CHICAGO PACKERS **GO SCOTT FREE**

10

Granted Immunity From Criminal Prosecution Under the Indictment.

NOT SO AS TO CORPORATIONS.

Court Holds That Garfield Made Demands and They Had to be Complied With.

Chicago, March 21 .- All of the packers who were indicted by the federal grand jury last summer upon charges of being in conspiracy in restraint of trade and commerce were today granted immunity from criminal prosecution under the indictment. While the individuals are to go free, the indictments found against the corporations, of which some of the indicted individuals are members and others are employes, are to stand.

The decision to the above effect was handed down this afternoon by Judge J. Otis Humphrey in the United States district court.

The arguments in the case were concluded shortly after 5 o'clock and Judge Humphrey at once commenced the delivery of his opinion. It was oral the delivery of his opinion. It was oral and the judge spoke for nearly an hour before giving the slightest indi-cation of what the ultimate decision would be. He reviewed the case at length in all its bearings, cited all the essential facts which had been brought out, and concluded as follows: "Under the law in this case the im-

"Under the law in this case the im-munity pleas filed by the defendants will be sustained as to the individuals and denied as to the corporations, the sufficient parameters and the corporations are sufficient parameters. artificial persons, and the jury will find in favor of the government as far as the corporations are concerned and against the government as far as the and individuals are concerned.

During the rendition of the decision the court was crowded by the defendants and numerous spectators. Ed-ward Morris and Edward Swift were in court, and both smiled happily when the decision was announced. J. Ogden Armour was not present, but some of the men prominent in the employ of Armour & Co., who were among the indicted, were there, and their joy was

When the judge announced that the indictments would not lie against them they crowded together and commenced to shake hands in mutual congratula to shake hands in mutual coogratula-tion. The attorneys for the defend-ants were also highly pleased, and when the decision had been announced they shook hands all around and then hastened to the jury box to shake hands with the jurors, who had been excluded from the courtroom during all of the arguments made in the case, and who returned a verdict in accordance with the directions of the court.

ance with the directions of the court. Dist. Atty Morrison, who was in charge of the case for the govern-ment, with the exception of the argu-ments by Atty. Gen. Moody, sat with bowed head for a short time after Judge Humphrey had concluded, and then walked over to the jury box and also shook hands with the jurors.

Immediately following the dismissal of the jury, Dist. Atty. Morrison raised the question of the date for the trial of

SCOTT'S EMULSION is more than a fat food. There is no animal fat that compares with it in nourishing and building up the wasted, emaciated body. That is why children and anæmic girls thrive and grow fat upon it. That is why persons with consumptive tendencies gain flesh and strength enough to check

SCOTT & BOWNE, any Pear! Street, New York.

the progress of the dis-

and the government has already said

ease.

and the government has already said that it would have 100 or more. The court proceedings for the day were commenced by the argument of Atty. John S. Miller, who had waived a portion of his time in favor of Atty Gen. Moody. He scouted the conten-Gen. Moody. He scouled the conten-tions of the attorney general, saying that it was evident to the most casual reader of the interstate commerce law that no distinction existed in that act that no distinction existed in that and between evidence given voluntarily and evidence given under compulsion. He declared that there could not be the slightest doubt that the defendants in the present case were entitled to imunity.

THE DECISION.

Atty, Miller concluded his argument shortly after 3 o'clock, and Judge Humat once commenced speaking the bench, announcing his declrey at Part of the decision was as fol-

"The defendants are indicted under the Sherman act, charged with a con-spiracy in restraint of trade. They have pleaded that as to them that act should be suspended because they were compelled to furnish evidence conterning the matter in the indictment, and under the law such furnishing of evidence gives them immunity. The evidence gives them immunity. The law under consideration, for the con-struction of which the court is called upon to decide, is the commerce and labor act. It is clear that the primary purpose of this act was to enable Con-gress to provide, through the channel of officials charged with the execution of

"The act is a substitute for one of the nost cherished rights of the American citizen, which is the right to remain silent when questioned about any subject the matter to which might incrim-inate him. It is conceded that the pro-vision of the Constitution could not be taken from the citizen without giving him something equally valuable in re-turn. The privilege of the amendment permits a refusal to answer a ques-tion relating to the offense. The privi-lege must be granted to the witness at the time. The immunity flows to the witness without any claim on his part. "It is contended that the defendants in this case were volunteers because they haggled with Garfield at times, debated, resisted, gave less than he asked and withheld some things. The record does show that, but the fact re-mains that every approach was made by the government. Garfield made his demands, and it does not to my mind tect the matter to which might incrim-

demands, and it does not to my mind destroy the character of the compulsion under which they acted, that th defendants, after having considered the law, and after having decided that they had no legal right to resist, still debated with the commissioner in the hope of inducing him to take sometess than he originally demand-Garfield came to the defendants and held up before them the powers of his office. They did not go to him and volunteer anything. Now, since the defendants volunteered nothing, but gave only what was demanded by an officer who had the right to make the demand and gave in good faith under a sense of legal compulsion, I am of the opinion hat they were entitled to immunity. Judge Humphrey then entered upon in elaborate discussion of the contenan elaborate discussion of the conten-tion by the government that the wit-nesses did not give under compulsion, but they did give under what is known in law as testamentary compulsion. He said that he could add nothing to what had been adduced by way of ar-gument on that subject, but was clear-ly of the opinion that the best judgment to be had from all the authori ties is that the subpoena is a useles and superficial thing after the parties



House Judiciary Committee Says There is No Constitutional Authority For It.

IN NO SENSE IS IT COMMERCE. Congress Has No Power to Impain

The Police Powers of the State.

Washington, March 21 .- That there is no constitutional authority for federal ontrol of insurance or other state corporations other than railroads is to be the conclusion reported to the house by the judiciary committee.

The report has been drafted by Chairman Jenkins of the committee, and is now in the hands of members of the committee for their perusal. An unofficial poil of the members indicates that with practically no exceptions they that with practically no exceptions they concur in the correctness of this con-clusion. The report of Mr. Jenkins may therefore be taken as the basis of the answer the committee is to make to the house in compliance with the instruc-tions to that committee. The report collates all the important court de-cisions on the matter involved, treats each exhaustively and reduces the whole problem to these two principles: "The supreme court of the United States has declared, and has never been shaken, that insurance is not commerce, and second, that Congress cannot imand second, that Congress cannot imair the police powers of the states." The advocates of federal regulation

concede, according to the report, that insurance is not commerce. The report sets forth article 1 of the

Constitution as conferring the only power possessed by Congress to regu-"The question as to whether or not insurance is commerce has passed be-yond the realm of argument." Mr. Jen-kins says, "because the supreme court

of the United States has said many times for a great number of years that insurance is not commerce." The report predicts direful results if Congress takes a hand in the matter.

Mr. Jenkins says: "It is useless to live in hopes that the supreme court of the United States will reverse its finding, but assuming that Congress declares that insurance

is commerce and the supreme court holds the ligislation constitutional, how much could Congress regulate, and what effect would such legislation have? It would disturb the very substructure of government by precipita-ing a violent conflict between the police power of the states and the power of power of the states and the power of Congress to regulate interstate com-merce. To uphold the federal power would be to extinguish the police power of the states by the legislation of Con-order would be to extinguish the police power In other words Congress would gress. admit corporations into the respective states and have the entire regulating

The difficulty of administering fed-eral regulations is emphasized as fol-

"What can Congress act upon under "What can Congress act upon under its power to regulate interstate com-merce? Congress cannot prevent the making of a contract of insurance be-tween a company in New York and a resident of Oregon. After the contract is made when will the power of Con-gress attach, and to what? The policy and premium are not merchandise. As the power of Congress does not attach the power of Congress does not attach until the merchandise is in commercial transit, it could not become active until the policy and premium start on their journey and would terminate when the place of designation is reached, and the duty and power of Congress would be to protect both in transit, and that is the limit of congressional power."

tribution of the surplus already accu-mulated and break up these iniquitous contracts in the form of deferred divi-dends so as to compel distribution of the moneys thus held, it would be the

Skinhealth 75 Treatment CTS. Infallible Germ Killer and Skin Healer Cossists of Hardina Son, medicated, decdor-ising: Skinhealth (oini,), kills all disease germs: Skinhealth Tablets, eradicates paragreatest blessing ever conferred upon a swindled community. That, however, is not possible without endless complications, and so we must leave the iniqui-ties of the past and turn our faces to sites. Speedy cure for every humor, with falling hair. Send 50, postage for FREE SAMPLES and booklets to Putlo Hay Specialties Co., Newark, N.J. the future.'

CHILD STRAYED AND DIED.

on allegations that the Goslins and Dunn were connected with a scheme through which they obtained over \$25,-606 from capitalists in London, Rotter-dam and Denmark by the sale of shares in the mining company of which Fa-blan is the head. It is alleged that Al-fred R. Goslin masqueraded under the name of another man, and that Ed-mund Goslin, who acted as the foreign representative of the deal, was one of the chief promoters. San Francisco, March 21 .- The mystery surrounding the disappearance of Johnnie Toso, the two-year-old son of an Italian gardener, was partially cleared this afternoon by the finding of the body of the child in a cabbage patch about one mile from his hom It is believed that the child wandered from home and died from cold and hunger. For a time it was believed that he had been kidnapped and was held for ransom.

> No Pill is as pleasant and positive as DeWitt's Little Early Risers. These Famous Little Pills are so mild and effective that children, delicate ladies and weak people enjoy their cleansing effect, while strong people say they are the best liver pills sold. Never gripe,— Sold by F. C. Schramm, druggist: where the cars stop.

COLONIST RATE

Daily, Feb. 14th to April 6th. Via O. S. L. and U. P. Lines, to Mexico City and many other points. Rates \$44.00. See agents for further par-

City Ticket Office, 201 Main St.

CHEAP RATES TO MEXICO.

Daily after February 15, until April 7, the Colorado Midland will sell tickets Salt Lake City to City of Mexico and points north thereof for \$44.60. For in-formation and literature call Ticket Sam'l Untermoyer Says Big Insurance office. 77 west Second South, Salt Lake. Columbus, O., March 21.-Samuel Untermyer of New York, chairman of the International Policyholders' associa-

on, spoke before the house committee in insurance tonight in advocacy of the Chamberlain's Cough Remedy Cures Colds, Croup and Whooping Cough. 14 bills drafted on the lines of the measures submitted to the New York





DESERET EVENING NEWS: THURSDAY, MARCH 22, 1906.

NEW JAPANESE TARIFF.

Bill is Protectionist and Against Sub-

sidized Manufactures.

London, March 22.-The Daily Tele-graph's Tokio correspondent explains the tariff readjustment bill now before

the diet as a protectionist measure for increasing duties, among other things

on flour and leather, the idea apparent-ly being, he says, to develop grain growing in Manchuria and the leather trade in Korea. The bill also has a clause directed against the importation.

subsidized manufactures and em-

powering the government by imperial ordinance to increase dution organist countries discriminating against Japa

RAILROAD MERGERS.

Companies Financed Them.

se vessels or goods.

ermyer said:

the corporatio case be set for trial and it commence within two weeks. This met with a storm of protest from the altorneys for the packers, who insisted that they would be unable to prepare for the case before the fall of the year, pleading the number of witnesses which it would be necessary to bring to Chicago, the strain of the present trial and various other reasons other reasons. After some discussion, Judge Hum-

phrey directed that the lawyers agree among themselves upon a date and notify him of their decision next week. It is expected the total number of wit-nesses in this trial when it begins will number at least 1,600. The attorneys for the packers declared today, when asking for a postponement of the trial, that their witnesses would number 1 500

ITCHING SCALP FALLING HAIR

Came Out Constantly-Hair Finally Had to Be Cut to Save Any-Scalp Now in Good Condition and No. More Itching-Another Effective

CURE BY THE CUTICURA REMEDIES

"I will gladly give you all the information concerning my case. I used the Cuticura Soap and Ointment for a diseased scalp, dandruff, and constant falling of hair. Finally I had to cut my hair to save any at all. Just at that time I read about the Cuticura Remedies. Once every week I sham-pooed my hair with the Cuticura Soap, and I used the Ointment twice a week. In two months' time my hair was long enough to do up in French twist. That is now five years ago, and I have a lovely head of hair. The length is six inches below my waist line, my acalp is in very good condition, and no more dandruff or itching of the scalp. I used other remedies that were recommended to me as good, but with no results. If you wish to publish any of what I have written you, you are welcome to do so. I am, respect-fully, Mrs. W. F. Griess, Clay Center, Neb., Oct. 23, 1905."

FROM THE HOUR OF BIRTH Mothers Should Use Cuticura Soap, the World's Favorite Mothers are assured of the absolute

purity and unfailing efficacy of Cuticura and Cuticura Ointment, the great Skin Cure, in the preservation and purification of the skin, scalp, hair, and hands of infants and children. For baby eczemas, rashes, itchings and chafings, as well as for annoying irritations and ulcerative weaknesses, and many sabative antiseptic purposes which readily suggest themselves to mothers, as well as for all the purposes of the toilet,

As for all the purposes of the tones, bath, and nursery, Cuticura Soap and Cuticura Ointment are priceless. Add throughout the world. Cuticura Soap Me. Oth-ment, Soe. Reviews, Soc. in form of Concoler Control Fills, Me. per visit of 60, may be had of all drugging. Home Derg and Chem. Cerp. Soil brook. Mass. Malled Free, "The Great Cuticura Shin Book."

are together. The formal statement declaring in

The formal statement declaring in favor of the individual defendants was then made by the court. Immediately following the decision Dist. Atty. Morrison said: "I wiji not make any record now in regard to the motions for new trials or an appeal. I do not know whether I am entitled to an appeal or not. I shall have to ask time to jook it up." "We ask for judgment on the ver-dict," said Atty. Miller. "And I make a formal motion that the defendants.

allet, said Atty, Miller, "And I make a formal motion that the defendants, the individuals, be discharged." "That is allowed," said Judge Hum-phrey. "They are discharged. That goes in the verdict."

the attorneys for the packers, al-though plainly showing their pleasure at the decision, refrained from any expression of their feelings other than saying, 'I am satisfied.'

Atty. Morrison said: Atty, Morrison sud. "Of course, I have no criticism to of-fer. I have argued the case as I saw the law, and thought my view was correct. Somebody adways has to be benten, and this time I see, at least I ave heard, that I am wrong. All the ormal motions for a new trial will be nade later.'

All the individuals will go free un-der the decision, as follows: J. Ogden Armour, Charles W. Armour, Edward Morris, Ira N. Morris, Louis A. Swift Edward F. Swift, Charles N. Swift Edward F. Swift, Charles N. Swift Edward Cudahy, Arthur Meeker, T. J. Connors, P. A. Valentine, A. H. Veed-er, Arthur F. Evans, L. A. Carter, Ar-thur C. McManus and D. E. Hartwell, The corporations which must stand trial are: Armour Packing company, Armour & Co., Cudahy Packing com-pany. Fairbanks Canning company and Swift & Co. and Swift & Co.

TROUBLE OVER TIMBER CLAIM.

Grent Falls, Mont., March 2 -- A dis-Grent Falls, Mont., March 2.-A dis-patch was received in Kalispell by Sheriff Gregg this evening, informing him that a man named Kuhn had shot and killed another man named Plun-kett, in the timber near Troy. The trouble occurred over a timber alm, over which the men have had differences in the **past**. The sheriff has gone to the scene of the crime, which is in Flathead county, near the Idaho line.

CROWE'S WIFE WANTS DIVORCE.

Omahn, Neb., March 21.-Pat Crowe today was sued for divorce by his wife who asks alternory and the right to re-sume her maiden name. They were married in 1888, and Mrs. Crowe alleged that her husband has contributed noth-ing to her support for 15 years.

ARM POLICE WITH RIFLES.

Moscow, March 21 .- In view of the agitation here among the workmen fol-lowing the proposal to declare another general strike, the gens d'armes on duty at the railroad stations here today are armed with rifles.

LONG WIRELESS MESSAGE.

Plymouth, England, March 21.—On the voyage from New York the Ham-burg-American line steamer Deutsch-land, which arrived here at 3:30 o'clock this afternoon on her way to Cher-bourg and Hamburg, maintained a con-tinuous communication by wireless teltinuous communication by wireless tel-egraph with the station at Lizard Head Cornwall, from a distance of 2,000 miles out from Lizard Head until she reached Plymouth.

BAPTIST MINISTER INDICTED.

Peoria, Ill., March 21 .- Rev. Louis Kelly, the Baptist minister who was a partner with the late Rev. George Sim-mons in the defunct People's Savings mons in the defunct People's Savings bank, was indicted for embezzlement by the grand jury today. The indict-ment charges that Kelly received de-posits on Monday, Feb. 5, the day be-fore Dr. Simmons committed suicide, when he know at 9:24 p. m. that the bank was insolvent. Recent develop-ments in the case have shown that the bank' held notes signed by Kelly and Simmons with a face value of \$121,000.

LAWYER A. R. GOSLIN ARRESTED

New York, March 21 .- Alfred R. Goslin, a lawyer who gained notoriety through his connection with Robert Ammon, now serving a term in Sing Sing prison, and with the 520 per cent Sing prison, and with the s20 per cent Miller swindle of a few years ago, was arrested here tonight. His brother, Ed-mund Goslin, and Charles M. Dunn were arrested, and all were taken to po-lice headquarters. Werner Fabian, president of the Western Gold Mining company of Oroville, Cal., it is said, swore out the warrants on which the prests were made. It is said that the arrests were based



BOSTON MASS.U.S.A.

