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# Coos Bay Times

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## U. S. CIRCUIT COURT HOLDS COMMISSION HAS RATE POWER

Far-Reaching Decision Given In Oregon — California Lumber Suit.

SOUTHERN PACIFIC CAN'T RAISE RATE

Interstate Commerce Commission Can Determine Reasonableness.

(By Associated Press.) SAN FRANCISCO, Sept. 30. — Judges Ross, Morrow and Gilbert sitting in the United States circuit court today, decided against the application of the Southern Pacific for an injunction against the interstate commerce commission to prevent them putting into effect reduced rates on rough lumber shipments to San Francisco from the northwest. The decision is therefore in favor of the government.

### Important Point.

In sustaining the demurrer of the government to the application for an injunction filed by the Southern Pacific Company seeking to restrain the interstate commission from establishing a rate on lumber between Oregon and California, the United States circuit court of appeals today rendered a decision which upholds the authority of the commission to fix freight charges up on what it considers a just and equitable basis. This sustains the direct application of the most important clause in the rate law, namely the right of the commission to relieve shippers when in its judgment they are entitled to such relief. The railway sought to increase the rate from \$3.10 to \$5 per thousand feet, and the commission on receipt of a protest from the associated lumber dealers of the northwest decided that \$3.10 is a reasonable rate.

### MURDERS JAP COOK.

(By Associated Press.) TACOMA, Wash., Sept. 30. — By creeping down the backstairs of the Grand restaurant on Pacific avenue, a thief shot and killed Kamuri, a Jap cook, as he slept in a chair before the kitchen fire. The police suspect that a discharged Jap employe killed him in revenge. He robbed the cash register of \$37.40.

## WHOLE FLEET OF AIRSHIPS

French Aeroplane Club Orders Fifty Flying Machines From Wilbur Wright.

(By Associated Press.) LEMANS, France, Sept. 30.—Lazare Weiller, the French aeroplane promoter, has announced that he has given an order to Wilbur Wright for the construction of fifty Wright aeroplanes. The amount of the contract is \$100,000.

### GOVERNOR NOT GUILTY.

(By Associated Press.) INDIANAPOLIS, Ind., Sept. 30.—The committee of the legislature investigating the charges that Gov. Hanly tried to influence the vote of Representative Kingsley, in favor of the county option bill, by offering him a position, reported to the house completely exonerating the governor.

### WORKMAN IS HURT.

The North Broadway trestle work or rather the old bridge work collapsed today noon. Walter Capious, a workman, was caught underneath some of the timbers and it was first feared that he was badly injured. He was taken to the Lattin Hotel where an examination showed that his injuries are not serious.

## BANKS OPPOSE BOTH PLANS

American Bankers Association Declares Deposit Guarantee Is Dangerous Fallacy.

(By Associated Press.) DENVER, Colo., Sept. 30. — The regular business session of the American Bankers Association opened today. Already the Savings Bank section, the Clearing House section and the Trust Company section have gone on record against guaranteeing bank deposits and have either voted against or shown by their attitude that they are unalterably opposed to the establishment of the postal savings banks. The keynote was struck today when in his speech, Col. Powers, president of the association, declared the bank deposit guarantee as a dangerous fallacy. The vote on these two propositions probably will not be taken until tomorrow. The program today included besides the president's address, addresses of welcome by Gov. Buchtel of Colorado, and Mayor Speer of Denver, and other reports and addresses.

### MARRIAGE LICENSES.

Alva Doll and Miss Myrtle Baldwin of Marshfield, to Wed. (Special to The Times.) COQUILLE, Ore., Sept. 30. — The following marriage licenses were issued by the county clerk: Alva Doll and Myrtle Eva Baldwin of Marshfield. Charles F. Murray and Minnie Coleman.

### SHIPS AT GIBRALTAR.

(By Associated Press.) GIBRALTAR, Sept. 30. — The American battleships Alabama and Maine arrived here early this morning and were greeted with the usual salutes.

## BRYAN DIGS T. ROOSEVELT

President Says Democrat's Letter Is One of Personal Abuse and Won't Reply.

(By Associated Press.) WASHINGTON, D. C., Sept. 30.—President Roosevelt will not reply to the latest letter from Bryan. Secretary Loeb stated that the president felt inasmuch Bryan's letter simply was an attack upon him personally, there is no reason why he should answer it.

### DEMOCRATS ARE BUSY.

Try to Make Issue of the Trust Question. (By Associated Press.) CHICAGO, Sept. 30.—Josephus Daniel, chairman of the Democratic press committee, today made public a letter written to Attorney General Bonaparte, at the instance of the Democratic committee, asking the attorney general how many of the 287 so-called trusts in the country have been proceeded against in the courts by the federal government, and how many more cases he expects to file.

### PRESIDENT WON'T TOUR

(By Associated Press.) WASHINGTON, D. C., Sept. 30.—Secretary Loeb today made the statement that President Roosevelt has no present intentions of making a speaking tour in behalf of W. H. Taft. Secretary Loeb says the president never has stated that he would take the stump.

## MYSTERY IN CRIME AT SEATTLE

Man and Woman, Thought to Be Prominent, Found Dead In Cheap Lodging House With Identity Concealed.

(By Associated Press.) SEATTLE, Wash., Sept. 30. — After giving their names as J. Foster and wife, a man and woman rented a room in a cheap lodging house last night. They were found dead on the floor this morning. Indications point to the killing of the woman by the man. The powder marks and evidences of struggle show she resisted. The bullet struck in her left temple.

The man shot himself, his body falling across the woman.

There is nothing to indicate their identity except a letter addressed to Mrs. Bertha Foster, Ellensburg, Wash., and a note written by Charles Kapp, Jr., of Ballard to his sister. The police believe the man is Kapp as Kapp of Ballard cannot be found. The dead man is thirty, and she is 25 and very good looking.

According to a report late today, the names of the man and woman killed are Mr. and Mrs. George Foster, and Kapp is the father of the woman. Jealousy was the cause.

## RAILROADS WILL RAISE THEIR RATE

(By Associated Press.) CHICAGO, Ill., Sept. 30. — By the first of January the transcontinental railroads hope to be able to increase the freight rates on more than eighty commodities west bound, and on about twenty commodities east bound, between all points on the Pa-

acific coast. Conferences are being held frequently and the traffic men admit that all commodities are being gone over with a view of making increases wherever possible and equitable. The proposed increased will average between five and eight per cent above the present rates.

## CITY BOND ISSUE IS DISCUSSED

Many Different Opinions Expressed Before City Council Last Night.

The introduction of the ordinance providing for an amendment to the Marshfield charter increasing the maximum indebtedness to five per cent of the assessed valuation and for the issuance of about \$95,000 bonds precipitated a rather animated discussion in the city council last night. There was a radical difference of opinion among the members of the council and others discussed the matter. The likelihood of the voters turning down the proposition when it is submitted to them at the annual election, the first Monday in December, resulted in the council deciding to change the ordinance some in order that it might not incur so much possible opposition from the voters. Owing to the necessity of giving notice of the amendment sixty days before the election, it was decided to have a special meeting at 4 o'clock this afternoon and adopt a revised ordinance.

The ordinance introduced last night was prepared by City Attorney Farrin and provided that the city charter be amended so that bonds could be issued up to five per cent of the assessed valuation of the city, the city council being given the entire power to issue the bonds after the people adopt the amendment to the charter. At present, the assessed valuation of the city would, if the proposed ordinance and amendment were adopted by the voters at the December election, permit the city council to issue \$95,000 worth of bonds, according to City Attorney Farrin and others.

### Kind of Bonds.

The first discussion was as to whether the bonds should be issued as straight twenty-year paper or twenty-year bonds with the privilege of refunding them after ten years. Mr. Farrin said that he didn't think there was any use of inserting a provision for refunding them after the expiration of ten years as he didn't see where the city would have any money to pay them then. Councilman Lockhart said there might be a new system in vogue then that would enable the city to take up some or all of the bonds.

Councilman Sacchi said that there was no chance of the city being able to take up bonds after ten years as it was constantly going farther in debt. Mr. Sacchi said that he wasn't familiar with bonding and he thought the council should secure expressions from citizens as to the right way to do it.

### City In Bad Shape.

Mayor Straw called on Hugh McLain for his opinion. Mr. McLain said the thing to do was to issue bonds and redeem the city warrants now outstanding. He said the city was in a deplorable financial condition and that it was tying up a lot of money that might be used for the advancement of the town as the warrants were dead money, every bank refusing to take them. He said that something should be done and if

bonding was the right thing that bonds should be issued.

### F. S. Dow Objects.

F. S. Dow objected to the bonding ordinance drafted by Mr. Farrin. He said that it gave the city council too much power in that it permitted that body to issue the maximum amount of bonds that the charter permitted. He said that he doubted if the people would vote the council that much power. He said that he personally would hesitate on voting in favor of such a plan. He said that if the council reduced the amount of bonds that the body could issue to about \$50,000, the amount necessary to redeem the outstanding warrants, he thought it might carry.

Councilman Sacchi said that he was afraid, with the present feeling, that the big bonding proposition might be voted down.

Councilman Lockhart said that he thought that may be Messrs. Dow and Sacchi were right—that the ordinance gave the council too much power and that a corrupt council might take advantage of it at some future time and graft \$50,000 or so. City Recorder J. M. Upton said that he believed it would be better if the amount of bonds that could be issued was reduced to \$50,000 as then it could be stated to the voters that this amount was needed to redeem the warrants and by issuing them the city's debt could be carried for five per cent interest instead of six per cent. He said that \$50,000 would appeal to the fair voters and they would undoubtedly favor it, but he doubted if they would vote in favor of a proposition giving the council power to issue \$100,000 bonds.

### Farrin's Ire Raised.

City Attorney E. L. C. Farrin then made a rather heated talk in favor of the ordinance. He said that the objections raised were foolish and silly, that the ordinance was right and the idea was right. He said that the ordinance didn't contain any new fangled Socialistic ideas but was based on the representative idea of government. He said that other city councils have the authority to issue bonds. He said that it wasn't right to infer that a grafting council was going to be elected. He said that it was not right to bind down a city council so that they couldn't make reasonable expenditures without first submitting it to the voters. Furthermore, he said that if the council was expending money recklessly, the initiative and referendum or the recall could be invoked.

### Upton Urges Change.

Messrs. Sacchi and Upton both responded to Mr. Farrin's argument. Mr. Sacchi said that may be the idea was all right, but he believed that the voters wouldn't favor the issuance of so large a sum of bonds and he wanted a bond issue large enough to take care of the outstanding warrants floated now. Mr. Upton said that he concurred with Mr. Sacchi and furthermore wished to say that if this was a representative government, the city council should be glad and willing to have voters pass on special expenditures. He said the

(Continued on Page 4.)

## EMIL HEUCKENDORFF DIED OF DIPHTHERIA AT NORTH BEND

## YOUNG CHILD KILLED TODAY

Four-Year-Old Son of Mr. and Mrs. A. Anderson of U. S. Life-Saving Station.

Henry Alton Anderson, the four-year-old son of Mr. and Mrs. Antone Anderson of the United States life-saving station, was crushed to death near the station this morning by a block of wood falling on his head. The little chap died within a few minutes.

Yesterday afternoon, Mr. Anderson hauled a large log up for firewood and sawed off one end of it. This morning he went down to cut more wood and his little son accompanied him. The child was playing around the block and in some way toppled it over on him. His head was crushed. The father witnessed the accident. Both he and Mrs. Anderson, who is not in very good health, are almost distracted. Dr. E. Mings was called from Marshfield but did not arrive for some time after the child was dead.

Mrs. Anderson was formerly Miss Hilda Wickman of Marshfield. The funeral services will be held Friday afternoon at 2 o'clock probably from the Swedish Lutheran church.

### BORN.

SMITH—To Mr. and Mrs. A. B. Smith of South Marshfield, a daughter. Mr. Smith is proprietor of the Nutwood saloon.

Entertainment Pleases.—The entertainment given by the Ladies of the First Baptist church, at the I. O. O. F. Hall, last evening, proved a delightful success. The attendance was good and an exceptionally entertaining and good program given. The details of the entertainment will be given in the society department of The Times Saturday.

## NOTED STRIKE IS SETTLED

Canadian Pacific and Shop Employes Call Off Labor Struggle Today.

(By Associated Press.) WINNIPEG, Man., Sept. 30.—The strike of the Canadian Pacific Railway mechanics, which started August 4, was declared off today. About 2,000 were affected. The terms of the settlement are not announced.

### NEWS AT MONTREAL.

Had Not Heard of Strike Settlement There.

(By Associated Press.) MONTREAL, Can., September 30.—At the office of the Canadian Pacific railroad and the headquarters of the striking machinists, it was said at noon that no news of the settlement or declaring off of the strike had been received.

### SUSTAINS BAD WOUND.

Thomas A. Canavan Injured Near Depot Yesterday Afternoon.

Thomas Canavan sustained a severe flesh wound yesterday near the depot, a piece of iron falling and striking him just above the eye. For a time, it was feared that the skull might be fractured, but Dr. Thayer who dressed the injury found that it was not. No permanent ill-effects are anticipated.

PIANO STUDIO of Louis H. Boll, First Trust and Savings Bank building. Winter term now open.

Well-Known Prosper Ship-builder Succumbs Suddenly This Morning.

CAME OVER FROM VALLEY LAST NIGHT

Had Been Prominent In Shipping Circles For Many Years.

Emil Heuckendorff, the Prosper shipbuilder and one of the best-known pioneers of the Coquille Valley country, died at Mercy hospital in North Bend this morning of diphtheria. Death was very sudden, Mr. Heuckendorff having traveled over from Coquille yesterday afternoon and gone to the hospital last evening.

Mr. Heuckendorff thought that his affliction was merely a sore-throat or pneumonia, his chest paining him. At Coquille, he was advised to remain there as he appeared ill, but he insisted on coming to the hospital. He walked over to the train alone and on reaching Marshfield was taken to the hospital in an automobile.

Mrs. Heuckendorff is now in the hospital at San Francisco where she has been receiving treatment for some time.

### Was Well-Known.

Mr. Heuckendorff was well-known throughout this section, his ability as a shipbuilder having gained him a wide reputation on the Pacific coast. He was about sixty-two years old. Coming to Coos Bay upwards of a quarter of a century ago, he was employed for a time as a ship carpenter. Later he engaged in business for himself and established a ship yard in Marshfield where F. S. Dow's warehouse now stands. When his lease expired on this site, he moved to North Bend, and later moved to Prosper where he established his present extensive yards.

Mr. Heuckendorff was twice married, his first wife and two children dying. Sometime after the death of his first wife, he married Mrs. Erickson of Bandon, who survives him. Several step children also survive, some of his stepsons being connected with the Prosper ship building yard.

In the last primary campaign, Mr. Heuckendorff was one of the Republican candidates for the nomination for sheriff.

## TARLAC LOST NEAR SAMOA

American Steamship Driven Ashore and Is Total Wreck.

(By Associated Press.) SAN FRANCISCO, Sept. 30.—The Merchants Exchange has received a cable from Manila stating that the United States steamer Tarlac was driven ashore on Borongan Island, one of the Samoan group, September 23, and probably is a total loss.

### AMONG COOS BAY'S

### SICK AND INJURED

Mrs. Ward of Daniels Creek, is reported to be quite ill.

Mr. Cutlip and his children, who have been ill at their ranch home on Coos River of diphtheria, are reported improving.

Miss Anna Hunt, the nurse, who has been ill of diphtheria, is reported past the critical stage of the disease and her recovery is expected to be rapid.

Frank and Cal. Ray of Marshfield, have been advised that their father is very ill at Myrtle Point. The elder Mr. Ray is about eighty years old, and on account of his advanced years, little hope is held for his recovery.

Steamer BREAKWATER sails from Coos Bay for Portland SATURDAY, OCTOBER 2, at 2 P. M.