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## GOVERNMENT FILES PETITION IN OIL CASE

### Asks for Rehearing of Famous Case By Court of Appeals

### CASE IN WHICH JUDGE LANDIS IMPOSED FINE

Court of Appeals in Its Opinion Did Not Correctly Quote Judge Landis On His Rulings in Relation to the Admission of Evidence—Effect of the Court's Construction of the Law Would Be to Nullify That Part of It Relating to Shippers.

(By Leased Wire to The Times)

Chicago, Aug. 21.—The government today filed a petition for a rehearing of the Standard Oil case in which Judge Grosscup, of the federal court reversed the decision of Judge Kenesaw M. Landis, who imposed a fine of \$29,240,000 on the giant corporation on a charge of rebating.

The petition was filed in pursuance of the president's order and insists that Judge Landis did not exceed his authority in imposing the fine.

The indictment in the case was for a violation of the Elkins act of February 19th, 1903, making it a crime to accept a concession whereby any property is transported in interstate commerce at less than the published and filed rates.

It was proved at the trial that the Chicago & Alton Railway company transported to East St. Louis, Ill., and St. Louis, Mo., 1,492 carloads of oil. In all the dealings between shipper and carrier each carload was treated as a distinct transaction and handled as a distinct piece of business.

The published and filed rates on this business were eighteen cents per 100 pounds to East St. Louis and nineteen and a half cents to St. Louis. The Standard Oil Company actually settled on the basis of six cents to East St. Louis and seven and a half cents to St. Louis.

These facts were admitted. The Standard Oil interposed the claim in defense that the Elkins act was unconstitutional; that the tariffs had not been posted in two public places at the stations.

On but a single point involved in the trial up to the return of the verdict of guilty are the rulings of the trial judge criticised by the court of appeals.

The point on which the trial judge is reversed by the court of appeals relates to his rulings on evidence and his charge to the jury with reference to ignorance on the part of the Standard Oil Company of the lawful rate as a defense.

The court of appeals in its opinion has not correctly stated how the judge ruled on this subject.

It is said in the opinion that he refused to admit evidence to the effect that the Standard Oil did not know what the lawful rate was.

The fact is, and the record so shows, that all evidence tending to show ignorance on the part of the Standard Oil was admitted for the consideration of the jury.

This evidence was largely that of the traffic manager of the Standard Oil Company, Bogardus, who swore to a conversation with Hollands, the rate clerk of the Alton, in which he said Hollands told him that the rate had been filed.

The trial judge ruled that ignorance on the part of a shipper of what a lawful rate was could be interposed as a defense, but that it would not constitute a defense if it appeared that the ignorance was the result of neglect on the part of the shipper, or of wilful failure on the part of the shipper to resort to the sources of information which were available.

The government contends that this is the correct construction of the statute on this subject. The court of appeals lays down the rule that it is necessary for the government to show beyond a reasonable doubt, as a part of its case that the shipper actually knew what the lawful published and filed rate was.

The government contends that this is an impossible rule; that it is contrary to the purpose of the Elkins act; that it is contrary to the

## HAINS CROWD A NAUSEATING LOT

### Story of French Maid Regarding T. Jenkins Hains and His Child

## SHE IS MOTHER OF CHILD

The French Maid Who Has Charge of Two Children of T. Jenkins Hains Said Today That She is the Mother of the Youngest One—Has Had Charge of Eldest Child Since Its Mother Died and She and Hains Keep House at Bayridge.

(By Leased Wire to The Times)

New York, Aug. 21.—Marie Louis Suldman, the French maid who has charge of the two children of T. Jenkins Hains at his home, No. 140 Eighty-sixth street, Bayridge, declared today that the younger child, eight months old, is her own. The wife of T. Jenkins Hains died in Washington in 1906 and the baby he recognizes as his daughter was born in Brooklyn hospital in December, 1907. Marie Suldman says that T. Jenkins Hains had promised to marry her. She expects him to keep his promise as soon as he is released from prison after his trial on a charge of being an accessory to the killing of Anna by his brother, Captain Peter C. Hains.

The maid and the two children, Mollie, aged three years and a half and Louise, are in a lonesome state at the Bayridge residence.

It has been more or less of an open secret in the neighborhood since T. Jenkins Hains moved to the Eighty-sixth street premises last May that Marie was the mother of the baby. He had not given the little one a name when he first arrived in the neighborhood. The resemblance of the child to the maid gave rise to the rumor that she was the mother, although T. Jenkins Hains had given inquirers to believe that his wife died last January, shortly after the birth of the little one. Worry over the absence of T. Jenkins Hains from home and reports that have reached her, that he is likely to be sentenced to a long term of imprisonment drove the half-distracted French woman to a revelation of her motherhood.

## DEFOREST EXPECTS TO TALK TO PARIS

(By Leased Wire to The Times)

New York, Aug. 21.—Contracts were signed yesterday whereby a wireless telephone service is to be established on the 700 foot tower of the Metropolitan Life Insurance Company by the DeForest Radio Telephone Company. Dr. Lee DeForest, scientific director, declares his belief that eventually it will be possible to communicate by speech from the lofty pile in Madison Square to the top of the Eiffel Tower in Paris.

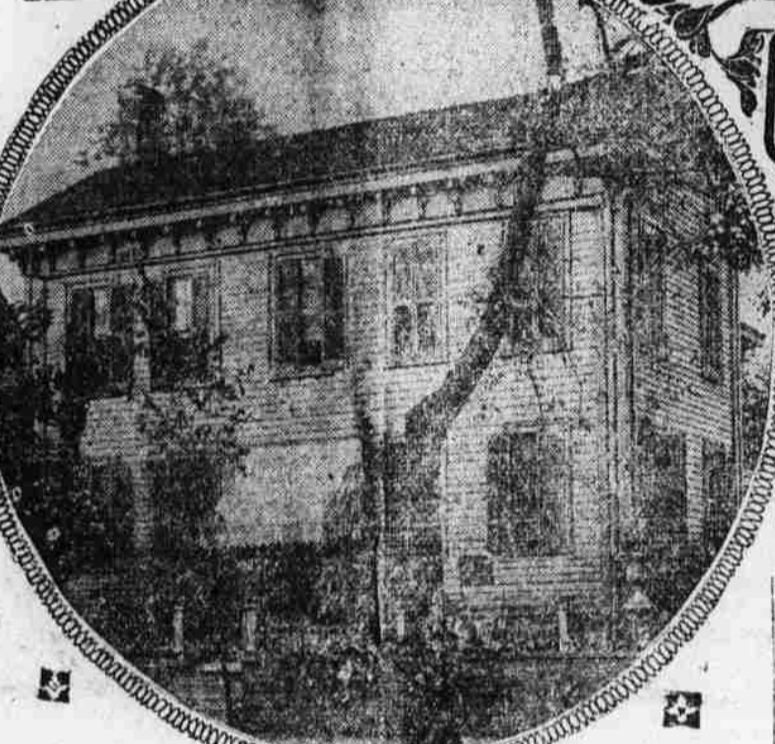
He expects when the apparatus is installed to have wireless telephone communication between New York and Philadelphia, Boston, Montreal, Chicago and Havana. Then he hopes to achieve the feat of talking to the French capital.

## FAVOR ROOSEVELT WOOD PULP TARIFF

(By Leased Wire to The Times)

Philadelphia, Pa., Aug. 21.—A resolution urging the members to create public sentiment in favor of the Roosevelt tariff from wood pulp and other commodities entering into the manufacture of white paper was passed unanimously at the closing session here of the convention of national association of news-dealers and stationers.

## Courthouse And Lincoln's Home, Springfield, Illinois.



The upper picture shows the Springfield, Illinois, courthouse, around which the recent riots took place. Figure No. 1 shows where Chafin, the Prohibition nominee for President was standing when he was hit with a brick while defending a negro from the mob. Figure No. 2 shows the location of Loper's restaurant, where the first victim was killed. Abraham Lincoln's home, which is shown in the lower picture, is on the outskirts of the negro quarters and was for a time menaced by the flames started by the rioters. The portrait is of L. W. Chafin.

## FIGHTING INJUNCTION FIRE AT LOUISBURG

### Preparing for Fight Against Great Excitement This Morning But Small Fire

Preparing to Fight the Injunction Against Boycott—Order Issued at Instance of Stove Company.

(By Leased Wire to The Times)

Washington, Aug. 21.—Samuel Gompers, president of the American Federation of Labor; John Mitchell, for president of the United Mine-workers of America, and Daniel J. Keefe, all of the executive council of the federation, had a long conference with their local attorneys last night, at which preparatory steps were taken toward fighting the injunction recently issued restraining the officers of the federation from carrying on a boycott against the Buck Stove & Range Company of St. Louis.

Officers of the American Federation of Labor will be brought before the district court September 8, to show cause why the temporary restraining order, issued a year ago by Justice Gould, should not be made permanent. The order was issued at the instance of the stove company and was to prevent the federation from placing the firm on the "we-don't-patronize" list.

## BOTH WILL DIE.

### Fought Duel With Pistols, Then One Not Satisfied Used Shotgun.

(By Leased Wire to The Times)

Robinsonville, Miss., Aug. 21.—H. B. Suber and J. H. Gilmore, rival merchants, fought a duel with pistols in front of the former's store here last night. Suber was shot in the breast. His pistol failed to go off, but he retreated to his store and, seizing a shotgun, emptied the contents into Gilmore's back as the latter was leaving the scene.

The wounded men were taken to Memphis hospital on a special train. Both will die.

(Special to The Times)

Louisburg, Aug. 21.—There was a fire here early this morning in the store of K. A. Terry. The fire started in some fire crackers, sky rockets, and other combustibles of a like nature that had been packed away from last season. The noise coming from the rapid fire of explosions and the rockets shooting about the building caused considerable excitement and the whole town was soon on the scene. The fire company arrived early and soon had the fire under control.

The damage to the building, or to the stock of goods, other than the combustibles was insignificant, but the stir made by the peculiar origin of the fire was great and great excitement prevailed for awhile. It is not known what started the crackers to popping.

## Fell 180 Feet to Death.

(By Leased Wire to The Times)

Bristol, Va., Aug. 21.—Mike Scoble, of Cleveland, a bridge expert, fell a distance of 180 feet from a bridge which he was engaged in examining yesterday and was instantly killed. His body was mashed into a pulp. Practically every bone was broken and his flesh was little more than a jelly-like mass.

## Jap Seal Fishers Caught.

(By Leased Wire to The Times)

Victoria, B. C., Aug. 21.—Russian coast patrols have resumed activity in the Copper Island seal rookeries and have seized the Japanese sailing cruiser Efuku Maru. The information is brought to Victoria by the steamship Shinano Maru.

## CHILD DIES IN BURNING HOUSE

### Little One Suffocated Before Her Father Could Reach Her

## FATHER WAS INJURED

As Result of Fire in Bakery One Fatality Occurs, One Person is Injured and Several Have Narrow Escapes—Fire Caught From Gas in the Ovens, Igniting the Woodwork—Rooms Over Bakery Occupied as Residences—Father of Child Unconscious.

(By Leased Wire to The Times)

Blairsville, Pa., Aug. 21.—As the result of a fire at the Link Bakery, South Blairsville, at 3:30 o'clock this morning, one fatality occurred, one person was injured and several of the occupants narrowly escaped being burned to death.

The dead: Anna Pierre, aged five years, body found in debris.

The injured: Joseph Pierre, father of the child; perhaps fatally burned while making attempts to rescue his child; is unconscious at the home of a neighbor.

The first floor of the building is used as a bakery, while the other floors are occupied as dwellings. Shortly after gas had been lit in the ovens the woodwork caught fire. Before those in the bakery realized what had happened the whole of the first floor was in flames.

The little girl, while in bed, was suffocated by the flames, and her father in attempting to rescue her received his injuries.

## BOY CHOKED TO DEATH.

In an Altercation With His Playmate, Peculiar Case.

(By Leased Wire to The Times)

Newport News, Va., Aug. 21.—Henry Elliott, 15-years-old, is lying at the point of death from a choking at the hands of his playmates, Ernest Robinson and Kyle and Buck Bell. In an altercation Elliott was set upon and choked until his lungs burst.

Air from his lungs has now penetrated his body until it is nearly twice its normal size. Physicians regard the boy's case as a most remarkable one, and say he cannot live. His assailants are under arrest.

## TAFT WANTS SOLID SOUTH BROKEN UP

### Would Be Better for South and the Country at Large, He Says

## REPUBLICANS NEEDED

South Has But Little Influence in Executive Branch of the Government Because of Its Democracy. Is a Conservative Section But Should Not Stick to a Sentiment When Conditions Change—Its Industrial Development the Marvel of the World.

(By Leased Wire to The Times)

Hot Springs, Va., Aug. 21.—In a speech described by his friends as one of the best he ever made, William Howard Taft, republican nominee for the presidency, today addressed a mass meeting of Virginia republicans, 3,000 strong, asking them and the entire south to adopt the principles and tenets of the dominant party of this country.

When the candidate told his reasons for believing the independent democrats of the south would see it as their duty to vote the republican ticket, banners and umbrellas were thrown high into the air and in the grandstand, which bounded the four h side of the amphitheatre, women in their bright-hued gowns stood up and waved their handkerchiefs and fans.

Taft's speech, in large part, was an appeal to the "solid south" to break away from the democratic column. After discussing general issues, he said:

"Everyone having the interest of the country at heart would rejoice to have the solid south as a democratic asset in every national campaign broken up. It would be better for the states themselves; it would be better for the country. The republican party is not the sectional party, which the fact that the south always supports the democratic party would indicate.

"The republican party has improved the waterways, is building the Panama Canal and has started the movement for the redemption of swamp lands, the entire conservation of forests and water resources, and is taking many other steps that are for the development of the south.

"The growth and success of the mining and iron industries of the south are directly due to laws enacted by the republican party. In our dependencies, when offices were to be filled in the Philippines, Porto Rico, and Cuba, no attention has been paid to the partisan proclivities of the appointees, and there are today in the Philippines as many democrats as republicans among the Americans serving the government there.

"Leading democrats of the south have complained, and with much ground, that men of the south have but little influence in the executive branch of the government at Washington. The reason is that the south has always been considered by the democracy, and especially the northern democracy, as a part of the country certain to support the democratic ticket.

"Therefore, when the republican party is in power, it is not either natural or to be expected that it should summon to its executive offices the leading men from the opposing party in the south. The only way by which the south can cure this matter is by independence of action and the support of the republican ticket.

"I know the south is a conservative portion of the country. By tradition, its attachment to the democratic party is firm; but a party represents principles, and when the principles change, though the name of the party remains the same, it would seem that, after a while, the traditional attachment to party would rest lightly on an intelligent community. Still, there is a political habit, a political association which a conservative people hesitate to throw off.

"Many independent democrats in the south agree with the republican party in all its main economic doctrines. Since 1890, the manufacturing interests of the south have exceeded her agricultural interests, the industrial expansion of the south exceeds that of any other part of this country, and is really the marvel of the world.

(Continued on Page Seven.)