

# STANDARD OIL WINS; GOVERNMENT LOSES

**Circuit Court of Appeals Denies Motion for Rehearing on \$29,000,000 Penalty.**

## CASE TO BE CARRIED HIGHER

**Court Attacks Attitude of Trial Judge and Procedure of Federal Attorneys.—To Be Decided by Tribunal of Last Resort.**

Chicago, Nov. 12.—The United States Circuit Court of Appeals reaffirmed its own decision exculpating the Standard Oil Company from paying a \$29,000,000 fine for rebating. The opinion, written this time by Judge Baker, denies the Government's rehearing on its appeal from the verdict of the same court on July 12 last, when Judge Grosscup put forth the decision, based on technicality of the law, that the company was not guilty.

The next day President Roosevelt said of the verdict: "There is absolutely no question of the guilt of the defendants, and the President would regard it as a gross miscarriage of justice if, through any technicality, the defendant escaped punishment, which would unquestionably have been meted out to any weaker defendant who had been guilty of such an offense."

Though the Government side in the controversy has so far failed to comment upon the decision against it, the understanding is that the President and Attorney General will force the case from the court, where it has now had two trials into the Supreme Court, of the United States, and that the final trial will be presided immediately after the Supreme Court reconvenes, December 1.

In Judge Grosscup's original decision, upon which the President commented, it was declared that Judge Landis, in imposing the \$29,000,000 fine, had used evidence adduced against only the Standard Oil Company of Indiana, upon which to base his conviction of the Standard Oil Company, of New Jersey.

This decision is reaffirmed, as is the protested Grosscup ultimatum that Judge Landis erred, when he based fine on car lots of rebated freight, instead of on train loads of shipments in the whole.

The court takes all the Government officers concerned in the case as task for having introduced "an ignorance of the law" into their plea.

The Government, in its petition, intimated that if the opinion of the judges of the Appellate Court—Grosscup, Seaman and Baker—were allowed to stand, it would nullify nearly every shred of rate reformatory legislation accomplished by the Roosevelt Administration.

## HUNTERS KILLED.

**Slaughter of Men in Wisconsin and Michigan Before Season Opened.**

Milwaukee, Nov. 12.—The most terrible slaughter of hunters ever reported in Wisconsin and Upper Michigan has been the feature of the several weeks preceding the actual opening of the deer hunting season. There have already been twenty-one deaths this year and thirty-seven hunters have been wounded, some seriously.

The majority of the cases were where there was carelessness in the use of firearms and a larger proportion of the deaths than usual were those of the careless hunters themselves. In other years the companion of the careless hunter has been the victim. This year nearly half of the dead have killed themselves.

## LYNCHED IN DAYLIGHT

**Negro Hanged for Attacking White Girl Near Biloxi.**

Biloxi, Miss., Nov. 12.—The jail here was stormed by an angry crowd of white men, who took Henry Leidy, a negro, three-quarters of a mile from the jail and lynched him at 3 P. M. Not a single shot was fired. The mob was orderly and arched back to the city and dispersed.

The crime for which the negro was hanged was committed upon Elizabeth Hauser, seventeen years old, at West End, near Biloxi. The negro was identified by the girl.

## Victorian Sardou Dies in Paris.

Paris, Nov. 10.—Victorien Sardou, an of French dramatist, a member of the French Academy and known throughout the world as probably the greatest and most prolific of contemporary playwrights, died here of coronary congestion after an illness of several weeks. He was seventy-seven years old.

## J. Nelson Veit, a young broker,

led his mother and then committed suicide in the Hotel Ansonia, New York City. His secret marriage, revealed by the tragedy, is believed to have led to the crime.

## C. F. Murphy, of Tammany Hall,

a statement declared Bryan was feated by his own weakness and died that he was knifed in New York City.

## ELECTORAL VOTE.

TAFT.	
California	10
Connecticut	7
Delaware	3
Idaho	3
Illinois	27
Indiana	15
Iowa	13
Kansas	10
Maine	6
Maryland	2
Massachusetts	16
Michigan	14
Minnesota	11
Missouri	18
Montana	3
New Hampshire	4
New Jersey	12
New York	30
North Dakota	4
Ohio	23
Oregon	4
Pennsylvania	34
Rhode Island	4
South Dakota	4
Utah	3
Vermont	4
Washington	5
West Virginia	7
Wisconsin	13
Wyoming	3
Total	321

## BRYAN.

Alabama	11
Arkansas	9
Colorado	5
Florida	5
Georgia	13
Kentucky	13
Louisiana	9
Maryland	6
Mississippi	10
Nebraska	8
Nevada	3
North Carolina	12
Oklahoma	7
South Carolina	9
Tennessee	12
Texas	18
Virginia	12
Total	162

## NORTH DAKOTA, NEW SEA TERROR AFLOAT

**Giant Battleship is Successfully Launched at Quincy, Mass.**

Quincy, Mass., Nov. 12.—With representatives of the State and Federal governments and Governor Burke and staff, of North Dakota, present, the giant battleship North Dakota was launched at the Fore River ship building yards.

The ship was christened with a bottle of North Dakota's own vintage by Miss Mary Benton, daughter of Colonel John K. Benton, of Fargo, N. D.

The North Dakota is the largest battleship ever projected, her nearest competitor being the British battleship Collingwood, launched in England last Saturday. Both are of the Dreadnaught class. The North Dakota is over 20,000 tons displacement. She is meant to go 21 knots an hour.

The North Dakota weighs over 9,000 tons. Her construction has broken all records. Her keel was laid December 16 last.

## SPECIAL TRAIN HITS AUTO; FOUR DEAD.

**California Man Tried to Dash Ahead of Southern Pacific Special at Red Bluff.**

Red Bluff, Cal., Nov. 12.—A special train on the Southern Pacific Railroad crashed into an automobile here. Four persons were killed and one was badly injured.

The victims were in a big touring car, which was hurled 300 feet in the air. The dead are George K. Willard, his wife and his daughter Olive and Mrs. Irene Hayes of Wallace.

Imogene Willard was caught on the cowcatcher of the train and seriously cut. Willard was at the wheel. He tried to dash across the track in front of the train, but was caught midway on the tracks.

## LOEB TO BE AN EDITOR

**He Receives an Offer From the St. Paul "Despatch."**

Washington, Nov. 10.—The latest report concerning the future of Wm. Loeb, Jr., secretary to the President, places him in an editorial chair in St. Paul, Minn. That some sort of an offer has come to him from the St. Paul "Despatch" is an accepted fact among his friends, some of whom said to-day that the secretary made the committal remark in connection with the St. Paul offer.

"It looks good to me."

## Died From Fall in Bath Tub.

Winsted, Conn., Nov. 10.—While taking a bath in a porcelain tub in her home, Mrs. Fred A. Schlechweg, of Bristol, aged seventy-six, slipped and struck her head on the side of the tub. She was dead when her daughter found her.

Advices from Willemstad said that Holland would not begin immediately a blockade of Venezuelan ports, but that warships would soon put to sea and cruise along the coast.

## EX-SENATOR CARMACK KILLED IN A DUEL.

**Robin Cooper, a Lawyer, is Wounded in Avenging Criticism of His Father.**

Nashville, Tenn., Nov. 12.—Former Senator Edward Ward Carmack was shot and instantly killed at 4.30 P. M. by Robin J. Cooper, a young lawyer, son of Col. Duncan B. Cooper.

The tragedy took place on Vine street, in front of the Polk flats. Young Cooper, who was accompanied by his father, was shot once in the right shoulder, and the second and last of the bullets from Carmack's revolver passed through his left coat sleeve. Cooper, though badly wounded, will recover.

Immediately after the shooting Col. Cooper put his arms around his wounded son and carried him to an infirmary, a few doors down Vine street, from whence he was soon taken to St. Thomas's Hospital.

Col. Cooper, who did not fire a shot, promptly gave himself up, and was later taken to the station house, where he was held for the night, saying he preferred not to ask for bail until after the preliminary investigation had shown that he was entitled to it.

The tragedy was the outcome of Carmack's repeated attacks on Col. Cooper, both on the stump and later in his paper, the Nashville Tennessean.

Cooper supported ex-Gov. Robert L. Taylor in the contest for the Senatorial nomination in which Carmack was defeated two years ago. He was the close friend of Gov. M. R. Patterson in his race against Gov. Cox two years ago also took an active part in the gubernatorial campaign last summer in the interest of Gov. Patterson, who defeated Carmack for the nomination.

Great excitement was caused by the tragedy, as Mr. Carmack was the best known man in Tennessee and had recently been before the people in every part of the State in a series of joint debates with Gov. Patterson, in which Mr. Carmack was the champion of Statewide prohibition.

Feeling between the saloon interests and the temperance forces ran high during the recent primary, and since his defeat for the gubernatorial nomination Mr. Carmack had been active in an editorial way in support of Statewide prohibition.

The Tennessee Legislature meets early in January and it is freely predicted that Mr. Carmack's death will result in driving the saloons out of Chattanooga, Memphis, Nashville and La Follette, the only four places in the State where liquor is now sold.

## POSTMASTER MORGAN SHOT BY A LUNATIC.

**Eric H. B. Mackay, Escaped Madman, Had Record of Violence.**

New York, N. Y., Nov. 11.—Impelled by homicidal mania and a fancied grievance, Eric Hugh Boyd Mackay, aged 35, member of an English family of note, shot and dangerously wounded Postmaster Edward M. Morgan.

Prompt and heroic action by Miss Dorothy Morgan, the Postmaster's sixteen-year-old daughter, in shoving the would-be assassin's revolver aside, undoubtedly saved her father's life.

Mackay, after shooting Mr. Morgan, turned his weapon, a .38 calibre, self-acting affair, on himself. One bullet entered his left breast and he fell dead with another through his head.

The tragedy occurred on West One Hundred and Forty-sixth street, just west of Broadway, and close to the Morgan residence.

Police investigation revealed persistent planning by Mackay for months to kill Mr. Morgan. It also disclosed that he has been insane nearly all his life, had shot a man in Boston, and had escaped from a Massachusetts asylum a few years ago.

## BOY FROZEN TO DEATH

**His Body Found Covered With Snow in Roscoe Conkling Park, Utica.**

Utica, Nov. 10.—With a bed of leaves beneath him and a coverlet of snow the body of Michael Fillet, a schoolboy, was found in Roscoe Conkling Park, in the southern part of this city. The lad, who was 15 years old, was frozen stiff, and as far as appearances would indicate had died of exposure. The boy could hardly have lost his way, for there were several houses within a few hundred feet, and at night the lights of the city gleam bright in the valley below.

Playmates of the boy suggest that he ran away from home in a fit of temper.

## Divorce Mill to Close.

Sioux Falls, S. D., Nov. 10.—Enough definite returns are at hand from the vote on the divorce law referendum to show that the state has put the seal of disapproval upon the old statute which has made South Dakota notorious as a "divorce mill."

Governor Magoon, of China, is considering a suggestion to grant a life pension to the widow of former President Estrada Palma.

President C. W. Elliot of Harvard resigned and his resignation, to take effect May 19, 1909, was accepted.

## WOMAN, CHILD AND MAN FOUND KILLED

**Triple Tragedy in East Pittsburg Linked with Mysterious Death a Year Before.**

## MOTHER'S VENGEANCE A THEORY

**Mrs. Wm. Casey Slays Son-in-Law, an Adopted Girl and Then Takes Her Own Life.—Crime's Inner History May Never Be Known.**

East Pittsburg, Nov. 12.—A triple crime, the inner history of which probably never can be known, was discovered here by William Casey when he returned to his home, in Fifth avenue, shortly after midnight. On the bed, her throat cut, lay his wife; beside her, her head almost severed from the body, lay Irene, 6 years old, whom Mrs. Casey had adopted after the tragic death of her daughter a year before. At first sight George Hartzell, Mrs. Casey's son-in-law, appeared to be missing. But the fumes of chloroform led Casey to a trunk in a corner of the room. Raising the lid he found the body of Hartzell. Like the others, Hartzell's throat was cut. A cloth that had been soaked in chloroform was wrapped about the head.

That little Irene had been an innocent victim was plain, but there was little to show which of the two others was the murderer. A blood-stained razor that evidently had been used in the killing lay on the bed beside Mrs. Casey's body, and from that fact the police built a theory closely connected with the death of the woman's daughter. They believe Mrs. Casey killed Hartzell because she believed he a year before, had killed her child, who, at the time of her death, had been a bride only a few weeks.

Young Mrs. Hartzell was killed in her home by a pistol shot. Hartzell was arrested, but told a story of how his wife had kissed him goodbye as he was leaving the house to go to work and then running into another room, had shot herself before he closed the outer door. Mrs. Casey openly accused Hartzell of the murder of his bride, but she was unable to produce proof, and when the Coroner's jury brought in a verdict of suicide Hartzell was released.

The widower went to live with the Caseys, and if the story told by the police is true, Mrs. Casey from the first hour he entered the house set all her woman's craft to the task of fastening the death of his wife upon him. She was 37 years old and Hartzell 22, and the two came to spend so much time together that Casey became jealous and frequently quarreled with his wife on the score of her friendship for her son-in-law. Mrs. Casey, it is said, soothed her husband by telling him she was seeking to trap Hartzell into a confession that he had killed their daughter, and the strange seeming friendship continued and grew closer.

"If I ever can really satisfy myself that George shot my child I will kill him in cold blood with my own hands," the woman is said to have told her husband a few days ago. Whether she actually learned anything from the young man's lips probably never will be known. The police believe that, in her own words, she "satisfied herself" of his guilt, and, after first trying to suffocate Hartzell with chloroform, cut his throat with the razor as he lay unconscious. Then, crazed with the sight of the blood and with the realization of what she had done, it is believed she killed the little girl and herself.

American officials in England have been greatly disturbed by the refusal of British shipbuilders to give them information about the cost of production for use in the revision of the United States tariff.

Charles H. Jones, cashier of the First National Bank of Seabright, N. J., was arrested on a charge of embezzling \$16,000.

Nat Goodwin, actor, and Miss Edna Goodrich, actress, were married in Boston.

Federal Judges Grosscup and Barker, at Chicago, granted the complaining railways an injunction in the Missouri River rate case before the Interstate Commerce Commission, pending final adjudication by the United States Supreme Court.

Judge Taft left Cincinnati for Hot Springs, Va., for rest after the campaign.

Emperor William was bitterly attacked by representatives of all parties in the Reichstag for utterances in his famous interview, and Chancellor Von Buelow declared he had decided to remain as Chancellor, but he could not say for how long.

An agreement was signed at Berlin by which France and Germany, after exchanging expressions of regret for the Casablanca incident, agree to settle the question at The Hague.

J. Henniker Heaton, speaking in London, attacked the management of the cable companies and strongly urged a conference of postmasters general to bring about a penny a word rate in Europe and afterward in America.

M. Cambon, French Ambassador in Berlin, and Baron von Waechter, for the German Foreign Office, have signed an agreement in settlement of the Casablanca incident.

Lord Sholto Douglas was arrested in British Columbia for shooting a man he found in his home when he returned unexpectedly.

Premier Asquith indicated at the Guild Hall banquet, London, that the clouds darkening Europe will soon disperse without a storm.

Austria has repeated her refusal to pay indemnity to Turkey, and plans for the renewal of negotiations are likely to fail.

Russia and Great Britain will not agree to the abolition of the Persian Parliament, and will support the Shah and his constitution.

The German War Department decided to purchase the Zeppelin dirigible balloon.

The delegation of business men from the Pacific Coast met in Tokio and adopted a resolution to devise means whereby American-Japanese trade might be increased.

## WORLD NEWS OF THE WEEK.

Covering Minor Happenings From All Over the Globe.

### DOMESTIC.

The Ways and Means Committee began hearings on tariff revision, and the drug interests, heard on Schedule A, expressed themselves, with few exceptions, as satisfied with the present rates.

Major-Gen. Leonard Wood relieved Major-Gen. Frederick D. Grant of command of the Department of the East, with headquarters at Governor's Island.

C. W. Morse was denied bail by the United States Circuit Court of Appeals, New York, and must remain in the Tombs for nearly a month at least.

Officers of the fleet interpreted recent orders to mean that the cruisers of the Pacific fleet are to be mobilized in the Atlantic.

According to the estimate of the Department of Agriculture, issued at Washington, corn, wheat, oats and eight other farm crops this year aggregated 2.4 per cent more than the average for the last five years.

The Rev. Dr. Alfred H. Harding, rector of St. Paul's Episcopal Church, Washington, was elected Bishop of Washington.

Major-Gen. Leonard Wood, who succeeds Major-Gen. Frederick D. Grant in command of the Department of the East, U. S. A., arrived from Europe.

Washington dispatches reported Samuel Gompers would probably not be invited to the coming "labor dinner" at the White House.

Washington dispatches declared that Secretary Root was almost certain to be chosen for the Senate from New York to succeed Mr. Platt.

With a good attendance and many excellent entries the annual horse show was opened in Madison Square Garden, New York.

Three masked burglars held up Charles E. Tynator, a wealthy man, with his wife and three children, at their home, No. 4,820 Fifteenth avenue, Borough Park, Brooklyn, ransacked the house and escaped with \$10,000 booty.

Washington dispatches reported that the framers of new tariff schedules had been set back by the refusal of foreign merchants to give information on the cost of production.

President Roosevelt made public a letter he wrote since election in which he announced as un-American the attempt to make political capital out of Judge Taft's religious beliefs or associations.

Charles H. Jones, cashier of the First National Bank of Seabright, N. J., was arrested on a charge of embezzling \$16,000.

Nat Goodwin, actor, and Miss Edna Goodrich, actress, were married in Boston.

Federal Judges Grosscup and Barker, at Chicago, granted the complaining railways an injunction in the Missouri River rate case before the Interstate Commerce Commission, pending final adjudication by the United States Supreme Court.

Judge Taft left Cincinnati for Hot Springs, Va., for rest after the campaign.

American officials in England have been greatly disturbed by the refusal of British shipbuilders to give them information about the cost of production for use in the revision of the United States tariff.

### FOREIGN.

Emperor William was bitterly attacked by representatives of all parties in the Reichstag for utterances in his famous interview, and Chancellor Von Buelow declared he had decided to remain as Chancellor, but he could not say for how long.

An agreement was signed at Berlin by which France and Germany, after exchanging expressions of regret for the Casablanca incident, agree to settle the question at The Hague.

J. Henniker Heaton, speaking in London, attacked the management of the cable companies and strongly urged a conference of postmasters general to bring about a penny a word rate in Europe and afterward in America.

M. Cambon, French Ambassador in Berlin, and Baron von Waechter, for the German Foreign Office, have signed an agreement in settlement of the Casablanca incident.

Lord Sholto Douglas was arrested in British Columbia for shooting a man he found in his home when he returned unexpectedly.

Premier Asquith indicated at the Guild Hall banquet, London, that the clouds darkening Europe will soon disperse without a storm.

Austria has repeated her refusal to pay indemnity to Turkey, and plans for the renewal of negotiations are likely to fail.

Russia and Great Britain will not agree to the abolition of the Persian Parliament, and will support the Shah and his constitution.

The German War Department decided to purchase the Zeppelin dirigible balloon.

The delegation of business men from the Pacific Coast met in Tokio and adopted a resolution to devise means whereby American-Japanese trade might be increased.

## MORSE, 15 YEARS, CURTIS LET GO

**Former "Ice King" Doomed to Hard Labor in Federal Prison at Atlanta, Ga.**

## BANKER'S TOOL IS SET FREE.

**Earnest Plea for Mercy Causes Federal Judge to Suspend the Latter's Sentence.—Disgraced Financier Is Hoisted on His Way to Tombs.**

New York, N. Y., Nov. 12.—Chas. W. Morse, fifty-two years old, former "Ice King" and steamship owner, with a chain of banks to do his bidding, and who a year ago was worth \$22,000,000, was sentenced by Judge Hough, in the United States District Court, to serve fifteen years in the federal prison at Atlanta for misapplication of the funds of the National Bank of North America, of which he was formerly vice-president, and for making false entries in the bank's books. Judge Hough granted a stay of ten days in the execution of the sentence.

Alfred Curtis, former president of the National Bank of North America, who was convicted with Morse on the same charges, received the minimum penalty—five years—but Judge Hough suspended sentence, and Mr. Curtis left the courtroom a free man. The jury which convicted the two bankers recommended clemency in the case of Curtis, and United States Attorney Stimson, who prosecuted the case for the government, urged leniency.

No sooner had the former "Ice King," and manipulator of the funds of the National Bank of North America heard the sentence than the confidence that had marked his manner throughout the trial gave way to tears. In the moment of his deepest humiliation and disgrace when the fact was forced in upon him that prison stripes awaited him, Morse was unable to restrain his emotion and he wept in despair.

The popular approval of the outcome of the trial was shown in the scene in court. The crowd, which filled every inch of the room, applauded when sentence on Mr. Curtis was suspended. Whatever it may have thought of the former bank President it had genuine sympathy for his wife. No one could look at her, almost fainting from the torture of her position, yet bearing up to render what comfort she could be to her husband, without feeling thankful that the court had seen fit to show mercy in his case.

The crowd applauded again when it heard the fate of Morse. It had no sympathy for the man whose system of speculation had been laid bare and seemed to hold him largely responsible for the panic of last year and the suffering it involved. Morse was jeered when, two or three hours later, he walked across City Hall Square under guard to Centre Street and the Tombs, and the last words that fell on his ears from the world of freedom as the iron gates of the prison clanged behind him were the taunt:

"How would you like to be the 'Ice King'?"

Through it all the prisoner's stoicism never deserted him in public. He broke down when alone with his family, but to the crowd he presented the same determined front he had preserved throughout the trial.

Plucky Woman Fools Blackmailer. Denver, Col., Nov. 11.—While Mrs. Genevieve Chandler Phipps, divorced wife of Lawrence C. Phipps, was shopping a woman entered her automobile and when Mrs. Phipps returned threatened to kill Mrs. Phipps, little Miss Phipps and herself with dynamite if not given \$10,000. Ms. Phipps said it would be necessary to go to the bank, and there the woman was arrested after throwing at a special officer a stick of dynamite, which failed to explode.

NEW YORK MARKETS.

Wholesale Prices of Farm Products Quoted for the Week.

WHEAT—No. 2, Red, \$1.09 1/4 @ \$1.09 3/4. No. 1, Northern Duluth, \$1.13 1/2.

CORN—No. 2, 77 1/4 @ 77 3/4.

OATS—Mixed, 51 @ 52 1/4.

BUTTER—Western firsts, 23 1/2 @ 26.

State Dairy, 23 @ 25.

CHEESE—State full cream, 13 1/4 @ 14 1/4.

MILK—Per quart, 3 3/4 c.

EGGS—State. Fair to choice, 33 @ 42, do., western firsts 27c @ 31c.

SHEEP—Per 100 lbs., \$2.50 @ \$4.00.

BEEVES—City Dressed, 7 @ 10 1/2.

CALVES—City Dressed, 8 @ 14.

HOGS—Live Per 100 lbs., \$5.50 @ \$5.75.

HAY—Prime per 100 lbs., 85c.