DESERET EVENING NEWS SATURDAY FEBRUARY 9 1907



mator Frazier Discusses it in Connection With the Japanese School Question.

# APPROVES BLAINE'S EXAMPLE.

set the President With Usurpaios and Overriding the Treaty Making Power.

Feb. 8 .- Federal enment on state rights with the hool question as the prination, was the subject of ss to the senate today by Sen-

Frazier of Tennessee. Mr. Frazier said that this was not a that concerned California, but right of every state to domestic affairs. If the ernment by treaty could rob of control of its own school the last stronghold of local ernment was destroyed. If a y could force Mongolians into the lite schools of California a treaty uld force the negroes of Cuba, Santo Domingo, Hayti and the Congo into the schools of Tennessee in defiance of the laws for the separation of the races. expressed the highest admiration or the Japanese, but said that the acion of Califorina furnished no pretext for a quarrel with that country. The school board of San Francisco had simthe advant of San Francisco had sim-school board of San Francisco had sim-school board of San Francisco had sim-ple education of white and Japanese children in separate schools. It had been decided over and over again that states had a perfact right to make such separation; that the state of Califor-nia was but exercising its legal and constitutional power. He denied with emphasis that this government had ever undertaken by treaty to interfere with the constitu-tional rights of Califorina in this re-spect. Quoting the language of the treaty he said:

ple.

proceeds:

treaty he said: "I challenge any one to find in it a, word guaranteeing to Japanese resi-dents the right to enter public schools of the states at all, much less to enter them in defance of state laws and reg-lations"

of the states and any state laws and reg-ulations." The United States government can not compel a state to create public schools at all. The schools were creatures of state law, maintained by state taxation and subject only to this control. The right of residence guar-anteed to the Japanese implied the right to work and make a living, but not to go to school. But even if the right to esidence did carry with it the right to enter public schools, he added, it did not carry any exemption from the right of separation in the schools. The treaty with Japan pro-vided that the Japanese must "con-form thenselves to the laws, and police regulations of the coutary like native citizens. Can it be contended that Japanese allens have sequired higher privileges than they would have as citizens at the United States?" He contended that the president guaranteed protection to Italian citizens. There was a treaty with Italy which guaranteed protection to Italian citizens complained, Mr. Halian government complained, Mr. Halian government complained, Mr. Halian pro-right to purch for murder was the ex-culation for murder was the ex-culation citizens and that the right to purch for murder was the ex-

INTERMITTENT INSANITY DOES NOT EXEMPT MURDERER ight to punish for murder was the ex-lusive province of the state where he crime was committed. Mr. Frazier said he did not believe

a had reached the point where we ast apologize for our Constitution or mange its character by construction the suggestion of a foreign power.

built up and was protecting the trusts."

In United States. USED 61/2 BILLION POUNDS.

built up and was protecting the trusts." It was not necessary, said Mr. Fra-zier, to make the rights and powers of states conform to a standard set up by the chief executive alone. He said the president had incited in-surrection against Columbia and com-mitted acts of war without authority of Congress; had overridden the treaty-making power and had threatened to use the military forces of the United States to override the laws of the state. He spoke of the president's hav-ing goue forth "with pomp and gere-mony, followed by an armed fleet frail-ing at his heels, after the manner of the German Raiser, to visit his outly-ing provinces."

LEASING OF PUBLIC LANDS

FOR GRAZING PURPOSES.

Washington, Feb. 8 .- "The average citizen of the United States seems to have consumed one-half his own weight in sugar in the year just ended,"

Ing at the next, have the original formation of the second says a statement issued today by the bureau of statistics of the department of commerce and labor. The average per capita consumption was 76 pounds. The amount of sugar consumed was six and one-half billion pounds, at a

six and one-half billion points, at a cost of over \$200,000,000. Of this enormous cousumption, one-fifth was produced in this country, another fifth was imported from our island possessions, and the remaining three-fifths, or \$3,000,856,661 pounds, from from countries

THE SWEET TOOTH

Took 76 Pounds of Sugar, Last

Year, for Every Such Tooth

One-Fifth Domestic, One-Fifth From

Colonies, Remainder Imported From

Foreign Countries.

OF AMERICANS

three-fifths, or \$3,000,\$56,661 pounds, from foreign countries. The quantity of beet sugar produced in the United States was 672,000,000 pounds, showing a remarkable increase, and for the first time exceeding the production of the product from cane. There was an increase of 260 per cent in the production of beet over cane sugar from 1900 to 1906. Rapid as the increase in sugar pro-duction in the United States has been in recent years, it has not by any means kept pace with the increased consumption. In the last 10 years there has been an increase in the con-sumption of this article of 2,024,S16,-480 pounds, it being more than three times as great as the increased home production.

grazing districts upon the unreserved public lands by proclamation, and it proceeds: "Thereupon, the secretary of agricul-ture, under the rules and regulations prescribed by him, shall execute the provisions of this act and all other laws affecting the grazing or use of public lands within such grazing districts, ex-cept such laws as affect the surveying, prospecting, locating, entering, relin-quishing, reconveying, certifying or patenting of any lands within such grazing districts; appoint all officers necessary for their administration; reg-ulate their use for grazing purposes; protect them from depredation and in-jury; restore and improve their graz-ing value; issue permits to graze live-stock thereon for prefods of not more than 10 years, giving preference to homesteaders, and when practicable, to present occupants of the range who owned improved ranches or who have provided water for livestock grazed up-on the public lands, and charge and collect reasonable fees for such graz-ing permits, as is now done for the use of the forest reserve lands, products and resources, based upon the grazing value of the land in each locality." The question will be made the sub-ject of a hearing by the committee next Monday. The measure will be opposed upon the ground that if it becomes a law it will give the big catite men a monopoly of the range to the exclusion of the small holders.

# SENATE PASSES ARMY

San Francisco, Feb. 8.—An opinion was rendered in the supreme court to-day holding that two commitments to an insame asylum do not exempt a mur-derer from responsibility for his crime nor uphold his plea that at the time of the homicide was insame. This interest-ing decision was rendered in the case of Washington, Feb. 8.—The senate to-day passed the Indian appropriation bill Senator Foraker made an address bill. Senator Foraker made an address on the subject of state's rights, after which the army appropriation bill, of federal authority" was the subject of ing decision was rendered in the case of Frank Willard, who in 1905 shot and killed Sheriff Smith of Mendocino coun-ty. He had been arrested on the charge of insanity, was before the court and adjudged insane, when he suddenly leaped to his feet, ran from the court-room declaring that he was not insane. The sheriff pursued him and was killed. Willard escaped to the mountains, was captured and immediately sent to the asylum in which he had been confined on iwo prior occasions. After 18 days carrying a total of \$\$1,500,000, was taken up. The army measure was partly read for approval of committee amend-ments and adjournment was taken shortly before 6 o'clock, when it be-come approved that considerable deshortly before 6 o'clock, when it be-came apparent that considerable de-bate was to be occasioned by an amendment to permit the government to receive reduced rates from the rail-road for the transportation of troops and supplies for the army, and to al-low army officers and their families to accept free transportation. The adop-tion of this amendment would be a modification of the railroad rate bill passed at the trailroad rate bill on two prior occasions. After 18 days confinement he applied for a writ of continement he applied for a writ of habeas corpus, which was granted, and he was placed on trial for murder, con-victed and given the death penalty. From this he appealed and the su-preme court's decision now is that even is be been even in the supermodification of the railroad rate bill passed at the last session of Conif he had periodical attacks of insanity he was responsible at the time of the homicide and must therefore suffer Senator Warren, in charge of the bill, gave notice that he would press its consideration tomorrow. Senator Nelson said that he would The decision was written by Justice Lorigan and was concurred in by Jus-tices Shaw, Sloss, Henshaw, Angelotti, and McFarland. move tomorrow for consideration of the bill granting the government the right of appeal in criminal cases.

# Diphtheria

The best authorities now agree that the chances for contracting diphtheria are greatly enhanced by colds. The cold prepares the system for the reception and development of the germs of this disease that would not otherwise find lodgment; that is why one child will contract the disease, and another exposed at the same time will not take it. The one that takes it, as a rule, has a cold. Even slight colds are dangerous, and should have prompt and intelligent attention. Whether for a child or an adult you will find no better preparation to cure a cold than Chamberlain's Cough Remedy. It can always be depended upon to effect a quick cure. There is no danger in giving it to children as it contains no opium or other harmful drug.

actically absolute control of the Pana- 1 LIMITATIONS OF ma canal. The bill authorizes him to place the work in the hands of either an individual ork in the hands of either an individual immissioner or a commission composed f seven members, and in case the former ourse is followed the commissioner is to ave all the powers that the seven would ave in the latter event. The president is to prescribe the com-ensation and other privileges for it. He islos given authority to appoint a civil r military engineer or to select persons or any other class of work in connection dth the canal, and all are placed under ne direction and control of the presi-ent. FEDERAL AUTHORITY Rep. Mondell Discusses the Question in Connection Suspen-R. I. SENATORIAL DEADLOCK. Providence, R. I., Feb. 8.—The eighteenth ballot for the election of a United States senator was taken in the legislature today, but there was no choice. The vote was: Goddard, 34: Colt, 37; Wetmore, 39; Utter, 1. sion of Land Laws.

HARRIMAN MERRY OVER

H. Harriman said:

New York, Feb. 8 .- Replying to

questions about his health today, E.

tallroads of the country, Mr. Harrivaluroids of the country, Mr, Harri-man said: "The railroads cannot build and supply cars for the shippers to use as storehouses. There are hardly enough cars for that. Yet the man to whom a load of freight is consigned thinks he ought to be privileged to use the railroad car as a storehouse as long as he likes

as long as he likes. "Limit the time the service of a car can be used by a procrastinating ship-per and much of the present trouble will disappear." will disappear."

roads, I think they ought to want

ALASKA RAILROAD BILL. Washington, Feb. 8 .- The senate or washington, Feb. 8.—The senate committee on territories today author-iezd a favorable report on a house bill giving to the Alaska Railroad company a government charter for a road from the head of Cordova bay to a point COMMERCE COMMISSION.

alaska. The railroad will enter the Alaska copper field.

time and has accumulated a fortun His extradition will be asked, On the congestion of traffic on the TELEPHONE CONSOLIDATION.

> Chicago, Feb. 9 .- The incorporation Chicago, Feb. 9.—The incorporation of a number of telephone companies which will furnish long distance con-nection with the Independent tele-phone lines, was announced yester-day. The companies which will enter the merger are the Chicago, Milwau-kee & Northern Long Distance com-pany, the Chicago, Indiana & East-ern Telephone company, and the Chi-cago, St. Louis & Western Long Dis-tance Telephone company. The gen-eral offices will be located in Chicago,



Omaha, Feb. 8.—The war depart-ment has found a way to get even with the Union Pacific and North-western railroads for refusing to haul the Tenth cavalry from Nebraska forts to San Francisco at lower than tariff rates. Although the soldiers were scheduled to start on the journey on Feb. 26, today orders were issued to hold the men until March 1, on which date the colonist rates are put in effect on all western railroads, and the soldiers will be hauled at one-half AN EARTHQUAKE VICTIM. He Was an Italian Convict and Extrain effect on all western railroads, and the soldiers will be hauled at one-half the regular rate, plus \$2. This is a lower rate than the quartermaster's department expected to secure from the railroads on a regular hid the railroads on a regular bid.

production. WANNAMAKER'S HOME. One at Chelton Hills Burned, Loss About \$1,500,000.

About \$1,500,000. Philadelphia, Feb. 8.—The country hope of John Wanamaker at Chel-ton Hills, near Jenkintown, was de-stroyed by fire tonight. 'The loss is estimated at \$750,000. Mr. Wanamaker's home was consid-fred one of the most artistic and val-uable of Philadelphia suburban prop-erties. The estate consists of 30 acres of ground, and the house, which was of English style of architecture, stood on a hill about 250 yards back from the famous old York road. The Wan-namaker art gallery contained some of the rarest prints and most valuable banker art gallery contained some of the rarest prints and most valuable banker art gallery contained some of the rarest prints and most valuable banker art gallery contained some of the rarest prints and most valuable banker and the house, which was of the rarest prints and most valuable banker and the house are taker. The Wannamakers have been at the waluable paintings being the only things saved. Among these were Christ Before Pilate'' and "Christ 50,000. Though no statement has been se-tor from M. Wannamoulton and the sources of the the waluable paintings balleng the only things house the sources of the source

\$250,000. Though no statement has been se-cured from Mr. Wannamaker as to the loss, it is authoritatively stated that it will reach at least \$1,500,000. The house cost \$1,000,000 and it contained a collection of furniture, bric-a-brac, tapestries and paintings which the Wannamakers have been 40 years in collecting. collecting.

NO IMPUGNING OF MOTIVES. Order of Withdrawal Was Neither APPROPRIATION BILL Wise Nor Necessary-Disposal Of Coal Lands.

Washington, Feb. 8.—The senate com-mittee on agriculture is preparing to consider a resolution looking to the leasing of public lands for grazing pur-poses. A large delegation of eastern cattlemen is already here to support the measure. cattemen is already here to support the measure. The effort will be to have a provision covering the point incorporated in the agriculture appropriation bill as an amendment, the text of which has al-ready been proposed by Senator Bur-keit. The amendment authorizes the presi-dent to from time to time establish

dent to from time to time establish grazing districts upon the unreserved public lands by proclamation, and it

BROWNSVILLE HEARING.

Curdy Gives His Testimony.

Washington, Feb. 8 .-- Walter McCur-

blizzard, and the supposition is that he lost his way and was frozen to

SURETY COMPANIES RESTRICTED

Our trouble with Japan, he said, had is origin in our colonial policy, which had inspired a fear in the nations of the east that we were attempting to dominate the politics and commerce of

Mr. Frazier dwelt at length on the ecent speech of Secy. Root, which he fectared to be a threat to wipe out state lines and absorb all powers of the

Eccated to be a threat to wipe out state lines and absorb all powers of the states into the federal government. "When," he said, "the states are de-prived of the right to judge whether and how far they shall exercise their powers, we cease to be a free people. The secretary intimated that this usur-pution of tower was becomend to compation of power was necessary to con-trol the trusts. Before seeking to rob the states of their power let the fed-eral government use its own. Let it reuce the monstrous tariff which had



tary affairs. After Mr McCurdy had told his story Senator Hemenway asked: "Have you told all you know regarding the affray? Are you trying to conceal anything?" McCurdy insisted that he had told all he knew and that he desired that the whole truth should be known. "Then you are not satisfied with the character of discharge you received?" asked Mr. Hemenway. "No sir, I am not," replied McCurdy. "I have done nothing to be punished for. Let them punish the guilty parties and not the innocent. I have never been punished before." Answering the question of Senator tary affairs. ef the insuppearance of this wonderful Read the record of this wonderful

Read the record of this wonderful cure: T bought 5 boxes of Pyramid Pile Grave Just before leaving the U. S. for the P. I last May. I had as bad a task of piles as there could be. I suf-fered from piles since the early spring of 1960, I contracted the piles from a mid case of dysentary in Luzon. P. I. and carried them all around the fard, China, Japan, and back home for some series of the series of pile target the pile cure and it save me manned how a few hours' relief, we have the file Cure and it save me manned hot a visible sign of piles a and not a visible sign of piles the tother of a for't know how to be-ta to thank you. I remain, your the target in Dyramid Pile Cure, t. There is no method so safe or so Answering the question of Senator Foraker, the witness said a Springfield rifle would "shoot clear through a house." Sergt. George Jackson testified re-garding the manner in which he had kept the gun racks, for which he had the keys, on the night of the shooting. On cross-examination he admitted he had heard that government ammunition had been found to have been used in the shooting but said if any had been used he did not see how it could have been secured without detection, house. FROZEN TO DEATH. Ravia, I. T., Feb. 8.--The body of John W. Smith, a farmer living near here, was found today. He left home last Tuesday night during a severe blizzard, and the supposition is that

is no method so safe or so sive. If you are a sufferer inexpensive. inspensive. If you are a sufferer from this disagreeable, distracting, sinful and dangerous affliction, write us for a free trial package which we will send to you at once. We are sure that you will be so greatly helped that y

Washington, Feb. 8.—Secy. of the In-terior Hitchcock today issued an order declaring that no surety company shall be accepted for an amount greater than 10 per cent of the paid up capital and surplus.

he los death.

FAVROT TRIAL BEGUN. Baton Rouge, La., Feb. 6 .- Investiga

Baton Rouge, La., Feb. 6.—Investiga-tion of the circumstances under which Democratic Congressman-elect George K. Favrot shot and killed Dr. Harry Aldrich last November, was begun here today by the grand jury.

#### NEGRO SAILORS EXCLUDED.

washington, Feb. 8.--Walter McCur-dy, formerly quartermaster sergeant of company B of the battalion of negro soldiers discharged for the alleged "shooting up" of Brownsville, Texas, who had charge of the issuance of am-Rio De Janeiro, Feb. S.-The Bra-zilian government has decided, in order to avoid possible disagreeable incidents, to exclude negro sailors from the Bra-zilian squadron which will visit the United States. The opposition newspa-pers attack the government for this step. who had charge of the issuance of animum munition, and former Sergt. Jackson of the same company, who had charge of the quarters and the gun racks on the night of the affray, testified today before the senate committee on mili-

# ROCKEFELLER'S GIFTS TO EDUCATION, \$79,000,000.

New York, Feb. 8.—The fund of the general education board, which was in-creased to \$43,000,000 by the amazing gift of \$32,000,000 by John D. Roc®feller in a lump sum yesterday, is to be raised to \$50,000,000 according to the expecta-tions of members of the board. The additional donations are expected from other rich men, friends of the Rockefel-lers, who are interested with him in his obsettible entermines

Rush Medical College Other colleges (estimated) ... General Education Board, orig-

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)r. Graves' Tooth Powder Cos Washington. Feb. 8.- If a bill intro-iuced by Senator Kittradge today be-comes a law, the president will have

a speech delivered today in the house

He stated he had no thought of impugning the motives of any executive officer in connection with the withdrawals, but that this was not a question as to the good faith of public of-

ficials, nor of the wisdom of land laws, but of the authority of the executive departments to modify, amend and annul acts of Congress.

Mr. Mondell stated that to remain silent in the presence of the far reach-ing effect of suspending of the land laws might be constructed into an ac-quiescence in their validity, and if not challenged these acts will be cited as precedents for further extension of the executive power in suspending the op-erations of laws.

He contended that while the question of authority for these acts was the most important one, in view of the great injury that had been done setgreat injury that had been done set-tilers and those seeking to develop the west, and which would inevitably fol-low the suspension of land laws over large areas, the question of the wisdom of necessity for these wholesale with-drawals and suspensions, was also im-portant. He declared it would have been neither wise nor necessary to is. been neither wise nor necessary to is-sue the orders in question even had there been authority for so doing, and pointed out that while 64,000,000 acres in the states and all of Alaska had been withdrawn, the government had only disposed of 400,000 acres under the coal land laws in 34 years,

In view of these facts he suggested that even had it been within the author-ity of the interior department to do so, there could be no warrant in withdrawing from coal entry over 1,500 times more coal land than was entered last year. At the rate of last year's scale it would take over 1,500 years to dispose of the coal lands which had been withdrwn from entry, not taking into consideration the millions of acres in Alaska. Hence, he contended, there was little disposition to suggest that the government coal land would be gobbled up in the immediate future if not withdrawn.

VALUE OF FIRE DRILL.

#### In Alabama School.

Mobile, Ala., Feb. 8.—Proficiency of pupils in the fire drill averted a seri-ous panic during a fire in the base-ment of the Willis G. Clarke public school today. An overheated furnace ignited the woodwork and filled the trilding with smoke. As soon as the fire drill was sounded the children marched from the different rooms. Mobile, Ala., Feb. 8,--Proficiency o

LOCAL OPTION BILL, DEAD.

Lincoln, Neb., Feb. 8.—By a vote of 20 to 11, the senate today killed the county option liquor bill.



solutely in Hands of President.

H. Harriman sud: "Everything has been going along smoothly, and they appear to be able to get along as well without me as with me. Why should I not stay at home altogether? "But I must work, and soon I may be looking for a new job. My recom-mendations are many years of ex-perience on many railroads in many railroad fields, and if they will raise the salary a bit I may apply for a job or the interstate commerce commis-sion, Inasmuch as the interstate com-merce commission is to run all the London, Feb. 9.—A dispatch to the Telegraph from Milan says that the carthquake has revealed the where-abouts of a Florenthe, whose name is not given, but who was sentenced some years ago to penal servitude for life for the murder of two soldiers. The man escaped and could not be traced. His name now appears in a list of those injured in the San Fran-cisco disaster. It is stated that he has lived in San Francisco for some merce commission is to run all the has lived in San Francisco for some

#### SPOFFORD HAS PARALYSIS.

Washington, Feb. 8.-A. R. Spof-ford, chief assistant librarian of Congress, was stricken with paralysis to-day. The attack is not serious.



to cure all manner of ills, and the

## National Legislation Enacted to Restrict Their Sale

have established more clearly than could have been accomplished in any other way

### The Value and Importance of Ethical Remedies.

Remedies which physicians sanction for family use, as they act most beneficially and are gentle yet prompt in effect, and called ethical, because they are of

## Known Excellence and Quality and of Known Component Paris.

To gain the full confidence of the Well-Informed of the world and the approvel of the most eminent physicians, it is essential that the component parts be known to and approved by them, and, therefore, the California Fig Syrup Company has published for many years past in its advertisements and upon every package a full statement thereof. The perfect purity and uniformity of product which they demand in a laxative remedy of an ethical character are assured by the California Fig Syrup Company's original method of manufacture, known to the Company only.

There are other ethical remedies approved by physicians, but the product of the California Fig Syrup Company possesses the advantage over all other family laxatives that it cleanses, sweetens and relieves the internal organs on which it acts, without disturbing the natural functions or any debilitating after effects and without having to increase the quantity from time to time.

This valuable remedy has been long and favorably known under the name of Syrup of Figs, and has attained to world-wide acceptance as the most excellent of family laxatives, and as its pure laxative principles, obtained from Senna, are well known to physicians and the Well-Informed of the world to be the best of natural laxatives, we have adopted the more elaborate name of Syrup of Figs and Elixir of Senna, as more fully descriptive of the remedy, but doubtlessly it will always be called for by the shorter name of Syrup of Figs; and to get its beneficial effects, always note, when purchasing, the full name of the Company--California Fig Syrup Co.plainly printed on the front of every package, whether you simply call for Syrup of Figs, or by the full name, Syrup of Figs and Elixir of Seuna, as Syrup of Figs and Elixir of Senna is the one laxative remedy manufactured by the California Fig Syrup Company, and the same heretofore known by the name, Syrup of Figs, which has given satisfaction to millions. The genuine is for sale by all leading druggists throughout the United States in original packages of one size only, the regular price of which is fifty cents per bottle.

Every bottle is sold under the general guarantee of the Company, filed with the Secretary of Agriculture, at Washington, D. C., the remedy is not adulterated or misbranded within the meaning of the Food and Drugs Act, June 30th, 1900.



It Saved Children From Serious Panic 10,000,000



