

SKELETON IN THE SCHENK FAMILY IS SHAKEN IN COURT

Wife Who Tried to Poison Husband Had a Motive For Her Deed

NOT A WOMAN BUT 'A MAN IN THE CASE'

Strong Intimation Is Made That Unlawful Relations Had Been Established

WHEELING, W. Va., Jan. 13.—The tedium of hypothetical questions and technical testimony was suddenly changed today in the Schenk case when, toward the close of the day, the state, through a witness brought into the court records the first intimation of scandal in its prosecution of Mrs. Laura Farnsworth Schenk on the charge of administering poison to her wealthy husband, John O. Schenk, who is recovering.

Ever since the arrest of Mrs. Schenk last November there have been intimations and actual statements by the prosecuting attorney that "a well known young man of Wheeling" would be called by the state to show probable motive for the alleged poisoning. Daniel Phillips, a piano salesman was called today. He is a son of one of the Wheeling "first families." Phillips told of long automobile rides with the accused at her invitation for more than 18 months before her arrest. During the last year, he said, Mrs. Schenk talked to him about plans to secure a divorce and later talked almost constantly of the strong probabilities of her husband's death.

Gave Him Presents Phillips admitted that Mrs. Schenk on various occasions had given him many costly presents, among them a diamond pin and a smoking jacket; but he denied any knowledge of the purchase for him of a \$300 fur overcoat, which, it has been alleged, he was to have received the very day she was arrested and lodged in jail.

The state attempted several times by direct questioning to establish intimacy between the man and the defendant but to all questions along this line Phillips refused answer on the ground that he would incriminate himself. He was sustained by the court in this position. Phillips testified that after he became acquainted with Mrs. Schenk (Continued on Page Four.)

CONCEIVED IN SIN; BORN IN INIQUITY WAS STANDARD CO.

Such is The Drift of Frank B. Kellogg's Remarks Praying For Dissolution Of The Oil Octopus.

WASHINGTON, Jan. 13.—Painting the Standard Oil organization as bred by opposing competitors, and hanging today as a threatening cloud over the country, Frank B. Kellogg, special assistant to the attorney general of the United States, today pleaded with the Supreme court of the United States to dissolve the Standard Oil company of New Jersey as violate of the Sherman anti-trust law.

He gave to the court the beginning of the government's side of the controversy. Mr. Kellogg followed the opening remarks in the case by John G. Milburn, for the Standard Oil.

Mr. Kellogg went over the early years of the Standard's business leading up to the central point of the present controversy, the reorganization of the Standard Oil company of New Jersey in 1899. He characterized this reorganization as amounting merely to the substitution of one illegal form of holding together the oil companies for another illegal form. The first was the "trust" of 1882 whereby the stock of the owners of various oil companies was put into the hands of trustees, and the second, the "Standard of New Jersey."

Illegal Trusts. Touching on a point of the defense, Mr. Kellogg said that if the companies whose stock was procured by the Standard in 1899 were not competing, it was because they were held together in illegal trusts, that of 1879 and that of 1892.

"Take away the fear of prosecution by the government and the Standard Oil would put every independent in this country out of business in five years." Mr. Kellogg continued, "the independents can exist only under the protection of the law."

In connection with this point Chief Justice White asked if complaints against the Standard company's were based upon their methods and if objection was made to the methods because illegal?

"They are," responded Mr. Kellogg. "Great wealth enables them to use methods some unfair which are reprehensible in the hands of the corner groceryman."

"Suppose they are a giant, but do not use a giant's strength," suggested Justice McKenna. "They'd use that power were it not for the law," came the reply.

As To Profits. Mr. Kellogg dwelt upon the "enormous profits" of the companies as further evidence of monopoly. The record did not show where all the profits went, he said. For instance, there was nothing to show what happened to \$23,000,000 out of the earnings "of one small pipe line." Mr. Kellogg said that it was paid to P. S. Trainer.

"Who is this man Trainer?" inquired Justice McKenna. "Oh he is a purchasing agent in New Jersey," replied the attorney. The closing words of Mr. Milburn were impressive. "Damned for everything but praised for nothing was the way the Standard Oil has been treated by the government" said he. "In their record covering forty years of business, all the Standard oil has done is related. It has done some things in strenuous times that it should not have done. It has done nothing that goes to the issue here."

"The evil of the affirmative of this decree it is needless for me to say would be monstrous. It is fortunate that the case is left in the hands of a court that listens to reason and never hears the voice of passion and prejudice."

DEADLOCK IN SENATORIAL RACE NO NEARER AN END

Fight in Tennessee Between Sen. Frazier and Fitzhugh Is Waxing Warmer

NASHVILLE, Tenn., Jan. 13.—The deadlock in the senatorial race promises to continue for some days. Senator Frazier and G. T. Fitzhugh, who are striving for the independent democratic and republican vote, both seem determined to remain in the race, and so long as they do the chances of a fusion victory appear to be slim. Numerous conferences have been held by the independents in an effort to get one or the other to withdraw, but all have been futile.

Both houses adjourned today until Monday, and many of the members have gone home.

Now to Inspect The Dear Children.



BILL INTRODUCED IN HOUSE TO REDUCE PRICE OF SLEEPING CAR BERTHS IN N. C.

Ewart, of Henderson, Again in The Limelight With Measure of Interest.—Senator Boyden, of Rowan, Wants All Prohibition Bills That Come up Passed Immediately.—Has a Purpose.

RALEIGH, N. C., Jan. 13.—"We have about one hundred magistrates in my county who are eating over \$700 and don't want to be burdened with any more," declared Representative Ewart today in offering a resolution in the house protesting against any more justices of the peace for his county.

Some colleagues prodded him with the suggestion that these justices being democrats rather than his political persuasion accounted for his protest.

Ewart also introduced a bill to authorize the state fair association to reduce sleeping car berths in this state to \$1.25 for lower and \$1 for uppers.

Battle of Wake offered a bill to authorize the state fair association to own property to the value of \$150,000 instead of \$50,000 as now limited.

An investigation of the affairs of the Mattamuskeet railway, in which the state owns much stock for convict labor is provided in a joint resolution by Ewart.

The bill of Representative Ray, which passed the house a few days ago, prohibiting the sale of beer, beerine or other drinks containing alcohol in Mason county, came up in the senate today with an amendment by the committee on propositions and grievances that the bill shall not interfere with the sale of soda fountain drinks. A dozen of more senators joined in the discussion which lasted nearly an hour.

Senator Bassett and a number of others opposed action of this bill because there would certainly be a state-wide law enacted within the next week of two.

Senator Boyden of Rowan urged immediate passage remarking incidentally "Go on and pass all these prohibition laws; make things just as tight as you can. It may help us to get back all the money to time honored democratic principles."

For Black Mountain Bonds Senator Martin is preparing to introduce by request a bill authorizing the commissioners of Buncombe to issue \$15,000 additional bonds for building good roads in Black Mountain township and to levy a tax in that township sufficient to pay the interest. This to make a total of \$40,000 good roads bonds in Black Mountain township. He will spend tomorrow and Sunday in Asheville and confer about legislative matters.

Favor Constitutional Change The committee on constitutional amendments reported favorably the Stubbs resolution for calling a constitutional convention in May 1913 provided the people so vote and it was made a special order for Wednesday, January 25.

The Koonce Joint resolution for legislative commission with full court powers to investigate the conduct of fire insurance companies in North Carolina came from the judiciary committee No. 1 with recommendation that it go to the committee on propositions and grievances of which its author is chairman. There was a motion that it go to the committee on insurance instead. This brought Koonce on his feet with a vigorous speech in which he took the position that a number of the members of the insurance committee are insurance men interested in one way or another in insurance matters and he feared they would be unduly influenced in passing on his bill. He said there is already a strong lobby at work against his resolution.

There came from Representative Woodson, of Cleveland, indignant resentment at Mr. Koonce's reference to possible bias on the part of the insurance commission. He insisted that the resolution should go to a committee that has some actual knowledge of insurance and insurance conditions in this state. He impeached the knowledge of Mr. Koonce as to insurance matters declaring after Koonce had replied to questions that he was not an insurance man, but knew something about these matters and that he had

announced the chair. "Never," exclaimed a half dozen senators: "let us have the eyes and nose."

Accordingly a roll call was ordered with the result that 45 out of 60 senators voted against adjournment. Encouraged by this, Senator Borah endeavored to obtain the consent of the senate to name a day for a vote on the resolution and all amendments. He suggested Tuesday, January 24. For a time it appeared that he would be successful.

Mr. Borah's colleague, Senator Heyburn, had not said a word up to this time, but when the chair put the request for unanimous consent, he said "No," and spoiled the entire scheme.

Evidently Mr. Borah was displeased. He considered the senate prepared to proceed.

GIFFORD PINCHOT IS GUEST OF HONOR AT THE N. C. SOCIETY BANQUET

Whitehead Klutz of Salisbury Says South Watching Coming Test

WANTS CONSERVATION

NEW YORK, Jan. 13.—Gifford Pinchot, former forester of the United States was guest of honor at the annual banquet of the North Carolina society of New York. He devoted his address to national forest reserve discussion, "conservation" being the general subject of the meeting. There were several other speakers, all of whom dwelt upon the need of permanent forest reserves. Resolutions were adopted urging the passage of such a bill at the present session of congress.

State Senator Whitehead Klutz of Salisbury, N. C., was the last speaker of the evening. He said the South was watching with profound interest the approaching test of the present party "that has held the fealty of the Southern people through so many years of adversity."

SHORT IN ACCOUNTS TAMPA, Fla., Jan. 12.—Mrs. Jewel B. Pope, postmistress at Astor Park, Fla., and her husband, J. C. Pope, were arrested today by postoffice inspectors charged with being short in their accounts. The husband is assistant postmaster, and has been ill for several months. It is alleged that no returns have been made to the department since last August.

TRUSTEES CHARGED WITH PERJURY NEW YORK, Jan. 13.—Four indictments charging perjury against many trustees of the Washington Savings bank, of which Jos. G. Roblin, also under indictment, was president were found by the grand jury this afternoon. Chas. K. Lokow, brother of the late ex-senator Clarence Lokow, assistant Postmaster Thomas F. Murphy, Wm. P. Youngs and Dr. Harrie James are named in the indictments. It is charged that when they reported to the state superintendent on July 28, 1910, that they made an examination of the assets and liabilities of the Washington Savings bank such examination had been made by them.

NINE OUT OF TEN STRIKES ARE DUE TO EMPLOYERS' ASSISTANTS SAYS ANDY

Man of Millions Addresses Delegates to National Civic Federation

MR. ROOSEVELT TALKS

NEW YORK, Jan. 13.—Nine out of ten strikes are due to employers' assistants, not to any question of the money involved, in the opinion of Andrew Carnegie. Mr. Carnegie said so today, addressing the delegates to the National Civic Federation.

"The more capital does for labor, the more profit the employer makes," said Mr. Carnegie. "I have not had any strikes in twenty-six years. I have not let any one have any thing to say about labor but myself."

"Scotland has outstripped the United States in its protection for workmen," said Mr. Carnegie; he thought, however, that the workmen's compensation act was a step in the right direction, making toward closer relationship between employer and employee.

Colonel Roosevelt followed Mr. Carnegie. He was escorted to the speaker's stand by John Mitchell, former president of the United Mine Workers of America. "I want to see this movement take the form of evolution rather than revolution," Mr. Roosevelt said, referring to the purpose of the federation. "I wish to see labor legislation always enacted after conference between our leaders and those men who are interested in labor for the best interests of the country."

TIRED OF LIFE'S FIGHT WIDOW POISONS HER SON IN SWAMP NEAR ALBANY

Pitiful Story of Crime and Suffering Told By Mother to Police

WIDOW FOUR YEARS

ROCHESTER N. Y., Jan. 13.—Arrested as she claimed her trunk at the New York Central station today, Mrs. Edith Melber, a widow, who says she is 23 years old, of Schenectady, confessed tonight, according to the Rochester police, that in swamp near Albany last Friday afternoon she gave her five-year-old son George carbolic acid from the effects of which he died. She was then locked up on a charge of murder in the first degree and will be taken to Albany in the morning.

In explanation of her crime the police say Mrs. Melber asserts that she has been a widow four years during which time she has had a struggle to care for herself and her child and this battle for an existence drove her to take the boy's life. She is an unusually attractive young woman and at the end of her examination was unnerred and weeping hysterically.

When she made her confession, according to the police, Mrs. Melber said that she gave the child the acid when he asked for a drink. The police say there is a burn as if by acid, on the woman's hand, and that other stains are on her clothing which indicate, they allege, that the child did not take the acid without struggling.

Mrs. Melber says that she left Schenectady yesterday afternoon and came to Rochester to look for work.

FIVE KILLED AND SCORE INJURED IN WRECK OF BOSTON-BUFFALO SPECIAL

Train Was Standing Still When Western Express "23" Ran Into Rear NEGLIGENCE CAUSE

BATAVIA, N. Y., Jan. 13.—Five men are dead, two are probably fatally injured and over a score more or less seriously hurt in the wreck of the western express and the Boston and Buffalo special, both west bound on the New York Central here early today. Four of the victims were killed instantly, one has since died and two of the injured in the hospital are not expected to live through the night.

The Buffalo and Boston special, train No. 49, was at a standstill in the station yard when it is alleged by railroad officials, Engineer J. B. Lydell of Buffalo on the western express, train No. 23, ran past cautionary signals and dashed into the rear of the standing train. The signals, Superintendent Everett declares, were in excellent working order.

Engineer Lydell admits that he saw a cautionary light 4,000 feet of the station and the railroad officials say he also admits having passed signals set against him. When Lydell saw the tail light of the express through the fog it was too late to prevent the disaster. He jammed the brakes, reversed and with a cry of warning to his fireman leaped for his life.

VERDICT OF MANSLAUGHTER ORANGEBURG, S. C., Jan. 13.—Guilty of manslaughter was the verdict returned at 9:15 o'clock tonight against John J. Jones, a lawyer of Branchville, this county, charged with killing Abe Pearlstein, a prominent merchant of the same town on December 15 last. The jury was out about one hour.

BOOKS HANGED BATON ROUGE, La., Jan. 13.—Wesley Books, white, of Terrebonne parish, was hanged at the state penitentiary this afternoon for the murder of his wife, Mary Books.



WASHINGTON, Jan. 13.—North Carolina fair Saturday; Sunday unsettled; light variable winds.