

CONGRESS MASTER OF COURTS—BAILEY Can Deny Power to Annul Law Pending Appeal.

THEORY TO AID RATE BILL Senator Says Constitution Has Made All But Supreme Bench Subject to National Legislature.

Senator Bailey of Texas has developed a theory of court review, which just now is the crux of the situation in rate legislation, such that, if it is sustained on investigation of court decisions, it will put an end to the controversy over this phase of the reform, and apparently will remove all doubt about the power of Congress to give the commission unhampered authority to name and enforce a rate.

From the beginning of this controversy, it has been urged by all opponents of regulation, and admitted by all advocates, that there must be a provision for consideration by the courts of constitutional issues; and counts must have left to them power to determine whether property is in effect being confiscated by the enforcement of an unreasonably low rate.

President's Advisers Say No. A corollary question of the courts can be denied the right, when a carrier charges that its property is about to be confiscated, to restrain the enforcement of the order complained of, pending judicial hearing on the merits. The President has been the center of this controversy, and the weight of the legal advice that has been urged upon him has been to the effect that Congress has no power of limiting this right of courts to interfere on behalf of the property owner whose property is alleged to be confiscated.

Now comes Senator Bailey with the broad claim that there is only one Federal court whose jurisdiction is beyond Congressional control, and that is the Supreme Court. In substance, his argument is this: The Constitution says that "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time, ordain and establish." The Constitution does not ordain or establish the district, circuit, or the circuit court of appeals; Congress did that after the Constitution was adopted. Therefore, Congress is superior to these courts, and may limit their jurisdiction; it could abolish them if it chose. They cannot be said to exist in existence without appropriate acts of Congress to establish them. And in establishing them, it is necessary to define their powers and jurisdictions. This Congress did that when it established the Federal judicial system subordinate to the Supreme Court.

Due Process of Law. This reasoning, it is contended, does not conflict with the right of every man to be secured against the taking of his property "without due process of law." Due process of law need not necessarily be a process administered in a particular case by the district court, the circuit court, or the circuit court of appeals; it may be defined by law as a process over which only the Supreme Court shall have jurisdiction.

Following this logic, the argument is applied to the rate regulation. The law may, if this contention is correct, give the commission power to fix a rate; it may provide that the rate may be attacked in the courts; and the courts may hear and decide the issue. But unless the law shall so specify, the subordinate courts have not the power to do more than render their decisions, to be enforced except in case of appeal. The rate should be appealed, then the inferior court would have to be governed by the terms of the law on suspending the rate, pending the appeal.

Can Grant and Deny. It is competent for Congress to give this right of suspending the rate; and it is likewise competent for Congress to deny the right.

This theory is an entirely new one. It is injected into the controversy just at a time when it is of the utmost interest. Senator Bailey is widely recognized as the greatest constitutional lawyer in the Senate and one of the greatest in the country. Further than this, it is now claimed that the Federal courts themselves have, in recent decisions, thus delimited and admitted the restrictions of their powers.

DISTINGUISHED VISITORS ENTERTAINED AT Y. M. C. A.

Dr. Carl Fries and Edward Gendstadt, of Germany, and H. A. Bridgman, of Boston, Mass., were the guests of the officers of the Y. M. C. A. at a dinner last night. The three are on their way back from the Christian Students' Federation at Nashville, where, with Commissioner Macfarland, they attended as delegates. They leave for Boston today.

Get the "Velvet Kind" at Druggists. "C. & S." delicious pure cream ice cream.

A New Way to Los Angeles

You can now go direct, by a new route via Salt Lake City. And by a new train—the Los Angeles Limited. Daily from Chicago. Superb accommodation: Pullman's best service. Dining Cars, Observation Cars with Buffet, Lounging Rooms and Library. Electric Lights over every seat and in every berth. Via the Chicago & North-Western Union Pacific Salt Lake Route. California questions cheerfully and fully answered by R. TENNROECK, Gen. E. Agt., 267 Broadway, New York.

CONSUMPTIVES' CAMP HAS PROVED SUCCESS

Dozen Patients Have All Been Benefited by Life in Open Air and No Deaths Have as Yet Occurred Among Them—Some, However, Cannot Last Long.

The committee for the prevention of consumption met in the offices of the Associated Charities yesterday afternoon and reported gratifying advance in the work.

The progress of the consumptive camp at Washington Grove was reported by Dr. Sternberg, chairman of the committee which has the undertaking in charge. There are twelve patients at the sanitarium and another is expected today. Those who have been at the camp longest are said to be greatly benefited by the open air life.

No Deaths Yet. No deaths have occurred at the Grove as yet, but the attending physician said that several of the advance cases which had been brought to him would not live more than two weeks.

Another phase of the work that has been successful is the distribution of the circulars by the committee, of which Dr. Kingsman is the head. Circulars, setting forth the necessity for the prevention of the disease and the best means for accomplishing this end, were sent to the pastors of many of the local churches. The following Sunday, thirty-four of the pastors had the circulars distributed among their congregations, with the result that over 70,000 are now in the hands of citizens of the District.

Wish Cases Reported. The committee will make every effort to have consumption placed on the lists of diseases to be reported to the health office by doctors. This, it is said, will facilitate the committee in the prevention of the spread of the white plague.

Steps will be taken in the near future to obtain a law providing that each home in which a death from consumption has occurred be disinfected and examined by the Government before it is occupied again.

WOULD PUT HALTER ON LIQUOR TRAFFIC

Bladensburg District Asks for Certain Restrictions.

APPEAL TO LEGISLATURE

Citizens of Riverdale Ask Maryland General Assembly to Take Action in Matter.

The Citizens' Association of Riverdale held its monthly meeting Monday evening at the library of the Presbyterian Sunday school, Riverdale, Md. Dr. S. McMillan, the president, occupied the chair, with W. B. Sever as the secretary.

After routine business, the committee appointed at the February meeting to attend the Maryland General Assembly in the interest of securing legislation restricting the liquor traffic in Bladensburg district, reported that they visited the Legislature at Annapolis Thursday, February 8, and that Senator Claggett and his colleagues courteously received the several delegations; that the senator has since introduced a bill in the senate making the license fee \$600, requiring the signatures of twelve free holders with a property qualification of \$2,500 and living within one mile of the proposed saloon, to each application for license; that no free holder can sign that violation of the liquor laws will result in the revocation of the license, forfeiture of fees, and that no one can conduct the liquor business in the same place until after the expiration of one year.

It was reported that the bill had been passed by the senate, and the committee was continued with instructions to exert every effort to secure its passage. The executive committee reported that they had offered a reward of \$20 for the arrest and conviction of the party or parties who set fire to the unoccupied house of Charles B. Calvert, near Riverdale, and Wallace C. Raybold, special officer, reported that he had sworn out warrants, had arrested and had convicted three boys, and that Justice Carr had suspended sentence.

Motion prevailed that no further action be taken, pending the good behavior of the boys. A note of thanks was tendered Mrs. George H. Schorn and the ladies composing the committee for the excellent program and refreshments furnished at the public social meeting held February 11.

President McMillan, P. A. Preston, J. A. Blundin, C. E. Bright, William Wilson, made remarks favoring better school facilities for Riverdale. The meeting adjourned to meet the first Monday in April.

LOFFLER GETS DAMAGES FOR BREACH OF CONTRACT

Ernest Loffler has been awarded \$120 as damages in his suit against Hugh Harten, brought in the local courts for breach of contract. Mr. Loffler contended that Mr. Harten broke his contract with him to sell certain real estate and a saloon, on Brightwood avenue, near Battleground Cemetery. Leon Tobriner appeared as counsel for the successful party.

Times Want Ad Branch

If it is not convenient for you to bring your want ads to the main office of The Times, leave them with Charles C. Harning, Christiani Pharmacy, southwest corner Seventh and M streets northwest, and he'll charge you the usual office rates.

Expansion Sale 52 Overcoats and 97 Odd Suits Values up to \$28 To be offered to day at \$10.85 No charge for alterations.

I. GROSNER 1013 Pa. Ave. N. W.

The C. & P. Telephone Directory (Spring Edition) goes to press on March 15.

A listing means possible communication with over 22,000 subscribers.

The C. & P. Telephone Co. 722 12th st. n.w. 1407 R. st. n.w.

PEOPLE'S SAVINGS BANK 610 14th St. N. W.

FOUND UNCONSCIOUS WITH GAS JET OPEN

Bit of Negligence on Part of Chester Lightcap Nearly Proves Fatal Blunder.

Chester Lightcap, twenty-five years old, employed by the Adams Express Company, and living at 48 Seventh street southwest, was found in his bed by Policeman Leach, of the Fourth precinct station, this morning about 7 o'clock unconscious from the effects of inhaling illuminating gas. He was hurried to the Emergency Hospital. Physicians there reported this afternoon that he had an even chance for recovery.

Leach rooms in the same house with the express company employe, and the two were intimate friends. When Lightcap retired last night he asked Leach to knock on his door and awake him at 7 o'clock. Leach did as requested, but received no response. He smelled gas and surmised that it came from Lightcap's room. The door was forced open and the man who found lying on the bed with his limbs drawn up and his face distorted. The key on the gas jet in the room was turned half-way around. Gas had been flowing into the room for a number of hours, but only half the capacity of the jet leaked out.

It is believed Lightcap, in extinguishing the gas before going to bed, failed to turn the key all the way around. At the hospital it was stated this afternoon that the man was still unconscious.

There's Wisdom in Banking Your surplus funds where they will earn interest. Banking dept. of Union Trust Co., 114 F. pays interest on all accounts.

STILLINGS AND AIDES WILL VISIT BAZAAR

Spanish War Veterans Will Also Entertain Lodges of Many Fraternities This Evening.

Public Printer Charles A. Stillings, with a delegation from the Government Printing Office, will attend the bazaar of the United Spanish War Veterans this evening. Tonight will be "fraternal night" at the bazaar, and preparations have been made for the entertainment of representatives of various Masonic lodges, Knights of Columbus, Knights of Pythias, Odd Fellows, Elks, and other organizations. At the evening, the bazaar committee will raffie a bronze relief of President McKinley, which was donated by Mr. Stillings.

Despite the rain last night, the bazaar was well attended, and did a pushing business. The dancing broke up the money-spending at 10 o'clock. The evening was culminated by an informal symphony concert by Mrs. Inez Seymour McConnell, who presides over the palm reading tent.

FUNERAL SERVICES FOR LATE DAVID M. FRAIN

Funeral services for David M. Frain, who died suddenly of apoplexy in his place of business, 1249 Fourteenth street northwest, yesterday noon, will be held from Hamline Methodist Episcopal Church Saturday afternoon at 2 o'clock. The Rev. Carl G. Doney, pastor, will officiate. Interment will be in Congressional Cemetery.

Mr. Frain was seventy-two years of age, and had lived in Washington since the close of the civil war, coming from Valley Forge, Pa., where he was born. For twenty-five years he conducted a paint and painters' supply store on Fourteenth street.

He is survived by his wife and eight children, six of whom reside in this city.

POLICEMEN BRAVE DEATH TO SAVE DROWNING MAN

NEW YORK, March 8.—Plunging into the North river to save a man from drowning, Policemen John C. Devlin and Felix Hoffman, of the West Twentieth street station, battled in the icy water against a strong ebb tide early today for half an hour, until they were rescued by a tugboat. The three were unconscious.

V. Baldwin Johnson's Coal, 612 9th St. For spot cash only, best w. a. stove for \$6.75 and \$7 (according to distance).

Fine Office Rooms for Rent In the Munsey Building facing Pennsylvania avenue, between Thirteenth and Fourteenth streets. For rates and information, apply to A. D. Marks, office of The Washington Times.

EXPANSION SALE 52 Overcoats and 97 Odd Suits Values up to \$28 To be offered to day at \$10.85 No charge for alterations.

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MAN KILLED IN MUTINY IN NEW YORK HARBOR

Police Reserves Called Out to Quell Trouble on Atlantic Transport Liner Massachusetts.

NEW YORK, March 8.—A fatal mutiny occurred early today on board the Atlantic transport, liner Massachusetts lying at the foot of Forty-first street, Brooklyn. A dozen shots were fired and one of the mutineers was killed. Only the arrival of the police reserves from the Fourth avenue station prevented further bloodshed.

Fourth Mate Kirwan, who did the shooting, was arrested, together with six of the ship's crew. Kirwan claims he acted in self defense.

LUCKY AMERICAN PLUNGER SAID TO BE E. S. ARMSTRONG New York, March 8.—The American whose phenomenal success at baccarat has created such a sensation in Nice, Italy, is said to be E. S. Armstrong, a Pennsylvanian. He has been winning about \$5,000 nightly at the Casino, and is said to be \$200,000 ahead of the game. Armstrong, who is twenty-five years of age, acquired a fortune in Mexico. He keeps two automobiles, and he is expert at tennis and golf.

"C. & S." Pure Cream Ice Cream, "Smooth as velvet" at your druggist's. \$48.25 to California, Mexico, Arizona, New Mexico, via Washington-Sunset Route, until April 6. Excursion sleepers without change, Washington to San Francisco. Personally conducted berth, \$5.50. Offices, 511 Pa. Ave., 706 15th st.

WE WILL TRUST YOU Furnish Your Bedroom In excellent style NOW, and pay as it suits your convenience. Solid Oak Bedroom Suites, \$12.95. Quatered Oak Finish, Bedroom Suites, \$31.65. Solid Oak Dressers, \$7.98. Golden Oak Dressers, \$14.45. CHIFFONIERS Solid Oak Chiffonier, \$3.95. MAYER & CO., 409-417 7th St. N.W.

A New Northeast Times Want Ad Branch If it is inconvenient for you to bring your WANT ADS FOR THE TIMES to the main office—if you have no telephone—leave them at the new BRANCH OFFICE THE TIMES has established in the northeast section. Your TIMES WANT ADS will receive the same careful attention as if they were delivered at the main office, and regular rates will be charged. McChesney & Joachim Cor. Second and E Streets N. E.

RED STAR PRESCRIPTION FOR INDIGESTION Thousands of unsolicited testimonials attest its merits. A physician's prescription. Trial bottle, 10c. At Druggists' Fidelity Medicine Co., Washington, D. C.

YOUR FUNDS BANK PEOPLE'S SAVINGS BANK 610 14th St. N. W. CERES Flour makes more bread, whiter bread, better bread, than any other flour made. Best in the World. Fancy Roller Patent.

S. KANN, SONS & CO. THE BUSY CORNER Remnant day

Along with other bargains the remnant section has part of a case of 12 1/2c Bates gingham at 9 1/2c

This is the same big bargain that has crowded the section for three days. Lot left will hardly last all day. It contains many patterns that have not been shown before. These are the regular 12 1/2c goods from the piece; lengths are good. The styles are what are generally known as seersucker patterns. New dress prints—fancy effects . . . 5c yd. Dotted swiss—9 1/2c yd for the 15c grade. EMBROIDERED. New styles in light and dark grounds; also plain white grounds with self dots. Lot includes small neat patterns, as well as large floral effects. Mercerized poplinette; regular 25c grade at . . . 15c. One of the best sellers we have this season. New and especially desirable for waists and wash suits. Beautiful stitken finish that is permanent—long as the goods are not starched. 34 in. wide.

Shirting Percaloes Large line of new patterns, including many effects in dots, rings, stripes, and figures, in colors and black on white grounds. Regular 10c goods, at yard. 7 1/2c. New styles in lawns and batiste in choice patterns and colors, also broken 10c and 12 1/2c goods, at yard. 8 1/2c. 36-in. Momic weave Madras, light grounds, small figured effects, good lengths; 8 1/2c. New Hamilton printed Cretonne Draperies, in light, medium and dark colors; worth 10c yd., at 6 1/2c. APRON GINGHAMS, nice line of checks and colors, also broken 4c, 4 1/2c, 5c, 6c, 7c, 8c, 9c, 10c, 11c, 12c, 13c, 14c, 15c, 16c, 17c, 18c, 19c, 20c, 21c, 22c, 23c, 24c, 25c, 26c, 27c, 28c, 29c, 30c, 31c, 32c, 33c, 34c, 35c, 36c, 37c, 38c, 39c, 40c, 41c, 42c, 43c, 44c, 45c, 46c, 47c, 48c, 49c, 50c, 51c, 52c, 53c, 54c, 55c, 56c, 57c, 58c, 59c, 60c, 61c, 62c, 63c, 64c, 65c, 66c, 67c, 68c, 69c, 70c, 71c, 72c, 73c, 74c, 75c, 76c, 77c, 78c, 79c, 80c, 81c, 82c, 83c, 84c, 85c, 86c, 87c, 88c, 89c, 90c, 91c, 92c, 93c, 94c, 95c, 96c, 97c, 98c, 99c, 100c.

Dress goods remnants at savings of a third. The better kinds will be found in these remnant lots. A good assortment of colors that are most called for this spring in silk-and-wool, Kollonnes, silk-and-wool crepes, all-wool voiles and other such weaves. Lengths two to eight yards—enough for a waist, skirt or full suit. The same grade dress goods will be found on our own shelves, priced at least a third more. We would rather you had these remnants at lengths than us—and have made the inducement so strong that they will all be gone in a day. Bargain Tables—Dress Goods Arcade.

\$3.00 and \$3.50 "Marred" oxfords, \$2.00. This bargain offering is due to the carelessness of the factory packers. Each case we have received lately has contained three or four pairs of Oxfords that have shown scratches or such marks. With shipments almost daily quite a number of such Oxfords have accumulated. We have put these aside each day and now have enough for a day's selling. This is choice of six styles in this lot—and all sizes. Made of fine patent colt, patent kid and soft kidskin. They are oxfords we would sell for \$3 and \$3.50 a pair. These will be sold tomorrow at \$2.00 a pair. A lot of high shoes in sizes 3-C, 3 1/2-C, and B; size 4 in widths A and B. Were \$3 and \$3.50. Second Floor—S. KANN, SONS & CO.

Waists—silk and madras 3 3 3 Tables Big lots Cut prices Bargains will be numerous tomorrow in the waist section. One table White Madras Waists in striped mostly black; sizes 38, 40, 42, and 44. Reduced to 50c. One Table Odds and Ends Silk Waists, mostly black; sizes 38, 40, 42, and 44. Reduced from \$5 and \$5.50 to \$2.50. Table of Crepe de Chine Waists in white, light blue, and pink, long and short sleeves, lace trimmed, sizes 34, 40, 42, and 44. Reduced from \$5 and \$5.50 to \$3.95. 3d Floor—S. KANN, SONS & CO.

Ribbons at a cent a yard Also two other good lots. The Ribbons at a cent a yard are odd lengths of satin taffetas, 3/4 to 3/8 in. wide, and worth up to 2c yd. LOT of odd lengths, plain and satin taffetas, 3/4 to 3/8 in. wide, good line of colors, worth up to 11c yd., at 11c. LOT of Plain and Satin Taffetas, Mousseline and Failleines, 5/8 in. wide, all colors, worth up to 17c yd., at 15c yd. First Floor—Bargain Tables—S. KANN, SONS & CO.

The remnant silks to be sold at 25c yard are worth up to 89c a yard. Nearly 3,000 yards and included are most of the spring favorites in lengths that you can make advantageous use of, and while doing so, save most of the usual cost. Such silks as these, you'll find: Fawn & Orange, Plain Mosseline, Drap de Zane, Fulle Chapou, Plain Satin Liberty, All Silk Louisette, Plain White Jap, Colored Jap. Silks, Washable Habutai, Plain Washable All-silk Fongees. 1st Floor—Bargain Tables—S. KANN, SONS & CO.

All-length linings, 19c yard. Turkish caramels, 15c pound. These represent the finer grade of linings that have accumulated during the week's busy selling. Included are percales, satens, lining silks and such in black and every color you could think of, 25c to 50c qualities. Lengths you'll want. A yard, 15c. First Floor—Bargain Tables.

50c umbrellas for 39c. Good enough for use during spring showers—and if you lose such an umbrella the loss will be slight. These umbrellas are covered with good grade English gloria, with plain or fancy sticks. Sizes for men or women. You never bought such an umbrella for less than 50c, and perhaps more. Choice Friday of this lot at 39c. First Floor—Bargain Tables. 25c and 29c Mattings, 15c yard. Already we have sold so many matings that remnant lengths have accumulated. We have these in Japanese cotton-warp and seamless china matings in lengths up to 20 yards—enough for covering a fair-size room. The price is nearly half. Choice of many patterns and colorings. Come early Friday morning and pick out the best lengths. While they last, yard, 15c. 3d Floor—S. KANN, SONS & CO.