

OIL KING GENIUS,
SAYS ATTORNEY

John G. Milburn Addresses Supreme Court in Behalf of Standard Oil Organization.

DISOLUTION AN INJUSTICE

Lawyer Paints Word Picture of Early Struggles.

PURCHASES NOT MADE ILLEGAL

Period of Acquisition Closed in Eighteen-Seventy-Nine.

BOUGHT PLANTS IN KINDNESS

Smaller Competitors Were Saved from Losses by Selling Out to Trust—"Only Decent Thing to Do."

WASHINGTON, Jan. 12.—Fighting for its life, the Standard Oil company through its attorneys today argued before the supreme court of the United States against the proposed dissolution of the Standard Oil company of New Jersey. For three hours, John G. Milburn of New York addressed the court. Tomorrow, Frank R. Kellogg of Minnesota will present the government's side of the controversy. The arguments will not be concluded until next Tuesday. Mr. Milburn's task was to present to the court the facts in the case, but he departed from the facts now and then to show what alleged wrongs the affirmative of the dissolution decree of the lower court would incur.

In his history of conditions in the oil business between 1860 and 1910, due he said to an overproduction of refining capacity, Mr. Milburn introduced to the court the character of John D. Rockefeller.

Rockefeller a Genius.
"There was no one there in Cleveland," said he, "a young man in the early thirties with a small amount of money which he had saved, who possessed the gift of genius. He had the genius for business and there is a genius for business just as there is a genius for war, or painting or poetry. That man was John D. Rockefeller. He saw that this over production of refineries was to be met by volume of business so as to withstand the lower profits."

He then told how Rockefeller allied himself with Andrew, a practical oil refiner, and how with the exercise of Rockefeller's genius for business and their consequent good standing among financiers, they grew rapidly.

Mr. Milburn dwelt particularly upon the period of acquisition, which he said closed in 1879, the trust agreement of 1882 and the new agreement of ownership in 1890. Acquisition never had been made, Mr. Milburn told the court, with an intent to restrain or to monopolize interstate trade. Most of the purchases were made, he said, before 1879.

Bought Competitors' Plants.

"We thought that it was only the decent thing to do to a man who had sold out to buy his plant at its appraised value. Often it was practically worthless, and we could have permitted it to dry rot in his hands."

He denied the charges of the government that because the Standard Oil had the advantages of alleged preferences from railroads during the period of acquisition that it should now be punished. The contracts between the railroads and the company were not in restraint of trade, he contended, "when viewed in the light of the days in which they were made."

The trust agreement of 1892, whereby trustees exchanged their certificates for the stock of the various "common owners" of Standard Oil companies, came in for much attention. In connection therewith Mr. Milburn maintained that the supreme court of Ohio did not decide that the "trust" was illegal, but simply required the Standard Oil company of Ohio to withdraw from the trust agreement.

His extended remarks about the reorganization of the Standard Oil company of New Jersey in 1890, which is the thing that the decree of the lower court would undo, as a violation of the Sherman law, was summarized by Justice Hughes.

Hughes Summarizes Argument.

"The net result suggested Justice Hughes, 'is that the Standard Oil company of New Jersey, after 1890, stood in the place of the trustees, and those who held the certificates issued by the trustees, thereafter held the stock of the Standard Oil company of New Jersey.'"

"Precisely," said Mr. Milburn. "It is quite simple when you understand it. You see there was the same old set of common owners of the property both before and after 1890."

At this point he referred to the argument of the Standard, upon which it is pinning its faith in the present controversy, that the new arrangement of 1890 did not suppress competition in any way, because the properties before 1890 were not combined, they being owned by the same persons.

One objection to the decree, which Mr. Milburn voiced, was that by compelling the Standard of New Jersey to give to each of its stockholders a proportionate share in each of the corporations, whose stock it held, the small holders of stock would be seriously embarrassed. For instance, the man who owned one share of stock in the Standard of New Jersey would receive for 25 cents worth of stock in one company and \$250 worth in another. This would not be marketable, he suggested. Furthermore, he made the statement that the decree would be ruinous to much of the properties before 1890 were not combined, they being owned by the same persons.

CANADIAN GEOLOGICAL PARTY REPORTED WRECKED

Grave Fears Felt for Safety of Fifteen Scientists in Hudson Bay Country.

WINNIPEG, Man., Jan. 12.—Word was received here today that a party of fifteen Canadian geologists, headed by J. M. Macdon, chief of the geological department at Ottawa, was wrecked on the shores of Hudson bay while en route to Winnipeg.

The report from the government geologists, expedition was the first news from the party in months. "Grave fears had been felt for their safety."

It is making the 1,000-mile journey to Glimt on foot with dog sleds to carry their provisions and should reach Glimt in a week.

Railroad Attorneys
Argue for Increase
in Freight Charges

Hines Attacks Powers of Commission and Robbins Talks of Proposed Big Expenditures.

WASHINGTON, Jan. 12.—"The Interstate Commerce commission is not, under the law, the general manager of the railroads of the United States," declared Walker Hines of the Delaware & Hudson and chairman of the executive board of Santa Fe, in presenting his argument before the interstate commerce commission at the eastern rate hearing, in behalf of the railroads' proposed increase in rates.

It is of the decrease of railroad freight rates in this country practically has been reached in my opinion, and I am in favor of taking into consideration in this case," declared F. D. Robbins, counsel for the New York, New Haven & Hartford railroad.

Mr. Robbins explained that the New Haven road had in contemplation the expenditure of \$37,000,000 in various large improvements.

Poisons Her Babe
to Please Husband;
Held for Murder

Wife Admits Child Murder at Inquest—Gives Infant Dose of Deadly Acid.

BROKEN BOW, Neb., Jan. 12.—(Special Telegram.)—"I killed the baby with medicine," testified Mrs. J. R. Mohatt at an inquest over the death of her child here this afternoon. "I did it to please my husband, because I did not think it was his child."

Mrs. Mohatt declared her husband had given her permission to kill the infant. "I waited until he went to do his chores Tuesday night and then gave the baby carbolic acid," said the woman.

Mrs. Mohatt was held responsible for the death of the infant by the coroner's jury and is now under arrest charged with first degree murder. She was at times irrational in her answers on the witness stand and confessed to being erratic. J. R. Mohatt, the husband, testified that his wife was subject to dementia. He said she had told him the child was not his.

Farmer Charged With
Complicity in Robbery

Alexander Menard of Wymore, Who Stole Automobile in His Barn, Arrested.

BEATRICE, Neb., Jan. 12.—(Special Telegram.)—Alexander Menard, a farmer living near Wymore, was arrested last evening by Sheriff Sullivan of Marysville, Kan., and taken to that place on the charge of complicity in the Beatrice Kan. robbery, which occurred last November.

The morning after the robbery four men drove up to his place in an automobile and asked if they could store their machine in his barn. He granted their request, and the machine remained there for nearly a week, when the men supposed to have robbed the bank came after it and paid the storage charges on it. The machine, which was attached later by Sheriff Schick of this city, is supposed to be the property of H. H. Hoer, the Wymore man who was in jail in Marysville awaiting trial at the next term of the district court for complicity in the robbery.

Mr. Menard has always borne an excellent reputation and it is the general opinion here that he is innocent of any wrongdoing. He says he knew nothing of the robbery when the men visited his home and arranged with him to store their car.

Falls City Boy Killed
Near Springfield, Mo.

Bodies of Roy Pledge and Sonny Stoffe Are Found on Railroad Track.

SPRINGFIELD, Mo., Jan. 12.—Two boys, Roy Pledge and Sonny Stoffe of Falls City, Mo., were killed by a freight train near Holman, Mo., fifteen miles east of here today. The boys were lying with their heads resting upon the rail, and it is believed they committed suicide. Stoffe was 17 years old and Pledge 16, according to papers found in their pockets.

CAREY'S MESSAGE IS RADICAL

New Governor of Wyoming Advocates Initiative, Recall, Direct Primary, Commission Form for Cities.

CHEYENNE, Wyo., Jan. 12.—Governor J. M. Carey's message to the eleventh general assembly of Wyoming was read before both branches of the legislature today. The message was very radical in tone. Governor Carey asked for laws embodying the direct primary, initiative, referendum, recall, a corrupt practices act and a commission form of municipal government.

Passenger is Lassoed When
Trolley Rope Forms a Kink

If his wife had not insisted on his wearing a heavy muffler—

If in addition he had not happened to have his overcoat collar turned up about his neck—

Why, then, the hanging of John D. Ruth on the rear end of a Farnam street car might have been no passing fancy.

If Mr. Ruth had not stood by the trolley rope it would not have happened, says the company.

JAPAN PROTESTS
AGAINST ACTION

First Official Objection to Proposed Legislation in California in Form of Letter.

COMES FROM CONSUL GENERAL

Nation's Deep Concern Not Realized in the State.

TRIED TO CULTIVATE GOOD WILL

Efforts to Prove Real Sincerity Have Been Continuous.

ARE LEAVING PACIFIC COAST

Japanese Population is Already Decreasing of Own Volition—Proposed Laws Offensive to National Pride.

SACRAMENTO, Jan. 12.—Japan's first official protest against proposed anti-Japanese legislation in this state comes in the form of a letter from Consul General Matsuzo Nagai at San Francisco to Senator Leroy Wright, chairman of the senate committee on federal relations.

"I think the people of this state hardly realize the deep concern felt in Japan on the subject," says the consul general, "discrimination at this time would be particularly surprising to the Japanese people in view of the efforts which have been made during the last two years to cultivate the good will of the American people and to prove to them the sincerity of Japan's 'good will.'"

The letter contains features supporting the consul's contention that the Japanese population on the Pacific coast is steadily decreasing.

Object to Discrimination.

"Our objection to the bills introduced, are based on their discrimination," says Consul Nagai. "They could not be explained to the Japanese people as being otherwise than offensive to national pride."

The letter concludes with a reference to pending negotiations for the revision of treaties between the United States and Japan.

"I feel constrained," says the Consul, "to express the fear that such negotiations may be unfavorably affected by the passage of measures by the California legislature which are of a discriminating character."

The Japanese issue is believed to be responsible for a change made yesterday in the personnel of the senate committee on federal relations.

Among the anti-Japanese bills already before the legislature is one providing against the holding of land in California "by aliens not eligible to be citizens of the United States." It is learned also that a bill for the segregation of Japanese school pupils is to be introduced. It was a measure of this character that occasioned an international controversy in 1909. Upon the solicitation of President Roosevelt the state legislature at that time dropped the proposal.

Urbandale Car is
Again Attacked

Coal Miners Throw Rocks Through Windows of Car on Line Giving Unsatisfactory Service.

DES MOINES, Ia., Jan. 12.—Urbandale car No. 31, which was stripped of its furniture yesterday by indignant citizens, was repaired and put in service today, only to be again attacked. A crowd of coal miners threw bricks and rocks through the windows, but the motorman speeded away before serious damage was done.

PEARY'S REPORT APPROVED
BY THE SUB-COMMITTEE

Arctic Explorer May Be Retired with the Rank of Rear Admiral.

WASHINGTON, Jan. 12.—The report of Captain Robert E. Peary, Arctic explorer, was formally approved by a sub-committee of the house committee on naval affairs. The subcommittee at an executive meeting from which the two principal opponents of Captain Peary, Messrs. Roberts and Macon, were absent, adopted a favorable report to the full committee on the Bates bill, which extends the thanks of congress to Peary and retires him with the rank of a rear admiral in the engineer corps of the navy.

Captain Peary now is 52 years old and the action, if approved by the full committee and agreed to by the senate, will place him immediately on the retired list with about the same pay—\$5,000—as he is receiving as captain on the active list. The report probably will arouse a lively discussion when it reaches the house.

INCOME TAX IN MISSOURI

Governor Hadley Asks Legislature to Ratify Proposed Amendment to Constitution.

JEFFERSON CITY, Mo., Jan. 12.—Governor Hadley submitted to the legislature a resolution for the ratification of the income tax amendment. The governor supported the proposition. A bill providing for the nomination and election of candidates for representatives today. It is a bill by Representative George Cones of Meade county to prohibit the wearing of tight clothes on the stage or in public by any woman. It provides that the skirts of all women who appear in public must be not less than four inches below the knee.

Does your room
suit you?

In the list of rooms for rent, in today's Bee, you will find many desirable rooms not found in any other paper.

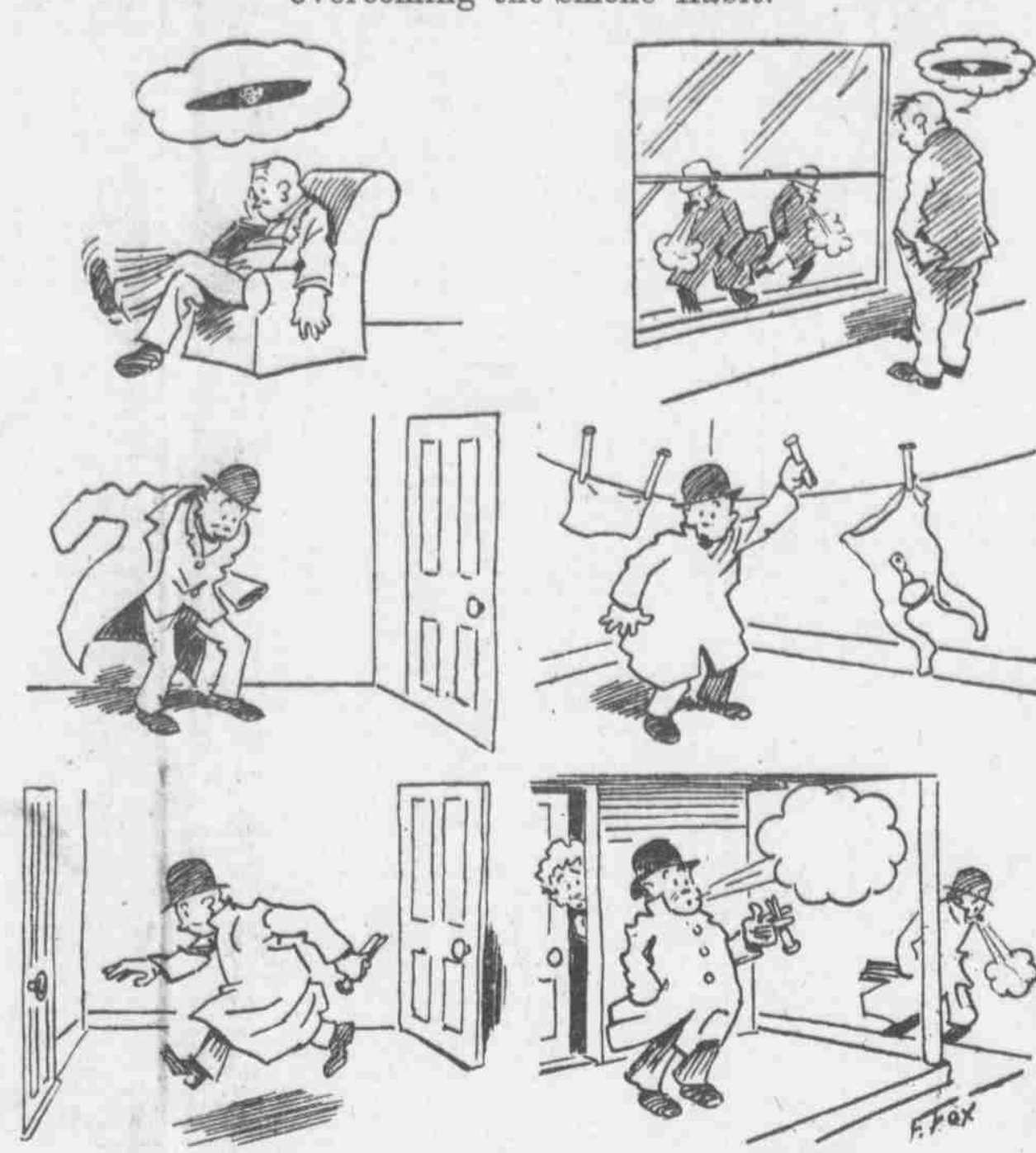
In event you should not find the one you are looking for, call Tyler 1000 and tell the want ad taker just what you wish.

An ad will be prepared for you that will bring results.

Quick results.

Don't wait.

Overcoming the Smoke Habit.



After Two Weeks of Abstinence Anything that Seems Like It is Good.

EXPLOSION DESTROYS STORE

Number of Persons Buried in Ruins of Building at Connelville, Pa.

FOUR ARE SERIOUSLY INJURED

Bodies of Number of Customers May Be Buried Under the Debris—Dozen Are Less Seriously Wounded.

CONNELLSVILLE, Pa., Jan. 12.—McCormick's 5 and 10-cent store, North Pittsburg and Apple streets, burst into flames at 10 o'clock today, when a gas explosion wrecked the building. The fire which followed communicated to adjoining structures.

Three young women clerks are missing, two clerks and the assistant manager and a carpenter are in the hospital dangerously burned, while a dozen or more other employees are in their homes suffering from injuries more or less serious. By noon the flames were under control and the property loss has been placed at \$5,000.

Dead Undetermined.

It cannot be determined whether the list of missing will be increased until the debris from the collapsed walls has been some over. There were customers in the store when the explosion occurred, but the exact number is not known, nor have their names been learned.

The known missing are: CHRISTOPHER SMITH, aged 17, clerk. NELLIE MITCHELL, aged 13, clerk. MARY WAGNER, aged 17, clerk.

There were about twenty customers in the store when the accumulated gas let go. The result was that a large number of people were killed and injured.

Ada Mitchell, a piano player employed in the store, complained to Manager Poff of the strong odor of gas and he went to investigate. Before his return the explosion had occurred.

Miss Mitchell, who was sitting by the piano, was hurled with the instrument from the back of the building through its entire length and into Apple street.

Fire appeared to start in all parts of the building and within a few minutes other walls began to fall. Merchandise was scattered upon the floor, many clerks being caught under the wreckage.

Two Explosions.

Later it developed that there had been two explosions—one in the Citizens' National bank, the front of which was blown out.

The cause of the disaster lies in the removal of a meter, it is stated, according to Manager Poff; workmen neglected to make the proper connections. Gas escaping from the pipes filled the store and probably the bank building. This was ignited in some manner and the explosion followed.

FIRST FREAK BILL IN KANSAS

Meade County Man Would Prohibit Wearing of Tight Clothing by Women on the Stage.

TOPEKA, Kan., Jan. 12.—The first freak bill made its appearance in the house of representatives today. It is a bill by Representative George Cones of Meade county to prohibit the wearing of tight clothes on the stage or in public by any woman. It provides that the skirts of all women who appear in public must be not less than four inches below the knee.

Twenty Men Killed
in Battle Opposite
Comstock, Texas

Sharp Fight Between Small Party of Insurrectos and About Two Hundred Mexican Troops.

COMSTOCK, Tex., Jan. 12.—More than twenty men were killed in a desperate battle between the Mexican federal soldiers and a small party of insurrectos on the bank of the Rio Grande opposite this point yesterday.

The insurrectos had only eighteen men and for three hours held at bay about seventy-five rurales and about 100 infantry soldiers. When darkness ended the battle the insurrectos held the field and the federal troops had withdrawn a couple of miles and camped. The insurrectos left a couple of hours later for their mountain headquarters, fifty miles away, carrying their wounded with them.

Of the eighteen insurrectos two were killed and seven wounded. B. S. O'Reilly, a correspondent with the insurrectos, received a slight wound.

Twice the rurales charged the insurgent position, once coming within fifty yards, but each time they were repulsed. The correspondent counted eighteen soldiers that were carried from the field during the battle.

Gigantic Smuggling
Scandal in Nicaragua

Number of Prominent Residents of New Orleans Said to Be Involved in Conspiracy.

NEW ORLEANS, Jan. 12.—With the news of the removal of Governor Fernandez of the Nicaraguan province of Zelaya, alleged complicity in a gigantic smuggling conspiracy, involving New Orleans and other ports on the gulf, comes an official statement from Bluefields, Nicaragua, to local exporting houses saying that a general shakeup of all Bluefields customs office has taken place.

The discovery of the plot, made by agents of the Bluefields Steamship company, disclosed the fact that the Nicaraguan government has been defrauded out of thousands of dollars duty on merchandise shipped in trucks by Nicaraguans residing in New Orleans and other gulf ports and listed as personal baggage.

The removal of Governor Fernandez caused a sensation both at Bluefields and New Orleans. A number of warrants have been made out for the arrest of prominent Nicaraguans residing in this city to be served if they ever return to their native country.

Nurse Testifies About the
Movements of Mrs. Schenk

She said Schenk did little to aid her husband, going out in the evening, and once she was out all night.

The witness declared that Mrs. Schenk opened the water bottles, "so the nurse would not hurt her fingers," and Schenk complained that she had an unusual taste. It made him vomit and when the witness drank a glass to see if it was all right she, too, became ill.

Mrs. Schenk, the witness continued, said the removal of Schenk to the hospital was a scheme of the Schenks to get John out of her hands.

"If John dies, you go into his pants pockets and get his keys and call me," witness declared Mrs. Schenk instructed her. "Albert Schenk will be there before I get across the bridge."

Witness said Mrs. Schenk cautioned her to take John's keys which unlocked a safety deposit box. Mrs. Schenk had called John's family "Dutch devils" on several occasions. "John is too old for me," Mrs. Schenk had said; "I want to get in society and he is all for business."

Some changes in the plans of the prosecution were made just before the opening of court today, and Miss Annis J. Evans, a nurse at the Schenk home during Schenk's illness, was the first witness called.

Miss Evans testified that on October 29 last Mrs. Schenk consulted two fortune tellers and told the nurse that both had

GROSSMAN SHIES
AT APPOINTMENT

Douglas County Member Enraged at Suggestion He Take Committee on Corporations.

MAKES BIG STR IN REFUSAL

Hurts Accusation of Inclination in Teeth of the Makers.

JASPER M'BRIEN INVESTIGATION

Prince of Hall Introduces Resolution to Carry This Out.

OMAHA CHARTER PRESENTED

Host of Measures of All Kinds Are Introduced—Number of Changes in Senate Committee—No Postage for House.

(From a Staff Correspondent.)

LINCOLN, Jan. 12.—(Special.)—Vigorously denouncing the insinuations that have been made against Douglas county members for corruption (Jan. 11), Grossman, appointed by the committee as chairman of the miscellaneous corporations committee, refused to take the place. His objection was the only incident that marked the presentation of the report of the committee on committees by Bulla of Douglas and without another sign of revolt the report was accepted by acclamation.

Bulla's resolution was in the form of a motion to have the speaker appoint the committees as named. The dry democrats and their allies, the dry republicans; the wet democrats, who were inclined to complain at some of the ruling of the state; the wet republicans, who have been shut out like pariahs with every man's hand against them, and all the other factions that have been mounting a glorious and blood-thirsty revolution over the state of the committee on committees were all docile and quiet, the compromises of the last minute having settled their troubles and calmed their fears.

Grossman Won't Have It.
But not so with Grossman. "I was not consulted when I was given that place," said he on the floor of the house, "and I told the speaker before it was offered to me that I would not take it. In view of the fact that it has been said that Douglas county has wanted everything I refuse to take this chairmanship. I repudiate the charge of wanting everything as far as I myself am concerned."

"I refuse the place because of the insinuations that have been made about corporations. I want to hurt the accusation into the teeth of every man who says that I am in the control of any corporation. I request the speaker to give this place to some other member."

On request of Member Gerdner, Grossman made his protest in writing for the record. Shoemaker of Douglas was suggested by one of the dry members as the committee to take Grossman's place and he may be offered it.

Another member of the committee remarked that the people who did the choosing could hardly have been guilty of considering Grossman a corporation man or they never would have given it to him.

W. A. Prince of Hall county introduced a resolution to have the accounts of the university extension work investigated by a committee. Prince pressed his resolution to indicate that it was a move friendly to Jasper L. McElrath, director of the university extension, who has been charged with there had been accusations of graft and irregularity something ought to be done to clear the director and clear the standing of the office. Mockett of Lancaster tried to get the measure tabled in order that members might have a chance to consider it thoroughly, but he was overruled and the resolution carried without opposition.

Omaha Charter Laid to House.
The charter for Omaha, which was brought down yesterday by the committee consisting of Mayor Dahlman, City Attorney Rine and Councilman Berka, was presented in the house this morning by Story of Douglas, chairman of the committee on cities and towns. City Attorney Rine was with him on the floor when it was brought up. Senator Horton, chairman of the similar committee in the senate, agreed to introduce the measure there.

Mott's Trolley Work.
A South Omaha colored man, Mott Tyrell, is being looked for on the accusation of having beaten an unemployed applicant for a janitorship out of \$5. Tyrell is said to have offered to get him a job at that price and to have disappeared with the money. Tyrell's power of dispensing jobs was rather questionable, considering the fact that he had been trying to get one for himself for a week and had been unable to do so.

"I have nothing to say concerning Mr. Dan Butler's remarks on primary fraud in Omaha," said Governor Aldrich this morning. "I have made up my mind not to answer any such challenges."

Morning Session of House.
The passing of fifty bills to their second reading, the introduction of seventeen new measures and the report of the committee on committees was the work of this morning's session of the house. The nature of prospective laws included several measures of more than ordinary interest. Answer of Otis introduced a measure providing for the erection of an armory and memorial building at Nebraska City on what is known as the old Fort Kearney site. H. R. 14, by Lawrence of Dodge, is a measure requiring public service corporations to issue "service letters" to resigning or discharged employees, and provides a penalty for disobedience thereof. Another measure tax amendment ratification was introduced in H. R. No. 55, by Dolan of Saunders. The first bill specifically regulating the use and operation of automobiles and other motor vehicles was introduced by Bassett of Buffalo in H. R. No. 56. McArde of Oshawa has an automobile auto measure in his target bag.

No Postage Stamps.
The house was called to order shortly after 9 o'clock by Speaker Kuhl. Following the usual opening proceedings a resolution providing for the allotment of postage stamps to the house members and the chief clerk, sent up by Hopewell of Maline, was read. Gerdner of Richardson declared that there was no constitutional provision whereby the members could vote stamps for themselves, and consequently moved that the resolution be tabled. The Gerdner motion carried.

Fuller of Seward offered a resolution wherein a flag to Tans, just back of the speaker's desk was requested from the sec-