

SUPREME COURT DECLARES THAT TOBACCO TRUST IS A MONOPOLY IN FULL RESTRAINT OF TRADE

Sweeping Victory for the Government Ends the Long Fight to Overthrow the Tobacco Octopus Which Has Spread to All Sections of the Earth - No Question of "Reasonable Restraint" This Time

SIXTY-SEVEN CORPORATIONS AFFECTED BY THE DECISION

Must Come Within the Law Inside of Six Months or Receivership and Dissolution Decree Will be Issued by the Court

The Tobacco trust decision is characterized by Attorney General Wickersham as a "most comprehensive and sweeping" victory for the government. The trust is held to be a combination in restraint of trade—a monopoly in violation of law. The decision affects 65 American corporations, two English corporations, and 20 individual defendants. An opportunity is given the trust to disintegrate and re-create a condition of transecting business not repugnant to law. If at the end of six or eight months the corporations fail to bring themselves within the law a receivership and dissolution by court decree will follow. The trust is held to have been guilty of intimidation and clearly to have shown a purpose to stifle competition. Chief Justice White announced the decision which was practically unanimous although Justice Harlan dissented on several points.

WASHINGTON, May 29.—The government today won a sweeping victory over the so-called "tobacco trust" when the Supreme court of the United States held the American Tobacco company and its allied corporations to be operating in violation of the Sherman anti-trust law. By directing that the combination be for-

VIGOROUS DISSSENT OF COURT'S FINDING BY JUSTICE HARLAN

Takes Issue With Majority on Two Most Important Points in the Tobacco Case

RULE OF REASON IS AGAIN BROUGHT OUT

Seriously Objects to Having Case or Any Part of It Remanded to Lower Court

WASHINGTON, May 29.—Associate Justice Harlan delivered a vigorous dissent today to part of the decision of the Supreme court in the Tobacco case, although he agreed that the American Tobacco company, and its accessory and subsidiary corporations, were members of an unlawful combination in violation of the Sherman anti-trust act. His dissent, as expressed from the bench, centered around two points. First, he took issue with the court for sending the case back to the lower court. "I found nothing in the record," he said, "which makes me at all anxious to perpetrate any new combination among these companies which the court concedes had at all times exhibited a conscious wrong doing. In the second place, he reiterated the objections he expressed in the Standard Oil decision of two weeks ago to the adoption of the rule of reason, as a standard for ascertaining what restraints of trade violate the Sherman anti-trust law.

ANGERED BY OBJECTIONS TO ATTENTION PAID GIRL FARM HAND SHOTS SIX

After Four of Them Are Dead, Including Employer, He Kills Self.

WAS TOLD TO LEAVE

PAWNEE CITY, Neb., May 29.—James Fielder, a farm hand employed by J. M. McVittie, angered because McVittie objected to Fielder's attentions to his daughter, today killed McVittie and his wife and two children, wounded a third child fatally, shot Sheriff Claude Fuller who attempted to arrest him and then killed himself. After killing four members of the McVittie family, Fielder at the point of a revolver forced Miss McVittie to accompany him in a buggy. He fired two shots at her when she drove away when he stepped from the buggy for a moment. She was wounded. For some time Fielder had paid unwelcome attention to McVittie's daughter. According to the daughter, the only member of the family left alive, her father this morning told Fielder to leave the place. Fielder immediately got a revolver and began shooting. After Miss McVittie escaped to a neighbor's home and sounded the alarm, Fielder was found in an empty school house. He barricaded himself. Sheriff Fuller soon arrived with a deputy and attempted to capture Fielder. The maddened man fired three bullets into the sheriff's body. Seeing the officer fall, Fielder fired a bullet into his heart and was found dead when farmers arrived to aid the sheriff.

SWEETENED WATER, PILLS OF COLORED MUD LABELED 'CURES' AND SOLD AS SUCH

If No Misstatement, Supreme Court Gives Free Rein

CREATES BONANZA

WASHINGTON, May 29.—Medicine which is nothing but sweetened water or pills composed of colored mud, may be labeled "cures" and sold as such with impunity under the national pure food and drug act according to a decision rendered today by the Supreme court in the case of Dr. A. O. Johnson of Kansas City. Provided there is no misstatement on the bottle or package as to its contents the manufacturer is free to sell his goods. Justice Holmes announced the majority opinion, Justice Hughes relying on a dissenting opinion in which Justice Harlan and Day concurred. The court acknowledged "that in a certain sense the statement on the label was false, or, at least, misleading," but it held that the language of the pure food law is such that a statement contained therein as to the meaning of misbranding "is aimed not at all possible false statements, but only at such as determine the identity of the article, possibly including its strength, quality and purity." If a label were to state that the contents of the bottle was water when as a matter of fact it was other than water, it would come under the misbranding in the meaning of the law, according to today's opinion, but the opinion adds that when the statement on the box or bottle of medicine is shown to be false only in its commendatory and prophetic aspect "it did not come within the act.

CAPITAL OF OKLAHOMA TO STAY AT OKLAHOMA CITY SAYS U.S. SUPREME COURT

Justice Lurton Announced Opinion of Court to This Effect

TWO DISSENTED

WASHINGTON, May 29.—The capital of Oklahoma will remain Oklahoma City, so far as the Supreme court of the United States is concerned. That tribunal declined to uphold that the Oklahoma statute, enacted last December to remove the capital from Guthrie was unconstitutional. W. H. Coyle, an Oklahoma taxpayer, brought suit under a special act giving the Supreme court of Oklahoma jurisdiction to determine the constitutionality of the law removing the capital to Oklahoma City. This law was attacked on the ground that it directly conflicted with the Oklahoma statehood act establishing the capital at Guthrie until 1913. An ordinance to that effect was adopted by the Oklahoma constitutional convention, but it was incorporated into the state constitution. The Oklahoma Supreme court held that the ordinance was not a part of the state's fundamental law; that the provision of the enabling act was void and the Oklahoma statute unconstitutional. Justice Lurton announced the court's opinion. The equality of the states would be disturbed, he said, if the enabling act was to be interpreted to prevent Oklahoma from locating its capital as the other states of the Union may do. Justice Holmes and McKenna dissented.

EFFORTS TO AVERT STRIKE

WASHINGTON, May 29.—Efforts for averting a strike of firemen on the Southern railroad were begun today by the board of mediation consisting of Dr. Chas. P. Niell, commissioner of labor, and Judge Martin A. Knapp, of the court of commerce.

BOY SHOTS MATE

DANVILLE, Va., May 29.—Frank Mahan, a fourteen-year-old white mill operative, this morning was shot to death by Samuel Pruett, a fellow operative, thirteen years old. Both boys are small for their ages.



IN CHARACTERISTIC LINGO JEFFERSON DAVIS SAILS INTO THE LORIMER CASE

"Biggest Ass That Ever Disgraced This Country and Biggest Knave That Came Into The Senate"—Expresses Intention to Vote With Insurgents on Question, if He Hes to Leave His Own Crowd

WASHINGTON, May 29.—A virtual agreement to refer the Lorimer case to the senate committee on privileges and elections with the understanding that that committee shall entrust the proposed inquiry to a bi-partisan and bi-Lorimer committee of eight was effected in the senate today. The agreement was the result of a conference of democratic senators held previous to the decision of the senate at which the previous decision to support the Martin resolution was rescinded and all democratic senators released from all caucus obligations. The bi-partisan idea was suggested by Senator Stone, and while no vote was taken it was generally accepted as a satisfactory compromise. It is understood that the sub-committee on investigation will consist of Senators Pillingham, a republican; Fletcher and Johnston, democrats; pro-Lorimer, and of Senators Clapp and Kenyon, republicans, and Kern and Lee, democrats, anti-Lorimer. The final disposition of the matter by the senate was postponed until the next meeting on Thursday. Advocating a reinquiry in the senate today Senator Jeff Davis, of Arkansas, so expressed himself as to call down two rebukes from Senator Heyburn, who occupied the chair. He admitted his prejudice against Mr. Lorimer, and said a "whole passel" of testimony would be necessary to change his attitude.

He contended that Mr. Lorimer knew his election was brought about as a result of bribery. "He did not know he is the biggest ass that ever disgraced the country—he is the biggest ass or the biggest that ever came into the senate. Any man would have been a fool not to have known what was going on." Expressing an intention to vote with the insurgents on this proposition he said to his democratic colleagues: "I don't like to leave you fellows and go with that crowd over there, but I'm afraid I'll have to do it." AS "RED HUCK" SEES IT. WASHINGTON, May 29.—Senator LaFollette has brought up the Lorimer case again. Lorimer is scheduled for a fall. He cannot withstand the assault longer. New evidence has risen to down him. But there are some who believe that LaFollette is not half so much interested in purifying the senate as he is in defeating the Canadian reciprocity bill, which is not popular in the northwest. If he can keep the senate busy on Lorimer all summer he may prevent a vote on the proposed treaty. Lorimer is a strange freak. He looks like a sanctified man. He drinks not, gambles not, nor does he dip snuff or chew tobacco, but he is charged with being a real devil in harness at election time. He was

born in England, came here a poor boy, sold papers in Chicago, was conductor on a street car when he entered politics. Regardless of the fact that one of the greatest political rings that ever existed fought him from the time he organized his first republican club he climbed the ladder of fame. The Chicago Tribune, one of the greatest papers of the age, has never failed to abuse him. He charged on the floor of the senate that the Tribune was stealing from the school fund of Chicago something like \$75,000 a year by a contract for a lot on which its plant stands. That he is one of the reasons for the terrific fight on him. Lorimer ought to chew tobacco or do something else equally as bad to make him right. The "bond boss" should not spend all his time with his family and in the political arena. He is liked personally. His large head, covered with thick, shaggy, coffee-colored hair, is the most striking part about him. Dreamy eyes, heavy face and lazy amble are personal assets. He goes down in the senate Chicago will send him back to congress—perhaps to the house, where he served for years, instead of the senate. His Chicago constituents like him. It would be quite a task here to pick the goats from the sheep.

WORK ALL DAY AND NIGHT WITHOUT FINDING BODIES

Bodies of Engineer Lindsey and Fireman Dooley Still Remain in the Debris.

ELLENBORO, N. C., May 29.—Though two wrecking crews worked all night and all day, so deeply are the bodies of the victims in yesterday's work at Watkins' trestle buried that at dark tonight two had been recovered. Engineer Green was dug from his burning cabin thirty minutes after the crash, but the bodies of Engineer Lindsey and Fireman Dooley are still in the mass of debris. It will probably be Wednesday morning before schedules can be resumed on that division of the Seaboard.

DEPERATE ENCOUNTER

PORUM, Okla., May 29.—Standing in the doorway of his home, Bony Starr, with his friend Joe Davis, today killed Geo. Maxwell, a stockman, and wounded four more of thirty masked men said to have been members of the anti-boss thief association. Starr's wife stood by his side during the conflict and loaded his rifle. The attackers rode up to Starr's home with the intention of taking Starr and Davis prisoners on the charge of stealing cattle and horses. During the fight more than 200 shots were fired.

GOV. GILCHRIST VETOES ANGLE ANTI-LEASE BILL

Declares That Proper Provision Has Not Been Made for Convicts.

TALLAHASSEE, Fla., May 29.—Declaring that proper provision had not been made for caring for the state convicts in the event of the abolition of the present lease system, and that he believes humanitarianism will be better conserved by continuing the present system until there is better provision for their care, Governor Gilchrist today vetoed the Angle anti-lease convict bill. The governor has not yet sent his veto message to the legislature, but is preparing it and it will probably be submitted tomorrow. Several days ago the governor pointed out that the measure which was then under consideration would leave a more unsatisfactory condition than obtains now as no provision is made for the housing, feeding and caring for the prisoners when they are taken from the stockades of the present leases, and sent to work on the state roads. The Angle bill provides that the state convicts shall be worked on "the state highways." Governor Gilchrist points out as there are no state highways, that the Angle convicts will be resorted to by prisoners to secure their liberty, entailing expensive and useless litigation.

SOUTHERN SURGEONS MEET IN CHARLOTTE

CHARLOTTE, N. C., May 29.—The sixteenth annual gathering of the surgeons who wield the scalpel for the Southern Railway representing a dozen states, was called to order at noon in the assembly hall of the Seelye hotel. The feature of the day was the annual address of President W. C. Day, of Danville, Va., in which he reviewed the history of the organization. The delegates were welcomed to the city by Mayor Bland and Dr. John R. Irwin, and Dr. Thomas E. Anderson, of Statesville, responded. The association will be in session three days and many social events have been planned for the entertainment of the visitors.

HIGHER CRITIC OF BIBLE NOT WANTED IN ATLANTA

Though President of Word's Baptist Alliance, Motion Was Opposed.

ATLANTA, Ga., May 29.—Because Dr. John Clifford, of London, president of the World's Baptist Alliance is a higher critic of the Bible and once referred to the miracles of the Old Testament as a collection of stories not fit to be taught to children, a motion was made today at the weekly meeting of the Baptist ministers to invite him to Atlanta, met with such opposition that it was withdrawn. Dr. John E. White, one of the leading clergymen of the city, declared that in failing to extend this invitation the conference had turned itself into an ecclesiastical convale and had put Dr. Clifford on trial. He added that the effect would be unfortunate. Dr. Clifford is one of the best known preachers in England is now visiting in the United States. The alliance includes all the Baptists in the world. Gladstone once spoke of Dr. Clifford in parliament as "the man who holds the conscience of the non-conformists in England."

MARTIN WILL RUN AGAIN

RICHMOND, Va., May 29.—United States Senator Martin, leader of the minority of the upper house of congress, today filed formal notice of his candidacy for the democratic nomination to succeed himself and deposited the requisite check for \$3,000 to aid in paying the cost of the primary. The term for which he seeks renomination is to begin March 4, 1912. His opponent in the race, Congressman Wm. A. Jones, deposited his \$3,000 some days ago.

BURNED BY GAS EXPLOSION

LYNCHBURG, Va., May 29.—Miss Doris Wimmer, superintendent of the Haycon hospital at South Boston, was seriously burned this afternoon by the explosion of gasoline which she was using in a sterilizer. Two persons were painfully burned in an effort to rescue her and she may recover. The fire, which did not injure the hospital, caused terror among the patients, some of whom left their cots.

SENTENCE IMPOSED FOR ILLEGAL USE OF UNCLE SAM'S MAIL

President of Wireless Company and Four Associates Must Serve Long Terms CAME NEAR BEING FIGHT IN COURT District Attorney Pointed Out where Bogus Stock Brought Enormous Profits

NEW YORK, May 29.—Christopher Columbus Wilson, president of the United States Wireless Telegraph company, and his four associates were convicted in the criminal branch of the United States Circuit court late today on fraudulent use of the mails to solicit subscriptions to wireless stock. Judge Martin immediately imposed sentence as follows: President Wilson, three years in the federal prison at Atlanta; Geo. H. Parker and F. E. Butler, two years each in the same penitentiary; W. A. Dibold and W. V. Tompkins, one year each in some New York penitentiary.

Following a sensational charge by District Attorney Wise that one of the jurors had been approached Sunday night in the interest of the defendants with the offer of a bribe, "even if it run into five figures" and his characterization of the convicted men as desperate prisoners who would flee the jurisdiction of the court if admitted to bail, Judge Martin committed the five men to the Tombs under a ten day's stay to allow an appeal to the Circuit court of Appeals if they desire.

Mr. Wise's sensational charge of attempted bribery came when a lawyer for the defendants, pooh poohed the idea that the prisoners would sue away. Mr. Wise reddened as he approached the bench and exclaimed: "I know, your honor, that money was offered to pull me off. I know that one juror was offered any amount of money up to five figures, if he would hang the jury. I know there was a certain lawyer interested in having money put in my hands to withdraw from the prosecution of a certain defendant." As if actuated by a common impulse, the ten lawyers advanced toward Mr. Wise who stood with his fists clenched and eyes flashing. The whole court room jumped up expecting to see an encounter. Instead, one of the attorneys calmly demanded of Mr. Wise the name of the lawyer.

"I will name him at the right time and place," shouted Mr. Wise. In summing up District Attorney Wise declared that it had been shown Wilson netted \$900,000 from the sale of 75,000 shares of stock, but in all \$1,500,000 went into his own pocket. Subtracting also the profits which his associates were accused of pocketing, only \$700,000 out of the \$1,000,000 receipts of the United States Wireless company, in three years went into the treasury of the company. Each of the defendants was convicted on four counts, three in each case charging misuse of the mails and the fourth, conspiracy. The maximum sentence might have been six and a half years in prison and fines of \$25,000 each.

SUPREME COURT DECIDES MOOTED LEGAL QUESTION OF ONE HUNDRED YEARS

Requiring Books at Trial Doesn't Mean Before Trial. INVOLVED \$2,340.

WASHINGTON, May 29.—A century's mooted legal question was passed upon today by the supreme court of the United States, when it decided that the federal statute requiring the production of books for examination "in a trial" meant production "on" or "at" trial and not before trial.

The case in point was a suit of David J. Winn, a cotton yarn manufacturer at Sumter, S. C., to recover from Carpenter, Baggott & Company, cotton brokers of New York for damages for selling out without consent contracts for purchase of cotton in 1906.

The court's direction to the firm to exhibit their books before trial and to permit Winn to investigate, copy and make abstracts of them was not complied with on the ground that the court had no authority to make such an order. A judgment of \$2,340 in default was entered against the firm. HOURS OF SERVICE UPHELD. WASHINGTON, May 29.—The hours of service law for railroad employees, passed by congress in 1907, was upheld today as constitutional by the Supreme court of the United States. This decision was announced by Justice Hughes in the last suit instituted by the Baltimore & Ohio Railway company.



WASHINGTON, May 29.—Forecast: North Carolina: generally fair Tuesday and Wednesday; light variable winds.