THE MORNING OREGONIAN. TUESDAY, JANUARY 5, 1909.



Action of Supreme Court Has Effect of Sending Big Fine Case to First Court.

DECISION IS UNANIMOUS

Entire Supreme Bench Refuses to Interfere With Case Other Than Return It Subject to Corrections of Judge Grossenp.

WASHINGTON, Jan. 4 .- The famous \$29,240,900 fine case against the Standard Oil Company will not be reviewed by the Suprema Court of United States, but will be retried before Judge Landla, who im-posed the now famous fine. Such is the

power the new families file. Such is the effect of the Suprume Court's action in the matter today. The decision of the court to this effect was announced by Chief Justice Fuller soon after the court convened today. The case came to the court on a patition that by the Government asking the court The case came to the court on a petition field by the Government asking the court in a petition for a writ of certiorari to order up the record in the case for a re-view of the decision of the United States Circuit Court of Appeals for the seventh circuit, by which Judge Landis' original decision immosing a fine of 253,380,000 Recision Imposing a fine of \$25,348,000 against the Standard Oil Company for accepting rebates from the railway comanles was reversed. In the Supreme ourt the case turned largely upon the right of the court to interfere, in view of the fact that the case had been passed upon by the Court of Appeals, the Govment contending for such privilege as right, while it was urged in behalf of se oil company that the precedents were all against such a proceeding.

Case in Original Status.

The action of the court consisted in the announcement that the Government's pe-tition would not be granted. The effect of this announcement will be to leave standing the decision of the Court of Appeals, which was adverse to the Court of Appeals, which was adverse to the Gov-ernment and favorable to the company. The court's announcement was the barest formality. No reasons whatever were given and the determination of the court was stated along with a number of other cases of comparatively little im-portance. The Chief Justice simply anportance. The Chief Justice simply an pounced that the petition for certiorari was denied. Under this ruling the case will now go back to Judge Landis' court for a new trial, in accordance with the decision of the Court of Appeals. It is stated at the Department of Jus-ites that the decision gives the case its

tice that the decision gives the case its original status, subject to the views of Judge Grosscup as contained in his dens of July 22 and November 10, 1908. These in effect were:

Where Landis Erred.

First, that the trial court (Judge Lan-dis) had erred in its ruling on the admis-ation and exclusion of evidence and in its charge to the jury. By adopting the view that a shipper can be convicted of ac-cepting a rebate, even though it is shown a the matter of intent that he did not now what the lawful published rate ac-mily was; second, that the true test t the number of offenses is not the numof the humber of offense a hot the hum-ber of carlonds transported, but the num-ber of single transactions resulting in a shipment; that the offense of accepting a concession is the "transaction" that the given rate consumed, whereby the ship-per, for the thing shipped, no matter how prest or how Wills its countity derives a great or how little its quantity, derives a rate different from the established rates; third, that the trial court abused its dis-

TO START NORTH ON SUNDAY Cosgrove's Physician Belleves He Can Make Trip by That Time.

Can Make Trip by That Time. PASO ROBLES, Cal., Jan. 4.-(Special) -According to the present plans, Gov-ernor-elect Cosgrove, of Washington, will not leave for home until next week, probably Sunday, January 10. The Gov-ernor was anxious to leave so that he could be inaugurated on January 11, the official date set for the ceremony, but his physicians advised him against haste, and it was determined to wait one week. His health has been constantly im-proving the last month and today he was about the hotel cordors for a short time. Dr. Sawyer, the manager and chief physician of the hotel, declares that by next Sunday Governor Cosgrove will be able to travel and that he will not suf-fer any from the trip.

fer any from the trip. "Mr. Cosgrove is doing very nicely." said Dr. Sawyer. "He is able to be about the hotel and altogether his condition is very sutisfactory. He wants to leave the first of the week, and, unless something unforeseen happens, should be able to make the trip to Washington by that time."

TAFT DID NOT INTERFERE

NO MEDDLING IN OHIO SENA-TORIAL FIGHT OF BROTHER.

Interpretation Put on C. P. Taft's Withdrawal Declared to President-Elect.

AUGUSTA, Ga., Jan. 4 .- Regret is felt by the President-elect at what both he and his friends regard as the unfair in terpretations being printed regarding the withdrawal from the Ohio Senatorial contest of C. P. Taft. The Presidentelect contemplates no statement for publication regarding the matter, but in discussing it with friends he has not been uncertain in giving an idea of his feelings

on the subject. There seems to be nothing further to be said by Charles P. Taft, even though be said by Charles P. Tait, even indogr the reason he assigned for getting out of the race has since been made the subject of adverse comment. In this connection it is explained that the withdrawal was neither made at the instance of William H. Taft nor on the suggestion of Frank P. Hitchcock or Wade H. Ellis. C. P. Tait eliminated himself from the contest entirely in the interest of party harmony and on his own initia-

the contest entirely in the interest of party harmony and on his own initiative.

CONDENSED NEWS BY WIRE

Topeka, Kan. - Half the business portion of the town of Kensington, Kan., was de-stroyed by fire Sunday. Loss \$20,000.

Tonopah, Nev.-The mines of Tonopah have milled during the year 1908 a total of 241.296 tons of ore, of value estimated at \$6,325,950.

San Francisco-The United States Moni-tor Cheyenne, recently the Wyoming, start-ed Monday for Southern California ports. The vessel recently was fitted with oil-burning furnaces.

burning furnaces. Lewiston, Mont.—In a battle between Deputy Sheriff Al Morgan and John Pflager In the Snowy Mountain district, the latter was killed. Morgan had been pursuing Pflager for several days. Peach Springs, Ariz.—Francis Colone, a passenger on a Santa Fe train, while in a fit of insufity, leaped from a car window just as the train was leaving Saturday night. His condition is precarious.

night. His condition is precarious. Ban Josa, Cul.-Burglars entered the East San Jose Postoffice Sunday night, blow open the safe and secured \$400 in coin and stamps. They also robbed the destrict farm of \$1500 worth of estrict feathers. Los Angeles, Cul.-The Union Exchange Bank, on South Main street, was placed in the hands of the State Bank Commissioner Monday. The capital stock is \$27,000. It has deposits of \$18,000 and Joans of \$12,000. New York-After washening gradually

New York-After weakening gradually during the past weak, the strike of cabmen and chauffeurg members of the Liberty Dawn Association, was officially declared of at a meeting held Sunday night. Both sides claim a victory.



MAIL ORDERS PROMPTLY FILLED

January Clearance and White Sales in Full Progress

Goods Reduced in All Departments

All Suits Reduced-All Waists Reduced-All Coats Reduced—All Furs Reduced—All Skirts Reduced-All Millinery Reduced-All Muslin Underwear Reduced-All Children's Apparel Reduced-All Pictures, Jewelry and Holiday Goods Reduced -Silks, Dress Goods and Wash Goods Reduced-Goods Reduced in all Departments.



Muslin Underwear offers genuine **French Und'rmuslins** reductions on the entire stockat prices far below far greater than those of any any other sale other store. or other improper means shall secure man Hitchcock advising the Republican residence. When the family and serv-ants entered the room he was found dead on the floor with a bullet through his head. 'UPSETPRIMARY''-HOPKINS or seek to secure the relinquishment of any entry of title to public lands, or Legislators to support Fulton LUCKY SUITOR HIT who shall by such improper means at-YOUNG'S NAME HELD BACK tempt to secure any statement from an entryman which might be used to im-pair his entry, shall be liable to a fine of from \$100 to \$500, imprisonment Cashier George H. Lawson, of the Peoples' State Bank, states that ill health and nothing eine impelled Mr. Potter to destroy himself, "Mr. Pot-ter's affairs as vice-president of this Senator Fulton Not Yet Ready to ILLINOIS SENATOR TALKS OF Have Senate Take Action. from six months to two years, or both. This bill is aimed primarily at the spe-OREGON SITUATION. OREGONIAN NEWS BUREAU, Wash-Rejected Admirer Sends Gift bank were absolutely straight and all right," declared Mr. Lawson. cial agents who have been improperly operating in idaho. Senator Borah also introduced a bill prohibiting Senators, Representatives ington, Jan. 4.—Senator Fulton said to-day there would be no action on the nomination of John C. Young as post-Though Himself Indorsed Under of Poisoned Wine. master at Portland for some time to come. He continues to receive protests. and Delegates in Congress from accept-ing fees as attorneys in any cases in the courts in which the United States is in any way interested, and also pro-hibiting Senators and Congressmen from acting as attorneys for corpora-tions or other concerns engaged in FOUR RUSTLERS ARE SHOT Primary Law, He Says It Should and is not yet ready to let Young's name go before the Senate for action. Senator Files today introduced a bill appropriating \$140,000 for the erection Not Apply Here. Vigilantes Have Pitched Battle With VENGEFUL ACT IS FATAL Cattle Thieves Near Border. OREGONIAN NEWS BUREAU, Washappropriating \$140,000 for the Alaskan of navigation aids along the Alaskan coast at points to be designated by the Secretary of Commerce and Labor. The Secretary of the Interior today recommended that Congress authorize tions or other concerns engaged in ington, Jan. 4 .- Senator Hopkins, of Illiinterstate commerce. He also intro-duced a hill providing for a \$200,000 public building at Coeur d'Alene City. nois, himself choice of the primary for SAN DIEGO, Cal., Jan. 4 .- Advices received by telephone from Mesa Grande, re-election, says there are exigencies which sometimes make it advisable for 40 miles from here, tell of a pitched Little Child Dies and Father Is Deshim to withhold from disposition under the land laws all water power sites on the Colville Indian reservation, Washstate legislators to disregard the results SPECIAL ENVOY IS NAMED battle 30 miles from there between a gang of a primary election. "In Oregon, for instance," he said, "the majority of people are Republicans and they find themseivs in the predica-ment of being called on to send to the Senate a man who differs totally from their party on financial and tariff outerof cattle rusilers and members of a vigilants committee organized last week to put a stop to the depredations of cattle perately Ill-Mother Escapes President Nominates Huntington ington, and sanction their sale or lease Fate of Others by Queer to the highest bidder. thieves who are working in that locality. According to the information received, Wilson for Servian Duty. Streak of Luck. WASHINGTON, Jan. 4.-The President ent to the Senate today the following BORAH IS AFTER GRAFTERS the vigiliantes Saturday ploked up the trail of a band of cattle thieves who made away with several hundred head of stock near Mesa Grande last week their party on financial and tariff ques-tions and with leanings toward Bryaniam. It seems to me if I were an Oregon legominations: Introduces Bills Relating to Bad Envoy Extraordinary, Huntington Wilon, of Illinois, to Servia and Bulgaria. Consul-Generals-Arnold Shanklin, of CHICAGO, Jan. 4 .- (Special.) -A islator I would not vote to send a perso and followed them to a point just this side of the international line, where the Land Agents and Grasping Solons. of such political tendencies to the capbaby girl is dying and the child's Missouri, at Mexico; Alban G. Snalkun, of West Virginia, at Panama. Colonel, retired, to be Brigadier-General, retired, John D. Perkins. Ital." OREGONIAN NEWS BUREAU, Washfather is in a serious condition today In the fight that followed the refusal to surrender, two Mexicans, an Indian and a white man, all members of the OREGONIAN NEWS BOREAU, Wash-ington, Jan. 4.—Senator Borah today in-troduced a bill almed at the correction of abuses that have been committed by special agents of the Land Office. It provides that any representative of the Government who by threat, decelt from drinking poison contained in a HITCHCOCK IS FOR FULTON bottle of wine presented as a New Year's gift by a rejected admirer of and a white hair, an memory of the band, were shot; and one vigliants was seriously "wounded. The rustlers fied across the boundary after the fight. Coroner Morgan left this city this morn-ing for the scene of the killing. Owing to the isolation of the district, details are the man's wife. The victims are Pie-Said to Have Declared Republicans tro Marchesi, a wealthy Italian mer-chant, and his 11-months'-old child. Should Vote for Him. The poison was given to Marchesi and his baby in a bottle of rare Italian WASHINGTON, Jan. 4.-(Special.)-Frank H. Hitchcock, chairman of the Republican National Committee, and wine. alow in coming in. The rustlers are believed to be allied The Chicago-avenue police have been G. P. Rummelin & Sons Republican National committee and president Roosevelt are reported in sharp disagreement about the Gregon Senatorial contest. Chairman Hitchcock wants Ful-ton re-elected and report is that he has taken steps to use his power as National chairman to secure that outcome. The Wilton people are reported more The Chicago-avenue poince have been given the name and an accurate de-scription of the man, and it is declared that it will be only a matter of hours before he is arrested in the North Side Italian colony. His identity is being concealed to expedite his arrest. The discovery of the poisoned wine these birghters increased the wift with the same gang now under arrest in Los Angeles for horse stealing. 126 Second St., Between Wash-ALTON GUILTY OF REBATE chairman to secure that outcome. The Fulton people are reported more hopeful than for weeks past and are making strong claims on the strength of their success in enlisting Hitchcock. ington and Alder Supreme Court Decides Dollar "Tercame when Marchesl opened the gift at his New Year's dinner. Mrs. Mar-chesl received the bottle of wine New minal Charge" Was Illegal. **REDUCTIONS** ON ALL FUR GARMENTS They balleve this means that the Taft administration will take care of Legisla-tors who violate instructions in order to Year's morning from a rejected admi-rer who asked that a tonst be drunk from the bottle at the noonday meal WASHINGTON, Jan. 4.-By a divided court, the Supreme Court of the United States today decided the rebate cases brought by the Government against the Chicago & Alton Company and Vice-President Faithorn and Treasurer Wann, t is said here that S. C. Beach, of Port-The mother drank none of the wine. Sealskin Coats, Otter Coats, Persian land, manager for Fulton, and a State Senator, has received a letter from Chair-Lamb Coats, Astrachan Coats, Etc. BANKER ENDS HIS LIFE of that company, in favor of the Gov-FUR NECKWEAR AND MUFFS ernment. The case involved a charge of making The Mission Second Attempt Succeeds-Was Vica concession to the packing firm of Schwarzschild & Sulzberger on shipments tim of Nervous Prostration. In Mink, Black Lynx, Sable, Beaver, Schwarzschild & Suizberger on Sniphenes of packinghouse products from Kansas City, Kan., to Eastern points. The packing company has a mile and a half of railroad track in connection with its plant. The Chicago & Alton Company repaid to the packers \$1 a car for the use of their tracks and entered the pay-ment on its books as a refund on account of terminal charges. Of those corpuscies in your blood that have been called "Little Ermine, Squirrel, Otter, Etc. DETROIT, Jan. 4 .- Henry C. Potter, that have been called "L Soldiers," is to fight for of this city, vice-president of the Peo-ples' State Bank of this city, commityou Fur Auto Caps and Gloves, against the disease germs that ted suicide at his home shortly before 10 o'clock this morning. Mr. Potter had been suffering from nervous prosconstantly endanger your health. These corpuscies are made Fur Rugs and Robes had been surfering from hervous pros-tration for some time. About a month ago, Mr. Potter was found unconscious in the bathroom of his residence on Jefferson avenue. Gas was escaping from a constitution to the was stated then healthy and strong by the use of of terminal charges. Hood's Sarsaparilla.

All our exquisite

in imposing an excessive fine of \$29,240,000

Will Be Heard Soon.

The question as to when the case will again be presented to Judge Landis for trial depends upon United States Attor-ney Sims, for the Northern Illingis district, but it is expected some action to ward that end will be taken within the next few weeks.

It is probable that Judge Landis will again personally conduct the trial, but it is entirely within his discretion to request another Judge of the same district to act.

GO TO TENNESSEE MAY

Judge Landis May Not Rehear Stan-

dard Oil Case in Illinois.

CHICAGO, Jan. 4 .- United States District Attorney Sims was informed of the adverse ruling of the Supreme Court in a private telegram. He declined to discuss the matter.

It-is pointed out, however, that the Supreme Court's ruling by no means mecessarily ends the case. The original case may again be tried before Judge Landis or the Government may proceed on some entirely new case with practically the same evidence. The indici-ments were voted in Tennessee and it is not improbable that the Government's next atlack on the Standard Oll Com-pany will take place in that state.

IN JAIL TO THINK IT OVER N. S. Parker Ordered to Leave Town

or Give Bonds to Keep Peace.

CENTRALIA, Wash., Jan. 4 .- (Spe CENTRALIA. Wash., Jan. 4.- (Spe-cial.)-Nathan S. Parker languishes in the City Jali trying to make up his mind either to leave town or give \$200 bonds to keep the peace. Some time since his wife applied for a divorce on the grounds of non-support. Last Friday Parker went to the house in-toxicated and made threats against his wife, trying to get her to withdraw the wredeedings.

proceedings. He was warned away, but when Mrs. Parker had to leave the little ones alone to go to her work he was seen making his way back to the house. Marshal Clark took Parker before Jus-tice Baker, who, on hearing the charge signist him, gave him the privilege of involve the ones for one war or furngainst bim, gave him the privilege of leaving the county for one year or fur-nishing \$200 honds to keep the peace. Failing in either of these, he will be dealt with by the District Court. He is unable to decide which course to pursue.

WORK TO BE SUSPENDED

(Concluded on Page 5.)

reached to this effect with both Governor Mead and Mr. Hay.

Message Will Be Brief.

Governor Cosgrove also expects to sub mit a message to the Legislature, but it is anticipated that it will be brief be-cause of his ill health and his inability onally to investigate the needs of all state institutions and collect data at band only in this state for recommenda-tion upon important matters.

ernor Mead's retiring message will he exhaustive in character, unlike that captured the entire band, six men.

Chicago-Preston Glison, formerly of Chicago-Preston Glison, formerly of Chicago, is to be married to Miss Grace Mc-Millan Jarvis, daughtér of William Jarvis, of Detroit, and granddaughter of the late Senator McMillan, of Michigan, Miss Jarvis is a Washington debutante of last season. Pasta The Paria-The election of Senators whose term will expire hims years hence were hold Monday. They resulted in an indorsament of the government. The re-slection of Baron d'Estournelles de Constant indicates progress for the policy of International peace.

new York-Co-operation between organ-ized labor and the Department of Immigra-tion is the latest plan advanced to aid in the distribution of Immigrants in this country, with a view to placing them in localities where they can secure work to the best advantage.

San Francisco.-The United States Cir-cuit Court denied the petition of Attorney J. P. Colb. of Aintha, Monday for a writ of mandamus against Judge R. A. Gunni-con. of the District Court. to compet the shatement of a sentence for contempt of tourt passed on Cobb.

court passed on Cobb. San Francisco.-Harry I. Bremmer, who professes to have been a clerk in the em-ploy of the Chemical National Bank in New York, was arrested here Monday on a charge of having explod several checks for \$100 each, bearing the forged signature of C. F. Adams, of Boston. Cronstadt-The bedy of Wilbur John, of Cronstadt.-The bedy of Wilbur John, of Cronstadt, was transferred Sunday to St. Andrew's Cathedral through stressis Inted with mourners. At service and during the period when the body lay in state there were scences of hystorical grief among the thousands of the dend priest's followers. New York-Flans have been aunounced

New York -Flans have been announced for a big stockyard rivaling those of the West, which will be built on the Hacken-sack Meadows, New Jerser, The organiza-tion, it is said, will be capitalized for \$10,000,000. The project, it is said, is to be backed by English and Canadian capital-

New York-The proposal to establish a court in New York where cases of domestic tangles and abandonments should be inandled exclusively is taking definite form. The legal department of the Educational Alliance has prepared a bill creating such a court, which is to be presented to the resolution.

Chicago-An immense increase in the number of "lost and found" ads in Chi-cago newspapers since January 1 is in-dicative of the thoroughness with which those who celebrated the advent of the new year endoyed themselves even to for-getfulness of jewelry, money, furs and other articles.

other articles. Chicago—An army of Amazons, trained to wage war on the Austrian Empire, is the newest body to take up the profession of arms, according to Dr. Spiro Sargentich, of Tacoma, Wash, now speeding westward from Chicago en route from Montenegro, where he went to offer his services to his former rulers.

tormer rulers. Los Angeles.—The petition to the United States Supreme Court for a writ of bakens corpus in the cases of three aligned Mexican revolutionists, Magconi Villarsal and Riviera, was dismissed Monday upon motion of the defense. The accused men will now be taken to Arizona to stand trial for having violated the neutrality laws.

Chicago-Stripped to the walst and using Chicago-Stripped to the walst and using their bare fasts as weapons, Charles Herzel and Tommy Tozicek, of South Chicago, fought a four-round duel Sunday in the presence of 100 spectators. Tozicek was awarded a decision. The men had a per-sonal disagreement and decided to settle it by an old-fashioned battle.

by an old-frashioned battle. Chicago-Three holdups in rapid succes-sion the last occurring early Monday, caused excitement in the downtown district. Two highwaymen figured in each and one was captured. In the presence of scores of persons Charles W. Moffett, a traveling salesman, was heaten and robbed. In one of the other attacks the victim fought the thugs with a knife.

Police Capture Bank-Robbers.

ST. PETERSBURG, Jan. 4.-An unsuo-cessful attempt was made today to rob a branch of the State Savings Bank on Vas-sill Island, this city. The police had ad-vance information of the intention and captured the entire band, six men. Jefferson avenue. Gas was escaping from an open jet. It was stated then by members of his family that the gas was overcome by an attack of heart trouble. This morning a shot was heard in the bathroom of Mr. Potter's 000.

Talk Claims on January 14.

WASHINGTON, Jan. 4.-January 14 was designated by the Senate for the consideration of the empibus claims bill. which carries an appropriation for \$2,300,-



This medicine is a combination of more than 20 different remedial agents in proportions and by a process known only to ourselves and it has for thirty years been constantly proving its worth. No substitute, none "just-as-good."

