

CHANGE LANDS TO REHEAR OIL CASE

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 Grosscup.

WASHINGTON, Jan. 4.—The famous \$2,500,000 fine case against the Standard Oil Company will be reviewed by the Supreme Court of the United States, but will be retried before Judge Landis, who imposed the now famous fine. Such is the effect of the Supreme 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 petition filed by the Government asking the court in a petition for a writ of certiorari to order up the record in the case for a review of the decision of the United States Circuit Court of Appeals for the seventh circuit, by which Judge Landis' original decision imposing a fine of \$2,500,000 against the Standard Oil Company for accepting rebates from the railway companies was reversed. In the Supreme Court 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 Government contending for such privilege as a right, while it was urged in behalf of the 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 petition 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 Government 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 importance. The Chief Justice simply announced 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.

Where Landis Erred. First, that the trial court (Judge Landis) had erred in its ruling on the admission and exclusion of evidence and in its charge to the jury, by adopting the view that a shipper can be convicted of accepting a rebate, even though it is shown on the matter of intent that he did not know what the lawful published rate actually was; second, that the true test of the number of offenses is not the number of cartons transported, but the number of single transactions resulting in a shipment; that the offense of accepting a concession is the "transaction" that the given rate consumed, whereby the shipper, for the thing shipped, no matter how great or how little its quantity, derives a rate different from the established rate; third, that the trial court abused its discretion in imposing an excessive fine of \$2,500,000.

Will Be Heard Soon. The question as to when the case will again be presented to Judge Landis for trial depends upon United States Attorney Sims, for the Northern Illinois district, but it is expected that the case will be heard 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.

MAY GO TO TENNESSEE

Judge Landis May Not Rehear Standard 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 necessarily 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 indictments were voted in Tennessee and it is not improbable that the Government's attack on the Standard Oil Company 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.—(Special.)—Nathan S. Parker languishes in the City Jail 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 intoxicated and made threats against his wife, trying to get her to withdraw the proceedings.

He was warned away, but when Mrs. Parker had to leave the little one alone to go to her work he was seen making his way back to the house. Marshal Clark took Parker before Justice Baker, who, on hearing the charge against him, gave him the privilege of leaving the county for one year or furnishing \$200 bonds 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 submit a message to the Legislature, but it is anticipated that it will be brief because of his ill health and his inability personally to investigate the needs of all the state institutions and collect data at hand only in this state for recommendation upon important matters. Governor Mead's retiring message will be exhaustive in character, unlike that

of Governor McBride four years ago, which took up but a few topics and those briefly.

TO START NORTH ON SUNDAY

Cosgrove's Physician Believes He Can Make Trip by That Time.

PASO ROBLES, Cal., Jan. 4.—(Special.)—According to the present plans, Governor-elect Cosgrove, of Washington, will not leave for home until next week, probably Sunday, January 10. The Governor 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 improving the last month and today he was about the hotel corridors 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 suffer 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 satisfactory. 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 SENATORIAL FIGHT OF BROTHER.

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

AUGUSTA, Ga., Jan. 4.—Regret is felt by the President-elect at what both he and his friends regard as the unfair interpretations being printed regarding the withdrawal from the Ohio Senatorial contest of C. P. Taft. The President-elect 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 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 F. Hitchcock or Wade H. Ellis. C. P. Taft eliminated himself from 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 Keweenaw, Kan. destroyed by fire Sunday. Loss \$20,000.

Tonopah, Nev.—The mines of Tonopah have yielded during the year 1908 a total of 24,000 tons of ore, of value estimated at \$10,225,950.

San Francisco.—The United States Monitor Cleve, recently the Wyoming, started Monday for Southern California ports. The vessel recently was fitted with oil-burning furnaces.

Lewiston, Mont.—In a battle between Deputy Sheriff Al Morgan and John Pflieger was killed. Morgan had been pursuing Pflieger for several days.

Beach Springs, Ariz.—Francis Colone, a passenger on a Santa Fe train, while in a fit of insanity, leaped from a car window just as the train was leaving Saturday night. His condition is precarious.

San Jose, Cal.—Burglars entered the East San Jose postoffice Sunday night, blew open the safe and secured \$500 in coin and stamps. They also robbed the cashier of \$1000 worth of postal notes.

Los Angeles, Cal.—The Union Exchange Bank on South Main street, was placed in the hands of the State Bank Commissioner Monday. The capital stock of the bank has deposits of \$1,000,000 and loans of \$1,000,000.

New York.—After weakening gradually during the past week, the strike of cabmen and chauffeurs, members of the Liberty Dawn Association, was officially declared off at a meeting Sunday night. Both sides claim a victory.

Chicago.—Preston Gibson, formerly of Chicago, is to be married to Miss Grace McMillan, daughter of William Jarvis, of Detroit, and granddaughter of the late Senator McMillan, of Michigan. Both are Washington debutantes of last season.

Paris.—The election of Senators whose term will expire in 1910, will be held Monday. They resulted in an endorsement of the government. The rejection of Baron de Courcelles de Constant indicates progress for the policy of international peace.

New York.—Co-operation between organized labor and the Department of Immigration is the latest plan advanced to aid in the deportation of immigrants from this country, with a view to placing them in localities where they can secure work to their advantage.

San Francisco.—The United States Circuit Court denied a writ of habeas corpus to P. J. O'Connell, of Alaska, Monday for a writ of mandamus against Judge H. A. Gunnison, of the District Court, to compel the abatement of a sentence for contempt of court against O'Connell.

San Francisco.—Harry I. Bremner, who professes to have been a clerk in the employ of the Chemical National Bank in New York, was arrested here Monday on a charge of having secured several checks for the bank in the name of the late Senator O'Connell, which he presented to the bank.

Cronstadt.—The body of Wilbur John, of Cronstadt, was buried Sunday at St. Andrew's Cathedral through streets lined with mourners. At service and during the period when the body lay in state there were scenes of hysterical grief among the thousands of the dead man's followers.

New York.—Plans have been announced for a big stockyard rivaling those of the West. It is to be located near the Hudson river, near New Jersey. The organization, it is said, will be capitalized for \$1,000,000. It is to be backed by English and Canadian capitalists.

New York.—The proposal to establish a court in New York where cases of domestic tangles and abandonment should be handled exclusively is taking definite form. The legal department of the Educational Alliance has prepared a bill to that effect, which is to be presented to the Legislature.

Chicago.—An immense increase in the number of "lost and found" ads in Chicago newspapers since January 1 is indicative of the season's trade, with which those who celebrated the advent of the new year enjoyed themselves even to the expense of jewelry, money, furs and other articles.

Chicago.—An army of Austrians, trained in the tactics of the Austrian Empire, is the newest body to take up the profession of arms, according to Dr. E. H. Bergenthorp, of Tacoma, Wash., now speeding westward from Chicago en route from Montevideo, where he was to enter his services to his former rulers.

Los Angeles.—The petition to the United States court for a writ of habeas corpus in the case of three alleged Mexican revolutionaries, Miguel Villarreal, Anselmo, and Juan, was granted Monday upon motion of the defense. The accused men will now be taken to either a military trial for having violated the neutrality laws.

Chicago.—Stripped to the waist and using their bare hands as weapons, Harry and Tommy Toole, of South Chicago, fought a four-round duel Sunday in the presence of 100 spectators. Toole was awarded a decision. He had a personal disagreement and decided to settle it by an old-fashioned battle.

Chicago.—Three holdups in rapid succession the last week ending Sunday. Two highwaymen seized in each and one was captured. In the presence of scores of persons Charles W. Moffatt, a traveling salesman, was attacked and robbed. In one of the attacks the victim fought the thugs with a knife.

Police Capture Bank-Robbers.

ST. PETERSBURG, Jan. 4.—An unsuccessful attempt was made today to rob a branch of the State Savings Bank on Vashill Island, this city. The police had advance information of the intention and captured the entire band, six men,

MAIL ORDERS PROMPTLY FILLED

Lipman-Wolfe's

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.



Lipman-Wolfe's January Sale of Muslin Underwear offers genuine reductions on the entire stock—far greater than those of any other store.

All our exquisite French Und'r-muslins at prices far below any other sale

LUCKY SUITOR HIT

Rejected Admirer Sends Gift of Poisoned Wine.

VENGEFUL ACT IS FATAL

Little Child Dies and Father Is Deperately Ill—Mother Escapes Fate of Others by Queer Streak of Luck.

CHICAGO, Jan. 4.—(Special.)—A baby girl is dying and the child's father is in a serious condition today from drinking poison contained in a bottle of wine presented as a New Year's gift by a rejected admirer of the man's wife.

BANKER ENDS HIS LIFE

Second Attempt Succeeds—Was Victim of Nervous Prostration.

DETROIT, Jan. 4.—Henry C. Potter, of this city, vice-president of the Peoples' State Bank of this city, committed suicide at his home shortly before 10 o'clock this morning.

FOUR RUSTLERS ARE SHOT

Vigilantes Have Pitched Battle with Cattle Thieves Near Border.

SAN DIEGO, Cal., Jan. 4.—Advice received by telephone from Mesa Grande, 40 miles from here, tell of a pitched battle 30 miles from there between a gang of cattle rustlers and members of a vigilante committee organized last week to put a stop to the depredations of cattle thieves who are working in that locality.

ALTON GUILTY OF REBATE

Supreme Court Decides Dollar "Terminal Charge" Was Illegal.

WASHINGTON, Jan. 4.—By a divided court, the Supreme Court of the United States today decided the rebate case brought by the Government against the Chicago & Alton Company and Vice-President Fathorn and Treasurer Wann, of that company, in favor of the Government.

Talk Claims on January 14.

WASHINGTON, Jan. 4.—January 14 was designated by the Senate for the consideration of the omnibus claims bill, which carries an appropriation for \$2,300,000.

"UPSET PRIMARY"—HOPKINS

ILLINOIS SENATOR TALKS OF OREGON SITUATION.

Though Himself Indorsed Under Primary Law, He Says It Should Not Apply Here.

OREGONIAN NEWS BUREAU, Washington, Jan. 4.—Senator Hopkins, of Illinois, himself choice of the primary for re-election, says there are exigencies which sometimes make it advisable for state legislators to disregard the results of a primary election.

HITCHCOCK IS FOR FULTON

Said to Have Declared Republicans Should Vote for Him.

WASHINGTON, Jan. 4.—(Special.)—Frank H. Hitchcock, chairman of the Republican National Committee, and President Roosevelt are reported in sharp disagreement about the Oregon Senatorial contest.

The Mission

Of those corpuscles in your blood that have been called "Little Soldiers," is to fight for you against the disease germs that constantly endanger your health. These corpuscles are made healthy and strong by the use of Hood's Sarsaparil.

YOUNG'S NAME HELD BACK

Senator Fulton Not Yet Ready to Have Senate Take Action.

OREGONIAN NEWS BUREAU, Washington, Jan. 4.—Senator Fulton said today there would be no action on the nomination of John C. Young as postmaster at Portland for some time to come. He continues to receive protests, and is not yet ready to let Young's name go before the Senate for action.

SPECIAL ENVOY IS NAMED

President Nominates Huntington Wilson for Servian Duty.

BORAH IS AFTER GRATERS

Introduces Bills Relating to Bad Land Agents and Grasping Sojourners.

OREGONIAN NEWS BUREAU, Washington, Jan. 4.—Senator Borah today introduced a bill aimed at the correction of abuses that have been committed by special agents of the Land Office.

G. P. Rummelin & Sons

126 Second St., Between Washington and Alder. REDUCTIONS ON ALL FUR GARMENTS. Sealskin Coats, Otter Coats, Persian Lamb Coats, Astrachan Coats, Etc. FUR NECKWEAR AND MUFFS. In Mink, Black Lynx, Sable, Beaver, Ermine, Squirrel, Otter, Etc. Fur Auto Caps and Gloves, Fur Rugs and Robes. Highest Cash Price Paid for Raw Furs. Established 1876.

or other improper means shall secure or seek to secure the relinquishment of any entry or title to public lands, or who shall by such improper means attempt to secure any statement from an entryman which might be used to impair his entry, shall be liable to a fine of from \$100 to \$500, imprisonment from six months to two years, or both. This bill is aimed primarily at the special agents who have been improperly operating in Idaho.

Senator Borah also introduced a bill prohibiting Senators, Representatives and Delegates in Congress from accepting fees as attorneys in any cases in the courts in which the United States is in any way interested, and also prohibiting Senators and Congressmen from acting as attorneys for corporations or other concerns engaged in interstate commerce. He also introduced a bill providing for a special public building at Coeur d'Alene City.

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The Secretary of the Interior today recommended that Congress authorize him to withhold from disposition under the land laws all water power sites on the Colville Indian reservation, Washington, and sanction their sale or lease to the highest bidder.

WASHINGTON, Jan. 4.—The President sent to the Senate today the following nominations: Envoy Extraordinary, Huntington Wilson, of Illinois, to Servia and Bulgaria. Consul-Generals—Arnold Shanklin, of Missouri, at Mexico; Alban G. Snyder, of West Virginia, at Panama.

Colonel, retired, to be Brigadier-General, retired, John D. Perkins. Judges of District Court for District of Alaska, Division No. 1, Royal A. Gunnison, of Alaska.