

BATTLE OVER SHERMAN ANTI-TRUST LAW

Armed With Legal Ammunition Gathered Over Night Small Army of Lawyers Prepared to War Over Criminal Provision.

Government's First Attack Directed Against Jurisdiction of Court in Habeas Corpus Proceedings—Will Consume Greater Part of Today.

Chicago, No. 17.—Armed with all the legal ammunition that they were able to gather over night, the small army of lawyers engaged in the battle over the constitutionality of the criminal provision of the Sherman anti-trust law were prepared to appear again before Judge Christian C. Kohlsaat in the United States circuit court at one o'clock today.

At the end of the first day's session in the hearing involving the rights of the indicted meat packers the main question at issue had not been touched. The government's attack on the jurisdiction of Judge Kohlsaat's jurisdiction in the habeas corpus case occurred the time at the first day's hearing and gave promise of taking up a great part of the time today.

Attorney Levy Mayer, who had not finished his argument at the end of the day's session was expected to resume today. He was expected to cite further authorities upholding the right of the court to hear the habeas corpus proceedings. His argument follows that of special counsel James Sheehan, who held the opposite view in support of the government's contention. Mr. Sheehan offered in support of his position in the case affidavits sworn to by District Attorney James H. Wilkinson and Deputy United States Marshal John T. Wolf, setting forth that the indicted packers had not been legally surrendered by their bondsmen. These and counter affidavits by the packers were set for hearing at the opening of court today.

The packers' affidavits are expected to set forth that the eight men were really deprived of their liberty. They are expected to set forth the details of the alleged hour and one-half imprisonment at the time the habeas corpus order was asked.

In view of the number of lawyers who were scheduled to make arguments on the point of jurisdiction today it was considered problematical that the main issue before the court would be reached today.

Mr. Mayer probably will be followed by Attorney John S. Miller who also was expected to argue that Judge Kohlsaat has full jurisdiction and not acting as a court of review for Judge Carpenter. It was thought District Attorney Wilkinson would follow Mr. Miller.

Levy Mayer, counsel for the packers, submitted fifteen affidavits to show that the packers as a matter of fact were under restraint of the United States marshal for more than one hour on Monday at the time of the surrender by bondsmen.

Arthur Meeker, according to the affidavits during the hour of restraint asked Deputy Marshal Crawley if the defendants would be permitted to go to their homes for the night providing Judge Kohlsaat refused to issue the writ of habeas corpus. To this Crawley replied, according to the affidavits, that they would not go to a hotel, but would be taken to the North Side, that the affidavits understood, said Crawley, to mean by the words "The North Side" the Cook county jail, which sometimes is referred to as "The North Side."

Arguing against the assertion by Attorney Sheehan that the packers were endeavoring to delay the case, Attorney Mayer declared that the government was responsible for efforts to hinder final disposition of the matter.

"The Standard Oil case took four years and six months to try," he said, "the tobacco case three years and ten months, and if the government has its way in this case, it will take an equally long time."

"Now I say that we can go direct to the United States supreme court and get a final ruling in from sixty to ninety days and settle this matter at once and for all."

James Sheehan, special counsel for the government, raised the question of sincerity on the part of sureties in the surrender of the indicted Chicago packers last Monday, which originated the present debate in the habeas corpus proceedings.

Counsel for the packers refused to agree to having any of the sureties called to answer questions along this line.



AN ARAB COURT MARTIAL.

An Arab court martial. During the fighting in Tripoli, October 23rd, an Italian officer was stabbed in front of the German Consulate, and as he lay on the ground was slain by a servant of that consulate, who ran out, committed the murder, and then ran back to the consulate. Fortunately there were witnesses of the crime. The servant was handed over to the authorities, was tried by court martial, which was open to the public, was found guilty, and later was shot on the seashore with due military formality. The prisoner is the standing Arab in white, and at the table are seated the Italian general and his aide, listening to the witnesses.

STILL LABORING ON TASK OF JURY GETTING

Los Angeles, Cal., Nov. 17.—Two more jurors, making five in all were sworn in the McNamara trial today. They are J. B. Sexton, a retired farmer, and William J. Andre, a non-union carpenter.

Los Angeles, Cal., Nov. 17.—Six permanent jurors—possibly seven—were in sight today when counsel gathered to purge a full jury box by peremptory challenges of those talesmen whom they considered prejudiced or otherwise unfit to try James B. McNamara, indicted for murder in connection with the Los Angeles Times explosion.

With three sworn jurors—Robert F. Bain, F. D. Green and Byron Lisk—District Attorney Fredericks before the opening of court said today that he would use his first peremptory challenge against Arthur Gibling, a retired walnut grower who on the stand declared himself opposed to circumstantial evidence in a capital case.

Brewster C. Kenyon whose occupation is looking after his interests in various kinds of investments admitted on the stand that he had no admiration for General Harrison Gray Otis, proprietor of the Times. He was being considered by the state foremanpermy challenge as it was thought he might not be inclined to give due weight to testimony from employees of the Times if called as witness.

Attorney Darrow came to court with his mind made up to excuse Jacob Lansing, an orchardist, the twelfth talesman accepted yesterday as well as T. H. Elliott, a gardener. Neither could be eliminated on examination for cause but their views about the case have convinced the defense that they would be prejudiced in trying it.

The talesmen who it was not believed would be eliminated were Clark

Dead Man Sentenced To State Prison

Oklahoma, City, Okla., Nov. 17.—A dead man was sentenced to serve 10 years in state prison and his estate will foot the bill of court costs. John W. Sharpe, while chief of police at Talequah, Okla., shot and killed William Powell, a youth. Sharpe was tried and convicted of second degree murder and appealed the case. In September, last year, he was assassinated. The court of criminal appeals today affirmed the sentence of the trial court.

Taft Asked To Save Water Falls

Washington, Nov. 17.—Mrs. E. S. Hollingsworth, secretary of the Associated Charities of Augusta, Ga., has presented an appeal to President Taft to save Tallulah Falls from destruction by the proposed erection of a power plant. The president has asked Secretary Fisher to investigate the situation and determine if the government has any authority in the matter.

FIFTEEN OF CREW LOST

Quebec, Nov. 17.—Fifteen of a crew of eighteen men lost lives last night when the Norwegian bark Antigua was driven ashore at Martin river. The Antigua was loading at Martin river, below Quebec.

Violent Earth Shocks Felt Throughout Switzerland—Street Cars Were Derailed

Berne, Switzerland, Nov. 17.—A violent earth shock was felt throughout Switzerland at 10:27 last night. This was followed by lesser quakes. The movement was tremendous in the cantons of Berne and Zurich in the district of Interlaken and throughout the region of the Alps.

So far as known there were no casualties. In Geneva street cars were derailed. In this city and in Zurich theatre audiences became panic stricken and rushed into the streets. Many women fainted from fear. In the towns along the mountain slopes the inhabitants fled from their homes and did not re-enter them until they were satisfied the foundation of the houses were not seriously damaged.

Numerous avalanches rushed down Mount Blanc. Glass ornaments were broken in homes throughout the disturbed area.

The seismic motion was from north to south.

Castle Damaged. Berlin, Nov. 17.—The earthquake of last night which was felt in a wide area of central Europe severely damaged the castle of Hohenzollern, on the steep Zollberg near Hochingen, Prussia. Statues on the beautiful structure

Working For Jury To Try Tar And Feather Artists

San Antonio, Tex., Nov. 17.—How to reduce what the minor league owners consider the high cost of baseball continued today to be the most important topic before the national association of professional baseball leagues in session here. Second in interest probably is the reported attempts of major league owners to purchase outright Southern clubs for use in training good material up to big league pitch. Discussion was expected also on the report of the committee on the revision of the constitution.

Women Not Allowed In Court Room During Trial Of Men Charged With Committing An Outrage On Lady School Teacher.

Lincoln, Kan., Nov. 17.—Three men accused as members of the mob that tarred and feathered Mary Chamberlain, the Shady Bend school teacher, sat in the prisoner's box this morning while opposing counsel and the court tried to select a jury. Several persons already have pleaded guilty as members of the mob; and the men who faced court this morning were John Schmidt, a thrifty Kansas farmer; A. N. Simms, a mill worker, and Sherrill Clark, brother of Everett Clark, the wealthy mill operator, who has already admitted he had a part in the "tarring" party.

Thousand Casualties In Battle

Amoy, Nov. 17.—Interior towns in the southern half of this province, Fokien, having been abandoned by the imperial officials, are appealing to the revolutionists to send magistrates to preserve order. From Sloke, near Chang Chow, comes word that the anti-foreign white fans are becoming active at Sloke.

Next Move Up To Harvester Company

Washington, Nov. 17.—The next move looking to the voluntary disintegration of the International Harvester Company rests with that corporation. The negotiations between the department of justice and the company have been temporarily suspended pending action by officials of the so-called harvester trust upon the department's objections to the plan of dissolution submitted by the representatives of the company.

Crown Prince Gets Severe Rebuke

London, Nov. 17.—A special dispatch from Berlin says Crown Prince Frederick William has been ordered to undergo a month's detention for his recent public display of opposition to the government's settlement of the Franco-German controversy over Morocco.

THE WEATHER.

Forecast: North Carolina:—Rain tonight or Saturday, warmer tonight, colder in extreme west portion Saturday; moderate to brisk east to south winds.

MANY IMPORTANT MATTERS BEFORE LABOR LEADERS

Constitutional Amendment Proposed Which Will Provide For Nomination of Candidates to Election Offices by Delegates to Convention.

Resolution to Appropriate Fifty Thousand Dollars to McNamara Defense Introduced Ten Minutes Before Opportunity Expired.

Atlanta, Ga., Nov. 17.—Socialists in the American Federation of Labor convention have begun their "insurgent" movement against the present administration of the Federation.

HOW TO REDUCE THE HIGH COST OF BASEBALL

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Aldrich Plan "May Be" Right

Kansas City, Mo., Nov. 17.—After a strenuous session that extended into the early hours, including other towns as well, is likely to go before the national board of arbitration today or tomorrow.

FEAR ANOTHER REVOLUTION IN MEXICO.

Washington, Nov. 17.—Danger of another well organized and formidable revolutionary movement in Mexico has caused the suspension of the return to their home stations of the American troops sent into the border country during the Madero revolution.

HARVESTER OFFICIALS QUIET.

Chicago, Nov. 17.—Officials of the International Harvester Company refused to state what action would be taken by them following the objection to their plan of dissolution by the United States department of justice.

The attitude of the United States is one of apprehension of further trouble against which every precaution is to be taken to insure the strictest neutrality.