### DESERET EVENING NEWS: WEDNESDAY, APRIL 11, 1906.



For More Than Four Hours He Held the Undivided Attention of the Senate.

### ANSWERS KNOX AND SPOONER

If Congress Can Limit Contempt Jurisdiction Why Can it Not Limit Injunctions?

Washington, April 10 .- For more than four hours today Mr. Bailey held the undivided attention of the senate with a speech in reply to Mr. Spooner and Mr. Knox, and just before its conclusion there was a significant suggestion from Mr. Hale indicating the possibility of an understanding and an early vote on the railroad rate bill.

The day was one of the most notable ones in the recent history of the sen-Very few senators were absent ate. at any time during the day, and every seat of the galleries-public, private, senatorial, executive and diplomaticwas held by its occupants with marked was need by its occupants with marked tenacity. Many members of the house of representatives also crowded into the senate chamber, some of them standing lined up against the walls for hours without a perceptible change in their positions. Several senators and many more

spectators went without luncheon rather than miss any part of Mr. Bailey's speech, and at its conclusion the speaker was congratulated by many of his colleagues of both parties b3 There were comparatively few interruptions during the day, and there was no effort at applause until the close of the discussion, when there was spontaneous burst of handelapping i the galleries which the vice president was unable for a time to check.

### GIVEN CLOSE ATTENTION.

The close attention given throughout the four hours was al! the more mark-ed in view of the legal character of the argument. Mr. Balley set out with one end in view, this being the soundness of his contention; that Congress has power to deny to the inferior United States courts the right to suspend the order of the interstate commerce commission pending the final division o cases arising under the proposed law This he undertook to do by citing in-numerable decisions of the courts and quoting many other authorities. These citations were interspersed with his

Mr. Hale announced his willingness accept the anti-suspension amend-ent and expressed confidence that if Mr. Bailey would, on the other hand, agree to a broad court review there uld be comparatively little difficulty reaching an agreement on the bill in response, Mr. Bailey said that he did not believe that review by the courts could be denied under the Con-

Mr. Balley discussed the proposition looking to the withdrawal of the power of the inferior courts to suspend the orders of the interstate commission, referring to the contention that there would be a distinction be-tween the power of Congress over cases in equity and in law.

A WOMAN'S ORDEAL DREADS DOCTOR'S QUESTIONS Thousands Write to Mrs. Pinkham, Lynn, Mass., and Receive Valuable Advice Absolutely Confidential and Free There can be no more terrible ordeal

to a delicate, sensitive, refined woman than to be obliged to answer certain questions in regard to her private ills, even when those questions are asked by her family physician, and many



continue to suffer rather than submit to examinations which so many physicians propose in order to intelligently treat the disease; and this is the rea-son why so many physicians fail to cure female disease. This is also the reason why thousands

upon thousands of women are corresponding with Mrs Pinkham, daughter-in law of Lydia E. Pinkham, at Lynn, Mass. To her they can confide every detail of their illness, and from her great knowledge, obtained from years of experience in treating female ills, Mrs. Pinkham can advise sick women more wisely than the local physician, Read how Mrs. Pinkham helped Mrs. T.

Read how Mrs. Pinkham helped Mrs. T. C. Willadsen of Manning, Ia. She writes: Dear Mrs. Pinkham: "I can truly say that you have saved my life, and I cannot express my gratitude in words. Before I wrote to you telling you how I felt. I had doctored for over two years steady, and spent lots of money in medicines besides, but it all failed to do me any good. I had female trouble and would daily have faint-ing spells, backache, bearing-down pains, and my monthly periods were very irregular and finally ceased. I wrote to you for your ad-vice and received a letter full of instructions just what to do, and also commenced to take just what to do, and also commenced to take Lydia E. Pinkham's Vegetable Compound, and I have been restored to perfect health. Had it not been for you I would have been in my grave to day." Mountains of proof establish the fact

that no medicine in the world equals Lydia E. Pinkham's Vegetable Compound for restoring women's health.

his opponents, as had also been the point that inferior courts derived their power from acts of Congress, and not from the Constitution direct. These con from the Constitution direct, These con-cessions left as the only point the dis-tinction between the judicial power of the United States and the jurisdiction of the federal courts for which Mr. Knox and Mr. Spooner contend. He did not consider the point material, but said that if material in any connection it did not apply in the pending legisla-

it did not apply in the pending legisla-tion. He then entered upon a defini-tion of the two terms and after quoting many authorities declared that the show that there is practically no differbetween them. ence

ence between them. Referring to quotations made by Mr. Spooner in his argument to show that the power of temporary injunction could not be taken from the circuit courts, Mr. Balley declared that as giv-on they are collusted to deceive connerce on they are calculated to deceive. e contention function be-ngress over w. "there was an adequate remedy at law," and Mr. Bailey responded, "So we

A REASON

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the market three years

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"Come and go" popu-larity may arise from any

number of causes (hul-

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among them) and may

or may not be founded

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the man, the plan, the

idea, or the article that

truly succeeds, does so because he or it deserves

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The success of the

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Imported and packed only by M. J. BRANDENSTEIN & CO. San Francisco, Cal. have no inherent power and that "it is the duty of the federal courts not to make the law for Congress, but to obey

TREE

TEA

the law that Congress makes for them. MAY LIMIT INJUNCTIONS. "If," he added, "Congress has the

right to restrict the power to punish for contempt, in God's name has it not the right to limit the power of injunction,

which has been so greatly abused by so many federal judges?" Mr. Balley entered into an elaborate argument to show that the courts can-not annul legislation because of infer-ential constitutional limitations. He moke of the distribution of authority spoke of the division of authority among the various branches of the govennuel, but said that he could not follow the utterings of recent years, which seem to proceed on the theory that there should be no restrictions up-on the judiciary. "This." he said, "is the first government that ever confer-red upon the dudciary the never to the first government that ever confer-red upon the judiciary the power to annul legislation. God knows that ought to be enough power to confer upon any nine men; we are 90, they are nine. I would not trench upon their power; I would not myself unworthy if I permitted them to encroach upon mine"

Referring to Mr. Knox's quotations from the text-books on jurisprudence, from the text books on jurisprudence, he said that "the senator forgets that they were discussing the law as it is and that it is as it is because Congress wills it so," the point being that the legislative branch of the government is supreme in the law-making and court

supreme in the law-making and court regulating function. "Happily, the senator from Pennsyl-vania reduces the whole question to our point when he says Congress can be builded by the full del say when, but not how, the judicial power shall speak," Mr. Bailey contin-ues, and then said he was willing to accept that view.

#### INFERIOR COURTS.

He declared that both Mr. Knox and Mr. Spooner had misconceived the the-ory under which Congress establishes the inferior courts, saying that if so the inferior courts, saying that it so disposed Congress could today dises-tablish every one of the inferior courts. He did not agree with Mr. Spooner that such a course would be anarchy, be-cause the state courts would be left. Congress might, he argued, declare war against every nation of the globe, and against every nation of the globe, and while there was no doubt that the people would scourge the Congress that would do so, still there was no doubt of the congressional power. So it was with the right of Congress regarding

given all cases arising under the proposed legislation, he continued; "What the senator has said hereto-"What the senator has said hereto-fore and later with reference to the final adjudication of all questions by the courts has tended more than any-tiding else to disentangle this subject and to secure. I will not say immedi-ately, but a more beneficent result than anything that has taken place." HALE AGREES WITH BAILEY.

He agreed with Mr. Bailey's argu-

ment that inferior courts could be con-trolled by Congress, saying that on this troiled by Congress, saying that on this point this argument could not be coun-tervalled, but that was a minor ques-tion. "The final question," he said. "has been stated by the senator from Texas botter than I can state it. That after the commission has passed upon a question and it has been taken with-out undue delay and the right of in-junction limited by Congress, to the courts, that the supreme court shall consider all questions and the senator is right in saying...."

consider all questions and the senator is right in saying——" Mr. Aldrich—The circuit court? Mr. Hale—No; finally, the supreme court; that is, if it gets so far as that, but descent to the supreme court; that is, if it gets so far as that, But the senator is right in asying whether it shall be just compensation or just and reasonable or any other term is not of importance, that the court will settle it all, and will finally decide. I look out of this controverdecide. I look out of this controver-sy hopefully to this general result. The commission will be strengthened. I think it ought to be. I think it is essential that we have as good men upon that commission as there are on the circuit court or even the supreme court benches. I will vote that its decisions

shall not be interfered with by injunc-tions until it reaches the final court and then I believe that the senate will agree to the proopsition that review shall be by the supreme court of the broadest and most ample kind; and that the senator has largely contributed to this beneficent result is to me very plain

BIG STICK AND PITCHFORK.

Expressing his gratification at the sentiment in support of his amend-ment, he expressed the hope that Messrs. Spooner and Knox would see the situation as he does. "Then," he said, "we might have a new national emblem in the big stick and pitchfork." He had no americantic correction He had no apprehension concerning the effect of the proposed legislation. Instead of undesirable results, he was of the opinion that the results would be forced by it to do justice. "Then," he said, "we would hear no more of railroad senators and railroad influence in polities, and in favor of one would be delighted to have the rallroads en-tirely eliminated from the public affairs of the country."

Mr. Bailey concluded at 4:35 p. m., after speaking for four hours and 10 minutes, amid an outburst of applause which the chair found it impossible to suppress

Mr. Knox was among the first to of-fer congratulations, and Mr. LaFollette patted Mr. Bailey affectionately on the back. At 4:40 p. m. the senate went into executive session, and five minutes lat-

er adjourned.

#### WILLIAMSON'S CASE GOES OVER.

Portland, Or., April 10.-Owing to the inability of the defense to complete its bill of exceptions today, Judge Hunt, In the United States district court, con-tinued the hearing of Congressman John N. Williamson's application for a new trial until June 1.

## **PROSECUTION OF PACKERS.**

President Takes Hand And Result is Renewed Activity.

> Chicago April 10,-The Chronicle will say tomorrow:

> President Roosevelt has once more taken a personal hand in the prosecution of the packers, and the result is apparent in a resumption of activity on the part of the local federal officials.

# How to Exercise the Bowels

They do not waste any precious fluid of

They do not relax the Intestines by

They simply stimulate the Bowel

And, the Exercise these Bowel Muscles

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are thus forced to take, makes them

greasing them inside like Castor Oil or

Your Intestines are lined incide with millions of little suckers, that draw the the Bowels, as Cathartics do Nutrition out of food as it passes them. But, if the food passes too slowly, it

decays before it gets through. Then the Glycerine. little suckers draw Poison from it instead Muscles to do their work naturally, comof Nutrition. This Poison makes a Gas that injures fortably, and nutritiously. your system more than the food should

have nourished it. You see, the food is Nourishment or

stronger for the future, just as Exercise Poison, just according to how long it stays makes your arm stronger. in transit.



Constipation) is to take a

of these mixed. What does the Cathartic do? It merely flushes-out the Bowels with a waste of Digestive Juice, set flowing into the Intestines through the tiny suckers.



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GENERAL AGENTS.





POWER OF CONGRESS.

"If." he said, "Congress can destroy equity it can destroy oceedings in proceedings at law.

roceedings at law." punish for contempt or to issue writs This, he said, had been conceded by of mandamus, asserting that the courts

# **Bad Blood**

Catarrh is distinctly a bad-blood disease. The external signs are unmistakably shown by eruptions, pimples, dry scaly skin, rash and eczema, This condition might naturally be expected, since, in fact, Catarrh is an internal scrofula, destroying the tissues just as surely as does scrofula on the skin. People do not see what is going on inside and they are inclined to let it go from bad to worse, until there is a breakingdown of the entire system, with loss of appetite, general weakness and debility, no ambition to go about as before, and presently consumption takes hold. The time to remedy the trouble is when it is Catarrh, and the remedy to use should be a special prescription for Catarrh. That remedy is Rexall Mucu-Tone.

We sell more bottles and hear more good reports about Mucu-Tone than we do of all the other Catarrh remedies in our store, but the reason is not hard to understand. Mucu-Tone is designed specially to cure Catarrh, being prepared from the prescription of a physician whose specialty was Catarrh for thirty years. Now do you wonder that Mucu-Tone cures Catarrh? We don't. That it has cured ninety-eight per cent. of the people to whom we sold it is no surprise, because it works in a sensible, scientific way, destroying the deadly parasites that float through the blood in the system, and which spread the trouble. Then, as its very name implies, it tones the mucous tissues-the tissues that are being ravaged by the catarrhal parasites-and there is new life and tone in every drop of blood and every cell in your body. It adds weight to run-down peo-

We have a large trial size of Mucu-Tone at fifty cents per bottile, and we guarantee it to give satisfaction or refund the money you bay us.

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the courts. vill do in this act.

The power to create and the power Mr. Bailey then undertook to show that Congress has exercised the power to abridge the right of the courts to "The power to create and the power to destroy must include the power to limit." In support of the plea that the legislative authority is not curtailed, he called attention to the fact that

with reference to the inferior courts no limitation is put upon Congress as to their number, their jurisdiction or their Mr. Hale interrupted with the suggestion that Congress must have the same power in the abolition of inferior same power in the abarton of interior courts that it has in creating them. "My mind runs with the senator's on that point," he said. "I believe that the power to create and to destroy rests wholly with Congress." He had not, however, enjoyed what the senator had not the senator the arcting of the 90 said regarding the arraying of the 90 men here against the nine men of the supreme court. He wished, therefore, to ask Mr. Bailey whether he wished by ask Mr. Bailey whether he wished by anything he had said to commit himself against the broadest final review of the

against the broadest hnal review of the supreme court. Mr. Bailey said he had been misun-derstood, adding that he had only in-tended to say that in a matter of judg-ment 90 men were to be consulted rath-er than nine. OF JUDICIAL POWER.

He asserted that in more than one He asserted that in more than one decision the supreme court had held that the inferior courts have no "in-herent functions," as contended by Mr. Knox. He quoted an opinion in which was made the statement that Congress had withheld jurisdiction. "How in the name of common sense can Congress withhold from a court jurisdiction of a subject and not withhold judicial pow-er?" he asked, to further support his contention that the phrase "judicial power" and the word "jurisdiction" are used interchangeably by the courts.

"If," he said, "the president is com-manded by a statute to perform a cer-tain duty he does not consider the au-thority is given directly by the Constitution. The Constitution is the source of all power, but it is a dead letter un-less Congress breathes into it the breath of life. He declared that even the courts have no power to execute their own judgments without specific authority from Congress, and quoted the case of Fink vs. O'Neill in support of the contention. "And yet, in the face of such a decision senators contend that Congress is incompetent to require the court to suspend all judgment until it is ready to render a final one," he oncluded. Bailey disavowed that he had any

Intention of attacking the courts, but he said that he had himself known some courts that were guilty of abuses, so it was necessary to place limitations on all of them. He contended that com-nussioners could be found as competent Rexall Americanitis as the judges of the courts. "And," he added, "If we cannot get commissioners equal to some of the federal judges I how God save the required." Rexall Dyspepsia know. God save the republic. Rexall Cherry Juise,

FINAL DECISION. Coming then to the consideration of

Mr. Hale's question relative to the final decision of railroad cases by the su-preme court of the United States, Mr. Bailey said he did not believe that the courts were the best tribunal for the settlement of these questions, but that under the Constitution he did not beunder the Constitution he did not be-lieve that the right to such adjudica-tion could be denied the carrier. "If," he went on. "a railroad can take my property upon paying me what the court says is right, why can't you per-mit me to take the property of the rail-road company and hold it until it is finally decided?"

inally decided?" He only demanded that the findings of the commission should stand until a firal decision should be reached. He believed the adoption of the amend-ment would have the effect of forcing the railroads to assist in getting an Mr. Hale again interrupted, and he

expressed the opinion that Mr. Bailey's argument would have good results. After saying that preference should be It has been announced that the efforts to punish the packers as individuals is to be renewed with promititude and vig-

This is under direct instruction to Dist. Aity. Morrison from the president and Aity. Gen. Moody. Aity. Morrison has been directed to proceed against the packers under the injunction of Judge Grosscup of the United States circuit court, and also to seek new indictments before the next federal and jury. The government age are now at work securing information which is to work securing information which is to be used as a bisis of complaint before the grand jury next month. This evi-dence it is said, will sustain a charge by the government that the packers as individuals have violated the injunction of Judge Grosseup. Several railroad officials have responded to questions put to them by government agents and be information secured from the rail. put to them by government agents and the information secured from the rail-road men, together with information volunteered by former and present em-ployes of the packers was declared to-night by one of the federal officials to be sufficient to warrant the return of indictments against certain of the pack-

# PLOWED UP DYNAMITE.

### Driver Fatally Injured and Both Horses Killed.

Chicago, April 10.-While Philip Schneider was plowing today on his farm a few miles south of Hammond, Ind., the plow struck several sticks of dynamite buried in the ground and Schneider was fatally injured. His eyes were blown out and his body horribly mutilated. Both horses were instantly mutilated. Both horses were instantly kulled. A former tenant who had been cjected by the owner for non-payment of rent swore, it is said, that anyone who set foot on the land would be killed. Since Schneider took possession of the place he has found nearly 200 pounds of dynamite burled in the fields, and in and about the buildings. One night not long ago an explosion oc-curred in the barn, which was de-stroyed by fire. The next day John curred in the barn, which was de-stroyed by fire. The next day John Thompson, the former tenant of the place, was found dead in the debris.

#### ATTEMPTED LYNCHING IN N. Y.

New York, April 10.—Infuriated by a brutal assault by Albert Trott, a West Indian negro, tonight on Miss Isabel Oliver, a resident of Alabama, passen-gers on a Ninth avenue elevated train made a desperate attempt to lynch the negro, who was only rescued when a peliceman fought his way into the ca and held the crowd at bay with his re-volver. Miss Oliver was holding to a strap in the center of the car when the negro lurched against her and, on her requesting him to be more careful, struck her in the face, splitting her

struck her in the face, splitting her nose, blackening both her eyes and knocking her down. Instantly fully 50 men rushed on the negro, raining blows on him and shouting "Lynch him."

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