

Atty, General Moody Shows That It is an Unlawful Conspiracy Against Trade.

# CASE BEFORE SUPREME COURT

Strong Argument for the Government -- Question of Interstate Commerce Argued Pro and Con.

Washington, Jan. 9,-Atty.-Gen. Moody resumed his argument on behalf the government before the supreme court of the United States in the case of Swift & Co. vs the United States, commonly known as the "beef trust" case, begun last Friday.

Mr. Moody said none of the agreements or nots complained of related to manufacture or production, but to commerce-comce as distinguished from manufacture production. They do not accomplish fusion of property interests, but are, on the contrary, simply agreements between angers to each other's busines affect. ing their freedom of action in certain rests, and by that consideration the case is shown to be devoid of those atures from which differences of opinn arose in the Northern Securities case. He also pointed out differences between this and the Knight and Hopkins cases. Thus, he said, the inquiry is narrowed down to only two questions for the determination of the court. Whether the numerce in the case was commerce ong the states, and if so, whether the comments constitute a monopoly or any

67. R. Moody said it appeared clearly in sition that there were three main rs upon which the defendants en-info an agreement.

#### AGREEMENT ANALYZED.

AGREEMENT ANALYZED. AGREEMENT ANALYZED. Taking up the hgreement alleged in aragraph 6 of the petition, Mr. Moody aid that, eliminating all the statements which the pleader characterized the appose and effect of the agreement, the eliowing state of facts is clearly shown: "Persons owning livestock and living a other states and territories than those chere the stockyards are situated were customed to send shich stock to the va-ous stockyards named, for the purpose f sale there. The defendants, who were averally engaged in the business of buy-g such livestock, for the purpose of sughtering and converting it into fresh eat entered into an agreement with the other to refrain from bidding against ich other, except collaboratively, in the urchase of such livestock, with the pur-ses and result of suppressing all compe-tion in such purchases." An agreement having been thus clearly leged, he said, the question arose as whether the agreement relates to in-ristate commerce, and proceeded to ar-be the proposition, saying that the same rt of bargain is made for cattle pro-red and owned within the state of sale for cattle produced and owned in an-her state and sent to the "locus" of the interstate character of the promodity living in one state ships it another, continues from the beginning the shipment to and including the sale unity by the breaking of the original charge in which it has been imported. It is contended that the unloading of provalues pens in the stockyards con-ture a breaking of the original pack-and commodity of the property is no an extent bar discovery of the state and charge in which they in-the domestic property of the state-and comming the discovery of the property he domestic property of the statea breaking of the original pack-nd a commingling of the property the domestic preperty of the state h an extent that the purchase and if them are domestic commerce. It focult to treat this contention se-s. If the original package concep-nas any relevancy to this discus-surely it must be that the packages nature itself has made are the al packages. packages.

A SENSIBLE MOTHER Proud of her children's teeth, consults a dentist and learns that the beauty of permanent teeth depends on the care taken of the first set. SOZODONT

GOV. PEABODY

People of Colorado Giving

His Reasons.

Against Him Were Very

Manifest.

In a statement to the public issued

"To the People of Colorado: For two

"It is my purpose to at once inaugu

rate a contest so that all the facts about the election may be presented fully and fairly to the legislature and

to the public, "The frauge practised against me

were so manifest; that it was first pro-posed to have them fully investigated before the publishing of the returns by the legislature, and the claim that this method of investigation as originally

contemplated by the legislature is un-constitutional is not well founded. "Yet this claim became so widespread that this method was abandoned so

that this method was abalached so that even unjust criticism could not be made against the loyalty to the consti-tution and to the best interests of the state of those who desires are for the uplifting and betterment of the com-monwealth. "We have now adopted the very line

"We have now adopted the very line of action which those seeking to con-ceal the truth regarding the frauds and outrages of the recent election have em-phatically declared to be constitutional.

not truthful.

Liquid and Powder should be used. The Liquid to penetrate into the little crevices and purify them; the Powder to polish the outer surface and pre-

vent the accumulation of tartar. 3 FORMS: LIQUID, POWDER, PASTE.

ment of preferential rates. The history of the country demenstrates this." In conclusion, Mr. Moody said: "These are in the main subjects of the

of the country demonstrates this." In conclusion, Mr. Moody said: "These are in the main subjects of the unlawful conspiracy among the defend-ants. Others are set forth in the petition, the purpose of which is to make more effective the main conspiracy and render it less easy for the defendants themselves to escape from the performance of the unlawful conspiracy which they have formed. I will not consider these sub-sidiary agreements: "First. In the seventh paragraph of the petition it appears that the defendants have agreed upon this device: in pur-suance of the conspiracy among them-selves their agents bid up the price of livestock at certain selected times to an abnormal point. This naturally induces the shipment from other states of live stock to the points where the price is bid up in quantities much larger than under normal conditions. Then, taking advantage of this congestion of the mar-kets, they refrain from bidding against each other in the purchase of livestock, with the result that the producers and owners of the stock are forced to sell at ruinous prices. Thus the unlawful con-spiracy to refrain from bidding against each other is made doubly profitable, and the great profits which come from the transaction in turn increase the power of the combination and tend to fusten upon the people a monopoly. The con-spiracy in this case is an ending and the creation of the monopoly which this whole case discloses. "Second. It is alleged in the eighth paragraph that for the purpose of aiding in the raising, lowering and fixing and maintaining of uniform prices for fresh meat, the defendants collusively re-stricted and curtailed shipments of meats to the various markets throughout the country. "The word 'collusively' fairly ingovernor tomorrow. tonight, Gov. Peabody says: years, as chief executive of the state, I have endeavored to enforce the laws, maintain good order and establish pros-

maintain good order and establish pros-perity for Colorado. Yet, for some rea-son, a bitter and unfair postical war has been waged against me. "Investigation of the conduct of the recent election has convinced me that I have been fairly re-elected governor of this state, and I am satisfied that the election returns as first published are not truthful.

untry.

country. "The word 'collusively' fairly in-terpreted, means that they curtailed shipments by agreements with each other. Doubtless such transactions some times may be entrely legitimate. This consideration is recognized in the decree, which exempts from its prohibition the curtailing of shipments made in good faith to prevent the congestion of mar-kets.

Think to prevent the congestion of mar-kets. "Third. In paragraph eighth, penalties are imposed against each other by de-fendants for all deviations from the price three which needs no special comment. "Fourth. In paragraph eighth, also, uniform rules for the giving of credits are agreed upon. This of itself might be harmles, but its purpose is ancillary to the main conspiratcy stated in that para-graph, namely, the suppression of all competition among the defendants. They will not allow themselves even to com-pet for the term of credit which may be given to their respectively customere. No purchaser may go from one to an-other of these defendants and obtain the advantage of a single day's delay in the shipment of this bill. "Fifth. The same purpose is behind the agreement alleged in the ninth paragraph of the petition, to make and impose uniform charges for cartage. The price of the meat is uniform; the terms of cartage are uniform, even the rates of cartage are uniform, and all this comes about by the agreement of the parties and is designed in the most effective way to prohibit in the minutest detail all pos-sible competition in prices. AGREEMENTS ARE DISCUSSED

AGREEMENTS ARE DISCUSSED

outrages of the recent election have em-phatically declared to be constitutional. All I desire is the truth, and that the people shall know. "The only manner in which to reveal it is to continue a searching examina-tion of all the phases of the cent frauds and election debauchers until the public ascertain the contents of every ballot box and all the circumstances surrounding the accomplishment of the spurious results obtained. "I appeal to the people of Colorado to await the results without prejudice and then to support with public opin-ion which ever one of the gubernatorial candidates has received a majority of the honest votes. I refuse to believe that the best interests of Colorado can be subserved by quietly submitting to an anileged adverse majority which even a partial investigation has already dis-closed is but a myth—a travesty upon "I have now discussed, separately, all the agreements and acts of the defend-ants which were complained of as un-lawful in the petition and enjoined by the decree of the court below. I have endeavored 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 unwifiling, however, to rest the case here. There is a larger osed is but a myth-a travesty upon



The drawing represents the oldest map of the world known to be in existence. In the ancient European maps of the globe the cartographer starts from some point well known and branches out, first holdly, with much attention to detail, and growing less and less definite all the time, fibally arriving at a point where he is obliged to depend entirely on his inagination. This is precisely what the Chinese maker of the map herewith shown has done. Starting with China as the center of the earth, he has drawn upon his creative faculty for the remainder. The text around the outer surface makes a number of astounding statements. One of them is that the world at that time contained \$4,000 different countries.

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#### LOOSE LEAF LEDGERS. Filing Cabinets, Loose Leaf Ledgers, Type-writer Papers, Pens, Pencils, Via Oregon Short Line and Union Pa-Tickets on sale January 8th and Return limit January 20th. See Get ready for the opening of the new DESERET NEWS BOOK STORE, 6 Main St. City Ticket Office, 201 Main St.

**\$\$\$\$\$** GREAT THE WE POSITIVELY assert that no sale ever approached this extraordin-ary event in the history of the dry goods burles had been been approached the straordin-NO NO and half price sales pale into insignificance beside this most won-TRAD-TRADderful selling event. Don't miss a single item—you've not had such a buy-ing opportunity before and never will again, unless it comes from this aggressive department store. BUY FOR NOW AND BUY FOR THE FUTURE. ING ING STAMPS STAMPS DURING DURING THIS THIS Were we to use the whole of this newspaper we could not find space to advertise the CREAT CREAT

unparalleled bargains this Sale offers, but are compelled to limit a few items from each department. There's a Hundred Thousand Dollars worth of these Specials.

packages, so parties to the transaction, the d the seller, when they agree contract of sale, are effecting tate transaction all, or substantially all, of the

In this interstate market enter into examine with respect to their con-making purchases, the agreement intered into relates to interstate

ows that the conduct of the des set forth in paragraph 6 is en-within their rights, unles it com-a contract, combination or conof trade or on or attempt to monopolize any f such commerce

#### OFFENSE COMPLETE.

OFFENSE COMPLETE. inuing, Mr. Moody said: a offense is complete when the com-on is made. The combination is not of its vice, if perchance some agent fit to divide the carcasses before are sold. Let not the offense of defendants be observed by any re-ont concerning the details of their et. Controlling @ per cent of the meat industry of the whole coun-bey sit down at their slaughtering acking establishments, and, with the the leiegraph, through the instru-lity of countless agents and attor-spread throughout the country, g their transactions and sheltering misconduct by cyphers and secret do or raised, fix and maintain rely, as among themselves, the of every pound of one of the great lites of life as it enters and follows hannels of interstate commerce. a sn unlawful restraint of com-among the states, and was so de-in the dedystone Pine case from

a an unlawful restraint of com-among the states, and was so de-in the Adystone Pipe case, from all the ingenuity of counsel cannot uish the case, at har." Ting to the allegation in para-lo, he said: in this it appears that the defend-re all engaged in the common to obtain unlawful rates, which ubsequently share or pool among lyes, and that their success con-es not only the pooling of these ves not only the pooling of these i rates, but the exclusion of all competitors from obtaining them. # set forth, perhaps artificially, ination upon this subject.

#### FAVORS IN RATES.

competition can long endure those who are secretly and in de-of the law enjoying rates for insportation of their property in the commerce, which constitute erence over all others in the same is No more frictiful source of ally can be found than the enjoy-



TREE TEA SELECTED WISDOM The pure, good tea, sold in . packages only. M.J. Brandenstein & Co. Importers, San Francisco.

rest the case here. There is a large view of it to be taken than appears from allegations in the petition considered

CASE FOR PACKERS.

Mr. Aliller, who closed the case for the packers, said that necessarily the presen-tation of the case must be confined with-in the limits of the bill of complaint and that epithets could not be appealed to, as attempted by the attorney-general, to mathematical and and an another and the attempted by the autorney-general, other ake the case complete. In all other ses of like character there had been a stinct agreement, but here, he said, the anges were all general and the specifi-tions indefinite conclusions of law or there. nnke harges. 1

Mining future controlations of the or pithets. Mr. Miller took up the charge of re-pates, and said the facts must be set up in some way before the court could take lognizance of them. There was no speci-fication, and as a consequence the defen-fants could properly respond only by femurice.

demurrer. "Suppose," asked Judge Harlan, "the combinations alleged were confined to domestic commerce in the state of Illinois, would you consider it a restraint of trade?"

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a republican form of government nsult to the intelligence of the public Insult to the intelligence of the public and a brazen, open and desperate at-tack on the perpetuity of our institu-tions and the purity of our elective franchise. For myself, I desire no office tainted with fraud.

"The anarchy of the ballot-box stuffer is as far-reaching as the anarchy of the dynamiter, and I shall continue my fight to eradicate both from the confines of Colorado. Respectfully. (Signed.) "JAMES H. PEABODY." my

#### BASEBALL COMMISSION.

#### Discussed Price of Minor Players And the Spring Meeting.

Cincinnati, Jan. 9 .- The increase in the draft price for minor league players and the proposed spring series cham-pionship games between the New York and Boston teams were the chief sub-jects to be considered by the nationa baseball commission which met here today. The belief that Ban Johnson president of the American league, would recede from his former opposi-tion to the requests of the minor tion to the requests of the minor leagues, thereby making simpler the matter of a compromise, was general. However, an alternative proposition has been made by John T. Brush, who tele-graphed his advice, being unable to be present, and the representatives of the minor leagues kept in almost constant communication with Mr. Brush during the day.

#### Fire in Olathe, Kan.

Otathe, Kansas, Jan. 8.-Fire that broke out at 1:4 o'clock this morning destroyed the business buildings on the east side of the public square, including the telephone and telegraph offices and the post office. Efforts of the citizens to arrest the flames were futile and an urgent call for help was sent to Kansas City, 20 miles distant. A Santa Fe special train brought the firemen and engines from Kansas City, who did good service. The loss is estimated at \$150,600. No casualties are reported.

#### Mark Twain Has Bronchitis.

New York, Jan. 19.—Samuel L. Clém-ens, ("Mark Twain,") who has been confined to his bed with acute bron-chitis for three weeks at his new home in Fifth avenue, is reported to be re-covering. He is still in bed however The humorist moved into the house only a few days before he was taken ill, and for a number of days the physicians feared pneumonia. This was warded off and for the last three days he has been rapidly recovering.

#### Chess Player Marshall Mates.

New York, Jan. 10 .- News has just leaked out of the marriage last week of Frank J. Marshall, the chess master and Miss Carrie D. Krass, of Brooklyn, daughter of a retired Brooklyn mer chant. The couple sailed Sautrday fo Europe, where Marshall will play Jan-Europe, where Marshall will play Jan-owksi and also resume negotiations with Lasker for a match to decide the world's championship. The marriage was a romantic affair, occurring only a few hours before Marshall's steamer salled.

## Rev, Carlisle P. B. Martin, L.L.D.

Rev. Carlisle P. B. Martin, L.L.D. Of Waverly, Texas, writes: "Of a morn-ing, when first arising, I often find a troubleseme collection of phisgm, which produces a cough and is very hard to dislodge; but a small quantity of Bai-lard's Horehound Syrup will at once dis-lodge it, and the trouble is over. I know of no medicine that is equal to it, and it is so pleasant to take. I can most cordial-ly recommend it to all persons needing a medicine for throat or lung trouble." 25c, 50c and \$1.00. Sold by Z. C. M. I. Drug Dept,

# SUIT ROOM PLUSH CAPES-45 Silk Plush

CHILDREN'S DRESSES-75 Dresses of Pretty Plaid Materials-Nicely Trimmed, selling up to \$3.65. 89c Each

SALE.

CHILDREN'S JACKETS AND COATS-We have a big assortment of odds and ends in Jackets and Coats that retail from \$3.00 to \$4.50, will close them out .....

CASHMERE WRAPPERS-50 Pret ty Cashmere Wrappers that retailed from \$7.50 to \$16.50 Each. \$5.00 For this sale, Choice For this sale, Choice ....

FRENCH FLANNEL WAISTS-87 French Flannel Waists of Good Material, Splendid Workmanship; sold 4.00, \$1.35 from \$2.50 to \$4.00, Each

WALKING SKIRTS-Big variety in Wool and Melton Cloth-Strap and Button Trimmed, Values \$4.00, \$4.50, \$5.00, and \$5.50, Choice for wrappers dainty designs trimmed values, \$2.25 to Choice..... \$3.50, Each .

# SHOE DEPARTMENT, SHOE DEPARTMENT.

1,200 pairs of Ladies Shoes. All styles including the famous Utz & Dunn makes, vici kid and velour calf, with French or Military heels. Choice of anything in the store in prices \$2.48 from \$3.00 to \$4.50 .....

1,500 pairs of Men's Shoes-only shoes with a reputation such as Rich Brennan and J. S. Nelsons. M Made vici kid, velour and box calf, styles and shapes including the ches and straight toes. All 

look well. All values from \$1.75 \$1.29 to \$2.50. Choice .. ..... Ladies', Misses, and Childrens' Jer-

sey Storm Rub. 35c victal straig . Men's, Youths' and Boys Heavy

Jersey Storm Rub 50c CONTRACTOR PERSONS IN bers. Ladies' one and two buckle Artles.

59c Misses' and Childrens Buckle Artics Ladies' 35c black and brown 18c Overgaiters

Children's \$1.25 Velour and Corduroy Leggins 75c Children's \$1.35 Rubber Boots., .. Ladies' \$2.00 Fleece Lined Rubber Boots

Rubber Boots . Boys' S5c Heavy Wool German Sox .....

calf lace and button Shoes .....

Men's, Ladies and Children's Felt Leather Silppers in broken sizes, Valuo \$1.00 to \$1.50 Childrens' and Bables' 50 and 75c ool knit Bedroom Slippers thin soles ... Ladles \$1.50 and \$1.75 Fur Lined

Garment Choice

AND

Ladies and Missee, all

MISSES'

each. Choice

up to \$6.00 each, offered

Choice

Sizes fo

and sizes, All colors \$1.19

#### Underwear and Hosiery.

BOYS' UNDERWEAR-Boys' fleece incd underwear and leece lined union suits. Two lines of xcellent garments that have always sold at 35c. This 180

CHILDREN'S SLEEPING GAR-MENT-Lambs wool Union Sleepi arments-all ages-selling up 59c to \$1.50

LADIES' UNION SUITS-Natural wood Union Suits and Maco cotton fleece ined Union Suits. Two lines that have never been sold for less than 85c 85c 85c \$1.50 per garment.

LADIES' UNDERGARMENT -= 25 lozen white wool and natural loceed Pants, selling up to 75c

\$2.00.......... 200 heavy FLANNELETTE GOWNS selling up to \$3.00 each, \$1.19

A well made, good material, FLAN-NELETTE GOWN that always 38c aiwaya 38c ells for 750.....

20 dozen ICE WOOL SHAWLS-can- breidered slik. be purchased elsewhere for 22c

DRESSING SACQUES-350 Eider-ALPACHA SKIRTS-50 Black Aldown Sacques in Pink, Blue and Old Rose. Worth up to \$5,00 a \$1.95 pscha Skirts, Fine Material and well made. All Values up to \$2.95 \$6.50 each. Choice ..... \$2.95 WALKING SUITS-A CHILDREN'S MUFFS-About 75 Muffs of assort-COATS-Over One Hundred Coats in ed Furs in Values from \$4.002.95 \$16.00 sile all sizes up to 12 years, now 4.25 selling up to \$10.00, each

LADIES' MADRAS WAISTS 75 SKIRTS-50 Dress Skirts of Silk. Madras Waists (Silk Mercerized) Reg ular \$2.00 to \$3.50. Voile and Ladies' Cloth-New Styles \$1.35 excellent materials. Values \$8.00 to \$15.00 each. This \$5.00 Sale SILK WAISTS-A Good Selection of Sale Pretty Silk Waists in Light and Dark Colors, Values \$5.00 to \$9.75 3.95 WRAPPERS-400 Flannelette Wrappers, the quality that sells 89c WOOL SWEATERS-All Colors-All Another line of the better values, selling from \$5.00 to \$9.75 \$3.95 \$1.50 Choice ...... SHORT COATS 32 Coats in Red, an and Black Broadcloth, selling

WRAPPERS-A line of very pretty \$1.69 designs

### HOSIERY.

HOSIERY-Infants' black Cashmere Hose-never sold for less than 13c Infants' imported Cashmerg Hose

with silk heels and toes-the regu- 19c Inr 35c stockings...... 35C A still finer line of Infants' Cash-

mere Stockings, with silk heels and toes; come in colors and black. 25c Regular 60c and 60c pair.......

30 Doz. Misses' fine ribbed, seamless Cashmere Hose; grey heel and toe; all sizes; selling at 40c 22c

Boys' Heavy Bicycle Ribbed Stock-

Boys' and Misses' extra heavy BICX-CLE HOSE and fine ribbed Stockings-two lines that sold at 25c and 25c 17c 170 pair, choice ......

LADIES' FLEECE LINED STOCK-ING-Absolutely fast black and 10c LADIES' FLEECE LINED HOSE-

Extra long and ribbed tops-our 13c A better grade of PLEECED HOSE

with ribbed tops that sell at 19c 35c pairson server 35 dozen of Ladles' extra fine quality SEAMLESS CASHMERE HOSE, 47c

selling for 750 pair.....

#### BABIES' BONNETS. 200 Baby Bonnets of crochet and emwhite

SHORT COATS-35 Short Coats of Covert, Broadcloth and Ladies' Cloth, Regular Price, \$6.00, \$7.50 and \$10.00. This Sale RAIN COATS-15 Raglan Waterproof Coats, Pretty Materials and Stylish, sold from \$15.00 \$6.95 to \$30.00, Each BROADCLOTH CAPE-Only 15 of hese desirable garments. Unusually Tan and Black Broadsloth, selling these desirable garments. Unusually good material, and satin lined 6.00 Was \$12.00 

Capes, Silk

Skirts, was

First Served

They act like Exercise.

Druggists

Both 'Phones 212.

SALE.

Lined Extra good 4.25

.....8.50

WALKING SUITS-All Wool Chev-

SILK UNDERSKIRTS---65 Silk Un-

derskirts in Black and Colors. Selling for \$8.00, \$9.00, \$9.50, \$10.00, \$12.50 and \$15.00. First Come **55.00** First Served

iot, Satin Lined, Inverted Pleat

-for the Bowels

THERE IS A WAY TO COLLECT BAD DEBTS. WE HAVE THAT WAY.

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Cents wo

DRESS GOODS AND DOMESTICS.

ALL WOOL TRECOTS and S6-Inch ashmeres that always bring 35c 22c and 50c yard. For this sale .....

Platu and Fancy all wool DRESS GOODS, Zibalines, serges and Henri-ettas and Etc. Regular 650 30c 36-inch fine Sateen Linings; all colors; the regular 30c 18c Best Cambie SKIRT LINING KALINE 4C S6-inch SILKALINES, very pretty for. and stripe FLANNELETTES, 150 10c

Quality conservation of the server of 40c mercerized Satin Linings, 20c black and colors ...... 50 pieces Check Glass Towellow 2c regular 5c, the yard ......

1,000 yards of Good Bleached 6c Muslin that sells at 9c, yard .. 2-4 Bleached Sheetings the 19c 25c kind .... 50 Pieces of Heavy 1215 Flan-

84c nelettes. All colors 25 Pleces of 61go Outing Flan-nel, at per yard ..... 440 1,000 yards of 71ge Apron Ging-4+c ham.

Best Table Oll Cloth, 25c 150 quality serve ere Fancy Wash Out Denims 36 15c

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**~~~** 

