

ASSOCIATED PRESS NOT TRUST, RULES GREGORY

Members Are Not Restricted and Organization Has Right to Say Who May Join It, Says Attorney-General.

WASHINGTON, March 17.—Attorney-General Gregory in a letter addressed to James M. Beck, counsel for the Sun Printing and Publishing Association of New York, holds there is no ground for action by the Federal authorities against the Associated Press under the anti-trust law.

The Attorney-General's letter follows: "I have given consideration to the complaint against the Associated Press for alleged violations of the Federal anti-trust act presented to my predecessor by you as counsel for the Sun Printing & Publishing Association.

The objects of the corporation as stated in the certificate are: "To gather, obtain and procure by its own instrumentalities, by exchange with its members and by any other appropriate means, any and all kinds of information and intelligence, telegraphic and otherwise, for the use and benefit of its members and to furnish and supply the same to its members for publication in the newspapers owned or represented by them."

The certificate further provides that: "The corporation is not to make a profit nor to make or declare dividends and is not to engage in the business of selling intelligence nor traffic in the same."

These eligible for membership are those described in the bylaws, Article II, Section 1: "The sole or the part owner of a newspaper, or the proprietor of a newspaper, or the proprietor of a newspaper, or joint stock or other association which is the owner of a newspaper shall be eligible as a member of the corporation, in the way and upon and subject to the conditions and limitations hereinafter specified, provided that not more than one person at a time shall be eligible by reason of his connection with any one newspaper. No other person shall be eligible."

Members may be elected by the affirmative vote of not less than four-fifths of all the members of the corporation (bylaws, Article III, Section 1).

Members may also be elected by the board of directors, when no meeting of the members of the corporation is in session, but no applicant for membership can be elected by the directors over the opposition of any member entitled to the right to protest (Article III, Section 2). The right of protest is the right to object to the admission of new members from any geographical district (Article III, Section 3). It can only be conferred by an affirmative vote of seven-eighths of all the members (Article III, Section 3).

The right of protest has no application to the election of applicants by four-fifths vote of the members themselves. "Each member is entitled to one vote by virtue of his membership (Article III, Section 1) and also a vote for each \$25 of the bonds of the association registered in his name up to \$1000 provided he waives interest on the bonds (Article III, Section 3).

The affairs of the corporation are managed by 15 directors, who are elected by members of the corporation and must themselves be members (Article V, Section 1).

Costs Apportioned Equitably. "The cost of maintaining the news service of the corporation and all other expenses of the corporation are apportioned among the members by the board of directors in such manner as it may deem equitable (Article IX, Section 3).

Broadly stated, the news distributed by the Associated Press comes to it in two ways: First, from the reports made to it by the various members of happenings in their respective localities, and second, from correspondents, reporters and other agencies employed by it directly. The news of the world thus brought together is then distributed by the Associated Press to its members, principally, of course, by telegraph. To that end it leases and operates in the neighborhood of 30,000 miles of telegraph lines.

The principal grounds of complaint are: "1. That the members of the Associated Press are prevented or at least seriously hindered from obtaining news by purchase or otherwise from any rival agency.

"2. That the members of the Associated Press are prohibited from publishing the news collected by them respectively to any newspaper which is not a member.

"3. That through the operation of the right of protest above described, a newspaper in a given locality applying for membership cannot be elected without the consent of the members in that locality.

Anti-Trust Law Not Violated. "Assuming that the kind of service in which the Associated Press is engaged is interstate commerce (a question not free from doubt) I am nevertheless of the opinion that it is no violation of the anti-trust act for a group of newspapers to form an association to collect and distribute news for their common benefit and to that end to agree to furnish the news collected by them only to each other or to the association provided that no attempt is made to prevent members from purchasing or otherwise obtaining news from rival agencies. If that is true, the corollary must be true, namely, that newspapers desiring to form and maintain such an organization may determine who shall be and who shall not be their associates.

Restraint Charge Discussed. "As regards the first ground of complaint, assuming as I do that the collection and distribution of news among the several states is interstate trade or commerce, any by-law or other regulation which would have the effect of preventing or seriously hindering its members from purchasing or otherwise obtaining news from a rival agency upon interstate trade or commerce and an attempt to monopolize. The contention that the Associated Press has imposed such a regulation upon its

membership, or at least has the power to do so, has no foundation in section 7 of article VIII of the by-laws, which reads as follows:

"Experience having shown that it is difficult, if not impossible, to avoid or prevent violation of the rules prescribed by the last preceding section, or to detect or prove any such violation, the members are permitted to purchase news from other associations, and that such purchase may be seriously prejudicial to the interest and welfare of this corporation and its members, the board of directors may, in their discretion, forbid the members to purchase intelligence from any other such association.

Power Never Exercised. "When the board of directors by a vote of two-thirds of all its members shall decide and notify any member that he has purchased or received news from any other person, firm, corporation or association, not a member of this corporation, or represented in this corporation by a member, or any other person, or that such purchase establishes a condition that will be likely to permit the news of the corporation to be disclosed to unauthorized persons, such members may immediately discontinue purchasing or receiving such news, or such other objectionable action. The decision of the board of directors as to the establishment of such condition shall be final and the fact shall not thereafter be open to question by a member.

The president of the Associated Press states that the power reserved in this by-law has not been exercised. As I understand the complaint disputes that assertion. It is not necessary, however, for me to determine that issue of fact, since my conclusion is that this by-law, whether it has been enforced or not, should be abrogated. I am advised by the president of the Associated Press that that would be done promptly.

Legitimate Precaution Approved. "The following resolution of the board of directors of the Associated Press is also pointed to as an obstacle in the way of the members of the Associated Press obtaining the news of any rival agency:

"Resolved, That placing of an operator of any other news gathering or distributing agency in the office of an Associated Press paper is a step which establishes a condition which will be likely to permit the news of this corporation to be disclosed to unauthorized persons and so endangering the inviolability of the news service of the Associated Press, hereby forbids any member of the Associated Press from placing an operator of any other news gathering or distributing agency in his office or building. (February 20, 1911).

"I am not prepared to say, however, that this regulation has not reasonable relation to a legitimate and necessary precaution against the disclosure of news collected by the Associated Press.

Members Are Not Hampered. "Nor am I convinced that the regulation seriously hinders members of the Associated Press desiring to obtain the service of another news agency. On the contrary, my information is that some of them do obtain news from other agencies, while at the same time complying with this regulation. As further showing that preventing representatives of rival agencies from coming into possession before publication of news collected by the Associated Press.

"It is perhaps unnecessary for me to point out that if the Sun Printing & Publishing Association is not satisfied with the conclusions I have reached, it may itself bring suit against the Associated Press, either for an injunction or for damages, and thereby obtain a judicial determination as to the merits of its complaint. "Regretting that the pressure of other business entitled to priority has prevented an earlier disposition of this complaint, I am, sincerely yours, "W. GREGORY, "Attorney-General."

T. G. Anderson to Build. T. G. Anderson has begun the construction of a story and a half dwelling on Alameda avenue, between East Forty-seventh and East Forty-eighth streets. The cost will be \$2000. Mr. Anderson is the builder. Oscar Dittley is building a one-story frame cottage on East Sixty-first street, between Powell Valley road and Thirty-sixth avenue. The cost will be \$1200.

NEW SCANDINAVIAN SALVATION ARMY OFFICER IS WELCOMED HERE.



ENSIGN AND MRS. FREDERICK ANDERSON. A large meeting to welcome Ensign Frederick Anderson, who arrived from Tacoma Wednesday to take charge of the Scandinavian branch of the Salvation Army in Portland, was held Wednesday night at Scandinavian Salvation Army Hall, 439 Burnside street.



Famous "Rex" Brand Sugar Cured Hams 12 1/2 lb. Think of buying the best ham on the market for this price. Less than your grocer pays. Only a limited amount to go at this price. Special, the pound..... 12 1/2c

Famous "Rex" Brand Fine Bacon, Lb. 14c First class and guaranteed by us. At this price you should buy enough to last for months. While the lot lasts, only a limited amount, special, the pound..... 14c

20c Best Tillamook Full Cream Cheese, only a hundred lbs. to go at this price. Spec'l, lb. 15c Best Grade of Fine Rice, buy a month's supply at this price. While it lasts, 6 lbs. 25c Beans, White, Navy, Pink, Lima and Mexican, all guaranteed in first-class condition. While they last, five pounds..... 25c Best Grade of Popcorn, all shelled ready for use. Special for Monday Clean-Up, 6 lbs. for..... 25c Fine Split Peas in an extra fine grade, a great bargain at Clean-Up Sale, 6 pounds..... 25c Fine Soft Shell English Walnuts. An extra fine grade, only a few pounds to go at this price. Clean-Up price, two lbs., 25c

Fine California Pecans. Extra large size, with soft shells. Fine for making candy. While they last, 2 lbs. 25c

The Price Cutters Simon Salvage Store J. Simon & Bro., Prop.

131-133 FIRST STREET, NEAR ALDER

Simon's Sensational Clean-up Sale

\$10,000 Worth of Staple Merchandise At Less Than Wholesale Cost!

"Clean up all the stock on hand quick—cut every price right down to the bone" are the orders from "Simon, the Bargain King," to his store manager. Here you will find best grades of staple Groceries, Dry Goods, Hardware and Plumbing Supplies at prices less than real wholesale cost. If you want to make your money do double duty, be here when the doors open Monday morning at 9 o'clock sharp. It's a chance of a lifetime.

We Captured the Big Stock of Jones Cash Store Must Make Room for This Capture — READ THE BARGAINS

- Fine Cream Rolled Oats, first-class in every way. Just think, a big sack for only..... 40c
15c Cans of Fine Tomatoes, an extra good grade at this price. Clean-Up Sale, can..... 8c
Onion Sets, now is the time to start setting out your garden. Take them for only, lb. 7c
Wheat, best grade, fine for feeding your chickens. Just think of buying it for only, the pound 1 1/2c
35c Fine Roasted Coffee, Ground or whole roast. Buy a week's supply at this price. Clean-Up sale, three pounds..... 25c
25c Jars of Fine Jellies and Preserves, all kinds of flavors. This will be the last at this price, two jars, only..... 25c
25c Candies, pure and wholesome in all kinds of flavors. Clean-Up Sale, the lb., 12 1/2c
Supply yourself in all the latest Song Hits, at this great sale all the latest songs from the Song Shop fire here at just 1/2 Price.

\$1.75 Fine Flour Guaranteed in First-Class Condition, Sack \$1.35

A big capture of Flour, four kinds. Now is the time to save big money on your flour bill. Wheat is raising all the time, buy now for the future.

The Portland Flouring Mills Fine Extra Hard Wheat White House Flour.

\$1.35 Sack

Olympia Fine Patent Flour, 50-lb. Sacks Only

\$1.35

Famous White Satin Whole Wheat and Graham Flour, the best at the regular price. Clean-Up \$1.35

CENSORSHIP IS NEAR

Moving Picture Board to Begin Duties Tomorrow.

FULL AUTHORITY GRANTED

Ordinance Grants to Censors Power to Prohibit Showing of Film and Penalty Provided for Ignoring of Rulings.

Civil Service Plan Advanced to Pick Commissioners.

Resolutions Adopted by Board Provide That Appointments by Examination Supplant Election.

Motion picture censorship in Portland will be placed on a compulsory basis tomorrow, when the ordinance providing for it, passed by the City Council a month ago, goes into effect.

The ordinance provides that no film may be shown unless it has been viewed and approved by official viewers of the Board of Motion Picture Censors. The opinion of the Board is to be final in all cases. Use of the films which they have been condemned by the Board will result in the theater proprietor being arrested.

The ordinance provides that the Board may order the elimination from films of scenes which are objectionable. The theater people will be forced to make eliminations which may be decided on by the Board.

Mayor Albee announced yesterday that he has decided to refuse to con-

BUS DRIVER SENTENCED

MAN WHO STRUCK WOMAN GETS 30 DAYS AND MAY LOSE LICENSE.

Itney Chauffeur Who Ran Down Two Is Freed of Charge of Recklessness and Will Retire.

For reckless driving on Saturday night, March 13, when the Itney he was guiding struck and injured Mrs. Lillian Reynolds at East Ninth and Hawthorne avenues, William Bardinotti was sentenced to 30 days in jail by Municipal Judge Stevens yesterday.

The heaviest penalty that has yet been inflicted for that offense by the municipal court.

In addition to the jail sentence, Bardinotti may lose his license as a chauffeur, as the Secretary of State will be appealed to by H. P. Coffin, chairman of the public safety commission, to revoke the license. Notice of appeal in the case was given.

Evidence showed that Mrs. Reynolds, who was about to board a street car, was in full view of the Itney driver for nearly 200 feet before she was struck. Mrs. Reynolds, whose home is at Aloha, Ore., is still in the hospital as the result of her injuries.

R. G. Banks, driver of the Itney that collided with that of George Poole at Twenty-first and Flinders streets, injuring two women Wednesday, was released from a charge of reckless driving by Judge Stevenson. Though he was held by several witnesses to have been responsible for the accident, the court considered that the evidence was not conclusive, and as Banks intended to retire from the Itney business, the judge allowed him to go.

R. C. Banks, son of the man released yesterday, will face a trial for reckless driving March 25. He struck and injured Mrs. J. W. Bullard at Fourteenth and Washington streets.

W. L. Trullinger, driver of a Itney that struck a milk wagon at the west approach to the steel bridge Friday, was released from a reckless driving charge yesterday.

BENEFIT IS ARRANGED

MATINEE TO BE GIVEN AT HELIG FOR CHILD WELFARE COMMISSION.

Funds for State Bureau Not Provided by Appropriation—Accomplishments Are Told.

For the further promotion of the work as carried on by the Oregon Child Welfare Commission a benefit performance will be given at the Helig Theater Thursday afternoon, April 8.

This commission, appointed by the Governor, carries no appropriation. Its purpose is to study various phases of child life in the state, gathering statistics and disseminating knowledge in a manner similar to the work conducted by the Federal Children's Bureau at Washington, D. C., under the direction of Miss Julia C. Lathrop.

In its recent efforts to obtain better legislation on more adequate birth and death registration laws and on preserving the infants' eyes at birth, the commission had the co-operation and assistance of the Federal Bureau. The adoption of these two recommendations through legislative action is expected to decrease infant mortality and infant blindness. Other protective measures were urged, but owing to the economy system generally adopted, they failed to pass.

The programme at this benefit performance is being planned under the direction of Mrs. Harry E. Chipman. The following members constitute the commission: Mrs. Robert H. Tate, president; L. R. Alderman, secretary; Dr. Mae H. Cardwell, all of Portland; Mrs. John H. Smith, Astoria; Dr. George Rebeck, of the University of Oregon extension department.

New Home to Cost \$1500. A one-story dwelling is being built for E. Yost on East Sixty-ninth street, between Fifty-seventh and Fifty-eighth

MANIA BLAMED FOR SUICIDE

Husband of Bend Woman Says Attempt Was Thwarted Once.

That his wife was a victim of suicide mania when she took strychnine at their home in Bend on the night of March 17, committing the rash act without any reason whatever, is the statement of J. H. Wenandy, who is in Portland on business.

"She read the same thing six weeks ago," he said yesterday. "She swallowed laudanum, but we got the doctor in time and saved her life. I never could find out where she got the laudanum and I don't know how she got the strychnine. We never kept poisons in the house.

"I was talking with my wife over long-distance telephone between 7 and 8 o'clock on the night of March 17, as I was in Portland on a business trip. I told her then I would be home the next night."

Estacada Store Being Rebuilt. ESTACADA, Ore., March 20.—(Special.)—The rebuilding of the burned Cary Mercantile store is now under way. The work is in charge of a McKinney contractor, but local men are being employed. At the present rate the building should be completed within a few weeks.

UP Comes Mr. Dandelion

ONCE FOR ALL TIME — no scratches or blemishes — no soiled clothes — no brushes — no manual labor — no hand-operated machinery. A child can pull up any weed.

SIMPLEX AUTOMATIC WEED PULLER (Pat. U. S. and Canada.)

The only genuine Weeder on the market. All others merely cut off or break the roots, leaving the weeds to grow again.

INSIST ON THE SIMPLEX — it pulls 'em up by the roots. They can't come back. It saves time, money and bodily discomfort and will afford the wife and children a world of fun.

If you don't have it, we will supply you. Mailed to any point in the U. S. for \$1.00, postpaid. Guaranteed money back if not found more than satisfactory.

THE SIMPLEX CO., 210 Howe Bldg., Seattle, Wash. Dealers and Agents wanted.

RUPTURED?

You know the discomforts of an ill-fitting truss; the distressing, discouraging feeling of a rupture not properly held.

The Seely Truss recommended by us, gives you immediate relief. Our skilled operator guarantees perfect fit. Hundreds of satisfied patients testify to the efficiency of the Seely Truss properly fitted. Remember the Woodard, Clarke & Co. guarantee, backed by a reputation of 50 years' standing, is behind this service.

Let Us Explain Personally Woodard, Clarke & Co. WOODLARK BUILDING ALDER AT WEST PARK

MUCH ADLER-I-KA USED IN PORTLAND

It is reported by The Huntley Drug Company, Fourth and Washington, that much Adler-I-Ka is sold in Portland. People have found out that ONE SPOONFUL of this simple buckthorn bark and glycerine mixture relieves almost ANY CASE of constipation, sour or gassy stomach. It is so powerful that it is used successfully in appendicitis. ONE MINUTE after you take it the gases rumble and pass out. It is perfectly safe to use and cannot gripe.

Ruptured Persons suffer more from inexperienced truss fitters than from hernia. Why not buy your truss from expert? Try Lane-Davis Drug Co., at 36 and Yamhill, who are experts and know how.