NEW HAVEN CASE GOES TO THE JURY

Judge Hunt Instructs Panel that Conspiracy to Restrain Trade is Only Issue.

HE EXPLAINS SHERMAN LAW

NEW YORK, Jan. 7 .- The case against William Rockefeller and ten other former directors of the New York, New Haven & Hartford railroad, charged with criminal conspiracy under the Sherman law, was submitted to the jury today.

William Rockefeller was the only defendant not in court when Judge Hunt began his remarks to the jury. The charge against the defendants being a misdemeanor, his presence was not legally required.

The court, after describing the indictment, first instructed the jury that the case should be considered without regard to any testimony that would indicate "any attempts to influence legislation by bribery or corrupt means." The indictment contained no such charge, he said Discussing the Sherman act, he said that it did not prescribe a limit to ac-

quisitions, and that large enterprises may in a certain sense be permitted to monopolize commerce. Magnitude of business was not in itself a violation of a law. "The criminal act," he said, "is in con-

spiring to restrain freedom of action and anduly restricting or sappressing compo-

The first question for the jury to decide, he said, was whether 'back in 1890 or thereabouts there existed a conspiracy to ment does not satisfy you that a conspiracy existed at that time, then the whole case of the government fails." Judge Hunt explained that the alleged conspiracy must have ween a continuous one from 1890 into the three-year period overed by the statute of limitations.

Intent is Psychological. court held also that the charge could not be sustained unless the jury was satisfied that the defendants or any of them "Intended to enter an illegal combination." Intent, he said, was psycho logical and not to be ascertained by

fixed rule of law. The Sound lines' agreement of 1886 the ourt characterised as "obnoxious to the Sherman law" and said that it was for the jury to consider whether it was kept In force after 1800 in furtherance of the conspiracy. Discussing the testimony of Mellen, Judge Hunt said he had thought there would be no serious challenge as to the accuracy of his statements and that the only dispute among Americans could possibly be aboard ships usel would arise from the inference to be drawn from them."

History of the Case. The eleven former directors of the New York. New Haven & Hartford railroad who have been on trial for nearly three months charged with criminal violation of the Sherman anti-trust law expect to know their fate soon.

The defendants are: William Rockefeller and Levis Cass Ledyard, New cause of adverse sentiment created by York; Edward D. Holibins, New Haven, the request for the dismissal of the Ger-; Charles M. Pratt, Brooklyn; Henry K. Italian liner Ancona. McHarg, Stamford, Conn.; James S. Rem- As for the disavowal asked by the erick F. Brewater, New Haven.

tice, begun more than a year previous. other former directors of the road were indicted with them, of whom three made successful pleas of insmunity, six obtained a separate trial and one, George MacCulloch Miller, was not brought to trial on account of his age. On the verdict of the jury in this case would largely depend the attitude of the government. counsel said today, toward the six who gained a separate trial. These are George Baker, Theodore N. Vail, Francis T. Maxwell, T. DeWitt Coyler, Edward Milligan and Alexander Cochrane. In the event of an acquittal by this jury it was not thought that the case would be prensed against the six.

The maximum penalty in the event of onviction is one year's imprisonment or \$5,000 fine, or both.

Dutes Back Sixteen Years. The alleged conspiracy dated back to July 2, 1890, the date of the enactment of the Sherman law, since which the New Haven brought under its control every railroad in New England except these owned by the Grand Trunk, many steamship lines and some sixty trolley lines. In this way it was alleged it stamped out competition and was on the point, the government charges, of suppressing the competition of the Grand Trunk through a traffic agreement, when the government in November, 1912, stepped in and indicted Mollen and two Grand Trunk executives. The case against them was subsequently dropped, but it is largely upon this agreement, the principal alleged illegan act within the period covered by the statute of limitations, that the prosecution in this case based its execution of a conviction.

All Defendants Prominent. The trial has been a remarkable one in many respects. It has been distinguished by the wealth and promi of the defendants and for the fact that for the first time have the directors of a railroad been brought to trial under the dnal clause of the Sherman law. The defendants have been represented by nearly a score of noted lawyers, against whom the government marshalled four. headed by R. L. Batts, former law partner in Texas of Attorney General Gresory. It has been estimated that in counsel fees and expenses of investigation, atenographers' fees, etc., the cost of the

trial has reached well over \$500,000. While not a record in length, the trial was remarkable by the fact that one ritness, Charles S. Mellen, former president of the New Haven, was on the stand for thirty-five court days and that each side virtually built up its case on his tes-Four days were spent in selecting the jury, two by the government in outlining its testimony, five days in arguing motions to dismiss the indictment and four days in summing up. Frank M. Swacker of St. Louis of federal counsel. who has been credited by the defense with knowing more about New Haven affairs than anyone else, spent two years in investigating and preparing the case.

Only One "Brome Quinine." To get the genuine, call for full name. Lazative Brome Quining, Look for signature of E. W. Grove. Cures a cold in one lay. Ec.-Advertisement.

Two Bee Want Ade. It payed

Beginning to Blossom Out



BERLIN PLEDGES SAFETY OF ALL NEUTRAL SHIPS

(Continued from Page One.) assurances covering submarine warfare in the North Sea the German government was represented as considering that no other than liners in regular passenger-

carrying service. Reason for Delay, It has been known for some time that Count von Bernstorff had devised a plan which he believed would satisfactorily end the Lusitania controversy. He was

understood to have submitted the proposi? tion to the Berlin foreign office before Christmas. There was some delay be-Charles Pos Brooker, Ansonia, man naval and military attaches, and the D. Newton Barney, Hartford, demands in the first American note to Conn.; Robert W. Taft, Providence, R. Austria-Hungary on the sinking of the

ingway, A. Heaton Ropertson and Fred- United States, the German government was represented as considering the most They were specifically charged with effective form of disavowal was assur- wife desertion. The arrest was made by conspiring to monopolize the entire trans- sances that such acts should not be comportation traffic of New England. They mitted in the future. The assurances rewere indicted in February, 1915, after an garding the conduct of German sub- take Mr. Hayes along for future referinvestigation by the Department of Jus- marines in the Mediterranean were under- ence. Hayes asserts that there is nothstood to be ideitical with those contained ing to the charge. and the trial began on October 13. 'Ten in Austria's reply to the last American note on the Ancona.

GERMANY OFFERS INDEMNITY

Bernstorff Submits Proposa; to Pay Damages.

WASHINGTON, Jan. 7 .- Count von Bernstorff, the German ambassador, presented to Secretary Lansing today a proposal to pay indemnity for Americans lost in the Lusitania disaster and thereby conclude that controversy, and gave assurances that any German submarines in the Mediterranean would not attack noncombatant ships without ontice.

WASHINGTON, Jan. 7.-Proposals which the German government believes will end the controversy over the Lusitania disaster in a manner satisfactory to the United States were understood to have been received here today from Berlin. Count von Bernsterff had an appointment to confer with Secretary Lansing this afternoon.

Germany is believed to have agreed to pay an indemnity for the Americans lost when the liner was torpedoed; at the same time basing a reservation of any wrong doing on the contention that the destruction of the vessel was an act of reprisal in retailation for the British ockade of Germany.

Germany is also understood to be ready to give assurances that its submarine ommanders operating in the Mediterranean will not torpede without warning privately-owned vessels of any descrip tion, including liners, freighters and tramp steamers. German assurances in regard to submarine warfare in the North Sea include only liners in the passenger

It was also stated with authority today that Germany virtually had agreed with the position of the United States in regard to small boats not being under all conditions a place of safety for passengers shoard a ship about to be de stroyed. These last concessions are up derstood to have been contained in the last note from Germany regarding the sinking of the ship William P. Pryc. The communication reached the State department several weeks ago, but has been withheld from publication on the ground that it had a certain bearing upon the Lusitania negotiations. Germany is un derstood to have fully agreed with the American point of view,

HITCHCOCK URGES PROBE OF MAILS INTERFERENCE

WASHINGTON, Jan. 7 .- Investigation foreign interference with United States mails on the high seas or en route to destinations is contemplated in a resolution introduced today by Senator Hitchcock of Nebraska calling upon Postmaster

BELL-ANS

Absolutely Removes Indigestion. One package proves it. 25c at all druggists.

bearing on the subject. The resolution was referred to the postal committee,

MORE NOMINATIONS

From a Staff Correspondent. WASHINGTON, Jan. 7 .- (Special Telepostmasters were made today:

Harry C. Furse, Alma; A. H. Shenard. Ansley: William C. Rosecrans, Ashland: William S. Morgan, Atkinson: John+ Moran, Callaway; James M. Crews, Culbertson; John Wilson, Franklin; P. J. Melia, Gretna; Melvin A. Brinegar, Alexandria; Harry A. Crosby, Beemer; Cora Congorve, Cairo: Hazel James, Carroll; Amborse E. Sherwood, Haigler: Jerome W. Connelly, Lindsay; Thomas O. Norman, Oxford; E. C. Ratcliff, Stratton; C. P. Laudgren, Wausa.

GRAND ISLAND MAN IS ARRESTED AT LOGAN. IA.

with all information in his possession

OF POSTMASTERS MADE

direction of Sheriff Sievers of Grand Island, Neb., who will be here today and

SHIRTS

\$2.50 and \$3.00

\$2.00 Shirts

\$1,50 Shirts

Shirts now

now

Silks and Flannels

50c Hay's Hair Health . . .

Listerine 12c. 16c. 34c. 59c

50c Pozzoni's Powder 26¢

Scott's Emulsion

Fellows' Syrup

Castoria

Cigar Specials

Limited 10 to a Customer.

Box of 50, \$1.55.

lets 50c Lantz Red Kidney Pills 31c

25c Carter's Liver Pills 16c

25c Beecham Pills 17c \$1.00 Duffy's Malt Whiskey 79c

10c Tom Moore, Conchas

10c George the 4th Box of 50, **\$2.50**. 5c Bannerettes, 8 for

50c Stuart's Dyspepsia Tab-

50c Meritol Dyspepsia Tab-

oc Syrup of Figs, gen

50c Pebeco Tooth Paste ...

HINT AT ELECTION IN GREAT BRITAIN

Ministry Hopes to Avoid Necessity of Appeal to People to Pass Compulsion Bill,

UNION OF PARTIES IS BROKEN

LONDON, Jan. 7 .- There seems will be the very last measure resorted to by the government to obtain the desired "consent" to the esof compulsion provided for in the the Bayless company's dam. pending military service bill. That tained by an appeal to the country is admitted by virtually every-one, but the belief is expressed in many quarters that it can be won without such an upheaval.

The Westminster Gazette emphasizing The Westminster Gazette emphasizing the fact that only forty-five members of the House of Commons representing constituencies in Great Britain, which alone is affected by the bill, opposed the measure. It thinks the minority can be measure. It thinks the minority can be measure. It thinks the minority can be onvinced of the necessity of enacting the law and that the treaty to national unity will be removed by free debate in the later stages of the bill's course through Parliament.

Breaks Up Colition. The Manchester Guardian expresses regret that the first result of the project of compulsory military service is a breaking up of the union of parties, which, checkered by some untoward events, nevertheless, helped to keep a united nation concentrated on a single object from the outbreak of the war to the present day. It says:

"This breakup was announced by a massive majority against the government bill at the great labor conference yesterday and is signalized by the prompt resignation of three labor ministers. Of the three parties forming the coalition one has thus withdrawn. two parties one distinguished member has withdrawn, while a material proportion

of the rank and file will go with him. The government has at a stroke beome a party government, although the General Burleson to supply the senate party is new in politics and a definite and regular opposition emerges at the same moment. Such are the consequences, deeply regrettable, of which many of us have consistently warned the government since the conscriptionists' agitation began.

Compulsion Not Necessary. The Goardian demands positive evidence hat compulsion is necessary, saying at the same time that the national cause is gram.)-The following nominations of paramount over other considerations. It says that the figures of the Derby recruiting campaign as given out by the government do not convince it, as they have not convinced the labor party. These figures, the Guardian contends, have made out a case for further examination rather than for action without

> Get Rid of a Hacking La Grippe Cough-It Weakens.

For the severe racking cough that comes with la grippe, Foley's Honey and Ter Compound is wonderfully healing and soothing. It eases the tightness over the chest, raises the phicgm easily and helps the racking, tearing cough that is so ex-LOGAN, ia., Jan. 7.-(Special.)-Sheriff hausting and weakening. R. G. Collins. Myers arrested Charles Hayes, here ex-postmaster. Barnegat, N. J., says last evening, for the alleged offense of "Foley's Honey and Tar Compound soon stopped the severe la grippe cough that completely exhausted me. It can't be

Advertiser and customer profit by the "Classified Ad" habit.

NECKWEAR

\$1.85

\$2,50 and \$3,00

\$1.00 Ties

29¢ | \$3.75 Horlick's Malted Milk

\$1 Horlick's Malted Milk ... 67¢

tain Syringe90¢

and Hot Water Bottle . \$1.40

Water Bottle 90¢

We guarantee all our Rubber

25c Lustrite Nail Enamel . . 14¢

Free-A 15c Bottle of

ABILINA WATER,

The World's Finest Laxative,

To Every Customer Saturday

\$1.50 2-qt. Legrand's Foun-

\$2.50 2-qt, Legrand's Com-

bination Fountain Syringe

\$1.50 Legrand's 2-pt. Hot

\$2.00 Ties

25% 50c Ties

SATURDAY, JANUARY 8, WE WILL SELL AT

GREATLY REDUCED PRICES OUR

High Grade Shirts and Neckwear

Broken Lots of Underwear at One-Half Price.

Follow the "Beaton Path" to

Real Drug Bargains

Goods.

25¢

- 29¢

BEATON DRUG CO.

15th and Farnam

Millionaire Goes to Jail to Test Law

CORNING, N. Y., Jan. 7.-George C. Bayless, millionaire president of the Bayles Pulp & Paper company of Austin, Pa., and Binghamton, N. Y., left the Jall at Coudersport, Pa., to appear at a hearing at Harisburg, instituted to obtain his release.

Bayless was committed to jail follow ng a charge of involutary manslaughter in causing the death of Mrs. Thomas little doubt that a general election Lawler in the disastrous flood at Austin in September 1911. He could have been released under bail, but preferred to go Clark on "Democracy today." to buil to test the question as to whether tablishment of the attenuated form lisence in connection with the breaking of the league, and Senstors Phelan and

Once before Bayless faced a charge of manslaughter in connection with the such general consent would be ob- flood, but the charge was dropped by the tee in the coming presidential campaign. Austin Flood Sufferers' association, Satinfactory terms for the settlement of HANS SCHMIDT DENIED civil damages were reported to have been made at that time.

> Department Orders. WASHINGTON, Jan. 7 .- (Special Tele

pointed postmaster at Tilenka. Kossutt county, Iows, vice Leg O Wolfe, reagned and Mrs. Marige E. Rowkiett at Burton Keya Paha county, Nebraska, vice Mrs Mary E. Fisher, deceased.

Womans Democratic League is Meeting

WASHINGTON, Jan. 7.-The Woman's National Democratic league began its fourth annual convention here today with delegates from throughout the country

Chief events on the day's program included the reading of greetings from President Wilson and address by Speaker

he is liable to prosecution for allaged neg- sentative Cullop of Indiana, president of Walsh also were down for addresses. The league will formulate plans for aiding the democratic national commit-

REARGUMENT OF CASE

Mrs. William A. Cullop, wife of Repre

to die in the electric chair at Sing Sing day.

ALBANY, N. Y., Jan. 7 .- The court of appeals today denied a motion for a reargument of the appeal of Hans Schmidt, the New York priest convicted of the murder of Anna Aumuster and sentenced

next week. The motion was made by attorneys for Schmidt last Monday.

The National Capital

Friday, January 7, 1916

The Senate. Met at noon.

Bill amending law to prevent disclosures of national defense secrets introduced by Senator Overman.

Senator Hitchcock introduced resolution calling upon postmaster general for information on interference with American mails by censors.

Foreign relations committee met, but took no action on submarine question or nomination of H. P. Fletcher as Mexican ambassador.

ambassador.
Suspension of tariff provision, free
listing of sugar May 1, proposed in resolution, introduced by Senator Broussard.
Adjourned at 4:52 p. m. to noon Satur-

ay.
Senator Kenyon introduced a bill to rohibit telephone or telegraph transmission of racing information.

The House.

Met at noon,
Rear Admiral Stanford continued testinony before naval committee.
Foreign relations committee agreed to
consider next Friday proposed legislation
o regulate water power at Niagara
de the

Representative Gardner in speech op-solved embargo on arms and war muni-

tions
Representative Kent introduced bill to create national park service under Interior department.
Adjourned at 5:07 p. m. to noon Satur-

THOMPSON-BELDEN & CO.

-- The Fashion Center of the Middle West --Established 1886.

Tailored Suits Reduced in Price Every suit from regular

Plush Coats, \$18.75 to \$29.50

Coat Section

Velour Coats, \$48.75

The Fur Shop

Only a few furs left, but the prices are reduced.

\$2.25 54-inch All-Wool Plaids, Half Price, \$1.121/2 a Yd.

In fact, the raw materials alone without figuring the expense of manufacturing would figure up to more than \$1.12 %. Many beautiful shades of new blues, greens, browns and navy.

A Sale of Handsome Coatings \$2.50 to \$4 Values, 54-Inch,

98c and \$1.19 a Yard. Whoever needs materials for a new coat should not overlook this opportunity. Plaid-back broche

novelties in tans, browns, mix-

Toilet Goods Specials

25c Wool Powder Puffs, 10c. Soap, Sandalwood, Violet and Rose, three cakes in a box, special, Saturday, 19c a box. Almond Hand Lotion, 19c.

Silks--Reduced in Price

Many of the lots are sufficiently large to last all day; others will not. So, it's difficult to list each bargain. Every lot will be ticketed so as to show the special reductions in each case. (No telephone orders taken.)

Better see these silks early.

The Yearly Linen Sale Without an Equal

Really fine quality Pure Linens at clearing sale prices; qualities that can't be purchased in the market today, and at prices that will not be possible to duplicate elsewhere now or in the future anywhere. We are sincere in urging you to purchase now.

\$ 3.00 Table Cloths at \$ 2.00 \$ 3.50 Table Cloths at \$ 2.38 8 3.75 Table Cloths at \$ 2,89 \$ 5.00 Table Cloths at \$ 3.89 \$ 6.00 Table Cloths at \$ 4.00 \$ 7.50 Table Cloths at \$ 5.00 \$10.00 Table Cloths at \$ 6.75 \$12,00 Table Cloths at \$ 8.89 \$15.00 Table Cloths at \$10.89

\$50.00 Table Cloths at \$37,50

\$20,00 Table Cloths at \$15.00

\$25,00 Table Cloths at \$20.00

\$35,00 Table Cloths at \$25,00

Bleached Napkins \$ 2.50 Napkins, \$ 1.89 a doz. 3.00 Napkins, \$ 2.00 a doz. 3.75 Napkins, \$ 2.75 a doz. 4.50 Napkins, \$ 3.38 a doz. \$ 6.00 Napkins, \$ 4.75 a doz. \$ 7.50 Napkins, \$ 5.00 a doz. \$10.00 Napkins, \$ 7.50 a doz. \$12.00 Napkins, \$ 8.89 a doz. \$25.00 Napkins, \$17.50 a doz.

Table Cloths- Table Damask

ask, \$1.25 a yard. ask, \$1.75 a yard. \$1.75 Bleached Table Dam-

ask, \$1.25 a yard.

EXTRA SPECIAL John S. Brown & Sons' Napkins, 100 dozen \$10.00 3-4 Napkins

January Sale price-\$5.00 a Dozen

Crash Toweling

ask, \$1.00 a yard. 81.75 Bleached Table Dam-\$2.00 Bleached Table Damask, \$1.50 a yard. \$2,25 Bleached Table Dam-

Limit: One Dozen to a Customer.

17c Bleached Crash Toweling, 12½ c a yard. 20c Bleached Crash Toweling, 17c a yard. 22c Bleached Crash Toweling, 18c a yard.

25c Huck Towels, 19c

Huck Towels Huck Towels, 25c Huck Towels, 50c \$1.00 Huck Towels, 75c \$1.50 Huck Towels, \$1

Turkish Toweling 20c Bleached Turkish

Towels, 121/2c. 25c Bleached Turkish Towels, 19c.

45c Bleached Turkish Towels, 25c.

50c Bleached Turkish Towels, 39c. 75c Bleached Turkish

Towels, 50c. 85c Fancy Turkish Tow-

AMUSEMENTS.

Today Evg., 8:30, and Sun., The Book That Thrilled the World,

THE WINNING OF BARBARA WORTH

Mat., 25c-50c-75c; Evg., 25c-50c-75c-\$1

Three Days, Jan. 10, 11, 12, Mat. Wed., The Wonder Show of the Universe.

THURSTON

All New This Season,

"OMARA'S FUR CENTER"

Gayety Pally Mats. 18-28-80s Blow Last Time, Mat Today, AL REEVES Blow Show

START TONITE AT

And Continuing Inc. Next Sat. Mat. "BLUTCH" Globe Trotters Burlesque

Ladies' Dime Matinee Week Days,

AMUSEMENTS.

\$45.00 Napkins, \$35.00 a doz.

Geraldine Farrar

TOMORROW-Alice Brady in "The Back."

PICTURES. Continuous 11 a. m. to 11 p. m.

Where the Omaha Bee-Universal Animated Weekly May

CAMERAPHONE

HANSCOM PALACE ARBOR BURT DIAMOND ALMO AHAMO.

Continuous from 1 to 11 P. M. The Battle Cry of Peace

At Reduced Prices.

Matinee Wednesday Joe Weber's Musical Success,

VALLI VALLI In the Thrilling Problem Play, THE WOMAN PAYS Orbheum THE BEST IN VAUDEVILLE **CURTAIN TONIGHT 8:10** MATINEE TODAY. Patrons are requested to be in their scale before Gertrude Hoffmann starts SUMURUN."

KRU G TONITE 8:20 North Brothers Stock Co. Omaha's Best Theatrical Bargain "THE LION AND THE MOUSE"

Turpin's School of Dancing

els, 50c.

AMUSEMENTS.

LAST TWO

DAYS

25c Bleached Crash Towel-

ing, 22c a yard.

MONDAY, For Three Hights,

Nights, 25c-\$2.00. Mats., 25c-\$1.50



10 Cents RESHRVED 25 Cents

FARNAM New term begins Jan. 10th. Beginners' class, Monday and Friday, 8 p. m. Advanced class, Tuesday, 8 p. m. Oleson's orchestra. Beginners promoted to advanced class. Private lessons any time. List your name now. Special rate tecket to pupils joining class Monday and Tuesday, Jan. 10 and 11. Telephone Har. 5147. The School of Modern Dancing

Josse L. Lasky Presents

TEMPTATION Music furnished by special orchestra.

SUPREME VAUDEVILLE,

LOYAL PASTIME MAGIO LYBEC

25c Sloan's Liniment 16c 25c Mentholatum16c 25c Pond's Vanishing Cream 16c Be Seen 25c Melbaline Face Powder 16¢ 25c Colgate's Tooth Powder 15e 50c Podolax Bells29c 50c Resinol Ointment 38c PARNAM THEATRE

PLOBENCE