# ROAD CONTRACTORS MAY BE PENALIZED

## Delay in Completing Work Arouses Commission.

## STATE MAY APPLY ROCK

### Bids Will Be Awarded Today on 178 Miles for Which Proposals Have Been Submitted.

Road contractors who are slow in their work—and there are several such on the Pacific highway—will find the time limit penalty enforced against them. This is the decision of the state highway commission adopted yesterday on motion of Commissioner Booth. It appears that certain contractors have been dallying along in such a leisurely manner that their work is nowhere near completed; that they have graded and torn up roads and now the rains are setting in and these roads are impassable. The roads must be rocked. Either the contractor must rock them or the state must and where contractors are slow, the penalty collected from them may reimburse the state for the cost of rocking.

This announcement from the commission will cause consternation with two or three contractors who are almost certain to be caught for heavy penalties. It probably will have the effect also of spurring others to rush their respective sections to completion.

**Bids Are Opened.**

Bids will be awarded this morning at 10 o'clock by the highway commission. Offers were opened yesterday on 178 miles of road work and many bridges. There were many bids, so many that the engineers of the commission required all day to tabulate and analyze them.

The only work awarded yesterday was the Cairo-Nyssa section in Malheur county, which was given to Porter & Connelly, for $67,077.25. The bid was received at the previous meeting and was held up, so the contractors knocked off $2000 from the bid.

Malheur county got about everything it asked for from the commission yesterday, but it involved no state money. The road from Cairo to Vale was ordered surveyed. A survey was ordered from Ontario north to Slide Bottom, which is opposite Weiser, Idaho, as part of the old Oregon trail. This is a 20-mile stretch and Malheur county offers to grade it as soon as the survey is completed. The county also will grade the Cairo-Vale road. A survey from Vale to Ontario was asked and granted, the county to build the road. Also the county offered to grade the 26 miles between Vale and Brogan, on the John Day highway, if the state highway commission would promise to gravel the surface, this being accepted by the commission. Finally, the delegation asked for a new bridge across Malheur river, near Vale, pledging the county to pay 50 per cent. The commissioners agreed and will match the county contribution with federal funds.

**Post Road Proposed.**

To be advertised as a co-operative post-road project as soon as possible is the seven-mile stretch between Mayville and Thirty-Mile creek. J. S. Stewart assured the commission that Gilliam county had $75,000 for the work and Commissioner Thompson made the necessary motion to grade and gravel the road. The state and government will share whatever cost there is in excess of the county money. The project is estimated at about $150,000. A survey was asked of the road from Condon to Lone Rock, for which Gilliam county has $40,000 available, but does not want to spend this sum until a permanent location has been found.

As the new grade, two and a half miles on the Canyon section of the Baker-Cornucopia highway, will be lost unless graveled at once, bids will be called for at the November meeting. Baker county will pay 50 per cent of the cost and the federal government the rest.

Twenty-three miles of The Dalles-California highway will be advertised for grading at the November meeting of the commission. This section is from Madras, Jefferson county, to the Deschutes county line. Of Jefferson county's $160,000 bond issue, the commission will apply $50,000 on this road, the state will match this and the government will contribute the remaining 50 per cent. This road will be graveled where necessary.

**Cinder Surface Provided.**

From Bend south to LaPine, in Deschutes county, four miles of The Dalles-California highway will be advertised for a cinder surface. The county judge was informed that his county will have to get busy on maintenance on the section heretofore cindered and which is going to pieces. Judge Miller was informed he could go ahead with county money on the Bend-Horse Ridge section of the Bend-Burns part of the central Oregon highway.

Survey of the few miles of the Oregon-Washington highway from the Morrow county line, through a corner of Gilliam county to the Columbia river highway was ordered on motion of Commissioner Thompson. This practically completes the survey of this artery. Bids were received yesterday for grading many miles of this highway between Heppner and the county line, where the final survey was ordered, the awards to be made this morning if the commissioners are satisfied with the proposals.

Union county's delegation, which asked to have graveled the nine miles between Elgin and Minam and the eight miles between Union and Telocaset so that these sections would be usable during the winter and ready for hard-surfacing next year, was informed to return at the next meeting of the commission, by which time Union county's proposed road bond issue may be a reality. Judge Phy was told, in short, to return when he had money to talk with.

**Tillamook Makes Request.**

Tillamook county asked that bids for hard surfacing 15 miles in that county be let by January so that the successful contractor could have his equipment on the ground early and start work as soon as the weather opens in spring. Chairman Benson explained that by postponing bids on this work, the commission was saving the contractor money and that when bids were called for it would be in time for the contractor to commence operations early.

Tillamook county also applied for the services of an engineer for three market roads, under the market road act. The county will receive approximately $21,000 from the state market road fund and will match this amount, giving it $42,000 for the three market roads. No action was taken on this nor the request of Gilliam county for similar engineering assistance, as the commission has not worked out the plan under which it intends dealing with the market road problem. Under the law the counties built these market roads but the engineering is supplied by the state highway commission.

Clackamas county sent another plea for help to build a new bridge across the Willamette at Oregon City. The commission has offered to contribute $100,000 toward the cost. Oregon City sent word that its finances are such that it cannot give a nickel, and Clackamas county has neither accepted the commission's offer nor submitted a counter proposal. One is expected at today's session, however.

In the same connection the commission declined immediately to locate the link between Gresham and Sandy for the Mount Hood loop. There was a delegation of the Sandy Good Roads association, which urged that the Bluff road be used, but the commissioners refused to be rushed, and Commissioner Booth expressed a determination to examine the three possible routes himself.

# CARDWELL LOSES APPEAL

## SUIT AGAINST OREGON PRUNE GROWER REVIEWED.

### George Kohlhagen, Roseburg Meat Dealer, Sustained in Action Over Promissory Note.

SALEM, Or., Oct. 7.—(Special.)—The Oregon supreme court, in an opinion written by Justice Bennett and concurred in by Justices Burnett, Bean and Harris, today affirmed Judge Hamilton of the circuit court of Douglas county in the case brought by George Kohlhagen, a Roseburg meat dealer, to recover on a promissory note executed by W. W. Cardwell, prominent southern Oregon prune grower and criminal defense lawyer, in favor of the plaintiff.

The evidence showed that Mr. Cardwell, who was indebted to Mr. Kohlhagen signed a promissory note for $1000. Collection of the note later was attempted, and finally Kohlhagen brought suit against Cardwell in the circuit court of Douglas county. At the trial of the case in the lower court Cardwell admitted executing the note, but contended that he paid the same by the delivery of 36 dressed hogs, which under market conditions at that time, should have given him a credit of $1165.87. Cardwell was corroborated in his claim by his wife, son and two men employed on his ranch.

Other opinions follow:

Francis P. Garvin, alien property custodian, substituted for Marja Rjacich vs. Western Cooperage company, appellant; appeal from Multnomah county; action to recover damages for death of Mjo Rjacich, of whom the plaintiff claims to be mother. Opinion by Justice Benson. Judge Robert G. Morrow reversed.

Yozo Ljubich, appellant, vs. Western Cooperage company; appeal from Multnomah county; action originally instituted under oregon employers' liability act for death of Yure Ljubich through alleged negligence of defendant. Opinion by Chief Justice McBride. Case remanded for further action by lower court in Multnomah county. Judge C. U. Gantenbein.

A. Welch vs. John R. Johnson, appellant; appeal from Multnomah county; petition for rehearing denied in opinion by Justice Burnett.

John F. Kaufman vs. Herman S. Hastings, appellant; appeal from Multnomah county; alleging breach of contract relative to transfer of property. Opinion by Justice Johns. Judge Robert Tucker affirmed.

W. C. Krueger vs. Carl O. Brooks, appellant; appeal from Multnomah county; suit to quiet title. Opinion by Justice Harris. Judge C. U. Gantenbein affirmed.

Emma Jane Stull vs. T. F. Porter and Roscoe Bunch, appellants; appeal from Coos county; motion to dismiss appeal allowed in opinion by Justice Burnett.

W. S. Hurst & Co., appellants, vs. E. A. Larson, et al.; appeal from Clackamas county; allegation that defendant refused to deliver property according to contract. Opinion by Justice Burnett. Judge J. U. Campbell affirmed.

# STORAGE PLAN OPPOSED

## DRAWING AND TAGGING POULTRY CONSIDERED USELESS.

### E. J. Dixon, Portland Wholesale Merchant, Sends Protest on Bill Now Before Congress.

A strong protest against a bill now before congress requiring the drawing and tagging of cold storage poultry, has been sent to Senator A. B. Cummings by E. J. Dixon, a wholesale produce merchant of this city.

In the letter Mr. Dixon declares that the most objectionable feature of the bill would require that all poultry be drawn before frozen. He then further declared that "to the vast majority of those handling dressed poultry this provision is not alone of no benefit to the quality, but actually harmful. This is generally agreed to by anyone who has had the opportunity to test the two methods, including Dr. M. E. Pennington, chief food research laboratory, United States department of agriculture, Philadelphia. In only one state that I know of—Wyoming—is this method of handling poultry followed and this state has little or no dressed poultry business and prices to the consumer are very high in comparison to other states. The object of this part of the bill would seem to be to improve the quality of poultry that is frozen, but no results in this direction would be attained.

"The second objectionable feature would require all poultry as soon as it was put into a refrigerator to be stamped 'Cold Storage Poultry,' and to carry the date it was placed therein. As you know when shipping large quantities of fresh dressed poultry it is the practice to pre-cool it—that is to put it into a cold room for a certain time to get the temperature down to, or below that of the refrigerator car into which it is to be put. Sometimes it will require a dresser four or five days, or even longer, to get together a car of fresh dressed poultry and with this bill a law, he would either have to keep the first part of his car out in a room with no refrigeration, taking his chances on the weather or put it in a refrigerator and have it to go into the car tagged 'Cold Storage Poultry.' This would work a real hardship, particularly on the smaller dealers."

# BAD CHECK IS CHARGED

### Gearhart Woman Storekeeper Accused of Fraud of $165.

ASTORIA, Or., Oct. 7.—(Special.)—A complaint filed in the justice court, sworn to by John Onkka, charges Lillie Bensley with issuing a worthless check in the sum of $165 in the payment of a bill to the lower Columbia Farmers Creamery company.

The woman, who conducted a general store at Gearhart during the past season, is reported to have departed for California, leaving unpaid accounts with some of the Portland wholesalers, amounting to between $3000 and $4000.

### Salem Thieves Take Jewelry.

SALEM, Or., Oct. 7.—(Special.)—Prowlers late yesterday entered the home of Mrs. Fred McIntyre, at 755 North Cottage street, and appropriated jewelry and money aggregating a value of approximately $200.

# CROWDER PROMOTED AS TREATY WAITS

## Army Legal Head to Retire as Lieutenant-General.

## CHAMBERLAIN IS OPPOSED

### Senate Then Takes Up Peace Pact and Reading Stops at Clause Regarding Shantung.

WASHINGTON, Oct. 7.—The peace treaty was sidetracked for three hours today while the senate debated and passed a bill to bestow upon Judge-Advocate-General Crowder on his retirement from the army the permanent rank of lieutenant-general.

Then at three minutes to 5 o'clock, about the usual adjournment time, the pact was called up and for 30 minutes a reading clerk struggled laboriously with the printed text until he reached the section relating to Shantung, on which the next fight will be made. At that point the senate quit work for the night.

There was no announcement regarding any decision to take up other matters in place of the treaty and at 2 o'clock Senator Lodge, chairman of the foreign relations committee, walked into the chamber, while Senator Chamberlain, democrat, of Oregon, was speaking on the Crowder bill, looked around, and learning that an agreement had been made to dispose of the measure, returned to the cloak room to wrestle with republican groups over reservaeions.

**Knox Introduces Bill.**

Senator Lodge told members later that the agreements on the Crowder promotion measure were made by Senator Knox, republican of Pennsylvania, who introduced it, and Senator Hitchcock of Nebraska in charge of the democratic forces.

Senator Chamberlain in opposing it spoke for two hours, and there was much debate before a vote was reacheed.

The vote was 49 to 11, the latter including one republican, Senator La Follette of Wisconsin, and ten democrats, Senators Bankhead, Alabama; Chamberlain, Oregon; Gay, Louisiana; Gerry, Rhode Island; Harrison, Mississippi; King, Utah; Owen, Oklahoma; Shields, Tennessee; Trammell, Florida, and Williams, Mississippi.

Many democrats joined with republicans in adopting the resolution.

General Crowder's services were praised highly by a number of senators, while Senator Chamberlain, formerly chairman of the senate military committee, made a two-hour address in opposition to the resolution and attacking General Crowder's administration of court-martial procedure. An amendment by Senator Chamberlain, proposing to give the retired rank of lieutenant-general to 12 other officers, was rejected without a record vote.

"Swivel-chair artists here in Washington," Senator Chamberlain asserted, "received higher honor than men of equal rank who went overseas and rendered valiant services to their country."

During the "morning hour" the two-hour period beginning at noon, there was a sharp wrangle over the league, due to charges that the League to Enforce Peace and other organizations were putting out propaganda in an effort to force the senate to ratify the treaty unamended.

**Brandegee Starts Clashes.**

Senator Brandegee, of Connecticut, who recently announced that he would vote for all amendments and reservations and then vote against ratification, started the clash by presenting telegrams and letters sent by the League to Enforce Peace to one of his constituents at New Haven. Senator Poindexter, republican of Washington, added a word in denunciation of the league propaganda practice and attacked Senator Hitchcock, who previously had charged that many opponents of the league were bolshevists and pro-Germans.

References by Senator Poindexter to Senator Hitchcock's "war record" drew fire from the latter, while the charge by the Nebraska senator that "all the lawless elements" in this country and abroad had organized to defeat the league of nations, and that "all the high-class intellectual and vital elements" stood firmly for it, brought forth debate.

No definite programme had been agreed upon tonight for a vote on the Shantung amendments proposed by the foreign relations committee, and which would restore the province to China instead of Japan.

# 100,000 GERMANS DESERT

### Government Proclaims Amnesty for Men Who Left Army.

PARIS, Sept. 19.—(Correspondence of the Associated Press.)—One hundred thousand soldiers and officers of the German armies in the field preferred the relative peace and quiet of neutral countries to the glorious dream of a triumphant entrance into Paris. There are 45,000 deserters in Switzerland, according to a report of the German legation at Berne to the German foreign office. Fully as many have gone to Holland and the Scandinavian countries and the odd 10,000 have managed to find their way into overseas countries.

The German government has lately proclaimed a general amnesty for all deserters and extended to them an invitation to re-enter the fatherland, provided, however, there are no charges of treason against them.

# ESDERTS WOULD RETURN

### Citizens of Walla Walla Vouch for Resident of Germany.

OREGONIAN NEWS BUREAU, Washington, Oct. 7.—A cable message was sent to the American minister at Berne, Switzerland, by Secretary of State Lansing today inquiring if there is any reason why M. U. Esderts should not be permitted to return to this country from Varel, Oldenburg, Germany.

Esderts, who is vouched for by reputable citizens of Walla Walla, Wash., will be permitted to return if satisfactory explanation is made of his temporary residence in Ger-

## Obituary.

Thomas Cooper, 69, dropped dead at his home at Hillsdale, Or., yesterday afternoon. Deputy Coroner Leo Goetsch declared death due to cerebral hemmorhage.

Mr. Cooper had been a resident of Hillsdale for the past 35 years and had gone out to the field to work. His body was discovered by his wife, Mrs. Jessie Cooper.

J. P. Rogers, well-known railroad operating man and for some time superintendent of the Spokane union station, died yesterday in a hospital at Spokane, following a prolonged illness.

Mr. Rogers is well-known throughout the northwest and was for two years superintendent of the Spokane, Portland & Seattle railway, with headquarters at Vancouver. Previously he had been a superintendent on the Great Northern, the company with which he spent a good many years, and went to Alaska as superintendent of the White Pass railroad, where he remained for a year. He is survived by his widow and a daughter, who is now a student at the University of Washington. W. S. Rogers of Portland is a brother.

ROSEBURG, Or., Oct. 7.—(Special.)—The body of Rev. Daniel W. Cook, for 40 years a Baptist minister, was sent last night to Portland, where interment will be made. Rev. Mr. Cook was 75 years of age and a native of New York. During late years he had resided in Portland, coming to Douglas county last April and making his home two miles south of Myrtle Creek. He is survived by a widow and two daughters.

# TRUST CASES ARE ARGUED

## PROSECUTION BY PENDING ACTIONS TO BE RESUMED.

### Government Consents to Postponement of Eastman Kodak and Billposters' Arguments.

WASHINGTON, Oct. 7.—In accordance with the government's announced intention of resuming the prosecution of the anti-trust cases pending in the supreme court, now that the war has ended, arguments were heard today in appeals brought in suits instituted by the government under the Sherman act against the alleged anthracite coal trust and the United States Steel corporation. The hearing of the coal cases was concluded, but owing to additional time being granted both sides for argument, the steel case will not be finished until Friday.

Before arguments in those two cases were begun, the court consented to postpone temporarily the hearing of arguments in government suits against the Eastman Kodak company and the Associated Bill Posters' and Distributors' union.

Except for the order of the federal district court calling for the severance of the Central Railway of New Jersey from Reading interests, the government lost both its cases in the lower court against the Reading holding corporation, the Lehigh Valley Railroad company and the United States Steel corporation and their subsidiaries. All the cases have been argued before in the supreme court, so the Lehigh case was submitted to the court today on the printed briefs previously filed by both sides.

In asking for the dissolution of the Reading company, Solicitor-Genreal King argued that the evidence showed that organization with its subsidiaries was controlled by interlocking directorates and had a monopoly in anthracite coal. These contentions were denied by representatives of the Reading company, who also asserted that the separation of the Central Railroad of New Jersey from Reading interests was not to public interest.

# DIVE KILLS AUTO DRIVER

### Man Thrown Out Headlong When Machine Hits Water Trough.

THE DALLES, Or., Oct. 7.—(Special.)—William D. McDonald was instantly killed on the highway near the car shops east of this city last night when he was thrown head first to the road when the machine he was driving struck a water trough in the road. The car, which was traveling at high speed, piled up on the rocks at the roadside.

McDonald's skull was crushed. His family has not been located but is thought to reside in New York. A former registration card giving his address as 287 Burnside street was found. He deposited $75 in a local bank yesterday. McDonald was employed by the Seufert cannery, four miles east of here. Two other men riding in the machine escaped uninjured.

# CENTRALIA BUDGET HOLDS

### City Commission Adopts 1920 Estimates Without Change.

CENTRALIA, Wash., Oct. 7.—(Special.)—The city commission this morning adopted its 1920 budget without change. The tax levy will be approximately 21 mills, 15 mills for current expense and six for indebtedness.

The estimated expenses for next year are $142,140 and the receipts $90,490, leaving $51,650.09 to be raised by taxation. The income will probably be in excess of this amount, however, as the city's assessed valuation is $2,555,179, or nearly $100,000 greater than last year's figures, on which the budget was based.

The school board yesterday adopted its 1920 budget, providing a tax levy of 13 mills. A total of $84,572.72 is to be raised by taxation.

### Hood Has Labor Shortage.

HOOD RIVER, Or., Oct. 7.—(Special.)—The first acute shortage of pickers developed in the apple harvest here today. W. Wilkie, in charge of the free government employment bureau, had calls from growers for more than 50 harvesters. This he was unable to fill. He sent a plea to the Portland office for more help. "Our greatest shortage, however," says Mr. Wilkie, "continues for packers."


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Cut out this advertisement and bring it with you and we will allow you $25 on the purchase price of any of our used car bargains. Do this today, as this advertisement may not appear again.

**Oregon Auto Top Co.**
14th at Couch, Portland, Or.



HORLICK'S
THE ORIGINAL
MALTED MILK
Avoid Imitations and Substitutes


# FAMILY ALARMED AT HER CONDITION

### Mrs. Hickok Told Her Condition Was Serious—Tanlac Helped Her.

"For the first time in years I am able to sit down and eat a hearty meal without suffering afterwards," said Mrs. Jennie M. Hickok, who lives at 734 Thirteenth avenue South, Seattle, while relating to a Tanlac representative her experience with Tanlac the other day.

"I had a bad case of stomach trouble and had gotten to the point where everything I ate would sour and cause gas to form so bad I could hardly breathe. My kidneys were out of order all the time and I would have such awful pains in the small of my back that it was out of the question for me to go up and down a flight of steps. And then the awful headaches I used to have nearly every day would almost drive me wild. I was very restless at night and never slept well. In fact my nerves were in such terrible condition that the least noise would upset me terribly. The different medicines and treatment I was taking didn't seem to do me any good at all and I just kept on getting worse all the time.

"When I told my son that I was going to take Tanlac he was very much surprised and seemed to think I was doing the wrong thing to stop taking my other medicine and commence on something I knew nothing about. Well, I told him that I had heard about Tanlac helping others who suffered as I did and I didn't see any reason why it shouldn't do me some good, too, so I got a bottle and began taking it. I was right, for Tanlac was just the medicine I had been needing all the time, and I began to feel better by the time I had finished my first bottle. I have taken eight bottles now and I never have a pain or an ache of any kind. The headaches are gone and I am not bothered any more with those awful pains in my back. I can go up and down stairs as well as anybody now and can take long walks and climb hills as well as I ever could. I have a splendid appetite and eat three hearty meals every day and I never have a sign of stomach trouble or indigestion of any kind. My nerves seem to be in perfect condition and I sleep like a child every night. Now that is what Tanlac did for me and that is why I say that it is the best medicine in the world. I am more than glad to recommend it to everybody."

Tanlac is sold in Portland by the Owl Drug Co.—Adv.

### Valera Speaks in Spokane Nov. 9.

SPOKANE, Wash., Oct. 7.—Eamonn de Valera, "president of the Irish republic," will deliver an address in Spokane November 9, according to word received by the local council of the Knights of Columbus. Arrangements are being made for a reception and a parade.

### Sugar Borrowed to Ease Famine.

OREGONIAN NEWS BUREAU, Washington, Oct. 7.—From 10,000 to 15,000 tons of sugar to avert a famine in the northwestern states have been borrowed from sugar refineries in California, Senator Poindexter was advised by the sugar equalization board today. The board indicated that the threatened sugar famine is general throughout the northwest.

# Clothes for the High-School Youth

My suits for youths are designed and tailored in a manner that relieves the wearer from any appearance of self-consciousness.

Superior in quality of fabric and in workmanship; pleasing in pattern and color; full, satisfactory service in every garment.

My label gives protection until service is complete.

**$25 to $60**

Young Men, Second Floor

Ben Selling
LEADING CLOTHIER
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NEW SHOW TODAY

MADGE KENNEDY IN

# "LEAVE IT TO SUSAN"

You've been letting George do it all these years, but now you can "leave it to Susan." Madge Kennedy as "Susan" found a lot of things that had been left on the Mojave desert — among other odds and ends, a husband—and she was a high-power "easterner," too!

It's a BRILLIANT, CLEVER COMEDY-DRAMA

Also the Pathe Weekly and an Outing-Chester

STARTS TODAY—THREE DAYS ONLY

# PEOPLES