



POWER USURPED BY COURT, SAYS OLNEY

Function of Legislature Assumed.

REASONABLENESS REAL POINT

Action for Relief of Business Is Urged.

CONGRESS SHOULD ACT

Ex-Secretary of State Declares Law-Making Body Is Only One to Decide What Trade Combinations Shall Live.

BY RICHARD OLNEY, Secretary of State in President Cleveland's Second Administration (Published by Arrangement with the Chicago Tribune.)

It is axiomatic that the law invariably lags behind the conditions and needs of progressive communities. Nothing more strikingly illustrates the rule than what has taken place in this country in respect to what are called the trusts. Under the statute of 1890, trusts, big and little, were outlawed. The Executive Department was required to exterminate them through the courts, their promoters and officers were put in the criminal class, and all persons injured by their operation were given claims for damages.

Supreme Court Influenced. Even the United States Supreme Court shows the influence of the spreading of the reaction in favor of big business, and, recalling its original decision against it, now holds that there are good trusts and bad trusts, and that it is for it to determine which are good and which are bad—which shall live and which shall perish.

The situation it dealt with was one in which the law was clear, but its enforcement so impracticable and repugnant to common sense that, as a rule, business thrived, or at least got along somehow by evading or defying the law with the practical connivance of its officers.

Law No Longer Clear. The situation the court has substituted is one in which the law is no longer clear—in which combinations must be adjudicated legal before there can be certainty as to the lawfulness of their organization or the innocence of their promoters, in which every case must be a law unto itself and unto itself alone and in which reasonableness, the supreme test of the validity of combinations and of the non-guiltiness of the combine is a highly fluctuating factor, necessarily varying with the kind of business, with the time and place where carried on, with the indispensableness of the business in its relation to other business and the general welfare, with the extent of domestic and foreign competition, and with a multitude of other circumstances, chief among which will always be found to be the length of the Chancellor's foot.

Business Craves Certainty. What business most craves of all things, however, is certainty and certainty before it embarks upon an enterprise and not merely afterwards. It cannot be gained that large combinations of capital for the financing of large enterprises must always be effectually discouraged and repressed by the menace of litigation over their reasonableness, with all the attending and inevitable uncertainties.

It will be conceded that big business is with us to stay. The financial chaos, the industrial and commercial stagnation and disaster that must ensue from reversion to the day of small things—to railroads forty or fifty miles long, to factories and farms dependent for their operation upon the resources of some one individual, to independence and isolation among the captains of industry in place of inter-

STRIKE MAY BE PUPILS' REVENGE

WALLA WALLA STUDENTS IN REVOLT AGAINST PRINCIPAL.

Board of Education Wants Parents to Leave Dispute to Body—Burning of Effigy Is Cause.

WALLA WALLA, Wash., Oct. 31.—(Special.)—Threatened with a walkout of 100 students tomorrow morning, the Board of Education has issued a statement asking the people of the city to withhold judgment of the punishment of the boys who burned F. C. Heck, the principal of the high school, in effigy some two weeks ago.

The "Guy Fawkes" scene resulted from the expulsion from school of two members of the football team and investigation showed that the burning was planned by members of the team. The Board of Education declares. For that reason, the dates of the team were ordered canceled and the team disbanded.

A petition, was circulated by the students among the business men and others of the city asking that the team be not disbanded and that some other punishment be meted out. This was signed generally. The Board this morning issued a statement that the football players were much implicated and asked that a settlement be left to that body.

A number of high school boys aroused a sentiment to quit school this morning. It is said, and a walkout from chapel tomorrow is planned. This will, it is believed, include 100 students, possibly more. An effort will be made to prevent the demonstration.

POSTCARDS ARE CENSORED

Love Scenes, Short Skirts and Animal Pictures Officially Banned.

CHICAGO, Oct. 31.—(Special.)—Censors will be appointed in every Chicago sub-postal station, the superintendents of which Postmaster Daniel A. Campbell has given 30 days in which to attend to the distribution of objectionable postcards. Postmaster Campbell announced today that the superintendent's salaries will be reduced and they will ultimately be discharged if objectionable cards pass through their offices.

The chief pictures ordered barred from distribution are those of men and women fondling each other, women in abbreviated costumes and animal pictures.

When asked why he had placed the last-named variety on the list Postmaster Campbell said: "Not one postal clerk has been hearing the picture of an animal in it to be exhibited in public."

GIRL HIDES AWAY 17 DAYS

Velma Jones, 14, Is Reprimanded for Staying Out Late.

SEATTLE, Wash., Oct. 31.—(Special.)—Hidden under a bundle of dirty quilts in the dark and little-used basement of her home for 17 days, while her guardians and the police searched everywhere for her, Velma Jones, 14 years old, was dragged from her hiding place last evening, a shadow of her former self, a gaunt and pitiful sight. The girl had dropped from 132 to 125 pounds. Despite her experience, she is not penitent and sobs and refuses to be comforted.

Crawling from her hiding place when the hand of her guardian, W. C. Wilber, of 3733 Brooklyn avenue, raised the quilt, the girl was so weak that she scarcely could walk. She had hidden away when reprimanded for staying out late to a moving-picture show.

CITY TREASURER IS NEEDED

State Official Says Vancouver Requires One Man's Time.

VANCOUVER, Wash., Oct. 31.—(Special.)—So many public improvements are being made in Vancouver and the business of the office of City Treasurer is increasing so rapidly, that Willard W. Clark, State Examiner of the Bureau of Inspection and Supervision of Public Offices, will recommend to the State Auditor that a City Treasurer be employed to devote his whole time to the work. At present, a bank clerk is elected and paid \$300 a year to do the work.

BRYCE FRIEND OF CANADA

Parliament Told Taft Does Not Seek to Disrupt Empire.

LONDON, Oct. 31.—In response to a question from Rowland Hunt, Unionist member of Parliament from the South Division of Shropshire, Sir Edward Grey today denied that President Taft had expressed a desire to break up the British Empire and that Ambassador Bryce had given assistance. Mr. Hunt asked whether Mr. Bryce would be instructed not to assist in the negotiation of another treaty similar to the United States-Canadian reciprocity agreement, which failed. The Foreign Secretary replied that Bryce had been instructed to give Canada what assistance he could and would never act contrary to the policy of Canada.

REBELS BELIEVED TO HOLD HANKOW

Perils Along Railway Line Increase.

TROOPS GUARD MISSIONARIES

Many Americans Are Seeking Refuge in Peking.

GARRISONS JOIN REBELS

Revolt at Pao Ting-Fu Especially Inopportune Because of Effect on Lives of Imperial Generals.

PEKING, Oct. 31.—Fighting between the rebel forces and imperialists continues. It is believed that the rebels are making a determined resistance. Late advices indicate that Hankow was not retaken by the imperialists, although General Yin Tchang captured the railway station immediately to the north.

Contrary to promises, the railway service has not been resumed, nor has the telegraph communication been re-established. The fact that the Associated Press correspondent with Yin Tchang has sent no word from the field in two days may indicate that the soldiers will not allow him to report unfavorable news. There are serious dangers along the railway line between the War Minister's position and Peking. Disaffection among the troops and the people has prevented satisfactory communication between the various sections of the loyal army.

Rebels Disbelieve Promises. Yuan Shi Kai started for the front yesterday and is now at Sin Yuen Cha. News of the policy which he will adopt is eagerly awaited. Negotiations looking to a settlement have been under way between Yuan Shi Kai and the revolutionary leaders, but the rebels are confident of their strength and have expressed themselves as having little faith in the promises of the throne.

The Americans will hold a meeting at the legation tomorrow to decide upon definite measures for their protection. Foreign troops are guarding the mission houses in Peking. It is believed that serious trouble in the capital will be avoided, but the Americans, like other foreigners, are preparing for emergency. Detachments of British and other guards have been distributed to the missions which lie outside the legation quarter.

Americans Seeking Refuge. Many Americans are among the foreigners who are seeking refuge here (Concluded on Page Five.)

SCENES IN AND ABOUT HANKOW, NOW CENTER OF ACTIVITIES IN CHINESE REBELLION

HANKOW, Wash., Oct. 31.—(Special.)—Mount Adams has a number of its own standing out in bold figures. The number 167 is clearly discernible on the southeastern slope near the top of the mountain, by ranchers living in the Camas Prairie and Glenwood sections.

The figures, which appeared this Fall for the first time, are open ground or rocky spots on the mountain side, where melted snow has left a stamped number for the famous peak.

INDEX OF TODAY'S NEWS

The Weather. YESTERDAY—Maximum temperature, 55 degrees; minimum, 48 degrees. TODAY—Fair; northerly winds.

Foreign. Recapture of Tripoli by Turks imminent. Page 1. Rebels believed to hold Hankow still. Page 1. National. Irrigated farms are found profitable. Page 16. Domestic. Ex-Secretary Olney says courts in trust cases assume legislative rights. Page 1. Rodgers and Fowler, transcontinental airtour, plan to meet in air over Tucson today. Page 5. Wickersham proposes that court hold injunction over tobacco trust to insure good faith. Page 2. McNamara jury still lacks three of quota required before preliminary challenges are used. Page 3. Rev. Clarence V. T. Richeson indicted for life of man once mill hand in Seattle looked in oblivion. Page 7. Shepherds slays mother with butcher knife. Page 6. Proposal to establish port at Fort Orford carries in Curry County. Page 6. Walla Walla merchants busy "grouching" at Mardi Gras opening. Page 7. Commercial and Marine. Tanners large buyers of hides at premium. Page 21. Wheat breaks at Chicago on heavy selling by longs. Page 20. Sharp rise in stock market late in day. Page 21. Wool moving actively on Boston market. Page 21. Flour shipments for October triple record of year ago. Page 20. Portland and Vicinity. Municipal Judge Tarwell denounces Police Commissioner Coffey from bench and Coffey retorts charges. Page 15. Halloween antics marked by absence of hoodlums. Page 16. Sugar price tumbles as signal of refiners' war. Page 14. Portland's record in all lines in October shows great progress. Page 1. B. F. Dowell is appointed Chief of Fire Department. Page 14. Child welfare show opens with exhibits at Armory. Page 13. Auditorium jury selects old Exposition building site as best for Auditorium. Page 13. No Oregon apple-growers in Madison Square Gardens Washington seat 17 displays. Page 12.

Noted Scientist Aviation Martyr. Professor Montgomery dies after fall. Page 1. Wife sees tragic termination of flying experiment. Page 1. End comes in her arms. Page 1. Physics Teacher at Santa Clara College, Cal., Long Famous as Inventor and as Authority on Aerial Navigation Matters. Page 1.

Turks About to Retake Tripoli. Italians reported to have suffered enormously. Page 1. Ottoman Embassy at Washington hears that situation in Africa is being reversed. Page 1. WASHINGTON, Oct. 31.—The recapture of Tripoli by the Turks seems imminent to officials of the Turkish embassy here, in the light of official advices from Constantinople tonight. The dispatch says that an attack was made on Port Scye-Misri-ep-Hennat and that the Italians had evacuated the place, leaving behind a great quantity of ammunition and other supplies.

The losses of the Italians are reported to be enormous, while the Turks are said to have lost 40 killed and about 100 wounded. The Turkish forces, reinforced by volunteers, first advanced upon Tripoli on the night of October 25, breaking the lines of the Italians at different points. This attack lasted until 4 o'clock the next morning, when the Italians retreated to a remote corner of the town.

Japs Battle Russians. One slain when czar's patrol cruiser traps poachers. Page 1. VICTORIA, Oct. 31.—News of a fatal sealing raid at the Copper Islands by Japanese sealers has been received here. The Japanese schooners Boso Maru, Chitose Maru and Toyel Maru anchored off the seal rookeries in a mist. The Russian patrol cruiser arrived and they all weighed anchor and ran, leaving their small boats.

There were five boat crews ashore from the three ships and when the Russian guards came to arrest them some of the raiders opened fire on the Russians with rifles. The sealers took shelter behind rocks and endeavored to keep off the guards. One Russian was killed and several wounded. Fifteen Japanese were captured.

The captives were taken to Vladivostok and members of the crew of the schooner Boso Maru, which has returned to Japan, say that one of the number is expected to be sentenced to death.

Ruin to 4 Follows Escape. Italian bondsmen forced to pay \$6000—Bail is forfeited. Page 1. SEATTLE, Oct. 31.—Pietro Licastro and Joseph Martini, accused of arson, failed to appear when their case was called for trial today, and their bail bond of \$6000 was declared forfeited. Their bondsmen, four industrious Italians, will be entirely ruined by the forfeiture.

The alleged firebugs are half brothers. They rented a house on Thirteenth avenue, South, put some furniture into it and insured the furniture. On the night of October 5 the house was blown up by an explosion and the ruins burned.

The police say that the furniture had been removed and that gasoline cans were found in the debris. It was learned that the accused had purchased gasoline from a store near by.

Hitchcock to Wed, Rumor. New York widow is mentioned with name of Cabinet member. Page 1. WASHINGTON, Oct. 31.—(Special.)—Subordinate Postoffice Department officials in whom Postmaster-General Hitchcock takes a particularly friendly interest have been told quietly to have an eye out for their futures.

The current report in the department is that Mr. Hitchcock will resign his Cabinet place before the first of the year. Rumor has had it many times that Mr. Hitchcock was to be married. Rumor has it so again, but this time it seemingly is a more robust rumor.

It goes so far as to include the name of Mrs. Stikney, a widow, of New York City.

Mr. Hitchcock has been much in New York recently. It is said a European tour is in contemplation immediately after the wedding. These rumors refer to down.

Baker Shaken by Cannon. Halloween Celebrants Also Carry Off Big Chinese Idol. Page 1. BAKER, Or., Oct. 31.—(Special.)—The Columbia Cannon recently secured from the Government and placed on the Courthouse lawn as a memorial to Colonel Edward Dickson Baker was fired by Halloween miscreants at midnight with disastrous results. Court-house windows were smashed and buildings for blocks around suffered.

The Baker Chinese idol is in a turmoil over the theft of an image of Buddha taken from the temple. The statue is six feet high and was hauled up by ropes through a hole in the roof.

Judge Must Pay Fine. Beaverton Magistrate Suffers for Taxing Hunter \$15 Too Little. Page 1. Because he imposed a fine of \$10 when the law declares the fine shall be \$25, Justice of the Peace F. J. Beaverton, will be required to make up the difference. This decision was announced yesterday by an official in the State Game Warden's office on authority of Attorney-General Crawford.

NOTED SCIENTIST AVIATION MARTYR

Professor Montgomery Dies After Fall.

GLIDER TURNS OVER IN AIR

Wife Sees Tragic Termination of Flying Experiment.

END COMES IN HER ARMS

PHYSICS TEACHER AT SANTA CLARA COLLEGE, CAL., LONG FAMOUS AS INVENTOR AND AS AUTHORITY ON AERIAL NAVIGATION MATTERS.

SAN JOSE, Cal., Oct. 31.—Professor John J. Montgomery, of Santa Clara College, died this afternoon from the effects of a terrible fall from an aeroplane glider he was experimenting with in the foothills about two miles east of Evergreen.

He apparently lost control of the machine, according to eye witnesses, and fell 20 feet, sustaining injuries to the back and base of the brain, which resulted in death a little more than an hour and a half after he was brought back to Santa Clara in the automobile of Dr. J. I. Beattie, who was summoned immediately.

Write Witness of All. Professor Montgomery remained conscious up to the last and spoke coherently to Dr. Beattie several minutes before he passed away.

When the injured man was taken to his residence at Santa Clara, he was tried by the attending physician, but all that could be done was to lessen the agonies of approaching death.

Mrs. Montgomery was with her distinguished husband, and was watching him in his experimental flights when the tragedy occurred. According to Mrs. Montgomery, who is almost distracted by the terrible termination of the experiments, the machine was about 20 feet from the ground when it got beyond her husband's control and fell. He died in his wife's arms.

Invention Brings Fortune. Professor Montgomery had been an authority on aerial navigation ever since the first elements of the science developed into practical result. He won international fame as the inventor of an electrical rectifier and of several patent appliances to facilitate aerial navigation.

Recently he sold for \$1,700,000 his rights to certain aeroplane improvements, the payment of this sum being contingent on the winning of a suit against the Wright brothers for alleged (Concluded on Page 4.)

TURKS ABOUT TO RETAKE TRIPOLI

ITALIANS REPORTED TO HAVE SUFFERED ENORMOUSLY.

OTTOMAN EMBASSY AT WASHINGTON HEARS THAT SITUATION IN AFRICA IS BEING REVERSED.

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PORTLAND'S STRIDE TO FRONT KEPT UP

October Records Gain on All Sides.

BUILDING INCREASE IMMENSE

Bank Clearings Climb 40 Per Cent in Two Years.

CITY RANKS AMONG BEST

Representative in Congress from New York Says None Exceed Metropolis This Side of Chicago. 1910 Is Already Exceeded.

Portland's Building Gain Beats Los Angeles. With Los Angeles' population 100,000 more than Portland's, the building construction in that city for October exceeded that in Portland by only \$10,000. Seattle still far behind, the total permits of Portland exceeding those of Seattle by more than \$1,000,000. The summary follows:

Table with 3 columns: City, Pop. in 1910, Permits. Portland: 207,214, 1,088,580. Los Angeles: 519,198, 1,820,000. Seattle: 237,194, 638,505.

Maintaining its lead as one of the most prosperous and substantial cities in the United States, Portland during the month of October made a remarkable showing by surpassing the record for the same month last year in every line of business and industrial activity. With big gains on every hand, the progress of the city for the first ten months in 1911 exceeds by far the showing of the corresponding period of 1910.

Big gains were made in bank clearings, building permits, real estate transfers, postal receipts, livestock receipts and lumber, grain and flour shipments. In proportion to these increases other commercial activities had a satisfactory month, indicating as the year draws to a close that Portland is enjoying the greatest prosperity in its history.

In substantiation of Portland's sustained growth and present commercial solidity, Edward B. Woodland, Representative in Congress from New York, said when in the city Monday that he had visited no city since leaving Chicago that was in such a prosperous and healthy condition as Portland.

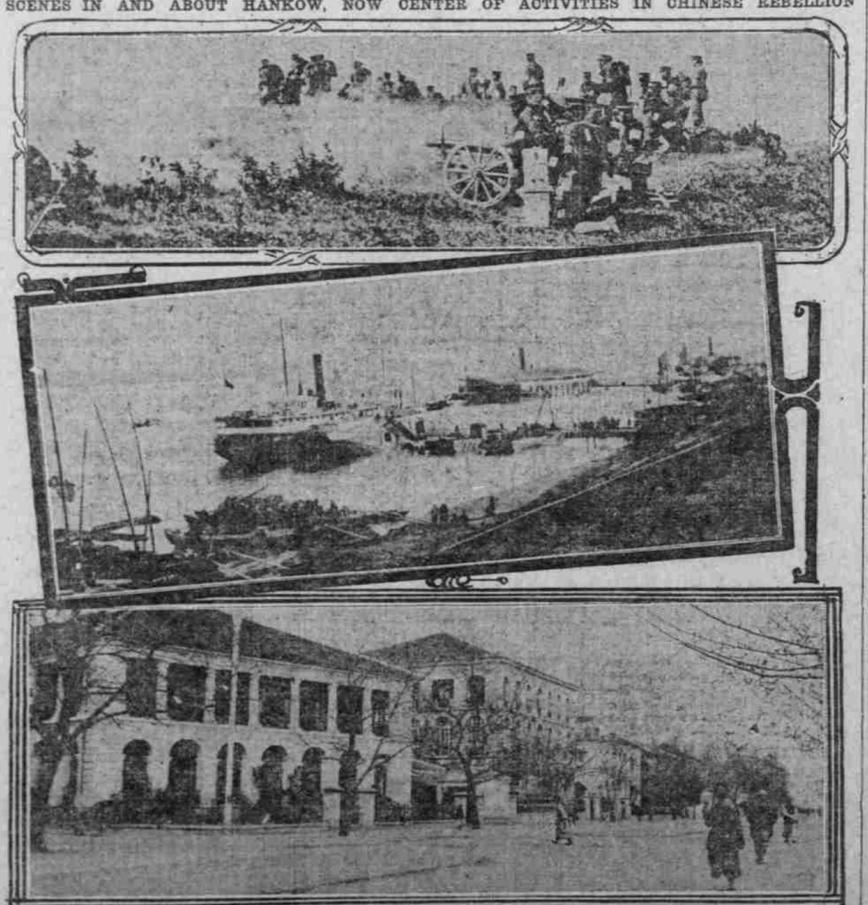
Building Gain Great. In building statistics a substantial gain was made during the month, while for the first ten months of the year the increase amounted to 10 per cent. There were 665 permits issued as against 526 permits for the corresponding month in 1910. The valuation was \$1,688,580, compared with \$1,981,170 for October of last year. With the exception of a few buildings, the larger portion of the permits were issued for dwellings.

The building permits for the past ten months reached \$14,856,879, compared with \$13,365,402 for the same period in 1910. There are now in the office of the Building Inspector plans for nine class "A" buildings, permits for which will be issued probably this month. The construction of these buildings alone will represent an expenditure of over \$2,500,000. In point of population it is doubtful whether any city in the United States can make as good showing as Portland in building construction.

Bankers Are to Front. Indicative of the growing financial condition of the city is the big gain made in bank clearings. The total clearings for the month were \$55,132,154.44, compared with \$48,344,009.25 for the corresponding month in 1910. This is a gain in excess of 14 per cent and is one of the biggest increases of the year. It is interesting to note that the clearings have been increasing gradually for the past two years, the totals for October, 1909, being \$40,908,648.21. The increase over the showing made two years ago is \$14,225,645.23, or about 40 per cent. Portland's clearings for the month show a larger increase than that of any other Pacific Coast city.

One of the important features of the month's record is the immense increase in foreign and coastwise lumber shipments, which amounts to nearly 65 per cent. There were shipped to foreign ports 14,902,822 feet of lumber of a total value of \$148,207. Foreign lumber shipments in October last year were 11,611,475. The increase for the month was \$481,846 feet. Coastwise shipping amounted to 12,320,000 feet compared with 7,760,000 feet for the same month of last year. The total coastwise and offshore shipments reached 26,332,822 feet.

Flour Shipments Big. Flour shipments made a most satisfactory showing. There were exported 121,959 barrels as against only 50,168 barrels for last October. In coastwise business a still better showing was made, the total shipments for the month amounting to 177,896 barrels. Grain shipments for the month were about the same as for the same month (Concluded on Page 2.)



ABOVE TYPE OF ARTILLERY WHICH GOVERNMENT TROOPS ARE USING AGAINST REBELS—GLIMPSE OF YANGTSE-KIANG RIVER—BELOW, FOREIGN QUARTERS AT HANKOW.