

THE RALEIGH EVENING TIMES.

VOLUME 30.

RALEIGH, N. C., TUESDAY, SEPTEMBER 17, 1907.

PRICE 5c.

THE BIG SUIT AGAINST THE OIL TRUST BEGINS

Chief Octopus Enters Upon the Decisive Fight for Its Life

UNCLE SAM'S COUNSEL STRIKES FOR THE HEART

The Department of Justice at Last Forces the Standard Oil Company to Trial at New York—Object is to Put That Concern Out of Business for Violating the Sherman Anti-Trust Law—Aims at Individual Members of the Company Also, and Some of Them May Get Inside of Jail When the Fight is Finished—Benedict and Pratt on the Stand Today and What They Swear To.

(By Leased Wire to The Times.)

New York, Sept. 17.—At the opening of the hearing in the Standard Oil case before Examiner Ferris in the federal building this morning there was every indication that a lively session was to be expected. Frank B. Kellogg, special counsel for the government, had subpoenaed over twenty witnesses from the ranks of well known men of affairs, including nearly the whole directorate of the Standard Oil Company and it was evident that he intended to waste no time in preliminary investigation but would go straight to the point of getting the information he wanted. Those who remembered his examination of witnesses in the Hariman inquisition looked forward with uncommon interest to the questions he would ask of Archbold and Pratt and William G. Rockefeller. There was an air of great expectation in the badly lighted court room when the examiner took his seat and announced that the hearing was open.

Mr. Kellogg, the government's chief counsel in the suit to dissolve the Standard Oil Company, proposes to strike straight at the heart of the trust.

Mr. Kellogg will attempt to show at once the ownership and control of other corporations by the Standard Oil Company of New Jersey, the holding company of the trust. For this purpose he plans to call C. M. Pratt, a Standard Oil director, as the first witness. William G. Rockefeller is likely to be the second.

The taking of testimony before ex-Judge Ferris in this city will occupy at least two weeks, perhaps longer. About 25 witnesses have been subpoenaed and many more will doubtless be called as the testimony seems to call for their presence.

Unless something now unforeseen by Mr. Kellogg is developed by the evidence it is not probable that John D. Rockefeller, Henry H. Rogers or Henry M. Flagler, will be summoned to appear as witnesses at the hearing in this city. The only individual defendants named in the government's suit who will be called to testify are John D. Archbold, Oliver H. Payne and Charles M. Pratt.

The first witness was E. C. Benedict, one of the owners of the Manhattan oil company. He testified

that Anthony N. Brady was also a large stockholder in the company. He declared he could not remember the amount of the stock.

He knew, however, that his company had a pipe line in Ohio. He said that in 1898 he sold 5,175 shares of the company's stock at \$100 a share, which was delivered to the Central Trust Company.

Mr. Benedict declared that he had forgotten the name of the purchaser of the stock. He received, all told, he said, the sum of \$889,342 for his property.

Mr. Benedict positively stated that his company had had no dealings with the Standard Oil.

Mr. Benedict said that he would pay cash for his property.

Questioned by Mr. Kellogg: Willing Victim of the Trust.

Q. Did you object to the Standard Oil Company getting possession of your property?

A. I did not.

Q. Then why did you inquire whether the Standard Oil Company was the purchaser?

A. Out of curiosity.

The witness admitted that the Manhattan Oil Company was a competitor of the Standard Oil Company. He said he had gone into the oil business to protect his interests in gas companies. Since the sale of the Manhattan Oil Company's property, the Standard Oil, the witness said, had furnished oil gas to the gas companies with which he was connected. The negotiations for the disposal of the stock were carried on with the brokerage firm of Brown brothers.

Charles M. Pratt, one of the officers of the Standard Oil Company of New Jersey was next called. Pratt declared he had been an officer since 1899, but was not connected with the Standard Oil Company previously, other than he had been one of the liquidating trustees in Ohio. Mr. Pratt said he had been a salesman for the Standard Oil Company, and was examined at length.

Q. Did you sign the Ohio trust agreement of 1882?

A. I had two shares of the stock at that time.

Mr. Pratt admitted that \$2,000,000 worth of stock in the Waters-Pierce (Continued on Page Five.)

THIS BIG DAY AT FAYETTEVILLE

(Special to The Evening Times.)

Fayetteville, N. C., Sept. 17.—This progressive southern town is enthusiastic and excited over the opening exercises incident to the driving of the first spike and the beginning of the laying of iron rail on Fayetteville street and interurban railway. A large crowd is in attendance, a band is playing and spirited addresses are being made by various prominent citizens. The mayor and city aldermen the officers and members of the chamber of commerce, the officers and members of the industrial club, the clergymen and many ladies are in attendance. Addresses have been made by Hon. E. J. Hale, Capt. J. D. McNeill, P. R. Rose, secretary chamber of commerce, Messrs. A. H. Stoumb and others. This is an important event in the history of this progressive city, which is so rapidly forging to the front of southern cities.

This system is owned by W. D. McNeill, W. E. Kindley and other business men of this city. Promptly at 3 p. m. all places of business will close in honor of the event.

ANOTHER MISALLIANCE OF EUROPEAN PRINCESS

(Special Cable to The Times.)

London, Sept. 17.—Countess Montignoso, the ex-crown princess of Saxony, and Signor Tonselli, a pianist, are now stopping together at one of the largest hotels in London under an assumed name.

They have arranged to be married here by special license and if their plans are not interrupted by a score of detectives and German agents who are now looking for them, the ceremony will be performed in a fortnight. The countess and Tonselli appeared at the hotel four days ago and asked for an apartment. They had a limited amount of baggage and were unaccompanied by servants.

The ex-crown princess of Saxony first startled Europe on December 12, 1902,

by disappearing from the court at Dresden and taking her three youngest children with her. On December 23 it was discovered that she had fled to Geneva where she was joined by M. Girou, a former tutor of the children. Efforts were made at a reconciliation, but King George of Saxony insisted that Crown Prince Frederick should get a divorce.

In February, 1905, a decree of divorce was granted to Crown Prince Frederick on the ground that the princess was demented and the custody of the children was given to him.

King George of Saxony died in 1904 and the crown prince succeeded him. An allowance was made to the Princess Louise, who since then has been living in various places of Europe under the name of Countess Montignoso.

HEAD OF STANDARD OIL DYING; ROGERS CAN NOT ATTEND COURT

(By Leased Wire to The Times.)

Boston, Mass., Sept. 17.—Henry H. Rogers, the virtual head of the Standard Oil Company, was reported by his friends today to be dying. "His face is distorted; his speech affected; his left side is no longer normal. In three months he has signed only three papers and one of them was a power of attorney. He cannot transact any business or even discuss ordinary affairs."

This was the startling testimony given by his son, Henry H. Rogers, Jr., and his brother-in-law, Urban H. Broughton, under oath before Justice Hammond in the Massachusetts supreme court.

To this Mr. Broughton added: "He told me to take care of his entire interests and when I asked

the reason for this he said, 'Because I'm about done.'"

The witness appeared to prove that the oil magnate was neither physically nor mentally able to appear in person to defend the suit for \$50,000,000 brought against him by C. M. Raymond of Somerville for alleged conversion of royalties in connection with the petroleum production.

Mr. Rogers' private physician, Dr. Pratt, added even more startling testimony.

"The attack on Mr. Rogers in July was undoubtedly due to something wrong with his head," he swore. "He is still suffering from that attack. It might be from apoplexy or it might be from other causes. 'The strain and excitement and

closeness of the court room, if Mr. Rogers were compelled to testify would be apt to result in the death of Mr. Rogers, considering his present condition."

"It would be cruel to compel his attendance in court," said Justice Hammond when he had heard the evidence of Mr. Rogers' serious illness from the lips of his own family. Then he dismissed the appeal for an immediate trial.

Just how long Mr. Rogers is likely to live his physicians will not say. But all of the testimony give proof positive that he is suffering from paralysis of the entire left side of his body; that he speaks and thinks with great difficulty, because of that paralysis, and that he never will resume business.

HAS A NEW CARD UP ITS SLEEVE

The Standard Oil Lawyers Find a Technicality

WIPE OUT THAT BIG FINE

In the Event the Chicago & Alton is Granted Immunity by the Government, Which Has Virtually Been Promised, the Oil Octopus Will Demand That Judge Landis' Twenty-Nine Million Dollar Fine Shall Be Set Aside—Reasons.

(By Leased Wire to The Times.)

Chicago, Sept. 17.—The \$29,240,000 fine imposed on the Standard Oil Company by Judge K. M. Landis will be wiped out of existence on a technicality if the statements of the Standard Oil lawyers, which became known today are carried to fruition.

The line of action which may result in the fine becoming nothing but a name revolves around the decision of Judge Landis in the Alton immunity case, which is set for hearing on September 24.

In the event that the Alton is granted the immunity, which it has been fully established, will be promised to the railroad through agreement with former Attorney General Moody, the Standard Oil attorneys will demand that Judge Landis' fine be set aside.

The grounds for this plea will be that the Standard Oil lawyers should have been apprised of this immunity agreement in order that they might question the Alton Railroad witnesses properly.

Attorney John S. Miller, chief counsel for the Standard Oil Company, is credited with being the originator of this scheme of asking for the fine to be set aside. He and his aides have been working for two weeks in preparation of their brief on this subject. It will be presented as soon as Judge Landis gives the immunity decision.

FORTY KILLED ON BATTLESHIP

(By Cable to The Times.)

Tokio, Sept. 17.—An explosion is reported on the Japanese battleship Kashima, a 12 inch shell having burst; with forty casualties.

SEABOARD MUST MAKE CONNECTION.

An order was made by the corporation commission today requiring the Seaboard to make the connection at Maxton after October first, even if it is necessary to give additional service, as the connection will have to be made. The Seaboard does not deny that it has broken the connection, but claims that this connection cannot be made and the one at Hamlet, and that the latter is more important. The Coast Line has been complying with the order and fault is with the Seaboard.

WANTS IRISH SWASHBUCKLER

English Police Would Pay Big Reward

POSES AS A PATRIOT

But in Reality Is a Daring Criminal and Noted Jail Breaker—Tracked to United States by Scotland Yard Detectives But He Has Given Them the Slip—Taken Once But His Brazen Effrontery Secured His Liberation Through Aid of Influential Countrymen.

(By Leased Wire to The Times.)

New York, Sept. 17.—Roaming somewhere about the state of New York, possibly in this city, is a daring, swashbuckling Irish criminal and jail-breaker for whose capture the English government would pay almost any price. He is James Lynchhaun, the picturesque individual, who, after escaping from prison in Ireland, where he was serving a sentence, was trailed to this country by Scotland Yard men and royal Irish constabulary and arrested in Indianapolis four years ago.

With sublime effrontery he passed as a patriot, secured the assistance of influential Irishmen and got off scot free before those conversant with the cold facts in his case could take action.

The English government made a hard fight to have Lynchhaun returned to Ireland. Since his liberation attempts have been made to secure changes in the extradition laws that would allow him to be re-arrested and taken across the Atlantic.

In the face of all this Lynchhaun has recently traveled all over Ireland, England and parts of the continent. He walked under the noses of the Scotland Yard men and forced his presence at the most inopportune times and places.

Lynchhaun is 48 years old. He was born on the island of Achill, in the Atlantic Ocean, off Westport, county Mayo, Ireland.

He secured employment on the estate of Mrs. Agnes McDonnell, a wealthy woman, and in time became steward or care-taker of the property.

Mrs. McDonnell found occasion to discharge him. In revenge he set her barn on fire on the night of October 6, 1904. When the woman, who was well along in years, rushed out to save her property, Lynchhaun attacked her. He beat her with a club and his fists and tore her face with his teeth. She never fully recovered from the brutal attack.

After a long trial he was sentenced to prison for life but escaped and came to America.

GOMPEKERS ISSUES APPEAL FOR AID

(By Leased Wire to The Times.)

Washington, Sept. 17.—President Gompers, of the American Federation of Labor, today issued an appeal to organized labor for funds to assist the striking telegraphers.

STOP INVASION OF ORIENTALS

People of Canada Aroused on Subject

MEANS CHEAPER LABOR

Already the Brown Immigrants Are so Numerous That White Men Who Apply for Work Are Turned Away From the Factories in Vancouver and Elsewhere—Japs, Hindus and Chinese Are Not Wanted and Will Not Be Tolerated, Says McVeity.

(By Leased Wire to The Times.)

Ottawa, Ont., Sept. 17.—Advices from Winnipeg say that the people have become aroused over the threatened Oriental invasion and are determined to take steps to prevent it. They declare that the coming of the Orientals would cut down the wages of white labor and are arranging a series of meetings to petition the government to stop the inflow of the undesirable. The people are now in favor of absolute exclusion of coolies.

J. C. H. McVeity, of Vancouver, comes out squarely for absolute exclusion. He says:

"I have seen white men turned away from factories in Vancouver because the labor market was overstocked. There is positively no shortage of skilled or unskilled workmen on the Pacific coast and the statements that only through the importation of Japanese, Chinese and Hindus can work be carried on satisfactorily, and the country fulfill its destiny are misleading and untrue."

Sir Wilfrid Laurier and Mayor Bethune of Vancouver, are in constant touch with each other by wire. It is learned from Mayor Bethune that few if any of the 900 Hindus who landed in this city last week will be deported. Nearly all have money and many are now scattered over Canada and Pacific states. Some of the Hindus have a bad eye disease. Four hundred of the Hindus driven out of Bellingham, Wash., have crossed into British Columbia. Others are slowly making their way south to Seattle.

CULLOM BOOSTS UNCLE JOE

(By Leased Wire to The Times.)

Washington, D. C., Sept. 17.—Joseph G. Cannon is the best posted man in this country on the matters that touch the welfare of the people. There is no man so well fitted for the white house as Joe Cannon.

These are the words with which Shelby M. Cullom, the venerable senator from Cannon's state, added strength today to the boom of the speaker of the house for the presidency.

"And he would be the best vote getter of them all, continued Mr. Cullom.

"The people love Cannon and admire his strength. "There is about Joe a certain picturesque quality that appeals to the masses of the people, a picturesque quality that is not possessed by any other man in public life today. The people love him. In the south he

\$30,000 PENALTY SUIT AGAINST THE SOUTHERN

(By Leased Wire to The Times.)

would pile up an immense vote for the republican ticket and he will do it in every part of the country."

"How about the opposition of labor to the speaker?" the senator was asked.

"Well," he replied, "Joe handled them pretty well in his district when it cropped out. I suppose he could handle it elsewhere all right."

"Will Roosevelt figure in the race?"

"Well, I am taking the president's word that he will not run for the presidency again. I take it for granted that he is man enough to know what he intends to do. Therefore, he is out of the figuring by his own wish. But you take Taft, or Fairbanks, or Knox, all of whom are admirable fellows, and not one of them can show the qualifications for the place that are characteristic of Cannon."

HOLT COTTON MILL BURNED.

Smithfield, N. C., Sept. 17.—Following close upon the loss of S. R. Morgan's residence yesterday evening by fire, the Holt Cotton Company lost their carding mill this morning at 2 o'clock. The mill was valued at fifteen thousand dollars, and insured for ten thousand dollars. The loss is very heavy on Mr. S. S. Holt, the manager. The origin of the fire cannot be accounted for.

SOUTHERN STILL DROPPING MEN.

Knoxville, Tenn., Sept. 17.—Vice President and General Manager Hackett of the Southern Railway, reached here last night, and after several hours conferred with W. J. Oliver, C. S. McManus and J. R. Loyal, superintendent of the division.

HARRISON MUST SERVE HIS TERM

The supreme court of North Carolina this afternoon handed down the opinion in the Harrison kidnapping case and he will have to serve his term of twenty years in the State's Prison. The attorneys for Harrison felt almost certain that they would get a new trial, but the attorneys for the prosecution were equally certain that the case would be affirmed.

Joshua Harrison was arrested something over a year ago upon the charge of having kidnapped Kenneth Beasley, the small son of State Senator Beasley. After some delay, he was tried, convicted and sentenced to twenty years in the State's Prison. He appealed to the supreme court and the case was argued on August 27th.

Kenneth Beasley disappeared more than two years ago and all efforts to find him have proved in vain. The sorrowing father has searched far and wide for his lost child but since the little fellow disappeared no trace of him has been found. It is claimed that Harrison had made threats against Senator Beasley on account of his having had passed a certain prohibition act, and this is supposed to have been the motive for the crime. In the lower court Harrison made a most determined fight and was defended by some of the ablest attorneys in eastern North Carolina.

RYAN IS BACKING THE SOUTH & WESTERN ROAD

(By Leased Wire to The Times.)

Bristol, Va., Sept. 17.—The approximate cost of the South & Western Railway, the new line that is being built from eastern Kentucky to the South Atlantic seaboard and into North Carolina by the George L. Carter syndicate, is \$50,000,000. This is the first reliable report as to the amount that would be expended in the construction of the new trunk line that has ever been given out.

Carter is backed in the building of the road by Thomas F. Ryan of New York, and the Seaboard interests. The road is now 75 per cent completed, and has so far cost approximately \$200,000 a mile and the total contemplated length is about 250 miles. Nearly \$38,000,000 has already been spent. All the work has

It Was Argued Today in the Supreme Court of North Carolina

THE ARGUMENTS WERE CAREFULLY PREPARED

Several Statements in the Brief of the Southern Railway out of the Ordinary—Question Asked: "Why This Offer to Sell Justice in the Courts of North Carolina?"—Railroad Scored by Gov. Aycock, Who Declared That Attorneys for Southern Had Made a Studied Effort to Put State in a False Light.

The case in which the Southern Railway was fined \$50,000 by Judge Long for failure to observe the passenger rate law as passed by the last legislature, was argued in the supreme court today. Ex-Governor Aycock and Mr. E. J. Justice represented the state, and Col. W. B. Rodman, Mr. James H. Pou and Judge Avery the Southern. The speeches of Mr. Pou and Mr. Justice were typewritten. No other cases will be reached today, but tomorrow cases will be taken up from the fourth district.

The case, owing to its importance, is of interest to the entire state, and especially to the members of the legal profession. Quite a number of attorneys from different parts of the state were present today.

The contention of the defendant is, that if the railroad company is guilty of a misdemeanor, or if its agent is guilty, a penalty cannot be inflicted, and if a penalty is inflicted, then there is no basis for an indictment. Mr. Pou took the ground that if the railroad had failed to observe the injunction its officers would have been guilty of contempt of court. This statement was made after Justice Walker asked a question in regard to the matter.

In regard to the matters stated above, Mr. Justice took an entirely different view from the attorneys for the railroad. His construction of the law was different as well as the effect of the injunction on the officers of the Southern in regard to observing the injunction.

Ex-Governor Aycock scored the railroad and said the brief was out of the ordinary and there had been a studied effort to place the state in a false light. He declared that the reason for doing this was because the judge who presided when the case was tried could not be ruled. The speaker referred to a sentence in the Southern's brief where the question is asked: "Why this offer to sell justice in the courts of North Carolina?"

Argument of Mr. Pou.

Mr. Pou in outlining his argument, said he would confine himself to an effort to establish three propositions:

First, That a railroad company selling passenger tickets at a higher rate than that prescribed by chapter 256, public laws of 1907, known as the passenger rate act, is not guilty of a misdemeanor.

Second, That there was no evidence sufficient to be submitted to the jury tending to prove that the defendant in this case charged more for the tickets sold to W. F. Jones than it was permitted to do under the aforesaid act.

Third, That the fine imposed by the (Continued on Page Three.)

been let to contract and it is expected that the road will be completed and ready for equipment with rolling stock by July, 1908.

More than \$5,000,000 of the amount representing the cost of the road is being spent in tunnels. A tunnel almost a mile long is being driven through the Clinch Mountain at Clinchport; another three miles long near Dante, Va., and another five-eighths of a mile long at Marion, N. C. In addition to these there are twenty odd smaller tunnels. This is accounted for by the fact that the road penetrates the roughest mountain sections of Kentucky, Virginia, Tennessee, North and South Carolina. In western North Carolina, in a distance of eighteen miles, there are sixteen tunnels.