ROAD FIGHTS HARD TO AVOID RATE CU Three Federal Judges Hear Southern Pacific Argue for Injunction. DECISION EXPECTED SOON Attorney Tcal for Interstate Com-Commission Contests merce

Fenton's Plea Against Reduction of Charges.

OPPOSING CLAIMS OF ATTOR-NEYS IN RAILROAD COM-MISSION CASE.

years, the Southern Pacific has been operating the line of the Dregen & California Railroad Com pany in Oregon at a loss, and is just now beginning to reap a legitimate profit. To reduce the classified freight rate now amounts to confiscation of the corporation's property. W. D. Fentun, representing the Southern Pacific.

"The net earnings of the Southern Pacific for the fiscal year ending June 30, 1910, were \$2,043,593. The reduction of the rate on classified freight, as made by the Oregon State Railroad Commission, is just."-J. N. Teal, representing the Commission.

To avoid a reduction of its present

rates for the shipment of classified freight to points in Oregon, the Southern Pacific is putting up a hard fight in the Federal Court, Judges Wolverton, Glibert and Bean sat en bane for four hours yesterday afternoon lisfening to the arguments of J. N. Teal, representing the State Railroad Com-mission, and W. D. Fenton, representing the Southern Pacific.

ing the Southern Pacific. The rate case was taken into court yesterday on the application of the Southern Pacific for a preliminary in-junction restraining the Railroad Com-mission from enforcing the reduction in the tariff, which was made on class featerit Santember 31. Inst.

In the large sector of the thorities cited. A temporary restrain-ing order, preventing the commission from enforcing the new tariff, was granted by Judge Wolverton when the sult was filed several months ago, and will remain in force until the three fudges decide the motion for the preliminary injunction.

Apparent Discrepancy Cited.

Attorney Teal-called attention in his argument to an apparent discrepancy between the estimate of the loss which between the estimate of the loss which would be sustained by the railroad un-der the new tariff, as given in the corporation's complaint, and that given in the affidavit of the railroad offli-cials. The complaint, he said, esti-mates the loss at \$275,031.80, and the affidavity at \$275,030. In reply, Mr. affidavits at \$135,030. In reply, Mr. Fenton, on behalf of the company, said that because only 20 days were allowed the railroad company to put the new freight schedule into effect, it was necessary to secure all these figures by telegraph, but that later, when the affidavits arrived, and when more time had been given for figuring what the loss would be, it was found it would be less.

worth, as we say, \$43,000,000 and we are entitled to a net return, exclusive of such amounts as should not be charged to capital, and then if we are entitled to 6 and 7 per cent upon our investment, if the proof should show that we are only receiving 2 or 3 per cent, then is it man-lest that any reduction would be con-fiscatory of the use of that property pro tanto. It is a question for your honors whether this is not taking property with-out due process of law and therefore in violation of the Constitution of the United States. "I do not see shy a railroad should not be entitled to make 10 or 15 per cent in its business, if the rates it fixes are not excessive. In the gas case, however, it was found that 6 per cent was reasonable. Exhibition to Newspapermen

and City Officials Not Alwas found that 6 per cent was reasonable. In the Minnesota case it was found that i per cent was reasonable.

The Oregon & California is not oper-ating this property. The Southern Pa-cific is, as it were, a clearing-house. The Oregon & California, under its agreement BAKER BECOMES ANGERED was to have \$5000 a year and the Southern Facific was to take all the receipts, pay all the disbursements and have all it put into the property in the way of better-Councilman and Lessee of Bungalow

ments. "June 30, 1506, the Southern Pacific had advanced to this property, above what it had received from the public, over \$6,000,-600. If that money went into capital it is not an operating expense. But that is one of the issues of this case. "They had access to our books. They sent their representative to San Fran-cisco. They put themselves in the place of proprietors. Here and there they put their finger on an item which they say should have gone to capital, but which we think should have gone into the oper-ating expenses. The moving pictures of the Johnson Jeffries fight, which took place at Reno, Nev., July 4 last, were not shown at the private exhibition announced for the city officials and the newspapermen last night by Walter Reed, manager of the Bungalow Theater, for Chief of Police Cox issued orders not to permit the showing of the films under any circum-

ating expenses. "The records show nothing has been paid on this stock as a dividend. It is a matter of common history that the \$12,000-609 of preferred stock represents the origi-nal \$10,500,000 of German money and floating indebtedness which went into the construction of the first 200 miles of this road, and the \$7,600,000 stock represents the accrued interest of the German bond-holders. When the time came that they book take their moments when the back City Council and lessee of the Fungatow Theater, where the pictures were to have been shown, returned to Portland yes-terday and hearing of the controversy over the films, held a conference with Mayor Simon, who refused to alter his decision made Saturday, when the pic-tures were advertised to be shown, and Mr. Baker assured the Mayor that the holders. When the time came that they should take their money, upon the bank-ruptcy of the company, they took pre-ferred stock for the principal and com-mon stock for their interest. That stock has been in existence ever since. The bonded indebtedness is \$20,000,000 and \$7,085,000 of this is outstanding. "The taxes on the land secured by event are read from the proceeds of the

pictures would not be displayed at his theater if they were considered objec-tionable. Mayor Simon assured Coungrant are paid from the proceeds of the property.

Two Questions Involved.

"Counsil says, 'Why don't you make an interstate rate on these shipments to a point south of Portland and at the same ot shown. not shown. Promptly at 8:30 o'clock a crowd of something like 200 persons, including newspapermen, city officials and a squadron of police under the command of Captain Balley, were at the theater en-trance waiting to see the show. a point south of Portland and at the same time put into effect these local rates? Suppose we should leave the interstate rates as they are now and file with the Interstate Commerce Commission the new local rates. The Medford Chamber of Commerce will then ship from Chi-cigo to Portland and rebill to Medford or it will be compelled to purchase of Portland jobbers instead of Chicago job-bers. There are just two questions in-Baker Is Angry. When the array of police assembled last night, Councilman Baker became

angry and said. "I do not see the neces-sity of sending a body of pollcemen here to stop these pictures. I had a confer-ence with Mayor Simon this afternoon and assured him that the pictures would bers. There are just two questions in-volved: Is interstate commerce interfered with? and, does this rate confiscate the "Only in the last two years has this "Only in the last two years has this property been productive. Class 1, affect-ed by competition, to Eugene, has not been changed. The spread has been not be shown in my theater. I had no knowledge of any controversy over the pletures, for I only returned to town this morning. I knew that they were to be

een changed. The spread has been nade on the other classes. "Intrastate freight traffic is several shown in the theater and had given Mr. Reed permission to show them, for I thought there would be no objection, estimes as expensive as interstate traffic. The road was running at a heavy loss in 1895. Complaints were frequent of rusty ralls and bad wooden bridges. It was the Railroad Commission's purpose to leave the rates alone until the line could be rebuilt. pecially since pictures of other fights as well as actual fights have taken piace in this city in the last year. "It seems strange to me that the Jef-fries-Johnson pictures should be classed as any more immoral than were the

be rebuilt. be rebuilt. "Twenty-five or 30 per cent dividends might be considered excessive, but not 6 and 8 per cent dividends. Regulation docsm't mean proprietorship. If the inter-locatory injunction is not granted ours will be but a barren victory, though we may win at the final hearing." plctures of the Johnson-Ketchel, John-son-Burns, Wolgast-Nelson, and many other fight films shown here only recently, or half as immoral as were the several actual fights which took place here last Winter, and which were not may win at the final hearing. interfered with by the Mayor and the

Mr. Teal, in reply, sold the land was granted the railroad as an inducement to build the railroad in an ursettled country. police Antagonism Not Intended. in the land had been sold to homesteaders, as the law required, he said, the country would have been settled up and the rall-road would have profiled by the return in business. He said the land is likely to prove amply enumerative to the road for its loss in traffic "I do not care to antagonize the administration, nor to have any difficulties with the police, for I maintain or-der in all my theaters, and if Mayor Simon or Chief Cox declare the pictures Simon or Chief Cox declare ine pictures immoral, all right. I shall abide by their decision and the pictures will not be shown in any of my theaters. It was not necessary for Chief Cox or Mayor Simon to send a cordon of police to the Bungalow Theater. The pictures would not have been shown after my conference with the Mayor." for its loss in traffic.

THE MORNING OREGONIAN, TUESDAY, JANUARY 3, 1911.

of the law and order committee, of which Rev. Benjamin Young is chair-man. The ministers commended the stand taken by Chief of Police Cox in prohibiting the pictures, but some of them declared then the provide it an of them declared they thought it an ad-vertising scheme, believing that al-though the pictures are temporarily under the ban they will be shown. When asked about the matter last night Rev. W. F. Reagor, president of the Minis-terial Association, said that "that game has been played in other cities, and will probably be played here." Dr. Young told the ministers the theater percenters should have invited

FIGHT PICTURES

lowed by Chief Cox.

Theater, Dislikes Action of Cox

and Says He Has No Inten-

tion of Showing Films.

The moving pictures of the Johnson-

showing of the films under any circum-

George L. Baker, a member of the City Council and lessee of the Bungalow

Mr. Baker assured the Mayor that the

theater proprietors should have invited the preachers to their "sample" exhi-bition, instead of inviting the newspaper men. "The preachers," "would be competent to judge." ' he suid,

AUTO SPEEDERS ARRESTED

James Keep Tries to Take "Drunk" Home 40 Miles the Hour.

Arrested for speeding an automobile, James Keep had the novel experience of being hauled to police station on an im-provised patrol wagon, being the motorcycle of Patrolman Sims, who made the

arrest. Keep, in company with another chauf-feur, was taking home an intoxicated man and the job required dispatch, so they were "hilting it up" 40 miles an hour across the Burnside bridgs. Leaving one chauffeur with the car. Sims arrested Keep and mounted him behind the saddle of the motor-cycle for a swift trip to the jail, where he was released on bail. jail, where he was released on bail. Maximum penalty will be urged by Pollceman Sims upon E. Gould, a driver for the Montavilla garage, whom he ac-cused of speeding past the school on Bel-mont streat at 35 miles an hour, in the face of recent warnings from the Chief of Pollce and vehement protest against the custom on the part of the Mothers' Club. H. E. Humphrey was arrested for speed-ing at Third and Taylor streets, within the fire limits, and is accused of going at the rate of 25 miles an hour. He at-tempted to refresh Sims' memory contempted to refresh Sims' memory con-cerning an occasion when the officer, he alleged, had accepted a drink and a clgar to overlook an infraction of the speed laws. Sims refused to remember the currence and placed Humphrey under ar-

cilman Baker that the pictures were ob-jectionable and the latter issued orders at the Bungalow Theater that they be E T Reverldge was arrested for going at the rate of 25 miles an hour on Wash-ington street. R. Larson, driving a motor truck, is accused of making a speed of I miles an hour on the same street. S. C. Brown will answer to a charge of travel-ing 25 miles an hour on Alder street and the Morrison bridge.

ROUGH HOUSE ATTEMPTED

Man Resents Hotel's Protest Against Entertaining Woman in Room.

L. D. Smith, of Eugene, collected a I. D. Smith, of Eugene, concelled a "gang" and attempted to start a "rough house" in the Oregon Hotel at 5:30 yesterday evening, because a woman, who he said was his sister, had been denied the privilege of visiting him in his room. "Big Bill," the day porter, was sent to the room to tell Smith that he must entertain the young woman in

the parlor. Smith and his sister then left the hotel and later Smith returned with a friend, accused the porter of insulting his sister and unexpectedly hit him in the face. The fight was stopped and Smith and his friend left. In a few

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Just a Few Doses of Pape's Diurctic | into Dropsy, Gravel, Diabetes or Bright's Disease. Regulates the Kidneys and Ends Bladder Misery.

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minutes he returned, accompanied by four or five men. Smith entered the lobby of the hotel from the barroom. while his friends lined up along the sides of the passageway. "Big I walked over and struck Smith and "Big Bill" mediately the "gang" was upon him. One of the Japanese beliboys who went to the reficue of the porter received a

badly bruised eye. In the meantime, two policemen had been summoned from Washington and Seventh streets. By the time they ar-rived, the fight had stopped, but the gang remained ready to start another conflict. The officers were asked to arrest the men who came back to the hotel to fight and made the distur-bance, but they declined, saying they could do nothing without a warrant of arrest. While the officers were deny-ing authority to intervene, a corps of waiters came up from the grill and the gang slipped away under the menacing glares of the hotel crew.

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the kidneys, bladder and urinay sys-tem; cleanses, heals and regulates these organs, ducts and glands and completes the cure within a few days. Pains in the back, sides or loins, rheumatic twinges, debilitating head-

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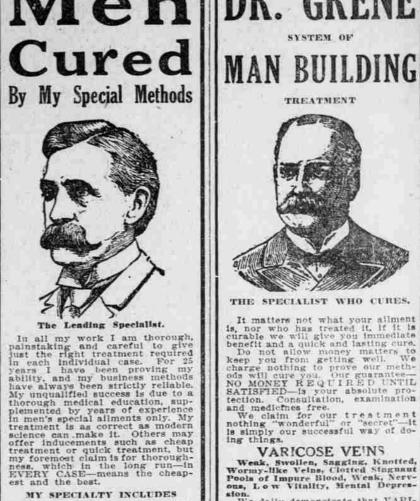
prostatic trouble, sleepless

promptly

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ing things. VARICOSE VEINS Weak, Swollen, Sagging, Knotted, Work, Swollen, Sagging, Knotted, Work, Swollen, Sagging, Knotted, We dally demonstrate that VARI-cose versurgleal operation. Benefi-quickly ceares, enlarged versur rap-idly reduce, healthy circulation speedily roturns, and streigth, soon restored. BLADDER AND KIDNEY

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Mucous Patches, Swollen Glands, Falling Hair. Our NEUCLEU - ATOXYL treat-ment for SPECIFIC BLOOD POI-SON leaves no injurious after effect. It does not "lock in" the poison, but drives it out of the system, com-pletely and forever, so there can be no comeback. Being a Blood Furify-ing, Blood-Making, Blood-Cell Rem-edy, it gives the patient a pure, fresh Blood Stream and reacter bits edy, it gives the patient a pure fresh Blood Stream, and restores him to normal health.

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NERVC-VITAL DEBILITY The cause of Nervo-Vital Debility, as well as its evil effect upon the physical, mental and other powers, is familiar to all affileted men. The symptoms need not be enumerated. We want all alling men to know that our AN IMAL EXTRACT treatment is the ideal remedy for NERVO-VITAL DEBILITY. It does not stimulate temporarily, but re-stores permanently. All disagree-able symptoms soon disappear, nerve energy is regained, self-respect, self-confidence and self-control return, and the patient is prepared for a new period of life.

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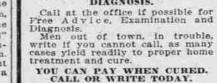
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POLICE SUPPRESS

Mr. Teal said the gross receipts of the railroad in 1900 were \$7,104,081, the gross expenses \$5,539,698, and the surplus \$1,264,383. For 1910, he said, the gross receipts were \$8,534,903, the nses \$6,791,310, and the surplus \$2,043,593

Dividends Are Given.

For the fiscal year ending in June, 1910, he said the railroad could have declared a dividend of seven per cent on preferred stock and six per cent on n stock, and still have had \$783 .-E33 of the earnings on hand, or four per cent of the capitalization. He placed the preferred stock at \$12,000, the common stock at \$7,000,000, the bonded indebtedness at \$17,745,000 and the floating debt at \$3,307,008, a total of \$39,952,008. The value of the prop-erty as estimated by the railroad itself is \$43,594,586, he said. Pope's repro-duction estimate places it at \$46,879,-\$25, and the estimate of the engineer employed by the commission at \$30,-159,778, from which was deducted a ertain amount for depreciation, giving \$27.075,778 as the present worth of the property.

Said Mr. Teal: "The company states Said Mr. Teal: The company states in its complaint that it would be obliged to raise the rates on other things than class products if this change in rates were made. But on the very lowest grade, they have al-ready advanced the rate 60 per cent, and are before the commission trying prevent that advance. They say that isn't confiscatory of the public's money, but that this slight reduction is confiscatory of their property.

Double Change Not Needed.

They say in the complaint that reduction of the local rate will mean a reduction also of the through rate. But they may reduce the local rate, and it is not necessary to make the through rate a part of it. "These rates are not confiscatory.

If they are not, what is the court to grant an injunction for? Is it for the court to fix this rate at 50 per cent or some other per cent? That would be a legislative act, and not within the court's power. If this com-mission has not acted unconstitutionally, if it has acted within its jurisdicthe courts have nothing to do with it. States have a right to create these administrative tribunals, and they have a right to go into the rate question, to find out whether rates

In reply, Mr. Fenton said, in part: "Although this matter of class rates was taken up by the Railroad Cog-mission upon its own initiative, there was not a great deal of evidence before it, except that of fluancial experts and extensive tables prepared by the statistician as to rates in Iowa, Illinois and other states. The pressure upon the Commission apparently comes from people who are interested in the re-duction of the rate in classes four and five, under which grocerles, hardware, sanned goods and such things move.

Investment Is Factor.

is charged that it has induced several companies to break traffic agreements with the Northwestern Company. The amount of money invested in a The amount of money invested in a railroad is a very important thing in The determining rates, but one class of rail-road economists takes into consideration the cost of reproduction. I do not claim pende that the \$135,000 or \$135,000 reduction in burn takes would confiscate all the property is south. 11,000 subscribers, it is asserted. These and all subscribers served by the inde-pendent company except those in Wood-

DISCONNECT LINES. for the city, I will show him how to do it," reiterated Logan. Throughout the day yesterday a close Bell Company Is Accused of Using watch was kept by police officers on the Bungalow Theater, but no attempt was made to exhibit the pictures, despite the Unfair Means to Drive Out Com-

petition From Field.

Hubbard, Aurora and Canby. The connections between the Northwestern Com-pany and Scramblin's lines were made in 1997. Scramblin sold out to the United

receiver, goes on to say that until 1893 the American Telephone & Telegraph Company, known as the "Bell System."

Company, known as the Bell System. had a monopoly on the telephone busi-ness of the United States, and that the Pacific Company 'was one of its sub-sidiary corporations. At that time its patent expired. It then had 500,000 tele-phones in the United States. Competition for if years has caused the installation of about 5000,000 telephones. It is asserted, the "Bell Sector" owning 2500,000 of

"Bell System" owning 3,500,000 of

Unfair means are alleged by the Inde-

pendent Company to have been practiced by the Bell Company, in the effort to drive out competition. It is alleged to

have employed secret agents to purchase independent plants, and then allow the service of these plants to deteriorate and refuse to extend the service. It is also

refuse to extend the service. It is also alleged that in some cases it cut rates and gave free service to prevent the suc-cessful operation of competing companies. The American Company, or Bell Sys-tem, now controls the Western Union Telegraph Company, it is asserted, hav-ing purchased large blocks of its stock. The Bell System has elected, it is said, its own board of directors. Because the Northwestern Company is in financial straits, continues the com-

financial straits, continues the com-

plaint, the Bell Company is making stren-uous efforts to undermine its business and is using unfair means to do so. It

The Portland independent exchange has

announcement made at the box office Sunday that they would be shown. A small number of intending patrons ap-peared, but were refused admission. A temporary injunction, restraining the United Telephone Company from discon-"Mr. Logan can't make the town too lean to suit me," said Chief of Police Cox, in abswer to a statement of the at-United Telephone Company from discon-necting its lines from those of the North-western Long Distance Telephone Com-pany, has been issued in the Federal Court. W. D. Tyler, receiver of the Northwestern Company, is plaintiff in the suit upon which the injunction is based, and the United Telephone Company, torney for the showmen that he was going to see that the "moral wave" was made thorough. "I am always ready to receive suggestions and information leading to better conditions and shall be glad to have Mr. Logan's co-operation

and the United Telephone Company, Blaine McCord, James B. Hunt, W. H. Waterbury and the Pacific Telephone & Telegraph Company are defendants. The complaint alleges the Northwest-ern Company had a contract with G. W. Scramblin, who owned local exchanges at Hubbert Aurors and Carbox The con-MINISTERS DISCUSS PICTURES

Stand Taken by Chief Cox Is Both Praised and Questioned.

The moving pictures of the Johnson-Company. Last August or September, it is alleged, the Pacific Company connected secretly with the United Company's lines. Jeffries prize fight were "roasted" by the ministers at their meeting in the Y. M. C. A. building yesterday morning, the matter being placed in the hands

in violation of contract between the United Company and the Northwestern Company. The United Company, it is "Dr. Miles' Nervine alleged, purchased from the Pacific Company the local exchange at Woodburn and made connections with it. A notice is alleged to have been served on the **Completely Cured** Northwestern Company to the effect the United Company would sever connection with it January 1, 1911. This would have cut off the United Company's 500 sub-Our Little Boy of Fits." scribers from Northwestern telephone The Northwestern Company, through its

A family can suffer no greater, affliction than to have a child subject to fits or epilepsy. Many a father or mother would give their all to restore such a child to health.

"I am heartily glad to tell you of our little boy who was completely cured of fits. He commenced hav-ing them at to years of age and had them for four years. I tried three doctors and one specialist but all of them said he could not be cured, but Dr. Miles' Restorative Nervine and Dr. Miles' Nerve and Liver Fills made a comptete cure. He is now and Dr. Miles' Nerve and Liver Pills made a complete cure. He is now hale, hearly and gay. It has been three years since he had the last spell. I shall give Dr. Miles' medicines praise wherever I go. You are at liberty to use this letter as you see fit and anyone writing to me I will gladly answer if they enclose stamp for rank."

for reply." F. M. BOGUE, Windfall, Ind.

Dr. Miles' Nervine

is just what it is represented to be, a medicine compounded especially for nervous diseases, such as fits, spasms, St. Vitus' dance, convulsions and epilepsy. These diseases frequently lead to insanity or cause weak minds. Dr. Miles' Nervine has proven most effective in reliev-

ing these dreaded maladies. Sold by all druggists. If the first bottle burn will be deprived of the privilege of telephoning over independent lines to the fails to benefit your money is returned. MILES MEDICAL CO., Elkhart, Ind.

conference with the Mayor." John F. Logan, the attorney, an-nounced last night that the "defy" he themselves. issued Sunday goes as he said it, and that he will carry out his remarks to the letter. "If Mayor Simon wants to The moment you suspect any kid- ness, inflamed or puffy eyellds, weak-

ness, worn-out feeling and man other symptoms caused by clogged bladder or urinary disorder, or ney, bladder or urinary disorder, or feel a dull, constant backache or the urine is thick, cloudy or offensive or inactive kidneys Frequent, painful and uncontrollable urination due to weak or irritable full of sediment, irregular of passage or attended by a scalding sensation, begin taking Pape's Diuretic as di-rected, with the knowledge that there Your physician, ph which is so harmless or will effect so or any mercantile

thorough and prompt a cure, Put an end to kidney trouble while ment-t is only trouble-before it develops world.

for the responsibility of Pape. Thomp-son & Pape of Cincinnati, who pre-pare Pape's Diuretic - 50 cent treat--sold by every druggist in the

stomach,

SHOW MEN I CAN CURE THEM I demonstrate my ability in the treatment of the ailments in my

specialty, first, by giving immediate benefits; secondly, by the rapid progress my patients make from the beginning, and each and every patient knows that he is going to get well from the fact that there is no standstill about the ailment, no weary weeks and months of waiting, hoping and watching for benefits-the trouble must yield if I tell

you in the beginning I can permanently cure you, and it is because I am a scientific specialist and know how to CURE.

By the latest and best methods, I cure, to remain cured, Blood and Skin Ailments, Varicose Veins, Piles, Kidney and Bladder Ailments.

If afflicted men in Portland and vicinity knew of the permanent cures I accomplish, of the patients I dismiss who don't have to continue seeking and paying for treatment, some of them having been treated a dozen times before, they would surely lose no time in seeing me. I prove my success over other specialists. I don't ask you to believe me. I don't ask you to take my word for what I saya visit and treatment will tell and convince you if you have any doubts.

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for one week if you desire to prove that I can cure you. I have spent thousands to develop my treatment, and I know what it will do. Don't experiment elsewhere. Try my treatment free, and be convinced that I can cure you.

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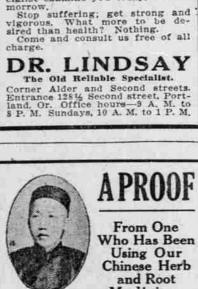
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Call at once and let a true spe-cialist examine you today, not to-





Medicines Portland, Oregon, Dec. 23, 1910.

Portland, Oregon, Dec. 23, 1910. To Whom It May Concern: This is to certify that I have taken S. H. Wai Jing's treatment for the past five weeks for a terrible cough and hoarseness, and was completely run down and not able to do any thing. I have been sick for more than a year, and tried many doc-tors, but none could do me any good, and some said I had the consump-tion, but I kept getting worse all the time until I cante to S. H. Wai Jing, the Chinese doctor and pharmaceutist of S. H. Wai Jing Chinese Herb and Root Medicine Co. lately from New York Oriental Hospital, and tried his wonderful Chinese herb and root medicines. And I am thankful to say that after five weeks' treatment my cough is gone, my voice is clear, and now I can tak like before I was sick and feeling perfectly well. I will ghadcan talk like before I was sick and feeling perfectly well. I will glad-ly recommend S. H. Wal Jing, the Chinese doctor, to any man, woman and children with any internal, ex-ternal or eruptive disease, for I am so thankful for my own health he has restored to me. Very truly (Signed) A. L. KRAMER, 189 Mill Street.

3011/2 First St., Portland, Oregon. 'ree Consultation and Examination

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