

SCHMITZ GETS FIVE YEARS

GREAT CROWD CHEERS VERDICT

"Good For You," shouted as Judge Dunn by unanimous vote rendered the verdict of five years in the penitentiary.

The sentence followed the recent conviction of Schmitz for extorting \$1,178 from French restaurant keepers of San Francisco.

As the last words fell from the judge's lips, the great crowd that had stood throughout the dramatic scenes sent up a thunderous cheer. "Good for you," shouted a man in the back of the court.

Judge Dunne, in pronouncing sentence on Schmitz, said: "It can be said that the verdict of the jury in this case had a deeper significance than ordinarily attaches to the finding of guilt. It is a message to all the people of the city of San Francisco that no man, however exalted his station or how strong and powerful the political, social and financial influences which surround him, is above the law."

He understood that this plan has never before been adopted in the prosecution of trusts, but it is more than likely that the same plan will be followed in dealing with the so-called powder trust and such other trusts if the peculiar facts in connection with each would justify such action.

DISPENSARY ACT VIOLATED.

H. L. Solomons, of Chester, S. C., Arrested for Personally Soliciting Orders From Members of Dispensary Board.

Observer Bureau, 1209 Main Street, Columbia, S. C., July 8.

H. L. Solomons, of Chester, was arrested here this afternoon by Deputy Sheriff White, of Beaufort, on a warrant issued by the dispensary board, charging Solomons with violating Section 48 of the Carey-Cochran Dispensary Act in personally soliciting members of the board for orders.

Attorney Metzger interposed: "We are here to take sentence; not to be heard by the court."

Mr. Metzger, said Judge Dunne warmly, "if you interrupt these proceedings again, I will send you to jail. You would be in far better business if you were here begging for a day in court to answer the charge that you willfully and improperly attempted to tamper with the jury."

Turning to Schmitz, Judge Dunne resumed: "You were elected to this position because of the confidence and trust reposed in you by the mass of the people. You have by your wilful criminal act, as a jury of your fellow citizens has declared, broken that confidence and trust reposed in you by the mass of the people. You have by your wilful criminal act, as a jury of your fellow citizens has declared, broken that confidence and trust reposed in you by the mass of the people."

PENALTY INSUFFICIENT.

"Therefore," the judge continued, "it may be said that the penalty which the law permits in this case is insufficient to meet the demands of justice. It may be suggested, however, that by your conviction you will lose the respect and esteem of all good citizens and that you will suffer the humiliation of knowing that your career of hypocrisy, duplicity and dishonesty is now a public record."

"I stand here as an American citizen to demand my rights," interposed Schmitz. "I'm not asking any leniency at the hands of this court. I am prepared to receive sentence. I ask that your honor will not be lenient in pronouncing it immediately and that I be not subjected to humiliation and degrading remarks which the papers are carrying and will print. I say, if your honor has any self-respect, you will proceed with the sentence."

It is not unusual, was Judge Dunne's reply to the man who had brought into contact with such brazen acts of effrontery as yours in the present instance. It is the duty of the court in such cases to view the conduct of a convicted felon with patience and toleration, not to say, by your conviction you will lose the respect and esteem of all good men and citizens. You will suffer the humiliation of knowing, I say, that your career of hypocrisy, duplicity and dishonesty is now a public record and that you stand before those who believed in and honored you, morally naked, shamed and disgraced."

WAS RAILROADED THROUGH.

"I deny that," cried Schmitz. "The people of San Francisco know how I was railroaded through."

Judge Dunne resumed: "Morally naked, shamed and disgraced. It is in the knowledge of these things rather than in any mere term of imprisonment in a State penitentiary, that the full measure of your punishment may be found, and that it is the judgment of this court that you be confined in the State penitentiary at San Quentin, for a term of five years."

Judge Dunne continued for one week the four extortion cases on which Mayor Schmitz has been convicted and sentenced. Immediately after the passing of sentence, Attorney Fairall asked that Schmitz be admitted to bail, pending appeal. This application will be heard formally to-morrow. Bills of exceptions were then filed and Judge Dunne granted a certificate of probable cause, enabling Schmitz to carry to the District Court of Appeals his motion for a new trial.

Move to Build Cotton Warehouses. New Orleans, July 8.—The movement of the National Farmers' Union to build this year between 250 and 300 cotton warehouses in Texas, Louisiana, Arkansas and Indian Territory was brought unofficially to the attention of the New Orleans cotton exchange to-day by E. S. Peters, of Calvert, Tex. Representing this scheme of the union for storing the cotton crop, Mr. Peters is on route to New York to raise funds.

Mother and Son Killed Beneath Wheels of Train. Galveston, Tex., July 8.—Mrs. Louis Herbert and little son, of Beaumont, were killed by a train here late to-day. They jumped from an automobile trying to escape the cars, but were caught beneath the wheels. The automobile was not injured.

NEW MOVE OF THE GOVERNMENT

Department of Justice Adopts Important Plan in Connection With Prosecution of Tobacco Trust—May Be Used in Other Similar Cases

Washington, July 8.—It is understood that the department of justice has adopted a new and highly important plan in connection with its proceedings against the so-called tobacco trust. After asking the court to issue subpoenas to defendants requiring them to appear and answer the allegations contained in the bill, and asking that the monopoly complained of be declared illegal and in violation of the Sherman anti-trust act, the department in its petition, which probably will be filed in New York within a few days, will ask the court, if in its judgment the interests and the facts as disclosed demand such action, that receivers be appointed to take charge of the business and administer it in harmony with law.

Such a course, it is said, if adopted would result in the receiver taking charge of a corporation to administer its business with a view to the gradual disintegration of such monopoly, that is to say, such receiver in administering such business would from time to time be expected to sell and dispose of the different property units composing such monopoly in such a way as to preserve all the essential rights of the stockholders and at the same time ultimately give to the general public the benefit of competition between separate and independent corporations or business.

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WILL BE SENTENCED AUG. 3

THE OIL INVESTIGATION ENDS

Attorneys of Parent Corporation Decline to Submit Further Evidence and Judge Landis Fixes Date for Sentencing of Indiana Company—Attorney Rosenthal Makes Formal Statement for Company, Charging That Court Has No Right to Go Outside of Record in Considering Penalty to be Meted Out—Court Lists Cases Attentively to Hearing of Statement, Then Abruptly Calls Next Case.

Chicago, July 8.—The attorneys for the Standard Oil Company to-day declined to submit any further evidence in the investigation held on Saturday by Judge Landis in the United States District Court. Judge Landis then announced that sentence will be passed on the Standard Oil Company of Indiana, which was convicted of using illegal railroad rates on August 3d.

Judge Landis at the opening of court to-day said to the attorneys for the company:

"Have you anything to offer in this case prior to the entering of a final decree?"

"We have a formal statement to make," said Attorney Rosenthal.

Rr. Rosenthal read it, substantially as follows:

"In answer to the court as to whether the defendant desires to offer any evidence tending to show that the defendant or the Standard Oil Company of New Jersey violated the interstate commerce law before, and appearing now for the purpose of answering this inquiry, and delaying the jurisdiction of the court in this entire matter, and contending that the entire injury is beyond the legal power of the court, the defendant still insisting that the record in this case shows that it is innocent of the offenses charged in the indictment, the defendant desires to say:

"There are in the record no suggestions that this defendant ever before was charged with violation of the interstate commerce law.

"I spoke to-day to-day to assert its innocence of matters that it is not charged with, or attempt to show that it has been innocent of wrong doing in connection with matters outside of the record of the case would present a situation unheard of in Anglo-Saxon jurisprudence."

The statement claimed at some length that the court has no right to go outside the record of the case in considering the penalty to be meted out.

The statement then concludes: "If the occasion shall ever arise in an appropriate proceeding where this defendant can without any waiver of its legal rights and without prejudice to its having heretofore violated the interstate commerce law it will certainly appear that since the passage of the law there has been no violation of its provisions by either the Standard Oil Company of New Jersey or the Standard Oil Company of Indiana."

Through the reading of the statement Judge Landis listened with much interest and when it was concluded, said abruptly:

FINAL ORDER AUGUST 3D.

"The final order in this case will be entered Saturday, August 3d," he called the next case.

J. D. Archbold, vice president of the Standard Oil Company of New Jersey; H. E. Felton, president of the United States Bank; and Edward Smith, secretary of the Standard Oil Company, and F. O. Barstow, the assistant treasurer, were in court during the proceedings.

WORKMAN CRAZED BY THE HEAT

Attacks Fellow Laborers on Wall Street Building With Hatchet, Fatally Injuring One and Seriously Wounding Two Others—Narrowly Escapes Death at Hands of Crowd.

New York, July 8.—Armed with a hatchet and a brick, a crazed workman on a Wall Street building, ran amuck among his fellows to-day, fatally injuring one and dangerously wounding two others. He was then attacked by the crowd which had gathered and narrowly escaped death himself.

The workman's name is Milton Albin, a plasterer. His victims are Michael Kelly, who will probably die, Patrick Sullivan and Edward Smith, who were at the new building of the Trust Company of America. Albin without cause or warning, attacked Sullivan, with whom he had worked for years. After he had beaten Sullivan to the ground, he turned upon Kelly, whom he struck with the blade of the hatchet, fracturing the skull. Smith was wounded in attempting to separate Kelly and Albin. The cries of the injured men by this time attracted all the other workmen and a crowd from the street, who united in a desperate attack on the crazy man. The hatchet was wrenched from Albin's hand and he was so badly beaten with it that the police, after rescuing him, had to send him to a hospital. To the police Albin said he must have been made insane by the excessive heat.

NOT POSITIVELY IDENTIFIED.

Mrs. Scott Not Able to Say With All Certainty That the Negro Held at Wilson Is Her Assistant—Should She Say He Is He Would Probably Be Lynched Immediately.

Wilson, July 8.—Yesterday morning a negro who gives his name as Walter Smith was caught breaking into the home of Kinchen Owens, of this city, and brought here last night and jailed. Several people who saw him believed that he was Will Nixon, who committed rape on Mrs. Lot Scott about two weeks ago at her home six miles from here. This report spread and lynching was feared. Sheriff Shupe had Governor Glenn to order out the Wilson Light Infantry to protect the jail. This morning Mrs. Scott, who is 73 years old, was brought here to identify her assistant. This she was unable to do. There is proof, however, that he was seen at her home the day of the crime.

COLLEGE DESTROYED BY FIRE.

New Orleans, La., July 8.—The St. Charles College at Grand Coteau, La., was destroyed by fire to-day, despite the efforts of the able bodied men in town who for hours fought the flames with buckets. When telegraph communication with Grand Coteau closed for the night, the populace was still fighting fire, hoping to save at least the church.

Telephone messages from near Grand Coteau say the fire was brought under control by the church. The college was built in 1847.

HUGH CHATHAM CHAIRMAN

A PARDON GIVEN GOSNELL

SEVERAL OTHERS GRANTED ALSO

The Board of Pardons Submits Its Report to Governor Ansel and It Is Adopted—Southern Railway Appoints a New Attorney for Savannah Division—One of Columbia's Municipal Issues Will Be the Cutting of an Elm Tree—More Time Granted the Railroads in the Matter of Assessments—Magistrate Keller Suspended for Drunkenness.

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Adopting the recommendation of the pardon board Governor Ansel to-day granted a full pardon to Polmett Gosnell, who together with Sol Norton, was serving a life sentence from Greenville county for the murder of Nin Gosnell. Norton died several years ago.

The pardon board was convinced from the statements made by Gosnell's attorney, ex-State Senator H. Dean, and from affidavits submitted with the petition, including statements from the wife and daughter of the dead man, that the men who did do the killing were acquitted.

Nin Gosnell was killed in a picturesque pitched battle in a corn field on the side of a mountain in the famous moonshine dark corner section of Greenville county about sundown. He had carried his shot gun to the field and had challenged all comers to arrest him, there being a warrant out for his arrest. The petition recites in graphic language the story of the pitched battle between a posse of four deputies and Nin Gosnell, who was fighting single-handed against them.

The report of the work last week of the pardon board was made to Governor Ansel to-day by Secretary W. A. Clark. The Governor had had previously examined the papers, at once adopted the recommendations throughout.

OTHER PARDONS GRANTED.

In addition to Polmett Gosnell a full pardon was granted to James Smothers, given six years from Richland county for stealing a bicycle, five years of which he has already served. He is in the last stages of consumption, probably on account of contact with other tuberculosis patients in the penitentiary. Other full pardons went to Mollie Weagener, given ten years from Lexington for arson; and to Mack Workman, given three years from Laurens for manslaughter committed in the spring of 1901. In the case of Ed Roe, a Richland county trolley con, a conditional pardon was granted.

A noted case which the board acted, was that of R. F. and J. H. Richey, brothers, given a term in the penitentiary for stabbing Sheriff Green, of Anderson, in the stomach when he went to arrest them at a picnic. When the sheriff came toward them, R. F. Richey had out his pocket knife and threw it at the sheriff. Then J. H. Richey interfered. The sentences of both are commuted to the present time, and R. F. Richey is required to pay a fine of \$50.

The cases of Walter Allen from Colleton county and Charles Zisset from Darlington county, both life terms for murder, were continued.

LIFE TERM COMMUTED.

In recommending commutation to life imprisonment of the death sentence of Isaac Thompson, an Alkon county murder case, the board say in its report to the Governor:

"In the case of Isaac Thompson, who was convicted of murder in Alkon county and sentenced to death, the board would recommend that the sentence be commuted to life imprisonment. This was recommended by the solicitor, an aggravated case. In consideration of the attendant circumstances and the fact that the homicide grew out of a frolic in which many of the parties concerned were engaged, the board agrees with the presiding judge and feels that the majesty of the law would be fully upheld and the ends of justice better served by imposing a sentence of life imprisonment and for these reasons the board would respectfully recommend the same."

In the case of Solomon Williams, given a fine of \$100 and a term of one year for forgery at Sumter, the Governor refused to extend clemency without referring the petition to the board.

Dr. Julius H. Taylor, of this city, has been appointed division surgeon of the Savannah division of the Southern in place of Dr. Frank D. Kendall, who has resigned. Dr. Taylor has a general surprise, for although he is a surgeon of ability and large practice, both the State and county medical societies have been against him and practically all of his fellow doctors refuse to consult with him.

A TREE IN POLITICS.

The cutting of a large elm tree at the place of a Mr. Harris on Senate street, the aforesaid cutting being officially sanctioned, promises to be an event in the next municipal campaign. The cutting of the tree has started a perverted controversy in the newspapers between Mayor Gibbs, Mr. Harris, and Chairman Keenan, of the street committee; and if the thing comes up about a dozen others will be drawn into the fight. Parts of the trunk of the tree have been brought up to the city hall for public inspection to show that it was decayed in the heart and would shortly have fallen anyway, but this does not convince the strange party who are in the whole proceeding is that several months ago several good trees were chopped down on Plain street a block east of Main street for the purpose of allowing a house to be moved through the streets, and nothing has been said about that.

RAILROADS GIVEN MORE TIME.

At the second meeting of the railroad board of assessors to hear further protest from the railroads against the assessment for taxation against them, the board took no action, giving the railroads until August 1 to file further evidence of physical value. Whether the board will recede from its position of assessing the roads at market value instead of on a 60 per cent basis, as other property has been assessed, cannot be said.

"The board is simply standing pat on that proposition," said Chairman Jones of the board to-day. "We want to get at the values first. We will decide on August 1 as to the basis of assessment."

Governor Ansel to-day suspended from office Magistrate W. J. Keller, of Shelton, Fairfield county, for drunkenness and neglect of duty. Keller claims that he is the victim of a faction in his community which wants to wrest control from him.

THE RECEIVERS INTERESTING.

Stockholders of Exchange Bank of Macon Meet July 18 to Ratify Action of Directors.

Macon, Ga., July 8.—The receivers appointed by the court actively began an investigation into the condition of the Exchange Bank this morning. The directors held a meeting and issued a call for a stockholders' meeting July 18 to ratify the action of the directors in asking for a receiver.

This afternoon a deed of sale executed by the Exchange Bank July 2, 1907, was recorded in the office of the Superior Court clerk for Bibb county, transferring to the American National Bank of the First National Bank, the macon & Savings Bank and the Macon Savings Bank, the building and bank fixtures of the exchange to secure the loan of \$50,000 made to the Exchange Bank to assist in liquidating the recent run.

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R. B. Hill was to-day appointed master in equity for Abbeville county, in place of the late lamented Mr. L. W. Ferrin, who dropped dead recently from over-excitement while attending a baseball game.

SUPREME COURT GRANTS NEW TRIAL.

In a decision filed to-day the Supreme Court granted a new trial to J. F. Hicks, a young white man who was convicted at Greenville recently for obtaining \$25 under false pretences from Thomas Sloan, the druggist. Hicks claims Sloan was cashier of the People's Bank where he had no funds. He claims to have told Mr. Sloan afterward that he intended making the necessary deposit before banking hours next day, but took sick and could not do so. The new trial is granted on the ground that it was not proved that Hicks intended to commit a fraud, intent being the essence of crime particularly in a case of this nature.

Practically every man, woman and child in the town was aroused from slumber about 3 o'clock this morning by an impromptu concert rendered by a large number of engine whistles and bells at the Sydney park freight yards of the Seaboard. On the South side of the park three small cottages caught fire, and the blaze for a time was quite demonstrative, but the concert was likely due more to mischief on the part of engineers than to alarm. The thing is the talk of the town to-day.

BARBER KILLED BY SALOONIST.

Former Friend in Company With Latter's Wife—Both Men Draw Weapons, Husband Firing the First Shot, Which Proves Fatal.

Knoxville, Tenn., July 8.—Ed. Macklin, aged 25, was shot and almost instantly killed this afternoon by Edward McNew, while the former was in the company of the latter's wife. The tragedy occurred on what is known as Tutterell's bluff, south of the Tennessee river. McNew had for some time suspected that his wife was on an intimate terms with Macklin. This afternoon he was informed by a friend that she had left their home on Poche street, and Macklin and the pair had crossed the river bridge together. McNew informed his wife's brother and another friend and the three proceeded to where the couple had gone. Macklin and Mrs. McNew were seated on the ground enjoying a lunch when the husband and his friends approached. Macklin and McNew saw each other about the same time and each pulled his pistol at about the same instant. McNew fired first, however, and the bullet struck Macklin's right forearm and entered below the right hip. The man's moan was heard almost instantly. McNew, following the tragedy, recrossed the bridge and went at once to the court house, where he surrendered to the sheriff. Deputies were sent to the scene and the body of the dead man removed. Macklin was taken to the hospital, while McNew is a saloonist at Knoxville. Mrs. McNew is a young woman 25 years of age. She states that she and Macklin had been on the bluff about one hour when the tragedy occurred. They had just opened a lunch which Macklin brought with him when the husband appeared and the tragedy followed.

JAPANESE AMBASSADOR SILENT.

Declines to Discuss Reports Indicating Indefinite Suspension of Negotiations for Renewal of Treaty Between Embassy Officials Disclosed Report of Utterances of Admiral Sakamoto.

Washington, July 8.—Viscount Aoki, the Japanese ambassador, to-day declined to discuss the reports indicating an indefinite suspension of the negotiations for a renewal of the present treaty between Japan and the United States, if the government reserves the right to raise a charge in the compact permitting the exclusion of Japanese coolie labor. "That is a matter about which you must ask the State Department officials," he said. "I cannot discuss any feature of it for publication."

The reported views of Foreign Minister Hayashi received here yesterday from the personal representative of the Japanese government, Admiral Sakamoto, who is reported to have questioned the patriotism of American naval crews and the ability of the American naval officers, has been misquoted. Said Admiral Brownson: "While spurred on by a spirit of unrest or homesickness, sailors have sometimes left the American navy they have always done so in time of peace. There is no record of a blue jacket deserting in time of war."

ELKS ARRIVING AT PHILADELPHIA.

Philadelphia, July 8.—The first of the host of Elks who will be here for the annual convention and reunion which begins in this city next week, arrived to-day. Col. John Sullivan, of New Orleans, grand equire, who will be grand marshal of the great parade to be held July 15, was the first of the officers to reach the city. His headquarters are at the Bellevue Stratford Hotel and he will be busy all week mapping out the details of the parade. He will assign the participant lodges to their position in the line and will also appoint two score of aides.

COMPLAIN OF FREIGHT RATES ON BOOTS AND SHOES.

Washington, July 8.—Pass & Head of Rome, Ga., to-day complained to the Interstate commerce commission that the rates charged by the Southern Railway and other lines of railroad doing business with the South, were too high on boots and shoes. They said that the commission reduce the rates at least 35 per cent.

EQUAL SERVICE DEMANDED

SEPARATE CARS NOT UNLAWFUL

Case of Negroes Against the Nashville Chattanooga & St. Louis Railroad Decided by Inter-State Commerce Commission—Colored Passengers in Some Particulars Unduly and Unjustly Discriminated Against—Similar Accommodations Shall Be Provided For Negro Passengers Paying Similar Fares—Failure to Do This Is Discrimination and Subjects Passenger to Unreasonable Prejudice and Disadvantage.

Washington, July 8.—The Interstate commerce commission in a decision to-day in the case of Georgia Edwards against the Nashville, Chattanooga &