

ENFORCE THE LAW OR WIPE IT AWAY

Federal Brief in Big Oil Case Says Sherman Act Should Be Repealed or Obeyed.

THOUSAND PAGES IN LENGTH

It Will Be Foundation for Oral Argument to Be Presented Monday.

ANALYSIS OF THE EVIDENCE

It Shows that Rebating and Discriminating Continue.

COMPETITORS CRUSHED OUT

It is Contended that Methods Have Been Pursued that Give Concern a Practical Monopoly.

WASHINGTON, March 9.—"Either the Sherman act should be repealed or it should be enforced in a manner to make the people respect it."

With this declaration of its guiding principle the Department of Justice today filed with the supreme court of the United States a 1,000-page brief in support of its petition that "Standard Oil" be dissolved as in violation of the Sherman anti-trust law. The brief will be the foundation of the government's oral argument at the hearing of the case by the supreme court next Monday.

It hears the names of Attorney General Wickham and of Frank R. Kellogg, Charles H. Morrison and Corson & Beveridge as special assistants.

One of the two thick volumes of the brief is devoted to an analysis of testimony taken in the circuit court of the United States for the eastern district of Missouri, which decreed that "Standard Oil is dissolved."

It represented twenty years of governmental investigation of the oil business. The government declares this shows the rebates and discriminatory rates received by the Standard Oil combination, not only during its formative period, but during the last ten years, "whereby the Standard was enabled to bring a large part of the concern into the combination and to crush out and eliminate from the field of competition the principal part of the balance."

The brief follows very closely the arguments made by the government in the circuit court of the United States for the eastern district of Missouri, whose decree is before the supreme court for review.

Meaning of Sherman Act.

"If the anti-trust act is to be made effective," says the brief, "it is possible to be stopped, if corporations or holding companies are not to be permitted through their aggregate wealth and power to control all the industries of the country, the court must adopt the broad and reasonable construction of this act which will permit the government to do whatever it may be necessary for it to do in order to control the commerce of the country and suppress competition by acquisition of stock interests, incorporations engaged in a given business or by combining all of the capital in one concern through purchase or otherwise. It is perfectly idle to maintain this act merely as inhibiting the less effectual method of monopolization by means of contracts between independent concerns to limit prices, divide territory or to restrict output or combinations with the same object.

"It is of the highest importance in the preservation of society and of the development and elevation of the race that the right to earn a livelihood, to engage in any commerce, employment or labor be kept free and untrammelled.

Effect on Individual.

"It is not sufficient that the citizens be given merely an opportunity to earn a livelihood; the avenues of commerce and trade should be kept open. The man who has constantly before him the prospect of always being an employe in a subordinate position, who can never rise above it, who has no prospect of being a proprietor, who cannot enter the fields of competition in industry is not in a position to develop those faculties of independence and enterprise, which make the highest good of man.

"The question is frequently asked: Is it illegal for an individual to purchase all of the manufacturing plants in one branch of business in the United States? It is, of course, unnecessary to argue that question in this case and the condition will probably never arise.

"As has often been pointed out, the span of human life is too short and uncertain and individual wealth is not great enough for any length of time to control by purchase all or any one of the great industries of the country.

"It is different, however, with corporations. They are the creation of the legislature the gift of sovereign authority, whereby there may be amalgamated the wealth and labor of thousands of persons in perpetual combination, control of necessity by a few men, thereby consolidating wealth and insuring perpetuity and removing the uncertainties of human life and those arising from disagreement of individuals held together merely by common understanding.

COLLEGE BOYS GREET CARRIE WITH SOME DRINKING SONGS

Temperance Lecturer Boasts Yankton for Having Saloons and Creating Disturbance.

YANKTON, S. D., March 9.—(Special Telegram.)—With college boys singing drinking songs in fun, the curtain went up for Carrie Nation last night at the opera house with a full house. Carrie roasted these college town for having so many saloons, and parents for sending their boys here. She went strongly after the masses how in reunion here, and after the lecture was turned out of John Behm's saloon for making a disturbance.

LICENSE RETURNS ARE EVEN

About Half of Minnesota Towns Holding Elections Vote Against Saloons.

ST. PAUL, March 9.—Town and villages all over Minnesota held elections yesterday and in most of the election precincts the important issue was license or no license for liquor saloons.

The vote was about evenly divided so far as returns from the towns show. Of these sixty-two voted for no license and sixty for license, and in the town of Becker the vote was a tie.

Court Acquits Tschalkovsky; Exiles Woman

Madame Tschalkovskaya is Found Guilty of Revolutionary Activity in Closed Session.

ST. PETERSBURG, March 9.—Nicholas Tschalkovsky was today acquitted of the charge of criminal activity in the revolutionary organization, Madame Breshkovskaya, who was also charged jointly with him, was convicted and sentenced to be exiled.

Both have been in prison for over a year. Tschalkovsky pleaded not guilty, and Madame Breshkovskaya, when arraigned, said:

"I admit that I am a 'social revolutionist' when my trials on charges of criminal activity in the revolutionary organization began yesterday. The public was not admitted to the court room, the audience being confined to the prisoners, court officers, Tschalkovsky's wife and forty gendarmes and plain-clothes officers. The witnesses included a political convict, who appeared in chains. Tschalkovsky was brought to the court room escorted by ten gendarmes. He waved a cheerful greeting to friends and his face was radiant as though at the thought of again suffering for 'the cause.' He said his occupation was that of a preacher and he expounded the doctrine of socialism.

All of the testimony of the prosecution was introduced today. The government's chief witness, Pateuk, the informer, made an unsatisfactory impression even upon the judge.

"Acquitted!" exclaimed Judge Sutton, when he heard that his friend had fared well. "Acquitted! Why that is almost too good to be true. When a secret trial was ordered I thought he had little chance, though I felt confident he would be acquitted if a fair and public hearing were given. I now wonder why they had the proceedings in camera.

"I shall write and congratulate Tschalkovsky this very day."

Iowa Regulars Meet in Des Moines and Plan to Fight

Administration Republicans Will Begin Active Campaign to Control State Convention.

(From a Staff Correspondent.)

DES MOINES, March 9.—(Special Telegram.)—The political campaign was started for all Iowa today at a largely attended meeting of the administration republicans, who organized by selecting officers of a permanent organization and a member of a committee of each congressional district. National Committeeman E. E. Hart was present and other state leaders, J. L. Long of Osceola was made president and Senator Savaga secretary.

Resolutions were adopted declaring it the intent to capture the state convention for the purpose of endorsing the principles of the republican party as endorsed and interpreted by President Taft. This means immediate organization for a hard fight all along the line for Iowa, the issue being whether the senators shall be endorsed or the organization.

It is planned to hold a mass convention in Des Moines the latter part of this month, which will be endorsed by speakers of national reputation.

Hogs Reach \$10.10 on Local Market

Wild Trading and Increase Both Here and Elsewhere is Marked.

The price of hogs on the South Omaha market reached a top of \$10.10 yesterday.

ST. JOSEPH, March 9.—Hogs sold on the South St. Joseph market today for \$10.25 per 100 pounds, 20 cents higher than yesterday's record price.

Also a new record for lambs, \$9.40 per 100 pounds, was paid today.

CHICAGO, March 9.—Hog prices at the stock yards continued to soar, several cars selling at \$10.00 per 100 pounds.

KANSAS CITY, March 9.—Live hogs here today sold at \$10.25 per 100 pounds, a record price in Kansas City.

ST. LOUIS, March 9.—Hogs took a 20-cent jump here today selling at \$10.20.

ST. LOUIS, March 9.—Live hogs of ordinary quality sold here today for \$10.50 per 100 pounds, an advance of 17 1/2 cents since yesterday.

ENGINEER SCALDED TO DEATH

Broken Flange Causes Double-Header Freight Train to Leave Track.

DES MOINES, Ia., March 9.—Engineer Joseph Keenan of Des Moines was scalded to death and other train men were injured, when a "double header" freight on the St. Paul & Des Moines road left the track near Racine, Ia., today. A broken flange is thought to have been responsible.

Hope Shines Eternal in the Breast of Ludwig Ruthardt

Hope shines eternal in Ludwig Ruthardt's breast. Not disconcerted, because Mrs. Kate Buster will not, after all, marry him.

"There are the women," says Ruthardt. "You see, yet, I'll get me another to marry me."

Pending negotiations to this effect, Mr. Ruthardt feels that he can use the \$2 he prematurely paid out for a wedding license and the money is now back in his wallet.

Mr. Ruthardt, who hails from Lennox, Ia., first appeared in the office of the county judge of the county of Douglas on the eighteenth of February of the current year. On this occasion he made known to License Clerk Charles Furey that in spite of his 75 years he contemplated marrying again.

The bride, he said, was to be Mrs. Kate Buster, also of Lennox. The license was made out and paid for.

But in vain.

OBJECTION TO PROPOSED COURT

House Committee Makes Important Amendment to Administration Railroad Bill.

COURT SECTION IS CHANGED

Work of Proposed Tribunal to Be Done by Commerce Commission.

SENATE WILL HURRY MEASURE

Steering Committee Arranging to Give it Right-of-Way.

BILL READ FOR FIRST TIME

Number of Senators Will Make Anti-Railroad Speeches of a Political Character—Debate Will Be Long.

WASHINGTON, March 9.—The administration railroad bill was amended in an important particular by the house committee on interstate and foreign commerce today, when the committee voted, 9 to 7, to substitute the Interstate Commerce commission for the proposed court of commerce as the tribunal designated to receive petitions or applications of railroads desiring to acquire interests in other railroads.

The six democrats voted for the substitute and were joined by Chairman Mann and two other republican members. Representatives Koch and Wanger were absent, but their votes could have no greater effect than to cause a tie.

As this section provided one of the chief duties of the court of commerce, it is expected that the administration will use vigorous efforts to have today's vote reconsidered in committee and the action rescinded.

Section 1, which involves many important points, is yet to be disposed of.

Senate Will Hurry Measure.

President Taft today received from Senator Aldrich a verbal report of the action of the steering committee in voting to take up the administration railroad bill and hold it before the senate to the exclusion of any other business, except appropriation measures until it is passed. The president was pleased by this decision.

As the steering committee is in favor of this program, it is not doubted that such an order will be made in the senate.

The indication points to a long debate in the senate on the railroad measure. A number of senators have in view the making of anti-railroad speeches of a political character.

Somewhat unexpectedly, the railroad bill received its first reading in the senate today. "Let it go over," suggested Senator Gallinger.

"Oh let it be read," rather pleadingly responded Senator Keen, who was presiding for the day.

"Then let it go," commented the New Hampshire senator. A single objection would have sent the bill over for another day. Nothing was gained by this proceeding, except time necessary to read the bill for it was understood generally that no further proceeding beyond making it the unfinished business would be undertaken today.

CARLOAD OF BABES GIVEN AWAY TO EAGER CLAIMANTS

Supply of Foundlings Gives Out at New Orleans Long Before Demand is Satisfied.

NEW ORLEANS, March 9.—This was the day they give babies away in New Orleans. A carload of the little tots arrived here today from New York foundling and orphan asylums, with an eager crowd of claimants awaiting their arrival. In addition to those who had previously made successful claim to a baby, many pressed about the car in the hope that there might be some "left over," but those who had applied in advance got every baby in the car.

TEMPERANCE FORCES JOIN

Association to Boost Constitutional Prohibition in Iowa Formed at Des Moines.

DES MOINES, Ia., March 9.—The Constitutional Prohibition Amendment association was organized in Des Moines today at the state convention of the allied temperance forces. Into this new association is merged all of the various temperance organizations of the state. The object is to secure constitutional prohibition. Plans for electing a legislative favorably to this amendment were laid.

LOUIS JAMES' BODY BURNED

Ashes of Dead Actor Will Then Be Taken to Kansas City.

KANSAS CITY, March 9.—The body of Louis James, the actor, arrived here today. Funeral service will be held tomorrow afternoon at the residence of Mr. James' parents in this city. Tomorrow night the body will be taken to St. Louis for cremation and later the ashes will be brought back to this city.

SUSPECT IN STANFIELD CASE

Man Taken at Falls City Believed to Have Attacked Woman in Hadar Case.

NORFOLK, Neb., March 9.—(Special Telegram.)—A man suspected of being the assailant of Mrs. Stanfield in Norfolk, Neb. was today arrested at Falls City, Neb. The sheriff there describes the suspect as having a dark skin and a scratch on his face. A reward of \$100 was offered for the man.

Out in California they say that everybody uses want ads at some time or other.

It's interesting.

Have you ever tried one of The Bee's?

On the coast, society people use about as many want ads as anybody else.

If you haven't tried one, just you try it today.

Phone 238 and you will find a cheerful staff to serve you.



Speaking of Harmony Dinners—A Few Suggestions are Ventured. From the Washington Star.

MACON DOUBTS PEARY'S CLAIM

Congressman Opposes Voting Reward Until Records are Shown.

TOO MUCH SPEED, HE THINKS

Calls Attention to Fact Peary Must Have Walked Three Times as Fast After Bartlett Left Party Than Before.

WASHINGTON, March 9.—By a unanimous vote the sub-committee house naval committee today decided against bestowing any reward upon Commander Robert E. Peary until he had furnished further proofs that he discovered the North pole.

"I confess that I am exceedingly skeptical about Mr. Peary's ever having discovered the pole," declared Mr. Macon today, "and I am going to protest against any honor being conferred upon him by congress until he has established beyond a reasonable doubt that he did discover it and it must be established in the open and not in the dark."

Mr. Macon said he wanted to direct attention to one discrepancy in Mr. Peary's story.

"This was the speed which the explorer declared he made from the time Captain Bartlett left him until he reached the pole.

"The astonishing part of Mr. Peary's statement," said Mr. Macon, "is the number of miles he traveled every day after Bartlett left him and when no white man was with him as witness, his only companion being his negro valet and four Eskimos.

"His greatest marches, singularly, were all north of the Bartlett camp. From that time forward, going to the pole and returning to Cape Columbia, he claims to have made an average of 24 miles per day until he reached the pole, 44 miles per day on his way back from the pole to Bartlett's camp to Cape Columbia.

"The greatest speed he had made before Bartlett left him was 9.96 miles per day, so Peary must have made nearly three times as great speed after Bartlett left him as he did before in order to reach the pole."

Mr. Macon quotes Lieutenant Shackleton, General Greely and others to show that "90 to 12 miles per day or slightly more perhaps, is considered the limit of human endurance, traveling over polar seas."

NEGRO ATTACKS HIGH SCHOOL GIRL

Students Join in Hunt for Man Who Attempted to Assault Miss Downs at Kansas City, Kan.

KANSAS CITY, March 9.—Determined to avenge an attempted assault made upon Miss Cora Downs, 17 years old, by an unidentified negro today in Kansas City, Kan., fifty high school students, classmates of the girl, joined a sheriff's posse in search for the fugitive tonight. Many of the students are armed. They declare they will deal summarily with the negro if he is caught.

Miss Downs is a member of a prominent family. Her grandmother is Mrs. Cora M. Stockton, an old Kansas writer, who assisted Mrs. Potter Palmer in conducting the women's department at the Chicago World's Fair in 1893. Mrs. Stockton is seriously ill at a hospital and it is feared the shock caused by hearing of her granddaughter's experience may prove fatal to her.

Miss Downs was returning home from school through a railroad cut when she was attacked. She screamed, frightening the negro away before he had seriously injured her.

As he ran he dropped his overcoat, which may prove a clue to his identity. Miss Downs gave the alarm and a band of citizens soon began searching for the negro. A negro was captured and brought before Miss Downs. She could not identify him, so he was released.

Dr. Fritch Sentenced.

DETROIT, March 9.—Dr. George A. Fritch was today sentenced to serve from five and one-half to fifteen years in the state penitentiary for the death of Maybell Millman.

Morgan Backing Monster Combine of Auto Concerns

Capitalization of Consolidated Interests Will Be Several Hundred Million Dollars.

NEW YORK, March 9.—A consolidation of certain large automobile interests having a capitalization of several hundred million dollars is believed to be under way. J. P. Morgan & Co., who yesterday purchased the E. M. F. company of Detroit, will, it is understood, finance the combination.

The names of some of the manufacturers of motor cars and kindred concerns are being mentioned in connection with the proposed consolidation.

At the office of J. P. Morgan & Co. the following statement was issued today:

"Pursuant to an arrangement with stockholders of the Studebaker Bros. Manufacturing company, J. P. Morgan & Co. have purchased substantially all of the stock of the Everitt-Studebaker-Flanders company, Detroit, not already held by stockholders of the Studebaker Bros. Manufacturing company."

The sum of \$400,000 is said to have been paid by the Morgan firm for the E. M. F. holding.

ALBANY, N. Y., March 9.—The Studebaker Vehicle Company of New York was incorporated today, with a capital of \$5,000,000, to manufacture automobiles and other vehicles and supplies.

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COWIN BACK, BUT IS SILENT

Father of Mrs. "Jack" Cudahy Refuses to Discuss Cutting Affray.

WRITTEN STATEMENT DUE TODAY

General Says He Will Apprise Omaha People of the Case Through Papers, but is Mum Upon Arrival.

General John C. Cowin, father of Mrs. John P. Cudahy, returned from Kansas City alone last night in time for dinner, but it was not until breakfast was over that his family heard the story of the Cudahy-Lillis trouble according to his version.

General Cowin declined to discuss the affair in any terms last night seeking so far as possible to relieve himself of the strain of the past few days. Mrs. Cudahy is still in Kansas City, but may visit her parents here later.

"I am not going to talk this matter over tonight, not even at home," declared General Cowin yesterday. "I shall see no one outside of the family tonight."

"Is Mrs. Cudahy to come to Omaha in the near future?" he was asked.

"I don't know," replied General Cowin, edging his way toward his big automobile, standing at the Burlington depot.

"Tomorrow I shall issue a written statement to the papers about the case, but I shall say nothing tonight. I am very tired."

The door of the big car closed and General Cowin rolled off down the viaduct toward home.

He was met at the train by his son, Captain William C. Cowin of the Eighth Cavalry, who came to Omaha to remain here with his mother at the family home until the return of his father.

Captain Cowin was waiting at the Burlington station for nearly a half hour before the train bearing his father arrived.

He avoided the waiting room of the depot until the train from Kansas City was standing on the platform.

On the platform he met his father, whom he had not seen since the tragic affair in Kansas City.

"Why, hello, Will, you're looking well," exclaimed the father, grasping the son's hand as they met half way to the entrance to the station.

Lillis on Way to Recovery.

KANSAS CITY, March 9.—Jere F. Lillis, president of the Western Exchange bank, who was assaulted Sunday morning by John P. Cudahy at the latter's residence, was reported this morning to be steadily recovering.

Attendants at St. Mary's hospital said, however, that it was uncertain just when Lillis would be removed from the hospital to his home. Asked if his injuries would be of a permanent nature, they said it would require some time to determine that.

General John C. Cowin of Omaha, father of Mrs. Cudahy, left for Omaha today.

The hospital physician stated today that there is now no fear of blood poisoning developing in the case of Lillis. A kitchen knife used by Cudahy on the banker, was said to have been rusty and the fear of blood poisoning came from this fact.

Lillis is unable to talk as his lips were badly battered. Nurses at the hospital say he has not spoken since his arrival there. As the knife did not touch any vital part of Lillis' body he will probably be able to be out in a few days if blood poisoning does not set in. Mr. Cudahy remains at the Coates' house and refuses to talk.

MABRAY RANKS SPLIT IN COURT

Three Members of Gang Plead Guilty While Others Stoutly Protest Their Innocence.

ALL WILL FIGHT FOR LIBERTY

Seattle Trio Pins Faith on Mercy of the Judge.

MARSH DISCLAIMS COLLUSION

Says He Would Hang Before Testifying Against Others.

FAMOUS TRIAL BEGINS TODAY

Government and Defense Have Called Together One Hundred and Two Witnesses for the Council Bluffs Case.

John C. Mabray and twelve co-defendant who appeared in United States court a Council Bluffs case yesterday will stand up and fight for their liberty. Three—the Seattle members of the gang—Bert Shores, Winford Harris and Ole Marsh—decided to take their fate as suits the court and pleaded guilty, after first assuming the same attitude of innocence as their fellow defendants and other principals are almost aggressive in the stand that they have taken and stand by their pleas of no guilty. The trial promises to be a battle of witnesses and many technicalities.

When the defendants present in court were lined up for arraignment before Judge Smith B. McPherson, the Seattle trio answered up stoutly, "Not guilty," as their names were called.

They left the court room together, and two hours later returned to enter pleas of "Guilty," throwing themselves on the mercy of the court.

Marsh Will Not "Peach."

Marsh, according to report, and in fact a general understanding, was to have been a witness for the prosecution. This he now denies, declaring that he will on no condition take the witness stand against his fellows.

"I would hang before I would take the witness stand," declared Marsh.

"I came to my own conclusions in regard to this plea of guilty. The three of us talked it over for two hours after our arraignment, and then decided to take our medicine, whether it be fine, jail sentence or penitentiary."

"Did you have some sort of an agreement with the prosecution in regard to that plea of guilty?" he was asked.

"Absolutely none," was the answer.

"Why, I have not even talked to those fellows for the government," continued Marsh, smiling.

"If I could have had a separate trial I would have fought it to the last ditch, but as it stands now I thought it best to plead guilty. I don't know how much they may have against the rest of those fellows. They were to try us together."

Trio Out Under Bonds.

Marsh, who is better known as Joe Carroll, together with Shores and Harris, were arrested at Seattle last fall. They have since been out on bonds. The three probably will not be sentenced until the completion of the trial of their fellow-defendants. They will, however, remain in Council Bluffs until the trial proper will begin before Judge Smith B. McPherson at 10 o'clock Thursday morning. The session will be immediately occupied with the impeding of the jury. All preliminary matters concerning motions having been decided.

The court has prepared for a long fight. Night sessions will be held.

Judge McPherson will demand promptness and punctuality on the part of all concerned in the case.</