

MUST BEWARE OF THE LAW

Supreme Court Frowns Upon Some Association Practices, and Finds That Secretary Critchfield Has Violated Law.

An order was issued Friday by the supreme court enjoining Secretary Bird Critchfield and other officers of the Nebraska Lumber Dealers' association from continuing to perform acts in restraint of trade in violation of the state anti-trust laws. In an opinion written by Judge Letton the court finds Secretary Critchfield guilty of having committed unlawful acts in restraint of trade and competition and charges the officers of the association with knowledge of his acts. While a few firms proven guilty of conspiracy in their localities are enjoined the state association is not dissolved but is permitted to continue to perform its proper duties. The court finds that the association itself is not an illegal organization, but that its secretary has violated the law.

The suit was filed in the supreme court by Attorney General Norris Brown, but he soon went out of office and took no active part in the litigation beyond filing the case. The prosecution and taking of testimony before a referee was by Attorney General Thompson, assisted by H. M. Sinclair of Kearney. The Nebraska Lumber Dealers' association comprises 700 lumber yards and is said to have controlled 90 per cent of the retail trade in Nebraska. The association reorganized January 23, 1903 and again amended its articles of incorporation in February, 1906. The changes in its articles were for the purpose of preventing conflicts with the Junkin anti-trust law. The state alleged that its members had been violating the law and were so well trained by old methods that they did not need explicit instructions from the secretary in order to act in such a way as to drive non-members out of business and induce wholesalers not to sell to consumers or to others than "regular" dealers. These were diplomatically called by the officers "unethical seeds."

In giving its decision the court overruled much of the report of referee A. M. Post, but approved that part of his report which said the purposes of the association are not unlawful. While the officers themselves are not found to have actually participated in the acts of Secretary Critchfield, they are held to have had knowledge of his acts, and it is suggested by the court that the missing pages of the secretary's letter book might throw more light upon the subject.

The court enjoins Moore and Hunsaker, Rogers Lumber Co., Searle & Chapin Lumber Co., P. D. Smith Co., Staplehurst Lumber Co., and the Barnett Lumber Co. As to the defendants

Bowman, Krautz Lumber Co., George A. Hoagland and Thomas Ostergaard & Co., the findings of the referee were sustained. These firms were not members of the lumber dealers' association when the suit was begun.

Referee Post found that The Barnett Lumber company of McCook, a non-defendant, had combined with the W. C. Bullard Lumber company of McCook for the regulation of prices and for a division of trade. He found that other members of the association were in competition with each other.

The court lays much stress on the practice of the secretary of the association in trying to stifle competition by warning wholesale dealers not to sell to non-members of the association or direct to consumers. While the court says any retail dealer has a legal right to inform a wholesaler that he will not buy from him if he does certain things, when a number of dealers by themselves or through someone hired for the purpose, do what Secretary Critchfield did, it is unlawful.

The syllabus of the opinion is follows:

1. An agreement between retail lumber dealers whereby one dealer "agrees to protect," the other by asking a higher price than the other for the small bill of lumber submitted to both for prices, is in violation of the statutes.

2. An agreement made by a number of the retail lumber dealers in a county to sell lumber and building material within the county at certain fixed prices, and to divide territory is illegal and void, as in restraint of trade and competition and will be restrained and enjoined.

3. Under the circumstances disclosed in this case, held that the action of the secretary of the Nebraska lumber dealers' association in a number of transactions detailed in the opinion was in violation of law as tending to prevent or preclude free competition in the sale of lumber and building material in this state and being in restraint of trade, and that, under the facts disclosed, the officers and directors of said association are chargeable with knowledge of such acts. Held further that all such proceedings upon his part should be perpetually enjoined and that the defendant association and its officers and directors, should also be perpetually enjoined from doing or performing and from permitting or allowing said secretary or his successors or any officers of said association to do or perform any such unlawful acts and from carrying on any such practices or proceedings in violation of the statutes of this state prohibiting combinations in restraint of trade.

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Normal Training Work Satisfactory.

J. A. Downey, the inspector of the normal training instruction in the public schools, who has been in the city making an inspection of the work done at this place, departed this morning for Ashland, where he will inspect the work being done at that point. In conversation with a reporter for this paper, this morning, he said that the work being done by the class at this place was satisfactory, and they are making fair progress.

COUNTY COMMISSIONERS' DOINGS

The Allowment of Claims the Principal Business.

Board met pursuant to adjournment, on Tuesday, April 21, with all members present. Minutes of previous meeting read and approved, when the following business was transacted in regular form:

J. W. Johnson, commissioner appointed on the 4th day of April, 1908, to view a proposed road commencing at the southwest corner of the southeast quarter of section 11-12, east of sixth principal meridian, running thence north for one mile, to be located on the half section line. Report unfavorable.

A protest signed by John McKay and fifty-nine others against the proposed widening of the public road from twenty-five to forty feet, commencing on the west side of section 6-10-10 was filed.

Bids were received for the furnishing of four records for Cass county from the Reese Publishing company, Omaha Printing company, and the Klopp, Bartlett company.

Claims allowed on general fund:

Neb. Telephone, rent and bill.	\$5 10
Hatt & Son, mdse to poor.	2 00
C. R. Jordan, salary and ex.	24 50
L. D. Switzer, same.	28 00
M. L. Freidrich, same.	16 20
Klopp, Bartlett Co., supplies.	228 16
Platts, Water Co., water rent.	23 30
J. W. Johnson, viewing road.	5 00
C. Heisel, flour to poor farm.	5 10
Geo. Olive, printing bar docket and court proceedings.	21 20
J. H. Tams, 63 quarts of fruit to the poor farm.	6 30
L. Schütz, repairs to plow.	12 00
W. E. Rosencrans, recording official bonds.	7 50
J. H. Donnelly, work in assessor's office.	45 00

Road fund:

Robert Viall, work No. 12.	15 55
J. L. Young, work No. 9.	3 00
Frank Rouse, work No. 5.	36 87
Geo. H. Jackman, work No. 3.	45 35
C. M. Seybert, work No. 9.	13 50

Bridge fund:

Neb. Construction Co., bridge work.	2,000 00
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Board adjourned to meet May 5, 1908.
W. E. ROSECRANS,
County Clerk.

Buys New Engine.

River navigation in Plattsmouth is growing every day, the latest being the purchase of a new 5-horse power Roberts' marine engine, by Eric Backstrom and Eric Manstedt for their new gasoline launch, the "Viking." The engine is a beauty and when installed in the boat will doubtless furnish many a day's enjoyment and pleasure. The engine was purchased through Emil J. Weyrich, who is local agent for the Roberts engine company.

Depart for California.

Mrs. C. A. Rawls, Mrs. T. H. Pollock and daughter, Ellen, D. C. Morgan, wife and daughter, Gertrude, departed on the fast mail for Lincoln, where they will join the excursion for California, and were accompanied as far as the capitol city by T. H. Pollock. We rather think that Mr. Pollock would have liked to go too, if he could get away from the business which keeps him so busy.

Another Democratic Voter

We had noticed the James Rebal, the broomaker (and assessor for the Fourth and First wards) was looking particularly well pleased for the past week, and thinking, as times was a trifle close, he was rejoicing over a good position with the county assessor. But we find that he has much more to be thankful for, as another boy was added to his household last Saturday. The little fellow and mother both doing well.

"Big Bill" Off Track.

This morning engine No. 3116, known as "Big Bill," got off the track in the local yards, by crawling the rail at the switch. The guard rails were torn up, although the track proper was not much disturbed. It required but an hour to get the big fellow on again.

REMINISCENCE OF EARLY DAYS

Second Democratic Candidate for Governor of Nebraska.

Mrs. James R. Porter of Haigler, Neb., is in the city, the guest of her old friend, Mrs. Harriet A. Sharp. Mrs. Porter is the wife of Hon. James R. Porter, who for many years was a resident of Cass county. He was, during territorial days, largely engaged in freighting to Denver and other freighting points. He was also one of the organizers of the territorial democracy and a leader of the party in Cass county. He also has the distinction of being the second democratic candidate for governor of Nebraska under state organization, being nominated in a convention at Omaha in the summer of 1868. He ran against David Butler, the republican candidate who was running for his second term. The late Andrew J. Poppleton was the democratic candidate for congress, and John Taff, the republican. It was at the election in 1868 that Nebraska voters had their first opportunity to vote for president. The democrats voted for Horatio Seymour for president and Frank P. Blair for vice president, while the republicans supported General U. S. Grant for president and Schuyler Colfax vice president. The delegates from Cass county to the convention at Omaha did not then travel by rail. There were no railroads in Nebraska then, but the delegates took a steamer at the foot of Main street, upon which they traveled to Omaha, when they nominated James R. Porter, the second democratic candidate for governor of Nebraska under state government. Three of those delegates still live in Plattsmouth:—Conrad Schlatter, J. N. Wise and Basil S. Ramsey. Governor Porter, as he is called by many, lives at Haigler, Neb. at the age of 82.

The Making of a Better Town

A. S. Will is having cement walks placed in front of his residence, and in the lot leading to the house, which will make it a very convenient improvement when completed. H. C. McMaken and Sons are doing the work. The residence of Mr. Will, under his management and direction, with the added touches of the workmen, is assuming the proportions and nearing the perfections of an ideal home. From the old house which had served as a residence for many years which stood in its place, to the handsome residence which now graces the place, the change has been great and to the betterment of that portion of the city. The clearing away of the old mill will add much to the appearance of the neighborhood.

Returned From Osmond.

J. C. York returned Saturday from Osmond, where he was called by the death of his brother, Lee York and nephew, Earl, who were killed by lightning in a storm during the fore part of the week. Mr. York says there was a funeral procession over a mile long, and that everybody deeply sympathized with the friends in their loss. He passed through the district which was visited by the cyclone, and says the papers do not fully describe the conditions. When returning he came through Plainview, where he saw Hans Goos and Fred Ellinger, both of whom were doing well.

Burglars at C. A. Marshall's.

Burglars entered the residence of Dr. C. A. Marshall also, Wednesday night, and secured about two dollars in money, which was in a shopping bag, which had been left lying on a table. Entrance was gained by the rear door, which was not locked. They carried out a few pair of the boy's pants which were left outside. Mrs. E. E. Eaton, who lives next door, heard someone on the walk and saw the flashes of a flash-light, but did not awaken Mr. Eaton, who was asleep, and thought nothing more of it until her attention was called to the matter later. The person walking on the walk was heard just after 2 o'clock.

Mrs. Joselyn's Father Dies.

W. Joselyn departed Saturday for Missouri Valley, Ia., called there by the death of Mrs. Joselyn's father, Mr. A. R. LeGrow, at the age of 70 years. Mrs. Joselyn has been with her father for the past week, nursing and caring for him, and ministering to his wants until the last. Mrs. Joselyn is the only child of her father by his first wife, who died a number of years since, he having married again. Mr. LeGrow has made his home at Missouri Valley for the past twenty-six years. The cause of death was the hardening of the arteries, of which he has been afflicted for some time.

DEATH AND DESTRUCTION OF PROPERTY

Tornado Tears Through Thurston County, Doing Great Damage—Many Injured and Several Killed

A special from Pender Nebraska, under date of April 23, says:

A destructive tornado averaging about thirty rods in width struck the farm of Richard Wacker, six miles southwest of here about 12:30 today, completely wrecking the house, carrying with it seven members of the family and the hired man, who was the only one seriously injured.

A very large barn was also wrecked besides other buildings.

Baby Killed, Others Hurt.

A mile north at the home of Emil Magnuson, his wife and two small children and the aged mother of Magnuson were eating dinner. The house was lifted into the air and strewn all over the farm. The one-year-old child was killed, the aged mother was picked up a quarter of a mile away among the debris almost lifeless. She will die. Other members of the family were bruised almost beyond recognition. One mile further the home of John Glover was demolished, all but the house, which was badly damaged. The barn was taken up and some of the house was found a half mile away. On the next farm was Henry Grissman, where two large barns were completely wrecked and blown away, mowing his grove down as if by a sickle.

House Torn in Fragments.

Following in its path was the farm of Henry Samar, where lived his renter, Henry Schaefer. Here the house was torn into fragments, hardly a piece left whole. The barn and cribs were

all swept away, killing several horses and other stock. Crossing the railroad on its northeasterly direction, the storm paster Pender on the east, hardly a quarter of a mile. It wrecked the home of Dan James on the reservation.

Further along the house and barn of Jacob Karsp was completely swept away. One-half mile further was Claus Swanson, whose house and other buildings were also wrecked. The next was William Kelly, whose fine house and barn was taken up the bottom. Further over to the north was the house of Albert Nash, east of the village of Thurston. His buildings were also swept away, where the whirling billows spent their force.

A farm hand was brought home from the Claus Swanson home seriously injured. Other members of the family are also badly hurt.

Physicians All Busy.

All the physicians are out attending to the wounded and at this time it is difficult to forecast the fatal results.

This monster of the air passed about the noon hour. Hundreds of people rushed to the cellars and other places of safety, large and small, piles of debris were falling out of the upper currents of air over the town. From the dipping points of the tornado to where it spent its force every vestige of vegetation or buildings in its path was wrecked or ruined. A distance of ten miles, the growing grain was taken up. The damage to buildings and stock will exceed \$20,000.

CELEBRATE FIRST ANNIVERSARY

The Neighbors of Mrs. Mat Sulser, With Well Baskets, Surprise Her.

Friday being the first anniversary of the wedding of Mr. and Mrs. Mat Sulser, a number of their neighbors and friends gathered together and swooped down upon Mrs. Sulser with well filled baskets and an abundance of hearty good cheer, and while the men folks were busily engaged with the putting in of the crops, made merry the date of her marriage. Social conversation and a most enjoyable time was had, reinforced by the contents of the baskets, which were well-filled and which the friends had brought along. Presents, indicating the friendship for their neighbor and friend were given. In time to get home that the evening meal might be prepared they departed wishing their friends the enjoyment of many such occasions.

Goals to the Philippines.

Daniel Bestor, who is engaged in the signal service in the U. S. army, located at Fort Omaha, came in Friday evening and is visiting with his parents, Mr. and Mrs. Herman Bestor, over Sunday. Mr. Bestor will sail for the Philippines on the 5th of May from San Francisco, where he will serve in the signal corps. He had an opportunity to go to Alaska, but preferred going to the Philippines, and asked for and obtained a transfer. The trip will require the staying there for about two years. Dan will depart for San Francisco on April 30th, which will allow time for the connections with the vessel which sails on the 5th of May from that place.

Wedding at Nehawka

A special from Nehawka, under date of yesterday, says: "Miss Josephine Pollard and Mr. Anton St. John were married today at the home of the bride's parents, Mr. and Mrs. H. M. Pollard of this place, Rev. Samuel Kiser officiating. Only intimate friends and relatives were present. The bride is a cousin of Congressman Pollard and Governor Sheldon. After a short wedding trip they will be at home on their farm near here."

FROM A FORMER CASS COUNTIAN

And Neighbor of Lee York and Son, Burned to Death Tuesday Evening.

OSMOND, Neb., April 22, 1908.—Editor of the Journal: Well, I will tell you what happened here yesterday. We went out to plow at noon. Soon after we were in the field a little thunder storm came up, but it didn't amount to much, but it did much harm to one of my neighbors, Mr. Lee York, and his nineteen-year-old son, Earl. They were plowing in the field, and after it started to rain they unhitched and went behind a large straw stack with seven head of horses. The lightning struck the horses, killing five, and they dropped on the two men. The boy was covered entirely with four horses, and his father had one across his lower limbs. He was calling for help. One of the neighbors heard him, so he ran to his rescue. He found the straw stack on fire, the fire having reached the man already. He begged him to pull him out, but he could not do it. He got one of the horses up and went to the next neighbor but when they came back he breathed his last and was almost burned up. It was

a sight to look at. It almost made me sick.

We have nice weather up here, and have had it all spring. I have 145 acres in oats, and it is all up nice.

We are busy now plowing for corn. I intend to plant corn in a week or so.

We like the country fine. You may publish this if you feel like it.

Yours truly,
PETER SPADER.

Look Out for Counterfeit

A new counterfeit \$5 silver certificate (Indian head) has put in its appearance and the public is cautioned to look out for it by the secret service department of the government. The bill is of the series of 1873, check letter C, plate number 730, J. W. Lyons register and Chas. H. Treat treasurer of the United States. It is a poorly executed photo-mechanical production, printed on pieces of paper with with silk threads between. The seal, treasury number and large numeral are good both as to color and workmanship. The Indian head portrait is very poor, as is the lathe work on the face of the note, the lines being broken and disconnected. The color of the back approximates closely that of the genuine. But little attempt has been made to imitate the fine lines and scroll work.