

EXCISE TAX IS FOE TO TRUSTS

President Lehmann of Bar Association Says It Has Significance Beyond Revenue Feature.

IT OPENS DOOR TO REGULATION

Right of Public Supervision as Broad as Interests Affected.

HOLDING COMPANY NEW DE

Successor of Trusts Legal in States and More Effective.

DOES WORK MORE THOROUGH

Monopoly Becomes More Nearly Complete and Its Operations Cannot Be Reached Through State Laws.

DETROIT, Aug. 24.—The excise tax upon corporations imposed at the special session of congress has a significance far beyond its revenue feature, according to Frederick W. Lehmann, president of the American Bar association, who delivered his annual address at the meeting of the organization today.

"It is of highest importance as the opening door to regulation which will broaden with the years," said Mr. Lehmann. "There is in this no intention of merely private affairs. A business conducted by corporate methods is not a private business. Corporate powers are not natural rights and the general welfare is the only justification for the grant of them. The right of public supervision inheres in them and is as broad as the interests that may be affected."

"Mr. Lehmann declared that the trust is obsolete. 'Nobody now is so ignorant or so defiant of law as to think of forming one,' said he. 'And it is very easy to do much better. Out of the ashes of the trust has sprung the holding company, the trust in an improved, perfected form. The holding company does and is designed to do exactly what was done by the trust, and does it more efficiently, is it under the ban of the law? Certainly not in all of the states.'"

New "Trust" is Legalized. Mr. Lehmann mentioned the prohibition in Montana against trusts. "Having slain the snake and debilitated trust," they made invulnerable through legitimacy its youthful and sturdy successor, the holding company," said he. The speaker said these two laws stand together, with the result that any industry or business of the state may be legally monopolized. Provided it is well and thoroughly done, and no half-way measures are employed. The condition of the law exists in other states, he asserted.

"But the holding company is not the full and final development of industrial combination," continued Mr. Lehmann. "This is evident in the holding company, with unlimited power of capitalization and direct ownership of the business and properties with which it deals. Here is eliminated even the disturbing element of minority interests in constituent companies. It states while it prohibits the corporation to prohibit monopolies, set no bounds to the capitalization of their corporations or fix the limit so high that under it many industries may be completely engrossed."

"The result of such legislation is simply to prevent combination where the appearance of competition is maintained and to sanction it where the combination is open, avowed and most effective. That certainly was not the popular purpose. The movement against trusts was against the monopoly of industry or business, however accomplished, and the more thoroughly it was done, the greater was the objection to it. The assurance that the economies resulting from combination would escape production and that this would go to the benefit of the consumer was never accepted. Our people have no faith in a benevolent despotism. They know that power tends to abuse. A corporation large enough to engross an industry cannot be trusted to a generous or even a just use of its industry. An industry self-interest may find its own advantage in moderation, but self-interest does not mean self-enlightenment. Recent delinquencies show that greed has not changed its nature and still grows by what it feeds upon. The complete absorption of a rival is not beyond its capacity, and the crumbs of a false balance are not beneath its covetousness."

No Harmony Between States. "No state can deal with the problem singly and master it, and there has been and can be no concert of action between the states."

"The great industrial corporations are in practical effect as much agencies of interstate commerce as are the great carrier companies. If the production of a commodity is under one control, commerce in that commodity is under the same control, but uniformity in the hands of one is to be within the commerce clause of the federal constitution, and so combinations to engross production may be effected, because the general government cannot prevent them, and the states in which they are located will not. But something can be done under the taxing power."

Mr. Lehmann then referred to the significance of the federal tax on corporations. Continuing, the speaker said: "Almost the first law enacted by the first congress of the United States at its first session was one levying duties upon imports, the purpose declared by the act being the support of government, the discharge of the debts of the United States, and the encouragement and protection of manufactures, and we have never been without such a law. What may thus be aided by the government may also be regulated, for there is no more a stretch of federal authority in the exercise of control over our industries than in extending to them a constant fostering care."

Supervision Aids Investor. "The investor in corporate securities needs the protection which comes from a law that permits the necessary methods of supervision and publicity. The New York bar association recently recommended a law permitting corporations to issue shares without a par value and as representing only aliquot parts of the ownership. The proposition, it was said, had attracted a great deal of sympathetic support from business men who were looking for a way of reconciling the necessary methods of business with the interests of ethics and who feel that they have been disturbed by the apparent conflict and more than an apparent conflict between the universal"

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Negro Shoots Twenty-Nine at Monroe, La.

Black Man Runs Amuck with Double-Barreled Shotgun—Killed and Body Burned.

MONROE, La., Aug. 24.—Angered, it is believed, because two of his friends had recently been shot by police in this city, William S. Wade, a negro, today ran amuck on the principal business street of Monroe. With a double-barreled gun he shot at every white man he saw. Wade was returned and the negro finally dead with a bullet through his heart, not before twenty-nine men, three of whom were wounded. Slightly wounded: TOM BIGGER, policeman, shot in abdomen and thigh; M. J. GRANT, sheriff, shot in chest and breast; may die. SIMON MARKS, merchant, Tuskee, Ala., shot in breast and face; may die. GEORGE MCCORMACK, manager of Ouchita Lumber Co., West Monroe, arm shattered.

Wade's body was publicly burned after it had been cut down from a pole on which it had hung for half an hour or more after he was killed. It was at first reported that Wade was half crazed from cocaine and cheap whiskey, but an investigation by the police showed that when he purchased the shotgun and box of shells a few minutes before he first opened fire there was nothing unusual in his manner. He had not been drinking nor did he show any evidence of having taken cocaine.

Wade came to Monroe recently from Pine Bluff, Ark. He was accompanied by several other negroes and they began to trouble the local police soon after they arrived. It was alleged that they were members of a society in Arkansas which had as its object revenge for all injuries done negroes.

Saloon Keepers After Druggists

Fire and Police Commissioners to Hear Their Complaint Next Tuesday.

The saloon men of Omaha have taken up the fight against drug stores which engage in the alleged illegal sale of liquor. At the meeting of the Board of Fire and Police commissioners last night a communication was received from the Liquor League, an organization of Omaha saloon men, requesting a hearing along this line. The board set next Tuesday night, August 24, as the time when representatives of the league will be heard.

A report was received from the chief of police informing the board of the complaint filed against nine saloon men for keeping obstructions in their windows and of the action of the police court in dismissing the charges. No action was taken by the board further than to place the communication on file.

A request from the Des Moines (Ia.) police department that Detective Dan Davis be loaned there during their state fair, which commences August 24, was ordered granted on the recommendation of the chief of police.

The board virtually admitted the liability of the city for damages incurred by officers of the law in pursuing criminals. The matter came up on a request of the McCoy-Finlayson Printing company for \$150 for a plate glass window shattered at 1312 Dodge street by Detective McDonald, who was shooting at an alleged burglar, who was trying to capture. The bill was allowed.

Because he had been doing the house work and taking care of the children while his wife was confined to her bed with a broken leg Engine Driver Patrick Connolly of company No. 3 of the fire department was found not guilty of sleeping while on duty, the board holding that the facts constituted a valid excuse.

DROUTH IN OKLAHOMA ENDS

Heavy Rain Yesterday Assures Satisfactory Yields of Cotton and Corn.

KANSAS CITY, Mo., Aug. 24.—The long drouth in Oklahoma, Arkansas and parts of southern Missouri was broken tonight by a heavy rain. The heat, which has been excessive since July 15, was checked. Satisfactory yields of corn and cotton are assured. Reports from Fort Smith, Ark., and Muskogee, Okla., say the rain was general and that the crops had been immensely helped.

MRS. SUNDAY DENIES WRECK

Wife of Evangelist Says She and Husband Had No Accident.

CHICAGO, Aug. 24.—A telephone message received here today from Mrs. "Billy" Sunday, wife of the evangelist, denies that Mr. and Mrs. Sunday were victims of an automobile accident near Laporte, Ind., yesterday.

RAILROADS WIN RIVER RATE CASE

Reduction of Through Tariff from Seaboard to Missouri Gateways is Enjoined.

DECISION IS FAR REACHING

Majority of Court Holds Commission Exceeded Its Powers.

JUDGE BAKER DOES NOT AGREE

Says Commission Should Have as Much Power as Railroads.

ORDER IN DENVER CASE

Enforcement of Cut from Chicago and St. Louis to Colorado Also Held Up—This Benefits Missouri River Cities.

CHICAGO, Aug. 24.—Manufacturers and producers generally in the territory between Buffalo, Pittsburg and Parkersburg, on the east, and the Mississippi river on the west are regarded as the greatest beneficiaries by the majority decision of the United States circuit court here today, permanently enjoining the Interstate Commerce commission from enforcing its seaboard-Missouri river through rate in the famous Missouri river rate case.

The opinion of Judges Grosscup and Kohlsaat (Judge Baker dissenting), if sustained by the supreme court of the United States, will greatly curtail the power of the commission over transportation rates, restricting it to a sort of police court adjudication of specific cases of alleged discrimination. The rate-making power remains in the hands of the railroads.

Order in Denver Case.

The Missouri river cities, which would have profited had the commission's order been allowed to go into effect, benefit by the court's ruling in the Denver rate case. In the latter a temporary restraining order was issued.

This case and the Missouri river case are similar in principle, the former concerning the commission's order of a new and reduced through rate of Chicago and St. Louis to Denver.

The commission's order of June 24, 1908, reduced the rate on first-class freight from the seaboard (east of Buffalo, Pittsburg and Parkersburg) to Missouri river points from \$1.8 to \$1.30. This order was issued upon representation of the Missouri river manufacturers—manufacturers and jobbers chiefly—that the seaboard rate of \$1.15 to Minneapolis and St. Paul was a discrimination against them, inasmuch as the Twin Cities, using the cheaper water rate from the Mississippi, were able to undersell them in their own territory in Chicago, Milwaukee, Detroit, St. Louis and other central traffic cities, the order was a discrimination calculated to ruin their industries. They were not aroused, however, by the Denver case. This case was the Missouri river case over again, says that central traffic points and Denver would reap the benefit of a 25-cent reduction in the through rate which the Missouri river interests were to be protected against the middle west and Denver against the Missouri river. The seaboard had an advantage in both rates.

No Power Over Through Rates. In their opinion Judges Grosscup and Kohlsaat held congress in creating the interstate commerce act had not intended to place a power in the hands of a few men to build up one community or to ruin another. They held that in ordering the through rates at issue the commission had greatly exceeded its powers.

In dissenting Judge Baker discussed this point at length, declaring that the commission in ordering the through rates had done no more than to reduce the rate always done. As the railroads were less than the sum of the rates between New York and Buffalo and Buffalo and Syracuse. So rates had been continued to be made as the railroads worked to the Mississippi, to the Missouri, and beyond.

The commission, he said, merely attempted to make a new rate on the same line honored principle, moving the basin line from the Mississippi to the Missouri river. He declared that had the commission not acted the railroads would in time, with the growing wealth of the trans-Missouri country, have followed their own precedent and made a through rate from the seaboard to the Missouri.

Judge Baker Makes Point.

"Surely if the railroads have this power" Judge Baker argued, "the commission likewise has it. If this power is too dangerous to be in the hands of commissioners (Continued on Second Page.)"

ALL FOOD WILL BE PURE

Secretary Wilson Makes Prediction that Adulteration Will Stop.

REMSEN BOARD TO BE SUSTAINED

President Emery of State Dairy and Food Officials Makes Sensational Attack Upon Its Report.

DENVER, Colo., Aug. 24.—That the adulteration of food will soon cease altogether in this country and that the Remsen referee board appointed at the instance of President Roosevelt, is investigating the use of benzoin as a preservative, would be sustained by his department, were assertions of Secretary of Agriculture James Wilson at the opening of the annual convention of the Association of State and National Food and Dairy departments today.

Secretary Wilson's remarks followed a bitter attack by J. Q. Emery, of Madison, Wis., president of the association.

Pointing his finger at the secretary, Mr. Emery disputed the report of the referee board that benzoin had been found to be no harmful, and then accused the secretary of having urged President Roosevelt to block a re-investigation of the subject.

Wilson Answers Threat. "Let me say," declared Secretary Wilson, jumping to his feet, that if we had money enough down there in Washington to employ Dr. Ira Remsen and the other four chemists on his board we would try to get them into the Department of agriculture. I have told the president that we want the biggest in the country in the department or the department will cease to grow, and when it ceases to grow I don't want anything more to do with it. "I'm glad to see you have invited Dr. Remsen and other members of the board to appear before you. I trust you will give them a fair hearing."

"Why shouldn't we give them a fair hearing?" shouted Mr. Emery. "This insinuation comes with poor grace from the secretary, when we recall that it was he who blocked our request to have benzoin of soda re-investigated."

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CUTTING THE CHINESE PIE

Ten Nebraska Banks on the Roll of Honor

Listed Among Those with Surplus and Undivided Profits in Excess of Capital.

An interesting "roll of honor," consisting of 108 national banks of the United States, with surplus and undivided profits in excess of capital, is published by the New York Financier.

Pennsylvania takes the first and the body prices, the First National of Uniontown and the First National of Mount Pleasant, respectively, winning high and low honors.

Ten Nebraska banks have places in the list, the Albion National ranking highest in percentage. The others follow in this order: First, Aurora; First, Grand Island; First, Holdrege; First, Omaha; Packers, South Omaha; South Omaha National; First, Stanton; First, York, and City National, York.

Iowa has twenty-three banks in the roll of honor; Kansas, sixteen; South Dakota, six; Wyoming, six; Montana, eight, and Colorado, eighteen.

DIVORCE FOR MRS. GOULD

No Alimony Mentioned and Husband is Not Allowed to Remarry.

NEW YORK, Aug. 24.—Mrs. Helen Kelly Gould obtained a final decree of divorce from Frank J. Gould today. The interlocutory decree was signed on May 20 of this year. There was no opposition today when Mrs. Gould's attorneys made a formal application to Supreme Court Justice Gleason for the final papers.

The decree gives the custody of the two children, Helen and Dorothy, to each parent for six months in each year. Mr. Gould is not permitted to remarry in this state until after the death of his wife. The papers did not mention alimony.

CRABTREE DEFENSE STARTS

Counsel for Soldier Tells of Relatives in Asylum.

ACCUSED KICKED DYING MAN

Two Witnesses for Prosecution Tell of Brutal Assault Made Upon Captain Raymond After He Had Been Shot.

Much more than a perfunctory defense is being put up for Corporal Leslie Crabtree, on trial for his life at Fort Crook. The defense began its case yesterday afternoon and introduced considerable testimony to show that the accused is insane.

More will be introduced and witnesses will be called to the stand in the somewhat slender hope of saving Crabtree.

Judge Parsons of Des Moines first outlined his side of the case. He said that the evidence had clearly shown that this crime had been committed. That there was no denying it and that there could be but one excuse for such a crime. He said that Crabtree had been discharged from the Pennsylvania National guard to go into the Marine corps, that at the end of four years he had come out with an excellent character as a sergeant. That he was now but 27 years old. That he had been discharged with the post at Des Moines apparently, that he was insane on June 13 and was still in that condition.

Parsons related that he would introduce evidence to show that there was insanity in the family and that two relatives were now confined in asylums in Pennsylvania. Private Baroff was then called. He stated that he had seen Crabtree sitting in a chair looking out of the window. He had seen him walking about the quarters mumbling to himself. On cross-examination it was shown that these actions had made no impression upon him at the time and that Crabtree had no friends in the troops at this time and was of a solitary nature and fond of reading.

Private Faber gave evidence along the lines of that given by Baroff and stated that this was a matter of comment in the troop.

Both these men were in Crabtree's squad and they both agreed that he had been patient with his men and had shown no undue temper.

F. W. Baylor, a mason employed by the quartermaster at Des Moines was called. He had seen Crabtree in his cell at the guard house soon after the shooting while working there. He said he was excited, stared and talked to himself.

Tried to Bite Guard. Private Flynn told of being posted as a sentinel over Crabtree's cell two days after the shooting. He said that Crabtree seemed to be in a sort of daze at the time, but was quiet. He was on this post for some four or five times subsequently. Just after Captain Raymond had died he was similarly engaged. Crabtree had just

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E. H. HARRIMAN REACHES HOME

Master Builder of Railroads Returns a Tired, Sick Man, Seeking Health.

FINANCIAL WORLD ON TIPTOE

Stock Market Practically Stands Still as Boat Approaches.

TALKS TO REPORTERS ON CAR

His First Reference is to New Laws and New Office Holders.

WILL BUILD MORE RAILROADS

Tributary Lines Will Be Extended Into New Territory—Surplus Earnings to Be Used for This Purpose.

NEW YORK, Aug. 24.—Edward H. Harriman, genius of finance, leader of men and master builder of railroads, came back to the United States today while the financial world stood on its tiptoes in anxiety and expectancy. He came back as he left, on June 1, last, a sick, tired man, seeking health. Tonight, surrounded by his family at his magnificent though uncompleted summer home at Arden on the Hudson, he has begun the "after cure," which he needs after the enervating baths and dietetic treatment he underwent at the Austrian resort Bad Gastein. How long he will remain in seclusion, how long it will be before he resumes the active direction of his vast railroad interests depends solely upon his health. He arrived today fresh, face gaunt and voice weak. "And I have come home," he said, "for a cure and not for work."

Many great Americans have returned to their country under extraordinary circumstances, but never has there been a more remarkable homecoming of a private citizen than that of E. H. Harriman. Great stock market operators paused as his ship drew near, the stock market itself marked time and the industrial world turned its eyes seaward, as it were, eager for a glimpse of this man whose illness abroad has furnished much material for stock market rumors.

Lands at Hoboken. Contrary to expectations the financier did not leave the Kaiser's Wilhelm II down the bay, but remained on board until the vessel docked at Hoboken. Then, after being assisted ashore, he boarded a Southern Pacific tug and was taken to Jersey City, where he was again assisted to his private car. From there the trip was quickly made up Hudson to his mountain home at Arden.

Although he flashed ashore a brief message of optimism at the request of the Associated Press and conversed for a time with interviewers after the Kaiser's arrival at Hoboken, it was not until he had found his way to his mountain home at Arden that he placed himself in his private car that Mr. Harriman talked freely about himself—his health and his hopes of early recovery. Then, reclining on a couch, pale and enfeebled, but with his usual optimism and tenacity of mind, he talked to a throng of more than a score of newspaper men before leaving for Arden.

Talks to Reporters. He began by apologizing for his recumbent position while talking, saying that while he had taken his meals regularly all the way over, just before he reached Hoboken today he was afflicted with nausea. This, he said, necessitated his lying down.

Mr. Harriman discussed things trivial and pertinent, and spoke lightly of the trying ordeals which physicians had prescribed for him abroad.

"I am entirely satisfied with my trip abroad," he said, "but my health is concerned," he said, "and I have nothing on my mind except to come home and take the 'after cure.' I lost ten pounds while over there and for a little fellow like me that is a great deal."

Lying back on a pillow, his pale face seeming even paler in the artificial light of the car, Mr. Harriman's quaint humor and cheerfulness of mind was in marked contrast to his physician condition. As he talked his wife and Judge R. S. Lovell, vice president and general counsel of the Union Pacific, stood close by and gently admonished him not to overtax his strength. But Mr. Harriman waved them aside and continued to talk. His voice was weak and he asked from time to time if those farthest from him could hear.

Comes Home to Rest. "The doctors advised me to come home and rest," he said, "although they intended at first that I should rest abroad." Here he smiled and said: "The photographing those doctors put me through was worse than upon my arrival here—for they X-rayed me and did everything they could."

Turning to railroad matters one of the first questions asked concerned his adoption of a new constitution for the New York Central stock, an option which would give him with his other roads, an unbroken line of steel east and west from coast to coast.

"That is an easy one," said the financier smiling, "but I would not tell you if I had."

Here he took the lead again himself. "I expect to find more officeholders than stockholders now," he said. "There are more new laws and they never seem to displace the old ones; new laws mean new officeholders to administer them."

"Do you refer to the corporation tax?" he was asked.

"Yes—and some state laws," was the reply.

Not a Speculator. Sitting up and smiling pleasantly, Mr. Harriman indulged in a few reminiscences. "Three years ago I was called a speculator," he said. "That was when Union Pacific was placed on a 10 per cent dividend basis and Southern Pacific on a 5 per cent dividend basis. I had a hard time convincing my associates that the roads could pay dividends, but I had come to realize that we were building not better than we knew, but quicker than we knew. It was difficult for me to comprehend that the development and returns which followed our construction work in the west were so enormous and so rich."

"Do you mean to put the surplus earnings into the roads, rather than to turn them over to the stockholders?" he was asked.

"Yes, that's about it," he said, "that is my philosophy—conservation and development—"

Three More Bodies Are Found at McKees Rocks

PITTSBURGH, Aug. 24.—Gloom covered the little manufacturing village of McKees Rocks like a pall today as long funerals proceeded from the Greek Catholic church to St. Mary's cemetery, a small burying place just outside Schoenewille. Striking workmen, led by a band of eight musicians followed to the grave the bodies of the strikers killed in the recent rioting.

Three more bodies of terribly beaten strike sympathizers were found today by troopers detailed to the work of searching for dead and wounded. Two bodies under a pile of railroad ties and one under a culvert on the tracks of the Pittsburgh and Lake Erie railroad, were pulled into sight. The corpses, hardly recognizable as those of human beings, were hastily piled into a murgue wagon and turned over to the county officers. With the burial of the dead strikers and the finding of the additional bodies came a trace in hostilities. From dawn to nightfall not a pistol shot was heard, neither was an arrest made.

The strikers and their sympathizers during the day kept to themselves and even gave up a mass meeting planned for the late afternoon as they believed any gathering of the workmen could do no good at this time. Eugene V. Deba, socialist orator, was in McKees Rocks to address the strikers, but even he declared that words were of little avail now as the strikers' cause was all but lost.

And on every hand tonight it is conceded that the strikers have met defeat. The Pressed Steel Car company's plant today was in operation with over 1,000 men at work.

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The big stores use them because they are read by everybody and they are too shrewd to overlook so good a chance to increase their business.

Have you read the want ads, yet today?

Nearly Two Hundred Are Drowned at Montevideo

MONTEVIDEO, Aug. 24.—Between 150 and 200 persons were drowned or otherwise killed when, in a driving rainstorm about 6 o'clock this morning the Argentine excursion steamer Colombia and the North German Lloyd steamer Schlesien collided at the entrance of Montevideo harbor. The Colombia was entering port and the Schlesien was outward bound for Bremen.

The Colombia was crushed in and it sank almost immediately. The Colombia carried 300 passengers and a crew of forty-eight men. Most of the passengers were asleep and panic followed the crash. Almost immediately small boats put out to the sinking steamer, but the work of rescue was rendered difficult by the high sea. About seventy persons were brought ashore. Most of the dead are women and children. A majority of the survivors are men.

The Colombia was carrying excursionists from Buenos Ayres to a festival at Montevideo and the disaster has caused the keenest emotion. The Uruguayan government in consequence has postponed the fete arranged for the celebration of the inauguration of the port.

The Schlesien was only slightly damaged and has been detained here by the port authorities. Its commander attributes the collision to the wind and the high sea, which made both steamers almost unmanageable. The channel is now partially obstructed by the wreck of the Colombia. Most of the survivors of that vessel were taken from the boats and many of them were injured. While great numbers of women and children were drowned almost every one of the ship's complement was saved.

Scores of bodies have been recovered and are now lying at the custom house, but many of them have not been identified. The storm still continues, interrupting telegraph and telephone communication between Buenos Ayres and Montevideo. The Colombia was an old steamer of 1,200 tons engaged in the regular passenger service between this port and Buenos Ayres.