

MERGE EELS TO BY FOX

Call the Big Railroad Deal a Combination or a Conspiracy the Law is Violated, the Attorney-General Contends.

TRUST LAWYERS ARE ANSWERED IN COURT.

Rulings Made Against Northern Securities Company in Suit Prove that the Acts of Congress Are Valid.

WASHINGTON, Dec. 15.—The argument in the Northern Securities case was resumed in the United States Supreme Court to-day, and again the court room was crowded by attorneys and others interested in the case.

He declared that by the union of the Northern Pacific and the Great Northern in the Northern Securities Company two competing interstate railroads have been brought into such relations that their independence as competitive factors in interstate commerce is destroyed.

The thing that has been done was declared illegal, he said, when brought about by the methods pursued in the joint traffic and trans-Missouri cases.

He, however, made the following statement of the general law as settled by the court in those cases:

First—That to shut out the operation of the general law of interstate commerce by a combination of two or more competing interstate railroads is a violation of the general law of interstate commerce.

Second—That combinations of two or more competing interstate railroads which have the effect of shutting out the operation of the general law of interstate commerce are illegal.

Third—That combinations of two or more competing interstate railroads which have the effect of shutting out the operation of the general law of interstate commerce are illegal.

Fourth—That in order to maintain a suit, Government attorneys must show intent to restrain commerce, if such restraint is the natural and necessary result of the operation of the combination.

The testimony shows conclusively, he continued, "that as a matter of fact and in law the combination of gentlemen of the Northern Securities Company did in fact and in law combine to restrain interstate commerce."

Not in the Name. The fixing of rates is an incident of control, and it is wholly immaterial as to its effect upon commerce whether the power to fix rates depends upon the control of the roads by the government or depends upon the holding of that power by the railroad companies.

GLASSES SAVED EYES FROM ACID

Miscreant Fails to Disfigure Face of Miss Clara Martindale, Who Escapes with Slight Burn on Right Cheek.

THINKS MAN MISTOOK HER FOR SOME ONE ELSE.

Girl Was Walking on Ocean Avenue, Jersey City, When Assailant Came Up Behind Her and Threw the Acid.

That Miss Clara Martindale, of No. 32 Astor place, Jersey City, is in the possession of her eyesight to-day is due to the fact that she wore a pair of nose glasses when a man squirted acid on a syringe at her face last night.

Miss Martindale, her father, Herbert, who is an engineer on the Pennsylvania Railroad, and the detectives who have worked on the case agree that the acid thrower undoubtedly took her for another person. The man approached her from behind and did not look at her carefully before he made his attempt at disfigurement.

She returned, put the glasses on and started again for Mrs. Paxton's. When she approached Virginia avenue, in Ocean avenue, she heard footsteps on the pavement behind her, but paid no attention as the street is well illuminated and lined with residences.

Acid Struck Her Eye-Glasses. She returned, put the glasses on and started again for Mrs. Paxton's. When she approached Virginia avenue, in Ocean avenue, she heard footsteps on the pavement behind her, but paid no attention as the street is well illuminated and lined with residences.

LOOKS LIKE WAR NOW IN COREA

United States Makes Demand for Definite Answer on Opening of Port, but Russian Domination May Delay It.

SEOUL, Dec. 15.—More rioting has occurred at Mokpie and a Japanese mob has wounded seventeen Koreans. High Korean officials are hurrying to Mokpie to try and quell the disorders. So far Russia has not interfered.

United States Minister Allen has demanded a definite answer from the Korean Government in regard to the opening of the port of Wiju.

Despite American, British and Japanese pressure, Russian influence over the Korean Government is apparently unshaken, and it is expected that Korea will procrastinate in dealing with the matter and possibly may refuse eventually to act at all.

A feeling of unrest is growing among the Korean people, who fear that whether it be peace or war between Russia and Japan, that the extinction of the empire is imminent.

It is believed that the outbreak of hostilities or the announcement of a protectorate of any kind will precipitate trouble.

Foreigners in Seoul expect disorder and the American residents desire warships. The native army, numbering 8,000 men, is considered one of the most dangerous factors of the situation, as an insubordinate element is believed to be beyond control.

JERSEY CITY GIRL WHOSE GLASSES PROTECTED HER EYES FROM ACID THROWN BY MISCREANT.



see until the glasses were removed, and that time her assailant had disappeared.

Mistook Her for Some One Else. Not the slightest trace of the neighbor has been obtained. No one in the neighborhood remembers having seen him, and his description, as given by Miss Martindale, is so vague that the search for him appears to be almost hopeless.

DRUCKER'S DEATH IS BEING PROBED

LONDON, Dec. 15.—Adolphus Drucker, the former member of Parliament who died in New York last Thursday, was insured in companies here for nearly £100,000.

Of this insurance about \$50,000 will go to Mrs. Ernest Terah Hooley, Drucker was formerly associated with Ernest Terah Hooley, the famous English promoter, in a number of schemes.

JUDGE MAKES GOOD A BOY'S SHORTAGE

John S. Maguire, a bookkeeper in a Bronx department store, was the complainant to-day in the Morrisania Court against John J. Eaton, eighteen years old, of No. 67 Robins avenue, a driver for the store, who was charged with having appropriated \$5.80 of the company's money which he had collected.

Young Eaton was arrested this morning by a special patrolman named Thomas Walkup, who did not wait to take him to a station house, as the law requires, but took him directly to the court. Walkup, who is a lawyer employed by the United States Title and Guarantee Company, also acted as prosecutor in the case, and throughout was insistent upon the boy being held and tried.

Walkup insisted upon a stenographer, in spite of the demurrer of Magistrate Crane. When Walkup insisted upon pressing the charge, after the boy admitted having failed to turn in the money, which he said he had lost, Magistrate Crane said:

"I am competent myself," said the Magistrate. "I want to understand that I am not retreating from the sole purpose of sending people to prison. This is a deterring case."

AGE MAN SLAIN, POLICE BELIEVE

Coroner of Richmond and Detectives Are Convinced that Emil De Roche Was Murdered in His Lonely Home.

DOOR LOCKED AFTER CRIME WAS COMMITTED.

Officials Say that Victim Could Never Have Left the Gun Cooked as It Was Found After His Death.

Coroner Schaffer and Detective McKay, both of the Borough of Richmond, declared to-day that in their opinion old Emil De Roche, who was found shot to death in his home in Claretton Corners yesterday, was murdered.

This statement was made after discoveries by the officials that the old man could not possibly have shot himself, as was believed at first, and that the murderers, after committing the crime, locked the doors of the old man's home, even after the dead body was discovered.

De Roche was seventy years old and has been suffering from consumption for a number of years. He was separated from his wife and made his home with his son, Daniel De Roche, until four weeks ago, when a physician told him that it was dangerous to the health of his son's family for him to live in the house with them.

Much worried, but with a usefulness that has always marked the old man's life, he rented a house near the one in which his son lived and began a lonely existence. He seldom went near any one, because he feared he might spread the dreaded disease which was sapping out his own life.

De Roche's food was brought to him three times a day by Mrs. Charlotte Dean, a neighbor, who showed every kindness to the lone old man. Mrs. Dean went to the home yesterday with a tray of food for him. She pushed open the door, which was partly ajar, and there saw the old man lying in a pool of blood, his body partly on the bed and resting on the floor. Near the body was an old musket.

Mrs. Dean ran for assistance. She called Dr. Thasman, who returned to the De Roche house with her. There, to the doctor's surprise, he found every door leading into the house locked. It was evident that the murderer had been in the house when Mrs. Dean came with the food and had escaped when she went for assistance.

Not Suspected at First. Undertaker Steers was notified and took charge of the body. An order from the dead man's son, except for the locking of the door, which was known only to Dr. Thasman and Mrs. Dean, there were no suspicious circumstances, and the coroner and police believed that the old man committed suicide to escape from his dreary life.

Diagnosis was made to-day, however, which convinced the police that De Roche was murdered. An examination of the musket, which had not been touched since it was found near the body, showed that after it had been fired the gun was cocked ready to fire a second shot.

It would have been impossible for De Roche to have cocked that trigger," said the coroner. "The whole top of his head was blown off by the first shot and he could not have been instantaneously revived. I don't understand why the doors of that house were locked, after the discovery of the body. Altogether, I think that the old man committed suicide and was planned and executed by some one who wanted the poor old fellow out of the way."

De Roche had little money and is not known to have carried any life insurance. The coroner and police are trying to learn the address of the wife of the old man. She has been missing for many years, so it is said, and it is thought that now that he is dead she may care to seek him. It is thought, also, that the old man had any secret enemies she may know of them.

When captured to-day Jackson had three gold-handled umbrellas, which he admitted he stole. He told the captain his accomplice was in the houses, and accompanied by Patrolman Dwyer, Capt. Kemp and a couple of detectives, the man was placed in the patrol wagon and taken for a ride through the precinct.

He is wanted by the police of the West Forty-seventh street, and West No. 72 West Twenty-ninth street, and No. 96 West End avenue, besides several apartment-houses along the various avenues.

SHADOWED BY HIS OWN HIRED SLEUTHS

Meyer Van Moppes Grew Suspicious of His Wife and That Was the Beginning of All His Worldly Woes.

MEYER VAN MOPPES GREW SUSPICIOUS OF HIS WIFE AND THAT WAS THE BEGINNING OF ALL HIS WORLDLY WOES.

Meyer Van Moppes is a young Hollander, who is in the business of buying and selling diamonds at No. 170 Broadway. About eight months ago he was in the office of his father-in-law, Simon Dessau, engaged in the same business at No. 5 Maiden lane.

Van Moppes had then been Dessau's son-in-law about three months. One day he expected his wife to take luncheon with him. She did not appear. He grew very much excited.

"Look here," he suddenly burst out to his father-in-law, "I believe that my wife is meeting other men."

"Well, it is very easy to find out," said Mr. Dessau.

"How?" asked Van Moppes.

"Hire a detective," returned Mr. Dessau.

Mr. Dessau was joking, but the young man in his excited state did not notice the older man's tone.

"I'll do it," replied Van Moppes.

And he did. He went to the Pinkerton Detective Agency and told them that he wanted them to follow his wife and report her daily life to him. That a father should shadow his own daughter was a joke. He went ahead in all seriousness, and Mr. Dessau, chuckling to himself, kept still.

The Pinkerton sleuths set to work. Soon the first report came in. It was addressed to Mr. Dessau, because Van Moppes had made arrangements from Mr. Dessau's office and had the Pinkerton men to believe that he was Mr. Dessau.

Before telling Van Moppes about it Mr. Dessau read it over carefully and then called his son-in-law to his side.

"Here is the first report of the Pinkerton men," he said gravely, "you were right. Your wife has been seen with a man."

"I know it," cried Van Moppes dramatically. "Read. I shall be able to bear it. Let me know all."

Persistent to your instructions we followed the party described. She went into a restaurant with him. They had luncheon. Van Moppes bowed his head in his hands. He was the picture of despair.

THREAT TO BLOW UP ROUSS "BARN"

Peter Winchester, Son of the Famous Blind Merchant, Receives a New Demand for Money from Dynamiters.

Peter Winchester Rouss, millionaire son of the late Charles Broadway Rouss, living at No. 241 Park place, Brooklyn, who has received internal mailboxes and many threatening letters in the past, to-day gave the police another letter, which he said he had just received.

This latest letter demands that Mr. Rouss leave the writer of it in a certain designated place on Coney Island avenue. If he fails to leave the money there the writer says he will blow Mr. Rouss's stable to bits by dynamite.

Mr. Rouss said he laughed at the letter and threw it into a waste-basket. Later he told his wife about it, and as she had planned to give a Christmas dinner to some poor persons in the stable she induced him to take the letter to the police.

The stable and the designated place on Coney Island avenue are being watched by the police.

Two years ago Mr. Rouss reported to the police that he had received an internal machine by mail. The bomb consisted of a cylinder with a screw cap which was filled with dynamite. It had been intended, so Mr. Rouss said he believed, that it should explode when he unscrewed the cover. But it did not explode.

Following this, Mr. Rouss said he received a letter threatening his life. Then he presented another letter to the police in which the writer threatened to kidnap his three children—Charles, Helena and Margaret. Following this, he gave another letter to the police in which the writer said he would blow up the Rouss home with dynamite.

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Of this insurance about \$50,000 will go to Mrs. Ernest Terah Hooley, Drucker was formerly associated with Ernest Terah Hooley, the famous English promoter, in a number of schemes.

Drucker was named with the sixty-nine peers who figured as directors of the 19 companies connected with Hooley's Rotations.

One of the insurance policies on Drucker's life was for £200,000 and was issued by the General Life Insurance Company in 1907. The annual premium was £2,500, and Drucker paid the first by drawing bills. Bankruptcy proceedings were instituted against him toward the end of the year and he left the country. Before leaving he caused it to be announced that he had assigned the policy for £100,000 to Mrs. Hooley. She has since paid premiums on it amounting to about £5,500.

Magistrate Crane Takes Occasional to Read a Lesson in Charity to a Department-Store Bookkeeper.

John S. Maguire, a bookkeeper in a Bronx department store, was the complainant to-day in the Morrisania Court against John J. Eaton, eighteen years old, of No. 67 Robins avenue, a driver for the store, who was charged with having appropriated \$5.80 of the company's money which he had collected.

Young Eaton was arrested this morning by a special patrolman named Thomas Walkup, who did not wait to take him to a station house, as the law requires, but took him directly to the court. Walkup, who is a lawyer employed by the United States Title and Guarantee Company, also acted as prosecutor in the case, and throughout was insistent upon the boy being held and tried.

Walkup insisted upon a stenographer, in spite of the demurrer of Magistrate Crane. When Walkup insisted upon pressing the charge, after the boy admitted having failed to turn in the money, which he said he had lost, Magistrate Crane said:

THIEF CAUGHT ON WEST END AVENUE

Negro Who Admits Robbing Many Houses on the Upper West Side Captured by Police After a Chase.

Sumpter Jackson, who, according to Capt. Kemp of the West Sixty-eighth street station, has been wanted by the police for some time for numerous robberies on the upper west side, was caught to-day by Patrolman Dwyer as he was escaping from a house where, it is alleged, he had attempted a robbery.

Dwyer was standing at Eighty-sixth street and West End avenue, when he heard a woman's scream of "Stop thief!"

Dwyer saw a man running off the house at No. 597 West End avenue, followed by a woman. He ran after the man and caught him after a chase of a block. She has since been identified by Jackson as the woman who was following him was Jennie Kubi, a servant in the house.

Dwyer was taken to the station, where he made a confession to Capt. Kemp. He admitted that he had been in the police for a great many robberies on the upper west side, where hats, coats, umbrellas and canes have been stolen.

When captured to-day Jackson had three gold-handled umbrellas, which he admitted he stole. He told the captain his accomplice was in the houses, and accompanied by Patrolman Dwyer, Capt. Kemp and a couple of detectives, the man was placed in the patrol wagon and taken for a ride through the precinct.

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When he got back to the police station J. Godfrey Wilson, of 308 West No. 72 West Twenty-ninth street, was in the place and identified an umbrella that the thief had when arrested as his property.

GREENE MAY GIVE UP 'BUFFALO JOB'

That Is, If There Is a Demand that He Shall Spend the \$101,000,000 for the Reconstruction of the Canal.

In an interview to-day at Police Headquarters Police Commissioner Greene admitted that he might be coaxed to relinquish the position he has accepted as the engineer of a huge Niagara Falls power plant to accept the chief engineering berth for the reconstruction of the Erie canal.

"It is true I am going to Buffalo," he said, "and that I shall live there in the future. I have a great many friends there and I have had extensive personal interests there for many years. Some friends of mine are building a large power plant at Niagara Falls and I have been thoroughly familiar with this project since its inception two years ago. I have accepted the position of chief engineer of this work and will move to Buffalo on Jan. 2."

"If there is anything in the talk about Gov. Odell wanting you to take charge of the spending of that \$101,000,000 for the reconstruction of the Erie Canal?"

"I know nothing of the Governor's intentions," the Commissioner replied, "but I have been informed that a great many persons have desired that I take entire charge of the canal work. If there is a general desire for me to take a position on the canal commission I shall do so."

Allen's Brother Held. Twelve Other Pool-Room Prisoners Transferred to General Sessions. George Allen, brother of "The" Allen and the alleged proprietor of the pool-room at No. 80 Sixth avenue; William Cook, the alleged proprietor of a pool-room at No. 27 Macdougal street, and eleven other minor offenders arrested in Capt. Hogan's pool-room raid last Tuesday were arraigned before Justice Wyatt in the Court of Special Sessions to-day for examination.

While waiting for their cases to be called the thirteen were arrested on bench warrants issued by Judge Newburger, following their indictment. They were taken to the Court of General Sessions and admitted to bail.

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