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TRUST CASES TO BE RE-ARGUED IS ORDER

Late Death of Justice Brewer Thought to Be Chief Reason for Order

NO DECISION FOR MONTHS PROBABLY

Court May Not Hear Cases Until Successor Named for Brewer

WASHINGTON, D. C., April 11.—Unwilling at this time to render decisions in the dissolution suits against the Standard Oil company and the so-called "Tobacco Trust," the supreme court today ordered the re-argument of the cases.

This postpones final disposition of the application of the anti-trust law to these corporations for weeks, probably until after October.

The present term ends June 1. The immediate cause of the reassignment of the cases is thought to have been the demise of Justice Brewer. His death left only seven justices actively at work, as Justice Moody has been ill during all of the term.

It is believed the court will not advance the cases for re-argument until Taft has been given ample time to fill the vacancy created by the death of Brewer. If this vacancy is not filled before the senate adjourns for the summer, it is probable the cases will not be taken up again until after the first of December, when the senate meets again.

Review of Tobacco Case

In so far as the decision below of the United States circuit court was against the tobacco men, it was against them on the broad ground that there was a combination which interfered with competition in trade and all such combinations were declared to be prohibited by the Sherman law. The law was conceded to be "drastic," and little doubt was left that it did not meet the approval of that court.

The government's proceeding was against the American Tobacco company and sixty-five allied concerns and their officers, all of them charged with forming and maintaining a trust. The suit was based on allegations of violation of the Sherman anti-trust law and also of some of the provisions of the Wilson-Gorman tariff law. The purpose of the government was to force the dissolution of the combination and the destruction of what was declared to be a monopoly of the tobacco business in restraint of commerce, not only in the United States, but throughout a large part of the tobacco using world.

Four judges sat in the hearing of the case in the trial court, and while three of them ultimately found common ground for a verdict, they were so divided in their respective lines of reasoning that each propounded an opinion of his own.

In general terms the verdict was a declaration of guilt for a majority of the corporations on the ground that they constituted a combination contrary to the law, and while an injunction against these combinations was granted there was no pronouncement on the subject of monopoly which the government had especially sought to obtain.

Cigar Stores Dismissed

The bill as to the United Cigar Stores company, a domestic corporation, was dismissed, as were also the bills against the Imperial and British American companies, English corporations, and their subordinate American concerns, notwithstanding the contention by the government that the Cigar Stores company was the retail instrument of the trust in this country, and the English companies, the foreign divisions of it.

The dismissal in the case of the Cigar Stores company was due to a failure on the part of the circuit court to find that there had been any exercise of control over it by the trust restricting the freedom of trade, and in the cause of the two foreign corporations to the circumstance that the contract for the distribution of foreign business was made in England.

Disregarding the plea of the government on the point of monopoly, the circuit court adjudged the American Tobacco company and many of the subordinate general companies to be parties to an unlawful combination; to be each in itself an unlawful combination, and each to be a holder of shares in other companies. They were enjoined generally from continuing in the combination or from doing anything in furtherance of it; from engaging in interstate and foreign commerce, and from acquiring the plants or business or exercising control over issuing companies. The issuing companies were also enjoined against permitting such control. The bills against the various officials of the companies who were included in the original complaint were dismissed.

Both Sides Appeal

Both the government and the tobacco companies appealed the case to the supreme court—the former because of the failure to include all the defendants in the prohibition and also because of the limited scope of the verdict as to the others, and the companies, on the general ground that there should have been no verdict at all against them.

The argument of the case in the supreme court consumed three times as much time as is ordinarily allowed for the presentation of cases. The government, which was represented in the hearing by Attorney General Wickersham and Special Assistant Attorney General McReynolds, made the most sweeping charges concerning the combination. They sought especially to have the exempted organizations included in the prohibition, declaring that the Imperial company and the British American company had been so manipulated as to provide for a complete monopoly and division of the tobacco business of the world. An effort also was made to have the verdict of the lower court so extended as to have the entire combination declared a monopoly in restraint of trade. On behalf of the companies it was contended that no effort had been made by them to restrict the production of tobacco or to work a hardship to independent tobacco dealers.

It was charged by the government that ever since 1902 there has been an apportionment of the tobacco business of the world between the American Tobacco company and the Imperial company and a practical monopoly of most of the important branches of the business. The British American company was alleged to be an outgrowth of this arrangement, that company having been organized by the other two to carry on the business outside of the United States and Great Britain. It was especially contended that no judgment would be effective that did not prohibit the continued operation, even as purchasers, in the United States.

BURNS WINS TITLE FROM AUSTRALIAN

Unpopular Decision Given Him Over Bill Lang

SYDNEY N. S. W., April 11.—Tommy Burns won from Bill Lang, heavyweight champion of Australia, in the twentieth round of a fight for the Australian title today.

The decision was not popular, for, although Burns had the better of the first ten rounds, he weakened in the latter half, while Lang rallied. The fight was witnessed by 17,000 people.

EX-SENATOR BARD NEAR DEATH'S DOOR

OXNARD, Cal., April 11.—Ex-senator Bard has suffered another relapse and his condition was alarming for several hours. He rallied toward midnight, but the physicians say his heart is likely to give out at any time.

BALL PLAYER ILL WITH DIPHTHERIA

ST. LOUIS, Mo., April 11.—Following the third anti-toxin treatment this afternoon, E. J. Reulbach, pitcher for the Chicago Nationals, who is seriously ill with diptheria, was said to be resting easy tonight.

The crisis is expected tomorrow.

INSURGENTS TAKE AUTOS AWAY FROM "UNCLE JOE"

Speaker Gets Sore at Their Action and Again Hurls Defi at Them

WASHINGTON, D. C., April 11.—Almost the entire "insurgent" strength of the house joined the democrats in what is acknowledged to be a general rebuke of Speaker Cannon.

The conference report on the legislative, executive and judicial appropriation bill contained an agreement to appropriate expenses for automobiles previously provided for Speaker Cannon and Vice President Sherman.

The house reiterated its disapproval of the expenditures by a vote of 111 to 132 and refused to agree on the report, sending it back to conference for further consideration.

After the action Cannon, leaving the chair went to the republican side of the house and delivered a speech, much of sarcasm and invective. He again defied the "insurgents" and intimated that they lacked the courage to join with the solid minority to depose him.

Encouraging his republican colleagues and admonishing the democrats, he declared he believed the republican majority would be returned at the coming elections.

Minority Leader Champ Clark made a speech in which he insisted that if given the chance the democrats would endeavor to realize the suggestion of Senator Aldrich that the expenses of the government might be curtailed $300,000,000 annually.

GOOD START FOR JURY IN HYDE HEARING

Thirteen Temporary Jurors Chosen to Try Kansas City Physician

DAUGHTER FAILS TO RECOGNIZE MOTHER

Wife of Accused Man Abandons Parent to Stick to Her Husband

KANSAS CITY, Mo., April 11.—Thirteen of the temporary jurymen from whom the final twelve will be chosen to try Dr. Hyde on the charge of murdering Colonel Thomas Swope were selected at the opening session of the trial today.

Extreme precaution is being taken by Judge Latshaw to obtain an unbiased jury. The men temporarily selected and more than fifty veniremen not examined were remanded to the custody of the marshal at the close of court.

Attachments have been issued for seventy-five veniremen who failed to respond today. The court is anxious to obtain a jury tomorrow.

Mrs. Logan Swope, who is responsible for the prosecution of Hyde, met her daughter, Mrs. Hyde, in the courtroom today, and neither spoke. This is the first time they had seen each other since December 18, when Mrs. Swope ordered Hyde from the house, and Mrs. Hyde, spurning her mother's grave charges against the doctor, left with him. On March 7, while the accused man was in jail, Mrs. Swope called at her daughter's home and was refused admission.

Hyde displayed keen interest in the selection of jurors and was cheerful throughout.

History of Case

The most serious charges under the indictment which the grand jury found against Dr. B. Clarke Hyde on March 5 of this year are that he caused the death of Colonel Thomas H. Swope and Chrisman Swope by giving them strychnine. The indictment for manslaughter is based upon the charge that Dr. Hyde caused the death of James Moss Hunton, a cousin of the late Colonel Swope, by bleeding him. Perhaps not quite so serious, but far more sensational, are the remaining eight indictments which charge Dr. Hyde with having attempted to murder Margaret Swope, Stella Swope, Sarah Swope, Lucy Lee Swope, Nora Bell Dickson, Georgia F. Compton, Mildred Fox and Leonora Copridge by inoculating them with typhoid fever germs.

Dr. Bennett Clarke Hyde, the defendant, is the son of a Baptist minister, now retired, at Lexington, and went to Kansas City in the early nineties and studied medicine. A short time after he had been licensed to practice Dr. Hyde was appointed police surgeon by Mayor Webster Davis. Before he had served a year he was removed for unprofessional conduct. When in October, 1898, several unusually grave robberies were committed, Dr. Hyde's name became connected wih the matter, but no sufficient proofs were found against him. It was three or four years later that the announcement was made of Dr. Hyde's engagement to Miss Frances Swope, daughter of Mrs. Margaret Swope of Independence and neice of the late Colonel Thomas H. Swope.

The engagement was strongly opposed by Mrs. Margaret Swope, but Miss Frances was determined to marry Hyde and even the fact that several breach of promise suits were filed against him, which did not reflect credit upon his character, did not change her determination. She became the wife of Dr. Hyde and, after a while, truce was declared and a fairly cordial entente established between the Swope family and Dr. Hyde. The door of the Swope home was opened to the young doctor last summer and soon thereafter began a chain of events which caused the death of three persons and came near wiping out the entire Swope family.

Hunton First Victim

The first victim was James Moss Hunton, a cousin and trusted confidant of Colonel Swope. He died October 1, 1909, and apoplexy was given as the cause of his death. Subsequent investigation developed the fact, however, that death was not caused by apoplexy and the state will attempt to show that Dr. Hyde was in some way responsible for the death of Mr. Hunton.

Colonel Thomas Swope, a millionaire real estate and mine owner, who gave Swope park to Kansas City, died suddenly on October 3, 1909, shortly after having taken a capsule at the direction of Dr. Hyde. Drs. Hektoen and Haynes of Chicago, two eminent experts, who made an analysis of the viscera of Colonel Swope, found strychnine in his stomach and liver.

In the month of December a perfect epidemic of typhoid fever broke out in the Swope household. On December 1, Miss Margaret Swope, a niece of Colonel Swope, came down with typhoid fever. Two days later Chrisman Swope, her brother, developed symptoms of the disease and on December 6, he died at Independence, after having taken a capsule given to him at the direction of Dr. Hyde. Like Colonel Swope, young Chrisman Swope died after violent convulsions and an analysis of his stomach showed the presence of strychnine.

Between December 3 and 21 five other members of the Swope family and a colored maid became ill with typhoid fever but all of them recovered. All of them are legatees under the will of Colonel Swope, who left an estate valued at more than $3,000,000. It will be contended by the state that Dr. Hyde had contemplated to murder these legatees to increase his share in the estate and that he had inoculated them with typhoid-fever germs which he had obtained under a plausible pretext from Dr. E. L. Stewart, a noted bacteriologist, on November 10, 1909.

REGISTRATION NEAR CLOSING DAY

But Two More Days Left to Qualify Voters for Coming Primaries

But two more days remain for registration for the city primaries, to be held on Saturday, April 23. With the close of the city clerk's office, tomorrow afternoon, registration will close, as far as the placing of the names of voters upon the official poll lists is concerned. Voters who register after tomorrow may secure recognition at the polls, but must present a registration card in order to secure a vote. To avoid contest at the polls, all voters in this city, who have not registered should do so today or tomorrow.

The registration office was open last night for those who have been unable to visit the city clerk's headquarters during the day. A few applicants appeared, but the bulk of the voters of this city who intend to register have already done so.

The registration this year is larger than usual, by reason of the fact that every voter in the city must register, under the provisions of the new election law, in order to secure a vote either in the primaries or the general municipal election.

The city clerk's office will not be open at night again until near the time for the general election and those who have put off the matter of registration should lose no time in securing their credentials.

SEARCH HOTEL BOOK

Man Who Paid Big Bribe in New York May Be Discovered Thus

PITTSBURG, Pa., April 11.—The registers of the Hotel Imperial, New York, where the largest lump bribe of money to bribe Pittsburg councilmen was paid to Charles Stewart, are in possession of District Attorney W. A. Blakeley. The books are expected to reveal the signature of the man, yet unnamed, who handed the money to Stewart.

Frank N. Hoffstot, alleged leader in the pool of $52,000 to influence legislation in favor of six banks, will fight extradition from New York.

Blakeley said extradition proceedings would begin at once.

The grand jury had several bankers who previously testified again today, and the only action was a formal presentment ordering a change of date in the previous indictment of Max G. Leslie, collector of delinquent taxes for Allegheny county.

LETTER FROM DEAD

Thirty-one More Bodies Are Taken from St. Paul Mine With Message

CHERRY, Ill., April 11.—"All alive at 2 p. m. November 14."

This message from the St. Paul coal mine was brought to light today with the recovery of thirty-one more bodies.

The bodies were 300 feet below the surface.

The men had retreated to a space twenty feet square and had constructed a rude fan of boards to keep the air circulating. On the fan was chalked the message indicating that the men lived until the day after the fire.

Evidently the men had taken turns to crank the fan, as one of the bodies had fallen over the handle as if he died in struggling to maintain an air current.

That the miners were in the habit of keeping their savings on their persons was shown. One had in a belt $1,400. In another was $190 and in another $172.

NOTHING TO SAY AFTER PINCHOT MEETING

Former Chief Forester Has Entire Day with Roosevelt and Family

NOTHING GIVEN TO NEWSPAPER PEOPLE

Secretary Declares Chiefs Talked of Former Hunting Expeditions

PORTO MAURIZIO, Italy, April 11.—Gifford Pinchot, former chief forester, spent the entire day with Mr. Roosevelt, but what passed between them is a secret.

Pinchot arrived at Carew Villa before 9 o'clock. He remained for lunch and accompanied Mr. and Mrs. Roosevelt and Miss Carew on a five-hour excursion into the mountains. They had dinner together also. The forester did not return to his hotel until shortly after midnight.

Pinchot, when seen at the villa just before dinner, declined to say what he communicated to the ex-president.

Mr. Roosevelt's secretary gave the anxious newspaper men a long and graphic account of how the party drove through the olive orchards of the picturesque Caramagna valley and then climbed six miles up the winding road to the famous chapel once visited by Charlemagne.

When pressed about the subject of the long conversation between the two, the secretary announced that it consisted largely of reminiscences and hunting stories.

Mr. Pinchot will see Mr. Roosevelt again tomorrow and is expected to leave here in the evening for Zurich. From there he will go to England to visit Sir Horace Plunkett of the department of agriculture in Ireland. He will sail for New York on the steamer Baltic, April 30.

When Mr. Roosevelt came back to the villa this evening he found two Franciscan friars had come to present their respects.

Ex-mayor Phelan of San Francisco telegraphed from Monte Carlo that he would call on Roosevelt tomorrow.

Shortly before dusk the secret service men detailed to guard Roosevelt arrested an individual prowling about the villa. At the police station he gave his name as Magagno, a native of Bologne. He is a barber and knows little English.

A letter was found in his possession addressed to Mr. Roosevelt asking for a position as valet.

The police believe the man is demented.

WILL MEET EMPEROR

VIENNA, April 11.—Roosevelt's audience with Emperor Francis Joseph was fixed at 2 o'clock Friday in private apartments instead of the usual audience chamber.

SENATE GETS BUSY

Puts in Entire Session in Consideration of the Railroad Bill

WASHINGTON, D. C., April 11.—The senate today entered the voting stage in consideration of the administration railroad bill. In accordance with previous agreement, Elkins was prompt in moving consideration of the bill soon after the senate met, and it received continuous attention until the close of the session.

While the opposition will not concede the Elkins amendment to be an amendment, the majority of the committee on interstate commerce consented to allow them to be treated as such, thus consenting to their completion in advance of presentation of other amendments. Cummins in turn succeeded in procuring a concession that his and Clapp's amendments be next taken up.

MILLER IS GUILTY OF MANSLAUGHTER

Gets Twelve Years for Killing of J. B. Sayler

WATSEKA, Ill., April 11.—Dr. W. R. Miller was found guilty today of manslaughter for the killing of J. B. Sayler. Mrs. Sayler was also found guilty of manslaughter. John Grunden, her father, was acquitted.

Miller was sentenced to twelve years and Mrs. Sayler three years.

Golda Sayler sat beside her mother, Mrs. Sayler. She wept as she entered the room. When the verdict finding Mrs. Sayler guilty was read, she threw herself into the arms of her daughter and sobbed convulsively. Mrs. Miller clung weepingly to her husband when the verdict came and he clasped her to him.

The crime for which the defendants, Miller and Mrs. Sayler, were found guilty was slaying J. B. Sayler in the parlor of his home. The state brought out much evidence concerning the alleged intimacy of Mrs. Sayler and Miller and scoffed at the plea of self defense.

WANT BIG INCREASE

New York Central Unable to Reach Agreement With Employees

NEW YORK, April 11.—The second offer of the New York Central to increase the wages of conductors and trainmen from 8 to 25 per cent was declined by the men tonight. The company will be notified tomorrow, if an agreement is not reached, that the employes will adhere to a vote in which the men between this city and Buffalo favored a strike.

A increase ranging from 8 to 64 per cent is demanded.

President Lee of the Brotherhood said there would be no strike as long as there was a possibility of a settlement. He added that the men would accept nothing less than the wage schedule recently adopted by the Baltimore & Ohio, equivalent to 8 to 64 per cent.

It is believed that negotiations under the Erdman act would prevent a sudden walkout.

SHOT IN THE BACK

Southern Pacific Man Dangerously Wounded in Row Near Yuma

YUMA, Ariz., April 11.—Charles Weismer, assistant signal supervisor of the Southern Pacific, was shot and dangerously wounded by W. R. Petty, a discharged track walker, at Flowing Wells, sixty miles west of here, this afternoon.

Petty had a dispute with A. Shaw, the agent, over an account. Petty knocked Shaw down and kicked him in the face. Weismer stopped the fight. Petty ran to the section house, got a revolver and shot Weismer, who started to run. The shot entered his back, passing through the lung.

TROUBLE EXPECTED

IMPERIAL JUNCTION, Cal., April 11.—Petty refuses to surrender. The house in which he took refuge is surrounded by deputy sheriffs and a gun fight is expected.

O'LEARY IS BEATEN BY JOHN COULON

NEW YORK, April 11.—John Coulon, bantamweight champion, outpunched and outgeneralled Young O'Leary, of New York, in ten rounds at Brooklyn tonight.

STRANGE SUICIDE REVEALED WHEN BODY IS FOUND

ANSONIA, Conn., April 11.—In the discovery of the body of Frederick Smith under a pile of soot at the bottom of a 100-foot smokestac the authorities believe they have revealed probably the most remarkable suicide in the history of the state. The police believe Smith climbed to the top of the stack and jumped down. Smith was last seen alive the week following Christmas.

HUGHES DEMANDS SENATORIAL PROB[E]

Refers Report of H[o]tchkiss to Legislators With Stinging Rebuke

THOUSANDS SPENT TO INFLUENCE LAW

Political Somebodies Lavishly Entertained by Insurance Men

ALBANY, N. Y., April 11.—Declaring that the revelations of the Allds-Conger bribery inquiry and the facts brought out by Superintendent of Insurance Hotchkiss had "Caused every honest citizen to tingle with shame and indignation," Governor Hughes sent a special message to the legislature tonight recommending a "Thorough and unsparing investigation of legislative practices and procedure, and into the use of corrupt and improper means to defeat legislation."

Accompanying the message was the preliminary report of Hotchkiss outlining the facts developed in the fire insurance investigation at New York, and setting forth the difficulties encountered in following up various leads that had been uncovered.

The superintendent says obstacles apparently insuperable developed in the course of the inquiry. His judgment would warrant further investigation, but he had no power to pursue them, and therefore has laid the facts thus far developed before the governor for action.

Hotchkiss says his investigation warrants the statement that legislative expenditures in New York were conspicuous in 1901, 1903, 1904, 1905 and 1909.

"Moneys paid were disbursed as travelling expenses of individuals and delegations, retainers for counsel to so-called legislative lawyers, contributions to political committees, gifts and payments to men of political prominence and influence and entertaining legislators and others at times in a lavish manner.

"The aggregate of disbursements of this character as the records now stand was largely from the treasuries of the fire insurance companies and probably exceeds $150,000."

Hotchkiss says the system of bill killing and law getting was a reproach to the people of the state. A system prior to 1900 is also apparent.

The message was referred to the finance committee in the senate and the ways and means committee in the assembly.

Senator Davis of Brooklyn presented a resolution proposing the appointment of a committee of three citizens, three senators and three assemblymen to conduct the inquiry.

Fifty thousand dollars is asked to defray the expenses of the commission.

KILLED PARTNER IN BUSINESS QUARREL

Trouble Expected Over Tonopah Shooting

TONOPAH, Nev., April 11.—In a quarrel over business matters, Frank White shot and killed his partner, Charles Black, tonight, in the Manhattan. Citizens are incensed, and sheriff's deputies were sent to assist the authorities in preserving order.

MANY NARROW ESCAPES AS GREAT HOTEL IS BURNED

Principal Hostelry of Eastern City Burned in Spectacular Manner

DUBUQUE, Iowa, April 11.—Two hundred had a narrow escape from death today in a fire which burned the Julian hotel, one of the most prominent hostelries in the state. A number were injured in the mad rush for safety. Of these the following are in a most serious condition:

Samuel Levy of Chicago, injured by jumping frm the third story window and may die.

Charles Evans of Philadelphia, internally hurt.

Charles Glasser of Des Moines, several bones broken in falling from a balcony.

Mrs. Edward Engler of Dubuque, burned by falling through a blazing stairway.

Many spectacular rescues were made. Despite the wild confusion, however, most of the guests escaped without harm.

Levy stood for several minutes on the window ledge of his room screaming for aid, and leaped just as another ladder was being rushed to the scene. He struck the sidewalk with nothing to break the force of the blow.

Mrs. Engler first went to the window of her room, and fearing the leap, decided to try a rush through the fire, blazing in the only stairway she could reach. Wrapping a blanket around her shoulders, the frightened woman dashed through the flames. Her clothing was burning, but she had almost reached the lower floor when suddenly the stairway sank. Firemen rushed in and dragged her out. She suffered many painful burns, but may recover.

Nobody seemed to know just when the fire started. The blaze had been in progress for some time before discovered.