

RATES DENIED TO BE CONFISCATORY

Interstate Commerce Commission Replies to Hill and Harriman Roads.

ANSWER FILED IN ST. PAUL

Rates Said to Be Entirely Just and to Have Been Arrived at Through Careful Investigation—Court to Pass on Constitutionality.

OREGONIAN NEWS BUREAU, Washington, Dec. 20.—The Interstate Commerce Commission, which is the defendant in this suit, in its answer declares that the rates prescribed are in all things just and reasonable and will afford to each of the carriers a just compensation in all instances for the service performed.

Mr. Walter, for the Commission, denies to the bill of the railroads attacking the constitutionality of the interstate commerce law under which the rates were readjusted and contends that the power to prescribe maximum rates on interstate traffic has been constitutionally delegated by Congress to the Interstate Commerce Commission and that the decision of June 3 is a fully rendered in accordance with the interstate commerce act.

Defendant denies that the rates prescribed by it are, or will be unjust and unreasonable within the meaning of the fifth amendment to the Constitution, which prohibits the taking of property without just compensation or without due process of law. This court cannot and will not inquire into the matter as to whether such rates are or will be reasonable within any other meaning.

Defendant further denies that the rates fixed by this defendant are, or will be, to complainants' inadequate compensation within the Constitutional guaranty.

Complainants have failed to make any application to the Commission for rehearing to have orders suspended or modified, although complainants well knew since June 2, 1908, that the orders complained of would be issued as a matter of course unless upon application of the complainants herein (defendants before the Commission) such facts should be shown to the Commission as would entitle complainants to have said orders suspended, modified, or set aside.

The Commission is vested with the exclusive right and power of determining what are just and reasonable maximum rates, that the reasonableness of such rates is not open to judicial inquiry upon original evidence leading to an independent conclusion; that in determining what are just and reasonable maximum rates to be charged in the future, the Commission must and does exercise discretion; that this court is not authorized to substitute its judgment and discretion for the judgment and discretion of this defendant; that this court will only determine whether the rates prescribed by the Commission are just and reasonable within the meaning of the Constitutional guaranty which compels the establishment of rates with reasonable regard for the carrier's property and the service rendered and for the value of the property employed therein and also with reasonable regard for the value of the service to be rendered.

Evidence was introduced before the Commission showing that the rates complained of before this defendant and condemned by it involve the exercise of discretion and judgment; that Congress has attempted to establish this defendant as expert tribunal for determining questions of this kind; and that this court will not undertake to say whether upon all the facts existing in the case, it would have arrived at a different conclusion upon the facts as presented as to what the rates should be for the future.

Defendant denies that the rates in effect on November 1 and 2, 1907, are lower than the rates charged for like service by any carrier in the United States, and lower than rates heretofore fixed by this defendant for like services. Defendant denies that the rates fixed by the orders of this defendant are unremunerative and confiscatory in any sense. Defendant avers, on the contrary, that the rates established by the orders complained of are higher than the rates voluntarily established by the carriers for the same transportation covering a long period of years. Defendant avers that the complainants herein during the last ten years have received from their operations as common carriers manifestly returns upon the property invested, and that said returns upon the property invested are far above the average received by carriers in other parts of the United States.

Defendant denies that the rates fixed by the orders of the Commission are not, and will not be, sufficient to pay the cost of conducting transportation and any just or fair return upon the value of the property used in said transportation.

ALLOWANCES CALLED REBATES

WASHINGTON, Dec. 20.—In a decision made public today the Interstate Commerce Commission declares that allowances for the trains are essentially rebates and in violation of the law.

to an end a controversy which has long existed between the railroads in New York and those in Philadelphia.

The investigation was begun by the Commission on its own initiative. It was disclosed that the payment at present in New York of 2 cents per 100 pounds to the shippers as cartage was really in the nature of a rebate from the through rate fixed by the railroads on shipments of sugar.

NO PUBLIC BUILDING BILL

Leaders in Congress Do Not Intend to Spend Money.

OREGONIAN NEWS BUREAU, Washington, Dec. 19.—It is not the purpose of the leaders in Congress to permit the passage of an omnibus public building bill this session. The programme, however, calls for a river and harbor bill and it is expected that this will carry \$5,000,000 or \$5,000,000. It has been the policy during late years to pass the river and harbor bill in the short session and the building bill in the long. There was a public building bill last session.

Those states which receive no benefit from the river and harbor bill are insisting that they be given appropriations for public buildings this Winter, but with the exception of the Rocky Mountain country, all other sections of the United States are benefited in the river and harbor bill and those states which receive none of the "pork" are comparatively weak in point of numbers.

The condition of the United States treasury will not permit of lavish appropriations this session, and that reason will be put forth by those who have determined to sidetrack a general public building bill. The shortage of Government money is also being used against a river and harbor bill but for the fact that new appropriations are necessary in order to continue work on some of the large projects where previous appropriations already have been expended. It is good business policy, as Congress has discovered, to keep this class of work going for wherever there is a period of idleness, lasting one or two years, the unfinished work suffers through deterioration and the ultimate cost is much greater than if the work had been constantly kept up.

Speaker Cannon believes that there will be a river and harbor bill this session and his guarantee that one will be reported and passed by the House, if it fails, it will be because of the adverse attitude of the Senate, and that's something that is not anticipated.

PROVIDE FOR LABORERS

W. C. Steadman Tells of Workers' Condition in Germany.

LONDON, Dec. 19.—(Special).—"In no country that I have ever visited have I found the workers better provided for or organized than in Germany," said W. C. Steadman, who with three other labor members of Parliament recently visited the Kaiser's domain, "and I have seen nothing that ever impressed me more favorably than the great municipal labor exchange in Berlin.

"Out-of-work men could register themselves for a fee of about 4 cents," he said. "But what struck me most was the fact that there were shoemakers ready to mend the men's boots for nothing, and tailors to repair their clothes without charge. Every man could thus keep himself neat and tidy. At this same place the men could have a hot or cold bath for 1 cent and food was served to them at cost price.

"We went to Dresden, Leipzig and Frankfurt, and everywhere I saw the same thing. The workmen's tenements were tall, clean buildings, mostly built over shops. There were no children running about without shoes or stockings."

TRAMP SLEEPS ON COFFIN

Hobo Makes Home in Vault in Karlsruhe Cemetery.

BERLIN, Dec. 19.—(Special).—During the last few days the Karlsruhe police were informed that a tramp was making his lodging in a vault in an old cemetery. It was found that the tramp had made his bed on a coffin covered with dead leaves. One corner was a heap of bones, while a paper parcel containing food was found in another. A candle was stuck in a crevice in the wall. The tramp had slept in the vault for weeks and only left this singular lodging when he realized that it had been discovered.

EX-CONGRESSMAN FROM CALIFORNIA DIES AT HIS HOME.



THE LATE EUGENE F. LOUD. SAN FRANCISCO, Dec. 20.—Ex-Congressman Eugene F. Loud died last night at the home of his son-in-law, Captain J. J. Callundan, in this city. He had been ill for some time and for several months past had practically been an invalid.



BUY YOUR GIFTS AT LIPMAN-WOLFE'S. A gift in a box or wrapping paper bearing this name is doubly acceptable. It is the hall-mark of quality on dry goods and kindred lines, as notable in its way as the word "sterling" on silver. Quality is doubly valuable when buying gifts, and the place to find quality is at "Portland's most reputable store." Gifts of simple elegance and sure appeal. Hundreds of extra clerks and widest aisles in town to make Xmas shopping a pleasure at Lipman-Wolfe's.

SIMON TAKES OATH

Assumes Office of President of Haytian Republic.

MINISTER MAKES ADDRESS

Assures Constituents Affairs of Island Will Be Judiciously Directed—New President Loudly Cheered.

SLAVERY LIVES IN ANGOLA

PORTUGUESE STEAL BLACKS AND SELL TO PLANTERS.

Deadly Climate of Islands Kills and None Return, Says British Investigating Committee.

CAPE TOWN, Dec. 19.—(Special).—The suspicions that slavery still exists in the Portuguese colony of Angola, on the west coast of Central Africa, and the Portuguese islands of San Thomé and Príncipe, in the Gulf of Guinea, have now been amply confirmed by the report of Joseph Burt, who was specially sent out by three British cocoa firms and one German to investigate the question. The evidence prevents any doubt that, apart from legal terms and government regulations which are not observed, the system of working the sugar, sweet potato and coffee plantations on the mainland and the cocoa plantations on the islands is identical with slavery.

The natives are obtained by purchase, capture or trickery in the interior, are brought down to the coast in gangs, usually fastened together at night with wooden shackles, are sold to recognized agents in the coast towns, and those that are destined for the islands are labelled and dispatched in the ordinary steamers running about once a fortnight. By this means an increasing supply of laborers for the islands is maintained, and the number of natives exported annually, which averaged 4000 three years ago, is now reaching nearly 5000. The consent of the natives is hardly even nominal; and they are sold at a recognized price.

The climate in the cocoa plantations is very unhealthy, and in the first year many die of homesickness and misery. The death-rate is enormous. So far none have ever returned. As Mr. Burt says at the end of his report, "If this is not slavery, I know of no word in the English language which correctly characterizes it."

SELECT BUNYAN MEMORIAL

Scenes From "Pilgrim's Progress" to Be Depicted in Windows.

LONDON, Dec. 20.—(Special).—The form which the proposed monument to John Bunyan in Westminster Abbey is to take

SCOUTS ARE GIVEN PRAISE

REPORT OF CHIEF OF BUREAU OF INSULAR AFFAIRS MADE.

General Edwards Recommends the Passage of Philippine Tariff Act Now Pending in Congress.

WASHINGTON, Dec. 20.—The Philippine Scouts are highly commended, the bill to amend the Philippine tariff act now pending in the Senate is endorsed encouraging progress in the Philippines and the maintenance of peace and order in Cuba throughout the year are announced in the annual report of Brigadier-General Clarence R. Edwards, Chief of the Bureau of Insular Affairs, which was made public tonight. General Edwards says the Philippine Scouts are an important factor in the education of the Filipino people and in the creation of a higher standard of living in the islands.

SLAVERY LIVES IN ANGOLA

PORTUGUESE STEAL BLACKS AND SELL TO PLANTERS.

Deadly Climate of Islands Kills and None Return, Says British Investigating Committee.

CAPE TOWN, Dec. 19.—(Special).—The suspicions that slavery still exists in the Portuguese colony of Angola, on the west coast of Central Africa, and the Portuguese islands of San Thomé and Príncipe, in the Gulf of Guinea, have now been amply confirmed by the report of Joseph Burt, who was specially sent out by three British cocoa firms and one German to investigate the question. The evidence prevents any doubt that, apart from legal terms and government regulations which are not observed, the system of working the sugar, sweet potato and coffee plantations on the mainland and the cocoa plantations on the islands is identical with slavery.

The natives are obtained by purchase, capture or trickery in the interior, are brought down to the coast in gangs, usually fastened together at night with wooden shackles, are sold to recognized agents in the coast towns, and those that are destined for the islands are labelled and dispatched in the ordinary steamers running about once a fortnight. By this means an increasing supply of laborers for the islands is maintained, and the number of natives exported annually, which averaged 4000 three years ago, is now reaching nearly 5000. The consent of the natives is hardly even nominal; and they are sold at a recognized price.

The climate in the cocoa plantations is very unhealthy, and in the first year many die of homesickness and misery. The death-rate is enormous. So far none have ever returned. As Mr. Burt says at the end of his report, "If this is not slavery, I know of no word in the English language which correctly characterizes it."

THE MCGIBNEY FAMILY OF PORTLAND.

SEATTLE, Wash., Dec. 15.—To the Editor.—In the muster roll of the Sunday school of Taylor Street Methodist Episcopal Church for February 1, 1823, published in The Oregonian of December 18, there appears the name of Frank M. Gibney as a member of Class No. 1. The name should be McGibney. He was a member of the celebrated family of McGibneys, the "McGibney family," who lived 33 years ago on the southwest corner of Pine and Yamhill streets in Portland. They left Portland between 25 and 30 years ago and toured the country, giving concerts.

New Cuban Tobaccos

WE are pleased to announce that we are using the new crop of Havana tobaccos in our Jose Vila Cigars. These Tobaccos are fully cured and in prime condition and equal to the celebrated 1905 crop. You may have had cause to complain of your favorite brands. Jose Vila will please you.

This is the Cigar that received FIRST AWARD for General Excellence. BERRIMAN BROS. Makers Tampa, Fla. CAMPBELL-LAKIN SEGAR CO. Distributors.

Lipman-Wolfe's

As advertised yesterday—Special Christmas Sales Today in every department. There are just four more days for Christmas shopping, and every effort that human skill can put forth or human ingenuity devise to more promptly serve the needs of the great throngs of holiday gift-seekers has been done by our organization for today's great business. As the result of this fact and our wide aisles, courteous clerks and augmented delivery service, shoppers will find Lipman-Wolfe's a very satisfactory store for Christmas shopping.

SCOUTS ARE GIVEN PRAISE

REPORT OF CHIEF OF BUREAU OF INSULAR AFFAIRS MADE.

General Edwards Recommends the Passage of Philippine Tariff Act Now Pending in Congress.

WASHINGTON, Dec. 20.—The Philippine Scouts are highly commended, the bill to amend the Philippine tariff act now pending in the Senate is endorsed encouraging progress in the Philippines and the maintenance of peace and order in Cuba throughout the year are announced in the annual report of Brigadier-General Clarence R. Edwards, Chief of the Bureau of Insular Affairs, which was made public tonight. General Edwards says the Philippine Scouts are an important factor in the education of the Filipino people and in the creation of a higher standard of living in the islands.

SLAVERY LIVES IN ANGOLA

PORTUGUESE STEAL BLACKS AND SELL TO PLANTERS.

Deadly Climate of Islands Kills and None Return, Says British Investigating Committee.

CAPE TOWN, Dec. 19.—(Special).—The suspicions that slavery still exists in the Portuguese colony of Angola, on the west coast of Central Africa, and the Portuguese islands of San Thomé and Príncipe, in the Gulf of Guinea, have now been amply confirmed by the report of Joseph Burt, who was specially sent out by three British cocoa firms and one German to investigate the question. The evidence prevents any doubt that, apart from legal terms and government regulations which are not observed, the system of working the sugar, sweet potato and coffee plantations on the mainland and the cocoa plantations on the islands is identical with slavery.

The natives are obtained by purchase, capture or trickery in the interior, are brought down to the coast in gangs, usually fastened together at night with wooden shackles, are sold to recognized agents in the coast towns, and those that are destined for the islands are labelled and dispatched in the ordinary steamers running about once a fortnight. By this means an increasing supply of laborers for the islands is maintained, and the number of natives exported annually, which averaged 4000 three years ago, is now reaching nearly 5000. The consent of the natives is hardly even nominal; and they are sold at a recognized price.

The climate in the cocoa plantations is very unhealthy, and in the first year many die of homesickness and misery. The death-rate is enormous. So far none have ever returned. As Mr. Burt says at the end of his report, "If this is not slavery, I know of no word in the English language which correctly characterizes it."

GLOVE CERTIFICATES OR MERCHANDISE ORDERS

at any counter, good to give because the recipient can select his own gift any time

"THE BIG MARKET," 363 STALLS.

PORTLAND PUBLIC MARKET

Owned and Controlled by Portland Men, Independent of All Meat or Fruitgrowers' Trusts

Covers an entire block, two floors, 363 stalls, 80,000 square feet of space devoted to market stalls, 40,000 feet additional space used for cold storage and ice-making.

Moving Stairways to Second Floor Reinforced concrete building, marble fittings. Refrigerated counters free.

Located in an ideal market center—Fifth, Sixth, Gilsan and Hoyt streets—reached direct by all car lines for one fare—near East Side bridges and directly in front of the new East Side bridge.

One Street Section Reserved for the Farmers Construction Already Begun OPENS IN APRIL

Apply at once for stalls. Rents moderate and include light, heat, refrigeration and janitor services. A few select stalls still remain for quick applicants.

PORTLAND PUBLIC MARKET & COLD STORAGE CO.

HERBERT BOOTH KING, General Manager Telephone: Main 7450—A 5151 718-719 Board of Trade Building, Fourth and Oak Streets

TELLER LONE OBJECTOR

May Prevent Passage of Bill Providing Bureau of Mines. favors the passage of the bill; the Secretary of the Interior recommends it and practically every Senator and Representative from the mining states is in favor of its enactment. But Senator Teller places his judgment against that of all the advocates of the bill.

Senator Teller will retire from public life March 4, and when he is gone it is thought that the Bureau of Mines bill can be passed. Nevertheless, Teller's objection will postpone the creation of this bureau for at least a year.

Portland, Me.—Morris Davis, of Seattle, has begun suit against the Davis-Daily Express Copper Company and the Davis-Daily Company to enjoin consolidation, saying he was not given proper notice. James Coram, of Brookline, and Augustus Helms and Thomas M. T. Rabour, of New York, and Charles R. Leonard, of Butte, are made parties to the suit.

MY SAMPLE SHOES ARE SUPERIOR SHOES, THEY ARE THE PICK AND CREAM OF THE SHOE WORLD

Positively No Branch Shops in Portland

FOR WOMEN \$2.00 A PAIR FOR MEN \$2.50 A PAIR

Portland's Busiest Shoe Shop

Never Pay More Than These Prices

These Shoes are Regular \$3.50 to \$6.00 Values

STORE OPEN TO 10 P. M. 6th Floor Oregonian Building Rooms 600-601 Knight's SAMPLE SHOE SHOP TAKE ELEVATOR