

## PROGRESS OF SUIT AGAINST TOBACCO TRUST

One of the Most Important Trust-Busting Cases Now Occupying Attention

## WANTS A RECEIVER

Suit Will Come Up in the Supreme Court the Latter Part of This or Early Next Year—Government Seeks to Have a Federal Receiver Appointed For the Purpose of Making Sure That the Combination Is Dissolved—Prosecution Based on An Immense Amount of Evidence Gathered From All Over the Country—If Government Is Successful in This Suit Others Will Be Started.

(By Leased-Wire to The Times)

Washington, Aug. 18—Besides the prosecution of the sugar trust the most important trust-busting case now occupying the attention of the department of justice in the opinion of many is the suit of the government against the tobacco trust, which will come up in the supreme court the latter part of this, or the early part of next year.

In this case the government has sought to have the American Tobacco Company thrown into the hands of a federal receiver, for the purpose of making certain that the combination is dissolved. The American Tobacco Company is a great holding company, which controls practically all of the largest tobacco and related corporations in the United States. The prosecution is based on an immense amount of evidence, gathered all over the country with the contention of the government that the company is operating in plain and open violation of the Sherman anti-trust law.

If the government should win this case it is said that Attorney-General Wickersham will immediately take steps to bring other suits for dissolution of the Standard Oil Company. An attempt has been made to "bust" the Standard Oil Company in the United States circuit courts in St. Louis, but the suit against the tobacco trust is much further advanced.

Should the government lose both of these cases it would be the sign that the law has vitality enough to curb the trusts. If the cases should be lost it is probable that in the next congress a more drastic anti-trust measure than the Sherman law will be introduced, probably by Senator La Follette, Senator Beveridge, or another of the independent senators. If the cases are won the department of justice will go after other alleged illegal combinations with renewed confidence and a better prospect of "busting" them than is the case with the present combination.

Since the successful prosecution of the sugar trust in the New York courts the department of justice has been sanguine of bringing to book more of the greater alleged violators of the Sherman anti-trust statute.

The department is moving slowly in the anti-trust suits and it is unlikely that other suits against alleged trusts will be taken up in a hurry. Much of the evidence gathered against other trusts under the Roosevelt administration was found to be worthless for "trust busting" purposes and some suits against big corporations that would have been brought had the Roosevelt administration continued in power, have been dropped by Wickersham because it was considered that the evidence on hand was not sufficient to justify the department going into court with a reasonable chance of success. Agents of the department, however, are investigating many of these cases and it has been asserted by the attorney-general that if the evidence warrants it other suits to dissolve illegal combinations of capital will be brought. For the present, however, the government has its hands full with the tobacco and sugar trust cases. Attorney-General Wickersham, just before he left Washington for his vacation recently said:

"When we go after a trust or any other concern or individual we believe to be violating the law we are going after blood. We have no intention of having our cases thrown out of court because of flimsy evidence or because wild conjectures have been made concerning the application of the law. If we feel that the law is being violated we are going

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## SPAIN STARTS DECISIVE WAR CAMPAIGN TODAY

General Marina Has Moved From Melilla Against The Moors

## THE GUNBOATS ATTACK

Future of Spain Depends Upon the Campaign Which Was Started Today—General Marina With 40,000 Men Moves Against the Moors While the Gunboats in the Harbor Make Attack—This is the First Offensive Operation of the War, All the Others Having Been Defensive. General Marina Expects to End War in a Month.

Lisbon, Aug. 18—The future of Spain depends upon the campaign which was started in Morocco today. According to dispatches received here General Marina with a large part of his army of nearly 40,000 men has moved from Melilla against the Moors.

With the gunboats and cruisers in the harbor belching forth continuous fire upon Mount Gurugu, the Moorish stronghold, the soldiers marched to the attack.

This is the first offensive operation of the Moroccan war. The others have been all defensive.

The burden of sustaining a nation rests upon the shoulders of General Marina and he keenly felt that burden, judging from the proclamation which he issued to the troops while they were being concentrated for the attack.

He bade them remember the glory of Spain and uphold it; to die the glorious death of a brave soldier and fear not the enemy. He called upon them to display anew the valor which made the armies of Spain famous in previous wars and to add new laurels to their country by their courage and daring.

The crown of King Alfonso figuratively was carried upon the bayonets of the muskets which swept forward from the city walls. With the fall of the campaign falls the power of Alfonso, his ministers and his loyal followers throughout Spain.

Provisions and munitions had been dealt out to the troops in sufficient quantities for a long campaign. In the harbor lay the armed transport Pinzon, the battleship Emperor Carlos V, the torpedo boat destroyer Osado and the armored protected cruiser Principea De Asturias, their guns thundering, almost completely hidden in the cloud of white smoke which poured from the conning towers. The roar of the cannonade shook the town and far away on the heights of Mount Gurugu the projectiles could be seen striking the mountain-side and casting up dirt by the ton. Under the cover of this furious cannonade the troops moved to the assault. The usual brilliancy of British troops on parade was banished; the soldiers were marching in grim war.

The enemy's camp on the heights facing the hippodrome camp at the gates of Melilla was alive early. As soon as the approach of the Spanish was heralded the tribesmen broke into detachments seeking shelter in the valleys and defiles. A large number took refuge in the Aifer ravine, where 400 soldiers were killed on July 22.

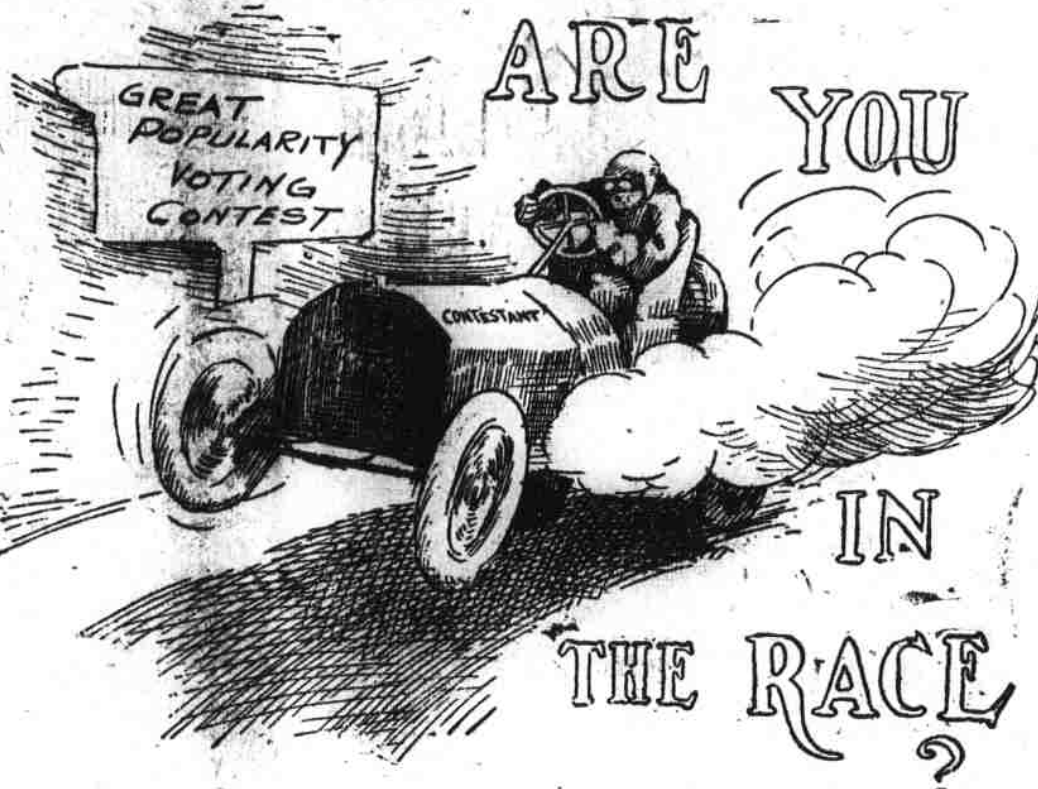
Through the night the Spaniards loaded railroad cars with provisions and field guns and ammunition. These will be carried over the North African Railroad, keeping time with the march and constantly guarded by heavy convoys. To have these cut off and captured by Moors would be equivalent to disaster.

The Spanish force is approximately 38,000. The entire strength of the Moorish force is not known, although it has been reinforced from the tribesmen who were beleaguering Alhucemas and Benon De La Gomea.

Spain has pitted her entire strength in the present campaign and General Marina asserts that he will be able to put down the war before the end of September. The campaign will be a sharp one and will be marked by heavy slaughter for the Spaniards, will give no quarter and the troops will die fighting rather than be captured and tortured to death by the natives.

Wright Goes to Germany. London, Aug. 18—Orville Wright, accompanied by his sister, Miss Catherine, left today for Germany, where he will conclude his negotiations with the German government for several aeroplanes.

FOR THE GREAT CANADIAN TRIP.



Two of these fine trips will be given free to the two most popular contestants on August 26th. Have you a friend in the contest? Your help might win the race for your favorite.

## LIEUT. JAMES SUTTON DIED BY HIS OWN HAND IS THE VERDICT OF THE NAVAL COURT OF INQUIRY TODAY

Court Places All the Blame on Sutton and Practically Exonerates Others

## A MINORITY REPORT

Assistant Secretary of the Navy Made Public at Noon Today the Findings of the Sutton Court of Inquiry. The Report is a Surprise in That It Is Much Stronger Against Sutton Than Had Been Anticipated. Minority Report Holds That Adams, Osterman, and the Others Should Have Been Court-martialed at the Time of the First Inquiry. But Recommends That Nothing Now Be Done.

(By Leased Wire to The Times)

Washington, Aug. 18—Assistant Secretary of the Navy Winthrop at a quarter after noon today made public the findings of the Sutton court of inquiry recently held at Annapolis. Briefly stated the report is a surprise in that the finding of the majority of the court is much stronger and more sweeping than had even been anticipated, placing all the blame on the late lieutenant and practically exonerating Lieutenants Bevan, Adams, Utley, Osterman, and Willing, who were with Sutton at the time of his death.

It is the general belief outside of navy circles that an inquiry will be made by order of congress later and that civil proceedings will without doubt be inaugurated by Mrs. Sutton, when facts will be brought out which the naval court did not go into fully.

The report in part is as follows:

**Facts.**  
1. That a quarrel took place in which filthy language, unbecoming an officer and a gentleman, was used by Lieutenant Sutton towards Second Lieutenant Adams, in the presence of their senior, Lieutenant Utley, about 1 a. m., October 13, 1907. That Lieutenants Utley and Osterman intervened and prevented a fight.

2. That because of this interference a fight took place immediately afterwards between Lieutenants Osterman and Sutton, in which Lieutenant Sutton was the aggressor, calling Osterman a vile name, and striking Osterman a blow from behind.

3. That Lieutenant Sutton was then ordered under arrest by his senior officer, Lieutenant Utley. He failed to obey such an order, ran away to his, Sutton's tent, threatening to shoot all present, and armed himself with two 38 calibre revolvers, one Smith & Wesson commercial, and one a service Colt.

4. That Lieutenant Sutton, having possessed himself of two revolvers, ran amuck, threatening all who came in sight, after first defying his senior officer, Lieutenant Utley, and the officers of the guard, Lieutenant Bevan who had also ordered him under arrest.

5. That Lieutenants Utley and Roelker and Sergeant DeHart followed Lieutenant Sutton from the camp after his breach of arrest, and came on

him in the road leading from the barracks to the naval academy grounds, near the scene of the previous fight, and Lieutenant Utley and Sergeant DeHart tried to persuade him, Sutton, to disarm.

6. That Lieutenant Sutton broke away on hearing persons approach from the direction of the barracks, and ran in that direction, and, while being chased by Lieutenants Utley and Roelker, met Lieutenant Adams and opened fire on him; in the general scrimmage that followed, shot Roelker in the breast and Adams in the hand, and when finally overpowered and thrown to the ground by Adams, was killed by a revolver shot from a service Colt revolver, held in his own right hand and fired by himself, without the intervention of any other hand.

**Opinions.**

1. That Lieutenant Utley failed in his duty as senior officer present, under Article 266, U. S. Navy Regulations, 1909, in permitting Lieutenant Sutton to run away and arm himself, instead of calling on those present for assistance and following Lieutenant Sutton, preventing his arming himself, by force if necessary, and turning him over to the custody of the officer of the day.

2. That Lieutenant Bevan, officer of the guard, failed in his duty as officer of the guard in not disarming Lieutenant Sutton by force, while in front of his, Sutton's, tent.

3. That Lieutenant Willing, the officer of the day, failed in his duty as officer of the day in not immediately assisting by force in helping to disarm Lieutenant Sutton when he arrived on the scene before the fatal shot was fired.

4. That no possible charge of criminality lies against any of the participants in the fray except Lieutenant Sutton himself, and that Lieutenant Sutton is directly and solely responsible for his own death, which was self-inflicted, either intentionally or in an effort to shoot one of the persons restraining him, and his death was not caused by any other injury whatever.

5. That the charges of wilful murder and conspiracy to conceal it, made by the complainant, Mrs. Sutton, mother of Lieutenant Sutton, are purely imaginary and unsupported by even a shadow of evidence, truth or reason.

**Recommendation.**

In view of the youth and decided inexperience of Lieutenants Utley, Willing and Bevan, at the time, and of the altogether unusual conditions of excitement, threats and danger during the aforementioned fray it is recommended that no further proceedings be taken.

**Minority Report.**

The minority report of Commander John Hood, president, is as follows:

The undersigned concurs in the above, and in addition is of the opinion that Lieutenants Utley, Adams, Osterman, Willing and Bevan showed a deplorable lack of knowledge of their duties and obligations as officers holding commissions in the marine corps. The testimony concerning the state of discipline then existing in the marine school of application discreditable to the service, and argues strongly against the practice of commissioning and putting into positions

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## BISSETT NOT GUILTY Gets Off on a Technicality of Law

J. B. Bissett, Cafe Keeper, Charged With Selling Liquor, Found Not Guilty and Discharged—Olmstead the Principal Witness—Other Cases Heard.

The police court opened this morning with the atmosphere of the nearness of the happening of some important events and it happened. Those who were present at the hearing of the Bissett case can tell you what it was. Those who missed it missed a gem of oratorical pleadings. Mr. J. A. Farmer, in the presentation of the case for his client, surpassed himself and those who listened were spellbound by his eloquence.

The first case to come before the court was that of two negro boys for fighting around the market place. The defendants submitted and each were fined \$5 and cost and warned if they could not pay the fine and cost they would have to go to the roads. In the case against Sallie Lomax, who was charged with being drunk and disorderly in a public place, the evidence was sufficient to satisfy the judge as to the guilt of the defendant, so he fined her \$5 and costs and told her that he knew that she had been in the police court two or three times before, but not while he was police justice and warned her, furthermore, that if she were ever convicted in his court again that he was going to send her to the workhouse.

The next case, was the one against J. B. Bissett, who was charged with selling whiskey. Mr. Bissett was represented by Col. J. C. L. Harris and Mr. J. A. Farmer, of Wilson. The first witness was Mr. Critcher, who stated that he clerked for Mr. Bissett and stated that he had been sick for about nine days in August and July and had been confined to his room, which is over Bissett's cafe.

The next witness was John Olmstead, who testified that he bought a pint of whiskey from Bissett about the first part of the month. He stated that he went into the cafe and told Bissett what he wanted and Bissett sent him upstairs to Critcher, who pulled the whiskey out from under his pillow on the bed and handed it to him. Olmstead then stated that he paid Critcher for the whiskey. The witness also said that he had bought whiskey from Bissett several times.

On cross-examination by the attorney for the defense the witness testified that he was told that if he would turn state's evidence that he would be dealt with lightly.

Policeman Alderson was the next witness. He swore that he went to Bissett's cafe and found six or seven pints of whiskey behind the counter in pint bottles, all of which were sealed with the exception of one, which had the seal broken and about half of the whiskey gone. Here the state rested its case.

Mr. Critcher was the first witness for the defense. He denied that he had sold Olmstead any whiskey. He

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## WILSON FIRST; REIDSVILLE 2ND; RALEIGH LAST

Mrs. J. E. Amos Brings Reidsville Into Second Place—Her Friends Getting Busy

## CONTEST CLOSES 26TH

Miss Frances Dement Holds the Lead in Raleigh Over the Other Contestants—Clubs of "Ten Spots" Are Being Formed Every Day to Get the "Bonus Offer" on the 26th—Miss Warters and Miss Clark of Raleigh Working Hard for the Prize—Greatest Tour of the Year and the Two Winners Will Have a Grand Time in Canada.

Reidsville comes into second place today and the race takes on new life. Mrs. J. E. Amos and her friends are going to put Reidsville on top or make a great effort. From every section comes votes and subscriptions and the people are going in for a fine home-stretch in this big race. Wilson still holds the top notch and the Wilson people are driving for first place. Mrs. McFarland is working hard for that great Canadian tour and her friends are giving her fine support. The Evening Times reaches Wilson and all the eastern sections of the state on the same afternoon it is published and the people find that it gives them the news twelve to fourteen hours earlier than any other paper.

In Raleigh there are three contestants who are working and they are making a fight for the votes. Miss Frances Dement is the leader today in Raleigh and she is making a hard fight to come in for one of the grand trips. This great tour will leave Raleigh on September 1st and as the contest closes on August 26th, the winners will have plenty of time to get ready.

The last "Bonus Offer" will be given on August 26th, and all money must be at The Times office or mailed on that day, so it will bear the postmark of the 26th. No extra votes will be given after the 26th and all money will be credited at the regular rate given below.

Wilson, N. C.	
Mrs. R. W. McFarland	191,250
Raleigh, N. C.	
Miss Frances Dement	90,535
Miss Musa Ellison	36,750
Miss Annie Clark	42,000
Miss Eva Warters	34,325
Lillington, N. C.	
Miss Mabel Clifton	42,750
Beaufort, N. C.	
Miss Riva Morton	5,100
Miss Mamie Coffey	4,250
Hillsboro, N. C.	
Mr. Eugene Rimmer	3,250
Reidsville, N. C.	
Mrs. J. E. Amos	65,000
Washington, N. C.	
Miss Carrie Simmons	28,240
Morehead City, N. C.	
Miss Bertha Willis	26,750
Miss Corinne Bell	22,500
Kinston, N. C.	
Miss Clara Oettinger	40,500
Durham, N. C.	
Miss Lida Vaughan	27,600
Miss Mildred Turner	2,750
Roxboro, N. C.	
Miss Rosie Newell	41,300
Dunn, N. C.	
Miss Isabel Young	7,500
Elizabeth City, N. C.	
Miss Inez-Broughton	6,150
Rocky Mount, N. C.	
Miss Minnie Price, Route No.	36,500
Henderson, N. C.	
Miss Jessie Dunn	26,925
Miss Mabel Kelly	4,265
Greenville, N. C.	
Miss Lillian Carr	33,400
Goldboro, N. C.	
Mrs. C. L. Bass	24,610
Miss Dorla Powell	47,500

**Schedule of Votes.**  
\$ .45 . . . . . 45 votes  
\$ 1.25 . . . . . 125 votes  
\$ 2.50 . . . . . 250 votes  
\$ 5.00 . . . . . 500 votes

**Payments Made in Advance.**  
\$ .45 . . . . . 200 votes  
\$ 1.25 . . . . . 500 votes  
\$ 2.50 . . . . . 1,000 votes  
\$ 5.00 . . . . . 2,500 votes  
\$ 10.00 . . . . . 7,500 votes  
\$ 15.00 . . . . . 15,000 votes  
\$ 20.00 . . . . . 20,000 votes  
\$ 25.00 . . . . . 25,000 votes

**SATURDAY EVENING CAPITAL.**  
Weekly, 25c per year.  
50c. one year . . . . . 500 votes  
\$ 2.00. 2 years . . . . . 1,000 votes  
Send all votes and address all communications regarding the contest to THE CONTEST MANAGER, The Evening Times, Raleigh, N. C.