

FULTON AS JUDGE LIKELIHOOD OUTCOME

Taft Inclined to Appoint Senator and Bourne Is Only Opponent.

LATTER MAKES ADMISSION

If Fulton Nominated, Will Not Oppose Confirmation—Chamberlain Keeps Hands Off—Press Agent Makes Predictions.

OREGONIAN NEWS BUREAU, Washington, March 11.—Charles W. Fulton will in all probability be nominated and confirmed as Federal Judge in Oregon soon after Congress reconvenes, unless something more damaging than F. J. Heney's charges is produced against him. Men very close to the administration are convinced that Mr. Fulton will be nominated, and it is conceded that his nomination would be promptly confirmed.

Aside from the fact that President Taft entertains high respect for Mr. Fulton's legal attainments and is personally friendly to him, Mr. Fulton is supported by all members of the cabinet with whom he is acquainted, is endorsed by virtually every Republican and many Democratic Senators of influence, and in addition is urged for appointment by the recognized Republican leaders and representative citizens of Oregon, who are flooding the President with telegrams.

Bourne Uses Heney's Charge.

Senator Bourne is the only man in Washington who is actively opposing Mr. Fulton, and he bases his protest largely on Mr. Heney's charges. He took particular pains to see that Mr. Heney's attacks were laid before the President. It is reported that he has also presented a number of telegrams and letters of protest from Oregon. He steadfastly refuses to make known the names of those who are joining him in his protest, however, and in fact declines to discuss what he is doing in effect to prevent Mr. Fulton's appointment.

Will Not Oppose Confirmation.

That Mr. Bourne has practically abandoned hope of accomplishing his purpose is indicated by a remark he made after he left the White House after a talk with the President.

"If the President sees fit to nominate Fulton," said he, "I shall not oppose his confirmation in the Senate."

Considering the time and place, this remark was doubly significant. Prior to today Mr. Bourne entertained hope of being able to prevent Mr. Fulton's confirmation, even if he could not prevent the nomination, but he has consulted a number of Senators during the past 24 hours and has satisfied himself that no protest he might make in the Senate would be heeded.

Chamberlain Keeps Hands Off.

While Senator Chamberlain sympathizes with Mr. Bourne in his opposition to Mr. Fulton and does not look with favor upon the appointment of his predecessor to the Federal bench, he is awake obviously to the true situation and is keeping his hands off. He will take no part whatever in the fight unless invited by the President to participate, and no such invitation has been forthcoming. The Bourne-Chamberlain press agent in Washington in a story published here today makes this statement:

Predicts Split and Chaos.

"Oregon progressives declare that to appoint Fulton will split the Republican party in the state with open and bring about a condition of political chaos such as, they say, would have ensued had Chamberlain failed to be elected Senator after he was designated by the state primary. It would be considered that the National Administration was administering a slap in the face of the new force which has received Oregon from conditions which made its era of graft and corruption known to the whole country. But on the other hand, they are not inviting an open fight for him. They are keeping out of the controversy for the present, in the hope that a solution will be reached without causing any trouble between them and the Senate. Their course in case Fulton should be nominated is uncertain. For reasons of policy related to Senatorial courtesy, which he is exceeding bad form to oppose taking care of lame Senatorial ducks, it might be decided to make no fight on confirmation."

BURNETT IS FULTON'S RIVAL

Federal Judges and Heney Indorse Salem Jurist.

Although dispatches from Washington are to the effect that ex-Senator Fulton's candidacy for the Federal judgeship will in all probability be successful, it is understood in Portland that his opponents have not given up hope of naming some other for that position. It is generally reported that Mr. Fulton's chief opponent will be Judge George H. Burnett, of Salem, who now occupies the bench of Department No. 1 of the Third district. There is little doubt but that Judge Burnett has the support of Judges Charles E. Wolverton and W. E. Gilbert. It is understood that these two jurists have forwarded to President Taft requests that Judge Burnett be named for the position. Because of Francis J. Heney's well-known opposition to Mr. Fulton, it is believed Mr. Heney is using all of his influence to prevent Mr. Fulton's nomination. Mr. Heney and his friends are thought to have united on Judge Burnett, with the result that the fight now lies entirely between Mr. Fulton and the Salem jurist.

"The Red Mill" at the Heilig Theater

BY ARTHUR A. GREENE.
THE nearest thing to a comic opera that has invaded this town in many a long day is "The Red Mill" at the Heilig last night when "The Red Mill" showed its first show. And there's a whole lot of merit in that show if you know what you are talking about. Bully songs—the score's a remarkably fine arrangement of musical numbers when you consider the average Chicago and George Cohan score. If asked to cross my heart and do a lot of other foolish things to prove my honesty, I'd say that "The Red Mill" was about the prize-winner among musical comedies that we've seen in a twelve-month. Go and hear the splendid musical numbers if you must stay away from the theater for a month to atone. I know this is a bit of a stretch, but make any difference in the matter of morals when you can hear real music such as is contained in "The Red Mill." "Mignonette," "You Never Can Tell About a Woman," "The Isle of Our Dreams," "When the

World is Fair," the familiar "Good Bye, John," "Every Day Is a New Day With Me" and "In Old New York" are sufficient, or should be to fill any theater in the land.
I am in no respect surprised that the show has been so successful elsewhere and that Montgomery and Stone are too busy in the metropolises to come out here to the bleak and barren coast to do their famous roles.
A plotless piece of tomfoolery, notable almost solely for that strange quality, music, which actually enters into this one among a hundred alleged musical comedies, "The Red Mill" is yet one of our good opportunities to see this sort of show at its best.
Walter S. Willis and Nell McNeil, who succeed Montgomery and Stone as the principal comedians, are seen to fine advantage when they masquerade as Sherlock Holmes and Doctor Watson. Sadie Kerby, who has appeared here many times in the past, gives a very good account of herself as the shrill-voiced sister of the Burgomaster, although one might wish for fewer solos from her. W. H. Brown, as the Burgomaster, acquits himself well enough and Milton Dawson, as the innkeeper, is especially funny.
The chorus is beautifully gowned and the scenery is capital. Part of the opinion that this is perhaps the finest opportunity Portland has had this year to see first-class musical comedy. It will continue the rest of the week with a matinee Saturday.

MERCHANT CHASES THIEF

AGED GROCER CATCHES MAN WHO STEALS MACKEREL.

Pursues Customer Who Seizes Kit of Salt Fish on His Way Home.

Ira Russ, a groceryman with a store at 384 Morrison street, who admits to having passed the half-century milestone, established a record for himself last night for fleetness of foot in a thief chase that resulted in the capture of Earl J. Harris, a bartender, who is accused of larceny. Mr. Russ, who is gray-headed but still agile, chased Harris from his store to Thirteenth and Yamhill streets, where he overtook him and caught him with a 50-pound kit of mackerel in his possession, which had just been stolen from in front of Mr. Russ's store.
Harris says he tends bar at O'Sullivan's saloon, 247 Morrison street, and is a married man, living at 515 Yamhill street. On his way home last night at 8:30, he stopped in at Russ's grocery and purchased some eggs. He paid for these and went out. A few moments later Mr. Russ started to close up for the night. He went to the front door, where he had placed the kit of mackerel on display, and it was missing. By inquiry on the street, he learned the direction of a man seen carrying a kit but a short time before, and then he started to sprint. He sighted his man on Yamhill street, and pursued until he had caught up with him.

Harris argued, invented excuses and told stories about some other fellow taking it and not wanting to get him into trouble, and finally offered to pay for the mackerel, but the storekeeper's sense of morality, he said, wouldn't allow him to overlook an offense of that gravity, and he tugged the captive bartender all the way back to the store. The doughy groceryman shoved his taking it and ran up for the police, standing guard over the kit while a large crowd of people gathered on the street.
Patrolmen Graves and Roberts took Harris to the police station, where Mr. Russ formally filed a charge against him with Captain Moore. Harris here renewed his offer to pay for the mackerel, but this was not accepted. He was refused bail, and locked up in a cell. The patrol wagon was sent up to Thirteenth and Yamhill streets, where the stolen kit of mackerel had been left, and brought it to the police station and held as evidence.

LOST MONEY AND LIBERTY

TACOMA MAN DOUBLY VICTIMIZED BY SWINDLERS.

Pilling Says Maybray Swindled Him Out of \$18,000 and Banker Sent Him to Prison.

OMAHA, Neb., March 11.—Frank H. Pilling, Wash., Neb., not only dropped \$18,000 to the Maybray swindlers but drew a sentence to prison in addition. Pilling writes a letter from Washington prison to Mr. Maybray, United States Marshal, telling him about having been duped out of \$18,000 and wants to know if there is any chance to get his money back.
He says he gave a check for \$18,000 as a venture on a prize fight promoted by the Maybray crowd in Seattle in August, 1908. The check was endorsed by J. K. Thompson, a banker of Tacoma. After the fight Pilling tried to stop payment on the check and Thompson, the letter said, had him arrested for violation of the Washington state laws in aiding and abetting a prize fight. Pilling was convicted and sentenced to the penitentiary. He has appealed the case.
The letter was turned over to the Federal authorities in Council Bluffs.

JAPANESE LEAVE AMERICA

IMMIGRATION FOR FEBRUARY SHOWS DECREASE.

Ninety-four More Returned to Island Kingdom Than Came to United States in Month.

NEW YORK, March 11.—K. Yamasaki, acting Consul-General of Japan, announced today that the report of the Department of Foreign Affairs of Japan, which has just been cabled to him, shows that during February, 1909, 94 more Japanese returned home than entered the mainland of the United States, and 52 more Japanese returned home than entered Hawaii.
Mr. Yamasaki said that the mode of travel showed that the largest proportion of those Japanese returning home were of the working class.

BRINKLEY CALLS FOR AID

Tornado-Stricken Town Needs Outside Assistance.

LITTLE ROCK, Ark., March 11.—The finance committee of the Brinkley (Ark.) Relief Association issued tonight an appeal to the country for aid. The property damage is estimated at \$1,000,000. More than 200 injured people are under treatment.

ABANDONS FIGHT ON STANDARD OIL

Government Will Only Continue Two Rebate Cases in Illinois.

MAXIMUM FINE \$1,000,000

Anderson's Decision Kills All Other Chicago Indictments—No Hope of Success in Tennessee. Elkins Law Dead.

CHICAGO, March 11.—All the criminal prosecutions against the Standard Oil Company of Indiana, pending in the Northern district of Illinois, with the exception of two cases, have been abandoned by the Government as the result of Judge Anderson's decision. It was announced tonight. The two cases which may still be pushed are those involving oil shipments from Whiting, Ind., to Evansville, Ind., over the Chicago & Eastern Illinois Railroad by way of Dolton Junction, Ill. The most the Government could hope for in these cases is a fine of \$1,000,000.

SMALL HOPE IN TENNESSEE

Remaining Standard Cases Desperate—Rebate Law About Dead.

WASHINGTON, March 11.—The officials of the Department of Justice today again declined to discuss what further action would be taken by the Government with respect to the several other criminal cases against the Standard Oil Company for accepting rebates now pending in the courts for the Northern District of Illinois. It is understood, however, that Messrs. Wilkerson and Sims, the Government attorneys, will come to Washington within the next few days for a conference with Attorney-General Wickham, when it is presumed a course of action will be decided on.
The decision of the court yesterday in the \$2,000,000 fine case leaves still pending in the Chicago District Court three double cases, in which two separate grand juries have found indictments. These three double cases are understood to be identical, with the case decided yesterday.
Consideration already has been given by Government counsel to the case of the United States against the Standard Oil Company, which shortly is to come to trial at Jackson, Tenn.

The indictment in that case contains 1500 counts, the specific charges being that the Standard shipped from Whiting, Ind., to various points in the South 1500 or more carloads of oil on which concessions in rates were made by the railroads.
The decision of the Circuit Court at Chicago is not binding as a matter of law on the Tennessee judges, who may try the case, as he is not in the same Circuit, but it is considered likely that they may follow the Chicago court so far as the two cases have similarity. The Tennessee case probably will be heard by Judge John E. McCall, of the western district of Tennessee.
A four-horse rebate team can be driven through the Elkins' law as it stands now after the decision of the United States of Appeals and that of Judge Anderson, in the Standard Oil case at Chicago. An attorney who could not protect a client from a charge of rebating, if those decisions are sustained, would not be worthy of his hire.

This was the opinion expressed by an important law officer of the Government in the course of a discussion of the Standard Oil Company's cases now pending in various parts of the country.
The law officer pointed out that Judge Landis, who imposed the \$2,000,000 fine upon the Standard, held that it was the duty of a shipper to make reasonable inquiry as to whether the rate he was using was lawful or not. Judges Grosscup, Seaman and Baker, of the United States Circuit Court of Appeals, States, reversed the statement of the law, and held substantially that the Government had to prove that the shipper knew he was getting an illegal rate. In the opinion of Government officers that rarely, if ever, is done. In this view of the situation, the Elkins' law is practically null.

ACTRESS TO WED IN APRIL

Ethel Barrymore and R. G. Colt Will Marry During Holy Week.

BOSTON, March 11.—Miss Ethel Barrymore, the actress, and Russell Griswold Colt, of Bristol, R. I., whose engagement was announced this week, will be married in New York during Holy Week (April 4-10), according to a statement made by Mr. Colt tonight.

He said Holy Week was the only time Miss Barrymore would not appear on the stage this Spring.

Argument Leads to Stabbing.

An argument over St. Patrick's day earned Andrew Draffin, a sailor, a cut on the head late last night. Draffin, who was until lately a sailor on the British ship Leyland Brothers, was returning home, when he became involved in an argument over the approaching Irish holiday with a stranger. Words

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led to blows and the stranger tried to stab the loyal Irishman, inflicting a knife wound on the side of the head. The cut was not serious. Draffin is the man who was robbed of \$500 a few weeks ago at the Kingston lodging-house.

MOBBED BY HIS EMPLOYEES

Calais Lace Manufacturer Imperils Life by Joining Trust.

CALAIS, France, March 11.—(Special.)—Scenes unprecedented in this city have

followed a verification of the report that one of the principal lacemaking firms here has become a member of the American Textile Company, which lacemakers regard as their bitterest enemy. Clamoring crowds filled the streets last night, demanding the destruction of the factory of Caderas & Ozzanne, and they were so obviously bent on disorder that Mr. Ozzanne, an Englishman, had to flee for his life.
His idea is that more money is to be made in America by manufacturing lace than by importing it from France.
"Our workmen have deserted us, we have been expelled from labor associations, and tradesmen refuse to receive

our families," said Mr. Ozzanne. "In fact, Calaislans seem to be doing their best to destroy one of the chief sources of their prosperity, for, though they object to our operating in America, they are trying their hardest to make it out of the question for us to remain here."

ATTEMPT TO WRECK TRAIN

Going 40 Miles an Hour, It Is Thrown on Siding.

PEORIA, Ill., March 11.—Burlington

passenger train No. 1, leaving this city at 8:15 o'clock tonight, was wrecked by trainwreckers at the Vicary coal mines switch, five miles out of the city. The lock on the switch was broken and the switch thrown. As a result the passenger train, going 40 miles an hour, was thrown on the siding into a number of loaded freight cars. Many passengers suffered minor injuries. The Sheriff and a posse started to search for the wreckers.

Honolulu.—A terrific storm swept the district of Hamakua, on the northeast coast of Hawaii, Thursday. Twelve inches of rain fell in an hour, causing heavy damage to plantations and roads.

NEW ARRIVAL OF DAINY DUTCH COLLARS
MAIL ORDERS PROMPTLY FILLED

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NEW ARRIVAL OF THE "GERALDINE FARRAR" ELASTIC BELTS

LARGEST AND LEADING FURRIERS

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\$24.50

These beautiful new suits are variously trimmed, some with silk band ornaments, others with bands of satin; still others with plain stitched straps of material. They are made of superior chiffon, broadcloths, chevrons, fancy serges and mannish mixtures, in Directoire, "hip-less" coat and other new styles. Coats 36 inches or longer—some slashed on sides and back. Every imaginable coloring will be found in the assortment, including navy, smoke, taupe, wine, olive, browns and black. THE FIT WILL BE PERFECT. The best money's worth in Portland at this extraordinary special. \$24.50

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