either of the schools or practical miner who believed a man remained alive.

Only last night one of the most experienced of the government experts explained to a reporter how the St. Paul mine differed from others where some had escaped death. The construction of the mine and the character of its geological deposits all were against hoping for any one being saved.

It was with the greatest anxiety that the crowd awaited confirmation of the report that 150 were alive in the east gallery. Difficulty was experienced in reaching this portion of the mine. It was half an hour before a second report was received from this section, having it that the number of men alive there numbered seventy-one.

F. Zaranini, one of the rescued, said he and his comrades shared the sausage and rye bread in his dinner pail, but it was quickly gone. S. Zippanit's contribution to the common larder was a bottle of beer.

Discovery Accidental.

The discovery of the men was almost accidental. They had been drinking seepage and were pounding on the wall in order to make the water drip down. The noise of the pounding was heard by the rescuers and the work of reaching them was begun.

It was discovered the men, after eating all their food, had subsisted mostly on bark torn off the pine posts which were used to support the mine walls.

At 3 o'clock word came from the bottom of the mine that Thomas Bailiff, a miner who is also postmaster of Cherry, was alive.

Inspector Crawford of the State Board of Health, after being down in the mine for half an hour, reported that sixty-seven of the living were in a critical condition. They were so weak they were unable to stand the exertion of being moved. All the doctors were called and arrangements were made for them to go down into the mine, where a temporary hospital has been arranged.

"Some of the men are so weak they can hardly gasp," said Dr. Crawford. "They are unable to take any solid food and such artificial stimulants are being administered as our small force will permit."

William Cleland, one of the survivors, after drinking a bowl of soup, appeared none the worse for his experience.

"We made the most of our situation," he said, sitting in the car and surrounded by nurses. "As soon as we discovered fire last Saturday and there seemed no hope of escape we retreated to a place where water could be found."

Submerged Yacht in Jamaican Waters

Vessel Sighted by German Steamer Believed to be Yacht of John Jacob Astor.

TAMPA, Fla., Nov. 20.—That a submerged wreck in latitude 23:40, longitude 81 west, is that of Colonel John Jacob Astor's yacht Nourmahal is generally believed by maritime men here, as no other boat in the path of the recent storm in Jamaican waters has been reported missing or unaccounted for. The wreck was sighted by the German steamer Wotan today.

DEATH RECORD.

Caleb J. Gregg.

Caleb J. Gregg, 66 years of age, is dead at his home, 2115 Miami street. He is survived by his wife and several grown-up children. Mr. Gregg lived in Omaha for a quarter of a century and was quite well known. The body will probably be taken to Chicago for cremation.

Mrs. Mary Behrens.

Mrs. Mary Behrens, for the past forty years a resident of Omaha, died Friday evening at her late home, 2206 South Thirteenth street. She was 65 years of age and had been ailing for a long time. A son, Louis of St. Louis, was summoned here several days ago by her near approach to death. The funeral will be held Monday afternoon with services at the home at 2 o'clock and interment in Prospect Hill cemetery.

Infant of E. Rowland Smith.

The 2-year-old daughter of Mr. and Mrs. E. Rowland Smith, 2223 Central boulevard, died Saturday morning of bronchial pneumonia. No funeral arrangements have been made.

William Heun.

M'COOK, Neb., Nov. 20.—(Special.)—William Heun, an early settler of this county, died in this city November 15, aged 68 years. Interment was in Calvary cemetery, this city.

Infant of Joseph Skala.

The infant daughter of Joseph Skala, 1716 South Eighth street, died Saturday morning. No funeral arrangements have been announced.

NATION STIRRED BY DECISION

One of Most Important Ever Rendered, Says Wickersham.

JOHN. D. WILL NOT TALK

Head of Trust Refuses to Discuss Effect of Decree of Court—Government Officials are Gratified.

LEAVENWORTH, Kan., Nov. 20.—"It is one of the most important decisions ever rendered in this country," declared Attorney General George W. Wickersham, when apprised here this morning of the decision dissolving the Standard Oil company.

Mr. Wickersham had just arrived at the federal prison here when news was conveyed to him by the Associated Press. He had come from Kansas City to inspect the prison.

"I am very much gratified at the decision, of course," said Mr. Wickersham. "But until I have been able to see the full text, any opinion I might express must naturally be of a personal nature.

"It is one of the most important decisions ever rendered in this country.

"A decision of dissolution against a great corporation like that of the Standard Oil company is the utmost that could have been imposed by law upon a great monopoly, which has been the object of the anti-trust legislation."

OIL MERGER MUST BE DISSOLVED

(Continued from First Page.)

the history of the national government on account of the important industrial and legal questions and the vast financial interests it involves. The evidence filled twenty-one volumes and occupied more than 10,000 printed pages and the arguments of counsel more than 200 printed pages.

The nature of the case and the character of the decision appear from the syllabus of Judge Sanborn's opinion, which reads:

"Congress has power under the commercial clause of the constitution to regulate and restrict the use in commerce among the several states and with foreign nations of contracts of the method of holding title to property and of every other instrumentality employed in that commerce so far as it may be necessary to do so in order to prevent the restraint thereof denounced by the anti-trust act of July 2, 1890, 26 stat. 209.

"Test of the legality of a combination under this act is its necessary effect upon competition in commerce among the states or with foreign nations.

"If its necessary effect is only incidentally or indirectly to restrict that competition while its chief result is to foster the trade and increase the business of those who make and operate it, it does not violate that law.

Trade Restriction Illegal.

"But if its necessary effect is to stifle or directly and substantially to restrict free competition in commerce among the states or with foreign nations it is illegal within the meaning of that statute.

"The power to restrict competition in commerce among the several states or with foreign nations, vested in a person or an association of persons by a combination is indicative of the character of the combination because it is to the interest of the parties that such a power should be exercised and the presumption that it will be.

"The combination in a single corporation or person, by an exchange of stock, of the power of many stockholders holding the same proportions respectively of the majority of the stock of each of the several corporations engaged in commerce in the same articles among the states, or with foreign nations, to restrict competition therein, renders the power thus vested in the former greater, more easily exercised, more durable and more effective than previously held by the stockholders and it is illegal.

"In 1899 the stockholders of the Standard Oil company of New Jersey owned a majority of the stock of nineteen other corporations in the same proportions that they owned the stock of the Standard company and those twenty corporations controlled, by the ownership of the majority of their stock or otherwise, many other corporations.

"Each of these corporations was engaged in some part of the business of producing, buying, refining, transporting and selling petroleum and its products, and they were conducting about 30 per cent of the production of the crude oil and more than 75 per cent of the business of the purchasing, refining, transporting and selling petroleum and its products in this country.

Court Reviews History of Combine.

"Many of them were engaged in commerce in these articles among the several states and with foreign nations and were naturally competitive.

"During the ten years prior to 1879 the seven individual defendants had acquired control of many corporations, partnerships and refineries that had been competing in this business and placed the majority of the stock in those corporations and the interests in property in business thus obtained in various trustees, to be held and operated by them for the stockholders of the Standard Oil Company of Ohio, one of the nineteen companies in which the individual defendants were principal stockholders and had thereby suppressed competition among these corporations and partnerships.

"In 1879, they and their associates caused all the trustees to convey their interests in the stock, property and business of all these corporations to five trustees, to be held, operated and distributed by them for the stockholders of the Standard Oil Company of Ohio.

"From 1879 until 1892 they prevented these corporations and others engaged in this business, of which they secured control, from competing in this commerce by causing the control of their operations and, generally of a majority of their stocks, to be held in trust for the stockholders of the Standard Company of Ohio, and from 1892 until 1899 they accomplished the same result by a similar stockholding device and by the joint equitable ownership of the majority of the stocks of the corporations.

"In the year 1899 the seven individual defendants and their associates caused the majority of the nineteen companies to be transferred to the Standard of New Jersey in exchange of its stock so the latter company thereby acquired the legal title to a majority of the stock of each of the nineteen companies, the control of these companies and of all the companies which they controlled and the power to fix the rates of transportation, the purchase and selling price of petroleum and its products which all these corporations should pay and receive in the conduct of their business in commerce among the states and with foreign nations.

Competition is Killed.

"Since that exchange of stock the seven individual defendants have been and are stockholders and officers of the Standard Company of New Jersey, which has exercised, and is still using that power, and by its use it has prevented, and is still preventing, competition in commerce among the states and with foreign nations among the corporations.

"Held:

"The transaction constituted a combination and conspiracy in restraint of and to monopolize commerce among the states and with foreign nations in violation of sections 1 and 2 of the anti-trust act of July 2, 1890, and the government is entitled to an injunction against the farther continuance and operation thereof."

The degree enjoins the seven individual defendants, the Standard Oil company and its subsidiary corporations from continuing or carrying into effect the illegal combination they have formed and from entering into any like combination or conspiracy, the effect of which will be to restrain interstate commerce in petroleum or its products, or to prolong the unlawful monopoly of such commerce obtained by the defendants as stated in the decree and they are forbidden from engaging or continuing in interstate commerce until they discontinue their illegal combination.

The decree takes effect twenty days from the date of its filing unless suspended by an appeal to the supreme court.

CASE WILL BE APPEALED

Officers of Company Say That Has Been Understanding.

NEW YORK, Nov. 20.—It was authoritatively announced by officers of the Standard Oil company that appeal would be taken from the decision of the United States circuit court filed today at St. Paul and St. Louis, as that had been the general understanding by counsel on both sides of the suit.

STOCKS BREAK IN NEW YORK

General Decline of One to Four Points, with Reading Weakest.

NEW YORK, Nov. 20.—News of the order dissolving the Standard Oil company caused an outbreak of liquidation on the stock exchange and there were general declines of from 1 to 4 points in the general list. Reading was the weakest, selling at a decline of 4 points from yesterday's close. There were signs of support at the close of the market.

At the close the price of Standard Oil stocks had declined to $690 a share, a decline of 12½ points from the close of last night. The stock closed at $620 bid and $700 asked.

Thirty-Three Are Exempt.

ST. LOUIS, Nov. 20.—In addition to the opinion written by Judge Sanborn in the Standard Oil dissolution suit, Judge Adams announced today a separate concurring opinion by Judge Hook.

Thirty-three of the subsidiary corporations of the Standard Oil company are exempt from the order of dissolution, and the bill is dismissed as against them. There are more than seventy of the subsidiary corporations.

WOMAN BREAKS DOWN IN COURT

(Continued from First Page.)

month of October?" asked J. J. Hess, county attorney, examining the witness.

"No," answered the witness.

"Did you see him at all in 1908?"

"No. The first time I saw him was at the county jail."

Park identified a page from the hotel register of October 9, 1908, when the Ballew party arrived.

Rents Big Deposit Box.

"J. C. Mabray rented a safety deposit box in 1907, but in April, 1908, he rented one big enough to set his grip in," said Frank Black, cashier for E. E. Hart, Inc., the operator of a private bank.

"Mabray used to come to the bank with his grip, accompanied by Wilson (the millionaire's secretary.)

"How did Mabray come to finally give up the box?" asked County Attorney Hess.

"He told me that he had sold his business to Mr. Clark."

"What business did he claim to be in?"

"He said he was dealing in lands. His office was in the Merriam block."

Black identified a picture in the group photograph captured at Little Rock as that of J. C. Mabray, the man who rented the safety deposit box at his bank.

"Who wrote John R. Day on the hotel register?" asked Hess, of T. W. Ballew, the miked banker, handing him the exhibit from the Grand hotel register.

"John R. Dobbins wrote that," replied Ballew.

Tinley Taunts and Teases.

"What do you make out as your room number there on that sheet," asked Emmett Tinley, beginning to tease.

"Two thirteen," said Ballew.

"Sure it isn't thirteen? Maybe you are superstitious."

"No, I'm not a bit."

"Well, you ought to be," remarked Tinley.

The envelopes containing notes and data from the Little Rock raid on Mabray's house, introduced as evidence, were withdrawn by the state when John S. Swenson, postoffice inspector, testified as a handwriting expert that the writing on the envelopes was not by the same hand as the contents.

A long argument ensued when the state endeavored to introduce a letter taken in New York at the time of Dobbins' arrest. The defense contended that there was nothing to positively show that Dobbins received the letter or ever had it in his possession. Judge Green took possession of the letter and will make a ruling later. The letter connects Dobbins with the Mabray gang, according to the defense.

Fred H. Hollingsworth, veterinarian, Council Bluffs, testified to treating and caring for two race horses during the fall of 1908. He described the horses and the men who had them identifing both with the Mabray crowd and the racing layout. Hollingsworth told of happening along the road south of the city, just at the finish of one of the races. This was in July.

Defense Takes Up Motion.

The state passed the taking of evidence for the prosecution at 11 o'clock this morning and motions were taken up by the defense.

Emmett Tinley, Dobbins' attorney, moved to strike out portions of the testimony of W. H. Bedford, the jolly Mike from Bolckow, Mo., with reference to various parts of his testimony.

This motion assumed importance in that the evidence concerned is part of the connecting link between Dobbins and the Mabray crowd, then in Council Bluffs. The motion to strike out was overruled.

CASUALTIES OF OTHER DAYS

Bursting Boiler of Former Days One of the Things the Obstreperous Auto Has Replaced.

"How can a fellow who has passed the half century stone and a few more beside help feeling that the whirligig is not what it used to be when even the ways in which people get killed are not what they were?" said a man who had a box party on the celebration of a birthday. "Every day we read of sudden deaths on the foot ball field, or from automobile collisions and spills, or drops from flying machines. How did people get killed before these modern death methods were invented?

"You hardly ever hear any more of a sudden killing in any of the old time ways. Is it because people do not take the chances they used to take, or is an old-fashioned killing out of date and not worth printing?

"It is easy to explain why we seldom hear of steamboat boiler explosions with accompanying loss of life, because steamboating has nearly passed away. That used to be the horror that we expected to find on the first page of our paper.

"Except in summer you seldom hear of an old-time drowning. There is as much water as ever, but people seem to know how to take care of themselves in boats better in these days. Every town in the country used to have its list of sudden deaths from runaways, but seemingly there are fewer accidents of the kind nowadays.

"Cases of death by breaking through the ice while skating used to be a frequent piece of news. Is the ice thicker now than it was formerly, or is the skater smarter than he was? When did you last read of an old fashioned killing by lightning? People do not sleep on feather beds now, but somehow the lightning does not overtake them as it did.

"The old graveyards have many graves of men and boys who were kicked to death by unruly horses or mules. It would seem that when automobiles came into fashion horses got ashamed of themselves as death dealers.

"There were times when the cradles of the land were made empty by children swallowing needles. Sewing machine companies did away with that and now children meet death in some newfangled way. Surely times have changed when there must be new kinds of ways for killing people."

LICENSE FOOT BALL GAMES

Legislation to Regulate Gridiron Contests Suggested in District of Columbia.

WASHINGTON, Nov. 20.—Legislation which would require all foot ball games in the District of Columbia to be played under a license of the police, who would be privileged to stop any game when it becomes dangerous to life and health, has been suggested by Corporation Counsel Thomas, as one of the direct results of this year's long list of fatalities on the gridiron.

Rockefeller Will Not Talk.

CLEVELAND, Nov. 20.—John D. Rockefeller, president of the Standard Oil company, today declined to discuss the decision of Judge Sanborn of St. Paul ordering the dissolution of the oil company.

Building Permits.

A. H. Olmstead, 1301-3 Pinkney street, two frame dwellings, $2,000; A. H. Olmstead, 3414 North Eighteenth street, frame dwelling, $1,800.

MOVEMENTS OF OCEAN STEAMSHIPS.

Port.	Arrived.	Sailed.
SOUTHAMPTON	Adriatic	
LIVERPOOL		Emp. of Britain.