

PRICE RESTRICTIONS BY PATENTS INVALID

Cut Rates Permissible by Retailers Is Decision of Supreme Court.

MANY MANUFACTURERS HIT

Drugs, Safety Razors, Talking Machines and Thousands of Other Articles Now May Be Sold as Low as Seller Wishes.

WASHINGTON, May 26.—The so-called "patent monopoly" which threatened to prevent cut rates by retailers in all patented articles on the market was destroyed today by decisions of the Supreme Court of the United States.

The court held that owners of patents do not receive the right by the patent law to control the price at which retailers must sell to consumers. The decision in words applied only to a nerve tonic for which a patent had been issued, but will control all patented articles sold under restrictions not in retail at cut rates.

Safety razors, talking machines and thousands of other patented articles are affected by the decision.

Right Not to Keep Up Price.

Justice Day announced the majority decision, which held that while the patent law gave the owner exclusive right to "vend" articles, that was not the same as a right to "keep up the price." That, the court held, was not granted by the patent law.

Many manufacturers had joined the manufacturer of the nerve tonic in his fight to sustain the contention that his patent gave him a right to sell or use his patented article under any conditions as to resale price he might see fit to impose.

Officials of the Department of Justice regard the decision of tremendous importance, putting an end to existing widespread extensions of patent monopolies, and sharply drawing a line of demarcation between the Sherman anti-trust law and the patent laws.

Sherman Law Involved.

The Department of Justice has contended that once a patentee sells his patented article he loses all control of it and is powerless, especially in view of the Sherman anti-trust law, to establish resale prices.

It is said that the right to establish resale prices is being claimed by an almost unlimited number of companies. The court reversed the policy adopted in the famous "mimeograph case," decided a little over a year ago when only seven justices were on the bench, but allowed that case to stand so far as it goes.

Justice Day Causes Reversal.

In the "mimeograph case" Justices McKenna, Lurton, Holmes and Vandewater upheld the right of patent owners to place restrictions on the nature of articles to be used on the patented article sold. Chief Justice White and Justices Hughes and Lamar dissented. Today Justice Day, who was absent a year ago from the court, and Justice Pitney, appointed since then, joined with the Chief Justice and Justices Hughes and Lamar in reversing the policy advocated by the four justices who handed down the court's decision in the "mimeograph case."

The four minority justices contended themselves with a mere statement that they dissented.

PRESIDENT SCORES LOBBY

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wheat on the free list, along with wheat flour. In the Underwood bill wheat is given a duty on 10 cents a bushel, while wheat flour is free of duty. It also was reported that the committee probably would recommend removal of the 10 per cent duty on cattle, sheep and hogs in conformity to the free listing of all fresh meats in the Underwood bill.

Senator Pomeroy, of Ohio, said today that a large delegation of manufacturers of clothing for men and women from Cleveland, Cincinnati and other Ohio cities called and informed him that they did not care one way or another about the tariff duties placed on ready-made clothing.

Delay Only Is Asked.

"They told me," said Senator Pomeroy, "that they were ready right now to go into foreign markets and compete with the foreign manufacturers of ready-made clothes. What they are asking is that the date for putting all the schedules of the tariff bill into effect be delayed as long as possible after the passage of the bill to enable them to adapt their business to the new rates."

These men, the Senator said, represented the biggest centers of the ready-made clothing industry in this country outside of New York. He added that the date of the going into effect of the tariff rates be postponed was being given consideration.

Members of the Senate sub-committee, which will close oral hearings tomorrow night, were pushed to the limit all day and night and some of them hearing as many as 20 representatives of manufacturing and other interests.

Senator Johnson's sub-committee heard witnesses protesting against free sugar and sundry articles and a large representation of Southern cotton mills opposed to the rates of cotton and cotton goods.

Woolens and Silk Rates Opposed.

Senator Stone's committee heard many witnesses protesting against woolen manufacturers and silk rates.

Darwin P. Kingsley, who appeared before Senator Williams' committee, appealed for exemption from income tax of all insurance business done for mutual benefit and protection and not for profit, and maintained that companies such as his came under that classification. The committee took the matter under advisement after Mr. Kingsley had given the assurance that the entire surplus of the New York Life Company was held in reserve for the protection of policy-holders.

In the Senate Senator Cummins questioned the methods by which experts of the finance committee had reduced with its specific rates in the Payne-Aldrich bill to the equivalent of a 40 per cent rate in the Underwood bill. He said that the equivalents were misleading in many instances. Senator Simmons said he would endeavor to ascertain the method employed by the experts.

Columbia Again Rising.

VANCOUVER, Wash., May 26.—(Special.)—The Columbia River is again on the rise, after remaining stationary at nearly 15 feet for a week or ten days. During the past 24 hours the river has risen nearly one foot.

CHARACTERISTIC SNAPSHOT OF EX-PRESIDENT, TRIAL OF WHOSE SUIT FOR LIBEL BEGAN YESTERDAY.



THEODORE ROOSEVELT. Photo copyright by American Press Association.

T. R. JURY CHOSEN

Court Orders That All Be Locked Up and Guarded.

JUDGE ISSUES WARNING

4 Miners, 3 Teamsters, 2 Farmers, 1 Blacksmith, 1 Fireman and 1 Woodsman to Decide Suit Brought by Colonel.

(Continued From First Page.)

persons who wished to vote for him innocently had used erroneously printed ballots.

Opposing counsel worded the same inquiry differently when asking if a venireman would be prejudiced against either party to the suit.

"Would the fact that the defendant is a neighbor and a citizen of this county, while the plaintiff is a resident of a distant state, prejudice you against the plaintiff?" was the way, in effect, that Mr. Pound put it.

Mr. Belden would ask: "Would the fact that one party to this suit is an ex-President of the United States, while the other is a mere citizen, cause you to give more weight to the statements of one side than to those of the other?"

Seven Veniremen Dismissed. In all, seven veniremen were dismissed for cause, two because they failed to comprehend simple questions.

One of them said he could render a fair decision, "regardless of the evidence." The other seemed stricken dumb, an apparent victim of stage fright.

Joseph Robear, 25 years old, teamster, said he lived in Ishpeming. He said the fact that the alleged libel took place in Ishpeming would not influence him in forming an opinion.

"Do you look upon the publication of such a statement about Colonel Roosevelt as a joke?"

"No, I would not consider it a joke," examined by William F. Belden, counsel for Newell, Robear was asked: "Would the fact that the plaintiff has been the President of the United States affect you any different from what you would feel if he were a plain citizen like Mr. Newell?"

"No, that fact would not affect me," "You would not be influenced by the fact that he has been President?"

"No, sir."

Right to Publish Brought Out. Hugo Erickson, of Ishpeming, said he did not know the defendant; had no business or social relations with him.

"Would it make any difference to you that one party to this suit was a resident of the State of New York and the other a neighbor?" asked Attorney Pound.

"No," responded the witness. "A newspaper declared that someone is guilty of murder or burglary, would you regard it as a joke or a serious matter?"

"Crickson thought it was serious. Attorney Belden asked if he had a preconceived opinion of the case."

"No," came the reply. "Have you any prejudice as to the right of a newspaper to comment on the actions of a public character?"

Charles T. Rutledge, of Ishpeming, son of a minister, who formerly lived in Ohio, said he was an automobile repair man. He said friendship with the defendant would not bias his verdict.

Colonel Roosevelt, sitting about 20 feet from the jury box, listened attentively to the examination of the veniremen.

T. R. Talks to Garfield. Frequently he leaned over to talk to James E. Garfield, who sat beside him, or looking about the courtroom, nodding to people he recognized.

William J. Irving, a miner of Republican near here, came to Marquette County from Armagh, Ireland, and is employed by the Cambria Iron Company, it developed under questioning by Mr. Pound.

He does not read Iron Ore, the paper in which the alleged libelous editorial was written.

MILITANT IN PRISON

Mrs. Pankhurst Locked Up for Another Period of Sentence.

HUNGER STRIKE RENEWED

Authorities Declare Suffragette Leader Has Recovered Sufficiently to Serve Second Part of Three-Year Term.

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Discussion Cause for Dismissal. Mr. Young, a Republican, was until his recent resignation, member of Congress from the Marquette district.

Driscoll was dismissed on challenge by Pound, largely because he admitted discussing the alleged libelous editorial.

John Veale, a nightwatchman, said he heard of the suit brought by Colonel Roosevelt, and that he had expressed an opinion as to the truth of the alleged libel.

"You have that opinion yet, haven't you?" asked Colonel Roosevelt's attorney.

"No, not now."

"When did you lose it?"

"Well, I may have expressed an opinion and didn't believe in it."

"You read that article about Colonel Roosevelt?"

"Yes, I did."

"Did you form an opinion then?"

"Yes, I did."

Expressed Opinion Rejects. John I. Keaton, a clerk, had expressed an opinion, he said, but was excused for cause.

W. A. Wasmuth, a beer salesman, came next.

"You have taken sides about this question, haven't you?" asked Attorney Pound.

"No," replied Wasmuth.

"You have no opinion one way or the other?"

"No."

"So you know Mr. Young?"

"Slightly."

"It is a matter of indifference to me," replied the salesman.

ATLANTA POLICE IN ROW

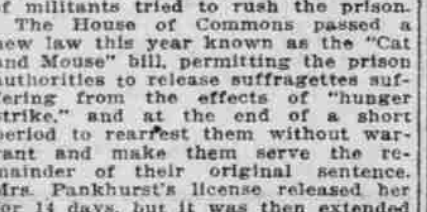
Rival Detective Agencies at Loggerheads Over Murder Case.

ATLANTA, Ga., May 26.—There was no abatement today of the turmoil which has arisen in local political and police circles by the charge of bribe giving, graft and incompetency in connection with investigation of the Mary Phagan murder case. Statements were issued by both factions.

One of today's interesting developments was the publication of statements indicating that two of the best-known private detective agencies in the country were at loggerheads trying to solve the Phagan murder. It also became known that the local police officials have been seeking information from police departments from other cities for the purpose of discrediting the report here of one of the agencies.

Both the Chief of Police and chief of detectives today declared their intention of making charges before the grand jury next Wednesday that Mayor Woodward and Attorney Thomas B. Felder and others attempted to get possession of certain papers relating to the Phagan case held by the police.

Weather Cuts Prune Crop. VANCOUVER, Wash., May 26.—(Special.)—The prune crop this year promises to be at least three-quarters of a full crop says A. A. Quamberg, district horticulture inspector, who has been making an inspection of orchards throughout Clark County. The weather has not been ideal at all places in the county for a full crop, though practically all blossomed full. The temperature has been changeable and there has been much rain since the blossoms came out, and this is not conducive to a full crop.



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Miss Roseboro' Thinks These Are Good Stories

See if You Agree With Her

Miss Viola Roseboro', Collier's new Story Editor, possesses the unusual faculty of choosing stories that thrill and happily entertain people.

It was this rare ability that won her the honored position, Official Critic of the Authors' League of America.

And it also led to her present connection with Collier's Weekly.

Miss Roseboro' is no respecter of reputation. The most famous writer in America has not the least assurance his production will be accepted by Miss Roseboro'.

On the other hand, Miss Roseboro' readily accepts the writings of a man or woman she never heard of, provided the story, in her judgment, is of sufficient calibre.

Be it remembered that Viola Roseboro' discovered O. Henry and Rex Beach; that she brought to light Booth Tarkington, Myra Kelly, Arthur Train, Stewart Edward White, Mary Stewart Cutting and Josephine Dodge Daskam.

Below are briefly set forth the stories Miss Roseboro' has chosen for this week's issue of Collier's.

She regards them as exceptionally good.

And we believe you will agree with her.

In case you are not a yearly subscriber to Collier's, ask your newsdealer for this week's issue. It is out today—5c.

The Joke on the High Constable—

By Francis G. Burrows. Maybe you think it has become so that all Christmas stories, Thanksgiving stories, Decoration Day stories, etc. are bodes, but the High Constable will show you that you are wrong. He is not wax-works made for the occasion; you will like him while you laugh at him, and love him when you stop laughing, and at last get warmed up to forget what you ought to forget on Decoration Day, and to remember what should be remembered.

Sending a Boy to Mill—

By C. O. Shepard. Some happenings are such essentially good stories that everybody who hears of them tells them again, and they get handed down in families, and become part of the program when one yarn is being matched with another. "Sending a Boy to Mill" is just one of these; a story, but not "fiction"; a happening, not dressed up and filled out, but told as the members of the Loyal Legion tell such heart-warming good jokes to each other.

His Last Argument—

By H. H. Herr. Given a determined man and a burning cause—when words have failed to win a victory, what form will argument next take? Will he rely on action or on illustration? Or will it be on both? Bradford, of the Morning Chronicle, simply had to win his last argument. You will like his choice.

The Story of a Modern Marriage—

By Emily Calvin Blake. Does the modern woman make a success of marriage? Can she combine the pursuit of a profession and the rearing of children? Must she choose between work and matrimony? One woman solved the problem. Her account of the way she did it will interest both women and men.

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