## **DEFEAT THE MERGER**

Supreme Judges Decide Against Northern Securities Co.

#### **OPINION BY JUSTICE HARLAN**

#### Who Declares the Only Object of Merger Was to Prevent Competition in Restraint of Interstate Commerce

The opinion of the supreme court of the United States in the case of the Northern Securities company against the United States, involving the merger of the Northern Pacific and the Great tack of la grippe and remained in a Northern companies is in favor of the government. The opinion was read by Justice Harlan.

The opinion of the United States circuit court for the district of Micnesota was affirmed. The effect is it sustain the contention that the Sherman anti-trust law applies to railroad combinations of the character in question.

The case has attracted more attention than any other suit before the court since the first insular cases were decided and has been regarded by bench and bar as equal in importance with those cases and with the income tax case. It was argued in December last for two days and attracted the general attention of the public at that time was rendered by the circuit court for the government in the court below. the district of Minnesota,

The action was brought in the circuit court under the law of February 1, 1903, which was for the purpose of expediting the case and was heard by the four circuit court judges of the circuit. They united in a decision favorable to the United States and road companies.

The suit was instituted by the United States against the Northern Securities company and the two railroad companies, the Northern Pacific and the Great Northern and the leading stockholders for the purpose of dissolving the merger of the two railroads which the United States declared had been created by the creation of a ern half of the state to the depth of holding company, the Northern Securi- from one to four inches. West of Minties company. This consolidation was den the precipitation was little more claimed to be in violation of the Sher- than a trace. It was considerably man anti-trust law. It was claimed on heavier in the northwestern part of behalf of the government that this consolidation was in effect a pool created weather bureau at Lincoln showed that to promote the interests, not of one the actual amount of precipitation system at the expense of the other. was .38 of an inch. The snow fed He.

The railroads claimed that the transfer of the stock of the two com- the ground instead of running off into panies to the Securities company was the smaller streams. Coming just as it in the nature of a sale and perfectly did the snow is considered to be of legitimate. The contentions of the great value to the wheat crop. Securities company were reviewed and Justice Harlan said they had received full attention. He quoted the various opinions involving the trust question, saying that from them it is to be gath- Warden Carter. G. E. Young, special ered that all contracts in restraint of trade, reasonable or unreasonable, are H. Marks for shooting song birds from prohibited by the Sherman law, and the public highway. He was fined \$5 that congress has the power to es- and costs. An organization of citizens tablish such regulations as are laid has been formed at Nehawka to endown in the law. Congress had power force the state game law which proto enact the statute. only object of the merger was to pre- Carter is willing to help enforce the vent competition, and he said that if law. He reports that a fine of \$15 was no one else knew this to be the case imposed upon a Norfolk man for killstatement. Justice Harlan said that in this day there should be no doubt of the complete power of congress to control interstate commerce. Ail appropriate means might be resorted to for that purpose. All the prior trust cases were in support of that contention.

## WELCOME CHANCELLOR

Students Take Tram Cut of Hack and Haul Him to Residence

Chancellor E. Benjamin Andrews, who was taken ill at Chicago some time ago while on his way to New. York, has returned to Lincoln. He was met by an enthusiastic mob of more than three hundred students and after persuading him to take a seat in a hack the gay youngsters unhitched the horses, attached a rope and escorted the chancellor to his horse at Four-

teenth and Q streets. The chancellor had left on a business trip. When he reached Chicago he was taken ill with a severe cold and an at-

hospital for several days. When he stepped from the train he was assisted by Guy Andrews, his son, and the conductor. He was pale and gave evidence of much suffering, and the hand that lifted his black silk hat to the cheering students seemed unsteady and weak.

#### GENERAL KNOX PLEASED

#### Says Country is Pleased Over the Mergel Case Decision

Attorney General Knox, being asked concerning the merger decision, said: "My views of the decision cannot be better expressed than in the language of one of the best known railroad presidents in the United States upon as it did previously when the decision the occasion of the decision in favor of

"He said: 'The decision is sound law, good sense and for the advantage of all legitimate interests and for the country's welfare and it voices the judgment of probably nine-tenths of the most conservative business men of the country.'

"The country is to be congratulated opposed to the contentions of the rail- that the government's protest against the first appearance of the holding company as a device to control competing interstate railroads has not been in vain."

#### Extent of Late Snow Storm

According to reports received by the Burlington the snow of Saturday night extended very generally over the eastthe state, however. The report of the but of both at the expense of the pub- quietly and evenly and thawed slowly so that the resulting moisture will be distributed eveniy and will soak into

# **PORT ARTHUR FIGHT**

Latest Dispatches State Terrible Damage to Russian Fort

### RUSSIAN DESTROYERS SUNK

## Up and Big Guns Dismounts

Peking state that the whole of Manchuria is in state of utter confusion owing to the Russians having seized all food supplies and other commissariat necessities.

sian depredations.

Tsin who was an eye witness of the over to the county. last bombardment of Port Arthur, is to Former County Attorney Shields was the effect that the Russians had twen- retained by the county commissioners ty-five killed on the battleship Sevasto- to prosecute suits to recover the pol, twenty on the Retvizan and twen money. ty in the town.

In a dispatch from Che Foo, a correspondent of the London Daily Mail describes an inspection of Port Arthur Condensed Review of Laws Passed by from a boat. The new city seemed to be on fire; three columns of smoke were ascending from it. The Bread received at Washington from Governor ribly; the defenses were shattered and the earthworks torn up.

respondent of the London Daily Tele- ican code civil procedure, thus comgraph, vague rumors are current that pleting entire American code systems; ment of Port Arthur as much more vesting original power in justices suserious than has been admitted offi preme court to determine all property cially. Special dispatches from Tokio questions between government and and Yin Kow also give reports of Catholic church; establishing blind heavy Russian casualties at Port Ar asylum at Ponce; providing for comand one hundred wounded.

In a dispatch from Tokio a corre- to five million; providing for new spondent of the London Dally Tele- penitentiary; for slight increase rum graph says that in the latest attack tax; for increasing resources on muboat destroyers were sunk and great preachers and magistrates celebrate tion has been exported damage was done to the docks, forts marriages, without parents first oband arsenals, including the explosion taining licenses; providing special of a powder magazine. Dainy is re- duty and cure parasitic anaemia; esported to have been almost entirely tablishing educational qualifications destroyed. Several guns were dis for electors; extending public school mounted, and the crew of four torpedo education; passed budget next fiscal boats in the inside harbor are said to year; also by unanimous vote, introhave deserted.

A Strictly Agricultural Fair The Burt County Fair association neld its regular meeting at Tekamah. Neb., and decided to hold the next county fair on September 7, 8 and 9, MOORES WILL PAY BACK

Fees Illegally Retained While Clerk of Douglas County Court

Judge Baxter has decided the case of Douglas county against Frank E. Moores in favor of the county-rendering judgment for the county in the sum of about \$1,7500, about 5200 of which represents interest. Suit was Forty Men Killed and One Hundred are brought for about \$3,200. This is the Wounded, a Powder Magazine Blown first of several suits, and represented the county's claim on account of unclaimed witness fees and lower court. Private Chinese reports received at costs collected during Moores' first term of office as clerk of the district

These sufts are based on the supreme court's reversal of the opinion in which The natives are streaming south required to pay over the unclaimed governor at Kirin has committed sel- and not to the county. A later decicide owing to his inability to relieve sion held that Moores had no title to of his office, and that when he went

#### PORTO RICAN LAWS

**Porto Ricau Legislature** 

The following cablegram has been "Secretary of State, Washington: Legislature adjourned. Many import-According to the St. Petersburg cor- ant laws passed, among such, Amer-

duced by Delegate Aponte, delegates desecration American flag."

#### Description of New Comet

Borrelly's comet, which was discovered at Marseilles on June 21, 1903, has easily identified. There were marks on After a short discussion it was also been the object of special observations the body that indicate that the man to thresh the crop separately and to decided to make this strictly an agri- at the Lick observatory, California, by had been assaulted and his hody report the results. This was repeated general direction and can be traced to almost exactly away from the sun. After leaving the head it widens out, and, in most of the plates, divides into two distinct branches. The other tail



Kancas Has Grinding Capacity of 10,000,000 Bu. Annually

## DAILY RUN 33,555 BARRELS

#### A Magnificent Record for a State Engaging in Milling, Employing Modern Methods Only of Late

One hundred and twenty-four mill's in Kansas, including fifty-three mills Making a small, moderate allowance kept clean. for these mills, it appears quite certain that the Kansas mills have used, in the aggregate, not less than 30 mil-

million bushels of what as the year's of the Topeka situation." hill fort appeared to have suffered ter- Hunt, dated San Juan, P. R., March 12: proportion of the crop ground by Kansas mills.

The daily capacity of the 120 mills that have reported is 31,555 barrels. The actual daily (including Sunday) output of these mills amounts to 22,000 later telegrams describe the bombard- referred American judicial system law, barrels, or a little over two-thirds their extreme capacity. If the mills were all closed Sundays and holidays their average daily output for actual working days was 26,000 barrels. Including a conservative estimate for the mills that thur, amounting to forty men killed mission to negotiate insular bonded did not report, the actual daily flour ioan for permanent public works, three production in Kansas for eight months has been about 33,000 barrels. The Kansas people consume about 6,000 barrels of flour daily. The remainder has gone on Port Arthur two Russian torpedo nicipalities; anthorizing all priests, to other states, and a moderate propor-

### BODY FOUND IN RIVER

#### Farmer's Body Found After Being it River Sluce December

The body of Charles H. Willes the dorris county farmer, who disappeared after leaving Junction City, Kansas, rising, passed strict law to prevent on the night of December 7, was found a mile south of that city in the Smoky Hill river. The body had been in the water three months, and was still in a good state of preservation. It was

KANSAS CATTLE HEALTHY The pitary Board Makes an Interest

ing Report M. C. Campbell, chairman of the Kansas state live stock sanitary board, is making an investigation into reported cases of tuberculosis in cattle. The board is making an effort to stamp out the disease.

"There is no cause for alarm," said Mr. Campbell, "except so far as the local effect is concerned. Tuberculosis is not a fast spreading disease. In

Kansas it is confined to a few of the larger cities, and doubtless will be rewith a daily capacity of 200 barrels or moved soon. There are a few cases in more, report that they have ground 23 .- Shawnee county and Sedgwick county 235,000 bushels of wheat in the eight and the disease is reported to be in months beginning July 1 (estimating Leavenworth. The disease is confined the amount for the last two weeks of generally to Jersey cattle. Few town February.) There are ten mills each of people take proper care of their cows. over 200 barrels capacity and about 100 In the country tuberculosis is rarely small mills of 50 to 100 barrels ca- heard of because the cattle have plenty pacity each which have not reported, of air and exercise and their sheds are

"The live stock sanitary commission took vigorous steps to keep tuberculous cattle out of Kansas a few years ago, non bushels of wheat in the first eight but the breeders made so much fuss months of the crop year. The mills about it that we rescinded the order. which have reported, estimate that Since then little has been done, except they will grind 8,688,000 bushels of to investigate reports of tuberculosis wheat in the four months from March and to have infected cattle disposed of 1 to July 1. If the mills not report- It is safe to say that the cattle of the ing use 2 million bushels, the total state are in no danger from the few requirements of Kansas mills in the cases which lately have attracted atnext four months will be 10 million tention, although the commission exbushels, making an aggregate of 40 pects to make a thorough investigation

#### OATS FOR ARID NEBRASKA

#### Experiment Station Finds Well Adapted Variety

Tests of a new variety of oats are reported in bulletin No. 82 of the Nebraska experiment station. These oata were imported by the station from Russia in 1897, and are called Kherson oats. The variety orginated in the Kherson' government in southern Russia. The climatic conditions of that region are not such as are favorable to the production of oats. The average yearly rainfall is only sixteen inches, and the summers are extremely hot.

The Kherson oat is a vigorous but not a rank grower. The straw is very short; the leaves are broad and expose a large surface. The berries are light yellow in color, small but numerous and have a very thin hull. The usually weigh well per bushel. They mature very early.

This variety is peculiarly suited to central and western Nebraska on account of its habits of growth.

In the spring of 1901 seed of Kherson oats was sent out to a number of persons in various parts of the state to test. Two bushels of oats were sent to each experimenter and he was asked in 1902 and 1903 as more seed became The night Willes disappeared he left available. The results of the three years' tests are given in the bulletin. These show it to be peculiarly suited to central and western Nebraska; there are other varieties that in the river counties, at least, compare favorably with it. West of that, tests that have been made of it during the three years, indicate that it is earlier, any other variety, with the possible exception of the Texas Red. It has steadily out yielded the Texas Red on the station farm. T. L. LYON, Nebraska Experiment Station.

court.

it first held that Moores could not be toward the ports and are suffering witness fees to the county, on the great hardships. The late military ground that they belonged to witnesses the people's distress or stop the Rus- them, holding them merely by virtue Information from an official at Tien out of office he should have paid them

The defendants could not complain the confirmation of the decision of that court, saying:

to the circuit court to proceed in the execution of the decree as the circamstances may require."

The decision was concurred in by Justices Brown, Brewer, McKenna and Day, while the chief justice and Justices White, Peckham and Holmes dissented.

To Protect Game at Home The Tecumseh Gun and Rifle club The object is to protect the game of Johnson county according to law.

Chinese Exclusion Act Case

In the supreme court the government of the United States, through of Ohio to take what the department of justice maintains is legal action mandamus against a federal judge.

**Convicted of Shooting Song Birds** 

Another conviction for the slaughter of song birds is reported by Chief Game game deputy at Nehawka, arrested G. tects song or insectivorous birds as Justice Harlan declared that the well as game birds and fish. Chief

J. Plerpont, Morgan, one of the de- ing song birds and another man at fendants, knew that to have been the Ong was fined \$5. An Omaha preacher case. Extracts from Mr. Morgan's tes- was arrested several months ago for timony were quoted in support of this killing twenty meadowlarks. It is said that the case of the preacher has not yet been disposed of in court.

#### Fight to Retain Slaves

Acting Adjutant General Hall has received the following cable from Major General Wade, at Manila:

"Major General Leonard Wood reports an attack on a reconnoitering of the finding of the circuit court and force east of Cottabato by a strong Justice Harlan in conclusion announced party of Moros made hostile by the passage of the anti-slavery law. The Moros' position was shelled and the "The judgment of this court is that Moros flanked and the outworks taken, the decree below of the circuit court They were strong and well constructed. be and hereby is affirmed with liberty Cannon captured twenty-one old Spanish, thirty-three Lantakas, also large quantities ammunition and supplies

No casualties on our side.'

#### David City Chantaugua

The management of the David City Chautauqua association has arranged to hold the Chautauqua assembly this year in July, commencing on the 23d and closing on the 31st. E. Williams and G. W. Gates have the general nas been organized with a capital stock management in charge. Rev. H. H. of \$150. The club will incorporate. Harmon of Columbus, Ind., will be platform manager and assist in arranging the program.

#### Against Educating Negroes

Governor Vardaman, of Mississippi sent to the house his veto of the bill Attorney General Knor, applied for a appropriating \$2,200 for the support of writ of mandamus to compel Judge the Holly Springs normal school, a Francis J. Wing of the United States colored institution. The governor in district court of the northern district his veto message takes ground against negro education, stating that it is not with respect to certain Chinese exclus, the best thing for the negroes. He sion cases. This is the first time in advanced this view during his camthe history of the supreme court that paign for governor. It is said that a the government has sought a writ of strong fight will be made to pass the bill over his veto.

cultural fair. The large majority of Sebastian Albrecht. Between June 22 the members holding that a sufficient and August 18, 1903, a total of thirtynumber of people would come to see six protographs were secured with the the various products of the farm and Crocker telescope and with the Pierson the well-bred live stock which can and Floyd cameras. Throughout the easily be brought together, without entire series of photographs two dishaving to resort to any special outside tinct types of tails persist. The prinattractions to make the fair a decided cipal tail is long and straight in its BUCCESS.

be settled at its meeting which will be held June 1.

#### No Danger of "Yellow Peril"

Baron Kaneko, a former Japanese is short and very much curved, and minister of agriculture and commerce. presents practically the same appearand member of the Japanese pariiament, who has arrived at San Francisco en route to Washington and the St. Louis exposition, says:

Americans and Europeans mean when has been started by the woman's club you speak of the yellow peril. If you of Beatrice, and the committee on believe that the Japanese intend to civics and forestry has been instructunite with the other members of the ed to devise ways and means of securyellow race and overrun Europe and ing the desired ends. The work taken America you are very much mistaken. Such a thought has never entered our and effective. A communication from heads, and it is our ultimate intention the club was addressed to the city to enter the rank and file of christen- council relating to the work underdom."

#### Nettle Cravens Fair Injured

who contested the will of the late Sen- ation of the council. ator J. L. Fair, the California millionaire, on the grounds that she was his legal wife, is lying in a critical condition at the Southern hotel, St. Louis, as the result of injuries she received in a street car collision. Mrs. Fair was unconscious when taken to the hotel and was unknown, her door key alone making known the fact that she was stopping at the Southern. When, 6 to 5, being laid against the former she regained consciousness she requested that the closest secrecy be maintained and that her identity be not revealed.

#### Crushed Under a Plano

Clarence, the fifteen-year-old son of Riley Jones, of Plattsmouth, Neb., was instantly killed by being crushed under a cablegram stating that the subscripa plano The instrument was being tions to the loan of 100,000,000 yen exhauled from a furniture store to the opera house.

Jones was riding on the rear of the wagon when one of the wheels struck a rock, causing the plano to topple over and fall to the ground, carrying The small subscriptions, averaging bethe boy with it and pinioning him underneath. crushed.

Beatrice Woman's Club Work

ance on all the negatives.

A movement having for its object "I do not understand what you cleaner streets, sidewalks and alleys, up by the club will be far reaching taken, which was received with approval and the clerk was instructed to notify the committee that they Mrs. Nettie Robertson Cravens Fair, would receive the support and co-oper-

#### **Ostrich Wins the Derby**

The closing honors of the Crescent Luy Jockey club's meeting at New Oreans fell to the eastern contingent. when Ostrich landed the prize of the season, the \$6,000 Crescent City derby. The eastern colt's only rival in the betting was Captain Brown's Auditor, and 8 to 5 against the latter. These were practically the opening and closing figures. Auditor and Ostrich were last away.

#### Plenty of Japanese War Funds

The Japanese minister at Washington has received from his government chequer bonds amounts now to 436,000,-000 yen. The dispatch further states that it is expected that when all the returns have been received the subscriptions will exceed 500,000,000 yen. tween 95 and 200 yen, will, the cable-His body was terribly gram states, alone amount to 75,000,000 ven.

thrown into the river.

Junction City late in the evening, and early the next morning his horse returned home. One of Willes' sons came to Junction City in search of his father, and when he arrived at the bridge, just south of town, he found his father's cap, glove and broken cane strewn However, the final arrangements, the edge of the plate, a distance of about the bridge. There were signs of with all the minor details, were left to ten degrees. It was always directed a struggle. Willes carried over \$5,000 yields better and weighs heavier than fraternal life insurance, and his family was unable to collect any of it. They were confident that he had been killed, and they offered \$500 reward for the finding of the body. The county also offered a reward of \$25.

### Reld for Manshaughter

his bond was fixed at \$800.

Calloway went to Shewmake's farm ent month. in company with Will Hillman, January 13, to settle a claim for damages, Calloway's cattle having strayed into Shewmake's cornfield a week before. A fight took place in which Calloway sick, and shortly after became uncon-

scious. He died the next day.

#### Small Pox Stamped Out

Officials of Sherman township, Kansas, report to the county board of health that there was only one case the trio. of smallpox in the Linwood neighborhood, which is adjacent to Leavenworth, Kas. This is the last of one ship since November. schools were closed part of the winter.

#### First Rain in Four Months

The first substantial rain since last throughout east Oklahoma.

#### Waterworks at Hayes City

At an election held at Hayes City, Kan., \$25,000 bonds were voted for the erection of a water works system. by the demurrer,

#### Radium Increases in Cost

An importer of radium in New York The preliminary examination of Geo. Sives out the startling news that the H. Calloway, of Furnas county, Ne- price of this latest product of the scibraska, charged with the murder of entists has increased \$4,200,000 a pound James W. Shewmake, of Norton, Kas., in two days. The commercial rate ten was held before L. A. Smith, a justice days ago was \$8,400,400, now it is \$12,of the peace at Norton. Calloway was 600,000. So great has been the demand bound over to the district court for for a few grains that the supply on manslaughter in the fourth degree and the market probably will have disappeared entirely by the end of the pres-

#### Break Up a Desperado Gang

City detectives at Pittsburg, Kan., practically broke up a gang of burglars and thieves in that city when they arstruck Shewmake in the face and on rested Almeta Morrow, Annie Beckthe left temple. Fifteen minutes after ham and Gordon Holt, all negroes. the encounter Shewmake, who was a Burglaries have been almost of nightly small man, and 56 years old, was taken occurrence for the past two months, and the police force and secret service officials have been unable to locate the thieves until now. About \$300 worth of plunder, consisting of women's and men's wearing apparel, and jewelry, was found in the house occupied by

Turon claims to have the champion crank of Kansas. When his wife wants hundred cases which were in the town- to go anywhere he is always ill and The public when she is sick he is wild to make calls.

#### Mr. Beyan Gains a Point

By a decision handed down by Judge October fell at Wichita, Kan. It will Gager of the superior court at New aid the growing wheat and put the Haven, Conn., based on a demurrer to ground in good shape for plowing for answers to an appeal by William J. corn and oats. The storm extended Bryan from the decision of the probate court which ruled against him in the Philo S. Bennett will case, Mr. Bryan has the right to contest for the \$50,000 bequest to himself by proving that the 'sealed letter" is a part of the will. Judge Gager's decision is largely in Mr. Bryan's favor on guestions raised