

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 flavorings 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 the 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 frauds. But it was soon found that the states in some instances were disposed to confine 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 is 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.

King George having notified the earl of Londesdale of his attitude, the board of managers met today and later issued a notification that the horse show would be opened as originally announced. The King Edward challenge cup, now held in France, will be competed for under the conditions that governed the contest a year ago.

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 advice as Iowa republicans at the primary convention. Senator Cummins spent the day receiving friends, and Dooliver came just before the meeting.

In his address Mr. Cummins took up the situation in congress, and he showed wherein the state primary campaign had relation to the national issue. He declared that he desired progressive republicans to be nominated and elected, not only for governor and for state offices, but for members of congress in this state. He declared his belief that the organization affected some ago by his long time political enemies for its chief purpose that of displacing him and his colleague, and he was glad to have the people pass on the issue thus raised.

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 dates for its engagements. 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 here in the morning. 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 GREETES 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.

POTS DAM, 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.

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.

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.

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

PEILES' NAME IS MENTIONED

Brandeis Attempts to Forge New Link in Ballinger Chain.

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Although the committee, by a party vote, sustained Senator Guggenheim's protest against a senator being "dragged into" the investigation, Mr. Brandeis was permitted to read a newspaper account of a celebration of Senator Piles' election, held in Seattle, which was the American manufacturer, he will strongly urge further revision by congress.

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.

Retort from Ballinger.

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

When Mr. Brandeis asked if he had not assumed that the necessary examination had been made, Mr. Ballinger retorted hotly: "All of your efforts throughout this hearing have been to besmirch my character by trying to show some devilish inspiration back of my actions. The fact that I knew some of those claimants had nothing to do with my action. Those who have known me in every office I have ever held know it would have made no difference to me whether they were friends or strangers."

The committee decided by an airtight vote that Mr. Ballinger had answered sufficiently.

Attorney Brandeis had requested the committee to call on President Taft and through him on Oscar Lawler, assistant attorney general for the interior department for memorandum which Lawler took to Beverly from Washington last September and on which the president's letter concerning Ballinger and dismissing Glavis was supposedly based.

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.



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

Tariff Board May Be Given Added Power

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

WASHINGTON, May 10.—Following a visit of Representative Cooper of Wisconsin, one of the insurgents of the house, to President Taft's office today the report gained currency that through the proposed increase in the powers of the new tariff board some of the most serious differences between the republican regulars and insurgents may be healed.

It is said President Taft is bringing all the pressure he can to bear in support of the appropriation of \$25,000 asked for to widen the scope of the tariff board.

It was reported also that a strong faction in the republican-congressional campaign this fall may be declarations by the president that if the investigations of the tariff board show that further reductions in the tariff are possible and compatible with a fair profit to the American manufacturer, he will strongly urge further revision by congress.

DR. HYDE CROSS-EXAMINED

Physician Says He Bought Cyanide to Kill Vermin.

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.

Dr. Hyde's dealings with cyanide of potassium formed the subject of the larger part of his examination. The physician acknowledged his purchases of the poison. He said he used the drug to kill insects, to clean nitrate of silver stains from his hands and to disinfect towels.

On cross-examination Dr. Hyde said while he had used cyanide for several years he could not recall any place he ever purchased it except at Breckin's drug store here, where he bought 100 grains of the drug last fall.

The physician testified he learned from a pamphlet that cyanide would kill bugs. Government scientists, he said, had also recommended the use of the drug for this purpose.

Some of the cyanide, the witness averred, disappeared at the same time that Dr. E. L. Stewart took terms from the office. In this connection Dr. Hyde also averred he planned as early as August, 1908, to experiment with various kinds of germs.

Prosecutor Conkling introduced on cross-examination several patent bug powder and asked Dr. Hyde why he did not use them. Dr. Hyde said he used so much bug powder that proved ineffective that he finally gave up experimenting with it and began the use of cyanide.

Frequently during the morning Prosecutor Conkling and the defendant exchanged remarks, the witness expressing his opinion that the examination was improper.

THIRTY-EIGHT DEPUTY SHERIFFS ARRESTED

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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 members of Nevada, Gilbert 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 Began 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 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 129. The motion of Adamson and Kinkaid of Nebraska voted "no," while Norris voted "aye." The Iowa delegation voted precisely the same on motion to commit as it did on the Mann substitute. The Wyoming and South Dakota members voted with the majority of the party throughout.

The traffic agreement clause and the provision permitting railroads to purchase the stock of non-competing transportation companies were the chief features of the measure as reported to the house committee on interstate and foreign commerce that were stricken out by the house.

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 Seps 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 mincing 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.

While Senator Brown did not say so in so many words, it is inferred that the president feels sorely disappointed and possibly hurt, that the friends of the Roosevelt policy and the platform were not more enthusiastic in support of the administration in Mr. Taft's efforts to carry them out.

It is feared that the president is determined to enlarge the powers of the interstate commerce commission, and to give the matter of rates. He is strongly in favor of putting the burden on the government, rather than on the shipper to set