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COAL ROADS WIN.

Government Is Beaten on Commodities Clause.

HEPBURN LAW CLAUSE NULLIFIED

Contention of United States That It Applies to Ownership of Stock Is Declared Un-tenable.

Washington, May 4.—It has been many a day since a decision of the supreme court of the United States has been received with so much interest as was manifested in the decision of that court in what are known as the "commodities clause" cases, affecting the anthracite coal carrying railroads.

These cases had been decided by the United States circuit court for the eastern district of Pennsylvania favorably to the railroads in that the clause of the Hepburn law which prohibits interstate railroads from carrying commodities manufactured, mined or produced directly or indirectly by the roads was declared unconstitutional, and the general impression had been that the decision would be affirmed by the supreme court.

Justice White's decision is that congress did not transcend its constitutional authority in the enactment of the commodities provision; but, on the other hand, it was held that the government's construction of the provision had been entirely too comprehensive.

As construed by the court, the sole object of the clause is to prevent carriers from being associated in interest with the commodities transported at the time of transportation; hence that the law only prohibits the transportation of articles when they have been produced by a railway company which has not in good faith parted with them, when the company owns or controls in whole or in part the commodity to be transported and when the company has an interest, direct or indirect, in the commodity in a legal sense.

It was especially held, however, that the prohibition does not apply to the ownership of stock in a producing company, but that a carrier may own stock in such a company and at the same time transport the product of that company.

Summed up, the act only compels companies to dissociate themselves from the products they carry, and the contention of the government that the law applies to ownership of stock and prohibits the transportation of commodities simply because they have been produced by a railroad company regardless of the fact that the company has parted with them is untenable and incapable of enforcement.

It thus appears, first, that the commodities clause is a vital and operative statute with respect to all products, such as coal, which the railroad companies actually own at the time of transportation and that the railroads must sell such products to somebody else before they can lawfully ship them and, second, that unless the act is promptly amended so as to include stock ownership the railroads can escape the law entirely by converting their direct ownership of coal properties into stock ownership by the organization of subsidiary coal companies.

The effect of the decision under existing conditions is favorable to the railroads, and the government lost on practically every point except the sustention of the principle involved. Attorney General Wickersham made the following statement interpreting the decision as he understands it: "Mr. Justice White's statement in announcing the opinion of the supreme court in the commodities clause is in effect that a proper construction of the so called commodities clause is that it prohibits the transportation by railroad companies only of commodities owned in whole or in part by such companies at the time of transportation and that it does not prohibit them from transporting commodities manufactured, mined or produced by them previous to such transportation which are not owned by them at the time of transportation and, further, that it does not apply to transportation of commodities owned by other corporations in which the transporting railroad company has a stock interest.

"The decision does not sustain the full contention of either the government or the carriers. It adopts a construction of the statute different from that contended for by both the government and the carriers. It, however, sustains the principle contended for by the government that congress has power to prohibit a carrier from carrying in competition with other shipping commodities which the carrier owns or in which it is interested.

"It operates at once to prevent any carrier from transporting any commodity which it owns at the moment

of shipment, and it confirms in congress power to extend that prohibition to the carriage of commodities owned at the time of shipment by a corporation in which the carrier has a stock interest."

VICTORY FOR OPERATORS.

Counsel For Coal Carrying Roads Rejoices In Decision.

New York, May 4.—The coal carrying railroads will be practically unaffected in their business by the decision of the supreme court of the United States in the commodities cases, is the opinion of Robert W. De Forest, counsel for the companies.

Only in the case of the Delaware, Lackawanna and Western Railroad company will changes in business methods be necessitated by the decision, is Mr. De Forest's belief, and this not in a way to hamper the company for any length of time in the handling of its coal products.

Mr. De Forest said: "Practically the decision of the supreme court is in favor of the railroads and the public and against the contention of the attorney general that all coal mined by the railroads which had a direct ownership in the coal and that all coal mined by subsidiary coal companies in which the railroad companies had a stock interest was barred of interstate transportation by the Hepburn act.

"Of the anthracite carriers only two, the Delaware, Lackawanna and Western and the Delaware and Hudson, have any direct legal ownership in anthracite coal. Both these companies are authorized by their charters to mine anthracite coal and to transport it.

"All the other so called anthracite carriers—that is, the Reading, the Central Railroad of New Jersey, the Pennsylvania railroad, the Lehigh Valley, the Erie and the New York, Ontario and Western, own stock in coal mining companies.

"The decision establishes the legality of anthracite coal transportation by these six last named companies—that is, the transportation of coal mined by companies in which they have stock interest.

"The whole country is to be congratulated that the supreme court has put a practical interpretation upon this act, which does not prevent the free transportation out of Pennsylvania into other states of a commodity which has become a necessity of life, substantially as heretofore."

OVATION FOR THE WRIGHTS.

Enthusiasm as Aeronautical Society Gives Gold Medal.

London, May 4.—There was a remarkable demonstration of enthusiasm here when the Aeronautical Society of Great Britain conferred on Wilbur and Orville Wright, the American aviators, its first gold medal.

Those who had gathered to witness the presentation cheered and applauded repeatedly, while the Wright brothers blushing bore their honors through an hour of the warmest eulogies. Finally the entire assemblage rose and gave three cheers for each of the brothers and for Miss Katherine Wright.

Speeches were made by Major Baden F. S. Baden-Powell and by Colonel J. E. Capper, the war office's aeronautical expert, who referred to the Wright brothers as "unspooled as though they were nobodies."

Wilbur and Orville Wright made brief speeches, tersely expressing their thanks. A reception was then held, and the brothers were surrounded, questioned and besieged for autographs. They were given a dinner at the Ritz hotel by the Aeronautical society.

EARTHQUAKES PREDICTED.

French Scientist Names Twelve Days of Peril This Month.

Paris, May 4.—A French scientist, M. De Parville, announces that earthquakes are expected to occur at the principal declensions of the moon. Years of observation have brought him to this conclusion.

To prove his contention he cites the dates of a number of earthquakes of this year, including that of Messina and the disturbances in Portugal.

He says that shocks may be expected during the month of May on the following days: 6, 7, 12, 14, 17, 18, 20, 23, 26, 27, 30 and 31.

Bolivia Elects New President.

La Paz, Bolivia, May 4.—Dr. Elio-Lero Villazon, first vice president of the republic, has been elected president to fill the vacancy caused by the death of Fernando Guachalla.

Cut in Price of Steel Wire.

Pittsburg, May 4.—A reduction of from \$6 to \$10 a ton was announced by the United States Steel corporation in the selling prices of wire and wire products. The cut was at once met by the Pittsburg Steel company and other independents.

Weather Probabilities. Fair; warmer; moderate southwest winds.

ABDUL IN BIG PLOT

Blame For Adana Massacres Laid on Old Sultan.

DIPLOMATS MARKED FOR DEATH

Correspondence of Deposed Monarch Reveals Him as Archconspirator Against Christians.

Constantinople, May 4.—Documentary evidence has been discovered among the records of the telegraph office here showing that the deposed sultan, Abdul Hamid, inspired the massacres in the Adana district and that they were to coincide with the political events here.

Other papers have been found indicating also that the conspirators at the palace acted in the sultan's name in preparing the military mutiny of April 13. Lists of houses, with notes on the kind of loot to be found therein, were discovered on some of the prisoners now in custody.

The arrangements included a general massacre of foreigners in Constantinople, including the diplomatic representatives, on April 24.

Thirteen civilians and soldiers, sentenced by the military courts to death for murder, were hanged in different parts of Constantinople.

Major Youssef, his son, and three other men who killed the Syrian deputy, Emir Mohammed Arslan, in front of the parliament building were executed on the spot where they committed the crime. Five others were hanged at the entrance of the ministry of war and three men at the Stamboul end of the Galata bridge.

Upon the breast of each criminal was pinned a large placard in Turkish that could be read at a considerable distance setting forth the sentence of the court.

Major Youssef was commandant of the First Battalion of the Seventh regiment. Among the noncommissioned officers executed was Hamdi Bin Yehar, a sergeant in the Fourth battalion of the Saloniki chasseurs. The men executed on Galata bridge were guilty of the murder of Lieutenant Ellis.

Major Youssef was the man who, after the murder of Deputy Arslan, made his way to the house of parliament and in a speech denounced the members for acting against the laws of the Koran. Yehar was the man who planned the details of the revolt of April 13 and who was commander in chief and practically dictator of Constantinople for the two days following. The other eleven men worked under Yehar.

The new Turkish cabinet has resigned, and the political situation is bewildering. No one can tell what the outcome will be. This latest ministry was organized only four days ago, with Tewfik Pasha as grand vizier.

The sultan has requested Tewfik Pasha to consult with his colleagues and reconsider his resignation, although there is much opposition on the part of the members of parliament to the composition of the cabinet and to Tewfik Pasha himself, as it is considered that the ministers are too closely connected with the old order. The cabinet may face the chamber, however, in the hope of securing a majority.

STRAUS AS AMBASSADOR.

He Is Appointed to Turkey, While Rockhill Goes to Russia.

Washington, May 4.—Oscar S. Straus, former secretary of commerce and labor, has been appointed ambassador to Turkey and W. W. Rockhill as ambassador to Russia.

Mr. Straus telegraphed from New York his acceptance of the mission to Turkey to Secretary Knox.

Mr. Rockhill was formerly assistant secretary of state and latterly minister to China. He will remain at Pekin for a time, the president not yet having determined on his successor.

Adana Jesuit Mission Destroyed.

Paris, May 4.—An official dispatch received here from Constantinople confirms the reports of the complete destruction of the Jesuit mission at Adana.

SCHOOLTEACHER DROWNED.

Thrown Into Creek While Driving With Her Husband.

Acra, N. Y., May 4.—Mrs. Bert Meddaugh, a schoolteacher, was drowned in Catskill creek. She was driving with her husband, and in fording a creek the horse reared, throwing Mrs. Meddaugh, a side of a few months, into the creek.

A strong current was flowing, and she was quickly carried beyond reach of her husband. The body was recovered a mile and a half from the scene.

HIGH PRICE SAVES FORESTS.

Piles Opposes Beveridge In Senate In Attempt to Reduce Tariff.

Washington, May 4.—Forest conservation and its relation to the tariff caused a lively discussion in the senate when Senator Beveridge of Indiana, taking up an argument for the Dingley rates on lumber made by Senator Piles of Washington, started to demonstrate that the present policy of the far western lumbermen was that of total destruction of the forests.

This assumption Senator Piles partially confirmed on the ground that it was almost impossible to cut out ripe timber in the Pacific coast forest because of its great size and proximity, tree to tree, without destroying all surrounding timber. He urged that a high price for lumber would permit reforestation.

Senator Piles said that it was impossible to manufacture lumber on the American side in competition with Canada because, while the American mill man must not only erect his mill and buy sufficient standing timber to supply it, the Canadian can lease from the Canadian government 640 acres of timber land for \$140 a year and then pay only 50 cents per 1,000 feet for the lumber cut off as against a rate on the American side of \$2 per 1,000 feet stumpage.

The senator said the German system of conservation was wholly impossible on the Pacific coast and admitted that the interior mills of his section practically exhausted timber land before letting go of it.

Senator Smoot of Utah declared himself in favor of a duty which would assure a profit sufficient to cover the cost of reforestation to the American lumberman. He said the price of lumber was now moderate, but would eventually go higher.

"The tariff keeps up the price, and the price saves the forests," retorted Senator Beveridge. "I have never seen any lumberman in the central or far west who undertook to save his forests at any price."

"When the price is high you will find the lumbermen conserving their forests," said Senator Smoot.

ATCHISON FINE REVOKED.

Railroad Need Not Pay \$300,000 For Granting Rebates.

San Francisco, May 4.—The United States circuit court of appeals here reversed the decision of the district court in the case in which the Atchison, Topeka and Santa Fe Railway company was found guilty of granting rebates and sentenced to pay fines of \$300,000.

The cause for the reversal was the error of the trial court in striking out the testimony of F. P. Gregson, agent of the Santa Fe.

Gregson testified that he had been satisfied by the shippers that the full 40,000 pounds, constituting a carload lot under the company's tariff, had been placed in the cars, but that the railroad scales at the point of delivery had shown a considerable loss in transit. On this showing he said the company had agreed to accept payment from the Grand Canyon Line and Cement company of Arizona for the amount actually delivered at the legal carload rate.

The appellate court holds that inasmuch as the freight tariff provides that a shipper shall pay for all over 40,000 pounds contained in a car and that since the full amount necessary to obtain a carload rate was shipped in each instance the trial court erred in not allowing this testimony to go before the jury.

MEN OF SCIENCE CONVENE.

Mechanical Engineers Begin Their Annual Convention in Washington.

Washington, May 4.—The American Society of Mechanical Engineers, embracing in its membership 3,455 of America's scientific men, began its annual spring meeting in this city today.

More than 300 engineers are in attendance at the meeting. During the convention, which will last four days, President Taft will hold a reception for the members at the White House. The war department will give a special exhibition drill at Fort Myer. At the same time, if the conditions are favorable, an ascension of a dirigible balloon will be made.

An address will be delivered by Rear Admiral Melville, retired, past president of the society and former engineer in chief of the navy, the subject being "The Engineer in the Navy," and F. H. Newell, director of the reclamation service, will deliver an illustrated address on "Homemaking in the Arid Regions."

Steel Rail Mills Resume Work.

Braddock, Pa., May 4.—Three steel rail mills of the Edgar Thomson works here resumed operations in full after being closed two weeks. The resumption affected 2,000 men.

Breaker Killed by Train.

New York, May 4.—Dennis Smith, a New York broker, fell in front of a train near his home at West New Brighton, N. Y., and was killed. His wife was with him.

SPORTING NEWS.

The Hawley base ball fans held a mass meeting last week and elected the following officers: M. E. Lewis, president; C. H. Freethy, treasurer, and Charles Houck, secretary. Edward B. McAndrew has been appointed manager.

A much faster team is expected this year as all the old players have signed and the positions that were weak last year are to be strengthened with new material.

Extensive improvements are being made to the grounds. The diamond is to be leveled and the out field put in first-class condition, so the grounds will be the fastest in Wayne county.

The directors have decided not to hire any outside help. McClosky, their star pitcher of last year, is expected home about the 15th of June.

Honesdale High School and the Maple City Club will contest on the Silk Mill flats Saturday, May 8th—if the weather permits.

Hawley and Honesdale will make arrangements for a series of games to be played later in the season. Waymart has organized and has elected Peter Dimock captain.

The Honesdale High School elected Ernest Dudley, captain, and Fred Osborne manager. The following is their schedule: May 8th, Maple City club; Damascus at Damascus, May 15th; Carbondale High School May 22d; Moguls of Carbondale May 29.

Alex Gallenkamp, a student at Lafayette College, and a former Honesdale boy, won the 2-mile race between Haverford and Lafayette, his time was two minutes, 11 seconds.

—In speaking of the Villanova base ball team the May number of the Base Ball Magazine says that Fred Schuerholz is the mainstay in the pitching department.

BASEBALL SCORES.

Results of Games Played in National, American and Eastern Leagues.

NATIONAL LEAGUE. At Brooklyn—Boston, 9; Brooklyn, 7. Batteries—Dorner, Mattorn, Tucker and Graham; Pastorius, McIntyre and Marshall. At Chicago—Pittsburg, 9; Chicago, 2. Batteries—Willis and Gibson; Coakley and Moran. At St. Louis—St. Louis, 5; Cincinnati, 3. Batteries—Fromme and McLean; Higginbotham and Phelps. At Philadelphia—Philadelphia, 5; New York, 1. Batteries—Coveleski and Dooin; Crandall, Ames and Schiel.

STANDING OF THE CLUBS. W. L. P. C. Boston... 7 4 .636 Chicago... 8 8 .500 Philadelphia 7 4 .636 St. Louis 7 11 .389 Pittsburg 3 6 .500 Brooklyn 4 7 .364 Cincinnati 10 9 .526 New York 4 7 .364

AMERICAN LEAGUE. At Boston—Boston, 7; Washington, 1. Batteries—Chech and Corrigan; Johnson and Street. At Chicago—Chicago, 4; Detroit, 0. Batteries—White and Sullivan; Willets and Tanage. At New York—New York, 9; Philadelphia, 6. Batteries—Quinn, Lake and Kleinow; Schiltzer, Dyrgert, Krause and Livingston.

STANDING OF THE CLUBS. W. L. P. C. Detroit... 12 4 .750 Philadelphia 5 6 .456 New York 8 5 .615 Cleveland 5 8 .386 Boston... 8 5 .615 St. Louis 4 10 .286 Chicago... 7 6 .538 Wash'ton 3 8 .273

EASTERN LEAGUE. At Jersey City—Rochester, 6; Jersey City, 0. At Newark—Newark, 2; Montreal, 0. At Baltimore—Baltimore, 12; Buffalo, 5. At Providence—Providence, 4; Toronto, 0.

STANDING OF THE CLUBS. W. L. P. C. Jersey City 2 7 .500 Montreal 4 5 .444 Providence 2 7 .714 Toronto 3 4 .429 Newark... 3 2 .500 Baltimore 2 4 .333 Rochester 2 2 .500 Buffalo... 2 5 .286

Smallwood to Make His Contract Harder.

When Percy Smallwood, champion long distance runner of Wales, with the scalp of the great Indian Longboat, whom he defeated in Philadelphia, hanging to his belt, declared a few days ago that he would race the three fastest professionals in that city, they to run five miles each and he fifteen, wonderment was expressed on all sides by the followers of this sport.

McClelland, Sweeney and Schoeller have already signed contracts to race the Welshman in a three-man relay, and Joe Keally is also knocking loudly for admittance, with bright prospects of getting in.

Nine Killed While at Mass.

Madrid, April 27.—The roof of the cathedral at Torbes collapsed while mass was being celebrated, and nine persons were killed and thirty wounded.

Extract from a musical comedy produced in London:

"Now, what do you think of this costume?" "It's ripping." "Is it by Jove? I thought I heard something going at the back."—Liverpool Mercury.

Szechenyi Not to Be Minister.

Brighton, England, May 4.—Count Laslo Szechenyi, who married Gladys Vanderbilt, denies the report that he will be appointed to a ministerial position by the premier of Hungary.

Death Enters the Westbrook Home Three Times Within a Week.

During the past week death has claimed three persons in the home of Mrs. Moses C. Westbrook, Blooming Grove, Pike county. Miss Carrie Westbrook, a daughter, whose obituary notice appeared in our last issue, Mrs. Moses C. Westbrook, whose death occurred on Friday, and Mrs. Elizabeth Jones, of Flat Brook, N. J., who was a visitor at the Westbrook home, and who died of pneumonia on Saturday last. Mrs. Westbrook had been ailing for some time, but the direct cause of her demise was the shock received by the sudden death of her daughter. Mrs. Westbrook was 81 years old, and was born in Sussex, N. J. The funeral was held on Sunday, and the interment was made in the Blooming Grove cemetery. Miss Elizabeth Jones, aged 66 years, was born at Flat Brook, N. J., and the Westbrooks were her only immediate relatives. Her remains were taken to her late home on Tuesday, for interment.

Gardner-Vincent Company.

Owing to not being able to get the manuscript on time, Gardner-Vincent Co. will present "David Garrick" for Thursday, Friday, and Saturday of this week instead of "Sapho."

"David Garrick" is one of the most beautiful plays written and has always been in the repertoire of such artists as Edwin Booth, Chas. Fecter, Kyle Bellew and in fact all our great stars.

It tells a beautiful story of an incident in the life of England's greatest actor, Mr. David Garrick.

The first act shows the home of David Garrick with its quaint pictures, play books, etc., the arrival of Garrick after a hard and irksome rehearsal at Drury Lane Theatre, the scene between Garrick and Ingot where he promises to cure the girl of her love for him.

The second and third acts are laid in Simon Ingot's home. These acts test both Mr. Gardner and Miss Vincent to the utmost, one moment the audience is convulsed with laughter and the next in tears.

The fourth act explains everything and all ends happy. As the play takes place in the olden times, it calls for beautiful costumes.

Market Reports.

WHEAT—Quiet and unchanged. CORN—Quiet, but steady; May, 79¢ 7/8. OATS—Firm; No. 2, white, natural, 69¢ 1/2.

BUTTER—Active trading; supplies short, higher and firm; receipts, 5,639 packages; creamery, specials, 28¢ 1/2; (official 28¢); extras, 28¢; thirds to firsts, 22¢ 1/2; held, 20¢ 1/2; state dairy, common to choice, 20¢ 1/2 to 22¢; process, factory to special, 12¢ 1/2 to 13¢; western, factory, 12¢ 1/2 to 13¢; imitation creamery, 22¢ 1/2.

CHEESE—Lower; receipts, 750 boxes; state, new, full cream, special, 14¢ 1/2 to 15¢; small, colored, fancy, 14¢; large, colored, fancy, 14¢; small, white, fancy, 13¢ 1/2; common to fair, 10¢ 1/2 to 12¢; skims, full to specials, 2¢ 1/2 to 3¢.

EGGS—Firm; receipts, 21,107 cases; state, Pennsylvania and nearby, fancy, selected, white, 24¢; fair to choice, 22¢; brown and mixed, fancy, 23¢; fair to choice, 22¢; western, storage packed, 22¢ 1/2 to 23¢; firsts, 22¢ 1/2 to 23¢; seconds, 21¢ 1/2 to 22¢; southern, firsts, 21¢ 1/2 to 22¢; seconds, 21¢.

POTATOES—Steady on new; old domestic firm; foreign weaker; domestic, old, in bulk, per 100 lbs., \$2.75 to \$3; per bbl. or bag, \$2.50 to \$3; European, old, per 100 lbs. bag, \$1.75 to \$2; Bermuda, new, per bbl. \$3.25 to \$4.50; southern, new, per bbl. \$2.45 to \$3; sweet, per basket, \$1.50 to \$2.

LIVE POULTRY—Steady; chickens, broilers, per lb., 30¢ to 35¢; fowls, 19¢ 1/2 to 20¢; old roosters, 20¢; ducks, 12¢; geese, 18¢.

DRESSED POULTRY—Firm; broilers, nearby, fancy, squab, per pair, 60¢ to 65¢; 1 lb. to pair, per lb., 35¢ to 40¢; fowls, barrels, 14¢; old roosters, 12¢; spring ducks, nearby, 34¢ to 35¢; squabs, white, per dozen, \$2.45 to \$2.50; frozen turkeys, No. 1, per lb., 22¢ to 23¢; broilers, milk fed, fancy, 24¢ to 25¢; corn fed, fancy, 22¢ to 23¢; roasting chickens, milk fed, 23¢ to 24¢; corn fed, 19¢ to 20¢; fowls, No. 1, 16¢; old roosters, 12¢; ducks, No. 1, 12¢ to 13¢; geese, No. 1, 12¢ to 13¢.

HYDE WILL APPEAL.

May Not Go to Jail in France For Reckless Autoing.

Paris, May 4.—M. Goffot, secretary to James Hazen Hyde of New York, says that an appeal will be taken from the sentence imposed by default on Mr. Hyde of one month's imprisonment and a fine of \$100 on the charge that while in his automobile he ran into a public taxicab last October and injured a passenger. Mr. Hyde's chauffeur was at the same time sentenced to one month's imprisonment and a fine of \$30.

M. Goffot characterized this sentence imposing the highest penalties during Mr. Hyde's absence as a "snap" judgment. He said further that when the facts were fully before the court he expected that the penalty would be reduced to a small fine.

Mr. Hyde, who was at one time vice president of the Equitable Life Assurance society, is still on an automobile trip in the Riviera.

No Children in Picture Shows.

Albany, N. Y., May 4.—Governor Hughes has signed the bill making it a misdemeanor to admit to a moving picture performance any child under the age of sixteen years unless accompanied by parent or guardian.