

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 attempt to influence legislation by bribery or corrupt means."

Discussing the Sherman act, he said that it did not prescribe a limit to acquisitions, 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 conspiring to restrain freedom of action and unduly restricting or suppressing competition."

The first question for the jury to decide, he said, was whether "back in 1890 or thereabouts there existed a conspiracy to monopolize commerce. If the government does not satisfy you that a conspiracy existed at that time, then the whole case of the government falls."

The 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."

The second line of agreement of 1888 the court characterized as "obnoxious to the Sherman law" and said that it was for the jury to consider whether it was kept in force after 1890 in furtherance of the conspiracy.

Discussing the testimony of Mr. Mellen, Judge Hunt said he had "throughout been impressed with the charge as to the accuracy of his statements and that the only dispute among counsel would arise from the inference to be drawn from them."

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 Lewis Cady Lydard, New York; Edward L. Hollins, New Haven, Conn.; Charles E. Brooker, Annapolis, Conn.; D. Newton Barney, Hartford, Conn.; Robert W. Taft, Providence, R. I.; Charles M. Frost, Brooklyn, N. Y.; McMillan, Stamford, Conn.; James S. Hemingway, A. Heaton Roperston and Frederick F. Brewster, New Haven.

They were specifically charged with conspiring to monopolize the entire transportation traffic of New England. They were indicted in February, 1915, after an investigation by the Department of Justice, begun more than a year previous, and the trial began on October 15. Ten other former directors of the road were indicted with them, of whom three made successful pleas of insanity, 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 F. Baker, Theodore N. Van, Francis T. Maxwell, T. DeWitt Coryer, Edward Milligan and Alexander Cochrane. In the event of an acquittal by the jury it was not thought that the case would be pressed against the six.

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

Dates 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 those 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 of 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 Mellen and two Grand Trunk executives. The case against them was subsequently dropped, but it is largely upon this agreement, the principal alleged illegal 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 prominence of the defendants and for the fact that for the first time have the directors of a railroad been brought to trial under the criminal clause of the Sherman law. The defendants have been represented by nearly a score of noted lawyers, against whom the government marshaled four, headed by H. L. Batt, former law partner in Texas of Attorney General Gregory. It has been estimated that its counsel fees and expenses of investigation, stenography 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 witness, 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 testimony. 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, 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.

Beginning to Blossom Out



BERLIN PLEDGES SAFETY OF ALL NEUTRAL SHIPS

General Briesen to supply the senate with all information in his possession bearing on the subject. The regulation was referred to the postal committee.

GERMANY OFFERS INDEMNITY

Bernstorff Submits Proposal 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.

WASHINGTON, Jan. 7.—Proposals which the German government believed 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.

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

Germany is also understood to be ready to give assurances that its submarine commanders operating in the Mediterranean will not torpedo without warning privately-owned vessels of any description, including liners, freighters and tramp steamers.

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 aboard a ship about to be destroyed.

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HITCHCOCK URGES PROBE OF MAILS INTERFERENCE

WASHINGTON, Jan. 7.—Investigation of 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

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 little doubt that a general election will be the very last measure resorted to by the government to obtain the desired "consent" to the establishment of the attenuated form of compulsion provided for in the pending military service bill.

Such general consent would be obtained 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 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 convinced 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 Coalition. 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, checked 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.

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. Of the other 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 become a party government, although the 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 Guardian demands positive evidence that compulsion is necessary, saying at the same time that the national cause is 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.

Get Rid of a Hacking La Grippe Cough—It Weakens. For the severe racking cough that comes with the grippe, Foley's Honey and Tar Compound is wonderfully healing and soothing. It eases the tightness over the chest, raises the phlegm easily and helps the racking, tearing cough that is so exhausting and weakening.

Grand Island Man Is Arrested at Logan, Ia. LOGAN, Ia., Jan. 7.—(Special.)—Sheriff M. D. Myers arrested Charles Hayes, here last evening, for the alleged offense of wife desertion. The arrest was made by direction of Sheriff Sievers of Grand Island, Neb., who will be here today and take Mr. Hayes along for future reference. Hayes asserts that there is nothing to the charge.

SATURDAY, JANUARY 8, WE WILL SELL AT GREATLY REDUCED PRICES OUR High Grade Shirts and Neckwear

Table with columns for SHIRTS and NECKWEAR, listing items and prices like \$2.50 and \$3.00 Shirts now \$1.85.

Pease Bros Co. 1417 FARNAM STREET.

Follow the "Beaton Path" to Real Drug Bargains

Table listing various drugs and their prices, such as 50c Hay's Hair Health, 29c, and 50c Stuart's Dyspepsia Tablets, 29c.

BEATON DRUG CO. 15th and Farnam. Free—A 15c Bottle of ABILINA WATER.

Millionaire Goes to Jail to Test Law

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

Bayless was committed to jail following a charge of involuntary manslaughter in causing the death of Mrs. Thomas Lawler in the disastrous flood at Austin in September 1911. He could have been released under bail, but preferred to go to jail to test the question as to whether he is liable to prosecution for alleged negligence in connection with the breaking of the Bayless company's dam.

Once before Bayless faced a charge of manslaughter in connection with the flood, but the charge was dropped by the Austin Flood Sufferers' association. Satisfactory terms for the settlement of civil damages were reported to have been made at that time.

Department Orders. WASHINGTON, Jan. 7.—(Special Telegram.)—Nebraska pensions granted: Sidney A. Sawyer, Fremont, \$12.

A postoffice has been established at Beach, Warren county, Iowa, with Pearl Kesser as postmaster.

Mrs. Mayrce L. Peterson has been appointed postmaster at Filonga, Kosciusko county, Iowa, vice Leo O. Wolfe, resigned, and Mrs. Maige B. Rowlett at Burton, Keosauqua county, Nebraska, vice Mrs. Mary E. Fisher, deceased.

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

Chief events on the day's program included the reading of greetings from President Wilson and address by Speaker Clark on "Democracy today."

Mrs. William A. Cullip, wife of Representative Cullip of Indiana, president of the league, and Senators Phelan and Walsh also were down for addresses. The league will formulate plans for aiding the democratic national committee in the coming presidential campaign.

HANS SCHMIDT DENIED REARGUMENT OF CASE

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 Amuller and sentenced to die in the electric chair at Sing Sing

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 disclosure 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.

Suspension of tariff provision, free listing of sugar May 1, proposed in resolution, introduced by Senator Brewster. Adjourning at 4:52 p. m. to noon Saturday.

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

The House. Met at noon. East Admiral Stanford continued testimony before naval committee.

Foreign relations committee agreed to consider next Friday proposed legislation to regulate water power at Niagara Falls.

Representative Gardner in speech opposed embargo on arms and war munitions.

Representative Kent introduced bill to create national park service under interior department. Adjourning at 5:07 p. m. to noon Saturday.

THOMPSON-BELDEN & CO. The Fashion Center of the Middle West. Established 1886.

Tailored Suits Reduced in Price. Every suit from regular stock.

Coat Section. Plush Coats, \$18.75 to \$29.50. Velour Coats, \$48.75.

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

The Yearly Linen Sale Without an Equal. Really fine quality Pure Linens at clearing sale prices.

Table Cloths. \$2.50 Table Cloths at \$1.75. \$3.00 Table Cloths at \$2.00.

Table Damask. \$1.50 Bleached Table Damask, \$1.00 a yard.

Bleached Napkins. \$2.50 Napkins, \$1.89 a doz. \$3.00 Napkins, \$2.00 a doz.

Huck Towels. 25c Huck Towels, 19c. 45c Huck Towels, 25c. 75c Huck Towels, 50c.

Turkish Toweling. 20c Bleached Turkish Towels, 12 1/2c. 25c Bleached Turkish Towels, 19c.

Crash Toweling. 17c Bleached Crash Toweling, 12 1/2c a yard. 20c Bleached Crash Toweling, 17c a yard.

HIPP. Continuous from 11 a.m. to 11 p.m. Last times today at 11, 12:30, 2, 3:30, 5:45, 8, 9:15, 10:30, 9:45.

Geraldine Farrar in "TEMPTATION". Music furnished by special orchestra.

EMPIRESS. SUPREME VAUDEVILLE, PICTURES. Continuous 11 a. m. to 11 p. m.

Where the Omaha Bee—Universal Animated Weekly May Be Seen.

LYRIC HANSOOM MAGIC. ARBOR IVY PALACE. DIAMOND HURST. ALMO OMAHA. RENBOW FLORENCE.

BOYD LAST TWO DAYS. Continuous from 1 to 11 P. M.

The Battle Cry of Peace. At Reduced Prices.

MONDAY, For Three Nights, Matinee Wednesday. Joe Weber's Musical Success, THE ONLY GIRL.

Strand 15th & Douglas. TODAY—VALLI VALLI. In the Thrilling Problem Play, THE WOMAN PAYS.

Turpin's School of Dancing. 28th and FARNAM. New term begins Jan. 10th. Beginners' class, Monday and Friday, 8 p. m.

BRANDEIS THEATRE. Today Mat. 2:00 and Sun., The Book That Thrilled the World, THE WINNING OF BARBARA WORTH.

"OMAHA'S FUN CENTER" Gayety. Daily Mat. 12-25-50c. Evng. 15-25-50-75c.

TONITE KNEW KRUG 8:20. North Brothers Stock Co. Omaha's Best Theatrical Bargain.

Cupheum. THE BEST IN VAUDEVILLE. CURTAIN TONIGHT 8:10.

TONITE KNEW KRUG 8:20. North Brothers Stock Co. Omaha's Best Theatrical Bargain. "THE LION AND THE MOUSE" 10 Cents.

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