

STANDARD OIL "NOT GUILTY," ENDS THE \$29,000,000 CASE

Jury Ordered by Court to Return Verdict Acquitting Octopus

FOLLOWS RULING OF COURT OF APPEALS

Judge Anderson Declares no Case Had Been Proven Against Defendant.

(By Associated Press.) CHICAGO, March 10.—The standard Oil company of Indiana was today found not guilty of accepting rebates from the Chicago and Alton railroad on shipments of oil from Whiting, Ind., to East St. Louis, Ill. The verdict was returned by a jury in the federal court on instructions of Judge A. G. Anderson, who averred that he followed the circuit court of appeals decisions on the verdict returned at the former trial of the same case and on which verdict Judge Kenesaw Mountain Landis assessed a fine of \$29,240,000.

Judge Anderson's decision was not unexpected as he had yesterday told the government prosecutors that the proof relied on in the first trial was incompetent, and that it must be supplemented or fail. It was with something of an air of hopelessness that District Attorney Edwin S. Sims and his assistants attempted to show the admissibility of the Illinois classification to prove the existence of a legal rate of eighteen cents, which was a vital point in the government's contention.

It was after Assistant District Attorney James H. Wilkerson had argued for two hours and in the end admitted that the prosecution could not furnish the further proof deemed necessary by the court for a continuation of the case that Judge Anderson announced his decision.

Mr. Wilkerson said that the government could proceed no further and suggested dismissal of the case. Attorney John E. Miller, chief counsel in this case for the oil company, immediately moved that there be an instructed verdict of not guilty, which the court so ordered, and the jury, which had been excluded during the arguments by the attorneys, was called in and charged.

The decision of Judges Grosscup, Baker and Seaman, of the United States circuit court of appeals, reversing Judge Landis, together with the action of the United States supreme court in refusing to review the decision of the court of appeal, was assigned as authority for today's decision.

Judge Anderson quoted from the opinion of the appellate court judges. The strongest expression in favor of his view, he said, was the statement in that decision that "the most we can say is that the question is one

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TEN LIVES LOST IN STORM THAT SWEEP SOUTH LAST NIGHT

Small Towns Suffer Badly in Alabama and in Georgia.

BRINKLEY SENDS OUT CALL FOR ASSISTANCE

Town Is Practically Destroyed and 200 Injured Exposed to Elements.

(By Associated Press.) ATLANTA, Ga., March 10.—With the completed death roll of Sunday night's Arkansas tornado just coming in, the tail end of the Arkansas storm which last night straddled across Alabama and South Georgia, today set in motion a new death count for the latter two states. The count was ten tonight, five negroes killed at Cuthbert, Ga., and three whites and two negroes drowned at Montgomery, Ala. The latter deaths, a result of high water following a record rain fall for the past twenty years.

Cumming, Ga., today got into telegraphic communication with the outside world and sent word that a tornado ploughed through miles of timber, farm yards and valuable property in that vicinity besides destroying half a dozen farmers homes and seriously injuring a young man and a young woman.

Cuthbert, Ga., reported the damage today at half a million dollars and Mayor D. A. McPherson issued an appeal for aid. Nearly half of the main business block of Cuthbert was demolished. Every store on Depot street was blown down, filling the street with piles of brick and timbers. Homeless persons wandered through the town searching for household possessions which the wind had scattered for blocks in all directions.

The five persons drowned in the Alabama river at Montgomery in the rising waters which followed last night's storm lost their lives from a ferry. The ferry, a small boat was overturned by being swept against a submerged ferry wire. The whitehead at Montgomery are: William Dillard, twenty years, old; Thomas Harper, of Atlanta, twenty-three years, and an unidentified white man.

BRINKLEY'S CALL FOR AID.

BRINKLEY, Ark., March 10.—Mayor T. H. Jackson has issued an appeal for aid. In an official statement he reviews the destruction wrought by this tornado Monday night; places the number of dead at thirty-five and says over 200 persons were injured. The appeal follows: "To the Public: In response to many inquiries concerning the terrible calamity which has befallen our city, I would like to say that the list of dead so far recovered from the wreckage numbers thirty-five and the wounded number over 200. There is

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KENESAW M. LANDIS, Judge of the Federal Court at Chicago Who Won Fame in the Standard Oil Cases.



And sees his decision made a jest and byword in courts.

LUMSDEN CONVICTED OF MANSLAUGHTER

North Carolinian Who Killed Broker in New York Last Fall Makes Good Defense. Prominent Tar Heels Testified For Him.

(By Associated Press.) NEW YORK, March 10.—John C. Lumsden, of North Carolina, on trial for the murder of Harry Suydam, a curb broker, in the latter's office last December, was convicted tonight of manslaughter in the first degree.

Several well-known North Carolinians, among them Mayor James I. Johnson, of Raleigh, testified in the supreme court here today in behalf of Lumsden, the young North Carolina inventor on trial for the killing of Harry Suydam, a curb broker, in the latter's Broad street office last December. After all these witnesses had testified to Lumsden's good character the defense rested its case.

William Henry Bagley, a brother of Ensign North Bagley, and a member of the staff of the governor of North Carolina, testified to the defendant's excellent reputation, as did Edward C. Powell, a musician of this city, who had known Lumsden seven years ago in Birmingham, Ala.

DR. WILEY WARNS GIRLS AGAINST SOFT DRINKS

Doesn't Recommend Any Substitute, However, and Boys Must Still Pony

(By Associated Press.) WASHINGTON, March 10.—The dangers of the "soft drink habit" and the innocuous with which girls become addicted to it were emphasized tonight by Dr. Harvey W. Wiley, the government's pure food expert in a lecture before one hundred girl students of the Holy Cross Academy. "If you only knew what I know about what these soft drinks contain you would abstain from them" he said. "It will surprise you to know that most of them contain more caffeine than coffee and a drug which is more deadly. So beware of the soft drink. It is more harmful than coffee and I advise all young people against the use of this stimulant. Perhaps you would be interested to know I have collected more than one hundred samples of soft drinks sold at soda fountains and each contains caffeine and many of them a deadly drug."

GEN. GARNER MAKES BRILLIANT SPEECH FOR PROSECUTION

Lucid and Convincing Is His Analysis of the Evidence Against Cooper.

(By Associated Press.) NASHVILLE, Tenn., March 10.—Two things stand out in today's developments in the Cooper-Sharp trial for the murder of former United States Senator E. W. Carmack. One is the theory of the state as to the wounding of Robin Cooper. The other is the defense's defense.

The state announced through Attorney General Garner that it would contend that Col. D. B. Cooper fired the shot which wounded his son and that Senator Carmack, if he fired at all, fired wildly. General Garner first declared that it would be a physical impossibility for Carmack to have shot Robin as the Coopers swear he did. Next he declared that the reasonable solution of the problem was that Colonel Cooper opened fire on Carmack as Mrs. Eastman believes he did and that a bullet from his pistol struck the telephone post, was deflected and entered Robin's shoulder. He contended that this theory is corroborated by the course of the bullet, which penetrated the flesh only an inch and a half and failed to strike a bone. A thirty-eight caliber bullet fired point blank at a range of three or four feet, Garner contends would have gone deeper in the flesh than an inch and a half.

General Garner made a brilliant and logical argument and it was with difficulty that a demonstration was prevented. The court officers, however, were aided in this by the sudden fainting of Mrs. Carmack. The audience attention was instantly diverted to the widow of the murdered man and quiet was maintained. It became evident from the argument of General Washington, of the defense, who followed General Garner, before the jury, that the defense proposes to rely very strongly upon a plea of justification as well as upon the plea of self-defense. General Meeks paved the way for it in his argument yesterday when he came out boldly in favor of the application of the unwritten law to editors and declared that the murder of Carmack by the Coopers was not the first time that a Nashville editor had been slain for criticizing some one.

Denounces Carmack. General Washington did not take such a decided stand, but he devoted the entire two hours of his argument this afternoon to a denunciation of Carmack. "The man with the poison of a scorpion in his pen, the sting of a wasp in his words and the venom of the rattlesnake under his tongue." He interpreted Carmack's words and editorials as he said they were meant, and as Colonel Cooper interpreted them, and declared that the colonel had no recourse in the world. He had not finished his argument when court adjourned and he will conclude it tomorrow. Judge Anderson, also of the defense, will follow him and then Attorney General McCarran will close the case for the state.

Attorney General Garner declared that the defense had heaped slanders upon Carmack during this trial. Referring to what he said was the defense's claim that Carmack's editorial upon the Co-Patterson reconciliation was a justification for murder, Garner asked: "What in the name of God should be the punishment meted out to John Sharp and Robin Cooper for the vile epithets applied to Senator Carmack? You heard the witnesses repeat what these two defendant said of the dead man."

General Garner followed Cooper to the first conference in Bradford's office the morning of the killing. "We find him still cursing and swearing and applying in the presence of a lady the vilest epithets to Senator Carmack."

Bradford impeached. General Garner next turned his attention to Judge Bradford and declared that the latter's testimony had been impeached, adding: "This is the man who said 'I could have killed Senator Carmack with a little remorse as I would kill a rattlesnake.'"

The day moves on and the defendants are armed. The three men reach Union street together and start to cross Union street. They tell you they are going over there on a peaceable mission, yet Sharp says he feared there would be serious trouble and he was afraid of it that at a single glance he told Miss Skeffington that "that Colonel Cooper shooting Carmack."

"The colonel tells you he did not wait on the corner but the waiting he began with meaning, an overt act. So he thinks it safer to walk down the street behind Mrs. Eastman and come on Senator Carmack unawares."

Evidence of a Collar. Gen. Garner placed the plot of the scene of the tragedy on the floor, two books up to represent the poles and demonstrated that it would be a

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PRIEST SHOT DEAD IN HIS OWN HOUSE BY UNKNOWN MEN

Housekeeper who Appeared Gets Bullet That may be Fatal

CHURCH TROUBLE IS THE SUPPOSED CAUSE

Police Arrest Members and Trustees of Church as Suspects in Case.

(By Associated Press.) NEWARK, N. J., March 10.—Three men whose features appear to have been concealed by their heavy overcoats and slouch hats, walked into the study of the Rev. Erasmus Anson, pastor of the Polish church of St. Stanislaus, this morning and opened fire upon him. Three bullets from their three revolvers hit the priest, killing him instantly.

The trio turned to make their escape and found their way blocked by Mrs. Antonia Szwarczyk, the housekeeper. One of the visitors turned his revolver upon her, inflicting a wound which is likely to prove fatal. Then all three made their escape.

The police were put to work on the case within a few minutes of the murder and by noon had rounded up four suspects, one of whom the housekeeper, now in St. Barnabas hospital, thought bore a resemblance to the leader of the trio who had done the shooting. The others she was unable to identify. All four denied any knowledge of the affair.

No adequate theory to account for the attack upon the priest has been presented to the police. It was learned that there has recently been considerable factional trouble in the congregation, and Father Anson, when he came from Patterson to take charge of the church five months ago, made several changes which are said to have caused widespread dissatisfaction.

All the men arrested are members of St. Stanislaus church and the police ordered the arrest of all the former trustees whom the dead priest ousted when he took charge of the parish.

HUSBAND WINS DIVORCE IN NOTORIOUS CASE OF LAIRD OF KIPPENDARE

Judge Scores Both Parties in His Decree and Calls It Unromantic

WILL APPEAL CASE

(By Associated Press.) EDINBURGH, March 10.—The sensational Stirling cross divorce suits were decided today by Lord Guthrie, who granted the husband's petition, awarded him the custody of his children and denied the cross petition of Mrs. Stirling.

John Alexander Stirling, laird of Kippendare, was married three years ago to Clara Elizabeth Taylor, an American show girl, who came from New Jersey. Last fall, cross suits for divorce were filed, Mr. Stirling naming Lord Northland, and Mrs. Stirling Mrs. Atherton as co-respondents.

In giving his judgment Lord Guthrie said the case has no legal interest and that it should not have any public interest. Most of the evidence had been taken up in the petty questions of selfish, idle lives which contained little or nothing romantic and little that was even mock heroic. Mr. Stirling, he said in meeting Mrs. Atherton had welcomed an introduction he should have shunned. Continuing Lord Guthrie discredited the idea of a plot to get rid of Mrs. Stirling by forcing her to a guilty affection for Lord Northland, but he thought that her letters to Lord Northland were indicative of guilty relations.

Lord Northland's counsel immediately gave notice of appeal. Both Lord Northland and Mr. Stirling were present in court when the decision was rendered.

The attorney for Mrs. Stirling also announced that he would appeal the decision.

HOLINESS PREACHER AND AFFINITY PLOT TO KILL WOMAN'S HUSBAND

When Arrested Each Tried to Put Blame on the Other

BOTH HELD IN JAIL

(By Associated Press.) ATLANTA, Ga., March 10.—The plot of affinities to poison the husband in the case was laid bare in police court here today when Rev. Charles H. Woolfram, Holiness preacher and Mrs. M. P. Lockhart were arraigned on charges of immoral conduct preferred by J. J. Lockhart. According to the story told by the soul mates, J. J. Lockhart, the legal husband of Mrs. Lockhart was doomed to die. Mrs. Lockhart testified that Rev. Woolfram was the author of the plot, whereas the latter testified that the wife was equally implicated in planning to kill Lockhart.

Mr. and Mrs. Lockhart were married in 1901. She said her married life was unhappy and she instituted proceedings for divorce, and until a short time ago was of the opinion that she had been granted a divorce. She says she married Woolfram in Jacksonville. After living with him for thirteen months she returned to her husband, Lockhart in Atlanta. Woolfram also moved here.

Judge Broyles sent the defendants to jail in default of \$1,000 bail each. Rev. Woolfram is a graduate of the Moody Theological college, Chicago, and is the author of a number of religious works. He is thirty-five years old and a cripple. Mrs. Lockhart is twenty-five and good looking.

TESTIFIES AGAINST HER FORMER HUSBAND

Evidence May Send Him to the Gallows For Murder of Woman

(By Associated Press.) CHICAGO, March 10.—In the trial of Luman C. Mann for the murder last July of Mrs. Frances Gilmore Thompson, the state today called to the witness stand Mrs. Maud Shanks, divorced wife of the defendant. It is alleged that Mrs. Shanks was spirited away to New York by agents of the defense and held there in order to prevent her appearance as witness against her former husband. Her presence in court, therefore, is a surprise.

Mrs. Shanks has made an affidavit to the state's attorney giving details of the alleged plot by which she was abducted and taken to New York so that she could not testify. She avers an agent of the defense gave her \$100 before she left Chicago and \$25 a week while she remained in New York.

The witness looked at the register of a Michigan avenue rooming house in which Mrs. Thompson was found dead and declared the entry "J. H. Raymond and wife," to be the writing of her former husband.

FIXING UP THE WIRES AT MOMBASA AGAINST ROOSEVELT'S COMING

Scene of Activities Soon Be Transferred to African Coast

EVERYBODY DELIGHTED

(By Associated Press.) MOMBASA, British East Africa, March 10.—Mombasa is preparing already to welcome Theodore Roosevelt when he lands here the latter part of next month on his much heralded African trip.

The governor of the protectorate, Lieutenant Colonel Sir James Hayes Saddle is getting up a program of wit and entertainment for the distinguished visitor, but in spite of these arrangements, the greeting of Mr. Roosevelt will be more to the great sportsman whose fame is well known to local hunters than to the former president.

East African sportsmen were highly gratified to learn that Mr. Roosevelt had refused the offer of the authorities to grant him a special hunting license that would have permitted him to kill game to an unlimited extent instead of confining himself to the two elephants, two rhinoceroses, two hippopotamus, etc., of the regular license. Lions and leopards are classed as vermin and consequently no license to kill them is required.

Plenty of Lions. The prospects for good hunting this season are considered excellent. Many of the settlers in the outlying districts, realizing the increasing interest in the prospects for good sport because of the coming of Mr. Roosevelt are voluntarily sending in information about the movement of game. According to a dispatch received here today a record group of lions, numbering thirty-two were seen on the Nandi plateau yesterday at a point about fifty miles north of Port Florence. (The Nandi plateau is on the west side of the great Rift Valley.) Among them were three huge males.

Four families of giraffes have been seen at Makindu, two hundred miles inland from here on the line of the Uganda railroad and elephants have been seen at Elburgon, 475 miles inland on the railroad and along the Sabaki river, not far to the north of Mombasa.

TWO STEAMSHIPS CRASH TOGETHER IN FOG, BOTH ARE WHOLLY DISABLED

Crew and Passengers Saved From One Sinking Boat Are Transferred

CAPTAINS REMAINED

(By Associated Press.) CHATHAM, Mass., March 10.—The steamers Horatio Hall of the Maine Steamship company from Portland for New York, and H. F. Dimok of the Metropolitan line, from New York for Boston, met in the middle of the narrow channel known as Pollock Rip Blue today, with a crash that sent the Hall to the bottom within half an hour and caused the Dimok to run ashore six hours later on Cape Cod beach, where the passengers and crew of the Hall were landed unharmed.

A brief wireless message which the operator of the sinking Hall managed to send broadcast spread the news of the collision, which occurred at 8 a. m., but as he failed to give the position, details of the disaster did not become known until the Dimok came ashore half a mile south of the Orleans life saving station shortly after 2 p. m.

A boat crew with five passengers from the Hall, including two women, landed safely on Cape Cod beach. Cut Hall in Two. The Horatio Hall left Portland at 10:30 o'clock last night with five passengers, a crew of about forty, and 400 tons of freight. The Dimok left New York yesterday afternoon and both ran into the fog off the southeastern Massachusetts coast about the same time, 2 a. m. The fog was very dense, but both captains were whistling frequently. Shortly after 8 o'clock, the two steamers met in what seemed more like a crushing bar than a terrific crash. The sharp nose of the Dimok went through the side of the Portland boat, penetrating fifteen or twenty feet into the Hall's body. Captain Thompson of the Dimok, started to back his steamer, but seeing he might save those on board, held her nose into the jagged rent in the Hall, and as he pushed the latter over toward the shoal water on the side of the Slue, the five passengers on the Hall were dragged over the tangled mass of wreckage to the deck of the Dimok.

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JUDGE INDICATED FOR PERJURY AND FRAUD IN OHIO GERMAN FIRE CO.

Concealed \$300,000 Debts And Used Funds to Pay Own Obligations

BARRED FROM OHIO

(By Associated Press.) TOLEDO, O., March 10.—As a result of the probing into the affairs of the defunct Ohio German Fire insurance company, the Lucas county grand jury this afternoon returned five indictments against Judge Michael Donnelly, president of the company. Two of the indictments charge perjury, two embezzlement and one false pretenses. Donnelly is judge of the circuit court in the third judicial district of Ohio.

The company was barred from doing business in Ohio last December. Judge Donnelly is charged with falsifying the reports of the company to the state insurance department. The embezzlement indictments specify that Donnelly applied funds of the company to paying interest on personal debts. The amount involved is large. It is charged that the reports submitted to the state covered up \$200,000 in unpaid losses.

MAJ. DIXON PRESIDES.

FITZGERALD, Ga., March 10.—The eighth encampment of the National Association of the Blue and Gray Veterans and their sons began a four-day session here today, Major B. F. Dixon, of Raleigh, N. C., presiding.

