

TRUST DECISION S FAR REACHING

Federal Court's Interpretation of Sherman Act of Wide Scope.

JUDGES MAKE COMMENT

Any Combination Restraining Trade Unlawful—Court Not Permitted to Read Qualifications Into Statute.

NEW YORK, Nov. 16.—The sweeping character of the late decision of the United States Circuit Court in declaring the American Tobacco Company to be a combination in restraint of trade is attracting widespread attention in business circles and among members of the legal profession, who have given special attention to the trust question, not so much for its immediate effect on the allied tobacco interests, but more particularly for its scope and effect upon all classes of industrial combinations engaged in interstate traffic.

Judge Lacombe Defines Law.

Judge Lacombe in his majority opinion defines the statutes of the law to-day as follows:

Underlying various decisions and following the several propositions which have been approved by successive majority decisions of the Supreme Court, this language (Sherman Act) is to be construed as prohibiting any contract or combination whose direct effect and thus tend to deprive the country of the services of any individual enterprise, which, however small, as thus construed, the statute is revolutionary. By this it is not intended to imply that the construction is incorrect. The act may be termed revolutionary because, in its passage the courts had recognized a restriction which was held not to be unfair, but permissible, although it operated in some measure to restrict competition.

By its broad degree, under the operation of many causes, business, manufacturing and trading alike, has more and more developed a tendency toward larger and larger aggregations of capital and more extensive combinations of individual enterprise. It is contended that, under existing conditions, it is that only can produce the increased and sustained new markets opened and developed, stability in reasonable prices secured and industrial progress assured. Any restriction of individuals or corporations formerly independent immediately upon the formation of a trust or other combination, whether or not some other competition may subsequently arise.

Prohibits All Combinations.

The act as above construed prohibits every contract or combination in restraint of competition. It is not made that two individuals who have been driving rival express wagons between villages in two contiguous states who have formed a partnership and operate a single line restrain an existing competition, and it would seem to make little difference whether they form such a combination more effective by forming a partnership or not.

What benefits may have come from this

combine or from other combinations of it, is not material. To inquire, nor need subsequent business methods be considered, or production of prices.

REPUBLICANS LOSE FOUR DEMOCRATS GAIN SIX IN NEXT CONGRESS.

Temporary Rollcall Is Published

WASHINGTON, Nov. 16.—The temporary rollcall of the House of Representatives of the 61st Congress has been completed and published. It represents a complete list of the members of the new House as shown by unofficial returns and gives the politics of all of them. According to this publication, the next House will contain 229 Republicans and 172 Democrats, a total of 401 as against a total of 389 in the House during the last session, of whom 223 were Republicans and 166 Democrats.

MAN'S DEATH IS MYSTERY

Unable to Determine How Northrup Was Caught in Coal Bunkers.

SPOKANE, Wash., Nov. 16.—(Special.)—The death of J. C. Northrup, of Palouse, Wash., who was killed Saturday night in the coal bunkers in the Northern Pacific yards, is still a mystery, although thor-

SPECIAL SESSION TO TALK TARIFF

Taft Will Convene Congress Soon as Possible After Inauguration.

CHURCH RAPS PRESIDENT

LUTHERANS REPLY TO RECENT LETTER ON RELIGION. Synod Declares Separation of Church and State Compels Vote Against Catholics.

NEW YORK, Nov. 16.—In an open letter to President Roosevelt, the original of which was mailed to the President Saturday night and a copy of which was made public here yesterday, the New York City members of the synodical conference of the Evangelical Lutheran Church of America take issue with the President over the letter made public a week ago in which he denounced as "unwarranted bigotry" any refusal to vote for a candidate for high office because of such candidate's membership in the Roman Catholic Church.

The letter to the President declares that the Roman Catholic Church had denounced for centuries a wrong and a condition only to be tolerated so long as it could not be changed—separation of church and state, and also full religious liberty, freedom of speech, conscience and the press.

CURFEW CHILDREN'S HOPE

Chicago to Enforce Law on Large Scale.

CHICAGO, Nov. 16.—Chicago proposes to test the use of the curfew law on a large scale. With "white slaves" lying in wait at every corner, and young girls and boys disappearing almost daily, the police and all genuine reform elements are in favor of trying the plan of driving all children under 14 years of age to their homes at 9 o'clock in the Winter. The Juvenile Protective League is the principal backer of the plan. It is proposed to clear the streets of all children under 14 years of age at 9 o'clock in the evening. The law can be enforced here, for the settlement back of the stockyards, which fairly riots in children, has enforced the curfew law for more than a year, with remarkable results.

SAVE FROM WATERY GRAVE

Tugs Rescue Steamer About to Go on Rocks.

SEATTLE, Wash., Nov. 16.—With 60 passengers cheering as only persons can when snatched from what looked like certain death, the tug Pioneer and the Army Quartermaster's tug, General Evans Thomas, got lines to the Straits Steamship Company's steamer Perdita as she was going on the rocks at Middle Point, near Protection Island, this evening at 8 o'clock. When picked up the Perdita was within a few ship-lengths of the rocky shore. A full southeast gale was blowing. The Perdita was making her way through the straits on the run to Seattle this afternoon when one of the boiler-tubes blew out, leaving her in a helpless condition. She was sighted and word sent to Port Townsend. The Evans and the Pioneer were at once sent to the rescue, but did not pick up with the Perdita until 8 o'clock.

KAISER DEFERS AUDIENCE

Again Irritates Public by Delaying to Receive Chancellor.

BERLIN, Nov. 16.—Because of the death of General Count Huelsh-Haeseler, Chief of the German Military Cabinet, the Emperor has telegraphed Chancellor von Buelow that the audience arranged to take place at Kiel today about the battleship Deutschland must be deferred. The Emperor will return to Berlin Tuesday, when the meeting between him and the Imperial Chancellor which the country awaits with intense feeling is expected to take place.

CHINESE SEIZE MACAO COLONY

Portugal Sends Cruisers and Thinks Situation Serious.

LIBON, Nov. 16, via frontier.—Dispatches received here from Macao, China, state that the Chinese have occupied the colony, which is Portuguese territory and the situation is most serious. The natives refuse to obey the Portuguese authorities and the Chinese have seized the customs. Fighting is momentarily expected. The pretext advanced by China for occupying the territory is that when the Japanese steamer Tatsu Maru was captured by the Chinese, two miles off Macao, Portugal, in order to avoid the responsibility of intervening, claimed the seizure was in Chinese waters. This, according to the Chinese government, amounted to a renunciation of Portugal's sovereignty.

SPECIAL SESSION TO TALK TARIFF

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VISITS AT WHITE HOUSE

Spends Night With President Before Returning to Cincinnati—Says He Will Not Meddle in Ohio Senatorial Election.

WASHINGTON, Nov. 16.—That a special session of the 61st Congress will be called soon after the fourth of March to take up the matter of tariff revision, became positively known yesterday when W. H. Taft, President-elect, after spending Sunday at the White House as the guest of President Roosevelt, stated that he intended to call the special session to meet as soon after his inauguration as would be reasonable.

Hold Reception at Church.

About 10:45 o'clock, Judge Taft emerged from the White House to attend services at All-Souls Unitarian Church, his usual place of worship when in Washington. Five minutes afterward President Roosevelt started for the Dutch Reformed Church.

Future Policy of Organization on Important Matters to Be Determined—Gompers' Recommendations Are Accepted.

WASHINGTON, Nov. 16.—Nearly all the delegates to the 23rd annual convention of the American Federation of Labor Sunday made an excursion to the mountains near Denver as guests of the local unions. Frequent reference was made in conversation among the excursionists to the fact that yesterday was the 27th anniversary of the founding of the organization, now comprising 1,000,000 members, of which Samuel Gompers has been president 25 years.

Senatorial Fight Not His.

In reply to a question he said that the Senatorial situation in Ohio was not taking him there, as he did not intend to attempt to interfere with the choice of a Senator there or in any other state. He expressed his hearty permission for the elections in Cuba had been held without any disturbances and added that he had not anticipated any trouble.

Takes Fling at Democrats.

"Yes, but the remarks were not frightening nor novel," he replied. "My experiences with the Democrats in regard to the tariff are that they want free trade on everything that is in the new country."

WHALE CATCH IS LIGHT

Belvedere Returns From North With Only Three Mammoths.

SAN FRANCISCO, Nov. 16.—Reporting an unsuccessful whaling expedition, the Belvedere returned to port today, after an absence of eight months in the North. The Belvedere caught three whales, which netted 600 pounds of bone. Two other whales, which had been caught made their escape under the ice or by breaking the line.

HONOR ITALIAN PATRIOT

Friends Dine Man Who Hurlled Bomb at Emperor Napoleon.

LOS ANGELES, Nov. 16.—Prominent Italian residents of this city, which have invited the Emperor Napoleon to visit in honor of Count de Rubio, an Italian patriot, who in 1858 was one of the men who hurled a bomb at the Emperor Napoleon in Paris. There were nearly a hundred guests at the banquet and speeches highly eulogistic of the Count, who has been a resident of this city for years, were made.

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TAKE SIDE TRIPS

Denver Labor Delegates Go on Excursions.

WILL HEAR REPORTS TODAY

Future Policy of Organization on Important Matters to Be Determined—Gompers' Recommendations Are Accepted.

NO DECREASE IN LUMBER'S USE

WASHINGTON, Nov. 16.—Great as the advance in fireproof construction has been during the last 30 years, there has been no decrease in the use of lumber, according to a statement issued by the Bureau of Forestry. Both architects and builders admit, it says, that the forests of the country are likely to be the chief source of building material for many years to come.

Fortune Telling

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