

SENATE ERRED IN CONFIRMING WHITE'S NAME

Nomination of Chief Justice Incorrectly Worded, Say Washington Lawyers

Democrats Given Advantage in Appointments Made by President Taft

[Special Dispatch to The Call]

WASHINGTON, Dec. 12.—Edward D. White, associate justice and a democrat from Louisiana, was today nominated for "chief justice of the supreme court of the United States," by President Taft.

The wording of the nomination was an error, according to members of the supreme court. They say that there is no such office as "chief justice of the supreme court of the United States."

According to the constitution, the office to which the president intended to appoint White is "chief justice of the United States." All the orders and decrees of the supreme court are signed "The Chief Justice of the United States."

Attorney General Wickersham, it was stated, forwarded the nominations to the White House in the proper form. He was aware that the nomination should have been for "the chief justice of the United States," and not for "chief justice of the supreme court of the United States."

The change must have been made after the papers left the attorney general. While some of the members of the senate were inclined to minimize the error, the members of the senate court regard it seriously. However, the damage can be repaired by making the necessary change in the commission. Before the error was discovered, the senate had confirmed Justice White's appointment as chief justice.

Seldom in the past have judicial appointments been awaited so eagerly as in the present instance, seldom has a nomination been called on to make appointments that will have more to do with the future of the country.

The Northern Securities case, regarded as a good test by which to judge the temperament of the present members of the court with regard to the trust problems, Judges Harlan, Brown, McKenna, Day and Brewer sustained the government in the demand for a dissolution of the combination.

Chief Justice Fuller and Justice White, Peckham and Holmes dissented. As the court will stand, if the present nominations go through, it will include three members who sided with the government at that time—Harlan, Vandevanter and Day.

In the lower court, Vandevanter also upheld the government contention, just as he did later in the Standard oil case. That makes four for the government. In other words, the government has lost two, Justice Brown and Justice Peckham, who upheld its contention with regard to trusts, this loss being offset by the deaths of Chief Justice Fuller and Justice Peckham, who favored the other side.

It would seem, therefore, that with Vandevanter added to the court, the government would be in a good position to try its two big trust cases, the Standard oil and tobacco trust, when they are reargued on January 10th, not at all, however, that nominations outside of Chief Justice White, will be immediately confirmed.

Insurgents say the appointments would be a surprise to them. Senators Cummins of Iowa and Borah of Idaho had been asked by the president to investigate certain names on the judicial list. They investigated and reported, naming the names on which they made a report was included in the nominations. The insurgents, it is said, will carefully investigate all the men who have been named by the president, with the exception, of course, of Chief Justice White.

Judge Hunt for the commerce court, a classmate of President Taft, will go through without opposition. He was investigated previously, when appointed to the customs court of appeals. There was some opposition to the selection of Chairman Knapp of the interstate commerce commission, since he is regarded as a conservative, and his recent speech relative to better treatment of the railroads is not relished by the insurgents.

The appointment to the interstate commerce commission are considered "progressive." Both McChord and White are considered as "progressive" men. Meyer is a friend of Senator La Follette. It was probably to consult with regard to the appointment that the president sent for the Wisconsin senator. La Follette evaded an interview by writing a letter expressing his views.

The insurgents naturally will not object to Meyer, Mack, a democrat, was opposed for appointment to the commerce court by Senator Cullom of Illinois. Cullom wrote the president stating frankly that an appointment of a democrat, with so many republicans to choose from, would hurt the republican party in Illinois.



MME. LUISA TETRAZZINI

RATES ARE CUT BY SHIPPING COMPANY

American-Hawaiian Line Reduces Schedules to Those of Competitors

Word was spread in shipping circles yesterday that the American-Hawaiian steamship company had cut its rates to meet those of the California-Atlantic line, known as the Bates & Chesbrough company.

The American-Hawaiian company operates by way of the isthmus of Tehuantepec, while the California-Atlantic line uses the Panama railroad. The situation did not become acute until the early part of November, when the California-Atlantic inaugurated a dispatch service to New York with a flat 40 cent rate.

The next move came from the Pacific Mail, which came back with the same rate and a similar dispatch service. All this time the American-Hawaiian was carrying full loads at rates varying from 45 to 65 cents a hundred.

Within the last few days, however, have come rumors that the Pacific Mail boats might be withdrawn, leaving the field to the California-Atlantic and the American-Hawaiian. As though to anticipate a keen rivalry with the Bates & Chesbrough line, the American-Hawaiian has made rate reductions and has shortened its time between San Francisco and New York.

While the American-Hawaiian is not quoting a flat 40 cent rate, it is accepting occasional cargoes at this figure. Recent shipments of barley and beans have gone forward on this schedule. In order to bid the more strongly for business against its rivals, the American-Hawaiian has broken its records for quick service. Its shipment from here November 7 was landed in New York November 25, making the trip in 19 days.

The cargo was taken from San Francisco on the Nebraska and up the Atlantic coast on the Californian. The trip is the fastest on record by sea from here to New York. It is regarded as "rail time."

The new schedule of the Bates & Chesbrough line will average about equal with that of the American-Hawaiian. In addition, it will continue to quote the flat 40 cent rate.

Among many of the shippers the belief exists that the American-Hawaiian will endeavor by cutting rates to drive the new line from the seas, and then, following the tactics of the Pacific Mail, raise its rates again. In substantiation of this opinion, it is argued that, while there may be no open contract between the American-Hawaiian and the transcontinental railroads, there is every evidence of a "gentlemen's agreement."

MONTEREY, Dec. 12.—The commission form of government was adopted by Monterey today, with the majority vote for the new city charter, which contains this provision. There were 406 votes cast for the charter and 67 against. The referendum and the recall are included.

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"CARO NOME" RECALLS THE OLD TIVOLI DAYS

By ANNA PRATT SIMPSON

With the first phrases of "Caro Nome" last evening Mme. Tetrazzini sang me back five years and more to the old-new Tivoli, the one in which the loyal San Francisco had a proprietary interest.

It was as fitting as it was gracious of Mme. Tetrazzini to open her program with this aria. I was particularly grateful for this sentiment on her part, and I'm sure that every one in the vast audience who heard Tetrazzini the first time she sang in San Francisco was equally so.

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Well, the world knows what happened in New York. What happened in San Francisco apropos of Tetrazzini's first appearance I have been asked to tell. It has seemed worth while in the light of what has followed and because of the controversy that crept into the picture.

Some weeks before the season when Tetrazzini made musical history, Manager Leahy of the Tivoli opera house made the usual advance notices of his annual Italian opera season. He sent special notices and photographs of Tetrazzini to the press, but they meant no more than that had preceded the long and interesting procession of excellent singers that Manager Leahy had brought to this country.

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Buying Goes Twice As Far, During—

Gross' Great December Sale

In Our FUR DEPARTMENT

Gross' Fur Department is really a complete fur store in itself. As great reductions are offered now in furs as in all other departments throughout this store.

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STOCKTON and O'FARRELL STS., Near ORPHEUM

WEALTHY CLUBMAN SHOT BY HIS WIFE

Grandson of Shoeblack King Is Seriously Wounded in a Mysterious Manner

PHILADELPHIA, Dec. 12.—Herbert Mason Clapp, a wealthy clubman of this city, is in a hospital with a bullet in his head and likely to die and his wife is locked up charged with having shot him.

Clapp has had a career which has frequently brought him before the public. He is a grandson of Mason, the shoeblack king, and inherited much money from that source. Four years ago his wife divorced him in New York. Shortly after the divorce Clapp married Marie Lenkell, of this city.

After being cross-examined, Mrs. Clapp said the shooting was done while she was trying to wrest the revolver from her husband's hands. She said he drew a revolver from a holster which he kept under his pillow and threatened to kill her.

Mrs. Clapp was released tonight on \$2,500 bond. Her husband is still in a critical condition. A woman doesn't mind being fooled when she does it herself. It takes an optimist to sidetrack trouble when he meets it. It isn't half as hard to buy a man as it is to keep him bought. Fortune may not knock at your door, but you can always depend upon undesirable callers. It's a great pity the wisdom of experience can't be applied to the things that taught it to us.

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Advertisement for Post Toasties cereal, featuring an image of the product box and the text "The Memory Lingers" and "Postum Cereal Co., Ltd., Battle Creek, Mich."

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