Sweeping Decision by Judge Speer Upholds Employers' Liability Law.

SAME ON LAND AS ON SEA

Direct Conflict Between Federal Courts on Constitutional Point. Power of Congress to Control Commerce Is Absolute.

MACON, Ga., March E.-United States Judge Emery Speer today in a decision in the case of Lucy Snead, administratrix. against the Central of Georgia Railway company, upheld the constitutionality of the employers' liability act passed by the last Congress. This decision is opposed to those of United States Judge Evans at Louisville, and Judge McCall at Memphis, who declare the act repugnant to the Constitution of the United States.
Judge Speer declared that to command, to prohibit and to protect men engaged in

the handling of commerce, whether in-terstate or foreign, is within the domain of National legislation. Congress having the right to control commerce on the high seas, as established by the courts repeal-edly, it follows that it has the right to

edly, it follows that it has the right to control the transportation of the same commerce on land.

The creation of the interstate Commerce Commission, the enactments against arbitrary and discriminatory rates, the adoption of the anti-trust law forbidding combinations in restraint of trade, held directly applicable to railroads even though chartered by states, the law denouncing rebates and forbidding passes in interstate traffic are quoted as illustrations of the power of Congress to control such matters. such matters.

The decision points out that no injury

The decision points out that no injury can result to corporations or to any useful or valuable power of the state by this National legislation. The act is no deprivation to the corporations of due process of law. Their cases are triable in courts prescribed by the Constitution. The act does not deprive the plaintiff of power to sue in the state courts. If he prefers.

KNAPP ON RAILROAD CONTROL

Commerce Chief Says National Ac tion Must Replace State.

"HICAGO, March 25 .- A dispatch to the CHICAGO, March 2.—A dispatch to the Tribune from Washington says: Martin A. Knapp, chairman of the Interstate Commerce Commission, in an interview resterday, discussed the causes of Wall street distress, the evils existing in rall-road management, and the remedies therefor, and expressed the opinion that the states have exceeded their constitutions. the states have exceeded their constitu-tional rights in some of the anti-railroad legislation they have passed.

"There are two prominent aspects of the present railroad situation, the physi-cal and the financial," Mr. Knapp said in spawer to a question.

and the financial. Mr. Knapp said in answer to a question.

"In the first place, its causes certainly are not found in any Pederal legislation conacted or proposed, or in the attitude or intentions of the President. Possibly there is an underlying reason for the present Wall street flurry, which has not been perceived clearly. "Now, our marvelous prosperity has in-duced such an extension of activity as

has led to unprecedented investment plans, with the result that over and above the capital necessary to conduct the busithe capital necessary to conduct the busi-pers for which these plans are created we lack a surplus for their enlargement. Consequently when the railroads go into the market to get the vast sums needed for that increase of transportation facili-ties which the country imperatively de-mands, they find active capital so profit-ably employed that they cannot get money for increasing the machinery of production without paying rates of inter-est which would be a handicap in the fugenerally is taken into account.

In the second place, one of the inci-dents of unusual prosperity is the stim-ulus it gives to advancing prices, which, often reach abnormal and unwarrantable

ster followed by public resentment which often visits its retallation on the innocent as well as the guilty. Bight here I think we should take into account the undoubted fact that the public conscience has been aroused from its long lethargy and has been aroused from its long lethargy and has been account which in other times would have been regarded with indifference. As there can be no great good without some misfortune, so the sharp awakening brings its unplease. the sharp awakening brings its impleas-ant consequences. But after all, it indi-cates a marked and encouraging eleva-tion in the standard of public and private

"To my mind the most serious and diffi-nit phase of the situation, and the great-st menace to the needed development of our railroad systems is the hostile atti-tude of the states. Serious trouble is likely to arise unless by some means tol-erably harmonious action as between and state authorities can be

"Manifestly such control as the states may continue to exercise must be subordinated to that larger control which belongs to the Federal Government. For this reason I have long believed that actual control by the National Government. tual control by the National Government, under well considered and workable laws, a control which satisfies the demands of interstate commerce, will tend strongly to restrain the legislative activities of states within proper limitations. If Ped-



(SEE PAGE 13.)

eral authority is feeble and easily evaded, attempts constantly will be made to remedy defects by state laws, often ill considered and drastic."

Mr. Knapp was asked to state explicitly exactly what remedy he had in mind. "The reincorporation of our railroads under an act of Congress." he said, "or some plan of Federal requirement such as has been proposed, although it would not limit the actual power of the states, nevertheless, as a practical matter, would have a potent influence in preventing improper legislation by the states, and bring state laws into harmony with National laws. Moreover, I am inclined to auticipate such adjudication by our Supreme court as cases arise in the future as will by the principles announced and the authority upheld, greatly restifict the practical field of state control."

RUEF'S EXPERT OPINION

(Continued From First Page.) witnesses from Los Angeles to arrive in the city. No indictments were returned during the one session that was held and only two witnesses were examined. These were Samuei Jacoby, fiscal agent for the Independent Telephone Company, which operates in the Northwest, and James P. Adams, of the Adams-Philips Company, of Los Angeles, bankers and brokers, who handled Home Telephone securities.

Stocks Take Another Fall and Can't Recover.

DEPRESSION IN

Sudden Fall in Copper Attributed to Breaking of Corner-Hill and Harriman Stocks Are Among Leaders in the Decline.

NEW YORK, March E.-Prices in stocks broke wildly again today soon Tames P. Adams, of the Adams-Philips after the beginning of operations on the Stock Exchange. The opening dealings showed a momentary stand against the subpnenaeing of Jacoby, according the subpnenaeing of Jacoby, according to the subpnenaeing to t

LONDON, March 25,-In spite of a further fall in prices at New York Saturday, the Stock Exchange here today opened much colmer than during the closing hours of last week. Americans opened at about parity and all-around improvement developed, the features being Union Pacific, which rose 2½ and Canadian Pacific, which rose nearly 4

BERLIN. March 25.-The tone of the Bearse today was calm in comparison with the excitement of Saturday. Banks and industrials recovered part of the heavy loss they had sustained. Prices, however, are still far from strong.

ican securities have been induced to sell there upon the report that President Roosevelt intends taking steps towards nationalizing the railroads, or, at least, enacting legislation that may curtail the roads' earning capacities.

"For the same reason some German holders of American securities have been selling in London, Then, of course, there are great demands for money from all points, but I have every confidence in the ability of the market to bridge the difficulties. One thing is certain, there is no panic and there is no danger of a panic in London."

There is a regular war being waged between the telegraph company local managers are held down to Eastern schedules, which run from \$4.50 to \$5.50 a week. The local messenger bureau pays from \$1 to \$8 a week for boys. The age or the height of the boy has little to do with his worth. It is the way he knows the town and can get over it on the cars or a wheel. No conserpt agent gets a cent for any boy he brings in who does not fill the require-

get over it on the cars or a wheel. No conscript agent gets a cent for any hoy he brings in who does not fill the requirements of the bureau service.

"For that reason," it was explained. "our boys have to know something about the new boy they bring in, and the only way they can learn that is to watch him work. The telegraph companies really do the complements of their confidence of way they can be the telegraph companies really work. The telegraph companies really do us a considerable sorvice, for, their work being gentle compared to our own, they toach the boys the trade and make them ready for the harder work of our bureau. The telegraph messenger has bureau. ouly telegrams to deliver, and untery-nine out of one hundred of these are straight errands to familiar addresses. Local messengers, on the contrary, carry everything, from billets-deux to sacks of polatoes. They have to escent old ladies home in had weather, to help them on and off cars, and they have to almost fight for umbrellus they are sent out to get when storms come up suddenly. We require a how with the land to have the storms of the second to quire a boy with 'go' in him and we pay

Spring Medicine

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SOME OF THE FIGURES IN THE SAN FRANCISCO GRAFT INVESTIGATION.

Resulting from left to right are Henry Ach. Ruef's attorney; Abe Ruef, the indicted boss of San Francisco; William J. Biggy, the clisor, who has Ruef in custody;

District Attorney Hency at the close of the grand jury session, has nothing to do with bribery. He merely testified that his company was anxious to bid on a telephone franchise and would have bid the price up had it known that one was to be advertised. His company was unious to bid on a telephone franchise and would have bid the price up had it known that one was to be advertised. His company was under the impression that the earthquake and fire had led to in indefinite postponement of the proposed bidding.

Almost immediately prices gave way, and quickly succeeding quotations showed some damaging breaches in values. Amai-

Judge Dunne, although I beneve he is prejudiced against me; or I am willing to be tried before any Judge in this county, or any Judge that the prosecution may wish to bring in from any other county. I personally went before the presiding Judge and asked that my case be assigned to some Judge who could try me at once. Judge est which would be a handicap in the fu-that my case be assigned to some thing of that sort is the cause of the in many instances, disinchination to exten-sion by the roads and is more patent than will bring it just about the time of the primaries in August. Indictments against me were returned five mouths ago. I was ready to go on trial before I went to Washington. I answered ready when my case was called a ing also helped to rally the market before

Ruef and Chief of Police Dinan were in Judge Dunne's court this morning on the ludictments charging conspiracy and ex-tortion. They were to have entered their pleas to the indictment, but Mr. Heney and Mr. Burns being busy on the work of the grand jury, the cases were postponed for one week by consent of both sides. The prosecution views the action of the defense in withdrawing from the United States Supreme Court the application for

a writ of error as a final laying down of arms against the prosecution of Ruef on the extortion charges before Superior Judge Dunne. That is to say, the defense, according to the view of the prosecense, according to the view of the prose-cution, now expects to go forward with the trial, to avoid which Ruef's attorneys have bent all their efforts and expended all their resources. On this point Frank Murphy, one of Ruef's attorneys, said to-

"We have instructed our representative in Washington to withdraw the writ of error filed by us. This decision was reached on account of the decision of the State Supreme Court to the effect that the participation of an incompetent juror does not affect the validity of an indict. ment. We will proceed without further delay with the trial of Abraham Ruef."

Confession Admitted.

CHICAGO, March 25.-Judge Ball to-day ruled in the trial of Howard Nicholas and Leonard Leopold, accused of murder of Mrs. Margaret Leslie actress, that the confession made actress, that the confession made Nicholas to the police should be

Cathartic or purgative pills do more harm than good. Carter's Little Liver Fills do only good, but a large amount of snat. Only one pill a dose.

ponement of the proposed bidding.

SCHMITZ ASKS SPEEDY TRIAL

Accuses Prosecution of Intentional

Accuses Prosecution of Intentional Not Confess.

Not Confess.

have repeatedly asked for a speedy trial—for an immediate trial—and the prosecution has just as often refused it. said Mayor Schmitz in an interview with the Associated Press today.

"I waived all technicalities many weeks ago. I wanted to be tried at ludge Dunne, althouse rejudiced as rejudiced as the said of the selling sharp rebounds from lower levels succeeded the decline, but the rise varied from 1 to 5 points in most of the many weeks ago. I wanted to be tried at ludge Dunne, althouse rejudiced as rejudiced as the said of the selline sharp respective to the said of the said of

analysis. Much of it was undoubtedly long stock to be thrown over, while as much or more was represented by bear. He had made threats at the office much or more was represented by bear operations. The improved tone of the London market was not wholly accept-ed. Primarily, the weakness of the cop-per stocks was attributed to the heavy drop in sheet copper in London. A sharp decline in tin was also reported from that center.

Assurances of the absence of serious

by Stock Exchange officials. At the lead

ready when my case was called a week ago, but the prosecution again postponed it for three weeks."

When told that District Attorney Langdon said it was true the Mayor virture and asked for a speedy trial, but that his action meant delay the venturesome and speculative get hard hit when such a setback comes, still it may be that a setback comes, still it may be that a setback row and then is in the interest of the country in the long rum."

Mr. Knapp was asked concerning the effect of the disclosures of rottenness in corporate, including railroad, combinations.

"It goes without saying," he said, "that the disclosures of discreditable operations are followed by public resontment which often visits its retalisation on the inner of the market before the mask ago, but the prosecution again branded it for three weeks."

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It goes without saying," he said, "that the biad offered to confess as a mount again branded the report that he had offered to confess as a subject of the market before the end of the first hour. The market process at 3 per cent at noon.

The market guised after the first hour and showed resistance to a new decline. The dealings became very dull at the bigher levels. The dealings became very dull at the limit should be a new to the first hour. The market process at 5 per cent at noon.

The market pulsed after the first hour and showed resistance to a new decline. The dealings became very dull at the limit should be a set of the first hour. The market to really the market before the market before

and industrial stocks brought a fresh flood upon the market from all quarters. tone again became demoralized and the tone signin became demoralized.

Smelting broke 12%, Amalgamated Copper

1%. Union Pacific, Reading and Great
Northern preferred, 7. The deluge of
stocks which poured into the market was
unexplained. Disorder in the London metal market was given responsibility for unloading of the metal stocks, in several of which stock market pools were believed to be caught with large holdings on their hands.

The slump in London copper gave rise The sump in London copper gave rise to rumors of the breaking down of an attempted corner in the copper market. Commission-house brokers reported they were in receipt of orders in almost unlimited amount to sell stocks at any price. Meantime the absorptive powers of the market seemed to be entirely exhausted and prices were also priced by and prices were slaughtered in the pro-cess. Berlin cubies reported much bet-ter feeling, but expressed fears as to the outcome here. The most experienced staany logical or satisfactory reasons the demoralized state of this market.

Market Closes Weak.

Call money loaned at 15 per cent shortly after 2 o'clock. Extensive covering to take profits by the bears railled the market in the final hour. When this buying ceased, prices slipped back again in some cases to a lower level than before, and the market became very week. the market became very weak again

ROTHSCHILD FEARS NO PANIC

Says German Holders of American Stocks Are Selling.

LONDON, March 35 .- "There is absolutely no danger," was the reply of Lord littery no danger, was the reply of Lord Rothschild when questioned today by the Associated Press in regard to the fears that the Stock Exchange settlement would result in trouble. "There may be a few small failures." Lord Rothschild said. "but the reports that a big financial house is in difficulty or that serious troubles are anticipated, are mere inventions. The London holders of Americanticular and the serious troubles.

KILLS WOMAN HE LOVED Peter Clark Performs Last Act in

Church and Social Scandal.

SPRINGFIELD, Ill., March 35.-Peter Clark today on an Interurban car run-ning between Girard and Virden, shot and probably fatally wounded Mrs. Mollie Gibson, the divorced wife of Elmer Gib-son. He surrendered.

Mrs. Gibson was brought to her par-ents' home in Giard and died there this evening in room adjoining that in which her mother lies ill with cancer. Clark was amuggled to Carlin-ville on a baggage car and taken through back streets to the jall. He had nothing to say. The Coroner's jury tonight recommended that he be

Great Decline in Copper.

The selling at the opening was of such a general character as to defy Dan Rennie, last night Clark said:

of Dr. Hill that he was "going to kill Mrs. Gibson was murdered as she was reading a letter which she had written to her husbaand asking a rec-oncilation. Clark and Mrs. Gibson were excommunicated from the First Presbyterian Church of Girard after the scandal

BOY - WORKERS' SCARCITY

Bounties Paid for Them by City Messenger Agencies.

Kansas City Journal.

Kansas City Journal

So serious is the messenger boy famine in Kansas City that bountles are being paid for them. "We pay," said the proprietor of a messenger office "\$2 apice for likely lads. This bounty is paid to our own boys. They keep their eyes active for messengers. When they see one working for a rival company or for the telegraph companies or the retail stores, they wheel alongside of him and generally bring him in. We pay the newcomerhigher wages than he gets where he has been working and we give our conscript been working and we give our conscript agent \$\mathbb{L}\$ for getting the boy. I do not know where all the boys have gone. I think they quit being born from twelve to fifteen years ago. Anyway, there are

our service voluntarily, as they prefer the kindergarten work in the telegraph offices. By the time our conscript agent gets to him, though, and tells him about the extra S a week and tips, he gets in-

What the Press Agents Say

THE BAKER'S SUCCESSFUL PLAY

As a Man Sows" Proves a General Favorite.

The new play "As a Man Sows," which the Baker Theater has on this week, is proving a general favorite with all classes of pairons and is much liked. It is an English piay but contains more dramatic features than the general run of British productions. The company members are all happilly cast and are doing spiendid work.

"A Cowboy's Girl" Pleases All. The Empire andiences are simply going wild over "A Cowboy's Girl." for the whole show is one of the kind that appeals to the heart, the imagnization, the spirit of the Westerner. The wonderfully thrilling, elimax in which the girl saves her sweetheart's sister through a deft rifle shot takes the house by storm.

COMING ATTRACTIONS.

Advance Seat Sale Opens at Heilig Theater for "The Tenderfoot."

This morning at 10 o'clock, at the box office of the Heilig Theater, Fourteenth and Washington streets, the advance seat sate will open for the tuneful innercal-comedy success. 'The Tenderfoot,' which comes next Thursday, Friday and Saturday nights, March 28, 29, 30, with a special matthes Saturday, Oscar L. Figman, Ruth White and an excellent supporting company are presenting the merry offering.

"Cymbeline" and "Julius Caesar."

Next Sunday night, March 31, the emi-nent tragedian and actor. Charles B. Han-ford, supported by Marie Drofmah and a capable supporting company, will present shakespeare's great play "Cymbeline" at the Hellig Theater: Monday sight, April 1, Jullius Caesar." This will afford lovers of the classic drama an excellent opportunity of sceling two of the immortal bard's great-

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ness and Loss of SLEEP.

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