

TRUST IS UNDER FIRE

World-Wide Tobacco Combine Attacked in Federal Court.

CHARGES OF CONSPIRACY MADE

Allegation That Monopoly Covers All Branches of Business.

SPECIAL TERRITORY IS ASSIGNED

Methods by Which Competition is Being Rapidly Destroyed.

BILL ASKS FOR INJUNCTION

Assistant Attorney Reynolds Says Criminal Prosecution of Some Individuals in Combine is Probable.

NEW YORK, July 10.—James C. McReynolds, the special assistant attorney general who filed the complaint in the tobacco cases, said today that criminal prosecution of some of the defendants named in the case was highly probable; that the Sherman law under which the action is brought makes a conspiracy in restraint of trade a criminal offense.

NEW YORK, July 10.—The government today filed in the United States court in this city a petition against the American Tobacco company, the Imperial Tobacco company, the British-American Tobacco company, the American Snuff company, the American Cigar company, the United States company, the United Shogun company, the MacAndrews & Forbes company, the Conley Foll company and fifty-six other corporations and twenty-nine individuals connected with the named companies. These corporations and individuals constitute what is generally known as the "Tobacco trust" and the petition directed against them sets forth the purpose of the government to dissolve this trust by breaking up the agreements under which the consolidated concerns are working. In showing the growth of the "trust" since its organization in 1890 the conclusion is reached that at an early day, unless prevented, it would completely monopolize the entire tobacco industry.

That all of the defendants are engaged in interstate and foreign trade and commerce in tobacco and products manufactured therefrom is alleged by the petition. It is stated that the act of July 2, 1890, "to protect trade and commerce," and subsequent acts have been violated, and the government therefore seeks to prevent and restrain the unlawful existing agreements, combinations and conspiracies and attempts to monopolize and restrain trade and commerce. The government asks that the existing combinations, conspiracies and monopolies be enjoined and that each of the defendant companies be restrained from holding or controlling stock in any other company.

It is further asked that the Imperial Tobacco company be enjoined from doing business within the jurisdiction of the United States; that it shall cease to observe the terms of its agreement with American companies; that the assets of the defendants be declared combinations in restraint of trade and be enjoined from engaging in interstate and foreign trade and commerce, or that a receiver be appointed to take charge of their affairs and administer them so as to bring about conditions in harmony with the law.

The petition asks for a perfected injunction of the American Tobacco company in 1890 to acquire five competing cigarette-manufacturers with joint assets much less than \$2,000,000 and an annual consumption of leaf under \$5,000,000 pounds.

The petition sets forth the subsequent history, development and growth of that company until its total assets now exceed \$20,000,000 and likewise the manipulation and operation of created, acquired and controlled corporations utilized as agencies to accomplish the general design; the progressive absorption and elimination of competitors; the construction of formidable opposition and the entry by defendants into various departments of manufacture and trade, domestic and foreign, into tobacco products with intent to monopolize.

Special Territory Assigned.

The allegation is made that the members of the combination have divided up the tobacco business of the world, assigning to some special territory for unobstructed exploitation. It is declared that the consolidated corporations annually purchase 475,000,000 pounds of domestic leaf and of the total production in the United States manufacture, sell and distribute more than \$20,000,000 (80 per cent) of the smoking and plug tobacco, 35 per cent of the snuff, 80 per cent of the cigarettes, 75 per cent of the small cigars, 95 per cent of the floorcase products, 90 per cent of the tin foil products and 10 to 15 per cent of the cigars and cigarettes; that they are rapidly acquiring control of the ordinary agencies—jobbers, wholesalers and retailers—through which tobacco products are distributed.

Of the total annual production of domestic tobacco, estimated at \$60,000,000 pounds, 75 per cent is purchased by the American Tobacco company and its associates and its allies at prices which the government alleges to be unlawfully influenced by the combination. It is said that this is in defiance of the usual laws of trade where open competition by many separate and independent concerns control the price.

How Monopoly Operated.

The operations of the monopoly, according to the petition, have been along this general plan: To acquire through other concerned companies the business of successful opponents, taking from owners and managers contracts not to thereafter engage in the tobacco business; to drive out other opponents by destructive competition; to take and any who might wish to engage in the trade; and, finally, to gain control of the agencies through which tobacco products were distributed. It is said these things have been accomplished by means of the increasing power and forces of the combination and by acquiring controlling interests in the stocks of corporations that, after operating without competition, many kinds of unfair trade methods have been resorted to. It is said a favorable one being to cause a corporation secretly controlled to advertise itself as wholly independent and free from association with trust- and combinations; to offer its goods below cost, to initiate operations brands and in these ways to use the same for the destruction of real independents.

An interesting chapter of the petition is devoted to methods of distribution of tobacco products. The American Tobacco

SUMMARY OF THE BEE

Thursday, July 11, 1907.

Table with columns for 1907 JULY and days of the week (MON, TUE, WED, THU, FRI, SAT) with numbers 1 through 28.

FORECAST. WISCONSIN—Fair in west; showers in east. Hour. Deg. 5 a. m. 70 10 a. m. 77 6 p. m. 70 11 a. m. 78 7 a. m. 72 12 m. 80 8 a. m. 73 2 p. m. 82 9 a. m. 75 3 p. m. 82

DOMESTIC

President Meyer of the Western Federation of Miners denies on the witness stand that he had the relations with Orchard which Orchard testified.

Japanese and American state departments emphatically deny the rumor from The Times in London that the Japanese Note have been sent to Washington by Japan. Ambassador Aoki is to remain in this country and no ill-feelings exist. Admiral Yamamoto gives interview in favor of peaceful relations continuing.

Petition filed against the Tobacco trust, as existing in violation of the Sherman law. Special Assistant Attorney General James C. McReynolds declares that criminal prosecutions will follow against tobacco men.

W. J. Sloan, confessed murderer at Grand Island, tries to commit suicide in New York.

Express companies of Nebraska, Missouri and Kansas have cases against them in supreme court transferred to federal court.

Railroad challenges right of Nebraska Railway commission to have jurisdiction over oil rates, claiming they are of interstate character.

Secretary H. W. Tyler of the Sheridan chamber of commerce commits suicide because of financial troubles.

The bridge over James river, near Mitchell, S. D., on the St. Paul road, collapses and forty workmen on train have narrow escape.

Existing sets fire to plant of the Mitchell Milling company, doing \$150,000 damage.

San Francisco has selected C. T. Borton as acting mayor, and a plan for choosing the successor to Mayor Schmitz is suggested.

Grab Orchard suffers loss by fire that wipes out large portion of business district.

Superintendent E. G. Cooley of Chicago selected president of the National Educational association at Los Angeles.

Santa Fe railroad indicted for making payments to a Kansas sugar company.

Wisconsin senate passes the bill for 2-cent passenger fare on roads earning \$2,500 a mile.

Walter Travis plays second qualifying round at Cleveland in seventy-one strokes.

Bridgeman building at Philadelphia collapses, burying six men in ruins.

State food commissioner names Friday as date for meeting merchants for discussion of the pure food law. Supreme court desires further argument before passing in case involving the constitutionality of the Gibson brewery law.

LOCAL

Creamery men enter another protest against the express companies, asserting they are trying to shift to the creameries the expense of handling cream at depots.

Judge Sutton refuses to issue restraining order to hold up slot machine order, and instead cites board to show cause why the ban against slot machines should not be permanently enjoined.

Lowness of intersection fund makes it impossible to pave all streets covered by petitions.

Fire and Police Board adopts rule that firemen on night shift may not sleep while on duty, and firemen are objects of scorn.

Union Pacific is gradually doubling-track its system, over 100 miles of double tracking being already laid in Nebraska.

Travelers from over the state declare crops are looking fine.

Gasoline is a gas-tight machine, and will proceed to have gas examined for illuminating power.

COMMERCIAL AND INDUSTRIAL

Live stock markets. Grain markets. Stocks and bonds.

MOVEMENTS OF OCEAN STEAMERS

Table listing ship names, destinations, and agents for various ports including New York, London, and others.

FIRE DESTROYS MILL PLANT

Over Fifty Thousand Dollars Extent of Loss in Blaze at Mitchell, S. D.

DENY DEMANDS WERE MADE

Story Japan Intends to Deal with California Untrue.

AOKI TO STAY IN WASHINGTON

Report Officially Denied in Tokio—Hoohi Will Withdraw Interview Reflecting on American Navy.

WASHINGTON, July 10.—From the State department and from the Japanese embassy here came swift and conclusive denial today of the accuracy of the statement cabled from the Hague to the London Daily Telegraph and reprinted in this country to the effect that Japan has made categorical demands upon the United States government for satisfaction in connection with the treatment of Japanese in San Francisco and has served notice of its intention to deal with the Californians itself if the national government fails to do so.

At the State department it is said that the American public is fully aware of the nature of all the exchanges that have taken place on this subject; that there has been no correspondence of recent date and that there are no negotiations in progress between the two governments. This statement is fully confirmed at the Japanese embassy, moreover, it is positively stated by Ambassador Aoki in going to Japan next fall as was reported in a Japanese newspaper.

TOKIO, July 10.—The report that Ambassador Aoki will return home is officially denied.

The Hoohi will tomorrow withdraw the interview with Admiral Sakamori will be quoted as saying that American naval officers were brilliant social figures but deficient in professional training and practice and that the crews of American ships would retreat rather than fight Japan. Simultaneously with the withdrawal of this interview, the Hoohi will be quoted as saying that a Japanese naval expert, highly eulogistic of the efficiency of the present American navy and the high standard of its gunnery.

Yamamoto Is For Peace.

NEW YORK, July 10.—"I think the friendly relations of long standing between the United States and Japan should be preserved and the passing storm disappear in the waters of the Pacific ocean. I firmly believe that this incident cannot be thrown to the winds of heaven by a treaty between the two countries which began at the time of my birth."

This spoke Admiral Baron Gombel Yamamoto, Japanese minister of marine during the Japanese-Russian war, as a greeting to the American people today on his arrival in New York harbor, and who extended Admiral Goodrich's greetings. Admiral Yamamoto made the occasion of his arrival an opportunity to deny the reports from the Tokio that the leadership of the progressive party would fall upon him on his return home and that efforts would be made to overthrow the cabinet ministry.

Admiral Yamamoto expressed his opinion on the intention of the United States to send a large fleet of warships to the Atlantic to the Pacific coast. The admiral will take luncheon with President Roosevelt on Friday at Oyster Bay.

Smiles for the Reporters.

Admiral Yamamoto received numerous dispatches on board the Carmarita at quarantine, and after he had read them he received the newspaper men. He is of short stature and compact figure, with iron gray hair. A thin gray beard does not conceal a smile which played about his face during the entire visit with the reporters, for the admiral answered each question first with an expanding smile. His replies were in Japanese, which were interpreted by an aide. When asked what he thought of the intention of the United States government to send a large fleet of our battleships to the Pacific coast, Admiral Yamamoto, smiling broadly, said: "I myself, have no bad feeling against the United States, but it is a question for this country to answer and not for us to express an opinion."

"America is a country which has been friendly to us for years; in fact, a treaty between this country and Japan was made at the time I was born. It is an old feeling of friendship, which I do not think a passing storm can interfere with, but it depends upon the pens of the press to smooth the storm."

Will Not Re-Enter Politics.

Admiral Yamamoto seemed to regard as a joke the report from Tokio that on his return Count Okuma would ask him to take up the leadership of the progressive party, with a view of overthrowing the cabinet ministry, and after a hearty laugh he said: "I have already accepted one cabinet position in my country and am quite tired out. My business now is the sword by my side. Political parties have no interest for me."

The admiral said that much depended on the attitude taken by the press on the present situation and Japan was made "Too much care cannot be taken by the press," continued Admiral Yamamoto, "for a few careless words will do more harm than good. There are many sensational papers, both here and in Japan, and I ask the editors to make a thorough study of the situation before writing their views."

LIST OF RHODES SCHOLARS

Names of Those Who Go to Oxford Include S. M. Rinaker of Nebraska.

BERKELEY, Cal., July 10.—The complete list of American Rhodes scholarship appointees who will go to Oxford this summer has been given out by Farnham P. Griffiths, secretary to President Benjamin Wheeler of the University of California. Griffiths is the Rhodes scholar man chosen to represent California this year.

There are forty-five Americans and eight from Canada in the list. The men from American states include Charles A. Keith, Little Rock, Ark.; Ben Tomlinson, Champlain, Ill.; Albert K. Whalen, Des Moines, Ia. (Indiana); Warren O. Auld, Baldwin, Kan.; John B. Custer, Liberty, Mo.; J. R. Thomas, Missouri; S. M. Rinaker, Lincoln, Neb.; O. R. Towels, Hiram, N. D.; Earl Kline, Norman, Okl.; George W. Norvell, Mitchell, S. D.; Albert G. Sanders, New Haven, Conn. (Texas).

A large number of the scholarship holders have planned to cross the Atlantic together, leaving Philadelphia September 2 by the American line steamer Merion.

SLOAN WILL PLEAD GUILTY

Confessed Murderer Had His Preliminary at Grand Island—Trial Set Soon.

GRAND ISLAND, Neb., July 10.—(Special.)—A brief formally in the county court has bound W. J. Sloan, the confessed murderer of Frank Hermann, over to the district court on the charge of murder in the first degree, without bail. As there is no excitement here over the case the procedure was witnessed by only a few, among them the mother of the accused, who arrived from her home in St. Joseph. She appears to be a well educated woman and was broken spirited that only those who were compelled to do so in order to be of assistance to her, addressed her or disturbed her in any way. Among the witnesses present was Mr. Fowler of Aurora, to whom Sloan said Frank Hermann's watch. Mr. Fowler has known Sloan since he was a boy, knew the defendant's father, and says of the latter that he was as honest a man as he ever knew. Some of the acquaintances and former employers of Sloan in the eastern part of the state cannot understand the man, as he has been in position to have robbed people much more easily than by killing them. By these and by others acquainted with the history of the man, his act is attributed to ignorance and, perhaps, to whisky, he being addicted to frequent drinking.

While in the lower court the more serious charge of murder in the first degree is placed against Sloan, a charge which necessitates trial in the upper court and the fixing by the jury of the penalty of death or penitentiary for life. It is expected that on the 18th court will be in session here and that Sloan will be willing to plead guilty to the crime in the second degree and take whatever sentence is given him, from imprisonment for twenty years to imprisonment for life. Sloan seems self-possessed and more at ease since he has made his confession than previously.

Sloan is in a dangerous condition from something taken, it is believed, during the night. He ate little last evening, and was unable to get any sleep. He is following the preliminary hearing, and remained so during the entire evening. This morning he refused breakfast, acted drowsy and later the bailiff could not awaken him and called in a physician. He was plainly under the influence of some poison.

In Sloan's opinion the county physician has taken some powerful drug. He does not answer questions intelligently and seems to be much afraid, constantly appealing to the officers, calling, "Don't let them get me."

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NEW CHARTER IS ACCEPTED

National Educational Association Adopts Constitution.

COOLEY ELECTED PRESIDENT

Superintendent of Chicago Schools Will Direct Affairs of the Organization for Coming Year.

LOS ANGELES, July 9.—The new charter of the National Educational association proposed at the Asbury Park meeting in 1906 and authorized by special act of congress in 1906 was unanimously accepted by the convention today. The report of the nominating committee was adopted and the entire ticket declared elected.

LOS ANGELES, July 10.—E. G. Cooley, superintendent of the Chicago city schools, was today nominated for president of the National Educational association by unanimous vote in the nominating committee. No other names were presented. This means that he will be unanimously chosen by the convention this afternoon.

The nominating committee met at 9 o'clock. This committee, named by President Schaeffer, consisted of thirty-six members. Fourteen of the different states did not ask for representation on the committee because of their having only associate and honorary members in attendance upon the convention. The following states were not represented on the committee: Oklahoma, Georgia, Louisiana, Maine, Massachusetts, New Hampshire, North Carolina, Rhode Island, Virginia, West Virginia, Wyoming and Vermont.

Joseph Swain of Pennsylvania was named chairman of the committee. The convention was programmed to assemble and receive the report of the nominating committee at noon today. The unanimous nomination and election of Edwin G. Cooley, superintendent of the city schools of Chicago, to succeed the retiring president, was the first order of business.

Mr. Schaeffer, who has been president since Monday, Mr. Schaeffer becomes first vice president and a member of the board of directors.

WAR ON WEEDS UNDER WAY

Health Commissioner Will Appoint Four Inspectors to Start Work at Once.

City Health Commissioner Connel has made arrangements to appoint four weed inspectors as soon as the resolution of the council giving him \$400 is signed by the mayor. The men to be employed will be those who did the same service last year and they will be given work as long as the fund holds out.

The inspector will be instructed to save as much time as possible, so that every part of the city shall receive attention. For this reason little leniency will be shown property owners. They will be notified once to abate the weeds and the next notice will be in the form of a summons to police court to explain why the first order has not been obeyed.

TECUMSEH, Neb., July 10.—(Special Telegram.)—The village of Crab Orchard in the western part of this county suffered its eighth destructive fire in five years shortly after midnight last night. The fire originated in the A. F. Roxburg's frame building. The ground floor of this building was occupied by Mr. Roxburg's barber shop on one side and Antoine Barne's harness shop on the other. Up stairs Mr. Roxburg and family lived. Mr. Roxburg's loss on the building is \$90,000. It includes effects \$10,000, and insurance on either Mr. Barne's loss is \$2,000, insurance \$2,000.

To the west the flames spread to the two-story frame building of A. Spence, completely destroying the building and most of the contents. T. R. Edwards ran a barber shop in this building and Sherman Richards had some pumps and plumbers' supplies in it also. On the second floor R. J. Spence conducted a photograph gallery. Loss on building, \$50,000; insurance, \$500. Loss on photograph gallery, \$600; insurance, \$300. There were small losses to stock below. To the east the fire spread to a one-story frame building owned by M. C. Myers and occupied by L. W. Madden with a grocery store stock. Most of the grocery stock was saved, being removed from the building. The building was lost; value, \$600, and partly covered by insurance. John Kehler's butcher shop, a one-story frame building, with contents, was lost, value, \$90,000. Both buildings and stock are partly covered by insurance. The cause of the fire is not known, but some credit the theory of incendiarism. Crab Orchard is without fire protection, having voted down a water works proposition this spring.

SANTA FE ROAD IS INDICTED

Charged with Granting Rebates Amounting to \$12,000 to Kansas Sugar Company.

CHICAGO, July 10.—An indictment charging the Atchison, Topeka & Santa Fe railway had granted rebates amounting to \$12,000 to the American Sugar and Land company of Garden City, Kan., was returned to the grand jury in the United States district court. The indictment contains sixty-five counts, each one relating to an alleged infringement of the law and the company, if convicted, is subject to a maximum fine of \$1,000,000, or a minimum of \$5,000.

The rebates are said to have been granted by the Santa Fe railroad while the sugar refinery was being erected at Garden City in 1905 and 1906, on shipments of building material, the freight on which amounted to \$400,000. It is alleged that the railway had agreed to return \$5,000 of the \$100,000, but that no less than \$12,000 had been paid when complaints were heard from other shippers and the government commenced an investigation. It is claimed by the government officials that the officials of the railroad had admitted that \$100,000 was paid, but it is maintained by the railway that the money constituted a bonus to encourage the building of the sugar refinery on a site adjoining the railroad and was not given as a rebate nor as a discrimination against other shippers.

IOWA SEEKS HEADQUARTERS

Movement on Foot to Take Coal Dealers' Offices to Neighbor State.

FORT DODGE, Ia., July 10.—(Special Telegram.)—A move to change headquarters from Nebraska to Iowa is being made today at the ninth annual convention of the Iowa and Nebraska Coal Dealers' association in session here. Four hundred delegates are present. The convention will close tomorrow.

Big Prices for Horses.

PIERRE, S. D., July 10.—(Special Telegram.)—At the horse sale here today broken rangers sold at \$100 per head in carlots. Everything is going at good prices and a lot of horses are going through the ring.

WORKMEN BURIED IN RUINS

Bridgeman Building at Philadelphia Collapses and Many Deaths.

PHILADELPHIA, July 10.—Six workmen are believed to have been killed by the collapse of the Bridgeman Brothers' building on Washington avenue below Fifteenth street, this afternoon. One body, that of John Marshall, has been taken from the debris, and at least five others are in the ruins.

At the time of the collapse about twenty-five men were at work on the structure and when the east wall began to crumble the building had been taken out. Those still in the ruins are believed to be dead. A strike of laborers probably saved the lives of many more men. These men yesterday refused to hoist brick after working hours unless they were paid double wages. The bricklaying contractor offered them time and a half, but they refused to continue work. Consequently when the bricks were hoisted up to the top of the wall, they returned home. The cause of the collapse is not known. One theory is that the foundation weakened and another is that the contractors removed some of the wooden supports before the concrete had thoroughly