APPEAL IS FILED BY STANDARD OIL

Dissolution Suit to Be Walla Walla People Willingly Vol-Fought Again.

DEFENSE FINDS 65 ERRORS

Sherman Anti-Trust Law Not Violated, It Is Argued.

COMPETITION DOES EXIST

Attorneys for Oil Company Assert Its Actions Have Been Legal in Every Movement and That Decision Is Void.

ST. LOUIS, Dec. 17. Attorneys for the Standard Oil Company of New Jersey is subsidiaries and the seven individuals against whom the Government recently won its dissolution suit, today filed an Discussion of Central American Coappeal from the adverse decision of the Federal Circuit Court.

Sixty-five instances in which the trial ourt is alleged to have erred are cited as reasons for appealing to the Federal Supreme Court.

Collectively, the assignments of error are that the evidence did not show a vio lation of the Sherman anti-trust law. Lack of Competition Denied.

The findings in respect to competition territory are assailed, as are also is of the court regarding the sert that John D. Rockefeller, H. H. Archbold and other inidual defendants took in the formation and conduct of the various companies. The order granting the appeal was signed by Circuit Judges Hook and Adams,

The assignments are:
"I. There was error in the denial of defendants' motion to set aside the court's order permitting the service of summons on non-resident defendants, and,

". In overruling the plea to the jurisdiction of the cou

Court Errs, Company Insists. "3. In the decision that many of the 15, orporations, a majority of the stock of which was, in 1809, owned by stockholders of the Standard Oil Company of New Jersey, were naturally competitive.

"4. In finding that in ten years prior to 1879 John D. Rockefeller, William Rockefeller, Henry M. Rogers, Henry M. Flag-ler, John D. Archbold, Oliver H. Payne and Charles M. Pratt had acquired control of any competing corporations so that they had placed a majority of the stock One fireman, Joseph Toner, was of these corporations and interests in killed. He gave his life up in searchbusiness thus obtained in various trustees; that they had thereby suppressed competition; that from 1879 to 1892 they prevented such corporations and others from competing, by causing a majority of their stock to be held in trust for stockholders of the Standard Oil Company of Ohio; that from 1892 to 1899 they complished the same result by the joint equitable ownership of a majority of the stock; that in 1889 they caused a majority of the stock of said 19 corporations to be transferred to the Standard Oil Company of New Jersey, in exchange for its stock so that the latter acquired legal title and power to fix rates of transportation, purchase and selling price of petroleum.

Sherman Act Not Violated. "5. In finding that the Standard Oll

prevented competition, because for many years prior to 1899 the corporation had feet of a contract is to restrict free co petition, it is a violation of the Sherman

"7. In finding that the exchange of stock of competitive corporations, the efconstitutes a combination in restraint of

"8. In finding that the Standard Oil Company of Ohio acquired other corporations by exchange of stock, if such finding e construed to mean those methods of acquisition were exclusive, because many were bought for cash.

No Monopoly, Defendants Cry.

B. In finding that the method of dissolution of the so-called trust of 1882 was adopted to deter many holders of trust certificates from surrendering them and accepting shares of stock or to ensociates to secure control of all com-

"10. In finding that the Supreme Court of Ohio, in 1892, decided the trust of 1882 Passenger Engine on Lake Shore tended to create a monopoly.

"II. In finding that when the Standard Oll Company of New Jersey, in 1899, acguired the stock of 19 compaines it su ceeded to the legal title to a majority of bound passenger train No. 1, on the the stock if such finding means only a Lake Shore, collided with a yard enmajority, the fact being that it acquired gine in the yards this morning. all shares of each of the 19 companies except the Northwestern Ohio Natural

Gas Company. "12. In finding that between 1899 and 1996 affairs of the so-called subsidiary spanies had been managed by the New Jersey company as the business of a LEAD CLIPS HEART, LIVES single person, the fact being that while Wounded Man Sits Up in Bed and there was co-operation for economical and efficient management, each company was

separately managed by its officers and "13. In finding that among the compaines controlled by the New Jersey Com-

(Concluded on Page 2.)

347 PERSONS GIVE 900 INCHES OF SKIN

WONDERFUL GRAFTING DONE ON LINESMAN'S RODY.

unteer to Give Cuticle and All Are Gritty.

WALLA WALLA, Wash., Dec. 17 -- Skir from the bodies of 347 persons has been grafted upon the burned body of Reed rows, a young lineman who narrowly escaped electrocution when he fell acros we nower wires at the electric substation here two weeks ago.

An appeal was made by physicians for eers to give bits of their cuticle and the response was liberal. Up to now over 200 square inches have been grafted from friends and sympathizers upon the ody of the injured man.

Among those offering portions of their skin were 75 students from Whitman Colere. 50 from Walla Walla High School 125 from the public schools and 25 soldiers om Fort Walla Walla.

There has been so much interest in this remarkable case that the physicians have found little difficulty in obtaining volunteers for the skin grafting operation. The grit displayed by those sub mitting to the operation has been a distinctive feature of the procedure. The skin grafting is still going on and volunteers are being operated on at the rate

BARRETT TALKS OF UNION

alition Revived, He Says. TOLEDO, O. Dec. 17.-In an address

efore the Toledo Chamber of Commerce onight, John Barrett, director of the International Bureau of American Repubics, declared that the present difficulties n Nicaragua have revived favorable dission of a union of the five Central American republics. He said in part: "When the Central American Peace Con

ference convened, at Washington, in De-cember, 1907, Elihu Root, then Secretary of State, spoke hopefully of such a union "Enriqua Creel, ex-Ambassador of Mexico, has announced that he looks forward to an ultimate consolidation. One formed from these five republics would have an area of 170,000 square miles, an Atlantic coast line of 200 miles and a Pacific shore of 1100 miles, an annual foreign trade valued at \$50,000. 000, of which nearly half would be with the United States, and a population exceeding \$2,000,000."

FIVE PERISH IN FLAMES Girls Employed in Undertaking Sup-

ply House Victims.

PHILADELPHIA, Dec. 17.-Five girls uployed in the six-stody building by Schrack & Sherwood. nanufacturers of undertakers' supplies. which was destroyed by fire last night, lost their lives in the flames. Their bodies were removed today.

ing for missing women.

About 20 women were at work on the fifth floor when the fire was discovered on the floor below. Most them, with the assistance of policemen and firemen, escaped. Some were carried out unconscious.

PETER WILL NOT TRAVEL

Servia's Ruler to Stay at Home Instead of Visiting European Courts,

BERLIN, Dec. 18 .- (Special.) - The news that King Peter, of Servia, intends to visit St. Petersburg and other European ourts is not exact. The information regarding the projected tour was published Company of New Jersey has, since 1829, in a Belgrade newspaper after the visit of King Ferdinand.

M. Milovanovitch, in a message from been held in the same common ownership, the Servian capital, states that the gov-"6. In finding that, if the necessary efthe Servian capital, states that the govuality of this sort, and considers that, for the present at any rate, the question is not one to be discussed,

POLAR RECORDS GONE OVER

Cook's Friends Alarmed at Quick Work of Danes.

COPENHAGEN, Dec. 17.-The examination of Dr. Cook's North Pole records seems likely to be concluded much earlier than was anticipated. It appears possible that the report will be presented at to-morrow's meeting of the consistory of the University of Copenhagen. The prospect of such an early termination is not regarded as a good omen by the public. which is friendly to Cook.

TRAINMEN BADLY HURT

Collides With Yard Locomotive.

CLEVELAND, O. Dec. 17 .- West-Both engines were overturned, and the crews of both engines are reported

to be fatally hurt. No passengers are known to be hurt.

Recovery Expected.

ST. JOSEPH, Mo., Dec. II.-Francis Drysdale, shot through the heart three weeks ago, is able to sit up in bed, and his complete recovery is expected.

OREGON TRUNK TO LAY RAILS IN JULY

Trains Will Run Next Autumn, Hill Says.

Railroad Builder.

BUSY DAY IS SPENT HERE

"We expect to begin laying ralis on the Oregon Trunk Line not later than June 1, next, and by the following structed into Central Oregon," said J. J. Hill, yeteran railroad-builder, yester "The work preliminary to laying the track is being prosecuted just as rapidly as the employment of men and the expenditure of money make possi-

"No," was the terse but positive re ply of Mr. Hill when asked if he would extend the Oregon Trunk Line to San Francisco. However, there prevails a very strong suspicion locally that there struct a road into the California mesuspect that the empire builder has acquired an interest in the Western Pacific and that the real terminus of the Oregon Trunk is Lakeview, to which point the Western Pacific is now extending its line. This would afford Hill an entrance to California, the goal he long has coveted.

When asked what feeders were coninto the interior of the state, Mr. Hill answered evasively, but intimated that the policy of the Hill system was to after business wherever it offered. He refused to commit himself definitely on this subject, but made the significant remark that the purpose of uilding the Oregon Trunk was to ald materially in the development of the stale, and that that development involved the invasion of all centers of production and supplying such sections

In discussing general railroad conditions of the country Mr. Hill was inmaintenance of railroads the large railroad systms of the country are having trouble to make ends meet.

earned the reputation in the railroad world as the man who does things, is most optimistic of the future of this state and its development, which, he predicts, in the next few years will surpass most sanguine forecasts

"With the possible exception of the State of Montana," said Mr. Hill, "Ore-gon has more unoccupied public land than any other state. Until recently there were many opportunities for the homesceker in almost any of the Western states, but the public domain available to the man who is desirous of (Concluded on Page 12.)

CENTRAL OREGON'S WEALTH.

man railroads into Central Oregon are completed, the larg-est body of pine timber in America will be accessible for the Deschutes River, four times greater than that of Niagara will be ready for development and a vast empire will be subject to settlement. These are some of the facts that will be country east of the Cascades, and no better opportunity to secure reliable information will be offered than The Oregonian progress made by the entire state during 1909, and of Port-land's remarkable industrial

ASTOR PEARLS ARE BOGUS

Inheritance Tax Appraisal Betrays Famons Necklace.

NEW YORK, Dec. 17 .- (Special.) -- Mrs. William Asior, who was for years the acknowledged head of New York society, had among her jewels the famous fivestrand necklace of pearls, which she wore on proud occasions and which was considered worth a king's ransom,

tate, which was filed today in the Surrogate's office, states that when this neckace was submitted to Tiffany's for valnation, 30 imitation pearls were found in While it contained this large number of false goms, it held enough real pearls to be worth \$51,000.

Mrs. Astor had a large collection of jewels, most of which she bequeathed to her children. The pieces which she gave to her son, Colonel John Jacob Astor, have been appraised at \$58,600, and those which she left to her daughters, Mrs. M. Orme Wilson and Mrs. Charlotte Astor-

SUICIDE USES PAREGORIC

SAN FRANCISCO., Dec. 17 -- (Special.) Driven to distraction by grief over the crime of her husband, who is in the City Prison, charged with a serious offense against his young daughter by his first wife, Mrs. Lucy Lang last night purchased 20 bottles of paregorie at various drugstores throughout the city, then sat down on a lounge in her home and drained the phials one by one.

her landlady. were lying on the couch beside the body while the rest were scattered about the room, where the woman had hurled them empty.

At the same time Mr. Hill, who has CHILD DIES OF LOCKJAW Fall on Rusty Nail Proves Fatal to Silverton Lad.

> SILVERTON, Or., Dec. 17 .- (Special.) -Clarence Weeks, 5-year-old son of Fred Weeks, died in agony here today of lock-

playing and fell on a rusty nail, which penetrated his knee. He became ill almost immediately and doctors decided he was suffering from tetanus. His agony throughout his illness was extreme until it was ended by death.

"I VOTED FOR A BRIDGE, NOT TALK!"

JOHNSON OPPOSES OIL LAKE TAPPED, DRILLERS BELIEVE WARD NO LONGER

National League May Be Ruled by Regency.

VOTE STILL STANDS 4 TO 4

All Agree That Three Regents May Be Necessary.

HEYDLER MAY HOLD OVER

Brown, of Louisville, Gets All Pro-Heydler Votes-Heydler Has Majority of Directors and Would Rule Regents.

NEW YORK. Dec. 17.-After taking three ballots which showed a continua tion of the deadlock, the third session of the annual meeting of the National Baseball League adjourned tonight until to morning. The three ballots

For John M. Ward, 4; for W. R. Brown, of Louisville, 4 The most significant feature of the meeting was the introduction by Garry Herrmann, president of the Cincinnati club, of a telegram from Ban B. John-

son, president of the American League, which ran as follows:

Johnson Withdraws Ultimatum: The American Leagus clubowners have left New York. This should indicate forcibly to you and your colleagues that we do not wish to interfere or embarrass to the slightest degree your organization in the election of an officer.

When Herrmann read this telegram. John T. Brush moved "that Mr. Johnson's telegram, in which he recedes from his position, be accepted and given to

This was carried unanimously and, after the four-hour session, President Ebbetts, of the Brooklyn club, anneanced that It was the sense of the eight magnates that Ban Johnson receded from his avewal not to sit on the National co Ward were elected president of the National League, a position he assumed as an ardent advocate of the re-election of John A. Heydler.

Ebbetts announced further that, if the wht presidents could not break the deadlock, they must either appoint a regency such as formerly existed or appoint one of their number to act as president. He insisted that the meeting yesterday did not by resolution amend the bylaws lege here, wrote many passionate love whereby, in the event of a vacancy in In one of the hands was clutched an the presidency, the board of directors during the trial. Zelays contended he empty paregoric bottle. Seven others should elect an acting president.

Heydler Would Rule Regency. On the other hand, Horace Fogel, new esident of the Philadelphia club, saids

Such a resolution, if adopted, would give the Heydler forces control. The board of directors is composed of Herrmann of Cincinnati, Dreyfuss of Pittsburg, Dovey

of Boston, Murphy of Chicago and Ebbetts of Brooklyn. The first three are pledged to Heydler. The vote for Brown is not taken seriously. Only two of the clubowners know him personally. Heydler is not considered out of the race. The Hermann-Dreyfuss faction still insists that it is for him if there is a chance for him to

win. If not, it is for anyone except Ward, As opposed to this, the Murphy followers (Concluded on Page L)

50-BARREL FLOW REWARDS WORK IN EASTERN OREGON.

Agents of Company Trying to Buy In Outstanding Stocks at Premium.

BOISE, Idaho, Dec. 17 .- (Special.) - The great oil lake of Eastern Oregon has been tapped, is the announcement of D.

M. Hunt, contractor in charge of the well
sunk by the Eastern Oregon Oil & Gas
Company, who declares he struck a 150barrel flow of oil yesterday at a depth of

The well is sunk in Cow Hollow, eight miles southwest of Vale, on Willow Creek. Several oil outfits are working n this vicinity, which is believed to be the center of the oll field.

News of the strike has created excite nent here. C. O. Thomas, of Vale, as rived in Boise today with the news. He says the word of Hunt is reliable. Parties will leave here tomorrow to look ove

Relying on the belief that the oil lake has been tapped, agents of the company are attempting to buy back all the stock offering a premium. The strike probably will result in a stampede to the field.

FOG IS WORST IN YEARS Vancouver Shipping Tied Up as Re-

sult of Vapor's Denseness. cial.)—At least four, and probably five deco-sea vessels are being badly delayed

at this port and shipping along the Fraze liver is almost at a standstill as the result of the worst fog here in years.

The Empress of China is already three days behind sailing schedule for the Orient, while the Oceano, now two days

late, will add two more before she can dock and load for the Orient. The Aorangi, from Australia, with the Oceano is anchored outside the harbor anable to come into berths and it is supposed the Weirliner Kumeric is grop-ing about in the same neighborhood, being due today from the Orient. The Blue Funnel liner Bellerophon is in port, being

low three days late Steamer Cassiar of the Union Steamship Company is ashore outside the Narrows here, but in no danger while coastwise vessels are maintaining slow schedules.

ZELAYA MUST PAY \$2000

Nicaraguan Prefers Jail to Gratifying Juliet Hero's Cupidity. NEW YORK, Dec. 17 .- (Special.)-In

a suit brought by Miss Juliet Hero for \$100,000 damages against Anibal Zelays, the nephew of President Zelaya, of Nicaragua, for breach of promise of marriage, the jury today rendered a verdict in the young plaintiff's favor Zelaya, who recently became a doctor

of medicine after going through colletters to Miss Hero, which were read her according to the custom of warm and impressionable Nicaraguans but that he never proposed marriage seriously. He says he will not ask his this morning that the bylaws were so supposedly wealthy family in Nicaragua for money to pay the judgment. "I will go to jail rather than give her or her scheming mother one dol-

REGARDED DEAD, MAN LIVES

Three Times Legally Defunct, and All Property Administered.

FRESNO, Cal., Dec. 17 -- (Special.)-Henry E. Christopher, who for ten years has been mourned as dead by his relatives, returned yesterday. He has three times been legally declared defunct is the courts of California, South Dakota and Nebraska, and his estate was long ago administered. His life insurance policies even have been paid and the money spent by the beneficiaries. He came back as quietly and unexpectedly as he dropped from sight, on the afternoon of July 14, 1899. He will give no explanation whatever of his absence.

When asked if he would make any effort to regain his property. pher said he would not, and added:

"It makes no difference to me whether the courts regard me as dead or alive."

POKER GAME NOT FELONY Washington Supreme Court Decides

Case of Mere Players.

OLYMPIA, Wash., Dec. 17 .- (Special.)-The Supreme Court today set aside the conviction of two Cowiltz men under the felony gambling law and ordered them sentenced under the misdemeanor ac The defendants are Mathew Gaasch and

Joseph Stock. The court says they cannot be punished mation and proof show they were simply playing poker in a gambling-house and did not show that they had any ownership in the house or game, as the felons

WRECKED FERRY IS FOUND

Hulk of Vessel in Which 33 Lives Were Lost Is Located by Tug.

ERIE, Pa., Dec. 17.-The wreck of the which foundered during the great storm on Lake Erie December 7, resulting in the death of 33 persons, was found late this afternoon by the tugboat Reed, of , at a point 12 miles from Con-

BROKAW SMILES; WIFE HIDES FACE

Husband Invites Her to Cake Walk

TRUCE IS BUT SHORT LIVED

Plaintiff Rests and Defense Opens in Divorce Suit.

WOMAN'S OATH REPEATED

Mrs. Brokaw Refuses to Admit She Used Profanity Until Brother-in-Law Will Swear She Did-He Does, and Judge Smiles.

NEW YORK, Dec. 17 .- Mrs. Mary Blair Brokaw, the plaintiff, rested her case oday, in her suit for separation, with all-nony of \$80,000 a year from her husband. Gould Brokaw, and the defense

Prospects for a reconciliation bright ned for a moment today when Attorney McIntyre tendered Mrs. Brokaw an in vitation to the next year's cakewalk at High Point, N. C., the Brokaw Southern country place. Brokaw smiled and his wife hid her face in her furs. But in the recess Brokaw defined his position as one of frank hostility.

Fight to Finish, Husband Insists.

"Mrs. Brokaw," said he, "has rejected ny advances often enough. I am going to fight this suit to a finish and I am well satisfied with its advance."

Mrs. H. Bramwell Gilbert, Brokaw's

sister, testified in his behalf that he and wife were "a sweet, tender, solicitous and loving couple." Mrs. Gilbert testified that Brokaw was not a drinking man. Bagley, one of Brokaw's grooms, testified to the same effect.

Woman Moved to Oath.

Gilbert had an amusing passage at rms with his sister-in-law over a point in her earlier testimony. Mrs. Brokaw had refused to admit her use of a profane adjective as applied to a servant's in which she said her husband made her sleep when crossing the Atlantic unless Mr. Gilbert would swear she

"In my walk around the ship's deck I met the plaintiff face to face. I lifted my hat and she exclaimed; "I'll be —d— if I'll occupy that berth," testified Gilbert today

As he repeated the debatable adjective (Continued on Page 4.)

INDEX OF TODAY'S NEWS The Weather,

YESTERDAY'S-Maximum temperature, 40 degrees; minimum, 30. TODAY'S Fair; easterly winds, probably shifting to southerly. Nicaraguan Affairs.

Armed civilians in Managua threaten Amer-leans; Buffalo hurries to Corinto, Page 5. Irias now said to be Zelayat's choice as pres-ident of Nicaragua. Page 5. Trip south of Dr. Luis Anderson bought to indicate plan to confederate all Central American republics. Page 4.

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Ballinger's supporters will urge searching departmental inquiry. Page 2.

Rap taken at ex-President Roosevelt.

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Domestic.

Standard Oil files appeal to dissolution order. Page 1.

Japanese delivers lecture to set forth friendship to this country. Page 2.

Three women accused of murdering Mrs. Snead say she starved helself to death. Page 2. Snead say she starved helself to death.

Page 2

Mrs. Brokaw completes case and defense opens in alimony suit. Page 1.

Five of Sugar Trust employes found guilty of conspiracy. Page 4.

Governor Norris, of Montana, calls extra session on Capitol extension. Page 6.

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Sperts.

National League deadlock may end today with regency; Johnson withdraws anti-Ward ultimatum. Page I.

Cyclone Johnny" Thompson bests "Fighting Dick" Hyland in ten-round bout. Page I.

Auto records from one to 20 miles smashed at Indianapolis. Page 7. tiell-Webster bout called draw, crowd hisses, favoring Webster. Page 7. Pacific Northwest. sorge Tracy, charged with brutal murder of his friend, in jall in Pendleton Page 6. oseiair's wife-victim was found with 33 kulfe gashes. Page 6.

Mary Johnson, alleged "faker" of accidents, acquitted by Scattle jury. Page 6. Survey of route revives interest in Grays Harbor to Columbia River canal project. Page 6. struck in great volume in Vale district of Oregon. Page 1.

over 900 square inches of skin from 347 persons grafted on Walla Walla man. Page L Commercial and Marine. orthwest wheat prices continue to advance Page 17.

tumors of crop shortage in Argentina. ck trading continues light. Page 17. Volume of general husiness larger than in former years. Page 17, Observer Beals arranges to take measure-ments of snowfall. Page 16. Portland and Vicinity.

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Samuel C. Costis, aged veteran, cleared of murder charge. Page 11. Oregon Trank to lay rails in July, Hill says. Page 1.
Two robbers thrillingly fall, another gets \$8.
from saloon. Page 12.

toom nation. Page 12.
Woman whose bushand threatened her with butcher knife gets divorce. Page 11.
Mass meeting demands of Port of Portland that Broadway bridge be advanced.
Page 5.

When the Hill and Harri-

OREGON'S NEED IS FARMERS

Seek Immigration, Advises

Conference With Local Representatives and Inspection of Properties Take Un Time-Returns Over North Bank.

is no necessity for Mr. Hill to con-There is every reason to

Hill Replies Evasive.

with needed transportation facilities. clined to be pessimistic, contending that with the advance in cost of all materials required for construction and

Ontimistic as to State's Future

the first time; waterpower of brought out in detail in the New Year's edition of The Oregonian, which will appear January 1, 1910. Everybody is interested at this time in the Annual. It will tell of the

The price of the New Year's Oregonian is 5 cents. Postage in the United States, Canada, Mexico and the insular pos-4 cents. Foreign sessions, postage, 8 cents.

The inheritance tax appraisal of her es-

Woman Drains 20 Bottles.

This morning she was found dead by

law, after a week's Illness. Little Fred slipped a week ago while

Distracted by Husband's Crime.