

OIL CASE IS ARGUED

Rockefeller Company Places Documents in Evidence and Rests Its Case.

PROSECUTOR DAVID OPENS FOR STATE

He Says Business is Controlled by Same Trust that Was Ousted Years Ago.

NAME AND FORM ONLY ARE DIFFERENT

Substance and Results of the Menopely Are Unchanged.

COMPANY RELIES UPON TECHNICALITY

Attorney Says None of the Subsidiary Companies Are on Trial—Attempt to Justify Combinations of Capital.

FINDLAY, O., Oct. 16.—That the case of the Standard Oil Company of Ohio, on trial for conspiracy against the state, is in the hands of the jury tomorrow is confidently predicted tonight by attorneys for both sides. The evidence is all in and arguments progressed for four hours today. The jury has yet to hear Attorney Kline for the defense and the closing arguments for the state by Attorney General Ellis.

Mr. Phelps followed Mr. David for the prosecution and Mr. Troop occupied the balance of the day until after 5 o'clock in making the opening argument for the defense. The prosecution told the jury that there never has been an actual cessation of the Standard Oil trust of 1882, as shown by the evidence, although the form of organization had been changed. The defense made its main point that while the evidence showed all the so-called subsidiary companies to be owned by the Standard Oil Company of New Jersey, not one syllable of evidence had been adduced to show that the defendant company was so owned.

Only Two Witnesses Examined.

W. L. Finley, state inspector of oil, was the first witness today in the trial. Attorney General Ellis of Ohio was again present, having been absent yesterday. Mr. Finley was questioned by Mr. Harrison of the attorney general's office. Mr. Finley described the location and number of his deputies and method of inspection. From reports in his office, Mr. Finley said one-half the oil refined in Ohio was refined at Lima. From the same source of information, the defendant company is said to own the oil in shipped in the care of the Union Tank Line company. These questions and answers were all put in by the attorney for the defense. Mr. Finley had from 1903 to 1905 tank cars for the distribution of oil in Ohio, while the defendant had no such stations. Mr. Finley was not cross examined.

C. P. Shafer, deputy local oil inspector at Findlay, who testified last week, was recalled. He said the Standard was selling oil at retail in Findlay and other company sold oil here except the National Refining company. With this evidence the state rested its case. Mr. Kline for the defense, then put in the first evidence, a certified copy of the journal entry, the judgment of the court in the case in the first state of Ohio against the Standard Oil company, known as the contempt proceedings.

Mr. Kline read this record and then announced, "Defendant rests." "Now let the oratory begin," remarked Mr. Phelps. In a five minutes recess it was arranged that five speeches would be made to the jury, three by the state attorneys and two by the defense.

Arguments Begin.

Prosecutor David opened the state and arguments will be made by attorney general and Mr. Phelps for the prosecution. Messrs. Kline will represent the defense to the jury. Reviewing the documentary evidence to the jury, Mr. David said he did not dispute that the Standard Oil trust actually existed in 1882. The state now contends that the same trust, only another name, still exists. He mentioned the various local companies now doing business in the state, saying they were members of the original trust.

"The people in this case," said Mr. David, "claim that the Standard Oil company of New Jersey now owns the stock of the subsidiary companies, each one dependent upon the other, and right now doing business among themselves, and that these same gentlemen—John D. Rockefeller, William Rockefeller, Flager, Archibald Rodgers—are today the heads of these companies. These men were of the nine original trustees in the trust."

The Standard Oil trust agreement of 1882, said Mr. Phelps of the prosecution, who followed Mr. David, was responsible for every trust on this continent—it was the original trust. The laws of Ohio require, he continued, that the Standard Oil company of New Jersey, the owner of these subsidiary companies, must come here and do business in its own name. All that we can require is that it shall cease to defy the law of this state. The evidence, he said, showed beyond the shadow of a doubt that the Yalestine law was being violated.

Position of Defense.

Mr. Troop, who followed Mr. Phelps, presented the case for the defense. Much has been said, he began, about the Buckeye Pipe Line company, the Solar Refining company, the Manhattan Oil company, the Ohio Oil company and all of these companies have been alleged to be the company of a New Jersey corporation. But, Mr. Troop emphasized, none of these companies are on trial here. The only defendant here is the Standard Oil company of Ohio.

Summed up, he said, the charge against the defendant was this:

"That the defendant is a member of a trust formed in 1882 and has continued so down to the present time."

Mr. Troop justified combinations of capital, trusts, energy and action as essential to the progress of the world. It was such combinations which had produced civilization and these in themselves were not and could not be unlawful.

Post Bell Player Dies Suddenly.

TOLEDO, O., Oct. 16.—Lewis A. Grier of Toledo, a senior at Ohio Wesleyan university at Delaware, and right end on the varsity foot ball team, fell dead on the field this afternoon after running down a punt. Heart trouble was the cause.

ALLEGED PLAN OF FRANCE

Observator Romano Defends Course of Vatican from Probable Attack by Cabinet.

ROME, Oct. 16.—The Observator Romano today published a semi-official article saying that the French cabinet is preparing to attack the Vatican at the reopening of the chambers, by accusing it of engaging in a conspiracy with the pope to overthrow the republic and giving the following statements as proof of its charges:

"That the royalist press, which opposed the late Pope Leo XIII, approves of Pope Pius X."

"That the royal leaders urge the pope to support the religious movement in France, in the hope of forcing the pope to abdicate the papal throne and to assume the role of a monarch in the French republic."

"The Observator Romano answers these allegations by stating that Pope Pius, like Pope Leo, loyally respects the republic, in that the former has repeatedly affirmed, confirming its statement in his recent encyclical on the church and state separation law, and challenges anybody to quote a word which is the pope's or to adduce a fact showing the pontiff as an enemy of the republic."

WAR NOW EXPECTED

French officials fear trouble from Morocco.

PARIS, Oct. 16.—The imminence of a formidable native rising in Morocco and Algeria is arousing the French military authorities in Algeria in a state of apprehension. The commander of the troops in the district of Ain-Sefra has cabled to the minister of war saying that the preparations among the Moors for a holy war are proceeding energetically.

MAGOON TO REVOLUTIONISTS

Men Who Caused Trouble in Cuba Are Now Trying to Stop It.

HAVANA, Oct. 16.—Governor Magoon this morning expressed warm appreciation of the revolution in the restoring of order in Cuba. He particularly commended the action of General Guerra in declining the offer of election to the position of commander-in-chief of the forces, this being an excellent example of the movement of American troops toward the places throughout the island which they are to garrison is proceeding rapidly. The third battalion of the Twenty-eighth regiment of infantry left Camp Columbia this morning for Guantanamo, Cuba, to be distributed to the various posts.

HINDOOS ARE HELD IN PORT

Canadian Subjects to Presence of Fellow Subjects from India's Coral Strands.

VANCOUVER, B. C., Oct. 16.—Acting under instructions from Mayor Buscombe the Vancouver police are guarding the Dominion government immigration detention shed on the waterfront to prevent the landing of the Hindoos now held there. The local objection to the Hindoo immigration has reached an acute stage here and trouble similar to that which marked the Chinese riots several years ago is anticipated. The steamer Empress of Japan brought in over 100 Hindoos yesterday afternoon, none being allowed to land. Just what right the city has to take this action will become an interesting issue.

BANDITS LEAVE SOCIETY

After Robbers Break with Warsaw Revolutionists They Are Captured by Police.

WARSAW, Oct. 16.—The police today discovered the headquarters of an elaborately organized band of terrorists and captured forty-nine members of the band, who are charged with having committed many murders and robberies. It is also alleged that the band originally delivered the proceeds of their crimes to the local socialist organizations, but becoming dissatisfied with the payment received they subsequently carried on business on their own account and had a bank account showing a deposit of \$5,000.

Japanese Fishermen Saved.

VICTORIA, B. C., Oct. 16.—Advices were received today of the rescue of several Japanese fishing junk by the steamer Tango Maru, bound from Seattle to Yokohama, 100 miles off the shore. There were eight men clinging to the bottom of an overturned vessel and eight had been drowned. The survivors were without food on the overturned hull for four days.

Entombed Miners Rescued.

DURHAM, England, Oct. 16.—All the miners were rescued as the result of an explosion yesterday in the Wingham colliery near here has been rescued.

Register Tomorrow.

In order to vote at the coming election and at subsequent primaries, every elector in Omaha and South Omaha must appear personally before the registration board for his voting district and have his name properly enrolled. No previous registration holds good this year. Thursday, October 18, is the first registration day. In order to vote

You Must Register.

(Continued on Second Page.)

AMERICAN BANKERS MEET

Trust Company Section Considers Means of Safeguarding Municipal Securities.

CALL ASKS FOR EMERGENCY CURRENCY

Currency Reform Conference Suggests that Special Committee Be Appointed to Draft a Bill.

ST. LOUIS, Oct. 16.—Meetings of two sections—trust companies and savings banks—inaugurated the thirty-second annual convention of the American Bankers' association here today, and tomorrow will witness the opening session of the association proper at the Olympic theatre.

An important item of the day was the interstate currency reform conference, attended by representatives from every state bankers' association, at which resolutions were adopted looking toward the enactment by congress of laws providing for a more elastic currency.

Meetings were also held by the Banking Publicity association and the committee on clearing houses, the latter appointed by the bankers' association.

The day's program closed with a banquet at the St. Louis club tonight, following a meeting of the executive council of the association.

Trust Section Called to Order.

The principal meeting of today was the eleventh annual assembly of the trust company section, which was called to order by Mr. Clark Williams, vice president of the Columbia Trust company of New York, and president of the section. Rev. William J. McKittrick delivered the invocation, followed by the address of welcome made by Mr. Festus J. Wade, president of the Mercantile Trust company of St. Louis.

President Clark Williams replied to the address of welcome and delivered his annual address to the section. Mr. James R. Branch, New York, showed a credit balance for the fiscal year ending September 1, 1906, of \$28,000. The net cost of the trust company section of the association for the year was \$1,840. During the year 283 members were dropped, but owing to the withdrawal and liquidation thirty-three were dropped from membership, leaving 65. One hundred and thirteen trust companies were added to the rolls since September 1, 1905, enlarging the present membership to 718, the largest in the history of the section.

Sanitizing of Bonds.

The annual report of the executive committee was delivered by Chairman Philip S. Babcock, vice president of the Colonial Trust company of New York. One of the important matters considered by the executive committee was the necessity of devising some plan for sanitizing the issues of municipal securities. A committee of three was appointed to act jointly in conjunction with the executive committee in bringing about some feasible and proper plan for safeguarding the issuance of municipal securities, and Mr. Babcock stated the method he proposed for carrying out the plan during the deliberations of the convention. The report of the committee on better protection of municipal securities was delivered by Chairman H. P. McIntosh, president of the Guardian Savings and Trust company, Cleveland, O.

Hon. Pierre Jay, bank commissioner for the state of Missouri, was then introduced and delivered an address.

Comptroller Ridgely Talks.

The convention was then addressed briefly by Hon. William Barrett Ridgely, comptroller of currency for the United States. There should be the closest rivalry between the national bank system, state banks and trust companies. A place for each kind of bank and each has its own field. It is not so much a question of quantity but of quality. Whatever success the trust company has in the United States is achieved has not been especially because they were ably managed as because they were honestly and they have made a remarkable record.

Emergency Currency Wanted.

The following resolution, introduced by Festus J. Wade of St. Louis, first vice president of the section, was adopted:

Resolved, That should a commission or committee be appointed by the American Bankers' association to formulate a plan to be recommended to congress for the purpose of creating a credit or emergency currency, that it be the sense of this convention that such a commission, if appointed, should have as some of its members a sufficient number of trust company officials to represent the importance of the trust companies as financial institutions.

The convention then listened to the roll call of vice presidents of the section being devoted to five-minute talks by bank officials from all over the country, giving brief accounts of trust company conditions in different states.

The session concluded with a general discussion of business methods, bank examinations, safeguards against irregularities and kindred topics.

Election of Officers.

At the afternoon session of the trust company section the following officers were elected:

President, Festus J. Wade, president, Mercantile Trust company of St. Louis; first vice president, Philip S. Babcock, vice president, Colonial Trust company of New York; and state vice presidents, one from each state represented in the convention. Executive committee: Ralph W. Cutler, Hartford, Conn.; Benjamin F. Cohen, Portland, Ore.; O. C. Fuller, Milwaukee, Wis.; E. W. Bayburn, Little Rock, Ark.; J. H. Holliday, Indianapolis, Ind.

The section convention then adjourned. Tonight a banquet was tendered the general officers, executive council and executive committees of the trust company and savings bank section at the St. Louis club.

Meeting of Savings Section.

The savings bank section meeting, held in Schuyler Memorial hall, was presided over by President Edward E. Duff of Pittsburg. In his annual address he advocated the expenditure of a large sum to prosecute bank officials who rob depositors of their savings.

Chairman Lucius Teter of the executive committee in his report, stated that the savings bank section represents about \$2,000,000 of the resources of the American Bankers' association and has a membership of 1,425. The section was organized in 1896 with former Governor Myron T. Herrick of Ohio as chairman.

The report of Secretary Danhart showed a gain of 306 members during the last year and a loss of seventeen members by withdrawal.

Currency Reform Conference.

Considerable opposition developed today at the session of the currency reform conference held at the Jefferson hotel, before the following resolutions were adopted: Resolved, That the several plans proposed and submitted to this currency con-

MRS. JEFFERSON DAVIS IS DEAD

Widow of President of the Confederacy Dies in New York of Pneumonia.

NEW YORK, Oct. 16.—Mrs. Jefferson Davis, widow of the president of the Confederacy, who had been ill for a week at the Hotel Majestic in this city, died at 10:25 o'clock tonight. Death was due to pneumonia, induced by a severe cold, which Mrs. Davis contracted on her return from the Adirondacks, where she had spent the summer months. Although grave fears were felt from the first, Mrs. Davis' wonderful vitality, which brought her safely through a similar attack a year ago, gave hope of ultimate recovery until last night, when a decided change for the worse was evident and the attending physicians announced that the end was near. It was then believed that Mrs. Davis could not survive the night, but she rallied slightly during the early hours of today. Shortly after 7 o'clock this morning she had a similar spell and Rev. Nathan A. Sengle, rector of St. Stephen's Protestant Episcopal church was hurriedly summoned to give religious comfort to the patient in her moments of consciousness. The clergyman remained some time and an hour later it was announced that Mrs. Davis had lapsed into a state of coma. The period of unconsciousness continued to the end.

At the bedside when death came were Mrs. J. Addison Hayes of Newark, N. J., the only surviving daughter of Mrs. Davis; Jefferson Davis, a grandson, who is a student at Princeton university; Mrs. Charles E. Hateson, a niece; Dr. and Mrs. Gustave Webb, the latter a grandniece; and Dr. Robert H. Webb, who, with Dr. Webb, cared for Mrs. Davis throughout her illness.

J. Addison Hayes, husband of Mrs. Davis' only living child, had been summoned from Colorado Springs and was hurrying to New York to be with her. He was notified by the telephone when Dr. Bellinger arrived that Mrs. Davis had for some years made her home in this city, where she had a wide circle of friends. Throughout her illness solicitous inquiries regarding her condition were continually made at her apartments.

HARRIMAN MOVES AT SEATTLE

Condemnation Proceedings Started in Effort to Get Line to the City.

SEATTLE, Wash., Oct. 16.—A new move was made yesterday by representatives of E. H. Harriman in their effort to secure the right of way for the proposed line through the Oregon and Washington railroad (Union Pacific), when condemnation suits were filed for a ninety-foot right-of-way through nearly twelve blocks of tide lands in the southern part of the city. The length of this strip is nearly 300 feet and crosses almost 1,000 feet of the Seattle and Montana Railroad company, belonging to the Great Northern.

A plan submitted by J. J. Hill of the Great Northern and approved by the city council was recently rejected by Harriman. This plan embodied the donation of a strip of land about 100 feet wide to the Seattle and Montana Railroad company, belonging to the Great Northern.

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Register Tomorrow.

(Continued on Second Page.)

F. K. POTTS SHOT IN HEART

Young Man Supposedly Murdered by Woman He Lived With.

EMMA MORRIS IS UNDER ARREST

Tells Several Conflicting Stories to Police of Council Bluffs, Where the Deed is Committed.

Council Bluffs, Mo., Oct. 16.—Frank K. Potts, using the name of Frank Keith Morris, bookkeeper for Hynes Grain company of Omaha, with offices in The Bee building, was shot through the heart with a 2-caliber bullet at his rooms, 501 Broadway, Council Bluffs, where the body was taken possession of early Tuesday morning by Undertaker Cutler and later by Coroner Treynor. Emma Blodgett, who used the name of Emma Morris and pretended to be the wife of Potts, was arrested and is held in Council Bluffs on suspicion of having committed murder. There is no thought of suicide.

The man was about 30 years of age, the woman says she is 18 and looks to be 22 or 23. She admits she and Potts had lived together for six months, though never were married. They occupied quarters at 501 Omaha avenue and 510 Cass street in Council Bluffs.

No one, unless it was the woman, heard the shot that killed Potts.

The woman told several conflicting stories which serve only to convince the officers she fired the shot that killed Potts.

It was while she was in the room when the woman knocked at the apartment occupied by Mr. and Mrs. Fred Joehrendt, who conduct the rooming house, and told them Potts, who was known there as Morris, was very sick. They advised her to call Dr. Joehrendt and the woman's request Mr. Joehrendt called Dr. Bellinger by telephone. When Dr. Bellinger arrived the man was dead and the woman suggested his death was due to heart failure. Dr. Bellinger asked the woman if her husband, as she said the dead man was, suffered from any trouble, she replied she did not know, but that his father had died from it. Dr. Bellinger after satisfying himself that the man was dead, suggested that the undertaker be called and left.

Long Before Undertaker Is Called.

It was not, however, until shortly after 6 o'clock in the morning that Undertaker Cutler was called. In the meantime the woman had laid down in Mrs. Joehrendt's room and declined to enter the apartment where the dead man was. One of Undertaker Cutler's assistants in removing the body discovered the revolver lying under a chair on which were some of the woman's garments at the head of the bed. It was not until the body was being prepared at the morgue that the bullet wound over the heart was discovered.

Potts, when removed by the undertaker, was wearing a night robe over a gauze undershirt. The night robe was buttoned, and the woman had pulled it through it or any mark of burning from the powder like there was on the undershirt. It was plain the nightrobe had been buttoned after the shot had been fired. The appearance of the wound showed clearly the revolver must have been pressed close against the body by someone other than Potts.

The body was wrapped in a sheet and taken to the morgue. The autopsy conducted by Coroner Treynor showed that the bullet had pierced the lower part of the heart and that death must have been instantaneous.

Woman Caught in Doctor's Office.

The woman was arrested while in the office of Dr. Smith Bellinger shortly after 10 o'clock yesterday morning. Shortly after 6 o'clock she entered a cafe, restaurant, adjoining the rooming house, and requested to be permitted to use the telephone. She called up Dr. Bellinger and asked: "Is there anything new in the case?" Dr. Bellinger suggested that she come to his office, which she did, and there while she was taken into custody by Deputy Sheriff Gronewald and Woolman. While in the restaurant she told the young woman cashier that Potts, or rather, Morris, as she called him, had been shot at Broadway and Sixth street by some person who had evidently robbed her of her money and a valuable diamond ring. She said Morris staggered home shortly after 11 o'clock with his tie and collar torn off and his shirt open, and the person who had shot him had evidently placed the revolver close against his heart. She said she helped him to bed and that in about half an hour he was dead. She said he had refused to allow her to call a doctor. To the police previously she had claimed that Potts had declared he had been poisoned.

When taken to the court house, the woman told a long and rambling and at times conflicting story to County Attorney Hesse and Sheriff Canning. She said Potts had told her he was going to leave her and that it had practically been arranged she was to return to her mother in Hanover, Kan. This she followed up by saying that Potts had arranged to marry her on Tuesday, and that he had told her to get her white dress ready for the wedding. She said also that he had packed up all their belongings, "this was found to be the case when a search of the room occupied by the two was made by the sheriff later."

CORN FAMINE IN MEXICO

Governor of Jalisco Asks President Diaz to Remove Duty on American Product.

EL PASO, Tex., Oct. 16.—To prevent a corn famine, Governor Ahumada of Jalisco has appealed to the president of the United States to remove the duty on American corn for importation into Mexico for the removal of duties on American corn for importation. This request has been made on a petition from the business men of Jalisco. The corn crop in Jalisco, which was reported to be very light, owing to the many floods in this year, Governor Ahumada says there will be a shortage unless some remedy is taken to relieve the situation. There is a scarcity of corn in many other Mexican states, he is reported, due also to the floods.

ENGLISH VIEW PACKING HOUSES

Sir B. Walter Foster and a Chemist Are at Kansas City on Trip.

KANSAS CITY, Oct. 16.—Sir B. Walter Foster of London, a member of the British Parliament, and H. Radcliff Kidner, a chemist, also of London, are here for the purpose of investigating the conditions in the Kansas City packing houses.

Sir Walter declined to say, in reply to a direct question, whether or not he was here on official business for his government.

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NEBRASKA WEATHER FORECAST

Showers and Colder in Western, Fair in Eastern Portion Wednesday, Thursday Fair.

Table with 2 columns: Temperature at Omaha Yesterday, and 2 columns: High, Low. Rows for 5 a.m., 6 a.m., 7 a.m., 8 a.m., 9 a.m., 10 a.m., 11 a.m., 12 m.

SECRETARY'S LIPS ARE SEALED

Contents of Potent and Mysterious Paper Are Carefully Guarded by All Interested.

PHILADELPHIA, Oct. 16.—Much interest has been aroused as to the nature of the mysterious paper which halted the Weightman \$50,000.00 will contest in the orphan's court yesterday. Edward T. Davis, the confidential secretary of the late William Weightman, said today:

"Before going into court yesterday I remarked to my wife: 'The will contest will not last as long as some people think, in fact it will end with my own testimony. If a certain paper written by Mr. Weightman, to which I was the only witness, is still in existence and in the possession of Mrs. Walker, this paper, if called for and produced, will explain why Mr. Weightman made his daughter, Mrs. Walker, his sole legatee in his will of 1882, and so conclusively satisfy the