STICK TO BUSINESS

Railroads Forbidden to Become Dealers Also.

SUPREME COURT DECIDES

Chesapeake & Ohio's Coal Contract Condemned as Discrimination.

WASHINGTON, Feb. 19.-Justice White lodsy delivered the opinion of the Supreme Court of the United States in the case of the New York, New Haven & Hartford Railroad Company vs. the Inter-State Commerce Commission and the Interstate Commerce Commission vs. the Chesapeake & Ohio Railroad Company. affirming the decision of the United States ircuit Court for the western district of Virginia. The case involves the question mation in freight rates on coal by the Chesapeake & Ohlo in favor of the New York, New Haven & Hartford road as against other shippers. The decision was against the railroad company.

The decision was in regard to the question of discrimination by railroad comintended to have a general application to questions receiving attention at the hands of the public. Justice White said that to permit a carrier to become a dealer in odities carried by it would b to supply a means for the perpetuation of evils which the Interstate Commerce Comen is intended to remedy.

Losses by Keeping Contract.

These cases involved a charge of dis-crimination in favor of the New Haven road by the Chesapeake & Ohio. The on with a contract made be tween the two railroad companies in 1896, rdance with which the Chesapeake & Ohio road agreed to deliver 2,000,000 tons of bituminous coal to the New Haven between July 1, 1897, and July 1, 1902. The delivery in the last year covered by tract fell short to the extent of 60,000 which rendered it impossible to rchased coal elsewhere, and presented a bill to the Chesspeake & Ohio Company

Instead of paying the money, the Chesapeake & Ohlo Company delivered the \$0,000 tons of coal, notwithstanding the price of coal and of transportation had advanced so that it is claimed the Chesapeake & Ohio lost more than \$1 per ton on its

Plea of Railroad Company.

The case was brought to the attention of the Interstate Commerce Commission, and the complaint made that the transaction constituted a preference in the matter of freight rates in favor of the New Haven road. The company contendvendor, and not as a carrier, and that it was merely supplying the coal to pay a debt. This plea was also made the basis of a charge against the company as the laws of West Virginia, where the coal was mined prohibit common carriers from

dealing in coal.

The Circuit Court held, however, as there is no Federal statute against rallroads acting as vendors, that question need not be considered, hence the loss should be considered as a dealer's loss. But, while so holding, the court decided that, if the transaction involved an actual and substantial benefit to one shipper as the interstate commerce law. This condition was adjudged to have prevailed, and the trial court held the contract to have been illegal and enjoined further pro-ceedings under it. The lower court also held that the strike could not be held to absolve the Chesapeake & Ohio from the requirement to deliver the coal under its

Carrier Must Not Be Dealer.

Putting aside for the time all other ques ions, Justice White took up the case as law and stated the question to be decided the following: "Has a carrier engaged in interstate

commerce the power to contract to sell and transport, in completion of the con-tract, the commodity sold, when the price stipulated in the contract does not pay the cost of purchase, the cost of delivery and the published freight rates?"

Justice White said there were practically no previous decisions of the court to quote as precedents, because heretofore the features of the interstate commerce law dealing with discriminations, rebates and favoritism have not been involved in cases in the court. He said:

It cannot be challenged that the great purpose of the act to regulate commerce, while seeking to prevent unjust and unrea-sonable rates, was to secure equality of rates as to all and to destroy favoritism. Now, in view of the positive command of the second section of the act, that no departure from the published rate shall be made. "directly or indirectly," how can it in reason be that a carrier may take itself from our the statute in any case by simply electing to be a dealer and transport a commodity in that character? For, of course, if a carrier has a right to diversing the red modity in that character? For, of course, if a carrier has a right to disregard the published rates by resorting to a particular form of dealing, it must follow that there is no obligation on the part of a carrier to adhere to the rates because doing so is merely voluntary. The all-embracing prohibition against either directly or indirectly charging less than the published rates shows that the purpose of the statute was to make the prohibition applicable to every method of dealing by a carrier by which the forbidden result could be brought about. pidden result could be brought about

Would Defeat Law's Purpose.

Proceeding, he declared the purpose of the act to be "to compel the carrier as a public agent to give equal treatment to all." He added:

Now if by the mere fact of purchasing and selling merchandise to be transported, a carrièr is endowed with the power of dis-regarding the published rate. It becomes apparent that the carrier possesses the right to treat the owners of like commodities by entirely different rules. Interpreting the provisions of the statute as it is contended they should be, it would follow that every individual would be bound by the provided tarff and the carrier alone would be free to disregard it. The previous statute, while subjecting the public to the prohibitions, would exempt the carrier and would thereby the carrier and would thereby enormously increase the opportunities of the latter to commit wrongs which the statute

was enacted to prevent.

And the commiderations previously stated serve also to demonstrate that the prohibitions of the act to regulate commerce con-cerning "undue or unreasonable preference or advantage"; "undue or unreasonable prejudice," and "undue or unjust discrim-ination," are in conflict with the right of a carrier to become a dealer in commoditien which it transports, and as such dealer to sell at a price less than the cost and pub-

at issue, Justice White said that the court thought it established beyond doubt that, desiring to stimulate the production of coal along its line, the Chesapeake & Ohio bought and sold the coal without sard to whether the net result to it

would realise its published rates. The

Device to Escape Law.

And it would seem that wile means was esorted to instead of attempting to bring bout the same rosult by a lowering of the ublished rates, because to have done so and would heald have caused other and competing roads to make a similar reduction on the published rates and thereby would have frustrated the very advantage to itself and to those along its lines which the Chesa-peake & Ohlo deemed it was bringing about by the method pursued.

It is apparent that the deliveries under

es, an increase in the cost of the ocea carriage, etc.; the gross sum realized was not sufficient to not the Chempeake & Ohio its published tariff of rates. This must be the case in order to give equality to the prohibitions of the interstate commerce act against the ucceptance at any time by a carrier of less than its published rates.

Even if the result of applying the prohibitions as we have interpreted thim will be practically to render it difficult, if not imssible, for a carrier to deal in commodi

In conclusion, Justice White upheld the decision of the court below in declaring that both the contracts made by the Chesapeake & Ohio with the New Haven were contrary to public policy and void because in conflict with the prohibitions of the act to regulate commerce.

The cross appeal of the Interstate Com briefly and the general conclusion reached fied and enlarged by perpetually enjoining the Chesapenke & Ohio from taking less than the rates fixed in its published tariff of freight rates, by means of dealing in the purchase and sale of coal. And, as modified, the decree below is af-

EXPLOSION KILLS MINERS

At Least 13 Perish in Maitiand Mine in Colorado.

PUEBLO, Colo., Feb. 19.-A special to the Chieftain from Walsenburg says: By far the worst accident in the history of coal mining in this part of the country occurred at the Maitland mine this morn ng, and as a result at least 13 miners le their lives. It is possible that the list will reach 16 when the bodies have been re

The following is a list of the dead so of Maitland; James W. Titters, of 'Kansas; Battista Tobrea, Corona Costa, So pris Costa, Nick Yokibetz.

Shortly after 8 o'clock there was an exlosion in the part of Maitland known as unshine which caused the earth to tremble for miles around. Soon afterward a man ran out and reported that the mine was on fire. The explosion caused a fall of rock from the roof, and until this is leared away it will not be known positively just how many more are yet in the

ound there will be past hope. The deaths were caused by gas and the

PRINCESS PATRICIA, WHO WANTS



Princess Patricia, who, it is reported, desires to wed the young Marquis of Anglesey, is the third child and second daughter of Prince Arthur, Duke of Connaught, brother of King Edward of England, Paace. London, March 17, 1886, Her full beth. She made her debut a little over two years ago and is said to be one of the prettiest Princesses of the reigning house. If rumor is to be credited, she has had many suffers including King Alfonso, who is to wed her cousin, Princess Ena of Battenberg, and Prince Eitel Frederick of Germany. Patricla is reported to entertain affection for Lord Anglesey.

s believed that the explosion was caused by open lamps in use, as most of the men in that part of the mine used open lamps. General Superintendent Murray arrived this evening and has taken charge. The Maitland mine is a property of the Victor

Raisin Combine Broken Up.

FRESNO, Cal., Feb. 19.-At a meeting of the growers of the Central California Raisin-Growers' Company today, the deal-ers voted to disband the company and to return to the growers the half a cent a pound held out for the purchase of pack-ing-houses. This action breaks the association of growers formed for the purpose

This year the price of raisins was fixed at too high a rate, and the dried fruit failed to sell. The Mercantile Company, of San Francisco, finally took over the whole crop at 3 cents a pound.

Mali Train Wrecked, Twelve Hurt.

ST. LOUIS, Feb. 12.—The new fast mail train for the Southwest on the St. Louis, Iron Mountain & Southern today was wrecked, presumably by a broken rall at Carondelet, a suburb of St. Louis, early today. Twelve men, including the conductor and engineer, are injured, several of them seriously. It is believed all will recover. The engine and first car tele-scoped and together rolled down a 15-foot

embankment.

The second car, after turning over, lodged on the edge of the River Desperes. It contained a number of mail cierks and the loss of life must have been general. had the car fallen into the river

New Archbishop of New Orleans.

RUME, Feb. 19.-The congregation of the propaganda met today to decide on the appointment of a new archbishop of New Orleans to succeed the late Archbishop Chapelle, and, after hearing a re-port presented by Cardinal Satolil, it was decided to propose to the pope the nomi-nation of Bishop Blenk, of Porto Rico.

A GUARANTEED CURE FOR PILES. Itching, Blind: Bleeding or Protruding Piles. Your druggist will refund money if Pass Cint-ment falls to cure you in 6 to 16 days. 50c.

CALKING UP LEAKS Virtually

President and Advisers Confer on Rate Bill.

NEW PROVISO FOR APPEAL

Moody, Knapp and Prouty Prepare Amendment Which Will Give All Rights Constitution Allows.

WASHINGTON, Feb. 19 .- Following onference between Attorney-General Moody and Speaker Cannon and Senators Clapp and Dolliver, the Attorney-General and Chairman Knapp and Commissioner Prouty, of the Interstate Commerce Commission, held a conference with President Roosevelt today, at which railroad-rate legislation was discussed thoroughly. The effort was to so shape the provisions of the Hepburn bill regarding appeal to the courts as to make it certain that the bill appeal to what is regarded as constitu-

that Mesers. Moody, Knapp and Prouty have worked out a satisfactory provision that is better than that in the Hepburn bill, or in the original Interstate Com-morce Commission's bill, the only two bills hitherto laid before Congress, with which the President has on that point felt at all satisfied.
Senator Knox and Charles S. Mellen

president of the New York, New Haven & Hartford Railroad, talked with the President today at length on the question. Mr. Mellen returned to the White House at 4 o'clock in the afternoon. In the meantime the President had summoned by telephone some of his advisory. moned by telephone some of his advisers. In the conference which followed, besides the President and Mr. Mellen, there were Secretary Root, Mr. Moody, Mr. Knapp and Mr. Prouty. They discussed very thoroughly the questions which were brought up by Mr. Mellen, but no definite decision regarding them was reached. Pre-viously Mr. Mellen had spent about four hours at the Capitol in consultation with

INVESTIGATE TWO MONOPOLIES

House Committee Accepts Tillman Resolution on Coal and Oil.

WASHINGTON, Feb. 19.-Investigaion by the Interstate Commerce Commission of alleged monopoly of oil and coal by combinations of railways and other corporations is authorized by a compromise resolution agreed upon to-night by a sub-committee of the House committee on interstate and foreign commerce appointed to consider the Tillman and Gillespie resolution and agree upon a measure which will be reported to the entire House committee on interstate and foreign commerce tomorrow. A combination of the Till-man, Gillespie and Campbell resolutions was effected.

Members of the sub-committee, which consists of Representatives Hepburn of Iowa, chairman of the full committee; Townsend of Michigan, and Adams of Georgia, are confident of a unanimous favorable report to the House. The Tülman resolution, which has already passed the Senate, was accepted as the basis for the compromise measure. This has made it unneces-sary for the Senate to vote on the resolution again, as the acceptance by the House of a committee conference re-port is all that is necessary for the resolution's passage.

an investigation of the alleged railroad control of coal and other products hauled by the railways. The sub-committee regarded this measure as too broad, in that it would have compelled the Interstate Commerce Commission to investigate practically everything carried by common car-riers. On the other hand the Gillesple resolution limited the proposed investigation to the alleged railway control of bituminous coal and was considered too narrow in its scope. The Campbell resolution is that introduced in the House today to investigate allegations that railways and coal com-

In the compromise resolution the unqualified term "coal" is used, so the investigation may include both anthracite and bituminous coal, and oil is the only other product made the subject of

BUILD MORE BATTLESHIPS.

But in Navy-Yards With Union Labor Say Union Men.

NEW YORK, Feb. 15 .- The Central Fedcrated Union, last night, adopted a reso-lution urging the building of more battleships, with the proviso that the ships be built in Government yards instead of by private companies. Some advocates of ce opposed the resolution.

Action at this time is particularly desired because the battleship Connecticut, now building in the Brooklyn Navy-Yard, will soon be completed. It was affirmed that 20 per cent of the employes already have been thrown out of work because there have been no more battleships ordered to be constructed there, and that 50 per cent of the men will be discharged as soon as the Connecticut is ready for

launching.
"It appears that the influence of owners of private shipyards is all-powerful," it is set forth in a resolution, "in forcing Government officials, through both houses of Congress, to refuse to continue the building of Government vessels in the next ing of Government vessels in the navy-yards, when it has been shown by actual experience that better results accrue to the Government by the Government build-

Sell Indian Coal Land.

Cut in Half

Elegant, Nearly New Pianos to Be Sold at Once, for Virtually Half Price

During the next few days we wish to impose of a number of excellent, slightly sed planos, received in part payment for impose planos of late. Some of these intruments are exactly like new, some how a little wear, none of them enough o impair appearance or tone quality.

Any of these instruments may be obtained on payments of \$10 cash and \$5 a month.

Fancy walnut Conover upright, \$185.
Fancy malnut Conover upright, \$185.
Fancy mahogany Wing & Son, \$142.
Large cak-cased Balley, \$186.
Very nice Thompson & Co. resewood,

Very fines Thompson & Co. resewood, 146.

Bosewood Rudolph & Co. upright, \$90.
Large mahogany Leicht, \$168.
Large mottled walnut Everett, \$180.
Fanciest mottled walnut Vose, \$28.
Elegant mottled mahogany Kimball, \$284.
Fancy largest-size Krakauer, \$284.
Very fine mahogany Schumann, \$286.
Mottled walnut Hamilton, \$176.
Fancy mahogany \$155 Lester, now \$228.
Onk-cased excellent Jacob Doll, \$186.
Fancy Milton oak case, same price, Great big oak-cased Wellington, \$128.
Fancy mahogany Kingsbury, \$128.
Very fine Knabe baby grand, in genuine rosewood case, \$426.
Genuine mahogany Pease baby grand, very choice, \$486.
These grand pianos will be sold on payments of \$25 down and \$12 a month.

very choice, 455.

These grand pianos will be sold on payments of \$25 down and \$12 a month.

All must be sold in a few days. Telephone or telegraph orders to hold certain instruments till letter can arrive will be honored 24 hours only. A deposit of 5 per cent to show good faith will be required from purchasers living out of town, whereupon piano will be shipped subject to approval, with the understanding if, upon receipt, it is not found exactly satisfactory to the buyer it may be returned at expense of freight both ways of Eliers Piano House. Act quick.

quick.
Everything we sell we guarantee. Money back if purchase is not entirely satisfactory. Effers Plano House, largest retailers of planos in the United States. Main office 351 Washington street, Portland.

ommittee on Indian affairs today decided to authorize the sale of coal lands belong-ing to the five civilized tribes in Indian Territory instead of continuing the present leasing system.

Nominated by President.

WASHINGTON, Peb. 19.-The President

Major William Duval, to be Brigadier-Postmasters-Oregon, A. F. Blackerby, Silverton. Washington, M. T. Hattshorn, Spokane; W. A. Buckley, Sprague.

Debate on Tariff Treaty Deferred. BERLIN, Feb. 13.—The government's bill to extend to the United States the Ger-man commercial treaty rates until June 30, 1907, was not debated in the Reichstag

GERMANY HOLDS OUT ON MO-ROCCO POLICE QUESTION.

Will Not Leave Control to French and Spanish Officers-No Agreement on State Bank.

ALGECTRAS, Spain, Feb. 19.-The German delegates to the Moroccan conference received from Berlin to-night Germany's reply to the proposi-tion regarding the policing of Morocco. The reply is a rejection of the French proposition that the officers of the proposed police system shall be French and Spanish. Germany declares that the French proposal is confrary to the principle of internationalization equality of all the powers in Morocco

The question of establishing a bank has been under discussion between Count von Tattenbach, the junior Ger-man delegate, and M. Regnault, but no agreement relatives to the principal features of the proposal has been reached nor does such an agreement

appear to be likely.

The delegates of the principal powers are kept fully acquainted with the progress of the pourparlers and will endeavor to bring about a settlement. but tangible results have not yet been The German reply on the subject of

The German reply on the subject of policing Morocco has had a had effect on the neutral delegates, who were disposed to regard the French proposal as moderate and was expected some acknowledgement in that regard from Germany. They do not, however, consider the case as desperate as it has been hitherto.

Rebel Arms Factories Wrecked

MALAGA. Spain: Feb. 13.—Dispatches from Melilla. Morocco, dated yesterday, announce that the Moroccan warship Sidi El Turki bombarded the factories belonging to the French fill-busters at Marchica. Jestroying a portion of the works. The Moroccan rebel forces responded to the warship's attack without result.

This is a renewal of the recent incident between the French and Moroccan warships, which it is feared may

can warships, which it is feared may complicate the situation at Algedras, as the Germans assert that the rebels are co-operating with the French fill-busters against the maintenance of Moroccan authority.

WANTS TO BUY PHILIPPINES

Japanese Paper Says American Gov ernment Has Failed.

VICTORIA, B. C., Feb. 19.-Some Japanese newspapers are advocating the pur-chase of the Philippines from the United States, according to advices received to day by the steamer Athenian. The Yorod su Choho says the Philippines have cos

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Shop in the morning, if possible. We can serve you to your advantage during the morning hours. The crowds at the Embroidery Counters in the afternoons are greater than we can possibly handle, even with four times the usual number of clerks. You have a much better opportunity for advantageous selections



A Big Double Event in New Wash Goods Crystal Organdie 121/2c, Linene Suiting 18c

Our Wash Goods Counters are bright today with a gathering of two big purchases. Crystal Organdies of a sheer, fine texture, with beautiful Spring floral designs in daintiest colorings; exact reproductions of expensive French Organdies. These Crystal Organdies are rare values at

The second offering is Linene Suiting; a counterpart of the imported Linen Suiting, and one of the same weight; colors are cadet, navy, Alice blue, gray, green, nile, tan, white,

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54-inch novelty Panamas, light gray mixtures and invisible plaids, \$2 values at Shadow check and plain gray Worsteds, in light, medium and dark gray..... 56-inch new gray Tailor Suitings, stripes and mixtures, all wool. \$1.35
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3000 Yards 60c Cream Dress Goods 43c

40-inch Cream Dress Goods for suits and waists, all-wool albatross and crepe granites, figured and plain mohair brilliantines, regular 60e qualities, yard.....

substantial advantages have been secured, and that Japan could meet with more sucracial differences between ruler and ruled, and the long distance which separates the home government and the Islands. Concluding, the Yorodzu illustrates Japanese



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