SURE STANDARD CANNOT ESCAPI

Only Two Grounds for Reducing Fine.

GOVERNMENT CAN MEET BOTH

Constitutional Question for Supreme Court.

ERRORS FOR APPEAL COURT

Plea That Fine Is Excessive Will Be Answered by Charge That Indiana Corporation Is a Mere Dummy.

WASHINGTON, Aug. 5 .- (Special.)-Two avenues of possible escape are open to the Standard Oil Company, but whether one or both are taken the Government will be found strongly intrenched, confident of repeating the victory it scored in Judge Landis' court. The trust may appeal to the Circuit Court of Appeals on a writ of error, or to the Supreme Court of the United States on constitutional grounds. One appeal will not conflict with the other, no further appeal lies in either case The Circuit Court of Appeals has final jurisdiction in questions of error affecting law in the case, and so far as Judge Landis' official acts in the construction of the law are concerned, the Supreme Court of the United States can only consider

Under article 8 of the Constitution, "ex cessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." In the opinion of officials of the Department of Justice, the case can reach the Supreme Court on the ground that the \$29,240,000 fine is excessive, because the Standard Oll Company of Indiana, the defendant, has capital stock of only \$1,000,000 and assets of only \$10,000,000. The astute lawyers employed by the trust may find other constitutional questions to raise in the Su eme Court, but so far as the claim of

on the excessiveness of the fine. The Government is ready to meet suc an issue and is confident of victory. It will reply that the Standard Oil Company of Indiana is, as Judge Landis has con strued, the Standard Oli Company of New Jersey, the great Standard trust, in fact, and that the fine imposed upon the trust must be measured by the resources of the trust, and not one of the subsidiary,

dummy branches. By the Department of Justice attention called to the common practice in criminal courts of imposing fines upon vagrants, when the inability of the culprit to pay the fine is known to the court. But such sentences have never been construed as excessive fines.

DID NOT CONSULT STANDARD

Archbold Protests Against Publica-

tion of Smith's Report. NEW YORK, Aug. 5,-John D. Arch-bold, vice-president of the Standard Oil Company, made a statement today in which he declared that the company was not given an opportunity to be heard or to submit data in the preparation of the report prepared by Commissioner of Corporations Herbert Knox Smith and made public

Mr. Archbold's statement follows: "On Saturday, August 3. Judge Landis

announced his decision

"On Monday, August 5, Commissi Smith's report is given to the public.

"This remarkable report of Mr. Smith marks another coincidence in the utterances of the different departments of the Government in their attacks on us that have occurred so frequently as to rob them of even the appearance of being accidental. In connection with its publication, it may not be amiss to remind the public that the act creating the Bureau of Corporations provides that such reports shall be made to the President for the purpose of guiding him in forming suggestions as to legislation. and that they may be made public in whole or in part only upon the discretion of the President. It is sufficient now for us to say that in the prep aration of his report Mr. Smith did not see fit to even confer with us. We think the public will agree that we are at least entitled to be heard in such a matter. If Mr. Smith had seen fit to confer with us, we would have readily furnished him the data for a truthfu statement of the facts on this ques-

WILL NOT RAISE PRICE OF OIL

Pratt Declares Statement of Chamberlain Unfounded.

NEW YORK, Aug. 5.—Charles M. Pratt, secretary of the Standard Oll Company, said today that the company has no intention of advancing the price

of oil. Mr. Pratt said:
"The statement attributed to Mr. Chamberiain, of the National Petroleum Association, of Cleveland, that such an advance is to be made is entirely un-warranted and absolutely unfounded. Mr. Chamberlain, who represents competitor of this company, is cha lenged to reveal the source of his in-

Rogers Trusts Fairminded Men.

NEW YORK, Aug. 5 .- A telegram from H. H. Rogers, active head of the

Standard Oil Company, dated at his Summer home at Fairhaven, Mass., is published here, in which Mr. Rogers says of the Chicago decision:

"I have only an incomplete report of the Chicago decision, but Mr. Moffat's statement is in full and absolutely correct as to facts. Fair-minded and honorable men will decide as to the logic and the law as the case progresses."

Begin Work Against Alton.

CHICAGO, Aug. 5.—Preparations for the investigation by the Federal Government of the charges against the Chicago & Alton in connection with the granting of rebates to the Standard Oil Company, of Indiana, were commenced today. Subpenas will be issued tomorrow for the witnesses, the first of whom will testify

Albany Records Earthquake.

ALBANY, N. Y., Aug. 5.—The sels-mograph at the State Museum registered earthquake shocks at 1 o'clock morning, lasting ten minutes. The re-cord was not well enough marked to admit of any determination as to the location of the center of disturbance



The Duchess of Marlborough, Who Gives Up Vacation to Care for Charities for Convicts' Families.

though the vibrations were east and

LAST ROAD SURRENDERS

L. & N. Agrees to Adopt 2 1-4-Cent Rate in North Carolina.

RALEIGH, N. C., August 5 .- Governor Henn late today received a telegram from the authorities of the Louisville & Nashville Railroad, saying that they will ready placed itself in the attitude of put the 24-cent state rate in effect on

This is the last road to surrender to the state laws, and on August 8 all the roads confiscation is concerned, it must be based will be using the state rate.

CONTENTS TODAY'S PAPER

YESTERDAY'S—Maximum temperature, 75 degrees; minimum, 53. TODAY'S-Fair; northwesterly winds.

en bonds of peace. Page 4. anglo-Russian agreement completed. Page 4 French army and fleet start for Morocco.

Raisuli says Sultan's treachery caused cap-ture of McLean, Page 2. Bloody battle at Casa Blanca ends in de-feat of tribesmen. Page 2.

Permanent court at The Hague assured. Duchess of Marlborough devotes herself to care of convicts' families. Page 1.

National. Anti-American feeling in Japan confined to small coterie of politicians. Page 4. vo avenues of escape for Standard C well guarded by Government. Page 1. Oil

Politics. fardaman does not give up election, Williams guards against fraud. Page' 4 Sir Casper Purden Clarke tells how tariff injures American art. Page 7.

Domestic. Mania for brutal crime continues in New York and Chicago and spreads to other cities. Page 1.

Rich Illinois man's will ties up estate so it may reach \$1,000,000 before divided.

Peary will start for the pole in few days. Page 3. Wellman succeeds in inflating balloon

Page 3. Alabama may call out troops and have extra session to bring Southern Railroad to submission. Page 1.

Harriman's gasoline car makes successful long-distance trip. Page 1.

rs. Fish takes revenge on Harriman's friends. Page 3. Voliva loses lace factory and starts secession from Zion. Page 3.

Joel M. Long, of Portland, arrested for cruelty to woman with whom he cloped Page 3. Pacific Coast.

Ernest Bonomi, station gardener at The Dalles, murdered while he slept. Page 6. ver-production of hops at North Yakima discourages many dealers. Page 6. Pire destroys block of wooden buildings a Eugene. Page 6.

Washington lumbermen to urge Portland's shipping advantages in demand for open gateway. Page 7. overnor Chamberlain defends reclamation t contract in Deschutes country

Page 4. Commercial and Marine. Changes in local dairy produce market Page 15.

Wheat breaks nearly 2 cents at Chicago Page 15. Effect of Standard Oil fine on stock market

Page 15. wo large cargoes cleared foreign from Port land. Page 14.

Portland and Vicinity. uicide of Jack Leu clears up mystery sur

rounding murder of Alexander Hu Page 16. ouncil committee refuses bids for bonds be cause premiums offered are too low

Clackamas County people hope to wrest portion of holdings from the Southern Pacific. Page 10.

Mayor Lane vetoes pure-food ordinance and refuses terminal company a permit. Page 10.

Armour carlines forced to buy Portland ice to Supply California fruit trade. Page 10. Portland Republicans favor Hughes. Page 11. expects houses to be closed. Page 1.

Alabama Will Enforce State Laws.

TREAT SOUTHERN AS OUTLAW

May Take Possession of the Road by Armed Force.

EXTRA SESSION PROBABLE

Governor Comer Holds Long Conference With Legal Advisers to Devise Methods of Procedure. May Appoint Receiver.

BIRMINGHAM, Ala., Aug. 5 .- (Spe cial.)-It is not unlikely that troops will be ordered out within a few days to take possession of the line of the Southern Railway, the cancellation of whose license to operate in the state is calmly ignored by the company. A four-hours' conference held here this afternoon between Governor Comer, Attorney-General Garber and prominent attorneys, including two ex-Chief Justices of the State Supreme Court, is believed to have resulted in a determination to make wholesale arrests of officials of the Southern road if that company noes not

recede from its present position A state official close to the Governo made the statement that Governor Comer was going to use every power at his command to make the Southern Railway bey the laws of Alamama.

"If the railroad carries out its threat to stop all business inside the state and confine itself to only interstate business said this official, "then the Governor wil order out the state troops and take possession of the railroad, which has almob, defying the rightful authority of the state. This action would be followed up by an extra session of the Legislature, at which a law would be enacted whereby the railroad would be placed in the hands of a receiver in less than 6 days."

CONSULTS HIGH OFFICIALS

Governor Seeks Way of Forcing Southern Road to Submission.

STRMINGHAM, Ala., Aug. 5 .- No offi conclusions reached at the conference today between Governor Comer, Attorney-General Garber and the assistant counsel employed by the state administration to assist in enforcing the laws affecting railroads, as to the next steps in the will be taught laundry work and plain case against the Southern Railway. The sewing. The Bishop of London is to dedcase against the Southern Railway. The Governor and the Attorney-General left for Montgomery late this afternoon and a lengthy session was held by the special counsel tonight, at which the legal phases of the question were gone over. It is expected that they will make a report to the Governor tomorrow.

that he is determined to enforce the state aws at any cost. They said that, if necessary, an extra session of the Legislature would be called or troops would be called out to see that the state's commands were obeyed. The view is that Southern Railway, by defying the state law by the removal of a case from he state to Federal courts, and thereby having its charter revoked by the Secre

nob would be dealt with. It is considered more than likely that wholesale arrests will follow in the next few days of officials and employes of the Southern, who continue to operate the various lines in spite of the fact that they are doing so without a charter from

tary of State, has placed itself in a posi-

tion to be dealt with as an outlaw of

GASOLINE CAR MAKES SPEED Test Run Across Nebraska Shows High Speed.

OMAHA, Neb., Aug. 5 .- Motor car No left Omaha at 9:05 A. M., August % as the second section of Overland Limited train No. 1, making the run of 290 mile from Omaha to North Platte in eight hours. The time of the Overland Limited as scheduled is eight hours and thirty minutes. The run from Omaha to Den-ver, 568 miles, was made in 21 hours and 22 minutes, the car being delayed west of North Platte 6 hours and 34 minutes by

This car will go into regular service beween Carr and Denver on August 8, and s expected to perform a daily service of 172 miles. There is no longer any question as to the ability of these cars to perform the service required.

This car at one time attained a speed of 65 miles an hour.

TRACKS BEING NEGLECTED Tracklayers Will Call State Commis-

sion's Attention to Matter. LINCOLN, Neb., Aug. 5 .- (Special.) -- On behalf of the National Tracklayers' Union, H. A. Vurpia today made formal complaint to the State Railway Commistion that the Missouri Pacific Railway is criminally and villatnously neglecting its tracks in Nebraska, greatly to the detri-

ment and safety of passenger trains.

In support of its contentions the union presented as exhibits 32 photographs of broken angle bars, rotten ties, split rails and had roadbeds. The complaint alleges that insufficient men are employed by the road to safeguard life and limb, and asks for a rigid investigation by the commission, at which the union asks to have a representative to point out the dangerous

DEVOTES LIFE TO CHARITY

DUCHESS OF MARLBOROUGH CARES FOR CONVICTS' WIVES.

Provides Homes While Husbands Serve Sentence and Teaches Them to Earn Own Living.

LONDON, Aug. 5.-The Daily Mirror ed tonight of the the wives and children of convicts. The Duchess, it says, has taken two fortably and tastefully furnished. One will be for the wives of prisoners serv-ing sentences, and the Duchess hopes to find room for about 20 such women, who icate the two homes, probably in Septem-

Another charity which the Duchese al ready has in progress is a home where mothers whose husbands are serving sentences may take their babies and leave t is expected that they will make a re-fort to the Governor tomorrow.

While the Governor would make no them from 8 o'clock in the morning until 6 o'clock in the evening. The Duchess goes there every day and, it is stated, to complete her work she is giving up statement, his advisers let it be known her proposed visit to America this year. rushed for the Italians, who were being

CAN BILL TAFT EARN A HERO MEDAL LIKE THESE OTHER FELLOWS?

STILL RAMPAN

Little Child.

Rescued by Policemen in Time

SEVERAL SIMILAR CRIMES

Seven Other Men Arrested in New York-Terror Seizes Women Who Dare Not Lose Sight of Children.

NEW YORK, Aug. 5 .- One of the most brutal of recent crimes against women and children was today charged against Luzza Fontaza, who was locked up at New Brighton station, on a charge of assaulting Antoinitte Talucci, the 2-year-old daughter of Mr. and Mrs. Pasqual Talicci, of New Brighton.

Fontaza and Talucci are both laborers mployed at the King plaster mills, in New Brighton, and Fontaga boarded with the Talucci family. Fontaza was left with the little child this afternoon while Mrs. Talucci went shopping. The mother had not gone far from the house when the child's screams were heard. When he saw Mrs. Talucci, Fontaza rushed from the house, Mrs. Talucci folowing him. Her cries brought out the neighbors and soon a mob was following the fleeing Italian down the street. The pursuers soon overtook the man and he was knocked to the ground, where he was severely beaten and kicked by men and women, until a policeman appeared and, with club and revolver, fought off the crowd

The child, on the orders of a magistrate, was examined by a physician, who reported that it was seriously injured. Fontaxa was held in \$5000 bail on a charge of criminal assault.

behalf of charge of attempted assault on two little under ordinary circumstances they would few months. Less than a year ago the girls. Daniel Lalo and Frank Peabody never hear. were arraigned on similar charges.

The arrest and detention of two Ital lans today in Lee avenue Court. Will-

crowd scattered when the police drew their revolvers. Miss Hazenflug and her flance were uninjured. Late last night the police received news of another attack. It occurred in the

Italian Brutally Assaults

BEATEN AND KICKED BY MOB

to Save His Life.

More Assaults Committed.

Angeline Condarti, a 6-year-old child, was found terribly bruised in a thicket near the village of Limonville, Staten Island, this afternoon. She had been attacked by an unknown man.

iamsburg, disclosed another attempt made last night to assault a young woman, Miss Sadie Hazenflug, a niece of State Senator Hazenflug. She was walking with her flance last night, when two Italians, who gave their names as John Montelone and Peter Condaso, attacked her. The Italians overpowered Miss Hazenflug and her flance, when the girl's screams brought a crowd, which gave chase. The Italians were finally captured. A rope was brought and 50 mer

suburb of Richmond Hill. Jennie Smith, 22 years old, was attacked by two men

ants was captured. Call for More Police. The Central Federated Union has ap-

pointed a committee to call upon the Mayor with a demand that be take action that will put a stop to the attacks on children

while on her way home. Her screams

brought assistance, and one of the assail-

Deputy Police Commissioner O'Keefe who is in charge of the police department during the absence of Commissioner Bingham, today asked the Mayor and the Board of Estimates and Appropriations for funds to employ 500 additions policemen. The request will be acted

pon Wednesday. Most of the crimes are committed in



Chulalongkorn, King of Siam, Who Is Sick in Berlin.

BERLIN, Aug. 5 .- King Chulalongkorn, of Siam, who has arrived here on his tour of Europe, has had to call in physicians to attend him. He has been indisposed for some days, it is said, from an acute attack

The King, who has a fad, is credited with having spent \$2,500,000 for gems in the course of his European tour. A London firm has sold to the King jewels valued at \$625,-000. In Frankfort the King spent \$300,000 for jewelry.

little-frequented places. Mothers through out the city are terror-stricken, and incidents which under ordinary circumstances would be passed over without a single thought are magnified and reported as crimes, which have little foundation in fact. Many of the police officlais believe there is not an unusual number of assaults, but that the several murders within the last few weeks and the hysterical condition of the people, Joly Ambatro, an Italian laborer, was particularly in the tenement district. Public opinion, though, has undergone

Mania Still Continues.

S. Anderson, a laborer, aged 30 years vas arrested in Brooklyn tonight, charged with attempt to assault 5-yearold Julia Sleischer. The girl, it is said was enticed by Anderson into a barn in the rear of her home. She told her parents and they notified the police,

who arrested Anderson. May McRae, a girl of 16, says that, while she was standing in the doorway of her home in Seventh avenue tonight, Guiseppi Treste, an Italian, approached her and asked her to go with him. She refused. Shortly afterward he returned and, it is alleged, threw his arms around her. Her screams attracted attention, and soon a crowd of 500 was chasing the Italian. He was overtaken and beaten unmercifully til half a dozen policemen rescued him.

Israel Israelson met little Freda Bockwitz, aged 7, in One Hundred and Fifty-first street tonight and, according to her story, offered her a nickel to go with him. Her playmates told her parents, and a crowd gathered about the man. The crowd became threatening by the time an officer appeared and arrested Israelson.

MOTHER MURDERS HER BABES

Mind Deranged, She Strangles Them With Devilish Cunning.

BALTIMORE, Aug. 5.-The atrocious murder of two bables by an insane mother thrilled Northern Baltimore to-day. Madness, which has twice caused her to be confined to an asylum, this morning took possession of Mrs. Christine Nenadal, aged 26 years, the wife of Joseph Nenadal, a woodworker employed in a wagon factory. With the cunning of a mind deranged, she laid her plans to put her little ones to sleep, for that is what she believes she has done, but she

Leaving the little daughter Mary, aged between 2 and 3 years, playing in the streets, she put the younger of her children, Yaroslov, 1 year and 3 months old, in its carriage and took it to a nearby park. Just what happened there is not known. When the mother returned, the little one in the carriage was covered with leaves and small branches, but a noticed that its face was strangely pale.

Mrs. Nenadal took both children into the house and carefully closed all the doors and windows. A little later she went for a friend. Mrs. Victoria Vala, and asked her to come and aid in dressing the children Returning, the two women entered the dining-room of the Nenadal home and there, lying on the table, Mrs. Vala was horrifled to find the naked bodies of the two children, both of them having been strangled by

The latter when the police were summoned, fondled the little bodies and gave them up only when forced to do so. Her concern now seems to be lest the iren be awakened. She repeatedly children be awakened. asks to have them brought to her, so that he may stop their slumbers.
As she sits in her cell at the police sta-

(Concluded on Page 3.)

OF ASTORIA NEEDS THE MONEY

\$12,000 Is Receivep From Gambling.

PUBLIC SENTIMENT CHANGING

Citizens Growing Less in Favor. of "Wide-Open Town."

EXPECT HOUSES TO CLOSE

Ministers Look to District Attorney Hedges to Complete Work Begun in Closing Dancehalls and Saloons on Sunday.

OREGON CITY, Or., Aug. (Special.)-District Attorney Hedges refused to make any statement today when asked if he would stop gambling in Astoria, as has been done in Milwaukie. Clatsop County is in the same judicial district as Clack-amas; also Columbia and Washing-

ASTORIA, Or., Aug. 5 .- (Special.)-While as yet no orders have been ssued by the authorities to close the gambling houses in Astoria, nearly everybody, including the gamblers themselves, anticipate that the action of District Atorney Hedges in closing the gambling houses in Clackamas County is but the forerunner of what to be expected here.

It is known that the District Attorney and his deputy have been considering the matter of placing the ild on Astoria, but when questioned today Deputy McCue was noncommittal and would not state what, if any, decision had been reached. It is safe to say, however, that no action will be taken in the matter by the local authorities for the present at least, unless under instructions from the District Attor-

The sentiment in Astoria relative to the gambling question appears to be divided, the majority of those favoring it doing so on account of the revenue it brings the municipality and, as many assert, "the city needs the money. a wonderful change within the past great majority of the people were in favor of a "wide-open" town, but since that time the dance halls have been closed, women have been forbidden to loiter about barrooms and the saloons have been closed on Sundays. Aside from those directly affected, scarcely a protest has been made against the enforcement of these regulations and, excepting for the fact that it affords quite a source of revenue for the city

treasury, there would be few opposed to the stopping of gambling. In the past the gambling question has been handled entirely by the city. which collects a fine of \$25 per month from each game in operation and thus derives a revenue of from \$12,000 to

\$13,000 annualty. DOES NOT TELL HIS PLANS

Hedges Makes No Announcement Regarding Astoria.

OREGON CITY, Or., Aug. 5 .- (Special.) District Attorney Gilbert L. Hedges is authority for the statement that the Milwankle Country Club will stay closed, and that there will be no relaxation on the part of the Clackamas County officials. Mr. Hedges says that he hoped the closing of the club would have been kept from the public until the Oregon City churches would have had an opportunity to meet together and pass some

nore resolutions.

"It is not my policy to say what I am going to do, but to simply go ahead and do it after my plans have been matured. I did not expect to have the churches rise up and call me blessed, but I did hope to have fair treatment and conduct my of-fice unhampered by the press and resolutions of the clergy and their congrega-tions. Two weeks ago I announced that the Sunday closing law would be strictly enforced in Clackamas, Clatsop, bla and Washington counties, and the sa-leons have been closed tight on Sundays, Not a single Oregon City minister has in any manner communicated to me his ap-probation of my course in so doing. All of the Astoria ministers have, and Rev. Clarence A. Housel, pastor of the Metho dist Episcopal Church of Seaside, made the following public statement:

District Attorney Hedges, Fifth Judicial District, has issued or-ders that the law requiring saloons to be closed on Sunday shall be strictly enforced in his district. This includes our community, and is welcome news to all the best citizens, not only in the church, but out of it. Mr. Hedges deserves the support and approbation of all the people. We hope wat this will be the beginning of a movement which will go far enough to include all places of business now open on Sunday."

Some in Milwaukie Oppose Club.

A counter expression is being circulated Milwaukie to show that the attitude of all the people of the place is not fa-vorable to the Milwaukie Club, as might be supposed by the statement issued Sunday morning. At the Sunday night service at the Evangelical Church Rev. F. M. Fisher denounced the statement that Mil-waukie people wanted the Milwaukie Club to remain. Rev. F. M. Fisher, J. W.

(Concluded on Page 3.)

