

FEDERAL JUDGE ADMINISTERS RECORD-BREAKING PENALTY FOR VIOLATION OF ANTI-REBATING LAWS



JOHN D. ROCKEFELLER.

One of the founders of the Standard Oil monopoly, who claims he is no longer in active control of the great trust.

New York, Aug. 3.—The Standard Oil Company will appeal to the United States circuit court of appeals from the sentence imposed by Judge Landis today.

Chicago, Aug. 3.—Judge Landis, of the United States district court, today imposed a fine upon the Standard Oil Company of Indiana of \$29,240,000, the maximum amount upon each of 1462 counts of the indictment on which that company was recently convicted of rebating. The judge also recommended that a call be issued for a special grand jury which is to consider the other party to the rebating operations of which the Standard Oil trust has been found guilty, and as a result it is probable that proceedings will be commenced against the Chicago & Alton railroad company for the alleged commission of a similar offense.

Judge Landis, in his decision, said it was proved in the trial that the defendant, a corporation of Indiana, operates an oil refinery at Whiting, Ind.; that the Chicago & Alton, a corporation of Illinois, operates a line of railroad from Chicago to East St. Louis, Ill.; that the Chicago Terminal railroad operates a switching road from Whiting across the state line into Illinois, intersecting the Alton road at Chappell, a short distance from Chicago, and that there are three companies operating ter-

minal roads from East St. Louis across the Mississippi river to St. Louis, Mo. Prior to the occurrence upon which the prosecution is based the Chicago & Alton had filed with the interstate commerce commission its tariffs, showing the rates for the transportation of oil in car lots from Whiting to East St. Louis to be 15 cents per hundred pounds, and the rate for like transportation to St. Louis to be 19 1/2 cents a hundred pounds. The court said it appeared at the hearing that defendant shipped its goods from Whiting to St. Louis for 7 1/2 cents, and to East St. Louis, 6 cents.

The defense argued that the Elkins law authorized prosecution for but one offense, and maintained that there could be conviction on only one count.

When, under the indictment secured a year ago, the Standard Oil Company of Indiana was found guilty of violating the anti-rebate law, the fixing of the fine for that offense devolved on Judge Landis, and as he had a free hand in assessing any fine between \$1000 and \$20,000 on each of the 1462 counts in the indictment, he was confronted with a rather difficult proposition. He did not know how much punishment the company could stand, and this is the reason why he summoned John D. Rockefeller and others prominently connected with Standard Oil affairs, so as to learn some of the financial secrets of the company which its counsel were either unable or unwilling to tell. The judge found that Mr. Rockefeller knew very little about the affairs of the company, of which he is the president, and that little he was not sure of. He divulged, however, that the capital of the Standard Oil Company of New Jersey, is about \$100,000,000, and that its annual dividends now are "about 40 per cent."

PRESIDENT OF TRUST MAKES STATEMENT

New York, Aug. 3.—President J. A. Moffatt, of the Standard Oil Company of Indiana, discussing the judgment of Judge Landis, said:

"The contention of the government was that the lawful rate was 18 cents a hundred pounds between Whiting and East St. Louis. The defendant claims, first, that the lawful rate was 6 cents, and, secondly, if 6 cents was not the lawful rate it was the rate issued to the Standard Oil Company by the Alton railroad as the lawful rate and the Standard Oil Company was justified in believing from its own information, and from information received from the railroad company, that 6 cents was the lawful rate. The 18-cent rate was a 'class' and not a 'commodity' rate, and the chairman of the Chicago & St. Louis tariff association, issuing the 18-cent rate, under oath testified that they never applied it and never intended to apply it to oil. Moffatt claims that thousands of tons of freight were shipped under the same circumstances during the

past fifteen years and that if the Standard Oil Company is guilty, so is practically every other shipper of that great manufacturing territory.

Moffatt continued: "The uncontradicted evidence showed the Standard Oil Company was advised by the rate clerk of the Chicago & Alton that this six cent rate was filed with the interstate commerce commission. "The court, however, instructed the jury that the shipper must know not only what the rate was but also that such rate was actually filed with the interstate commerce commission, that is to say, that the view of the court was that the shipper must know absolutely what was the legal rate at the risk of suffering enormous penalties in the event either that he was misinformed by the railroad company, or that in the event that he did not exercise as much diligence in the judgment of the courts as he should have exercised in ascertaining what the rate really was.

If this is the law every shipper of freight is in danger of the penalty or confiscation of his property by way of excessive fines every time he undertakes to make a shipment from one state to another.

"Knowing that the rate on the Western Illinois was but six cents, having no reason for shipping over the Alton in preference to the Eastern Illinois, and able to ship all of its oil over the latter road, we insist that the facts, many of which the court did not permit us to show, not alone demonstrate innocence, but inherently forbid the idea of guilt.

"We further insist that whatever may be one's technical view of the above questions, every equitable consideration is with the defendant, and the only desire was to give the defendant a 'square deal' this prosecution would never have been instituted.

"The American public not only believes in fair play in the abstract, but with all the facts before it, it has the capacity to determine whether a defendant, rich or poor, has received a 'square deal'.

"For all these reasons the Standard Oil Company asserts that it is not even technically guilty and that it ought never to have been prosecuted because of the claimed failure of a railroad company—which has neither been indicted or prosecuted—to file its tariff, and that the prosecution of this defendant under the circumstances of this case is a prostitution of the spirit and the high purpose of the interstate commerce act."

FISH TRUST MUST ANSWER FOR REBATING

Chicago, Aug. 3.—Indictments were returned today in the United States district court against Booth & Company, generally known as the "fish trust," the New York, Chicago & St. Louis railroad, and the Lehigh Valley railroad company, charging violation of the first provision of the Elkins law prohibiting rebates.

FRED MULKEY ENTERS CONTEST AGAINST FULTON

Frederick W. Mulkey, ex-United States senator from Oregon, is being groomed for the senatorial race at the April primaries. During the summer he will engage in the most strenuous training. Gallows to the far corners of the state to become better acquainted with the people of every section have been arranged by his trainers. He will single-foot it to the nearby districts also to meet his old friends and make new ones. By next spring his admirers think he will be in fine fettle to trot in a winner in the spring meet with Fulton.

Mr. Mulkey has already once romped in a winner, but he is remembered, in the senatorial sweepstakes, and followers of the political ponies are scanning the form charts to do up out his previous performances and get a line on his chances to push his nose under the wire ahead of the salmon county statesman.—Oregonian.

"Frankly, I am a candidate for reelection to congress," said Congressman W. R. Ellis, at the Union station yesterday afternoon. "Of course," he continued, "no one can tell what may arise in any line of life, but so far as I know at present or expect to know, I hope that the people will see fit to keep me in the seat I now hold."—Oregonian.

WILLIAMS' CARBOLIC SALVE WITH ARNICA AND WITCH HAZEL

The best salve in the world for cuts, bruises, sores, ulcers, salt rheum, tetter, chapped hands and all skin eruptions. Guaranteed to give satisfaction or money refunded. Sold by Lian Drug Co., Williams Mfg. Co., props.

C. H. Hales, O. A. Campbell and A. J. Gillette, appraisers of the estate of Arthur Comegys, deceased, filed their inventory of the property in the probate court today. The property consists of an interest in a 160-acre timber claim involved in a contest at the time of the death of the deceased, valued at \$3200.

One of the workmen on the street railway line dug up a gold dollar in the middle of the street yesterday. It was of the date of 1852, and had probably been buried in the street for many years.

LOCAL NEWS OF BUSTLING JUNCTION CITY

PROPOSITION TO ENLARGE PRESENT SCHOOL BUILDING DEFEATED AT SPECIAL ELECTION

—MAJORITY SEEMS TO FAVOR NEW BUILDING—LOCAL AND PERSONAL NOTES.

The proposition to build a four-room annex to the present school building was defeated at the special election Wednesday. Several reasons were advanced that caused the defeat of the measure, principally that the word "annex" was used. It was considered impracticable to build a four-room annex and the board was powerless to act outside of the proposition, and in addition to that, the bonds could not be placed unless the law was strictly complied with. Others claimed that four more rooms were not needed, and would not be for years to come. More room is absolutely necessary, and much talk is indulged in as to the propriety of buying another block and duplicating the present building. We are in favor of a new and separate building or a two-room annex to the present building.

Jos. Nichols returned last week from Seattle, where he has been on business. He exchanged his Belgian stallion for another, a brown Belgian, one of the exhibition horses used by Crouch Bros., for the various horse shows throughout the country. He is valued at \$4000, and his equal is not in the Willamette valley. We are glad to record the fact that right here we have the finest horse in this section of the state. He balances the scales at an even 2100. Mr. Nichols owns two horses, the German coach and Percheron, are also at the head of the class, a fact that farmers should appreciate.

R. C. Dwigans, of Iowa, has purchased the farm of Sternberg & Senders, southwest of here, consisting of 480 acres, through the agency of W. F. Cranston. Mr. Dwigans is a relative of J. L. Whiting and the Van Horn brothers. This is a fine farm and in a good neighborhood.

Miss Anna Crain left Wednesday for Portland and Seattle, from which place she will take a steamer for San Francisco. Her visit here was greatly enjoyed by all. She has been recently employed to teach in the schools of Pasadena at \$100 per month.

R. C. Roberts has purchased the interests of his partner in the jewelry business, Mr. Gleason taking the Harrisburg store. Mr. Roberts has moved here and occupies the cottage recently vacated by Professor Lent. The Corvallis baseball nine carried off the honors here Sunday without much of an effort. The score was 23 to 6. The visitors are a fine lot of young men and enjoyed the visit.

W. D. Mulkey, better known as Dennis, died at Tecos, Texas, Tuesday. His body was taken to Leon, Texas, for interment. He was formerly engaged in the grocery business at this place.—Times.

L. N. Roney will start a force of men for the mouth of Lake creek, on the Stuslaw road, tomorrow to work on the Lake creek bridge. They will put in new piers and make other repairs to the structure.

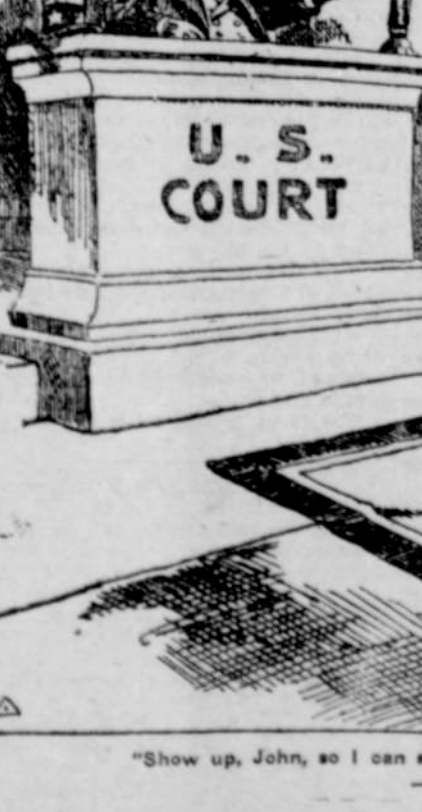
Mrs. W. S. Gladstone, of this city, today received a telegram from Millersburg, Pa., stating that her father, Wm. A. Smith, had died. He was aged 72 years and had been a railroad for the past 50 years. He leaves ten children.

Mrs. Minnie Halwax, of Junction, has been granted a divorce by Judge Harris from Conrad Halwax on the ground of cruel and inhuman treatment. She also receives \$10 a month alimony for the support of their two minor children, whose custody Mrs. Halwax is granted.

A residence belonging to H. H. Fisk at Mapleton was destroyed by fire Monday, together with nearly all its contents. The house was occupied by Rev. Phelps, pastor of the church there. The loss is perhaps \$600 or \$700, with little insurance.

O. W. Fidler and family have moved from Lorne to Eugene, and will reside here in the future. They have purchased the Whitaker residence on West Fourth street.

C. L. Scott and family have returned from Newport.



"Show up, John, so I can soak you judicially."

—De Mar in Philadelphia Record.

EUGENE GIRL SUICIDES IN PORTLAND

(From Thursday's Guard.) Today's Oregonian has the following story of two young people well-known in Eugene:

Because her lover, Edward Small, an iron moulder, refused to take her to Salem with him, Rachel Hathaway, a 19-year-old girl whose home is at Eugene, swallowed carbolic acid in a room at 461 East Morrison street about 10:40 last night, and died in agony one hour later.

Miss Hathaway came to Portland about two weeks ago, after having quarreled with her mother, and joined Small, who formerly lived at Eugene. Last night Small informed the girl that he intended to go to Salem to take a position at that place, and the girl objected to his leaving her. He tried to convince her that circumstances would not permit him to take care of her and also of his two children, and advised her to wait for better times. She apparently acquiesced but while he was getting her a glass of water she swallowed the contents of a phial of carbolic acid. Dr. Bruce was called by Mrs. Wert, the landlady of the rooming house, but was unable to save the girl's life.

Coroner Finley was summoned and took charge of the remains, and has not yet decided whether an inquest will be held.

Edward Small, the lover of the dead girl, was later arrested by Deputy Sheriff Andrew and Patrolman Phillips, at Front and Morrison streets, while acting in a strange manner. According to Andrew, Small threatened to end his own life shortly after the girl died, and was followed across the bridge. He later denied any intention at self-destruction, but was locked up, as he may be wanted in case an inquest is held. He is a widower and his children are in the care of his mother at Eugene.

WILL APPLY TOADS TO DANGEROUS CANCER

In a last attempt to save the life of her mother, Mrs. E. C. Lasche, of this city, will resort to the application of wart toads to a cancer which is threatening the life of her parent. The toads are applied, it being understood that they absorb the poison of the cancer, one after another until sufficient of the life of the cancer has been absorbed to kill its growth. It is an old remedy, said to have been applied by the Greeks in ancient times.

THE LIMIT OF LIFE
The most eminent medical scientists are unanimous in the conclusion that the generally accepted limitation of human life is many years below the attainment possible with the advanced knowledge of the race now possessed. The critical period, that determines its duration, seems to be between 50 and 60, the proper care of the body during this decade cannot be too strongly urged, carelessness then being fatal to longevity. Nature's best helper after 50 is Electric Bitter, the scientific tonic medicine that revitalizes every organ of the body. Guaranteed by W. L. DeLano, druggist, 59c.

L. W. Stewart, of this city, has been awarded the contract for the erection of B. B. McKinney's two-story business building at Springfield. The contract price is near \$3000.

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Oil of Peppermint—
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A perfect Remedy for Constipation, Sour Stomach, Diarrhoea, Worms, Convulsions, Feverishness and LOSS OF SLEEP.

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Chas. H. Fletcher
NEW YORK.

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25 doses, 25 cents. Never sold in bulk.

ARNOLD IS BOUND OVER TO CIRCUIT COURT

William Arnold, who was brought before Justice of the Peace Bryson this morning for his preliminary examination on the charge of rape, was bound over to appear before the circuit in November in the sum of \$600, which has not yet been furnished.

J. W. Mays, the other man in the case, has not yet been heard from, and it is doubtful if he will be apprehended.

S. D. White, of the Portland juvenile court, took Pearl Gilliland and Emma Toole back to their homes in St. Johns this afternoon. Minnie Savage, the third woman concerned, is in town. The Toole girl, though she looks eighteen or nineteen, is only seventeen, and the Gilliland girl, who was only a witness, is sixteen.

The testimony brought out in the case showed that there is plenty of evidence to justify the holding of Arnold, and that liquor was flowing very freely in his lodging house Wednesday night.

Minnie Savage on the stand swore that she could drink a quart of whiskey without getting drunk, and otherwise distinguished herself as a witness.

THREE VICTIMS OF NORTH YAKIMA FIRE

North Yakima, Aug. 3.—At least three lives were lost in a fire in the centre of the city early this morning, which started in an old wooden building. Adjoining property was considerably damaged, the total loss being \$75,000.

The bodies of the three victims were recovered, but have not been identified.

WILLIAMS LEADS BY SMALL MARGIN

Jackson, Miss., Aug. 3.—With one county, Jeff Davis, which will break about even, to hear from John Sharp Williams leads in the race for United States senator by less than 2000 over Governor Vardaman.

FIGHTING BOB EVANS PERFECTS CRUISE DETAILS

Washington, Aug. 1.—Rear Admiral Robley D. Evans, in command of the battleship squadron of the Atlantic fleet, came to Washington yesterday, accompanied by his aide, Captain Ingersoll, for a talk with the de-



REAR ADMIRAL EVANS.

partment heads over the details of his proposed trip of battleships to the Pacific. He was in conference with Rear Admiral Brownson, chief of the bureau of navigation, and Assistant Secretary of the Navy Newberry most of the day. It can be stated that plans to send battleships to the Pacific will not be matured before fall. Admiral Evans will rejoin his flagship, the Connecticut, in New York, where she has been undergoing repairs.

Practically the entire fleet is ready to leave the docks, and as fast as ready the vessels will rendezvous in Hampton Roads. On August 6 the Connecticut will have her official speed trial, shortly after which the fleet will proceed to the New England coast for maneuvers and target practice.

It is now proposed to dock the fleet in October, preparatory to the long journey to the Pacific.