

TOBACCO TRUST FACES NEW SUIT

McReynolds Decides to Move Against the Metropolitan Co.

HEARS COMPLAINTS BY INDEPENDENTS

Action Agreed Upon After Investigation of Charges of Discrimination.

Washington, March 10.—Attorney General McReynolds decided to-night to prepare a suit against the Metropolitan Tobacco Company, of New York, under the Sherman anti-trust act.

The principal complaint against the Metropolitan company is alleged discrimination against independent tobacco dealers.

The officials of the companies were not settled to-day. Mr. Marshall returned to New York to-night, but Mr. Thompson remained, and will discuss the case to-morrow with G. C. Todd, the assistant to

the Attorney General in charge of trust prosecutions.

The Metropolitan company has been under investigation by the department for several months. Independent dealers have charged that its grip on the business of greater New York, Long Island and Jersey City is firm and powerful, and that they are in worse condition than before the Supreme Court ordered the dissolution of the old American Tobacco Company.

According to Mr. Marshall's report, investigation has shown that the Metropolitan company sells to independent jobbers at the same rates it sells to retailers, so that jobbers are compelled, if they handle Metropolitan goods, to handle them at no profit.

Officials of the disintegrated companies of the old American Tobacco Company which use the Metropolitan company as distributing agent have talked with department officials about a severance of their relations, and as a result the understanding here is that a conspiracy in restraint of trade will not be charged by the government suit, though action would be based on the allegation that there is a restraint of trade.

The fact that there have been some negotiations between officials of the tobacco companies and representatives of the department was pointed out to-night as a reason for believing that the entire matter might be settled out of court.

Independent dealers, however, have charged that nothing but the elimination of the Metropolitan company would restore competition in the greater New York field. If the department holds this attitude sound it is not probable that the Metropolitan company would consent to being put out of business without putting up a fight in the courts.

TILLMAN CHARGES COAL RATE PACT

Wants Senate to Probe Relations Between Railroads and Bituminous Operators.

Washington, March 10.—An investigation of the relations of the railroads leading into Charleston and other Southern ports between one another and the owners of the bituminous coal fields of Virginia, West Virginia and other states is proposed in a resolution offered in the Senate to-day by Senator Tillman and referred to the Naval Affairs Committee.

Senator Tillman in a statement accompanying the resolution charges that financial interests interested in the coal fields are manipulating the transportation of coal to their advantage by controlling the railroads, and that they have prevented the Southern Railway from utilizing the advantages of Charleston, S. C., as a coal distribution point.

The statement continues: "It is believed that efforts are now being made by individuals acting for the so-called coal trust to acquire the rights for coal docks and terminal facilities in Charleston, so as to monopolize the terminal facilities there in the same way that the big interests now dominate New York Harbor, Philadelphia, Baltimore and the ports on Chesapeake Bay."

"It is believed that the so-called coal trust is using other railroads leading to the coal fields in a similar manner, not only to destroy private property, but, in many instances, wholly against the interest of the railroads thus used."

"It is believed that these railroads, all being dominated by the same influence, maintain a secret rate-making body of men in defiance of the law, who 'farm out' the territory and make freight tariffs in such manner as to be free from every element of competition."

DURESS ALLEGED AS PRIEST'S DEFENCE

Father Delurey Forced, He Says, to Sign Statement by College.

[By Telegraph to The Tribune.] Philadelphia, March 10.—The Rev. Laurence Delurey, former treasurer of the Augustinian College at Villanova, who was made defendant yesterday in a suit brought by John M. Reiner, a professor in the college at the time, for the recovery of \$30,000, which the priest admitted he had lost in stock speculations, said to-day on the witness stand that he had signed "under duress" a statement to the effect that his dealings were without the authority of the college. Father Delurey continued that his admissions were made in the fear that a refusal to relieve the institution of the responsibility would mean the revocation of his priestly functions.

"The confession which I was forced to sign on August 7, 1910," he said, "admitted that the execution of the notes was a crime against the civil and Church laws. I admit my signature to that statement, but I want the court to know that I had nothing to do with its composition. I had no alternative. It was drawn, I understand, by Dr. Middleton, the secretary of the corporation, at a meeting held in Sea Isle City, where the college has a summer home."

"I was told that if I expected a reinstatement in the institution or a continuation of my priestly functions I must sign the paper. It was next to impossible for me to refuse to sign as directed. Since then I have vigorously objected to the wording conveyed by the statement. The language was simply brutal, and since the statement was issued I have meditated on the admissions I was forced to make, and have reached the conclusion that the paper is a terrible obstacle for a layman or priest who possibly had erred to overcome."

"It is and always has been my heartfelt intention to relieve my order at Villanova from the onus of any debts resulting from my transactions at a time when I, as treasurer of the corporation, was sorely pressed for needed funds to get the increasing expenses of the college."

"At the time that this paper was handed you to sign were you threatened with excommunication?" asked counsel for the plaintiff. A vigorous objection from the lawyer representing the defendant college prevented a reply from Father Delurey, who has been deposed from his official position at Villanova and who now has only a small charge near Havana, Cuba. In efforts to show that the amount of money sought to be recovered had never been loaned to the college, but that the checks figured in the alleged personal stock speculation of the priest, the lawyer for the college examined Father Delurey regarding the purchase in 1909 of two lots in Ardmore Park. The lawyer said he would show that the lots were transferred in payment of advances made personally to the priest.

UNTERMYER ANGRY ON SENATE GRILL

Hints Banking Committee Is Sidetracking Stock Exchange Bill.

RESENTS QUESTIONS OF PERSONAL KIND

Lawyer Insists Regulation of Exchanges Is Necessary to Protect Public.

[From The Tribune Bureau.] Washington, March 10.—Samuel Untermyer, of New York, was subjected by Senator Hitchcock to a grilling cross-examination concerning the part he has played in various financial transactions in the past, when he appeared before the Senate Banking and Currency Committee to-day to give further testimony concerning the bill for the regulation of stock exchanges.

Senator Hitchcock asked a series of questions relating to Mr. Untermyer's connection with the sale of stock of the Kanawha & Michigan Railroad and the organization of the Star Paper Company to take over several strawboard manufacturing plants in the United States.

Mr. Untermyer denied with considerable heat that there had been anything reprehensible in either transaction. "This is a way of sidetracking the issue," the lawyer said to Senator Hitchcock, "not meeting it. If there had been anything of this character in my life that was wrong I would not be here attempting to devote myself to the public service. I don't know what your animus is, but it is an animus. I don't want protection," he added, when a member of the committee sought to intervene in his behalf, "but I don't want to waste time. I came here at the request of the committee, at great sacrifice, and most of the time has been taken up in altercation with Senator Hitchcock."

Nelson a Peacemaker. Senator Nelson sought to pour oil on the troubled waters by saying that Mr. Untermyer's experience would be valuable to the committee. "One time when we had a race-track bill up one of the most valuable witnesses was a reformed gambler," the Senator added.

The illustration did not precisely please Mr. Untermyer, who declared that the charges that he or his clients had been involved in improper transactions in connection with the sale of the Kanawha & Michigan stock were inspired by the publicity department of the New York Stock Exchange.

Mr. Untermyer's allegation was denied in a letter from J. G. Milburn, counsel for the exchange, but this did not change his views. Mr. Milburn, he insisted, had been misled.

Mr. Untermyer also denied statements contained in an opinion by Vice-Chancellor Pitney, of New Jersey, and Justice Brown, of New York, that he and his associates had acquired without cost to themselves a large amount of the stock of the proposed strawboard concern. He said that he had been deceived himself, and had, with his partners, lost \$300,000 in the transaction.

Hitchcock Still Suspicious. "You are here urging legislation to prevent corporations from overcapitalizing," said Senator Hitchcock, "yet in these cases it was shown that you were organizing companies in the same way. You are here as a witness and, to be frank, I am suspicious. I don't propose to stand you up on a pedestal."

"You were suspicious before any one opened his mouth," retorted Mr. Untermyer.

Senator Weeks objected to the pending bill as falling to provide a remedy for dishonest manipulation of the market.

Senator Reed asked Mr. Untermyer if he did not believe that all gambling transactions on stock exchanges should be prohibited. The witness replied that the bill limited these, but that it would take a brave man to offer a more drastic one. "The abuse I have received would be a summer zephyr" compared to what he would have to face," he added.

Mr. Untermyer declared that opponents of the bill had been forced to admit that federal regulation of stock exchanges was necessary. For state incorporation and postal supervision, as proposed in the Senate bill, the opponents had failed to point out an effective alternative.

TO INDICT MELLEN ANEW

One Wreck Charge Defective, Another Will Be Filed.

Bridgeport, Conn., March 10.—Judge Joseph P. Tuttle, of the Superior Court, having decided the manslaughter indictment against Charles S. Mellen, former president of the New Haven, growing out of the Westport wreck is defective, State Attorney Stiles Judson will now file an amended complaint, supplying the information the court held necessary and which was lacking in the bill originally filed.

To the indictment as filed Mellen first demurred on the ground of lack of jurisdiction. This demurrer was denied. Then he demurred on the ground that the indictment did not show wherein Mellen was responsible for the death of John Doe by fire, and that it failed to show any connection between him and the wreck.

Homer C. Cummings, counsel for Mellen, says he will demur to the new indictment when filed.



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N. Y. FILES THAW BRIEFS

Court Asked to Send Question to U. S. Supreme Court.

[Concord, N. H., March 10.—Counsel for the State of New York filed in the United States District Court to-day the supplementary brief ordered at the hearing on Harry K. Thaw's habeas corpus petition two weeks ago. Counsel argue that, there being doubt as to the power of the court to grant bail, the course suggested of remitting the question to the United States Supreme Court is the proper one.

As to the method thus far pursued the brief says that the State of New York "seeks to vindicate its outraged laws by the trial, conviction and punishment of the petitioner, and to do this the only method open to it and the one prescribed by the Constitution and statutes of the United States is the one it has chosen—namely, extradition."

The brief is signed by Thomas Carmody, Attorney General; William Travers Jerome, Franklin Kennedy and Bernard Jacobs.

J. L. DE SAULLES GETS URUGUAY MISSION

Former Yale Football Star and Member of Old New York Family Nominated.

Washington, March 10.—President Wilson nominated John L. De Saullles, of Pennsylvania, to-day to be Envoy Extraordinary and Minister Plenipotentiary to Uruguay.

John Lorget De Saullles was mentioned for the post of Minister to Chili a little more than a year ago. He is a cousin of former Mayor McClellan and a member of an old New York family. Soon after his graduation from Yale University, where he was a famous football player, he went to South America and there met Señora Blanca Errazuriz, niece of a former President of the republic and also niece of Raphael Errazuriz, Chilean Minister to Rome. Her family is one of the richest in South America. They were married in Paris two years ago.

De Saullles organized the Wilson College Men's League, which did so much to help bring victory to the President and Mitchell in the two campaigns.

De Saullles is thirty-five years old. He is a cousin of Captain Philip M. Lydig and a nephew of John G. Heckscher and of Mrs. Stephen Van Rensselaer. He is a member of the Union, Brooke and Yale clubs, and was voted one of the most popular men that ever graduated from Yale. His father is Arthur B. De Saullles, of South Bethlehem, Penn., who was a major in the Confederate army on the staff of General Polk.

Sap Running in Berkshires. Tyringham, Mass., March 10.—Farmers owning sugar bushes on the south side of hills in Berkshire County began tapping the maple trees to-day and the first run of sap was reported to be unusually heavy. One of the best maple sugar seasons in years is expected.

SENATE AGREES TO ALASKAN RAILROAD

Bill for First Government Line Ready for Wilson's Signature.

TENTATIVE PLANS ALREADY ADOPTED

\$35,000,000 Provided for Project and Purchase of Existing Roads Authorized.

Washington, March 10.—The Alaska Railway bill, providing for the construction of a thousand miles of government railroad, and the expenditure of \$35,000,000, was ready for the President's signature late to-day, when the Senate adopted the conference report already adopted by the House.

President Wilson has indicated his intention of signing the bill as soon as it reaches the White House, and tentative plans for constructing the first government railroad already have been considered at the Interior Department. Secretary Lane, long an advocate of the project, is prepared to go ahead with it as soon as the President gives the word.

Final action on the bill came after a long debate in the Senate, the report of the conference committee appointed to settle differences between the two houses being adopted by a vote of 42 to 27.

The measure authorizes the construction of not more than one thousand miles of railroad to connect Alaska's coal fields with the coast, the route to be selected by the President, to whom also are left many other important details. He is to decide whether or not railroad lines already constructed in the territory shall be purchased as a part of the government system, and whether the road is to be operated by the government or leased after it is built.

The discussion to-day was principally on a suggestion by Senator Cummins that the Senate conferees be instructed to insert the language of the bill as passed by the Senate and stricken out by the House providing that the President, in constructing the railroad, must, if existing railroad lines in Alaska are to be bought and used as a part of the system, buy or arrange for the purchase of these lines before construction of extensions is begun.

Senator Cummins declared that leaving it discretionary with the President whether the government should begin building lines into the interior at the northern terminus of existing private railroads from the Alaskan seaboard might so enhance the value of existing roads that syndicates could demand a prohibitive price from the government.

Senator Pittman replied that such a thing would be so obviously outrageous that no President would yield to any influence which could bring out such a result.

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BETTER DAYS FOR LABORER. Dr. Warbasse Says His Importance Will Be Recognized. Public hospitals, dispensaries and boards of health are a step nearer the socialization of the medical business and point to the day when the laborer will be recognized as of such high importance that he will be given the best medical care that science can bestow. This was the gist of Dr. James P. Warbasse's lecture at Cooper Union last night. The medical science, developed by ages should be the common heritage of all, according to Dr. Warbasse, but the profession is competitive it is necessary for the physician to give his services to those who pay him the best fees. He must join clubs and churches as a matter of business expediency and must ride in a motor car because it is the mark of prosperity.

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