

CONSOLIDATED AUG. 2, 1881.

NOONAN APPEALS TO COURT

Supreme Court of District of Columbia is Asked to Set Aside Chicago Injunction

Washington, Sept. 7 (By the Associated Press).—Legality of the order obtained by the government from Federal District Judge Wilkerson at Chicago, restraining the striking railway shop "crafts" and the railroad brotherhoods from interfering with transportation in prosecution of the shopmen's strike, was assailed today in a suit filed in the supreme court of the District of Columbia by the International Brotherhood of Electrical Workers, one of the organizations on strike. The question of jurisdiction of the Chicago court was also raised by the petition, which denied that the plaintiffs had been guilty of any illegal act "before or since" July 1.

The electrical workers asked a permanent injunction to prevent United States Attorney Gordon and United States Marshal Snyder from enforcing locally the provisions of the Chicago order. Within two hours after the filing of the suit—which was set for hearing next Saturday—Mr. Snyder had served formal notice of the Chicago injunction on J. P. Noonan, president of the electrical workers, on most of the other local leaders named as defendants before Judge Wilkerson, and was instituting a search for William H. Johnston, head of the Machinists' association, who was said to have "disappeared again" after visiting his office.

The machinists' leader, according to some of his associates, however, had left for Chicago before Marshal Snyder started out with the official copies of the restraining order.

While the electrical workers' petition was said to have been solely on their own behalf and without reference to the other six unions on strike, Mr. Noonan said they expected both the temporary order, which they hoped would issue Saturday, and the permanent writ to have a nation-wide scope.

Officials of the department of justice would not comment for publication on the recourse of the strikers to the courts, but unofficially they expressed the opinion that if the supreme court of the District of Columbia should grant the temporary restraining order, it would open wide avenues leading to possible upsetting by courts of other jurisdictions of injunctions and restraining orders granted by the district supreme court—such as these in various packers and other important cases—under the Sherman anti-trust and Clayton acts.

The entire question, it was said unofficially, centers on Section 15 of the Clayton act, and Section 5 of the Sherman law, which provide that in suits brought thereunder, the judge of any federal jurisdiction, if in his judgment it is deemed necessary to protect the government or the purposes of an injunction, may have the power to subpoena witnesses and defendants in other jurisdictions.

While references to alleged secret negotiations at various unnamed places looking to separate settlements with individual roads continued to be heard throughout the day, these still remained tonight in the status of "unconfirmed reports."

Some administration officials who have kept in personal touch with one or both sides to the controversy throughout its progress reiterated today they had reason to believe that the prospect for settlement of the strike on several individual roads appeared to be improving. It was said that E. M. Jewell, leader of the striking shopmen, had been in touch with several of these recently and while officially the department of justice was not advised of Mr. Jewell's whereabouts, it was indicated that administration officials had "a well defined idea" of his activities. It was intimated by some in the confidence of President Harding and Attorney General Daugherty that any persistent attempt to obtain service upon Mr. Jewell had been deferred because of the belief that he was engaged in negotiations which might bring a settlement of the strike within the realm of justifiable hope.

ONE KILLED, THREE INJURED

Engine Turns Turtle Near Macon

Macon, Sept. 11.—Conductor E. H. Lusner of Vidalia, was killed and three others seriously injured when a Macon-Dublin-Savannah engine turned turtle near here today.

atives would go in agreeing to a modification of the temporary order was not stated, but those in close touch with the administration were sanguine in a prediction tonight that it would be "very radically modified." This it was stated, would occur on the government's own motion before the court next Monday. The attorney general and his advisers were said to have come to the conclusion that the temporary order went unnecessarily far in its restrictions.

NEW PLAN OF STRIKE SETTLEMENT

Chicago Conference Trying to Reach Agreement on Basis of Individual Railroads

Washington, Sept. 8 (By the Associated Press).—On the basis of reports to certain administration leaders, a more optimistic view of the railroad strike situation was apparent today in government circles than in the past week.

Several officials, who have been in close personal touch with strike developments, declared that settlement of the labor controversy on a number of roads was a "probable" result of the series of conferences which they understood to be in progress in Chicago.

The extent to which the negotiations might go toward effecting a national settlement was not forecast in these circles, but the hope was expressed that a partial peace with "key" roads might serve—as was the case in the bituminous coal settlement—as a starting point for a general settlement.

The Chicago meetings were said to have been largely a result of efforts on the part of Daniel Willard of the Baltimore & Ohio railroad, who was understood to have associated with him representatives of about 85,000 miles of operated tracks.

Attorney General Daugherty in a statement tonight said the government was not a party to any negotiations between the railroads and their employees but declared that such negotiations would not be interfered with by the temporary restraining order issued at Chicago.

"The suggestion that such negotiations would be interfered with by the temporary restraining order granted by Judge Wilkerson is in my judgment wholly unjustified," Mr. Daugherty said. "The only concern of the government is industrial peace and the restoration of transportation. Any conference between the railroad executives and their former employees to adjust their grievances is in the interest of industrial peace and would not find any obstacle on the part of the government."

There was no development today in connection with the legal backfire started by the International Brotherhood of Electrical Workers, one group of striking crafts—through a petition for a restraining order to prevent enforcement of the government's temporary injunction. Conferences were held between counsel for the union and United States Attorney Gordon with a view to postponing the hearing on the petition, set for tomorrow before Judge Bailey, but it was decided to proceed with the hearing as previously arranged.

Officially, the administration is doing nothing to further the negotiations between railroad executives and labor chiefs with a view to settlement of the strike, but President Harding was said to be fully informed as to what is transpiring and is anxious to see negotiations terminate in desirable results.

Efforts to obtain an official statement at the White House as to the president's views on the situation resulted in an authorized statement that they could not with propriety be disclosed at this time. It was pointed out that the situation rests in the hands of a number of persons, government as well as railroad executives and labor leaders, and it was indicated that any discussion by administration officials might embarrass those who are seeking a settlement.

While the rail situation was understood not to have been included in the subjects taken up for extended discussion at today's cabinet meeting, which was one of the briefest sessions in some months, it was understood that some reference was made to the status of the government's injunction in view of official statements that a modification of the temporary order would not be opposed when the case was called in Chicago Monday.

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INJUNCTION BEFORE JUDGE WILKERSON

Arguments to Make Strike Injunction Permanent Opened in Chicago Federal Court

Chicago, Sept. 11.—Arguments on the government's motion to make permanent the temporary injunction against the rail strikers opened at 10:35 this morning before federal Judge Wilkerson. Blackburn Esterline, assistant to the attorney general, opened for the government, reading a list of defendants of whom service had been obtained. Donald Richbourn, attorney for B. M. Jewell, and John Scott, called attention to a motion to be filed Friday asking for a dismissal of the injunction as it relates to his clients. Over the objection of Esterline, Judge Wilkerson ruled that he would hear the strikers' attorney on the motion to dismiss.

No Results From Informal Conference

Western Railroad Executives Meet in Chicago

Chicago, Sept. 8 (By the Associated Press).—An informal meeting of Western railroad executives with Daniel Willard, president of the Baltimore & Ohio, the return here from the East E. M. Jewell, head of the striking shop crafts, and the failure of the roads to take any definite action looking toward peace marked the progress of the nationwide strike.

As Mr. Jewell stepped from the train he was greeted by a United States marshal and a representative of the department of justice and was given the official service of the temporary injunction issued against the shopmen by Federal Judge James Wilkerson.

He accepted service without comment. He was accompanied by William H. Johnston, president of the International Brotherhood of Machinists, who also was served with the writ, and Martin F. Ryan, of the railway carmen's association.

Mr. Willard, who arrived here from Baltimore yesterday, was host to 20 railway representatives at luncheon today. Among the number were W. G. Blerd of the Alton, H. E. Bieram of the Chicago, Milwaukee & St. Paul; Hale Holden of the Burlington, W. H. Finley of the Northwestern and Samuel M. Felton of the Great Western. After the meeting Mr. Willard appeared nervous and irritable and refused to make any statement. He did not speak to any of his recent guests as they passed out.

Mr. Felton, head of the Western executives said: "I am not in a position to make any statement regarding the present situation. I may have a statement to make tomorrow or Monday." He denied that separate peace agreements were discussed at the meeting today.

When Mr. Bieram was intercepted by newspaper men as he was leaving the meeting, he said: "I shall not talk to you. You would ask me some questions I can not answer."

Mr. Jewell and the other union leaders also refused to comment on the situation in advance of the meeting Monday of the shop crafts policy committee of 90.

OPPOSITION TO GENERAL STRIKE

Executive Council of Federation of Labor Continues Conference

Atlantic City, Sept. 11.—The shopmen's strike and demands for a general strike against the government's injunction were on the program when the executive council of the American Federation of Labor resumed its conference today. Many members of the council, although denouncing the injunction as "a blow to the rail crafts" and a threat to all organized labor, expressed opposition to a general strike.

Mexican Municipality Restored to Baptists

Property Confiscated in 1917 Also Returned

Washington, Sept. 11.—The municipality of Cuatitlan, Mexico, has been restored to the foreign mission board of the Southern Baptist convention and virtually all the property which was confiscated in 1917, Acting Secretary of State Phillips has informed Senator Harris of Georgia.

A Rice-Fed Champion



Vincent Richards is the youngest member ever selected for the Davis Cup team, the highest honor that can come to a tennis player. His mother, Mrs. Gertrude Richards, of Yonkers, N. Y., is responsible for his diet and here you see Richards, unable to wait for dinner, trying his mother's rice pudding.

HERRIN MURDERERS INDICTED

Warrants Issued For Thirty-Eight Men Who Participated in Massacre

Marion, Ill., Sept. 7.—The special grand jury investigating the Herrin massacre late today returned 38 indictments, all for murder.

The first indictment accuses six men of the slaying of Howard Hoffman of Huntington, Ind. in the Herrin cemetery. He was one of the six captives who escaped the massacre at the barbed wire fence in the timber. They were recaptured and led back to the cemetery. There they were shot down. One of them lived and the other five died.

The second indictment names nine men in connection with the hanging of Robert J. Anderson, Sparta, Mich., at the Southern Illinois strip mine. His body was riddled with bullets after he had been hanged. In the indictment there are two counts, one charging the shooting and the other the hanging.

The third indictment concerns the slaying of John Shoemaker, He and 13 other of the non-union mine employees who had surrendered under a flag of truce were killed at the barbed wire fence in the timber near the power house.

In this indictment 27 men are made co-defendants. Five of them are named in other true bills. They include John James Brown (negro deputy sheriff).

The fourth indictment is for the slaying of John Shoemaker, and charges Hubert Walker with committing the slaying. He is the only one named on that indictment. Ollie Clark, the first one to be indicted and the first one to be arrested, is also charged with the murder of Shoemaker in the indictments returned today.

Hoffman's body was shipped to Indiana, and never was buried in the potters field at Herrin.

Anderson was alleged by the miners at the time of the massacre, to have fired a machine gun, and he was hanged for that.

Shoemaker was the father of three young children and was a brother in law of J. W. Lester, owner of the strip mine. He was acting as assistant superintendent at the time of the massacre. He was a civil engineer and university graduate. According to the testimony of one of the massacre victims who was treated, Shoemaker's body was treated to many indignities and one final shot was fired into the body to make sure he was dead.

Many of those indicted are miners, but a few are engaged in other occupations. Special deputies are now out arresting the men who were indicted today.

A skeptic is a filling station man who is a little suspicious of the customer who runs his engine while having his tank filled.

NEGRO EDITOR FINDS HUMAN HAND IN MAIL

Is Warned to Keep Out of White Men's Movements, Signed K. K. K.

New York, Sept. 5.—A package containing a human left hand, evidently that of a white man and a letter signed "K. K. K." threatening murder, was received today by A. Philip Randolph, editor of a negro monthly magazine, "The Messenger." The package, which bore a wrapper marked "from a friend, New Orleans," was opened by police.

The letter warned Randolph to keep out of white men's movements and to unite with his own race. Randolph said he believed it was sent by his enemies in the south, and that it referred to a recent controversy between himself and Marcus Garvey, president of the provincial republic of Africa, and editor of "The Negro World."

After telling Randolph that his movements have been watched, the author of the letter warns him against interfering with anything that may happen in the south. It concludes: "Now be careful how you publish this letter in your magazine or we may have to send your hand to some one else."

"Don't think we can't get you and your crowd. Although you are in New York city it is just as easy as if you were in Georgia. If you can't unite with your own race, we will find out what's the matter with you all."

NEGROES FIRE SHOTS

Race Through Clearbrook, Va., in Automobile

Winchester, Va., Sept. 8.—A party of eight shouting and swearing negroes shot up the village of Clearbrook and wounded one citizen early today as they raced through the town in an automobile.

Stuart Whetzel, garage proprietor, was shot in the leg and bullet narrowly missed a Saganaw, Mich., touring party, composed of Mrs. Helen Jeffries and son, Mrs. Alderman, Miss Margaret Wenby and Robert Carden, who had been visiting in Roanoke, Va.

Sheriff Pannett and deputies left later for Hagerstown, Md., where they expected to have the negroes arrested.

TIGER OF FRANCE COMING

Paris, Sept. 11.—Georges Clemenceau is going to the United States primarily to plead the cause of France, he told a correspondent of the Petit Parisien. He expects to start in November, and will deliver four lectures.

If winter comes, will the freight trains be far behind?

PERMANENT INJUNCTION IS SOUGHT

Two Carloads of Evidence is Carried to Meeting in Chicago.

Chicago, Sept. 10 (By the Associated Press).—With the arrival today of Attorney General Daugherty the stage was set for the hearing in federal court tomorrow of the government's application for a permanent injunction against the striking railway shopmen.

John W. H. Crimm, assistant attorney general, accompanied Mr. Daugherty. They were preceded yesterday by Blackburn Esterline, assistant to the solicitor general; Oliver E. Pageau, the government's indictment expert, and two carloads of evidence which, it was said, would be used in an effort to prove a widespread conspiracy to cripple the nation's transportation machine.

The existence of such a plot was charged directly by the attorney general when he obtained on September 1 what has been called the most sweeping temporary injunction ever issued in such a case. Leaders have not only denied the existence of a conspiracy but have demanded the vacation of the order against the shopmen and taken the ground that the government has failed to make out a case, the injunction is in violation of the Clayton act and that it was obtained through misrepresentations for "ulterior and unlawful" motives.

In preparation for the government's battle to make the injunction permanent federal agents were said to have collected evidence from all parts of the country, including thousands of telegrams, letters, photographs, blue prints and books, tools of violence and transcripts of statements of some 17,000 individuals.

All of this evidence, it was said, would be used in an effort to show that since the strike began there have been 25 murders and that 60,000 railroad cars have been tampered with and 14 railroad bridges burned in the last 70 days. An effort would also be made to show, it was said, how such violence was directed and the details of plans to broaden the scope of a campaign of terrorism as the strike progressed.

"Tomorrow" hearing will be before Federal Judge H. Wilkerson, who granted the temporary injunction. Representing the union leaders and opposed to the brilliant array of government counsel will be Donald Richberg, a young Chicago attorney and personal counsel of E. M. Jewell, Mr. Jewell himself and John Scott, secretary-treasurer of the organization, were also expected to be in court. Government agents indicated that if the two union leaders appeared they might be called to the witness stand and grilled by the government.

Another plan to subpoena every one of the 249 union leaders and place them on the stand was being discussed tonight by the government representatives. It was indicated that no definite decision on this procedure had been reached and it was indicated that if carried into effect it would prolong the hearing for many weeks.

While a corps of federal agents were sorting over the government's evidence for the court hearing which is scheduled to open at 10:30 in the morning, union leaders from all parts of the country were arriving for a meeting of the shop crafts policy committee of 90, which has been set to begin in an outlying hotel a half hour earlier. The call for the meeting of the policy committee which alone is empowered to act on any peace proposal was sent out by Mr. Jewell last week following his return from the east, where he was reported to have had conferences with several railway executives. Shortly after his return a meeting of officials representing some 20 railroads was held in Chicago but adjourned without making any public announcements.

At the beginning of its 11th week, the strike was estimated to have cost 100,000,000 in lost wages. It was called following a decision of the United States railroad labor board, cutting the wages of the shopcrafts employees approximately 50,000,000 a year. After the strike order had gone out Mr. Jewell ignored an order to appear before the board and explain his action. The board then issued a ruling which was generally interpreted as "outlawing" the strikers, although the word "outlaw" was not used. The order said that new employees taking the places of the strikers should not be regarded as strikebreakers, that they were entitled to the full protection of the government and should have the support of the public in keeping the roads in operation.

A threatened spread of the strike to some 400,000 maintenance of way men was prevented when the board agreed to an immediate re-hearing of the wage reduction order applying to them on the grounds that the cost of living had increased since the order was handed down. Any wage increase granted was to be retroactive to July 1, the date when the reductions went into effect. The decision of the trackmen not to walk out was followed by similar action taken by several other railway unions.

Efforts to end the strike of the shopmen, first by Ben Hooper, chairman of the labor board, and then by President Harding and the leaders of the "Big Four" brotherhoods failed because of a failure to agree on the restoration of seniority rights to the strikers—a supplemental issue brought up after the beginning of the strike through the determination of the roads to stand by the labor board decision and protect the rights of the men who had remained loyal and the new men who had come to their assistance in the roads' hour of need.

When the seniority issue arose many of the roads announced their willingness to yield on this point, declaring that they had places enough for all. First a group of roads in the northwest and then the Baltimore & Ohio sought separate agreements but nothing came of these efforts as Mr. Jewell announced his opposition to separate settlements, being quoted as declaring that it would be peace for all or a fight to a finish.

Little less than a month ago through the intercession of the "Big Four" brotherhoods, it was reported that some 12 out of the 261 class one railroads were willing to discuss separate agreements. Since then, however, some of the stronger roads in this group have announced that they have refused their shop forces and to have refused further negotiations. Today railway executives who refused to allow the use of their names said only about 30 roads, representing slightly more than 50,000 miles of track, would listen to any separate peace proposals.

Mr. Daugherty spent most of the day in conference with his aides.

GREEK FLEET LEFT SMYRNA HARBOR TODAY

American Detachments Landed From Warships to Protect Foreign Population—Turks Near Town

Smyrna, Sept. 9, 6:55 p. m.—The Greek fleet left Smyrna harbor this afternoon, and the Greek commissioner of police plans to embark tonight. The allies will probably occupy the town tomorrow. American detachments were landed at noon today from warships for the protection of the foreign population. Naturalized Americans have been instructed to leave town. The Turkish nationalist vanguards are reported only fifteen miles from the city.

Turks Bombarding Town of Smyrna

Athens, Sept. 9.—Smyrna is being bombarded by the Turkish nationalists. Nine airplanes from the Greek naval base there arrived here this morning, the airmen telling of departure from the city under artillery fire. As they left the Smyrna airdrome a shell dropped the tenth plane as it was leaving the ground.

GREEKS FLEE FROM SMYRNA

London, Sept. 8.—The Greek high commander in Smyrna, M. Stergiades, today handed over to the allied consuls, according to an Exchange Telegraph dispatch from Smyrna.

Allied naval detachments were landed Thursday, the dispatch says.

Smyrna, Sept. 8 (By the Associated Press).—The political and military authorities of Smyrna today began evacuating town. Embarkations are under way from Smyrna, Urla and Chesme.

Remnants of the Greek army have arrived 12 to 15 miles from Smyrna but the Turks apparently are not closely following them. Volunteers in Smyrna vainly are trying to enforce resistance against the Turks, but it is believed here that Mustapha Kemal Pasha, the Turkish nationalist leader, can enter the town in three days.

The situation here is extremely grave. Bands of Greek soldiers, Armenians and Turks are committing acts of incendiary, pillage and murder. The allied fleets have arranged a plan for concerted action.

Athens, Sept. 8.—Nikolas Kalogeropoulos has accepted the premiership which M. Protopapadakis resigned Thursday.

The Furman Scholarship

Greenville, Sept. 11.—Joel Geiger Hodge, of 523 West Hampton avenue, Sumter, has been declared the winner of the Sumter county scholarship in Furman university. The young man is a graduate of the Sumter High School. He won his scholarship in competitive examination. The scholarship is provided by the board of trustees of Furman University.

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MORE DELAY IN BIGHAM MURDER CASE

Supreme Court Refuses to Dismiss Appeal for a New Trial—Hearing in November

Columbia, Sept. 9.—In a per curiam order handed down yesterday the supreme court refused to dismiss the appeal of Edmund D. Bigham as petitioned by Solicitor L. M. Gasque, of Marion, and will hear the appeal on its merits on the call of the Twelfth circuit cases before the court this fall, which will be in November.

Solicitor Gasque moved before the court on September 1 for a dismissal of the appeal on the grounds that it was manifestly without merit. The court says that it does not consider the appeal "manifestly without merit" and will not dismiss it. Mr. Gasque moved under Rule 30 for the dismissal, which provides for such action in criminal appeals where there is no apparent merit.

In the per curiam order the court says: "The court is not convinced that the grounds of appeal are manifestly without merit and the motion of the state to dismiss the appeal is therefore refused."

Bigham was convicted of the murder of his brother, Ed Smith Bigham, in March, 1921, at Florence and sentenced to be electrocuted. He appealed to the supreme court for a new trial but the court affirmed his conviction. He was taken back to Florence this summer to be resentenced and when he appeared in court his attorney, A. L. King, moved for a new trial on the grounds of after discovered evidence. Judge S. W. G. Shipp, presiding at Florence, refused the plea for a new trial. Bigham then appealed from this refusal to the supreme court. Solicitor Gasque moved to dismiss the appeal but the court refused to do so.

Bigham in addition to being convicted for killing his brother, is charged with killing his mother, Mrs. L. S. Bigham, his sister, Mrs. Maggie Black, and his sister's two adopted children, Leo and John McCracken. He has never been tried for the killing of any one except his brother.

Nations Reduce Army Strength

Encouraging Reports Made to League of Nations

Geneva, Sept. 8 (By the Associated Press).—Reports presented by the council of the league of nations on reduction of armaments at this afternoon's session of the third assembly of the league show that in more than a score of countries restrictions of military outlay has been begun.

Great Britain reported a reduction of 55 per cent in naval tonnage, France 36 per cent, Italy 49 per cent and Japan 59 per cent. In land armaments France reported a reduction of 290,000 men under arms and shortening of the term of military service by one-half. Sweden also reported that the cutting of her military service in half; Italy reduced the period of service and suppressed 83 battalions of infantry; Poland reduced her army of 1,000,000 men to about 260,000; Japan made reductions but failed to give the figures, while Switzerland reduced from 70 per cent to 50 per cent the proportion of her men eligible for military service.

DISORDER IN KAYING

Foreign Property Destroyed by Chang's Forces

Shanghai, Sept. 8 (By the Associated Press).—Furcible occupation of American mission buildings and destruction of foreign property in disregard to rights of Americans by Canton military officials under Gen. Chang Chiung Ming in Kaying, Kwantung province, is reported here in advices from S. S. Beith, a Chicago missionary at Kaying.

Beith charges that civil authorities in Kaying are active in dissemination of anti-Christian propaganda and supporting the military officials. An urgent protest against the depredations has been forwarded by Beith to the American consul at Swatow.

Demand Impeachment of Daugherty

House Refers Question to Judiciary Committee

Washington, Sept. 11.—A demand for the impeachment of Attorney General Daugherty for "high crimes and misdemeanors" was made in the house today by Representative Kello of Minnesota, who sought an immediate action on a resolution on an investigation. By an overwhelming vote of the house referred the question to the judiciary committee.