# BRANDEIS ACCUSED OF FIXED OPINION

Rate Views Held Bar to High Office.

#### PUBLIC INTEREST IN PERIL

Clifford Thorne Says Case of People Was Betrayed.

ETHICS

Namince for Supreme Court Justice Declared to Have Nutlified Efforts of Associates With-

out Warning Them.

WASHINGTON, Feb. 5 .- Charging that Louis D. Brandels, as counsel for the Interstate Commerce Commission. In the 5 per cent advance rate case, offerded to the cause of the railroads, to the fatal becary of the public interest. Clifford Thorne, chalrman of the snilyand commission of lows and an associate counsel in the rate case, appealed to the judiclary sub-committee of the Semate tonight not to recommend confirmation of Mr. Brandels' numination to the Supreme Court of

Mr. Thorne argued that it would be reatly to the American people to put men on the Supreme Court Bench with preconceived notions as to the high returns on railroad investments, in view of the fact that questions involved in the National appraisoment of rail reads now going on ultimately would have to be determined by that tribunal.

#### Views Fixed as to Rates.

umming up his case, he declared: "I have shown conclusively from the records that Mr. Brandels has comwords, 'rather ningardly.'

Further, the investors of this country indict amounts practically to a clean have decided that a stock righting Tig bill of health for the future. per cent to the market places of the The same is true of the investigation country to worth 100 cents on the doi-

#### par or above par-Ethical Position Attacked.

The other proposition which I have attempted to show is entirely ludepredent of the merits of the rate care and whether Mr. Brandels was right or wrong in his position as to the adopenition related to a matter of prefuncional ethice. I have shown you that Mr. Brandels was employed by the Intendate Commerce Commission with specific instructions not to addisposition of the care. He was asked if he was willing to take the burden of seeing that the other side of the rate was developed and was told that the restroad ride would be adequately

I have tried to show that Mr. Brandois had supressed the greatest of confidence in the presentation of the rate care by associate counsel.

### Concession Regarded as Patal.

"I have shown that Mr. Brandels co sperated in a friendly manner during the conduct of the case while associate ned, yet at the crustal time Mr. Brandels without warning to other counsel after all argument had been closed, conceded entirely to the rail-

be his position, had he advised us of his Mayor. Albee's ordinance, claims, steps escialnly would have been taken for our protection, and we would have demanded an opportunity bules that talking to the motorman is sinued the argument for the public,

Caming from Mr. Brandels, who participaled with us in cross-examination Officials of the company may, however, during the rate case and who was em- speak of matters pertaining to the op played by the Interstate Commerce evation of the car. number that his concanno of the public. Our work was TREED HOPMAN RESCUED

Duty Specifically Outlined. vitness regarding instructions to Mr. Brandels in the letter from the Intersixte Commerce Commission relating to his employment as counsel in the rate case, saked if it were w } a fact that Mr. Brandels was engag \$ to see

that "all sides were taken at 'e of." Mr. Thorne said that there Yos such proposal in the Commission's letter, but that later on in the letter it was specifically declared that Mr. Brandels should undertake the burden of the side," because the Commission

knew that the railroads would be site quality represented. Mr. Thorne occupied the stand at two long sessions of the sublooing his testimony tonight. The subcommittee plans to hear represents

tives of the United Shoe Machinery Company, with which Mr. Brandels was ence associated as counsel, temorrow.

Man Jailed for Beating His Wife. MILWAURIE, Or., Feb. S .- (Special.) guilty of heating his wife before Jus- Richard Straues to compose the musitice Kelsu materiay and fined \$50, ness formerly lived at Oswego, Or., sung to the same tune as the British But secently moved to East Milwaukio, national anthra-

# AIRMAN VISITS FOES FOR CAPTIVE'S GARB

HOSTILE PLANE PERMITTED TO BRING PAIR OF TROUSERS.

Defeated Briton Rips Breeches in Landing; German Drops Note to Enemy, Who Sends New Ones.

BERLIN, via London, Feb. 3 .- A new ustration of how the amenities of warfare are observed by heat-to all nem to given in a letter from a firviator on the western front.

This aviator was - particip -- in a serial battle in which a British acroplane was shot down and one of the twiators killed. The second was unin ured, but, in landing, his trousers had

on irreparably damaged. The aviator thus afflicted, the Ger man letter writer says, was so treased that the German aviator nounted an accoplane and dropped a FORD ROW LAID TO WOMAN sunted an accoplane and dropped a ater an English filer appeared, returning the call, over the German lines, and dropped a bundle containing ne-

# CHARITY BALL IS TONIGHT

As Storm Damages Christensen's Hall, Mutnomah Hotel Is Used.

The charity hall given tonight under the auspices of the b he arrangement.

The ball was scheduled to take place pairs are made. Those repairs are now preparedness, and asserting that Henry being made on both the roof and the Ford's peace expedition was neither

both the ballroom and parlors have been turned over to the use of the

#### NO INDICTMENT RETURNED

Bay Ocean Park Charges Fall Flat as Result of Investigation.

After a thorough investigation of charges against the administration of The expedition was gotten up in too Bay Ocean Park, the Summer resort on much hurry. He had to take those who mitted himself to the proposition that Tillamook Bay promoted by the T. H. would go. a seturn on the capital stock of rati- Potter Realty Company, a United States reads of 75 per cent is, to use his own grand jury failed to indict. Though the future grand juries could re-enact the headed the voyage. She meant well This is the return which the Jater- investigation if desired. The charges unant- were so thoroughly aired and so many determined was adequate witnesses were called that failure to

lar. I have repeatedly challenged any- also, after a careful investigation, the that amount that does not command the company which C. E. Henry, former this was the main idea Ford had in realty operator of Portland, sought so mind, hard to have indicted and put on trial.

#### MELBA TO TEACH GIRLS

Voices Ruined by Wrong Training Prompt Singer to Act.

SAN FRANCISCO, Feb. E.-Madame dention of buying an estate near San permanent home, and which she will throw open to girls with voices but with no means to cultivate them. There are so many voices ruined

each year," she said, "by the wrong kind of training that I feel I simply must put out a restraining hand. shall regard the girls as my wards and teach them myself,"

# MOTORMAN ACT IS LAW

Conversation With Men on Duty Prohibited to Public.

It is unlawful new to converse with stormen on streetcarn. The City 'Had I known that such was going to Council yesterday unanimously passed

The measure requires the streetcar mpany to post notice in the vestibe heard after Mr. Brandsis had prohibited by law. Only in case of requesting the motorman to open the front door car is talking permitted.

Rowboat Spills on Trip From House to Barn and Lausch Saves.

INDEPENDENCE, Or., Feb. 2 .- (Special.)-Thomas Fennel, a wealthy hopgrower, was marouned in the top of a cherry tree in his own pard for two. ours yesterday until a launch from Independence could rescue him after the rewbest in which he was traveling to his barn capsized and threw him

into the water. His wife heard his eries for help and telephoned to Independence for the launch and rescuing party.

#### KAISER RE-WRITES ANTHEM

Strauss Asked to Compose Air for New Patriotic Hymn.

GENEVA, via London, Feb. 5.—The Vossische Zeitung, a copy of which has been received here, says the Cerman Emperor has composed the words for a W. M. Simpson was tried and found new national hymn and has asked The Emperor, the newspaper says, which he could not pay, and was sent aims to replace the Prossian hymn, City to serve out the fine. "Hell Dir Im Siegerkranz," which

# FOR PREPAREDNESS

Lamar Tooze Uneasy After Seeing Europe.

### AMERICA DEGLARED IN DANGER

"Out-of-Trenches" Slogan Is Worst Thing of All.

Cause of Mission Weakened by Hurry to End War and in Gathering Party, Is View-Exaggeration Is Charged.

UNIVERSITY OF OREGON, Eugene Te Feb. 5 .- (Special.) -- Lamar Toors, deleand for which hundreds of tickets have gate of the University of Oregon on been - a will take place at the Hotel Ford's peace expedition, returned here Muitnomah, L. E. Wind, trustee for late last night, firmly convinced the Thompson estate, has consented to that the United States is in grave danger of becoming entangled in the at Christensen's hall, Eleventh and great European conflict, that every citizen should stand back of President rendered the building unsafe until resuccess nor failure. Mr. Tooxe is hale Through the kindness of Mr. Wind and hearty after a journey of 15,000

The worst thing that happened to the mission was the slogan 'out of the trenches by Christmas.' Ford himself enew well enough that this would be possible and everyone else knew it, said Mr. Toose.

#### Peace Cause Weakened.

"The peace cause was weakened," the eace delegate continued, "secondly when Ford failed to get the representative peace element of the United States. "And a sad feature of the affair was

fact that Madame Schwimmer but she was not canable."

versity delegate, but he gave his reaons why the journey is an immediate for tomorrow, uccess as follows: The expedition attracted the pub-

"The support of neutral countries was enlisted, especially that of Den-

mark, Holland and Sweden.

#### Dissention Is Amusing.

"A permanent neutral conference was each of the Scandinavian countries and Holland are to meet and draw up a practical plan for peace.

"The so-called dissension, while

Neilie Melba, the singer, who is visit- really amusing, was really over a dif- han, one-time leader of Tammany Hall who frequented the place, according to containing \$75 contributed for relief dered displayed at all stations in the ing friends here, announced today her ference of epinion over National pre- and ex-Police Commissioner of New information secured by District Attor- of widows and orphans in England. paredness. Colonel S. S. McClure, noted York, died here today, aged 67. Francisco, where she will make her New York publisher, led the group that favored the President's policy.

favored National preparation. Some of was subsequently deposed. Later the (Concluded on Page 4, Column 2.) two men became political enemies.

WE

WIN!

# INDEX OF TODAY'S NEWS

YESTERDAY'S Maximum temperature, 30 degrees; minimum, 44 degrees.
TODAY'S Rain; increasing southerly winds.

War, New York has unconfirmed report of cap-ture of German raider by Britan cruiser Page 2. National.

Becretary Redfield admits export figures have been wide of mark. Page 4.
Opponents of preparedness heard by committee. Page 4.
Congress speeds up defense plans. Page 4.
Brandels declared unfit for judgeship because of fixed opinions. Page 1.

Domestic. edicted Concuss prepared to give ball Mrs. St. Cyr defends husband, accused of dual personality. Fage 3. Justice Hughes opposes any use of name in selecting delegates. Page 4.

Sports. ranklin scores first victory when quintet beggs Portland Academy, 40 to 22. Page 14. Insi Willard-Moran fight articles are signed. Page 14. Cyclone" Taylor, of Vancouver septet, holds fend in inckey scoring. Fage 14. Pacific Northwest.

Largar Torge, home from Ford peace trip, pleads for preparedness. Page 1. Floods close Oregon city mills, Page 7. Logal close opens with start of trial of William Bransen at McMinnville, Page 4. Right of Ovepor Commission to make state highway of unchartered roads put up to Attorney-General. Page 7.

Commercial and Marine, & Outs higher in exuntry on strong demand from East. Page 19, Wheat slumps at Chicago un absence of ex-pert demand, Pasy 19, Late rally in stocks results in substantial advances. Page 19.

American-Hawailan line steamers quit Port-land service tomorrow, Page 18, Portland and Vicinity. bar leanes gets 50 days in jail

Fage 3.
Council backs Mr. Daly's protest on laying off of foremen. Page 8.
Laymen's missionary campaign for delegates ends tonight. Page 38.
Slides threaten several bones and some atreets undermitted. Page 3.
National Guard and Navas Malitia recrufting outlook is raverable. Page 18.

III woman carried meren miles by two men-ever snow-class mountain traft. Page 6. iris will turn sed at Auditorium site Mon-day. Page 12.

Hermit in squalid shack is arrested for cruelty to animals. Page 8.

Crest of frushet may reach l'ortland today.

Page 1.

Vice-President Marshall writer Postmaster Myers he will ron again. Page 5. Cafe ewner convicted of Equor sales. Page 15. Prederick Warde visits. Page 5.

# HOUSE BACK IN LONDON

Wilson's Envoy to Sail Home After Few More Conferences.

LONDON. Feb. 3.-Colonel E. M. House, President Wilson's personal rep- law within 50 feet of a busy downtown resentative, arrived here from Paris tonight. Later he conferred with Wal- harsh or unreasonable and am taking ter Hinne Page, the American Ambas whether the effect of the voyage sador. A conference between Sir Edture to show, according to the uni- ward Grey, the British Foreign Secretary, and Mr. House has been arranged Jail.

It is understood here that Colonel House's principal work during his trip District Judge Dayton yesterday pro-The expedition attracted the pubhe leading British sta was here before, and it is not likely Perkins temperance buffet, who was he will hold many more conferences before sailing for New York.

# CROKER'S SUCCESSOR DIES

established. Five representatives from John C. Sheehan, ex-Leader of Tammany, Passes at 67.

NEW YORK, Feb. 9 .- John C. Shee-When Richard Croker retired as "aoft" drinks only when known to confiscated. The raider Moewe, how- the south was reported from North leader of Tammany Hall he named Mr. Schultz or the bartender, Fred Fereyer, did take about \$200,000 worth of Head, and at 5 o'clock in the afternoon "With only one exception students Sheehan as his successor, but Sheehan gonia-

,................

TWAS A GREAT DIPLOMATIC VICTORY!

# 90 DAYS IN JAIL IS SCHULTZ SENTENCE BOTH SIDES CONDUCTING IN-

Lenience asked for Pra o Lis Bar Lessee.

# SALES ERAZEN, COURT SAYS

Attack by Defense.

APPEAL NOTICE IS GIVEN

Judge Dayton Sympathizes With Defendant, but Says Fine Is Not Enough in View of Open Defiance of Law.

#### BOOTLEGGING CASES IN MULT-NOMAH COUNTY.

Gus Anderson, sentenced three months, January 4. Jennie Pares et al., continued

indefinitely, January 13. John Haberley, fined \$50, January 24. Joe Vinle, acquitted by Jury,

January 29. Thomas Fagan, sentenced 60 days, February 5.

June West, sentenced 60 days, suspended, February 5.

Salvatore, Gattuccio, sentenced 30 days, February 6. Rosario Gattuccio, pending. Joe Mezzani, convicted Feb-

runry 9, will be sentenced today. Robert Outfield, pending. W. G. Manning, pending. George Schultz, sentenced three

months, February 9.

"The defendant has seen fit, in the nost arrogant manner, to break the corner, and while I don't wish to be into consideration the recommendation will be three months in the County

Following the first jury conviction for beotlegging in Multnomah County, arrested for maintaining a nulsance. Immediate notice of appeal from th decision to the Circuit Court was given

y Attorney John C. McCue. Remarkably exhilarating loganberry nunch and ginger ale highballs contain ing alcoholic "kicks" were being sold and business men were among those ney Evans, obtaining the doctored District Attorney Evans might have

(Cancluded on Page 15, Column 2)

I ADMIT THAT

THAT I KILLED

AMERICANS; BUT I

DO NOT ADMIT

THAT IT WAS

ILLEGAL

I AM SORRY

# VIOLENT BATTLE IS ON NEAR DVINSK

TENSE BOMBARDMENT.

Teutons Take Initiative, but Petrograd Says They Have Not Captured New Positions.

PETROGRAD, via London, Feb. 9 .-Severe fighting is again developing or the Dvinsk front, preliminary artillery duels having been succeeded by a continuous bombardment of great inten-

sity on both sides. The Germans, who had taken the ini tiative in the new conflict, attacked the railway station at Liksno, on the Use of Paid Agents Inspires east bank of the Dvina, seven miles northwest of Dvinak, which would appear to indicate a serious penetration of the Russian lines, but the Russian staff explains that the German forces were unable to advance, still occupy ing their old positions, and succeede in reaching Liksno only by using heavy artillery, which they now have has

> Little importance is attached to the predictions of a great German offensive against Riga and Dvinsk in March Russian military men believe the Dvinsk-Riga line is impregnable.

# POSTOFFICE FLOATS AWAY

Only Timely Tree Can Save Building

From Being Total Loss. MEMPHIS, Tenn., Feb. 9.-White River, Ark., a town near the mouth of

the White River, is minus a Postoffice n account of the high waters. "My postoffice is floaoting down the river and unless it lodges against some trees it will be a total loss," said an appeal from the postmistress, received

today at the office of the rallway mail

The postoffice was on a raft, which Sunday night tore from its fastenings dumping the mail and postmistress is the water. Then it was established on a barge and again the wind demol-

# ADS FOR DEFENSE ADVISED

National Campaign Plan Is Laid Before President Wilson.

WASHINGTON, Feb. 9 .- A National defense advertising campaign was laid before President Wilson today by a mmittee of the Associated Advertis-

ing Clubs of the World. The committee said it stood ready to repare the campaign and carry it to Dalles moved about two miles downfulfillment, enlisting assistance of stream yesterday afternoon. At noon newspapers and magazines and other there had been no change in the ico

advertising agencies. The committee, headed by Herbert S. Houston, of New York, president of the association, also presented a plan for mobilization resources for National defense and for international peace.

# APPAM TO GIVE UP CHARITY

German to Offer Fund for Britons

to American Red Cross.

NORFOLK, Va., Feb. 9 .- Lieutenant prevailing. by the Perkins bar since the first of Berg, commander of the German prize

### FUGITIVE TORPEDO KILLS

Berg said.

Missile From Dutch Submarine Runs Amuck in Harbor of Flushing.

LONDON, Feb. 5 .- A Flushing dispatch to Reuter's Telegram Company says a torpedo, accidentally discharged from a submarine anchored in the harhor, struck a landing stage on which there was a party from the Dutch battleship Jacob Van Heemskerk.

severely wounded a sergeant of the during the same period, while from The submarine. It also injured several of Dalles was reported a rise of fivethose on the stage, which sank,

# BERLIN TO DIVIDE FOES

Cologne Paper Says Peace Will Not Be Discussed in Conference.

AMSTERDAM, via London, Feb. 9 .-The Koelnische Volks Zeitung, discussing peace possibilities, asserts that Germany will never consent to enter a general peace conference, but will consent only to negotiate with each zero January 16, 1912, and in January

individual enemy. Germany takes the ground, the pape adds, that a general conference would o'clock yesterday the river here rese give Great Britain the upper hand.

# HORSE GOES OVER FALLS

Animal Swims Desperately in River, Disappearing in Whirlpool.

OREGON CITY, Or., Feb. 9 .- (Special.)-Employes of the Hawley Pulp & Paper Company at Station A today saw a horse carried down the current in the middle of the river and go over the falls. He was awimming, but was unable to make any progress against the current.

The horse had a bridle on and was not seen again after going over.

#### Mulinomah Fair Meeting Postponed.

reported progress in the revision of and caught on the Morrison-street the premium list.

# CREST OF FRESHET MAY COME TODAY

Oregon City Mills Are Forced to Stop.

# RISE TO 17.7 FEET PREDICTED

Log Rafts Break, and Barge Drifts About Harbor.

#### DOCK OFFICES MOVE ALOFT

Water Recedes at Up-Valley Points. Rise in Columbia Might Cause Trouble Here-Ice Jam Holding Tahoma Begins to Open.

#### NORTHWEST FLOOD CONDI-TIONS.

Marshfield-Railway bridge at Reedsport, on Umpqua River, badly damaged by flood drift. Salem-Willamette rises 26.2 feet and begins receding; flood dam-

age small. Seattle - Slide demolishes six houses; thaw begins in mountains and trains are running. Monroe-Long Tom flood recedes

with little damage.

and river is rising.

danger lessens and trains re-Baker-Spring rain melts snow.

La Grande-Grand Ronde flood

Providing the Columbia River remains fairly stationary, the freshet in the Willamette River will come to a stand here this afternoon or tomorrow morning. A stage of 17.7 feet is predicted for today. At 5 o'clock yesterday afternoon it was 16.5 feet above

Lee in the Columbia River at The Jam at the Cascade Locks.

Reports from Salem were that the rest of the freshet passed there at 2 clock yesterday afternoon, and during the following three hours the river fell two-tenths of a foot, and was fall-

Precipitation at Portland for 24 iours ending at 5 o'clock yesterday was 3 inches, and the maximum temperature was 50 degrees. The forecast for today is rain, and increasing southerly winds inland, with mild temperatures

Because a depression noted approach the year, decided the jurymen, to an ship Appam, announced today he would ing the Washington coast Tuesday, was exclusive trade. Well-known lawyers give to the American Red Cross the found to be more decided in character "mite" boxes found aboard the ship and last night, storm warnings were or district at 6:40 o'clock. During the The box previously had been reported day a maximum wind of 60 miles from ever, did take about \$200,000 worth of Head, and at 5 o'clock in the afternoon gold bars from the ship, Lieutenant it was 52 miles from the south with a moderate sea running. Strong southeasterly winds are looked for along

the coast today. Avalanche Warning Out. Rain fell in Oregon, Washington and Northern California yesterday, and the Weather Bureau last night issued a warning that danger of avalanches would be increased during the ensuing

36 hours, not alone on the slopes of the Cascades, but on the Rocky Mountains and their offshoots in Idaho. The river at Portland gained 1.3 feet in height between 8 o'clock yesterday morning and a o'clock in the afternoon, when it stood 16.5 feet above zero. A The explosion killed a corporal and marked drop was 2.6 feet at Albany

tenths of a foot in the Columbia, and at Vancouver nine-tenths was said to have been the Increase. At Ainsworth dock at 5 o'clock yesterday the lower level was about two feet above the rising waters. At Municipal dock No. 2, on the East Side, an 18-foot stage would reach the lower level, but at Dock No. 1, at the foot of Seventeenth street, about 18.9 feet would reach the lower level, the difference being due to the drop of the

river in that distance. The Willamette was 17,3 feet above 1909, it reached a height of 20.5 feet above zero. For 24 hours ending at 5 2.3 feet, and the gain for 24 hours ending at 8 o'clock yesterday morning

had been 2.6 feet. Kennewick Reports Chinook. Government advices from the vicinity of Kennewick were that snow was melting there rapidly yesterday under

the influence of a chinook wind, but that the ice there was not melting to a noticeable extent. Railroad men said that there appeared to be open water within 260 yards of the steamer Tahoma, frozen in at Cape Horn, and It was hoped here that the thaw would not be rapid,

so the vessel could be extricated with-

out danger. Drift was running through the harbor yesterday in large quantities, and the presence of large logs added to the cares of steamboat men. Three GRESHAM, Or., Feb. 5 .- (Special.) - rafts of logs and two small rafts of Only five members of the Multnomah timbers, the latter being intended for County Fair board were present Mon- louding on the British steamer Greyday so the meeting was postponed to stoke Castle, at Inman-Poulsen's mill. Monday, February 28. President Lewis broke away early yesterday morning

(Concluded on Page 7, Column L)