

WEEKLY INDUSTRIAL RECORD.

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THE "ALLEGED" NAVAL STORES TRUST STILL UNDER FIRE. COURT AGAIN REFUSES TO GIVE DEFENDANTS VERDICT.

ALL EVIDENCE IN AND ARGUMENT BEGINS TODAY (MONDAY.)

We Print Below the Proceedings, Day by Day, of the "Alleged" Naval Stores Case Now Being Held in Savannah, as Reported by The Associated Press.

Monday's Proceedings.

Savannah, Ga., May 3.—In the trial of the alleged naval stores trust case in the United States Court today several witnesses were examined and the fact was brought out that both the government and the defendants have secret agents employed in the gathering of evidence.

D. H. McMillan of Jacksonville, vice-president of the Consolidated Naval Stores Company, was asked about the employment of certain persons by the company.

J. F. Martin of Jacksonville, formerly with the Patterson Export Company, said that company had been forced out of business. He then told of his employment by the government as a special agent in this case and of visits to Germany and to New Orleans to gather evidence. His examination was very rigid by the defense. It was apparent from the questions asked that the defense had kept a minute watch on Mr. Martin for several months past.

During today's session it was stated that the prosecution is nearing the end of its case and will soon announce that it rests. This came out of the request for only one session a day, which was not yet granted. After the State closes it is expected the defense will ask a verdict of dismissal be rendered.

Considerable interest attended Mr. Martin's statement that he was given a "leg" up over a high fence in Hamburg in order that he might view a lot of naval stores in an enclosure.

The day's cross-examinations were directed toward backing up the assertion of Judge S. B. Adams for the defense that instead of the American Naval Stores Company entering into a conspiracy, it "seemed that disgruntled competitors" were in a conspiracy against their successful rival.

Interest attached to the examination of Dan Wilson, a negro employe of the National Transportation and Terminal Company in the Jacksonville yards that a half a gallon of turpentine was taken out of all the barrels of turpentine received in the yards while he was there.

Tuesday.

Savannah, May 4.—Preceding the announcement that the prosecution rested its case in chief at the close of today's session of the so-called naval stores "trust" case, events of importance in the trial came in quick succession. The prosecution, through Assistant District Attorney Akerman, announced that a case had not been made out against Charles J. De-

loch, secretary of the American Naval Stores Company, and asked that a verdict of not guilty be returned in his case.

The examination of W. F. Coachman of Jacksonville, Fla., president of the Consolidated Naval Stores Company, proved of unusual interest apart from the fact that the morning session ended abruptly, because it was announced that he had become suddenly ill, and that at the afternoon session he was assisted as he walked to the witness stand.

As to the other defendants, after announcing the close of the opening battle, Attorney Akerman stated he believed a case had been made out. Judge Sheppard declared a recess until tomorrow, when it is expected that defense will ask for the direction of a verdict as to all the defendants.

Mr. Coachman's direct examination was confined to a conversation he had in New York with Treasurer Boardman of the American Naval Stores Company, a defendant; a conference with Mr. Moller in Jacksonville, and his objections to a contract which obtains between the Consolidated and the American companies, a contract the American assumed it was stated when it succeeded the S. P. Shotton and the Patterson & Downing companies.

Mr. Coachman denied turning over to Senator Taliaferro of Florida some letters, which the defense contends were taken from the third story of the building at 519 Magazine street, New Orleans, without their owner's consent. He stated, however, that he was aware these letters got into the hands of Senator Taliaferro, and were used by him in Congress. The letters in question were referred to by Special Agent J. F. Martin as "orphans," and it was stated that while he was in search of evidence against the defendants these letters were taken from a room in the New Orleans building referred to. It was claimed they were written nineteen years ago.

Mr. Coachman told of a conference he said he had with Mr. Boardman in New York early in 1908. He discussed with him, he said, a clause referring to storage charges in the contract between the two companies, the Consolidated and American. He stated he told Mr. Boardman he did not think his company would continue to pay storage charges for receipts that never went near the defendant's yards. He said Mr. Boardman stated he was not willing for any change in his company's methods, and that he refused to adopt a commission plan for storage charges. Then the

witness switched to his conversation with Mr. Moller, when he said he again objected to the charges. He said he asked Mr. Moller if the Consolidated would be boycotted if the charges were not paid, and that Mr. Moller replied that the "Consolidated was expected to pay them." Mr. Coachman could not remember any visit J. O. LaFontisee, who recently was found dead in Washington, may have made to him in September, 1908.

Wednesday.

Savannah, May 5.—A crisis was reached in the trial of the so-called turpentine "trust" case today when the defense asked Judge William B. Sheppard, who is presiding, to direct a verdict of not guilty as to all the defendants. In the absence of the jury this motion was argued all day. Late in the afternoon the court took the matter under advisement without intimating whether he would grant the request of the defense. It is expected that his decision will be rendered tomorrow morning.

It is predicted by attorneys who have closely followed the case that one or more of the defendants would fare as did Charles J. DeLoach, secretary of the American Naval Stores Company who is exonerated, though a verdict in his favor was requested by the prosecution.

Judge Samuel B. Adams made the opening and closing arguments for the defense on the motion to direct a verdict. W. W. Toomer of Jacksonville, Fla., represented the prosecution in the opening argument and was followed by Mr. Akerman.

Mr. Toomer made a striking assertion when he said "while I don't want any of my friends at home to discredit me it does seem to me that if two things are established at all they are these, that Savannah is the primary market which these gentlemen manipulated and that Jacksonville is the buying ground for competitors who attempt to do business."

Mr. Toomer stated that the government would contend that nine out of the twelve specifications in the indictment had been proven. He said it was true that no evidence is in the case in support of the other three specifications.

This statement followed the court's reference to an action under the Sherman act for damages against the company, after Judge Adams had argued that the proper procedure for the Patterson Export Company and the Naval Stores Export Company would have been a suit for damages.

Thursday.

Savannah, Ga., May 6.—Overruling the motion of the defense in the "turpentine trust" case, Judge Sheppard today stated that he would let the case go to the jury, and the defense began at once to submit its testimony, calling to the stand George Meade Boardman, of New York, one of the defendants and treasurer of the American Naval Stores Company, C. W. Dill of New York, D. W. Fletcher of Philadelphia, E. H. Shay of Jacksonville and J. A. G. Carson and E. R. Middleton.

Judge Sheppard intimated that if later the evidence should warrant it, he might direct a verdict as to certain defendants.

Considerable interest centered in Mr. Boardman's testimony which was as a rule in direct defense of himself against the charges against him. He stated that he had nothing to do with the purchase or sale of spirits or rosin. He said he received a salary of \$2,500 a year from the American Naval Stores Company of New York and nothing from the American Naval Stores Company of West Virginia. Mr. Boardman called each of the other defendants by name and made the statement that he had never in his life entered into a conspiracy with any or all of them in restraint of trade. Mr. Boardman recalled a conversation he had with W. F. Coachman, president of the Consolidated Naval Stores Company in New York about which Mr. Coachman testified for the prosecution. He said:

"Referring to the turpentine held by the Naval Stores Export Company, Mr. Coachman told me he thought the turpentine ought to be sold, and it was probable we would be approached perhaps very soon to see if we could take it. I told him I had nothing to do with purchasing turpentine, and anything done would have to be done by the men who attended to the business in Savannah. Mr. Coachman also said—it surprised me considerably—that when the turpentine was sold which was owned by the company of which Mr. Toomer was president, that he thought if the price obtained left no equity for the Naval Stores Export Company, if wiped out, they would have need to be reckoned with in the future."

Mr. Dill, manager of the Brooklyn yards of the National Transportation and Terminal Company of New York stated he had never seen Mr. Boardman about the yards. He said he had frequently seen rosin re-

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