believed to have been general in central and southern portions of Louisiana, Mississippi, and Alabama.

Lumber Mills Wrecked.

The storm was fiercest in the neighborhood of Hattiesburg. Lumber interests have suffered, one large plant at Hebron being a total wreck. All wires on the Mississippi Central Railway, east of Prentiss, are down.

All trains on the Louisville and Nashville Railroad in Central and Southern Alabama were delayed on account of a washout.

CIRCUS LION ATTACKS WOMAN.

Seized as She Was Passing Cage and Severely Injured.

Peru, Ind., March 23.—Mrs. Osa Allen, of Peru, while escorting a party of friends through the Hagenbeck and Wallace circus winter quarters to-day was grabbed by a lion and the flesh of her face and back seriously lacerated.

Her brother pulled her away as the lion had her against the cage bars.

GIFT FROM MR. STILLMAN.

Sends Big Check to Ambassador Jusserand for French Art.

Paris, March 23.—The School of Fine Arts announces that after a banquet Wednesday, given in honor of the mayor of New York by Americans who were former pupils of the school, M. Jusserand, the French Ambassador at Washington, received a check for 500,000 francs from Mr. J. Stillman, who later explained that the sole condition attached to his gift was that the French alone should profit from it.

REGULARS FOR BRYAN.

Philadelphia Candidates for Delegates Pronounce for Nebraskan.

Philadelphia, March 23.—One of the most positive evidences of the Democratic sentiments for William Jennings Bryan as the Democratic candidate for President was disclosed to-day when, upon examination of the petitions of the twelve regular candidates for delegates from this city, it was found that they were for Bryan. Likewise the twelve alternates from the six Congressional districts selected by the regular Democratic organizations are so pledged upon the petitions registering them for the uniform primary election April 11.

While the pleading of the regular candidates for Bryan is regarded as a stolen march upon the Bryan League, which named candidates in every district for national delegates, the significance of it is that regular Democratic leaders should commit themselves in opposition to the known wishes of Guffey, Democratic boss.

Place Your Money Where Interest

As well as protection is assured. Banking dept. of Union Trust Co., 1511 and H sts., pays interest on all accounts, subject to check. Capital and surplus, \$2,500,000.

Clear Alabama flooring, \$2 per 100 feet.

Frank Libbey & Co., 6th st. and N. Y. ave.

Sweet Violets, 25c Bunch.

Kramer, the Florist, 916 F st.

Dressed pickets and palings, \$2 per 100.

Frank Libbey & Co., 6th st. and N. Y. ave.

See the New Spring Rain Coats

At The Rubber Store, 933 F. \$7.50 to \$25.

No. 1 express shingles, \$5 per 1,000.

Frank Libbey & Co., 6th st. and N. Y. ave.

At The Rubber Store, 933 F. Yes! It

Find dependable goods daily. Right prices.

Beards dressed (2), \$1.65 per 100 feet.

Frank Libbey & Co., 6th st. and N. Y. ave.

American Beauties, the Finest Grown,

\$3 per dozen. Bees selling at \$12. Blackstone, 4th and H sts. nw.

Siding, \$1.50 per 100 feet. A big cut.

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CREMATION IS HALTED.

To Investigate Cause of Death of Commander Orchard's Wife.

Chicago, March 23.—The cremation of the body of Mrs. Jennie Orchard, wife of Commander John M. Orchard, U. S. N., was halted to-day by order of Health Commissioner Evans.

The authorities wanted a delay pending further investigation into the circumstances attending her death last Saturday. Preparations to cremate the body to-morrow had been made, when word reached Dr. M. O. Heckard, the registrar of vital statistics, in the city hall, concerning the removal of the body from the Orchard home.

Mrs. Orchard was a Christian Scientist, and had been ill thirty-three days. The cause of death was announced as "exhaustion and the perforating of an ulcer of the stomach followed by septic peritonitis."

The death certificate was written by Dr. Franklin J. Morgan, a practitioner of a physio-medical school, who is also connected with the Christian Science cult.

PLAN TO BLOCK LEGISLATION

Filibuster of Twenty-five Men to Begin in House.

Blood has appeared on the moon since the action of the House yesterday in ordering struck from the Record a speech made by Representative Sulzer, of New York, on Saturday. The speech related to the authority of the law creating the Bureau of Corporations. Mr. Sulzer charging that Representative Mann, of Chicago, who is generally regarded as the father of the trust-busting bureau, has stolen the idea from a bill presented by Mr. Sulzer in 1902.

After a wrangle in the House Sulzer's speech delivered on Saturday was expunged from the Record. Thereupon the East Side member started out to make trouble. Gathering about twenty-five other Democrats around him he got them to agree to insist on the regular order in the House during the remainder of the session.

This means that all requests for passage of bills by unanimous consent will be objected to, that all measures will have to be read, that no bills may be taken from the calendar and passed.

"There will be no cutting of corners from now on," said Mr. Sulzer. "I shall insist upon the regular order."

There is trouble ahead for the House, as Mr. Sulzer is a most determined citizen when aroused. His attitude may result in prolonging the session unless Speaker Cannon should take it into his head to ignore the New Yorker on each and every occasion that he arises in his seat to object.

TEN MERRYMAKERS DROWN.

Pleasure Craft Is Upset on Lake in Germany.

Lubeck, Germany, March 23.—Ten members of a pleasure party were drowned through the upsetting of a motor ferry-boat on the Lake of Ratzeburger. Four others were rescued.

FACES BIGAMY CHARGE.

Dr. Dixon Gives Himself into Custody and Is Held.

New York, March 23.—Dr. William Arthur Dixon, of 214 Delaware avenue, Buffalo, husband of Mary H. Dixon, who was a witness for Senator McCarren in Mrs. Dixon's suit against him, and who has since instituted proceedings for divorce in Erie County, gave himself up at the district attorney's office to-day, having heard that a warrant charging him with bigamy had been obtained by Mrs. Dixon from Magistrate Barlow on February 14.

He was arraigned in the Jefferson Market Court, and was held for a hearing to-morrow.

CARTER WANTS HIS SWORD.

Former Army Captain to Apply for Reinstatement.

Chicago, March 23.—Oberlin M. Carter, formerly captain in the United States Engineer Corps, announces that in view of what he regards as his vindication by Judge Kohlsaat of the charges of graft made against him, he will seek reinstatement in the army and the restoration of his sword.

His friends declare that President Roosevelt will be appealed to directly.

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RACE-TRACK EVIL GETS DEATH BLOW

House Decides to Stop Book-making in District.

IS NOW UP TO SENATE

Representative Sims Shows His Generalship on Floor.

Amendment to Bill Widening Benning Road Passed by Vote of 70 to 4—District Committee Members Are Passive—Representative Kahn Succeeds in Killing Amendment Temporarily—Sims Ends a Winner.

ANTI-GAMBLING BILL.

That section 508 of the act of Congress entitled "An act to establish a code of law for the District of Columbia," be, and is hereby, amended by striking out the words, "within one mile of the boundaries of said cities," and by adding to the section, "any one, who anywhere acts as a layer of odds or bookmaker, or by any means induces or entices others to bet, directly or indirectly, whether he does or does not make a memorandum of bets or in any way records them, is liable for making books under this act."

By an overwhelming majority the House of Representatives yesterday afternoon passed a bill which will forever end betting