THE EVENING TIMES

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REBATES WERE NEVER TAKEN BY STANDARD

Attorney Declared It Never Received Any Discriminatory

COMPANY IS NOT ON TRIAL FOR ANCIENT MISDEMEANORS

Watson Argued the Question Must be Limited to What Was Done by the Corporation on the Day the Complaint Was Filed.

St. Louis, Mo., April 9.—"I maintain that in all this great record there is no proof that these defendants ever received discriminatory railway rates—secret or otherwise—over their competitors," was the assertion of Mortiz Rosenthal, attorney for the Standard Oil company, this morning in commencing his address before the four judges in the United States circuit court who are hearing the government's dissolution suit against the big corporation.

After discussing the conditions obtaining in railway circles prior to the passage of the Elkin act in 1883, Attorney Rosenthal insisted that there was no proof in the record that the defendants had accepted any concession from any lawfully established railroad. The lawyer said the only proof in the record of the acceptance of railway discrimination of any kind was the receipt showing the acceptance of $7.40 by the Standard Oil company of California from the Santa Fe on two shipments made to California, where an overcharge had been made. The early part of the morning session was taken up by David T. Watson of Pittsburg who concluded his argument, commenced yesterday.

The cardinal point emphasized by the lawyer was that in the last analysis it mattered not what the Standard Oil may have done in 1882 or 1870, the question before the court was whether the defendant was guilty of monopolizing, receiving railway discriminations or restraining trade on November 15, 1906, when the complaint in the case was filed.

Mr. Watson took sharp issue with the legal views of Government Attorney Kellogg in regard to the common law.

"There is no crime—there can be no crime at common law under federal jurisdiction," was what Mr. Watson offered as his basic legal proposition.

Later Mr. Watson who argued the famous Northern Securities case for the government referred to his participation in that trial. He said that the Northern Securities company suit had nothing in common with the case at bar. The former saw two competing roads, which had been denied specifically the right of association attempting to effect a combination contrary to common law and Sherman act alike. The men joining the Standard Oil trust agreement of 1882, the lawyer declared, were citizens of the United States having the right to associate under all laws if they so desired.

Mr. Watson insisted the controversy in the case was not what the defendants had done five or thirty years ago, but whether they were guilty of attempting to restrict commerce on November 15, 1906, as charged in the petition filed against them on that date.

"It mattered not," he said, "whether the defendants had prior to that date monopolized commerce in the several states, and even if such evidence was in the case, a fact which is denied, it could not assist the government in this trial under a law brought to control interstate commerce, and not enacted to pass upon controversies between the state and the citizen himself."

It could not be contended, was another declaration, that because of the defendants' great capitalization, it could be deemed a monopoly. Legally, it mattered not whether a man's profit was twenty per cent or seventy per cent so long as he did not, in earning his profits, close the avenues of trade against his competitors. There was, likewise, he said, no bar to the acquisition of great wealth under any existing law that he knew of.

Another point urged upon the court was that the defendants had the right to produce, transport, refine, market and sell their petroleum products and incidentally to make all the money they could, a pleasure guaranteed all citizens under the constitution, so long as they made no attempt to monopolize. Such a thing as monopolization was not, he added, within the purview of the Sherman act, unless it be the unlawful exclusion of others from the trade.

"If you get sixty per cent of any trade you are bound, nevertheless, to exclude some one. Such a thing as real monopoly is impossible. One man may have ninety per cent of the trade in a commodity in May, but who may say he will hold the trade when September and November comes?" declared the Pittsburg lawyer. He also thought the government was really bound to furnish the same proof in the case at bar, that would be required if an indictment for a crime had been returned.

Again and again Mr. Watson repeated to the court his principal legal proposition, that the defense, under the present complaint, could be held only for its action on November 15, 1906, the day when the complaint was filed.

SUFFERED DAMAGES

Independent Tobacco Men Could Get No Licorice From Trust

Cincinnati, April 9—Testimony was heard before Special United States Commissioner E. K. Bruce here today in the suit of several so-callen independent tobacco companies against the American Tobacco company for $60,000 damages.

The plaintiffs claim that by reason of the control of the traffic in licorice in 1903 and 1904, they were unable to get licorice at any price without signing an agreement with the J. S. Young company to buy it at a price above its actual value, that without licorice they could not manufacture the kinds of tobacco they were engaged in making and that by reason of the excessive price they were compelled to pay they suffered damages to the extend of $20,000, for which they demand compensation of $60,000 under the terms of the law.

The hearing was concluded late in the afternoon. The suit is attracting great interest all over the United States, for upon its issue several other suits against corporations alleged to be in restraint of trade in violation of the Sherman anti-trust law are said to depend.

REQUEST REFUSED

Battleship Mississippi Will Not Ascend the Historic River.

Washington, April 9.—The navy department has refused the request of citizens of Natchez and other cities of Mississippi that the battleship Mississippi river to Natchez for the presentation of the silver service purchased by the people of the state. The presentation will be held off Horn island, in the Gulf of Mexico, on June 1.

DOCTOR SUICIDED

Fergus Falls Physician Found Dead in His Office

Fergus Falls, Minn., April 9—Dr. W. T. Duncan, one of the most widely known physicians of this locality, was found dead in his office here last night with a bullet wound in his head. He was 53 years of age and had been practicing here twenty-six years. A coroner's inquest will be held to decide whether was ancidental or otherwise.

SPANKING UPHELD

Seventeen Year Old Girl Had Father Arrested for Use of Slipper

Detroit, Mich., April 9—In the police court here today Justice Jeffries upheld the right of a father to administer the old fashioned spanking to his 17-year-old daughter, even if her dignity suffered. Margaret Granzin, aged 17, had her father arrested for disturbing the peace after a spanking. Granzin told the judge that the punishment was part of an effort to keep his daughter away from cheap theaters, and the justice decide that spanking young ladies of seventeen was permissable in moderation.

SPECIAL HONOR FOR PETROSINO

Flags at Half Mast When the Body of Brave Policeman Reached Home

New York, April 9.—Flags flying at half staff above the city hall and the police headquarters today marked the arrival on the steamer Slavonia of the body of Lieut. Joseph Petrosino of the New York police department, who was assassinated in Palermo, Sicily, on March 12, while engaged in the specially important task of protecting America against Sicilian criminals. The police department, city officials, Italian societies and citizens will unite in giving a further expression of tribute to Petrosino on Monday when his funeral will be held.

SWEETHEARTS DIED TOGETHER

Found With Arms Entwined and Bullet Holes in Their Heads

Alexandria, Mo., April 9.—With arms entwined, the bodies of Herman Bartlett and Belle Pugh, sweethearts, were found lying on the banks of the Mississippi three miles below here last night, after a search of many hours, following the finding of a note telling of their intended suicide together. Through the forehead of each was a powder burned wound. The revolver lay beneath them.

MAY BE LOST

Part of Missing Vessel Was Washed Ashore—Crew Missing

Cleveland, April 9—Part of the cabin of the fishing tug George, which was caught in the gale of Wednesday was washen ashore today twelve miles east of here. There are no tidings of the captain and the crew of nine men.

MIGHT DEPORT EMMA GOLDMAN FROM COUNTRY

Husband's Naturalization Papers Cancelled by Federal Court Yesterday

QUEEN OF ANARCHISTS SAYS THE TESTIMONY WAS PERJURED

She Says She Is Fully Prepared to Protect Her Rights as a Free Citizen—Will Rely on the Law She Denounces.

New York, April 9—Emma Goldman, the anarchist whose husband's naturalization papers were cancelled yesterday by the United States circuit court at Buffalo, a move which may lead to her exclusion from this country, is now in New York. When told of the court's decision, she said: "I am fully prepared to protect myself and my rights as a free citizen. This action in Buffalo is taken on perjured testimony and I will prove it when the time comes."

This is somewhat incongruous as she relies on the law which she declares is the worst form of tyranny.

CENSUS BILL

Measure Reported in Senate for Unlucky Enumeration of People.

Washington, April 9.—A bill to provide for the enumeration of the thirteenth and subsequent censuses was today reported to the senate by Mr. LaFollette, chairman of the committee on the census who stated that he would ask the senate to consider it tomorrow.

Several resolutions calling on the secretaries of state, of agriculture and of commerce and labor for information concerning duties on sugar were adopted.

In the house the bill was drawn to practically meet the views of former President Roosevelt, who vetoed the census bill as passed in the last session because it failed to meet his views regarding examination of applicants for positions in the census work. As reported to the senate the bill is regarded as more strictly enforcing the merit system. The director of the census may specially appoint temporary employes but his power to appoint experts who have served in former censuses is limited to those who operate mechanical appliances.

Confirmation by the senate is required in the case of appointments by the president of 330 supervisors, the house bill not requiring such confirmation. The bill reduces the salaries of the chief officers of the census from the director down, the reductions being generally $500 each. The subsistence allowance for special agents is reduced from four to three dollars daily.

In the census taking persons unemployed are required to state the number of months of such unemployment during the previous calendar year and whether employed at the date of enumeration. Occupants of farms are to state their nativity. The returns will show the acreage of wood land and the character of timber on each farm, and for turpentine and rosin, the quality and quantity, amount marketed and how the business is conducted. This will amount practically to an investigation of the turpentine and rosin industry and was placed in the bill upon motion of Senator Taliaferro of Florida.

Appointment of administrative officers is placed directly under the director of the census without supervisory power on the part of the secretary of commerce and labor as provided in the house bill.

FAMILY ROW

One Man Killed and Another Seriously Wounded in Fracas

Olive Hill, Ky., April 9—Lewis Bellew was shot and killed, his brother Curtis Bellew was shot in the back and probabl yfatally injured, and John Atkins, a relative, was shot in the hip yesterday in a family quarrel with Charles Lee and his son, Walter Lee, at Curtis Bellew's home at Fultz, in an isolated part of this county.

Curtis Bellew and his wife, who is Charles Lee's daughter, had separated, and trouble arose over the division of their property. Charles Lee surrendered, but Walter Lee is still at large.

USED DIPLOMACY

Czar Contributed to Funds for Reactionary Party's Club House

St. Petersburg, April 9—The emperor has contributed $50,000 toward the erection of a club house and gymnasium here for the use of the reactionary organizations.

A REMINISCENCE

Former Minister to Court of Napoleon III. Presented to Fallieres

Paris, April 9—The American ambassador, Henry White, today presented John Bigelow, the former American minister to France, to President Fallieres. During the course of the conversation Mr. Bigelow recalled his last visit to the French chief of state, when he presented his letters of recall to Napoleon III., in 1866.

MILL EXPLODED

Powder Plant Blew Up Causing Miniature Earthquake.

Wayne, N. J., April 9.—One man, Jerome Marshain, an employe, was killed and several others were injured, and ten small buildings were destroyed by an explosion in the corning mill of the Dupont powder works here today. The shock of the explosion was felt for twenty miles and windows were broken and chimneys thrown down in Little Falls, Passaic and the outskirts of Patterson, the latter ten miles distance.

MRS. SAMPSON NEAR COLLAPSE

Woman on Trial for Killing Husband Wanted to Tell All

Lyons, N. Y., April 9.—Georgia Allyn Sampson is to all appearances on the verge of a breakdown from the strain to which she has been subjected since the beginning here on Monday last of her trial for the murder of her husband, Harry Sampson. She did not sleep at all last night and this morning in turn demanded and pleaded with her attorneys for the privilege of going on the stand and explaining everything. Her advisers and friends had difficulty in calming her.

The trial had been in progress only a short time today when the prosecution rested its case.

Attorney Paugh said that the witnesses for the defense would be few in number and that their testimony would be adduced to strengthen the defense's contention that Sampson had not been murdered but had committed suicide.

Early yesterday when District Attorney Gilbert sought to place the black outer shirt of Harry Sampson in evidence, Justice Rich ruled against its admission because sufficient ground had not been established for its introduction. Without the shirt in evidence the state would not be able to show that the bullet hole was not a contact shot and that Sampson was fired at from a distance, thus precluding the theory of suicide. But District Attorney Gilbert succeeded in getting the outer shirt in evidence this afternoon through the gun expert, Robert H. Hamilton, who placed the undershirt within the black shirt so as to show that the perforation in both shirts made by the bullet coincided.

Expert testimony consumed the major part of yesterday afternoon and Mr. Hamilton offered testimony that was unshaken by an exhaustive cross-examination. He produced pieces of cloth of material like that of the two shirts and showed the results of fire from the fatal rifle at varying distances from a contact shot to forty-eight inches. There were no powder marks, no powder stains, or evidences of fired gunpowder at forty-eight inches, but inside of that distance there were powder marks and stains varying according to the distance.

Witness testified that the outer shirt of Harry Sampson showed only a speck of powder stain and left the inference with the jury that the rifle which killed Sampson wos held about four feet from his breast when it was discharged.

Albert H. Hamilton of Auburn, qualified as a gun expert when he took the witness stand. He declared that the bullet found in Harry Sampson's body was of the same calibre and description as those found in the unexploded cartridges, discovered near the rifle in the Sampson dining room. It was his opinion that the hole on the right side of the outer black shirt, which had not been admitted in evidence, was produced by a distant shot of black powder cartridge. It was not a contact shot, the expert said. The states attorney offered the black outer shirt in evidence for the second time and Justice Rich admitted it.

Mr. Hamilton testified that he made various tests with the rifle and then told the jury what the results were. These results were illustrated to the jury by various pieces of cloth of material similar to that of Harry Sampson's shirts.

THE WEATHER.
North Dakota—Fair and warmer tonight and Saturday.

TRAIN ROBBER HAS CONFESSED HE IS GUILTY

Wants to Get the Trouble Off His Conscience and Be Free

HELD UP GREAT NORTHERN OVERLAND EXPRESS IN 1905

Shipped From Seattle as Seaman and Has Been Living in England and Wales Ever Since—Story Has Appearance of Truth.

Seattle, April 9.—From across the Atlantic there comes the cry of Charles H. Crooks, alias Harry Miller, confessed train robber, who says he is willing to clear up the mystery of one of the boldest robberies in the history of the Pacific northwest and to do pennance for his participation in the crime. Crook says he was a member of the party that robbed the Great Northern overland express train near Richmond Beach on October 2, 1905, and for the arrest of whom, with his two companions, a reward of $16,000 was offered.

The confession was made willingly by Crooks to Police Sergeant James Thomas, of Narbeth, County of Pembrokeshire, Wales, where the man is held for trial on charges of false pretense and larceny. The Welsh authorities are disposed to help an extradition of the man, yielding him up for the greater crime. The confession and the letter of explanation accompanying it, were sent to Chief of Police Irving Ward.

Was in Seattle.

Although he is in slight error in some of his details, it is established that Crooks, or Miller, was in Seattle at the time of the robbery and that he sailed from here as he indicates in his confession. The police are disposed to believe that he is telling the truth and the Great Northern Express company is so favorably impressed that Detective Ed Walsh, the latter's special agent here, has been dispatched to St. Paul to look up the history of the case in the head office and to take steps toward extraditing the confessed robber.

Writing from Pembrogeshire Constabulary headquarters, Haverfordwest Castle, Irw. Summers, chief constable of the country, under date of March 18, says:

"Charles Crooks is now in custody under the name of Harry Miller and awaiting trial, charged with false pretenses and larceny.

"If there is any truth in the statement and you want him, kindly cause the necessary steps to be taken for his extradition. I will render you all the assistance I can in bringing him to justice."

Crook's Statement.

Under date of March 14, addressing his statement to the chief of police of this city, Charles H. Crook writes:

"My name is Charles H. Crooks, of Ninth and Union streets, Seattle. You may remember the night the Great Northern railroad was held up at Mile Stone No. 10, just this side of Richmond, about two miles from Ballard on the night of the 28th of October, 1905. My partner was caught and is now in prison serving a sentence of twenty years for the crime.

"Well, I got the money and hid it that same night and came back to Seattle, and went home and went to bed, and the next day I went to Portland, Oregon, and kept myself hid for one month and then I came back to Seattle and signed on a sailing vessel by the name of 'Ounstangl' belonging to Martell and Vickers of Liverpool, Captain D. T. Forbes. I left Seattle on the 20th of November, 1905, and on the 16th of the next month I landed in Birkenhead, and was paid off at the Sailor's Home in Canning Place, Liverpool.

"I make this confession of my own free will and this statement is absolutely true in every respect. I know that you have put out a reward for me to the amount of $15,000. I have been a wandered in this country ever since. I have been afraid to look any man in the face wherever I go. I have voluntarily surrendered to Sergeant Thomas of Narberth, County of Pembrokeshire, Wales, on said charge.

"I hereby certify that the following statement is the truth. The officers you are to write to who know me are the following: Detective F. H. Freeman, Sheriff Daniel, Mr. Grins and W. Cole. Signed,

—"Charles H. Crooks."

Who Crooks means by his companion who is serving twenty years for the crime is not clear, as only one man was ever brought to trial in this country for complicity in the crime, and that man, Lem Short, although never convicted of the robbery itself, was found guilty of stealing the horse and buggy that carried the robbers away from the scene of the hold-up. Short never entered the penitentiary. He died while an appeal from the judgment was under way.

It may be that Crooks is at error, as in several other minor details of dates due largely to the time that has elapsed since the crime and to the fact that his sources of information have been meagre.

Great Northern overland express train No. 2 left Seattle at 8:20 on the evening of October 2, 1905. Twenty-five minutes later it was stopped at a point half a mile west of Mile Post No. 10, about five miles north of Ballard, and three robbers blew open the strong box and obtained about $700 for their efforts.

On the day following the robbery, the Great Northern Express company through its local office offered a reward of $5,000 for the arrest of the robbers. Three days later the general manager increased this amount to $5,000 on each man, when Governor Albert E. Mead added $1,000 in the name of the state.

The present prosecuting attorney in the same office represented the state against Short and speaking of the case last evening, said:

"Short was never convicted of the train robbery, but there was never any doubt in my mind, or in those of the people who followed the case, that he was a member of the party. He simply escaped trial on the robbery charge because nobody about the train had seen more than one robber. The man who had boarded the engine was apparently the only one that could be identified.

Bill Miner Suspected.

In all that followed the train robbery and the excitement that attended many suspects were mentioned, including "Bill" Miner, a notorious character who had spent twenty-five of his sixty years in prison. About a year ago he escaped from the New Westminister, B. C., jail, where he was serving a sentence for robbery.

Another suspect was "Red" McCarty, who, Lem Short declared, was with him several hours before the train was held up.

But the third man's identity was never disclosed, and it appears now that Charles H. Crooks, alias Harry Miller, claims the distinction.

City Detective Frank W. Clark has discovered that Crooks, or Miller, was actually in Seattle about the time indicated in his confession, although the latter is slightly mistaken in some details.

The ship Dunnstaffnage cleared here Nov. 15, 1905, and sailed Nov. 19 for Birkenhead, England. The captain was D. F. Forbes, and there was a sailor aboard named Harry F. Miller.

AT PORT SAID

Port Said, April 9—The steamer Admiral with Theodore Roosevelt and the members of his party on board, arrived here at 3:35 o'clock this afternoon.

EX-SECRETARY IS SUMMONED

Ethan Allen Hitchcock Died Today After Brief But Severe Illness

Washington, April 9—Ethan Allen Hitchcock, secretary of the interior under Presidents McKinley and Roosevelt, died here this morning at 11 o'clock, aged 74. He has been critically ill for several days and his death was not unexpected.

TWENTY WOUNDED

Rome, April 9—A serious explosion occurred this morning in a four story house on Borgo Pio street near St. Peter's. Twenty persons were wounded, some seriously, and a portion of the building was destroyed. All four floors collapsed. It is thought that dynamite stored in the house by fisherman for illegal fishing exploded accidentally.

MAY SUSPEND CASTRO DECREE

France Will Not Enforce Deportation If It Would Menace His Life

Fort De France, Martinique, April 9.—Cipriano Castro, former president of Venezuela, who disembarked here from the steamer Guadeluope two days ago, appears to be in much better health today than he was yesterday. He had received no official notification of the estimation of the French government to expel him from the Island of Martinique. This morning he spoke of the possibility of his going to St. Thomas, Danish West Indies.

Will Be Humane.

Paris, April 9.—If the condition of Cipriano Castro's health is really so grave that his enforced departure from Fort De France, Martinique, where he now is, would be dangerous, the French government is prepared to temporarily suspend the decree of expulsion against him.

THE DRAWBACK KILLED BY THE HOUSE TODAY

Interest at Fever Heat in the Closing Hours of the Debate

FINAL VOTE WILL BE TAKEN THIS EVENING ON ENTIRE BILL

Some of the Schedules Discussed and Rates Fixed in the Bill as It Is Being Finally Rounded Out in the House.

Washington, April 9.—With but three hours remaining in which to perfect it before being finally voted on, the house today resumed the consideration of the Payne tariff bill. There was practically a full membership present and the interest was at fever heat. At the sugggestion of Chairman Payne, the action of the house in fixing the rate of one per cent ad valorem on crude petroleum and its products was by unanimous consent reversed and the article placed on the free list.

The committee amendments to the bill, with the exception of those affecting tea, coffee, barley and barley malt, were adopted in a lump and without revision. The house accepted the committee amendments placing tea on the free list without restriction.

The house also adopted the committee amendment which is intended to prevent the use of the drawback privilege for the purpose of preventing speculation in grain.

After three weeks of consideration the bill will today be voted on by the house this evening, and then the scene of tariff discussion will be transferred to the senate.

A committee amendment was adopted placing a duty of 8 cents a cubic foot of the capacity of barrels or packages on pine apples. The rate on crude cocoa, or cocoa and leaves was reduced from four to three cents a pound.

In order to meet the decisions in regard to the counting of cotton cloths, paragraph 318 of the bill was stricken out and the provisions of the Dingley law on the same subject was restored in its stead.

Jacquard figured goods for upholsterings, coverings, etc., composed wholly or in chief of cotton or other vegetable fibre were given protection by levying a duty of fifty per cent ad valorem.

A tax of forty-five per cent ad valorem was put upon fabrics used for pneumatic tires. The effect of this provision will be to place the duty on the long staple cotton used in the fabric.

A duty of twenty per cent ad valorem also was put upon cotton, bleached and purified, whether medicated or not.

The dividing line between the high and low rates of duty on oil cloth and linoleum was fixed at eleven feet instead of nine feet, as originally in the bill. It was twelve feet in the Dingley law.

The amendment restoring the Dingley rates of forty-five cents per dozen pieces and fifteen per cent ad valorem on collars and cuffs composed of cotton, was agreed to.

Because of an inadvertence in consolidating the paragraphs covering laces and articles of silk and Indian rubber, the duty on binding garters and suspenders was increased. Mr. Hill of Connecticut offered a committee amendment to have retained the duties now levied in the Dingley law. Mr. Fitzgerald of New York, claiming that he acted in the interest of all the American people, whom he wished to see wear silk suspenders and garters, offered an amendment reducing the duties thirty per cent ad valorem on suspenders and garters and forty per cent in the paragraph for laces.

Upon a division vote, this amendment was lost and the committee amendment agreed to.

Mr. Pujo of Louisiana spoke in favor of a committee amendment offered by Mr. Broussard of Louisiana excepting rice from the provisions permitting the free entry of products of the Philippine islands. The amendment, which makes rice the only exception to the Philippine free trade provisions, was agreed to by a rising vote.

The paragraph covering braids made of artificial hair was amended so as to exclude braids of natural horse hair. Minor amendments in phraseology were made to the paragraphs covering wood pulp and print paper. All of the amendments that followed were committee amendments.

The duty on basic papers for photographic process was decreased ten per cent ad valorem, and the duty on diecut or embossed pictures, postcards, labels and similar articles was reduced to one-half of one cent and one cent when both embossed and die cut.

On decalomanias, in ceramic colors, the duty was reduced to eighty cents a pound from $2.50 a pound. The duty upon wrapping paper was increased from thirty per cent to thirty-five per cent ad valorem. The phraseology in the paragraph providing for straw braids for hats was changed to broaden its scope.

The Dingley paragraph placing a duty on toys was restored with a proviso that only articles intended as playthings for children shall be admitted as toys.

Send in your coupons without delay
Reserve your special ballots for another day.
You then will know just how you stand
While others are guessing what you have on hand.
(Lyrics from the Contest Editor.)