

ROADS THAT BLOCK STEAMERS ON GRILL

Official Belief Is That Existing Law Is Sufficient for Prosecution.

BAKER TO HAVE HEARING

Operation of Government Line by Way of Canal Meets Strong Opposition, but Many Favor Free-Ship Bill.

OREGONIAN NEWS BUREAU, Washington, Nov. 18.—Bernard N. Baker, president of the Atlantic & Pacific Transportation Company, which proposes to establish an independent line of steamships to ply between Atlantic and Pacific ports by way of the Panama Canal, will appear before the Senate committee Interstate Commerce Commission Monday to tell what he knows of the efforts of transcontinental railroads to thwart his enterprise and generally retard the development of canal commerce.

Mr. Baker has already explained to President Taft the manner in which the railroads have obstructed and temporarily embarrassed his company and is to appear before the Senate committee to repeat his story. Members of the committee are of the opinion that the situation depicted by Mr. Baker can be dealt with by the courts, but it is realized that additional legislation by Congress would have a beneficial effect.

Law Thought Sufficient.

The opinion is generally entertained that if Mr. Baker can produce evidence corroborating his charges, the transcontinental railroads can be prosecuted under the Sherman law for conspiracy in restraint of trade. Others believe that the powers of the Interstate Commerce Commission should be specifically enlarged, so that it can cope adequately with the situation in the future.

Another group favors the building and operation of a line of Government steamships on the transatlantic route. Senator Newlands being among this class. Mr. Baker is convinced that the transcontinental railroads were responsible for the refusal of various American shipyards to bid on the construction of vessels for the Atlantic and Pacific fleet. He will be questioned closely by the committee to substantiate these beliefs, and if such proof can be produced, this question will be dealt with soon as Congress meets.

Free Ship Law Suggested.

Inquiries among Senators and Representatives now in Washington disclose strong opposition to the plan of establishing a line of Government ships to operate through the canal.

In this connection the argument is being advanced that inasmuch as American shipyards have rejected an opportunity to contract for the construction of the entire fleet of ships for the Atlantic & Pacific Transportation Company, Congress may consistently enact a free-ship law, permitting American capital to lay vessels abroad and sail them to the coastwise trade, so that they may enter the coastwise trade.

BIG WIND WAITS SKIPPER

Sudden Hurricane Blows Six Hours, Then Falls Away.

NEW YORK, Nov. 18.—"Out of a comparatively early start through a dangerous surf in small fishing boats to look the steamer Asia, wrecked on Flager Point in Oriental waters, learned to their sorrow that all that shines is not gold. The steamer, which was on her way to the coast, was wrecked on the shore of the island of Japan, and reached such a velocity that the iron stanchions holding the weather cloth on the bridge were bent.

Gigantic waves broke over the entire vessel, one wave flooding the captain's room. After blowing for six hours the wind dropped as suddenly as it had risen.

GLITTER DECEIVES PIRATES

Dangerous Surf Braved for Hour That Proves to Be Tin Alloy.

SAN FRANCISCO, Nov. 18.—The piratical Chinese who ran through dangerous surf in small fishing boats to look the steamer Asia, wrecked on Flager Point in Oriental waters, learned to their sorrow that all that shines is not gold. The steamer, which was on her way to the coast, was wrecked on the shore of the island of Japan, and reached such a velocity that the iron stanchions holding the weather cloth on the bridge were bent.

WESTERN BANKER IS DEAD

C. D. Kountz Largely Interested in Mines and Tracts of Land.

DENVER, Nov. 18.—C. D. Kountz, president of the Colorado National Bank, is dead at his home here after a protracted illness of pneumonia. In addition to the Colorado National Bank holdings and his New York Wall Street interests, Mr. Kountz was a large shareholder in the First National Bank at Omaha and controlled mining properties and extensive tracts of land in almost every Western state.

Small Cash Payment.

Balance in Labor.

With a little cash and plenty of energy, we will show you how you may own a small farm close to Portland. A satisfied owner writes that on his ten-acre farm he is already earning a fair living besides making payment on the land. You can do the same. See C. W. Davis & Co., 606 Commercial bldg., Second and Washington.

Oregonians Appointed Mailcarriers.

OREGONIAN NEWS BUREAU, Washington, Nov. 18.—Following railway clerks appointed from Oregon: John R. Victor, A. W. Hancock and Arthur C. Taylor, Portland; James E. Kaler, Ashland; George F. Cruse, Lebanon.

Edison Fuel Co. Range Coal \$1.00.

CABINET OFFICIAL WHO WOULD SUPPLEMENT, NOT REPEAL, SHERMAN LAW.



CHARLES NAGEL.

LAW MUST DEFINE

Nagel Says Business Should Know Its Rights.

FEDERAL PLAN ESSENTIAL

Present Situation Embarrassing to New Ventures—Repeat of Sherman Act Unwise—Supplement Is Suggested.

(Continued from First Page.)

is to accept this law in its full integrity, to waste no time in tinkering with it, but to recognize that it needs as a supplement a broad constructive measure.

The difficulty appears to be that we are trying to regulate creative work under a purely negative statute—a law which denounces, but which nowhere points out the course for commercial organization. The plan for commercial organization must be inferred from a quasi-criminal statute.

Charters Obtained by Court Decrees.

This difficulty is best illustrated by the proceedings which are pending in court. The Department of Justice is compelled to pass upon the plan for the recreation of combinations of state corporations and the United States courts cannot escape the responsibility of passing upon such a plan. It must be obvious to every one that, however competent its members, the court as such is not equipped for that work. The court is not provided with the machinery, since it is never contemplated that the judicial branch of the Government should run an administrative branch.

The difficulty is increased when organizations that have not yet been proceeded against wish to adjust their methods to the decisions of the court. They are virtually compelled to ask to be made defendants in order that they may have the advice of the Department of Justice and may have that advice confirmed by a decree of the court. In other words, it is no exaggeration to say that the only charters for large organizations engaged in interstate and foreign commerce are now issued in the form of court decrees.

Obstacle to New Ventures Presented.

Most embarrassing, however, is the situation of those who are not yet organized, but expect to engage in competitive business. They cannot even ask to be brought into court for the purpose of procuring advice and getting a decree, because that a new enterprise, of large proportions, has no way of being organized and that existing organizations, however established, are for the time being, will ultimately find protection from effective competition under the law which was intended to restrain them.

To repeat, it would seem to me that the rational way out of the situation is an agreement upon some constructive legislation to provide for the organization of large commerce and large industries. The Government, which has the arm to protect, the Government which assumed to condemn what may not be done should assume the responsibility to say what may be done and how it may be done.

Commerce Under National Control. Other phases of commerce are practically under national control. Orders are sent by the postoffice or the telegraph companies; shipments are made by the railroads which are under Government regulation, and transmission of payments are made through National banks. But for some inscrutable reason we halt when it comes to a National recognition of the commercial organizations which stand at the threshold of the whole transaction.

I am persuaded that a law providing for what is called purposes a commercial company may organize for interstate and foreign business would meet the immediate difficulty. Such a measure (particularly if it provides machinery to determine how and when existing companies may avail of it), would, in my judgment, eliminate much of the confusion which now exists with respect to our commercial combinations. The anti-trust law, as now interpreted, does not strike at the form of an organization; but it deals with

in direct terms under what conditions the property or the purpose of purpose and conduct.

Large Companies Are Necessary.

Large commercial organizations, however, are necessary, under our inadequate system composed of numbers of state corporations. No state corporation is large enough to cover the whole field, and therefore National and foreign commerce necessarily depends upon the combination of a number of separate state companies.

The mere existence of such a combination creates doubt and creates confusion. If Federal authority should provide a plain and distinct form which may be followed, most of this doubt would be eliminated from the case. Federal authority would have to deal only with the conduct and the purpose of organizations, and the attention would be directed to the one question which the anti-trust law was really intended to present.

Such a law might well be supplemented with further provisions looking to publicity as to certain controlling phases of the business so authorized. The value of such publicity has been recognized by many large concerns, and has been demonstrated by the reports of the bureau of corporations. I would not advocate more publicity than is necessary to give a fair understanding of the controlling methods and activities of a business but that much publicity would be a protection to the consumer as well as to the general public. More than that, it would be a protection to the small investor in large concerns.

Small Stockholders Have Rights.

In the discussion with respect to the re-organization of concerns now pending, most of the attention has been given to the great interests involved, and to the danger to commerce generally. That is all true, but it is equally true that nearly all these concerns have a large number of small stockholders. These have made their investments in the belief that these concerns were legitimate. The fact that no proceedings against them were entered has been accepted as an implied approval of their conduct.

However necessary the correction is, and however wholesome the general result must be, it is nevertheless apparent that it is to be achieved by policy our one-sided corrective system cannot be recommended. An ounce of prevention is worth a pound of cure. The wisest course is to advance what may be done as well as to say what is condemned; so that every investor may know what he is doing and what risks he runs, and so that we may have at least some reason for saying that every citizen is presumed to know the law.

The demand for some constructive measure is so pronounced that we may be in danger of overshooting the mark. Consideration of some constructive measure to supplement the anti-trust law has been so long deferred that now we may provide more regulation than is wise.

Analogy Is Dangerous.

The control of private business is likened to the regulation of public carriers. I am bound to say that, in my judgment, such an analogy is dangerous. It is still a question to what extent even the wisest Government regulation may serve to paralyze individual enterprise. I think there should be rules of the game, but true competition depends upon the initiative and ambition of individual players.

It is always dangerous to attempt to anticipate experience. It is more safe to adopt in the first instance one measure which is clearly called for by existing conditions, and then permit its growth and development to depend upon our experience.

It is the province of the law not to prescribe a result but to create conditions that may work out their own solution. A working agreement depends upon the sustained interest of both parties, and that interest depends upon the continued hope of success and returns to both parties. Just as much is true of legislation. Too much regulation is bound to destroy enterprise. It is my opinion, therefore, that we ought to be content with the adoption of a measure providing for the conditions upon which large commerce may organize, and for such publicity as may be necessary to judge from time to time, whether or not these conditions are being observed, and then leave all further control and regulation to be built upon our experience as we gain it.

AIR SCOUTS USE LIGHTS

Army Aviators Demonstrate Value of Work at Nights.

WASHINGTON, Nov. 18.—Night scouting in aeroplanes equipped with searchlights has been tried for the first time at the Army aviation school at College Park, Md. Successful surveys were made and, returning, the machines landed without the aid of watch fires. Captain Black piloted one machine, with Lieutenant Arnold manipulating the searchlight, and Lieutenants MIL-



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Salem Woolen Mills Clothing Co. Fourth and Alder Streets Grant Phlegley, Manager

ing and Kirtland, respectively, were at the steering wheel and light in the other.

The aviators were in the air long enough to demonstrate the practical value of lights for night flying.

DID YOU NOTICE IT?

If Not Turn to the Eye-Opening Ad. of Maxwell, the Tailor, in Today's Oregonian.

Maxwell, the old-established merchant tailor, whose policy is not to carry over goods from one season to the other if he can possibly help it, has another eye-opener, and by the way, a purse-opening announcement in this paper. Buying an extraordinary large stock of British woolsens in England for this season's trade, he finds he has not reduced the great consignment according to his expectation. In order to clear the goods out he now offers the pick of any \$45 suit and any \$45 overcoat in his entire stock for three days only, Monday, Tuesday and Wednesday, for \$25. Both suit and overcoat will be made to your order. Those not wishing to buy both will have their pick of the suit or overcoat for only \$20. As the stock consists of the very highest grade goods from the leading British mills, no doubt hundreds will avail themselves of this grand opportunity to get high-class suits and overcoats for one of Portland's most competent tailors. His place of business is opposite the Merchants' National Bank, 216 Washington street between Second and Third.

Could Hardly Hear

Senses of Taste and Smell were Also Greatly Impaired.

"I was afflicted with catarrh," writes Eugene Forbes, Lebanon, Kansas: "I took several different medicines, giving each a fair trial, but grew worse until I could hardly hear, taste or smell. I was about to give up in despair, but concluded to try Hood's Sarsaparilla. After taking three bottles of this medicine I was cured, and have had no return of the disease." Hood's Sarsaparilla effects its wonderful cures, not simply because it contains sarsaparilla, but because it combines the utmost remedial values of more than twenty different ingredients. There is no real substitute for it. Any preparation said to be "just as good" is inferior, costs less to make and yields the dealer a larger profit. Get it today in usual liquid form or chocolate tablets called Sarsapills.

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DIAMONDS

Our Diamond assortment offers what is probably the finest stock of select stones in the West. Our prices are 10 per cent to 20 per cent lower than at any store in the city—we can prove it. We display unique settings in brooches, pendants, la valieres, stickpins, solitaire rings, etc., etc. Every item is a real value.

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