

JUDGE GRAY'S VIEW OF HEYBURN LAW

Jurist Who Agreed That Com-
modity Clause Is Uncon-
stitutional. Explains.

"RESTRICTIONS ARE HARSH"

Advocates Government's Overseeing
Ownership and Operation of Coal
Mines by Railroads.

Philadelphia, Sept. 10.—The commodi-
ties clause of the Hepburn railroad act
was today declared to be unconstitutional
by the United States circuit
court for the eastern district of Penn-
sylvania.

Judges Gray and Dallas agreed in an
opinion covering 75 typewritten pages
that the clause is unconstitutional.
Judge Buffington dissented, but did not
file an opinion.

NOT CRIMINAL.

Judge Gray, in his opinion, in tak-
ing up the commodities clause, says:
"Simple as is the scope of legislative
power granted by the language of the
commerce clause, and as far as the
supreme court has undoubtedly gone
in sustaining the validity of legisla-
tion under it, we think it may be safely
said that no assertion of this power
hitherto by Congress has been so far
reaching, or affected in so serious a de-
gree, individual liberty and property
rights enjoyed under the constitution
and laws of a state as the enactment
we are here considering. It is not to
be denied that the right to carry in
interstate commerce coal which they
own in whole or in part, or which is
mined or produced by them or under
their authority or by coal companies in
which they are stockholders, was un-
til the passing of the act in question,
a lawful right of these defendants; that
it was a common right of property, was
neither denied or disputed by the com-
mon or statute law of Pennsylvania;
that it was a most important property
right, the enjoyment and exercise of
which was neither criminal nor im-
moral and subject only to any re-
straints imposed upon its possessors by
the common or statute law of the state
or by the then existing statutes of the
United States so far as they were en-
gaged in interstate commerce.

DRASTIC AND HARSH.

"If in any manner and to what ex-
tent whatever they have actually vio-
lated the latter, surely they could be
restrained or otherwise made ammen-
able to the legal penalties in such be-
half without crippling or destroying a
business in which they are profitably
and usefully engaged.

"To these defendants thus immo-
cently and lawfully engaged in trans-
porting coal which they own, or are in-
terested in to the extent and under the
circumstances hereinbefore set forth,
comes this act of Congress and declares
that this whole business is unlawful,
and that the future exercise of a vested
right of ownership which they have
heretofore and for a long period of
years enjoyed under the belief that it
was an ordinary right of property, en-
joyed innocently by all citizens of the
state alike, is a crime and punishable
as such. That this legislation is drastic
and harsh does not, of course, dis-
pose of the question of power on the
part of Congress to enact it. The first
inquiry to be made, therefore, is as to
whether this legislation is a regulation
of commerce within the true meaning
of the commerce clause of the Constitu-
tion."

HOSTILE LAW.

The opinion discusses this point,
quoting many authorities and says:
"We may assume, therefore, that the
commerce clause of the constitution is
no exception to the general doctrine
that unlimited power has no place in
American governmental institutions
and that there are rights of liberty and

TEA

If weary, tea is rest;
good tea. If wakeful,
sleep. If dull, animation.
If silent, talk.

Your grocer returns your money if you don't
like Schilling's Best, we pay him.

property that are secure against hos-
tile legislative action.
"In the opinion of this court, the en-
actment in question is not a regulation
of commerce, within the proper mean-
ing of these words as used in the com-
merce clause of the Constitution, there-
fore not within the power granted by
that clause."

AN APPEAL CERTAIN.

Interstate and Government Officials
Wonder at Pennsylvania Fed-
eral Court's Action.

Washington, Sept. 10.—That an ap-
peal will be taken within 60 days di-
rectly to the supreme court of the
United States from today's decision of
the United States circuit court at
Philadelphia, declaring unconstitutional
the commodities clause of the
Hepburn act, was the statement of
Acting Atty.-Gen. Russell today. The
action of the Philadelphia court created
wide interest at the interstate com-
merce commission and at the depart-
ment of justice. Interstate Commerce
Commissioner Judson Clements ex-
pressed the hope that the decision
rests upon some curable defect in the
language of the clause. He said:
"I do not know the grounds upon
which the clause in question is held
by the court to be unconstitutional. I
cannot, therefore, discuss the decision
except to say that I trust it is not
upon the broad ground that Congress
has not the power to prohibit carriers
engaged in interstate commerce from
carrying their own products in com-
petition with their patrons. So long
as this practice is permitted the tem-
ptation to discriminate is ever present,
and too strong for resistance. The
direct methods of discrimination are
numerous, and past finding out in
many instances until they have done
their deadly work."

Oyster Bay, Sept. 10.—While Atty.-
Gen. Charles J. Bonaparte was in con-
ference with President Roosevelt, the
report of the decision rendered at
Philadelphia today by the United
States circuit court, that the commodi-
ties clause of the Hepburn railroad
act is unconstitutional, was conveyed
to the president's home by the As-
sociated Press. The president and Mr.
Bonaparte, after a discussion, came to
a conclusion that the United States
department of justice should take an
appeal. Mr. Bonaparte, as he was
departing for New York, said that he
would take steps to appeal. He would
say nothing about what the president
had said in regard to the decision.

A BURNT CHILD

Dreads the fire. The dread is whole-
some, but not the cure. He was
healed and instantly relieved by ap-
plying Ballard's Snow Liniment. He
prepared for accidents by keeping a bot-
tle always in the house. Best for
sprains, bruises, cuts, scalds, rheuma-
tism, neuralgia, neuritis, and all
aches and pains. Price, 25c. 50c and \$1.00.
For sale by Z. C. M. I. Drug Co., 112
and 114 South Main Street.

Big dance Salsair, Saturday night.

Fruit Lands.

10,000 acres of choice fruit lands in-
cluded in the Oasis project. Carey act
opening and drawing, Oasis, Utah, Sep-
tember 25th.

ONLY \$1.25

To Brigham and return, Sept. 16th.

M. I. A. ball at Wandamere Satur-
day evening, Fort Douglas band.

Salsair, Sat., Sept. 12th. Grand Ball.
Special trains 7:30 and 7:45. Round trip
25c. Dancing free.

Removal Notice.

The Monroe Studio has moved to new
location, 38 1/2 West Third South. All
on the ground floor. Opposite Green-
wald Furniture company. I will give
my personal attention to all sittings in
my new studio. C. H. MONROE.

Cut prices. McWhirter Baking Co.

BRYAN TELLS HOW HE MADE MONEY

Answers Accusation That "Wind
And Ink Made Him a
Millionaire."

AKS CANNON TO DO LIKEWISE

"I Have Accumulated at the Most
\$150,000. Every Cent Represent-
ing Honest Work."

Olney, Ill., Sept. 10.—Giving a de-
tailed statement of the amount of prop-
erty owned by him, which he placed
at \$150,000 at the outside, William J.
Bryan, Democratic candidate for presi-
dent, in a speech here today, declared
as false the accusation of Speaker Jo-
seph G. Cannon yesterday in Spring-
field, Ill., that he was worth a
million dollars, and called upon the
speaker to be as frank in making
known to the world the amount of his
own earthly possessions. In the course
of his remarks Speaker Cannon is cred-
ited with saying that Mr. Bryan had
accumulated a million dollars selling
wind and ink to the public.

LITTLE BY LITTLE.

"I was worth about \$3,000 when I
was elected to Congress," said Mr.
Bryan. "I served four years and by
careful economy I saved between \$3,000
and \$4,000, or about \$1,000 a year, so
that when I went out of Congress in
the spring of 1891 I was worth about
\$5,000 or \$7,000. During the period
that elapsed between the end of my
congressional terms and my nomination
for the presidency, about a year and
four months, I engaged in speaking
and lecturing and added but a small
sum to my savings. After the election
in 1896, my earning power as a lec-
turer was largely enhanced by the
prominence which the campaign had
given me. My book, "My First Bat-
tle," brought me \$17,000, and I gave
an equal amount of the profits to the
various committees that had carried on
the campaign of 1896.

SAYS \$150,000.

"My lectures have been profitable
and my writings have not, but no
one attends the lectures unless he
wants to do so, and no one buys what
I write unless he is interested in read-
ing it. More than half of my time since
1896 has been given to gratuitous work
and yet I have been able to support
myself and accumulate property which
I would estimate at about \$125,000, but
some can never accurately say what
property is worth until he sells it. I
fix \$150,000 as the outside limit, the
maximum of my wealth, and I am will-
ing to leave the public to determine
whether that is more than I ought to
have earned or whether I have earned
it honestly. And now, having answered
the criticism of Mr. Cannon and show-
ing that his accusation is false, I think
I am justified in asking him to be as
frank with the public as I have been.

CHALLENGES CANNON.

"He began holding office in 1881
when I was a year old, and during the
last forty-seven years he has held of-
fice more than forty years of the time,
and about thirty-five years of that time
has been a member of Congress and
has been drawing a salary that the
members of Congress thought so inade-
quate that the salary has recently been
increased. Will he tell us what he has
been selling, to whom he has sold it,
and how much he got for it? He ought
to tell us whether he has made any
money by lecturing or writing—that is by
selling wind and ink, to choose his
own choice language. He has been
greatly hampered in the accumulation
of money by the strict attention to pub-
lic duties and yet he is reputed to be
wealthy. If he will tell us just how
much he is worth we can then guess
how much he might have been worth
had he been free to devote his talents
to money making. Being the third man
in influence in our government, coming
next to the vice president, if not even
above the vice president, in his power
to influence legislation, is it not fair
that he should apply to himself the
same rule that he applies to me and
take the public into his confidence? Let
him tell us how much he is worth and
how he made it. Let him tell us what
he has been selling, to whom he sold it,
and how much he got for it. If he
thinks that the wealth of a presidential
candidate and the accuracy of such a
candidate's income shall be known, will he
deny that the speaker's wealth and his
sources of income should be known?"

A BURGLAR IN TOWN.

His name is "bad cough." He doesn't
care for gold or silver but he will steal
your health away. If he appears in your
system arrest him at once with Ballard's
Horehound Syrup. A cure for all
coughs, colds, whooping cough, con-
sumption if you don't. A cure for all
coughs, colds, whooping cough, con-
sumption if you don't. For sale by
Z. C. M. I. Drug Co., 112 and 114 South
Main St.

Salsair Saturday night, grand ball.
Heid's band. Fare 25 cents.

PEACH DAY

At Brigham, September 16.

M. I. A. ball at Wandamere Satur-
day evening, Fort Douglas band.

PRESIDENT, DEFENDANT

IN NEVADA TIMBER SUIT

Carson City, Nev., Sept. 10.—One
of the most important suits filed in
this state for years is being argued in
the federal court here against the
right of President Roosevelt and
others to set aside timber lands as
forest reservations under an act of
Congress making such provision. The
Eureka Livestock company is the
complainant. The suit is against
President Roosevelt, Secretary of Agri-
culture Wilson, Chief Forester Pin-
chot and Forester Barnett.
The case was argued yesterday be-
fore Judge Farrington and will con-
clude tomorrow when United States
District Atty. Platt will finish his
argument.
The forest reservation involved is
the Monitor forest reserve in Eureka
county. The plaintiff's attorneys state
that when the president and subor-
dinates set aside this tract of land
as a forest reserve, the company was
grazing 5,000 sheep and now the for-
est department refuses to allow
them to continue to do so, threaten-
ing to confiscate the sheep if the com-
pany persists in such action. The
plaintiffs claim the land is valuable
for agricultural and mineral
purposes than for timber, and there-
fore should not be set aside.

PROFESSOR'S ONLY

SON SOUGHT DEATH

Oakland, Cal., Sept. 10.—Prof. Sam-
uel B. Christy of the University of
California received word today of the
death of his only son, Stephen Field
Christy, 17 years old, as the result of
being run over by a train at Alta,
Placer county, Cal.
It is now definitely known that
young Christy deliberately committed

TO-NIGHT Circareb THEY WORK WHILE YOU SLEEP

suicide. A note was found on his
body to this effect, and was directed
to his father. In it he said he was
despondent and tired of life. The
boy walked from his school to the
railroad track and deliberately threw
himself in front of a moving train
and was instantly killed. The engine,
and his body horribly mangled.

SPY CONFESSES.

Orleans, France, Sept. 10.—The Ger-
man who was arrested here a few days
ago on the charge of being a spy,
confessed today that he had been act-
ing in this capacity for several years
under the direction of German military
authorities of Alsace-Lorraine. The
man was taken into custody while at-
tempting to bribe a French soldier to
abstract important parts of a field gun.

GAMBLING

Your life against 25 cents is just ex-
actly what you are doing if you hear-
ing a cough or cold on the chest instead
of treating it with Ballard's Horehound
Syrup. A 25 cent bottle of this splendid
remedy will cure you of a cough, clear
the lungs and act as a tonic for your
entire system. For sale by Z. C. M. I.
Drug Co., 112 and 114 South Main
Street.

Grand ball Salsair, Saturday night.

Lamorneaux Tunes Planos.
25 West 1st South, Ind. 3231.

FLEET HAS REACHED

ALBANY, AUSTRALIA

Albany, West Australia, Friday, Sept.
11, 7:30 a. m.—After a 1,200-mile voyage
from Melbourne, the American battle-
ships dropped anchor at 7 o'clock this
morning off King's Point at the en-
trance to Princess Royal harbor in
King George's sound.

Great crowds witnessed the coming
of the fleet, the sighting of which from
Breaksea island was reported several
hours before.
Fine weather was experienced during
the trip from Melbourne, from which
port the fleet sailed on Saturday morn-
ing. The ships encountered smooth
sails and fair winds, and the time of the
voyage was largely taken up in routine drills
and exercises.

In answer to a wireless message of
welcome sent to the fleet by M. J.
Moore, the premier of Western Australia,
Rear Admiral Sperry dispatched the
following wireless message from the
Connecticut:

Premier of West Australia: On be-
half of the officers and men of the
United States fleet I thank you and
the people of West Australia for your
cordial greetings. SPERRY.

HOPPEY HOP.

Are you a hopped-up gettin' around by
the aid of crutches or a cane? Unless
you have lost a limb or have a deforma-
tion—if your back is crooked, your
limbs are stiff, your joints are aching,
like nature use Ballard's Snow Liniment
and in no time you will be cured. You
crutches and be as well as anyone.
Price, 25c, 50c and \$1.00. For sale by
Z. C. M. I. Drug Co., 112 and 114 South
Main St.

SPECIAL TRAINS

To Brigham, 8:15 and 8:45 a. m.,
September 16th.

Grand ball Salsair, Saturday, Sept.
12. Special trains 7:30 and 7:45. Fare
25 cents. Heid's band.

ENGLAND TO SEE AN

ALL-AMERICAN FAIR

New York, Sept. 10.—For the first
time in more than 20 years a purely
American exposition will be held in
England next year, according to an
announcement made today. It is to
be known as the Golden West and Am-
erican industries exhibition and will be
held in the buildings and grounds of
Earls Court, London, from May to
October. All the exhibits will be taken
to London from this country.

The exhibition will typify the great
developments of the states of the
west since the discovery of gold in
California in 1849. It will also com-
memorate the bi-centennial of the
completion of the first Atlantic cable.
Elaborate preparations have been made
for free exhibition and an ample fund
provided for the purpose.

EVICTED FOREIGNERS

RE-START HIBBING FIRE

Duluth, Minn., Sept. 10.—Fire of in-
cendiary origin menaced Hibbing,
Minn., 60 miles north of Duluth, to-
night, when several buildings were
burned.

Forest fires swept down upon Nash-
auk, 22 miles southwest of Hibbing,
and the flames were within half a mile
of the village when the wind died down
and the advance of the conflagration
was stopped.

For 48 hours the 300 men of the Ad-
riatic mine, located near Aurora, 50
miles north of Duluth, have been fight-
ing a forest fire which has completely
surrounded the settlement. The settle-
ment is in danger of destruction if the
wind does not change or lessen in ve-
locity.

Hundreds of men have been fighting
fires one mile west of Hibbing at the
Mahoning mine location. The fire, of
incendiary origin, was started by Mon-
tegnone who had been ordered to leave
their homes for non-payment of rent.

Forest fires tonight completely sur-
rounded the village of Foxboro, 12 miles
southwest of Duluth, in Douglas coun-
ty, Wis.

Reports from Two Harbors, Minn.,
indicate that vast forest fires are
spreading throughout the northern por-
tion of Cook and Lake counties and
that large areas of standing timber
have been destroyed.

A block of business buildings at
Washington, Wis., were destroyed by fire
today. Damage, \$100,000.

SAILORS STOOD UP.

Boston, Sept. 10.—The officers of the
United States marine corps at the
Charleston navy yard today began an
investigation of the expulsion of two
marines from a local theater last night
because they stood when the theater
orchestra played "The Star Spangled
Banner."

Under the regulations of the army
and navy, all officers and enlisted men
are required to stand when that air
is played indoors.

CASTORIA

For Infants and Children.

The Kind You Have Always Bought

Bears the

Signature of *Chas. H. J. Hitchcock*

Cures Biliousness, Sick

Headache, Sour Stomach,

Torpid Liver and

Chronic Constipation.

Pleasant to take

FOR SALE BY F. J. HILL DRUG COMPANY, SALT LAKE CITY.

Pahvant Valley.
An Indian name, now intimately asso-
ciated with a great Carey act irrigation
enterprise, commonly known as the
Oasis project.

Piano Hauling—Specialists.
Clayton-Daynes Music Co., 109-113
Main st. Both phones 154.

BIG NECK OR GOITRE.

I have the exclusive sale of Dr. Ble-
vin's Goitre Remedy, which has been
meeting with marked success. For
price and particulars address Chas. S.
Watson, Druggist, St. Anthony, Idaho.

Piano Tuning.

Clayton-Daynes Music Co. Three ex-
perts; regular prices, 109-113 Main st.

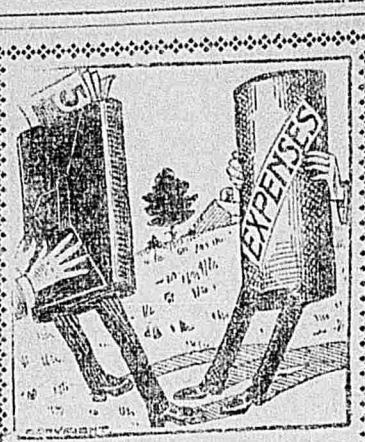
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Kodaks, Finishing, framing, 142 Main St.

LAW DEPARTMENT.

The Department of Law of the Uni-
versity of Utah offers two years of
full law course, and in connection with
the School of Arts and Sciences, a four
year course in Arts and Law leading
to the Bachelor's degree. The work
done here is accepted by the best
law schools in the United States.
Through special arrangements with
judges and eminent attorneys, stu-
dents enjoy unusual advantages.
The Catalog which describes the
courses offered, requirements of admis-
sion, cost of tuition, etc., is sent free
upon request to the
UNIVERSITY OF UTAH,
Salt Lake City, Utah.

Biscuits, bread or cakes—the little
housewife can make any of them
"just dainty" with
KAYSVILLE FLOUR
which excels all others. All
prizes state fair 1907.

FOR SALE
2,000 Long Wool Rams
Canadian Pure Breds. Prices right
and quality the best obtainable.
Supply always on hand at my barn
E. W. Patrick, Healy Hotel, Ogden,
Utah.



Reducing Expenses
Our SOFT WATER PROCESS
cleans longer wear to your apparel;
then our work is perfect.

TROY LAUNDRY.
"THE LAUNDRY OF QUALITY."
Both Phones 192. 166 MAIN ST.

We are showing the most com-
plete line of
THERMOS BOTTLES
in the city.
They keep liquids hot for thirty-
six hours or cold for seventy-
two hours.
Especially useful in the house-
hold, hospital, in the camp or
automobile.

Another
Iron Bed
Selling
\$14 to \$16

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Park's
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SALT LAKE CITY, UTAH

P. O. Box
Bell Phone
Ind. Phone
1862.

Bug Killer!!

Bugs, ants, roaches, all animal
and garden insects instantly ex-
terminated. These pesky little
brown pests that disturb your
chambers vanish like a dream on
one application. Large bottles
25c. Special price by gallon to
hotels. Both phones 457. Re-
member the number.

209 MAIN STREET,
KENYON PHARMACY.

Ceo. T. Brice Drug Co.

All Hallows College,

SALT LAKE CITY.

Boarding and Day School for
Boys. Classes begin Wednesday,
September 8th. Classical, Scien-
tific and Commercial Courses. Special
Department for little boys, un-
der the care of a trained teacher.
For terms and information apply
to
Very Rev. J. J. Guinan, S. M.,
President.

SHE HAS A NEW FALL

DRESS!

No, it's one of last year's.
It was sent to us and we
cleaned and pressed it.
Cost only a few cents—but peo-
ple thought it brand new.
What about yours?

Beil 2607, Ind. 2082.

Chicago Cleaning Co

37 P. O. PLACE.

"KEEP IN YOUR MIND"

TELEPHONE 49. Now is the
time to store your winter coal.
We carry all kinds. Exclusive
agents for "Diamond."
CITIZENS' COAL CO.
15' MAIN ST.

COAL

For Your Fur-
nace, Heater
And Range

Delivered promptly, clean and good.

CO-OP. FUEL CO.,

346 South Third West. Phones 425.

Clean Tea.

When you buy a package of

HEWLETT'S Uncolored

Japan Tea open it, scatter the

contents on a table and see

how clean and rich it looks—

no dust, no broken straws, or

any unhealthy coloring mat-
ter in this tea; nothing but
the very best. Insist that
your merchant furnishes you
with this tea and refuse any
substitutes. Every package
guaranteed to give perfect sat-
isfaction in every way or
money cheerfully refunded.

EXPERT SAFE & LOCK WORK

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BICYCLE SUPPLY CO.

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