

TOBACCO TRUST IS AN ILLEGAL COMBINATION

American Company and Its Associate Corporations Are Declared Parties to Unlawful Agreement.

COURT ORDERS IT DISSOLVED

Case Sent Back to Lower Court for Further Consideration.

CALL FOR NEW CONDITIONS

Parties Given Six Months to Reorganize Within the Law.

TIME LIMIT MAY BE EXTENDED

Additional Sixty Days to Be Given if Necessary is Shown.

RECEIVER MAY BE APPOINTED

If Plan Proposed is Not Satisfactory to Lower Court It May Issue Injunction or Wind Up Affairs of the Company.

BULLETIN.

WASHINGTON, May 29.—The American Tobacco company and its accessories and subordinate corporations and companies, including the English corporation today were held by the supreme court of the United States to be co-operators in a combination illegal under the Sherman anti-trust act.

First—That the combination, in and of itself, as well as each and all of the elements composing it, whether corporate or individual, whether considered collectively or separately, are decreed to be in restraint of trade and an attempt to monopolize and a monopolization within the first and sections of the anti-trust act.

Second—That the court below, in order to give effective force to its decree, it is decreed that the parties, by agreement or otherwise, as it may be deemed proper, for the purpose of ascertaining and determining upon some plan or method for dissolving the combination and of recreating out of the elements now composing it, a new condition which shall be in harmony with and not repugnant to the law.

Third—That for the accomplishment of these purposes, taking in view the difficulty of the situation, a period of six months is allowed from the receipt of our mandate, which leave, however, in the event, in the judgment of the court below, the necessities of the situation require to extend such period to a further time not to exceed sixty days.

Fourth—That in the event, before the expiration of the period thus fixed, a condition of disintegration in harmony with the law is not brought about, either as the consequence of the action of the court in determining an issue on the subject or in accepting a plan agreed upon, it shall be the duty of the court, either by way of an injunction restraining the movement of the products of the combination in the channels of interstate or foreign commerce or by the appointment of a receiver, to give effect to the requirements of the statute.

Pending the bringing about of the result, it is decreed by the court, each and all of the defendants, individual as well as corporations, are to be restrained from doing any act which might further extend or enlarge the power of the combination, by any means or device whatsoever.

History of the Case.

The American tobacco corporations were made the target of the second big trust prosecution of recent years. The first was the Standard Oil. Because the testimony taken in the tobacco case was not so extensive as that in the Standard Oil, the two cases were before the supreme court for consideration at the same time.

The attempt of the government to dissolve the tobacco corporation as violating the Sherman anti-trust law took shape in 1907. In that year a petition was filed in the United States circuit court at New York. The government asked that the American Tobacco company, its officers, directors and affiliated corporations, be prevented and restrained from restraining and monopolizing commerce in tobacco.

The restraints and the monopolies alleged by the government were said to have been obtained by an intricate system of corporate organization. It began in 1889 when

(Continued on Second Page.)

Aviators Are Busy Repairing Their Machines

Roland Garros and Andre Beaumont First to Reach Avignon—Both Have Motor Trouble.

AVIGNON, France, May 29.—A series of slight accidents impaired the progress of the aviators competing in the Paris-Rome-Tunis flight which was begun yesterday morning outside the French capital. Practically all the aviators are repairing their machines and keeping in the contest.

Roland Garros and Andre Beaumont, who were first and second, respectively, to cross the starting line yesterday, arrived here last night, having covered the 962 kilometers (600 miles) from the aerodrome at Buc in 12:45:00 and 13:35:00 respectively.

Beaumont and Garros both continued their flights today from this city to Nice, the end of the first stage, but both met with motor trouble. Garros was forced to land a short distance from Avignon and Beaumont, who landed at Brignoles. The distance from Avignon to Nice is 230 kilometers (150 miles).

Prof. the German aviator, and Kimmerring arrived here today and Kimmerring later resumed his flight toward Nice. Henry Weyman, the American, is still repairing his machine at Avignon, nearly east of Paris. Weyman was compelled to make three stops on account of motor trouble. During the third landing, the propeller of his machine was twisted and part of the frame broken.

A strong wind and big sea probably will prevent the aviators from crossing the Mediterranean to Genoa for the present. The rest of the contestants in the race are reported to be trailing along the course from Paris. Nagey damaged his machine descending near Laumes. He abandoned his aeroplane and returned to Paris.

MARSEILLES, France, May 29.—The American, Beaumont, succeeded in repairing his machine at Troyes and flew to Fréjus, where he began preparations to start for Nice.

BUC, France, May 29.—Despite a dangerous wind London, in a monoplane, crossed the starting line here today, bound for Tunis. He is determined to catch up with the other competitors in the race.

BRIGNOLES, France, May 29.—Andre Beaumont, the French aviator, who was forced to land here on account of motor trouble, resumed his flight toward Nice this afternoon.

LYONS, France, May 29.—While en route from Lyons to Paris, Henri Mouton, the French aviator, descended violently at Villeurbanne. His machine turned a somersault and its wings were demolished. The aviator emerged unhurt.

Hours of Service Law for Railroad Men is Upheld

Supreme Court Finds Statute Limiting Work to Sixteen Consecutive Hours is Constitutional.

WASHINGTON, May 29.—The hours of service law for railroad employees, passed by congress in 1907, was upheld today as constitutional by the supreme court of the United States. This decision was announced by Justice Hughes in the test case instituted by the Baltimore & Ohio Railroad company.

The act made it unlawful for any common carrier engaged in interstate commerce to permit any trainman subject to the act to remain on duty for a longer period than sixteen consecutive hours, or any telegraph operator more than nine or thirteen hours, according to the time the telegraph station is open for business. The act also created periods of rest for the employees.

The Baltimore & Ohio Railroad company attacked the law as unconstitutional on the ground that it applied to intrastate as well as to interstate railroads and employees. The order by which the Interstate Commerce commission placed the law into operation could not and did not attempt to delegate to the commission the power to require reports of violation of the law; that the labor and expense necessary to make the reports constituted a taking of the railroad's property without due process of law and therefore in violation of the constitution, and that it compelled self-incrimination by officers and employees of the railroad, also in violation of the constitution.

The objections to the law were met with denials by the government. Both the law itself and the order drafted by the Interstate Commerce commission were upheld as constitutional by the circuit court of the United States for the District of Maryland, where the case originated.

One Man Killed and Five Wounded in Feud Battle

Pitched Battle at Crum, Ala., Between Posse and Band of Alleged Cattle Rustlers.

PORUM, Okl., May 29.—One man was killed and five wounded in a pitched battle here today, which was the culmination of an old feud.

Dead: GEORGE MAXWELL. Injured: CHIEF Hester, shot through the stomach; Jesse Maxwell, shot through arm; Peter Graham, shot through the hip. Two unknown men, shot and wounded. The battle occurred on the edge of the town and about 100 shots were fired. The people of the community have been prosecuting the Davis faction of alleged cattle rustlers. Today's trouble resulted over the moving of some cattle. It occurred at the home of Pony Starr, a member of the Davis faction. Starr's friends were lined up on one side and a posse of citizens on the other. A special train with a sheriff and twenty deputies is on the way here from Muskogee.

SIR WILLIAM GILBERT DEAD

Author of Several Comic Opera Librettos Passes Away in London. LONDON, May 29.—Sir William Schwenk Gilbert, the British author and writer of comic opera librettos, died here this afternoon. He was born in 1836 and was knighted by King Edward in 1907. The famous collaborator of Sir Arthur Sullivan died suddenly of heart disease while in his bath.

JILTED FARMER DESTROYS FAMILY

James A. McDiety, Wife and Two Children Shot by James Fielder Near Pawnee.

KILLS SELF IN SCHOOL HOUSE

Defies Arrest for Several Hours Following His Escape.

GIRL IS NOT SERIOUSLY HURT

Woman He Wished to Marry is Only Slightly Injured.

SHERIFF IS FATALLY WOUNDED

Murderer, After Firing Three Shots at Officer Who Attempted to Arrest Him, Turns Gun on Himself.

TECUMSEH, Neb., May 29.—(Special Telegram.)—James A. McDiety, his wife and two children were murdered this morning by James Fielder, a farm hand, at the McDiety home, seven miles south of Pawnee City.

Fielder, who was employed by McDiety, had been paying attention to the latter's older daughter, and a quarrel started this morning when Fielder was told that he must cease annoying the girl. He drew his revolver and killed McDiety and then went to the house, where he shot Mrs. McDiety and the children in their beds. He also shot the girl he wished to marry, but she is not seriously hurt.

The murderer then fled to a school house, where he barricaded himself and defied arrest for several hours.

Sheriff Claude Fuller, who was summoned from Pawnee, called on him to surrender, and he replied by firing three shots, fatally wounding the officer. He then shot himself and died within a few minutes.

Sheriff Fuller can live but a few hours.

Special Grand Jury to Look Into Certain Acts of Lumbermen

Investigation Will Begin in Chicago June 5 with View to Prosecutions Under the Sherman Act.

CHICAGO, May 29.—A special grand jury will be empaneled before United States District Judge Kenesaw M. Landis June 5, to investigate "certain phases of the lumber business," with a view to prosecutions under the Sherman anti-trust law. A petition was presented to Judge Landis late today by Assistant United States Attorney Elwood Goldman. No information as to the scope of the investigation could be learned from the federal district attorney's office beyond the bare intimation that a definite plan of procedure had been mapped out and would be followed and that the rest would be left to the grand jury.

Taft to Make Long Trip Through West

President Will Attend Home Folks' Day at Salt Lake City and May Go to the Coast.

WASHINGTON, May 29.—As having a probably bearing on his nomination in 1912, President Taft's plans for the coming fall are attracting unusual attention.

Today the president told Senator Smoot of Utah that he expected to accept an invitation to visit Salt Lake City in September, when the annual state reception to old home folks is being held there.

The White house travel book already shows engagements which will carry the president into Kansas and from there to Utah. Although no engagements or stops in Nebraska or Colorado have yet been made, it is likely they will be. The trip may take the president as far as the Pacific coast.

ROOSEVELT WILL DELIVER MEMORIAL ADDRESS TUESDAY

NEW YORK, May 29.—Theodore Roosevelt will deliver the chief Memorial day oration in New York tomorrow. He will speak at Grant's tomb, under the auspices of the U. S. Grant post of the Grand Army of the Republic.

Mrs. Emerson Gives Divorce

BALTIMORE, May 29.—A decree of absolute divorce was signed today for Mrs. Isaac E. Emerson in her action against Captain Emerson, the millionaire drug manufacturer. Mrs. Emerson was awarded alimony to the amount of \$25,000 annually and the family home in Eutaw Place.

Danish Student Singers Who Are Visiting in Omaha



ONE DEAD AND TWO WOUNDED

Marital Difficulties in Watts Family Cause Shooting.

IRATE HUSBAND IS THE VICTIM

George Brown Held at South Omaha Jail to Answer for Killing —Razor Fight Precipitates the Conflict.

One dead and two seriously wounded resulted from an early morning shooting scrape on the corner of Twenty-eighth and Q streets, South Omaha, Monday morning. The dead man is John Watts, 38 years old, 300 R street, shot through the chest, who died before he reached the hospital. The injured are Nelson Davis of 220 R street, shot through the left forearm, and Will Mayfield of 220 R street, who sustained a painful scalp wound. The latter two were injured bystanders.

George Brown of 300 R street, who did the shooting, is colored, as are all the victims of his bullets. Brown is held at the jail.

Marital troubles of Watts, who formerly lived with his wife at the above address, led to the shooting. Brown, it is said, has been paying attention to Watts' wife. Watts and Brown have quarreled at different times over the relations between the two. Hot words have frequently resulted, which finally culminated in a row Sunday night, but serious trouble was averted.

Watts, according to eye witnesses, was standing on the corner of Twenty-eighth and Q streets early Monday morning in company with Daniels and Mayfield. Brown came along on his way to work at Swift's packing house, where he is employed as a cinder wheeler, when the quarrel was renewed.

Watts whipped out a razor, according to Brown, when the latter opened fire with a .38 caliber revolver, firing five shots in all. The first laid Watts low, the bullet piercing the chest. Daniels and Mayfield took to their heels, but Brown turned the revolver in their directions and both were brought to the ground.

At the police station, Brown told the officials that Watts had threatened his life, threatening to kill him on sight. The shooting, he says, was in self-defense. The other injured man will recover, physicians say.

Big Outdoor Resort in San Francisco Burned Early Today

Bodies of Three Men Recovered from Ruins of the Chutes and Several Others Are Missing.

SAN FRANCISCO, May 29.—Three bodies have been recovered from the ashes of the fire that destroyed the Chutes, San Francisco's largest outdoor amusement resort early this morning. Firemen are searching the ruins for bodies of others still unaccounted for.

Occupants of an adjoining lodging house, which caught fire, were aroused from their beds to find that escape was cut off. Before the firemen arrived, Della Alvino, a 35-year-old girl, and John Foster, jumped from a second story window. Both were dangerously injured. Adam Williams, an employee of the resort, unable to prevent Miss Alvino from jumping, attempted to catch her as she fell and suffered a broken wrist.

Mrs. Ida McFarland, who was sleeping in a room with two other women in the lodging house, awoke to find her companions hysterical and unable to move. She dragged them to a window ledge and held them until the firemen arrived with ladders.

John Boettlinger and another man whose name is not known, who were sleeping in the lodging house, are believed to have perished.

The theater of the Chutes, which was built of concrete, is the only building within the resort saved. The loss is estimated at \$200,000.

One of the bodies recovered has been partially identified as that of John Walker of this city. Another is believed to be that of John Boettlinger, who was asleep in a house which was consumed by the flames. The third body taken from the ruins is that of either a young boy or girl.

Oklahoma City Wins Capital Fight

Supreme Court Declined to Hold that Statute Removing It from Guthrie is Constitutional.

WASHINGTON, May 29.—The capital of Oklahoma will remain at Oklahoma City so far as the supreme court of the United States is concerned. That tribunal today declined to hold that the Oklahoma statute enacted last December to remove the capital from Guthrie was unconstitutional.

Villjoen Helps Trap Plotters

Behind the arrest of the two alleged conspirators last night is the story of several weeks' conferences and the exchange of many telegrams. Soon after the battle of Juarez General Villjoen received a telegram from Mexico City, declaring that "the government wants to make a proposition."

The telegram was signed Villjoen. Madero was informed of the telegrams and concluded to give every encouragement to those behind the overtures. Villjoen accepted.

(Continued on Second Page.)

"Where Sleep the Brave"



MONUMENTS TO DEAD SOLDIERS IN OMAHA CEMETERIES.

FAST BURLINGTON TRAINS IN CRASH MANY ARE KILLED

Fine Persons Killed and Twenty-Five Injured in Wreck Near McCook, Neb.

THREE OMAHA MEN ARE HURT

Pitcher Bert Keeley, W. W. Marks and P. A. Ivens Among Victims.

TWO BASE BALL TEAMS IN WRECK

Clubs from Omaha and Denver Were Enroute to Latter City.

NONE OF PLAYERS BADLY HURT

President of Denver Team Has Bone in Foot Broken.

FOUR OF THE DEAD TRAINMEN

Two Are Residents of Holdrege and Two Express Messengers—Tourist Sleeper and Baggage Car Overturned.

BULLETIN.

CAMBRIDGE, Neb., May 29.—(Special Telegram.)—Four of the seriously injured passengers who were in the fatal wreck at Indianapolis were brought to the Cambridge hospital. Hiram Feekin and Lena Feekin of McCook and Mr. and Mrs. H. H. Culbertson of Wyoming, Ill. Mrs. Culbertson died at 4:00 p. m. and physicians say both members of the Feekin family cannot live.

MCCOOK, Neb., May 29.—East and west-bound passengers Nos. 9 and 12 on the Burlington railroad, met head-on in a fog, nine miles east of McCook, about 8 o'clock this morning. Nine bodies have already been brought to the morgue in this city.

The members of the Denver and Omaha base ball teams of the Western league were passengers on the west bound train, the Colorado limited. A number of members of both teams were injured. James McCall, president of the Denver team had a bone in his foot broken.

The dead: ENGINEER JOHN W. HYDER, Lincoln, Neb.; train 12; FIREMAN DAMERON, Lincoln, Neb.; train 9; ENGINEER W. T. LEAHY, Lincoln, Neb.; train 9; FIREMAN A. J. OLSON, Lincoln, Neb.; train 9; EXPRESS MESSENGER GEO. FREER, Omaha; train 12; EXPRESS MESSENGER FRASIER, Lincoln, Neb.; train 12; RUBEN SHIFFERD, Holdrege, Neb.; traveling man for Shumway Hardware company; CLARENCE A. HILSBACHER, Holdrege, traveling man; H. H. GILBERT, a Burlington fireman, on train as a passenger.

None of the passengers was seriously injured, according to J. F. Valley, general agent of the Burlington railroad in Denver. The list of injured includes: W. W. Marks, 219 Maple street, Omaha; P. A. Ivens, 215 North Eighteenth street, Omaha; Bert Keeley, of Omaha base ball team; James McGill, 643 Chicago street, Denver, Colo.; W. H. Harris, Jr., Max, Neb.; Robert M. Anderson, 74 U street, Washington, D. C.; Carl Perry, Neb.; J. D. Wilson, Tohans, Neb.; H. B. Shillett, Adena, Ohio; Samuel Davis, Williamsburg, Colo.; Irving Steff, Poncha, Mich.; E. C. Noel, Oxford, Neb.; E. W. Kinella, 115 Broadway, Denver, Colo.; J. Gately, Groves, Neb.; C. H. Anderson, mail clerk, 221 Q street, Lincoln, Neb.; H. B. Culbertson, Brimfield, Ill.; Maggie sentence, McCook, Neb.; E. G. Gage, 424 Pearl street, Denver, Colo.; R. E. Hunt, cream car messenger, 327 North Ninth street, Lincoln, Neb.; Conductor William J. No. 12; A. G. Higbee, McCook, Neb.; George Weaver of Minden, not seriously injured; Brakeman Dave Burnett of McCook, broken arm and other injuries; Mr. and Mrs. M. H. Feekin of Havlock, slight.

Pitcher Kinella had his face badly cut and Second Baseman Lloyd suffered minor injuries. No member of either team was badly injured. The day coach on the limited was totally wrecked and in this car most of the casualties occurred.

The tourist sleeper and baggage car were thrown on their sides, but so far as known their occupants escaped serious injury.

Surgeons and nurses have been summoned from McCook and other nearby towns.

Dead Will Be Taken to McCook. Two relief trains have gone from McCook carrying every available physician in the city.

Both trains were running at high speed when the collision occurred, but the force of the collision was apparently felt more by the heavy west-bound train, the Colorado limited, which was made up of a baggage and express car, day coach, two tourist sleepers, a Pullman sleeper and an observation car.

The day coach was reduced to splinters, and in this coach most of the casualties occurred. One of the tourist sleepers, containing the members of the Denver Western league base ball team, was thrown on

its side.

The baggage and express car, day coach, two tourist sleepers, a Pullman sleeper and an observation car.

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The Weather

For Nebraska—Unsettled. For Iowa—Unsettled.

Temperature at Omaha Yesterday.

Table with columns for Hour, Deg., and a small graphic of a weather instrument.

Comparative Local Record.

Table with columns for Highest today, Lowest today, Mean temperature, Precipitation, and other weather statistics.