BROWN TO CARRY THE VOTE

Electoral Vote of Hebraska is Cast for Reservelt and Fairbanks.

OFFICIALS CHOSEN FOR NORFOLK ASYLUM

Governor Mickey Announces That He Will Seen Make the Remainder of Appointments for Official Positions.

(From a Staff Correspondent.) LINCOLN, Jan. S .- (Special.) - M. Brown of Kearney will carry the elfctoral vote of Nebraska to Washington and turn it over to the president of the senate. and has been living on the farm ever since. This was decided at a meeting of the electors in the office of Governor Mickey this afternoon, Besides electing Mr. Brown as monnenger, the electors cast eight votes for President Roosevelt and Senator Fairbunks for president and vice president. Mr. Brown as memenger will be paid 28 cents a mile for his little jaunt down to Washington. All of the electors were the decision of the lower court. present at the meeting.

Aprium Officials Named.

Dr. J. M. Alden of Pierce, Pierce county, was this afternoon appointed by Governor Mickey superintendent and Dr. F. S. Nicholson was appointed for assestant of the Norfolk insane asylum. The commission will flate from May L at which time it is believed the building will be in shape for the reception of inmates. Dr. Alden was a member of the senate two years ago and a considerable portion of his time was levoted to working up sentiment in favor of the bill providing for the reconstruction

Dr. Alden is a native of New York, having been born in Oswego county in 1847. He spent the first years of his life on his tather's farm and later was graduated from the Jefferson Medical college of Philadelphia. He came to Nebraska in 1883 and in 1831 was a member of the house of representatives. He is married and since compractice of medicine, Dr. Nicholson is from St. Paul and is now attending the Army Medical college in Washington, having been the only member of the National Guard to take advantage of the government's free tuition proposition.

Now that he has made a start in the matter of appointments Governor Mickey intends to clean up the platter in a shore time and thus relieve the tension of the appointees at the state house. It is safe to an average of 20 men have been employed rant on Main street, attempted suicide by may that all the old superintendents of during the 110 days' run, twenty men are taking chloroform yesterday afternoon, but state institutions will be retained. The in- on the annual list, from two to six men are was saved by the doctors. Domestic trouble stitutions have been well managed and the engaged at the weighing stations along the and despondency were the causes of the men have kept in close touch with the lines of the railroads during the weighing act. After some words with her husband governor. The governor will not have the seasons and fifty men will be employed for she went to a drug store and purchased trouble this year in making his appoint- a month in summer, when the syrups re- some choloroform, then going into her bedhe knows who he wants now and two years run through the Osmose process, made into urated a pillow with the drug and lay face ago he had to rely upon the endorsements furnished by the applicants to know their white sugar.

Work on Electric Plant. E. W. Schurig, manager of the Western Electrical Supply company of Omaha, was here today and announced that he would the wiring of the city for the new municipal electric lighting plant. While here Mr. up in addition to the long run here. Schurig telegraphed for the thirty-five foot poles. He has now ordered all the material that will be used. He expects to begin where will be residents of Lincoln.

Albert Blacker, convicted of formery in the Keya Paha county district court last fall, has filed a poverty affidavit he appeal. He was sent five years in the penitentiary. His affidavit recites that his appeal is now being pre-

Saultarium for Consmptives.

The Consumption Cure and Sanitarium company of Falls City, with an authorized capital stock of \$5,000, has filed articles of incorporation in the office of the secretary of state. The incorporators of the concern are W. J. Sevenson, J. M. Houston, George I. Hinton, F. C. Wiser and A. E. Gantt. The purpose of the company is to take consumptive patients to Arizona territory for the purpose of effecting cures.

Following Government Plans. John A. Plister of Dawes county has made application to the State Board of Irrigation for a project to cost \$1,300. He

What To Do For Heart Trouble

back up my advice with this Remarkable Offer-A Pull Dollar's Worth of my Remedy Free to Prove that I am Right.

I ask no reference, no deposit, no security. There is nothing to promise, nothing to pay—either now of later. To any heart sufferer who has not tried my remedy—Or. Shoop's Restorative—i will gladiy give, free, not a mere sample, but a full dollar bottle I am evarianted in making this unusual offer be-rause mine is no ordinary remedy. It does not vainly try to stimulate the heart. Buch treatment are worse than unless. It goes straight to the cause of all heart trouble—the heart nerves—and cause of all heart trouble—the heart nerves—and strengthens them and vitalizes them and restores them. Then that is the end of heart diseases. For the heart itself has no more self control than a common spoogs. It is made to heat by a tender nerve as tiny that it is scarcedly visible to the naked ere. Tet ten thousand times a day this delicate here must cause the heart to expand and contract. The heart is about the size of your clinched fat. Open and close your fat a desen times, even, and you will see the monstrous labor this little nerve must do.

The heart is about the size of your clinched fist. Open and close your fist a dozen times, even, and you will see the monatrous labor this little heave must do.

The heart nerve is only one of the branches of the great sympathetic nervous gustem. Each branch of this gratem is so closely allied with the others that weakness or tragularity at any point is agd to appead. Heart trouble frequently arises from shomesh trouble through sympathy, and Kidney frombie may also follow. For each of these organs is operated by a branch of these same sympathotic nerves—the inside nerves.

The bond of sympathy between the nerves that operate the vital organs has a useful purpose, as well. For what will ourse weakness in one branch will surely ourse weakness in one branch will surely ourse weakness in one branch will restore one center, will surely restore them all. There is mething new about this morbing any physician would dispute. But it remained for ly. Shoop's Restorative is the result of a quarter century of endeavor along this very line. It. Shoop's Restorative is the result of a quarter century of endeavor along this very line it does not does the organ or deaden the palm—but it does go at once to the nerve—the inside nerve—the power nerve—and builds it up, and strengthems it and makes it well.

If you have hoost trouble and have never tried

the power nerve—and builds it up, and attemptions it and makes it well.

If you have heart trouble and have never tried my remedy, marely writs and sak. I will send you an order on your draugust which he will accept as gladly as he would accept a dollar. He will hand you from his shelves a standard size betile of my prescription, and he will send the bill to me. This offer is made only be atraugure to my remedy. Thuse who have onto used the Restrative do not need this evidence. There are no conditions—no requirements. It is open and frank and fair, it is the supreme heat of my limitions belief. All that I sak you to do to to write—write today.

fully appropriated.

Interesting Law Case,

Briefs in an interesting law suit, en titled Sylvester H. Kneeland against William W. Weigley, were filed in the supreme court today. About thirty years ago, according to the brief, Kneeland was a railroad contractor and got hold of considerhis answer to the suft in the lower court to which a demurrer was filed and sustained. He asks the supreme court to reverse

The executive committee of the Traveling Men's association met this morning and endorsed the candidacy of O'Neill Carson, son of James Carson, a traveling man, for the position of page to Speaker Rouse.

GOOD SEASON FOR SUGAR BEETS One Man Pays for Farm from Pro-

ceeds of His Crop. GRAND ISLAND, Jan. R.-(Special.)-It has been heralded outto widely in recent weeks that the sugar industry in Nebraska Editor of Blair Republican Attempts was about to fizzle out-the removal of the Norfolk factory marked the beginning of the end. The results of the operation of the Grand Island factory for the campaign about to close testify quite to the contrary, however, nor are the representatives of the agricultural department of the local company willing to concede that such a conclusion is logical. The figures appear to show, rather, that the Norfolk factory ing to Nebrasks has been active in the was less favorably located, than that the been confined to his home part of the

ments he did two years ago for the reason maining over from the campaign will be room in the rear of the restaurant she sat-

begin work within the next two weeks on that the 12,000 tons of beets worked up at for was at once summoned and by using

work with three gangs of men, most of who had 120 acres. It is related at the facin the supreme court stating that he has into the beet business, struck a very favor. McGreevy. Mr. Coyle says that he does cluding those in the Addictione Pipe and the no funds with which to pay the costs of shie season and was able to pay for the not approve of the plan of settlement advested and was paid for farm after he the beets.

> COOK DISGUISED HER

Woman at O'Neill in Search of Husband Poses as a Man. O'NEILL, Neb., Jan. 9 .- (Special')-The

Dewey hotel at this place has lost its man cook and thereby hangs a tale. Some time ago a well dressed appearing man giving his name as Bert Lewis came to O'Neill and after staying in town a few days applied for a position as cook at the Dewey hotel and the proprietor being in need of an all-around man who could cook, drive the bus, take care of the horses, etc., gave the young appearing man the position. Everything went on lovely until yester

day evening, at which time it was discovered that Bert Lewis, the popular cook at the Dewey hotel, was a woman. During the time Mr. Lewis was in O'Neill he was quite ance union. popular and some times drove the bus, carried grips, curried horses, and with all was considered a first class cook. When it was discovered that Bert was a woman the city marshal. Bennett Martin, and Sheriff Hall were called in for a consultation. Bert promptly owned up to being a woman, said her name was Mrs. Ona F. Swagert and that her former home was in Waterloo, Ia., where her widowed mother now lives. She explained at first that she could secure better wages as a man cook than as a woman cook but afterward admitted that her husband had some time ago left her without leaving his future post office address and that as a matter of fact she was now and had for some time been looking for him. She was informed by Sheriff Hall that she must either wear woman's clothes or get out of town and she chose to do the latter and soon thereafter packed up her belongings and departed.

PIND MANY TAXES DELINQUENT

O'Neill Discovers Much Money Has Been Spent Before Received. O'NEILL, Neb., Jan. R .- (Special.) - Since the announcement that the O'Neill school district outstanding registered warrants amounted to approximately \$25,000 there has been considerable talk of retrenchment but no definite action has been taken, all parties apparently being so much surprised at the showing that they desire further investigation.

It appears to have been the general policy of the school boards to make a calculation as to the amount of revenue due the distriot by computing the mill levy each year on the total assessed valuation and then proceed to spend that amount when as a matter of fact only a portion of the taxes due in the city have been paid. An examination of the public records discloses the fact that in the city of O'Neill there is delinquent real estate taxes to the amount of more than \$6,000. In many cases the property is not worth as much as the dolinquent taxes against it. The new Commercial club recently organized promises to take up the question of delinquent taxes and make an effort to selve the problem in some way, but just how, no one seems

Pair Association Prosperous. OSCEOLA, Neb., Jan. 3.-(Special.)-Polk County's Agricultural Society was never more prosperous than at the present time. and it will only be a short time when they will be entirely ent of debt and pay Governor Mickey for the twenty sores of ground, for it has almost money enough, and then it will have a home as long as it uses it for purposes of the county fair. The governor has been very liberal with the fair people, and if he wanted to he could get more than twenty

proposes to utilize the waters of a dry times what the fair people pay him. The creek run. This method of securing water with which to irrigate small tracts is day, and elected as officers: President, L. Conspiracy as to Buying. gaining in popularity. Small camyons are K. McGaw, vice president, John Povey. being dammed up for reservoir purposes, treasurer, Peter Nelson; secretary, Grant thereby furnishing a water supply that T. Ray, superintendent of grounds, E. J. cannot be secured from streams which are Brown, superintendent of speed, Dr. M. V.

> CIRCUMSTANCES POINT TO MURDER Man Found Dead at Ames Probably

Killed by Companion. FREMONT, Neb., Jan. 8 - (Special Telegram. - Developments this afternoon indicate that the man found dead at Ames able railroad scrip with which he purchased | Priday afternoon was murdered. D. Ellies a farm. In 1876 he sold the farm to his of this city identified him this afternoon as brother, but the later being a spendthrift, a Jewish junk peddler who was in the city Sylvester Kneeland kept the title in order a few days ago with another man, also a to keep his brother from disposing of the Jew. The other man was considerably land. The brother made improvements younger. He had a smooth, round face and appeared to be a pariner of the dead man. Some time ago Weigley secured judgment They claimed to be from Omaha. Friday against Spivester Kneeland in New York afternoon two boys by the name of Kavich and at once run an attachment on the and Benson say they met two Jewish junk Nebraska land. Sylvester Kneeland filed peddlers with a team between Ames and North Bend and had some talk with them. They told the men that there was no junk to be had in North Bend and the men then a turned around and said that they were going to Ames. The boys have identified the dead man as the elder of the two and their description of the other corresponds with that given by Eilks. The younger man has gott not been seen or heard of since. A careful examination of the head of the dead man this afternoon shows no powder marks or burns whatever. The officers are investigating the case and expect to get some

in poor health and for several weeks has industry cannot be continued anywhere is time, only going to his office occasionally. Nebraska. Never before in its history has This morning he left the house for the ling of

ing an entire farm this year through the Arisona, has collected and forwarded to agency of the culture of beets. He bought Captain McDonald the \$400 reward due him the farm without a dollar, went largely for apprehending the ex-banker, Bernard vocated by some of the depositors and says he thinks there are very few who do favor the plan proposed.

News of Nebraska

BEAVER CROSSING, Jan. 8.—Beaver Crossing is to have an electric light plant. Mr. Johnson is one of the promoters. TABLE ROCK, Jan 5.—The Humboldt Basket Ball team came up Thursday night and played with the Table Rock team, and at the close of the game the score and at the close of the game the was 21 to 23 in favor of Table Rock. NEBRASKA CITY, Jan 5-Rural Route NEBRASKA CITY, Jan 5-Rural Route Inspecter Steele of Salt Lake City is in the city inspecting a proposed additional route out of this city. The route, if es-tablished, will extend southeast of the city and will be east of the present route No. 2.

HUMBOLDT, Jan. 9.—Sunday afternoon men's meeting was held at the Methoa men's meeting was need at the methodist church in connection with the series of revival meetings which are in progress here. A large and attentive audience was in attendance and, after some special music, a sermon was delivered by Rev. L. Richmond Smith of the Presbyterian church on the subject, "Man."

church on the subject, "Man.

TARLE ROCK, Jan 2.—J. G. Simmons of Humboidt, who is district deputy grand warden of this district, installed last evening the following officers of Table Rock lodge No. 33. Independent Order of Odd Pellows, at their hall in this city: G. W. Purcell, noble grand; W. J. Flinn, vice grand; M. H. Marble, recording secretary; C. H. Norris, treasurer. C. H. Norris, treasurer.

HUMBOLDT, Jan. 8.—Sunday afternoon while Rev. John Calvert, paster of the local Methodist church, was assisting at the men's meeting in the city, his wife drove ten miles into the country and filled drove ten inters into the country and fined hits regular appointment at the Pleasant View church. Mrs. Calvert preached an able sermon, having had several years experience in evangelistic work in London and other points in England, of which country both she and her husband are natives. TECUMSEH, Jan 5.—The play "Streets of New York" was very ably staged by a home talent company Friday evening. If was put on under the directions of the Castletons, professionals. A large audi-

CONSUMPTION

Hope, fresh air, rest and Scott's Emulsion are the greatest remedies for consumption. Scott's Emulsion will always bring comfort and relief - often cure. Scott's Emulsion does for the consumptive what medicine alone cannot do. It's the nourishment in it that takes the patient in long strides toward

We'll send you a sample from SCOTT & BOWNE, my Pearl Street, New York.

HUMBOLDT, Jan. 8.—Mesdames J. C. Segrist and Della Shirley yesterday afternoon entertained a small company of young married ladies at a 1 o'clock "car-nation luncheon." The pariors were dec-crated in pink and green, with a profu-sion of beautiful carnations. Four courses

had proven quite satisfactory, they selected the following Board of Directors:

H. C. Kleckner, Anburn, William Campbell, Auburn; Frank Shethen, J. S. Snethen, Thomas F. Brown, James K. Liggett and F. R. Butterfield, all of Humboldt. The board met at once and selected for the ensuing year the officers of united and selected for the ensuing year the officers. who have served in the past, as follows: President, Frank Snethen; vice president, J. S. Snethen; cashier, J. K. Laggett: as-sistant cashier, Frank R. Butterfield. clue to the man with the team.

C. B. SPRAGUE TAKES ARSENIC

Editor of Biair Republican Attempts
to End His Lift with Peisen.

BLAIR, Net., Jan. 2—(Special Telegram.)

This morning about 2 o clock C. B.

Sprague, editor of the Blair Republican, took arsenic and for a time his life was despaired of, but at 10 o clock tonight he was much improved and believed to be out of danger.

For several months Mr. Sprague has been in poor health and for several weeks has HUMBOLDT. Jan. 2—Peter Gabriel has served thirty days in the county jail and as provided by the condition of his serve tence, has been given his liberty upon condition that he will forever shake the dirt of Tecumseh from his feet. He is a young man who has many times been in jail for stealing. The officers provided him with good clothing and asked him with good clothing asked him with good clothing and asked him with good clothing and asked him with good clothing and asked him with good clothing asked him with go TECUMSEH, Jan. 9.-Peter Gabriel has HUMBOLDT. Jan. 3.—A little controversy has arisen over the printing of the ballots for Richardson county. The Pails City Tribune did the work, and at this meet-Nebraska. Never before in its history has the local plant had such a large output of sugar nor has there ever before been delivered such a large amount of beets.

Including freight, the beets have this year cost the Grand Island factory an average closely approximating \$5.45 per ton and next year will approach the price of \$5 per ton and next year will approach the price of \$5 per ton, including freight, etc. In the factory an average of 250 men have been employed an average of 250 men have been employed during the 110 days' run, twenty men are

CASE

when it was less of an undertaking that

(Continued from First Page.)

run through the Osmose process, made into yellows and in the fall again made into white sugar.

The agricultural agents are already taking new contracts and are meeting with encouraging success. It is scarcely expected that the acreage will be as large this year as last year—over 6,000—for the reason that the 12,000 tons of beets worked up at Norfolk this year—over 6,000—for the reason up in addition to the long run here.

Contracts are taken from three acres up. The largest individual contract this year who had 120 acres. It is related at the factory that one man in the western part of the state, or what is known here as the North Platte district, succeeded in clearing an entire farm this year through the agency of the culture of beets. He bought

Would Suppress Competition. After citing to a long list of decisions, in-Northern Securities cases, Mr. Moody said: I conclude, therefore, that the agreement disclosed in the sixth paragraph of the petition, to suppress all competition among the parties to it in the purchase of live stock so situated as to be the subject of interstate commerce is within the meaning of the act and in restraint of commerce, because in the words of this court in the Northern Securities case, "to desirey or restrict free competition in interstate commerce is to restrain such commerce." I conclude, therefore, that the agreement The second main subject of agreement, he said, is that alleged in paragraph 8, saying

It appears from that paragraph s, saying.

It appears from that paragraph that the defendants have combined and conspired arbitrarily, to raise, lower and fix prices of fresh meat and to keep them uniform as among themselves. This conspiracy is rendered effective by periodical, secret meetings throughout the country by the agents and attorneys of the defendants. At these meetings uniform prices are arrest upon No. 3.

HEBRON, Jan. 8.—The Women's Christian Temperance union held a memorial service in the Methodist Episcopal church yesterday for Mrs. W. H. Boyes. The church was crowded Her pastor. Rev. Kenagey, gave a feeling address. Mrs. Boyes was a great worker in the Women's Christian Temperance union.

TEXUMSEH, Jan. 9.—The case of the State of Nebraska against William Johnson, from Sterling precinct, has been dismissed in Justice Roscoe Anderson's court here on a plea in abatement by the defendant's attorney. The case grew out of the Thomas Churchill road case, which has been pending for several years.

NEBRASKA CITY, Jan. 2.—The following officers and directors have been elected by the stockholders of the Nebrola and attorneys of the given of the grice is given of the prices are agreed upon, due notice is given of the prices of the prices thus fixed. That such an agreement relates to and restrains commerce, according to the well settled rule of this court, is to plain that I cannot permit myself to argue it. The only possible question that ought to be noticed is whether the commerce which it restrains is commerce among the states and therefore within the power of congress and purview of the act.

Culawful Rebates

Culawful Rebates

Taking up the algenta are agreed upon, due notice is given of the prices to agreed upon, due notice is given of the prices to agreed upon, due notice is given of the prices to and effort such that is cannot permit myself to argue it. The only possible court is to plain that I cannot permit myself to argue it. The only possible to argue it. The only possible to argue the prices are agreed upon, due notice is given of the prices are agreed upon.

**Children and attorney of the prices are agreed upon.

**Children and attorney of the prices are agreed upon.

**Children and attorneys of the other notice is given of the prices to and effort on the tothe or argue it. The only possible to argue it. The only possible to argue it. The onity of the commerce among the states and therefore

NEBRASKA CITY, Jan. a.—Inc. following officers and directors have been elected by the stockholders of the Nebraska City Telephone company: President, N. A. Duff, vice president, Henry Schwake; secretary and treasurer, A. M. Munn; directors, John W. Steinhart, E. A. Duff, N. A. Duff, A. M. Munn and Henry Schwake. inwful rebates.

> Further replying to counsel for the defendants, Mr. Moody said: It is not the less interstate commerce because the manufacturer in one state instead of taking his product into another state for purposes of sale and there selling it, sees fit to transport it to a resident agent for the same purpose and with the same result. But these defendants have not always contended that transactions of this class were intrastate and not inter-state commerce. When they wished the protection of the national law they claimed that such sales as these were interstate, and therefore under the protection of the

nation and their claim has been twice sustained by this court. Two cases cited in which he said the defendants were the real parties establish beyond doubt or cavil that the transactions of their agents in selling meats in other states than that of the preparation the purchase must be considered an act are interstate commerce. He asks if those same transactions are not subject to the restrictions which may be imposed. Continuing, Mr. Moody said:

When Offense is Complete.

The offense is complete when the combination is made. The combination is not oured of its vice if perchance some agent sees fit to divide the carcasses before they are sold. Let not the offense of these defendants be obscured by any refinement concerning the details of their conduct. Controlling 50 per cant of the fresh meat industry of the whole country, they sit down at their slaughter and packing houses and—with the sid of the telegraph, through the instrumentality of countiess agents and attorneys spread throughout the country, ciothing their transactions and sheltering their misconduct by ciphers and secret codes—lower or raise, and when thus lowered or raised fix and maintain absolutely, as among themselves, the price of every pound of one of the great necessities of life as it enters and follows the channels of interstate commerce. This is an unlawful restraint of commerce among the states and was so declared in the Addystone Pipe case, from which all the ingenuity of counsel cannot distinguish the as ther. When Offense is Complete Referring to the allegation in paragraph

In he said:

From this it appears that the defendants are all engaged in the common effort to obtain unlawful rates, which they subsequently share or pool among "hemselves, and that their scheme contemplates not only the pooling of these unlawful rates, but the exclusion of all outside competitors from obtaining them. There is set forth, perhaps inartificially, a combination upen this subject.

No competition can leng andure against these, who are secretly and in defiance of the law enjoying rates for the transportation of their property in interestate commerce which constitute a preference ever all others in the same business. No more fruitful source of messepaly can be found 16. he said:

Conspiracy as to Buying. In conclusion Mr. Moody said: These are main subjects of the unlawful conspiracy among the defendants. Others are set forth in the petition, the purpose of which is to make more effective the

nation luncheon. The pariors were decorated in pink and green, with a profusion of heautiful carnations. Four courses were served and the remainder of the afternoon spent in games and music.

SEWARD, Jan 5.—The following officers were elected at the general meeting of the Woman's club last Saturday: President, Mrs. John Strayer, second vice president, Mrs. John Strayer, second vice president, Mrs. George Drekman; corresponding secretary, Mrs. Callender; leader of the department of household economies, Mrs. Brooks: treasurer, Mrs. George Merriam; custodian, Mrs. L. G. Humphrey.

HUMDOLDT. Jan. S.—William H. Lonneke, engineer at the Cooper & Linn mills and electric light plant, was struck in the face and rendered unconscious for an hour of more by a lever connected with the dynamo, which slipped from his grapp. His face was badly bruised and his physician anticipates no serious results from the accident.

HUMBOLDT, Jan. S.—The First National bank stockholders held their annual meet. HUMBOLDT, Jan. 5.—The First National bank stockholders held their annual meeting this forenoon in the bank pariors and, after going over last year's business, which had proven outle satisfactory, they are

Second—it is alleged in the eighth paragraph that for the purpose of aiding in the raising, lowering, fixing and maintaining of uniform prices for fresh meat the defendants collusively restricted and curtailed shipments of meats to the various markets throughout the country. The word "conclusively" fairly interpreted, means that they curtailed shipments by agreements with each other. Doubtless such a transaction some times may be entirely legitimate. This consideration is recognized in the decree, which exempts from its position the curtailing of shipments made in good faith to prevent the congestion of markets.

from one to another of these defendants and obtain the advantage of a single day's delay in the shipment of his bill.

Fifth—The same purpose is behind the agreement alleged in the 9th paragraph of

the potition to make and impose uniform charges for caringe. The price of the meat is uniform; the terms of credit are uniform; even the rates of caringe are uniform, and all this comes about by the agreement of the purities and is designed in the most effective way to prohibit, in the minutest detail, all possible competition in prices.

Restrain Interstate Commerce.

I have now discussed, separately, all the agreements and acts of the defendants which were complained of as unlawful in the petition and existence of the court below. I have endeavoted to show, with respect to each of them, that they relate to interstate commerce and either restrained it or monopolized it within the meaning of the law. I should be unwilling, however, to rest the case here. There is a larger view of it to be taken than appears from the allegations in the petition considered separately.

appears from the allegations in the petition considered separately.

These defendants are engaged in interstate commerce. The petition shows a typical case of interstate commerce. If the business which they do, exclusive of manufacture, is not interstate commerce, there can be no such thing outside of transportation. They buy their raw material, which is gathered together from all the cattle raising states and territories of the union, and sent to the great live stock union, and sent to the great live stock markets of the country. After they have transferred that material into the finished product they sell it throughout the United

Would Suppress Competition. The combination which they have entered into is designed to restrain all theis business transactions, exclusive of manufacture, by the suppression of all competition therein, both in their purchases and their sales, both the fixing and maintaining of uniform prices for their product, and, so far as possible, uniform prices for their raw material; by obtaining such unlawful advantages as tend to create a meanurely

advantages as tend to create a me in a necessity of life. They cannot be per-mitted ingeniously to separate the various steps of their undertaking and so deal with them that they can be regarded as intra-state transactions. The court met and answered such a device as this in the case of Montague & Co. against Lowery life United States, 28. There it was truly claimed that the sales of unset titles in San Francisco by the local dealers were claimed that the sales of unset titles in San Francisco by the local dealers were considered by themselves interstate trans-actions. The could held that the sale could not be separated from the main pur-pose of the combination, which was to fix and maintain uniform prices for goods which were the subject of interstate com-merce.

Mr. Moody concluded at 3 o'clock and was followed by Mr. Miller, who closed the case for the packers.

Reply of the Packers. Mr. Miller said that necessarily the pre-

sentation of the case must be confined within the limits of the bill of complaint and that epithets could not be appealed to, as attempted by the attorney general, to make the case complete. In all other cases of like character there had been a distinct agreement, but here, he said, the charges were all general and the specifications were indefinite conclusions of law or epithets.

Mr. Miller took up the charge of relates, and said the facts must be set up in some way before the court could take cognizance of them. There was no specification, and as a consequence the defendants could properly respond only by demurrer.

"Suppose," asked Justice Harlan, "the combinations alleged were confined to domestic commerce in the state of Illinois, would you consider it a restraint of trade? Mr. Miller replied in the negative.

Justice Harlan asked how it would be there was a combination of eoal mine owners to control the price of coal. Mr. Miller replied that it would depend largely upon the extent of the combinastate anti-trust laws. The present case, wished the he argued, presents no analogy to the Addystone pipe case, for in that case there was a division of territory among manufacturers. No such attempt was made

in the case of the packers.

Taking up another line, he said cattle remain in the yards until sold and accordingly were the property of the state for taxation and other state issues. Hence of domestic commerce. No commerce between the states was involved. Justice White asked a question as to the effect of an agreement to fix the price of meat in another state, but Mr. Miller tended that the charge in the pending case did not go us far as that. With reference to the charge that the puckers bid up prices at certain places in order to increase shipments, Mr. Miller said if this was true it was evident that cattle growers would send to more desirable markets and thus cheat the packers of the end

sought. In conclusion, the speaker contended for the right of the defendants for proper specifications. It must be remembered, he said, that agreements relating to interstate trade were not peensbifed, but that the prohibition extended to combinations in restraint of trade only. The purpose of the Sherman bill was, he said, to encourage trade and not to shackle it, but if injunctions were to be granted on such pleas as that before the court, then the end sought would surely not be attained. He concluded as he had begun, by de claring that the method of proceeding was without precedent.

MRS. WINSLOW'S TWENTY-PIVE CENTS A BOTTLE.

Fifteen Thousand Acres Wrongfully Obtained Under Timber and Stone Act.

OVER ONE HUNDRED PERSONS INDICTED

Judge Overrules Demurrer and Trials Will Proceed-Land in Question is Now Property of Senstor Clark.

HELENA, Most, Jan. 1 - Judge William S. Hunt, in the United States court here oday, everyuled the demurrers of the defendants to the indictments in the case of the United States against R. M. Cob ban, J. H. Catlin and many others, charged with subornation of perjury and perjury in connection with timber land entries it western Montana, and the accused will now have to come to trial

There are twelve indictments for suborn ation of perjury and ninety for perjury Included in the defendants are many set tlers in Powell and Missoula counties, who are alleged to have made false oath it proving upon their timber lands, which were afterward acquired by Senator W. A. Clark. It is charged that Cobban and Catlin, well known citizens of Missoula, induced their people to swear falsely. The indictments were returned in June, 1931 and the cases have since been pending if COUPL

History of the Cases. WASHINGTON, Jan. 8-The following authoritative statement was made tonight

made in good faith to prevent the congestion of markets.

Third—In paragraph 8 penalties are imposed against each other by defendants for all deviations from the prices fixed, which needs no special comment.

Fourth—in paragraph 8, also, uniform rules for the giving of credits are agreed upon. This of itself might be harmless, but its purpose is an anciliary to the main of conspiracy stated in that paragraph, among the defendants. They will not allow its mong the defendants. They will not allow its purpose of all competition among the defendants. They will not allow its processory for the terms of credit which may be given to their respective customers. No purchaser may go from one to another of these defendants of specific customers. No purchaser may go from one to another of these defendants and a lot of people living in the vicinity of Missoula men and women, wave dispersive customers. No purchaser may go from one to another of these defendants and a lot of people living in the vicinity of Missoula men and women, wave dispersive customers. No purchaser may go from one to another of these defendants and abit in the advantage of a single day's and a lot of people living in the vicinity of Missoula men and women, wave dispersive customers. No purchaser may go fine the paragraph.

necessary for the applicant, when he made his application, to take an oath that the land was not taken for speculative purposes, but for his own use and that no one else was directly or indirectly interested in the purchase. Cobban and his associates prepared all these affidavits and paid all expenses and 5.50 an acre for the land and gave these persons from \$100 to fille each for false swearing and entry. There were Hz persons, men and women indicted and a number of indictments were filed. Cobban being indicted ten times. These indictments were for perjury and forgery. All these lands, amounting to

MURDERER DIES IN THE CHAIR Negro Policy Writer Who Killed Man for Revenge Expintes His Crime.

OSSINING, N. Y., Jan. 8.-William Spencer, a negro, was put to death in the electric chair in Sing Sing prison today for the murder of Charles S. MacFarlane in New York City on June 15, 1903. Spencer shot MacFarlane, an agent of the

New York Anti-Policy league, in the corridor in the criminal court building in New York City. The motive for the murder was revenge. MacFariane had been active in running downtown policy shops and it was through his work that Spencer, who was employed as a writer, was arrested. On the Angeles day of the murder Spencer was being led into court by two policemen, when he suddealy turned and fired two shots at Muc-Farlane, killing him instantly. Spencer's trial was one of the shortest on record in New York City.

LONG RACE AGAINST DEATH Mrs. Robert Medill Patterson Single

for Bedside of Daughter Re-

ported Dying in Vienna. NEW YORK, Jan. 8-Mrs. Robert Medill Patterson, Joseph Medill Patterson, her on, and his wife, the former Miss Alice Higginbotham of Chicago, arrived in the city today on a ruce against death to Eur-They will sail on the first steamer this week, their destination being Vienna, where the Countess Gyzicki, Mrs. Patterson's daughter, lies critically ill with acute

peritonitis The Counters Gyzicki was Miss Eleans Patterson, daughter of the well known Chicago publisher. She was married last April to Count Gysicki of Russia at the home of her mother in Washington. The young couple have since been living at the coun try estate of the count near Kieff, Russian Poland, and it was there that the countess was taken seriously iil.





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