

ARBITRATION FOR STATE DEBTS IS VISIONARY

John Sharp Williams Declares That in His Opinion Government Would Never Consent to Such Plan.

Washington, D. C., Dec. 22.—"I do not believe that the United States could or would submit to arbitration the question of state debts."

This positive statement was made by senator John Sharp Williams of Mississippi, when discussing the pending arbitration treaties with France and Great Britain. It was not an off-hand declaration, but made after a careful study of the documents. Senator Williams, when a member of the house of representatives, served a long time on the Foreign Affairs committee, and has always given due attention to international affairs. Asked for a more definite statement on the subject of the arbitration treaties as they relate to the old state debts, senator Williams said:

"I do not believe the United States could submit a state debt to arbitration, because it is not a national question and therefore could not become an international one. The arbitration treaties as proposed refer in the first place to questions hereafter arising. That, it seems to me, would put a quietus on the question. Secondly, it refers to 'international' matters, and then in the third place, it says that 'if either country shall suggest that a proposed question is not justiciable, it shall be referred to the Joint High Commission of Inquiry,' three of whom would be Americans, and that unless that commission decides unanimously, or unless all but one of them decide that a question is justiciable, that it will not be so under the treaty. If you will notice the language in Article 1, which is 'as may be decided by special agreement,' you will see that it refers back, and by referring back, you will find that in each case the special agreement will 'define the scope of the power of the arbitrators and will define the question or questions at issue.' I cannot conceive that the United States senate in defining the scope of the power of the arbitrators, or in defining the question or questions at issue would define a question of state debt to be within their 'scope,' or at 'issue.' This is especially of importance, because in the next to the last clause of Article 1, it is recited that 'the special agreement in each case shall be made upon the part of the United States, by and with the advice and consent of the senate.' I can't conceive that two-thirds of the United States senate while 'defining the scope' of the power of the arbitrators, or the question or questions at issue, would ever submit the Monroe Doctrine or any phase of it, or would ever submit the question of Japanese or Chinese immigration, or would ever submit the question of state debts.

"Remember that the Joint High Commission has no power to do anything except upon the request of either party to make 'impartial and conscientious investigation' and report concerning any controversy between the parties, and even then the language is that only if all, or all but one of the commission agree and report that such difference is within the scope of Article 1, it shall be referred to arbitration 'in accordance with the provisions of this treaty.' By referring back to the language in Article 1, you will find what the words 'in accordance with the provisions of this treaty' mean, to wit: that it is to be arbitrated 'either by the permanent court at the Hague or by some other arbitral tribunal as may be decided upon in each case by special agreement,' which 'special agreement,' you will remember, in the language of the treaty 'shall be made on the part of the United States, by and with the advice and consent of the senate. Now, the senate while giving its consent defines the scope, etc., as I have stated.

"In my opinion, the Joint High Commission is the most valuable part of the treaty proposed; not because of what it can do, but because of what it can't do. The time; 'cooling time,' because the first clause in Article 2 provides that a reference to the commission, even when requested by one of the parties, 'may be postponed by the other, or by either for a whole year after the date of the formal request in order, to use the language of the treaty, 'to afford an opportunity for diplomatic discussion and adjustment.'"

"I do not believe that any government can submit to arbitration any question except if it be a question constituting a 'difference' between itself and another government. There never was any question between the United States and any other government concerning the debts due by a state to its bondholders. In the first place, the United States was not the debtor, and if there be foreign bondholders who feel outraged by the action of any of the states in refusing to pay reconstruction or any other debt, there is a 'difference' between them, and the state which refused to pay, but no 'difference' justiciable or otherwise, between them and the United States, so that if any arbitration on this question was ever to be had, it would be by a board evoked and agreed upon by the state and the bondholders, who are the parties at 'difference.' That sort of an arbitration may now be had at any time when the two parties at 'difference' agree to have it. The intervention of the United States would not only be unnecessary but would be at once absurd and insolent.

"You will notice that Great Britain



SCENES FROM The GREAT AMERICAN PLAY THE LION AND THE MOUSE AS PRESENTED BY THE UNITED PLAY COMPANY (INC.)



expressly reserves her 'self-governing colonies' out of the terms of the treaty, except in the event that the self-governing colony shall become a party to it. The treaty expressly provides that 'when a question shall arise affecting the interests of a self-governing dominion, that dominion shall be consulted. It was not necessary for us to make that provision as to our states, because a written constitution known to the diplomatic universe already makes it by limiting the subjects over which we as a federal government have jurisdiction.

"But suppose the United States government did undertake to submit to arbitration the question concerning the debts of Iowa, Pennsylvania, North Carolina, or Mississippi? It could in no way bind the state. It could only bind the federal government and could bind it only to pay a donation. Of course, in a certain sense the federal government could agree to pay any amount of money to any foreign power, just as it agreed to give Spain twenty millions of dollars. If the federal government was so fond of the friendship of some foreign power that it was willing to pay the debt of some state to bondholders of the state residing within the territory of that foreign power, it would be simply a free gift of money. There would be no way under 'law or equity,' or any other way, to get it back from the state, nor would it be either legally or morally binding upon the state to repay it, unless the state had consented to the arbitration and had made itself a party to it.

"To resume rapidly, the people of the United States who are giving themselves so much trouble over the debts under the arbitration of state debts, first, that two out of the three American commissioners would agree that the question was 'justiciable.' They presume, secondly, that two-thirds of the senate in providing for 'the special agreement' and in 'defining the scope' of the arbitration would consent to the arbitration of such a question. They presume in the third place that if all that happened, congress would make the appropriation. In addition to that, they have presupposed ahead of it all that this would be a question hereafter arising, and further that in some way a question of difference between a state and its bondholders would be, or could be, a 'question of difference' between the United States and its bondholders.

"There is one other point; the ob-

jection is made to the treaty that 'the prerogatives of the senate are surrendered.' If you will read the treaty, you will see that they are not. The objection is made that the United States 'surrenders its sovereignty' to a certain extent. Of course, it is true that whenever any government makes a treaty it surrenders its sovereignty to the extent of surrendering the sovereign right vested in congress to make war, concerning the question settled by the treaty, or if it be a treaty of arbitration, concerning the question to be arbitrated.

"I heard one senator very toothily say that 'this treaty would be a surrender of the right of congress to declare war. Every friendly treaty settling the difference is that; but the constitutional right of congress to declare war is no higher and is no more precise right than the constitutional right of the president and the senate by treaty to prevent war.'"

OIL MAGNATE WILL INVESTIGATE SEVEN LAKES FIELD SOON

Harry Mountain of New York Interested in Development of New Field Near Gallup.

Harry Mountain of New York, who is heavily interested in oil properties and developments in the east, passed through here yesterday, on his way to Bartow, Cal., where he is also heavily interested. Mr. Mountain wired Col. D. K. R. Sellers to meet him at the train for the purpose of verifying certain reports on the Seven Lakes oil district. Mr. Mountain said that while in Bartow he would possibly arrange a trip back from there to investigate the field personally. Should he invest in Seven Lakes properties it is certain that all land values would increase.

- SATURDAY'S SPECIAL SALE. 14 lbs. Granulated Sugar, \$1.00. California Raspberries, can, 15c. 4 lbs. Rice, 25c. 3 cans of String Beans, 25c. Aunt Jemima's Pancake Flour, 11c. 1 lb. of Potatoes, 25c. 2 cans of Oysters, 25c. 10-cent cans of Milk, 25c. Cleaned Currants, per pkg., 15c. Fancy grade of Peas, 25c. 2 lbs. of Raisins, 25c. Cream of Wheat, 15c. 2 cans of Salmon, 25c. THE MAXER, Wm. Kleck, Proprietor, 211 South First St.

CHRISTMAS RULES NEED REVISION SAYS WRITER

Grantland Rice Thinks the Present Game Is on the Hog and Tells How It Can Be Improved.

You don't ordinarily look for sentiment on the sports page of a daily paper. It isn't that the man who writes the sports is devoid of sentiment but he realizes that those who read his junk are looking for an entirely different article and he seeks to give them what they are looking for—that is, if he cherishes any desire to retain connection with the real ticket. And then again, it is a very difficult matter to mix up sport and sentiment without running both, for as a general proposition sporty sentiment is a very raw article and sentimental sport is about the saddest thing to be found in a newspaper. The man who can pull off the stunt without making a holy mess of it is a little short of a genius.

But there is one man who has turned the trick. He is Grantland Rice of the New York Mail, a brilliant young southerner who did sports at different times for the Atlanta Journal and the Nashville Tennessean, but who has been in the big leagues for some time now and ranks well up with the Cobbs, Mathewsons and Wagners of sport journalism. Rice is out for a revision of the rules that govern our queer Christmas game, and he tells in very explicit language how it can be done. He says: "There's a great chance ahead to be a regular fellow in a game that counts to start in organizing a Big League Christmas for the kids and the poor. It may not sound like a sporting proposition but to hit 200 in this organization, to be there with the sacrifice and the assist, have more than a faint edge on the best work that Ty Cobb ever pulled in his career. The present playing rules for Christmas need revision a good bit more than the football regulations do.

The forward pass from the rich to the rich and the outside kick from bar to bar now make up most of the game. It's a queer game we are playing now. The more a guy has and the less he needs, the more he will get. The less a guy has and the more he needs, the less he will get.

Some fellows worth a million or so will need a brace of spare rooms to sleep away the night, for which a good many hundred dollars were spent and for which he has neither need nor desire.

But in some instances where a couple of dollars would bring on a jubilee the Old Boy with the Reindeer gets thrown for a loss or shut out, without a hit.

It's up to the Regular Fellow, after all. By chopping off a dollar from his score fund or by looting another from some gift planned for a friend who doesn't need any part of it, he can do more good in a pinch than Ty Cobb, Anna Wagner and Jim Jackson combined.

For some small trifle on Christmas morning means more to a ragged kid than a world's championship would mean to Charley Baebitz. We may be wrong about it, but it strikes us that the toughest break of luck in this lousy league existence belongs to the kid on Christmas morning whose eyes are opened in the shadow of an empty stocking. Who wakes up to find his small, dark room as bare as it was the night before, who finds his faith shattered and his dream as cold as the wind which rips under the door and drives him beneath the cover again with a sob and a moan.

There may be a tougher break in the game than this, but we don't happen to recall it just now. Breaking up the faith of a kid seems to mean just a trifle more than breaking up a forward pass or breaking the national agreement of baseball clubs. We may be wrong about it, but it seems that way, at any rate. Over 20,000 people in the recent world's series came near cracking their spines in a quest to secure tickets. They were willing to pay over a million dollars for this rare treat. If only half that number would be willing to spend one-fourth this amount in helping plug up a few limp stockings on Christmas eve, they could make a greater hit with the masses and several thousand kids than John Franklin Baker at his best—or his worst, if delivered in a circle.

If this same organization—or if every sport lover, would only swing in line the Crime of Christmas could at least be lessened. A good sport is always willing to take a chance and any old sort of a sport is willing to

play a cinch. If this isn't a cinch, the dope sheet might well be torn up.

If you figure that the meanness of the football people or the selfishness of the wise man or the army of dreaming, eager, round-eyed and ragged kids who are looking forward to the Big Day with greater joy than you would look forward to in seeing Ty Cobb mix it up with Sammy White or Frank Baker and his war club facing Jack Johnson, then steer off.

Slushy? Well, why not come in on the "slush fund" while the coming is good?

You couldn't spend a dollar in a better way if you borrowed the interest of Socrates and went ochluching through a century of Benificent Emperors. There's many a dollar that will do more good along this line than many a million Andy Carnesie has loaned overboard will ever do along others. And you could do it by waiting on a drink a day for a week.

"I want to surprise you this Christmas," said he. "Well," replied she, "you can't be buying me exactly what I tell you I want."—Washington Star.

RUEF WILL TESTIFY IN SCHMITZ TRIAL

San Francisco, Dec. 20.—Former Mayor Eugene Schmitz will go to trial sometime in January, either on the charge of extorting bribes in connection with the granting of the United Railway trolley franchise or the fixing of the gas rate immediately after the great disaster in 1906.

The principal witness against Schmitz, it is thought, will be Abraham Ruef, the former political boss, who is now serving a term of 14 years in San Quentin penitentiary for bribery. The district attorney's office made the definite announcement today that Ruef would be brought from prison to testify.

When your feet are wet and cold, and your body chilled through and through from exposure, take a big dose of Chamberlain's Cough Remedy, bathe your feet in hot water before going to bed, and you are almost certain to ward off a severe cold. For sale by all dealers.



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