



COAL ROADS' GRIP SHAKEN BY COURT

Contracts with Independents Held Illegal; Control of Temple Iron Company Ordered Dissolved.

WICKERSHAM IS GRATIFIED

Decision Heralds the Restoration of Competition and the Dissolution of the Combination, Announces the Attorney General.

Washington, Dec. 16.—The hold of the coal carrying railroads upon the anthracite industry was further loosened today by the Supreme Court, which handed down a decision in the "coal trust" case ordering that the so-called 65 per cent contracts with independent dealers be cancelled.

The court, affirming the decree of the lower court, also ordered the dissolution of railroad control of the Temple Iron Company, by which the principal railroads and their coal companies were found to have strangled a project to build a competing road into the anthracite fields in 1898 and by which monopolizing schemes could be put into execution handily in the future.

The court dismissed the government's general charge of conspiracy and violation of the anti-trust law against all of the railroads and dismissed without prejudice the charges of conspiracy against the minor combinations among the coal carrying roads and their coal companies. It is possible that the Department of Justice may bring separate suits against these minor combinations alleged to have been steps in the general plan of acquiring control of the industry.

Opens Path to Competition.

The Supreme Court, however, paved the way for the re-establishment of competition and the dissolution of the "trust" by ordering the cancellation of the 65 per cent contracts with independent dealers, according to Attorney General Wickersham, who expressed the opinion to-night that the decision "will so completely destroy the combination which controls the price of anthracite coal that it must result in a distinct measure of relief to the public."

Mr. Wickersham believes that the government virtually won its suit so far as results are concerned, although there is an intimation in his statement that other suits may be filed. It is probable that the Department of Justice will renew its campaign against the alleged "coal trust" in the light of the opinion handed down and perhaps institute further suits against the several defendants not exonerated by the decision except in that they were not jointly combined. The statement of Mr. Wickersham follows:

The decision marks the close of a ten-year effort to reach through the process of the courts a combination controlling the production, shipment and marketing of anthracite coal. The bill respecting charges that different combinations which the defendants were alleged to have formed in the view of the fact that all of the defendants are not parties to any one of these combinations, but that each of them affects some of the contracts, only dissolves them out of this suit without prejudice and without expressing any opinion concerning their legality.

Justice Lurton announced the unanimous opinion of the court, which, for the purposes of this case, consisted of:

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GOVERNOR PARDONS 360 TO WARN ARKANSAS

Donaghey Liberates Convicts as a Protest Against Convict Lease System—"A Revengeful Hell."

Little Rock, Ark., Dec. 16.—Governor George W. Donaghey signed pardons today for 360 convicts, who will be released to-morrow as a protest against the convict lease system employed in Arkansas and in other Southern States. Governor Donaghey had intimated in a speech before the recent conference of Governors in Richmond that he might take such action.

The convicts who will be freed are serving sentences of from one to fifteen years. None of the desperate prisoners will be liberated. Three state convict camps will be abolished as a result of the Governor's action, but several camps will be continued where convicts are engaged in the building of good roads.

Governor Donaghey has fought the convict lease since he assumed office, four years ago. He has repeatedly urged the Legislature to take action in the matter, but each time his efforts were futile.

Some members of the Legislature contended that the state penitentiary was not designed for a Sunday school. Governor Donaghey replied by asserting that it was not designed for a "revengeful hell." The Governor has prepared a long statement to be submitted to the Legislature in January explaining his action.

FIFTH AVENUE GAPES AT SHOWER OF SHIRTS

Pajamas Also Sail Through the Air as Police Chase Alleged Shoplifter.

A young man running out of Fifth avenue throwing away his shirt is a startling enough sight, but when he throws away three or four shirts and tops them off with a couple of suits of pajamas everybody stops to gaze. At least, they did yesterday afternoon, and automobiles paused, along with pedestrians, while the occupants watched the clothing expert.

The police said the young man was a shoplifter, and arrested him on a charge of stealing a number of silk shirts and silk pajamas from a Fifth avenue department store. At the police station he gave his name as Frank Johnson.

Johnson and Andrew Carr entered the store dressed in the height of fashion. The store detective was suspicious, however, and when he saw them stroll to the shirt counter he stroled, too. He told the police that while Johnson concentrated the attention of the clerks with his funny stories Carr shoved the shirts under his capacious overcoat. Every now and then, he said, they would switch, and Carr would talk, while Johnson put in a stock of pajamas.

The detective allowed the men to leave the store and get as far as Madison avenue and 33rd street before he laid hands on them. He held fast to Carr, but Johnson got away and ran to Fifth avenue and then north. He turned west through 37th street, with a crowd behind him and a larger one looking on. Half way down the block to Sixth avenue he began to shed the shirts, squirring snakelike as he pulled them from under his vest and coat. Motorcycle Policeman Noonan came up behind him and stopped him at Sixth avenue.

At the West 30th street police station it was found that Carr had \$42 worth of shirts and pajamas, and the ones that Johnson had thrown away, together with the ones he still had sticking in his clothes, brought the whole amount to about \$60. Johnson said he was a "waiter" and lived at No. 339 West 43d street. Carr called himself a "performer," and gave his address as No. 217 West 43d street. In the pockets of both were found postcards addressed to friends in Chicago stating that "business has been extremely successful in New York. It was well worth the trip."

Johnson was arrested on December 7 on a charge of stealing silk socks in a men's furnishing store. He was bailed out in the sum of \$300.

BANDIT AND SHERIFF DEAD

Outlaw Holds 100 at Bay Until Killed by Soldiers.

Santa Ana, Cal., Dec. 16.—In a fight today in the hills at Tamato Springs between a young desperado and more than one hundred county officers, militiamen and citizens, the outlaw who had attacked Myrtle Huff, aged 47, the niece of Sheriff Robert Squires also was killed. Under Sheriff Robert Squires also was killed and three of his deputies were seriously wounded.

The battle was the climax of an all-night pursuit of the bandit by a sheriff's posse, which brought him to bay at dawn on the summit of the rocky hills overlooking the water holes of Tamato Springs. Turning on his pursuers, the bandit, entrenched behind bastions of rock, opened fire. One of his first bullets fatally wounded Squires. The latter lay in a gulch calling for help throughout the long fight, but each time an effort was made to reach him one or more members of his posse fell wounded.

It was not until Company L of the 7th Regiment, National Guard, had been summoned, and, flanking the bandit's position, had shot him to death, that the body of Squires was recovered. The sheriff was dead when picked up.

ACCEPTABLE CHRISTMAS PRESENTS. Case of Selected Wines, \$4.00, \$5.00, \$6.75. H. T. Dewey & Sons Co., 135 Fulton St., N. Y. —Advt.

VICE NET TAKES IN NEW DISTRICT

One of Inspector Cahalane's Men Accused of Extortion and Oppression; Stubborn Victim Arrested.

MAN HIGHER UP SOUGHT

Mr. Whitman Gathers Evidence Against Privates in Extortion Army, Expecting Them to Turn State's Evidence—Mayor on Vice.

Specific charges of police grafting on disorderly house keepers which are engaging the attention of either the District Attorney or the Police Commissioner, or both, spread yesterday to include the 1st Inspection District, when Sergeant Daniel O'Grady, of Inspector Cahalane's staff, was suspended pending an investigation of charges that he had attempted to levy a \$50 graft contribution.

The sensational story of Mary Goode, which implicated the police in the 4th Inspection District, under Inspector Dwyer, was succeeded by the story of "Diamond Lottie" Stanton concerning the police of the 3d District, under Inspector Lahey, and yesterday by the summary action taken by Commissioner Waldo against O'Grady, which dragged in the 1st District.

Robert Shobel, who presented the complaint upon which O'Grady was suspended, told his story to the District Attorney's office first and was sent along to Police Headquarters. After hearing his story Chief Inspector Schmittberger suspended O'Grady, and with Deputy Commissioner Walsh began an investigation which will be carried along at the same time as the Skelly inquiry, which was also started by the police authorities as the result of the Goode testimony before the Curran committee.

Meanwhile District Attorney Whitman is proceeding with an investigation of the charges that the police graft on disorderly houses has got back to the standard of the days of Tweed, and announces that he will present evidence to a grand jury as soon as he is reasonably sure of indictments and convictions.

Chance for "Manny" Maas. It is entirely probable that "Manny" Maas, named by Mrs. Goode as the graft collector from downtown disorderly houses, will be examined at great length by Mr. Whitman, and even possible that Maas will be a witness before the grand jury. This latter step, however, it is said, will be taken only if Maas will tell the whole truth about his police associations and his knowledge of disorderly house graft.

The same general procedure that marked the gambling graft revelations will be followed in the present inquiry, it is understood, and one feature will be that several men whose names are now in Mr. Whitman's hands will be called upon to justify their large bank balances. These are men whose names have been given to the District Attorney as collectors and deputy collectors of the police graft on vice, and some of them are now under surveillance.

Jacob Reich, otherwise known as "Jack Sullivan," who is the only man indicted but still untried for the Rosenthal murder, may have another chance to help the state in the present inquiry into police graft as concerns vice. He is said to be "in the know," as the underworld refers to it in this graft, and although nothing in the way of comment upon the report could be obtained from Mr. Whitman's office, the rumor persisted that Sullivan would have one more chance to aid the prosecutor.

Waldo Stirred to Action. One point that was especially marked by those who have been following the trail of police graft that has been unearthed since the Rosenthal murder was that the Goode story accomplished at Police Headquarters something that the Rosenthal story was unable to accomplish.

Rose's story of grafting by Becker was derided and discredited by police authorities, and Mayor Gaynor took the pains to instruct Commissioner Waldo specifically not to proceed against Becker on the basis of Rosenthal's story, with the result that Becker was still in the uniform of a police officer for half an hour after a grand jury indicted him for murder.

Mrs. Goode's story, on the contrary, although nothing by way of definite recognition was accorded it at Police Headquarters, resulted yesterday in the opening of an investigation of Patrolman Skelly, who was named as a graft collector by the disorderly house keeper. Deputy Commissioner Walsh and Chief Inspector Schmittberger were busy on the Skelly investigation yesterday.

The Shobel story, which was also a subject of inquiry by those two police officials yesterday, was in brief that Sergeant Daniel O'Grady, of the Central Office squad attached to Inspector Cahalane's staff in the 1st Inspection District, had demanded a \$50 bribe of Robert Shobel on penalty of prosecution for maintaining a disorderly house, Shobel said he refused to pay and that he was arrested within three days.

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ANTIEDILUVIAN WHISKEY. No fancy medicine closet complete without a bottle of Antiediluvian. Luyties Bros., N. Y.—Advt.

HEINZE'S WIFE GETS \$12,000 A YEAR ALIMONY



MRS. BERNICE GOLDEN HEINZE. Who got a decree of divorce and \$12,000 a year alimony from her husband.

Onetime Copper King Must Pay Her \$1,000 a Month and Rent, and Educate Child.

DOESN'T CONTEST DIVORCE

Porter Tells of F. Augustus Heinze's Trip to Denver with a Woman Whose Picture He Identifies.

Newburg, Dec. 16.—The second highest alimony ever recorded in New York State was allowed Mrs. Bernice G. Heinze, of New York City, today, when Justice Arthur S. Tompkins, of the Supreme Court, granted her a divorce from her husband, Fritz Augustus Heinze, once known as the "Copper King." Under the provisions of the decree Mr. Heinze is to give his wife \$1,000 a month alimony and is to pay the rent of her apartments in New York, amounting to \$233 a month, until the present lease expires, which will be in two or three years. Mrs. Heinze also receives the custody of the couple's child, F. Augustus Heinze, Jr., born on December 6, 1911, and the father is directed to pay for the lad's education after the boy reaches the age of five years.

Only one witness, a negro porter named Crocker, employed on a sleeping car running on the Denver & Los Angeles division of the Union Pacific Railroad, was sworn at the hearing in the Supreme Court. A photograph of Mr. Heinze and an unidentified woman, alleged to be Mrs. Lavelle, a chorus girl, was shown to the witness. The picture was snapped in Denver, while Heinze was visiting there in December last.

The porter said he saw the man in the photograph on his train at 11:55 a. m., September 26 last. He said the man had engaged a stateroom with upper, lower and side berths. In company with this man, the witness testified, was another man, who went from Denver to Ogden, Utah. At that point, the witness asserted, the man not in the picture got off and a woman got on. The woman, said Crocker, occupied the same compartment as the man in the photograph. She was, he said, the same one who appeared in the photograph with Heinze.

Immediately after the negro porter completed his testimony, Benjamin F. Spellman, representing the plaintiff, presented an affidavit showing default on the part of the defendant, and stated that an agreement had been reached with Heinze relative to the alimony and custody of the child. As Heinze did not appear to contest his wife's suit, the court promptly signed the decree.

Heinze testified at the hearing before Justice Tompkins, in Nyack, on Saturday. He was shown a letter received by Mrs. Heinze, containing a newspaper clipping referring to Heinze's visit to Denver with a strange woman, and denied that he sent it. The newspaper clipping said that F. Augustus Heinze was in Denver with a young woman.

He said that baseball was fast becoming popular among the Chinese, and that already it had done much to make them abandon games of chance.

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BASEBALL BLESSES CHINA. Greatest Single Factor for Good, Says President Eliot. Cambridge, Mass., Dec. 16.—"Baseball has been the greatest single factor for good among the Chinese," declared Charles W. Eliot, president emeritus of Harvard University, at a meeting of students today. President Eliot was telling the students of his recent trip to the Orient.

LONDON MOURNS WHITELAW REID

Premier Asquith Offers Battleship for Last Solemn Voyage in Noble Tribute to Dead Ambassador.

SERVICE IN WESTMINSTER

Signal Honor Arranged on King's Own Initiative for Friday Next, When Dean and Chapter of Abbey Will Officiate.

London, Dec. 17.—In the House of Commons yesterday Premier Asquith and ex-Premier Balfour (the latter speaking for the Opposition in the absence of Mr. Bonar Law) joined in an eloquent tribute to the late Ambassador, and Mr. Asquith made known the intention of the British government to suggest to the United States government that the body of Mr. Reid be conveyed to New York on a British battleship.

At the opening of the session Premier Asquith arose amid profound silence and said: "Before the House proceeds to the orders of the day I would ask leave to give brief expression to the sincere grief which is shared by the whole nation at the death of the American Ambassador, Mr. Whitelaw Reid.

"The American Ambassador to this country has a position of his own which is independent of his status and functions as an external power. We regard him as a kinsman. (Hear, Hear!)"

"He is also honored here as a well-known guest, sprung from our own race, speaking his own language, sharing with us by birth as well as by inheritance not a few of our most cherished traditions, and participating when he comes here by what I may describe as a natural right in our domestic interests and celebrations.

Conspicuously Successful. "His office has been held and adorned by a long succession of distinguished men, but I am not using the language of exaggeration when I say that none of them more fully entered into its spirit and maintained its special authority than did Mr. Whitelaw Reid.

"He brought to the discharge of its manifold and exacting duties the gathered experience of a veteran in public affairs, the endowments of a mind of the highest culture, social gifts of the most genial and generous kind, keen sympathy with all the many sides of our British life, a mind always open and receptive and with the warmest of hearts.

"We propose to suggest to the American government that one of his majesty's battleships or cruisers should convey the body of the late Ambassador to his native land" (murmurs of approval), "and I am certain I am interpreting the sentiments of the whole House when I venture in the name of the members to offer to the late Ambassador's family and to the President and people of the United States our deep and heartfelt sympathy in the loss of one who was a great American and who none the less was at home among us, and who in a true and real sense was one of us" (hear, hear).

Mr. Balfour's Tribute. Mr. Balfour said the Prime Minister was perfectly justified on this occasion in saying that he spoke not merely for the majority of the House, but for the whole House, without any exception whatever, and continued:

"I have nothing to add in substance to the noble tribute which the right honorable gentleman has paid to Mr. Whitelaw Reid. Of course, I have not the knowledge which the Prime Minister may possess of the assistance which I doubt not Mr. Whitelaw Reid gave to his own government and to our government in the cause of increasing, if possible, the admirable understanding which now exists and has for so many years existed between the two great branches of the English speaking race.

"The Prime Minister did not dwell on that branch of the subject, a branch of the subject appropriate to an Ambassador of the United States, but appropriate to the ambassador of no other country, however friendly our relations with that country might be, but he did dwell with admirable taste and eloquence upon the position which has been so long occupied by distinguished citizens of the United States. We in Great Britain have always extended to these representatives not merely the consideration due to those representing a great and friendly power, but something much more, something much more intimate. We welcomed them, as the right honorable gentleman truly said, to the very arcana of our social life.

"The duties of his high office were admirably fulfilled by the departed statesman. I had the honor, as many of those present must have had, of his friendship, and I shall never forget the kindness which he always extended to me, as he did to others who were brought from time to time into close and intimate contact with him."

Sir E. Grey's Message. Sir Edward Grey, Foreign Secretary, who, of course, came more intimately into contact with Ambassador Reid

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