

GRAIN TRUST DEFEATED

RESTRAINING ORDER MADE PERMANENT BY SUPREME COURT.

Whole Series of Statutes Directed Against Combinations and Monopolies Held to be Connected System of Legislation.

The Nebraska supreme court has sustained the injunction brought by Attorney General Norris Brown against the Nebraska Grain Dealers' association, otherwise known as "the grain trust." Judge C. B. Letton wrote the opinion of the court.

Scope of the Injunction

The grain companies charged with violating the anti-trust law were restrained by an order issued on August 2 by Judge J. B. Barnes from in any manner attempting to fix prices or in any manner discriminating against dealers in grain not members of the association, or from soliciting rebates or receiving directly or indirectly rebates from any railroad company. The officers of the company were restrained from acting as agents of the association and the organization was prevented from electing new officers. This injunction, by the supreme court's decision, remains in force.

Fight Against the Trust

Shortly after the temporary injunction had been issued, it was reported that the association had decided to dissolve and to destroy its records. Prior to the bringing of the suit a number of prominent grain dealers ceased to affiliate with the association. It has lately been a current rumor that the members of the association were circumventing the injunction by tacitly agreeing to fix prices according to the quotations of the Chicago and Kansas City markets, difference in freight rates being taken into consideration.

Agitation against the grain trust became pronounced after T. D. Worrall, who had been a prominent member of the Nebraska Grain Dealers' association, had made futile efforts to recover damages from members of the association on charges that his independent company had been black-listed and discriminated against by the association with the connivance of the railways.

Ruling of the Court

The opinion of the supreme court contains the following statement of the various contentions and the supreme court's rulings thereon:

"It will be observed that only one of these acts has been expressly repealed, and as is contended by the defendants, it becomes a question of first importance to determine which of these acts is applicable to the defendants in this case and to the contracts, agreements and combinations which it is charged they have entered into. The contention of some of the defendants is that if the suit had been brought before the passage of the act of 1905 no liability on the part of the dependants would arise by virtue of the general anti-trust law of 1897, but the measure of their liability would be found in the grain dealers' act of 1887 or in the Loomis act of 1897, which do not provide for a remedy by injunction. The ground of this contention is that the two acts of 1887 and 1897, known as the Goudring act, would not affect their operation, since a general statute operates upon all subjects embraced therein except the particular one which is the subject of a special act. They further contend that the act of 1905 repeals by implication the general anti-trust statute of 1897, but being a general act has no effect upon the special statutes of 1887 and 1897 relating to

grain dealers. The other defendants take the position that the law of 1905 being a general law covering the whole sub-act embraced in all the former statutes, repeals them all by implication and is the sole enactment now in force.

Complete System of Laws

"On the other hand the attorney general contends that the correct view of the matter is that all the trust acts should be regarded as a single measure of legislation enacted for the protection of trade and commerce; that repeals by implication are not favored; that they are statutes in pari materia and should be construed as though they had all been passed at the same time and under one title.

"We think it clear that the whole series of statutes directed against combinations and monopolies should be considered as parts of a connected system and that no one act should be singled out for construction and be considered apart from the general trend of legislation upon the subject. * * * It is sufficient to say that in so far as the remedy by injunction is granted by the Junkin act, that remedy is not curtailed or taken away as to grain dealers by the provisions of any prior act."

Management is Commendable

Fremont, Neb., Feb. 8.—The board of trustees of the Orphans' home finished its investigation of the management of the institution Tuesday evening. There were present to make the inquiry the Rev. Hilgendorf of Arlington, the Rev. Adam of South Omaha, Christian Krueger of Hooper, R. H. Schurman of Scribner, H. Stork of Arlington and William Haman of this city.

The board found that on the whole the management of the home is commendable and that the children cared for there have excellent physical, educational and moral and religious advantages.

Lumbermen's Insurance

Omaha, Neb., Feb. 8.—The Nebraska Lumbermen's Mutual Insurance company was organized at the meeting of the Nebraska Retail Lumbermen's association this morning, officers were elected and the concern put on its feet so that fire insurance policies will be issued within two or three weeks.

The officers of the insurance company are as follows: T. M. Green, Aurora, president; George W. Eggleston, Bennett, vice president; Bird Kritchfield, Lincoln, secretary; S. A. Foster, treasurer. Directors—three years, Green, Eggleston, Foster; two years, H. H. Binger, Wilbur; A. B. Out-house, Loup City; William Fried, Fremont; one year, O. O. Snyder, H. H. Mohr and William Krotter.

Three hundred names were secured for policies, which makes it possible to issue \$2,000 to holders. The home office of the insurance department is to be at Lincoln.

Shoots His Son-in-law

Wolbach, Neb., Feb. 8.—Edgar C. Samuels was Wednesday shot in the hand by his father-in-law, Mr. Cox of Butler county.

Tuesday Samuels and his wife had trouble that resulted in Mrs. Samuels leaving for the home of her father in Butler county, near David City.

Wednesday Mr. Cox came back with his daughter and together they had an interview with Samuels in the endeavor to settle their troubles and agree on some basis of separation.

In the talk Cox, who is well along in years, became angry and pulled a revolver and shot Samuels in the hand. The wound is a bad one, but it will not be more than troublesome. Cox was arrested, but no definite charge has been made against him.

Omaha, Neb., Feb. 8.—The Commercial club executive and public affairs committee held a joint meeting Wednesday at which it was voted to sup-

port the cattlemen of Nebraska in securing a federal leasing law. After arguments in favor of such a law were made by Senators Currie of Crawford and Reynolds of Chadron, State Auditor Searle and E. P. Meyers of Hyannis, the committees adopted resolutions favoring a reasonable lease law.

Addresses were made on the matter by C. F. McGrew, Arthur C. Smith, G. W. Holdrege, John Steel, E. Rosewater, G. M. Hitchcock and W. A. Paxton. The resolutions were ordered drawn by John Steel, H. H. Baldrige and G. M. Hitchcock.

In adopting the resolution the Commercial club offered to send a personal representative to Washington when the time comes. The club takes the stand that a lease law would greatly benefit the state by disposing of at a profit much of the unoccupied land in the western part of the state.

GOVERNMENT REFORM SOCIETY

Organized for Radical Action, But is Opposed to Socialism

A political society has been organized at La Crosse, Kans., for the purpose of promoting Christian government. The society has been named "Union for the Common Good." Holding that socialism is based on materialism and is therefore opposed to Christianity, the society advocates radical reforms that will check the drift toward socialism.

The platform of the society is not supposed to be the final word on political reforms, but enunciates certain reforms with the proviso that they shall be thoroughly tested. Among the reforms advocated are municipal and public ownership, national incorporation, government exchanges for stocks, bonds and grain to prevent "corners" and "stock gamblers," co-operation in industry, country colonization for the helplessly poor, more stringent control of the liquor traffic, equality of opportunity, election of senators by the people and the initiative and referendum and the imperative mandate.

The unit of the society is the national organization with an individual membership. The officers will be general manager, president, vice-president, secretary and treasurer, and together they shall constitute the executive committee. The committee issuing the plan of organization is as follows: O. H. Truman, J. M. McArthur, J. Orville Walton, Belle Ford Walton and E. H. H. Gates. Communications may be sent to O. H. Truman La Crosse, Kans.

Parted

"I have called," began Mr. Nervey Poorman, "to speak to you about your daughter. Of course, you must have noticed that there is something between us—"

"No," interrupted Mr. Roxley, "but I'm sure there will be pretty soon."

"Ah!"

"Yes, the Atlantic ocean. I'm going to send her abroad until she learns a little common sense."—Philadelphia Press.

Family Pleads With Countess

Paris, Feb. 12.—Count Boni de Castellane's family has made fresh overtures to Countess Anna Gould, asking her to seek only a legal separation instead of a full divorce, basing her plea on the children's interests. The count has retained Maitre Rene Laullee, a noted specialist in complicated civil cases.

DEATH OF DR. E. C. JUNGBLUTH

Dr. Edward C. Jungbluth of Leigh, Colfax county, met his death by an accident on the 9th inst., by his team becoming frightened and dashing against a barn, causing the pole of the buggy to break and flying up, striking the doctor in the breast. The doctor was able to get out of the buggy and speak intelligently to those about him for a few moments after

the accident, but he recognized the character of his injury, and informed his friends that he had but a few minutes to live. He died within a half hour after the accident occurred. The funeral took place on Sunday the 11th, at Leigh, and was the largest that was ever known in the county. The accident occurred in the yard of Mr. Dassenbroch, seven miles southwest of Leigh, where the doctor had gone on a professional call. There was with him in the buggy at the time of the accident a young lady, a professional nurse, whom he was taking to the Dassenbroch house.

Dr. Jungbluth was one of the foremost citizens of Colfax county and a physician and surgeon of high reputation. He was born and raised on Shell creek, the Jungbluth farm being just north of the Dworak mill property.

Dr. Jungbluth leaves a young wife to mourn his demise, having married some few years ago a Miss Kleopel, daughter of Otto Kleopel, one of the substantial and respected citizens of the county. Dr. Jungbluth was corner of Colfax county, having been elected to that office on the democratic ticket last fall.

The editor of The Independent enjoyed the acquaintance of both the Jungbluth and Kleopel families for many years, both of which were among the original settlers of the county. The doctor and his wife were his personal friends for whom we entertained the highest respects. The bereaved wife and relatives of Dr. Jungbluth have our profound sympathy in their bereavement.

Nebraskans Chosen for Office

The president today sent the following nominations to the senate: Register of land office—Charles F. Shedd, Lincoln, Neb. Receiver of public moneys—William M. Gifford, Lincoln, Neb.

DIXON'S LITERARY NOTES

"The Paradise of the Wild Apple." This book was to have been published last year, but the poor health of the author has delayed its completion. L. C. Page & company will bring out the book in the spring.

Mr. Alexander Filipinni, for many years chef at Delmonico's in New York, is writing a cook book to contain 3,000 recipes, with a menu of each meal for every day during the year. The author has traveled around the world to get materials for this book, which will tell how to make the choice dishes of Turkestan, Persia, India, Russia, Holland and Egypt.

"Part of a Man's Life" by Thomas Wentworth Higginson, tells of the many men of note the author has known, and deals with a period of rapid changes of thought and feeling, when strong minds were torn by doubt and discovery. Carlyle, Matthew Arnold, Henry Ward Beecher, Victor Hugo, and Charles Darwin are some of the characters whom we meet. The fierce condemnations, and radical declarations had better have been omitted, but as a whole we have an interesting work. The volumes contain many portraits and autographs, and facsimiles of letters of famous persons whom Col. Higginson has met. (Houghton, Mifflin & Co.)

"Adventure for God" is the striking title of a series of lectures on missionary work by the Right Rev. Charles H. Brent. The writer is fired with enthusiasm for the missionary side of Christian effort and thought, and the pages are alive with a knightly spirit and masculine power. The reader feels that he is talking with a man who understands missionary work from actual experience, and who is a born teacher and leader in this work. Its call to the consecrated life of service to God must have been especially effective for the students of theology to whom the lectures were first addressed. (Longman, Green & Co.)