

# Morning Oregonian

PORTLAND, OREGON, TUESDAY, MAY 30, 1911.

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## TOBACCO TRUST MUST DISSOLVE

### Decision More Drastic Than Standard.

### TIME GIVEN TO OBSERVE LAW

### Supreme Court Declares Its Aim to Be Monopoly.

### RULE OF REASON DEFENDED

### Chief Justice White Makes Vigorous Reply to Judge Harlan—History of Trust Replete With Deeds of Illegality.

**VICTORY FOR GOVERNMENT.**  
The tobacco trust decision is characterized by Attorney-General Wickham as "a sweeping victory for the government."  
The trust is held to be a combination of interests that is contrary to law.  
The decision brings 65 American corporations, two English corporations and 29 individual defendants under the ban of the law.  
If at the end of six to eight months the corporations fail to bring themselves within the law, a receivership and dissolution by court decree will follow.  
The trust is held to be guilty of intimidation and clearly to have shown a purpose to stifle competition.  
Chief Justice White announced the decision, which was practically unanimous, although Justice Harlan dissented on several points.

WASHINGTON, May 29.—The Government won a sweeping victory over the so-called "tobacco trust" when the Supreme Court of the United States held the American Tobacco Company and its allied corporations to be operating in violation of the Sherman anti-trust law.

By directing that the combination be forbidden the privilege of interstate commerce or placed in the hands of a receiver unless it disintegrates in harmony with the law within six or at the most eight months, the court is regarded to have dealt with the tobacco corporations more drastically than with the Standard Oil Company of New Jersey, the dissolution of which was ordered two weeks ago.

Both the trust and second sections of the Sherman anti-trust law have been violated by the so-called tobacco trust, according to the court. Not only has it restrained wrongfully and unlawfully interstate commerce in the eyes of the court, but it has attempted to monopolize the tobacco business to the injury of the public and of its competitors.

### Decree Unusually Severe.

While the decree was regarded as unusually severe, at the same time there was a touch of leniency in not making the combination an outlaw "now."  
The various elements of the combination are to be given an opportunity, under the supervision of the United States Circuit Court for the Northern district of New York, in the Standard Oil case, to bring about a new condition which shall be in harmony with and not repugnant to the law.

The opinion of the court was delivered by Chief Justice White, who also delivered the opinion in the Standard Oil case. The tobacco court agreed that the tobacco combination violated the Sherman anti-trust law, but Justice Harlan dissented from the repeated interpretation of the Sherman anti-trust law so as to call for the application of the "rule of reason" in determining what "restraints of trade" were forbidden by the act. In this respect the division was the same as in the Standard Oil case.

Justice Harlan also took issue with the rest of the court as to the reorganization of the tobacco company, saying that he had found nothing in the record which made him "at all anxious to aid in the perpetration of these companies, which were clearly, in the opinion of all the court, guilty of wrongdoing."

### Rule of Reason Will Stand.

The court reiterated its determination to follow the "rule of reason" in determining what restraints of trade violate the Sherman anti-trust law.  
Tonight it is regarded as settled that the "rule of reason" will prevail in the courts of the land in the interpretation of the Sherman anti-trust law, at least until the personnel of the Supreme Court greatly changes or the law is amended. In reality the decision was nothing less than a deliberate exemption of the application of the "rule of reason" to "undisputed facts."

Unlike the Standard Oil Company, which made no move for a re-hearing, William R. Perkins, as counsel for the American Tobacco Company, asked the court after the announcement of the decision for leave to present a petition to stay the execution of the mandate for 30 days. The request was granted. Shortly afterwards the court adjourned till next October.  
In taking up the construction and ap-

## SUBMARINE BELL REACHES 7 MILES

### LINER MISSOURIAN IN FOG AID-ED BY SIGNAL.

### Steamer in Touch With Umatilla Reef Lightship in Test Skipper Says Is Most Practical.

SEATTLE, Wash., May 29.—(Special.)—Serious delay to the big American-Hawaiian liner Missouriian, Captain William Lyons, which arrived in port this noon from Salinas Cruz, was prevented by what Captain Lyons describes as one of the most satisfactory and practical tests of the submarine signal apparatus he ever witnessed.  
While off Destruction Island the Missouriian encountered a fog which increased in density as the vessel proceeded north. It was impossible to make headway in safety, and after steaming slowly for several hours Captain Lyons began to maneuver his vessel in an effort to get the submarine bell signal from the Umatilla Reef lightship.  
He was successful and located the reef seven and one-half miles distant. Captain Lyons says that the Missouriian has picked up the submarine bell signals at a distance of 16 miles and he believes it to be a great aid to navigation.

The fog which the Missouriian encountered extended far up the coast, and practically all day the United States weather station on Fatsosh Island was unable to report the names of vessels passing.

## LOST BABE WINS POLICE

### Nellie Grove, Three Years Old, Gets Candy and Nickels From Bluecoats.

Wandering from the home of her aunt at 255 Taylor street last yesterday afternoon Nellie Grove, 3 years old and small for her age, started out alone to explore the city.  
At Tenth and Washington streets the child became hopelessly muddled and attracted the attention of Policeman Hill, who took her to headquarters, where her pretty golden curls, surmounted by a tiny straw hat tied under the chin with baby ribbon, the charming frankness, and real cleverness of her baby prattle and her generally sunny disposition immediately won the hearts of the officers. For more than an hour Nellie was the center of attraction.

Fred, Chief Cox' hound, the mascot of the force, patiently submitted to her embraces and became her devoted slave in a few minutes. No stage favorite ever made a bigger hit than did Nellie.

Policemen went out to return with candy, and some surreptitiously gave her nickels.

There was a general sigh of regret when Nellie's mother, who lives at 404 Alaworth street, came to claim the runaway babe.

## HEAVY DUTIES ARE DUE

### Florence Kohn May Have to Pay \$3000 on Diamond Importations.

Whether Miss Florence Kohn, of 786 Johnson street, shall pay duties aggregating \$3000 on diamonds forwarded to the United States from Frankfurt, Germany, as a legacy from her aunt, Mrs. Isaac Glazier, formerly of San Francisco and New York, was up for argument yesterday at the Customs-House before Judge Byron Waite, United States General Appraiser of New York. He continued the matter until the next session, which will be held in a few months.

The government refused to admit the diamonds free of duty because they came from abroad. Heirs in this country to Mrs. Glazier's estate argued that the gems were the property of an American citizen and were such property during her residence in this country. There is a Federal statute covering the entry of belongings of an American citizen dying abroad and it undoubtedly would have been settled yesterday had both sides been ready.

## OREGON CALLS GERMANS

### \$2500 Pledged by Commercial Club and Societies for Publicity.

In an effort to bring settlers of German nationality from Europe and the Eastern states to Oregon, \$2500 was pledged at a joint meeting of committees from the Commercial Club and the United German societies at the Commercial Club yesterday afternoon.

The campaign will start at once and continue five months. Pamphlets will be issued in the German language, advertising space will be taken in the leading German newspapers of the Middle West and in Europe, and people of German descent in Oregon will be asked to co-operate by personal letters.

The literature sent out by the publicity bureau will be written in German and will be largely statistical in nature.

## WIRELESS CHIEFS GUILTY

### President C. C. Wilson and Others of United Company Misuse Mails.

NEW YORK, May 29.—Christopher Columbus Wilson, president of the United Wireless Telegraph Company, and his four associates, were found guilty by a jury this afternoon on four counts charging misuse of the United States mails in soliciting stock subscriptions.

## FANS WAGERING ON AUTO RACE'S TOLL

### Grim Bet on Deaths in Indianapolis Made.

### ACCIDENTS ARE LOOKED FOR

### 40 Motor Cars Will Run in 500-Mile Speed Contest.

### BURMAN BREAKS RECORD

### He Lowers Speedway Figure for One Mile and Then His Racer Catches Fire, Furnishing Sensational Climax to Event.

INDIANAPOLIS, Ind., May 29.—(Special.)—The 100,000 speed fans gathered here from almost every city in the United States are laying wagers with each other tonight on the probable death toll of the 500-mile race—the greatest event of this kind in the history of the automobile—to be held tomorrow morning on the Indianapolis speedway.

Forty cars have qualified for the race in which \$40,000 in prize money has proved to be the fastest drivers known to motor racing an alluring bait.

The lowering of the speedway record from 35.63 to 25.35 for one mile by "Wild Bob" Burman, in his Blitzen Benz, and the subsequent burning of his machine were witnessed at the track today by enthusiasts who arrived early on the scene.

### Accidents Looked For.

While the throngs here apparently anticipate some brilliant and fast driving tomorrow, scarcely any one can be found who does not confidentially expect an accident which may mean death to some participant in the race. Officials of the track, themselves, do not appear over-optimistic, though precautions have been taken this year to make the course as safe as human ingenuity can make it.

That a feeling of uncertainty does exist was made plain today when observers were stationed at "Death Curve" which rounds into the home stretch, a mile north of the grandstand. It was there that one machine went over the stone wall last Friday, and it was there that the lives of three human beings were sacrificed two years ago.

### Climax Is Spectacular.

The burning of Burman's machine on the track directly in front of the grandstand this morning came as a spectacular climax to the general feeling of uneasiness that prevailed among the spectators. The crowd assembled in the gigantic stand and along the track had witnessed a series of hair-breadth escapes in the preliminary

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## DYNAMITE WORKS REVENGE ON WIFE

### Man Blows Up House as Constable Seizes It.

### OFFICIAL IS FATALLY INJURED

### Opening of Door Fires Guns Which Explode Bombs.

### COURT ORDER THWARTED

### Divorced for Cruelty and House Awarded to His Wife, Charles H. Pickard, of Oakland, Sets Trap for His Enemies.

SAN FRANCISCO, May 29.—(Special.)—Just as constables, bent on eviction, broke in the door of Charles H. Pickard's little home at 1520 Fifteenth avenue, Oakland, in the Melrose district, this afternoon an explosion of dynamite blew out the front wall and hurled the officers into the street.

Constable Morris Kihn is believed to have been fatally injured. Deputy Sheriff Riley and McDonald were also badly injured. Two more explosions followed the first and completed the destruction of the home.

Pickard's wife had recently been granted a divorce on the ground of extreme cruelty and the property had been awarded to her by the court. The police say that Pickard took this means of foiling the court's orders.

Investigation showed that the explosions were brought about by the use of packages containing shotgun shells, slugs and dynamite, to which were attached wires connecting with revolvers, and that when the officers forced their way in they pulled wires which in turn discharged the revolvers.

Constable Albert Kihn received the full force of the first explosion and was hurled backward with his clothing on fire and his shoulders shattered by small shot and slugs. Behind him came Deputy Sheriff McDonald, whose teeth were loosened by the force of the explosion and who was knocked senseless. Fellow officers dragged the two men to safety as three other explosions followed in quick succession. The latter explosions were evidently brought about by concussion from the first.

Neighbors say that the house has been closed for the last three days and that Pickard, who is a machinist, was last seen there a week ago. Mrs. Pickard operates a hair-dressing establishment in San Francisco.

## 15 Yellow Fever Cases on Liner.

FORT DE FRANCE, Martinique, May 29.—The French trans-Atlantic steamer Perouse, which arrived here today from Colon and La Guayra, had 15 cases of yellow fever on board during her voyage from the Isthmus of Panama. Two persons died.

## WHAT DAN SAID.

"FROM WHAT I CAN LEARN FROM DIFFERENT SOURCES—AND I AM PRETTY WELL ACQUAINTED FROM MONTAVILLA TO PORTLAND HEIGHTS—THE THINKING PEOPLE HAVE CONFIDENCE IN MAYOR SIMON. HIS ELECTION WOULD INSURE CONTINUED PROSPERITY. SURELY THIS IS NO TIME TO DISTURB CONDITIONS OR MAKE ANY FALSE MOVE THAT WOULD BE CERTAIN TO RETARD THE PROGRESS OF THE CITY YOU MAY REMEMBER IT WAS A HARD PROPOSITION TO GET THIS CITY STARTED. THE POSSIBLE NECESSITY OF BEING REQUIRED TO MAKE ANOTHER START SHOULD BE AVOIDED."

DAN M'ALLEN'S LETTER TO CHAIRMAN WOODWARD.



## \$160,000,000 DEBT FROM '76 SOUGHT

### JEWISH FEDERATION OF NEW YORK TO ASK CONGRESS.

### Plan Afoot to Claim \$600,000 at Compounded Interest as Due Heirs of War Banker.

NEW YORK, May 29.—(Special.)—A plan has been broached by the Federation of Jewish Organizations in this state to obtain from the United States Government about \$600,000 with compound interest from 1876, or about \$160,000,000, which, it is claimed, is due heirs of Haym Salomon, a Polish-Jew banker and patriot, who in the American Revolution helped finance the Federal cause.

The federation wants Congress to pass an act creating the Haym Salomon National University in Washington, D. C., with this money. To set the movement afoot a mass meeting will be held June 11.

The proposed university is to "be the clearing-house of intellect of American universities and colleges; of research work in all branches of human thought that are at present philanthropically carried out by some of our talented-money philanthropists. There will be scholarships for any class of people, Jews, Catholics and negroes."

## STEEL PRICES ARE CUT

### Judge Gary Announces Readjustment of Schedule.

NEW YORK, May 29.—The United States Steel Corporation has decided to make a readjustment of prices. The action is in reply to the bombshell thrown into the steel market last week on Wednesday by the Republic Iron & Steel Company in announcing a cut in steel bars.

Judge Gary, chairman of the United States Steel Corporation, tonight gave out a statement which says in part: "The commodities generally affected, with the new prices, are: Steel bars, (18 cents a hundred pounds off), \$1.25 base. Plates and structural (4 cents per hundred pounds off), \$1.35 base. Black sheets, (20 cents per hundred pounds off), 2 cents per pound for number 2825 gauge. Galvanized sheets, (20 cents per hundred pounds off), 3 cents per pound number 28 gauge. Blue annealed sheets (10 cents per hundred pounds off), \$1.50 per hundred pounds for number 10 gauge. Steel billets, 4 inches square and larger, \$11 per gross ton. Sheet bars, \$22 per gross ton. All prices f. o. b. cars at Pittsburgh, Pa., effective June 1, 1911."

It was not announced whether the readjustment might later be extended to rails, wire and tin plate, but it was intimated by some manufacturers that there would be no price changes in these products.

## GENERAL BURKE IS DEAD

### End Comes Peacefully to Distinguished War Veteran.

Brigadier-General Daniel W. Burke, U. S. A., retired, died at 4:15 yesterday afternoon at his residence, 651 Hoyt street. The end was not unexpected. Death was due to a complication of diseases. Present at the General's bedside when he died and came were his wife, daughter, Miss Mary Burke, Rev. Patrick McDevitt and several relatives.

The funeral of the Civil War veteran will be held tomorrow morning at the Catholic Cathedral, Fifteenth and Davis streets. At the wish of the members of his family it will be simple. The suggestion that a military funeral be held was overruled by Mrs. Burke. The services at the graveside in Mount Calvary Cemetery, where the body is to be buried, will be private.

One of General Burke's most cherished possessions was a medal bestowed upon him by Congress for gallant action in the battle of Shepherdstown, Va., which occurred when he was only 31 years of age.

## 3 LABOR MEN INDICTED

### Indictments Returned in Los Angeles Hall of Records Dynamiting Case.

LOS ANGELES, Cal., May 29.—Three men were indicted late today by the grand jury on charge of having deposited dynamite in the County Hall of Records September 8, 1910, with intent to destroy it. They are:

Bert H. Conners, member of the Structural Ironworkers Union.  
A. B. Maple, union ironworker.  
E. Ira Bender, prominent local union of blacksmiths.

Ball was fixed in each case at \$25,000.

All three sent word of their indictment to J. Harriman, Socialist labor attorney, and Clarence Darrow.

## DIAZ CACHES \$1,780,000

### Ex-President of Mexico Ships Second Fortune Aways.

NEW YORK, May 29.—(Special.)—The revolution that caused Porfirio Diaz to steal secretly away from Mexico City and board a steamship at Vera Cruz is responsible for the arrival here today of more than 200 refugees, Mexicans and Americans, aboard the steamers Mexico and Camaguey.

Ex-President Diaz managed to ship another consignment of Mexican gold to the International Banking House of Lazard Freres. Eight little square boxes and 22 canvas-covered bars were unloaded today under a guard of four armed men. The bars are worth \$12,000 each and the boxes contain approximately \$1,900,000 in bullion, making a total of \$1,780,000.

## Taft May Visit Coast

### President Will Make Western Trip During September.

WASHINGTON, May 29.—As having a probable bearing on his nomination in 1912, President Taft's plans for the coming Fall are attracting unusual attention.

Today the President told Senator Smoot of Utah, that he expected to accept an invitation to visit Salt Lake City in September. This trip may also take the President as far as the Pacific Coast.

## BROADWAY BONDS BOUGHT IN BOSTON

### \$500,000 Issue Taken by Shawmut Bank.

### WORK WILL PROCEED AT ONCE

### Bid Below Par Considered Fair After Fight Made.

### \$464,911.66 AMOUNT PAID

### Obstruction to Bridge Swept Away by Closing of Deal, Construction to Be Rushed—City Officials Elated.

With the placing of \$500,000 worth of bonds with the National Shawmut Bank of Boston yesterday, at a figure considerably below par, construction of the Broadway bridge is assured. City Treasurer Werlein completed negotiations for the sale late yesterday afternoon when the money was deposited in the Ladd & Tilton Bank and the bonds were forwarded to the Boston financial house.

The amount received for the face of the bonds is \$456,745 with accrued interest amounting to \$316,656, making a total of \$464,911.66. The bid of \$184 made by the Shawmut bank was considered exceptionally good, taking into consideration the obstacles that had been placed in the way by the bridge obstructionists.

Mayor Simon expressed gratification over the disposition of the bonds at the figure they brought. He declares that there is nothing now in the way of going ahead with the bridge, as it means that the sale of additional blocks, as money is needed, will be negotiated without difficulty.

## Bridge to Be Rushed.

"The closing of the bond issue today means now that no contingency can arise to block construction of the Broadway bridge," said the Mayor. "With much work done already, Manager Selzer, of the Union Bridge & Construction Company, assures me that work will be crowded. Expert steel bridge workers will be brought to Portland from Kansas City immediately and assembling of material will be started. Everything will be done to rush the bridge to completion. The new bridge will give employment to hundreds of men in the city in Portland. Assurance of early completion of the bridge will be gratifying to the thousands of people living on the East Side.

"Preparations will be made at once to place another block of bonds on the market, that we may effect a sale before the proceeds of today's sale are exhausted." In that way, we will have funds available at all times, guaranteeing that there will be no delay whatever in construction work until the bridge is completed and ready for use."

### Werlein Is Pleased.

"It is gratifying to me that the city has the money available to proceed with the construction of the bridge before my term in office expires," City Treasurer Werlein said. "If the City of Portland re-elect Mayor Simon, I will be doubly happy. The work of building the bridge was begun under Mayor Simon. The Broadway bridge means a great thing for the city. The Mayor recognized that fact at the start and has done all in his power to remove obstructions that were placed in the way continually since the inception of the project."

## Bridge Fight Cost \$20,000.

It is declared that since opposition to the bridge began, it has cost the city \$20,000 or more in delays in securing a market for the bonds and in losing opportunities of receiving bids equal to the price brought by yesterday's bond sale. City Treasurer Werlein said that all the banking institutions of the city made special efforts to aid in selling the bonds, hoping to be able to place them to advantage to the city in the face of the attempts of the bridge obstructionists to prejudice the bond-buyers and to block progress of the bridge.

Preliminary work on the bridge has been in the construction of piers and in completing the terminals on either side of the river. The proceeds of the first block of \$250,000 bonds sold has been used in the preliminary work. The National Shawmut Bank of Boston was also the purchaser of the first installment of \$250,000 of the bridge issue placed on the market.

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