

VERY SMALL HOLE TO GET THROUGH

Standard Tries to Escape Punishment on Technicality.

SAYS CONGRESS FORGAVE

Pretends That Rate Law Repealed Elkins Law Against Rebates, but Government Tears Up Its Spider Web.

CHICAGO, Dec. 12.—(Special.)—Standard Oil and the Miller doctrine of general forgiveness for rebate givers and takers stood under a raking fire all of today from the Government's legal guns. The proposition that the new rate law stopped all possibility of prosecution under the old law was hammered by District Attorney Sims, Special Counsel H. Wilkerson and Assistant District Attorney Hanchett in arguments which kept Judge Landis attentive until night had fallen.

Argument for Government.

"Any construction of the law which imputes to Congress an intention to pass an act of general amnesty and abolition," contended Mr. Sims, "is in conflict not only with the history of the times but with the act itself."

The attack of the Government was based upon the proposition that the rate bill as approved June 29, and the joint resolution of Congress approved June 20, extending the time for the beginning of operation of the act for 60 days, were for all legal purposes one and the same legislative enactments.

If the case goes to the Supreme Court for final adjudication, which is considered a probability, the tribunal will be called on to determine the exact time that the rate law became effective, and in making this decision the testimony of the President himself and his secretaries will be of prime importance.

No Saving Clause for Rebaters.

Mr. Sims contended that, even if it be held that the Elkins law was repealed by the rate law, section 13 of the revised statutes prevented the release or extinguishing of the penalties of the Elkins law. Further, he held that section 16 of the rate law was not a "saving clause," as argued by Mr. Miller, but merely a direction as to manner of procedure in prosecutions brought under the law.

HEAD OF COAL TRUST GUILTY

End of First Among Eighty Trials at Omaha.

OMAHA, Dec. 12.—After being out two days the jury in the case of S. E. Howell, president of the Omaha Coal Exchange, charged in company with 79 other members with maintaining a trust, in violation of the state law, returned a verdict of guilty this morning. The case will be reopened. This is the first of the indictments, which includes practically every coal firm in the city. The court has indicated the intention of trying each defendant separately and the next case will be called Monday.

CLASH IN SAN FRANCISCO

(Continued from First Page.) report had ever been made to this Government and at the Japanese Legation the story was promptly denied.

VIOLATION OF STATE RIGHTS

Rayner Assails Roosevelt's Position on Japanese Question.

WASHINGTON, Dec. 12.—Much interest was manifested today in the position defended by Senator Rayner in his discussion of the Japanese question. He contended that the inherent rights of a state could not be violated by treaty any more than they could be violated by Congress. To support this he cited many cases adjudicated by the Supreme Court and arrayed long lines of eminent authorities.

Rayner also gave the cases and authorities on the other side of the proposition. He was interrupted many times in his constitutional argument by Senators who wished to bring out specific points.

Caustic criticism of President Roosevelt's position preface Rayner's discussion of the constitutional question involved. If the military and civil forces of the Federal Government were to be used by the President, Rayner said, it became very important to know the exact position of the President in the matter. "Because," he added, "it is quite a serious matter, in view of the great calamity that has lately befallen the city of San Francisco, for the President to contemplate the bombardment of the city at this time, and to declare war against the board of county school trustees of San Francisco if there is no justification of pretext upon which such ferocious proceedings can be undertaken. The President is exercising a great many functions—legislative, executive and judicial, lawful and unlawful, constitutional and unconstitutional.

If he is possessed of the idea that he is supervisor of all of the public schools of the various states of the Union, and he seems to be impressed with this idea, because in the very last paragraph of his message he recommends the establishment of shooting galleries in all of the large public schools of the country, we must either disabuse his mind of this

fancy or we must let him know that we agree to the omnipotence of his jurisdiction. If he can take possession of the public schools of California and compel the state to admit to them Japanese students contrary to the laws of California, he could with equal propriety send an amendment to the Santo Domingo treaty and demand the admission of the negro children of Santo Domingo into the white schools of South Carolina or of any other state of the Union.

"Of course, if the people have come to the conclusion that everything that the President recommends is right, then there is hardly any use in contesting any of his propositions, and instead of conferring upon him the power to give Congress information of the state of the Union, we might confer upon him the function of furnishing his own peculiar views upon the entire state of the universe, and recommending any improvements or changes in the general plan of creation that he may deem expedient, from the cradle to the grave. In fact, the President, upon page 29 of his message, anticipates the cradle and makes a recommendation upon the state of the Union that tends to place in his hands the establishment of the birth rate of the country. Now if we can only supplement this function by giving him complete jurisdiction over the death rate we will then have a rule on which his authority is uncircumscribed and whose unlimited possibilities are beyond the reach of human contemplation."

Rayner coincided with what the President had said in his message in praise of the Japanese. His sympathies had, he said, been with them during the war with Russia, and he thought it a shame that Japan should have to be overpowered in the conference room when she had been victorious on the battle field. He proposed, he said, to discuss the present question entirely outside of the particular circumstances, and plant himself on these two propositions:

1. That there is no provision whatever in the treaty with Japan that confers the right that the President speaks of or gives to the government of Japan the privileges that it claims in connection with the public school system of California or of any other state.

2. If there was such a provision in this treaty or any other treaty conferring this right, the treaty should be void and without any authority upon the part of the United States to make it, and in violation of the Constitution. "The precise point involved," he said, "is the tenth article of the Constitution that powers not delegated to the United States by the Constitution nor prohibited by it to the states are reserved to the states respectively or to the people."

Continuing, Rayner said: "The power of a state to regulate its public school system is clearly among its reserved powers. Have we, therefore, a right to provide in a treaty that the citizens of foreign lands shall possess privileges in our schools that are prohibited either by the constitution or by the laws of the state in which they are claimed? If we can, in defiance of the laws and constitution of a state, incorporate any such provision in a treaty so as to bind the state, then we can undoubtedly deprive the state of every reserved right that it possesses and restrict and curtail its law and constitution whenever they come in conflict with the treaty-making power. I trample upon this appalling power. If such a treaty is made, it should creep into our judicial decisions it would disfigure the Constitution to such an extent that its features would no longer be capable of recognition. It would annul the charter; it would frustrate the intention of the men who framed it; it would undermine the entire framework of the instrument, and it would convert us from a constitutional government into a dictatorship, with the states in abject servitude to the Federal power, and with the executive in practical control of the destinies of the Republic."

GOVERNMENTS FULLY AGREE

Japanese Foreign Minister Visits American Constitution Revisited.

SEATTLE, Wash., Dec. 12.—The latest Kobe Herald received in America gives the view of Viscount Hayashi, Japanese Foreign Minister, in regard to the question of Japanese citizenship in the United States. The Herald says: "In accordance with the arrangement mentioned in our last issue, a deputation of members of Solyu Kai waited upon Viscount Hayashi, the Foreign Minister, on Sunday morning, to convey to him the views of the party in regard to the anti-Japanese movement in San Francisco. A deputation from the Ken Ken Honto was also present. The viscount assured them that the Japanese and American governments were entirely at one in their views as to the San Francisco difficulty. The Tokio authorities are therefore limiting their action to providing the necessary information to enable it to arrive at a settlement of the trouble as soon as possible.

"The viscount also said that the general public opinion in America was fully in agreement with the attitude of the central government. In conclusion Viscount Hayashi said that he earnestly believed that the United States authorities would take advantage of this opportunity to revise the Federal constitution, if such a course was found to be necessary.

Japanese Pour in From Mexico.

EL PASO, Tex., Dec. 12.—The number of Japanese applying for admission to the United States through this port has noticeably increased within the last ten days. Today 57 Japanese applied for admission. They are, according to the immigration officers, pouring into the United States from Mexico through the port of Eagle Pass and Laredo, claiming to come to Mexico as laborers, but have become dissatisfied with the conditions and their treatment there.

Metcalf's Report Tuesday.

WASHINGTON, Dec. 12.—President Roosevelt has decided to send on Tuesday next the report made by Secretary Metcalf, of the Department of Commerce and Labor, into the alleged discrimination against the Japs in San Francisco.

COX INNOCENT OF HERESY

No Sin for Rector to Express Sympathy With Crapsey.

CINCINNATI, Dec. 12.—Rev. George Clarke Cox, rector of Calvary Episcopal Church here, was tonight acquitted of the charge of heresy by the standing commission of the Episcopal diocese of Ohio. The case had its origin in a letter written by Mr. Cox to Bishop Vincent, in which Mr. Cox declared that his sympathy was with Dr. Crapsey, of New York.

Argument on Caruso's Appeal.

NEW YORK, Dec. 12.—The appeal of Enrico Caruso, the tenor, from his conviction on a charge of disorderly conduct toward women in the monkey house at Central Park came up before Recorder Goff today. No new evidence was taken, the proceedings being limited to arguments by attorneys. The attorneys on both sides were given until Monday to hand in briefs.

Robson's Sister May Be Insane.

NEW YORK, Dec. 12.—Mary Stuart Newison, an actress aged 38 years, and a sister of the late Stuart Robson, was removed tonight from the Hotel Normandie to Bellevue Hospital, where her mental condition will be inquired into.

Red Eyes and Eyelids, Weak Eyes and Tired Eyes Need Murine Eye Tonic.

ORIENTAL RUGS

Are just splendid things for Christmas gifts. Come up to our carpet department, and see the splendid assortment we have to show you. Genuine importations, priced lower than anywhere else.

OLDS, WORTMAN & KING FIFTH, SIXTH AND WASHINGTON STS.

GRAY WOOL BLANKETS

Maybe you wouldn't have thought of Blankets as presents, but a pair of our wool blankets would make a mighty acceptable present, just the same. Priced at the pair, \$3.25, \$4, \$5 and up to \$8.50

Santa Claus Says That Thursday Is Doll Day



GIRLS HAVE THEIR INNING THURSDAY, AND WE'RE GOING TO GIVE THEM A DOLL DAY THAT WILL MAKE THEM ALL COME IN HERE AND SELECT ONE OF THESE PRETTY LITTLE LADIES TO 'MOTHER.'

WE'RE GOING TO MAKE A SPECIAL DISPLAY OF DOLLS, HAVE HUNDREDS OF THEM OUT FOR YOU TO LOOK AT, AND WE WANT YOU TO COME AND SEE THEM, ANYWAY, WHETHER YOU WISH TO BUY OR NOT.

FIRST, TO GET YOU INTERESTED, WE'LL TELL YOU OF TWO MIGHTY GOOD SPECIALS ON DOLLS—READ ABOUT THEM.

JOINTED DOLLS, with shoes, stockings and chemise; light hair, goes to sleep; 17 inches long, and regularly worth 65c each; 49c special at.....

35c Dolls, dressed in sailor suits; have brown hair and eyes; selling at 35c.

75c DOLLS, dressed in blue checked Eton Suits, with hats to match gown, others with pink dresses and hats to match, 75c.

\$1.50 DOLLS with light natural hair, blue eyes, and dress of white etamine, over blue. Hat to match. Price, \$1.50.

\$2.00 DOLLS, with dark hair and eyes, dressed in white, with muff to match; others have pink lace dresses, trimmed in narrow ribbon; very pretty and stylish dolls; price, \$2.00.

\$4.50 LARGE DOLLS, with brown hair and eyes, dressed in figured organdie, trimmed with narrow ribbon. Hat to match, and white shoes and hose, \$4.50.

DRESSED DOLLS, with dark hair and blue eyes; dressed in pink, and dress is trimmed with lace, braid and embroidered chiffon. Slippers and hose to match dress. Regularly \$1.00; special.....

25c DRESSED DOLLS, pink, blue and white dresses, trimmed with lace, hat and shoes to match; a splendid value, at 25c.

90c DOLLS, dressed in very pretty styles, with lace flounced skirts, and fancy blouses, hats to match; have dark hair and blue eyes, 90c.

\$3.00 DOLLS, with dark hair and brown eyes, dressed in light blue silk, trimmed with cream silk, lace, large hat to match; light blue slippers and hose. Only \$3.00.

\$4.50 LARGE DOLLS in yellow chiffon dresses, with large hats, trimmed with chiffon and plumes; a beautiful doll for \$4.50.



Lace Curtains \$3.25

Real Cluny Lace Curtains, in a rousing sale this week. Here by the hundreds of pairs. New and beautiful patterns; come in white or Arabian color; heavy edges. A lot of over a thousand pairs on sale. Several grades; \$4.00 grade, only.....

- \$4.50 grade now.....\$3.65
\$5.00 grade for.....\$3.95
\$6.00 grade for.....\$4.75
\$7.50 grade for.....\$5.95
\$9.00 grade for.....\$7.15
\$12.50 grade for.....\$9.95

Superb Silk Spec's Thursday

19-INCH WASH TAFETA, and it's the famous Imperial Wash Tafeta, too; comes in black, white, cream and all the wanted colors; selling very special for Thursday, the yard.....

BLACK PEAU DE SOIE, of exceeding richness and luster, on sale at splendid special prices that will be of no small interest to Christmas shoppers. It's priced like this:

- Regular 85c grade for... 69c
Regular \$1.15 grade for... 93c
Regular \$1.50 grade for... \$1.33
Regular \$2.00 grade for... \$1.59

\$2 Silk Hose, \$1.39

How's that for a special on Christmas Hosiery? Rich black silk Hose, full finished, with spliced heel and toe, and double sole; regularly \$2.00 for.....

- \$1.39
WOMEN'S SILK HOSE, in pink, blue, black, tan, cardinal and lavender; a regular \$2.75 quality, selling for pair.....
\$1.89
WOMEN'S BLACK SILK HOSE, with embroidered boots, rich looking and new; a regular \$3.50 Hose; special at.....
\$2.10
WOMEN'S BLACK SILK LACE HOSE, in pink, blue, tan, gray, black, white, with garter tops; a splendid \$3.00 quality; selling Thursday at, the pair.....
\$1.98

ANY RAINCOAT IN THE STORE REDUCED 25 PER CENT

(Second-Floor Suit Salons)

Any Silk Raincoat or Cravenette to go at One-Fourth less than the regular price Thursday. It doesn't make any difference what the regular price was, the price Thursday will be just Three-Fourths that amount. Original price marks remain on the Coats, just as some of you have seen them, and all you need is Three-Fourths that sum.

The Silk Coats come in plain solid colors, or fancy stripes and checks. The Cravenettes come in plain colors and fancy herringbone stripes or invisible plaids.

The Cravenettes have been selling at \$10, \$12, \$15 and up to \$38.50 each. The Silk Coats for \$22.50 to \$42.50.

Now we take One-fourth off of the price of any of them for the balance of the week, beginning Thursday.

- \$10 Raincoats now selling at \$7.50
\$12 Raincoats now selling at \$9.00
\$15 Raincoats now selling at \$11.25
\$30 Raincoats now selling at \$22.50

THE GREATEST RAINCOAT SALE OF THE YEAR ONE-FOURTH LESS THAN REGULAR

SURPRISES THE GAMBLERS

JEROME BATTERS DOWN DOORS AND MAKES BIG HAUL. Refuses to Accept Bail Under Fictitious Names and Keeps Nearly All 145 Men in Jail.

NEW YORK, Dec. 12.—Led by District Attorney Jerome, 53 policemen and detectives tonight raided an alleged gambling-house in Tenth street and arrested 145 men. The doors were battered down with iron balls. The new tactics of the District Attorney were apparently great surprise, not only to the prisoners, but also to the lawyers and bondsmen who flocked to the station to bail out the prisoners. Fictitious names are often given following such a raid, but tonight the District Attorney instructed the sergeant at the police station to require the bondsmen to take oath that the prisoners' names and addresses given at the station-house were correct. Although lawyers appeared at the station-house with bondsmen, the sergeant remained firm, and in nearly every case the bondsmen refused to give bail. The result was that at a late hour the majority of the 145 men were still held in cells at the station.

BLIZZARD IN MONTANA

Mercury Falls Below Zero and Snow Storm Rages. HELENA, Mont., Dec. 12.—A cold wave from Canada struck Montana this morning, accompanied by high winds and a fine, drifting snow. At Harve it is below zero and snowing furiously. At Great Falls it is four above and

SENATOR CLARK WINS.

Los Angeles Case With Sensational Features Heard on Demurrer.

LOS ANGELES, Dec. 1.—An echo of a big franchise deal in Los Angeles in 1902 which failed, and has involved the name of Senator W. A. Clark of Montana, and the sum of \$17,750, was heard in the Superior Court today when Judge York sustained the demurrer of Senator Clark to a suit brought against him for \$850, or one-half of above amount. The suit was brought by H. Lee Davis as administrator of the estate of W. S. Hook, late president of the Los Angeles Traction Company. It was alleged by the plaintiff that the Montana Senator secured from Hook in 1902 an option of one-half of the shares of the Los Angeles Traction Company

HAU ATTEMPTS SUICIDE

Accused Professor Watched to Prevent His Cheating Law. LONDON, Dec. 12.—Owing to the fact that the evidence regarding the death of Frau Molitor had not arrived here from Germany, Professor Karl Hau, of Washington, who was accused of murdering the woman, his mother-in-law, was again remanded for a week today at the Bow Street Police Court.

Hau is being closely watched, as the police fear he may attempt to commit suicide. His guards yesterday detected him adjusting a necktie around his neck, and assert that he was about to strangle himself. The prisoner, however, assured his counsel that he had no such intention. The prisoner this morning made application to the magistrate for \$350 with which to pay creditors at Washington, who, he said, are pressing him.

Canning Plant Burned.

GREENWOOD, N. C., Dec. 12.—The vegetable canning factory of J. P. Folk & Co. burned today. The loss is estimated at \$220,000.

Advertisement for Uneda Biscuit. Open a Box for the Children. Leave it where they can reach it. Watch them gain in weight. Watch their cheeks grow ruddy with health and life. Uneda Biscuit are the only Soda Crackers—the most nutritious food made from wheat, therefore the most wholesome food for children. 5c In a dust tight, moisture proof package. NATIONAL BISCUIT COMPANY

Advertisement for Scott's Emulsion. Consumption is less deadly than it used to be. Certain relief and usually complete recovery will result from the following treatment: Hope, rest, fresh air, and—Scott's Emulsion. ALL DRUGGISTS; 50c. AND \$1.00.