THE OREGON DAILY JOURNAL, PORTLAND, SATURDAY EVENING, APRIL 10, 1909. ANTIS AWAIT PACIFIC U MAN MODJESKA LEFT MIDGET GIVES UP

DR. SMITH'S

RETURN

OIL'S DEFENSE TARIFF BILL GOLD AND BRAINS

Kellogg Boils to Epigram Octopus' Arguments-Its Genius That of Greed and Falsehood: Its Justification, "I Can."

(United Press Leased Wire.) St. Louis, Mo. April 10.—"Brains and limitless wealth: truly a strong de-fense." declared Frank Kellogg, special

fense," declared Frank Kellogg, special prosecutor for the government, today while making his closing argument against the Standard Oll company in the suit brought by the government to dissolve the great holding corporation of the oil trust. Kellogg paid a warm tribute to the standard and called the attention of the court to the entremchment of the powerful corporation behind an enor-mous fortune and the wonderful abil-ity of the world's best lawyers. He then proceeded to pick flaws in the ar-guments made by the Standard attor-neys.

The prosecutor dwelt upon the 'loss of memory' regarding important mat-ters on the part of John D. Rockefeller and John D. Archbold. He branded as pitiable the fact that neither could re-member what became of a certain \$3,-

000,000. Continuing. Kellogg declared that the exports of oil to Europe had decreased in proportion as the control of the Stan-dard Oil company increased. He said that when Rockefeller was questioned as to the great development of the Standard he spent half an hour relating how in the early days of the company they made expeditions to the woods to out barrel staves.

they made expeditions to the woods to cut barrel staves. Kellogg also charged that the mov-ing spirits in the Standard Oil company did not develop inventions nor encour-age progress which would be of benefit to the world at large. He said they re-fused to extend their own pipe lines fused to extend their own pipe lines

to the world at large. He said they re-fused to extend their own pipe lines and tried to prevent the construction of independent lines. He charged that 55 per cent of the performed the standard at 15 cents is a barrel and held in storage until high-icr prices prevailed. Success of the Standard Oil company, he declared, was secured by the genlus of greed, combination and monopoly. In order to effectually wage war upon independent companies the Standard or panized bogus concerns, Kellogg charged. He said: "I cannot believe this lying, coercion and misrepresentation is ideal Ameri-can business. God pity the American people when they adopt such a stand-ard of methods for commercial life."

MISSING MAN'S BODY FOUND Evidence That Contractor James A. Frace of Ta-

coma Was Murdered.

tee-House Vote, Ayes He Is Unable to Accrue Sufficient Money. 217, Nays 161.

Referred to Finance Commit- Leaves Note Telling Fiancee

(Usited Press Leased Wire.) Washington, April 10.—The Payne tariff bill, passed by the house of rep-resentatives last night, was formally presented to the senate today and re-ferred to the finance committee. When the senate met at noon House Clerk Browning was fit attendance. Immedi-ately after the prayer, Vice President Sherman, president of the senate, rec-ognized Browning as the bearer of a message from the house. As soon as it was officially diclosed that it was the tariff measure Browning brought, Sen-ator Aldrich moved that it be referred to the finance committee. (Special Dispatch to The Journal.) Tacoma. Wash. April 10.-Despon-dency induced partially by a surgical operation for the removal of a growth in his head, which is believed to have affected his mind, and partially by the fact that he was unable to accumulate money in order that he might marry the girl he loved, caused the sulcide last evening of Millard Spellman. 19 years of age, a well known Tacoma boy, who shot himself through the head on the premises occupied by the family of his flancee. Miss Lifa White, at 4334 Seath fiancee, Miss Lila White, at 4334 South

fiancee. Miss Lifa White, at 4334 Seath L street. The tragedy was not discovered until 8 o'clock this morning, when the body of the young man was found lying in an outhouse. Young Spellman called at the White home at about 6 last evening. While a younger brother of Miss White went to call Miss White Spellman vān-ished. Miss White searched all over the house for him and finally concluded that some strange fancy had caused him ator Aldrich moved that it be referred to the finance committee. The enrolling clerks in the house are given great credit for their work on the measure. It was only their speedy handling of the bill that enabled the house to present it to the senate today. Speaker Cannon and Sereno Payne called at the White House this morning and had a brief chat with the president. As they were leaving the building Can-non was asked if Taft congratulated him on the way the tariff bill was handled in the house. "Oh. I guess, like all Republicans, he's gratified that the bill got as far as it has," replied "Uncle Joe." "I think we got it through in good, time, don't you?"

Vote on Bill in House.

TO THE SENATE

Vote on Bill in Ecuse. The Payne bill was passed by the house last night amid great excitement by a vote of 217 to 161. One Republican, Austin of Tennessee, voted against the measure and four Democrats, all from Louislana, Broussard, Estopinal, Pujo and Wickliffe, voted for it. An attempt by Champ Clark, the minority leader, to recommit the bill with instructions failed.

failed. The bill was introduced March 17, re-ported to the house by the ways and means committee on the following day and was under a general debate for 16 days. Last Monday the rules commit-tee reported a special order, which closed the general discussion and pro-vided for the consideration of the bill under the five minute rule.

inder the five minute rule.

Important Provisions.

One of the principal changes in the all was the placing of petroleum on the free list.

The duties on barley, barley mail, and cut as a constraint of the bill came from committee were those striking out the provision for a duty on tea and the countervailing duty provision on coffee. The countervailing duty clause on humber was stricken out, but a strong effort to place lumber on the free list did not succeed. The duties on barley, barley malt, pineapples in crates and cotton collars and cuffs, as originally in the bill were increased. A proviso was included in the tobacco schedule increasing the duty on filler tobacco from any country which prohibits the importation of American tobacco.

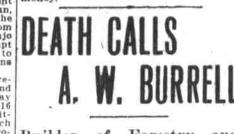
obacco. There were several technical changes in the steel schedule, principally down-ward. Hides, hosiery and gloves were left as reported by the committee, hides remaining free and an increased duty being presented for gloves and stockings. The contest over free petroleum was stubborn, but the vote in its favor was overwhelming.

TAFT'S PROMISE TO FAIR PETITIONERS CONVICTED

that some strange fancy had caused him to leave. A fow moments later two shots were heard, seeming to come from in the rear of the premises. No investigation was made as the circumstance was not deemed very unusual. In the lad's pocket was found a note addressed to his sweetheart assuring her of his love, but speaking in a de-spondent tone of his inability to save money. that some strange fancy had caused him noney

TACOMA BOY, IN

LOVE, KILLS SELF



Builder of Forestry and Other Fair Buildings

Passes Away.

A. W. Burrell, fullder of the Forestry building, the California building and the Oriental building at the Lewis & Clark exposition, died yesterday in Missoula, Mont. Mr. Burrell was the president of the Burrell Bridge & Construction company and was one of the most noted construction empineers on the Pacific construction engineers on the Pacific coast

Although he has been interested in the construction of some of the larges structures in the west, especially in connection with railroad work, the For

TAKING COIN

Andrew Johnson's Compan-

ions on Auto Ride Get

First Place Awarded Gwynn in the Intercollegiate ,. Prohi Meet.

WINS CONTEST

Republicans Opposed to Si mon Relax Hunt for Candidate to Oppose Convention's Choice-Democrats

TOO MUCH GIANT

Seven Dead; Three Injured

Fumes Poison.

Seeking a Dark Horse.

Pending the return of Dr. Andrew C. Smith to Portland and the answer he will give to the demand that he enter the primaries for the Republican nomination for mayor, the bunt for a candidate to oppose Joseph Simon is temporarily relaxed. Dr. Smith is to be home tomorrow night, and his friends will at once see what can be done. m will give to the demand that he enter the primaries for the Republican nomination for mayor, the bunt for a candidate to oppose Joseph Simon is temporarily relaxed. Dr. Smith is to the home tomorrow night, and his friends will at once see what can be done. That the friends of the direct pri-maries if they are fairly well united they are firmly assured. They figure that Smith can accomplish this unifi-cation, and that he has qualities of strength sufficient to carry him over the line in front of the organization This afternoon a committee of Town

GREEN HANDS USE

ticket. This afternoon a committee of Demo-crats will go into the timber and en-deavor to scare out a dark horse. The name of the new entry is being guard-ed, and the talk on the Democratic side is as much at sea as before. Some still cherish the hope that Mayor Lane will be given the nomination by voters writing his name on the ballot, and that under such circumstances he could be prevailed on to accept. R. D. In-

be prevailed on to accept. R. D. In-man, who has been talked of, cannot be induced to make the race, and the same is true of Judge Thomas O'Day. Gatens Not in Race.

-Shock Dazes and the

Gatens Not in Bace. Judge W. N. Gatens also declines to be considered. He says that under the oath he took as circuit judge he could not accept the nomination if it were tendered. This oath pledges him not to be a candidate for any other office, except a judicial one, during the term for which he was elected. As he was appointed to the bench, and not elected. It is contended that this would not apply to him, but Judge Gatens is not disposed to draw fine distinctions. With the filing of candidacy by Coun-climan A. G. Rushlight, there are now four names in the field for the Repub-lican voters to choose from, the others are dead and three injured, one prob-ably fatally, as the result of an ex-plosion of dynamite at the Berwind-White company's mine at Berwind, near

plosion of dynamite at the Berwind, White company's mine at Berwind, near here, late 'yesterday. Inexpetienced miners placed overcharges of the high explosive in six holes in the rock and paid for their mistake with their lives. When the holes were drilled the min-ers placed between 150 and 200 sticks of dynamite in them, lit the fuses and returned down the tunnel to what they thought was a place of safety, 500 feet structures in the west, especially in connection with railroad work, the For-estry building at the Portland fair will probably be his best known memorial. Its construction was and still is regard-ed as a remarkable piece of work. He was the contractor for several of the largest buildings at the A.-Y.-P. fair in Seattle and was in Seattle last week superintending the work on these structures. When a tracked by pneu-monia Mr. Burrell was in. Missoula directing the work on a new steel bridge. He resided in Oakland, Cal. returned down the tunnel to what they thought was a place of safety, 500 feet away. When the dynsmite exploded 10 of the men were dazed by the concus-sion and before they could recover their senses the fumes caused by the ex-plosion had closed in around them and smothered seven to death. Two of the three still living have a fighting chance but there is little nope for their com-panion.

Humor in Notice.

There is a suggestion of humor in Simon's notice of intention to become a candidate, which he has filed at the city BIGAMOUS CHINESE candidate, which he has filed at the city hall. He desires printed after his name on the ballot the following words: "A business administration on business principles, without machine politics, but treating all alike."

business administration on business principles, without machine politics, but treating all alike." "Without machine politics" is the clause that is exciting quiet smiles among the politically wise. Simon was so lorg chief engineer of one of the most perfect machines ever formed that this renunciation came with a peculiar ring. As the situation shapes itself, it be-comes apparent that Simon's elements of strength are also the points of weak-ness that may puncture his rejuvenated ambilions. He has a strong organiza-ment at Washington, asking for advice

HOMEWARD BOUND

Nearly Nine Tenths of the **Paul Handke Takes Adored** Million She Earned Was Given in Charity.

SMALL FORTUNE

(By Journal Leased Salem Wire.) Willamette University, Salem, Or. April 9.-W E, Gwynn of Pacific uni-intercollegiate prohibition oratorical contest held have last night. "The Last Stand" was the title of Mr. Gwynn's oration. W. A. Schmidi of Willamette won second place on "Personal Liberty vs. the Burn Traffic. The judges announced no third. Mr. Guynn showed superior training in his delivery and was pleked) for first by the audience, as soon as he had fin-ished. The was the last on the list. The standard of the other participants was high. Mr. Gwynn will represent the states in the wins he will represent this state in the main prohibition contest. **Others In the Oratest.** The softer contestants were J. C. Jeff ferson of the Orayon Agricultural col-tege at Corvallis, whose oration was on Barnhart, Dallas college, on "The Quest incon of the Hour". Willis McIntyre, McMinnville college, on "The Victorious Banner": Boyd Thornton, Philomatic college, on "A Warning From History". The judges on composition were Rev.

(United Press Lessed Wire.) Chicago, April 10.—Agreeing to resign his wife to Herr Carl Wunderle he-cause they love each other, Paus Handke, a mamber of the Thomas or-chestra, said today that he would not contest the suit for divorce which has been filed against him. "They have taken my little girl. That I deeply regret." said the little German. "but I love my wife too much to inter-fere with her happiness. She cannot live without Herr Wunderle; she shall have him. "When my wife left me three works

"When my wife left me three weeks ago I found her and brought her back home. Then Herr Wunderle took her away again in an automobile. I sought them out and told them they could go their way if they thought it would be one of happiness.

one of happiness. "My wife said she loved Herr Wun-derlee; my friend, said he loved my derlee; my friend, said he loved my derlee; my friend, said he loved my girl is gone with them, but I still have my two boys-such fine boys. I shall devote my life to giving them the fin-est home in the land." Handke, who is almost a midget, be-came the warm friend and admirer of Wunderle, who is a giant more than six feet tall, seven years ago, when Madame Wunderle secured a divorce. Handke, insisted that his friend, whose home was broken up, come to his house and live. Wunderle accepted the invitation and the wreck of Handke's home was the result. Thomas J. Conaty of the Los Angeles-Monterey diocess of the Roman Catholic

Monterey diocess of the Roman Cathone church. Tomorrow the body is to be taken to the Knights of Columbus home, where it will lie in state, guarded by members of the local Pollsh society, the Newman club and the Knights of Columbus. Temporary interment will be at Calvary comstery, pending the completion of arrangements to take the body to Poland for burial.

FISH WARDENS GO

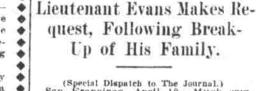
GUNNING FOR SEA ---LIONS ON THE BAR

(Special Dispatch to The Journal.) Fort Stevens, Or., April 10.-Two deputy fish wardens have been shooting sea lions at the mouth of the Columbia river recently, the average kill being \blacklozenge

about 10 per day. The Columbia river jetty Johnstown, Pa., April 10 .- Seven men

serves the same purpose as a . lead to a fish trap. Salmon seeking the mouth of the river follow along the south side of the enrockment until they reach the • end of the jetty. Almost any time from 30 to 50 sea lions may 🔶 be seen in the vicinity of the . jetty's end preying upon the fish. • The fish wardens, armed with long range rifles, station them-٠ selves near the end of the jetty. ٠ and pick off the sea lions when

they come to the surface for air. ٠ LEWIS BLAMES



COURTMARTIAL

FOR OSBORN

WIFE TO

Friend Into Home-

Foolish Man!

(Unlied Press Leaned Wire.)

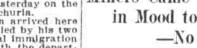
(Special Dispatch to The Journal.) San Francisco, April 10.--Much com-ment is being caused in naval circles here today by the roport that Lieutenant Holden A. Evans has made formal ro-quest to the navy department at Wash-ington for the courtmartial of Lieuten-ant Franklin Wayne Osborn. This action on the part of the naval constructor us said to be the result of the separaiton from his wife by Osborn's alleged at-tentions to Mrs. Evans while he was a guest at the Evans home on Mare is-land last Christmas. The charge which Evans is said to

land last Christmas. The charge which Evans is said to flave brought against "Hoy" Osborn, as the dashing young lieutenant was called by the women of the navy set at Mare island, is conduct unbecoming an officer and a gentleman. Evans is at present at San Diego, aboard the monitor Chey-enne.

enne. It is stated that Mrs. Evans, dreading the notoriety which the reported action of her husband will bring, has left San Francisco, and is keeping secret her whereabouts.

T. CADER POWELL'S NAME WITHDRAWN

(Washington Bureau of The Journal.) Washington, D. C. April 10.—Presi-dent Taft has withdrawn his nomina-tion of T. Cader Powell to be United States marshal at Nome, Alaska. This withdrawal followed the sending of copies of newspaper editorials in which Powell was openly and repeatedly was openly with stealing



THE OPERATORS

Miners Came to Conference

in Mood to Conciliate -No Use.

(United Press Lessed Wire.) Tacoma, Wash., April 10.-A delib-erate murder was revealed this morn-ing, when the body of Contractor James A. Frace, with three bullet holes in it, was found in the underbrush a quarter of a mile north of Regents park. Three empty cartridges, evidently ejected from an automatic revolver, were found 20 feet away from the body. From the appearance of the underbrush Frace was dragged into the thicket by his murderers and concealed there. A trail of bloodstains leads from the spot where the cartridges were found to Frace was 55 years of age and lived

Frace's body. Frace was 55 years of age and lived with his family at Woodlawn, about haif a mile west of Frace's corner, on the Stellacoom carline. He had been missing since Wednesday night, when he is known to have boarded a Regents park car and alighted from it at the station which bears his name.



connection with alleged land frauds has brought him into court many times during the past 25 years, will be called upon to face a jury again next hat his daughter read to him from plato's dialogues, stating that would all he failows in the graneral land office for writted here on a charge of conspirator in the famous land-fraud case. This me the facharged with the bribery of the purpose of securing the approval various school-lund schertform in Ore-states Dans and California. GOVERNOR LITE



be eliminated.

model of the sentence of the sent

<section-header><section-header><section-header><text><text><text><text><text><text><text><text><text><text><text><text><text> tire family. For some time he had surfaces of the old store, it is a severe coil contracted recently hasts end to heave the states at the said speaking of Good Friday. T die with Christ I enter serenel is the totage for some time to get control of either to get or some time to get control of either to get to particule at which make a prefrider with the sames and Mr. Seally so that with min against the same to get control of either to get control of either to get to produce a certain paper with a base and Mr. Seally so that with min against the same to get control of either against to get the store and Mr. Seally so the control of either to get control of either against to an and Mr. Seally so the store to the system of the store and Mr. Seally so the to experience in the city we should make a pretring read to a system to the system of the store state growthe to get control of either to get control of either

Jail Terms.

EAT HOUR SLIDES BY WHILE SCHOOL CZAR IS PRISONER

(Special Dispatch to The Journal.) Pendieton, Or., April 10.—To be locked within the solid walls of a bank after hours and to be held unintentionally as a prisoner while the dinner hour slowly passed away, was the fate that hefeli A. C. Hampton, principal of the Pendle-ton high school. Late Wednesday afternoon Mr. Hamp-ton chanced to be in the First National bank in conversation with Cashier G. M. Rice. The hour was lette and all others had left the bank. About 5:20 the two men started to leave. Mr. Hampton timoring of the matter and proceeded home. When he found himself locked inside Mr. Hampton was seized with consterna-When he found himself locked inside Mr. Hampton was seized with consterna-When he found himself locked inside Mr. Hampton was seized with consterna-M. The found himself locked inside Mr. Hampton was seized with consterna-M. Hampton was seized with conster

<text><text><text><text><text><text><text><text><text><text><text> APPLY FOR MARRIAGE LICENSE

charged with stealing money from Multnomah county when he was county clerk, years ago. These editorials used such plain language that had the charges not been true Powell could easily have recovered heavy damages for libel.

The presumption is that the nomina-tion was sent before the charges reached the president, owing to delay not in-frequent in handling the immense mass of mail matter which goes to the White House,

Methodists to Celebrate.

Methodists to celebrate. Meadville, Pa., April 10.—Clerical and lay leaders of the Methodist Episcopal church have gathered here in large numbers to participate in a three-days' celebration at Allegheny College of the fiftleth anniversary of the departure of Rev. James M. Thoburn on his first mis-sionary visit to India. Bishop Thoburn himself will preach the semi-centennial sermon with which the celebration will oben tomorrow. Other eminent churchopen tomorrow. Other eminent church-men who will take part in the exec-cises are Bishops Moore, Berry, Smith, McDowell, Hamilton and Hartzell.

Enraged Grocer Attacks a Woman. (United Press Leased Wire.)

San Francisco, April 10.-Hyman Rosenthal, a grocer, is under arrest charged with a brutal assault upon Mrs. Annie Hindin. It is alleged that

ment to present the case of the miners, and declares the operators' attitude has been inconsistent. New Notaries. Salem. Or. April 10.—Notarial com-missions have been isshed to Joseph T. Knappenberg, Ione, and M. Enbank and J. L. Wigle, Portland. Mrs. Annie Hindin. It is alleged that during a dispute over money matters in his store he hurled a scale weight at her head, breaking the glasses she was wearing and inflicting injuries that may destroy her sight. Rosenthal re-cently purshased the store from Mrs. Hin...n and she had called to collect the final payment over which the dis-pute arose.