

TOBACCO TRUST PLAN APPROVED

Few Modifications Made by Federal Circuit Court Judges in Corporation's Own Dissolution Scheme.

WICKERSHAM'S PLEA IS DENIED BY COURT

Government Not Allowed Five Years in Which to Apply for Further Relief.

New York, Nov. 9.—So much unbusiness has been felt there to be a hitch in the tobacco trust re-organization, that the U. S. circuit court's decision accepting the American Tobacco company's plan was discussed in Wall street with manifestations of relief.

Slight modifications made by the court in the proposition submitted by the company brought forth no expressions of disappointment or disapproval from the disintegrating trust's officers and counsel.

With a few modifications, the federal circuit court in a decision of approval filed yesterday afternoon, has accepted the dissolution plan drawn up by the American Tobacco company in accordance with a mandate of the United States Supreme court.

The decision of approval was filed by Judge Lacombe of the United States Circuit Court shortly after stock market hours and supplementary opinions were filed by Judges Cox and Knox concurring generally with Judge Lacombe.

The features of the decision are that the dissolution should be consummated without delay; that the request of Attorney General Wickersham for the reservation by the government of the right to apply for further or other relief within a period of five years if the plan did not result in harmony with the law, is declared not to be within the authority of the court to grant; that the court does enjoin for a period of three years the 29 individual defendants in the suit from acquiring any additional holdings in the companies into which the trust is split; and that the application made by the independent for the dissolution of the United Cigar Stores company lay outside the authority of the court, but that this did not preclude any independent action later against the Cigar Stores company as an individual corporation.

The announcement of the court's action was followed almost immediately by the declaration of counsel for several of the opposing independent tobacco interests that an attempt undoubtedly would be made to have the decision reviewed by the United States Supreme court.

Judge Knox drew a general moral from the case. In conclusion he said: "The extent to which it has been necessary to tear apart this combination and force it into new forms with the attendant burdens, ought to demonstrate that the federal anti-trust statute is a drastic statute which accomplishes effective results, which so long as it stands on the statute books must be obeyed, and which cannot be disobeyed without incurring the reaching penalties. And, on the other hand the successful reconstruction of this organization should teach that the effect of enforcing this statute against industrial combinations is not to destroy but to recreate in accordance with the conditions which the congress has declared shall exist among the people of the United States."

Man Said to Have Shot Young Sutton Now in Jail in Newport, Tenn.

Special to The Gazette-News. Wayneville, Nov. 9.—Further news was received here today regarding the murder of young Sutton at Big Creek last Sunday night. This is to the effect that the murder occurred on the Tennessee side of the line and that Messer, the man who is said to have shot Sutton, is now in custody in the Newport jail at Newport, Tenn.

Famous Elephant Dies, Aged 105.

New York, Nov. 9.—Miss Carrie, former miss of Junco, the first elephant brought to America and one of the largest, died here today from pneumonia, aged 105 years.

Maryland Rejects Gorman, A Democrat, as Governor



ARTHUR PUE GORMAN.

For the second time since the civil war, Maryland has apparently elected a republican governor. The defeated candidate is a son of the late famous democratic senate leader.

OPEN NEW GRAVE TO ACCUSE WOMAN

Coroner May Fasten Other Tragic Deaths on Mrs. Louise Vermilya.

Chicago, Nov. 9.—Coroner Hoffman will take another body from the grave to add to the chain of evidence against Mrs. Louise Vermilya, now held in jail charged with murdering Arthur Bonnetto. The grave which will be opened is that of Charles Vermilya, the accused woman's second husband.

The coroner, with two detectives went today to Crystal Lake for the immediate purpose of exhuming the body and incidentally to make inquiries regarding the courtship of Louise Vermilya and her husband and the facts connected with the death of the first Mrs. Vermilya.

A. J. BALFOUR RETIRES FROM THE LEADERSHIP

Announcement a Surprise—Party Hostility Principal Reason for Action.

London, Nov. 9.—The unionist party is to swap horses while crossing the home rule stream. Arthur J. Balfour, at an emergency meeting of the city of London Conservative association, yesterday afternoon, announced to his constituents his retirement from the leadership of the opposition. Impaired health, increasing age and the desirability of the leadership passing into younger hands were the reasons which he gave for this step in a speech which was marked by much feeling. But no one doubts that the increasing attacks against him by the ambitious younger conservatives, particularly the tariff reformers, were the principal factors in inspiring his decision.

While a number of influential unionists and would-be leaders, notably Austin Chamberlain and F. E. Smith, have been demanding his retirement from the leadership, few believed Mr. Balfour would drop the helm in such an important stage of the party's fortunes.

Reports were circulated that Lord Lansdowne, leader of the opposition in the house of lords who shared in the attacks, would accompany his colleague to the background. But Lord Lansdowne issued a denial of this.

Mr. Balfour will remain in the house of commons, although he would be elevated to the peerage if he so desired. While he, as ex-premier, was recognized as the leader of the whole party, the leadership will now be divided, his successor sharing it with Lord Lansdowne. That successor doubtless will be the Rt. Hon. Walter Hume Long, who represents the Strand.

A caucus has been called for Monday to choose a new leader.

Disaffection with Mr. Balfour as leader has long been growing among the tariff reformers, who criticized his apparent lack of conviction on that issue, and aimed great impetus when he advised the house of lords to consider the vote all.

CANTON JOINS REPUBLICAN MOVE

Dragon Flag Is Lowered in China's Largest Largest City—Dynasty's Overthrow Inevitable.

REBELS TAKE FOO-CHOW; FIRE SWEEPING CITY

Anarchy at Chang-Sha Because of Revolutionary Leaders' Rivalry—Two Generals Slain.

Shanghai, Nov. 9.—Nanking in the south and Peking in the north appear tonight the remaining strongholds of the Manchus. Foreigners are safe.

Foo-Chow, the capital of the Tokien province, was turned over to the revolutionaries today after little resistance. Wu-Hu is likely to capitulate tonight. The Manchus are still holding Nanking, but they are outnumbered four to one by revolutionists who are awaiting supplies of ammunition before resuming the attack. The latter lost heavily yesterday without greatly damaging the enemy.

The American, German and British warships landed marines to protect the consulates, where foreigners are gathered.

Revolutionaries Lose 1000. Nanking, Nov. 9.—Loyal troops still hold the Purple Mountain, the city's stronghold. The besiegers, attacking at a disadvantage, lost heavily. Yesterday fighting was begun prematurely by the revolutionists and the latter lost 1000 killed and wounded. The Manchus were strongly entrenched with six three-inch guns and ample ammunition.

The revolutionists far outnumber the imperialists and are being rapidly reinforced. Today they totaled approximately 25,000 men. Opposing them are 6000 Manchus.

Women and children have departed from the threatened districts. Americans have found refuge in the consulate grounds, where they are protected by marines and bluejackets from the United States cruiser New Orleans.

Foo-Chow Is in Flames. Amoy, Nov. 9.—The city of Foo-Chow is in the revolutionists' hands. The revolutionists wiped out the entire Manchu district but the foreign settlement was undisturbed. Fires broke out in various sections and the entire city is threatened.

Foo-Chow is one of the most important cities in the south, with a population of 700,000.

The situation at Amoy is quiet. Republican Generals Murdered. Chang-Sha, Nov. 9.—A condition bordering on anarchy exists here because of the desperate rivalry of the revolutionary leaders who took possession of the city. Two of the most prominent republican chieftains, Generals Cio and Tseng, were today murdered by soldiers.

Foreign women and children have been ordered to leave. Shang-Tai. People are flocking to the country districts.

Dragon Flag Lowered. Hong Kong, Nov. 9.—Canton, the capital of Kwang-Tung province and China's largest city, today formally declared its independence when the dragon flag was lowered and a salute in honor of the new government was fired.

Court Prepared to Flees. Peking, Nov. 9.—Excitement is growing here tonight. Fifteen hundred infantrymen, 500 cavalrymen of the Manchu first division, who fled from Chi-Kia-Chuang after the assassination of General Wu Lu-Cheng, arrived here today and are quartered in the city.

The legations consider all hope for the Manchu dynasty has vanished.

The court is preparing to flee. The prince regent has ordered two hundred carts held in readiness to transport the palace treasure. Its destination is uncertain. Secret palace conferences with the Mongol princes are believed to prearrange the intention of the imperial family to join the Mongols and seek Russian protection.

The only railway remaining under the protection of the Manchu troops is that to Kalgan, whether a number of the imperial clansmen already have sent their families.

It is now war to the death between the Chinese and the Manchus, with the overthrow of the dynasty inevitable. The assassination of General Wu Lu-Cheng, one of the most popular leaders of the army league, by Manchu soldiers of his command has thrown against the dynasty the only agency capable of upholding it. The whole northern army, which was professing loyalty, is vowing vengeance against the Manchus. All political considerations are swamped by the racial bitterness. The army leaders are convinced that the assassination was ordered from Peking.

General Wu sent a strong memorial demanding drastic punishment for the war minister, General Yin Chang, and the members of the general staff in account of the Hankow massacre. His assassination was the answer, declare his friends.

All the Chinese commands in the vicinity of Peking are reported to be headed by the capital. The soldiers who killed General Wu belong to the

Transfers. The first minute question which Bishop Hoss called was question 6, "Who is received by transfer from other conferences?" Bishop Hoss announced the names of J. L. Teske, from the Tennessee conference, and W. O. Rudolph, from the Los Angeles conference. Mr. Rudolph was transferred.

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The Republican Defeated By the Bay State Voters



LOUIS A. FROTHINGHAM

The republicans lost Massachusetts, where the result was regarded as having an important bearing on the coming presidential election. The tariff was a leading issue.

COTTON CORNER CASE IS ARGUED

Federal Supreme Court Considerers Appeal Against Pat-ten and Others.

Washington, Nov. 9.—One of the most notable cases ever brought under the Sherman anti-trust act was on the docket for consideration in the United States Supreme court today under the popular title, "the cotton corner case."

The case arose out of the indictment in New York of James A. Patten, Eugene G. Scates, Frank H. Harms and William P. Brown on a charge of conspiracy in violation of the Sherman law. Several counts of the indictment were held invalid by the United States Circuit court for southern New York and the government appealed to the Supreme court from this holding.

Technical questions arising out of the appeal were up for argument today before the court.

The indictment charged the defendants with conspiring to buy enough cotton on the New York cotton exchange to enable them to control the price, and then sell at arbitrary prices. The defendants were charged with knowing that the natural results of their acts would be to obstruct trade in cotton and injure bonafide spinners and manufacturers by compelling them to buy cotton to compete with "short sellers" who would be purchasing under the abnormal conditions produced by the "corner."

The lower court held that "running a corner" on the market was not a violation of the Sherman anti-trust law. This holding was based on the theory that the "corner" had no direct effect upon interstate commerce.

POSTAL CLERK JAILED; \$20,000 THEFT CHARGED

George E. Huffman Arrested as Result of Disappearance of a Registered Package.

Lynchburg, Va., Nov. 9.—George E. Huffman, a postal clerk on the Southern railway between Washington and Charlotte, N. C., was arrested yesterday afternoon on the charge of stealing a registered package from the mails here during the night of October 23. He was confined in the city jail to await examination before Commissioner O'Brien.

Huffman, who has been under surveillance by postal inspectors since the theft was reported, was brought here several days ago, ostensibly to aid the inspectors. The inspectors say Huffman was spending money freely the day following the robbery and that this led to his arrest.

The registered package stolen, which was insured by a private company, was consigned by a Keystone (W. Va.) bank to a correspondent in Philadelphia.

Huffman is 31 years old and lives at Penn Laird, Rockingham county, this state, and has had a good record in the railway mail service for 12 years.

WOMAN BLUEBEARD CLAIM THE POLICE

Federal Deaths of Sleeping Husbands Direct Suspicion at Mrs. Quinn.

Chicago, Nov. 9.—An investigation of the shooting of John M. Quinn here last Saturday leads the police to believe they have encountered another murder case similar to that of Mrs. Vermilya. Mrs. Quinn claims a burglar shot her husband, who was found dying in bed.

Detectives have discovered that the woman was married twice before and that her second husband also was shot to death asleep in bed.

The latter's mother, living with the couple, also died in mysterious circumstances.

LEGISLATIVE CONTEST IN NEW MEXICO CLOSE

Democratic State Ticket Elected and Interest Centers in Control of Assembly.

Albuquerque, N. M., Nov. 9.—With many outlying districts unheard from, interest in Tuesday's elections centers in the neck and neck race between republicans and the democratic-progressive republican coalition for control of the legislature which elects two United States senators. This morning's returns give the republicans 22 out of 22 votes in the joint assembly and the coalition candidates 25, with four seats in doubt. Should the coalition control the legislature, it is expected that one of the new senators will be democratic.

That the entire democratic state ticket, headed by W. C. McDonald for governor, as well as the democratic congressional candidates, H. B. Ferguson and Pax Valverde, have majorities of between 6000 and 6000 seems probable.

Gotham Street Cleaners Strike.

New York, Nov. 9.—Most of New York's garbage cans and ash barrels are still on the curb this morning. Two thousand street cleaners assigned to this work declare they will remain on strike unless they are granted better conditions.

Taft Has Pardonned 448.

Washington, Nov. 9.—Roosevelt's pardon record will be broken if President Taft keeps pardoning at his present rate. Since he became President, Taft has granted clemency in 448 cases. He pays little attention to lengthy petitions, holding one reason worth a thousand signatures.

Foss to Attend Dedications.

Roanoke, Nov. 9.—Governor Foss and a delegation representing Massachusetts left today to attend the dedication of the monuments the state voted at Petersburg, Va., and Valley Forge, Pa.

SAY FORGERIES TOTAL \$750,000

Three Arrested as Leaders of Bands Long Trailed by Bankers' Association.

POLICE ARE SEEKING FOR ITALIAN ARTIST

One Captured Branded as Master Mind of a Notorious Black Hand Organization.

New York, Nov. 9.—Three men, who, according to the charge of Deputy Police Commissioner Dougherty, are leaders of a band of forgers who in the last five years have swindled New York banks out of more than \$500,000, have been arrested here.

John Charles Carlesi, one of the men arrested, according to Mr. Dougherty's charge, is the leader of the band. It is charged also that he was the master mind of the Italian kidnapers and black hand criminals that terrorized New York recently.

Two of the men arrested have made a full confession, the police report. A score or more of detectives are searching for an Italian artist said to be well known in New York.

Dougherty declares the artist executed with a camel's-hair brush the scores of checks which deceived bank cashiers in New York and many other large cities east of the Mississippi river. Dougherty declined to give the name of the Italian artist.

Police officers arrested Carlesi at his saloon, in the heart of the "black hand district." It was in this saloon, Mr. Dougherty said, that Constable, charged with bomb throwing, and Micelli, arrested on a charge of kidnapping, made their headquarters.

In the home of William Schusterberger and Isadore Weiss, two of the prisoners, Dougherty said, the police found a large number of blank bank checks, bottles of acid and other materials used by forgers. Dougherty, who formerly was superintendent of the Pinkerton Detective agency, said that the Pinkertons and the American Bankers' association have been trying to trail the band of forgers for five years. They operated in such a clever manner, he said, that they had little difficulty in eluding the police.

To the Italian artist said to be known in society circles, Mr. Dougherty gives credit for the success of the forgeries, which, including cities other than New York, will aggregate \$750,000.

WOMAN SUES A BISHOP, SAYING HE LIBELED HER

Mrs. Carrie E. Cope Seeks \$50,000 from Dr. D. H. Moore of Cincinnati.

Topeka, Kan., Nov. 9.—The controversy between Bishop David H. Moore of Cincinnati, of the Methodist Episcopal church, and Mrs. Carrie E. Cope of Topeka, growing out of the formation by Mrs. Cope of an auxiliary of the national branch of Women's Home Mission society for the Methodist Episcopal church, reached a crisis when suit for \$50,000 damages against the bishop was filed by Mrs. Cope late yesterday.

The suit follows recent charges made against Bishop Moore to the conference of bishops by Mrs. Cope alleging that Bishop Moore had libeled her in a letter on the subject of a bequest of \$10,000 left to the women's home mission society by Mrs. Fannie Murray of Atchison county, Kan.

FINED FOR DRINKING, MAN KILLS HIMSELF

Traveling Salesman Named McGhee Commits Suicide in Marshall.

Special to The Gazette-News. Marshall, Nov. 9.—It is learned that the man who committed suicide here Tuesday is Mr. McGhee, that his home was in Ohio and that he traveled for a New York concern. A brother of his sent for the body.

McGhee was a passenger on a train, and becoming disoriented was killed here. He was tried and found guilty of manslaughter Monday, and a new trial was granted Wednesday. McGhee's body was buried here.

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