

## REHEARING DENIED IN STANDARD CASE

United States Court of Appeals Refuses the Government's Petition in the \$29,000,000 Standard Case.

## SUSTAINS FORMER ACT WOMAN TAKES BLAME

Decision Was Unanimous, Contains Much of the Former Ruling and Includes Excoriation of Landis.

CHICAGO, Ill., Nov. 10.—The United States Court of Appeals today denied a rehearing in the Standard Oil case.

The United States Circuit court, Judges Grosscup, Baker and Seaman sitting, today denied the government's petition for a rehearing in the \$29,000,000 Standard case before that court, and sustained the former ruling, remanding the case to Judge Landis of the United States District court for retrial. It is believed the action of Bonaparte will be to take the case before the Supreme court on a writ of certiorari.

The decision was unanimous. Grosscup wrote the opinion, Baker concurring and added additional reasons for the ruling. The opinion is almost identical with the language of the former ruling. It reiterated the point that the Standard's offense was wrong. That the offense of accepting rebates completes the transaction of shipment, not the quantity sent. Wherefore rebated shipments constitutes an offense as ruled by Landis is held wrong. It directly referred to dragging of the Standard of New Jersey into the case, though not named in the indictment. It declares a person back of the defendant can be reached only by proper processes of the law, and not through supplemental proceeding in the nature of civil proceedings. The court reiterates the original exhortation of Landis.

The specific reply of the government's petition in the rehearing is brief. It declares the court's original opinion regarding the rulings of Landis was correct. It denies it misquoted him. It says though some testimony admitted in trial was stricken out by instructions, so in saying the testimony was not admitted to the circuit court was correct. The roast supposed to be directed at the government's attorneys is incorporated, saying the counsel was accused of the practice of the court's review and supposed to understand the ordinary legal terms and not to misapply them. It also points out Baker's concurring opinion, not dissenting, but states additional reasons why the rehearing was denied. Baker, in his concurring opinion, deals with the interpretation of the statute. He says in the trial the court erred in rulings on proof of the knowledge of violation. He says congress did not make a willful violation of equality between shippers and unintentional failure of known established rates in coordinate offenses. He says in considering the guilt of the Standard of New Jersey before the passing of sentence on the Indiana Standard, Landis violated a principal of law. He says such consideration is allowable when used to mitigate a sentence but when used to aggravate an offense it is punishing one person for another's crime.

## KILLED BY AUTOMOBILE.

Rev. Thompson, of Chicago, Killed in St. Louis Last Night.

ST. LOUIS, Nov. 10.—Rev. Davis Thompson, editor of the Northwestern Christian Advocate, of Chicago died today at St. Luke's hospital from injuries received last night when he was run down by an automobile, driven by Frank White, a chauffeur.

## Senator Platt Talks.

NEW YORK, Nov. 10.—Senator Platt, who announced more than a year ago that he would not be a candidate to succeed himself, last night expressed the opinion that either President Roosevelt or Secretary Root would be his successor.

## Anti-Pass Provision.

WASHINGTON, Nov. 10.—An argument begun today in the United States supreme court in the express company case involving the validity of the anti-pass provisions of the Hepburn act. Every express company in the country is vitally interested in the issue and is a party to the appeal.

## COOPERS' LAID FOR CARMACK

Statement of a New Witness in the Tennessee Tragedy Says Carmack Killing Was a Dastardly Murder.

## WOMAN TAKES BLAME

Mrs. Eastman Said if She Had Not Been Taken by Surprise She Could Have Saved His Life.

NASHVILLE, Tenn., Nov. 10.—A statement of a new witness supplements the claim of Carmack's friends that the Cooper's laid in wait for him. The witness is Carrie A. Folk. She said she saw Cooper standing on a corner talking to two women. She said he rounded a corner, she heard a shot and ran back. Mrs. Eastman blames herself for Carmack's death in a measure. Adding to her statement today, she said: "I wish I had been anywhere else. If I had not been there Carmack had a chance for life. If I had not been talking to him he would not have been taken by surprise and could have fought." She called the shooting a dastardly murder, shortly before the killing Carmack expressed an opinion insufficient for provocation to take human life.

## Special Session Grand Jury.

A special session of the grand jury has been called for tomorrow to hear the case against Colonel Duncan B. Cooper and his son Robin, for the killing of former Senator Carmack in a street fight yesterday. The elder Cooper will probably be held as an accessory to the murder, the son being charged with the killing. Robin, who was arrested and is held at the hospital, is only slightly injured. He will probably be able to appear to appear for the hearing today. It is understood the men will waive examination and be bound over without bail. Both men refuse to make any statement regarding the affair. Governor Patterson, a warm friend of Cooper, issued two statements, one saying he talked with Cooper yesterday, and had no intimation that trouble was imminent. The other said he did all he could to avoid a tragedy, intimating he expected it. It is said witnesses will be produced to show the Carmack killing was premeditated. It is said witnesses will be produced to whom Cooper's daughter telephoned saying her father had gone out to kill Carmack, and asking them to find and disarm him. That the Coopers carried revolvers only for the purpose of killing Carmack, is a statement some witnesses are expected to make.

## MORGAN OWES LIFE TO DAUGHTER

New York Postmaster Saved From Assassin's Bullet by the Quick Action of Daughter.

NEW YORK, Nov. 10.—Edward M. Morgan, postmaster of New York City, who was wounded in the abdomen yesterday by a bullet fired by H. B. Mackay, an eccentric English stenographer, who then committed suicide, was resting well last night and, unless complications develop, he will recover. Morgan probably owes his life to the quick wit and bravery of his 14-year-old daughter, Dorothy, who saw Mackay draw the revolver and struck it with her hand. This deflected the bullet, otherwise the postmaster would have been fatally wounded, for his assailant was at close range.

Investigation of the life and record of Mackay reveals that he was of a morbid nature and the former inmate of an asylum. His clothing, when searched, gave up between thirty and forty smokeless cartridges, a heavy slung shot and two knives.

A quantity of literature on socialism and a slingshot similar to that found on the body, were discovered in his room.

## Taft's Vacation Spoiled.

HOT SPRINGS, Va., Nov. 9.—Mr. Taft will not be able to enjoy his anticipated vacation undisturbed. He was reminded today that almost a year ago he promised to speak before the Prison Martyrs' Monument association in Brooklyn. The date of the speech is next Saturday. Mr. Taft will leave his camp Friday night and will return to his cottage immediately after he fulfills his promise.



We blame the women for their freak fashions, but why not blame the real culprit?

## OUR LARGEST SHIP ANCHORED

America's Biggest Battleship Christened Today by Miss Mary Benton Before a Distinguished Audience.

## IS THE NORTH DAKOTA

Governor John Burke and Staff and Navy and Army Officers and Massachusetts State Officers Present.

QUINCY, Mass., Nov. 10.—The North Dakota, the greatest American battleship, was launched at the yards of the Forre River Ship Building Company before a distinguished gathering today. At noon Miss Mary Benton, of Fargo, N. D., broke the champagne on the nose of the battleship. The christening party included Gov. John Burke of North Dakota and his staff, a delegation of navy officers, and representatives of the state of Massachusetts and the city of Quincy. The ship is now sixty per cent finished. It has a 510 foot long waterline, and is 518 feet and 9 inches over all. The breadth is 85 feet and 3 inches; from the rail draft to the bottom of the keel is 27 feet; it has a displacement of 20,000 tons. It is propelled by turbine engines.

## Fire at Frederick, Wis.

FREDERICK, Wis., Nov. 9.—A fire that started in the Frederick hotel threatened to wipe out the town. When brought under control the fire had destroyed \$75,000 worth of property.

## Night Riders Busy Again.

DALLAS, Texas, Nov. 9.—Another outrage of the night riders was perpetrated last night, when the cotton gin of I. A. Wiles, living near Wellington, was burned. A large quantity of cotton was destroyed.

## Kaiser Takes an Air Sall.

BERLIN, Nov. 10.—The Kaiser with Count Zeppelin ascended today in the Zeppelin reconstructed dirigible airship, the "Zeppelin II. Three hundred thousand people gathered at Lake Constance to witness the flight. This afternoon with Zeppelin as the pilot. Ten persons besides the Emperor, and the count, were passengers. The Emperor was calm. He waved a salute to those below. Zeppelin demonstrated its maneuvered qualities by turning in all directions and dipping and rising.

The announcement that the government has purchased the Zeppelin No. 1 air ship has been made.

All fans of the city should attend the base ball meeting at the superior court room this evening. The work of re-organization will be taken up.

## PERSONAL RULE OF THE KAISER

Herr Wasserman in the Reichstag Violently Assails the Emperor and Wants His Personal Power Limited.

## CRITICISM APPLAUDED

Cites Many Instances Where the Kaiser Has Overstepped His Rights and Injured the German Standing.

BERLIN, Nov. 10.—Herr Wasserman in the Reichstag today for the national liberals, in debate, said: "We must state plainly and publicly to the world that we are not afraid of the yellow or any other perils, but the danger from international policy, based on the Kaiser's sudden moods is incalculable. The German's fate must no longer depend on one man's impulsive temperament. The idea of personal absolutism is undermining the foundations of our national security."

He declared the Kaiser's reign was characterized by a number of unwise, regrettable acts which would have been prevented if the emperor had submitted to the control of responsible ministers. The ministers cited a lengthy list of the Emperor's indiscreet utterances and acts alleged to be injurious to Germany. Wasserman in concluding, declared the Emperor's policy was stimulating the growth of republicanism throughout the empire and the last indiscretion had aroused the German nation until the indignation in Berlin as to this personal regime in Germany must cease to be the stronghold of reaction that's more a benefit than that found in Russia and Turkey. He demanded Von Buelow give the Reichstag a definite guarantee the Emperor would remain henceforth more in the background and that the chancellor would introduce a legislative bill limiting the Emperor's personal power. The whole Reichstag violently applauded. Herr Weimer followed criticizing the "personal rule" and Paul Singer, socialist leader, attacked the Emperor similarly.

Von Buelow today declared that Emperor William promised he would exercise greater caution in his public utterances in the future. He admitted it was impossible to guarantee the Emperor would take a smaller part in the governmental affairs. The reply is considered unsatisfactory. He attempted to defend but it was apparent it was a terrific strain. The general belief is he will resign because of his inability to placate the opposition to the Kaiser. The debate will be resumed tomorrow.

## IDENTIFY STILL Baffles Police

Woman Who Attempted to Dynamite Mrs. Genevieve Chandler Phipps and Daughter Still Conceals Her Identity.

## THE POLICE ARE BUSY

Police Theory is She is Acting Under the Suggestion of Another Person and is Under Hypnotic Influence.

DENVER, Nov. 10.—The identity of the woman who yesterday attempted to dynamite Mrs. Genevieve Chandler Phipps and daughter Helen, age five, today was not determined. The woman refuses to discuss herself or her case. She is apparently refined and educated and acts like a person in an hypnotic trance. The police theory is that she is mentally unbalanced on the subject of money or in a state of hypnosis acting on the suggestion of a person who is responsible for her condition. E. D. Stout, proprietor of the American hotel, said the woman registered last Friday under the name of Mrs. H. C. Comes of Albany, N. Y., and explained she was a tourist. A telegraphic cipher code was among her effects, but inquiry failed to reveal messages containing the words in cipher sent from Denver.

The woman attempted to extract enough morphine to kill a dozen persons from a hand-bag in an effort to suicide this morning but was frustrated by Chief of Police Armstrongs, with whom she was consulting in his office.

## STRANGE MURDER AT OELWEIN

Mike Hallen Confesses to Killing Geo. Bennett and Relates Story of the Crime.

OELWEIN, Ia., Nov. 10.—A very strange case of murder occurred at Oelwein a short distance below the Great Western shops, near the Kansas City tracks, at about 12:30 o'clock Sunday morning, which has proved too most puzzling problem in the criminal calendar that has ever occurred in this locality. Two men named George Bennett and Mike Hallen, while walking alone in the southwestern portion of the city became entangled in some sort of an altercation, and Hallen, the younger man, took a common pocket knife from his person and almost severed Bennett's head from his body.

St. Louis Big Postoffice. ST. LOUIS, Nov. 10.—Ground was broken here Monday afternoon for the new \$1,000,000 postoffice.

## TO REDEEM THE PLATFORM PLEDGES

Republicans Will Carry Out in Good Faith the Pledges Made to the Voters Prior to the Election.

## ACTION URGED BY TAFT

Noted Authorities on Tariff Hold Conference at the Capital to Discuss Bill to Supersede Dingley Measure.

WASHINGTON, Nov. 10.—The proposed revision of the tariff was discussed at a conference today of Representatives Payne, of New York, Dingley, of Pennsylvania, Hill of Connecticut, and Gains, of West Virginia, leading republican members of the house committee on ways and means. The conference was preliminary to a series of public hearings on the tariff which the committee will begin tomorrow.

Gaines discussed tariff revision with Taft at Hot Springs yesterday and it is understood that Taft urged the committee to take such action as was pledged by the republican party in its Chicago platform.

That the committee will draw up a new law to supersede the Dingley tariff law which will carry out the policy advocated in the Chicago platform was today admitted by one of the majority members, but it is understood the committee has confined its efforts to a consideration of necessary changes in the wording of the law in order to secure its proper interpretation, rather than the question of any changes in rates of duty, which has been left for consideration after the hearings have been held.

## TODAY'S MARKETS.

Chicago Cash Grain. CHICAGO, Ill., Nov. 11. Open High Low Close. Wheat .101 1/2 103 101 1/2 102 3/4. Corn .61 1/2 61 1/2 61 1/2 62 1/4. Oats .48 1/2 49 1/2 48 1/2 49 1/4.

Chicago Live Stock. CHICAGO, Ill., Nov. 3.—Cattle—Receipts, 9,000 head; 10c lower; beefs, \$5.30@7.50; stockers, \$2.60@4.50. Hogs—Receipts, 32,000 head; 5c lower; light, \$5.10@5.90; heavy, \$5.60@6.15; pigs, \$3.75@5.10. Sheep—Receipts, 27,000 head; market 15c lower; natives, \$2.40@4.50; lambs, \$2.75@6.00.

Kansas City Live Stock. KANSAS CITY, Nov. 10.—Cattle—Receipts, 16,000 head; steady to 10c lower; steers, \$4.50@7.25; stockers, \$2.75@4.50. Hogs—Receipts, 30,000 head; market 5 to 10 lower; bulk, \$5.35@5.75; pigs, \$3.50@5.00. Sheep—Receipts, 7,000 head; market steady; muttons, \$3.90@4.60; lambs, \$4.25@5.95.

New York Produce. NWE YORK, Nov. 10.—Dressed and live poultry firm. Butter—Creamery, extra, 29@29 1/2c state dairies tubes finest, 28c. Eggs—Nearby white fancy, 46@48c; fresh firsts, 32@33c. Cheese—Unchanged.

New York Stocks. NEW YORK, Nov. 10.—London houses took about 25,000 shares, chiefly of Southern Pacific, Union Pacific and Steel, including the purchases of other stocks by the trading element. Gains then made were later lost under heavy selling. At the end of an hour the change of position by room traders helped along the reaction and prices. Reading, which rose about one point in the first few minutes, receded below its final price yesterday. Government bonds unchanged, others irregular.

There is much talk that at the directors meeting tomorrow, Southern Pacific will put on seven per cent and that the dividend rate of the Union Pacific will be increased to a 12 per cent basis. Reading showed a decided strength and all railroads traded in showed a substantial increase. The stock market closed with a reaction in progress. Union Pacific, Southern Pacific, St. Paul and others dropped below the high range of the day.

Mercantils can get a larger circulation for their advertisements through The Gate City than through any other Keokuk newspaper. Circulation guaranteed the largest.

If it is made in Keokuk buy it.

## KILLED EX-UNITED STATES SENATOR

Edward Carmack of Nashville, Tennessee, Killed in Street Duel With Robin Cooper, Son of Col. Cooper.

## YOUNG COOPER INJURED

Tragedy the Culmination of Political Feud and Continued Editorial Criticism in the Ex-Senator's Paper.

NASHVILLE, Tenn., Nov. 10.—Former Senator Edward Ward Carmack, editor of the Tennessean, was shot and killed Monday afternoon on Seventh avenue north by Robin Cooper, a son of Colonel Duncan B. Cooper. Soon after the three came in sight of each other the shooting began, Robin Cooper, it is said, firing two shots and Carmack one.

Colonel Cooper, it is said, drew his pistol, but, it is said, he did not fire. Carmack fell to the ground, dying instantly. Robin Cooper was shot in the right shoulder, but not badly hurt.

## Grew Out of Primaries.

It is understood that the trouble is one of the results of the recent democratic gubernatorial primary in which Carmack was defeated. Carmack has, since he has been editor of the Tennessean, been quite caustic in criticizing what he called the democratic machine and has had several editorials about Colonel Cooper. Within the past few days, it is said, the colonel notified Carmack that editorial criticism must cease. Yesterday morning another editorial in reference to Cooper appeared in the Tennessean and this is supposed to have been the immediate cause of the trouble.

## Young Cooper Wounded.

As soon as Carmack fell, Colonel Cooper put his arm around Robin and both walked away a few feet down Seventh avenue to Dr. G. Fort's office, where the slight wound in his shoulder was examined and treated.

The ambulance carried the body of Senator Carmack to the undertaking establishment.

Young Cooper was later taken to a hospital and Colonel Cooper is held at police headquarters. He has made no statement. Robin Cooper is an attorney, twenty-seven years of age, and single.

## Eye-Witness Describes the Shooting.

The combatants were evidently very close together when the firing began, but the question of who fired the first shot is in controversy.

Mrs. Charles H. Eastman of this city, and J. M. Eastman of New York, were near by when the tragedy occurred. Eastman's hearing is not good and he declared he knew but little of the affair. Mrs. Eastman said: "We were walking down Seventh avenue in the direction of Church street and had just passed the entrance to Park. Carmack came up the street towards us, smiling as he recognized me. He was some steps away and there were very few people on the street. Mr. Eastman and I were near the edge of the sidewalk and Carmack would have passed between us and the entrance. He raised his hat as we spoke. He had his right hand up and was about to make a remark when somebody said—it was the older voice—"we've got you alright," or something to that effect. I can't say positive what the exact words were. It never occurred that it was anything more than a friend speaking. Carmack raised his eyes, instantly put on his hat and ran his hand back when the same voice said: "You coward you are hiding behind a woman are you?"

"Carmack jumped out so as to get clear of me and I jumped into the gateway. I saw Carmack had a pistol. I turned and said: 'For God's sake don't shoot.'"

"I saw Carmack wheel and fall in a heap in the gutter."

Mrs. Eastman said she saw the young man standing over Carmack and he put something into his own pocket.

Cooper's Friends Testify. NASHVILLE, Tenn., Nov. 9.—A statement issued by the friends of the Coopers last night says that Colonel Cooper had recently talked with E. A. Craig of Chattanooga, a close friend of Carmack, regarding the Tennessean editorials. Colonel Cooper had told Craig, the statement says, that he wanted references to himself stopped, that he was a private citi

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