

Our Magazine Page will interest every woman who likes good heart-to-heart talks with other sympathetic women

# THE OMAHA DAILY BEE

THE WEATHER  
Fair; Warmer

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## PATENT LAWS DO NOT SHIELD VIOLATORS OF ANTI-TRUST LAW

Supreme Court Makes Sweeping Decision in Case of the Bath Tub Combine.

### LICENSE AGREEMENT VOID

Restrictions in Contracts Not Covered by Patent Rights.

### LIMITATIONS TO THE MONOPOLY

Privileges Under Patents Cannot Be Used to Restrain Trade.

### GOVERNMENT WINS ALL POINTS

Contention that Defendant Corporations Are Not Engaged in Interstate Commerce Is Held Without Merit.

WASHINGTON, Nov. 12.—The supreme court of the United States today delivered a death blow at violations of the Sherman anti-trust law under the cloak of the protection of the patent laws, by annulling as invalid "license agreements" which held manufacturers of sanitary enameled iron ware together in the combination known as the "bath tub trust."

Justice McKenna delivered the unanimous opinion of the court. He said that rights conferred by patents were extensive, but did not give a universal license against the positive prohibitions of the Sherman law. The decision fully sustained the government in its fight begun over a year ago against the bath tub and enameled ware manufacturers.

The fight against the enameled ware manufacturers was begun by the government in the United States district court of Maryland, it being charged that the fifty defendants named had entered into a combination to restrain interstate trade in sanitary enameled iron ware and had attempted to monopolize that trade.

Methods of Combination.  
One of the individual defendants was Edwin L. Wayman, with whom the corporate defendants and their officials were charged with having entered into illegal agreements, in effect the purchase of a patented enameled tool. Wayman was to refund part of the license fee if the manufacturers had not violated any conditions of the agreements, among these conditions being one that they would not sell to any jobber who does not sign a contract not to buy from any one other than the corporate defendants, and another that they would not sell at a lower price or on more attractive terms than those named in a schedule of prices attached to the agreement.

New Epoch for Trust Prosecutions.  
The lower court held that the agreements destroyed competition and fixed prices in violation of the Sherman law and furthermore that the patent on the tool makes the agreements lawful. The lower court prohibited the defendants from attempting further to restrain trade by means of the agreements pronounced illegal.

Justice McKenna in announcing the decision of the supreme court called attention to the effectiveness of the combination made possible among enameled iron ware manufacturers through Wayman's plan to grant licenses on his improvement for enameling.

The decision marked an epoch in anti-trust decisions because it sustained the government's contention that a violation of the Sherman anti-trust law could not be concealed behind the patent laws of the country. The decision of the lower court was upheld throughout as to the named defendants and the Colwell Lead company, which claimed it was not engaged in interstate commerce.

Restraint of Trade Clear.  
"The agreement clearly transcended what was necessary to protect the use of the patent, or the monopoly which the law conferred on it," said Justice McKenna. "They accomplished a restraint"

## Offices of Promoters in Six Cities Raided by Federal Marshals

CINCINNATI, O., Nov. 18.—In simultaneous raids in six cities today a score or more persons were arrested charged with using the mails in defrauding a large number of individuals and corporate companies out of sums which federal officers say may aggregate \$1,500,000.

The following members of the alleged ring were indicted by the federal grand jury today: F. D. Minyard, now in Cleveland; J. Gordon Malcolm, who went to Canada before the indictments were returned; Thomas Flashwick, now in Boston; George S. Hannaford, now in Chicago; and J. E. Long, now in Buffalo.

The indictments charge the use of the mails to defraud. The men are said to have lured promoters and infant stock corporations out of thousands of dollars secured through commissions for arranging the guaranty of the securities of those victims by stock and bond insurance companies controlled by the alleged swindlers. After paying the commissions demanded the alleged victims are said to have found that the interest of the ring in their proposition came to an end.

According to Mr. McPherson the men under indictment have secured from victims over the country about \$200,000. The men formerly had an office in Cincinnati, and much of the evidence against them is said to have been furnished by a woman stenographer who had been employed in the office.

It is further alleged that the scheme was not confined to the United States, but extended into Canada and England. Postoffice inspectors have been to London to investigate the branch office there and declare that it works hand in hand with the office in America.

Attorney Gibson is Arraigned for Murder of Woman Client  
GOSHEN, N. Y., Nov. 18.—One hundred and ninety taxmen, most of them farmers, crowded into the little court room here today for the trial of Burton W. Gibson, the New York lawyer, charged with murder in the first degree in causing the death of his client, Miss Rosa Menschik Szabo. The attorneys hoped to fill the jury box today, and the prosecution "threw it" if might be ready to rest the case by Thursday.

District Attorney Rogers will endeavor to prove that Mrs. Szabo's death while boating with Gibson in Greenwood lake, July 16 last, was due not to drowning, but to strangulation, and that Gibson hurled her from the rowboat into the water, grappled with her and choked her to death. Dr. Otto Schultze of New York, the coroner's physician who performed the autopsy, testified at Gibson's examination that Mrs. Szabo died of strangulation by "compression from without." The defense holds that Mrs. Szabo died of drowning and that the death was accidental. Gibson had not decided this forenoon whether he would take the stand. As a motive for the alleged murder the state will seek to prove that Gibson coveted his client's \$10,000 estate, of which, under a will drawn by him for Mrs. Szabo, he was named as executor. Mr. Rogers will attempt to show that \$7,000 of this estate, partly administered by Gibson prior to his arrest, is missing. Jacob J. Singer of Gibson's counsel said today that the \$7,000 was paid to a woman known to Gibson as Mrs. Petronella Menschik, mother of Mrs. Szabo, and that Gibson had receipts to prove it. Mrs. Petronella Menschik died in Vienna two years ago. The woman who Gibson says impersonated her has vanished.

Man Suspected of Killing Many Boys is Under Arrest  
ROCHESTER, N. Y., Nov. 18.—In George H. Sterns, who claims Boston as his home, the Rochester police believe they have the murderer of Joseph Joseph, the Syrian boy of Lackawanna. Sterns was arrested Saturday night on a charge of maltreating a boy. The description answers every particular the police say of that of the Lackawanna murderer.

Commons Settles Home Rule Quarrel  
LONDON, Nov. 18.—An amicable agreement of the home rule quarrel in the House of Commons was brought about today when the dispute as to the government method of procedure, which led to much disorder last week, was settled.

Portions of Bombs Identified in Trial  
Blacked pieces of infernal machines which figured in the explosion at Los Angeles, Cal., on October 1, 1910, when twenty-one people were killed in the wreck of the Times building, were identified at the "dynamite conspiracy" trial today.

Explosion Occurs After Bomb is Removed from Place.  
SUIT CASE AT HOUSE OF OTIS  
CAPLAN AND SCHMIDT ACTIVE  
Alleged Accomplices of McNamara in Los Angeles Explosion Never Found by Detectives Who Conduct Search.

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Democrats Win First Point in Contest in California  
LOS ANGELES, Cal., Nov. 18.—While the democrats won one point—that of jurisdiction—today in their mandamus proceedings against the presidential vote canvass by the County Board of Supervisors, Justice M. T. Allen of the district court of appeals indicated he would throw the matter out of court unless specific instances of fraud in the canvassing of the ballots were cited. The court ruled that it had jurisdiction in election fraud cases, a point contested by the supervisors, but postponed the case until Wednesday, instructing the democrats to bring in an amended petition tomorrow setting forth specific cases of the fraud charged.

Jack Johnson Wants Case to Test Mann Law Advanced  
WASHINGTON, Nov. 18.—Through his attorney Jack Johnson, the negro pugilist, today asked the United States supreme court to advance his case for hearing January 6, when other cases questioning the constitutionality of the white slave law will be argued.

Nelson Has Highest Vote in Minnesota  
ST. PAUL, Minn., Nov. 18.—Roosevelt carried Minnesota by 22,430, according to complete returns tabulated today by the secretary of state.

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BUTTE, Mont., Nov. 18.—The Sacred Heart church, Butte's largest place of worship, was destroyed last night by fire of mysterious origin. The loss was \$25,000, fully insured. Father Joseph Venus was slightly burned in a spectacular attempt to save the church vestments. Services have been suspended and the church locked for the night.

## Turkey: "Let's Call It a Draw"



From the New York Evening Journal.

Lewis Jury is Discharged  
Promoter is Found Not Guilty on Three Counts.  
DISAGREE ON THE OTHER SEVEN  
Government Charges that Defendant Secured Millions of Dollars by Making Misleading Statements by Mail.

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RIVER AND HARBOR CONGRESS  
President Taft Will Address Meeting Which Begins December 4.  
LARGE ATTENDANCE EXPECTED  
Election Makes Number of Changes in Committee of Congress Which Must Handle These Problems.

WASHINGTON, Nov. 18.—(Special.)—The ninth annual convention of the National Rivers and Harbors congress, which meets in this city on December 4 to continue in session three days, gives abundant promise of being the most largely attended convention this association has had since its reorganization at the old Arlington a decade ago.

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## BULGARIAN ATTACK ON TCHATALJA LINE IS UNSUCCESSFUL

Turkish Position is So Strong that Attempt to Carry it by Storm Fails.

BATTLE LASTS FOR TWO DAYS  
Assault Follows Bombardment that Began Saturday Morning.

WHOLE ARMY IS ENGAGED  
Bulgarians at Adrianople Relieved by Serbs and Sent to Front.

DIPLOMATIC OUTLOOK CHANGES  
Success of Turks in Holding Line May Cause Allies to Negotiate Without the Taking of Constantinople.

LONDON, Nov. 18.—The first Bulgarian attack on the Turkish line of fortification defending Constantinople at Tchatalja has failed, though the whole Bulgarian army was engaged. Every available man was moved to the front from the Bulgarian forces investing Adrianople, where they were relieved by Serbian troops.

The Bulgarians with all their artillery began their advance on the Tchatalja fortifications on Saturday and continued the bombardment of the works throughout Sunday. They, however, found the Turkish position so strong that they could make no impression on them and for the moment, at least, the attempt has been given up.

Tremendous Task.  
Observers who have been to the Turkish front agree that the capture of the Tchatalja lines must prove a task of tremendous difficulty. The days the Bulgarian troops were compelled to use for the bringing up of guns, ammunition and reinforcements were utilized by the Turks to entrench themselves and place their guns in positions, giving them a distinct advantage over the attackers. The Turks who had been so shaken by their previous defeat appear to have been steadied and thus far has made a most determined stand.

The Bulgarian troops made their main attack to the east of Tchatalja, aiming to break through at the point where the railway to Constantinople makes a loop. The strong forts, the marshes and the guns of the Turkish warships had evidently discouraged them from making an attempt to turn either flank of the Turkish line.

Should the Bulgarians be successful in their effort to break through the Turkish line, the Turkish army would be pushed back to the northeast and its retreat on the capital will be cut off. The Turks seem to have no hope of rolling back the Bulgarian forces, but if they succeed in holding the lines of Tchatalja both the military and diplomatic situation will undergo a marked change, since a long defense of the front will probably compel the invaders to negotiate without taking Constantinople, at war lead.

In Albania on the other side of European Turkey, the opposing armies have come to grips and as the Turkish commander has predicted another battle is in progress today in the vicinity of Fort St. Moisi.

At Scutari the Montenegrins are at least making some headway, they have succeeded in driving the Turkish troops from one of their mountain positions, but the Turkish commander has not given up hope of making a lone defence.

The invested fortress of Adrianople also, according to independent correspondents, is still able to withstand a siege of several months.

The Greek army is on its way to Janina, the fortress in the southwestern portion of European Turkey and the Greek fleet continues busy in the Aegean sea. It occupied yesterday the island of Icaria.

Austria Modifies Demands.  
Acting on the recommendation of its ally, Italy, Austria is said to have modified its demands and no longer objects to the construction of a railway from the Danube to the Adriatic sea. She has also abandoned its scheme of a customs union with Serbia.

On the other hand, Great Britain, Russia and France are giving counsel of moderation and conciliation to Serbia. The latter still talks of taking one or more

(Continued on Page Two.)

Business Women's Wants  
The want columns are of special interest to business women.

The straightforward appeal for efficient women helpers, stenographers, bookkeepers, housekeepers, maids, accountants, factory workers and many others is made from day to day through the Wants.

The business woman consults the Wants in searching for a boarding place, a room in a private family, a small apartment, securing employment and for many other essentials.

Tyler 1000

## The Weather

For Nebraska—Fair.  
For Iowa—Fair.  
Temperature at Omaha Yesterday.

Hours	Deg.
5 a. m.	35
6 a. m.	37
7 a. m.	38
8 a. m.	39
9 a. m.	40
10 a. m.	41
11 a. m.	42
12 p. m.	43
1 p. m.	44
2 p. m.	45
3 p. m.	46
4 p. m.	47
5 p. m.	48
6 p. m.	49
7 p. m.	50
8 p. m.	51

Comparative Local Record.  
1912, 1911, 1910, 1909.

Highest yesterday	63	50	36	41
Lowest yesterday	26	28	18	15
Mean temperature	50	39	30	29
Precipitation	.09	.16	.00	.00
Temperature and precipitation departures from the normal at Omaha since March 1, and compared with the last two years:				
Normal temperature	36	36	36	36
Excess for the day	17	13	14	14
Total deficiency since March 1	19	19	19	19
Normal precipitation	.60	.60	.60	.60
Deficiency for the day	.51	.51	.51	.51
Total deficiency since March 1	3.44	3.44	3.44	3.44
Deficiency for cor. period, 1911, 14.79 inches				
Deficiency for cor. period, 1910, 14.39 inches				

Reports from Stations at 7 P. M.  
Station and State Temp. High-Rain-Station and State Temp. High-Rain-Station and State Temp. High-Rain-

Station and State Temp. High-Rain-	Station and State Temp. High-Rain-	Station and State Temp. High-Rain-	
Cheyenne, part cloudy	42	62	fall.
Denver, clear	40	58	00
Des Moines, clear	32	52	00
Dodge City, clear	34	50	00
Grand Island, clear	38	56	00
Lincoln, clear	39	59	00
North Platte, clear	39	58	00
Omaha, clear	44	60	00
Pueblo, cloudy	44	64	00
Rapid City, part cloudy	46	66	00
Salt Lake City, pt. cloudy	44	62	00
Santa Fe, clear	38	52	00
Sheridan, clear	38	58	00
Sioux City, clear	48	68	00
Valentine, part cloudy	48	60	00

L. A. WELSH, Local Forecaster.