TOBACCO INTERESTS IN BITTER FIGHT

Fate of Sherman Anti-Trust Law Affected By Battle in the Supreme Court.

SAY METHODS UNFAIR

Highest-Priced Lawyers in the Country Are Taking Part in Trial, Which Will Establish Precedent.

Washington, Jan. 7. — Before the court of last resort began the final supreme legal battle on which hangs the fate of the American Tobacco Company and its subsidiary corporations.

Some of the highest-priced lawyers in the country began their arguments before the supreme court of the United States for and against the Sherman anti-trust law and the so-called tobacco trust. On the cogency of their presentation of the evidence depends either the life or death of a vast combine of corporations constituting a business with over $400,000,000 of invested capital, and, on the one hand, a strengthening of the Sherman anti-trust law, or, on the other hand, an emasculation of that statute which will nullify the Government's strongest weapon against corporate aggression.

Three Days' Arguments.

The setting for this legal battle was the small, prim chamber of the court, and the audience of nine justices of the highest court, and a closely packed crowd of lawyers, businessmen and visitors. The generals in command of the opposing forces were Attorney-General Wickersham and Special Attorney J. C. McReynolds, for the Government, and Attorneys John G. Johnson and William B. Hornblower, for the tobacco interests. To Johnson, as chief counsel for the appellant, fell the duty of making the opening argument.

As was the case last year when the same case was argued, the supreme court determined to permit attorneys three whole days in which to present their arguments. Usually the court limits the hearing of a case to at least two hours—divided equally between opposing counsels—but in view of the magnitude of the questions involved and the intricacies of the litigation, it was thought best to grant almost unlimited time for legal statements.

Piled up on the bench in front of each of the justices was a formidable array of documents—mute evidence of the complexity of the case. The record alone in the tobacco case fills two fat volumes of three hundred pages each. The Government's brief is spread over 320 closely printed pages; the two briefs of attorneys for the tobacco trust is compressed into two bulky volumes of about 200 pages each. A copy of each of these documents was on the desk of each justice.

Complaint Filed in 1907.

The case which is now before the supreme court had its inception in a bill of complaint filed on July 10, 1907, before the circuit court for the southern district of New York. It was charged that the American Tobacco Company had gradually acquired a monopoly of the tobacco business in the United States, by a series of bold buccaneering exploits, had stifled competition, and defied independent dealers through a network of subsidiary companies, operating as "independent" dealers.

It was in 1890, the Government claims, that the idea of controlling the tobacco industry first originated with the heads of several big manufacturing companies—James B. and Benjamin N. Duke, Thomas F. Ryan, Pierre Lorillard, R. L. Patterson, P. A. B. Widener, and others—and the American Tobacco Company was shortly thereafter organized, the stock being divided between the magnates. From time to time, the parent company absorbed scores of other competing firms and new subsidiary corporations were formed. In November, 1901, a retail outlet for the "trust" products was secured, through absorption of the United Cigar Stores.

Unfair Methods Alleged.

All through this period of growth unfair competitive methods were alleged. The counts which the Government makes include the marketing of "trust" products under the guise of "independent" goods; imitation of standard independent brands; manipulation of markets to suit their own purposes; purchasing of trade marks and cheaping of brands, and other forms of misleading the public. It was also charged that the combine organized corporations for the manufacture of tinfoil boxes, paper, licorice.

Nearly a year was consumed in the taking of testimony in the case, and it was not until Nov. 7, 1909, that the circuit court rendered an opinion sustaining the Sherman law and partially upholding the Government's contentions. But it dismissed the bill against the United Cigar Stores, the Imperial Tobacco Company, the British-American Tobacco Company and others. The parent company, and several score of the subsidiary companies were adjudged a conspiracy in restraint of trade and ordered dissolved. In addition, several of the subsidiary corporations were individually declared to be trusts.

Reason for Appeal.

The Government and the trust were both dissatisfied with the decision—the Government desiring a complete victory, and the tobacco company a complete exoneration. Both appealed to the supreme court of the United States.

The defence made by Attorney Johnson for the trust was that there is no actual combine and that the company has arrived at its present state of power through the exercise of acute business judgment, and the fact that it had enormous capital behind it. He particularly attacked the decision of the lower court restraining the parent company from voting the stock it holds in the subsidiary corporation.

STRUGGLING OVER $150,000,000 JOB

A Bitter Fight Is On Over Subway Contracts in New York.

New York, Jan. 7. — Competition versus monopoly in municipal transportation is the broad issue involved in the present bitter contest over extensions to the subway system in this city—a contest whose result will lead to the ultimate expenditure of $150,000,000 within the next ten years for underground construction and on the decision in which will depend the trend of transit evolution in the American metropolis for the next quarter century.

Three distinct forces are lined up in the struggle. First there is the Interborough-Metropolitan Railway Co., which commands a practical monopoly of city transit through its ownership of the elevated and most of the surface lines, and its 75-year lease of the subway from the city; the public officials who, selected a year ago on a platform promising the municipal ownership and construction of all proposed subways and recommending similar operation, now show a distinct tendency to forget or disregard these promises; and the great, long-suffering, strap-hanging public which does not care much how the present system is improved so long as the disgraceful conditions of overcrowding which now mark traffic in the subway are corrected.

Public Not Satisfied.

The public, prone to pick flaws in the methods of street railway operation, has all the evidence on its side in the situation here. The present underground lines were built and put in operation less than six years ago. They were planned then to carry 360,000 persons daily. But the growth of the city along the lines of this fast route, the diversion of passengers from surface and elevated lines and the populating of great sweeps of suburbs newly tapped by the underground system have brought about a condition of almost unbelievable congestion.

Today, instead of the 300,000 people it was planned to carry daily, it is accommodating upwards of 700,000. In the rush hours, morning, noon, and night, the pressure is so great that the station platforms look more like a series of spirited football scrimmages than the efforts of otherwise sane and respectable people to leave and board trains. In these unending crushes women and children are bruised, clothing is torn and disarranged outbursts of violence are continuous and all tempers are rubbed to the soreness of an exposed nerve.

Great Congestion.

The Interborough Company—the operating title of the lessees—admits the shocking congestion but frankly avows its inability to correct it. Train schedules have been improved until there is now but a 70-second headway between trains which all experts admit is the limit of safety. Station platforms are being lengthened so that ten instead of eight-car trains can be accommodated. This will enable the company to enlarge its carrying capacity by 50,000 a day. But when that is done, the last word has been spoken in the enlargement of the present tube. With daily patronage growing at the rate of 50,000 every year and with no other increase in subways here within the next five years, the thoughtful New Yorker may well be pardoned if he gasps over the threatening conditions. At the present rate of congestion, the subway traveller seems likely to approach the pulp stage before his cry for relief avails.

The problem of providing a coherent system of transportation that will reach every section of the city for a single five-cent fare is the dream of Mayor Gaynor.

WOULD HAVE CRUISERS AS GRAIN CARRIERS

Sir C. Tupper's Views as to Best Means To Help Mother Country.

Montreal, Jan. 9.—Fast grain carriers of the cruiser type plying between Halifax and Great Britain that would leave the boats of American ports far in the rear is the plan which Sir Charles Tupper suggests to assist the motherland.

Sir Charles Hibbert Tupper arrived in the city last evening from England, and in the course of an interview he said that his father considered the Government and Parliament of Canada were making a very great mistake in the manner they had chosen to assist the motherland by the construction of a Canadian navy. The veteran statesman preferred to construct the most rapid steamers, and if hostilities were to break out these cruisers could render signal service in keeping open our grain route across the Atlantic.

Sir Hibbert said last evening that although his father is 91 and his mother 87, their health is particularly good, and that the ex-premier takes as lively an interest in Canadian affairs as ever he did.

Strength Comes

Not From What You Eat, But From What You Digest.

A Tablet Digests a Meal—Trial Package Free.

Most people eat most foods without discrimination—it matters little what. Few stop to think what that food does for them. This is the first turn on the road to dyspepsia. Reckless disregard of the proper choice of foods, rapid eating and improper mastication, are the unquestioned causes of all stomach disorders from the slight ache to the malignant cancer.

There is nothing more revolting than a dyspeptic stomach—a vey vat for putrefaction, sending forth its poison throughout the entire system, depressing the brain, befouling the breath, souring the taste, deadening the muscles, incapacitating the liver and kidneys for their work, debilitating the heart, choking the lungs and clogging the bowels.

All of these disagreeable and dangerous conditions are due to the improper digestion of food and the consequent assimilation of poison. What else can be expected? If the food lies in the stomach, if the system is constipated, fermentation is the natural outcome. It shows itself in sour, watery risings, belchings, heartburn and painful breathing.

There is only one way to relieve this condition. If the stomach refuses to digest you food put something into it that will. Stuart's Dyspepsia Tablets are nothing but digestives. They are not a medicine. They work when the stomach will not.

Each tablet contains enough pepsin, diastase, golden seal and other digestive elements to reduce 3,000 grains of ordinary food to the proper consistency for assimilation into the blood.

Stuart's Dyspepsia Tablets are absolutely pure. There is nothing harmful in them, as shown in their indorsement by 40,000 physicians in the United States and Canada.

Ask your family physician his opinion of Stuart's Dyspepsia Tablets, and if he is honest toward you he will state positively that they will cure your stomach trouble, whatever it may be, unless you have waited too long and have allowed your disorder to develop into cancer.

Act today, and begin to end your suffering. A free trial package will be sent to your address upon he request. The 50 cent size packages are for sale at your druggist's. F. A. Stuart Company, 150 Stuart building, Marshall, Mich.

ANARCHIST FIGHT TALK OF LONDON

Englishmen Are Demanding an Investigation of Conditions Which Made Trouble Possible.

CHURCHILL WAS BLAMED

Upshot of the Affair May Be an Exclusion Law Which Will Chase Foreign Criminals Out of England.

London, Jan. 7.—The events in connection with the fight between the police and the anarchists have set London agog, and nothing else is talked of on the street.

Who was it men are asking everywhere who gave orders which resulted in the quiet withdrawal of the police from a house where two desperadoes were asleep when the position might have been rushed by an overwhelming, well-armed force? That is the point which sensible Englishmen want cleared up. They refuse to believe that the police, who were willing to tackle desperadeos unarmed a fortnight before, funked at an encounter on equal terms in Sidney street.

Home Secretary Churchill, who personally directed the battle, is held responsible by many for what followed. But the whole affair is the sort of thing that the soonest buried and forgotten the better, as Germany thought of the Koepenick affair. This, of course, is far worse for the national reputation than a mere joke, but the man who held up England to ridicule as the plaything of a pair of foreign desperadoes will pay the penalty sooner or later both in the political and social world.

Merely a Gang of Thieves.

Meantime there is reason to believe that the London police have asked permission to carry out the remainder of the task of running down this dangerous gang without interference, and that the home secretary has agreed to confine himself to his more legitimate duties. Public opinion is so deeply stirred over the whole case that there is little doubt that the Government will find itself compelled to adopt a really effective exclusion act. Whether it will go so far that England will cease to be the last refuge of political anarchists remains to be seen.

The press has unanimously been classing the present gang as anarchists. This is undoubtedly a misnomer, and members of that ilk unanimously repudiate them. They are simply a desperate type of the ordinary Polish thief and general criminal with whom the police of New York and all other capitals have had much to do in the past few years since the big exodus from Russia began.

Alien Problem Is Serious.

According to the statistics of 1909 there were only 150,000 aliens living in London. Of this number 55,000 were Russians and Poles, and only 5,561 Americans. These figures, especially in regard to the Americans, must be unreliable and entirely inadequate. Among alien criminals Americans have had pre-eminence. They toppled the list in 1908, while in 1909 they had 136 against 271 Germans and 227 Russians.

A severe exclusion act here will create a serious physical dilemma. No other country will receive the undesirables of which England desires to rid herself, for they do not always declare truthfully their nativity.

The colonel of the Scots Guards has suddenly left London on leave and none of the officers of the regiment have the courage to show themselves in the West End or at the military clubs where they would be unmercifully chaffed in regard to Tuesday's performance of their men. Mr. Churchill himself would find life a burden if he showed himself in clubdom.

Who'll Pay For the House?

Two things seemed to have particularly struck every looker-on at Thursday's "battle of Stepney," as it is called. The first was the daring recklessness of the press photographers, who calmly worked while bullets were whizzing past them, and the second was that the Scots Guards, lying at each end of the street ready to shoot the burglars if they tried to bolt, might have shot each other and a large number of the crowd and policemen behind them. The guardsmen posted in the windows opposite the besieged house at first found their rifles useless. Their high velocity bullets perforated windows and blinds with small holes. Shotguns were sent for to shoot away the glass, woodwork and blinds.

The question has been raised as to the authority liable to compensate the owner and occupiers of the destroyed house. The fire insurance company carrying the risk on the building has announced that it will resist any claim if only on the ground that the fire engines present were not used until the house was gutted. Had it been proved that there were three burglars inside instead of two the proceedings would have been brought within the dimensions of a riot, the definition of which in English law is "a tumultuous disturbance of the peace by three persons or more," and compensation would be payable out of the police rate.

In consequence of exchange of telegrams between London, Paris and St. Petersburg there will be undertaken immediately a careful comparison of the records held of persons suspected of militant anarchist tendencies. A number of French and Russian detectives have arrived in London to help in the suppression of the particular group causing the trouble here. It is believed that a number of notable arrests will soon be made.

LOST HIS MONEY

Over $200 Taken From Under Pillow in Saskatoon Hotel.

Saskatoon, Sask., Jan. 7.—Captain White, the man who arrived here from Midland, Ont., went to bed in a local hotel Thursday night, placing his entire cash to the amount of $235 under his pillow. When he arose yesterday morning he found that he had been touched for all his valuables, money included. Half an hour after making a complaint to the police, although the loser had no suspicion as to the identity of the thief, a man named George Patrick was arrested and when searched at the police station a wallet and part of the money was found on him. He will be tried today.

A WOMAN'S BACK.

Not One Woman In Twenty Has a Stong Back.

The kidneys are to blame nine times out of ten.

Mrs. A. H. Hutton, Jr., McCreary, Man., writes:—"Two years ago last spring I had a very severe pain in the small of my back. When I would rise it seemed as if my back would break. My kidneys were very badly out of order, and I would have to get up three or four times during the night. I took one box of Doan's Kidney Pills and they effected a cure."

Doan's Kidney Pills are 50 cents per box or 3 for $1.25, at all dealers or mailed direct on receipt of price by the T. Milburn Co., Limited, Toronto, Ont.

If ordering direct specify "Doan's."

When the blood isn't properly filtered the poisons that ought to be carried off by the kidneys are sent back through the system, and it's hardly to be wondered that backaches and lame backs come to make life miserable.

Doan's Kidney Pills are a specific for all kidney troubles. They begin by expelling all the poisonous matter from the kidneys, and then heal the delicate membranes and make their action regular and natural.

ENGLAND MOVES TO ABOLISH GALLOWS

Measure Providing For Use of Anaesthetics Drawn Up For Consideration.

London, Jan. 7.—A bill will be introduced at the next session of Parliament for the abolition of the gallows, and the strictly private dispatch of condemned men in their cells by means of an anaesthetic. The measure has already been drafted, and its passage is being agitated by a group under the leadership of A. C. Benson, the author, and son of the late Bishop of Canterbury.

"I cannot help thinking," Mr. Benson says, "that a condemned man should be able to choose both the time, within fixed limits, and the manner of his death, and that the resources of medical science should be employed to make that death as swift, as quiet, and as painless as possible.

"If a prisoner in the solitude of his cell might be allowed to swallow a potion, or be done to death by an anaesthetic, death would have absolute privacy and decorum about it. But the awful ceremony and apparatus of violent death seems to me utterly barbarous and mediaeval.

PLOT TO DYNAMITE JACKSON PRISON

Sensational Finds Made in Yard Proves Plan Afoot to Kill Guards.

Jackson, Mich., Jan. 7.—Warden Simpson has issued an order forbidding admission of visitors to the shops or yards of Jackson prison, pending completion of the search now in progress, for explosives, and the unravelling of the plot to blow up the prison, revealed early today.

This order followed closely on the announcement of the discovery of additional evidence of a plot. Late this afternoon there were dug up in the prison yard five ugly-looking sticks of dynamite, 50 per cent nitroglycerin—enough to blow the prison to fragments.

Under the warden's order visitors will only be permitted in the guardrooms and at chapel services. "Free" men will be excluded from mingling with convicts and all traffic in contraband, of whatever nature, will necessarily abruptly end.

Discovery of Dynamite Plot.

Early this morning Warden Nathan F. Simpson, accompanied by Major W. R. Oates, Governor Osborn's secretary, and Deputy Attorney-General Henry Chase, found in the prison yard two large boxes of 38-calibre revolver cartridges, two big drills, one 16-ounce bottle of nitroglycerin and another of two ounces. These discoveries were enough to convince the authorities that a plot was on foot to blow up the prison, kill the guards and effect a delivery of the 600 prisoners in that branch of the prison.

A little later a bottle was dug up which contained several feet of fuse and dynamite caps. In the late afternoon further explorations brought to light the five sticks of dynamite of 50 per cent nitroglycerin.

Enough To Destroy the Prison.

It is claimed that the explosives found were sufficient, if properly placed, to have wrecked the entire institution.

Just how and by whom the explosives were smuggled into the prison has not yet been positively determined, but the officials are inclined to the theory that it was accomplished through the mingling of free labor with the convicts, a practice which Governor Osborn promptly condemned.

Warden Simpson stated that his investigations so far had not determined the identity of the parties who are concerned in the plot. He said:

"We are going into this matter thoroughly, but developments so far have been more along the line of locating the explosives and getting them away from the prison, and thus diminishing the danger. As yet we have not any clue as to who the guilty parties are.

"I am convinced that there is more than one individual concerned, as it is clearly a plot, and those things are not generally undertaking single-handed. Every effort will be made to trace the plot to its origin."

Make the Liver Do its Duty

Nine times in ten when the liver is right the stomach and bowels are right.

CARTER'S LITTLE LIVER PILLS gently but firmly compel a lazy liver to do its duty.

Cures Constipation, Indigestion, Sick Headache, and Distress after Eating.

Small Pill, Small Dose, Small Price

GENUINE must bear signature

PROTECTION BILL FAILED TO PASS

Sugar Barons' Influence Proved Too Strong for Labor Measure.

Vienna, Jan. 7.—Owing to the opposition of the sugar barons the Austrian Upper House has rejected the bill prohibiting night work by women in factories and other establishments employing more than ten workers.

The message, as adopted by the Lower House gave effect to the resolutions of the international convention in Berne in 1906.

As first introduced the Government's bill permitted the employment of women over sixteen years of age until 10 o'clock in the evening sixty days in the year, in order to meet the special-season requirments of milliners and dressmakers. The Lower House amended this by raising the age to 18, and reducing the number of days to forty. Further, with regard to sugar factories the Government proposed that the law become effective in 1919, but parliament changed the year to 1915.

The sugar men, employing hundreds of young girls, exerted all their vast influence in the Upper House to throw out the measure, which was intended to become effective Jan. 1. The action is generally condemned and the Socialists especially are angry.

ABANDON TOBACCO CROP

Growers' Plan Is to Force Higher Prices in 1912.

Lexington, Ky., Jan. 7.—By a practically unanimous vote the white burley tobacco crop for 1911 was ordered abandoned by the convention of tobacco growers of Kentucky, Ohio, and Indiana, which met here.

The districts represented produce only white burley which is in demand for the highest grades of smoking and chewing tobaccos, and these states grow annually more than 300,000,000 pounds. Nearly 100,000 growers will be affected by the convention's decision.

Most of its members are in favor of having no crop in 1911, asserting that one year's lapse of growing would force a much higher price for the 1912 crop.

There is another reason: 8,000,000 pounds of the 1909 pooled tobacco remains unsold in warehouses in Lowington, Louisville and Cincinnati, and nearly the whole 1910 crop is also unsold.

TO CURE A COLD IN ONE DAY
Take LAXATIVE BROMO Quinine Tablets. Druggists refund money if it fails to cure. E. W. GROVE'S signature is on each box. 25c.

Smallman & Ingram, Limited — WEATHER PROBS. COLD — Smallman & Ingram, Limited

The First Showing of 1911 SCOTCH GINGHAMS

This month and next are the months most people like to get their spring sewing done. Our Wash Goods are, therefore, contracted for months before for January delivery. They are here, fresh, new, bright, clean goods, direct from Scotland. A magnificent display in Wash Goods Section this week, and what an advantage it is to have such an assortment from which to make your selections. Some of the styles and colorings exhibited in this early showing may not be seen later in the season. One thing certain, the selection is at its best now. See display in Wash Goods Section.

12 1-2 and 15c Dress Ginghams

In plain colors, even and broken checks, fast colors, 27 inches wide, at, per yard ..... 12½¢ and 15¢

25c Dress Ginghams

In plain solid colors and broken checks, very smart styles for summer dresses; 32 inches wide, at, per yard ..... 25¢

New French Cambrics 25c Yard

Many are waiting for these. Patterns and colors are smarter than ever. They are well known to our trade, particularly for their fast washing colors; bigger range than ever in patterns, suitable for waists, shirtwaists, suits, men's and boys' shirts, etc., and now is the time to make your selection. Have your choice of the best designs and colorings, and get your spring sewing done early; 32 inches wide; at, per yard, 25¢

West Aisle—Main Floor.

Colored Dress Goods

Cloths for Ladies' Tailoring, $1.25 Yard

In our Colored Dress Goods Department this week some handsome Suitings are being shown at $1.25 a yard; weaves and colorings suitable for the coming spring season; smooth in finish and smart in style.

Shark's Weave Suiting

A beautiful smooth surface with white heather mixture, producing a very stylish effect, in all the newest colorings especially suitable for spring wear; two shades of new blue, two in navy, one new brown, reseda, mullein, mustard and garnet; a most serviceable material admirably adapted for the suit fashions for spring; 48 inches ..... $1.25 yard

Matte Weave Suiting

One of the extremely fashionable weaves, and a material which may be worn almost any season in the year; a similar weave to canvas, but firmer and will not slip or draw at the seams; in the new and fashionable colors, such as new blue, navy, mullein, bronze, light navy, mustard and garnet; 48-inch ..... $1.25 yard

Boucle Cheviot Suiting

Correct style for early spring wear, very stylish and also a very serviceable suiting, shown in the new colors, such as mullein, bronze, garnet, new blue and navy; 48 inches ..... $1.25 yard

Main Floor.

Place Your Order Now in Our Waist and Skirtmaking Departments at January Prices

Special prices were discontinued Saturday on tailored suits, sufficient orders being booked in one week to keep us busy through the winter months. But a few more orders will be taken in our Separate Skirt and Waist Departments at special prices. Inquire at the Dress Goods Counter, Main Floor.

Mocha Gauntlet Gloves, 69c

Regular $1.50

A few pairs left after the holiday selling to be cleared; not all sizes, but lucky if your size is here, 5¾ to 6½, suitable for ladies, misses or the boy scout; extra quality mocha with gauntlet cuff and fringe; $1.50 Gloves to be cleared at, per pair ..... 69¢

January Linen Sale Begins Today

January White Sale

Ladies' Whitewear on Second Floor, also big sale of Cottons, Muslins and Embroideries and all White Goods on Main Floor.

Mid-Winter Sale of Ladies' and Misses' Coats

Clearing prices will be continued this week on Ladies' and Misses' Coats; all this season's (colored); full length, fashionable styles, at big reductions to clear quickly. Second Floor.

AFTERNOON TEAS SPECIAL 15c, OR TWO FOR 25c, IN THE RESTAURANT

SMALLMAN & INGRAM LIMITED

OYSTERS IN EVERY STYLE IN THE RESTAURANT.

Cheer Up

YOU NEED NOT BE BALD

The cause of baldness is dandruff germs, which dig down deep into the roots of the hair, destroying its vitality, and causing it to fall out.

The hair, like everything else, needs attention. A splendid tonic is Parisian Sage, the world-renowned hair-grower and invigorator. Baldness is unknown where

Parisian Sage

is used. It is guaranteed to grow hair if the hair root is not already destroyed, to eradicate dandruff, stop itching scalp and falling hair. If it fails to do this, go to your druggist and he will refund your money. All druggists sell Parisian Sage—50 cents, large bottle, or from The Giroux Manufacturing Company, Fort Erie Ont. Sold and guaranteed by Cairncross & Lawrence.