

COURT WILL HEAR RATE CASE MONDAY

Railroad Commission Act in Question in Litigation Long Pending.

OLD TARIFF NOW GOVERNS

Demurrer to Amended Complaint Is Issue Now to Be Heard—Shippers Urged to Preserve All Receipts Carefully.

The distributive rate case, instituted by the Portland Chamber of Commerce in July, 1907, before the Railroad Commission of Oregon and carried to the Federal Courts by the Oregon Railroad & Navigation Company, will come on for further proceedings before Judge Wolverton Monday.

The complaint of the Chamber of Commerce, attacked the distributive rates in effect on the O. R. & N. from Portland points east of The Dalles, and the contention was made that the rates were from 15 to 35 per cent in excess of what would be reasonable rates. The Commission, in April, 1908, issued an order in the case reducing materially all class rates then in effect to points east of The Dalles.

On May 11, 1908, the Oregon Railroad & Navigation Company filed a bill in equity in the United States Circuit Court against the several members of the Commission, praying for a preliminary injunction and for a permanent injunction after hearing, restraining the Commission from putting into effect its rate-reduction order.

Commission Act Questioned.

In the bill of equity the Railroad Commission act was attacked generally. It was contended that because the act attempted to confer executive legislative and judicial powers upon the members of the Commission in violation of the State Constitution; that the act was unconstitutional because of the excessive penalties provided for its violation; that no adequate remedy for a review of the orders of the Commission was provided; that the complainant might be deprived of its property without due process of law; that the order made by the Commission regulated interstate commerce and that the rates attempted to be established were unreasonably low.

A general demurrer was interposed by the Commission, which was sustained by Judge Wolverton in an opinion filed September 28, 1909. The constitutionality of the act and in this opinion and the other contentions overruled.

The restraining order, directed against the Commission, however, was continued in force for a period of 20 days pending the filing of an amended bill of complaint and the amendment to the bill was filed within the required time by the railroad company, thus maintaining the life of the injunction. A demurrer to the amended bill of complaint is the basis for the hearing in the Federal Court tomorrow.

Old Rates in Effect.

In the meantime the court denied a motion to dissolve the restraining order and the old rates are in effect, while the railroad company has given bond to secure the repayment of any excess sums collected during the pendency of the restraining order in the event it is finally dissolved.

The record of the proceedings thus shows that the case, though instituted more than two and a half years ago, is still pending and the issue is not yet settled. A final determination of the proceeding in favor of the Railroad Commission would mean that the reduced rates would apply back to all shipments in the classes affected delivered to the railroad company since May 12, 1908, on which date the Commission made the order effective. In such event it is not likely that the railroad company would ever be called upon to refund more than a portion of the charges in excess of the new rates. Although the total amount would be large, the particular items as a rule would be small, and in many cases proper evidence to establish them has not been preserved.

POINT YIELDED BROWNSVILLE

Change Made in Schedule Till East Side Link Completed.

As a concession to the wishes of the people of Brownsville the Southern Pacific will make a change in schedule next Wednesday on the Albany-Springfield branch. The train that now leaves Albany at 8:10 P. M. will depart at 2:25 P. M. for Brownsville. This will be the only material change except that the running time will be reduced about 15 minutes between the two points.

Within a few months it is expected that the East Side division of the Southern Pacific, which has not been operated as a continuous line since the bridge over the Santiam between Epworth and Brownsville was carried away in November, 1906, will again be in operation, and this will bring about a new train schedule affecting Brownsville. The Southern Pacific is now building 7.5 miles of railroad which will close up the gap in the division.

MIDWINTER TRIP PLANNED

Seattle Excursionists to Be Entertained in Portland on Way South.

The Oregon & Washington Railroad is organizing a Puget Sound midwinter excursion to Southern California. The itinerary provides for leaving Seattle at 10 A. M. on March 15, and arriving in Portland at 5 P. M. The special train is to remain in this city until 8:30 P. M. and the excursionists will be received by a special committee from the Portland Commercial Club and a dinner and reception will be given at the clubrooms at 8 P. M.

Southern Oregon will be traversed by daylight and short stops will be made at Grants Pass, Medford and Ashland. Special representatives of the company will conduct the train and excursion party.

First Cavalry Will Pass Through.

A special train of 15 cars, carrying the First United States Cavalry and equipment, which recently returned from the Philippines, will pass through Portland Monday night en route from San Francisco to Walla Walla. The train will consist of one standard sleeper, seven tourist sleepers, one baggage car and six boxcars.



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Y. M. C. A. IN CANYON

Deschutes Branch Now Permanent Institution.

RAIL WORKMEN PLEASSED

Association Representatives to Remain in Field Until Construction Is Completed—Porter Bros. Give \$100 to Aid.

Work of the Young Men's Christian Association, among the railroad laborers in the Deschutes Canyon has been put on a permanent basis and it is now certain that it will be continued until the lines of the Deschutes Railroad Company and the Oregon Trunk are completed. Already it is reported that the Y. M. C. A. representatives are accomplishing much good and that they are well received by the laborers along the long stretch of construction activity.

Several months ago the Portland Y. M. C. A. sent to the Deschutes John Decker, who made a preliminary examination of conditions. He distributed magazines and found the men anxious for some one to conduct religious meetings. A short time later W. H. Day, railroad field secretary of the Y. M. C. A., visited the Deschutes and spoke in the various construction camps. On his visit he says in the current number of Association Men:

Although strenuous efforts have been made to keep the saloons, with all its blighting influences, from touching these men, I found that two were already in operation and others were being built. In addition to this an amount of "bootlegging" is being done, with the result that I met drunken men as usual. Here is one of the most attractive fields of which I know; the number of men will be greatly increased in the spring, when all the camps can be reached on horseback.

Contractors Welcome Y. M. C. A. Since Mr. Day's visit M. C. Long, of Chicago, has been stationed in the Deschutes as regular secretary of the Y. M. C. A. work. The expenses of the work are paid by the contractors, who realize that, besides the good results to the men themselves, they are made better workmen by being kept sober and not worse than wasting their time when off duty. Porter Brothers have subscribed \$100 to this work and other contractors are contributing to its support.

Mr. Decker is at present at Grass Valley, where there is an important camp, while Mr. Long travels horseback up and down the canyon, holding meetings, distributing magazines and urging the men to lead clean lives. Mr. Long has a photograph that is used to entertain the workmen and which is much appreciated, the camps being isolated from every other form of entertainment.

The chief need in the work now is more reading matter. Large supplies

of magazines have already been forwarded from Portland, but a great many more can be used. The Portland Y. M. C. A. would be glad for all who have new or old magazines that they are willing to donate to leave them at the Y. M. C. A. building. If it is inconvenient to take them there, the Y. M. C. A. will call for them if notified.

The Y. M. C. A. is now projecting similar work in other railroad construction camps in Oregon, but none of the plans has yet been definitely adopted. It is also proposed to station Y. M. C. A. secretaries in some of the large Oregon logging camps. If this is done, it will be the first time that the Y. M. C. A. has ever entered this field. Association officers, however, believe that the logging camps offer opportunity for much useful work.

CONFERENCE TAKES REST

Seventh-Day Adventists Will Resume Business Today.

Yesterday being Sabbath for the Seventh-Day Adventists, the delegates to the North Pacific Union Conference, in session in the First Church, East Everett and East Eleventh streets, spent the day in religious services in different portions of the city. Elder I. H. Evans, who is on his way to take charge of the work of the church in the Orient, preached in the morning in the First Church, and services were conducted by members of the union conference in Montavilla, St. John and the Mount Tabor Sanitarium.

Regular business of the conference will be resumed this morning at 10:30 o'clock. The committee on plans will submit a partial report today, and probably there will be a report on education, which is considered one of the most important questions before the conference. The Adventists make it a point to establish private schools in which the children of the members



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Rummage Sale

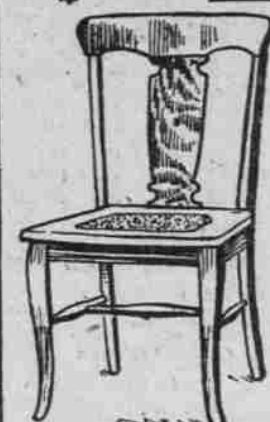
Great values this week in Rummage Sale. Special extra reductions in broken Parlor Suits and odd pieces. Lace Curtains, one and two pairs of a kind, at cost. Carpet Remnants for Rugs, 60¢ to \$1.25

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\$12.00 Value.....\$8.75
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\$5.00 Value.....\$4.25
\$4.00 Value.....\$3.35



6 Chairs—1 Table
\$23.70

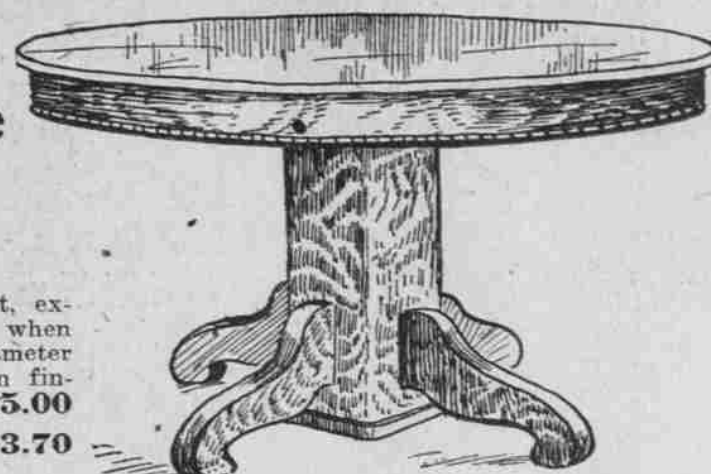
CHAIRS

Six solid oak golden finish Chairs, Chase leather box seats, like illustration, worth \$2.75 each.

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Solid oak, claw-foot, extension length 6 ft. when open; 42 in. diameter when closed, golden finish, a bargain at \$15.00

Six Chairs and Table, all for.....\$23.70



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are taught the doctrine of the church. Walla Walla College is the institution for higher education for those who have completed the course in the lower and intermediate schools of the church.

During this week measures will be taken to combat Sunday legislation in the Northwest conference. The sessions of the conference will continue through the week and next Sunday.

Publicity Work to Be Aided.

EUGENE, Or., Feb. 12 (Special).—Hugo Victor and R. F. Sellers, traveling passenger agents, respectively, of the Santa Fe and the Rock Island roads, were in Eugene today, and during a conference with the manager of the

Commercial Club arranged to co-operate with the club in the matter of distribution of the club's advertising matter throughout their respective territories. Both these roads are making a specialty of colonization work, and are in a position to aid materially in the matter of attracting homeseekers in Eugene and the Willamette Valley.

Stewart Farm Sold for \$20,000.

CHEHALIS, Wash., Feb. 12 (Special).—The A. I. Stewart farm, comprising 316 acres, near Curtis, 10 miles northwest of Chehalis, has been sold to Sam Senn for \$20,000. Mr. Senn has been engaged for several years in farming on the north fork of the Nwaukum.



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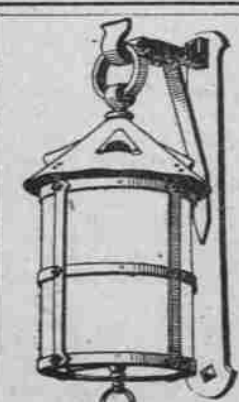
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