

GOVERNMENT SEEKS WRIT

Supreme Court of the United States to Hear Petition of Department of Justice For Writ of Certiorari in \$28,000,000 Fine Case Against Standard Oil Company—Department Aware of Court's Denying Nine-Tenths of Petitions of Like Sort—Court Grants Such Petitions Only Where Constitutional Questions Are Involved—Petition to Be Presented Monday—24 Granted, Will Be Now Hearing of Case.

Washington, Nov. 23.—The wording of the government's petition for a writ of certiorari in the \$28,000,000 Standard Oil case, which to-day was filed in the Supreme Court of the United States, indicates that the Department of Justice is fully aware of the court's practice of denying ninety per cent. of such petitions.

Four reasons for the issuance of the writ are given, as follows: (1) It is highly desirable in the public interest and to promote justice in the further prosecution and final determination of this particular case, considered in and by itself.

(2) It is indispensable for the instruction and advice of the government in the intelligent administration and enforcement of the laws involved.

(3) It is necessary for the control and guidance of the Federal courts in disposing of similar cases now actually pending or likely to arise in the near future.

(4) The issue of the writ is necessary also in order that the business community and the people at large may be informed and advised as to the meaning of the law by the judgment of this court.

"Whether," says the petition in urging the granting of the writ, "the government is, or is not right in its contentions, we respectfully but earnestly urge that the court should issue the writ. The case is of the first consequence. The principles decided control the entire meaning and purpose of the law and impair the underlying policy of Congress. If, for example, it is necessary that the government should prove actual knowledge by the shipper of the lawful rate, the law will be altogether deprived of its effect as to all shippers who violate it. In the view of the government it is extremely important that the law should be determined and expounded now, at this stage of the present case, by this court."

"It," the Attorney General says, "will not be seriously contended that because this is a criminal case the Court of Appeals would have no right to certify a question raised upon this record," and the contention is made that if the case could properly be transferred from the lower to the higher court by means of a certification, it can just as properly be brought up by means of a writ from the higher court.

COURT HAS RIGHT TO GRANT FINAL HEARING.

The Attorney General also takes the position that the Supreme Court is vested by law with authority to order any case of which a Circuit Court of Appeals has final jurisdiction to be brought up by certiorari and to determine it in the same manner as if it had been taken up on appeal or writ of error by the defendant.

Mr. Bonaparte takes cognizance of the fact that the Court of Appeals failed to consider many of the government's assignments of error, and it is urged that this record means that Judge Landis had not committed other errors and that therefore the appellate court decision was an affirmation by it of the other portion of the Landis' decision. It is pointed out, however, that the Standard Oil Company takes the opposite view. He adds:

"Several of the questions on which the Court of Appeals thus refused to pass are absolutely vital, and the prosecution must certainly fail of the contention of the defendant can be sustained as to any one of them. The reply informs us that they will be again raised at a second trial, and yet the Court of Appeals declines either to decide them or to say what its silence means. A stronger case would hardly be presented for the beneficent intervention of this court by certiorari."

SMILAR PROSECUTION CITED.

The Attorney General cites a number of similar prosecutions now pending as another reason why the court should pass upon the case.

It is understood that the petition will be presented to the court when it reconvenes next Monday, but it probably will not be acted upon for some time thereafter. If the petition is granted the entire case will be reviewed by the Supreme Court. If it is denied, the decision of the Court of Appeals will stand, and it will be necessary for the government to find some other means of presenting its controversy with the Standard Oil Company to the court.

NEWBERN NEWS NOTES.

Sixty-nine Civil Cases on Docket This Week—Norfolk & Southern Shops Doing Much Work—Newbern U. D. C.'s Very Active.

Correspondence of The Observer.

Newbern, Nov. 23.—Two weeks' term of Craven Superior Court opens here to-morrow, Judge O. H. Allen, of Kinston, presiding. The first week is for civil cases only, and there are 67 cases on the docket for the first week. Few of the cases are of more than local interest, the majority being against the railroad and various lumber companies nearby.

The Norfolk & Southern Railroad shops are doing more work now than at any time since the shutdown over a year ago. The force is as large as it has ever been, especially in the carpenter department. The pay roll at present amounts to about \$4,000 a month. All the work for the larger part of the N. & S. system, that part south of Albemarle sound, is done here.

One of the most active chapters of the Daughters of the Confederacy in the State is located here. It has a hall on South front street which is large and well arranged. At a meeting held a few days ago officers were elected for the year 1909 as follows: President, Mrs. C. L. Stevens; first vice president, Mrs. Walter Duffy; second vice president, Mrs. R. B. ...

It isn't so difficult to strengthen a weak stomach if one goes at it correctly, and this is true of the Heart and Kidneys. The old-fashioned way of doing the stomach or stimulating the Heart or Kidneys is every wrong! Dr. Sippy first pointed out this error. "Go to the weak or ailing nerves of these organs," said he. "Each inside organ has its controlling outside nerve." When these nerves fail then these organs must surely fail. This vital truth is leading druggists everywhere to dispense Dr. Sippy's ...



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HELLO THERE

"Bumthin' doin', stey, and right now, too, in dis here town, and don't you forget it. A lot meetin' and a draftin' of documents by de Powers, all by its little self. Bi-am-bi, Honey, de peoples, dem fokes what does the voten and electin of dem misloneers, will say, 'How's it you fellows ain't a given us pore devils what to be governed by dis here wome a little wee bit of a say so, now and den?' Don't we pay no taxes? Den dey'll git wise."

"Hush Up De, John Jenns. 'Don't you know you got no business with fairs of State. You an me and us tax payers in dis here town, am sure of but one thing. If we take our Billy Malone with that fello w' Kessler, he'll make it work and sure like the very old Boy, and we'll get what he promise—knows all about Billy Malone and like to tell one about it. Gee whiz, ever see the money him and tother fellow takes in a Saturdays? Regular show.' 'So long, Mary.'"

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