

DISPENSARY CASE DECIDED AT LAST

Supreme Court Turns Down Liquor Men in Favor South Carolina Commission.

OVER \$900,000 INVOLVED

State Commission, Placed in Hands of Receiver and Enjoined From Stopping Bill Payments by Lower Court, Is Victor.

WASHINGTON, April 5.—The famous South Carolina dispensary case, involving the disposition of about \$900,000 of dispensary funds held by the State Dispensary Commission, was decided by the Supreme Court of the United States today in favor of the commission, the opinion being written by Justice White.

The case was instituted by the Wilson Distilling Company and the Fleischmann Company in the United States Circuit Court for the District of South Carolina, to collect debts contracted by the state in the purchase of liquor in the state from 1892 to 1897, while the dispensary system was in vogue. The commission, consisting of W. J. Murray, John McQueen and Avery Patton, was appointed in 1897, when the state resolved to go out of the liquor business. This commission was empowered by the legislature to collect all moneys due the state and pay all of its debts.

Liquor Men Start Suit.

At the time the suits were instituted about \$900,000 had been collected, and there was still about \$600,000 due. Bills for something over \$600,000 were presented by the liquor dealers, and when the commission declined to pay them as promptly as the creditors considered it desirable, they brought suits for their collection.

In their petitions in the Circuit Court they alleged that the members of the commission had entered into a conspiracy to hold the funds for their own selfish purpose, in support of which assertion they declared the money was deposited in banks in which members of the commission were officers or stockholders.

Commissioners Alleged Plot.

On the other hand, the commissioners alleged a conspiracy among the creditors to collect excessive sums, and asserted they had only taken the necessary precautions of investigation before making payment of any liabilities that might be due. The commission resisted the suit on the ground that it was proceeding against the state itself, and that the commission was a court, therefore not subject to injunction.

TAX-AVOIDING SCHEME O. K.

Supreme Court Rules That Receipts for Goods Sent Away Not Taxable.

WASHINGTON, April 5.—In deciding the case of Max Sellinger, of Kentucky, vs. the Commissioner of Internal Revenue, the United States Supreme Court today held that the warehouse receipts of a foreign government for wheat held in bond were not taxable at the place of residence of the holder, if in the United States.

Sellinger shipped 8000 barrels of liquor from Louisville, Ky., to Germany, for the purpose, as was charged, of evading the payment of state taxes. The liquor was stored in warehouses in Germany, but the state of Kentucky levied a tax upon the German government's receipts and the Court of Appeals of Kentucky held them to be taxable, just as the goods would have been had they remained within the Kentucky jurisdiction.

Sellinger contended on the ground that it was a violation of the constitutional provision which prohibits the imposition by a state of a tax on exports or imports.

The state court refused to consider this point, on the ground that the exportation had been made in good faith, but the Supreme Court, reversing the opinion being handed down by Justice Holmes.

SUPREME COURT FREES MEN

Decides They Cannot Be Put Twice in Jeopardy.

WASHINGTON, April 5.—The Supreme Court of the United States today affirmed the decision of the United States District Court for the District of Colorado in the cases of William R. Mason and Joseph Vanderveide, who were charged with the murder in 1907, of Joseph A. Walker, a special agent of the Department of Justice, while in the discharge of his duty.

Walker was killed by Vanderveide while standing guard at the mouth of a coal mine in La Plata county, Colo., and he and Joseph Vanderveide were charged at the time of the shooting with self-defense. When the case came to trial in the State District Court of La Plata county they were acquitted.

Vanderveide and Mason were indicted by the Federal grand jury after ward, but the state proceedings were held by the Federal District Court to be a bar against further prosecution, and the two men were again discharged.

From the order making this discharge the government appealed to the Supreme Court, with the result that the order was sustained. The court's decision was announced by Justice Harlan.

KENTUCKY RAILROADS WIN

Supreme Court Upholds Injunction Against McClord Law.

WASHINGTON, April 5.—The injunction suit of the Kentucky railroads, in which the roads asked that the Railroad Commission of Kentucky be restrained from carrying into effect the order of June 20, 1898, fixing the interstate business in that state, was decided by the Supreme Court of the United States in favor of the railroads.

The case came to the Supreme Court on appeal by the Commission from a decision by Judge Cochran, of the United States Circuit Court for the Eastern District of Kentucky, in which he held that the constitutional Kentucky statute known as the McClord law, and issued an order enjoining perpetually the enforcement of the law.

The lower court was affirmed, but the Supreme Court, holding that the statute

did not authorize the wholesale creation of schedules, avoided dealing with the constitutionality of the questions involved. The decision was announced by Justice Peckham.

NEW TRIAL FOR BODI CASE

Supreme Court Rules Indictment of Keller and Ullman at Fault.

WASHINGTON, April 5.—The Supreme Court of the United States today reversed the decision of the United States District Court for the Northern District of Illinois in the case of Joseph Keller and Louis Ullman, whom the lower court found guilty of keeping in a house of ill repute in South Chicago an alien woman named Irene Bodi, contrary to the provisions of the immigration law, which prohibits the retention of such a woman within three years after her arrival in this country.

The woman's question was a subject of Austria. The sentence was reversed on the ground that the portion of the immigration law involved is unconstitutional, and the Supreme Court so held.

The Supreme Court directed that the case be reconsidered and the indictments be quashed.

BOISE WINS WATER CONTEST

Company Must Pay for Use of the Streets, Says Court.

WASHINGTON, April 5.—The case of the Boise Artesian Hot & Cold Water Company vs. Boise City, Idaho, involving the right of that city to compel the water company to pay a license fee of \$300 per month for the use of the city streets, was today decided by the Supreme Court of the United States favorably to the city.

United Railroads Get Concern.

SAN FRANCISCO, April 5.—An order was issued by United States Circuit Judge Van Fleet today setting May 10 as the date on which the assets of the San Francisco & Potrero Company shall be sold at auction to satisfy the debt to the Knickerbocker Trust Company of New York, which issued bonds to the extent of \$1,000,000 in this legal process involved in the acquisition of the power company by the United Railroads Company of this city.

PARIS FEARS REVOLUTION

RADICAL SPEECHES OF WORKMEN ALARM CAPITAL.

Threat of General Strike, Which Will Include Government Employees, Is Made.

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OIL TRUST AGAIN OBJECT OF ATTACK

Government Starts Proceedings at St. Louis to Dissolve Parent Company.

Taft QUOTED BY ATTORNEY

Frank B. Kellogg Masses Great Pile of Evidence Against Standard and Shows Profit of 3 Cents Per Gallon.

ST. LOUIS, April 5.—For the first time in American courts a President of the United States was quoted as a legal authority today, during Special United States Attorney Frank B. Kellogg's argument in the Government's case to dissolve the Standard Oil Company of New Jersey as a violator of the Sherman act.

Mr. Kellogg read at length from a decision rendered in the Addison Pipe case by President Taft when a judge in Cincinnati. The issue involved was an alleged restraint of trade.

Mr. Kellogg will conclude his remarks at noon tomorrow.

The full circuit court bench was to hand to hear the argument, Judge Sanborn, Hook, Adams and Vandeventer sitting. Assistant Attorney-General C. B. Morrison aided Mr. Kellogg and a score of attorneys were grouped on the Standard Oil side, while the other side was packed to the doors with spectators.

Defense Has but Weak.

As one of the four judges of the Federal Circuit Court hearing the case will leave St. Louis Saturday, Mr. Kellogg will insist upon the defense completing its arguments by Friday evening. This would leave John G. Milburn, of New York, Moritz Rosenthal, of Chicago, John G. Johnson, of Philadelphia, and David G. Watson, of Pittsburgh, but two and a half hours to complete their defense.

Mr. Kellogg told of the wonderful profits of the Standard. For the 10 years ending with 1908 the concern had earned, he asserted, the colossal sum of \$598,228,525 upon a capitalization of \$97,250,000.

The Standard Oil Trust and the Standard Oil Company had a combined income of \$48,436,446 between 1882 and 1908. "And yet," exclaimed Mr. Kellogg, "Mr. Rockefeller, while the witness stand, talked of the 'hazard' of the business."

Profit of 3 Cents a Gallon.

That the defendant's profits had averaged about three cents a gallon for ten years was another of Mr. Kellogg's assertions.

The only place where oil is cheap is where independents sell it," observed Mr. Kellogg, "and if this court gives the Standard Oil Company the right to do as it pleases, there would be an independent company in this country in two years."

The state line terminals between New York, Pennsylvania and New Jersey Mr. Kellogg insisted, had been so arranged that a common carriage by independent shippers was impossible. One pipeline was cited which cost, according to the Standard Oil Company's books, \$1,000,000 to construct and it was earning an annual dividend of a million and a quarter dollars.

History of Company Told.

The brief filed by Kellogg reviews the history of the company and declares the testimony shows that various defendants have pursued a system of unfair competition whereby independent companies selling and marketing petroleum products have been driven out of business or so restricted that the Standard has practically controlled the prices.

The Standard Oil Company, the brief alleges, is particularly able to carry on this policy because of the reason that it does not sell its product at central markets or through ordinary channels as do most other ordinary manufacturers. It markets its product to the retailer in every village and community.

The United States and it sells directly to the consumers. It is also held that the testimony taken in Standard Oil productions shows that the company, through the Galena Signal Oil Company also controls about 75 per cent of the lubrication oils and that it sells to the retailer at enormous profits. This is evidenced by the net earnings of the company which in 1908 were about 122 per cent on the capital stock actually paid in and about 105 per cent on a liberal valuation of the capital used.

A law is also charged the prices to meet the Standard are substantially above the prices charged to a few favored lines, notably the Pennsylvania. For instance, the brief says, the New York Central Railroad for 10 years has paid about 100 per cent per gallon more than the Pennsylvania.

It is also stated that wherever the Standard can do so, it has made contracts whereby it has either marketed or controlled all of the product of the independent refineries or has limited the output.

One of the evidences, it is charged, is the company's enormous earnings, summarized as follows:

Tremendous Profits Shown.

"The Standard Oil Trust and the Standard Oil Company on an investment of \$60,000,000 had earned up to the end of 1908, \$388,781,732. Adding the profits of 1907 and 1908, we have substantially a billion dollars earned by this company in 27 years with an original investment of about \$9,000,000.

Further on the brief says: "It has usually been claimed for large corporations in this country that they have increased business and decreased the cost to the consumer, but in the case of the Standard it has during the 10 or 25 years actually raised the price to the consumer and this is a good deal more than the prices of other products, although the price of its raw material and cost of manufacture and sale during these years has increased very little if any."

It is said that from 1874 to 1882 the Standard obtained control of practically all of the pipe lines then existing and brought them together under the control of the National Transit Company, and ever since it has sought to prevent or destroy pipe line competition. It first sought to control the Tidewater Pipe Company, then the only pipe line to the seaboard.

It succeeded in getting an agreement for division of the business. Through this and other agreements the Standard, it is alleged, has at the present time control of about 85 per cent of the transportation of crude oil to the Atlantic seaboard, which gives it a tremendous advantage.

Recognizing the importance to the Standard of railway transportation, its officials and their associates during the last 10 years, it is said, have become directors in many of the leading railroad systems of the United States. For instance, the Standard interests have in Chicago, Milwaukee & St. Paul four directors; Union and Southern Pacific and Santa Fe, two each; New York, New Haven & Hartford,

New York Central and allied lines, Missouri Pacific, Boston & Maine, Wisconsin Central, Rutland Railroad and others, one each.

Not Discouraging Enterprise.

The brief says that "the Government does not wish to be understood as discouraging enterprises or as taking a position against legitimate competition, but if the Sherman act means anything, it means a monopoly acquired by such means of competition as are pursued by the Standard Oil Company. Unless it is enforced, the small corporation or industry wishing to engage in business will have absolutely no opportunity. The testimony is valuable as showing the intention of the Standard Oil Company to monopolize the commerce in oil. In many districts it has an absolute monopoly. We mean by absolute monopoly that in those districts it does all the business and has eliminated every competitor. Practically this is the case throughout the Rocky Mountain country, and most of the Pacific Coast States. The percentage of independent business throughout the entire South is very small. Where there is competition the competitors are usually strictly under the control of the Standard, in that they must, in order to be allowed to do business, sell oil at practically the price the Standard dictates and confine themselves to a small percentage of the trade."

The brief covers with much detail the history of the company from its organization under the name of the Standard Oil Company operates and dissolve the corporation.

NAPLES GIVES WELCOME

(Continued from First Page)

"Weidmanshell." "Hail to the successful hunter!" Mr. Roosevelt was especially touched by this and in expressing thanks for the gracious thought, he said:

"A year from now you will be in a position to see whether I deserve such a wish."

Mr. Roosevelt told the American Ambassador later that he should assuredly go to Naples to see the Pope if he visited Rome.

Three hours elapsed between the arrival of the Hamburg and the landing of the ex-President as Mr. Roosevelt wished personally to superintend the handling of the baggage, of which he had a very large quantity. Meanwhile he was the object of a continual ovation from Italian immigrants, who cheered every time they caught a glimpse of him from the moment the Hamburg anchored.

As the vessel steamed into the harbor, the Italian men-of-war, several German ships and a large contingent of yachts and various craft ran up and down, which fluttered in the high wind. The vessel on the ship struck up the American National anthem and, as Mr. Roosevelt stood on the bridge and watched the scene, he remarked that it was somewhat ear-splitting, but picturesque and magnificent.

Great Roar From Crowd.

The great crowd ashore, which had been waiting for hours to see the ex-President, became exceedingly impatient at the delay, but even when the Scorpion's launch, with Mr. Roosevelt aboard, did some ashore, they were ignorant of the fact and the distinguished visitor reached the landing stage virtually undiscovered. When, however, he appeared in an automobile, a great roar broke from the crowd and he was watched continuously. The ovation moved Mr. Roosevelt to remark:

"It seems that the Italians can make as much noise as the Americans, after all."

Arriving at the hotel, Mr. Roosevelt received with the greatest cordiality those who had gathered to welcome him. He talked with Guglielmo Ferrero, the historian, who returned recently from a tour to the United States and whom Mr. Roosevelt recognized immediately.

Luncheon was served in the hotel, among those at the table with the ex-President being his hosts, Mr. Griscom, senator Griscom, Consul Crowninshield and Mrs. Crowninshield. Lieutenant-Commodore Hogan, John W. Garrett, first secretary of the embassy, Mr. Winthrop Chandler, Mrs. Garrett and Miss Cartwright.

Mr. Roosevelt seemed to be in the best of health and spirits, and expressed himself as looking forward impatiently to his arrival at Mombasa.

After luncheon Mr. Roosevelt proceeded in a motorcar with Mr. Griscom to Capodimonte to meet the Duke and Duchess of Aosta at their palace, which was the most magnificent on the Neapolitan province. Mr. Roosevelt had intended that this visit was intensely interesting to him not only because of his desire to meet the Duke and Duchess personally, but because of the official nature of the meeting, the Duke representing King Victor Emmanuel.

Mr. Roosevelt was welcomed at the palace entrance and the Duke received him in private, the two conversing at length. The Duke expressed the hope that Mr. Roosevelt would meet the Count of Turin, who is now on a shooting expedition in Africa.

Mr. Roosevelt was presented later to the Duchess of Aosta, with whom he conversed for 20 minutes, their conversation dealing almost entirely with hunting in Africa, where the Duchess had passed some time. The Duke, who had been at the meeting, was very complimentary with trophies of the Duchess' African expedition, including a lion, an elephant's tusks, deer antlers and the skins of tigers and lions.

Makes Hit With Duchess.

The good impression was mutual, as while Mr. Roosevelt was charmed with the Duchess, the latter said he was the most interesting American she had ever met—she might almost say the most interesting man.

The party went to the museum, where Mr. Roosevelt would like to pass several hours. The bronzes especially attracted him and he said:

"I shall now get an idea of what I want to see when I return. Such a museum deserves days of study; it has been so carefully transformed since I was here before."

The party then made the trip to Posillipo, and the ex-President was recognized and cheered all along the way. They sat in the balcony of one of the characteristic Neapolitan restaurants overlooking the sea, the bay at their feet, always glorious, whether in calm or storm. The sunset was magnificent and brought out the colors on the slopes of Mount Vesuvius.

The Mission

Of those corpuscles in your blood that have been called "Little Soldiers," is to fight for you against the disease germs that constantly endanger your health. These corpuscles are made healthy and strong by the use of Hood's Sarsaparilla.

This medicine effects its wonderful cures, not simply because it contains sarsaparilla, but because it combines the utmost remedial values of more than 20 different ingredients, each greatly strengthened and enriched by this peculiar combination. There is no real substitute for it. If urged to buy any preparation said to be "just as good" you may be sure it is inferior, costs less to make, and yields the dealer a larger profit.

Get it today in the usual liquid form or in chocolate tablet form called Sarsatabs.

New Riding Hats

Lipman-Wolfe & Co. The Forsythe Waist



BEAUTIFUL EASTER MILLINERY Is now at its best. We have turned the Exhibition into a Sale--and offer an immense assortment of beautiful Hats, at special popular prices. See our \$4.95, \$5.95, \$7.50, \$9.00 and \$10.00 Hats. You cannot duplicate them elsewhere for less than double.

Capri in the distance, and Mr. Roosevelt remarked that he had not looked upon this scene in 22 years. It was his wedding trip then, and he could only wish that Mrs. Roosevelt might see it as it was today.

Mr. Roosevelt desired it to be known, especially in the United States and England, that he received in Naples several thousand letters and telegrams, but having no secretary at his disposal, it was a physical impossibility for him to reply to them. He wished to thank all the senders for their kind thoughtfulness.

THINKS ONLY OF HIMSELF

Paris Paper Makes Caustic Comment on Roosevelt.

PARIS, April 5.—The special correspondents of the French newspapers at Naples send interesting, if somewhat caustic, first impressions of the ex-President of the United States, which possibly may be attributed to the difficulty they experienced in getting through the precautionary barriers with which the Italian authorities surrounded Mr. Roosevelt.

The correspondent of the Journal, after a minute description of the "whimsical attributes" of the ex-President, says: "Theodore Roosevelt speaks French clearly with a German rather than American accent. He neither waits to be questioned, nor heeds what he replies. He speaks simply and graciously of himself, with that serene continuity which marks great contentment. Evidently this great man's contemplations are only of himself and his work. He personifies in his hearty laugh the continued restless action of a people already great but still childish."

Boy Train Robber Pleads Guilty.

GREAT FALLS, Mont., April 5.—The

Warming Residences. Booth's Crescent Brand CALIFORNIA BROILED MACKEREL. Hot or cold, you'll like it and have it again. The W. G. McPherson Co. Heating Engineers, 328 Glisan Street. The Mission Of those corpuscles in your blood that have been called "Little Soldiers," is to fight for you against the disease germs that constantly endanger your health. These corpuscles are made healthy and strong by the use of Hood's Sarsaparilla. ARROW COLLARS In the "TREMONT" there has been successfully produced a collar combining comfort with smart appearance. Dallas Optical Parlors