

STANDARD DENIES RIGHT OF APPEAL

Says Decision of Circuit Court on Big Fine Was Conclusive.

TRIED TO FIND LEGAL RATE

Accesses Government of Treating Shipment of Goods as Danger to Morals—Says Landis Abused His Discretion.

WASHINGTON, Dec. 19.—The Standard Oil Company's brief in the proceedings of the United States against that company on the charge of accepting rebates from the Chicago & Alton Railway, in which the United States District Court for the northern district of Illinois imposed a fine of \$25,000, was today filed in the Supreme Court. The case comes before the court on petition by the Government for a writ of certiorari. The petition is contested on the ground that the law does not authorize a review by the Supreme Court on an application by the Government of a judgment of the Circuit Court of Appeals in a criminal case by which a writ of error for the defendant is sustained, and disposed of by reversing the judgment and sentence of the trial court.

Denies Government Appeal.
It is contended that in a case of this character a writ of certiorari is equivalent to a writ of error and that "the policy of the law is against the review of a judgment in favor of the accused in a criminal case at the instance of the Government."

It is pointed out that while 6 cents was the lawful rate on petroleum for all shipments from Chicago to East St. Louis except from the stations at East Chicago, Hammond, Ind., and Whiting, or other suburban switching points in Indiana, from these points the Government contends that the railroad was required to charge 18 cents per 100 or three times the Chicago rate, and that therefore the Standard Oil Company, which shipped from the suburb of Whiting at the Chicago rate was properly mulcted by the District Court in the sum of \$25,000 "for not shipping at and paying a prohibitive rate of three times as much as the Chicago rate."

Tried to Learn Legal Rate.
Contention is made that due effort was made on behalf of the Standard Company to discover the legal rate and it is argued that the company should not be held responsible for its failure in that respect.

Continuing, the brief says: Counsel argue the construction of the Elkins amendment as if Congress, in passing it, regarded the shipment of commodities in interstate commerce as fraught with evil or danger to the safety or morals of society, and that it was therefore to be burdened with penal restrictions, and that shippers are to be held to a rule of diligence in extreme cases applied to dramshop keepers selling liquors to minors, or druggists selling poisons.

Referring to the Government's contention that the District Court's assessment of penalty was in the proper exercise of the personal discretion of its presiding judge (Landis) the brief declares that "this is a discovery which has been left to the learned counsel for the Government to make at a very late stage in the history of this jurisdiction." The brief proceeds:

Says Fine Was Excessive.
It had always before been regarded as settled that the discretion committed by law to the judge was a judicial discretion and not a personal discretion; and that the exercise of judicial discretion by a trial court was subject to review for its abuse and that the provisions of the eighth amendment to the Constitution forbidding the imposing of excessive fines was binding on a trial judge; and that the imposition of an excessive fine in violation of that prohibition is an abuse of discretion which is reviewable.

This view that the trial judge exercised personal and arbitrary discretion was apparently shared by the district judge himself, and the record and judgment of the trial court afford a striking demonstration of the wisdom of the rugged barons who wrested magna charta from King John, and of our ancestors in embedding its sanctions in the bill of rights in our Constitution.

In conclusion it is urged that the granting of the writ would not be justified.

BEATS WORLD'S RECORD

Vox Populi Sets New Mark for Mile and Furlong.

LOS ANGELES, Dec. 19.—A new world's record for one mile and a furlong, circular track, was made at Santa Anita Park today when Vox Populi, carrying 110 pounds, won the Golden State Handicap for three-year-olds and upward. He ran the distance in 1:56 flat, which is 2-5 of a second faster than the best previous time made by Charles Edward at Brighton Beach, N. Y., two years ago.

Colloquy, in winning the second race, the Quickest Stalk, at five and one-half furlongs, equalled the world's record for the distance, made by Fern L. at Seattle, Wash., this summer of 1:05 flat.

Jockey Howard was fined \$200 for allowing Waterbury, who was disqualified in the second race to swerve, interfering with Gemmill, the favorite. Results:

Seven furlongs, selling—Duke of Bridge-water won, Sonalio second, L. C. Widrig third; time, 1:27 1-2.
Second race, five and half furlongs, Quickest Stalk, selling—Colloquy won, Gemmill second, Golden Pearl third; time, 1:05.
Mile and eighth, Golden State Handicap—Vox Populi won, Vex Von Green second, Sea third; time, 1:56.
Mile, Gervana Handicap, \$1500 added—Fishersbert won, Lee Ross second, Gerry-mer third; time, 1:37 1-2.
Mile and half, selling—Henry O won, Alma Dufour second, Arcuret third; time, 2:31 1-2.
Six furlongs—Tayler George won, Ravala second, Grand Dame third; time, 1:12 1-2.

RESTIGOUCHE WINS RACE

Takes Sacramento Handicap Easily at Emeryville.

having been outrun the first part. The handicap was worth \$270 to the winner. The colors of the Keane brothers were carried in victory by Racoteur and Nagazam. Both were ridden by Walter Miller. Thirty-three books and three field books were in line. Results:

Five furlongs, selling—Racoteur won, Racoteur second, Spook third; time, 1:01 1-2.
Mile, selling—Yankee Daughter won, Tigent second, Toll Box third; time, 1:42 1-2.
Futurity course, selling—Nagazam won, Anna May second, Pim Kim third; time, 1:12 1-2.

Mile and a sixteenth, Sacramento Handicap, value to winner \$270—Restigouche won, Parale second, Eye Bright third; time, 1:46.
Mile and 70 yards, selling—Longville won, Captain Kennedy second, Miss Marston third; time, 1:47 1-2.

Futurity course, selling—Pajaretta won, Smiley Corbett second, Berry-maid third; time, 1:09 1-2.

ENGLEWOOD BEATS BUTTE

Wins Northwest High School Championship.

BUTTE, Mont., Dec. 19.—Englewood High School, Chicago, wrestled the title of championship of the Northwest from Butte today by the score of 12 to 4. The battle was fierce from the first call of time. The local team was outweighted three pounds to the man, but the altitude told on the Illinois boys, whose play in the earlier stages was slow. After 15 minutes of play in the first half House for Butte, kicked a field goal, scoring four points. Ten minutes later Piper for Chicago made a touchdown and kicked goal.

In the second half House, Butte's star quarterback, was badly hurt and taken from the field. He was replaced by Harrington, Pliska, Sears and Steltz of Chicago, all received broken noses but remained in the game. Sears made a touchdown and Piper kicked goal.

Englewood goes from here to play the Denver High School Christmas day. Five thousand people witnessed the game, every county in Montana sending delegations.

CLUB DEFEATS VARSITY

MULTNOMAH BEATS WILLAMETTE IN BASKETBALL.

Score Is 28 to 17—Both Teams Display Splendid Form, but Visitors Are Much Heavier.

SALEM, Or., Dec. 19.—(Special.)—The Multnomah Amateur Athletic basketball team from Portland defeated the Willamette University five in one of the best games ever seen here tonight. The final score was 28 to 17. Both teams displayed splendid form. The work of the Multnomah players, however, was too strong for the collegians, and the clubmen won handily.

Crawford and McIntyre, for Salem, put up splendid games, and weight alone prevented them from equalling the record made by the Multnomah stars. Captain Barton, Allen Fisher and Dent were exceptionally accurate at casting baskets, very few of which resulted from fouls.

The visiting team played a remarkably clean game, and both teams deserve great credit for their performance. Multnomah possesses the stronger five, however, for its players proved themselves well versed in the game.

The officiating of Referee Hersey was satisfactory to both teams, for he rendered his decisions fairly and impartially.

The teams lined up as follows:
Multnomah: Position, Willamette.
Dent, Forward, Crawford, Crawford, Forward, Morris, Center, McIntyre, Morris, Guard, McIntyre, Guard, Allen, Guard, Cummings.

JOHNSON SAYS HE WILL WIN

Looks for Lots of Easy Money in Burns Fight.

CHICAGO, Dec. 19.—(Special.)—Jack Johnson is going to double-cross Tommy Burns. Irrespective of purse money, "gentlemen's agreements" that may or may not have been made, the mighty negro proposes to deliver his goods and upset the kettle of fish. Thus he writes to one of his wife's relatives in Chicago, and the tone of Jack's letter rings sincere.

"I am going to win, no matter what money they give me," writes Johnson to his brother-in-law, "and I want you to get busy. Put down all the money you can raise, and get the boys to come through with all they can gather."

CLOUGHAN TIES BEST RECORD

Irish-American Sprinter Wins Dash in Fast Time.

NEW YORK, Dec. 19.—One world's record was equalled at the games of the College of the City of New York today in Twenty-second Regiment Armory. In winning the final heat of the 70-yard dash, Jack Cloughan, of the Irish-American Athletic Club, made the distance in 7-15 seconds, equaling the world's record. The 60-yard sprint race was won by Melvin W. Sheppard, who finished in 10 yards ahead of his nearest competitor in 1 minute 14 3-5 seconds.

Presbyterians Win Game.

OREGON CITY, Or., Dec. 19.—(Special.)—In a one-sided football contest on Willamette Falls field this afternoon the team of the Third Presbyterian Church of Portland won from the Oregon City High School by a score of 21 to 0.

Donough and Despler Draw.

NEW ORLEANS, Dec. 19.—Young Donough of Boston, and Dave Despler fought 10 rounds to a draw here tonight before the Royal Athletic Club.

HANDBALL TOURNEY ENDS

Finals to Be Played Next Week to Decide Honors.

SIBERIAN VILLAGE

IN THE EXPOSITION BUILDING NINETEENTH AND WASHINGTON
Matinee Every Afternoon, 2 to 6—7:30 to 10:30 Continuous Performance.

Read Chairman of the School Board Wittenberg's Indorsement of This Educational Exhibit:

TO THE PARENTS OF THE CHILDREN OF PORTLAND:
There is at the present time in this city, at the Exposition building on Washington and Nineteenth streets, an Eskimo Village, consisting of thirty-five Eskimos, men, women and children, with their entire equipment and mode of living, including the Alaska dogs, sleds and all their equipment.

I visited the exhibition and feel it of sufficient importance to say to you to let your children do likewise. It is something that they may never see again. It will teach them more geography, more natural history and give them more experience in a half-hour's visit than they can get in a year of reading history of the Far North. Yours truly,
H. WITTENBERG.

Takes Cargo From Tillamook.
ASTORIA, Or., Dec. 19.—(Special.)—The schooner Hugh Hogan, with a cargo of lumber for San Francisco, was towed to sea from Tillamook today. The schooner's Cotnam and Queen are loading lumber at the Hobsonville mill for San Francisco.

Sick Hair
If your doctor approves, then use Ayer's Hair Vigor. He knows the best treatment for your hair. Trust him.

Ayer's Hair Vigor
NEW IMPROVED FORMULA
If sick hair only ached as sick teeth do, there would be very few bald people in the world. Why be kind to your teeth and mean to your hair? Ayer's Hair Vigor keeps well hair well. Cures sick hair. Feeds weak hair. A hair-food, a hair-medicine, a hair- tonic.

We have no secrets! We publish the formulas of all our medicines.
J. C. AYER CO., Manufacturing Chemists, Lowell, Mass.

Store Open Evenings. **Here Is Acheson's Xmas Present For You** 25% Off on the Elegant New Style Empress and Princess Nippon Coats. Store Open Evenings. 148 5th Street



The prices of these Coats have until now never been cut 5 cents, as people know these elegant garments have been sold at their regular prices of from \$25.00 to \$35.00, according to material. So here is your chance. About 400 elegant Empress and Princess Nippon Coats at **25 Per Cent Off Regular Price** You can figure it.

All Other Style Coats
1/2 OFF These are the regular Fall style Coats, such as other stores are selling. There are almost give-away bargains in these.

SPECIAL COAT BARGAINS
150 Odd and End Sizes, at \$4.95 \$10.00 to \$12.50 Coats in these

Great Bargains in Suits, Opera Coats, Evening Gowns
For the next four days, \$175 Suits, Odds and Ends of lines, size, etc., etc **AT ONE-HALF OFF**

For these four days. Evening Gowns, Dresses, etc., etc., at One-Half Off for these four days.
SPECIAL—\$12.00 and \$15.00 Elegant Voile Skirts at \$6.65
SPECIAL—\$7.50 Silk Petticoat at \$3.75

FURS WELL DID WE SAY FURS
Our big Fur Sale last week knocked a three-quarter hole in our stock, but we have yet a lot, just the goods for presents.

A few elegant Natural Mink Sets and Scarfs, a few fine Blended Squirrel Sets and Scarfs, a few very stylish sets of Lynx Sets, a few good, substantial Fox Sets, a fine bunch of Natural Gray Squirrel Ties, etc., etc.; one superb Red Alaskan Fox Set, a few nice River Mink Sets.

All these Furs we will close out this **1/2 OFF REGULAR PRICE** week at

Don't fail to find the place—148 Fifth St. Store Open Evenings.
Acheson Cloak & Suit Company