

INSURGENTS JOIN DEMOCRATS AGAIN IN VOTE ON RULES

Czar of House Is Turned Down by Combined Forces

FITZGERALD OF N. Y. WAS RESPONSIBLE

Acrimonious Debate Follows Ruling of Speaker Cannon

WASHINGTON, Jan. 16.—The stirring scenes of the last session of congress...

Threatened with what they believed to be an effort to "draw the teeth" of one of the most important of the new rules...

The fight developed as the result of the second attempt to use the new rule which gives the house the power to discharge a committee from further consideration...

When the moment arrived today, however, Speaker Cannon gave recognition to Representative Hull of Iowa, chairman of the military affairs committee...

There was an immediate rallying of forces and stiffening of ranks amongst the insurgents and democrats.

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NEGRO MURDERER WILL PAY PENALTY FOR AWFUL CRIME

Killed Man, Daughter and Grand-Daughter and Burned Bodies

TRIAL OF FIEND SHORT AND QUICK

Two Companies of Militia Guard Prisoner in Court House

OXFORD, N. C., Jan. 16.—Eight minutes deliberation by the jury of the criminal court, convened in special term by order of Governor Kitchin...

Montague was brought from the state penitentiary at Raleigh, a jury was empaneled, the prisoner was convicted and sentenced, and returned to Raleigh within twelve hours.

Before a large crowd that had gathered was allowed to enter the court house every one was searched and those with weapons were barred.

Good Order Judge Ward commented on the good order of the community in allowing the law to take its course in punishing Montague for his crime.

Montague was brought from the state prison at Raleigh today by Sheriff Wheeler of Granville county and a guard of militiamen.

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FIERCE QUESTIONS HURLED BY DEFENSE AT TRAINED NURSE

Cross Examination Falls, However, to Shake Testimony

DETECTIVE NURSE STILL ON STAND

Attorney For Mrs. Schenk Bitter Towards Woman Witness

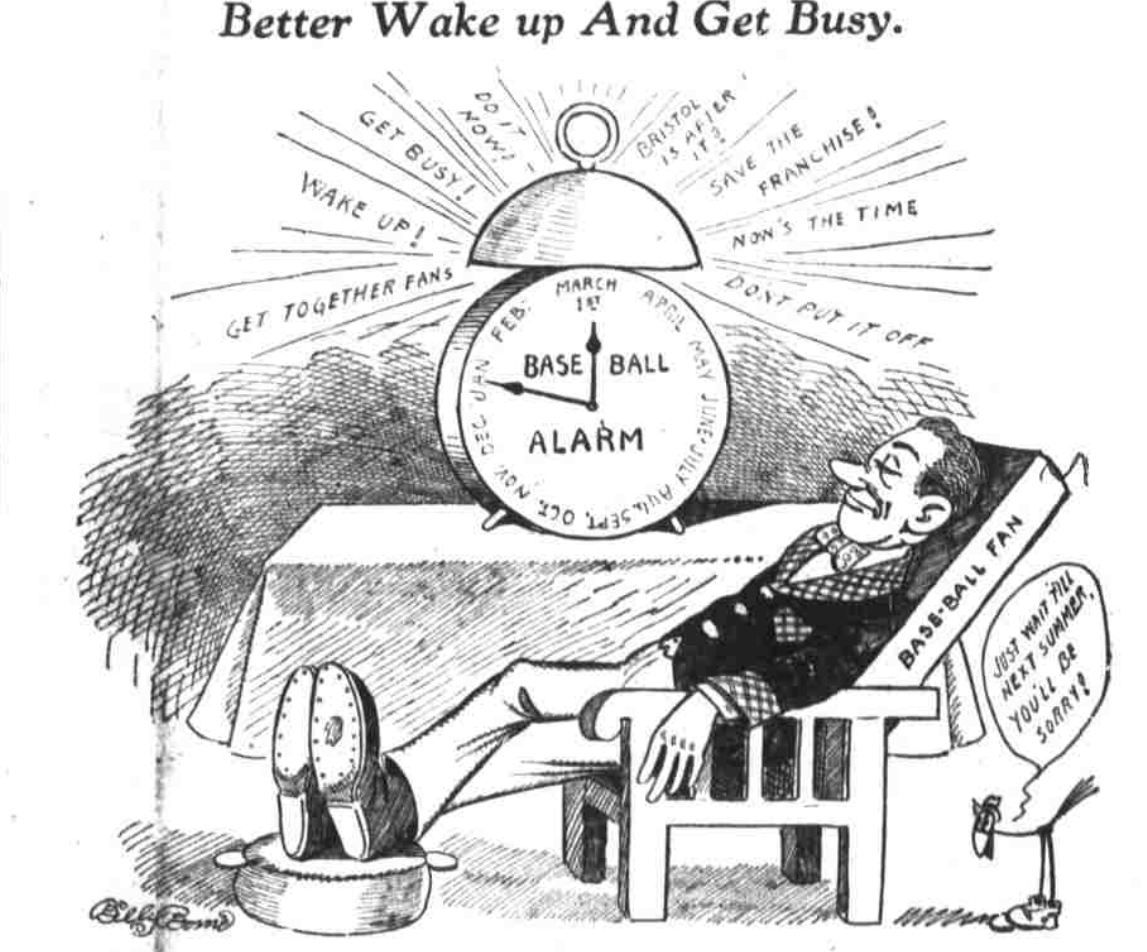
WHEELING, W. Va., Jan. 16.—Five hours of the most bitter cross examination to any which any witness has been subjected by the defense in the case of Mrs. Laura Farnsworth Schenk, charged with administering poison to her millionaire husband, John O. Schenk, failed to shake the story told the jury on direct examination Saturday by Eleanor Zoetler, who was also known as Mrs. Kean, the detective nurse who alleged that Mrs. Schenk offered her \$1,000 to put a poisoned pill in the medicine which was taken by the patient at the North Wheeling hospital.

The woman's veracity, her character and her past life were probed in the questions propounded by S. O. Boyce, so fierce was the attack on the witness that Prosecuting Attorney Handland objected, declaring that Mr. Boyce had no right to go beyond the bounds of authority.

"Commercial Witness" "This is a commercial witness and I will treat her commercially. She was employed to squirm and ingratiate herself into the confidence of this defendant with a tissue of lies. She has agreed to lie for money and I will examine her on those lines. The detective profession is an honorable one, if conducted along honorable lines, but in this case it was not.

Time after time he asked, "When

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ATTORNEY GENERAL ARGUES CASE FOR GOVERNMENT AGAINST STANDARD OIL

Contends Effect of Reorganization in 1899 Was to Rivet Control of One Hand Over The Twenty Companies Which Neither Death, Taxes Nor Financial Ruin Could Rend.

WASHINGTON, Jan. 16.—Declaring that the reorganization of the Standard Oil of New Jersey in 1899, riveted together the control of the subsidiary companies in a way that had not existed before, Attorney General Wickersham today argued before the Supreme court of the United States that the defense, put up by the Standard Oil company against dissolution fell to the ground.

"Are the Federal courts to sit by the avenue of interstate commerce," inquired Mr. Watson, "to pass on the conveyance of properties?" He declared that the Standard Oil did not gain a single power by reason of the conveyance. "We did not put any alien property in the new organization," he said, "only joint property was changed from the trustees to a corporation. Pray tell me how the Standard Oil company of New Jersey could restrain trade by such a conveyance."

allow the subsidiary companies to pay dividends to the Standard Oil of New Jersey and that the stock of the company became practically worthless. "Can't Evade Decree." "It is gratifying to believe," said Mr. Wickersham, following Mr. Watson, "that the defendants will, at least, find some difficulty in evading the decree of the lower court if it is affirmed."

Attacked Lower Court Decree. Mr. Watson made the decree of the lower court the topic for his remarks. He said that the Circuit court held that the defendants had done nothing after the passage of the Sherman anti-trust law to violate it but to convey the properties held together for years by a lawful body of men to the Standard Oil company of New Jersey.

By the Standard Oil case, he argued, differed from the Northern Securities suit. In the latter railroad, owing a duty to compete and engaged in active and actual competition, were concerned. In the former case, there were concerned trade companies, owing no duty to compete and not in competition with one another by use of their common ownership.

After reviewing the history of the Standard Oil to support his claim, that its organization just preceding the reorganization of the Standard Oil of New Jersey in 1899 was illegal, Mr. Wickersham answered Mr. Watson's question about the effect of the step in 1899. The object was to rivet the control of one hand over the twenty companies, a control that neither death, tax nor financial ruin could rend. Before the separation of the stock of one of the certificate holders would have disintegrated the control. By this reorganization "a perpetual immoral element was accorded to the control."

ADMIRAL BARRY MAY HAVE ASKED TO RETIRE BECAUSE OF COMPLAINING OFFICERS

Telegraphed Request and Navy Department Is Suspicious

WITH PACIFIC FLEET

WASHINGTON, Jan. 16.—Secretary of the Navy Meyer this afternoon telegraphed to the Pacific coast for a full report on the allegation that the retirement of Admiral Barry was caused by the demands for his resignation by officers of the flagship West Virginia.

The navy department declined to say to whom the telegram for a report had been sent, but it is assumed that it was directed to Rear Admiral Thomas, the new commander-in-chief of the Pacific fleet. Not until the complaining officers of the West Virginia have been heard from will the navy department be in a position to determine whether there shall be any proceedings in the case of Admiral Barry.

There is no record of the trial of an officer under such circumstances though many bluejackets have suffered conviction. Admiral Barry's request for retirement was received by the navy department by telegraph last Thursday. The fact that it was received by wire instead of by mail, was by no means unprecedented and excited no suspicion on the part of officials as to the probable causes for the request.

HEARING WEDNESDAY REGARD TO INVESTIGATING FIRE INSURANCE BUSINESS

Legislature May Provide Home for Soldiers' Widows

CONFERENCE TODAY

RALEIGH, N. C., Jan. 16.—Announcement is made that the house joint committee on propositions and grievances is to give a hearing Wednesday afternoon on the Koonce resolution for creating a legislative commission to investigate the conduct of fire insurance companies in North Carolina, this hearing being at the request of the insurance men opposing it.

Democratic members of the general assembly are to hold a caucus tomorrow, Tuesday, night to discuss a general legislative policy for the session. The senate's session of half an hour was devoted to local matters entirely. A bill relative to fishing in Albemarle sound was passed. Adjournment was taken as a mark of respect to the memory of the late Col. W. J. Hicks.

The Ewart bill to ratify the federal constitution amendment for an income tax came up for final passage in the house today and was made a special order for Thursday, January 26th, so that members may have time to consider the measure. A bill by McGill of Cumberland introduced today, appropriating \$5,000 for a building at soldiers' homes for widows and widowers of veterans and \$5,000 for maintenance. A bill by Ray of Macon proposes to increase the salary of the law clerk of the attorney general to \$2,000 and to designate him as assistant attorney general.

FITZHUGH WITHDRAWS AND LEAVES TENNESSEE SITUATION WORSE MIXED

Wright Will Wait to Give McMillin Aother Chance

ALL CONFUSION

NASHVILLE, Tenn., Jan. 16.—The struggle for the seat of James B. Frazier in the United States senate assumed a new aspect this afternoon when the announcement of the withdrawal of G. T. Fitzhugh of Shelby county became known.

Fitzhugh has been the favorite candidate of those independent democrats who have most ardently supported state wide prohibition and election laws. There are abundant signs that all of the Fitzhugh vote and some of the republicans will not accept Frazier. In fact, it is said that the republicans will again vote tomorrow for Newell Sanders, republican state chairman, or Hal Page, republican chancellor.

CONFIRMATION STATEMENT MEMPHIS, Tenn., Jan. 16.—G. T. Fitzhugh tonight confirmed dispatches from Nashville announcing that he desired to discontinue his campaign in the Tennessee senatorial contest. Mr. Fitzhugh was called to Memphis because of the death of his daughter.

PROHIBITION LAWS ARE INVASION OF ALL RIGHTS

So Says Governor of Alabama in His Inaugural Address to Legislature

MONTGOMERY, Ala., Jan. 16.—Zornet O'Neal of Florence, Ala., Alabama's thirty fourth governor and ninth native son to hold that office, was sworn in this afternoon on a platform near the state house.

In his inaugural address to the legislature today Governor O'Neal declared Alabama's prohibition laws to be an invasion of individual rights and constitutional guarantees and branded the attempt to insert a prohibition clause in the state's constitution as an offspring of intolerance and bigotry. He proclaimed prohibition a failure and recommended a general local option law.

He advocated a divorce between the liquor interests and politics and said it could be accomplished by the creation of an excise commission vested with power to control liquor traffic. Governor Braxton Bragg Comer in relinquishing to Governor O'Neal a parting shot at corporate interests.

YOUNG MOTHER WHO KILLED SON ON TRIAL FOR MURDER

Despite Confession to Police, Mrs. Melber Pleads Not Guilty in Court

ALBANY, N. Y., Jan. 16.—Mrs. Edith Melber pleaded not guilty today to the charge of murder in the first degree before Justice Cochrane in the Supreme court after being indicted by the grand jury for killing her five year old son George by giving him carbolic acid to drink.

According to the specialists in mental diseases who examined Mrs. Melber yesterday, she is perfectly rational. On this report, the decision of the coroner, and the confession by the woman to the Rochester police, the district attorney will base his case.

SUPREME COURT REFUSES TO ACT

WASHINGTON, Jan. 16.—The Supreme court of the United States today dismissed for want of jurisdiction the appeal to the court of G. Wash. Hunter from his conviction of manslaughter in South Carolina. Hunter was sentenced to the penitentiary for eight years. He was accused of having killed Elbert F. Copeland near their homes in Laurens county, South Carolina in 1906, while the two were playing at cards. Hunter entered a plea of self-defense. The case was brought to the Supreme court on the claim that several technical errors were committed during the trial.

CREW OF HORNET HOME TELL OF BEING FIRED UPON

But Are Reticent About Where Arms and Ammunition Were Picked Up

NEW ORLEANS, Jan. 16.—Captain Charles Johnson of the Hornet filibustering expedition and twelve members of the crew, including Chief Engineer David P. Rowland, returned to New Orleans today on the steamer Joseph Vaccaro, which sailed from Puerto Cortez last Wednesday. All were extremely reticent concerning the movements of the Honduran revolutionists.

Captain Johnson and crew left the Hornet at Ruatan and made their way in a sloop to Belize where they boarded the Jos. Vaccaro. Their places on the Hornet had been taken by Hondurans and when they departed from Ruatan the gunboat was preparing to take arms and ammunition to Tela.

MONEY FOR POST OFFICE WASHINGTON, Jan. 16.—The postoffice appropriation bill aggregating \$253,000,000 an increase of more than \$9,000,000 over the current appropriation was reported to the house today by the postoffice committee.

DEMOCRATS WILL CELEBRATE GREAT VICTORY IN NATION

Militant Hosts of Democracy Gather in Baltimore Tonight

HARMON AND CLARK CHIEF SPEAKERS

Elaborate Banquet Will Take Place of One Time Dollar Dinner

BAITMORE, Jan. 16.—Content during the lean years of defeat to dine at "dollar dinners," with "hog and hominy" as the central theme and spring water on the side, the militant democracy of 1911 will sit at a feast in this city tomorrow night where the exclusive diamond back terrapin will vie with the aristocratic canvas back duck and the epicurean Smithfield ham in the courses of a banquet that is fittingly to celebrate the democratic victories of 1911.

The banquet will be the closing feature of a day given over to harmony conferences among the democrats from every section of the country. Governor Harmon, of Ohio, and Champ Clark, of Missouri, are to be the central figures in the day's doings. Both will deliver formal addresses at a meeting in the Lyric tomorrow afternoon.

Many Will Speak Senator Jos. W. Bailey, of Texas; Governor Eugene N. Fox, of Massachusetts; former Representative Theodore M. Bell, of California; former Senator Blackburn, of Kentucky; Senator Robert L. Taylor, of Tennessee; Senator Shively, of Indiana; Representative-elect Martin W. Littleton, of New York; National Chairman Norman E. Mack, and "Docson," James C. Homphill, of Richmond, Va., are among others scheduled to take part in the conferences and to deliver speeches, either at the banquet during the afternoon or at the banquet in the evening.

TWENTY FIVE DEMOCRATS BOLT CAUCUS WHICH NAMES SHEEHAN FOR U.S. SENATE

Friends of Shepard Think They Can Elect Him

GREAT FIGHT

ALBANY, N. Y., Jan. 16.—Wm. F. Sheehan was nominated as the democratic candidate for United States senator tonight at the caucus of democratic legislators, receiving 62 votes, four more than a majority of all the democratic members of both houses. The fact, however, that 25 members refused to attend the caucus leaves a strong possibility that tomorrow when the legislature votes in regular session he may fail to receive the number of votes necessary for election.

Besides Mr. Sheehan's names of Edward M. Shepard of Brooklyn and O. Cady Herrick of Albany and New York were the only ones presented to the caucus. Mr. Shepard received 22 votes and Judge Herrick 7. The 25 legislators who bolted the caucus will be in a position to declare themselves unbound by its action and even if all those who entered the caucus vote for Mr. Sheehan tomorrow the chances can prevent his election because a majority of all members of both houses present and voting is necessary for election. An effort to make the nomination of Mr. Sheehan unanimous failed because two assemblymen objected.

The bolt was organized late today when a number of reporters of Mr. Sheehan and opponents of Mr. Sheehan met at a downtown hotel. Senators Roosevelt of Dutchess and Sax of New York and Assemblymen Friedman of New York and Drummond of Cayuga county were the leaders in this movement. Twenty two legislators attended this meeting and at five o'clock sent a committee to the governor to try to get from him a declaration in favor of some candidate. The governor told them that he could not interfere and declined to indicate the course they must pursue. "It is a question for each legislator to decide for himself," said the governor. After the committee returned and reported to the conference all those present pledged themselves not to attend the caucus.