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Injunction Granted Against Bell Telephone Company by Ohio Court

On Grounds Company Seeks
To Create and Maintain
Monopoly, United States
Judge Takes Action.

RICHMOND SITUATION
FIGURED IN RULING.

Claimed Union as Formed
Here Is Part of Plan to Get
Control of Telephone Busi-
ness Throughout Country.

COMPETITION WIPED OUT.

BELL COMPANY SAID TO BE
TRYING TO GET INDEPENDENTS
TO BREAK CONTRACTS WITH
OTHER COMPANIES.

Although press dispatches from
Cleveland, Ohio, assert the Richmond
Home Telephone company is involved
in the case decided in the federal
court in which the Bell Telephone
company was enjoined, Supt. William
Bailey, of the local concern says his
company will not be affected in any
way.

On the ground of a conspiracy to
create and maintain a monopoly and
in violation of state laws and the
Sherman anti-trust law, United States
Judge Taylor of the federal court at
Cleveland Saturday granted an in-
junction against the American Tele-
phone and Telegraph company (Bell
long-distance system) and the Central
Union Telephone company (Bell com-
pany operating in Ohio, Indiana and
Illinois) restraining them from inter-
fering with the business of the in-
dependent operating companies in those
and adjoining states.

The injunction was granted upon
the application of Clarence Brown,
general counsel and James S. Bailey,
Jr., president of the United States
Telephone company, which is the in-
dependent long-distance company op-
erating in Ohio and adjoining states,
in a suit brought by that company.

For the purpose of wiping out and
preventing competition the Central
Union and American companies are
declared to have been engaged and
are still engaged, in inducing in-
dependent telephone companies to break
contracts providing for connections
with the United States, or Independent
Telephone company. By one
means or another the Central Union
company and the American Telephone
and Telegraph company are declared
to have caused fourteen companies in
Ohio and two in Indiana to break their
contracts with the United States, or
Independent, telephone company.

The two Indiana lines named are the
Richmond Home Telephone company,
of Richmond, Ind., and the Butler
Telephone company of Butler, Ind.

The injunction is a sweeping one.
The Central Union Telephone com-
pany and the American company and
their agents and employees, and all
persons aiding or abetting them, are
restrained from in any manner violat-
ing any of the contracts between the
United States, or Independent, Tele-
phone company and other independent
companies. The Central Union and
the American company are also en-
joined from delivering telephone mes-
sages to or receiving telephone from,
any of the independent telephone
companies with which the United
States company has contracts.

Mr. Bailey says his company and
the Central Union (or Bell) operate in
this city under a working agreement
and have formed no combination in
restraint of competition. Local at-
torneys state that this so called work-
ing agreement might be interpreted
as being a restraint of competition,
however, because of its nature. Mr.
Bailey says the Home company has
not been notified that it is concerned
in the case at Cleveland and was not
made a party to the defense. He holds
the opinion the situation as passed
upon by the Cleveland court applies
in Ohio only.

It is alleged by Mr. Bailey that the
agreement in this city between the
two companies did not prescribe that
the Central Union should abandon its
local lines. This action followed the
alliance with the Home company, how-
ever, and now the Central Union does
not offer any local service and to se-
cure telephone accommodations a citi-
zen must be a patron of the Home
company. Mr. Bailey said further it
was not agreed that the Home com-
pany should treat the long distance
patronage of the Central Union com-
pany as it now does, but that the
change has been made for the better-
ment of the service. He claims the
Central Union makes use of the Home
company's local lines for terminal pur-
poses, so that when calls are received
from long distance the caller may be
accommodated by direct access to the
party wanted. In return for this,
when calls are made for long distance
points outside of the lines of the
Home company's lines, from the lat-
ter's phones, the calls are transferred
to the Central Union for service to
the United States company alleges

ARCHBOLD EXPOSE SPELLS HIS DOOM?

Ally's Letters May Have In-
spired Rockefeller's Re-
turn to Helm.

NO RADICAL CHANGES.

FAMOUS MAGNATE SPENDS SEV-
ERAL HOURS EACH DAY IN
NEW YORK OFFICE—HIS REAS-
ONS YET UNKNOWN.

New York, Nov. 23.—After fourteen
years of retirement John D. Rockefel-
ler, the richest man in the world, at
the age of 69 is again the active as
well as the nominal head of the great-
est, the most talked of, and the most
abused corporation in America, the
Standard Oil company.

For the last three weeks Rockefel-
ler has been in his office in the Stand-
ard Oil building, 26 Broadway, every
day, spending from four to five hours
at his desk in his private room on
the fourteenth floor. During the last
week he has been at work every busi-
ness hour not encroached upon by his
appearances in court. In addition to
his private secretary, Mr. Carey, he
has been assisted by Miss Adams, his
secretary, who makes her home with
him at Pocantico Hills.

Just what induced Rockefeller to
take the helm again may only be
guessed. It is known, however, that
he is in better health today than he
has been for years, and as he often has
expressed the view that a man should
not retire while he is still able to do
good work, his return to his desk is
consistent.

Archbold to Be Submerged? ,
But other circumstances, more im-
portant than his recovered health,
may have caused Rockefeller to take
up the active presidency of the Stand-
ard Oil company. H. H. Rogers, his
chief lieutenant, and for years the real
head of the company after Rockefeller's
retirement, has been unable to di-
rect its workings for some time, owing
to poor health.

John D. Archbold, who followed Mr.
Rogers as active head of the company,
has been rather uncomfortably in
print since the political campaign
brought its "Archbold letters." That
the founder of the great monopoly
thinks firmer and better hands are
needed to guide it on its course, or at
least to guide it safely through the
present troubled waters, is an assump-
tion likely to be adopted.

Radical Change Not Likely.

Whether Rockefeller intends to
change the present policy of the Stand-
ard or continue it along the lines
maintained by Rogers and Archbold,
is a question difficult to answer. Cer-
tainly there is little likelihood of any
radical change, for Rogers and Arch-
bold have been Rockefeller's closest
business associates for over a quarter
of a century, and even since his retire-
ment he has had full knowledge of and
participation in their policy.

The closest business associates of
the oil king declare his return to the
harness is because he has fully recov-
ered his health and longs for more ac-
tivity. And Rockefeller bears out this
view.

"I feel younger today and my general
health is better than it has been for
nearly fifteen years," said Rockefeller.
"I'm better able to work than I have
been for years, and I intend to work as
long as my health permits. While my
health at one time was not of the best,
I was not in a critical condition, as
many newspapers stated."

Americans Eat Too Much.

"I always have lived a frugal life,
first from necessity, then from choice.
My wants have been comparatively
few and within my income. During
my early business career I acquired
habits of simple living, which my sub-
sequent life never has changed. My
table today is practically the same as
it always has been. I attribute my
present good health to the fact that I
always have eaten simple food, plain-
ly cooked."

"The tendency today, especially
among Americans, is to overeat. It
is largely a habit, and a habit that is
not conducive to good health. A
large majority of present day ailments
are caused by overeating. It is little
less than vice with thousands of men
and women."

"Although I smoke occasionally, I
am not a habitual smoker. I never
drink liquor in any form. I am fond
of outdoor life. I arise at 6 o'clock
in the morning, and by spending con-
siderable time automobiling and play-
ing golf I keep up a good appetite and
enjoy my meals."

its contract with the Home company
now is worthless, as the agreement
with the Central Union by the Home
company, transfers all business so
that the United States derives no ben-
efits from its connections and con-
tracts.

JURY DELIBERATES ON JONES' FATE

Instructions to Body Given by
Judge Fox This Morn-
ing.

WHITEWATER MAN SCORED.

PROSECUTOR SAYS MAN MADE
HIS HOME A DRAM SHOP WHEN
IT WAS UNNECESSARY TO
STOOP TO SUCH METHODS.

After hearing the argument of the
attorneys in the case of the State vs.
Dr. Arthur Jones of Whitewater,
charged with violating the liquor laws
under the "blind tiger" statute, the
jury undertook the determination of
its merits. The argument for the state
was presented by the prosecuting at-
torney and that for the defendant by
Byram Robbins, his counsel.

In his statement to the jury, the
prosecuting attorney said he grants
the "blind tiger" law is somewhat
drastic legislation and it may seem
rather harsh to send a man to jail be-
sides imposing a fine, but the law ex-
ists in such terms only. "It was not
necessary for Jones to stoop to such
disreputable methods," asserted the
prosecutor. "He made of his home-
made dram shop, a saloon. If he had
had this liquor for legitimate pur-
poses, why did he keep it concealed about
his premises under the counter and
between the floor sacks, as testified to
by the officers? Why did he keep his
kegs in the barn, upstairs or in the cel-
lar and why not in places easier of ac-
cess?" The prosecutor went into the
evidence as presented quite extensively
and made a powerful plea for the jury
to return a verdict of conviction.

Jones' attorney made the plea that
the liquor confiscated by the police of
this city when they raided Jones' store
at Whitewater was owned by him legiti-
mately, and was for private con-
sumption or use as a practicing physi-
cian. Jones was spoken of as a man
who had been imposed upon and whom
was being persecuted rather than pros-
ecuted.

The jury retired to its rooms im-
mediately upon receipt of the instructions
from the court.

Courts Instructions.

The court, after reading the indict-
ment and the statute upon which it
was based, and after charging the
jury generally concerning the doctrine
of reasonable doubt and the credibil-
ity of witnesses, instructed the jury
as follows:

The indictment in this case is based
upon a statute approved by the general
assembly of this state on the 13th day
of February, 1907, and which is known
as the "Blind Tiger" law. The terms
of this statute are comprehensive and
are intended to prohibit the selling,
bartering or giving away of intoxicat-
ing liquors as a beverage by any per-
son without first procuring a license
so to do. The provisions of this statute
are stringent and the penalties
provided severe, but the statute is val-
id and constitutional and the courts
will enforce it according to its terms.

In the first place, the statute prohib-
its any person not having a license so
to do, from selling or bartering any in-
toxicating liquors in a less quantity
than five gallons at a time at any
time or in any place or from selling or
bartering any such liquors in greater
quantities than five gallons at a time
to be drunk on the premises control-
led by the person selling the same.

The penalty for a violation of these
provisions is a fine of not less than
fifty nor more than one hundred dol-
lars for the first offense; in the sec-
ond place the statute forbids any per-
son from 'keeping, running or operat-
ing a place' where intoxicating liquors
are sold in violation of the laws of
this state or from having in his pos-
session intoxicating liquors for such
purpose, the penalty being, in such
cases, a fine of not less than fifty
dollars nor more than five hundred
dollars, to which must be added im-
prisonment in the county jail not
less than thirty days nor more than
six months. As has been said, the in-
dictment is in two counts. The first
count charges the defendant with
'keeping, running and operating a
place' where intoxicating liquors are
sold in violation of law. A single un-
lawful sale of intoxicating liquors
would not render the defendant guilty
under this count in the absence of
other proof. Such a case, however,
would come within the provisions of
the statute first above named, which
is not involved in this case. A single
sale would not be 'keeping, running
and operating a place' where intoxi-
cating liquors were unlawfully sold;
the words 'keep, run and operate a
place' implies duration to some extent.

The second count in the indictment
charges the defendant with having in
his possession intoxicating liquors for
the purpose of bartering, selling and
giving them away in violation of the
laws of this state. Under this count
in the indictment, it is not necessary
for the state to prove that there were
any actual bartering, selling or giving
away of any such liquors by the de-
fendant, but it must be proved that such
liquors were in his possession for that
purpose; but this fact, however, may
be inferred from proved circumstan-
ces.

In conclusion, you are instructed
that after you have carefully consid-
ered all the evidence in the case, the

(Continued on Page Two.)

WHIR OF ROULETTE WHEEL HEARD

Gambling Again Resumed at
French Lick.

Indianapolis, Nov. 23.—A special
dispatch to the Indianapolis News,
says that the faro, bank and roulette
are again in operation at the French
Lick gambling casinos.

DID MURDERESS WRITE LETTER?

Atty. Worden Gets Message
Purporting to Be From
Mrs. Gunness.

STOMACHS ARE EXAMINED.

WITNESS STATES AS THOSE OF
MRS. GUNNESS AND CHILDREN
WERE ALL IN ONE JAR, NO DE-
FINITE RESULT WAS OBTAINED.

Laporte, Ind., Nov. 23.—Attorney
Worden, Lamphere's lawyer, today re-
ceived a letter purporting to be from
Mrs. Gunness, dated Michigan City,
Nov. 22, telling the address she is liv-
ing at and under what name she is go-
ing. Worden smiled, but said he
would investigate.

The feature of the trial today was
the testimony of Dr. Haines of Chic-
ago who examined the stomachs of
Mrs. Gunness and her children for
poison. He said the stomachs of the
children and the woman were in one
jar and were examined as one con-
glomeration and it was difficult to de-
termine whether all contained poison
or only one or two.

Attorney Worden, who is defending
Ray Lamphere, now on trial for the
murder of Mrs. Bella Gunness, made
public last night a letter received by
his law partner, Mayor Lemuel Lar-
row, and in which the writer, whose
name and address is withheld, says
that Mrs. Gunness is alive and that
she accompanied her to the Gunness farm
on July 9, the date on which witness-
es say they saw Mrs. Gunness and a
man there. The letter follows:

Chicago, November 21, 1908.
"Lemuel Darrow, Mayor, Laporte,
Ind.—Dear Sir: I hope you will see
that this letter gets into the right
hands, so that it will help the poor,
innocent man, Lamphere, on trial for
burning Mrs. Gunness's house, and her
self and children."

"Mrs. Gunness set fire to the house
and was 20 miles away when it took
fire. She had a slow match going and
the house was saturated with coal oil.
She poisoned the children before hand.
The body with no head was one of
her victims, who was killed some ten
days previous. She cut off the head
so people would think it was hers. The
arm was cut off at the same time. The
head was buried on the place as all of
the body would have been, but before
she had time to do the job she was
afraid of being found out."

"The man and woman and two chil-
dren did see Mrs. Gunness and myself
on the 9th of last July. We were at
the house to get some valuables she
had hid on the premises. Mrs. Gun-
ness was afraid of Lamphere, and
would have killed him in less than two
weeks if she had remained there."

"Mrs. Gunness is alive and well. I
got a letter from her not more than
five days ago, and she hoped Lam-
phere would get hung or a life sen-
tence, but I could not think of him, an
innocent man, being so treated. Yours
for justice,

"L. O. M."

Mr. Worden says he has been trying
to reach the writer by telephone, in
order to have him come to Laporte to
testify, but so far had failed to find
him.

PRESIDENT MUST BE DEE-LIGHTED

Westerly, R. I., Nov. 23.—The
Rhode Island turkey which Horace
Vose will send to the president, ac-
cording to his annual custom, on
Thanksgiving day, went on the ex-
ecution block Sunday and was ship-
ped to Washington today.

It is the best of a lot of chestnut
fed birds which have been selected
and specially reared as candidates
for the distinction. The bird
weighs twenty-six pounds.
President Grant was the first oc-
cant of the White House to receive
a Thanksgiving turkey from the
Vose flock, and each year since
then the gift has been renewed.

THE WEATHER PROPHET.

INDIANA—Local rains Monday night,
colder in north portion. Tuesday
fair, colder; fresh south winds,
shifting to northwest.

OHIO—Rain Monday night; Tuesday
colder and fair, except probably
snow flurries near the lakes.
Fresh south winds shifting to
northwest by Tuesday.

ROCKEFELLER IS CLEVERLY TRAPPED

Kellogg Leads Oil Magnate to
Contradict Archbold
Statement.

STIR CREATED IN COURT.

PRINCE OF THE OIL INDUSTRY
HAS BEEN ON THE STAND FOR
MANY HOURS BUT SHOWS NO
SIGNS OF FATIGUE.

New York, Nov. 23.—John D. Rock-
efeller created a sensation this morn-
ing at cross examination in the pro-
ceedings brought about by the gov-
ernment to dissolve the Standard Oil
company, when he flatly contradicted
the testimony which his right hand
man, John D. Archbold, gave before
the Hepburn commission many years
ago. Kellogg led John D. into saying
that the Acme Oil company was con-
trolled by the Standard. Then Kellogg
read to him the testimony given by
Archbold in 1879 which stated the
Acme company never was affiliated
with the Standard.

This created a stir in the court
room and Rockefeller's lawyers made
vigorous objections.

Kellogg endeavored to get an admis-
sion from Rockefeller that the Stand-
ard company bought the Acme com-
pany, but the best he could do was to
get a statement from him that the
Acme was "bought by Standard inter-
ests."

Believing he had trapped Rockefel-
ler and widening scope of the in-
vestigation, Kellogg was today prepared
to take the oil magnate beyond 1882,
because he had declared the oil busi-
ness is hazardous even at the present
time, as well as the immunity ques-
tion.

Rockefeller claimed he felt all right
this morning but he did not look
cheerful.

Memory Failed.

Rockefeller's memory failed him on
most questions regarding companies
that had been bought, but admitted in
a general way to most of them. Kel-
logg brought out the fact that the At-
lantic Refining company, after being
purchased by the Standard continued
operations as an independent but the
profits went to the Standard.

So far, Mr. Rockefeller has been on
the witness stand in cross-examina-
tion for a little more than eight hours,
about two hours at a time, and includ-
ing his direct examination has con-
sumed about fourteen hours in telling
his story of Standard Oil from its in-
ception down to 1882. Despite his
advanced age Mr. Rockefeller ex-
pressed himself at the close of Fri-
day's session as not having felt any ill
effects or fatigue from the question-
ing to which he has been subjected.

It is the present plan to have John
D. Archbold, vice president of the
company, follow Mr. Rockefeller. It
is the contention of the defense that
Mr. Rockefeller's connection with the
company's active affairs has not been
sufficiently close since 1882 to enable
him to know details.

"Mr. Rockefeller has had little to
do with the management of the com-
pany for more than twenty-five years,"
said Moritz Rosenthal of counsel for
the defense, "and it would be useless
to try to obtain detailed information
from him for that reason."

Mr. Archbold and James A. Moffet,
who were subpoenaed with Mr. Rock-
efeller, will be depended on to bring the
story of Standard Oil from 1882 down
to the present day. None of the law-
yers connected with the case on either
side is willing to express an opinion as
to when a final decision determining
the fate of the Standard as to its
present entity will be reached by the
courts.

Study Immunity Question.

Lawyers for the government are
making an exhaustive investigation of
legal authorities to determine wheth-
er when Mr. Rockefeller was sub-
poenaed as a witness by the defense
they laid the foundation for immunity
for Rockefeller from criminal prose-
cution in the event the government
wins its present suit.

When the present proceedings were
(Continued on Page Two.)

THE MAN WHO TODAY TRAPPED ROCKEELLER



Kellogg is conducting the govern-
ment's suit to dissolve the Standard
Oil company and he is pushing the
case vigorously.

RICHMOND GETS "LION'S SHARE"

Y. M. C. A. Workers Happy
Over Selection of Jones as
State President.

ARRANGE FOR DEDICATION.

NEW Y. M. C. A. BUILDING IN
THIS CITY WILL BE THROWN
OPEN ABOUT DECEMBER 15, AC-
CORDING TO PRESENT PLANS.

Sharon E. Jones, president of the
Richmond Y. M. C. A., was elected
president of the Indiana Y. M. C. A.,
at the convention of the state associa-
tion, held at South Bend. After an
all day session by the nominating com-
mittee, Mr. Jones was selected by this
committee and he was unanimously
elected by the delegates. With the
election of Mr. Jones to the preside-
ncy and the selection of Richmond as
the next place to hold the state con-
vention, this city secured the lion's
share of the honors at the South Bend
meeting.

Mr. Jones, in the opinion of the
state Y. M. C. A. workers, will make
an ideal executive for the state asso-
ciation. He takes an active interest
in the work as shown by the energy he
displayed in assisting in raising the
fund for the erection of the Richmond
Y. M. C. A. building, which will be one
of the finest in the country.

The Richmond delegation to the
South Bend meeting returned home
this morning and all of them wore
broad smiles. "We were the first to
enter the field to secure next year's
convention, and that is the reason we
captured it," remarked Secretary
George L. Goodwin. "When we arrived
in South Bend I immediately had
printed on about five hundred souve-
nir postal cards, showing a picture of
the Richmond Y. M. C. A. building, the
words, 'State Convention, Young
Men's Christian association, Richmond
—1909! Members of the local delega-
tion immediately distributed these
cards among the delegates and told
them how badly Richmond wanted the
next convention. Our plan took all
the wind out of the sails of the dele-
gations from other cities, who were seek-
ing the 1909 convention and when the
time came to choose the next meeting
place, no other city but Richmond was
considered," said Mr. Goodwin.

Building Ready Soon.

About three weeks ago it was an-
nounced that it was probable the local
Y. M. C. A. building would not be com-
pleted until January. Mr. Goodwin
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QUARREL BETWEEN TAFT AND CANNON NOT NOW LIKELY

Congressmen Crumpacker and
Lovering Advise President-
Elect Not to Take Radical
Action.

TAFT CONCERNED OVER
ATTITUDE OF LEADERS

Cannon, It Is Predicted, Will
Be Elected Speaker and He
Will Place No Impediment
in Taft's Way.

Hot Springs, Va., Nov. 23.—Two well
known republican members of Con-
gress, Edward A. Crumpacker, of Indi-
ana and William C. Lovering, of Mas-
sachusetts, advised President-elect
Taft Sunday afternoon to avoid a con-
troversy with "Uncle Joe" Cannon and
his lieutenants over the organization
of the next house of representatives.

And when they left the Taft cottage
both were satisfied the president-elect
would not provoke a quarrel with the
speaker or endeavor to exert executive
pressure upon the lower branch of con-
gress in the matter of its organization.
They found Mr. Taft, however, con-
cerned over the attitude of the house
leaders toward the various legislative
reforms to which he stands com-
mitted and which he expects to have
worked out during his administration.

They found his position was as has
been described to-wit: That he is
anxious to bring about a harmonious
working arrangement with the men
who will be in control of the legisla-
tion in the house and would prefer to
attain this end without an unseemly
struggle; but if the views of Speaker
Cannon are found to be irreconcilable
with his, he might feel impelled to ex-
ert some of the great power possessed
by the president in effecting the prop-
er kind of an agreement.

See Piece Patched Up.

However, both members of congress
gave it as their opinion that it would
not be difficult for Mr. Taft and Speak-
er Cannon to come to a mutually satis-
factory understanding.

While the speaker had definite and
positive views on the tariff, the control
of corporations, the conservation of
natural resources, &c., they were not
so inflexible as not to be made con-
sistent to a greater or less extent with
those entertained by the president-
elect.

The two representatives told Mr.
Taft that such a controversy as he has
intimated would be exceedingly unfor-
tunate, and, even though he were tri-
umphant, the fruits of the victory
would not be worth the price paid for
after.

After he had left the president-elect,
Mr. Crumpacker said:

"Mr. Taft, I am confident, will not
be drawn into a fight against the re-
election of Speaker Cannon, even
though, according to all reports, he has
thought such a contest might eventu-
ally prove necessary."

"Mr. Cannon, I feel sure, will be re-
elected speaker and will not attempt to
place improper obstacles in the way of
the enactment of reform legislation.
I told Mr. Taft that any one familiar
with the speeches the speaker made
in his recent campaign for re-election
could form no other conclusion."

Not So Far Apart.

"Mr. Cannon, in addressing his con-
stituents, clearly expressed his views
on this subject and an analysis of
them will show they are not so dissi-
milar from those of Mr. Taft as some
people believe of profess to believe.
While I would deprecate a test of
strength between the new president
and the speaker over the organization
of the next house, I have serious
doubts whether Mr. Cannon could be
beaten for re-election to the office he
now holds."

The president-elect was given some
reassuring information concerning the
character and extent of the tariff leg-
islation which will be recommended
to the house by the committee on
ways and means by Mr. Crumpacker.
The Indiana representative is a
member of the committee and has
been attending the hearings that have
been in progress in Washington dur-
ing the last fortnight. Personally he
has been an advocate of revision of
the Dingley schedules for several
years and has taken a more advanced
position on the subject than some of
his colleagues on the committee or
Mr. Cannon and certain other con-
spicuous members of the house.

Modifying Schedules.

Mr. Taft learned from Mr. Crum-
packer that the committee was pro-
ceeding earnestly with the investiga-
tion of the need of modifying existing
schedules, and the latter said he had
every reason to believe a satisfactory
measure would be reported early in
the extra session next March. He ex-
plained that the reason some people
were dubious on this point was that