

SUIT TO SEPARATE MINES AND ROADS

Government Bill to Vitalize
Commodities of Coal.
TEST CASE OF LEHIGH VALLEY RAILROAD
Bill is Filed in United States Court
in Philadelphia.
COAL COMPANIES ONLY A DEVICE
Complaint Charges that Railroad
Really Owns Coal Transported.
SUBSIDIARIES PAY NO DIVIDEND
They Buy Coal and Sell it at Nominal
Loss, Depending Upon Profit
from Freight to Make the
Deal Pay.

WASHINGTON, July 6.—The government will renew the fight to disassociate the great coal-carrying railroads from their virtual control of mines and thus vitalize the commodities clause of the interstate commerce law. A test case against the Lehigh Valley railroad will be filed today in the United States court in Philadelphia. That the Lehigh Valley Railroad Coal company, Cox Bros. Inc., the New York & Middlefield Railroad and Coal company and the Lehigh Valley Railroad and Coal company are not bona fide coal companies, but merely adjuncts to the Lehigh Valley railroad and are "devices for evading the commodities clause" is the government's principal complaint.

It is also alleged the Lehigh Valley, with the object of removing competition, has caused the Lehigh Valley Coal company to contract at a loss for the output of other anthracite operators, has transported the coal over its own lines and through the coal company has fixed the prices in New York and other markets.

The government charges that although the buying of coal from other operators has been done at a loss to the coal company it has enabled the Lehigh Valley railroad to transport the coal over its lines and profit from the freight charges.

Coal Company a Dummy.
To support its claim that the coal company is merely a "dummy," the government states that the officers of the railroad and the coal company are the same and that certain members of the directorate and the executive committee of the railroad are members of the directorate and executive committee of the coal company.

The government's complaint also said that since the capital stock of the coal company had been owned by the railroad it has paid no dividends, that millions of dollars have been advanced by the railroad to the coal company which have never been repaid and that the railroad has sold the interest on the coal company's bonds, being compensated, the government claims, by the earnings of transportation of coal over its lines.

By proving that the Lehigh Valley railroad is actually the legal owner of the Lehigh Valley Coal company, the government hopes to bring its case into line with the recent decision of the supreme court in the commodities clause case, strike down dummy coal companies and force the coal-carrying railroads from their control of mines.

Separate from Coal Case.
While in effect the government's action is a blow at the so-called coal trust, the case is separate from that suit, which is now on appeal to the supreme court.

In the government's original commodities clause action against anthracite roads, which was begun in 1908, the courts held that a railroad company might own stock in a coal company and not violate the commodities clause if it did not own or have any interest in the transportation of coal of that company.

NEW BISHOP OF LINCOLN CONSECRATED AT WICHITA



Monsignor Tihen is Consecrated as Bishop of Lincoln

Several Bishops and 300 Priests from
Neighboring States Take Part in
Ceremonies at Wichita.

WICHITA, Kan., July 6.—Monsignor John Henry Tihen, formerly chancellor of the Catholic diocese of Wichita, was this morning consecrated bishop. He will go at once to Lincoln, Neb., to take charge of the Lincoln diocese.

There was a most notable gathering of the Catholic dignitaries in Wichita for the consecration ceremonies. Among those present were Archbishop Glennon of St. Louis, head of the province to which Wichita is included; Bishop Hennessey of Wichita, who is the consecrator; Bishop Scannell of Omaha and Bishop Lilles of Kansas City, Mo., co-consecrators; Bishops Metz of Denver, Janssen of Belleville, Ill.; Ward of Leavenworth, Cunningham of Concordia, Merchants of Oklahoma, Burke of St. Joseph and Innocent Wolf, abbot of the Benedictine order of Atchison.

In addition to these nearly 300 priests from the neighboring states took part in the ceremonies.

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With that decision the commodities clause was considered by many a dead letter, but Attorney General Wickersham carried the case to the supreme court, where it was decided that the government might amend its complaint and involve the question of fact as to whether the railroad has any interest in the coal which it transported.

Judge Gray of the United States circuit court of the eastern district of Pennsylvania, signed an order at Wilmington, Del., this morning, permitting the filing of the amended complaint. The government is represented in the action by the attorney general, James A. Fisher, his assistant, and Edwin P. Grosvener, special assistant attorney general.

WICKERSHAM ON RULE OF REASON

Attorney General Discusses Recent
Decisions of Supreme Court in
Address to Michigan Bar.

GIVE LIFE TO SHERMAN LAW
It is Now an Effective Weapon for
Use Against Trusts.

AREA OF UNCERTAINTY LESSENED
Reasonable Construction Takes Place
of Literal Interpretation.

SEVERAL PRINCIPLES SETTLED
No Form of Corporate Organization
or Lapse of Time Can Bar Court
of Equity from Terminating
Illegal Contract.

BATTLE CREEK, Mich., July 6.—Attorney General Wickersham spoke before the Michigan State Bar association here today and discussed the supreme court's recent interpretation of the Sherman anti-trust law in the Standard Oil and tobacco cases. He gave his unqualified endorsement to the court's application of the so-called "rule of reason."

Those who have thoughtlessly yielded to the superficial conclusion resulting from the application by the chief justice's rule of reason to the interpretation of the Sherman law, he added, "can find but little to justify the idea that the Sherman law has been made ineffective by those two decisions, for precisely the contrary is established by those two great judgments."

"The most cursory examination of the decision in the tobacco case—the most casual consideration of the drastic and far-reaching remedy imposed—makes it perfectly apparent that the Sherman law, perhaps for the first time has been demonstrated to be an actual, effective weapon to the accomplishment of the purpose for which it was primarily enacted, namely, the destruction of the great combinations familiarly known as trusts."

Area of Uncertainty Narrowed.
"The area of uncertainty in the law has been greatly narrowed and its scope and effect have been pretty clearly defined. The literal interpretation has been repudiated and the application of a rule of reasonable construction declared. There always will be a field of uncertainty insofar as an investigation of facts is required—particularly when instant becomes a necessary consideration, but, surely, may now be said to be beyond controversy."

"That ordinary agreement of purchase and sale, of partnership or of corporate organization do not violate the first section of the Sherman act, even though incidentally and to a limited degree they may operate to restrain competition in interstate or foreign commerce between the parties to such agreement. But any contract, combination or association, the direct object and effect of which is to control prices, restrict output, divide territory, refrain from competition or to exclude or prevent others from competing in any particular field of enterprise, imposes an undue restraint upon trade and commerce and is in violation of the first section of the act."

"This principle applies to all associations of competitors of a character usually known as pools, agreements, trusts, combinations, or agreements to control prices, or to control output, or to divide territory, or to restrict competition, or to exclude or prevent others from competing in any particular field of enterprise, imposes an undue restraint upon trade and commerce and is in violation of the first section of the act."

Size Not Monopoly.
"Size alone does not constitute monopoly. The attainment of a dominant position in a business acquired by the result of honest enterprise and normal methods of business development, is not a violation of the law. But unfair methods of trade, by destroying and excluding competitors by means of intercorporate stockholdings, or by means of agreements between actual competitors to control prices, or to control output, or to divide territory, or to restrict competition, or to exclude or prevent others from competing in any particular field of enterprise, imposes an undue restraint upon trade and commerce and is in violation of the first section of the act."

Brussels Conference Appoints Committee of Thirty Heads by Gary to Work Out the Details.

BRUSSELS, Belgium, July 6.—The steel men concluded the business which had called them together from nine steel-producing countries in a brief session today and adjourned. Most of the Americans left for Paris late in the afternoon.

The conference appointed a committee of thirty, made up of members proposed by each national group, to work out a plan for an international steel organization and submit it to the full conference when called.

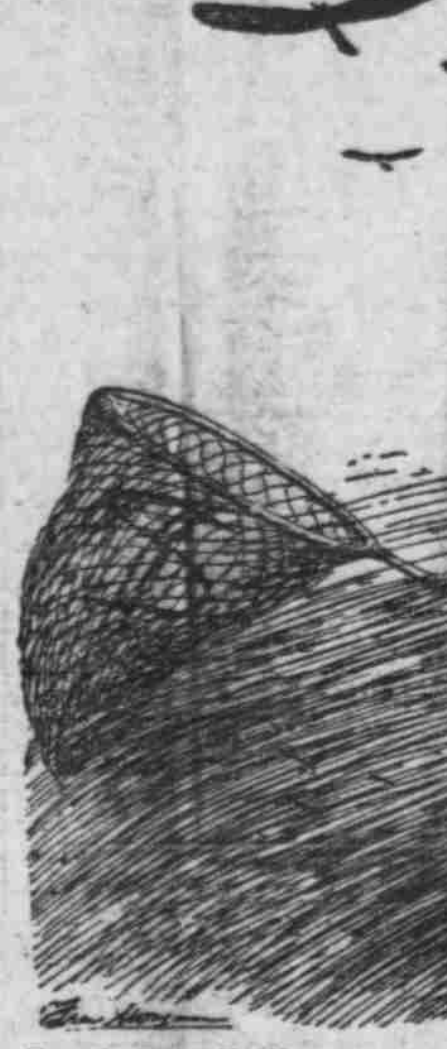
The American members of the committee are Judge E. H. Gary, chairman of the board and President A. J. Farrell of the United States Steel corporation; Charles M. Schwab, president of the Bethlehem Steel corporation; E. A. S. Clarke, president of the Lackawanna Steel company and Willie S. King, vice president of the Jones & Laughlin Steel company.

The committee organized by making Judge Gary chairman and W. B. Peat of England, secretary and adjourned to meet again when summoned by the chairman.

Following their deliberations the delegates were received at the palace by King Albert and later visited the battlefield at Waterloo, nine miles from the Belgian capital.

Judge Gary said he felt that distinct progress had been made toward a "common world of feeling and practice in steel affairs." He is satisfied with the results thus far accomplished through the international exchange of opinion.

Watching and Waiting



From the Boston Herald.

McNamara Defense Spirals Surprise ; Cases Are Called

Defendants Refuse to Plead to Charge
of Murder, Saying Extrajudicial
Alleged Dynamiting.

LOS ANGELES, July 6.—The defense in the McNamara dynamite conspiracy case sprung a surprise today when John J. McNamara, the accused Indiana labor leader, and his brother, James B., were called into Judge Bordwell's department of the superior court.

Both men were summoned to plead to thirteen charges of murder, the result of the destruction of the Times giant. In addition, John J. McNamara was expected to plead to the charge of conspiracy to destroy the Llewellyn Iron works. Instead he challenged the jurisdiction of the court, claiming that it had no right to exact a plea on either the thirteen charges of murder or the Llewellyn Iron works indictment, because the grand jury was biased and because Earl Rogers, who acted as a special district attorney to aid the investigators during the investigation, had previously been active on behalf of the Times and the Merchants' and Manufacturers' association during the search for evidence.

The prosecution met the move of the defense with a motion to disallow the plea to jurisdiction.

An argument on the relevancy of John McNamara's action ensued.

Stokes Tells of Shooting
Millionaire Wounded by Two Girls
Testifies at Trial.

NEW YORK, July 6.—There was a display of summer finery that made the crowd in Tombs police court today forget the heat when Miss Ethel Conrad and Miss Lillian Graham appeared for examination on the charge of attempting to murder W. E. D. Stokes, the millionaire hotel man. In contrast to the blooming defendants Mr. Stokes looked pale and worn. The girls were accompanied by Mrs. John Singleton formerly of Los Angeles, Miss Graham's wealthy sister. Mr. Stokes, as the first witness, narrated the events of June 7, when he was shot. He said Miss Conrad called him on the telephone and told him Miss Graham had gone to Europe and asked him to call and get letters Miss Graham had left for him. Miss Conrad smiled sweetly when she received him at her apartment, and left him alone a moment, saying she would go for the letters. When she returned, said Stokes, she bolted the door behind her and approached with her hands behind her back.

"At the same time through the door into the hall I saw Miss Graham leveled at me. Stepping in front of me she said: 'Now I have got you.'"

Then, continued Stokes, Miss Graham told him she must pay her "doing her great moral damage, defaming her mother and sister." They told him, he said, that unless he complied with their demands they would kill him and "would have no difficulty getting rid of his body."

Stokes said he refused to sign a statement that he defamed Miss Graham. Thereupon, he said, the girl demanded money. "The death of \$25,000," said Miss Graham, according to the witness.

"I told them," said Stokes, "that if it were a case of death or one cent I'd choose death."

The Graham girl, he went on, "said to me, 'You will kill me.'"

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MR. NORRIS MAKES CHARGES

Congressman Accuses President's Secretary of Running News Bureau.

ALLEGES SUPPRESSION OF FACTS
Nebraska Says Progressives Are Being
Wronged by Conspiracy of
Big Newspapers—Echo of
Shotwell Incident.

WASHINGTON, July 6.—Charges that Charles D. Miller, secretary to the president, is acting as the head of a "political news bureau" which "suppresses truth" and issues "ungrounded and false" reports as to sentiment concerning presidential candidates were made today in a letter from Representative Norris of Nebraska, insurgent leader in the house, addressed to the Nebraska progressive republican league.

Representative Norris charged that the "suppressed" facts relate to sentiment favoring the candidacy of Senator La Follette for the presidency.

His letter was in answer to telegrams from the Nebraska progressive republicans repudiating the report of Frank A. Shotwell, who, they say, had reported himself as an agent of the league and as such had given out several statements favoring the re-election of President Taft.

Mr. Norris charged that the progressives had been wronged by a "conspiracy of great newspapers" in suppressing news relating to the progressive movement. After referring to a series of articles printed in the "New York Times" and "Washington Post," he said:

"These various articles have earmarks that strongly indicate they originated in the White House. I do not think that the president himself dictated them and I do not know that he had knowledge of them, but it is generally understood that the information came from his private secretary and almost without exception these objectionable articles contain items of information that necessarily must have come from one closely connected with the White House."

"I am reluctantly led to believe that the president's private secretary is the head of a political news bureau that is making determined effort to suppress any sentiment in favor of the candidacy of Senator La Follette and to do this by the suppression of truth and the publication of ungrounded and false reports."

Peeping Tom Has Flashlight
Citizens of Edgemont Watching for
Enterprising Nuisance with
Shotsguns.

SIoux FALLS, S. D., July 6.—(Special.)—A "Peeping Tom," with unusual methods of carrying on his operations, has appeared at Edgemont, and the citizens now are keeping a close watch for him, and promise to let him fill full of lead if he is detected in the act of spying on the residents. The unidentified individual appears at the windows of residences late at night, and instead of being satisfied to peer into them he has provided himself with a flashlight, the rays of which he turns into the rooms which he desires to inspect. Naturally this has greatly angered the residents and they are sparing no efforts to run him down.

Girl Saves Father's Life
John Denker of Gregory County, S. D.,
Dragged from Burning Building
by Daughter.

SIoux FALLS, S. D., July 6.—(Special.)—Through the heroism of his 14-year-old daughter the life of John Denker, a well known Gregory county homesteader, was saved when he was overcome by heat and smoke while trying to save his automobile from a burning building. The daughter rushed to his rescue and succeeded in dragging him from the burning structure. The building was set on fire by a bolt of lightning, and efforts of the neighbors and others to save it were useless, nothing being left of it but a mass of smoldering ruins. Denker's financial loss was about \$1,500.

Relief Comes to Chicago.
CHICAGO, July 6.—Two hundred and one deaths and 22 protrusions was the toll exacted by Chicago's record heat wave, which lasted for five days. One hundred and twenty-five infants who died from the heat are included in the list of dead.

Boxes of O'Brien's Candy.
Round trip tickets to Lake Manawa.
Quart bricks of Dalsell's ice cream.

All given away free to those who find their names in the want ads. Read the want ads every day, your name will appear sometime, may be more than once.

No puzzles to solve nor subscriptions to get—just read the want ads.

Turn to the want ad pages—now.

MERCURY IS DOWN HOT WAVE SPENT

Great Central Valley Gets Relief from
Extreme Temperature of Last
Few Days.

HUNDRED MARK NOT TOUCHED
From Buffalo to Salt Lake the Air
Has Cooled Off.

LIGHT LOCAL RAINS REPORTED
No General Disturbances, but Some
Very Timely Showers.

NEBRASKA CORN BELT REVIVES

Rainfall Covers Large Area and Much
Good Comes to the Crop from
Even a Small Amount of
Water.

Some Thursday Maximums.
North Platte 74
Omaha 74
Dodge City 74
Pueblo 74
Toledo 74
St. Louis 74
Chicago 74
Buffalo 74
Cleveland 74
Detroit 74
Milwaukee 74
Minneapolis 74
St. Paul 74
Portland, Me. 74
Boston 74
New York 74
Philadelphia 74
Washington 74
San Francisco 74
Los Angeles 74
San Diego 74
Albuquerque 74
Phoenix 74
Salt Lake City 74
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