SHOE MACHINERY TRUST IS LEGAL

Supreme Court Decides Noncompetitors Can Combine.

CRIMINAL PROSECUTION NEXT

GOVERNMENT HAS ONE INDICTMENT LEFT.

Will Go After the United Shoe Machinery Company on the Charge of Unlawful Combination in Restraint of Trade by Seeking to Compel Manufacturers to Buy Machines Only From It—Justice Holmes Shows Why Company Did Not Violate the Law.

Washington, February 3.—For the fifth time the Supreme Court of the United States today held in effect in the "shoe machinery trust" case that the Sherman Anti-trust-Law does not forbid the mere combining of noncompetitors in an industry. Solicitor General Bullitt, for the government, had contended that if the combination brought into one hand an "undue proportion" of the trade it was forbidden by the anti-trust law.

"The disintegration aimed at by the statute does not extend to reducing all manufacture to isolated units of the lowest degree," declared Justice Holmes, in announcing the unanimous decision of the court that the mere organization of the United Shoe Machinery Company by the heads of the several noncompeting groups of shoe manufacturers had not been a violation of the law.

NOT A VIOLATION.

The Justice continued to say that it is as lawful for one corporation to make "every part" of a steam engine and to put the machine together as it would be for one to make the boilers and another to make the wheels. In explanation of this concise statement of law he referred to the court's recent Minnesota creamery decision and the older Swift & Co. decision, in which it was held an "intent" is necessary as an element of attempting to monopolize. The bringing of noncompeting branches of a trade into juxtaposition alone by means of a corporation, he said, in substance, did not furnish sufficient "intent" to raise the conduct to the dignity of an attempt to monopolize.

Despite today's decision, officials of the Department of Justice declared that the United Shoe Machinery Company would be prosecuted for the alleged criminal violation of the Sherman law under the one remaining count of the indictments returned against the company, the validity of which was sustained by the lower court.

That count, which was not before the Supreme Court, charged in effect that the company was monopolizing the industry by combination, by tying the various shoe machines together, by the destruction of competition, and by the acquisition of competitors' business. Officials vigorously maintained that the decision did not affect the government's case on this count.

ITS STRONG CARD.

The strongest feature of the government's effort to show an unlawful combination in restraint of trade, said Solicitor General Bullitt, was the "tying" clause of the agreements by which it is alleged that the company sought to compel shoe manufacturers to buy machines from it and none other. That question, he declared, was not considered by the court because the lower court had interpreted the indictments involved in today's decision as referring solely to the organization of the United Shoe Machinery Company.

Attorneys of the department said the decision would not affect any other pending anti-trust suits.

NOT A FINAL VERDICT

Fight on "Tying Clauses" Will Now Begin in the Courts.

Boston, February 3.—United States District Attorney Asa P. French, who has charge of the government's case against the United Shoe Machinery Company, said tonight that today's adverse decision of the United States Supreme Court, which sustained federal district Judge Putnam, of Boston, in throwing out two of the five counts in the two indictments against the company, did not affect the merits of the controversy. Mr. French said:

"While I have not seen the full text of the opinion of the Supreme Court in the shoe machinery case, it is perfectly clear that the decision does not in any way affect the merits of the controversy or throw any light upon the final determination, either of the indictment, which is still pending, or of the bill in equity, which is awaiting the action of Congress upon the issue of the publicity of the hearings before the special examiner.

"The question which has just been decided by the Supreme Court was merely one of criminal pleading. The great and important issue between the people of the United States and the United Shoe Machinery Company is whether or not the latter is a monopoly in violation of the Sherman Act, and this depends largely, if not wholly, upon the view which the courts will ultimately take regarding the tying clauses in the leases, or, generally speaking, of the patent question involved. Upon these matters the court expressly declines to pass, apparently for the reason that they were not presented by the record, and says in effect that it must accept without question the interpretation of the lower court, which regarded the indictment as merely referring to the organization of the company, not to the 'tying clause' leases.

"Incidentally, the court has sustained the government in a very important general contention, which is that the Criminal Appeals Act, by virtue of which this indictment was presented for their determination, has not been repealed, as counsel for the Shoe Machinery Company argued that it was, by the Judicial Code, which went into effect January 1, 1912."

JOHNSON LOSES APPEAL

Pugilist Will Now Be Tried on White Slave Charge.

Washington, February 3.—The Supreme Court today dismissed the appeal of Jack Johnson, the negro pugilist, indicted in Chicago on a charge of violating the federal white slave act, from the decision of the federal court of Northern Illinois.

Johnson's appeal was from the Illinois federal court's refusal to sustain a writ of habeas corpus by which the pugilist's lawyers sought to test the constitutionality of the white slave act, in violation of which Johnson was charged with transporting in interstate commerce Belle Schreiber from Pittsburgh, Pa., to Chicago, Ill.

Justice Lamar announced the decision of the court, which held that a person was not entitled to raise the constitutionality of a law on habeas corpus unless all other means of testing its validity had been exhausted. In the meanwhile, the court pointed out, Johnson had been released on bail.

The court did not pass on the constitutionality of the law in any particular.

Chicago, February 3.—As a result of the Supreme Court's action in dismissing Jack Johnson's appeal, District Attorney Wilkerson said today that the cases against the negro pugilist would be tried immediately. When Johnson was arrested, charged with violating the Mann act, his attorneys attempted to obtain his release by means of a writ of habeas corpus, which was denied. Johnson, in appealing the case to the United States Supreme Court, attacked the constitutionality of the Mann act.

MARTIAL LAW STANDS

Supreme Court Will Not Interfere in West Virginia.

Washington, February 3.—The Supreme Court today declined to interfere with the martial law ordered by Governor Glasscock in the Cabin Creek coal district of West Virginia, where trouble arose from a strike. A negro complained that the Governor was without authority to place the district under martial law, and applied to the court to overrule his sentence of five years in the penitentiary by a military commission.

Supreme Court Takes Recess.

Washington, February 3.—The Supreme Court today took a recess until Monday, February 24, without announcing any decision in the state rate cases or the intermountain rate case.

DUNNE TAKES OFFICE

First Democratic Governor of Illinois Since 1897.

Springfield, Ill., February 3.—Edward F. Dunne took the oath of office at noon today and became the first Democratic governor of Illinois since John P. Altgeld went out of office in 1897. Today's function was a postponed one, a legislative deadlock having delayed it a month or more.

The House of Representatives was packed with members of the General Assembly, the incoming and outgoing state officers, members of their families and friends, together with as many of the general public as could get admission tickets to witness the inaugural ceremonies.

Owing to the failure of James J. Brady, of Chicago, newly-elected state auditor, and William Ryan, Jr., of Danville, the new state treasurer, to file their bonds previous to the inaugural ceremonies, the oath of office was not administered to these officials.

When asked about his plans for the future Governor Deneen said:

"I shall return to Chicago and resume the practice of law. I have not made any definite plans, however. The preparations for turning over the office to my successor has kept me busy since election. I hope, however, to be able to take a short vacation before settling down to private practice.

"My official life has been so busy that I have had opportunity for a vacation of two weeks only during the last 16 years. I feel like a boy who has just finished his course in college, and is taking a short respite before making his plans for his life work."

FRAMING THE TARIFF BILL

Democrats of House Committee Begin on Chemical Schedule.

Washington, February 3.—The chemical schedule of the tariff law, producing 4 per cent. of the total government revenue from customs, was considered in executive session by the Democrats of the House Committee on Ways and Means today. Many of the items taken up were raw materials used in the manufacture of medicines, paints, dyes and in tanning and dyeing processes, coal tar products and the like.

The schedule will not be materially altered from the Democratic bill which passed the House last session by a vote of 179 to 127, when the present Governor Hanna, of North Dakota, was the only Republican who voted with the Democrats for the measure. The revenue of $12,000,000 gained from the chemical schedule last year will not be substantially disturbed.

Found Dead on Train.

Philadelphia, February 3.—A well-dressed man, thought to be F. Y. French, of East Walpole, Mass., was found dead today on a train from Boston. The police believe the man was a traveling salesman.

A NOTED SOCIETY AND CLUB MAN ON TRIAL

Mr. and Mrs. Frederick O. Beach. The former is charged with attacking his wife. The trial began yesterday at Aiken, S. C.

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MISS MARION HOLLINS.
Prominent New York society woman who will be a witness for the defense.

NOT A SINGLE NAME CHOSEN

Continued from First Page.

argued that a corporation official must wilfully have violated the law before being liable to the penalty. The Governor smiled when he learned of this.

"The whole phraseology of these bills was very minutely considered," he said. "I do not see any reason for holding many of these hearings, because once to set out to cover the field you would have to hear every business man in the United States."

The Governor remained at his post until the legislature adjourned late this evening.

The Governor regretted that New Jersey had not had the honor of clinching the ratification of the income-tax amendment. He said that he had no plans for hurrying a bill on this subject through Congress. He had not given the matter any thought, he said.

BRITISH ROYALTY UNEASY

Guarded Against Suffragettes and an Indian Assassin.

Special Cablegram to The American.

London, February 3.—Admittedly fearing a suffragette demonstration but, according to semi-official reports, more afraid of an Indian assassin, King George and Queen Mary motored up from Windsor to Buckingham Palace today. The journey was marked by the most elaborate precautions against attack ever provided for a British ruler of modern times.

It has been rumored for some weeks past that the attempt to assassinate the Viceroy of India, Lord Hardinge, was only the forerunner of a similar attack on the king. Consequently their majesties and the Prince of Wales as well have been under constant surveillance of detectives.

Preceding the royal automobile today was another machine filled with detectives, who scrutinized every inch of the road to guard against ground glass which it had been rumored the suffragettes would scatter along the roadway. Another car carrying six Scotland Yard detectives followed their majesties.

Their majesties came from Windsor for the pre-Lenten court. The first levee for the men will be held tomorrow and the first court will be held Friday night. To guard against suffragette antics every woman guest will have to be identified.

CAUGHT IN MANITOBA

Southern Banker Wanted in Tennessee on Charges of Fraud.

Winnipeg, Man., February 3.—C. A. Bonds, of Memphis, president of the Night and Day chain of banks in Tennessee and adjoining states, was arrested here today by Manitoba police on instructions from Washington.

Memphis, Tenn., February 3.—C. A. Bonds, arrested in Winnipeg, is wanted here to receive a sentence in the United States District Court. A jury found him guilty of having used the mails to defraud in connection with the operations of his bank and those conducted by E. L. Hendrey, W. C. Wynne and Abner Davis, who received sentences on similar charges.

Casey Todd, United States district attorney at Memphis, said he would leave at once for Manitoba and personally conduct extradition proceedings against Bonds.

Another Aviator Killed.

Turin, Italy, February 3.—Giuseppe Nosari, an Italian aviator, while making a flight at the Aerodrome here this evening fell with his machine from an altitude of 100 feet, and received injuries which resulted in his death. Nosari was 32 years of age and a native of Bergamo, Lombardy.

Diplomatic Appropriation Bill.

Washington, February 3.—The Diplomatic and Consular Appropriation Bill, carrying $3,746,643, was reported to the House today by the Foreign Affairs Committee. The total is $200,000 below the official estimate and $180,000 above last year's appropration.

Anarchist Plot in Spain.

Cerbere, France, February 3.—An anarchist plot has been discovered at Huelva, Spain. Prof. Francisco Sanchez, of the Barcelona Modern School; Emilano Barral and Antonio Oliviera, the latter two well-known anarchists, have been arrested on the charge of being implicated.

DOGS OF WAR LET LOOSE

Continued from First Page.

with the King today, after which he attended a brief meeting of the ambassadorial conference, but nothing of importance was transacted, there being no new development since Saturday.

Osman Nizami Pasha, the second Turkish delegate, will leave London tomorrow to resume his ambassadorial duties at Berlin. He said this evening that from information received from military sources he believed the allies underestimated the condition of the Turkish army and would find themselves confronted by a redoubtable enemy—the best Mussulman warriors, veterans from Arabia, who had fought under Izzet Bey, and such tried soldiers and good marksmen lately engaged in Tripoli under Enver Bey and Fethy Bey. He added:

"That ambassador was right who predicted that if driven to despair the Turks would fight like wild animals."

The finances of all the states concerned in the war are in a condition of demoralization and Turkey will emerge from the conflict practically bankrupt.

Sir Richard Crawford, who has been adviser to the Turkish Minister of Finance since 1911, left London today for Constantinople. He has arranged for two small loans of $2,500,000 each during his stay here. These are to meet the pressing needs of the Porte, but they depend on a peaceful settlement.

With the prospective resumption of the war Turkey is deprived of even this slender resource.

FOR ASIATIC EXCLUSION

California Legislature Passes Joint Resolution Affecting Orientals.

Sacramento, Cal., February 3.—Asiatic exclusion received the approval of the California legislature today when the lower House adopted a Senate joint resolution calling upon Congress to pass the bill introduced by Congressman Raker excluding "Asiatic and pauper" labor. The only opposition to the measure in debate came from a Southern California member, who said the orange growers depended on the Japanese for the gathering of their crop.

A large number of "anti-alien land ownership" bills are before the legislature.

THE SIX POWER LOAN TO CHINA

ALL ARRANGEMENTS NOW FINALLY COMPLETED.

It Will Place at the Disposition of the Chinese Government One Hundred and Twenty-five Million Dollars—Lenders Stipulate Purposes for Which the Funds Shall Be Employed.

Peking, February 3.—The loan agreement between the Chinese government and the six-power group of bankers has been completed and will be signed tomorrow.

The agreement provides for "the Chinese government 5½ per cent. reorganization gold loan" to the amount of $125,000,000. It stipulates the purposes for which the money shall be employed, which include the disbandment of the troops and reorganization of the Salt Gabelle.

The loan is secured on the Gabelle, but it is also provided that any future surplus in maritime customs shall be utilized for the service of this loan, thus making a portion of the salt revenue available for other government purposes.

The six power group undertake to advance $10,000,000 immediately the agreement is signed, another $10,000,000 later in February and $15,000,000 in March, should the issue of the loan for any unforeseen cause be delayed.

The loan is for 50 years, but the Chinese government has the option on converting or redeeming it at par after six months' notice.

There will be no interference in the salt administration which the principal and interest are regularly paid, but even in default the gabelle will be operated by the maritime customs in the interests of the bondholders.

The government undertakes not to issue a further government loan within six months and to issue no loan secured on the salt gabelle without giving the six power group an option.

The appointments of J. F. Olessen, of Denmark, as inspector of the gabelle, and the German, Herr Romp, as supervisor of the audit department, have been approved.

Wants Land Loan Bureau.

Washington, February 3.—The creation of a land loan bureau in the Treasury Department is proposed in a bill introduced today by Representative Buchanan, of Illinois. The measure would provide for the issuance of at least $100,000,000 in United States notes, to be loaned on farm lands on a basis of 50 per cent. of assessed valuation at 5 per cent. interest for not more than 20 years.

Governor of Jamaica Divorced.

Special Dispatch to The American.

London, February 3.—Gen. Sir W. H. Manning, the new governor of Jamaica, obtained a divorce here today from his wife, Clara Maud. The case was not defended.

BEER PUZZLE SENT TO COURT

SECRETARY WILSON MAKES A TEST CASE.

One Hundred Cases, the Product of a Washington Brewery, Seized On a Libel Filed in the District Supreme Court, Charging That the Cases are Misbranded and Are Not Pure Beer.

Bureau of The Baltimore American,
1410 Pennsylvania Avenue,
Washington, February 3.

The whole question of "What is beer?" has been taken before the courts by Secretary Wilson, of the Department of Agriculture. In order to bring a test case, Secretary Wilson had the United States District Attorney's office here today seize 100 cases of beer on a libel filed in the Supreme Court of the District of Columbit under the Pure Food Act, and the case will be a test one to determine just what beer is and what it should be made of. Secretary Wilson has tried on several occasions to solve this knotty problem, but did not make much headway. Rather than leave such a vexing problem to his successor, who will be appointed by President-elect Wilson and assume office on March 4, Secretary Wilson now throws the whole subject into the keeping of the courts. The Secretary, about 18 months ago, gave a hearing to brewing interests, representatives of consumers' leagues and others, including barley growers. The Pure Food Board sat with Secretary Wilson and heard the testimony.

Experts Differed.

There was considerable testimony and the Pure Food Board divided on the subject. Dr. Harvey W. Wiley, chairman of the board, decided, after hearing all the testimony, that beer was a beverage composed of barley malt and hops and potable water, kept a sufficient time to age it. Dr. F. L. Dunlap and Solicitor George P. McCabe, two other members of the board, did not agree with Dr. Wiley and confessed that they did not know what beer was and that the pure food act shed no light on the subject. Secretary Wilson then reached the conclusion that Congress should take action in the matter and define beer. Congress has declined to act and Secretary Wilson has, therefore, determined to let the courts decide the question, "What is beer?"

In the libel filed today under the Pure Food Act, it is stated at the District Attorney's office, care is taken in the particular beer seized to not allege that it is impure or deleterious to health. This beer, according to the libel, is labeled "an exclusive malt and hop brew," and in addition it is stated "said labels also bear representations of sheafs of barley and stems and heads of hops."

As to Real Beer.

The libel then continues:

"The aforesaid cases and bottles, and each thereof, together with the aforesaid contents, are misbranded within the meaning and intent and in violation of the said act of Congress, for the reason that the labels on the said bottles, and each thereof, bear statements, designs and devices regarding such article and the ingredients and substances contained therein, which statements, designs and devices are false and misleading, in this, that the said labels bear the statement: 'An exclusive malt and hop brew,' and designs representing stems and heads of hops and shafts of barley, whereas, in truth and in fact the said article is not an exclusive malt and hop brew, but is a product in which sugar or a cereal has been substituted wholly and in part for the said malt."

The beer seized was made at one of the largest breweries in Washington, and it is understood that brewers' organizations throughout the United States will co-operate with it in defending the suit.

PLEADS GUILTY TO BIGAMY

Charles Weiss Tells Judge of Multimatrimonial Career.

Bureau of The Baltimore American,
Room 1005 World Building,
New York, February 3.

Tears came in the eyes of Charles Weiss, a baker of polished address, when Judge Mulqueen, before whom he was arraigned in General Session today on a charge of bigamy, asked him if the three accusing wives who confronted him represented every epoch of his multimatrimonial career.

"Two are dead, Your Honor," he said, "and they were good women, both of them."

Of the three living wives—Mrs. Ina Heller Weiss, Mrs. Ida Krause Weiss and Mrs. Lena Weisburger Weiss—the first married him because she thought he was good looking, the second because he had told her his ancestors were royal and the third because she had been led to believe he had a large bank account.

Weiss pleaded guilty and was remanded for sentence on February 10. He lived at 517 East One Hundred and Fifty-sixth street and is 34 years old.

War Cloud in South America.

Special Dispatch to The American.

Washington, Feb. 3.—War between Venezuela and Colombia was presaged in reports to the State Department from Bogota today. Diplomatic differences growing out of a minor boundary dispute are causing much feeling in both republics and troops are being massed on either side of the border. Several small skirmishes have already occurred, and it is expected that diplomatic relations will be severed during the week.

INCOME TAX IS NOW RATIFIED

Continued from First Page.

come tax amendment to the federal Constitution. The resolution of ratification was introduced in the Senate by Senator Kendrick and was taking the usual course until the legislators learned that only one state was needed to make the amendment effective.

When the Senate met this morning Mr. Kendrick moved the resolution be taken up under a suspension of the rules. It was passed and at once forwarded to the House, where it was expedited, the vote being completed in less than half an hour. The resolution then went to the governor for his signature.

After passing the income tax amendment the House then took up and passed the resolution authorizing the direct election of United States senators, also unanimously. The Senate had a similar resolution before it.

When his attention was called to the claim of Delaware to having passed the deciding vote of ratification of the income tax amendment, Speaker Pratt, of the Wyoming House, said:

"Well, if they passed their resolution at 10:55, their time, they beat us, as we took action at 10:45 here. However, the honor is too trifling to quarrel about, and, anyway, they didn't have as much of a 'scrap' as we had."

DELAWARE GETS THE HONOR

Its Vote Makes the Income Tax Constitutional.

Dover, Del., February 3.—Believing that Delaware would make the thirty-sixth state to ratify the federal income tax amendment and thus make it effective, the legislature rushed through a joint resolution ratifying the amendment.

According to the speaker of the House of Representatives of the Delaware legislature final legislative action on the joint resolution ratifying the proposed amendment was taken at 10:55 o'clock this morning. The Senate met at 10:30 A. M., and soon afterward passed the resolution. Within five minutes after its receipt from the Senate the House acted favorably upon the measure. The action of both houses was unanimous. There was no knowledge here of action by Wyoming on the question, and Delaware is claiming the honor of having cast the deciding vote in favor of the amendment.

The Utah Senate Acts.

Salt Lake City, Utah, February 3.—The Utah Senate, by a vote of 13 to 4, passed a resolution this afternoon ratifying the amendment to the Federal Constitution providing for an income tax. The House has not voted upon the resolution.

New Mexico Outdistanced.

Santa Fe, New Mexico, February 3.—Outdistanced by Wyoming and Delaware in an effort to cast the vote making the federal income tax constitutional amendment effective, the New Mexico House did not reach a vote on the measure until late this afternoon. Then the rules were suspended and a favorable vote recorded.

SHIP OFFICERS TO STRIKE

Association of Deep Sea Captains Meeting in Marseilles.

Marseilles, France, February 3.—A general strike of officers of seagoing merchant vessels sailing from France is under consideration by the Association of Deep Sea Captains here. The officers of the Germania and the Madonna, of the Fabre Line, sailing between Marseilles and New York, today left their vessels and joined in the strike begun by their comrades of the Canada, which was prevented from sailing for New York yesterday owing to the desertion of the ship's officers.

Willemstad, Curacao, February 3.—The strike of dock laborers at this port is rapidly extending. The men demand 20 cents an hour instead of the customary payment of 8 cents an hour. The steamship companies are firmly opposing the increase.

DID NOT HEED FATHER

Miss Potts Determined to Enter Carmelite Order.

A dispatch to The American last night from Washington stated:

"Although implored by her father to remain with him, Miss Frances Griffis Potts, the youngest daughter of Rear Admiral Robert Potts, U. S. N., is said to have turned a deaf ear to the entreaties and will enter a Carmelite convent as a nun."

Her two sisters already are members of the order. Miss Potts entered on her novitiate November, 1911, and three months later took the white veil, which was followed by a year's probation. She will be formally taken into the order in Baltimore February 11.

BEACH TO FACE TRIAL TODAY

Charged With Attempt to Kill Wife Last February.

SHE SAYS HE IS INNOCENT

MAINTAINS ATTACK WAS MADE BY UNKNOWN NEGRO.

Proceedings Against the Prominent New Yorker, to Be Started Today at Aiken, S. C., Are Expected to Be Concluded in Two Days—Prosecutor Declares He Has a Prima Facie Case—Large Array of Legal Talent for the Defense. Mrs. Beach to Take Stand.

Special Dispatch to The American.

Aiken, S. C., February 3.—"I have a prima facie case against Mr. Beach. I shall present it to the jury and let them decide as to the facts."

This is the answer tonight of City Solicitor Gunter, of Aiken, to the report said to emanate from him that he despaired of a verdict against F. O. (otherwise Beauty) Beach, who will go on trial here tomorrow, charged with murderous assault on his wife.

The stage is set, the actors ready, and at 9:30 tomorrow morning this drama of Beauty and Millions, which strikes at the center of the most exclusive social set in America, will be under way.

"Beauty" Beach—society leader, clubman, broker, intimate of the most exclusive sets of New York, Newport and the Continent, all-round sportsman and exquisite—will face a jury of unsophisticated South Carolinian farmers, for the sordid and vulgar crime of assault and battery with intent to kill.

Beside him, as the case unfolds, will sit his own wife, the beautiful and talented Mrs. Camilla Moss Havemeyer Beach, who inherited some of the Havemeyer millions from her first husband, and to her the prosecuting attorney will point as the victim of her husband's alleged assault, which was committed in the moonlit garden of the Beach cottage in the early evening of February 26 last.

A gold and jeweled pocket knife, the gift of Mrs. Beach to her husband, will be produced and offered in evidence as the weapon used. And the motive? But that is what the case of the prosecution is expected to develop tomorrow.

Mrs. Beach will be her husband's chief witness, and deny with emphasis that he was her assailant and the extraordinary situation will be presented of a prosecution directed against a man for assault on his wife who will declare on oath that he was not her assailant. In the face of which the prosecuting attorney declares tonight he has a prima facie case against the accused.

Mystery envelopes the whole affair. Atop of the confidential statements of the prosecution, is the not less confident attitude tonight of counsel for the defense. Thomas S. Fuller, one of the dozen distinguished array of legal talent who have been hurried into the case to combat the lone efforts of City Solicitor Gunter, said tonight:

"We are perfectly confident of the outcome, and with Mr. and Mrs. Beach welcome this opportunity, which we have long sought, to vindicate them before the public. They have been grossly maligned, as the whole world will see when the end of this case is reached."

The case will be tried before Judge J. M. Spain, in the special session of court in the spring term which began here today. For the state City Solicitor Gunter will be the lone representative. For the defense pains have been taken to have every shade of legal advice that may avail in making clear presentation of Mr. Beach's side of the case. There is Daniel S. Henderson, dean of the South Carolina bar and president of its bar association; M. J. Fuller, of the Delaney-Nicoll firm in New York; Congressman James B. Byrnes, of this district, is also represented in the phalanx, and as assistants to those named there are five other attorneys well known in this section of the country as trial lawyers of state and national ability. And yet it is not expected that the trial will last more than three days at the outside.

Efforts are being made on both sides, as a matter of fact, to expedite the proceedings. Baughn, for instance, the detective who worked up the case against Mr. Beach, will not appear as a witness. This was regarded as a triumph for the defense today.

Miss Lallay Wyman, who was at her window the night of the assult and saw a "man in gray" running from the scene, is ill, and by permission of the court and consent of counsel her testimony was taken down today at her home by the official stenographer and will be read tomorrow to the jury.

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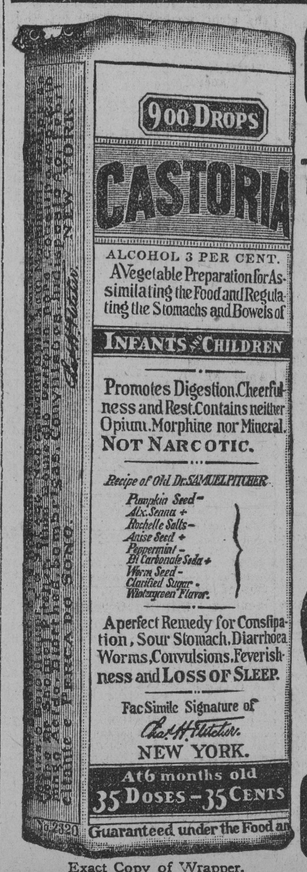

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