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BEEF TRUST IS AT BAR OF JUSTICE

MOODY ARRAIGNS PACKERS' COMBINE

Attorney General Cites Practices of the Meat Magnates Done in Unison.

DECLARES INTERSTATE COMMERCE LAW FITS

Points to Restraint of Trade in Price Agreements Among Big Packers.

Washington, Jan. 9.—Attorney General Moody today resumed his argument on behalf of 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.



WILLIAM H. MOODY, Attorney General, Who is Prosecuting the Packers.

JUDGE RELIEVES PACKERS' AGENTS

Montana's Case Against Combine to Be Heard on Its Merits Soon.

Special to The Journal.

Helena, Mont., Jan. 9.—The Montana state agents of Armour & Co., Swift & Co., Cudahy & Co., of Chicago, and the Hammond Packing company of Chicago and Pueblo, were today released by Judge Smith from the order of arrest and bail imposed as the result of the information filed by James Donovan, attorney general, on Dec. 31, on a charge of conspiracy, it being alleged that they had formed a combination for the purpose of controlling the prices of meat products.

Counsel for the packers' agents addressed the court, saying that an information had been filed against the agents of the packing companies under which they were arrested and released on bail. He said that he did not find any authority in law for the arrest of agents when conspiracy was charged against companies. He said the statute provided that upon complaint a summons must be issued and the corporations could appear thru their agents or counsel for agents and asked that they be released from the order of arrest and bail.

F. W. Mettler, assistant attorney general, replied, saying that he was merely acting under instructions from Attorney General Donovan. He said that the agents by having under their own signatures secured their release on personal recognizance bonds made an appearance in this case, and had acknowledged that they were the agents of the defendant corporations, and were the proper persons upon whom to secure service.

There were enough complications in the matter already and he would not oppose the motion of their counsel. He did ask, however, permission of the court to issue a subpoena for their appearance before the court on a conspiracy charge, which was granted.

This summons will probably not be issued, as the counsel for the packers has agreed to make an appearance in a few days, when the case will be heard on its merits.

SWEDEN IS AFTER FORMER CITIZENS

Effort is Made to Induce Swedish-American Property Holders to Return.

By W. W. Jermaine.

Washington, Jan. 9.—Consul Robert Bergh, at Gothenberg, makes an interesting report to the state department from other states of Sweden to induce Swedish-Americans to return to their native land. A proposal has been made to the Swedish government to apply to all Swedes in this country able to invest in real estate.

It looks to the sending of several native Swedes to the states having the largest Swedish population, to investigate conditions.

It is asserted that even now some emigrants return to the mother country, but that the movement is counteracted by the unfavorable conditions in Sweden, such as defective judicial conditions and the bureaucratic state of society which helps Swedish-Americans accustomed to more liberal political and social relations, and finally to the intolerance of the whole Swedish public, which does not understand the self-esteem native to the Swedish-American, who by his own exertions has passed from poverty to good economic circumstances.

It is urged that these unfavorable conditions ought to be changed and that everything practicable ought to be done to promote the return of emigrants; that the Swedish-Americans are a practical people, with wide views, and strong men and women noted for sobriety and moral religious views; that a greater return of the better classes of emigrants would also bring more money to Sweden; that the sentimental Swedish-American is favorable to such arrangements, and that the American authorities are too noble-spirited to put any obstacles in the way of such a movement, altho they recognize the good qualities of the Scandinavian immigrants.

The proposition says that arrangements should be made so that it would be easier to obtain land in Sweden, particularly government land, and loans of money on easy terms for the erection of good homes; that attempts should be made to bring about the return of engineers and skilled workmen who have gained good positions in the United States, and to invite American capital which would promote the utilization of Swedish mines, waterfalls, etc. He says that such connection with the United States would be an advantage commercially and otherwise.

STOESSEL MISLED; THOUGHT AID NEAR

Heard Nothing from Kuropatkin After Oct. 6—Amazed at His Defeat.

Headquarters of the Third Japanese Army at Port Arthur, Jan. 9.—Captain Tsunoda, the Japanese staff officer who was sent to Port Arthur to inform General Stoessel that the emperor of Japan had ordered that the garrison should be treated with the greatest consideration, says:

"General Stoessel's first inquiry was about the whereabouts of General Kuropatkin. I said I did not know exactly, but understood he was somewhere about Mukden.

"General Stoessel remarked that he had last heard from General Kuropatkin Oct. 6, saying he would come to relieve Port Arthur soon. General Stoessel added that he had sent out Chinese spies who returned and reported that General Kuropatkin with a relieving army was at Kin-chou, twenty miles north of Port Arthur.

"General Stoessel was plainly incredulous at my statements that General Kuropatkin had been defeated and driven back towards Mukden, so I produced maps, showing him the position of the two armies near the Shakhe river and gave Stoessel details of Kuropatkin's defeat with the loss of 50,000 men, at which the Russian general expressed amazement and quickly remarked that he had been misled.

"General Stoessel then asked where the Baltic fleet was and I told him that some of the ships had not passed the Cape of Good Hope.

"With a hopeless expression, General Stoessel said: 'Now that Port Arthur has fallen there is no use for the fleet coming any further.'

"I then asked General Stoessel what had caused the most damage to the garrison during the siege, and he replied: 'Your eleven-inch shells.' After they arrived our defensive works became useless."

RUSSIAN DEAD, 10,000

Bullets and Disease Took One in Four in Port Arthur.

Tokio, Jan. 9.—In well informed circles it is estimated that the original garrison of Port Arthur numbered from 38,000 to 40,000 men, including sailors. The killed, those who died of sickness and the missing, are placed at over ten thousand.

The Japanese, who express great admiration for General Fock and other officers for refusing parole, and standing by the men of their army, are busily preparing to receive the Russian prisoners from Port Arthur. The first batch of ten thousand are expected to arrive at Meji and Shimonoseki shortly.

After disinfection, they will be sent to Kure, and probably to Matsuyama, Nagoya, Himeji, Kyoto, etc. The generals will be treated in the best possible manner. It is unlikely any of the prisoners will be brought to Tokio.

The Gazette announces today that the Russians have delivered five survivors of the third Japanese expedition, which was sent to block the entrance to Port Arthur harbor.

One thousand wounded Russian prisoners of war from Port Arthur arrived at Dai-ri hospital, Nagasaki.

The transfer of prisoners at Port Arthur was completed Saturday. The total number of officers transferred was 878, men 23,491, whereof 441 officers and 229 orderlies have given parole.

Headquarters Japanese Army at Port Arthur, via Fusan, Jan. 9.—Lieutenant Generals Fock and Smirnov and Gorbatsowsky have decided to go to Japan as prisoners of war.

Previous reports were that both Lieutenant General Fock and Smirnov had been killed at Port Arthur.

New York, Jan. 9.—All grades of refined sugar were advanced 10 cents a hundred pounds today.

FOLK CONTINUES FIGHT ON GRAFT

In Inaugural Messages, Three New Governors Battle for Reforms.



JOSEPH W. FOLK, St. Louis Graduate, Missouri, New Governor of Missouri.

Jefferson City, Mo., Jan. 9.—Promptly at noon Joseph W. Folk was inaugurated governor of Missouri. The oath of office was administered by Chief Justice Bruce of the supreme court. Governor Folk then delivered his inaugural address. He said:

"Partisanship is a good thing sometimes, but patriotism is a better thing all the time. Partisanship is well enough when it does not conflict with patriotism; but patriotism is a higher virtue than partisanship.

"Some of you are democrats, some are republicans, all are Missourians. In the discharge of official duties, let us be Missourians before we are anything else. When you come before the people to give an account of your stewardship, the account must be for public service, and not for party work. If the public weal should conflict with party advantage or personal ambition, the public good should prevail.

Disgrace on the State. If there be any corruption during this session of the general assembly it would be a disgrace to the state and a reflection on every man in the body and upon every official in the state government. It is too often the tendency of good men in legislative bodies to close their eyes to things of this nature, satisfied with their own honesty, but forgetting that it is as much their duty to protect and defend the honor of the state as it is their own honor.

The legislator who sells his vote traffics in the honor of his sovereign people and prostitutes the trust reposed in him. If, altho official acts were for sale we could have a government not of, for and by the people, but a government of, for and by the few with wealth enough to purchase official favor. It is the highest duty of every legislator to evade official and every citizen to do all that he can to eradicate this evil which is the greatest enemy to free government and the greatest danger that confronts this nation today.

Service Belongs to People. It is not always by taking money that an official man profits; his trust, one in public office has no more right to use his official powers for personal ends than he would have to put his hands into the public treasury to pay a private debt.

In order to aid in the investigation of rumors of corruption, laws should be enacted compelling witnesses to testify as to their knowledge of bribery transactions and exempting such witnesses from prosecution for any matters directly or indirectly growing out of such testimony.

When a legislator accepts a pass, he Continued on 2d Page, 4th Column.

TARIFF REVISION SESSION PROBABLE

Tawney Speaks Out at White House Conference—Country for New Schedules.

Special to The Journal. Chicago, Jan. 9.—Walter Wellman in a Washington special to the Record-Herald says:

"That President Roosevelt has carried or is in a fair way to carry his point and secure a moderate revision of the tariff as well as railway rate legislation, is fully as clear in the cabinet of Saturday's White House conference as it was in the first reports.

"There are to be further conferences, and a joint caucus of the republican members of the two houses of congress is talked of to decide definitely upon a policy, the prevailing opinion today was that in the end the party will adopt the president's ideas and prepare for action along the lines indicated by him.

"Speaker Cannon has not yet indicated what his future course is to be, further than a renewal of his former pledge that he is prepared to submit to the will of the majority.

Tawney Spoke Out. It was learned today that at the conference Mr. Tawney, the republican whip of the house, told the president and other gentlemen present that he had made a pretty careful canvass of the republican membership of the lower branch, and he was convinced a majority of them favored an investigation of the tariff question with a view of revision, should the investigation disclose the need of it, at a special session of congress to be held next fall.

Nothing has yet been decided as to the joint caucus, but if one be held this is the question that doubtless will come before it. Shall there be an investigation of the tariff question during the summer by the republican members of the ways and means committee? And that question the republican members of the house are likely to answer in the affirmative. Chairman Payne of the ways and means committee is ready to undertake such an investigation.

Country for Revision. Representative Tawney of Minnesota told the conference he believed the country at large desired an overhauling of some of the Dingley schedules on the ground that industrial conditions had changed greatly during the eight years that have elapsed since the law was framed.

During these eight years, Mr. Tawney pointed out, the new order of things in industrialism, the great corporation and the farmer, had largely come into existence. The economic excuse for this new order was that it would cheapen production. It is now time to inquire if it has done so, to inquire if the tariff rates that were deemed just eight years ago could not now be somewhat reduced with advantage to business and to the consumer, to inquire if the labor cost abroad and at home is not more than equalized by some of the duties, and to inquire, moreover, with great care and particularly, what would be the effect of the proposed lower duties upon the revenues of the government.

Mr. Tawney's argument in favor of a thorough investigation by the ways and means committee into the present day industrial conditions made a decided impression upon the conference, and was supported by others present.

5 IN COASTING PARTY ARE FATALLY INJURED

Dubuque, Iowa, Jan. 9.—A bobbed beque a party of fifteen crashed into the engine last night, fatally injuring five. They are: W. C. Reynolds, Horace Willmers, Iva Collinson, Grace Schwind and Mildred Frudden.

One of the horses suffered a broken leg, and the engine, which was on the way to a fire, was overturned.

STATE TRACES POISON TO DR. GEO. R. KOCH



MRS. WILLIAM ASTOR, New York Society, Who Gives Brilliant Ball Tonight.

MILLIONS IN GEMS AT THE ASTOR BALL

Ten Detectives Engaged to Guard the Bejeweled Guests Against Robbery.

JEWELS TO BE WORN AT THE ASTOR BALL

Worth \$750,000—Mrs. William Astor, Worth \$400,000 to \$500,000—Mrs. John J. Astor; Mrs. O. H. P. Belmont; Mrs. C. Vanderbilt, Sr.; Mrs. C. H. Mackay.

Worth \$300,000 to \$400,000—Mrs. Perry Belmont; Mrs. Stuyvesant Fish; Mrs. H. Oelrichs; Mrs. Ogden Mills; Mrs. Orme Wilson; Mrs. Levi P. Morton; Mrs. A. G. Vanderbilt; Mrs. J. A. Burden.

Worth \$200,000 to \$300,000—Mrs. H. P. Whitney; Mrs. Edwin Gould; Mrs. Payne Whitney; Mrs. C. Vanderbilt, Jr.; Mrs. George Gould; Mrs. O. Harriman.

New York Sun Special Service. New York, Jan. 9.—Mrs. William Astor has engaged ten detectives—eight men and two women—to guard her guests at her grand ball tonight. The women favored with invitations to that ball function are expected to display \$20,000,000 worth of jewelry.

Incidentally it is interesting to note that Mrs. Astor has seen invitations to everybody who is anybody, and New York's "400," after tonight, will have swelled to the "1,000."

Mrs. Astor thoroughly feels the responsibility she has undertaken in nearly tripling New York's social 400. She understands not one of the thousand or more ambitious women she has honored with an invitation to the ball is likely to stay away. The newcomers, the ones admitted by Mrs. Astor's grace within the charmed circle, are expected to make a display that will dazzle the old-timers.

Twenty Millions in Jewels. A responsible man connected with a firm that has sold to New Yorkers millions of dollars worth of rare gems, said he believed \$20,000,000 would be a conservative estimate of their value. The display will be simply original in its grandeur.

There are many women in the multimillionaire set whose jewel caskets contain gems worth from \$100,000 to \$500,000. Mrs. Astor has worn jewels valued at \$750,000. But the jewels of New York's rich women are by no means confined to the multimillionaires. There are any number of women in society, wives of millionaires, who are not conspicuous, who possess gems not to be despised even in such a display.

Heretofore three or four detectives have been considered sufficient for big parties of this kind. Mrs. Astor's party, however, Mrs. Astor will have ten. Furthermore, she has introduced the novel feature of including two women in the number.

"Society Squad" of Police. Inspector Byrnes established what is known as the "society squad" in the New York detective bureau. When William H. Vanderbilt gave an exhibition to young artists of the rare paintings in his twin brown-stone houses years ago, he went to Inspector Byrnes and asked for two or three detectives in evening dress to mingle with his guests.

On that occasion a sneak thief got into the house despite the detectives and made off with the overcoat of an artist who could ill afford to lose it. Mr. Vanderbilt gave him \$100 to buy a new one. However, Cornelius Vanderbilt, who is a member of the "society squad" that he asked for it at a ball given a few weeks later.

After that the assignment of detectives to society events became general.

24 ON DEATH ROLL OF BLIZZARD IN THE ALPS

New York Sun Special Service. Geneva, Jan. 9.—The death roll in the Alps during the recent blizzard reaches a total of twenty-four. Fifteen others narrowly escaped death. The dogs at the Hospice of St. Bernard recovered three more bodies from the snow yesterday. Two more Trappist monks died last night of cold in a mountain monastery near Brenci, making a total of four. Thirty guides and villagers recovered six bodies of Italian smugglers yesterday from the summit.

Fifty Frozen to Death. Berlin, Jan. 9.—More than fifty persons were frozen to death in the provinces of East Prussia, West Prussia and Posen during the recent cold period, including two letter carriers, the driver of a post wagon, a policeman and fifteen fishermen.

FIELD DAY FOR PROSECUTION

Ruling Changed and Evidence Admitted that Defendant Had Blue Pasteboard Box.

EXPERTS TESTIFY AS TO ADDRESS UPON IT

Evidence from Two that It Was Written on Typewriter in Office Next to Koch's.

WHAT THE STATE HAS PROVED

Dr. Koch was in the vicinity of Dr. Gebhard's office not more than twenty minutes before the murder. A pocket handkerchief bearing the initials G. R. K. was found in the reception room of Gebhard's office.

Dr. Koch had a pencil similar to the one found near Gebhard's body. A man went up Gebhard's stairs just after Koch passed the printing office below, on the night of the murder.

Koch's father had a hammer similar to the one with which the dentist was killed, one witness swearing that it was the identical hammer.

Dr. Koch had injuries on his hand the day after the murder, and was seen in Alwin's drug store, helping himself to rubber fingers.

Dr. Koch received a box like the one in which the mysterious bottle of poison was mailed to Gebhard shortly after the murder.

The address on the box of poison was written on the Smith-Premier typewriter, kept in an insurance office, next door to Dr. Koch's office, between Oct. 1 and Nov. 7.

Dr. Gebhard received a box, presumed to contain poison, between Oct. 24 and 29.

WHAT THE DEFENSE HAS BROUGHT OUT BY CROSS-EXAMINATION

Dr. Koch had no blood stains on his clothing. The Koch hammer had a factory handle in August, 1904, while Dingley was in the office adjusting that of Dr. Koch from Aug. 10 to 1903.

New Ulm, Minn., Jan. 9.—After having been permitted by the court, in the face of strong objections, to introduce testimony to show that Dr. George R. Koch, on trial for murder in the first degree, mailed poison to Dr. L. A. Gebhard a week before the murder, General Childs took up that phase of the case when court opened this morning. Step by step he unfolded the testimony against Koch, and the defense fought for every inch of ground, when court adjourned for the noon recess the case looked dark for Dr. Koch.

By that time General Childs had shown that Dr. Koch had a box similar to the one which contained the poison, and that the typewriter with which the box was addressed to Dr. Gebhard was in an office adjoining that of Dr. Koch from Aug. 10 to Nov. 1. He also showed that this office was cut off from a certain public hallway by a partition which lacked three feet in height, the ceiling over which would be easy for a man to climb to get access to the machine.

Miss Elizabeth Maskam, mail clerk for the Parke-Davis company at Minneapolis, testified that she mailed Dr. Koch, on Oct. 7, such a box as that which contained the poison sent to Gebhard. The box at that time contained dentifrice.

G. W. Barnes, superintendent of agents of the Minnesota Mutual Fire Insurance company, with offices adjoining those of Dr. Koch, testified that he had a typewriter in his office from Aug. 10 to Nov. 7, and that the typewriter was a Smith-Premier typewriter experts from St. Paul, swore that the box of poison was addressed to Dr. Gebhard on this machine.

State's Case Strengthened. The state considers that it has won a signal victory by this testimony. For a time it looked as the Judge Webber might rule the evidence as to the poison, and had he done so, the state would have been compelled to rest the case with evidence scarcely sufficient to warrant sending the case to the jury. Now that the evidence as to the poison has been allowed, the case against Dr. Koch has been materially strengthened. The opportunity for mailing the poison has been firmly established.

The defendant's attorneys are inclined to make light of the identification of the typewriter, but a comparison of the address on the box of poison with a sample of the writing done on the machine shows that there can be no doubt that the testimony is correct. It does not take an expert on typewriters to see that the Smith-Premier machine in evidence is the one on which the label on the poison was addressed. The "cut" in the address and the same letters taken from a sample written by the machine are as alike as two peas from the same pod. It is doubtful if there is another machine in the state that could make these three letters in such a peculiar manner.

Of course, the question is, "Can the state prove that Dr. George R. Koch operated that machine when the poison was addressed?" If it can, the outlook is truly dark for the defendant. The afternoon and a part of tomorrow will undoubtedly be occupied in securing the poison testimony. It is likely that much will be done strengthening the testimony already introduced. So that it is safe to say the state will not rest its case before Wednesday evening, and perhaps not then.

Judge Changes His Ruling. Judge Webber this morning called attention to his ruling on Saturday afternoon, when he refused to allow Miss Elizabeth Maskam, employed by the Parke-Davis company of Minneapolis to consult the mailing book of the firm to refresh her memory. He quoted from a case in the Northwestern Reporter, which gives authority for allowing a witness to consult a memorandum, even Continued on 2d Page, 2d Column.



READY FOR THE ASTOR BALL

Of course there will be ten detectives present for the general protection of the guests, but why not take a little extra precaution on one's own account.