

AT THE RAILROADS

Rate and Liability Bills Before the House.

WARM DEBATE IN COMMITTEE

Railroad Men Admitted to the Floor to Set Forth Their Side-Ford for the Opposition-No Conclusion Reached.

SALEM, Or., Feb. 11.—The railroad-rate question and the "fellow-servant" agitation were the subjects of the House today. Railroad attorneys appeared and presented their views with much eloquence and persuasive logic, and the other side was presented with equal earnestness by Representative Colvig and Hon. Timon Ford, of Salem, who came as the representative of the people. The various railroad bills were a special order for this afternoon.

House bill 147, introduced by Harris, fixing the liability of railroad companies for injuries to third parties, also came up for third reading, when Dresser of Clackamas moved, in view of the fact that this and other bills referring to railroad affairs were of great importance and demanded careful consideration, that the bills be considered in committee of the whole House. This was agreed to, and Dresser was called to the chair.

In the committee of the whole House moved that, in order that the members of the House receive all possible light on the bills, William D. Fenton and W. W. Cotton be invited within the bar of the House and explain the position of the railroads regarding the bills under consideration and take part in the discussion.

Colvig of Josephine bitterly opposed any such action. "This House," he said, "is competent to attend to its own business." He would not believe that the majority of the members would vote to allow these attorneys to make a special plea for the interests they represented. He hoped and trusted that the motion would not prevail.

Stewart of Jackson was favorably impressed with the proposition, and desirous of gaining all possible information on the subject.

Pease of Marion expressed the opinion that the members were entitled to all the information that could be gathered.

Hedges of Clackamas said: "Mr. Speaker, we are here as a sovereign body. We are not here to be deceived and then enact laws. We are not here to be deceived or misled."

Grace of Baker added: "I second the motion of Mr. Whitney. I did so in the hope that by the action of the members on their side of the case we could gain more information. I am not in favor of doing an injustice to any one. We are in committee of the whole; as such we have the right to obtain all possible information."

Harris of Lane said: "I do not believe any one here is acting unfairly. When those bills were referred to the committee, they were referred to the committee to be considered. It is not fair, it is not right, to invite these men within the bar of this House. If we do, then we must ask that other people interested in other measures be granted the same privilege. I am opposed to this motion, as, should it carry, it would establish a precedent that would be regretted."

McCracken of Multnomah said: "Are we afraid that we may get too much light on this subject, the most important interest of our state? Shall not those representatives who are here to represent the people have a chance to represent their side of the case? I can see no objection to those gentlemen appearing before this committee."

Whitney of Linn, member of the House committee on railroads, stated that when he went into the committee-room he supposed his mind was made up, but he had since then reached a different conclusion. If the facts can be discussed, then we can act intelligently. Let the railroads and just to do right by the railroads, and it is also right, proper and just that we do right by the people of Oregon. "I want to cast my vote," he said, "so that I will have no explanation to make when I go home. I want the mutual benefit of the railroads and the people, and I favor these men expressing themselves."

Carter of Jackson moved to see how any advantage could be gained by inviting the attorneys to address the members. "We," he said, "were elected by the people of Oregon, the time of the Legislature being at hand, and it is our responsibility for the manner in which we use it."

Eddy of Tillamook asked Carter if he thought the majority report of the railroad committee on business is a consideration should be a guide to the members of the House, to which Carter responded that he did not. Eddy then called attention to the unfairness of such action of not accepting the majority report of a committee, yet refusing to allow the members of the House to know upon what testimony such majority report was reached.

"We cannot get too much information on the subject to make me, and so he would favor the motion."

Colvig made another onslaught on the railroad officials of railroad companies taking up the valuable time of the Legislature only to be told that the railroad men said before the railroad committee. "This House," he said, "is competent to attend to its own business. It is responsible to the whole people of Oregon. When the committee of the whole has discussed these bills, the members will know all that is necessary for them to make up their minds. We are a sovereign, deliberative body; on business is for the laws, not listen to the special pleadings of interested persons."

Some misunderstanding existed in regard to what the motion of Whitney really intended, on business is for the laws, not listen to the special pleadings of interested persons."

Harris moved that, inasmuch as the members had seen fit to invite these men within the bar of the House, that Timon Ford be also invited to address the members as a representative of the people of Oregon. This was carried.

The Arguments Presented.

Attorney Fenton explained at length the financial situation of the Southern Pacific, showing that the Oregon lines had always been operated without a profit, and even at a loss. He contended that under the decision of the United States Supreme Court a railroad has a right to fix its rates as to earn a fair profit upon the value of its property including its stocks and bonds. South of Lane County there was a population of only 50,000 tributary to the road, and only about 100 miles of the road was operated through a population.

Mr. Fenton attacked the validity of the proposed bill, which excluded from its

operation all roads operated wholly within the State of Oregon. He said he did not think the law was worth the paper it was written upon. He contended that it was also made for the Legislature not to act in such manner as to advertise that Oregon is an undesirable place for the investment of capital.

"If this measure passes," said Mr. Fenton, "we must like the trains like the Albany local, now operating at a loss; or we must increase the freight charges; or we must let the bondholders take the road. We do not want to accept either alternative."

Representative Colvig, who was formerly chairman of the State Board of Railroad Commissioners, then attacked the Southern Pacific because it (or its predecessor) had made the same plea in 1885, when the Legislature reduced fares from 4 cents to 4 cents. It was made in 1889 when the Commission proposed to reduce the rate on wheat. Yet the company was doing business. Mr. Colvig made a strong point of the fact that every other road running into Portland had voluntarily reduced the rate to 3 cents.

Colvig wanted to know if the state could not require the railway company to keep its rates at the maximum in effect on January 1, 1901?

Mr. Fenton answered that such a course would be a great injustice to the Astoria road and to the O. R. & N. while it would not hurt the Southern Pacific.

W. W. Cotton, counsel of the O. R. & N., followed and criticized a statement by Mr. Colvig that the Southern Pacific land grant was 20,000,000 acres. "That," said Mr. Cotton, "is more than there is in the State of Oregon."

"I meant 20,000 acres," interrupted Mr. Colvig.

"Then you are as far off as ever," responded Mr. Cotton. "There are about 2,000,000 acres in the grant." Then he attacked the State Railroad Commission for forcing the O. R. & N. Co. into bankruptcy in 1894.

"What particular act of the Commission forced the O. R. & N. into bankruptcy?" asked Colvig.

"Lowering our freight rates," said Mr. Cotton.

"The Railroad Commission never lowered your freight rates," said Mr. Colvig. "Any one who forced a compromise that meant bankruptcy to us. Has any gentleman here ever been held up? Well, that's the way it was with us."

Master and Servant Bill.

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IN BEHALF OF DAIRYMEN

SENATE PASSED THE LOONEY PROTECTIVE MEASURE.

Defines Adulterated Articles and Provides for Full-Weight Rolls of Butter—Text in Brief.

SALEM, Or., Feb. 11.—There are few bills that get the Senate without opposition. Senate bill 63, by Looney, is one of the few. This is the bill framed for the protection of the dairy industries of the state, and for the protection of those who buy and consume dairy products. Senator Looney is one of the best-known dairymen of Marion County, and consequently had in mind the framing of his bill the greatest needs of those who are engaged in this growing industry.

The bill provides for the election of a dairy and food commissioner by the people, the salary of the office to be \$100, with an allowance of \$1250 per year for expenses and \$500 per year for a deputy. The commissioner is required to visit each creamery and cheese factory in the state at least once in each year, to give practical and theoretical instruction in dairy matters, to keep an office in Portland and to prosecute violations of the law.

The proposed measure requires that all adulterated foods, drinks, medicines and fertilizers shall be plainly marked as such; that all adulterated food, drink or medicine shall be marked with the words "adulterated"; that in dining-rooms in which bills of fare are not used notices must be posted stating what adulterated foods are used; that reworked or remolded butter shall be marked "process butter" or "tub butter" as the case may be, and that no diseased, unclean, impure, or unwholesome food, drink or medicine shall be sold or offered for sale. The most important section of the bill is section 3, which defines what shall constitute an adulterated food, drink or medicine. It reads as follows:

"Sec. 3. An article of food or drink or medicine shall be deemed to be adulterated within the meaning of this act when: 1. Any inferior or cheaper substance or substance has been substituted, wholly or in part for it. 2. If any valuable constituent has been wholly or in part abstracted from it. 3. If it is an imitation of any article sold under the name of another article. 4. If it is colored, coated, powdered or polished, whereby damage is concealed, or if it is made to appear better or of greater value as compared with the real article, than it really is; provided, however, that salt and anatto, or butter color in which anatto is the principal ingredient, shall not be considered an adulteration when used in dairy products. 5. Butter that contains more than 14 per cent water. 6. Milk that contains more than 88 per cent butter fat. 7. Milk that contains less than 3 per cent butter fat. 8. Milk that contains less than 9 per cent solids, other than butter fat, and less than 128 specific gravity after cream has been removed. 9. Jellies, jams and fruit sauces put up for sale, that contain any inferior ingredient than pure fruit substance and juice. 10. Apple cider vinegar that contains an acidity of less than 4 per cent of absolute acetic acid, and 15 per cent of alcohol. 11. Any article of food or drink or medicine that contains anything else than absolute apple cider. 12. Pickles and fruit sauces shall contain no other sweetening matter than pure sugar. The following is the provision regarding oleomargarine: 13. No person by himself or his agent, shall render, manufacture, sell or offer for sale, expose for sale, take orders for future delivery, or have in his possession with intent to sell as butter any article, product or compound, made wholly or partly out of any fat, oil, oleaginous substance or compound thereof, not directly or wholly produced from pure, unadulterated milk or cream of the same, which has been or is colored to imitate yellow butter produced from pure unadulterated milk or cream of the same; provided, that nothing in this act shall be so construed as to prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from color, and without the use of any artificial coloring matter or ingredients causing it to look like butter. Section 5 requires that manufacturers of butter under separator process shall procure a stencil from the commissioner and brand their boxes of creamery butter, full weight, and wrap butter rolls in paper bearing the same imprint. Section 6 reads as follows: 'Every person or persons, firm, association or corporation who shall, in any creamery, cheese factory or private dairy, manufacture cheese in the State of Oregon, shall, at the place of manufacture, brand distinctly and durably on the bandage of every cheese and box containing the same the true grade of said cheese, as follows, to-wit: 'Oregon full-cream cheese'; 'Oregon half-cream cheese'; 'Oregon quarter-cream cheese'; or 'Oregon skimmed cheese,' as the case may be. Full-cream cheese shall contain not less than 90 per cent butter fat; cheese that contains 85 per cent butter fat, and under 30 per cent, shall be known as 'half-skimmed' cheese; cheese that contains 75 per cent butter fat and under 15 per

cent shall be known as 'quarter-skimmed' cheese; cheese that contains less than 75 per cent butter fat shall be known as 'skimmed' cheese; provided, nothing in this section shall be construed to apply to 'Edam,' 'Brickstein,' 'Pine-apple,' 'Limburger,' 'Swiss,' or hand-made cheese, not made by the ordinary Cheddar process."

One-pound rolls of butter are required to contain 16 ounces of butter, and two-pound rolls 32 ounces. Cheese makers must brand their boxes with a stencil furnished by the commissioner. A charge of \$1 shall be made for stencils.

Unwholesome foods and drinks that may be seized shall be destroyed, while articles that are merely adulterated shall be properly branded and returned to the owner. Persons engaged in selling cream or milk in cities of over 10,000 inhabitants must procure from the commissioner a stencil plate showing the number and location of the dairy or creamery and place said plate in a conspicuous place on each delivery wagon operated by said person. The use of bottles, cans, or other articles, or of any adulterated or injurious antiseptics is prohibited.

Section 12, relating to the care of cows is as follows: "Cows kept by any person for dairy purposes, either for butter or cheese, or for the production of milk or cream for sale, and are confined in stables, such cows so confined shall be allowed at least 800 cubic feet of air space, and such cows so stabled shall be confined facing each other closer together than 10 feet; and all stables where

such cows are kept shall be well ventilated and kept in a good healthful condition, and if any dairy above stated is found to be in a filthy or unhealthful condition, the Dairy and Food Commissioner shall notify the proprietor that said dairy must be put in a healthful condition within three days, and in the event of the failure of said proprietor to put said dairy in a healthful condition within three days from the receipt of said notice, he or they shall be deemed guilty of a misdemeanor, and shall be punished as hereinafter provided for violation of this act."

The remainder of the bill relates principally to vineyard, jellies, etc. Violation of the provisions of the act is made punishable by a fine of \$25 to \$100, or by imprisonment for 30 days to six months.

LIFE INSURANCE BILL.

Proposed to Make Policies Incontestable After One Year.

SALEM, Or., Feb. 11.—One of the important bills to come before the House tomorrow or Wednesday is Pearce's bill making life insurance policies incontestable after the expiration of one year, except in the case of fraud, and that no policy issued to a female shall be contested by the company, by reason of any erroneous answer of such female touching her pregnancy made in her application for insurance, unless such answer shall have been made within a year prior to the birth of a mature child. The contention in favor of the bill is that if there be any good cause for contesting a policy, the company can discover the cause within a year as easily as within a month after the death of the insured. There is a strong lobby representing insurance companies and fraternal societies opposed to the measure.

PORT OF PORTLAND BILL.

Multnomah Delegation Considered It—Good Prospects for Passage.

SALEM, Or., Feb. 11.—The Multnomah delegation had a meeting tonight to consider Senator Smith's Port of Portland bill. The House delegation was busy most of the evening at the House session, but later joined the Senators. There seems to be no doubt but that the delegation will take favorable action, and prospects for passage of the measure are good. There may be a minority report, however. No further action was taken on the charter today.

NORTHWEST DEAD.

Brad Clayton, Well-Known Washington Farmer and Stockdealer.

CHEHALIS, Wash., Feb. 11.—Brad Clayton, a well-known farmer and stockdealer of Eastern Lewis County, died yesterday, after a short illness.

Funeral of Mrs. M. J. Bowen.

OREGON CITY, Feb. 11.—Mrs. M. J. Bowen, who died at Curlewville, Sunday morning, after a lingering illness, was buried this afternoon at the city cemetery. Mrs. Bowen was 62 years old, and had been a resident of this city since 1865. She left a husband and one child.

Will Tour Europe, Asia and Africa.

ALLAH, Or., Feb. 11.—Rev. H. L. Reed, of the Presbyterian church of this city, left this morning on a six months' tour of Europe, Asia and Africa. In the East, Mr. Reed will join a party of 25, who will cross the Atlantic in a few weeks. Palettes will be visited. The Rev. Mr. Reed, the pulpit of his church will be filled by a native Armenian, a graduate of the Auburn (N. Y.) Theological Seminary, who has been a resident of this city for some time. He has been heard during the past few years.

Don't Be Annoyed With Headache.

You can get rid of it by using Wright's Paragon Headache and Neuralgia Cure.

MCKENZIE GETS ONE YEAR

NOME RECEIVER SENTENCED TO JAIL IN SAN FRANCISCO.

Court Severely Arraigned Judge Noyes for the Part He Took in the Case.

SAN FRANCISCO, Feb. 11.—The United States Circuit Court of Appeals today found Alexander McKenzie, the Cape Nome receiver, guilty of contempt of court in two cases, and sentenced him to serve one year in the County Jail.

In the opinion read by Judge Ross, the court held that the filing of the citation in the District Court at Nome was sufficient to give the Court of Appeals jurisdiction, but in proper cases may be considered in mitigation of the offense. At this point in the decision the court refers to the acts of Judge Noyes, and the manner in which affairs were conducted at Nome. It says:

"The circumstances attending the appointment of a receiver in the case, however, and his conduct after as well as before the appointment, as shown by the record and evidence, so far from impressing us with the sincerity of the pretension that his refusal to obey the writ issued out of this court was based upon the advice of his counsel that they were void, satisfy us that it was intentional and deliberate, and in furtherance of the high-handed and grossly illegal proceedings initiated almost as soon as Judge Noyes and McKenzie had set foot on Alaskan territory at Nome, and which may be safely and fortunately said to have no parallel in the jurisprudence of this country. And it speaks well for the good, sober sense of the people gathered on that remote and barren spot, that they depended solely upon the courts for the correction of the wrongs thus perpetrated among and against them, which always may be depended upon to right, sooner or later, without proper appeal brought before them. And it is well in these days of the rapid extension of our national domain, for all persons, whether residing in remote regions or nearer home, to remember that courts which administer justice and have regard for the administration of justice and the maintenance of law and order will never tolerate any disobedience of their lawful order, writs or judgments, whether committed within their jurisdiction."

"It is inherent in the nature of judicial authority," said the Supreme Court of the United States in the case of John Johnson, that every court may protect and maintain its jurisdiction under the law, and that it shall protect itself against all attempts to resist or thwart or overthrow its authority."

Judge Ross closed by ordering that McKenzie be confined in the San Francisco County Jail for six months on each charge, one term to succeed the other. McKenzie was in court, and appeared very much surprised at the sentence imposed.

The decision was rendered by Judge Ross, Gilbert and Morrow in the cases of John E. Torrance vs. L. P. Meising, and William W. Kellman vs. Henry Rodgers. These are two of the cases in which McKenzie declined to obey the writ of superdeces issued by Judge Morrow, and which he is now resisting.

McKenzie is building boats at steamers, and every town between Bennett and Dawson is building boats at steamers. Not less than 90 vessels will be engaged in the Alaska traffic during the coming summer, including those on the Upper and Lower Yukon, together with steamers sailing on regular routes from Puget Sound.

The people of Southeastern Alaska have petitioned Senator Perkins, of California, to ask them in securing a lighthouse and other means of protection for the inside route between the Sound and Skagway. The petition sets forth that 15,000 passengers, 20,000 tons of freight and \$20,000,000 in treasure are annually transported over this route.

VAUGHN PLEADED NOT GUILTY.

Jefferson Youth Charged With Striking a Girl With an Ax.

SALEM, Or., Feb. 11.—Department No. 1, of the Circuit Court, convened today for the February term.

John Vaughn, the youth who is charged with striking Lulu Jones, of Jefferson, over the head with an ax last fall, pleaded not guilty, and will be tried February 15. Murray Wade, charged with an assault being armed with a dangerous weapon, committed upon Will Evans, also pleaded not guilty, and will be tried February 15.

No Hope for His Recovery.

J. C. Young, the unknown man, who drove over an embankment in the city Saturday night, is still in an unconscious condition, and there is no hope of his recovery.

Target for Charge of Buckshot.

John Graham, a young resident of North Salem, was yesterday afternoon made a target for a charge of buckshot fired by Charles Nelson, while hunting near Zen Graham and a friend had treed a wildcat, and Graham went up in the tree to scare the animal down. While there Nelson fired a shot, fired about 20 buckshot into Graham's legs. Graham fell to the ground, a distance of about 30 feet. His injuries are not fatal.

NEW FRANCHISE GRANTED.

Clackamas Commissioners Permit Trolley Line on Public Highway.

OREGON CITY, Feb. 11.—The Board of County Commissioners this morning granted a new franchise to the Oregon City & Southern Railway Company to construct and operate a railroad from this city south through the village of Cathlamet, a distance of about one mile. This is the second franchise that has been granted to this company for this purpose. The first franchise was granted on January 10, on January 28 the court, on the petition of the Southern Pacific Railway Company, granted a new franchise. Last Saturday the company made application for a new franchise, agreeing to make certain concessions and accepting certain conditions specified in the first franchise. On these terms the court this morning granted a new franchise.

The following are some of the principle conditions on which the franchise was granted: A track is to be laid along the retaining wall of the river basin, including in the middle of the road, and to be at no place more than 15 inches from the outer edge of the wall, except at such places as will leave 15 feet or more clear wagon road; the entire road bed, including the part occupied by the rails, to be planked with four-inch lumber; the company to construct and maintain all necessary culverts and bridges, and to construct and maintain a good, strong hand-rail on the side of the road next to the

Feeds the Hair

Have you ever thought why your hair is falling out? It is because you are starving your hair. If this starvation continues, your hair will continue to fall.

There is one good hair food. It is Ayer's Hair Vigor. It goes right to the roots of the hair and gives them just the food they need. The hair stops falling, becomes healthy, and grows thick and long.

Ayer's Hair Vigor does another thing, also: it always restores color to faded or gray hair.

One dollar a bottle.

If your druggist cannot supply you, send us a note and we will express a bottle to you, all charges paid. Be sure and give us your nearest express office.

J. C. AYER & CO., Lowell, Mass.

Send for our handsome book on the Hair.

much of his property was destroyed. It is said to be part of the plans of His Holiness not only to honor Monsiegnor Martellini by the selection of his nephew as the official messenger, but also to give the Count an opportunity to look after his financial matters. It is presumed that Count Pecci will take this opportunity of filing claims for damages amounting to several hundred thousand dollars.

Bernhardt at San Francisco.

SAN FRANCISCO, Feb. 11.—Sarah Bernhardt and Coquelin opened their two weeks' season at the Grand opera-house tonight in "L'Aiglon." The big playhouse was crowded to the doors with a fashionable audience, that gave the players a warm welcome. The play was not expected to season here has been enormous, and it is expected that the attendance will break the record for San Francisco.

Poisoned by Corned Beef.

CENTRALIA, Ill., Feb. 11.—H. W. Schmidt, superintendent of the Illinois Central Railway, died at Sparta today. His son, Harry, died Saturday night, and Mrs. Schmidt is not expected to live. It is supposed the family were poisoned by eating corned beef.

Daily Treasury Statement.

WASHINGTON, Feb. 11.—Today's statement of the Treasury balances in the general fund, exclusive of the \$250,000,000 gold in the division of redemption, shows:

Available cash balance, \$14,099,934

Gold, \$2,455,700

DR. SANDEN'S BELT

For Weak Men.

Who are broken in health. Whose backs are weak. Whose vitality is wasted. Whose nerves are shattered. Who are old while young. Who are rheumatic. Who have varicocele.

Call or write for my free booklet, which explain all about my world-famous appliances.

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GRATEFUL COMFORTING Distinguished Everywhere for Delicacy of Flavor. Superiority in Quality. Grateful and Comforting to the Nervous or Dyspeptic. Nutritive Qualities Unrivalled.

Your Grocer and Storekeeper sell it. In Half-Pound Tins only. Prepared by JAMES EPSS & CO., Ltd., Homoeopathic Chemists, London, England.

BREAKFAST SUPPER EPSS'S COCOA

CLUETT DELROY 25¢ each 2 for 25¢ CLUETT PEABODY & CO MAKERS

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BEST FOR THE BOWEL

Genuine stamped C. C. C. Never sold in bulk. Beware of the dealer who tries to sell something "just as good."