

### SUIT TO SEPARATE RAILWAYS IS HEARD

Government Holds That Southern Pacific Discriminated Against Ogden Gateway.

### MOTIVE DECLARED CLEAR

All of Rate Obtained When Shipment Is Made Via New Orleans, Much Less Where Northern Route Is Used.

ST. LOUIS, Dec. 1.—Hearing of the suit by which the Government is seeking to separate the Central Pacific Railroad from the Southern Pacific opened today before the United States Circuit Judge sitting at Ogden, Utah. Judge Walter H. Hanson, of St. Paul, William C. Hook, of Leavenworth, Kan., and John E. Carroll, of Washington, D. C., are participating.

Edward F. McClellan, of Boston, opened for the Government. He reviewed the evidence and argued the legal points. He was diverted from his plan of argument late in the afternoon session when Judge Hook inquired what the position of the Government was toward an ownership of a railroad by another line when the ownership had been effected before the passage of the Sherman anti-trust law in 1890.

Power of Congress Defended. Mr. McClellan cited decisions of the Supreme Court in the Standard Oil case and the trans-Missouri case to uphold the Government contention that Congress could prohibit such ownership of railroads.

"A contest of the defense in this case," said the attorney for the Government, "is that the government is stopped by the Pacific railroad laws from bringing this litigation. The Central Pacific and the Union Pacific railroads were built under these laws, which provided for the construction of the Union Pacific from Ogden west, and of the Central Pacific from Sacramento east. The acts provided that the transcontinental line thus built should be operated as one connected line."

"The laws provided that the continuous line should be operated without discrimination against either the Central Pacific or the Union Pacific, but since 1912 the Central Pacific has discriminated against the Union Pacific and has continued to do so."

Longer Route Declared Favored. "The attitude of the Southern Pacific since 1912 has been to send as much of the traffic of the California traffic through New Orleans, rather than through Ogden, although the Ogden route is the shorter."

Mr. McClellan explained what he considered the reason for this discrimination against the Ogden gateway. "On through traffic from New York to the Pacific Coast by way of Ogden," he said, "the division of rates is as follows: 25 per cent to the lines east of Chicago, 15 per cent to the Chicago and St. Louis lines and 60 per cent to the Union Pacific-Central Pacific jointline of this per cent, 14 per cent goes to the Union Pacific and 46 per cent to the Central Pacific."

"Thus, if the traffic is routed via Ogden, the Southern Pacific, through its control of the Central Pacific, gets only 14 per cent of the present 60 per cent of the total tariff. If the traffic is routed by way of New Orleans and the Southern Pacific Membership Lines, the Southern Pacific gets all the rates. The motive to discriminate against the Central Pacific is clear."

Desire of Road Unchanged. "There has been some changes in this situation since, because of the entrance of the Atchafalaya, Topeka & Santa Fe, but there has been no change in the desire of the Southern Pacific to have freight go through New Orleans, instead of Ogden."

The construction of the Central Pacific and of the Southern Pacific were separate operations. In 1892 the Southern Pacific Company, organized under the laws of Kentucky, took over the stock of the Southern Pacific and took a lease on the Southern Pacific Sunset line; it took over a lease of the Central Pacific, but acquired no Central Pacific stock. The Central Pacific lease provided a fixed rental of \$1,200,000 a year and additional rental up to \$1,600,000, conditioned on earnings.

The obligation rested on the Southern Pacific to make these earnings of the Central Pacific large.

"In 1912 a new lease was executed providing a nominal rental of \$1,500,000, a balance of net earnings up to 6 per cent and one-half of the earnings in excess of that amount."

### POLK BUDGET TO BE SET

Effort Being Made to Have Fair Appropriation Eliminated.

DALLAS, Or., Dec. 1.—(Special).—The December term of the Polk County Court will convene here today and the court will pass upon the budget for the ensuing year.

Considerable opposition has developed in various portions of the county against the annual appropriation for the County Fair, and an effort is to be made to prevent the levying of a tax for this purpose during the coming year. Committees from the Dallas Commercial Club and the Polk County Fair Association will urge a continuance of support.

Another matter of considerable importance with which the Board of Commissioners will have to deal will be the levy for the construction of a new bridge across the Willamette at Salem.

### PRISONERS TO GO TO HOTEL

Dallas Pythians and Elks Will Be Christmas Dinner Hosts.

DALLAS, Or., Dec. 1.—(Special).—As a portion of their plan for spreading Christmas cheer among the poor, the Knights of Pythias and Elks of Dallas have obtained permission from Sheriff John Orr to take the prisoners in the County Jail to the Hotel, in this city, for a Christmas dinner.

The six boys sentenced to serve 30 days in jail for disturbing a religious meeting near Burns, Vt., will be in Christmas, and they will be among the guests of the indigent.

A deputy sheriff will be in charge of the details.

### Men With Teams Strike on Job.

ROSEBURG, Or., Dec. 1.—(Special).—Because two horses were injured while drawing a scraper on the partially constructed railroad which will extend from Carson Station six miles south of Roseburg, to the line quar-

### LOOK AT CHILD'S TONGUE IF SICK, CROSS, FEVERISH

Hurry, Mother! Remove Poisons From Little Stomach, Liver, Bowels.

Give "California Syrup of Figs" at Once if Bilious or Constipated.

Look at the tongue, mother! If coated, it is a sure sign that your little one's stomach, liver and bowels need a gentle, thorough cleansing at once. When peevish, cross, listless, pale, doesn't sleep, doesn't eat or act naturally, or is feverish, stomach sour, breath bad; has stomach ache, sore throat, diarrhoea, full of cold, give a teaspoonful of "California Syrup of Figs," and in a few hours all the foul, constipated waste, undigested food and sour bile gently moves out of his little bowels without griping, and you have a well, playful child again.

You needn't coax sick children to take this harmless "Fruit Laxative"; they love its delicious taste, and it always makes them feel splendid. Ask your druggist for a 50-cent bottle of "California Syrup of Figs," which has directions for babies, children of all ages and for grown-ups plainly on the bottle. Beware of counterfeits sold here. To be sure you get the genuine, ask to see that it is made by "California Fig Syrup Company." Refuse any other kind with contempt.—Adv.

ries of the Portland Cement Company, teamsters withdrew their horses from the job. Work is now temporarily suspended on the road. The teamsters refused to continue their work for fear of injuring their horses on the soft grade.

### Old Oregon Territory Map Is Shown at Medford.

Pioneers Are Interested in Record Compiled by Hudson Bay Trappers Years Ago.

MEDFORD, Or., Dec. 1.—(Special).—A map of Oregon Territory, drawn in 1841, owned by Mrs. Helen Hopkins, of Medford, has recently been put on exhibition in Medford. It is arousing considerable interest, particularly among the old pioneers.

The map, principally the record of Hudson Bay trappers, does not show Portland, Oregon City, Salem, Eugene or Roseburg. The only two towns are Astoria and "Champoigne." Crater Lake, of course, is not included, while Mount Pitt is termed by its proper name, Mount McLoughlin.

The "Klamet" River is shown to empty into the Pacific about where the Rogue River now flows, while a stream following the general course of the Rogue is marked as the "Black-squaw" at St. Paul and on the Willamette.

Fort Umpqua, at the mouth of that stream, is the only fort shown south of Fort Vancouver, while missions are shown at the mouth of the "Black-squaw" at St. Paul and on the Willamette.

Train-Stop Hearings Halted.

SALEM, Or., Dec. 1.—(Special).—The Public Service Commission yesterday discontinued further hearings on the subject of stopping Southern Pacific passenger trains at non-scheduled points after the railroad had agreed to stop all passenger trains at these points whenever reasonable notice was given. Limited trains are exempt from the agreement. The hearing was held upon complaint that the company refused to stop certain trains at Aurora and Willamette.

Washington-Oregon Deed Filed.

CHEHALIS, Wash., Dec. 1.—(Special).—A deed transferring the holdings of the old Washington-Oregon Corporation to the North Coast Power Company was filed with the County Auditor yesterday. The consideration noted was \$225,000. The document covered 35 typewritten pages, and 225 in revenue stamps were necessary on same.

The Ben Selling Store. | The Ben Selling Store. | The Ben Selling Store. | The Ben Selling Store.

### Find Comfort Here in Winter Apparel

THIS STORE FOR BOYS' AND CHILDREN'S Overcoats



### Cold Days--Overcoat Days

Showing here all the good fabrics, tailored into nobby, warm overcoats. Sure protection from wintry winds or weeping skies.

Come in--slip into one and see what an all-enveloping glow of warmth and comfort results.

Models for all men--prices for all men. You'll find here your model at the price you want to pay.

\$15 to \$35

Men, Main Floor--Young Men, 2d Floor.

### BenSelling

Morrison Street at Fourth

Dandy shower-proof, cold-proof Overcoats, tailored right up to the hour for style and good service.

Some have the raglan and some the set-in sleeves. Many of them are double-breasted styles, with either velvet or cloth collars.

Boys' sizes run from 10 to 18 years, and they are priced at \$5, \$6, \$7.50, \$8.50, \$10, \$12.50 and \$15.

Children's sizes run from 2 1/2 to 10 years; prices are \$4.50, \$5, \$6, \$7.50, \$8.50 and \$10.



### A Cut in Coats!

Women's and Misses' Plush and Corduroy Coats

\$15

A special price on coats taken from regular stock.

Pur-trimmed black plush and corduroy coats, and plain black plush coats in 3/4 length, offered tomorrow at \$15.

A remarkably attractive price on man-tailored garments of superior merit.

See the display of a few of these lovely coats in one of the Fourth-street windows.

### Banking Service

The Lumbermens National Bank offers you the security of a big, centrally located bank under Government supervision; offers you the convenience of separate departments for checking accounts, savings accounts, collections and exchange—the latter a department where you can transfer funds cheaper than by money order; offers you free telephones and a customers' writing-room.

The Lumbermens National Bank welcomes the small customers as well as the large ones and gives good service to both.

Your account invited.



GOVERNMENT SUPERVISION LUMBERMENS NATIONAL BANK 4% On Savings Fifth and Stark

The European nations will be on their way to a position in the markets of the world even stronger than they occupied before.

### VETERAN BUILDER BURIED

George S. Slack, Once in Libby Prison, Succumbs to Paralysis.

CENTRALIA, Wash., Dec. 1.—(Special).—Succumbing to a recent stroke of paralysis, George S. Slack, who erected many of the buildings in the

early days of the city, died Monday night. The funeral was held today. Mr. Slack served in the Union Army throughout the Civil War, being confined in Libby Prison for 40 days. The members of the local post of the Grand Army of the Republic attended the services.

Mr. Slack was born in Pennsylvania in 1842. He is survived by his wife and five daughters. They are Mrs. Anna Virges and Mrs. Clara Travis, both of Tacoma, and Mrs. John Galvin, Mrs. Gertrude Menard and Mrs. Bertha Burdick, all of this city.

Read The Oregonian's classified ads.

### BIG INDUSTRIES FEW

Great Part of American Trade in Little Men's Hands.

MANY HAVE NO NET INCOME

Unduly Large Number of Concerns Are Unsuccessful, Says Federal Trade Commissioner—Exporters Get Peace Warning.

NEW YORK, Dec. 1.—A great proportion of the Nation's business is still in the hands of the small business man, according to Edward N. Hurley, vice-chairman of the Federal Trade Commission, who, in an address before the Association of National Advertisers here tonight outlined a survey of business now being made by the commission.

One of the purposes of the commission, Mr. Hurley explained, is to act in an advisory capacity to all industrial concerns, and the survey now in progress is to determine the size of the various business units. He said investigation showed that, eliminating the banking, railroad and public utility corporations, there are about 250,000 business corporations in the country.

Of these 250,000 produce no net incomes; 90,000 have a net income of less than \$5000 a year, and only the 60,000 remaining make \$5000 a year or more. Of the 60,000 in the latter class, 20,000 have sales annually of less than \$100,000; 20,000 sell goods worth from \$100,000 to \$250,000; 10,000 from \$250,000 to \$500,000; 4000 from \$500,000 to \$1,000,000; 4500 from \$1,000,000 to \$5,000,000, and only 402 corporations do an annual business of \$5,000,000 or more.

"These figures exhibit a condition that has existed for many years," continued Mr. Hurley. "They show con-

clusively that big business, while important, constitutes but a small fraction of the trade and industry of the United States. They make clear that there is no unduly large proportion of unsuccessful business concerns."

Mr. Hurley warned exporters against assuming that the European war would insure them a permanent foreign market, to be retained without effort.

"The American manufacturer," he said, "should realize that not a smoke-stack has been destroyed in England, Germany or Italy, and only a few in France. Unless we take advantage of the opportunity we now have, we will find that 90 days after the war is over

### FURS! FURS! At 1/2 Price

We are retiring from the Retail Fur Business.

### SILVERFIELD CO.

286 Morrison St., Between Fourth and Fifth Sts.

### FUR PRICES

must be compared with the prices quoted elsewhere in order to realize the big reductions made on this splendid Fur stock; reductions caused by our retiring from the retail business. You owe it to yourself to make this comparison—piece for piece—stock for stock—in QUALITY and PRICE—before buying. We invite it, and impress upon you the absolute GUARANTEE we are making that everything purchased is as REPRESENTED.

Select your Xmas Furs now. Nothing more suitable and appropriate as a gift for any member of the family. A small deposit will hold same until wanted.

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on all four tires, regardless of the brand or type of tires used.

The proper sizes of Weed Chains to fit all sizes and styles of tires are carried in stock by dealers everywhere.

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The Chains especially constructed for Single and Dual Solid Truck Tires—Motorcycle Tire Chains, Dobbins Blow-Out Chains, etc.