*Fair Tonight, With Freezing Temperature.*

# The Washington Times

LAST EDITION

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## COURT ASKED TO STOP UTILITIES MERGER HERE

### Corporation Counsel Files Request For Injunction Against Act.

### ACTION SERVES TO WARN INVESTORS

**Several Months Will Probably Be Required To Take Testimony.**

A suit to enjoin all proceedings in the merger of the public utility corporations of the District was filed in the District Supreme Court today by Corporation Counsel E. H. Thomas.

That the scheme of the Washington Utilities Company, a foreign corporation, would be inimical to the interests of the citizens of Washington, and to the stockholders of subsidiary concerns in the process of absorption; that the foreign holding corporation will not be subject to ready control under local law; and that the gigantic holding company is organized for the purpose of evading the laws of the District of Columbia, is set forth in the bill prepared by the Corporation Counsel.

**Long Litigation Predicted.**

Mr. Thomas reserves, but did not exercise, his privilege of asking for a rule upon the defendant companies to show cause why a temporary injunction shall not be issued. He contented himself today with the filing of the suit, the culmination of which may be marked by long litigation.

The defendant companies and financiers have ten days in which to put in an appearance before the District Supreme Court. They are given twenty additional days in which to file an answer. In the event a demurrer to the suit is filed, this will further protract the litigation.

The sweeping allegations made in the bill of the Corporation Counsel are of such comprehensiveness that the taking of testimony, probably before a master in chancery, may consume several months.

**Warning to Investors.**

In the meantime the suit will serve as a warning to the investing public, and it is hoped that legislative action to prevent the merger may be taken by Congress.

The bill of the Corporation Counsel, the result of several weeks' investigation and work, covers forty typewritten pages and is a succinct history of all the public utility corporations of Washington. The appended exhibits cover as many pages and the document altogether is one of the most complete and remarkable ever filed in the District courts.

Corporation Counsel Thomas filed the bill at noon to-day and the suit was numbered 31,429.

**Congress May Also Act.**

"In addition to this move," he said, "I am unofficially advised that supplementary action may be taken by Congress during the pendency of the suit to prevent the merger. Just what shape this Congressional action will take I am not advised, but I believe cognizance will be taken of the affair by Congress."

The allegations set forth in the bill of the Corporation Counsel are in line with the synopsis of the bill as exclusively published in The Times of Wednesday last. The document exhaustively treats of the street railway system of Washington; illustrates the manner in which the various underlying companies and corporations were brought together under the general control of the Washington Railway and Electric Company, in 1902, and then proceeds to tell of the subtle transactions by which the financiers behind the proposed Washington Utilities Company went about their task of garnering in a control of stock.

**Plea for Injunction.**

The Corporation Counsel's petition reads:

"That the said defendants, Clarence F. King, William B. Hibbs, and their associates, to the injury of the plaintiff, the public, and the stockholders of the local public utilities who have the right to or prefer to hold their stock by the organization of the said Washington Utilities Company and the use of its stocks and bonds acquired as aforesaid, unlawfully, and illegally intend and purpose (through the latter company as a holding company or through their control of a majority interest as aforesaid, in the stocks in this bill mentioned) to cause said latter company to vote or to themselves vote such stocks and thereby operate by means of the election of directors,

(Continued on Seventh Page.)

### WEATHER REPORT.

FORECAST FOR THE DISTRICT.

Fair tonight with freezing temperature; Tuesday fair.

TEMPERATURES.

| U. S. BUREAU. | | AFFLECK'S. | |
|---|---|---|---|
| 8 a. m. | 34 | 8 a. m. | 37 |
| 9 a. m. | 39 | 9 a. m. | 38 |
| 10 a. m. | 44 | 10 a. m. | 43 |
| 11 a. m. | 45 | 11 a. m. | 49 |
| 12 noon | 45 | 12 noon | 50 |
| 1 p. m. | 46 | 1 p. m. | 51 |
| 2 p. m. | 48 | 2 p. m. (in sun). | 64 |

TIDE TABLE.

Today—High tide, 8:10 a. m.; 8:26 p. m. Low tide, 2:36 a. m.; 2:14 p. m.
Tomorrow—High tide, 8:56 a. m.; 9:14 p. m. Low tide, 3:13 a. m.; 3:01 p. m.

SUN TABLE.

Sun rises..... 6:53 | Sun sets..... 4:42

### Fighting Merger

—Photo by G. V. Buck.
E. H. THOMAS,
Corporation Counsel.

## LAWRENCE STRIKE MURDER CASE GOES INTO JURY'S HANDS

### Court Instructs Against First Degree Sentence and Death Chair.

SALEM, Mass., Nov. 25.—The jury which will decide the fate of Joseph J. Ettor, Arturo M. Giovannitti, and Joseph Caruso, charged with the murder of the Lawrence girl striker, Annie Lopizzo, retired at 12:45 p. m. today. Following the conclusion of Judge Quinn's instructions to the jury, both the counsel for the defense and District Attorney Atwell argued unavailingly for more than an hour attempting to obtain additional instruction from Judge Quinn.

The jury went out to dinner immediately in charge of several court officers, while police officers cleared a passage through the crowd on the sidewalk. The prisoners were removed to jail, where they will await the verdict.

**No Death Sentence.**

Judge Quinn today instructed the jury that the only verdict which could be returned against them if found guilty is second degree, calling for life imprisonment.

Judge Quinn's instruction was a distinct surprise, as he had been expected to include first degree murder in his charge.

Caruso, however, may go to the chair, Judge Quinn instructing the jury that if they find him guilty the verdict will specify either first or second degree murder.

**Asked Death or Acquittal.**

An unusual situation was brought about by the judge's charge, both Ettor and Giovannitti having made an eloquent plea for death or acquittal.

An extra large cordon of officers surrounded the court house today. The building was packed with spectators and large groups of Italians were gathered outside, talking and gesticulating.

Officers about the court were inclined to discredit the rumor that the dynamite stolen yesterday from Haverhill has been brought here for use should the verdict send the prisoners to their deaths.

## MURDERS HIS WIFE; SHE WAS SO PRETTY

### Jealous Husband Disliked Compliments of Many Friends.

NEW YORK, Nov. 25.—Maddened by jealousy, Michael Morici, shot and killed his pretty young wife, Carmelus, in their flat, 2013 First avenue. Mrs. Morici had had several quarrels with her husband, because everywhere she went her beauty attracted attention.

His friends insisted on paying her compliments and he became so unreasonable that she threatened to leave him.

Early yesterday he beat her and then fled, but later in the day came back, begged her forgiveness and took her to a moving picture show.

After their return from the theater, the quarrel of the morning was renewed, and the husband shot her and fled. So far no trace of his whereabout has been discovered.

## Lack of Lawmakers Holds Up Meeting

Inability to procure a quorum, caused a postponement today of several Congressional committee meetings. Senator Burton, called off until next week the meeting to consider the "seamen's labor" bill.

Chairman Clayton, of the House Committee, managing the impeachment trial of Commerce Court Judge Archbald, did not arrive here today, and the meeting of the House "prosecutors" was postponed until later in the week.

## "WIPE CITY OFF MAP," WAS ORDER TO DYNAMITERS

### McManigal Swears Destruction of Los Angeles Was Plan.

### WANT HEAVY BONDS FOR INDIANA MEN

**Additional $10,000 Is Demanded As Security For Men Accused As Plotters.**

INDIANAPOLIS, Ind., Nov. 25.—The complete destruction of Los Angeles and explosions on non-union contracts at the Panama canal were projected by J. J. McNamara, according to Ortie E. McManigal, the informer, who was unexpectedly recalled to the witness stand today in the dynamite conspiracy trial.

"Burn the city off the map. Make it a landmark like San Francisco following the earthquake," J. J. McNamara told him, said McManigal. J. J. told him of a scheme to send three or four "good men" to Los Angeles to set fire to the city at different points and to dynamite the water system at the same time.

**Wife Cheers Hockin.**

Mrs. Herbert S. Hockin came to the Federal court house here today from her Maple Road boulevard bungalow to cheer up her husband, secretary-treasurer of the Ironworkers' Union, one of the defendants in the dynamite conspiracy trial.

Hockin has spent the last two nights in Marion county jail. His wife's pleadings with relatives and friends has failed to get the $10,000 additional security demanded by Judge Albert Anderson to give Hockin his liberty.

The happiest man today of all the forces prosecuting the ironworkers for the alleged dynamite conspiracy, over the imprisonment of Hockin, was Ortie McManigal, the informer.

According to McManigal, Hockin led him into his career of crime, and McManigal's expressed purpose is to revenge himself on the secretary-treasurer.

**Want Extra Bonds.**

A Government motion requiring additional bond of $10,000 for each of the executive board members of the Ironworkers Union was to be decided by Judge Anderson when the trial was resumed today. The executive board men concerned, now at liberty in bonds of $10,000, are John T. Butler, M. J. Young, and Philip A. Cooley.

Defense attorneys who were absent from court on Saturday when the Mary Field article in the union's magazine was read, declared by Judge Anderson to be a flagrant case of contempt, literally fell over themselves shortly after court opened today in their eagerness to denounce the article and to plead innocence of any conection with it.

They followed the example of the other defense counselors, who cleared themselves of a contempt charge on Saturday.

At the close of McManigal' direct examination, which led him up to his arrest in Detroit with J. B. McNamara, April 12, 1911, and through their trip to Los Angeles, the informer was turned over to the defense. United States Senator Kern cross-examining him.

"The motive that prompted my career of crime was the inflamed minds of others like H. S. Hockin and J. J. McNamara, and I did it not for money," said McManigal in reply to a question from Kern. "I was informed that everything was to win and nothing to lose."

McManigal told of J. J. McNamara planning to destroy the Panama canal work done by the McClintock-Marshall Construction Company. McNamara's scheme was for McManigal to go to Panama, declared the witness, locate a magazine, steal the necessary dynamite and blow up the canal, and to enlist as a soldier if necessary.

**Arrested In Detroit.**

That McNamara told him of a plan to sweep down on the motor speedway here the day of the big race with a gang of storm-arms, steal the gate receipts, and use the money in future dynamiting schemes, was additional testimony given by McManigal.

The informer detailed hi strip with J. B. McNamara from Toledo to Detroit, to do four jobs.

The pair arrived in Detroit April 12, 1911, registering under aliases at the Oxford Hotel. As they were leaving the hotel that day they were seized by several men claiming to be Federal officers and charging the prisoners with cracking a safe in Chicago.

McManigal recounted the story of his being taken with McNamara from Detroit to Chicago, and later to Los Angeles, of J. B. "talking too much" en route and offering huge sums to the detectives for his liberty.

## PRISON BURNING, CONVICTS FREED

### Oregon Rushes Guards to Spot, But Many Escapes Are Feared.

SALEM, Ore., Nov. 25.—The west wing of the Oregon State penitentiary here is burning, and it is believed it will be totally destroyed. All the convicts have been released.

Special guards are being rushed to the scene, but it is feared many convicts will escape.

## ATTEMPT TO TAMPER WITH JURY ALLEGED

### Judge in Gibson Case Interrogates Man Said To Have Been Approached.

### LAWYER CONFIDENT OF BEING ACQUITTED

**Reports From New York City Say New Warrant Awaits Him If Freed.**

GOSHEN, N. Y., Nov. 25.—Insisting that he had no fear of the outcome, Burton W. Gibson, the New York lawyer, accused of having choked Mrs. Rosa Szabo to death last July while they were boating on Greenwood Lake, came into court today to learn his fate.

A verdict was expected before midnight. Only one minor witness was to be heard, his evidence going to the discrediting of the State's chief witness against Gibson. Each side has been granted two hours for summing up, while Justice Tompkins has explained that his charge would not consume an hour.

**Jurors Not Guarded.**

The jurors spent Sunday at their homes. The court took their word for it that they would not discuss the case and permitted them to go back to their farms, despite the usual rule that a jury in a capital case must be held guarded.

Both Gibson and his wife expect further trouble should he be acquitted here. It is understood that an indictment has been returned in New York county charging the lawyer with perjury and larceny in connection with his administration of the Szabo estate. In addition, detectives have been working on the deaths of his other clients, which have never been satisfactorily explained. Gibson, however, was insistent today that he would "beat" all of the charges against him.

"But my career as a lawyer is at an end, anyhow," he said.

**Juror Is Questioned.**

The courtroom was packed when the trial opened today and many stood in the corridors unable to gain admittance.

Before the summing up began Judge Tompkins called juror No. 5, Harry Tweddle, to the bench and questioned him regarding the rumor that he had been approached by some one over Sunday who wanted to talk with him about the case. Tweddle went back into the box without any action being taken and Attorney Robert Elder opened for the defense.

"Gibson has been hounded and libeled by yellow imaginations and by the yellow press," said the Brooklyn attorney in his opening.

Just before that, Elder rested the sur-rebuttal without calling any witnesses but had placed in evidence a deposition by Walter Miller, of Paterson, N. J., who said that he saw Mrs. Szabo's body taken from the water. The deposition agreed with the story told by Tom Garrison that he had put a block of wood under the head which might have dislocated the muscles of the throat.

**Evidence Circumstantial.**

Elder spoke very slowly and deliberately in his summing up and warned the jury of their responsibility. He then referred to the fact that all of the evidence against the accused was of a circumstantial nature and insisted that everyone of the twelve in the box must "have a reasonable doubt" of the guilt of the accused.

## TO SEEK SOURCES OF POTOMAC POLLUTION

### Treasury Department Will Examine Headwaters and Watersheds Under Act of Congress.

Following an announcement made several weeks ago, that the Public Health Service would make a supplemental examination of the waters of the Potomac river, following the bacteriological examinations of the Department of Agriculture and the States of Maryland and Virginia, the Treasury Department is preparing to make an examination of the headwaters and the entire watershed of the Potomac to determine sources of pollution and the extent of pollution.

This action is to be taken under the act of Congress passed August 14, last, enlarging the scope of the actions of the Public Health Service. It will be the first big work of the kind ever undertaken by the Federal Government. All sources of pollution will be ferreted out, and it is probable that an effort will be made to correct such polluted discharges into the stream.

For many years fish and game interests have complained of the alleged pollution of the waters of the upper Potomac by tanneries. These complaints are to be investigated.

## Eighteen Are Injured In Railroad Crash

MONTREAL, Nov. 25.—Eighteen people were slightly hurt, only one requiring medical attention, when two street cars collided in a snow storm today.

The snow confused one of the motormen and he misjudged the distance of a switch, officials said.

### Maryland Senator Died This Morning

SENATOR ISIDOR RAYNER.

## ENGINEERS OBJECT TO THE MINIMUM WAGE COMMISSION

### Agree With Morrisey's Stand On Question, But Will Accept Award.

Railroad engineers running out of Washington, who are affected by the arbitrators' award announced today by the board, the formation of which averted a strike on fifty-two railroads, are generally inclined to agree with their representative on the board, P. H. Morrisey. Mr. Morrisey protests against the recommendation for minimum wage commissions which all the other arbitrators sign. The engineers affected are given increases in pay in a large number of cases and there is less dissatisfaction with this part of the finding.

The award is generally considered a partial victory for the engineers. It grants certain increased compensation and improved rules of service as asked for, but refused an increase in wages all along the line on the ground that it is not warranted by the evidence presented.

The wage board proposition to which Mr. Morrisey is vigorously opposed is for the creation of State and Federal commissions which shall exercises functions regarding labor engaged upon public utilities similar to those exercised upon public service corporations by the pulic service commissions already in existence. This means compulsory arbitration says Mr. Morrisey. He asserts it is wholly impracticable. From Buffalo comes a dispatch from Grand Chief Warden Stone, of the Brotherhood of Locomotive Engineers, saying that the engineers will accept the award because they pledged themselves to do so, but that they will abide by it only for the time stipulated.

**Wages Granted By Award.**

The terms of award include the following: In passenger service a minimum wage was granted of $4.25 for 100 miles or less and an overtime rate of 50 cents an hour with an average speed of 20 miles an hour. The engineers asked $4.40 and $4.60 per day of 100 miles, according to the size of the locomotive cylinder, with an overtime rate of 70 cents an hour after five hours.

In through freight service a minimum was granted of $4.75 a day of 100 miles or less, with overtime pro rata after ten hours. The engineers requested rates of $5.25, $5.50, and $5.75 a day of 100 miles, according to size of the engine and $7 for Mallett engines, the same rates to apply to mine runs work, wreck, helper, or pusher, milk, and circus trains.

In local freight service 20 cents additional to the through freight rates was granted. This met the full request of the engineers.

In switch service a minimum of $4.10 a day of ten hours or less was granted. The engineers asked $4.50 a day of ten hours in switching service and for belt-line service.

All existing rates higher than the minima granted by the board are continued in force.

**Mowisey Only Dissenter.**

The award is signed by Charles R. Van Hise, Madison, Wis.; Oscar S. Straus, New York; Albert Shaw, New York; F. N. Judson, St. Louis, and Otto M. Eidlitz, New York, all of whom were named arbitrators by Chief Justice White, by Judge Martin S. Knapp, of

(Continued on Second Page.)

## CAPITAL SHOCKED OVER PASSING OF SENATOR RAYNER

### Maryland Statesman's End Is Peaceful, After Gallant Fight For Life.

Official Washington today extended its deepest sympathy to the widow and family of Senator Isidor Rayner, of Maryland, who died at 6:20 o'clock this morning at his home at 1320 Eighteenth street northwest. It has been a long time since the Capital has been cast into such universal mourning for one of its distinguished citizens.

For hours members of the Diplomatic Corps and members of the House and Senate called at the Rayner home to extend their condolences, and messages came from all parts of the country to the bereaved household. President Taft expressed the sentiment of the nation in a message of sympathy addressed to Mrs. Rayner From colleagues of the Senate came a score or more of brief tributes to his memory.

**End Comes Peacefully.**

Senator Rayner died this morning after a gallant struggle of more than a week against a disease which his physicians knew was incurable. The end came peacefully. He had been in a state of coma for more than twenty-four hours preceding death, and the pain which had racked his frame disappeared in the calm which heralded dissolution. From 8 o'clock last night the family was expecting the end to come at any moment.

Those at the home were Mr. and Mrs. William B. Rayner, his son and daughter-in-law; Robert Rayner, of Baltimore, a brother; Mr. and Mrs. Robert W. Wells, of Hyattsville, Md.; Archibald Rayner, a grandson; George Foose, the Senator's secretary, and Richard Bevan, brother of Mrs. Rayner. His wife remained at his side throughout the night, and was the only one permitted to stay with Dr. Hardin on the sick chamber.

Funeral services for Senator Rayner will be held at 2 o'clock Wednesday afternoon, at the home, with the Rev. Charles Wood, of the Church of the Covenant, and U. G. B. Pierce, of All Souls, in charge. The interment will

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## GOMPERS IS ILL AT TRADE SESSION

### Labor Head Threatened With Pneumonia, in Rochester, N. Y.

ROCHESTER, N. Y., Nov. 25.—Depression marked the opening of the building trades department convention at the Hotel Rochester today because of the news that Samuel Gompers, president of the American Federation of Labor, who had been expected to welcome the delegates, is seriously ill at his room in the Hotel Seneca.

He is threatened with pneumonia.

# WAR AT ONCE IS THE PLAN OF AUSTRIA

### Ultimatum Will Go to Servia This Week, Threatening Conflict Involving Russia, Germany, England and France.

### TROOPS BEING CALLED OUT FOR IMMEDIATE OPERATIONS

FREILASSING, Germany, Nov. 25.—Austria will deliver an ultimatum to Servia which will decide before the end of the week whether there is to be war between the two countries, of course speedily involving Russia and Germany, and probably later England and France, it was learned today on high authority.

The government at Vienna is determined, in view of the business demoralization which has resulted from the last few weeks of uncertainty, to let matters drag no longer, it was stated.

Austrian officialdom did not share the more hopeful feeling which prevailed today at the other European capitals.

For one thing, it was asserted, Foreign Minister Sazonoff of Russia, originally a strong opponent of hostilities, has finally been forced to join the Russian war party as the only means of saving his own official head, and was said to be strongly supporting Servia's claim to an outlet on the Adriatic. Backed by Russia, it was reported that Servia has returned an unsatisfactory answer to Austria's previous representations concerning the Adriatic.

## JULIAN HAWTHORNE AND JOSIAH QUINCY GO ON TRIAL TODAY

### Novelist's Son and Former Boston Mayor Accused Of Mining Fraud.

NEW YORK, Nov. 25.—Julian Hawthorne, noted author and newspaper correspondent, and son of Nathaniel Hawthorne; Josiah Quincy, twice mayor of Boston, and Assistant Secretary of State under President Cleveland; Dr. William J. Morton, a nerve specialist, and Albert Freeman, a promoter, went on trial before Judge Hough in the criminal branch of the federal court today. All are charged with using the mails to defraud, the Government alleging that they and oJhn McKinnon sold fake mining stocks in companies that had no existence excepting on paper, and that as a result the investing public lost more than three million dollars. McKinnon will be tried separately later.

District Attorney Wise prosecuted in person, while the defendants were represented by Damon E. Hall, P. N. Jones, Thomas W. Proctor, of Boston; Joseph H. Choate, jr., and Roderick Wellman, of this city.

Not in many years had four as well known men been placed on trial in this city on a criminal chargee, and the court room was crowded when the selection of the jury was begun. On behalf of Josiah Quincy it was said the defense would be that he had absolutely no connection with the companies, but was the personal attorney of Freman and Hawthorne. He had nothing to do with floating the stock, it will be alleged, and did not participate in the profits.

Hawthorne, the Government alleges, wrote wonderful descriptive prospectuses and circulars for the companies, and because of his standing in society and the great popularity of his father in New England, the work of selling the stock and bonds of the companies with which his name was connnected was very easy.

There were fully a dozen of the companies whic hthe Government claims were fraudulent, although it is admitted their stock and bonds were wonderful triumphs of the paper maker's and engravers art. Chief of these was the Hawthorne Silver and Iron Mining Company, the Continental Syndicate and the Julian Hawthorne Company.

According to the opening address of the prosecution made immediately after the jury had been sworn, the company conducted an amazing campaign of stock and bond selling by mail. There was a scheme of form letters, alleged to have been evolved by Hawthorne, which could be slightly varied according to the sex or the occupation of the person receiving them. Catalogues were collected showing graduates of the various schools, colleges, and universities, while the "blue book" of many cities also yielded names to whom letters could be sent.

Because of this method, the Government claims, the stock selling campaign was wonderfully successful, and the returns were very large. It was expected that the trial would last about a week.

**Families Are Saving.**

In anticipation of the bread winner's long absence at the front, all but the wealthiest families have been observing the most rigid economy lately. There has been little holiday buying, and tradesmen are suffering heavily as a result of the practical prostration of all sorts of business.

More reserves are being called to the colors daily. At 12 o'clock last night announcements were read at the theaters, opera houses, and cafes calling certain classes to report for duty immediately. Many were hurried away without even time to visit their homes.

There is a steady movement of troops toward the Servian and Russian frontiers. Within twenty-four hours 30,000 soldiers have reached Gravos, an important Austrian port on the Adriatic, within easy striking distance of the sea front claimed by Servia, and 16,000 more were being disembarked there today.

Servian troops, at latest accounts, were being swiftly moved northward from Monastir and Prizrend toward the Austrian frontier.

## Turks To Dictate Terms For Peace To Balkan Allies

CONSTANTINOPLE, Nov. 25.—Turkey and the Balkan allies have agreed on a week's armistice to take up peace negotiations again. This time the agreement for a halt in the warfare was asked by the Bulgarians, staggering under the terrific blows dealt by the Turks in the last few days.

An agreement to end the war this time seems certain, Turkey, it is believed, will dictate the terms. Military authorities declare there is no doubt that the allies, beaten, will agree.

Stories of the collapse of Bulgaria's strength were borne out by information received from Sofia. The whole country has been swept clean of every masculine human being strong enough to carry a rifle. Boys of twelve and fourteen have been sent into the field.

**Bulgarians Lost 100,000.**

It has been estimated that Bulgaria has lost 100,000 before Constantinople. This has nearly been a death blow to the little nation, which, in all, has a population about the size of New York State.

Claims that Servians and Greeks were

(Continued on Fifth Page.)

**Panama Canal Nearing Completion.** Right now th's stupendous undertaking is at its most interesting and instructive stage. Best reached by Southern Railway through New Orleans; thence steamer. Consult Agents, 705 15th St. and 905 F St. N. W.—Advt.