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THE MINNEAPOLIS JOURNAL.

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WEDNESDAY EVENING, JANUARY 18, 1905.

16 PAGES—FIVE O'CLOCK.

KOCH'S FATE RESTS WITH THE JURY OF TWELVE; NEW ULM MURDER TRIAL REACHES ITS CLIMAX

NEW MERGER GRIP ON NORTHWEST

Standard Oil, Peacemaker, Is Balance of Power in Gigantic Alliance.

HARMONY FOR GROUPS FORMERLY IN WARFARE

Decision of Northern Securities' Illegality Is Negotiated by New Agreement.

FACTS ABOUT NEW RAILROAD COMBINE

Table with 2 columns: Mileage controlled, States covered. Lists various railroads and their mileages, and states included in the combine.

New York, Jan. 18.—A final agreement has been reached...

No official announcement has been made of this arrangement...

There will not, however, be any obliteration of existing companies...

Combine to Prevent Competition.

To accomplish this end it has been decided to divide the properties among the interested companies...

Merger Plan Fulfilled.

These are identically the ends sought when the Northern Securities company was organized...

The feature of the combination which will affect the public in the territory reached by the roads included in the consolidation is a carefully perfected understanding...

The Roads Affected.

This new arrangement affects these railroads, each having and operating the mileage stated:

Chicago, Milwaukee & St. Paul, 7,054 miles; Chicago & North-Western, 9,074 miles; Chicago, Burlington & Quincy, 8,549 miles; the Great Northern, 6,103 miles; the Northern Pacific, 6,036 miles; the Union Pacific, with 6,092 miles, a total of 42,908 miles.

Brings in Standard Oil.

The commanding feature of this agreement is the arrangement with respect to the Rockefeller-Rogers-Standard Oil group and the part it is to play.

Now, exactly the opposite course is taken. Instead of eliminating this group, it is proposed that it shall continue and increase its importance by having the St. Paul acquire the Northern

SIGNS OF PEACE IN STEEL RAILS

Russia Buys Heavily—Government Officials See Prospect of Peace in Purchase.

RUSSIANS MAY GRAB ANOTHER OPEN PORT

Complaint of China's Violation of Neutrality Regarded as a Mere Pretext.

By W. W. Jermans.

Washington, Jan. 18.—Is Russia preparing to end her war with Japan? That is the question being asked in Washington today as a result of reliable information coming from men connected with the steel trust...

While it is not possible to verify the report absolutely, it is believed that the big James D. Hill steamships, sailing from Puget sound, are to carry these rails, and that the steamship Minnesota, now at Seattle, will have part of them in its cargo.

Government officials who have been following the war closely, hearing of this, have studied the maps showing the route of the Siberian railway, and have discovered that the 30,000 tons of steel rails will be just enough to close the gap in the second line to Vladivostok...

It is unlikely that a contract for these rails would be made by Russia, nor would any American vessel owner agree to transport them, and it is believed that the war is about to be brought to a close, and that the president of the United States may soon be requested by the Russian government to appoint a postmaster for this city.

Russia After Another Port.

The commercial phase is only one of the indications that the end of the war is in sight...

RUSSIA THREATENS AGAIN

Warns China Against Showing Favors to Japan.

New York Jan. 18.—Russia has notified China in the most peremptory manner that if China continues to show favor to Japan, Russia will march its forces into North China and Chinese Turkestan.

STRIKE TIES UP WARSHIPS

Twelve Thousand Men Go Out at Neva Shipyards.

St. Petersburg, Jan. 18.—Early this morning the employees of the Neva shipbuilding works divided upon it to support the strikers of the Putiloff and Franco-Russian works.

GO HOME REVOLUTIONISTS

Defenders of Fort Arthur Talk Bitterly of Government.

New York Jan. 18.—Conversation with Russian officers reveals great bitterness against Admiral Alexieff for his failure properly to fortify Port Arthur and "his cowardly flight" by the last train from the fortress.

They say the torpedo boat destroyers that escaped before the surrender carried all the regimental and naval colors to Chifu.

Large forces of military and police have been sent to the works affected by the strike.

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HEPBURN BILL OR EXTRA SESSION

Administration Measure for Rate Regulation Is Urged for Prompt Passage.

By W. W. Jermans.

Washington, Jan. 17.—It is probable that today or tomorrow the latest will bring to a conclusion the conferences between President Roosevelt and Chairman Hepburn of the house committee on interstate and foreign commerce, regarding the bill which Colonel Hepburn is drafting for the better regulation of the railways of the country.

Should the senate fail to act at this session, the president will call a special session of the fifty-ninth congress next fall, and send it a message in which he will probably advocate legislation of much more radical character than he is now willing to accept, for he hopes for prompt action.

ST. CLOUD KICKS ON MR. MARTIN

President Wired to Suspend Action Until Citizens Can Be Heard.

Special to The Journal.

St. Cloud, Minn., Jan. 18.—There is a big kick here at the result of the announcement of the appointment of James A. Martin as postmaster to succeed Harvey Wire, asked to resign.

After Representative Hepburn had made a rough draft of his bill, he took it to the president, who, with the attorney general, looked it over, and pointed out several of its provisions which he said he could not endorse.

President's Objections.

The president's objections were not directed against the general outline of the bill, but against several of its less important provisions.

MIRSKY GAINS POINT; MAY STAY IN OFFICE

St. Petersburg, Jan. 18.—Interior Minister Sviatopolk-Mirsky has achieved a signal victory in the committee of ministers.

Clear whether this court of appeals can constitutionally be clothed with the power of modifying a rate established by the commission.

Continued on 5th Page, 3d Column.

MASTERLY PLEA TO SAVE DR. KOCH

Mr. Brown for the Defense Contends That the State's Case Is Based on Theories and Is Unreasonable.

From a Staff Correspondent.

New Ulm, Minn., Jan. 18.—The fate of Dr. George E. Koch now rests with the jury of twelve men, who have been listening for two weeks to the evidence and the arguments and striving to make up their minds whether this boyish young doctor, so inoffensive in face, voice and manner, could possibly be the ruthless fiend who struck down Dr. L. A. Gebhard in his office on the night of Nov. 1.

The last word was said to the twelve late this afternoon when Judge Webber finished his half-hour-long charge, in which he elucidated the laws of evidence and of a reasonable doubt and made clear such other points as it is incumbent for a judge to make clear in charging a jury.

It was a trying moment for all concerned when the jury filed out in charge of a bailiff. The strain of the long trial has told on everyone and it grew still more tense with the thought that the end was now at hand.

The defense is confident of acquittal. Lawyers and defendant alike smiled happily in anticipation of this event. They could not see where the jurors could hesitate long in clearing the accused. The state professed to feel sure of conviction, but disagreement is probably the best General Childs and his aids expect.

BROWN'S ADDRESS A MASTERPIECE.

In a powerful address in which he attacked every point of the state's case, L. L. Brown of the counsel for the defense in the trial of Dr. George E. Koch, summed up the case to the jury. Mr. Brown said that the state's case had been built backwards. First, there was suspicion; then theories; then the evidence was secured to substantiate the theories.

Mr. Brown's address was a masterpiece. He dealt with the various points of the case in a clear and precise manner. Everything was taken up in its just order and was handled logically. He commanded the closest attention, not only from the jury, but from the crowd that thronged the courtroom.

When court adjourned at noon Mr. Brown had completed his argument, except that he had not dealt with the alibi.

BROWN REVIEWS EVIDENCE

Attorney for Defense Had Not Finished Argument at Noon.

From a Staff Correspondent.

New Ulm, Minn., Jan. 18.—L. L. Brown, attorney for the defense, continued his address when the court adjourned this morning. The room was filled with citizens. At the outset Mr. Brown continued his attack upon the testimony of Ole Ulen. He pointed out the difference between the two statements of the prosecution in regard to what Dr. Koch told Ulen about Gebhard.

Working in eight-hour shifts, the men have kept up a constant struggle and will continue to do so until the ice is melted in Lake Michigan to protect the Chicago water supply.

Continued on 5th Page, 3d Column.

BOLT AS DEFEAT OF NIEDRINGHAUS

Missourian Who Won on Separate Ballots Fails to Gain Toga.

Jefferson City, Mo., Jan. 18.—Representatives Bittinger, Branch, Cook, Elliott, Grace and Koch today bolted the republican caucus nominee, Thomas E. Niedringhaus, for United States senator to succeed Francis M. Cockrell, when the first ballot of the house members was taken in joint session, resulting in no election.

It is reported that the name of Major William Warner of Kansas City will be presented as a compromise candidate. It will be impossible for Niedringhaus in the judgment of well-posted politicians, to rally the Kerens men to his aid, and as the democrats are solidly organized, there seems to be absolutely no consolation for him in the situation as it now stands.

When the result was announced the Kerens men became jubilant and shook hands enthusiastically with one another.

On the second ballot Niedringhaus received 85, Cockrell 83, Kerens 7 and Pettijohn 1, a loss of 2 for Niedringhaus.

After the second ballot the joint session adjourned until tomorrow, when, under the law, the balloting will be resumed at noon.

ICEFIELDS THREATEN CHICAGO WATER SUPPLY

Chicago, Jan. 18.—Thirty men and two tugs have waged a struggle against wind and ice for forty-eight hours at the wharves in Lake Michigan to protect the Chicago water supply.

Working in eight-hour shifts, the men have kept up a constant struggle and will continue to do so until the ice is melted in Lake Michigan to protect the Chicago water supply.

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THE RUSSIAN COAT OF ARMS. As presented by two opposing elements.

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Continued on 5th Page, 3d Column.

They say that they can identify the handwriting of one machine among 300,000. Now this typewriting testimony is all bosh. Two experts have told you there are only two ways to identify typewriting—on by a clipped or a defective type and by a letter being off its feet.

Then this typewriter has a different roller than the one that was sent back to the St. Paul office. This has a new roller, one that has not been used. The ribbon is of a different color. And there was a pencil after the murder that which is said to be in Koch's handwriting. You have heard expert testimony on this matter, and you will have seen the handwriting and the bottle in the jury room and you can compare them.

Doubt Cast on Initials.

Now we have come to the matter of the handkerchief. It bears the initials, they say, of 'G. E. K.' by a man you say that the letters are not 'G. R. R.'? You can compare it with these. You will find that the marks do not compare with those of these handkerchiefs. The texture is different and the mark is different.

The state says that the lead pencil is that of Dr. Koch. Dr. Koch has the pencil now. He might have denied that he carried the pencil away from Hoidal & Somsen's office. If anybody furnished him with a pencil after the murder that man is an accomplice after the fact. Where the pencil came from we don't know. It may have fallen from the assassin's pocket and yet Dr. Koch be not guilty.

Not Manufacturing Evidence.

And now I want to talk to you about that hammer. They say that it is old man Koch's hammer. Why, there is a hammer like that in every junk pile in Minnesota. If you want to manufacture evidence we could have brought a hammer into court and identified it as Mr. Koch's hammer. But we are not criminals, lawyers and we are not defending criminals.

Then Dingler comes in and swears that it is old man Koch's hammer. He saw it over a year ago. What man of you can swear a year from now that this is the hammer that was used in this trial? When we went to impeach Dingler we brought in his own associates. You saw what they were. He is a card from the deck, and shows you the rest of the pack, and he looked like a dirty deuce. Then we brought in Captain Steinhauser, who swore that Dingler's reputation for truth was bad.

Testimony Should Be Discarded.

Mr. Brown then took up the testimony of Dr. G. F. Reinecke, who swore at the coroner's inquest that the hammer belonged to Gebhard, and in this trial as not belonging to Gebhard. He said the least the jury can do is to throw the testimony out of all consideration.

The injuries to Dr. Koch's hands were dwelt upon at great length by Mr. Brown, who pointed out the contradictory statements of witnesses. The clothing that Dr. Koch wore on the night of Nov. 1 was also discussed.

State's Case Boiled Down.

Now, gentlemen, I have talked to you about the state's case alone. What is there left of it? There is the motive, based only upon the statement of Ole Ulen. There is the poison theory, which is based upon Dr. Strickler's own story. There is the typewriting testimony, not properly identified. The handwriting, not properly identified. This is the ownership of the hammer, based upon Dingler's story alone. We have shown you what he is.

Then there is the lead pencil, whose ownership has not been proved. We have shown you Dr. Koch's pencil. There are the handkerchiefs. You can compare them for yourselves, and there is the burning of the hands, purely accidental. We have shown you what he is.