

**PURE FOOD LAW
IS HELD VALID**

National Statute Declared Constitutional by Judge McPherson at Des Moines.

OMAHA COMPANY IN COMPLAINT

Updikes of Gate City and Kansas Concerns Are Interested.

NEW RULES CURE MANY EVILS

So Declares Jurist in Upholding Enactment of 1906.

RULING ON BLEACHED

Injunction by Updike Milling Company of Omaha to Prevent Further Seizures is Set Aside by Court.

DES MOINES, May 10.—Judge Smith A. Pherson in federal court here today upheld the constitutionality of the national pure food statute of June 30, 1906, and dismissed a suit for injunction to prevent United States District Attorney M. L. Temple from seizing bleached flour sent into Iowa.

The complaint was brought by the Shawnee Milling company of Kansas and the Updike Milling company of Omaha. The decision does not state whether or not the Aloop process of bleaching flour is injurious, holding that that question is one for a jury. As to the rights of congress to enact a law such as the national pure food act, the court says:

"Several of the states within the last few years have enacted pure food statutes. Congress June 30, 1906, enacted the statute in question. All these statutes were enacted to cure evils wellnigh intolerable that had grown up during this age of greed and avarice and commercialism that has made money getting the prime object of life with so many. The evils were such that much of the foods we ate, whether meats of any kind, including fish and poultry, or fruits in all forms and breadstuffs, were so adulterated and 'loaded' or 'doctored' as to deceive the consumer. And the same was true of flavors and condiments. The evil as to confectionery and flavors and extracts was a great. Still greater was the evil as to drugs and medicines.

"In fact, the evils were everywhere present as to food and medicine and other things. And to eliminate some of these evils and to enable the purchasers to receive what they ordered and paid for many states passed statutes aimed at those evils. But it was soon found that the states in some instances were disposed to connive as to some articles of local manufacture and in many other instances the states were powerless to work out a remedy. Thereupon congress, acting upon the theory that the evil was of national concern, enacted the statute in question. The debates in congress show that the most urgent measure was earnestly fought as being one of paternalism, and police regulation with which the states only could act.

"The secretary of agriculture, Mr. Wilson, performed his duty both in letter and spirit when he submitted the question as to flour bleached by nitrogen peroxide to the board of food and drug inspection. And that board, the secretary concurring, after a hearing given to all parties interested, found that such flour is in contravention of that statute. Such finding is not binding as against the parties thus bleaching flour. But it is conclusive as against all criticism for making the seizures and bringing the question before the courts for determination.

Congress Has Power.

"Congress is given the power to provide for the general welfare of the United States, but without doubt if this legislation is sustained, it is because of that provision of the constitution which provides that the congress shall have the power to regulate commerce among the several states. That provision in the life of the nation and to adopt which was the great concern of the convention of 1787. Important as it is, it is ever before the courts. It gives great comfort to all who believe in one common country and yet is antagonized oftener than any other provision of the constitution, by those whose shield of defense is articles 8 and 10 of the amendments, as to the power of the states.

INTERNATIONAL HORSE SHOW IN LONDON

Date is Not Postponed in Request of King George—Theaters Are Reopened.

LONDON, May 10.—The International Horse show will be held on the dates originally selected, June 5 to 15. This is in accordance with the wishes of King George, who desires there shall be no interruption in the program of public affairs except as planned events may appear inconsistent with the official and popular mourning. It was at his majesty's command that the theaters were reopened, to be closed only on the day of King Edward's funeral.

BARGE BUILT OF CONCRETE

Panama Canal Commission Constructs New Style Vessel of Great Capacity.

WASHINGTON, May 10.—It will puzzle most people to know that a boat built of concrete will not only float, but has a greater carrying capacity, is more durable and even lighter than a strongly constructed wooden boat. The Panama Canal commission has just launched on the banks of the Panama canal a big barge built of reinforced concrete, which weighs 50,000 pounds, and two others will soon be finished. These vessels, it is said, are unaffected by sea worms, marine vegetation does not adhere to them and they are practically indestructible.

**Iowa Senators
Address Crowd
at Des Moines**

Senator Cummins Takes Stand Iowan Fighting Him on Old-Time Personal Issue.

DES MOINES, May 10.—(Special Telegram.)—A great crowd of Iowa republicans met here tonight to listen to Senators Dooliver and Cummins and to hear their defense of their course in congress and their conference as Iowa republicans at the many convention. Senator Cummins spent the day receiving friends, and Dooliver came just before the meeting.

**Bishops Assigned
to Conferences**

Dates of Sessions and Presiding Officers for Nebraska, Iowa and South Dakota.

CHICAGO, Ill., May 10.—(Special Telegram.)—The Board of Bishops of the Methodist Episcopal church concluded its session here yesterday with the announcement of conference assignments. Following are those in Nebraska, Nebraska conference, September 21, and Northern Nebraska, September 14, Bishop Nielsen; Northwest Nebraska, September 14, and West Nebraska, September 21, Bishop McIntyre.

**New Position
on Burlington**

Henry J. Horn Comes Here as Assistant General Manager of Western Lines.

A new high position of the Burlington came into being yesterday, Henry J. Horn became assistant general manager of the Burlington lines west of the Missouri. Mr. Horn, who arrived in the city Monday assumed his duties for the first time yesterday.

**Sharp Drop in
May Wheat**

Attempt of Chicago Longs to Unload Causes Decline of Four and Half Cents.

CHICAGO, May 10.—An attempt to unload May wheat on the board today resulted in a sheer drop of 4 1/2 cents in that delivery.

**Forest Fires Rage
Over Three States**

Villages in Vicinity of Duluth and Calumet Are Threatened.

CALUMET, Mich., May 10.—The village of Aiston in Houghton county, is hemmed in by fierce forest fires. Forest fires are raging in all directions hereabouts.

**Prayer, Prayer, Prayer;
Obsesses Foiled Suicide**

In unremitting vigil of prayer, Anton Buschivetz, the man who sought to die by jumping from the left span of the Douglas street bridge, is exhorting himself at the county jail where he has been held since the attempt.

**KAISER WILHELM
GREET'S COLONEL**

Roosevelt and Emperor Hold Much-Heralded Conference Without Spectacular Features.

HOSPITALITY IS NOT LACKING

Welcome Extended Distinguished American at Royal Palace.

OTHER DIGNITARIES PRESENT

Empress Victoria, the Crown Prince and Crown Princess Are There.

FRIENDLY GREETING AT BERLIN

Slight Misunderstanding Causes Mixup at Railway Station Because Train Is Reported Behind Time.

POTSDAM, May 10.—The much discussed meeting of Emperor William and Theodore Roosevelt took place today.

The visit of the former president at the new palace was devoid of any spectacular feature inconsistent with the court mourning for King Edward, but the occasion lacked nothing from the viewpoint of hospitality and the purpose to honor the distinguished American.

Mr. Roosevelt was escorted to Potsdam this afternoon by General Alfred von Loewenfeld, the personal representative of the emperor. Mr. Roosevelt was accompanied here by Mrs. Roosevelt, Miss Roosevelt and Kermit.

As their carriages drove into the courtyard Emperor William appeared at the principal entrance of the new palace and descended the steps to meet his guest.

He extended his hand first to Mr. Roosevelt, and then to Mrs. Roosevelt and to Ethel and Kermit, greeting each cordially. His majesty wore the uniform of the Garde Du Corps, with a helmet.

Greeting by Empress.

Preceded by the lord chamberlain, Count zu Eulenberg, and master of ceremonies, Baron von Lyncker, the emperor, with Mr. Roosevelt at his right, entered the palace and, passing through the large apartment popularly known as the shell room, showed his guests into the smaller salon beyond. Mrs. Roosevelt entered on the arm of General von Loewenfeld, and in turn was followed by Ambassador and Mrs. Hill, Miss Roosevelt and Kermit and others.

Within the salon the party was received by Empress Augusta Victoria, Crown Prince Frederick William, Crown Princess Cecile, Princess Victoria Louise, Prince Joachim and Prince Alexander, the emperor's youngest son, and other members of the imperial family. The luncheon that followed was attended by a large number. There were six tables. At one of these seated his majesty, with Mrs. Roosevelt at his left and the crown prince on his right; the chancellor, General von Plehn, Kermit Roosevelt, Count zu Eulenberg, Mr. Hill, General Foreign Minister von Schoen, Mrs. Hill, Prince Solms-Baruth and the Countess Keller.

Mixup at the Station.

BERLIN, May 10.—Former President Roosevelt, Mrs. Roosevelt, Miss Roosevelt and Kermit arrived here early today from Stockholm, Sweden. They are guests at the American embassy.

As is usual, wherever Mr. Roosevelt stops, a crowd was at the railway station to give him a friendly greeting, but, as has not been the case before during his European trip, the official receiving party was not complete. As a result of a series of misunderstandings, Ambassador Hill was late in reaching the station, while the royal carriage, intended for the use of the party, did not arrive until the Roosevelts had been driven in other conveyances to the embassy.

The representatives of the foreign office were greatly annoyed over the unfortunate mixup. In the first place some one had told Mr. Hill the special train, carrying the Roosevelts, would be a half hour late in reaching Berlin. This did not prove to be the case.

In the absence of Emperor William, who but for the death of his uncle, King Edward, would have personally met the former president, the official party of reception was headed by Herr von Schoen, the secretary of foreign affairs, who represented his majesty. The main stairway leading from the station to the street had been made beautiful with a wealth of potted plants, and, as the Roosevelts passed down to their carriages, they received frequent salutations from the gathered throng. The Roosevelts were driven at once to the American embassy. The former president's voice is still bothering him slightly, and one of his earliest appointments today was with a throat specialist.

Colonel Roosevelt was met at the railroad station by Secretary of Foreign Affairs Von Schoen on behalf of the emperor; the staff of the American embassy, Consul General Alexander M. Traubara, T. St. John Gaffney, American consul at Dresden, and many members of the American colony.

A special train will convey the party soon after noon to Potsdam, where the Roosevelts will be luncheon guests at the emperor and empress.



WHERE WILL IT BREAK OUT NEXT?
From the Spokesman-Review.

PILES' NAME IS MENTIONED

Brandeis Attempts to Forge New Link in Ballinger Chain.

FORCES BACK OF APPOINTMENT

Effort to Show that Guggenheims Are Responsible for Ballinger's Appointment to Land Office.

WASHINGTON, May 10.—As a link in the chain he is attempting to construct to connect Secretary Ballinger with the so-called Morgan-Guggenheim interests, Attorney Brandeis today brought the name of Senator Samuel W. Piles of Washington into the Ballinger-Pinchot investigation as an instrument by means of which those interests, as he seeks to show, brought about Ballinger's appointment as commissioner of the land office.

Ballinger's Appointments.

Sweeney is president of the Federal Smelting company, subsidiary to the Guggenheim syndicate, and is one of the Cunningham claimants. Mr. Ballinger said he was present on that occasion as mayor of Seattle, but did not recall Mr. Piles' speech. Senator Piles urged President Roosevelt to appoint Mr. Ballinger as commissioner, but the latter today said that he did not decide to accept until he had been urged to do so by both his secretary Garfield. Mr. Brandeis had stated he had reason to believe Mr. Ballinger's appointment as commissioner of the land office, and later as secretary of the interior, was a result of an effort of those influences of the northwest interested to have someone in the land office whose ideas regarding the patenting of lands in Alaska were different from those of Secretary Garfield.

Retort from Ballinger.

In this he was unsuccessful. Secretary Ballinger declaring that the Cunningham claims had been cleared-listed by him on the strength of records before him and with the same records as he said before, he would clear-list them again.

PEACE CONFERENCE MEETS

League Holds Sessions at Hartford—Letter Received from President Taft.

HARTFORD, Conn., May 9.—The New England Arbitration and Peace congress began its first session here today in the hall of representatives. Dean Henry Wade Rogers of Yale law school, president and addresses were made by Mr. Rogers and by Benjamin F. Trueblood of the American Peace society.

**Tariff Board
May Be Given
Added Power**

Rumors Compromise Along This Line Will Settle Differences Between Republicans and Insurgents.

DR. HYDE CROSS-EXAMINED

Physician Says He Bought Cyanide to Kill Vermin.

Denies Poisoning Any Person Has Used Cyanide for Years, but Could Not Recall Buying It at Any Place Except at Breckin's Drug Store.

KANSAS CITY, May 10.—Emphatically denying that he ever poisoned any member of the Swope family or any other person, Dr. B. C. Hyde today completed his direct testimony in his trial for murder. His cross-examination was not completed at noon.

**Heinze Trial
Must Proceed**

Court Denies Motion to Instruct Jury to Bring In Verdict of Acquittal.

NEW YORK, May 10.—An effort by the defense to clear the slate in Heinze's case came to naught early in today's session. Judge Hough denied a motion that the jury be directed to acquit Heinze on the third remaining count in the indictment, the defense urging that the firm of Otto Heinze & Co. was entitled to credit by virtue of the loan Heinze had taken out and signed over to them at the time the alleged over-certification took place and also that there was no evidence to show that Heinze directed or authorized the certification. Judge Hough likewise denied a motion that the evidence concerning stock sales by the United Copper company be stricken from the record.

THIRTY-EIGHT DEPUTY SHERIFFS ARRESTED

Officers Are Held in Connection with Riot at Yukon, Pennsylvania, Sunday.

GREENSBURG, Pa., May 10.—Thirty-eight deputy sheriffs at the mines of the Westmoreland Coal company at Yukon, Pa., have been arrested and are being held here to await the grand jury action relative to the rioting of Sunday which resulted in the death of a miner.

DO IT NOW

If the census enumerator has not got your name, or those of friends, fill out this coupon, cut it from The Bee, fold it on the dotted line and drop it in the nearest mail box with the address on the outside. Postage and envelope are not necessary.

OFFICIAL BUSINESS UNITED STATES CENSUS.

CHARLES L. SAUNDERS, Supervisor of the Census, Federal Building, Omaha.

Name
Address
Name
Address
Name
Address

**RAILROAD BILL
PASSES HOUSE**

Measure Goes Through Lower Body with Seventy-Four Votes to Spare.

REPUBLICANS STICK TOGETHER

They Vote Solid and Are Joined by Fourteen of Minority.

TRAFFIC CLAUSE GOES OUT

In Other Respects Provisions Go Through with Little Change.

DEFENDER MAKES STATEMENT

Mr. Mann of Illinois, Who Had Charge of Bill, Declares It the Best Ever Adopted by House.

WASHINGTON, May 10.—(Special Telegram.)—Republicans in the house today gave an exhibition of team work that made the democrats sit up and take notice, for the so-called insurgents left the democratic holding the sack while they went over to the republicans and a vote of 290 to 125 passed the railroad rate bill. In that vote of 200, however, were ten democrats who refused to follow their party leader and voted with the republicans on the railroad rate bill as perfected in the committee of the whole, these democrats being the Hon. Nevada, Gillette of Texas, Hardy of Texas, Jamieson of Iowa, Kitchen of North Carolina, Nichols of Pennsylvania, Poir of North Carolina, Russell of Texas, Saunders of Virginia and Smith of Texas.

The battle on the rate bill began shortly after the reading of the journal today, when Chairman Mann of the interstate and foreign commerce committee moved a substitute to section 12 of the bill, previously stricken out in committee of the whole, providing for a merger of railroad and water carrier corporations under the regulation and supervision of the Interstate Commerce commission. This substitute was defeated by nine votes, the ayes being 190 and the noes 181.

New England Rents Substitute.

Most democrats voted solidly against the substitute and they had the aid of a number of the insurgents, but the defeat of the substitute lies at the door of the New England representatives, who saw in the section this disaster to interests of that section and resisted their opposition in no uncertain way.

On the substitute republican members from Nebraska gave a unit in its favor, although Congressman Kinkaid voted "no" when his name was first called out, but changed before the vote was announced by Speaker Cannon. The Iowa members separated, as has been their custom since the beginning of the Sixty-first congress, the following voting "aye": Kennedy, Dawson, Pickett, Good and Smith, the "noes" in the Iowa delegation being as follows: Haugen, Kendall, Wood, Hubbard and Jamieson.

It had been expected that paired in favor of the bill. The motion of Adamson of Georgia, the ranking minority member of the interstate and foreign commerce committee, to recommend the bill with instructions to knock out the commerce court and certain other provisions which the democrats do not like, was defeated by the vote of 171 to 229.

Slight Changes.

In other respects the provisions of the measure as drafted by Attorney General Wickham at the instigation of President Taft, and later amended in committee, were slightly changed.

The section to provide for the creation of a commerce court were retained with but few amendments, as were the paragraphs placing limitation upon issues of stock.

"It is the best bill ever passed by the house," said Mr. Mann of Illinois, in charge of the measure.

On the motion to recommend the bill twenty republicans voted with the democrats. They were Cary and Lenroot of Wisconsin, Davis, Lindberg and Nelson of Minnesota, Fowler of New Jersey, Gronna of North Dakota, Norris of Nebraska, Poindexter of Washington and Woods, Haugen and Hubbard of Iowa. Representatives Havens, the newly elected democrat from New York state, was the only democrat who voted with the republicans against recommitment.

Brown Sees President.

Senator Brown belongs to that class of republicans who believe that he should be on speaking terms with a republican president and today without being sent for, but on his own initiative called on Mr. Taft and as a result had nearly three-quarters of an hour's conference with the chief executive.

Railroad rate legislation was the topic most largely discussed, the strong points in administration's program and its weak points as well, were gone over dispassionately neither President Taft nor Senator Brown minced matters nor forgetting that both representing co-ordinate branches of the government and representative too of the party in power and responsible to country for legislation enacted.

Talk must have been clarifying at least so far as Senator Brown is concerned for he said later that the president wanted wholesome legislation as to railroads and would do everything in his power to bring such legislation about.