

VALLEY MILLMEN DENOUNCE RATES

Southern Pacific Tariff Is Blamed for Steadily Dwindling Trade.

MARKET WEAK FOUR YEARS

Railroad Officials Say Extra Expense of Traffic Over Crooked Skiskiyou Demands Increase. Water Shipments Harmful.

"Why is the lumber business in the Willamette Valley in an unremunerative condition so far as the stockholders of the lumber corporations are concerned?"

That question was asked A. C. Dixon, general manager of the Booth-Kelly Company by Attorney J. N. Teal yesterday afternoon, after Mr. Dixon had said the lumber business has been in an unsatisfactory condition since 1907.

Mr. Dixon was a witness before Examiner Pruett, of the Interstate Commerce Commission, in the striking of the Willamette Valley lumber rate case, in which the Southern Pacific Company is attempting to enforce a rate of \$5 a ton on shipments of lumber to San Francisco and other California points.

Milling Expense Leaps. "The continued operation of the mill," said Mr. Dixon, "has led to a decrease in the quantity of easily available stumpage. We have had to go farther back for our timber and the cost of labor has increased and efficiency has decreased."

Rates Cut Down Profits. "All these things have made a decrease in the apparent profits—or an increase in losses. In our case it has been an increased loss. Since the Fall of 1907 the lumber business has never been back upon a firm foundation."

"From 1900 to 1907 we had a constantly increasing demand east of Chicago for Douglas fir, spruce and hemlock. Comparatively little was shipped south of Ashland. Then the increased rates came, and put a stop to the shipments."

"In the \$2.40 rate more than a reasonable one to San Francisco and way points," asked Mr. Teal.

"I think it is a fair advance from \$2.10 to \$2.40, allowed by the Commission, was unreasonable?" "Yes, sir."

Shipments on Decrease. Mr. Dixon, when asked if lumber shipments to San Francisco from Coos Bay had affected the shipments of the Booth-Kelly Company, said they had. He said \$7,000,000 feet of the total shipment in 1909, and \$1,000,000 feet the shipment in 1910. These shipments were made under the shipment for 1908, he said.

Railroad Tide Told. John Daley, an official of the Illinois Central Railroad, compared traffic conditions on that line with those on the Southern Pacific south from Portland. He spoke of an increase in wages since 1907 of 42 per cent in wages since 1907, and said supplies were higher, too.

L. R. Fields, of the Oregon Division of the Southern Pacific, and J. M. Davis, of the California Division, testified yesterday morning, Mr. Davis said he considered the Skiskiyou line the worst mountain railroad he knew of. From Ashland to Red Bluff, 207 miles, he said there are 187 miles of curves and about 100 miles of tangent. In some places there are 14-degree curves, he said. There are 16 tunnels, aggregating in length 11,446 feet. Loads higher than 12 feet from the track will not pass the tunnels, so he has to keep a force of men at Ashland all the time, he said, reducing the loads that the cars may go through the tunnels. Last year 11,179 brakemen were employed at Ashland, he said. Four locomotives are necessary to haul the 35 and 40-car trains. Formerly the trains were of 25 and 30 cars, but heavier locomotives, and more of them, permit longer trains, he said.

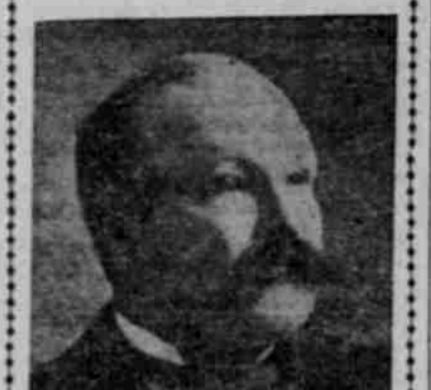
A statement of the amount of lumber shipped south through Ashland was filed with Examiner Pruett yesterday afternoon by Attorney W. W. Cotton, who represents the Southern Pacific at the hearing.

LITIGANT MUST BE RESIDENT Plaintiff or Defendant Required to Live in Federal District.

The Federal law requires that either the plaintiff or defendant in a suit brought in the United States Court shall be a resident of the Federal district in which the suit is brought. If the plaintiffs are not residents, and one of the defendants is not a resident, the suit cannot be brought in that district, provided the non-resident defendant is a material party. This was the decision of Judge Beas yesterday morning in the suit of Duncan and Roderick McAuley against E. F. Moody, M. A. Moody and John McAuley.

trict, provided the non-resident defendant is a material party. This was the decision of Judge Beas yesterday morning in the suit of Duncan and Roderick McAuley against E. F. Moody, M. A. Moody and John McAuley. The plaintiffs are residents of the Isle of Skye, Great Britain; the Moodys are residents of The Dalles, Oregon, and John McAuley is a resident of Montana. The suit was brought to restrain the lumber business in the Willamette Valley from being conducted by the Moodys, John McAuley, refusing to join his brothers in the suit for recovery of the note, was made a defendant.

RESIDENT OF PORTLAND FOR MORE THAN HALF CENTURY IS DEAD.



Late George Hartness. With the passing away of George Hartness Saturday, another of Portland's pioneers is gone. Mr. Hartness had lived in Portland since 1854. His father, Thomas Hartness, came to Portland from Ohio in 1849. George Hartness was born in 1844. After coming to Portland he entered the brick manufacturing business with his father. Later he became identified with the Northwestern Transfer Company, holding the position of secretary until he retired from business because of advancing age. Mr. Hartness had been ill for three and a half years. The funeral services will be conducted jointly by the Scottish Rite Masons and Hasalo Lodge of Oddfellows. Mr. Hartness was a thirty-second degree Mason, and joined the Oddfellows in 1872. The funeral will be held Tuesday afternoon. Interment will be made in Riverview Cemetery.

an affidavit which was in fact evidence. The decree now entered is in favor of the plaintiff.

LAWYERS AT ONCE

COURT HOLDS INITIATIVE ACTS IN VOGUE WHEN PASSED.

Judge Bean Decides That Intent of Voters Makes Measure Effective After Count.

The employers' liability law went into effect at 7 o'clock November 8, the moment the polls closed, according to a decision rendered by Federal Judge Beas yesterday. Under his ruling all initiative laws which do not set forth when they shall become effective began to operate the minute they are passed.

The question arose in the suit of Wallace N. Bradley against the Union Bridge & Construction Company to recover \$25,000 damages for the death of Roy E. Bradley, his 19-year-old son, November 8, the day after the passage of the new law, young Bradley stepped off a barge used in laying the piers for the new O.-W. R. & N. bridge and was drowned. He was at the time working for the construction company. The suit was brought on the ground that the barges were not lighted properly, it being alleged that the company thereby violated the provisions of the employers' liability law.

The company sought to quash the complaint by a demurrer, contending that the law did not go into effect until the official count of the vote was completed and the Governor signed the proclamation. Judge Beas held that the law became effective as soon as the vote was complete and the polls closed. The official count and proclamation signed by the conferratory.

"The initiative right is a constitutional right, invested in them by the fundamental law of the state," said Judge Beas, "and it is exercised independently of the Legislative Assembly. When the people exercised such right and enacted a law at the polls, it became a law, and it cannot be postponed or delayed by the Legislature."

NEW SCHEDULE TO

Seattle, Tacoma and Intermediate Points.

Effective Sunday, February 5th, "O.-W. R." on O.-W. R. & N. "Puget Sound Route" will leave Portland at 11 P. M. instead of 11:45 P. M. for Seattle, Tacoma and Intermediate points, and all Puget Sound points. Sleeping cars open for passengers at Union Depot at 8:30 P. M. as usual and passengers may remain in these sleepers after arrival at Seattle and Tacoma until 8:30 A. M.

Repentant Youth Paroled. Ray van de Bogard, a youth of 22 years, who participated some time ago in riots at St. Johns against a gang of hoodlums, was admitted to probation by Circuit Judge Gantenbein yesterday after pleading guilty to his offense and asserting his repentance. It was shown that the young man had never previously been in trouble and that he supports his parents, who are unable to work because of sickness.

PNEUMONIA FOLLOWS A COLD But never follows the use of Foley's Honey and Tar, which checks the cold and expels the mucus. It is contracted by a cold and cough and was threatened with pneumonia. One bottle of Foley's Honey and Tar completely cured me. No opiates, just a reliable household medicine. Sold by all druggists.

Cooking School Today at 10 A. M. Menu—By Request, Tomato Soup with Stock, Croustons, Zante Muffins, Chilli Con Carne and Coffee. We Are Agents Libbey Cut Glass—Haviland, Lamoge, Royal Doulton China—Rogers Bros. Silverware Standard Sewing Machines Sold on the Club Plan at \$1.00 a Week—Take Lunch in Our Tea Room 4th Floor

The Greater Olds, Wortman & King Store International Pure Food Fair Afternoon Concert at 2:30 P. M. by Ruzzi's Orchestra February Rummage and Sale of Kitchen Goods and Household Necessities of Every Description



Come and supply your wants at this great sale—Everything from a feather duster or step ladder to a cut glass dish or Haviland China dinner set is on sale in the departments for household needs—On the Third Floor

Unusual Savings on Dinner Sets

- Dinner Sets with gold border pattern, small vine and full gold line. Fancy shapes; choice designs of white and gold. Very pleasing patterns and exceptional values, offered special at these prices: 50-pc. set, \$ 7.85 val., \$ 6.25 60-pc. set, \$10.50 val., \$ 7.95 100-pc. set, \$15.50 val., \$11.35

500,000 Pieces of Tinware Every Article at Reduced Prices

- Wash Basins, 10 1/2-inch, regular 12c values, special at 9c Colanders, 10-inch size, regular 15c values now only 11c Lipped Kettles, 3-quart size, regular 18c values, now 12c Lipped Kettles, 4-quart size, regular 20c values, now 15c Lipped Kettles, 6-quart size, regular 23c values, now 17c Ladles—Pierced—size 4 1/2, 10c values, special now at 8c Moulds—Cake or Jelly, regular 60c values, now only 48c Deep Loaf Cake Pans, 20c values, on special sale at 15c Milk Pans, heavy, 2-quart size, 8c values special only 6c Milk Pans, heavy, 4-quart size, 12c values, special each 10c Milk Pans, heavy, 6-quart size, 17c values, special only 12c Deep Dish Pans, 10-quart size, regular 35c values for 27c Deep Dish Pans, 14-quart size, regular 40c values for 32c Muffin Pans, 6-hole, 20c values, on special sale for, each 15c Muffin Pans, 9-hole, 25c values, on special sale for, each 19c Deep Pudding Pans, 3-quart size, regular 13c values at 10c Deep Pudding Pans, 4-quart size, regular 15c values at 11c Lipped Sauce Pans, 2-quart size, regular 14c values for 10c Lipped Sauce Pans, 4-quart size, regular 20c values for 15c Lipped Sauce Pans, 6-quart size, regular 25c values for 19c Bread Raisers—covered—regular 95c values now for 75c Scoops for tea or spice, regular 8c values, special for 6c Flat Skimmers, 4 1/2 size, regular 8c values now, each 6c Water Pails, 10-quart size, regular 25c values now at 19c Deep Bread Pans, regularly sell for 10c, special now for 8c Jelly and Cake Pans, our regular 10c values now only 8c Crisp Roll Pans, regular 15c values on sale now for 11c Coffee Pots, 2-quart size, regular 18c values, special at 12c Coffee Pots, 4-quart size, regular 25c values, special at 19c Steamers, No. 8, our regular 35c values, special for, each 27c Soup Strainers, 7-inch size, regular 15c values at only 11c

Miscellaneous Household Needs

- 35c Potato Ricer for only 27c 75c Wood Carriers, special at 60c 7c Cake Turners for sale at only 5c 8c Flesh Forks, special, each 6c 15c Kitchen Knives for only 11c 10c Can Openers, special only 8c 35c Butcher Knives at only 27c 5c Asbestos Mats priced now at 3c 10c Dish Mops reduced to, each 7c 8c Toothpicks now on sale at 3c 2c Sink Brushes, special, each 1c 10c Gas Tapers, special price 8c 15c Rug Beaters reduced to 11c 45c Wash Boards now for 35c 75c Mirrors reduced to only 60c 35c Baskets priced at, each 27c 15c Polish on special sale at 11c 25c Enamel now priced at only 19c \$1.00 Food Chopper for only 79c \$1.25 Food Chopper for only 98c 8c Vegetable Brush at only 5c 15c Scrub Brush now for only 10c 30c Dust Brush, special price 24c 50c Floor Broom reduced to 39c 35c Floor Broom reduced to 19c 25c Stove Brush on sale for 19c 15c Towel Roller on sale for 11c

SECOND WRIT IS INVALID

ON THIS DEFENSE DEPUTY BEATTY WILL REST CASE.

Contention Upheld by Tentative Decision of District Attorney Who Thinks Kidnaping Legal.

That two writs of habeas corpus cannot be pending in the same court at the same time, in favor of one man, is the contention upon which Deputy Sheriff Beatty will rest his defense, on the accusation of having kidnaped P. H. Lasher, an Arizona prisoner, whom he spirited away from the courtroom at the conclusion of a hearing Saturday afternoon. He is sustained by a tentative decision of the District Attorney and action against the officer is held up for the present.

A new writ of habeas corpus was issued to cover the Governor's warrant, while the first writ was still at issue. Lasher was discharged from custody on the first writ and was immediately whisked away by Beatty in an automobile, to be met at Salem by the Arizona Sheriff, who, by this time has the prisoner in the territory.

In carrying the prisoner away, Beatty disregarded the second writ, and the District Attorney is of the opinion that he was warranted in doing so, for the reason that when it was issued the prisoner was in the custody of the court from which the writ issued, and that the court thus cited itself, a manifest irregularity.

HOLLISTER HOME RAIDED

Thieves Take Advantage While Doctor Is Away at Sea.

Balked by a heavy oaken door, which barred their progress, burglars in the house of Dr. C. Hollister, 765 Kearney street, cut through a panel in the door with a butcher knife, secured from the kitchen, as a preliminary to thoroughly ransacking the house. From the crudeness of the work, which was done Sunday night, the officers believe that the criminals were juveniles.

FIRST FLAG MADE IN 1850

Steamer Lot Whitcomb Said to Have Flown Ensign.

to Oregon from Massachusetts. Mrs. Waite recalls the fact that her mother made a flag for the steamer Lot Whitcomb, at Milwaukee. The craft was built in the territory. The craft was launched on Christmas day 1850.

"My parents," said Mrs. Waite, "were pioneers of 1849 and lived in Milwaukee, where they took a claim. They were living there when the Lot Whitcomb was launched. Mr. Lot Whitcomb, the owner of the boat, wished to have a fine flag made and my mother consented to undertake the task. My brother, H. B. Campbell, now residing in this city, assisted in planning it and helped to cut it out. I do not remember its dimensions. It was first flung to the breeze on the occasion of the pleasure party to the Cascades, which is referred to in the Oregonian's annual edition. I was a member of

the party and remember every incident vividly.

Edlesten Fuel Company sells the famous washed Gale Creek Steam Coal."

COLUMBIA LIFE January, 1911, Shows 62% Increase Over January, 1910, in new business issued AND TRUST COMPANY

Railroad Man Writes Remarkable Letter

In 1903 and 1904, I was a terrible sufferer for about five months with kidney and bladder trouble. I could not sleep nights and was obliged to get up ten or fifteen times to urinate. Passed mucus and blood continually. One doctor said I was going into consumption and gave me up to die. Had two other doctors but received no help from either of them and am sure I would have been in my grave had I not seen your advertisement in the "Daily Eagle Star." After taking several bottles of Dr. Kilmer's Swamp-Root I was entirely cured.

In the last two years I have been a railroad fireman and have passed two examinations for my kidneys successfully so that I know that my kidneys are in excellent condition now as a result of your great preparation. Yours very truly, GEORGE KENSLE, 1422 Mary St. Portland, Wis. Personally appeared before me this 25th of September, 1909, George Kensler, who subscribed the above statement and made oath that the same is true in substance and in fact. HENRY GHARR, Notary Public, Door County, Wis.

Letter to Dr. Kilmer & Co., Binghamton, N. Y. Prove What Swamp-Root Will Do For You Send to Dr. Kilmer & Co., Binghamton, N. Y., for a sample bottle. It will convince anyone. You will also receive a booklet of valuable information, telling all about the kidneys and bladder. When writing, be sure and mention The Portland Daily Oregonian. For sale at all drug stores. Price fifty-cents and one-dollar.

W. M. Ladd, President T. B. Wilcox, Vice-Pres. S. P. LOCKWOOD, VICE-PRESIDENT AND GEN. MANAGER Harry Richey, Mgr. Portland Agts. Home Office, 9th Floor Spalding Bldg. Portland, Or.