

that the railroad companies in question plicable to the act as now construed be selves in their own mines which are lo- by which carriers are compelled to disascated in Pennsylvania.

any state to any other state or to any for- the commodity carried, it follows that the ergn country any article or commodity contentions on the subject of the fifth other than timber manufactured, mined er amendment are without merit. produced by it, or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct, | nant to the constitution. or indirect, except such articles or com-

as a common carrier." The circuit court decided against the conit was alleged, it deprives the corporations exists when an attempt to collect penalties

of their liberty and of property in a way in made that is prohibited by the fifth amendment constitution. It was also held by of the property of the railroad; hence the suits to enforce, it is held that it is not law was held to be invalid and "in its na- necessary, in reversing and remanding to ture and effect a discriminative prohibit direct the character of decrees which shall

That yerdict was reversed by today's de- remand the case with directions to enforce i ciaion.

strued.

## Summary of Decision. The following is a summary of the opin-

"1. The claim of the government that the provision contained in the Hepburn act. approved June 29, 1906 'commonly called the commodities clause, prohibits a railroad company from moving commodities in inconstrued. terstate commerce because the company has manufactured, mlued or produced them, or owned them in, whole or in, part. Reading stock slumped 3 points in the or has had an interest direct or indirect in New York stock market on the announcemodifies at the time of the transportation. Before 1 o'clock Reading recovered its loss is decided to be untenable. It is also de- and the whole market became intensely elded that the provision of the commodifies dull. Delaware & Hudson lost 114 and direct, does not embrace an interest which covered the losses.

a carrier may have in a producing corporation as the result of the ownership by MAKES CHARGES the carrier of stock in such corporation inrespective of the amount of stock which the carrier may own in such corporation, provided the corporation has been organized n good falth. "2" Rejecting the construction placed by the government upon the commodities had been largely perfunctory. His grantclause, it is decided that this clause, when ing of a supplementary restraining order all, its provisions and harmoniously construed, has solely for its object to prevent was the most important act of his concarriers engaged in interstate commerce nection with the cases, and he did that from being associated in interest at the time of transportation with commodities transported, and therefore the commodities PLOFT clause only prohibits railroad companies ingaged in Interstate commerce from transporting auch commerce commodities under the following circumstances and conditions:

were engaged in transporting in interstate cause under such construction the act commerce anthracite coal mined by them- merely enforces a regulation of commerce sociate themselves from the products NOTE FROM MAYOR DAHLMAN TO MABRAY CONCERNING A The Hepburn act makes it unlawful "for which they carry and does not prohibit any railroad company to transport from where the carrier is not associated with

"Fourth-The exemption as to timbers.

etc., contained in the clause is not repug-

"Fifth-The provision as to penalties is work so faithfully that the achievements modifies as may be necessary and intended separable from the other provisions of the of this gathering will be immeasurably for fix use in the conduct of its business act. As no recovery of penalties was greater, than its expenditures. This conprayed, no issue concerning them is here gress must be more than spasmodic expresented. It will be time enough to conpression of protest against war and a resostitutionality of the provision, because, as sider whether the right to recover penalties lution that disarmament would be desirable. It should inaugurate a still more ef-

fective campaign of education of the people "Sixth-As the construction now given in the interests of permanent world-wide the act differs so widely from the construcpeace. The burdens of war are borne by the court that the clause, 'not directly but tion which the government gave the act the common people, and in the end the verindirectly," works a practical confiscation and which is was the purpose of these dict of war or peace must rest with the rank and file of the people.

be entered, but simply to reverse and follows: "My Dear Sir: I greatly regret that ]

and apply the statute as it is now conam unable to attend the coming National Peace congress at Chicago and there to ex-"Seventh-As the Delaware & Hudson company is engaged as a common carrier by rall in the transportation of coal in the channels of interstate commerce it is railroad company within the purview of the commodities clause and is subject to the provisions of that clause as they are now

ments go on increasing in cost, but it is NEW YORK, May 1-Philadelphia and

them, wholly irrespective of the relation ment of the commodities decision, and the and heavier, and the problems for solution stantinople at 4 o clock this morning. or connection of the carrier with the com- rest of the market weakened moderately, consistent with their increase, become more and more difficult.

"The possibilities of war now arising come chiefly from irresponsibilities of gov-"claune relating to interest, direct or in- Pennsylvania i on the break, but both re- ernment, and in those countries where stability of international control is lacking. contributed muc

he United States has

Documents Prove Adana Massacre Was Planned by Abdul Hamid. PLAN TO MURDER DIPLOMATS Arrangements Included General Slaughter of Foreigners in Con-

THE BEE: OMAHA, TUESDAY, MAY 4, 1909.

I fill down an

Mr J.C. Mabray

TAFT TO PEACE CONGRESS PAPERS SHOW PLOT BY SULTAN

Miss Malone Alcase hand him

(Continued from First Page.)

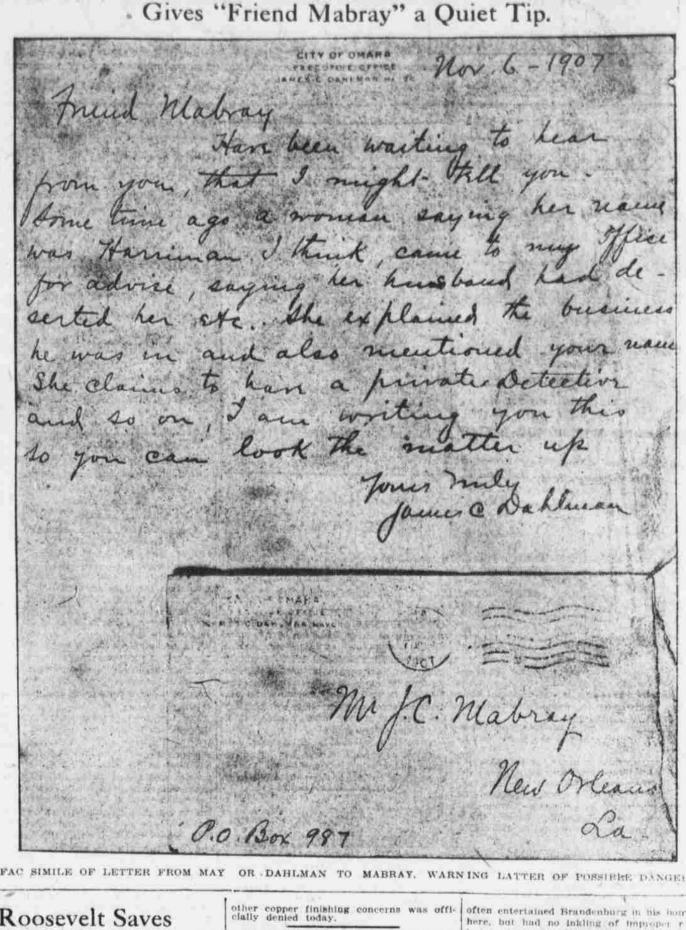
stantinople-Thirteen Hung by Court-Martinl.

CONSTANTINOPLE, May 3 .- Documentury evidence has been discovered among records of the telegraph office here of The text of a letter written by President the knowledg of the Constantinople authori-Taft to Secretary Royal L. Melendy is an ties that massacres had been planned for the Adana district and that they were to

coincide with the political events here. Other papers have been found indicating also that the conspirators at the palace press my carnest sympathy with the object acted in the sultan's name in preparing of the assembling of so many distinguished the military mutiny of April 13. Lists of men in the interest of world peace. That houses with notes on the kind of loot to progress has been made in the matter of be found therein were discovered on some peace everywhere by international action of the prisoners now in custody. The arand by the moral pressure of the people of rangements included a general massacre of the earth, any one who has examined the foreigners in Constantinople, including the record must admit. It is true that arma- diplomatic representatives, on April 24, Thirteen civilians and soldlers, sentenced

also true that the burdens of this compe- by the military courts to death for murder, tition in armament are growing heavier were hanged in different parts of Con-Major Youssef, his son and three other men, who killed the Syrian deputy, Emir

Mohammed Arslan, in front of the Plaza, try of war, and three men at the Stamboul





## Stock Ownership Not Barred.

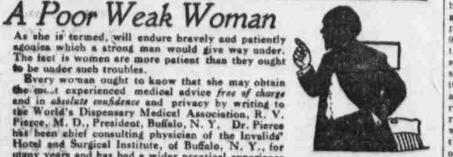
the number of decisions he had rendered "(A) .When the commodity has been disproved the charges of the Murphy reamanufactured, mined or produced by a rallroad company or, under its authority and ulution as the time of transportation the railroad company has not in good faith before the act of transportation passed with its inlerest in such commodity; (B), when the railway company owns the commodity to be transported in whole or in part; (C), when tion he said: the railroad company at the time of transportation has an interest direct or in direct in a legal sense in the commodity, which last prohibition does not apply to run now.' ommodities manufactured, mined, produced, 'owned!' stc., by a corporation because a railroad company is a stockholder democrat. DES MOINES. May 2.-United States in such corporation. Such ownership of stock in a producing company by a rallway company does not sause it as the owner of stock to have a legal interest in the commodity manufactured, etc., by the producing corporation.

"2 As thus construed the commodities clause is a regulation of commerce within the power of congress to enact. The contentions elaborately argued for the railroad companies, that the clause if applied to preexisting rights will operate to take property of railroad companies and therefore violate the due process clause of the fifth amendment, were all based upon the assumption that the clause prohibited and an investigation of Judges McPherson and restricted in accordance with the construction which the government gave that clause rate cases. and for the purpose of enforcing which prohibitions these suits were brought.

## Held Not Cunfiscation.

to be under such troubles.

of any request or suggestion from me, "As the construction, which the governsaid the governor. ment placed upon the act and seeks to en Sturdy oaks from little acorns growforce is now held to be unsound and as none of the contentions relied upon are ap. advertising in The Bee will do wonders for



upon the United States bench.

has been chief consulting physician of the Invalids' Hotel and Surgical Institute, of Buffalo, N. Y., for utany years and has had a wider practical experience in the treatment of women's diseases than any other physician in this country. His medicines are world-famous for their astonishing officacy.

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AGAINST JUDGES

Decision Causes Flurry.

(Continued from First Page.)

countries, in my judgment, helps along the cause of international peace and indicates disposition of the Missouri rate cases progress in civilization. The policy of the inited States in avoiding war under all circumstances except those plainly inconagainst the rallroads last Friday, he said. sistent with honor or its highest welfare has been made so clear to the world as es an accommodation to Judge Mollierhardly to need statement at my hands. I son, who will come here next Wednescan only say that so far as my legitimate day to preside at the hearing on that influence extends while at the head of this Judge Philips said he had called government, it will always be exerted in in Judge McPherson to take charge of the Missouri rate cases in their incepthe full favor of peace, not only as between this country and other countries, but as tion and that during the past three years between our sister nations. he had devoted himself to the work of she United States court of appeals, where

"Very sincerely yours, "WILLIAM H. TAFT." Exercises of many kinds were held in the city yesterday as a preliminary to this session. Special peace services were held in Judge Philip has been on the federal

bench for 21 years and he said he courted all of the churches this morning. In the career. He intimated that the primary mo- and the socialists held several meetings. tive behind the charges against him was in the evening a big mass meeting was to force his resignation. In this connecheld under the auspices of the Sunday Evening club. The congress will last for "I have never run away from a fight. three days.



(Continued from First Page))

Judge Smith McPherson of Red Oak, who is enough to drive a man mad. I can't is named in the resolution of Representa- stand it." tive Murphy introduced in congress, is in Referring to the trip which Mrs. Hains St. Louis today on private business. He took "to the mountains," during her husis scheduled to open district court in Des band's absence in the Philippines, the Moines on May 11. Prominent lawyers witness said:

here have the utmost faith in his integrity "If one of her children had dled we and regard him as one of the ablest judges. would not have known where to find the mother.

Hadley Objects to Resolution. In cross-examination the witness said: JEFFERSON CITY. Mo., May 3 -- Governor Hadley this morning sent a telegram to Congressman Murphy requesting him not to introduce the resolution asking for she did not stop talking about it.

## Philips in connection with the Missouri PRODS IRRIGATION COMPANY "The proposed action by Mr. Murphy was

Governor Brooks Requires Bond that begun at his own instance and not because Wind River Company Will Proceed with Work.

> CHEVENNE, Wyo., May 3-(Special.)-Called to time because of its procrastination in regard to the reclamation of the ceded portion of the Wind River reservation, for all available water in which it holds the right, the Wyoming Central Irri-

000 to guarantee that it will proceed with the completion of its proposed irrigation system forthwith. The company must also sign an agreement to the effect that unless it begins and completes the work within a reasonable time its water right shall revert to the state and it shall forfeit all rights in the ceded lands. This decision was reached last night at a meeting heween Governor Brooks and other state officers and Joy Morton, president, and other officers of the company. The Wyoming Central company has been delaying work on its proposed system nearly three years and meanwhile has been holding back the development of the ceded portion

of the reservation. Personal-Persons affircted with blood pol-

ion in any stage, or cheumatism in any form, can learn of a permanent cure by addressing the Salvar Company, St. Louis.

ment, so as to strengthen in them the card in Turkish, setting forth the sentence both marksman did excellent work. cause of law and order. This relationship of the court Around the foot of the gibbets It is rumored in native sources, but the of guardian and ward. as nations and on the bridge the early morning buying of report lacks confirmation, that the Roose-

fruits, flowers and vegetables proceeded velt party will arrive at Nairobi May 15 as usual, while the bodies were in full before proceeding to Sotik. sight of the great crowds that made their

Galata. The Turkish cabinet resigned today. The political situation is bewildering and no narrow escapes from the infuriated beast one can tell what the outcome will be This latest ministry was organized April 30, with Tewfik Pasha as grand vizier.

Ellis Murderers Hanged. Major Youssef was commandant of th first battalion of the Seventh regiment. Among the noncommissioned officers executed was Hamid Bin Yechar, a sergeant

in the Fourth battalion of the Saloniki Chausseurs. The men executed on Galata bridge were guilty of the murder of Lleu tenant Ellis.

Major Youssef was the man who, after the murder of Deputy Arslan, made his the fullest investigation of his judicial afternoon there was a labor demonstration way to the House of Parliament and in a speech denounced the members for acting against the laws of the koran. Mourad, editor of the newspaper Nazim,

is being tried by court-martial today. A member of the court-martial read the

sultan's firmin confirming the sentences at each place of execution, and priests prayed with the condemned men for two hours before their execution.

LATAKIA, Asiatic Turkey, Sunday, May 1 -- A number of refugees who sought shelter here are today returning to Kessab. They are accompanied by Rev. J. M. Baiph, M. D., a missionary of the Reformed Presbyterian church in the United States. The government is distributing some food to the refugees.

AINTAB, Asiatle Turkey, Saturday; May .-The refugees in Aintab were moved to day to sanitary camps outside the town.

ADANA, Asiatic Turkey, Sunday, May 2 The governor general of the villayet has Although the captain frothed at the mouth given Rev. William N. Chambers, a misand cried out," when she was telling him sionary of the American Board of Comand Thornton about Annis and Mrs. Hains, missioners for Foreign Missions, a guard to accompany him to Hadjin.

to Agree to Two and Half

Cents.

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Mother Gray's Sweet Powders for Children, a Cot-tain relief for Feverianess, Headache. and Stom-ache, Teething Disorders, more and requists the Bowers and desirey Worms. They break up Colds in 24 hours. They are so pleasant to the tasts and harmiess as mith. Children ike them. Over 10.000 Data to the tast of task of the task of ta

testimonials of cures. They usver fall Bold by all druggists. Me. Ask today. Don't scorpt and



ney to enter an agreement with the rail roads for 216-cent rates. Stomach Trouble. gation company has been compelled to promise to at once supply a bond of \$50,-Your tongue is coated.

Your breath is foul. Headaches come and go. These symptoms show that your stomach is the trouble. To remove the cause is the first thing, and Chamberlain's Stomach and Liver Tablets will do that. Easy to take and most effective.