

by future action if the Department of Justice shall decide to raise the issue.

Finds "Multifariousness"

The Government's case, so far as it related to these railroad combinations, is held by the court to involve other causes of action, and the Government's petition is therefore held to be objectionable to the rule against "multifariousness." As to these matters, however, the bill on behalf of the Government is dismissed without prejudice and the Government is not precluded thereby from beginning separate suits to divorce the Erie from the Susquehanna or to declare unlawful the Reading's control over the Central of New Jersey and the Lehigh Valley Railroad.

Mr. Wickersham said after the opinion had been rendered by the Supreme Court that he was not prepared to announce what further action the Government would take in connection with these unsettled matters. In view of the short time that remains of his administration of the Department of Justice he may decide to pass the matter to his successor in office.

As to the general combination or monopoly, independent of the Temple Iron Company, which it was charged was organized by the six hard coal roads to head off competition, the Government failed to prove its case. The Supreme Court agrees with the Circuit Court that the formation of the Temple Iron Company, the anthracite roads were independent and competing. Each had a coal business both of mining and transportation by the aid of subsidiary coal companies, but until the Temple Iron Company was formed and contracts executed with independent operators, the roads were to take all the coal mined and return to the owners 65 per cent. of the sales realized. There was no general and complete monopoly. The court holds that each of the various coal carrying roads and its subsidiaries may have done something within its particular sphere of action looking to its increase of control, but that as to the other five it was independent and a competitor in the business. Nor was it proved by the Government that any acts were committed of which all of the defendants had knowledge or participated looking to a general combination to restrain or monopolize trade except in the two instances which the court today adjudged unlawful.

Antidote Commodities Clause.
As to the business of the railroads transporting in interstate commerce the coal they produced in violation of the commodities clause of the Hepburn law the court pointed out that the Government petition was filed before the commodities clause was passed and that all of the acts alleged to be unlawful under the commodities clause were not unlawful at the time they were committed. The opinion does not point out significantly that the fact that the anthracite roads may be having and transporting coal through subsidiary companies under legal sanction of their charters from the State of Pennsylvania does not necessarily make them immune against the Sherman anti-trust law if by the operation of their business they monopolize or restrain trade in interstate commerce.

Thus it would seem from the opinion of the court today that two fields of legal adventure are opened up to the Attorney-General, one looking to the merger of the railroads heretofore referred to and another to determine whether there has been a violation of the commodities clause by the anthracite roads.

The technical effect of the decision of the highest court was to affirm the decree of the Federal Circuit Court for the Eastern District of Pennsylvania so far as that decree dissolved the Temple Iron Company and to reverse the decree of the lower court with directions that a new decree be entered ordering the annulment of the 65 per cent. contracts and enjoining their execution.

The anthracite case has been one of the most interesting and complicated of the many anti-trust suits inaugurated by the Government. It has given the Supreme Court a lot of trouble. The case was argued in the Supreme Court on appeal a year ago last October. It has been under advisement there for about fourteen months. A decision was expected last before adjournment of the court last May, and there is reason to believe that an opinion actually was prepared, but owing to a hitch at the last hour it was not read.

Mr. Justices Agreed.
Today Justice Lurton read the opinion which was concurred in by the Chief Justice and Associate Justices McKeena, Holmes, Vandewater and Stephens. Three members of the court took no part in the opinion and did not participate in the opinion. Justice Day was absent at the time the case was argued on account of the illness of his wife. Justice Hughes was excused from sitting because he had been a special counsel for the Government in connection with the investigations which Pitney was not appointed to be bench after the case had been argued, but the concurrence of six members of the court in the opinion made it certain that even if three other members of the court had participated the decision would not have been different. It was limited to the 65 per cent. contracts. The opinion was first drafted in the last revision being within a few days. It is presumed that these revisions were necessary to bring about a unanimity of opinion among the six Justices participating.

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named as parties to the bill were the Philadelphia and Reading Coal and Iron Company, the Lehigh Valley Coal Company, the New York, Susquehanna and Western Coal Company, the Lehigh and Wilkesbarre Coal Company, the Pennsylvania Coal Company, the Hillside Coal Company and the Reading Company, both holding corporations. These defendants were named in the original bill. Later in the case an amended petition was filed, including as defendants in addition to those heretofore named the Delaware and Hudson Company and other coal and mining companies.

Lead Temple Iron Charter.
As to the Temple Iron Company the court affirms the decree of the Circuit Court. It holds, with the lower court, that the acquisition of the Temple Iron Company, the capital stock of which was only \$240,000, and the business of which was the operation of a small furnace near Reading, Pa., was for the purpose of enabling the interests that had combined under the special charter of the Temple Iron Company to do things which they had not been able to do before. The same combination took over the Simpson & Watkins properties and in that way came into control of more than a million tons of anthracite coal production and defeated the project then forming for the building of the New York, Wyoming and Western Railroad, which would have furnished a competing line from the coal fields to tidewater.

The court finds that when the Temple company was acquired and reorganized as a holding concern by President Baer of the Reading, J. P. Morgan and others, it took over the Simpson & Watkins properties and in that way derived the powers of a new railroad to tide water of their most substantial support. The court says:
"If the defendant carried out, as we have found to be a fact, combine to restrain the freedom of interstate commerce, either in transportation or sale of anthracite coal in the markets of other States, and adopted as means the Temple company and through it the control of the Simpson & Watkins properties, the parts of the general scheme, however lawful when considered alone, become parts of an alleged combination under the Federal statutes which it is the duty of the court to restrain, and which, under the legal title to the shares is held."

Combination Is Found.
We are led to the conclusion that the defendants have combined for two purposes, first to acquire through the instrumentality of the Temple Iron Company with the object of preventing contracts of the independents and competing railroads and second by the sale of contracts to control the 65 per cent. of the independents' output at tidewater. As to the absorption by the Erie of other States, and the acquisition by the Reading of the Central of New Jersey and Lehigh Valley and the absorption by the Erie of the Pennsylvania Coal Company through which it secured control of the Erie and Wyoming and the Delaware Valley and Kingston, the courts say these were minor combinations which were some of the defendants participated.

BAER IS INDIFFERENT.
Reading Took a Jump on the Market After Decision Came.
The interests affected adversely by the anthracite coal decision of the Supreme Court yesterday, it was pointed out in Wall Street, are the independent coal operators, with whom the 65 per cent. contracts were made. The coal roads and their coal company subsidiaries will not be affected to any appreciable extent, and certainly not adversely, said coal authorities.

President Baer of the Reading made this statement in Philadelphia:
"I have always been indifferent as to the 65 per cent. contracts. They were made with the operators to induce them to join in the settlement of the strike of 1902. They were never satisfactory to me because in times of dull trade we have had to take their coal and store it in our bins of active trade they have, as a rule, done just as they pleased as to delivering the coal to us under the contract."
As to the Temple Iron Company decision, this is a matter of indifference. The Reading system never had any of the coal from these mines. The property is a valuable one and we will sell our stock at a large profit to anybody who wants it."

The course of Reading on the stock market as a result of the decision was adequate indication of what the officials and advisers of the roads thought of the entire lack of injurious effect upon their properties. Before the decision came out on the tickers Reading, which had opened firm at 103 1/2, had dropped 3 1/2 points to the lowest price since the early part of the year. With the announce-

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ment of the decision it started up, jumping 3 1/2 points in one stage, but practically its full upward movement until more than an hour after the decision, when its full import began to be realized. Then Reading rose to the highest point of the day, its practically 10 point advance from the lowest. The rest of the market was carried up with it. Reading closed at an advance of 4 1/2 points from Saturday's closing.

\$2,000,000 WILL IN TANGLE.

Heir of Two Heirs Has Died, Leaving Money Not Settled on Him.

Complications because of the death of certain beneficiaries under the will of Warren Ackerman, a New York broker, who died at his home in Plainfield, N. J., in August, 1903, leaving an estate of \$2,000,000, caused the trustees under the will to begin suit yesterday in Jersey City, so that the estate can be finally settled.

H. C. PIERCE PAYS WIDOW.

Settles Suit With Woman Who Held \$171,000 Judgment.

Henry Clay Pierce settled yesterday with Mrs. Alice G. Rycroft, the widow who got a judgment for \$171,000 against him by default last spring on the ground he had converted securities she gave him to invest for her and caused her a loss instead of large profits. Mr. Pierce had the judgment set aside last year on an opportunity to present his defense. The case was called yesterday before Supreme Court Justice Davis. Robert Stewart, attorney for Mrs. Rycroft, and Alton B. Parlor for Mr. Pierce, had a conference before the case was called and this statement then was presented to the court:
"The plaintiff has become convinced from evidence submitted to her by the defendant since the preparation of her pleadings that the defendant did not convert to his own use any of the securities or moneys belonging to the plaintiff which were at any time in his hands. She therefore withdraws and retracts the charge of conversion made by her in her pleadings and consents that all actions pending against the defendant be discontinued. All matters in account between the defendant and the plaintiff have been settled."
The terms of settlement are said to have been between \$75,000 and \$100,000.

MELLEN'S OFFER IS TABLED.

Government Attorney Retirees About New Haven Case.

Neither Assistant Attorney-General Jesse Atkins nor United States Attorney Wise could say yesterday whether the Federal Grand Jury would be occupied with the New Haven Railroad probe, or whether President Mellen's offer to appear without a subpoena would be accepted. Mr. Wise said consideration of the latter question had been tabled for the time being.

Attorney-General Wickersham's recent visit was, Mr. Wise said, without significance to the New Haven case as far as he was concerned. He and the Attorney-General had not discussed it. It is known that Mr. Atkins did confer with Mr. Wickersham regarding the prosecution, but he refused to say what the result of the conference had been.

Continuing the examination of the tentative agreement between the New Haven road and the Grand Trunk the Grand Jury heard testimony yesterday from Benjamin Campbell, vice-president and traffic manager of the New Haven and J. E. Dalrymple, vice-president and traffic manager of the Grand Trunk.

WASHINGTON, Dec. 16.—A resolution directing the Secretary of Commerce and Labor to determine the physical valuation of the New York, New Haven and Hartford Railroad as a preliminary step to the condemnation and purchase of it by the United States was offered in the House today by Representative Victor Berger of Wisconsin, the only Socialist in Congress.

Mr. Berger, in advancing his measure, declared that while the resolution might not result in the purchase of the road by the Government it would at least definitely settle its real value.

Arrested on Arson Charge.
There were four fires in one block of tenements in Williamsburg yesterday. The last one burned out a four-story building at 143 Broadway. A knit goods factory at 105 Herman Wunderlich, who has an umbrella handle factory on the fourth floor, was arrested on the charge of attempted arson.

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LAWYERS PICK JURIES IN ARCHBALD DISTRICT

Commissioner Admits Practice and Senators Question Its Propriety.

"CHANCE FOR RAILROADS"

Official Did Not Know Whether Attorneys Represented Lines or Not.

WASHINGTON, Dec. 16.—That jury lists were obtained from members of the bar for the Federal District Court over which Judge Archbald presides in Pennsylvania before his elevation to the Commerce Court bench was a bit of striking evidence that was developed during the impeachment trial of Judge Archbald in the Senate to-day. J. H. Woodward, Jury Commissioner under Judge Archbald, gave the evidence. It brought forth a fire of questions from Senators regarding the propriety of such practice.

The day marked the beginning of the defense of Judge Archbald. Many wrangles occurred between opposing counsel, the House managers objecting to so many questions put by the Judge's attorneys.

Former Jury Commissioner Woodward was subjected to the sharpest questioning. He was put on the stand to refute the charges in the twelfth article of impeachment, which states that he was attorney for the Lehigh Valley Railroad when appointed Jury Commissioner by Judge Archbald and continued to act as attorney for the railroad and jury commissioner, under Judge Archbald, for several years. In obtaining a list of prospective jurors, he said, he wrote to judges and to members of the bar in the Federal district and asked them to suggest good men to act as jurors.

Before the witness had proceeded far, Senator Crawford of North Dakota sent a question to the presiding officer: "It would be possible, would it not, for a jury commissioner to get the names of men who were biased in favor of the railroads?" the question read.

"Not to any great extent," replied the witness. "There are thirty-two counties in the district and a Commissioner would need a pretty wide acquaintance to do it."

He denied in answer to questions by the defense that he ever "packed" the jury wheel for the benefit of the railroads or had put in any names of men he knew to favor the railroads. Senator Crawford put another question: "If the Commissioner went about it, it would be possible, would it not, to get jurors biased for the railroads?"

"Yes, I think it would," replied the witness. "Do you get the names of jurors from the lawyers for railroads?" "I did not know whether or not the lawyers represented railroads; I got the names of lawyers from the list published in New York," replied the witness.

Senator Reed of Missouri next took a hand in the questioning. "Do you think it proper for lawyers who might have cases before that court to select the names of jurors and thus practically select the jury to try their cases?" he asked.

"I did," snapped back the witness. "Among the other witnesses were John M. Robertson of the firm of Robertson & Law, part owners of the Katydid and William Law, the other partner; John Mont E. A. Johnson, general coal inspector of the Hillside Coal and Iron Company, an auxiliary of the Erie Railroad, and part owner of the Katydid dump; Joseph P. Jennings, general inspector of mines of the Hillside company."

SALES TO FIX BUTTER PRICE.

Elgin Board Gives Up Arbitrary Quotation Making.
ELGIN, Ill., Dec. 16.—The Elgin Board of Trade to-day determined to fix the price of butter on the basis of actual sales instead of arbitrarily.

The action is the result of the suit filed by the Federal Government for dissolution of the board in which mention is made of the quotation committee as one of the means the "butter trust" uses to fix prices.

The amendment of the rules of the board and the reorganization were only accomplished after a bitter fight which has waged for years between the selling interest and the producers for control of the board. Under the lead of James G. Younger of Chicago the commission elected a board of five directors, abolished the quotation committee and made other important changes.

TO GIVE AWAY 12,400 \$5 PIECES.

Christmas Gifts From Interborough and Railways Co. to Employees.
Interborough guards will get five dollar gold pieces as Christmas presents. General manager, sent out notices yesterday to the men that the directors had set aside \$42,000 with which to give them Christmas presents. The gift applies to all men who have been in the service of the company since January 1, 1912, and who do not get more than \$110 a month.

DEALERS CUT WOMEN'S PRICES IN EGG WAR

Washington Market Selling Storage Product at 25 Cents a Dozen.

DEALER TALKS OF TRADE

Instruction on How to Handle Purchases at Home.

"Good storage eggs at 26 or 27 cents a dozen" is the slogan of the New York Housewives League this week. They will be able to get such eggs for even less if they are willing to go down to Washington Market.

"Here are perfectly good cold storage eggs which are selling for only 25 cents a dozen," said one of the dealers there yesterday. "That is less than the lowest price set by Mrs. Julian Heath in her domain. We not only are selling them at 25 cents now, but we had been selling them at that price before the housewives took any action."

But the same eggs would cost the women fully 30 cents a dozen at the stores. And I doubt whether the retail shopkeepers will put their prices down as a result of Mrs. Heath's warning. Here are fresh eggs which we are selling at 30 cents a dozen, the same price the storekeepers ask for storage eggs.

For that matter the shops have been asking any price they thought they could get for storage eggs and not labeling them as such either. The law says that storage eggs must be sold as such, but there are hundreds of shops in this city where the law is not observed.

Some of the delicatessen places make a specialty of eggs which they sell at the most extravagant prices. And yet I don't think they ever have a fresh egg in their places. I know a woman in Brooklyn who has a very successful business of that sort. The other day she was selling storage eggs at 35 cents a dozen which I could have sold her by the crate at 25 cents. By the dozen I should have asked 30 cents.

That may seem a good deal of a difference between the price of the retail price, but it is not so much as it really stands back of the quality of the goods. I doubt if any of the retail stores test their eggs in that way. We have special rooms for it at our storehouses, where thousands of eggs are tested every day. But any housekeeper could easily do for herself.

All she needs is a darkened room and a candle, or better still, an electric bulb enclosed in something opaque with a hole cut at one side. I have seen a perfectly good arrangement of this sort being put up in an inconspicuous light in a square pasteboard box that had contained shoe blacking. Through a hole cut in one side a good strong beam of light came out.

To candle an egg you hold it between your hand and the light, with the large end up. There is always an air pocket at this end of the egg, which grows larger as the egg gets older. The shell is porous and the contents of the egg are gradually lost by evaporation, until in time the air pocket may occupy half the space.

"When the egg is fresh the yolk floats free in the center. But it gradually sinks lower and lower until it rests on the shell. Up to this point the egg is good, although its flavor will not be exactly that of a fresh egg. But when the yolk has rested on the shell for a while it begins to adhere, and on looking through it with a candle one sees a star. This gradually grows larger until the whole egg is divided into absolutely opaque contents at one end and the enlarged air pocket at the other."

"As soon as the adhesion begins the egg is known as a 'spot' and should be thrown out. It wouldn't eat such an egg myself. When the process has gone still further the egg becomes a 'rot.' You have heard of 'rot' and 'spots' in the trials of bakers in this city. They are much the same thing.

"The thing to do to educate housekeepers to know that a good cold storage egg is all right, so far as its wholesomeness goes, is to let them see a fresh egg, or a fresh egg, especially when soft boiled or poached. But it is a perfectly good egg. You can buy good storage eggs always at lower prices than fresh ones, and you can be sure that they are fresh if you just learn to eat their eggs scrambled or fried if they can't afford the fresh ones."

EGGS CHEAPER IN WEST.

Women's Prices 24 Cents in Chicago—Pittsburg Rates 20 Cents.

CHICAGO, Dec. 16.—Chicago's club women are rallying by the hundreds to the cost of high living campaign which opens next Friday, when ten cartloads of eggs will be sold to the consumer from stations in every part of the city.

The eggs are to be sold at 24 cents a dozen, which the club women say is 20 cents lower than the price grocers get.

PITTSBURG, Pa., Dec. 16.—So many fresh eggs were thrown on the market here today that cold storage eggs broke to 20 cents.

PUT \$16,800 IN \$5,000,000 MINE.

Expert Tells of Manhattan Nevada Property Developments.

Letters were introduced yesterday at the trial of Archie L. Wisner and John J. Meyers before Judge Mack in the Federal District Court on the charge of using the mails to defraud, which indicated the means employed by Wisner to boom the mining properties in which his firm was interested.

Augustus Pollett, mining expert, and a former superintendent of the Manhattan Nevada Mine, one of the firm's properties, testified under examination by the Assistant District Attorney Arnold as to the exaggerated reports contained in these letters. One in particular, which was published in the *Investment Herald* of November, 1906, described the Manhattan Nevada Mine as showing surface veins carrying large values and stated that samples taken across the ore ledge assayed \$104 to the ton. Asked how much of the ore ran in the high values, Mr. Pollett replied: "So far as I know only that portion which I took as a sample, a few pounds."

He further testified that developments about \$16,800 in all were done on a property capitalized at \$5,000,000, of which the Government charges 2,500,000 shares had been sold and about \$300,000 in cash collected from the public.

The hearing of the case will be continued to-day.

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in which our Candies are presented have this year been greatly supplemented, by a large assortment of charming effects and novelties in boxes and baskets for very special gifts. Also, at moderate prices, there are handsomely ribbon-tied boxes, containing 1 lb. to 5 lbs. of

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FRANCE WANTS CANAL BENEFIT.
Government to Get Its Share in Panama Prosperity.
Special Cable Dispatch to THE SUN.
PARIS, Dec. 16.—The effect upon the world to be produced by the opening of the Panama Canal occupied the Chamber of Deputies at great length to-day during the discussion of the Colonies budget.

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A necessary relish for many a dish.
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CURTAINED BECKER'S CELL.
Rosenthal Murderers Hear Dell' Omo Go to Electric Chair.
SING SING PRISON, Dec. 16.—For the first time since ex-Lieutenant of Police Charles Becker and the four gunmen convicted of the murder of Herman Rosenthal came here from New York the curtains were drawn in front of their cells in the death house to-day. Matteo Dell' Omo, young Italian murderer from Brooklyn, made the short trip this morning from the death cells to the electric chair.

MRS. BARNES WASN'T BEATEN.
Lawyer of American Who Shot de Mummum Deales It.
Special Cable Dispatch to THE SUN.
PARIS, Dec. 16.—Oliver Bodington, the Paris lawyer representing Mrs. Marie van Benschoten Barnes, the American woman who on last Thursday shot and wounded Walter de Mumm when the

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