

CORPORATION BUREAU PLAN

Attorney General Wickersham Submits Annual Report to Congress

(By Associated Press to Coos Bay Times.)

WASHINGTON, D. C., Dec. 19.—Pursuing President Taft's recommendation that an executive bureau be created to supervise corporations chartered under a federal incorporation act, Attorney General Wickersham, in his annual report submitted to Congress suggests that the Bureau of Corporations be raised to that dignity, even in the absence of the proposed federal incorporation statute.

This branch of the Department of Commerce and Labor, the attorney general urges, should be brought into closer relation with his department and adds that it might well be "availed of as the nucleus for an administrative board under whose supervision consolidation or mergers for lawful purposes might be formed."

In enforcing the Sherman anti-trust law, the attorney general points out that the Department of Justice and the courts are confronted by economic, rather than legal, problems when it comes to working out methods of disintegration after a corporation has been declared an illegal combination. The department enlisted the assistance of the Bureau of Corporations in the dissolution of the tobacco trust, and it would be of great value to the legal branch of the government, Mr. Wickersham says, if the functions of the bureau should be so enlarged that it could be called upon officially to make investigations and report its conclusions with respect to plans for the voluntary or enforced disintegration of monopolistic combinations.

The attorney general reviews the record of a year of intense activity in federal prosecutions and points out that the Department of Justice financially sustained itself as the result of the contribution of \$4,204,115 to the United States Treasury in the shape of fines collected, customs duties recoveries, etc. The expense of the department, including the office of the attorney general, all of the district attorneys and assistants throughout the country aggregated \$3,223,773.

In a comprehensive review of the anti-trust prosecutions, the attorney general shows that the 17 anti-trust civil suits pending at the beginning of the last fiscal year were augmented by 6 additional actions, while the 11 criminal prosecutions under the same statute were increased by 23 more prosecutions during the last fiscal year.

Eight civil suits and a similar number of criminal trials were brought to conclusion during the year. In four of the civil prosecutions judgments were rendered in favor of the United States, while three were lost and one was discontinued. Four convictions were secured under the criminal clause of the statute during the year and four cases were either quashed or discontinued.

Declaring that he appreciates that public interest in the Sherman anti-trust law is "even greater" than it was at the date of his last report, the attorney general set forth the following cases as being prosecuted or pending for final settlement:

"The 'powder trust'; the 'night rider' cases; United States Steel Corporation; cotton corner; alleged towing monopoly; beef packers; Southern Pacific merger; bituminous coal combination; naval stores suit; bath tub 'trust'; lumber 'trust'; wall paper combination; sugar 'trust'; trans-Atlantic steamship pool, magazine 'trust'; shoe machinery 'trust'; combination of coal roads; elevator suit in Oklahoma, and kindling wood 'trust'."

Emphasizing his satisfaction with the decree of the New York Circuit Court in the tobacco trust dissolution, the attorney general scores independent tobacco interests who have criticized the plan of disintegration.

Forty-six prosecutions for illegal discriminations and rebates were instituted against railroads during the year. The attorney general urges the amendment of the 28-hour law governing the railroad transportation of live stock by imposing an imprisonment penalty for its violation.

The vigorous enforcement of the customs laws, the attorney general says, resulted in the recovery of \$2,120,000 in duties out of which the government had been defrauded.

The white slave traffic act, now a year and a half old, is having a salutary effect, in the judgment of Mr. Wickersham. The statute was diligently enforced throughout the country, he avers, with most satisfactory results. One hundred and forty-five prosecutions were had, resulting in 76 convictions, 14 acquittals and 10 nolle prossed or otherwise discontinued. Forty-five cases are pending. Sentences imposed ranged

RATE MAKING IS OUTLINED

Interstate Commerce Commission Files Annual Report—Suggests Change

(By Associated Press to the Coos Bay Times.)

WASHINGTON, D. C., Dec. 20.—Sharp issue is taken by the Interstate Commerce Commission with the Commerce Court in the 25th annual report of the Commission transmitted to Congress today.

The issue is made principally upon what popularly is known as the "trans-continental rate cases," involving freight rates from the Atlantic to Pacific coast terminals and to intermediate points. Existing rates of the trans-continental lines from eastern points to Inter-Rocky Mountain cities are materially higher than to Pacific Coast terminals. In a decision interpreting the long-and-short-haul provision of the present law, the Interstate Commerce Commission, directed, by order, that a relation of rates should be established between the Pacific coast and points of origin in five zones, into which the United States was divided.

The effect of the order was to reduce rates to Inter-Rocky Mountain cities and prevent the railroads from exacting from shippers the Pacific coast rate plus the local rate from Pacific Coast terminals to the intermediate points. The orders of the commission, on application of the trans-continental carriers were enjoined by the Commerce court and the matter has been carried, on appeal to the United States Supreme Court.

In its report to Congress today, the Commission declares that "it is a waste of transportation and therefore uneconomical and wrong to maintain a system of tariffs which are expressly intended to develop the Pacific coast cities and to arrest the development of the interior points."

"It is impossible to disassociate the intermediate from the long distance point. Whether the intermediate rate is reasonable depends upon what rate is made to other points on both sides of it, and to permit the railroads of this country to select points where they will and where they will not compete would be intolerable."

In discussing the effect of water competition upon rates the Commission says that it "cannot fix a rate from New York to San Francisco below which the rail line shall not go, for it has no authority to fix a minimum rate. There is, therefore, no way in which it can prevent discrimination by the fixing of an absolute rate at San Francisco and another absolute rate at Reno. It can only accomplish this purpose by prescribing the difference which may properly exist owing to the effect of this competition and allowing the carrier to make whatever rate it sees fit to the more distant point so long as it observes this differential."

The report indicates the desire of shippers from points in the interior of the country to obtain the same rates to the Pacific coast that are accorded by the railroads to their competitors on the Atlantic seaboard. The rates are made the same by the trans-continental lines on the ground of market competition.

"To justify their rates from coast to coast," says the report, "the railroads advance water competition, and to justify the same rates from interior points to Pacific coast points they rely on market competition, under which they give lower rates from all the interior cities two-thirds of the way across the continent to the same coast cities than to inter-mountain points. This is the kind of discrimination the Commission has attempted to minimize."

While the commission recognizes the full effect of water competition upon the rail rates it says "we have the frank admission of the railroad managers that they have subsidized or bought some of the steamship lines and terrorized others until they can make the boat that the effect of the sea has been 'neutralized.'"

"A railroad policy of rate making must certainly be subject to limitations of the law, or else there is no law. To say that there is a long-and-short-haul provision in the law is to say that there is a long-and-short-haul provision in the law."

The attorney general also recommends a general immunity statute, numerous laws for Alaska and a civil service retirement law.

short-haul section under which a carrier may not charge more for the shorter than for the longer haul, but that the railroads may, to any extent they please carry out a policy of blanketing the country for the benefit of the farther points and not the nearer points, is to say that a railroad may, without restraint, effect a ruinous discrimination and give no justification save its own determination or whim. There can be no regulation of rates as to discrimination or preference under such an interpretation of the law.

"The Commerce court intimates that the mistake of the commission is in having attempted to fix a relation of rates instead of establishing reasonable rates; but, as we have already pointed out, there is no way in which the discrimination found to exist in these tariffs can be prevented except by fixing a differential, since we have no power to establish an absolute rate or fix a minimum charge below which the carrier is not free to go.

"We feel strongly that water competition, even when the widest reasonable latitude is given to the effect of market competition, cannot by any possibility justify a higher rate from Omaha to Reno than from Omaha to San Francisco; from St. Paul to Spokane than from St. Paul to Seattle.

"Upon the other hand, it should be noted that the opening of the Panama canal may so add to the intensity of this water competition as to call for some modification of the conclusion now reached."

The commission holds the fixing of reasonable rates to be a legislative function, not subject to review by the courts. Congress, it is maintained, has delegated that power to the commission, and the intimation is clear that the courts, in the opinion of the commission has no power to review such rates as may have been established through the orders of the commission in the trans-continental cases.

The report declares that during the last year 652 cases, embodying 507 formal decisions were disposed of. During the year 881 formal complaints were filed and 12 proceedings of inquiry were instituted by the commission on its own initiative. In addition there were instituted 43 proceedings of investigations and suspensions of tariffs containing proposed increases and rates; 4,325 informal complaints; 5,653 claims; and 5,723 applications for relief from the operation of the long-and-short-haul provision.

At sessions of the commission held in Washington and elsewhere 943 hearings were held at which more than 95,000 pages of testimony were taken. In the twelve months ended November 30, 1911, 121,829 tariff publications were filed, an average of more than 400 for each working day.

An elaborate discussion is presented of the work of the Division of Inquiry showing that since December 1, 1910, 62 indictments for criminal violations of the act to regulate commerce were returned. The aggregate of fines assessed was \$214,225. Many investigations were made that disclosed practices not of sufficient gravity to warrant prosecution but of such doubtful propriety that the commission ordered their discontinuance. In this connection the commission says significantly:

"It becomes increasingly evident that entire freedom from discrimination can be secured only by a complete separation of the business of transportation from every form of commercial or industrial enterprises."

In conclusion the commission recommends that the law be amended to as to require telephone, telegraph, and cable companies to publish, file, and post their interstate tariffs; to make the Elkins act applicable to such companies; that transportation companies be required to adopt a system of uniform classification of freight; to provide additional safeguards in railroad transportation for employees and the public; to relieve the commission of the jurisdiction of the street railways of the district of Columbia; to provide for the regulation and control of capitalization and suitable provisions for the valuation of railway property; and that a suitable building be provided for the use of the commission.

BAND DANCE, MONDAY, December 25—Eagles' Hall. Be there.

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NOTICE FOR BIDS FOR COUNTY PRINTING, HOSPITAL AND SUPPLIES.

Notice is hereby given that sealed bids will be received by the County Court for each of the following:
1. Printing County Expenses, bona fide list, under oath of yearly paid up subscriptions as required by law to be submitted with bid.
2. Printing Officers' reports and notices.
3. Supplies for Poor Farm or Infirmary, including groceries and meats, separate bids for each.
4. Maintenance of County Hospital and care of County Patients; everything in connection therewith to be furnished by the contractor, including all clothing, board, lodging, medicine and medical attendance.
5. Fuel for Court House, including wood and coal, to be furnished in summer of 1912, separate bids for each.

All bids to be filed with the County Clerk on or before the 3rd day of January, 1912, at the hour of 10 A. M. The County Court reserves the right to reject any and all bids for supplies and maintenance of Hospital and award contract or contracts to bidders not the lowest should the County Court deem it for the best interest of the County, and parties to whom bids are awarded to enter into written contract and furnish bond with good and sufficient sureties in such sum as the County Court may require within five days after contract is awarded.
Dated at the Court House, Coquille, Oregon, this 8th day of December, 1911.
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—of—
MARSHFIELD, OREGON
At the close of business, December 5, 1911.

Resources.	
Loans and Discounts	\$422,312.65
Banking House	50,000.00
Cash and Exchanges	184,466.42
Total	\$656,790.10
Liabilities.	
Capital Stock paid in	\$ 50,000.00
Surplus and Undivided Profits	58,531.57
Deposits	548,258.53
Total	\$656,790.10

Condensed Statement
of the condition of
The First National Bank
OF COOS BAY
at the Close of Business, Dec. 5, 1911.

Resources.	
Loans and Discounts	\$229,329.87
Bonds, Warrants and Securities	73,161.50
U. S. Bonds to secure circulation	25,000.00
Real Estate, Furniture and Fixtures	81,472.94
Cash and Sight Exchange	141,131.98
Total	\$550,096.29
Liabilities.	
Capital stock paid in	\$100,000.00
Surplus and undivided profits	10,797.39
Circulation, outstanding	25,000.00
Deposits	414,298.90
Total	\$550,096.29

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