

DEFENSE TO SUIT
BEGIN BY O. R. & N.

Railroad Seeks to Show Rates
Give Only Fair Return
on Investment.

OFFERS EXPERT WITNESS

Engineer Pope Testifies Regarding
Cost and Present Value of Lines
at Interstate Commerce
Commission Hearing.

Resisting the demand of Portland merchants for reduced distributive rates eastward over its lines, the O. R. & N. yesterday began the introduction of defensive testimony before the members of the Interstate Commerce Commission, in session in the Federal building. Collaborative of the opening statement of W. W. Cotton, general counsel for the Harriman system, J. B. Pope, civil engineer, of San Francisco, the first witness called by the railroad, testified that to reproduce the lines of the O. R. & N. in the States of Oregon, Washington and Idaho would cost \$89,666,722, while the original cost, according to estimates submitted by witness, was \$63,244,302.57. On this point, the testimony of J. B. Pope, of Cotton that existing distributive rates charged Portland shippers under the railroad company only 7 per cent on its first investment, to the value of the actual present value of its property. On cross-examination, J. N. Teal, who appears as attorney for the complainant, the Portland Chamber of Commerce, sought to show that the estimate of the cost of duplicating the various roads included in the O. R. & N. system, as submitted by Mr. Pope, were badly inflated. In this connection, Mr. Teal called attention to the fact that Mr. Pope had estimated the cost of untreated ties at 52 cents each, while the report of the O. R. & N. on file with the Interstate Commerce Commission showed that the same ties were purchased three years ago at an average price of 26.2 cents each. Mr. Teal gained the admission from his witness that the estimated cost of reproducing the system, as presented by Mr. Pope, contemplated an entirely new road, including equipment, with no allowance for depreciation.

Road Prosperous Since Reorganized.

"The O. R. & N. since reorganized in Oregon, Washington and Idaho," said Mr. Cotton in his opening statement to the Commission, "is the most prosperous of which this system is comprised was built 20 years ago and many sections were constructed in isolated sections. In 1893-4 the Oregon, Washington and Idaho common stock of the O. R. & N. common stock which it has held ever since. The O. R. & N. has been fairly prosperous ever since its reorganization in 1899. Its bonded indebtedness has been reduced to \$22,000,000 on its 1400 miles of railroad and it has paid on an average 4 per cent on its preferred stock. The dividend of 7 per cent which was once the standard rate of the earnings during a period of 12 years of operation. For the last 14 years, the earnings of the road have averaged \$4,500,000 annually. The actual cost of the road in money has been about \$90,000,000. The O. R. & N. did not receive a land grant. Its capital stock was paid for in money with the exception of \$2,000,000 of common stock which was turned over to the Oregon Steam Navigation Company for its property. The original capitalization of the company, including stocks and bonds, was \$75,000,000. The property, which is now worth between \$50,000,000 and \$60,000,000, earned about \$5,000,000 in the face of rate reductions. Allowing for the expense of normal maintenance and repairs, the net earnings for the year were reduced to \$4,200,000 or 7 per cent on a 20-year-old property not allowing for increase in value. This amount is about 5 per cent on the construction value of the road, without taking into consideration the advantageous position of one town with which the road is doing business. We will also submit statistics showing that the average rate on four classes of freight over the O. R. & N. is a less rate per ton per mile for a similar distance than that of any other road with which the O. R. & N. has been compared by the complainant in this case."

Engineer's Estimates of Cost.

Mr. Pope testified that he was a civil engineer of 23 years' experience, and with from seven to 11 assistants had spent 18 months in determining the original cost of the O. R. & N. lines and what it would cost to reproduce the same lines today. Mr. Pope said that the figures on which he computed the original cost of the different roads were obtained largely from the auditor's records. This cost, aggregating \$63,244,302.57, was distributed among the following items: Lines in Washington, \$17,352,501.16; lines in Oregon, \$23,287,877.71; Columbia River & Oregon, \$7,538,000; Columbia River & Oregon, \$29,249,28; Umatilla Central, \$44,018.28; lines in Idaho, \$3,441,950; waterfront and other real estate, \$1,250,000; Oregon, Washington & Idaho, \$1,250,000; right of way extension, \$1,764,448.77; betterments, \$676,610.84; betterments, \$298,232.15. The cost of reproducing the same lines today, aggregating \$89,666,722, according to the figures submitted by Mr. Pope, would be \$89,666,722. This total is made up of the following figures: Construction, including interest and discount, stocks and bonds, \$36,854,782; rights of way and real estate, \$6,375,970; terminals—buildings, yards, shops and equipment, \$4,176,861; rights of way and real estate, \$8,429,829; total cost per mile, \$21,900. Added to these items solidification of roadbed, material on hand not included, and correction for difference in grading (earth), aggregating \$2,868,150, increases the cost of the road per mile to \$23,822. Included in the foregoing estimate of present-day values of this railroad property are the values placed by the railroad company on its terminal properties in Spokane and Portland, as follows: Spokane Union Depot, Spokane, \$1,106,445; Northern Pacific Terminal Company, Portland, \$2,046,960; O. R. & N. stores, including Albina shops, real estate and docks and warehouses, \$7,538,000; total, \$12,691,405.

No Deduction for Earnings.

In estimating the present value of the railroad system, based on what it would cost to reproduce the different lines, the witness, Mr. Pope, testified that he had not made any deductions in his estimate as an allowance for the earnings of the road while its construction was in progress, for the reason that the economical rebuilding of the system would require at least four years. For the same reason, the witness admitted that he had included in his estimate an item of 6 per cent interest for two of the four years, the average length of time he considered the money would be in use. Mr. Teal further obtained from the wit-

PROMPT VERDICT
ACQUITS BREWERS

Reinstein and Breslauer Are
Cleared of Forgery Charge
in Fifteen Minutes.

AUDITOR'S OFFICE SCORED

After Announcing Findings, Fore-
man Takes Occasion to Criticize
Manner in Which Public
Records Are Kept.

It took a Circuit Court jury just 15 minutes yesterday afternoon to acquit Morris Reinstein and S. Breslauer, brewers, of the charge of mutilating the McKenna liquor petition in order to keep it off the ballot at the last city election. In the same period the jurors made up their minds that responsibility for the mutilation lay with the office of City Auditor Barbur. W. H. Nunn, the foreman, was instructed to announce the jury's criticism of the Auditor's office. After the verdict had been delivered, Mr. Nunn arose and said: "With the permission of the court I would like to say that I have been instructed by the jurors, as citizens, to say that it is the sense of the jury that the records in the Auditor's office were kept in a careless and negligent manner and that as citizens and taxpayers we enter our protest against the manner of keeping public records as shown in the trial of this case."

Consider Charges Groundless.

This announcement and the prompt verdict made it clear the jury viewed the charges as groundless in view of the alleged careless manner in which the Auditor's office is operated in respect to keeping records. They evidently accepted the assertion frequently emphasized during the trial by Attorney John P. Logan, representing the brewers, to the effect that anyone at any time might have mutilated the McKenna petition and that Reinstein and Breslauer ought to be tried for insanity rather than forgery, if they mutilated the petition on the night of April 19, when the document was already known to be defective.

Medford Jury Drawn

JUDGE WOLVERTON TO HEAR
FOUR CASES THERE.

Southern Oregon City to Hold Its
First Session of United States
Court Thursday.

Next Thursday will be United States Court day in Medford and will mark the first time the city has been honored by that distinction. Yesterday a trial jury was drawn to deliberate on four cases to be tried by Judge Wolverton in Medford. The first case is against the Southern Pacific Railway Company, one of which has been hanging fire for the last four years. The other is entitled La Moine fire damage suits against the Southern Pacific Railway Company, one of which is a suit over lumber wherein the plaintiff seeks \$15,025 and costs. Damage suits against the Southern Pacific are as follows: George W. Light, who seeks \$20,000 damages for personal injury, the complaint having been filed in 1906 and a new trial granted; the D. W. Hinkle case and the suit filed by Mrs. H. C. Colby in Jackson County wherein \$7500 is sought for the death of her husband in a railway accident.

TERRY NOW SELLING BOOKS

Former Deputy Marshal, Alleged
Wife Beater, in Eastern Oregon.

ILLEGAL FENCE COSTS \$254

William Jacobs, of Boise, Sentenced.

Cases Easy for McCourt.

Little difficulty is experienced by United States Attorney McCourt in prosecuting the numerous fencing cases which for many months, have encumbered the Federal docket. Most of the recent defendants pleaded guilty and it is presumed that those still awaiting trial will follow the same course. Yesterday William Jacobs, of Boise, Idaho, admitted maintaining an illegal fence and was fined \$50 and costs.

Embroider Your Xmas Gifts

And save money. Exclusive designs for needlework. Free lessons in embroidery every day. The Needlecraft Store, 147 1/2 Sixth St., opposite Meier & Frank's.

Restorative
Treatment for
Nervous Men

Coming from a source of un-
questioned authority on the all-
iments of men it is presumed to
be infallible, while the profession
generally endorse the ingredients
and prescribe them in many dif-
ferent forms of various diseases.

Restorative
Treatment for
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The instructions for mixing at
home secretly so that no embar-
rassment may be felt, are as fol-
lows: First get three ounces of
syrup marshmallow compound and
one ounce compound fluid balm-
wort; mix and let stand two
hours; add five drops of the com-
pound essence cardiol and one
ounce tincture cadomene com-
pound (not carlinum), and mix
all together. The directions are
to take one teaspoonful a day
ever and never stop when retir-
ing, until bounding health and full
strength are restored. Even
feverishness will witness to a
wonderful result.

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Conservative Investors

Will Find 10-Acre Orchard
Tracts in the Famous
Umpqua Valley Absolutely
Safe and Highly Profitable

Net Annual Income of \$500 Per Acre

Our proposition is one that will stand the most rigid scrutiny and the closer you delve into all of the results of apple culture in this valley the better we will be pleased.

The profits from orchards in the Umpqua Valley are so large that without a thorough investigation a careful, hard-headed business man might suppose that our statements are exaggerated. Actual results speak louder than words and when we claim that full bearing orchards will pay a

we are underestimating rather than exaggerating the results, as a number of orchards have paid as high as \$1000 per acre.

When possible, we always prefer to have prospective purchasers visit our tracts and see for themselves what others have done and what we are doing. No possible investment that can be made offers the same certainty of handsome results without the slightest risk.

Our terms are a cash payment down, then monthly, quarterly or semi-annual installments. We plant and care for the orchards for three years or more, as desired. Make arrangements to visit our tracts with us—leaving Saturday evening, back in Portland 7. A. M. Monday.

W. C. HARDING LAND CO.
BOARD OF TRADE BUILDING
Corner Fourth and Oak Streets, Portland, and Roseburg, Oregon.

POSTOFFICE BID GIVEN

CHANGES IN SECOND STORY TO
BE MADE AT ONCE.

Edward Killfeather Awarded Con-
tract—Chambers to Be Rebuilt
for Judge Bean.

Within two days the second floor of the
Federal building will be in hands of car-
penters and electricians, the contract for
improvements having been awarded yester-
day to a Portlander, Edward Kill-
feather, of 427 Third street. Appointment
made additional room in the postoffice
building necessary and it is to provide

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