

DECIDES AGAINST THE GOVERNMENT

U. S. Circuit Court at Chicago Limits Powers of Interstate Commerce Commission.

IS PERMANENTLY ENJOINED.

Ut Supreme Court Sustains Decision in Rate Case Will in a Way Revolutionize Railroad Business.

Chicago, Aug. 24.—Manufacturers and producers in the territory between Buffalo, Pittsburg and Parkersburg, on the east and the Mississippi river on the west are regarded as the greatest beneficiaries by the majority decision of the United States circuit court here today, permanently enjoining the interstate commerce commission from enforcing its seaboard Missouri river bureau rate in the Missouri river rate case.

The opinion of Judge Grosscup and Kohlsaat (Judge Baker dissenting) is sustained by the supreme court of the United States, which will curtail the power of the commission over transportation rates, restricting it to a sort of police court, adjudication of specific cases of alleged discrimination.

The commission's order of June 24, 1908, reduced the rate on the first class freight from the seaboard to Missouri river points from \$1.45 to \$1.30. This order was issued upon representation of the Missouri river interests that the seaboard rate of \$1.15 to Minneapolis and St. Paul was a discrimination against them inasmuch as the Twin Cities, using the cheaper water route of the Mississippi river, were able to undersell them in their own territory who would not share in the reduced rate. According to aroused sentiment in Chicago, Milwaukee, Detroit, St. Louis and other central traffic cities, the order was a discrimination calculated to ruin their industries.

In their opinion Judges Grosscup and Kohlsaat held Congress in creating the interstate commerce act had not intended to place a power in the hands of a few men to build up one community or to ruin another.

Surely, if the railroad has this power, Judge Baker argued, the commission likewise has it.

PARTIES TO PETITION.
The parties which petitioned for the injunction were the Rock Island, the Burlington, the Milwaukee, the Northwestern and the Chicago Great Western railways. The Illinois Central, the Santa Fe, the Alton, the Missouri Pacific and the Frisco railroads and a number of important shipping interests intervened as co-complainants.

"The question raised," said Judge Grosscup, in rendering his opinion, "is

HEWLETT'S TEA ALWAYS'S GOOD

its larger aspect, is not so much a question between the shippers and the railroads as between the commercial and manufacturing interests of Denver and of the territory east of the Mississippi river on the one side, and the commercial and manufacturing interests of the Missouri river cities on the other."

The railroads in the Missouri river rate case sought to have the interstate commerce commission enforce permanently from enforcing an order of the commission made June 24, 1908, relating to joint rates from the Atlantic seaboard to Missouri river cities. This order sought to create a system of through rates from the Atlantic seaboard to the Missouri river that would be a reduction from the sums of the local rates. This, according to western roads, threw the burden upon them.

The joint rate now in force from the Atlantic seaboard to the Missouri river on first class matter is \$1.47 a hundred pounds. The reduction proposed by the commission was to \$1.30. The through rate now in force on the same matter from the Atlantic seaboard to the Mississippi river is 87 cents, which, plus the through rate from the Mississippi river to the Missouri river (60 cents) makes the same total, \$1.47 per 100.

The commission's defeated purpose would have allowed the Atlantic seaboard to deliver goods to Missouri river cities on a joint rate nine cents less than could have been done if the shipments were sent first to the Mississippi river and then re-sent to the Missouri river.

EFFECT OF DECISION.

Today's decision, if sustained, will, it is said, limit the power of the interstate commerce commission to the settlement of cases of rate discrimination.

In the present case the railroads maintain that the principle laid down by the commission would be proper if applied to the rate on goods, but that its application to more than one would work a hardship because of the expense of operation of terminals by each road.

The railroads also contended that the reductions ordered by the commission

meant discrimination against western manufacturers and merchants in favor of the Atlantic seaboard shippers.

Speaking of the power of the commission, the opinion says:

"We are not prepared to say that the commission has the power to enter upon a plan looking toward a system of rates wherein the rates, for longer and shorter hauls, will taper downward according to distance, providing such tapering is both comprehensive and systematically applied—applied with a design of carrying out what may be the economic fact, that, on the whole, it is worth some loss to the shipper to carry for the long distances than the short distances."

POWER OF LIFE AND DEATH.

"But it does not follow that power of that character includes power, by the use of differentials, to artificially divide the country in half, to give tributary to given trade and manufacturing centers, the commission, in such cases, having as a result, to predetermine what the trade and manufacturing centers shall be, or such power, vaster than any one body of men has heretofore exercised, though wisely exerted in specific instances, would be putting in the hands of the commission the great power of life and death over every trade and manufacturing center in the United States."

The opinion holds that the commission in attempting to enforce its order ought to exercise this colossal power.

Judge Grosscup continued: "It is urged that though the effect of the order in the Missouri river rate case is to discriminate in favor of Atlantic seaboard and the Missouri river cities against the central traffic territory, and in the Denver case in favor of Denver and the eastern Mississippi river cities, the discrimination is not undue within the meaning of the interstate commerce act; and that therefore the courts should not interfere. The difficulty with this argument is that it draws no distinction between the power that the commission is actually given, and a power which the commission is usurping."

Judge Grosscup's opinion concluded: "It must be understood, however, that these two orders of the commission are enjoined, not because they lay upon the commerce and manufacturing of the localities affected an artificial hand that Congress never intended should be put forth, and therefore, the power conferred upon the commission by Congress, with the question of a reduction in rate, or a readjustment of rates from which such artificial results have been eliminated, we are not now dealing."

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Via Oregon Short Line R. R. \$39.00 from Salt Lake to Seattle and return; on sale daily commencing June 1st. Ask agents for further particulars.

Saltair—"Every Day a Big Day."

FOR WOMAN SUFFRAGE.

Mrs. O. H. P. Belmont Opens Her Newport House in Behalf of Cause.

Newport, R. I., Aug. 24.—Unique among the events which have marked Newport's summer life for many years was a gathering here today at Marble House, Mrs. O. H. P. Belmont's magnificent summer home, in the interest of "votes for women."

The meeting was under the auspices of the National Woman Suffrage association. Those who addressed the 500 persons present, of whom about 500 were women, were the Rev. Dr. Anna Howard Shaw, president of the National association; Mrs. Julia Ward Howe, the venerable author and reformer; Mrs. Belmont, and Mayor Doyle of this city, who acted as chairman. The receipts from the sale of tickets and souvenirs aggregated nearly \$1,000, which goes to the national association. For the privilege of the nation to go together with admission to the tent where the speeches were made, \$4 was charged.

The visitors to the house were restricted to the lower floor and balcony, which, however, contained sufficient articles of beauty to fill the hour allowed. Policemen were on guard.

Mrs. Belmont said that all were welcomed to Marble House in the interest of woman suffrage; the movement must succeed.

Mrs. Howe, now in her ninety-first year, spoke in favor of the cause, which she said she had advocated for more than 50 years.

LIEUT. SUTTON'S BODY WILL BE EXHUMED

Washington, Aug. 24.—The body of Lieut. James N. Sutton of the United States marine corps, will be disinterred and examined by medical and gunshot experts to determine the nature of the wounds that caused his death.

Before re-interment, however, the ground in which the body now rests in Arlington national cemetery, will be consecrated under the rites of the Catholic church. Cardinal Gibbons has sanctioned this plan.

The mother of Lieut. Sutton has deplored ever since the body of her son was placed in its grave that the ban of the church, Cardinal Gibbons, has served to prevent its resting in consecrated ground. Immediately after the court of inquiry that sat recently at Annapolis resumed its findings, Mrs. Sutton wrote Cardinal Gibbons, asking that he direct that the ban be removed.

Cardinal Gibbons, it is said, considers that it had been established that Lieut. Sutton did not take his own life, at least with suicidal intent, and for this reason he accorded the desired permission.

Mrs. Sutton said tonight that it had not been determined just when the body would be exhumed or what priest would officiate. From another source it was ascertained that within a day or two the exhumation would take place. The examination should show the right arm to have been broken and the wound in the skull to have been inflicted by a weapon held at a distance greater than three or four inches, it is expected that the family will ask for a congressional investigation or demand a jury trial.

DOGS AS DETECTIVES.

Washington, Aug. 25.—The dog as a detector of criminals and the qualities and characteristics that make any particular breed valuable for this purpose, are subjects discussed in a communication from Consul General Frederick F. Cauldwell of Berlin, to the department of commerce and labor.

The bloodhound is declared by Mr. Cauldwell to be inferior to the "German shepherd dog," known to be a pure police dog.

These dogs have intelligence, "good noses," and deliberation in following a scent; agility and strength, coupled with gentleness and a lack of savage traits. Trained, these dogs sell in Munich for \$72 each. Untrained they are sold for prices ranging between \$18 and \$24.

Floating at Saltair—Joy Supreme.

MARIANA WILL ASSUME OFFENSIVE

Events of Next Few Weeks May Fix Fate of the Spanish Dynasty.

LEAVING NOTHING TO CHANCE

Melilla and Railway Converted Into a Veritable Fortress—Seems to be Some Fear of a Trap.

Melilla, Aug. 24.—Gen. Mariana, commander of the Spanish forces, said today that he planned to assume the offensive within 10 days. It is evident that he feels keenly his responsibility, knowing that far more depends upon the next movement than the actual success or failure of the military operations against the Moors.

The events of the next few weeks here may fix the fate of the dynasty. A reverse might prove fatal; hence Gen. Mariana is wisely leaving nothing to chance. When he moves he will be at the head of a force so strong that the Moors cannot by any possible means win a victory in the open.

Melilla and the railway have been converted into a veritable fortress and it would require an army with a siege train and modern ordnance to capture this point. Everything now turns on the construction of the canal to Marchica. If this falls the Spaniards' task will be greater as all the supplies must be brought by land, subject to attacks by the Moors.

Since the earthquake of 1894 closed the exit to the sea, the water at Marchica has evaporated and receded. By re-opening the channel the Spaniards hope to raise it to the former level, conferring it upon the Moors.

The success of this will enable Gen. Mariana to feed the army by way of the sea. Many feel that a little more dash to the enterprise would have been advisable, but the memory of Pinto's reverse appears to have sunk deep into the general's mind.

The fact that no attempt is permitted to dislodge the enemy has resulted in more daring tactics on the part of the Moors each day, which might all be checked if the Spaniards sent out a few sharpshooters to thin the ranks of some lurking trap like that into which Gen. Pinto fell.

ACTIVE AT 87.

This would be unusual news if men and women would keep themselves free from rheumatism and all aches and pains as well as keeping their muscles and joints limber with Ballard's Snow Liniment. Sold by Z. C. M. I. Drug Dept., City.

Take Dinner on the Ship

"Leviathan" restaurant, at Saltair. Ask for anything. City prices.

SAN FRANCISCO HARBOR COULD SOON BE MINED

San Francisco, Aug. 25.—That the harbor of San Francisco could be mined in less than 48 hours and the port rendered safe from invasion by a foreign fleet, was the statement made yesterday by Capt. Ferguson of the mine-planting steamer Armistead, after several uncharged mines had been placed in the Golden Gate.

The work of the mine-planter and the coast artillery was undertaken as a practice measure and to demonstrate the speed with which the mines could

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be laid. After the fire control cables have been laid, a number of loaded mines will be planted at the mouth of the harbor and exploded as a matter of actual practice for the coast artillery.

A VALUABLE CARGO.

Port Townsend, Wash., Aug. 25.—Cable advices from Yokohama give news of the most valuable cargo ever transported across the Pacific, now bound for Puget Sound on the Great Northern Steamship company's liner Minnesota. Items specified include 3,000 bales of raw silk, 50,000 chests of tea and 15,000 bales of manilla hemp. The value of silk and tea alone aggregates \$3,000,000. Other shipments will increase the steamer's consignments to more than \$4,000,000.

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Are made by all soothing syrups and baby medicines that contain opium and narcotics. McGee's Baby Elixir contains no injurious or narcotic drugs of any kind. A sure and safe cure for disordered stomachs, bowels and fretfulness—especially for teething infants. Sold by Z. C. M. I. Drug Dept., 112 and 114 South Main St., Salt Lake City.

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