

DECISION ON MERGER  
Court Holds That It Violates  
Anti-Trust Law.

THE OPINION IS UNANIMOUS

Government Wins on Every Point  
and Northern Securities Company  
Is Forbidden to Vote or Acquire  
Stock of Merged Roads.

ST. PAUL, April 9.—Following is the text of the decision of the United States Circuit Court of Appeals in the Northern Securities case.

"This is a bill exhibited by the United States to restrain the violation of an act of Congress, approved July 2, 1890, entitled, 'An act to protect trade and commerce against unlawful restraints and monopolies,' which is commonly termed the Sherman anti-trust act.

"From admissions made by the pleading, as well as from much oral testimony, we reach the following conclusions as respects matters of fact:

"Two of the defendants, namely, the Northern Pacific Railway Company and the Great Northern Company, are the owners respectively of the railroad which extends from the cities of Duluth, St. Paul and Minneapolis, in the State of Minnesota, thence across the continent to Puget Sound. These roads are and in public estimation ever have been regarded as parallel and competing lines. For some years, at least, after they were built they competed with each other actively for transcontinental and interstate traffic.

"Taking the foregoing propositions for granted, because they have been decided by a court whose authority is controlling, it is almost too plain for argument that the defendant is in violation of the anti-trust act if he had done through the agency of natural persons what they have accomplished through an artificial corporation.

"Under the provisions of the act, the power to establish unreasonable rates and directly restrain commerce by placing obstacles in the way of free and unrestricted competition between carriers are natural rivals for patronage; and finally, that Congress has the power under the grant of authority contained in the act to regulate commerce between the States by prohibiting any contract or combination which shall restrain interstate commerce or trade by putting off the operation of the general law of competition.

"Again, it is urged, tentatively, that if the existing combination, which the Government seeks to restrain, is not in violation of the anti-trust act and unlawful, then the act unduly restricts the right of the individual to make contracts, buy and sell property and is invalid procedendo. With reference to this contention, it might be suggested (as it has been by the Government) that so the status of the stock which the Securities Company holds in the States of Wisconsin and Minnesota, which respectively chartered the Northern Pacific and the Great Northern Companies, and the stock owns its being to the laws of those States, the State has forbidden the consolidation of competing and parallel lines of railroad therein and has likewise prohibited any consolidation of the franchises of such roads. The contention last mentioned is entitled to little consideration in the case at bar.

"Under this grant of power to Congress (the power to regulate commerce between the several States and with foreign nations), that body, in our judgment, may enact laws which shall declare void and prohibit the performance of any contract between individuals or corporations where the natural and direct effect of such contract is to restrain trade, to directly, and not as a mere incident to other and innocent purposes, regulate to any substantial extent, interstate commerce.

of the power in question, say that neither natural nor artificial persons can combine or conspire in any form whatever to restrain or control interstate commerce or trade.

"It is argued, however, that such a combination of interests as was formed and has been operating since the act was passed and not prohibited by the anti-trust act because such restraint upon interstate trade or commerce, if any, as it imposes, is indirect, collateral and remote, and that the combination is not one of that character which the Congress of the United States can lawfully forbid. It is pertinent, therefore, to inquire in what way the existing combination, that has been informed does affect interstate commerce. It affects it, we think, by giving to a single corporate entity or, more accurately, to a few men acting in concert, the power to control all the means of transportation that are owned by two competing and parallel railroads engaged in interstate commerce, and in other ways to dictate very important acts which the two companies may do; to compel them to act in harmony, in establishing interstate rates for the carriage of freight and passengers, and generally to prescribe the policy which they shall pursue. It matters not, we think, through how many hands the power is exercised, whether it is accomplished through what channels; the power was not only acquired by the combination, but it is effectually exercised, and it operates directly on interstate commerce notwithstanding the manner of its exercise, by controlling the means of transportation, to-wit: the cars, engines and railroads by which persons and commodities are carried, and by fixing the price to be charged for such carriage.

"The decision today is a blow to railroad enterprise, I should say that the reverse is the case. Capital all over the country is anxious to know its rights in the matter of railroad construction and operation. Railroad men want to know where they stand.

"The decision today is just one step closer to a decision from the United States Supreme Court, which shall be final for even if the Securities Company had won today the Government would probably have appealed. The question was of such importance that an appeal was assured, no matter who won. These facts are certain. Both railroads held by the Northern Securities Company still exist and are doing a good business.

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SINK THE RACE ISSUE

WATSON APPEALS TO NORTH  
TO END CONFLICT.

Says Agitation About Political Rights  
Has Injured Negroes—Leave Set-  
tlement to Evolution.

CHICAGO, April 9.—The annual banquet of the Hamilton Club, which is held each year on the anniversary of the surrender at Appomattox, took place tonight in the Auditorium Hotel. A large number of local guests were present and others came from distant points.

Mr. Watson, in responding to the toast, "Peace Between the Sections," referred to the "dual responsibility of the North and South for African slavery and the War of Secession," and to the "negro question," which he said is "a racial problem to be solved by the process of evolution, not by political agitation. He said:

"I appeal to you as Republicans, and through you appeal to the Republicans of the United States, to have done with the concept that, unless you continue him as an issue, politics, in the future, will be done him. In the bettering of his condition and in the acquisition of property he has made wondrous progress the last five and thirty years; and relatively great progress in the last ten years than in the North. He could not have done this without the sympathy and co-operation of the Southern whites. He has made little progress in the art of government since the North or South, because of the agitation which has kept him in a state of perpetual excitement, with no helpful public opinion to moderate it, and has further to press articles of political exigency, always selfish and, with respect to him, more or less visionary and heedless.

"The negro can never become an integral and recognized part of the body politic except through the force of evolution, which are undoubtedly at work, but which in the nature of the case must needs proceed exceedingly slow. Where there is one negro fit for citizenship, there are millions of negroes wholly unfit. The hot-house process has been tried and it has failed. It is invested with every right enjoyed by the white, the blacks, gaining in all things else, have brought corruption into the suffrage and discredit upon themselves. It is not a kind of madness to press articles of political exigency, however justified theoretically from educational outlooks in Michigan, Iowa and Wisconsin, fall helpless to the ground when practical application is made to the Southern toilers in the cotton fields and corn lands of Alabama, Georgia and South Carolina. I appeal to you equally in what I conceive the true interest of the black people along with the white people of the South; nay, and of the North as well, for all our interests are indissolubly interchangeable and that, can never be good or bad for one section, which is good or bad for the other section.

"Modern invention, which has already annihilated time and space, is surely causing sectional lines. It ought not to be so much as a remedy for sectional strife. If that dread spirit should come again its evil wind will not blow between the North and the South, but between the East and West, the horns of the dilemma presented by extremes involving a new, irrepressible conflict between capital and labor. May that day never come, but in case it does, the conservatism of the North will need the courage of the South, and the law-breeding instincts of the South. The Americanism of the North will need the Americanism of the South."

Names of Killed and Injured.  
WASHINGTON, April 9.—A long dispatch came to Acting Secretary Darling, of the Navy Department, tonight from Rear-Admiral Higginson, commanding the North Atlantic squadron at Pensacola. It is in cipher, and gives what are supposed to be the names and next of kin of those suffering from the accident on the Iowa. They are: Gunner's mate, next of kin, Mr. Hattie Wilson, Las Vegas, N. M. E. L. Purcell, landman; next of kin, Mr. Ellen Purcell, Washington. The names of those who were injured are: G. Rothchild, coopermith; I. E. Tuedale, landman; Paul Gowen, the number of the train passing through there at 7 o'clock that a tornado had passed over the town and had done much damage in the country near there. No further particulars can be learned.

MORE DEATHS IN ALABAMA.  
Two McCoy Children Expire and Two Others Can't Live.  
HANCEVILLE, Ala., April 9.—Two more deaths resulted today from the tornado which swept the country west of here Wednesday morning. The dead are: Wesley McCoy, aged 6, and Edna McCoy. Two other members of the McCoy family are also expected to die. One of the Odell children, it is thought, will also die, being injured internally.

Sudden Death of Hilary Bell.  
NEW YORK, April 9.—Hilary Bell, the dramatic and musical critic of the New York Press, dropped dead in the Barge canal today. Heart failure is believed to have been the cause. Hilary Bell was born near Belfast, Ireland, in 1867. He took up portrait painting after coming to this country and later went into newspaper work. He went on the Press about the time of its inception, as musical and dramatic critic and has been there since. Mr. Bell also was editor of the Insurance Economist.

Champion Negro Rights.  
SCHENECTADY, N. Y., April 9.—At a mass meeting held here last night resolutions were adopted with much enthusiasm endorsing the action of President Roosevelt in appointing negroes to office and upholding the rights of the colored people to partake of the fruits of citizenship.

For Direct Election of Senators.  
SPRINGFIELD, Ill., April 9.—The House unanimously passed the Senate Joint resolution favoring a constitutional amendment for the election of United States Senators by a direct vote of the people.

EXPLOSION ON THE IOWA

SHELL BURSTS BIG GUN AND KILLS  
THREE MEN.

Fragment Tear Through Decks and  
Crush Seaman as They Sit at Din-  
ner—All Horribly Mangled.

PENSACOLA, Fla., April 8.—A disastrous explosion occurred on the battleship Iowa today while the vessel was at target practice in the Gulf. The forward port 12-inch gun burst from a premature explosion of a shell, 10 feet of the piece outside the turret being demolished. Three men were killed and five injured, two seriously.

The injured: First-Class Seaman and Gunner's Mate Berry.  
The injured: First-Class Seaman Gercht, Ordinary Seaman Tuedale, Brown, Rothchild and Farrucker.  
The men killed and injured were on the second or gun deck at noon. Three pieces of the exploded gun, each weighing over a ton, passed downward through the spar deck, falling upon the men at noon, instantly killing the three named. All of the men were horribly mutilated. The heavy missiles, after passing through the gun deck, continued down to the third deck, where they came in contact with the armored deck, the heavy steel bringing them to a stop, thus saving the engineers and firemen who were at work below. Although the upper decks were covered with men, none was seriously injured.

The explosion occurred just as the mess had been sounded. The firing was to have ceased after the shot for the dinner hour. The range had been set, and the Iowa was steaming along at a speed of 12 knots an hour, thus saving the engineers and firemen who were at work below. Although the upper decks were covered with men, none was seriously injured.

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Because purely vegetable—yet thorough, prompt, healthful, satisfactory—  
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The perfect product of the still.  
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Rye  
Has the distinction of being unique.  
Always Best  
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Portland, Or.

TORNADO IN KANSAS.  
Serious Damage Reported at Town of Altamont, Near Oswego.  
KANSAS CITY, April 9.—A special to the Times from Joplin, Mo., says: It is reported tonight that a tornado passed over the town of Altamont, a small town 30 miles west of this city, suffered much damage. A telephone message from Oswego, Kan., seven miles east of Altamont, stated that there was a very storm in the vicinity of Altamont, but nothing is known as to its extent.

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Rock Island Deal Not Affected.  
NEW YORK, April 9.—Ex-Judge William H. Moore, who is one of the dominant factors of the Rock Island Company, is quoted as saying: "The decision in the Securities case will in no way affect the Rock Island-Frisco deal. They are not competing lines, and the case is in no way analogous."

MERGER IS A TRUST.

(Continued from First Page.)

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With ordinary care and  
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Through heat  
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and jolt—  
The Elgin Watch will never fail in its faithful performance  
of perfect timekeeping. Guaranteed against original defect.  
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ELGIN NATIONAL WATCH CO., Elgin, Illinois.

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