

NEW YORK CITY ON SATURDAY, OCTOBER 14.

PAID TO UNCOVER VICE

Private Investigator Hired by Osborne Testifies at Albany.

POLITICIANS IMPLICATED

Letter from Barnes Denying Road Was Built to Improve His Property Objected To.

Albany, Oct. 12.—James W. Osborne, the chief counsel for the Albany investigating committee, caused a sensation at the hearing today when he called as a witness Robert E. McClelland, of New York, who has been engaged as a private investigator for fifteen years, nine of which he was employed by the Society for the Prevention of Crime, which is headed by Assistant District Attorney Frank Moss, of New York.

Contractor Called to Stand.

Timothy E. Kirwin, a contractor, was called to the stand this morning, and Mr. Osborne tried to show that he was a Republican ward leader. Mr. Kirwin, however, denied this, saying that he was not even a member of the Republican organization.

Witnesses Give Value of Companies Included in Merger.

Additional testimony was taken by Vice-Chancellor Stevens, at Newark, yesterday, in the trial of the suit brought by Norman B. Tooker, an executor for the estate of Nathaniel Tooker, of East Orange, and others, holders of preferred stock of the National Sugar Refining Company of New Jersey.

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DRIVER PROBE GOES DEEP

Wrings Secret from Ex-Representative Shephard. TELLS OF "BATHROOM" TALK. Voted for Lorimer on Promise to Have Editor-Postmaster Removed.

Chicago, Oct. 12.—The committee of United States Senators investigating Senator Lorimer's election brought out at least one sedulously concealed circumstance to-day, when Henry A. Shephard, of Jerseyville, Ill., banker and ex-State Representative, despite his protests, was forced to strip bare escapades which he had managed to keep secret through two grand jury inquiries and a previous senatorial investigation of the Lorimer election.

Shephard admitted under examination by United States Senator Lake Lee that he used a fictitious name in registering at a Chicago hotel in April, 1909, because he was accompanied by a woman who was not his wife. Until this time Shephard had insisted that his object in using the fictitious name was to avoid newspaper reporters.

The Jerseyville banker will be placed on the witness stand again to-morrow, and it is possible that his further examination will be continued throughout much of the day. Members of the senatorial committee indicated their purpose to get at the exact facts in the tangled history of the Illinois Senatorship with greater emphasis to-day than at any time since the inquiry was resumed in Chicago.

Ex-Representative Shephard, one of the Democratic members of the forty-sixth General Assembly who voted for Mr. Lorimer, was the first witness called. Shephard testified that Lee O'Neil Browne first asked him to vote for Lorimer. The witness said: "I told Browne that I would vote for Lorimer, but on one consideration. I would do so if a certain editor in my town could be removed from his position as postmaster."

Shephard said, however, when questioned by Senator Fletcher, of the committee, that the editor, Fletcher, was not the postmaster of his town, but that Mr. Lorimer had fallen so far to carry out the agreement upon which Shephard said he cast his vote for the Chicago Democrat.

The witness then related various meetings with Lee O'Neil Browne in Chicago and St. Louis. Senator Lee, of the committee, took on the examination of ex-Representative Shephard to the meeting of Shephard and Robert Wilson at the Southern Hotel in St. Louis, on July 13, 1909, and at which time the so-called "bathroom" episode occurred.

"Why did you go into the bathroom with Wilson?" asked Senator Lee. "Wilson wanted to ask me regarding a lady with whom he saw me at luncheon that day and didn't want the others in the room to hear our conversation," replied Shephard.

"What other members of the Legislature was in Wilson's room aside from you?" "Browne, Luke, White, Link, Beckenmeyer and Clark, I think," replied Shephard.

"The meeting was prearranged, was it?" "Yes, that is, I had received a telegraph or telephone message from Mr. Browne. I did not know about the others. I had told Browne that any time he happened to be in St. Louis to let me know and I would run over from my house at Jerseyville and see him. It was purely a social matter."

Senator Kern asked Shephard directly if his vote for Lorimer was cast in return for Lorimer's promise to appoint a postmaster of Shephard's choice at Jerseyville.

"Yes, I voted for Mr. Lorimer for that purpose," replied Shephard. "I have no interest in the postmastership at Jerseyville, then," said Senator Kenyon, "was greater than your interest in the election of the Democratic United States Senator, was it?"

"Yes, I guess it was," replied Shephard. "Was the occasion of your visit to Chicago, when you met Browne and Wilson, what name did you use?" asked Senator Lee.

"I guess I registered as A. J. Shafer and wife, St. Louis, Mo." "Were you accompanied by your wife?" "No, I was not." "Wasn't that the real reason you registered under an assumed name?"

"No, I wasn't," replied Shephard. "The Marble then produced a register of the Marble Lumber Co. for Saturday, April 23, 1909, and on which the name of A. J. Shafer and wife, St. Louis, Mo., was written by the witness."

English Lecturer Says Common Law Favors Competition. Sir Frederick Pollock delivered his seventh lecture at Columbia yesterday, on the subject of the common law, taking up a consideration of monopolies, both ancient and modern, and showing how much consideration they have received at the hands of the common law.

While not assuming to speak from an official attitude, and being careful to distinguish between the political and the legal side of the subject, the lecturer asserted that it regulates competition and prevents its restriction by public authority to the benefit of private interests, and in this respect is not an assumption of absolute natural rights.

Now we must be careful at the outset not to be misled into making familiar historical words bear a purely modern significance. True competition is favored in the law. That is true, but it did not originally mean unlimited competition between all men. The merchant and the craftsman were not to be qualified persons. Before they could exercise their business, they passed through a stage of apprenticeship and when they became "free" of their guild or craft, this freedom was the same (as almost always in medieval speech) as a privileged condition, as much earned by a special training as that of the learned professions of the day.

The man who had thus made himself a full member of a craft or corporation had a positive right to exercise his calling without hindrance, and his neighbors were entitled on their part to the benefit of his skilled work. Our modern notion of letting every man try his chance and trusting untried competition between all sorts of competent and incompetent persons to secure the public interest automatically may have its virtues, but it is modern and not medieval.

The speaker then went on to say that as the extent and variety of trafficking increased competition assumed more complex forms, and it became useful to determine the limits of a competitor's freedom to be fair and had to be regarded as fraudulent or oppressive.

After serving ten days less than a year, the grand jury which indicted the McNamara brothers and six others for murder will make its final report to-morrow and will be discharged, according to unofficial announcement here to-day. Officials here were unable to find record of any grand jury which had served so long a term.

The jury was empaneled by Judge Bordwell on October 22, 1910. Three days later it concentrated its attention upon the "Times" explosion case, the first fruit of its "Times" secret indictments returned on January 8 against James B. Bryce, Milton A. Schmidt and David Capital. On March 11 the same jury found that the victims of the "Times" disaster met death in a wreck and fire caused by a dynamite explosion, and on April 15 it returned the indictment against the two McNamaras and against Otis McManigal, who later signed a formal statement concerning his knowledge of the case.

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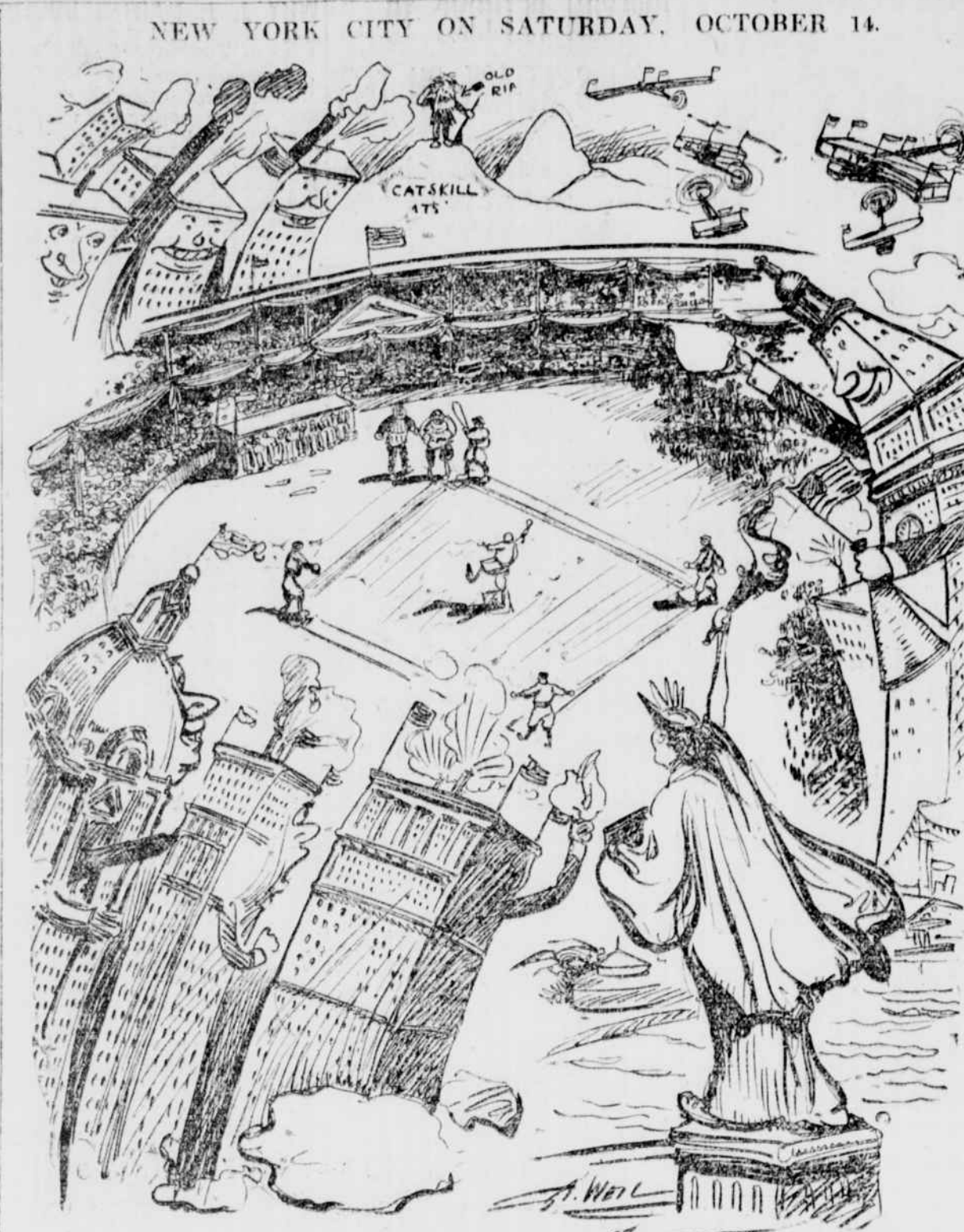
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ELECTRIC TRUST BROKEN

Continued from first page.

a similar nature, by which the prices of various electrical devices and supplies were fixed and to which some of these defendants were parties. But since the institution of this suit all these pools have been voluntarily dissolved. The investigation also disclosed a general trade and patent agreement between the General Electric Company and the Westinghouse Electric and Manufacturing Company, the two largest electrical concerns in the country, covering substantially their whole business, but this agreement, since the institution of the government's suit, has expired by limitation, and has not been and it is believed, will not be renewed.

"By this decree," the Attorney General continued, "the contracts and combinations entered into by all the defendants are declared unlawful and they are severally enjoined from entering into or performing any agreements or arrangements of any nature by which the prices of incandescent electric lamps of any type or description, whether patented or unpatented, are to be fixed, either at wholesale or retail."

"Other important effects of the decree," the Attorney General said, "The National Lamp Company and all its subsidiary companies are ordered to be dissolved, and the General Electric Company is forbidden hereafter to conduct any business in the manufacture or sale of electric lamps except in its own name."

The method by which competition in unpatented articles is to be protected through the use of a patented article is declared to be unlawful, and is forbidden. The method in which this was done in the case of the defendants all their supply of carbon lamps and consumers by which they were compelled to agree to purchase from the defendants all their supply of carbon lamps on the condition that they purchase certain lamps known to the trade as tungsten lamps, which are still claimed to be patented, by means of aggregating discounts for lamps claimed to be patented, and counts on lamps not patented, another weapon was used to suppress competition in unpatented lamps.

The general Electric Company and each and all of the defendants engaged in the manufacture of electric lamps are enjoined from entering into or carrying out certain contracts which it has been explained in the past, by which the manufacturers of bulbs, tubing and other parts necessary to a completed lamp were bound to sell the parts manufactured by them to anybody except the defendants, save upon unequal conditions. The result of this was to create a monopoly in the manufacture of electric lamps which has heretofore existed.

All parties to the combination are enjoined hereafter seeking to injure the business or secure the trade of rival manufacturers by offering and making terms or prices for incandescent lamps to the customers of such rival manufacturers more favorable than they make to their established trade, though nothing in the decree is to be taken in any respect as a restraint upon fair, free and open competition.

Cleveland, Oct. 12.—The National Electric Lamp Company is incorporated under the laws of New Jersey, with headquarters at East 4th street and Hough avenue, this city. In a suit filed here on March 4, 1911, the government charged that the National Electric Lamp Company acted as a holding company for the General Electric Company and about forty subsidiary concerns, and that a conspiracy to suppress competition in the manufacture of electric lamps existed in violation of the Sherman act.

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Starting from the beach, Witmer pointed his machine to the water's edge, rounded and turned on spiky poles an hour after getting out as far as the end of the Million Pier he slackened speed and turned about until he faced down the beach, parallel with the Boardwalk. Again he put on speed and an instant later soared into the air. At no time did he rise more than fifty feet. After travelling half a mile under the air he effected a good landing on the water, switched his planes and scooped back over his course.

While making this turn one of the pontoons used as rudders dipped too deep in the waves. The plane, carried far over the water, became water-logged, and the extra weight refused to right on an even keel. Witmer crawled carefully from his seat after starting his propeller, then, steering with his right hand, threw one leg over a support running from the boat which formed the understructure of the craft to the top of the plane. In this way he shifted his weight to overcome that of the water-logged plane, and maneuvered a mile into the water to the beach, while the spectators cheered him to the top of their lungs.

After that Witmer experienced perfect sailing, three times repeating his starts and landings from the waves.

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Engine Trouble Checks Aviators who Set Out for Record.

Fortrez, Monroe, Va., Oct. 12.—Because of an accident to the engine of the navy hydro aeroplane Triad, on which Lieutenants Gordon G. Ellison and J. H. Towers travelled from the Annapolis Naval Academy to Smith's Point, Va., yesterday, the two aviators returned to Annapolis today on the torpedo boat destroyer Balley.

The aviators had expected to break over-water flight records, and to perform scouting manoeuvres over the Atlantic fleet in Hampton Roads. Annapolis, Oct. 12.—Reporting that their flight, even though it did not last to the point of destination, was in every way successful, Lieutenants Gordon G. Ellison and J. H. Towers returned to the government aviation field this morning.

The officers were particularly pleased with the success of their experiment to prove that by the use of "shift control" two men taking alternate turns as pilot can avoid the fatigue which has limited all flights heretofore. Leaving Annapolis Lieutenant Ellison acted as pilot for twenty minutes and then rested for twenty minutes while Lieutenant Towers did the piloting.

AVIATORS FATALLY HURT

Machines Plunge to Earth and Two French Birdmen May Die.

Charlieville, France, Oct. 12.—M. Horta, a student of aviation, fell while practising at a height of thirty feet to-day, receiving internal injuries which, it is expected, will cause his death. His machine capsized.

Rhims, France, Oct. 12.—M. Level was injured, probably fatally, in a fall to-day. The aviator was sweeping along in his biplane about 250 feet from the earth, in superb weather, when something went wrong with his machinery and the aeroplane plunged earthward, striking a telegraph pole in its descent. Level was barely alive as he was taken from the wreck. His skull and his spine had been fractured.

The condition of Andre Germain, aviator, who was injured in a fall with his machine yesterday, is considered hopeless.

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Wrings Secret from Ex-Representative Shephard.

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