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GOVERNMENT LOSES STANDARD OIL CASE

DENIAL OF REHEARING BY COURT OF APPEALS

LANDIS' FINE RECEIVES A SETBACK

Chicago, Nov. 10.—The United States court of appeals here today denied a rehearing in the case of the government against the Standard Oil company, in which the fine of \$29,240,000 was assessed by Judge Landis.

The denial is another defeat for the government in the famous case, and according to the counsel for the government, is a hard blow for the interstate commerce act.

The decision was rendered by Judges Grosscup, Baker and Seaman and sustains the former ruling remanding the case to the United States district court for retrial.

It is believed that Attorney-General Bonaparte will take the case before the supreme court of the United States on a writ of certiorari.

This was the second time the United States circuit court of appeals had acted in this case. The case was originally taken to the appellate court by the Standard Oil company, after Judge K. M. Landis, in the district court, had fined the company \$29,240,000, followed in a trial replete with sensations.

A jury in Judge Landis' court had found the Standard Oil guilty of accepting rebates from the Chicago & Alton railroad. The oil company had been indicted by two special federal grand juries numbered 1,442 and 1,443, charging violations of the Elkins anti-trust law, which prohibits the granting or acceptance of rebates on oil or other products.

The trial began March 4, 1907, and lasted six weeks. United States District Attorney Elmer represented the government and Attorneys John S. Miller, Morris Rosenthal, Virgil P. Kilne, A. D. Eddy and H. W. Martin appeared for the Standard Oil company.

The specific indictments upon which the United States authorities elected to make their fight numbered 1,442 and 1,443, and charged the acceptance of rebates aggregating \$23,240,000 from the Chicago & Alton railroad. The maximum fine of \$1,000,000 corporation, was not a subsidiary of the Standard Oil company of New Jersey. After conviction, and before he pronounced sentence, Judge Landis expressed a curiosity to have this latter point cleared up, and he subpoenaed the Rockefeller and lesser Standard Oil lights to testify regarding the connection between the Indiana and New Jersey corporations. On August 3, 1907, Judge Landis fined the oil company the maximum, \$29,240,000, in an opinion scoring the company unmercifully.

Case Goes to Circuit Court. The Standard Oil company immediately took the case to the United States circuit court of appeals on a writ of error, averring that the trial court had erred in ruling that the number of offenses should be reckoned by the number of carload lots and not by the number of shipments; that the trial court had erred in ruling that ignorance of the law is not an excuse for violation.

(Continued on Page Two.)

WALL STREET PLACE TO SHOP

Bride and Groom Clean Up \$17,500 for Honeymoon Money.

New York, Nov. 10.—A little addition to the honeymoon fund of \$17,500 was made by Joseph P. Golden of Seattle and his bride, who was formerly Miss Marjorie Pressler of San Francisco, through a "shopping tour in Wall Street," and the bride is wearing a diamond pendant that cost \$6,000. The story of the honeymoon adventure in high finance became known today and when Golden was seen at his hotel he said: "My wife and I arrived here three days before the election. We were both sure Taft would win and that stocks would go up immediately. So we went shopping down in Wall Street instead of on Fifth avenue. By last Saturday our investments had netted us a profit of \$17,500 and we quit. It was just a little fever and I don't suppose we will ever put another nickel into the game."



Attorney-General Bonaparte, who will fight Standard Oil in the United States supreme court.

WANTS TO UNITE THE IRON MILLS

Schwab Is on the Bay to Form a Combine—Millions to Spend.

(United Press Leased Wire.) San Francisco, Nov. 10.—The failure of Charles M. Schwab of the steel trust to visit his properties in Nevada, coming directly to San Francisco instead, has set afloat the rumor that he has definite plans for the formation of a great non-competitive association of shipbuilding firms of the Pacific coast.

Schwab, who owns the Union Iron Works, complained when he was in this city before that the Union Iron Works lost money on nearly all of its contracts because of strikes and labor conditions.

It is believed that, failing to bring about a combine, Schwab may endeavor to persuade his competitors to agree to a pooling of interests and a division of the business so that all can make profits.

Schwab arrived in this city last night and today expressed a definite opinion on the possibility of a greater enlargement of the navy and the construction of more battleships. Schwab declared the yard would be placed in position to take advantage of any increase in prosperity and would take its share of the work.

WANT ALL THE SHIPS SENT TO THE PACIFIC

(United Press Leased Wire.) San Francisco, Nov. 10.—A set of resolutions asking that the Pacific fleet be retained in the Pacific ocean and that it be augmented by the Atlantic fleet was forwarded to President-elect Taft today by the officers of the California branch of the American National Red Cross society.

The resolutions were drawn up at the annual meeting of the association yesterday and are congratulatory in tone. Taft today by the officers of the American National Red Cross society and the organization here hopes to have considerable influence with him in making the request that the fleet remain in the Pacific ocean. Yesterday's meeting was addressed by army officers and naval men.

IT PAYS TO BE NEIGHORLY. Were we thoroughly, truly, unselfishly and in every other way governed by the golden rule, we should each of us strive to assist our neighbor in adding to his prosperity by purchasing requisites of our sustenance from him, thereby adding to the material welfare of this said neighbor, whether he be in Africa or Portland, said W. G. McPherson, president of the W. G. McPherson company. "Inasmuch as we have not yet perfected ourselves to this degree, we should add to the material prosperity of the state and city as much as possible by assisting our immediate neighbors instead of those in Africa or other distant places, by making all possible purchases from home manufacturers. We are all quite well aware that nothing builds up a city or a community so well as a big payroll in that community, and by the disbursement of all money for material and labor at the nearest point to its production. The man who does not follow out this rule, cannot be said to have the best interests of the city or locality in which he lives at heart, and it must be an extreme case of nearsightedness, which would prevent him from so doing."

BRAVE CLERK CAPTURES THUG

Notorious Paddy Rodgers, Murderer, and Gang Attempt Hold-up but Tables Are Suddenly Turned—Highwayman Wounded.

(Special Dispatch to The Journal.) Butte, Mont., Nov. 10.—Paddy Rodgers, last of the notorious hold-up men of Butte, was captured last night by a drug clerk of a local drug store which the robber with a partner were trying to hold up. The attempted hold-up took place at 10:45 o'clock.

Rodgers, who has escaped twice from the city jail and once from the county jail during his career of crime, has killed three people, all in hold-ups, and has figured in a dozen hold-ups in the last year.

Last night with one of his gang he entered the drug store. Four men inside were ordered to hold up their hands. Three men threw up their hands, but Martin Drebbel, the drug clerk, jumped for the counter to get his pistol. Rodgers' partner began firing and Rodgers grappled with the clerk. One of the persons in the store got the pistol from behind the counter and began a pistol duel with Rodgers' partner. The latter had emptied his pistol and started to flee when a bullet struck him in the groin. He managed to get out of the store while his partner picked him up and carried him off.

Meantime Rodgers and Drebbel were fighting on the floor for the possession of Rodgers' pistol. The drug clerk got the weapon from the bad man and beat him over the head and called "police."

Rodgers' last victim was a miner who was drinking in a saloon which was held up and failed to throw up his hands far enough. Rodgers shot him dead, then searched the room for his partner and escaped amidst a fusillade of bullets.

GEE HOI TAKES GEE YUK'S PLACE

Chink Merchant Tries to Save His Brother, Chink Cook, But Fails.

(United Press Leased Wire.) San Francisco, Nov. 10.—Coming from Homestead, Pa., in an alleged attempt to deceive the federal officials into granting release to his brother, who was wanted for deportation, Gee Hoi, a Chinese merchant, is in San Francisco, at liberty, while the United States marshals still seek his brother, Gee Yuk. Gee Yuk was captured with 16 other Chinese four years ago attempting to enter the country from Mexico. They were taken to San Francisco and released on bonds for their reappearance in court when wanted. The bond of Gee Yuk was undertaken by the American Bonding company. Recently detectives learned that Gee Yuk was working as a cook at Homestead. When secret service men went for his staff and a delegation of navy officers and representatives of the state of Massachusetts and the city of Quincy. The North Dakota is now 60 per cent finished.

GOMPERS RECEIVES PRAISE OF UNION

(United Press Leased Wire.) Washington, Nov. 10.—The Central Labor Union of this city today sent a telegram to Samuel Gompers, president of the American Federation of Labor, congratulating him on not being invited to President Roosevelt's labor dinner.

TWELVE SUCCESSFUL CANDIDATES IN RECENT GUBERNATORIAL ELECTIONS



Reading from left to right they are: Charles Deneen (Rep.), Illinois; Walter R. Stubbs (Rep.), Kansas; Herbert S. Hadley (Rep.), Missouri; John A. Johnson (Dem.), Minnesota; James O. Davidson (Rep.), Wisconsin; Fred M. Warner (Rep.), Michigan; Albert W. Gilchrist (Dem.), Florida; Malcolm R. Patterson (Dem.), Tennessee; Judson Harmon (Dem.), Ohio; George L. Lilley (Rep.), Connecticut; B. F. Carroll (Rep.), Iowa; Charles E. Hughes (Rep.), New York.

GREATEST AMERICAN BATTLESHIP, THE NORTH DAKOTA, IS LAUNCHED

(United Press Leased Wire.) Quincy, Mass., Nov. 10.—The North Dakota, America's greatest battleship, the first ship of the Dreadnought type to be constructed in the United States, was launched today at the yards of the Fore River Shipbuilding company, and women. Miss Mary Benton of Fargo, N. D., who had been chosen by Governor John Burke to officially christen the battleship, broke a bottle of champagne across her bows and the great ship slid down the ways amid cheering of a great throng of people who had come from Boston and neighboring cities to witness the launching. The crowd included Governor Burke and his staff and a delegation of navy officers and representatives of the state of Massachusetts and the city of Quincy. The North Dakota is now 60 per cent finished.

All American records for battleship construction have been broken in the building of the North Dakota. All indications are that she will be completed before the three-year time limit allowed

by the act under which the money for her construction was appropriated. The level of the big vessel was laid December 16, last, and by October 1, the ship was 64 per cent finished. Her builders hope to have her finished within two years after the keel was first laid.

The North Dakota is a sister ship of the Delaware, which is under construction at Newport News. The initial outlay for the huge battleship was \$19,000,000. Her guns alone will cost about \$1,000,000. She will have a long forecastle deck extending from the bow almost to the center of the ship. The 10 12-inch guns will be arranged in five turrets, two to a turret, the forward turret being so located that the axes of its guns will be 24 feet above the water line, and just abaft this turret will be another, the barrels of which will be of sufficient height for its guns to clear the roof of the forward turret.

Above the break of the forecastle deck and also situated on the axis of the ship, will be two more 12-inch gun turrets. The guns of the forward turret in this pair firing over the roof of the after turret. Abaft and near the stern

will be the fifth and last of the big turrets. Naval men declare that no navy in the world possesses a ship of the Dreadnought type in which the guns are better arranged.

For repelling torpedo attack the North Dakota will carry a secondary battery of 14 five-inch guns. These guns are all to be mounted broadside.

The vessel will be driven by turbines of 25,000 combined horsepower. These powerful turbines must drive the battleship through the water at the rate of at least 21 knots an hour, for the four hours' trial run. If the contract is to be fulfilled, the officials of the company confidently assert that they will be able to do this and to go the government one better, making at least 22 knots speed. If this can be done it will be a record to be proud of, for it will eclipse the present world's record of the Dreadnought, 21 knots, and that, too, for a considerably larger battleship.

The length of the North Dakota is 510 feet. If stood on end she would be twice as tall as the Corbett building. Her beam is 85 feet. Her complement will consist of nearly 900 officers and men.

HUGHES INVITED TO THE BAY CITY

Merchants Want Him to Speak on Public Utility Commission.

(United Press Leased Wire.) San Francisco, Nov. 10.—The Merchants' association of this city has invited Governor Charles E. Hughes of New York, to attend the annual dinner of the organization, to be given in December, and to make an address on the subject, "State Public Utility Commission." This will be made the topic of the evening in the event of the governor's acceptance. The invitation to the governor was wired by President Andrew M. Davis of the association. After extending the invitation and paying a tribute to Hughes in his regulation of public service corporations of the entire state, the message said: "In California the power to regulate rates of public service is vested in the county board of supervisors and city council. This method has undoubtedly been productive of much official and political corruption."

HARRIMAN AND GOULD COMBINE

Great Western Power Company to Furnish Electricity for Lines.

San Francisco, Nov. 10.—The announcement that the Southern Pacific Railroad company is to obtain power for the electrification of its suburban roads from the Great Western Power company has led to a series of rumors today that Harriman, with the Rockefeller interests, is fighting for the absolute control of all the power interests in the state. The Great Western Power company is a Gould corporation and the announcement that it will furnish power for Harriman's lines indicates that Gould had to make more concessions for his peace with Harriman than it was thought he had made. The Standard Oil company and Harriman now control every electric power proposition in California with the exception of the Northern Electric and Heating roads. These are believed to be owned by Hill, who would like a footing on San Francisco bay, and who is believed to be back of several new roads on the coast.

GOES ON CHORE; BACK A CORPSE

Peculiar Circumstances Surround Death of Claekamas Farmer.

(Special Dispatch to The Journal.) Oregon City, Or., Nov. 10.—Louis Turner, 70 years of age, a well-to-do Claekamas farmer, living 14 miles up stream on the Molalla river, left his farmhouse last Thursday afternoon to visit some cattle in a pasture about four miles distant. "I will be right back," he said to his 16-year-old granddaughter, as he rode off on horseback. The features mangled into an unrecognizable mass, his body was found yesterday afternoon on Fine creek, about two miles from Scott's cabin. His horse was found saddled, about a mile and a half from his home last Friday. How he met his death, and if foul play, what was the object, are matters that the authorities will be called on to decide. Turner bore a high reputation and was well liked. The theory has been advanced that his horse might have stumbled and thrown him.

MURDER CASE AROUSES ALL TENNESSEE

Killing of Ex-United States Senator Carmack Result of Political Fend Involving Prohibition and Anti-Liquor Forces.

(Special Dispatch to The Journal.) Nashville, Tenn., Nov. 10.—This state today is wrought up to an intense pitch of excitement over the killing of Edward Carmack, former United States senator and late unsuccessful candidate for governor. The dramatic occurrences of yesterday have a peculiar bearing upon the political situation in this section. The struggle of the anti-liquor element for supremacy, which was temporarily brought to a close by the election of Patterson, Carmack's opponent, to the governorship, the primary fight of Carmack against ex-governor Taylor for the United States senatorship and the vigorous campaign of the once famous leader in the minority of congress, lend more than passing interest to the case.

A special session of the grand jury will be called tomorrow to consider the cases of Colonel Duncan B. Cooper and his son Robin Cooper, who fired the shots that ended Carmack's life. It is understood that Cooper and his son will waive preliminary examination at this afternoon's hearing and their cases will go direct to the jury.

Witnesses widely produced to testify in an effort to show that the killing was premeditated. It is reported that Cooper says he will testify that Colonel Cooper's daughter telephoned to him yesterday, saying that her father had gone out to kill Carmack and asking that he be found and disarmed.

Nashville, Tenn., Nov. 10.—United States Senator Edward Carmack, editor of the Tennesseean of this city, was shot and killed by Robin Cooper, son of Colonel Duncan B. Cooper, politician, at 4 o'clock yesterday afternoon. Young Cooper was shot in the shoulder by Carmack and slightly wounded.

Senator Carmack was approaching Seventh avenue on Union street and Colonel Cooper and his son were coming from the opposite direction. Robin Cooper fired first and Carmack fell drawing his own pistol and returning the shots. Carmack was struck three times and died soon after falling to the ground. The difficulty between the Coopers and Carmack originated over caste comments in the Tennesseean concerning the management of the state Democratic machine of which Colonel Cooper was a leader.

Bitter feeling between Cooper and Carmack followed the primaries in which Governor Taylor defeated Carmack for the United States senatorship.

As Senator Carmack fell at the edge of the street Colonel Duncan B. Cooper put his arm around Robin Cooper and both walked a few feet down Seventh avenue to Dr. R. G. Ford's store, where the wound in Robin's shoulder was treated. Senator Carmack's body was taken to an undertaker's establishment.

Carmack's pistol, a .32-caliber, was found in the gutter.

(Continued on Page Three.)

THREE HUNDRED THOUSAND OF HIS SUBJECTS WATCH AS SHIP ASCENDS

Berlin, Nov. 10.—Kaiser Wilhelm made an ascent with Count Zeppelin today in the reconstructed dirigible balloon, the zepppelin I, at Lake Constance. Three hundred thousand persons gathered to see the monarch make the flight.

Crown Prince Wilhelm made a flight in the same balloon with great success last week and for some time it has been the desire of the emperor to accompany Count Zeppelin on an air voyage. The announcement that his majesty would undertake the trip has caused great anxiety and interest throughout the empire.

It was announced today that the government had purchased the zepppelin I from Count Zeppelin and would be used by the war navy.