

BRIEF IS FIELD IN HARVESTER CASE

Government Contends Monopoly is Real in Spite of Contention that It Behaved Self.

VIOLATION OF LAW IS CLEAR

WASHINGTON, March 29.—The government's brief in the anti-trust suit to dissolve the International Harvester company was filed today in the supreme court. It is largely directed toward combating the arguments advanced in the company's brief filed in support of its appeal after the district court for Minnesota had declared it a combination in restraint of trade and ordered its dissolution.

"If the defendant's arguments prevail," says the government brief, "the corporate combinations, however comprehensive, do not come within the purview of the act unless and only so far as they demonstrably abuse their power—the inevitable result will be the removal of that great rush toward concentration which proceeded with ever accelerating rapidity until checked by the decision of this court in the Northern securities case.

Means Taking Off the Lid.

"If makers of harvesting machinery may unite as here, way not makers of every other species of machinery do likewise? And why may not all these lesser combinations be integrated into one super-combination of all the metal working industries?"

"What would prevent indeed the creation of combinations with power to control the markets for every necessary of life—food, coal, oil, metal, textile, fabrics, etc.—or alliances between all these combinations under the control of few great masters of industry?"

"The desire for promoters' profits, the desire to escape from the pressure of competition, the natural gravitation of power into the hands of the powerful, and the desire of more power which great power engenders—these motives would still be adequate to produce such concentration, even assuming that prices, etc., would be rigidly controlled.

"The anti-trust act—the work of perhaps the ablest judiciary committee that ever sat in either branch of congress, is the deliberate efforts of conservative, clear-thinking men to place some reasonable check upon that liberty of combination, which, if permitted to the logical extreme, would in the end imperil liberty itself.

Controversy is Fundamental.

"The controversy in this case, therefore, is fundamental. The question is, shall the competitive system continue—shall 'competition, not combination, be the law of trade'?"

The brief says that the defendants claim that while one-time competitors controlling from 90 to 95 per cent of the trade in the United States in harvesting machines were combined in substantially the manner which the government contends, the object was not restraint of trade, but to promote foreign trade and to establish domestic trade on a more economical basis. Upon these statements, the government says, and upon its good conduct the "single defense" rests.

The last contention, that the case must fall because the combination has not increased prices or limited production, or degraded the quality of production, or the price of raw material, or oppressed competitors, the government declares, is based upon a construction of the anti-trust act which "loses sight of its broader purpose and which would be utterly impracticable in execution.

"It has already been shown, however," continued the brief, "that where, as here, the necessary effect of the combination is unduly to restrain competitive conditions, the purpose or intention of the parties is immaterial. Therefore, were the good intentions claimed in this case conceded, it would make no difference."

Irrigation Suit Under Advisement

IMPERIAL, Neb., March 29.—(Special.)—District court was in session in this county last week and cleaned up the docket in fine shape. There were some important cases tried, among which was the water right suit brought by Kilpatrick Bros. company of Beatrice, which owns large ranch interests in this county, against the Frenchman Valley Irrigation Ditch company of Culbertson, which involved the question of priority of water rights on the Frenchman river. Quite a large number of witnesses were used and a large amount of the evidence was documentary, the judge taking the matter under advisement, both parties to submit briefs and the opinion will be handed down at the June term of court held here.

The special school bond election held in Imperial Friday for the purpose of voting \$12,000 of bonds for the erection of a new school house, was carried by a large majority.

The farmers are busy hauling in wheat and corn to the markets, and Imperial has the distinction of paying some of the largest individual checks for wheat and corn of any town in the state, one for \$25,000, and many others ranging from \$1,500 to \$7,500.

Notes from Beatrice.

BEATRICE, Neb., March 29.—(Special.)—The stockholders of the Filley Farmers' and Merchants' Elevator company held their annual meeting Saturday afternoon and elected these officers: President, J. H. Bowers; vice president, Charles Hughes; treasurer, Earl Norcross. The company had purchased 22,181 bushels of grain at a cost of \$18,624 during the year.

Virgil Marshall of Wymore, who filed his petition Friday as a candidate for mayor of Wymore, has withdrawn from the race, leaving the field to Adam McMullen.

John R. and David Hill, two farmers living near Odell, were brought here Saturday evening on a peace bond charge filed by C. N. Hinds, a banker of that place. He avers that he fears that the defendants will do him bodily harm. The defendants were released on bond of \$300 each.

Neligh Declines Nomination.

WEST POINT, Neb., March 29.—(Special.)—The nomination of W. T. S. Neligh for mayor of West Point, tendered him by the people's party, was declined by him. M. E. Kert has been chosen by the committee as a candidate. He will be opposed at the polls by H. H. Howarth, the nominee of the citizens' party.

125 PERISH WHEN SUBMARINE SINKS THE LINER FALABA

(Continued from Page One.)
explosion followed. The ship settled down and sank quickly. Some of the life boats were smashed, and scores of people were struggling in the water when a trawler reached the scene and rescued 106 of them, transferring them later to a destroyer. Another thirty-five were picked up by another fishing boat. Three of the persons rescued had sustained injuries by German shrapnel and some of the engine room staff on the Falaba were killed.

No Effort at Rescue.

The skipper of the fisher boat Ellen Emma, which participated in the rescue work, reported that no efforts were made by the crew of the submarine to assist the persons who were struggling in the water.

The Ellen Emma sighted the submarine shortly after noon, its skipper said, and followed the craft for more than an hour. The Elder Dempster company, owner of the Elder line of steamers, of which the Falaba was one, announced tonight that apparently about 125 persons had lost their lives by the sinking of the vessel.

The Falaba left Liverpool on Saturday for the west coast of Africa with 140 passengers and with a crew of 120 men. Its officers state that when the German submarine appeared it whistled thrice as a signal for the steamer to prepare its life boats, but that before this could be done a torpedo struck the ship near the engine room.

Of Elder Line.

The Falaba was 290 feet long, net tonnage 3,011. It belonged to the Elder line, was owned in Liverpool and was engaged in the African trade.

The railway packet City of Brussels, encountered a German submarine yesterday. The captain of the steamer immediately took the aggressive and fired on the submarine which taken by surprise, started to submerge. The captain turned his steamer quickly in an effort to ram the submarine and he believes he succeeded in sinking it. His vessel was going sixteen knots at the time.

Dutch Steamship Blown Up.

LONDON, March 29.—A statement from the British admiralty tonight says that the Dutch steamer Amstel has been blown up by a mine.

The Amstel was a small steamer built in 1905. It was 211 feet long. Its net tonnage was 65.

FISHGUARD, Wales, March 29.—Thirteen members of the crew of the British steamship Agula, which was sunk by the German submarine U-35 on Saturday night, lost their lives. The survivors, who arrived here today, say the Agula was sunk at a point fifty miles southeast of The Smalls, a group of rocks on the southeast coast of England.

The crew was given four minutes in which to leave the ship, but survivors say the men were getting into the boats. The chief engineer and two others were killed by shell fire and the lives of ten other men were lost.

The captain of the submarine halted another ship and told its captain of the sinking of the Agula. The Ottilie went to the rescue. Captain Bannerman of the Agula said the submarine fired across the bows of the steamer, but he speeded up to fourteen knots to clear the undersea vessel.

Given Short Warning.

The submarine was making eighteen knots, however, and quickly overtook them. The attempt of the Agula to escape seemed to arouse the anger of the Germans, for they gave the crew and passengers only four minutes to leave the ship. But before this the submarine opened fire, which was kept up rapidly while the crew was launching the boats, killing the chief engineer and two of the crew and wounding several others.

One member of the crew rescued said that a boat in which were ten sailors, a woman passenger and a stewardess was fired on and the passenger was killed, while the stewardess was thrown into the water and drowned. Finally the boat capsized and sank.

The captain of the Ottilie, which picked up the remaining boat, said the submarine was the U-35, and apparently a new craft.

STENOGRAPHERS WILL NOT RECEIVE MORE PAY

(From a Staff Correspondent.)
LINCOLN, March 29.—(Special.)—In a little less than a jiffy the house this afternoon killed S. F. 174, the Spencer bill, boosting the pay of supreme judges' stenographers from \$1,000 to \$1,300 per year. It was indefinitely postponed on Mr. Scott's motion.

Mr. Taylor warned the house to slow on raising salaries after a campaign in which economy was promised to the people. He said that many state stenographers get only \$349 per year and that it would not be fair to raise the ones who are already drawing \$1,000. Taylor said if the legislature does not hold things down the appropriations will be likely to equal or overrun those of 1913. The vote to indefinitely postpone was about two to one.

NO REDUCTION IN ACREAGE OF TOBACCO TO BE PLANTED

(Correspondence of the Associated Press.)
BERLIN, March 27.—Tobacco growers who have been worrying lest tobacco raising be restricted or forbidden so that the fields could be used for the production of food supplies, have at last been assured that such measures will not be taken, for the present at least. The government is understood to have decided that this step is not necessary.

IRON CROSS FOR POSTAL AND TELEGRAPH OFFICIALS

(Correspondence of the Associated Press.)
BERLIN, March 27.—In the first six months of the war, the iron cross has been bestowed upon 2,253 postal and telegraph officials stationed in the field. Out of a force of about 3,500 men in the field postal and telegraph service, including those stationed in conquered territory, 2,558 have been killed.

This—see 2775—Cents.

Don't miss this. Cut out this slip, enclose 5 cents to Foley & Co., Chicago, Ill., writing your name and address clearly. You will receive in return a trial package containing Foley's Honey and Tar Compound for coughs, colds and croup; Foley's Kidney Pills for pain in sides and back, rheumatism, backache, kidney and bladder ailments; and Foley's Cathartic Tablets, a wholesome and thoroughly cleansing cathartic, especially comforting to stout persons. Sold everywhere.—Advertisement.

GEN. VON KLUCK HIT BY SHRAPNEL

Commander Who Led Famous German Dash Into France Early in the War Wounded.

FIGHTING ON WESTERN FRONT

BERLIN, March 29.—(By Wireless to Sayville.)—The report of the progress of the fighting issued from headquarters today relates, among other things, that General Von Kluck, the German commander who led the famous German rush into France in the early days of the war, has been slightly wounded by shrapnel fire while inspecting advanced positions of his army. The condition of the general is described as satisfactory.

The text of the announcement follows:

"On the west front of the day yesterday passed rather quietly. Only in the Arconne and in Loraine were there minor engagements and these were successful for the Germans. General Von Kluck was slightly wounded by shrapnel while inspecting advanced positions of his army; his condition is satisfactory.

"German troops have stormed Taurgeois across the Russian frontier north-east of Tilsit and taken 300 Russian prisoners.

"A Russian attack on the railroad from Wirballen to Kovno, at a point near Pliwizki broke down.

"The Russians suffered heavy losses in the Krasopol district. More than 1,000 Russians were taken prisoners, among them being a squadron of lancers with their horses and five machine guns.

"A Russian attack on the northwest of Ciechanow was repulsed.

French Official Report.

PARIS, March 29.—(By Wireless to London.)—The French war office yesterday gave out a report on the fighting of yesterday which reads:

"In the region of Ypres a German observation post was blown up by the French with a mine. At Eparges the Germans attempted to regain the trenches lost by them March 27. After a violent struggle the French gained on the whole the trenches were maintained. The Germans obtained a footing in a few sections of their old trenches, but on the other hand the French made progress at other points."

T. H. MATTERS IS SENTENCED TO SIX YEARS IN PRISON

(Continued from Page One.)

trary to law and the evidence, and the result of passion and prejudice.

The motion in arrest of judgment rested chiefly on the allegation that it was improper to try Matters until after Liebchen had been tried as principal in the crime charged. Defects were also alleged in the indictment and in the drawing of the grand jury which returned it over a year ago at Lincoln.

Judge Youngman refused to change his mind on any of the points raised in the motions, saying that all of them had either been previously settled in the case by Judges Munger, Morris or McPherson, who had passed on various motions, or else that they were unfounded or insufficient grounds for a new trial or arrest of judgment.

Dr. C. R. Henderson, Sociologist, is Dead at Charleston, S. C.

CHARLESTON, S. C., March 29.—Dr. Charles R. Henderson, professor of sociology in the University of Chicago, died here today after a short illness. He was born at Covington, Ind., Dec. 17, 1848, and was graduated from the University of Chicago in 1870 and from the Baptist Union Theological Seminary, 1873. Dr. Henderson was widely known for his work in sociology.

Death is said to have been due to a stroke of paralysis superinduced by overwork as chairman of the United Charities, upon which fell the burden of caring for the unemployed last winter.

Italy Contracts for 15,000 Horses

EAST ST. LOUIS, March 29.—The Italian government has contracted with dealers here for 15,000 horses, it was learned today.

A previous contract for 5,000 horses already has been filled and several thousand horses have been shipped under the new contract. Thus far 50,000 horses have been shipped from here to the European belligerents.

Woman Drops Dead at Sturgis.

STURGIS, S. D., March 29.—(Special Telegram.)—Mrs. L. W. Romey, aged 53 years, fell dead at her home in Sturgis while getting supper last evening of leakage of heart, from which she suffered for some time. Funeral will be Wednesday afternoon from the Presbyterian church.

Sage Tea Keeps Your Hair Dark

It's Grandmother's recipe to bring back color, thickness and lustre—Everybody is using it again.

Gray hair, however handsome, denotes advancing age. We all know the advantages of a youthful appearance. Your hair is your charm. It makes or mars the face. When it fades, turns gray and looks dry, wispy and scraggly, just a few applications of Sage Tea and Sulphur enhances its appearance a hundred-fold.

Don't stay gray! Look young! Either prepare the tonic at home or get from any drug store a 5-cent bottle of "Wyeth's Sage and Sulphur Compound." Thousands of folks recommend this ready-to-use preparation, because it darkens the hair beautifully and removes dandruff, stops scalp itching and falling hair; besides, no one can possibly tell, as it darkens so naturally and evenly. You moisten a sponge or soft brush with it, drawing this through the hair, taking one small strand at a time. By morning the gray hair disappears; after another application or two, its natural color is restored and it becomes thick, glossy and lustrous, and you appear years younger.—Advertisement.

RUSSIANS KNOCK AT BACK DOOR OF CONSTANTINOPLE

(Continued from Page One.)

In London are speculating hopefully on the reorganization of the Balkan league, but nevertheless it is felt that the visit to Bulgaria of Field Marshal Von Der Goltz, until recently at Constantinople, may check the reconciliation of the state with its neighbors.

GERMAN TRANSPORT SUNK IN BALTIC.

PETROGRAD, March 29.—(Via London.)—Severe losses have been inflicted upon the German naval units in the Baltic sea by the Russians, according to a semi-official review of the operations there made public last night. German submarines are said to have suffered considerably while a number of transports loaded with supplies have been destroyed. The statement follows:

"Early in September the activity of our fleet in the southern Baltic compelled the enemy to modify his plan and concentrate his chief efforts upon operations by submarines. Nineteen of these attacks were made in two months, but only one was successful. Enemy submarines suffered considerably.

"Our operations cannot be published yet, but the enemy suffered heavy losses in fighting units and has been seriously impeded in his operations along his own coasts by the loss of a number of transports with munitions."

Case of Mason City Greeks to Be Taken to Supreme Court

MASON CITY, Ia., March 29.—(Special.)

—According to reports received the Mason City case has not been finally disposed of, but that it will go on from the court of appeals to the United States supreme court to determine whether the federal government is itself right or wrong. In fact, the merits of the case are being entirely forgotten by the absorbing interest of the legal tangle in which the government finds itself.

When Inspector Whitfield, representing the government, came here he was given no authority to open up this case, which involved the moral standing of five Greeks who were not as yet naturalized. He called in twenty girls, all of whom, according to the story, testified to immoral conditions existing there. Whitfield sent in his evidence and secured papers for deportation. Then came the efforts of defendants' attorneys, and they resorted to habeas corpus proceedings and won out at a hearing at Dubuque.

The question now goes up to the power which created it for an interpretation of what authority is really vested in government inspectors.

All agree, nearly, that the examination made of the twenty girls by Inspector Whitfield was nothing more than a star chamber proceeding where Mr. Whitfield was attorney, judge and jury, and the defendants in the action had no opportunity to present their side of the case. District Attorney O'Connor of New Hampton, according to reports, will go up to the supreme court of the United States for an interpretation of the law.

Vice President at San Diego.

SAN DIEGO, Cal., March 29.—Vice President Thomas R. Marshall was greeted by a large crowd upon his arrival here from Los Angeles at noon today. Panama-California exposition officials, army and navy officers and citizens formed the reception committee.

Russia Sends New Battleships to Join the Baltic Sea Fleet

LONDON, March 29.—Reuter's correspondent at Petrograd telegraphs that the Russian fleet in the Baltic has been reinforced by the addition of modern fighting units.

This addition to the fleet is believed in London to consist of four dreadnaughts laid down in Russian yards in 1907, which

were nearing completion at the beginning of the war. It may also include another division of four capital ships, laid down in 1912. British naval experts said they would not be surprised to learn that with the assistance of the allies in material and men, Russia had been able to complete the dreadnaughts. Four mount twelve-inch guns each. The second division is armed with nine fourteen-inch guns each.

Lyon's Deys Nominate Slate.

LYONS, Neb., March 29.—(Special.)—The citizens' party nominated a ticket for village trustees as follows: W. S. New-

meyer and Dr. James Robbins, the latter to take the place of F. L. Cook, who was elected as county treasurer last fall, and the former nominated for another term. The citizens' party is a temperance organization. The wets find it a hopeless job to get a saloon in this place, as the founder of the city, Waldo Lyon, had a clause inserted in the deeds prohibiting the establishment of saloons under penalty of the land reverting back to the heirs. This clause was tested in the courts a few years ago with the result that the lot on which the saloon was located went back to the heirs of the founder of the town.



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