

PROVE STANDARD IS BIG MONOPOLY

Evidence to Be Taken This Week in Suit to Dissolve Octopus.

CHIEF OFFICERS CALLED

William Rockefeller and Banker Benedict to Testify With Many Railroadmen Suspected of Giving Rebates.

NEW YORK, Sept. 3.—The taking of testimony in the equity suit brought by the United States Government at St. Louis last December to dissolve the Standard Oil Company under the provisions of the Sherman anti-trust law was postponed today until Thursday at the request of counsel for the defendant company. It was announced that the adjournment of the hearing would really facilitate matters, inasmuch as the opposition attorneys are in consultation over various matters which could best be handled in their preliminary stages at least, out of court.

Noted Men as Witnesses. The attorneys for the Government were ready to proceed when Judge Franklin Perrier, of St. Louis, the Special Examiner appointed by the Federal court, took the bench in the United States Circuit Courtroom today, but offered no opposition to an order of postponement requested by the defendants.

The principal feature of the brief session today was the making public of a partial list of witnesses, which indicated the importance and the wide scope of the testimony expected to be taken here. Heading the list is William G. Rockefeller, a director in most of the 70 affiliated oil companies named as defendants in the Government's suit, and E. Benedict, Bank Examiner and life-long friend of ex-President Cleveland. Mr. Benedict was present today in answer to a subpoena, while attorneys for the Standard Oil Company entered an appearance for Mr. Rockefeller.

Many Railroad Men Called.

That the testimony desired by the Government will have to do largely with the alleged rebates and discriminations in freight rates is indicated by the number of prominent railroad officials included in the list of witnesses. Among these are Jefferson Justice, assistant controller of the Pennsylvania Railroad; R. W. Downing, ex-controller of the Pennsylvania Railroad; W. L. McCullough, auditor of freight department, and W. A. Harris, counsel of the New York Central, Wade Hampton, general auditor of the Standard Oil Company of New Jersey, under subpoena, as are C. M. Pratt and D. Q. Barstow, directors of the defendant company; John P. Logan, formerly an official of the Standard Oil Company; W. P. Howe, P. S. Trainer and Charles W. White, all associated with the defendant companies. The Government attorneys, who were in the hands of Frank B. Kellogg, of St. Paul; Charles B. Morrison, of Chicago, and J. H. Graves, of the Department of Justice at Washington.

POSTPONES ALTON INQUIRY

Judge Landis Adjourns Grand Jury Till Immunity Claim Settled.

CHICAGO, Sept. 3.—Judge Landis, in the United States District Court, today ordered a postponement of the grand jury investigation of the Standard Oil Company charges against the Chicago & Alton road, growing out of the recent trial and conviction of the Standard Oil Company unit. It was generally believed that when court opened today a letter would be presented from Attorney-General Bonaparte, settling the question of whether the Department of Justice would prosecute an action against the Chicago & Alton. The company has claimed immunity, asserting that it was promised by former District Attorney Morrison, that if it aided the Government in good faith in the prosecution of the Standard Oil Company it would be exempt. No such letter was, however, presented in court, either by Judge Landis or by District Attorney Sims, the successor of District Attorney Morrison, and when the court opened today Mr. Sims said:

"I am here, if the court please, in the matter of the grand jury investigation, and in that matter I have to ask the court or wish to make a motion for a postponement, in compliance with the suggestion of the court, made at the time of the convening of the present grand jury. The facts and circumstances in connection with the matter under investigation have been submitted to the Department, and I had expected to have been able to report to the court this morning its views and findings. Very recently, however, a situation has arisen which in my judgment makes it highly desirable that I have time to submit to the Department certain facts and circumstances in addition to those already submitted.

"For these reasons I request that further action in the matter be postponed for three or four weeks. I regret the necessity for asking the court for this postponement, but it seems to me in view of what I know in connection with the case to be unavoidable."

"Is the grand jury present?" asked Judge Landis.

"In court now, yes, your honor."

"How much time do you want?"

"I think not less than three weeks. It seems to me highly desirable that when the matter is again called on, we will be able to take definite action on it. Three weeks from today will be the 24th."

"You may inform the grand jury," said Judge Landis, "that they are at liberty to take a recess until 10 o'clock on the morning of September 24."

After leaving the courtroom Mr. Sims declared that he intended to submit certain facts to the Attorney-General and said they had arisen within a few hours. He said that he would have to go to Washington within a short time to present personally to the Attorney-General his reasons for asking the postponement.

MAY IGNORE PROMISE GIVEN. Landis Disposed to Prosecute Alton, Despite Immunity Pledge.

WASHINGTON, Sept. 3.—It is believed at the Department of Justice that Judge Landis, of Chicago, intends trying to evade the spirit of Mr. Morrison's promise to the Alton. Also District Attorney

Sims, while here, called the attention of Mr. Bonaparte to the fact that F. G. Hollands, a traffic clerk, in testifying before the petit jury showed an astonishingly defective memory, while before the grand jury he remembered many things that showed the preference given the Standard by the Alton. Judge Landis once suggested that he had better leave the stand and retire from the courtroom and, when addressing the jury, the Judge threw out a suggestion that some of the testimony given at the trial ought to be laid before the grand jury with a view to having its attention called to conflicting statements which might be considered as casting perjury.

MOORS' RECKLESS CHARGE

FRENCH REPEL CAVALRY WITH ARTILLERY FIRE.

Great Battle Near Casa Blanca Ends in Defeat After Repeated French Charge.

PARIS, Sept. 3.—Admiral Philibert, cabling yesterday, reports that a serious engagement occurred on Sunday near Casa Blanca when a large force of Moors of the Taddert and Maab tribes was dispersed by the French troops. The French cruisers Gloire and Guerdon participated in the action firing 60 shells. Four French soldiers were wounded.

The fanatics showed extreme recklessness, but eventually retired under repeated sweeping French charges and the terrific fire of the artillery. The fighting was started by the Arabs attacking a reconnoitering party which the French had sent out and which was reinforced by five companies of infantry, several batteries of artillery, hussars and Albanian cavalry. The loss of the Moors is not known.

A scouting party of native auxiliaries was the first to discover the enemy. It found that the Taddert column was under arms and after firing a few shots, retired, drawing the Arabs to a spot where the French infantry and artillery were concealed. When this maneuver had been accomplished, the scouting party wheeled and unexpectedly charged the Arabs, while at the same time the infantry and artillery unmasked and poured in a rain of shot and shell. The Arabs made desperate signals for reinforcements, which soon began to arrive in such numbers as to threaten to overwhelm the French.

General Druze thereupon came out with fresh infantry and artillery and soon after the advent of these men into the fighting the Arabs grew dispirited. By nightfall they had all retired. General Druze says he is entirely satisfied with the outcome. The Arab patrol left their dead on the field of battle. This they never do except in the last extremity, and it is taken as a sign of their profound discouragement.

SOLDIERS DEMAND BACK PAY

Sultan of Morocco Can't March Because Army Mutinies.

BERLIN, Sept. 3.—Official reports from Fez say that Sultan Abdul Aziz has not left the capital for Rabat, owing to his inability to pay the troops, who refuse to march without an assurance that their pay will be forthcoming.

EAGLES OPEN CONVENTION

Great Gathering at Norfolk—Next Meeting at Seattle.

NORFOLK, Va., Sept. 3.—The ninth annual convention of the grand eagle, Fraternal Order of Eagles, convened here today with an attendance of upwards of 1000 delegates from every state and from Canada, and a total gathering of more than 15,000 visitors. Responses to addresses of welcome by Governor Warriner and Mayor Riddick of Norfolk, were made by Theodore A. Bell, of California, and Del Carey Smith, of Spokane, Wash. Grand Worthy Vice-President Theodore A. Bell, of California, and U. B. Wadsworth, of Council Bluffs, Ia., are candidates for president. Seattle will secure the 1908 meeting.

PENALTY COMES QUICKLY

Tramp Mortally Wounds Marshal and Doctor Shoots Him Dead.

PACIFIC MO., Sept. 3.—Great excitement was caused here today by the shooting of Acting Marshal A. L. Kopf, when he was attempting to arrest Charles Anderson, a tramp, and the shooting of Anderson by Dr. A. L. McWay. Anderson and three companions got into a quarrel. Mr. Kopf approached the tramps to stop the disorder, when Anderson suddenly shot the officer and fled. Dr. McWay was hurriedly summoned to attend Mr. Kopf, who was probably mortally wounded. While driving to the spot Dr. McWay was intercepted by the Anderson, who ordered him to give up his rig. Dr. McWay shot him and he will probably die.

SEQUEL TO NEGRO'S CRIME

Body of Woman's Assailant Found Riddled With Bullets.

BIRMINGHAM, Ala., Sept. 3.—The finding of the dead body of Jerry Johnson, colored, with five bullet holes piercing it, is believed to be the sequel of an attempt yesterday to assault Mrs. W. W. Eiland at North Birmingham. The body of the negro was found in a hayrack at Lewisburg. The coroner's jury returned a verdict that he died from wounds inflicted by unknown parties.

FAMILY CAUGHT IN FLOOD

Woman and Seven Children Perish in New Mexico.

ALBUQUERQUE, N. M., Sept. 3.—News has just reached here that Mrs. Louisa Hill Caracajal, wife of a farmer, and seven children were drowned in a flood resulting from heavy rains in Alamo Creek, Sierra County, last Friday night. The flood caused damage estimated at \$20,000.

Sir W. R. Gilbert, a London magistrate, said the other day to a little boy as he entered the witness box: "Do you know what will happen to you if you tell lies?" "Yes, sir," replied the boy. "Then you know more than I do," remarked the magistrate.

NOTES OF DISCORD

(Continued from First Page.)

Roosevelt in relation to the Owens Valley water project.

"When the protests of the people of Owens Valley were taken before Secretary Garfield," said Smith, "he refused to grant the water to Los Angeles except for municipal purposes. The matter later came before the President and he said:

"While the farmers have certain rights, these rights must be disregarded."

"What we ask is that the power of the Secretary of the Interior and Secretary of Agriculture be curtailed. Let the people know their rights and not be governed by any man's will, even though he be President of the United States. Fair play is all we ask. I will also say the delegates are sovereign and not the committee of resolutions."

When Roosevelt Said "Damn."

The name of Roosevelt figured also in the remarks of ex-Governor Pardee, of California, who in telling of a ride he had with the President when they were choked by the smoke of brush fires, said:

"The President asked the cause of the fire and was told that lumbermen were responsible."

"Damn the lumbermen," said the President. "I being a devout Governor."



Senator Francis G. Newlands, of Nevada, leading speaker at irrigation Congress.

error of California," added Mr. Pardee, "said amen. The President later qualified his remark by saying he did not mean all the lumbermen."

The remainder of the day was marked by nothing out of the programme order. Interesting addresses were listened to and committees organized.

The first step, taken evidently with the idea of shutting off the alleged grievances of the so-called "kickers" from Yuma Valley and other points coming directly before the Congress, developed when Matthew Dougherty, of Utah, moved that all resolutions be referred to the committee on resolutions by title only. This was seconded by John E. Baker, of Modoc, Cal., and unanimously adopted.

A letter from Secretary Garfield was read, regretting his inability to attend and speaking of the big work done.

Newlands on Waterways.

Senator Francis G. Newlands, of Nevada, a member of the Inland Waterways Commission, was then introduced, and received a warm welcome. Mr. Newlands delivered an address dealing with the whole scope of the work of the Inland Waterway Commission. Speaking of the needed legislation to carry out the ends sought, he said:

"I should say that some plan in which the chiefs of the great scientific services of the country could be brought together in a national board of public works, with power to make comprehensive plans, and to work them out gradually, might be the most efficient way. I cannot imagine an organization more perfect than one which would include the chief of the Engineer Corps of the Army, the director of the Geological Survey, the director of the Coast and Geodetic Survey, our Panama canal service, our reclamation service, the chief of our Forestry service, and of the Bureau of Soils. Such a board would mold into unity of action these great services, each of which is now engaged in some form of study and work relating to our waterways, and there could be created a fund similar to the reclamation fund, which could be placed under their control. Their work could, in a measure, be made self-compensatory, by tolls, charges for water power, and other means of revenue. Their action would cover all questions relating to the improvement of harbors and rivers, the construction of canals, the development of water power, and all the related questions of irrigation, reclamation, forestry, soil treatment, etc. Their action would not be spasmodic and disjointed, as has been the action of Congress upon these subjects; but great and comprehensive plans could be inaugurated, which they could gradually work out within the limits of the fund created by congressional action."

Let Nation Control All.

He spoke of the National control of currency, banking, irrigation, quarantine as illustrations of the awakening of the people to the necessity of utilizing the national power for the promotion of the general welfare. He continued:

"We are now taking up the question of nationalizing the development of the inland waterways embracing lakes and rivers, and connecting canals, and including all the related question of forestry, of irrigation, of clarification, of bank protection, of channel opening, as well as navigation; and the South, in this latter movement, is taking the lead for national action, realizing, as it does, that the promotion of interstate and foreign commerce was one of the primary causes of the union of the states as a nation."

He then said that the demand for national action on this subject would necessitate national incorporation of companies to handle this commerce. Such companies would own, connect, operate, rail and inland water lines and make joint rates subject to approval of the Interstate Commerce Commission. There would be no need of ship subsidy. He launched out into an exposition of the advantages of national incorporation.

Many of the sentiments expressed by Mr. Newlands were warmly applauded, especially his references to trusts and monopolies.

Message to Roosevelt.

After the Newlands address, the following telegram, sent to President Roosevelt at the request of the Congress, was read:

"Your splendid message, read by Hon. Gifford Pinchot, is deeply appreciated by the members of the Fifteenth National Irrigation Congress, and I am directed by unanimous and enthusiastic vote to extend to you the thanks of this body. The Congress meets under most favorable auspices, with the largest and most representative attendance in the history of the irrigation Congress, and promises to be a great value to the country as a factor in the wise development of our splendid resources of forest lands and waters."

On motion of Matthew Dougherty, of the Utah delegation, the thanks of the Congress were extended to Mr. Smith, of the Fifteenth National Irrigation Congress, and in the letter of regret.

Motion to Free Lumber.

Following the address of Mr. Pinchot, the next excitement of the Congress developed when Judge John E. Baker moved that it be the sense of the gathering that all duties on timber be repealed, that the timber of this country be preserved to the largest extent possible by allowing other countries to ship their lumber in.

ALL PARTIES AGREE

Strange Marital Bargain of Earle and His Wife.

HE FINDS NEW AFFINITY

She Will Secure Divorce by Agreement to Allow Him to Marry the Woman He Believes Foreordained as His Mate.

NEW YORK, Sept. 3.—A remarkable story of a change in the marital relations of Ferdinand P. Earle, an artist, and son of the late General Ferdinand P. Earle, the hotel man, is published today, apparently on the authority of Mr. Earle himself. The arrangement which Mr. Earle says has been decided upon included the return to France of his wife, where, it is planned, she is to secure a divorce and, thus accomplished, the wedding is to occur of Mr. Earle and a young woman whose name is withheld, but who already is living with her brother in Mr. Earle's country home near Monroe, Orange County, N. Y. Her young son is to accompany the wife to France. The arrangement, strange to say, is apparently acquiesced in by all the persons involved.

Mr. Earle, in a published interview, says that he is acting on his conviction. He admits that his wife is a French woman, whom he married 10 years ago, but says eventually something occurred between them of which she began to complain.

A few months ago, while traveling in Europe, he met the young woman whom he intends to make his wife. Like himself, he says, she was a Socialist and held the same views he did as to the happiness of wedded life. They became attached and realized that their marriage had been foreordained before their birth. Then the divorce was arranged. Mr. Earle insisted on calling in his wife, a dainty little woman, slim and pale, who confirmed his story.

SECOND DAY OF REGATTA

Weather Auspicious and Bail in the Evening Is Very Smart Affair.

ASTORIA, Or., Sept. 3.—(Special.)—The second day of the annual regatta opened most auspiciously, so far as the weather conditions were concerned. The crowd gathered on the waterfront at an early hour, and when Queen Harriet and her retinue reached the positions on the grandstand, that structure was filled with expectant spectators. On board the flagship Armerlee, as the guests of Captain Gregory, was a happy throng of Portland and Astoria ladies, who through the hospitality of the genial skipper were accorded the privilege of witnessing the morning's sports was a squabble between the captains of the motorboats Rochester and Ocia over the handicap of 4 minutes and 40 seconds allowed the latter craft, as they could not agree the race was cancelled.

In the intervals between the scheduled races there were numerous amusing contests pulled off between the grandstand and the flagships, such as hobbyhorse races, tug races, high diving and swimming contests and greased pole walking over the water. One feature that attracted much attention and brought forth rounds of applause was the exhibition by the Point Adams lifesaving crew, which practiced the capsize and lifeline work to the delight and instruction of the spectators.

The yacht races will be sailed tomorrow morning if there is any wind so that the regular race scheduled for tomorrow can be sailed in the afternoon.

The evening's entertainment commenced with an international tug-of-war, six teams participating. Following this the regatta ball, which is the real social feature of the regatta, took place in Logan's Hall. After the Queen and her suite had taken seats upon the platform and the guests had been presented to Her Majesty, dancing was commenced and continued until a late hour.

Carries Lumber Cargo.

ASTORIA, Or., Sept. 3.—(Special.)—The manifest of the steamer Aurelia, which sailed for San Francisco on Sunday, was loaded at Westport, 60,000 feet of lumber loaded in the Custom-House today. She carries a cargo of 320,000 feet of lumber loaded at Stella.

Peptiron Pills

From the blood, feed the nerves and brain, tone the stomach, aid digestion, and give sweet, restful, natural sleep. 50c. or \$1. Druggists or by mail of Hood Co., Lowell, Mass.

Hood's Pills

After-dinner pill, purely vegetable, easy to take, easy to operate. 50c. Druggists or mail of Hood Co., Lowell, Mass.

State Court Notes.

The case of Milton Pribble, on trial in the County Court for non-support, was continued yesterday until Monday at 4 P. M.

Alberta Henderson Smith has filed suit in the Circuit Court for divorce from David Smith, an actor, alleging that he turned her silly and accused her of being untrue to him. They were married January 6, 1904, at Sacramento, Cal. Mrs. Smith says that although she believes her husband in his work, they have never got along well together.

Harry Lents pleaded guilty before Judge Cleland to the charge of larceny from a dwelling on August 14, and will be sentenced Thursday.

John H. Elliott pleaded guilty before Judge Cleland to a charge of obtaining money under false pretenses from D. E. Bowman, of the Moyer Clothing Company, August 12. He will be sentenced Thursday.

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Dr. Price's Flavoring Extracts are superior in strength, freshness and fineness of flavor to any flavoring extracts made in the world, and ladies of the best taste, who are now using them, find them just as represented. Persons who desire a delicate and natural flavor in their cakes, puddings, or any table delicacy, will obtain it by using

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Vanilla Lemon Orange Rose, etc.

With a can of JAPALAC, you can so easily refinish the baseboards in your home, that when you're through, you'll wonder how so complete a transformation was possible, with so little effort.

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A HIGH GRADE VARNISH AND STAIN COMBINED

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W. H. Fear, Secretary. S. C. Catelberg, Asst. Secretary.

O. W. T. Muellhaupt, Cashier.

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