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GOVERNMENT LOSES STANDARD OIL CA

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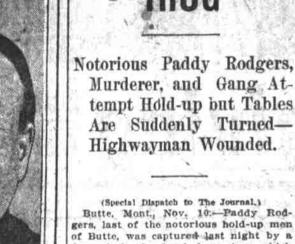
Chicago, Nov. 10 .--- The United States court of appeals here today denied a rehearing in the case of the government against the Standard Oil company, in which the fine of \$29,-240,000 was assessed by Judge Lan-

The denial is another defeat for the government in the famous case, and according to the counsel for the government, is a hard blow for the interstate commerce act.

The decision was rendered by Judges Grosscup, Baker and Seaman and sustains the former ruling remanding the case to the United States district court for retrial.

It is believed that Attorney-General Bonaparte will take the case before the supreme court of the United States on a writ of certiorari.

This was the second time the United States circuit court of appeals had acted in this case. The case was originally taken to the appellate court by the Standard Oil company, after Judge K. M. Landis, in the district court, had



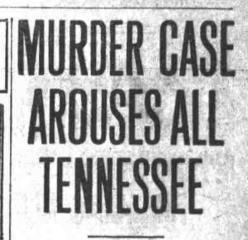
gers, last of the notorious hold-up men of Butte, was captured last night by a drug clerk of a local drug store which the robber with a partner were trying to hold up. The attempted hold-up took place at 10:45 c'clock.

Rodgers, who has escaped twice from the city jail and once from the county jail during his career of crime, has killed three people, all in hold-ups, and has figured in a dozen hold-ups in the last year.

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TWELVE SUCCESSFUL CANDIDATES IN RECENT GUBERNATORIAL ELECTIONS





Killing of Ex-United States Senator Carmack Result of Political Feud Involving Prohibition and Anti-Liquor Forces.

(Special' Dispatch to The Journal.) Nashville, Tenn., Nov. 10 .- This state today is wrought up to an intense pitch of excitement over the killing of Edward Carmack, former United States senator and late unsuccessful candidate for governor. The dramatic occurrences of yesterday have a peculiar bearing upon the political situation in this section. The struggle of the anti-liquor element for supremacy, which was temporarily brought to a close by the election of Patterson, Carmack's opponent, to the governorship, the primary fight of Carmack against exgovernor Taylor for . the United States senatorship and the vigorous campaign of the once famous leader in the minority of congress, lend more than passing interest to the CB86.

A special session of the grand jury will be called tomorrow to consider the cases of Colonel Duncan B. Cooper and his son Robin Cooper, who fired the shots that ended Carmack's life. It is understood that Copper and his son will waive preliminary examination at this afternoon's hearing and their cases will go direct to the jury. Governor Patterson, as warm friend of Colonel Cooper, issued a statement today tending to defend Cooper. The governor says that he was in conver-sation with Colonel Cooper yesterday a short time before the shooting and that. Cooper gave no infimation that he expected trouble with Carmack. He says that Cooper did everything in his power to avert a tragedy. Witnesses will be produced to tes-tify in an effort to show that the kill-ing was premeditated. It is reported that one witness will testify that Colonel Cooper's daughter telephoned to him yesterday, saying that her father had gone out to kill Carmack and ask-ing that he be found and disarmed. this afternoon's hearing and their cases

in a trial replete with sensations.

A jury in Judge Landis' court had found the Standard Oil guilty of accepting rebates from the Chicago & Alton railroad. The oil company had been indicted by two special federal grand juries on 6,428 counts, charging violations of the Elkins anti-trust law, which prohibits the granting or accept-ance of rebates on oil or other products.

which prohibits the granting of accepts ance of rebates on oil or other products. The trial began March 4, 1907, and lasted six weeks. United States Dis-trict Attorney Sims represented the government and Attorneys John S. Mil-fer, Moritz Rosenthal, Virgil P. Kline, A. D. Eddy and H. W. Martyn appeared for the Standard Oil company. The specific indictments upon which the United States authorities elected to make their fight numbered 1,462 and charged the acceptance of rebates ag-gregating \$223,000 from the Chicago & Atton railroad on Shipments of oil Tron Whiting, Ind. to East St. Louis, Ill. The strial ended in a verdict of guilty on each indictment. The maximum fine was \$29,340,000, with the provision that the Standard Oil company of it could be less should it be shown that the Standard Oil company of eldary of the Standard Oil company of New Jersey. After conviction, and be-fore he pronounced sentence, Judge Laadis expressed a curiosity to have this latter point cleared up, and lesser Standard Oil dights to testify re-garding the connection between the In-diana and New Jersey corporations, On While and New Jersey corporations, On lesser Standard Oil lights to testify re-garding the connection between the In-diana and New Jersey corporations. On August 3, 1907, Judge Landis fined the oil company the maximum, \$29,240,000, in an opinion scoring the company un-mercifully.

Case Goes to Circuit Court.

Case Goes to Circuit Court. The Standard Oil company immedi-ately took the case to the United States "circuit court of appeals on a writ of error, averring that the trial court had erred in ruling, that the number of of-fenses should be reckoned by the num-ber of carload lots and not by the num-ber of shipments; that the trial court had erred in ruling that ignorance of the law is not an excuse for violation

(Continued on Page Two.)



(United Press Leased Wire.)

New York, Nov. 10 .- A little addition to the honeymoon fund of \$17,500 was made by Joseph P. Golden of Seattle and his bride, who was formerly, Miss Marjorie Pressler of San Francisco,

Marjorie Pressler of San Francisco, through a "shopping tour in Wall street," and the bride is wearing a dis-mond pendant that cost \$6,00. The story of the boneymoon adven-ture in high finance became known to-day and when Golden was seen at his hotel he said: "My wife and I arrived here three days before the election. We ware both sure Taft would win and that stocks would go up immediately. So we went shopping down in Wall street instead of on Fifth avenue. By last Saturday our Investments had naticed us a profit of \$17,500 and we quit. It was just a little flyer and I don't suppose we will ever put another nickel into the game."

lions to Spend.

BY COURT OF APPEALS CAPTURES

GEE HOI TAKES (United Press Leased Wire,)-San Francisco, Nov. 10,-The failure of Charles M. Schwab of the steel trust to visit his properties in Nevada, com-

WANT ALL THE SHIPS

Chink Merchant Tries Save His Brother, Chink Cook. But Fails.

> (United Press Leased Wire.) San Francisco, Nov. 10 .- Coming from Homestead, Pa., in an alleged attempt

GEE YUK'S PL

to deceive the federal officials into granting a release to his brother, who granting a release to apportantion, Gee Hol, a is wanted for deportation, Gee Hol, a Chinese merchant, is in San Francisco, at liberty, while the United States mar-shais still seek his brother, Gee Yuk. Gee Yuk was captured with 16 öther Chinese four years ago attempting to enter the country from Mexico. They were taken to San Francisco and re-leased on bonds for their reappearance in court when wanted. The bond of Gee Yuk was undertaken by the Am-erican Bonding company. Recently detectives learned that Gee Yuk was working as a cook at Home-stead. When secret service men went for him Gee Yuk fled. Gee Hol, his brother, represented himself as Gee Yuk and was brought to San Francisco. Just as the deportation order was about to be made, Interpreter David Jones proved that he was not Gee Yuk, and his re-lease was ordered. is wanted for deportation, Gee Hol, & the first ship of the Dreadnought type would spend several million dollars in improving the plant and placing it in a position to do work equal in quality and amount to that turned out by any other shipyard in the world. While declining to express a definite opinion on the possibility of a greater enlargement of the navy and the con-struction of more battleships, Schwab declared the yard would be placed in position to take advantage of any in-crease in prosperity and would take its share of the work.

SENT TO THE PACIFIC

(Guited Frees Leased Wire.) San Francisco, Nov. 16.—A set of res-olutions asking that the Pacific fleet be retained in the Pacific cean and that it be augmented by the Atlantic fleet was forwarded to President-elect Taft today by the officers of the Cali-fornia branch of the American National Red Cross society. The resolutions were drawn up at the annual meeting of the association yes-terday and are congratulatory in tone. Taft is president of the American National Red Cross society and the or-ganization here hopes to have consid-erable influence with him in making the request that the fleet remain in the Pacific ocean. Yesterday's meeting was addressed by army officers and naval men. PRAISE OF UNION Central Labor Union of this city

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-Were we thoroughly, truly, unselfishly and in every other way governed by the golden rule, we should each of us strive to assist our neighbor in adding to his prosperity by purchasing requisites of our sustenance from him, thereby adding to the material welfare of this said neighbor, whether he be in Africa or Portland," said W. G. McPherson, president of the W. G. McPherson company.

"Inasmuch as we have not yet perfected ourselves to this degree, we should add to the material prosperity of the state and city as much as possible by assisting our immediate neighbors instead of those in Africa or other distant places, by making all possible purchases from home manufacturers. We are all quite well aware that nothing builds up a nite of the state of builds up a city or a community so well as a big payroll in that community, and by the disbursement of all money for material and labor at the nearest point to its production. The man who does not follow out this rule, cannot be said to have the best interests of the city or locality in which he lives at heart, and it must be an extreme case of nearsightedness, which would prevent him from so doing."

Reading from left to right they are: Charles Dencen (Rep.), Illinois; Walter R. Stubbs (Rep.), Kansas; Herbert S. Hadley (Rep.), Missouri; John A. Johnson (Dem.), Minnesota; James O. Davidson (Rep.), Wisconsin; Fred M. Warner (Rep.), Michigan; Albert W. Gilchrist (Dem.), Florida; Malcolm R. Patterson (Dem.), Tennessee; Judson Harmon (Dem.), Ohio; George L. Lilley (Rep.), Connecticut; B. F. Carroll (Rep.), Iowa; Charles E. Hughes (Rep.), New York.

GREATEST AMERICAN BATTLESHIP, THE NORTH DAKOTA, IS LAUNCHED

(United Press Leased Wire.)

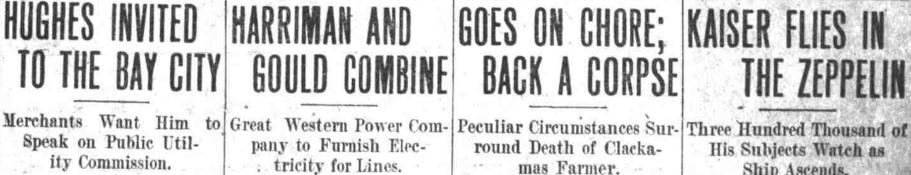
Quincy, Mass., Nov. 10 .- The North Dakota, America's greatest battleship,

by the act under which the money for the construction was appropriated. The keel of the big vessel was laid be been ber 16, last, and by October 1, the ship was 64 per cent finished. Her the under how be the fifth and last of the big comment of the son were coming from the Dreadnought type in which the guns the son years and elightly wounded. The North Dakota is a sister ship of the Delaware, which is under construc-tiad. The North Dakota is a sister ship of the belaware, which is under constru-tiad. The North Dakota is a sister ship of the belaware, which is under construc-tiad. The North Dakota is a sister ship of the the son will cost about the son will be attracted in the son were causels com-castle deck, extending from the bow al-most to the curter of the ship. The is turret being so located that the axes of its funs will be a tranged in twill be arranged. If this can be the son sufficient height for its guns turret being so located that the axes of its funs will be a tranget of the fore-wall be of sufficient height for its guns to clear the read of the fore-mad also situated on the sixs of the mater three the size of the fore-mad also situated on the sixs of the to clear the read of the fore-mad also situated on the sixs of the mater three the size of the fore-mad also situated on the sixs of the the size of the fore-mater the the size of the fore-mad also situated on the sixs of the mater three size of the fore-mater the size of the forethe first ship of the Dreadnought type to be constructed in the United States, was launched today at the yards of the Fore River Shipbuilding company, be-fore a company of distinguished men and women. Miss Mary Benton of Far-go, N. D., who had been chosen by Governor John Burke to officially chris-ten the battleship, broke a bottle of champagne across her bows and the great ship slid down the ways amid the cheering of a great throng of people who had come from Boston and neigh-boring cities to winess the launching. The crowd included Governor Burke and his staff and a delegation of navy officers and representatives of the state of Massachusetts and the city of Quincy. The North Dakota is now 60 per cent Quincy. The North Dakota is now 60 per cent to finished.

All American records for battleship construction have been broken in the ship, will be building of the North Dakota. All indi-cations are that she will be completed before the three-year time limit allowed after turret.

Nashville, Tenn, Nov. 10.—United States Senator Edward Carmarck, ed-itor of the Tennesseean of this city, was shot and killed by Robin Cooper, son of Colonel Duncan B. Gooper, poll-tician, at 4 o'clock yesterday aftermon. Young Cooper was shot in the shoulder by Carmark and slightly wounded. Senator Carmack was aproaching Sev-enth avenue on Union street and Colonel Cooper and his son were coming from the opposite direction. Robin Cooper fired first and Carmack fell drawing his own pistol and returning the shots. Carmack was struck three times and died soon after falling to the ground. The difficulty between the Coopers and Carmack or caustle com-ments in the Tennesseean concerning the management of the state Democrat-ic machine of which Colonel Cooper was a leader.

THE ZEPPELIN



His Subjects Watch as Ship Ascends.

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