IS BEATEN BACK

Russian Attack Ends in Disaster.

BATTLE IN BLIZZARD

Terrible Sufferings of Soldiers in Snow.

VICTORY OF NOCI'S MEN

Japanese Now Move to Cut Off desire to prevent a clash during the Russian Left.

WHY KUROPATKIN FOUGHT

Bellef in Japan That He Was Ordere to Win at Any Cost_Both Sides Loss Heavily-The Detalls.

SPECIAL CABLE.

TOKIO, Jan. 31 .- The troops which twice captured Port Arthur, once from the Chinese and then again from the have administered a defeat to General Kuropatkin's army from which it cannot possibly recover during the Winter. Field Marshal Ovame has sent a disputch to imperial headguarters indicating that the conquer-ors of Port Arthur were sent by him guns, supplies and the wounded. quarters indicating that the conquer to meet the enemy in the bloody battle just decided, owing to their long practice under arms and their tried ability to withstand the hardships of the

Every disputch received from the front train of Witter horrors such as contend with, Many inches of snow cover the country as far as the eye can see. The ridges are snow-filled. Avalanche upon avalanche has tumbled trenches, inflicting untold suffering upon the soldiers therein. More men have been incapacitated by the ravages of the cold than by Russian bullets, and it is no uncommon bitten and the driving snow piling up over them like a living grave. From the first moment of the struggle to the hour when the last telegram w storm has been howling over the

Winter Counted as Russia's Ally, The descriptions received here make

ropatkin should have decided to begin advance movement in Soubtless figured that his men more impervious terrible cold and lashing wind than the Japaness. He was correct, inperves which were sent out to meet the attack suffered most and went against of the enemy's guns. At times the movements of the regiments were so slow that they seemed to be rooted in ments on their flanks, reaches a point the snow, only swaying slightly for- where that side falling behind will slowly that they seemed to be rooted in

Pield Marshal Oyama's dispatches have convinced the military authorities here that he was by no means is deserted by soldiers. The anxious to engage in the battle and, in south of Lino Yang is strongly hear, permitted the Russians to take fact, permitted the Russians to take several positions in his vicinity to save the troops from the unspeakable strain of fighting in the storm. But the Russian advance was made with such and determination by large of troops occupying miles of ground that Oyama finally decided to

Greater Feat Than Nogi's.

army, both his regulars and his re-Among them were thousands of veterhaving done service in Manchuria in linter, were able to make progress and not their arms where less reasoned troops would have been para-The victory gained over Russian right army is considered here even a greater feat than was the capture of Port Arthur, for, while the battle raged there were no trenches to seek protection in and every abot of the enemy was made more deadly by sen the news from the front that Field Marshal Oyama is now following up his advantage with relentless energy

has been received with amazement, May Cut Off Russian Left.

General Oku telegraphs that he is engaged in executing an enveloping movement around the Russian forces. which, by occupying the neighborhood

to the right shore, where Field Mar-ahal Oyama intends to make his vic-tory complete by driving the Russians out of their camps and Winter quarters and forcing them towards Mukden and then to the westward.

Imperial military headquarters have so far failed to receive advices of the number of casualties. Those who fell wounded are, it is feared, doomed to death through exposure, as the hospi-tal corps are not able to work prompt-ly and with dispatch in the blizzard. Conservative estimates received from correspondents at the front by Japan ese newspapers place our losses at 5000 killed and wounded at least, but all agree that the Russian casualties were NATION twice as beavy.

Ordered to Win at Any Cost.

This fact leads the authorities here to believe that General Kuropatkin was under orders to win the battle, no matter what the cost, and that he began his movement with a disregard of human life even more appalling than that which characterized the Jape attack upon Port Arthur. It is pointed out that, if Kuropatkin acted under special instructions, he has been sent to defeat for the third time by those who desire to wipe out every setback at home and on sea by compelling a victory in Manchuria. The Russian commander, it is believed here, would not of his own chose have sent his men into battle at this time. Every indication but a week ago pointed to his

HE BLAMES THE WEATHER.

Kuropatkin's Explanation of Failure of His Attack.

ST. PETERSBURG, Jan. 30 (11:50 P. M.) General Kuropatkin's attempt to break through the Japanese left wing and outflank Field Marshal Ovama's position on the Shakhe River seems to have failed entirely. Few details, however, are available beyond the information contained in the official dispatches. Field Marshal Oyams, as at the battle of Shakhe River, appears to have answered the Russian advance with a counter-offensive movement, but no great disposition was shown to carry the warfare into the territory held by the Russians

At the War Office there is an inclination to lay the chief blame for the failure of the movement on a sudden change of the weather to intense cold (20 degrees below zero), with a high wind, which drifted the gnow and rendered it hazardous to expose the troops to camping in the open plain

The operation intrusted to the second army, under General Grippenberg, the capture of Sandepas proved too hard a nut to crack, and the Japanese, taking adnwful Manchurian Winter, The result vantage of the check of the Russians, hurof the struggle so far has proved the ried up their reinforcements and assumed the offensive on the Hun Aiver, as well as along the rallroad and the Great Manof true of Witter horrors such as deris and. The Streeton however, apother thitting army ever had to pear o have been completely successful on the defensive, repulsing aft the Jap-anese attacks. Under the circumstances General Grippenberg decided not to press the attempt to storm Sandepas, which is situated in a flat country and therefore more difficult to take by assault than a position in a hilly country.

Owing to the flat trajectory and the enormous penetration of modern projectiles, the capture of the outer-line trenches on Thursday entailed heavy casualties. ess soldiers prostrate in the deep snow, on Thursday entailed heavy casualties, unable to move, benumbed with the There is no official estimate of the losses, both sides were killed or wounded.

The news of this defeat, coming at this time, is especially hard for the Govern ment. The popular idea continues to be that the advance was undertaken in order to divert the attention of the people from events in European Russis.

JAPANESE MAY NOW ADVANCE

Every Available Man Pushed to th Front, as Russians Found.

MUKDEN, Jan. 22, via Tien Tsin, Jan. 20.—Official reports published in the army newspaper show that the entire cast was undisturbed except by small scouting affrays during the fighting at Holantai and Plechlachungtau (Heikoutal and Chen-chiehpao). The army is now working under the new organization, and entirely new orders throughout, these even at fecting the newspaper corresponden

The creation of increased fortifications in the center by both armies, resulting in both sides heaping their reinforcebe forced to precipitate a battle. The present state of affairs is apparently due to the clear, cold weather. The Japan-ese have advanced every available man to the front. It is reported that Liso Yang is deserted by soldiers. The railroad sucks report are unapproachable on ac count of the armament of the forme Russian defenses and the supplementary

Japanese works. In addition to Japanese works.

In addition to Holantal and Fiechlachaungizu, three other villages, not important, were occupied by the Russians. two of which have already been relin

of the Japanese strength opposite Russian offensive movement, and as A large portion of General Nogia Japanese appear disposed to show their emy, both his regulars and his re-erves, were placed in the vanguard, mong them were thousands of veter-of defenses, if not in a Japanese ag-

The final reports give the losses at Ho lantal and Fiechlachaungtzu as less tha The Russians appear to have satisfied themselves of the strength of the Jap-

ADVANCE IS ABANDONED.

Russian Plan Failed and Only Result Is Serious Losses.

ST. PETERSBURG, Jan. 30 (8:20 P. M.)

Grippenberg has notified the Emperor he has discontinued the offensive.

General Mistchenko and General Kondratvitch, while not seriously injured, have been obliged to relinquish their commands. The War Office gives no estimate of the Russian losses, but they are believed to be heavy.

Revolutionists Are Driven Out. of Pokormi, are protecting the Russian left. If he succeeds, he will have separated the Russian left army from the center, placing it at the mercy of the Japanese now crossing the Hun River

President's Policy on Commerce Laws.

MUST CONTROL

If Constitution Does Not Allow This, Change It.

BEST THING FOR RAILROADS

Policy of Administration on Control of Corporations and Ralicoads is Clearly Defined in Speech to the Union League.

PHILADELPHIA, Jan. 30.-President Roosevelt was the guest of honor and principal speaker tonight at the 42d League. The President came to this city over the Pennsylvania road from Annapolis, where he attended the exercises this afternoon incident to the graduation of the senior class of cadets. An immense throng greeted Mr. Rosevelt at the railroad station, and he received an ovation on his way to the Union League. At the clubhouse he passed through two lines of cheering members to the reception-room where from 6:15 to 7 o'clock he stood and shook hands with several hundred nt citizens. The first troop, Philadelphia City Cavalry, acted as the President's escort while he remained in When President Roosevelt arose to make his address he was greeted with long-continued applause. Then the enthusiastic assembly stood and sang "The Star-Spangled Banner." mpanied by the First Regiment Band, N. G. P.

said: This club was founded to uphold the hands of Abraham Lincoln when he stood as the great leader in the struggle for Union appeal to this club for aid in every gov eramental or social effort made along the lines marked out by Lincoln. The great Pres-ident taught mindy lessons which we who come after him should learn. Among the most impletant of these was the Sessio that for weal or for woe we are indiscolubly bound together, in whatever part of the country we five, whatever our social standing, whatever our wealth or our poverty, whatever form of mental or physical activfty our life work may assume. Lincoln, who was, more emphatically than any other President we have ever had, the Presiden of the plain people, was yet as far removed as Washington himself from the alightest taint of demagogy. With his usual farsighted clearness of vision he saw that in a upon the prosperity of all; and that on the other hand any effort to raise the general level of happiness by striking at the well-be ing of a portion of the people could not but

Right Principles Essential, The principles which Lincoln applied to the solution of the problems of his day are those which we must apply if we expect sucressfully to solve the different problems of or own day—problems which are so large-industrial. Exactly as it is impossible to

develop a high morality unless we have as a foundation those qualities which give at least a certain minimum of material prosperity, so it is impossible permanently to ing. In the last analysis, of course, the average citizen. If there is not this condition of individual character in the average citizenship of the country, all effort to supply its place by the wisest legislation and ad acter, then wise laws and the honest administration of the laws can do much to supplement it. If either the business world or the world of labor losse its head, then it has lost something which can not be made

in the future of the Republic is firm, be-cause we believe that on the whole and in the long run our people think clearly and not

Enquestionably, however, the great dethere must be an increase in the supervision exercised by the Government over business enterprises. This supervision should not take the form of violent and ill-advised interference; and assuredly there is danger less it take such form if the business leaders of the business community confine them-selves to trying to theart the effort at regu-lation instead of guiding it aright. Such men as the members of this club should lead in the effort to secure proper supervision and regulation of corporate activity by the Government, not only because it is for the Government, but only because it is for the interest of the community as a whole that there should be this supervision and regula-

tion, but because in the long run it will be

eltion is first made. proposition is first made.

Neither this people nor any other free
people will permanently tolerate the use of
the vast power conferred by vast wealth. and especially by each in its corporate form, wherein loging fomewhere in the Ocyanations the atill higher power of seeing that this power, in addition to being used in the interest of the individual or individual. als possessing it, is also used for and no against the interests of the people as a whole. Our peculiar form of government, a Government in which the Nation is supreme throughout the Union in certain respects, while each of nearly a hundred states is su-preme in its part of the Union in certain other respects, renders the task of dealing with these conditions especially difficult. No finally satisfactory result can be expected from merely state action. The action must come through the Federal Government. The

Should Amend Constitution

business of the country is now carried on in a way of which the founders of our Con-stitution could by no possibility have had

All great business concerns are engaged in interstate commerce, and it was beyond question the intention of the founders of all its branches and aspects should be under National and not state control. If the courts decide that this intention was not carried out and made effective in the Constitution as it now stands, then in the end the Con-stitution, if not construed differently, will have to be amended so that the original undoubted intention may be made effective. But, of course, a Constitutional amendment But, of course, a Constitutional amendment is only to be used as a last resort, if every effort of legislation and administration shall have been proved inadequate.

Meanwhile the men in public life and th men who direct the great business interests of the country should work not in antagonism but in harmony toward this gives end. In entering a field where the progress must of necessity be so largely experiment it is essential that the effort to make prog reas should be tentative and cautious. W There must be no hurry, but there must als be no halt; and those who are anxious that there should be no sudden and violent changes must remember that precisely these sudden and violent changes will be rendered likely if we refuse to make the needed changes in cautious and moderate mann-

Must Begulate Richt ads. At the present moment the greatest need is for an increase to the power of the National Government to seen the great fighters of commerce upon aithe to all on reasonable and equitable terms. Asso than a century ago these highways were still, as they had been since the dawn of history, either waterways matural or stitled or either waterways, natural or artificial, o else ordinary roads for wheel vehicles drawn by animal power. The railroad, which was utterly unknown when our Government was formed and when the great principles of our come almost everywhere the most important, and, in many large regions, the only form of highway for commerce. The man

control it in his own interest alone It is not only just but it is in the interest of the public that this man should receive the amplest payment for the masterful business capacity white enables him to benefit himself while benefiting the public; but in return he must himself recognize his duty to the public. He will not and cannot do this if our laws are so defective that in the sharp competition of the busi lows. It is in the interest of the conscientious and public-spirited railway man that there should be such governmental supervision of the rallway traffic of the country as to require from his less scrupulous com-petitors, and from unscrupulous big ship pers as well, that heed to the public welsmall shipper. Every important railroad is engaged in interstate commerce. Therefor this control over the railroads must com through the National Government.

Character of Control, The control must be exercised by som governmental tribunal, and it must be real and effective. Doubtless there will be risk

that occasionally, if an unfit President is elected, this control will be alruned; but this is only another way of saying that (Concluded on Page 4.)

SALIENT POINTS OF THE PRESIDENT'S SPEECH

It is impossible permanently to keep material prosperity unless there is back of it a basis of right living and right thinking.

Neither this nor any other free people will permanently tolerate the use of the vast power conferred by vast wealth, especially in its corporate form, without lodging somewhere in the Government the still higher power of seeing that this power, in addition to being used in the interest of the individuals possessing it, is also used for and not against the interests of the people as a whole.

All great business concerns are engaged in interstate commerce. and it was the intention of the founders of our Government that interstate commerce in all its branches and aspects should be under National and not state control. If the courts decide that this intention was not carried out in the Constitution, then the Constitution, if not construed differently, will have to be amended.

The greatest need is for an increase in the power of the National Government to keep the great highways of commerce open alike to all on reasonable and equitable terms.

There must be lodged in some tribunal the power over rates, and especially over rebates, secured in any manner, which will protect alike the railroad and the shipper, and put the big shipper and the little shipper on an equal footing.

We are striving to see that the man of small means has exactly as good a chance, so far as we can obtain it for him, as the man of larger means; that there shall be equality of opportunity for the one

Ours is not a Government which recognizes classes. It is based on the recognition of the individual.

Battle Rages in Streets of Warsaw.

DRUNKEN SOLDIERS KILL

in the interest above all of the very people who often betray alarm and anger when the Strikers Raise Red Flag and Open Attack on Troops.

NO RESPECT FOR AGE OR SEX

Day and Night of Slaughter in Poland's Ancient Capital-Over 1000 Are Killed and Wounded-Jewish Quarter Attacked.

MANY DROWNED AT BIGA.

BERLIN, Jan. 31.-The Vocatche Zeitung's Riga letter says the official re-port of the number killed and wounded in the riots there is far below the actual number, since it only included those de-livered at the hospitals, while unknown numbers lost their lives by drowning.

When the soldiers fired on the crowd many rushed down the rocky shore to escape across the river on the lor, which broke under them. A snowsto temperature sinking, which caused the river to freeze over again, and in con-sequence no bodies have been recovered. ******************

SPECIAL CABLE.

WARSAW, Jan. 21 (1:30 A. M.)-Another day and half a night of horrors have passed. As this dispatch is sent, the city is ruled by savage mobs and more savage oldiers. Both are intent upon killing. No official statements are obtainable at this hour, but when the cost in human lives comes to be counted there will be found dead by the hundreds-men, women and children

Every principal street has been turned into a Sattlefield. It is impossible to record, the events of the past 34 hours in chromogles; order, for many conflicts occurred at the same time in sections of the city widely distant from each other. Throughout the day and night the fighting the streets continued unabated.

Everybody-young and old, men, wom and children-was attacked by the soldiers and ruthisssly mowed down. One soldier aimed a saber blow at a woman. In selfdefense she drew a revolver and fired a shot which went wild. A second later a volley was directed at her, and she fell dead, her body riddled by a score of bullets. This is but one of a hundred in-

For the most part the soldiers who rode nd tramped through the streets during the late afternoon of Monday were drunk. They seemed to take particular delight in attacking harmless persons. They killed for the mere sake of killing.

Every hour brings new reports of acts of almost inconcelvable brutality committed by individual soldiers, One drunken Cossack killed two children before his comrades could deprive him of his carbine. As the night wore on, the strikers grew bolder. The red fing was raised over everal houses and large bodies of men made open attacks upon the military. directed at passing soldiers from windows in various streets.

The riots begin to assume an anti-Jewish character. The streets in which many Jews keep shops are especially marked for plunder. The Woladiska, inhabited almost exclusively by Jews, is reported to be the worst for rioting in the city.

At 3 o'clock Tuesday morning a ment was issued by the Chief of Police, placing the number of casualties in this city during the riots so far at 1000. It is believed that this estimate is very conervative, as it includes only those killed and wounded reported to the authorities.

STORY OF THE FIGHTING.

Strikers Shoot and Stab Soldiers-Hunger Makes Mob Desperate.

LONDON, Jan. 31.-The corresponder at Warsaw of the Daily Mail telegraphs as follows:

"The street-railway service here has been partly resumed, with soldiers riding before and behind most of the cars. Some cabe are running. Street fighting contin-ues, and the mob is growing in a danger-ous fashion. There have been frequent collisions between the people and soldiers. Revolutionists attacked the troops with revolvers and knives.

The principal disturbances today occurred in Noviswiat street, a leading business thoroughfare. At II o'clock Sun-day night a regiment of infantry marched to this thoroughfare from Smolna street, when somebody fired on them, where quare and fire from four sides.

"Any criticism of the troops must

ualified by the fact that they are fight ing under trying conditions, being consignifications and the state of soldier killed two children before his com-

There have been many and cases of wholly innocent people shot accidentally as they turned street corners. There are rumore that hundreds have been killed in fighting in the suburbs: but I have persmally investigated every such report and small deathroll. 'Fighting was renewed this morning,

copie firing from their houses on the roops in Neveswist street.
"I cannot find a single shop unharmed

All have been plundered, and most of them have been burned. Jewish shops have been the special mark for plunder. "In the Wola district, which is reputed to be the most riotous, I found re much exaggerated, but the district is held by an enormous body of troops, and has the appearance of an army headquarters. A mob of desperate and hungry women tried to thrust soldiers' bayonets aside to get at a bakery. The guard proved goodnatured and avoided hurting the women. I am accustomed to the scene of misery, but the haggard, starving wretchedness of these women will baunt me to my dying day.

"The troops and people had a little pitched battle here, before military rule was established. Even now the slightest weakening of the military would resul in an immediate recrudescence of violence. Many rioters who have been ar-rested were found to be armed with long knives and a uniform kind of revolver, confirming reports that the revolutionary party some time ago succeeded in smug-gling thousands of revolvers.

"The situation on the whole has not im proved. The rioters avoid open conflict but selze every opportunity to kill the troops. Many people are afraid to venture into the streets, but young women of the the worst disturbances, merely for the love of excitement. Food is almost un procurable, and bread is at famine prices The ambulances are busy day and night. "God help Warsaw!"

BOMB CAMPAIGN BEGINS.

One for Russian Diplomat, Another Thrown at Paris Police.

PARIS, Jan. 20.-The police early today discovered a supposed bomb with a tube attached, containing a lighted fuse, in front of the house of Prince Troubetskey, an attache of the Russian Embassy here The policeman extinguished the fuse and informed the authorities, who are investigating the affair.

The bomb was bottle shaped and of small dimensions. It was filled with a green powder. There were two tubes in the center, one of metal and the other of glass, containing acid. Owing to faulty construction, the acid could not have mixed with the powder, and, as it is, the bomb could not have down damage. A meeting was held this evening in the

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Court Condemns Beef Trust.

IT VIOLATES THE LAW

Federal Supreme Court Unanimous on Case.

JUSTICE HOLMES' OPINION

Operations of Packers Are In- . terstate Commerce

AND THEY RESTRAIN TRADE

Government Wins Suit on Every Point Court Only Suggesting Slight Changes in Injunction -Attorney-General's View.

WASHINGTON, Jan. M.-The Supreme Court of the United States today decided the United States vs. Swift & Co., known as the beef trust case, charging conspiracy among the packers to fix prices on fresh meats and like products. The opinion was handed down by Justice Holmes and affirmed the decisi court below, which was against the pack-

In his opinion, Justice Holmes discussed at length the various contentions of the packers, and disposed of them individual-ly. He admitted that some of the harges were less specific than destrable, but said this was necessarily true on acount of the vast extent of the field coyred. He added that sufficient evidence but been shown to store continues a fenses and an offense of such a name as to justify the proceeding. The opinion continues the bijunction granted against the packers under the Sherman anti-trust law by the lower courts out suggests tain modifications. The opinion was con-

What the Charges Were. Summarizing the bill, Justice Holmes

"It charges a combination of a dominant proportion of the dealers in fresh meat throughout the United States not to bid against each other in the livestock marprices for a few days in order to induce the cattlemen to send their stock to the ments of meat when necessary; to estab-lish a uniform rule of credit to dealers and to keep a black list; to make uniform and to keep a black list; to make uniform and improper charges for cartage, and finally, to get less than lawful rates from the railroads to the exclusion of co

Referring to the allegation of lack of ontinuity in the charges, he said: "Whatever may be thought concerning the proper construction of the statute, a bill in equity is not to be read and con-strued as an indictment would have been strued as an indictment would have been read and construed 100 years ago, but it is to be taken to mean what it fairly conveys to a dispussionate reader by a fairly exact use of English speech. Thus read, the bill seems to us intended to allege successive elements of a single connected scheme."

He disposed of the charge of "multifa-

in the following

Law Applies to the Trust. Domestic.

The scherue as a whole seems to us to be within reach of the law. The constitu-Hoch, the Chicago Bluebeard, captured. Page J.

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Advances in barier and wheat at San Francisco. Page 15.

Contraband cargo here awaiting atsumer. plan. The plan may make the parts unlawful. Intent is almost essential to such a convention, and is essential to such an attempt. Where acts are not sufficient an attempt. Where acts are not sufficient in themselves to produce a result which the law seeks to prevent-for instance, the monopoly—but require further acts in addition to the mere forces of nature to, bring that result to pass, smilntent to bring to pass is necessary in order to produce a dangerous probability that it will happen.

Trust Attempts Monopoly. The combination alleged embraces re-straint and monopoly of trade within a single state, although its effect upon commerce among the states is not arci-dust, secondary, remote or merely prob-

Speaking further on the question of interference with interstate commerce. Justo restrain the compelition of the as