

WOMAN BREAKS  
DOWN IN COURT

Mrs. Dobbins Gives Way During Closing Hours of Husband's Trial in Mabry Case.

## LAWYER'S TONE IS DERISIVE

Prisoner Sits Like Statue, and, Unlike Wife, Shows No Emotion.

## DEFENSE SPRINGS BIG SURPRISE

Attorneys Rest Case Without Testimony When State Concludes.

## INDUCES ARGUMENT AT ONCE

Attorney General Opens the Debate and Defense Will Continue Argument Monday—Case May Go to Jury Tuesday.

The argument for the prosecution of John B. Dobbins, whose trial for larceny as a "steerer" for the Mabry case, in which T. W. Ballou, a Missouri banker, lost \$20,000, is nearing the end in district court at Council Bluffs.

"In this case Dobbins we have a good man to start with to bring about a deal similar to this one," said J. J. Hess, county attorney. "Look into his past, which the evidence of this case has shown you, gentlemen."

The lawyer was leaning far forward, speaking directly into the faces of the jury. His voice was cold, cutting, derisive.

Mrs. Dobbins, who has shown so much bravery through the trial in the face of all the incriminations and allegations that have been showered upon her husband, gave way at last. Covering her face with her hands, she tried her best to hide her grief in silence. She trembled with the pain of her emotion, but, standing herself with all her summoned strength, she dried her tears and again faced the court room, full of lawyers and spectators, with the same brave front.

Dobbins sat as a statue through the argument. He has never given evidence in the court room of any other feeling than a cold interest in the trial.

"The defense rests," said Emmet Tinley, lawyer for Dobbins, yesterday, when the state announced the close of its evidence and Judge Green had made his ruling in regard to the motions for exclusion of certain evidence.

## Defense Springs Surprise.

This move was the surprise of the hearing. The court room was packed with a curious throng, gazing there in the expectation that Dobbins would be put on the stand to tell his story.

The attorneys for the defense had said early in the hearing that Dobbins would be the principal witness in his own behalf when the evidence was put on. It was on that account expected to have something to say to substantiate the plea of the defense in the opening statement that Dobbins had himself been a "Mike" and a victim in the Mabry race in which his former fellow townsman, T. W. Ballou, the banker and millionaire of Princeton, Mo., was fleeced out of \$20,000.

Not a word of evidence was offered in behalf of Dobbins and his lawyers are resting on the expectation that they will be able to bring the jury to believe through argument that the state has not made a case.

County Attorney Hess opened the argument for the defense at the beginning of the afternoon session. He made a strong appeal to the jury, reviewing the history of the Ballou case and those of the other "Mike" witnesses who have been contributing to the mercurial of the trial for the last week.

It was an artless slip of the tongue which led Mr. Hess in a heated portion of his argument to deliver this startling passage:

## One Rascal at a Time.

"No matter how much the defense may try to blacken Mr. Ballou's part in this case, no matter how much they try to vilify him, Mr. Ballou is not on trial; let us get one rascal at a time."

Mr. Hess dwelt long and earnestly on the question of the motive that had actuated Dobbins to write a letter of introduction with which he sent the man who broached the "race" proposition to Ballou.

"If it had not been for this man Dobbins, then Mr. Ballou would not have lost his \$20,000," declared the county attorney. "When Mr. Dobbins called on Ballou at Kansas City when they were framing the race deal, he said that he did not have but \$40 in the world. On the train on his way east on October 15, 1906, two days after the race, he had one roll of \$5,000 and another of some hundreds. Mr. Young, a traveling man, has testified that he counted the money and that Dobbins told him that he had won \$7,500 shortly before."

"Men with \$40 capital do not pick up \$7,500 in honest transactions. Gentlemen of the jury, this defendant, Dobbins, was at the race; he was at the hotel; he was on the spot when Ballou lost this money. He got Ballou into the race. Now, where do you suppose he got that \$7,500 he told about, and what do you suppose the deal was?"

The arguments are to be embodied in the stenographic record of the case.

The argument will be continued by the state when court convenes Monday morning at 9:30 o'clock. The case will probably not go to the jury before Tuesday. T. W. Ballou, the complaining witness, will remain in Council Bluffs until this case is disposed of.

Completion of Testimony.

The argument over the competence of the testimony of the Mike was practically a revival of that which arose when the witness in question took the stand. The state's contention is that Dobbins assumed a responsibility for part in conspiracy for the making of victims previous to the Ballou incident with which the state has made effort to connect the defendant.

An objection to the evidence of John B. Swenson, postoffice inspector, was overruled.

M. B. Park, chief clerk of Grand hotel, during the month of October, 1908, the Mabry's busy season in Council Bluffs, testified in regard to the registration of the "Mike" and others of the party engaged in the making of T. W. Ballou.

See Mr. Dobbins during the

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Des Moines Gets  
Military Show

Secretary of War Orders that it be Held in Iowa City September Next.

(From a Staff Correspondent.)

DES MOINES, Nov. 20.—(Special Telegram.)—The secretary of the Commercial club received word from Congressman Hull that the secretary of war has ordered that the military tournament for next year shall be held in Des Moines. It had been the plan of Congressman Hull not to ask for the tournament next year, but to plan to get it the year after, but the Commercial club started the movement to secure it next year. The tournament will probably be held late in September.

In the district court today the city won an important suit involving the validity of surety bonds connected with the building of a new concrete bridge. The Marsh Bridge company failed while engaged in constructing the bridge and the Empire Surety company sought to evade responsibility on the ground that after the failure the city issued \$60,000 in bridge certificates to finish the bridge. The certificates are held valid and the right of the city to finish the bridge is sustained.

A person under injunction for violating the liquor laws of Iowa, may reinstate himself under the protection of the police law, despite the injunction, by complying with the conditions of the law anew.

The supreme court decided this in a case from Davenport, wherein, Judge Bollinger had found one, Charles Hink, guilty of violating an injunction. Hink had been enjoined for making sales on a holiday. When he turned around and got the consent from the council and from property owners and in every way complied anew with the law so far as he could do so personally, Judge Bollinger took the view that he would have to also get an entire new statement of consent for the entire county, or wait for such general consent. The supreme court, Justice McClain writing the opinion, declares that this could not have been the intent of the legislature and the principle would lead to endless confusion. The man was entitled to start over again with his new license and the injunction previously secured against him would be of no force.

The principle announced will not have much effect, since the legislature has since passed a law, which forbids anyone from selling liquor for five years after having been enjoined.

FORTY MILLION STAMPS TO BE  
USED BY RED CROSS PATRONS

Demand for Stickers Put Out by Society Grows as Christmas Draws Near.

WASHINGTON, Nov. 20.—While Uncle Sam struggles under the load of Christmas packages in the mails this year, there will be 40,000,000 Red Cross stamps circulated on the mail matter carrying the practical message of peace and good will to the four corners of the earth.

The demand for Red Cross stamps at Washington was heavy as the Yuletide grows near, and the Red Cross society is preparing to meet the demand by increasing its supply of stamps from 20,000,000 to 40,000,000.

## ENGINE EXPLODES, KILLS ONE

Boiler on Limited Train Blows Up Causing Death of the Fireman.

SPRINGFIELD, Mo., Nov. 20.—The engine of Southeastern limited No. 106, the St. Louis & San Francisco railway's fast passenger train from Memphis to Kansas City, exploded a mile north of South Greenfield today, killing fireman Charles A. Wilkin and probably fatally injuring Engineer William O'Brien, both of Fort Scott, Kan.

No other persons were hurt.

The train was running twenty miles an hour. The engine was badly wrecked.

## FAWNS DASH INTO HOUSE

Black Hills Resident Gathers in Animals Chased by Wolves.

STOUX FALLS, S. D., Nov. 20.—(Special.)—If the wolves of the north-central portion of the Black Hills continue endeavoring to prey upon the fawns of that region "Jack" McCann, a well known resident of Hanna, a thriving little mining town, will have a whole herd of these beautiful little animals. The other day McCann was much surprised when a young fawn dashed into his home and rushed up to him, apparently for protection. McCann took the fawn in his arms and noticed that while it appeared perfectly contented it was trembling violently. In striving to ascertain the cause he glanced outside and noticed a wolf just sinking away, it having been pursuing the fawn, but was defeated of its prey when the fawn dashed through the open door into the McCann home. This is the second fawn that has been chased into the McCann home this fall by wolves, which appear to be unusually numerous in that vicinity.

McCann made a pen for the first one, and the second one now has also been placed in the pen. Both will be kept as pets. Neither of the fawns is afraid of the human friend who saved them from the jaws of the wolf. McCann is able to handle them as freely as if they were playful puppies.

The case is one of the most notable in

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OIL MERGER MUST  
BE DISSOLVED

Circuit Court of Appeals Finds Rockefeller's Big Combine of Corporations Illegal.

## DECREE DEATH OF 'GANT TRUST'

Finds Amalgamation of Sub Companies Violation of Law.

## THREE JUDGES ARE UNANIMOUS

Sanborn, Vandeventer and Hook Concur in Opinion.

## CASE FROM MISSOURI DISTRICT

Decision Declared to Be One of the Most Noteworthy in History of United States—Appeal Will Be Filed.

ST. PAUL, Minn., Nov. 20.—In an opinion written by Judge W. H. Sanborn of St. Paul and concurred in by Judges Vandeventer, Hook and Adams, with a special concurring opinion by Judge Hook, the United States circuit court for the eastern district of Missouri today handed down an opinion declaring the Standard Oil company of New Jersey an illegal combination, operating in restraint of trade and ordered its dissolution.

The opinion of the court was filed simultaneously in St. Louis and in St. Paul.

In this decision the government of the United States wins a sweeping victory and, according to Frank B. Kellogg of this city, who was the government's special prosecuting officer, the government has won every point for which it contended.

The case will be appealed direct to the United States supreme court, as the judges who handed today's decree are in effect the judges of the United States circuit court of appeals, although they were sitting for the purpose of trying this case as the circuit court for the eastern district of Missouri.

The decree of the court dissolving the Standard Oil trust becomes effective in thirty days, when, no doubt, a stay will be granted for the purpose of an appeal.

When the decree takes effect, unless a stay is granted, an injunction will issue restraining the Standard Oil company from a further continuance of its business under its present formation.

## Decree is Sweeping.

It appears from the concurring opinion written by Judge Hook that the company cannot do business under any other form with the object of stifling competition, for he says on this subject that it is thought that with the end of the combination the monopoly will naturally disappear, but should it not do so and the members of the combination retire from it, except one who might perpetuate the monopoly by the aggregation of the physical properties and instrumentalities, it would constitute a violation of the decree of the court.

In the trial of the case the point was made that the Standard Oil company was a beneficial corporation in that it, by reason of economy in operation, reduced the price of its product. This Judge Hook says, can have no weight.

The suit was begun by direction of the attorney general of the United States in St. Louis, November 15, 1906. Frank D. Kellogg of St. Paul was appointed special prosecutor, assisted by Charles B. Morris of Chicago, Frank H. Poole and J. H. Graves of the Department of Justice, W. H. Higgins of Minneapolis and C. A. Severance of St. Paul.

The Standard Oil company presented a formidable array of legal talent, led by John G. Milburn of New York. Its defense was that the present organization of the Standard Oil corporation was the result of the natural growth of a great industry and that no statute had been violated.

## Court is Unanimous.

In an opinion written by Circuit Judge W. H. Sanborn of St. Paul, filed in St. Louis and St. Paul today, the United States circuit court for the district of Missouri held that the Standard Oil company of New Jersey was an illegal corporation and ordered that it be dissolved.

The case was heard in the United States circuit court at St. Louis in April last by Circuit Judges Sanborn, Hook and Vandeventer of Chicago, Hook of Leavenworth and Adams of St. Louis.

Judge Sanborn, the presiding judge, wrote the opinion and the decree, in which all the judges concurred, and sent by them to Judge Adams at St. Louis, who filed them and entered the decree in that city this morning.

Enjoins Big Oil Combine.

It was brought to enjoin John D. Rockefeller, William Rockefeller, Henry M. Flagler, Henry H. Rogers, John D. Archbold, Oliver H. Payne, Charles M. Pratt, the Standard Oil company of New Jersey and about seventy other corporations, from maintaining a combination and conspiracy in restraint of trade, to monopolize interstate and international commerce and the decree grants the injunction sought by the government.

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## AMERICANS HAD FAIR TRIAL

Statement by Nicaraguan Legation Justifies Shooting of Pair.

## ADMITTED PLACING OF MINES

Report Says Both Cannon and Groce Confessed Trying to Blow Up Nicaraguan Shops With Dynamite.

WASHINGTON, Nov. 20.—Official confirmation today of the execution of Cannon and Groce, Americans, by the Zelaya government, was followed by a statement from the Nicaraguan legation here, justifying the action on the ground that the men confessed to placing mines in order to blow up two vessels carrying government troops.

The State department has just received a telegram from the American vice consul at Managua, in which he says the Nicaraguan minister for foreign affairs had informed him that the Americans, who were executed on November 12, at 10 a. m., had made a confession, in which they had admitted laying mines in the San Juan river with the object of blowing up Nicaraguan ships. The minister also stated that the Americans were tried by court-martial.

The American vice consul stated that the commander-in-chief of the Nicaraguan army and the minister of war ordered the execution, which was ordered by President Zelaya.

The protected cruiser Tacoma has been ordered to proceed from Guantanamo, Cuba, to Cristobal, Panama. The gunboat Marieta will be ordered to sail to Port Limon soon.

The statement issued by the Nicaraguan legation, in part, as follows: "The Nicaraguan government informs the legation that Leroy Cannon and Leonard Groce, two well known adventurers, were taken prisoners at Rio San Juan, and pleaded guilty to locating mines, in order to blow up two vessels carrying government troops."

"They were tried by a military court, given a full hearing and sentenced to death in accordance with military laws. The legation, while deploring this incident, feels confident that when the facts are better known it will be seen that the military court did not exceed its powers and that the relations between the two countries will not suffer."

HARRISBURG, Pa., Nov. 20.—The parents of Leroy Cannon, confirmation of whose execution in Nicaragua was received today, have decided to ask the government to open negotiations for indemnity from the Zelaya government.

## FOOT BALL PLAYER IN BAD WAY

Student at Maryland College Has Injuries Sustained in Game.

BALTIMORE, Md., Nov. 20.—Willis M. Marcus of Atlantic City, N. J., a student at the Methodist Protestant Theological seminary, Westminster, Md., is at University hospital here in a serious condition as a result of injuries he sustained in a foot ball game at Westminster last Tuesday.

Marcus was brought to the hospital here for an operation, which disclosed that his intestines had been ruptured. Late last night peritonitis set in and it is feared the young man will not recover.

## Monmouth Park at Valley.

The Monmouth Park foot ball team is making preparations for a big demonstration at Valley on Thanksgiving day, when the eleven meets the team from that place. A special train will be run out of Omaha at 1 p. m., returning, leaving Valley at 10. About 100 rooters will be taken along and they expect to make things lively. In the evening there will be dancing.

## Americans in Nicaragua

Were Given a Fair Trial

WASHINGTON, Nov. 20.—Official confirmation of the execution in Nicaragua of the two Americans, Leroy Cannon and Leonard Groce, was received by the State department this morning.

STILLWATER, Minn., Nov. 20.—That Leonard Groce and Leroy Cannon, the Americans who were put to death in Nicaragua by order of President Zelaya, were executed after a fair trial by court-martial was the information received by State Senator George A. Sullivan of Stillwater today in a cablegram from James M. Hall, a former Stillwater man, who for the last eight years has been engaged in mining in Nicaragua.

Mr. Hall's cablegram says: "Groce and Cannon were caught with dynamite and a dynamite machine in their possession, with which they intended to blow up a government transport containing 60 men. They were given a fair trial by court-martial, and after confessing their guilt were executed. Both wrote letters to their families confessing their guilt."

## Jury Convicts Mrs. Allan Read

Woman Who Tried to Extort Money from Mrs. Phipps Held Guilty.

## COURT LIMITS LIQUOR SALE

Holds Wholesalers Must Have License and Establish Depot in State.

PIERRE, S. D., Nov. 20.—(Special.)—The decision of the supreme court, in an opinion by Corson, in the case of Paul Jones Company against R. L. Yokum, lays down drastic rules in regard to regulation of the wholesale liquor business in the state. The holding of the court is that any sale or attempted sale on the part of a wholesaler who has not established a depot or warehouse at some point in the state, and paid a license at that point, is a misdemeanor. A warehouse is not necessary in case the wholesaler pays the required license at any place where he makes a sale. A note or account for intoxicating liquors given to a company which has not taken out a state wholesale license is void and uncollectable. This decision practically cuts out the wholesaler who has not paid his license in the state. While it might be that he could make a sale and collect cash at the time, this is a misdemeanor, and the salesman places himself subject to a fine. In the case decided Yokum, who was a retail dealer in this city, purchased goods to the amount of nearly \$500 from the Paul Jones company, a wholesale whiskey house at Louisville, Ky., and gave his notes for payment. The whiskey house sued for collection of the notes and got judgment in the lower court, which was reversed, and the notes declared to be void.

## HASKELL PLEADS NOT GUILTY

Defendants in Muskogee Land Company Cases Appear in Court.

CHICKASAW, Okl., Nov. 20.—Governor Charles N. Haskell and his five co-defendants in the Muskogee town lot conspiracy cases appeared before Federal Judge Marshall here today and entered a formal plea of not guilty.

## ASTOR'S YACHT STILL GONE

Revenue Cutter Service Fails to Locate the Missing Vessel.

WASHINGTON, Nov. 20.—Despite the efforts of the revenue cutter service to locate Colonel John Jacob Astor's yacht Norhamah, no news of the missing vessel has yet reached Washington.

## NEBRASKA FINISHES SECOND

Minnesota Takes First Place in Annual Cross Country Run.

CHICAGO, Nov. 20.—The annual five-mile race of the Western Intercollegiate Cross-Country association was won today by Minnesota. Nebraska finished second and Purdue third. The time was 27:36. The order of finish of the other colleges entered in the event was: Ames, fourth; Wisconsin, fifth; Chicago, sixth, and Iowa, seventh.

## Scores of Men Alive in Mine

"One Hundred and Fifty!" Cries a Voice Below, as if from the Grave.

## AT LEAST FORTY ARE NOW SAFE

Rescued After All Night Search by Expert Life Savers.

## THIRTY FOUND IN ONE BUNCH

Men Had Survived Elements that Seemed Only Death.

## RESCUE IS ALL BUT A MIRACLE

Families of Miners Miraculously Cheering the Grim Disaster Are Bowed by the News that Seem Impossible.

CHERRY, Ill., Nov. 20.—At 8 o'clock tonight twenty-two survivors had been brought to the surface, several of them are in an advanced stage of exhaustion. Seventy or more were believed to be alive in the dark ramifications of the mine. Experts protected by oxygen helmets continue the search.

CHERRY, Ill., Nov. 20.—At 2 o'clock this afternoon it was reported that forty men were imprisoned alive. The men were reached after a wall of debris had been broken down.

The survivors were immediately rushed to the hoisting shaft and stimulants were administered. One of the men after being brought to the surface after seven days entombment, was only able to mutter incoherently. His face was black from the smoke and slightly scorched. It appears that the men after discovering their predicament waited themselves in.

The fight against death was led by Joseph Crescini. Crescini was one of the two men brought up in the cage. He reported between thirty and forty men alive in the south wing. In the darkness where they waited for seven days in an agony of hunger and suspense, they lost track of time and thought that today was Sunday.

Before reporters were allowed to interview the two men brought to the surface, doctors ordered that they should be given nourishment.

The next trip of the cage brought seven other survivors. They were smiling and healthy save for weakness due to lack of food.

Women Fight to Reach Pit.

Women fought with the national guardsmen to reach the mouth of the pit. The latter restrained them, explaining that to overrun the pit would only delay the rescue. As one by one the survivors became visible to the multitude outside the mine, the women crowded round them. When one would recognize a kinsman the joyful meeting moved many to tears. But sadder of all was the change to despair of those who recognized no one whom they sought.

By 1 o'clock this afternoon forty bodies of the dead miners had been brought to the surface and the majority of them identified.

Stephen Tinker, whose body was among the first brought to the surface today, was a local celebrity. He was small of stature, but big of nerve, and served for two years as town marshal.

Several months ago he was set upon by a gang of brawlers and maintained his title as an intrepid officer. Two months ago he resigned his official position and went into the mine.

Men Cheer When Rescued.

Under the leadership of Crescini such food remained in the dinner pails was assembled and the men put on short rations. In this and subsequent measures taken to safeguard the prisoners an Englishman who had had previous experience of the kind shared leadership with the Italian. When the explorers broke into among those snatched from death, when Spogatta was led to the dining car he ran fairly into the arms of his wife and two children. There was a hysterical torrent of endearing words poured from her lips and then the mother turned and kissed the feet of the man who had brought him out. Another woman fainted in her husband's arms.

When the last man was up, women who had found none they recognized, walked about distracted, again and again returning to attack the military guard who guarded the pit.

The survivors were first discovered by Superintendent Powell of Briceville, Ill. When the men were reached some of them were talking and joking.

Among others rescued were John and Joseph Piggett, George and John Semich, and William Waite, a mine boss, and William Cleland.

Cleland was rescued by Robert, his own brother, who carried the man to the surface without recognizing his kinsman.

At 2:30 rescue came to the surface and reported that fire had temporarily cut off the rescue work. A call for fresh volunteers was issued and immediately a score of men entered the shaft. It is believed the fire will be extinguished shortly.

Crowd Uncontrollable.