

## ARGUMENTS IN THE OUSTER SUIT

At Conclusion of Them Case Will Be Submitted to Supreme Court By Atty. Gen. Hadley.

### H. M. TILFORD VILLAIN IN PLAY

In the Standard Oil Co.'s Productions—Hadley Sets Forth Seven Points For Prosecution.

St. Louis, Feb. 25.—The closing arguments in the ouster suit of the state against the Standard Oil Company were commenced today. Atty. Gen. Hadley opened for the state.

At the conclusion of the arguments the evidence in the case will be submitted by Commissioner Anthony to the supreme court, together with a recommendation from him as to the proper judgment.

Atty. Gen. Hadley said, after reviewing the legal history of the case, that he would base his argument upon seven points. These points he set forth:

First—The existence of a combination, trust and agreement among the respondents by reason of the common stock ownership of a company engaged in the stock of each by the Standard Oil company of New Jersey.

Second—The plan of operation and control of each of these respondents and the authority and direction of officials of the Standard Oil Co. at No. 26 Broadway, New York.

Third—The division of trade territory between the Standard Oil company and the independent oil companies as the result of an agreement originally made between the Standard Oil company of Ohio and the Waters-Pierce company, and since maintained and recognized by the legal successors of those companies.

Fourth—The organization and operation of the Republic Oil company as an independent oil company in the state of Missouri only through the Waters-Pierce, Republic and Standard companies of all its supplies from the Standard and its subsidiaries.

Fifth—The completeness of the monopoly in the oil business effected by these respondents; the extent to which trade and commerce between them and others in the sale of oil is limited and restrained and the fixing and the maintenance of prices of oil thereby accomplished to the damage of the people of Missouri.

Sixth—The deception practised upon the public by causing it to believe that the respondents were independent and separate corporations and companies as legitimate competitors in the sale of the products of petroleum; the methods of competition practised by each by which the respondents have been enabled to obtain the benefits of competition, to their great loss and prejudice.

Mr. Hadley described H. M. Tilford as the "villain" in the Standard Oil company's plan to control the oil business of the country. He was the power, Mr. Hadley said, that pulled the strings and the puppeteers who were the puppets that did his bidding.

### JUDGE SAFFORD RULES AGAINST REP. HERMANN.

Washington, Feb. 25.—When the trial of Representative Singer, Herndon, of Oregon, indicted for the destruction of public records while he was commissioner of the general land office, was resumed today, Justice Safford ruled upon the objection entered by the defense last week concerning the admission as evidence of the letters which had not been placed before the grand jury when it found a bill of indictment against the Hermann. He overruled the objections of the attorneys for the defense, holding that if he sustained them it would be to the detriment of the public interest and he felt that he would not be justified in thus summarily restricting the case. He said that he would permit the government to show, if it could, that the letters were the property of the government and that the defendant and persons to whom he wrote, copies of which letters were among those alleged to have been destroyed by the defendant.

Counsel for the defense noted an exception to Justice Safford's ruling and the taking of evidence was then resumed.

Dr. Harry Ruger, private secretary to Mr. Hermann when the latter was commissioner of the general land office, in the course of his testimony said that he had been a newspaper friend, before Mr. Hermann was indicted, that the letter press copy books were personal or "private" to the commissioner. Then asked by Dist. Atty. Baker what he meant by "personal" witness replied:

"Well, letters in reply to those received from friends of the commissioner, political letters, would be received and answered by reason of his previous membership in Congress."

"Were there not letters written by the commissioner and copied into these books which were carried to affairs in the land office?"

"Yes."

In response to a question by Mr. Worthington, counsel for the defense, Mr. Ruger said he could not recall that he ever had written a letter in which Hermann had expressed a desire to secure an interest in any public lands.

Joseph T. Bridges, formerly register of the land office at Roseburg, Ore., testified that he had not kept the letters received from the commissioner, but that he had given them to his friend or they were written upon private letter paper of the commissioner or on the regular bureau stationery.

GEN. GRANT MISQUOTED.

Washington, Feb. 25.—Maj.-Gen. Frederick Grant, commanding the department of the east, says he did not make the president's attitude on the Japanese question as he was reported to have done at a recent Philadelphia

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HE MAKES THE DEAF TO HEAR

Remarkable Scene at the Wilson Hotel in the Office of Mr. Geo. P. Way, Inventor of the Way Ear Drum.

A representative of the News called on Mr. Way yesterday at the Wilson Hotel and found him busily engaged in examining and advising with a large number of persons who had called to consult him.

No one who has not seen Mr. Way at his work can form any idea of the wonderful manner in which the Way Ear Drums restore the hearing of the deaf.

Mr. Way, whose home office is in the majestic Edgemoor, Mich., does not claim to cure every case of deafness. In all cases he tells his patients plainly just what can be done for them.

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dinner. Gen. Grant, while at the war department today on matters connected with the Japanese question, made an informal statement to Secy. Taft, saying his Philadelphia speech had been misquoted or misunderstood.

Gen. Grant also wrote a personal letter to President Roosevelt explaining the matter from his own point of view.

BRITISH ARMY REORGANIZATION

London, Feb. 25.—War Secy. Haldane's scheme for reorganizing the British army was unfolded by him in the house of commons today. It contemplates dividing all the forces into two categories, a field force and a territorial or home force. The former, with a total of 160,000 officers and men, is to consist of four cavalry brigades and six infantry divisions, with full complement of horse and field artillery, all to be kept in a complete state of organization, ready for immediate mobilization on the outbreak of war. The territorial force, totaling 300,000 men, will be a complete army in itself and as nearly as possible of the same pattern as the regular troops. The plan is well received on all sides.

A LOAN FOR KINGSTON.

Kingston, Jan. 25.—Archbishop Nutter has announced that parliament will arrange a loan of \$500,000 for Kingston, the money to be used to rebuild the cathedral which was destroyed by the earthquake.

ARRESTED FOR MURDER.

Spokane, Wash., Feb. 25.—Ex-Deputy Sheriff Walker of Franklin county has been arrested at Leroy, Wash., charged with the murder of Charles Anderson, who died a few days ago in a Spokane hospital. Walker found death was caused by a blow on the head received during a free fight at Leroy, a railroad camp a few miles below Kelso. It is said Walker was recently deprived of his status as deputy sheriff for exceeding his authority, and had become very sensitive when reminded of it. This, it is believed, may have started the fight.

THEFT OF JEWELRY.

Parisian Jeweler Loses Package Containing \$200,000 Worth.

Paris, Feb. 25.—M. Schiff, a prominent jeweler here, has lost jewels valued at \$200,000. Schiff went to the postoffice Saturday and while writing a telegram, placed the parcel containing the jewels to one side. When he looked for the package of jewels, it had disappeared. There is no clue to the thief.

LIMITING ARMAMENTS.

It is Said Question Will be Discussed At The Hague Conference.

Paris, Feb. 25.—The Petite Parisienne says the question of the limitation of armaments will be discussed at The Hague conference. This, it says, is in accordance with the wishes of the United States and Great Britain. A committee will be appointed to consider the subject but will not report its conclusions until the end of the conference.

EDITOR HENLEY SMITH DEAD.

Atlanta, Ga., Feb. 25.—J. Henley Smith, who was editor of the Confederacy, a daily paper published here during the civil war, died at his home in this city yesterday aged 78. Shortly after the war he served at different times as editor of the Macon Telegraph and the Savannah News. In 1899 he and Alexander H. Stephens jointly established the Atlanta Star which was afterwards consolidated with the Constitution.

KILLED OFFICER FOR BURGLAR.

Augusta, Ga., Feb. 25.—F. M. Fuller, a grocery merchant, was shot and killed by Policeman Walter S. Wilkins. While making his rounds with another officer, Wilkins tried the back door of the Fuller home and Fuller, who was the officer a burglar, fired two loads of shot directly into Wilkins' face. Fuller was arrested and a charge of murder made against him.

ROYAL ORDER FOR ROOSEVELT.

London, Feb. 25.—An Abyssinian dispatch to the King of Abyssinia is sending to President Roosevelt an autograph letter conferring a royal order upon him.

OVERFLOW OF COLORADO INTO IMPERIAL VALLEY STOPPED

Los Angeles, Feb. 25.—The overflow of the Colorado river at the Imperial valley dam has been stopped, according to a statement made today by H. T. Croy, chief engineer. The dam, which is being constructed by the United States army, is now being visited by this city for the first time since the work was commenced. The dam has stood a test of two weeks and the officials are satisfied that the work will proceed without interruption until there is absolute assurance against another outbreak of the Colorado.

It is believed that the work of building the dam will be finished by about April 15 at latest. W. J. Doran of the California Development company said today that the cost of the work on the 20 mile levee is \$1,000 a day and the total expense involved in building the river will be between three and four million dollars. This money has been or will be expended by the Southern Pacific company, which must look to Congress for compensation.

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## SAN DOMINGO TREATY RATIFIED

Senator Bacon Declares it Has Effect of Establishing a Protectorate Over the Republic.

### SIMPLY MEANS ANNEXATION.

Ratification Practically a Party Measure, Clarke of Ark. and Patterson Only Democrats Voting for It.

Washington, Feb. 25.—By a vote of 43 to 19 the senate tonight ratified the Santo Domingo treaty. This was one more vote in the affirmative than was required.

The ratification of the treaty followed an executive session during which Mr. Bacon of Georgia condemned the treaty as worse than the one negotiated in 1905 which is now supplanted. The 1905 treaty authorized the United States to examine into the debts and pay what was justly due. The pending treaty, said Mr. Bacon, provides for the scaling down of the Dominican debts to about 50 per cent of their face value, with the exception of the claim of the San Domingo Improvement company, controlled by American capitalists, which is to receive about 90 per cent of the face value. These capitalists, said Mr. Bacon, have used this government as a cat's paw. He expressed the belief that a large part of the debts were fraudulent, and that in providing for the payment without opportunity to adjust the claims the United States is adding graft and participating in an unjust burden on the republic.

The sale of 5 per cent bonds to the amount of \$20,000,000 payable in 50 years, which is a part of the plan of settlement provided by the treaty, Mr. Bacon said, makes the United States responsible for the collection of the revenue for 50 years and has the effect of establishing a protectorate over the republic. He declared this government was not under the Constitution to create a protectorate by treaty, and he was even doubtful if it could do so under an act of Congress. "It means annexation and nothing else," he said.

He believed it would be the ground for similar proceedings in relation to other West Indian islands, and that it would extend to take in practically all of the Central American states.

Mr. Bacon suggested that the senate committee on foreign relations had amended the former treaty by inserting a new article which declared that the United States should not be responsible for any act of omission or commission in aiding the Dominican debt, and that the treaty should not be regarded as a precedent. The present treaty, Mr. Bacon said, carefully eliminates this provision, which he thought was done with the idea that the United States might take over the island.

Senators Daniel, Carmack, Culbertson and Newlands also criticized the treaty, declaring it unwarranted and tending to establish a dangerous precedent.

Senator Clark of Arkansas and Senator Patterson of Nevada, who were the only Democrats voting for it.

The vote follows: Ayes, Beveridge, Barlett, Burnham, Burrows, Carter, Clapp, Clark (Wyo.), Clarke (Ark.), Crane, Cullom, Curtis, Dewey, Dick, Lint, Foraker, Fulton, Gallinger, Gamble, Hendon, Hoar, Keane, Kittredge, Knox, Lodge, Long, McCumber, Millard, Mulkey, Nixon, Patterson, Penrose, Perkins, Piles, Scott, Smoot, Spooner, Sutherland, Warner, Warren, Wetmore. Total, 43.

Against—Bacon, Berry, Blackburn, Carmack, Clay, Culbertson, Daniel, Du Bois, Frazier, Lattimer, McCreary, Mallon, Newlands, Overman, Pettus, Rayner, Simmons, Stone, Whyte. Total, 19.

The pairs were: Elkins and McNary with Bailey; Dryden and Dupont, with Foster; Hopkins and Nelson with McLaughlin; Frye and Doliver with Martin; Allison and Aldrich with Morgan; La Follette and Bulkeley with Money; Platt and Proctor with Tamm; Dillingham and Brandegee with Tillman; Senator Clark of Montana not voting, and not paired.

BESOLD'S SENTENCE.

Man Who Murdered His Invalid Wife Gets Life Imprisonment.

Los Angeles, Feb. 25.—Antone Besold, convicted of murder in the second degree for the slaying of his invalid wife in Temescal canyon, Santa Monica, was given the full penalty under the law. Judge Smith sentenced him to life imprisonment. Besold asserted his innocence and will appeal his case. He was convicted purely on circumstantial evidence.

FRANK J. HERNE DEAD.

Was President of the Colorado Fuel and Iron Company.

Denver, Feb. 25.—Frank J. Herne, president of the Colorado Fuel & Iron company, died in his apartments at the Brown Palace hotel tonight of peritonitis. The disease developed a week ago yesterday and was the direct result of an attack of the grip which came on early in January.

Mr. Herne was born in Maryland 59 years ago. Immediately upon leaving Rensselaer Polytechnic institute at the age of 26, Mr. Herne assumed the position of chief engineer of the Hannibal & St. Joseph railroad. After holding this position a number of years he became assistant general manager of the Riverside Iron works at Wheeling, W. Va., and later general manager. When this plant became a part of the National Tube company, Mr. Herne was made vice president of the tube company and then president and held the latter position after the company's absorption by the United States Steel corporation. In 1903 when the Rockefeller and Gould interests acquired the Colorado Fuel & Iron company, Mr. Herne was made president.

NEIGHBORS GOT FOOLED.

"I was literally coughing myself to death, and had become too weak to leave my bed and neighbors predicted that I would never leave it alive; but they got fooled, for thanks to God, I was induced to try Dr. King's New Discovery. It took just four or five bottles to completely cure the cough and restore me to good sound health," writes Mrs. Eva Unepcher, of Grovetown, Spauld Co., Ind. This King of cough and cold cures, and healer of throat and lungs, is guaranteed by Z. C. M. I. Drug Dept., 112-114 So. Main St. 50c and \$1.00. Trial bottle free.

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## A LIVELY DEBATE IN THE REICHSTAG

Imperial Chancellor von Buelow Measures Swords With Clerical Leader Spahn.

### GOVERNMENT AND ELECTIONS.

Says it is Its Duty to Enlighten Voters Concerning Its Policies and Designs of the Enemy.

Berlin, Feb. 25.—The first business day of the new reichstag developed a general discussion on the dissolution last December of the previous body and the following political campaign. The imperial chancellor, Prince von Buelow measured swords with Herr Spahn, Clerical leader, in a long speech.

Herr Spahn denied the allegation made by the government during the campaign that the reichstag had refused the appropriations required by the honor and well being of the nation. He declared the recent campaign had aroused party passions as never before, and that the chancellor had widened the chasm between Catholics and Protestants.

He blamed the political measure of the German navy league and criticized the chancellor with interfering in the campaign. He taunted Prince von Buelow with having achieved his most important political successes through the assistance of the Clericals. That his party is right, Herr Spahn said, is shown by its return with strength undiminished.

Prince von Buelow prefaced his speech in reply to Herr Spahn with the remark that he would deal with the matter of his relations to the Clericals with thorough frankness. It was his duty, he said, to seek an understanding with the largest party in the house, since only by this means could the government secure the majorities necessary to pass laws. He admitted that the navy law, the tariff and the commercial treaties were due to the cooperation of the Clericals.

"But," continued the chancellor, "the Center party did not use its predominant position to the detriment of the party and self-interest which is requisite to make a party permanently influential."

Referring to the Roeder-Dernburg incident, Prince von Buelow said that Director of the Colonial Office Dernburg had acted under his instructions in his famous reply to Herr Roeder, the Clerical leader, who in the beginning of last December, attacked the colonial policy of the government. "The Clericals," he said, "wanted, with the help of the Socialists, to humiliate the government, and with God's help we never will submit to that."

Taking up the issue of the recent election, Prince von Buelow said that the regime the chancellor said this was only a false signal to deceive the voters. He characterized as an impudent falsehood the statement that the government had acted unconstitutionally in the dissolution of the late reichstag and said that among the greatest falsehoods of the campaign was the assertion that the Catholic religion was endangered by the new conflict of the German state with the Roman Catholic church. The preparation and spreading of such calumnies was, the chancellor said, unpatriotic.

Prince von Buelow sharply criticized the Clericals for making common cause with the Socialists in their own seats. He said the Clericals had traded off at least 12 seats to the Socialists, and that this was not only a great political blunder, but also a moral wrong. It was wrong to co-operate with a party which in the reichstag has defended the Paris commune, which has guillotined Archbishop Darboy.

Continuing the prince said bourgeois parties should be too proud, should have too much dignity and self-respect to co-operate with Socialists in elections. He praised the Socialists for the independent Catholics and the bishops who had opposed the party's policy in the campaign.

Answering the charge that the government had influenced the recent elections illegally, the chancellor said it was the government's duty to enlighten voters concerning its own policies and the designs of the enemy. "I shall do this much more in the next elections," the chancellor added, and the remark evoked loud demonstrations of approval. "The government," the speaker said, "cannot permit everybody to attack it, and remain silent."

The chancellor outlined the government's policy. Among other things he referred to reform of the laws, relative to the right of assembly and association, reform of the penal code, limitation of prosecutions for less majestic and the reform of the bourse laws with the idea of making the German stock exchange more potent in international finance, and in conclusion said that on social reform and legislation progress shall be the watchword.

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is to learn as to the relative standing and reliability of the leading manufacturers of medicinal agents, as the most eminent physicians are the most careful as to the uniform quality and perfect purity of remedies prescribed by them, and it is well known to physicians and the Well-Informed generally that the California Fig Syrup Co., by reason of its correct methods and perfect equipment and the ethical character of its product has attained to the high standing in scientific and commercial circles which is accorded to successful and reliable houses only, and, therefore, that the name of the Company has become a guarantee of the excellence of its remedy.

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appeal to the Well-Informed in every walk of life and are essential to permanent success and creditable standing, therefore we wish to call the attention of all who would enjoy good health, with its blessings, to the fact that it involves the question of right living with all the term implies. With proper knowledge of what is best each hour of recreation, of enjoyment, of contemplation and of effort may be made to contribute to that end and the use of medicines dispensed with generally to great advantage, but as in many instances a simple, wholesome remedy may be invaluable if taken at the proper time, the California Fig Syrup Co. feels that it is alike important to present truthfully the subject and to supply the one perfect laxative remedy which has won the approval of physicians and the world-wide acceptance of the Well-Informed because of the excellence of the combination, known to all, and the original method of manufacture, which is known to the California Fig Syrup Co. only.